



# Protected Disclosure Policy Version 3

# 1 Document Control

Version	Date	Amended by	Changes Made
1	18 June 2013		Initial document
2	March 2014		Minor amendments
3	8 December 2016	General Counsel & Company Secretary	Policy review

# 2 Purpose

Box Hill Institute and the Centre for Adult Education collectively referred to in this policy as the Box Hill Institute Group (BHIG) are public bodies subject to the *Protected Disclosure Act 2012* (Vic) (The Act). The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies such as the BHIG, including its officers, members, employees and contractors.

In accordance with s 58 of the Act, the BHIG has established procedures to facilitate and encourage the making of disclosures under the Act and for the protection of persons who make a protected disclosure from detrimental action by its officers, members, employees and contractors (Protected Disclosure Procedures).

The BHIG's Protected Disclosure Procedures are available at - <http://www.boxhill.edu.au/about-us/policies-and-procedures> or <http://www.cae.edu.au/about/policies-procedures>

If you are not able to access an online copy or would like a copy sent to you, please contact Box Hill Institute's Protected Disclosure Coordinator on (03) 9286 9572 or by email at [protecteddisclosure@bhi.edu.au](mailto:protecteddisclosure@bhi.edu.au) so we can provide you a copy of our Protected Disclosure Procedures.

# 3 Scope

This Policy covers the operations of the BHIG. This Policy does not apply to workplace grievances or complaints which are not within the scope of the Act, and which are dealt with under the BHIG's other HR policies and procedures, or by external agencies.

Disclosures may be made about "improper conduct" on the part of the BHIG, its officers, members, employees and contractors. Disclosures may also be made about "detrimental action" taken (or suspected may be taken) in reprisal or in connection with a disclosure made about improper conduct.

The conduct or action being disclosed may have taken place, still be occurring, or is believed will occur or be engaged in.

Document: **Protected Disclosure Policy**

Document No.: **POLLR12**

Process Area: **ICO**



The Act provides definitions about improper conduct and detrimental action. For more information about what those terms mean, see the Procedures and the Definitions section of this Policy.

Any individual natural person (e.g., not an organisation or company) may make a disclosure of improper conduct or detrimental action under the Act. That includes officers, members, employees and contractors of the BHIG, as well as members of the public.

All employees of the BHIG are expected to conduct themselves in a manner consistent with the BHIG Code of Conduct for Employees. This Policy operates independently of the BHIG specific policies, procedures and guidelines for the resolution of general complaints against employees which do not involve improper conduct as defined under the Act.

Disclosures in relation to conduct that does not meet the definition of improper conduct under the Act will be investigated in accordance with the BHIG's Fraud and Corruption Management Policy and Plan and Code of Conduct.

## 4 How to Make a Disclosure

According to the Independent Broad-based Anti-corruption Commission (IBAC), the BHIG is not permitted to receive disclosures made under the Act. Therefore, if you wish to make a disclosure about the BHIG, its officers, members, employees or contractors, you will need to make that disclosure directly to the IBAC. If the BHIG believes a disclosure may be a protected disclosure made in accordance with the Act, it will ask you to make that disclosure to the IBAC. The IBAC will deal with the disclosure.

Disclosures may be made in a number of ways set out in the Act, including anonymously, in writing or orally. A discloser need not identify the person or body about whom the disclosure is made.

It is important to note that the IBAC is not required to contact the BHIG about any disclosure you make so you should not discuss with the BHIG any disclosure you make to the IBAC unless you have first obtained the permission of the IBAC to do so, or unless the IBAC has directed you to do so, or the IBAC has contacted the BHIG to provide it with information in order to allow the BHIG to provide you with any necessary welfare and support.

For more information about protected disclosures or the Victorian integrity system generally, see also <http://www.ibac.vic.gov.au/report-corruption-or-misconduct/protected-disclosure> .

## 5 Policy Statement

The BHIG is committed to the aims and objectives of the Act. It recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal improper conduct. It does not tolerate improper conduct by the BHIG, its officers, members, employees or contractors, nor the taking of detrimental action in reprisal against those who come forward to disclose such conduct.

Uncontrolled when printed or downloaded

Persons making protected disclosures under the Act will be supported where the BHIG is notified of the disclosure. This includes protecting the identity of the discloser and matters disclosed by a discloser. Maintaining confidentiality in relation to protected disclosure matters is crucial, among other things, in ensuring reprisals are not made against a discloser. It is a criminal offence under the Act to disclose information connected with a disclosure made in accordance with the Act, including the identity of the discloser. The penalties for breaching confidentiality obligations include financial penalties and imprisonment. The benefit of transparent and confidential reporting mechanisms in maintaining an ethical culture is recognised.

In accordance with this:

- neither improper conduct by employees, members, officers or contractors, nor the taking of detrimental action against those who come forward to disclose such conduct will not be tolerated.
- the value of transparency and accountability in the administrative and management practices of the BHIG is recognised.
- the making of disclosures to IBAC that reveal improper conduct is encouraged and supported.
- all reasonable steps will be taken to support and protect people who make such disclosures from any detrimental action taken against them in contravention of section 45 of the Act where BHIG is made aware of the disclosure.
- adequate resources will be provided to implement the BHIG's protected disclosure requirements including adequate training for all personnel involved in protecting persons from detrimental action.

## 6 Code of Conduct

All employees are expected to conduct themselves in a manner consistent with the BHIG Code of Conduct for Employees.

## 7 Definitions

Term	Definition
<b>Corrupt conduct</b>	Is defined by section 4 of the Independent Broad-based Anti-corruption Commission Act 2011 (IBAC Act) as conduct: <ul style="list-style-type: none"><li>a. of any person that adversely affects the honest performance by a public officer or public body of his or her or its functions as a public officer or public body; or</li><li>b. of a public officer or public body that constitutes or involves the dishonest performance of his or her or its functions as a public officer or public body; or</li><li>c. of a public officer or public body that constitutes or involves knowingly or recklessly breaching public trust; or</li><li>d. of a public officer or a public body that involves the misuse of</li></ul>

	<p>information or material acquired in the course of the performance of his or her or its functions as a public officer or public body, whether or not for the benefit of the public officer or public body or any other person;</p> <p>e. of a person intended to adversely affect the effective performance or exercise of functions or powers by a public officer or public body and result in that person (or their associate) obtaining a gain, benefit or entitlement they would not otherwise have obtained, irrespective of whether the public officer or public body engages in any corrupt conduct or other misconduct;</p> <p>f. that could constitute a conspiracy or an attempt to engage in any conduct referred to in paragraph (a), (b), (c), (d) or (e):</p> <p>being conduct that would constitute a relevant office.</p> <p>Conduct may be <b>corrupt conduct</b> for the purposes of this Act if –</p> <p>a. all or any part of the conduct occurs outside Victoria, including outside Australia; and</p> <p>b. the conduct would be corrupt conduct if it occurred in Victoria.</p>
<b>Detrimental action</b>	<p>Is defined in section 3 of the Act as including:</p> <p>a. actions causing loss, damage or injury</p> <p>b. intimidation or harassment</p> <p>c. discrimination, disadvantage or adverse treatment in relation to a person’s employment, including the taking of disciplinary action.</p>
<b>Improper conduct</b>	<p>Means conduct under section 4 of the Act including:</p> <p>a. Corrupt conduct; or</p> <p>b. Conduct specified in section 4(2) of the Act that is not corrupt conduct but that, if proved, would constitute a criminal offence or reasonable grounds for dismissing or terminating the services of the officer who was, or is, engaged in that conduct.</p>
<b>Protected Disclosure</b>	<p>Means a disclosure made in accordance with Part 2 of the Act including:</p> <p>a. Disclosure of improper conduct or detrimental action engaged in or proposed to be engaged in by a public officer or public body (note it is not necessary to identify the person or body to whom a disclosure relates).</p> <p>b. Complaints, notifications and disclosures made under other Acts may be also be relevant disclosures.</p>
<b>Protected Disclosure complaint</b>	<p>is a disclosure determined to be a protected disclosure complaint under sections 26 or 31 of the Act.</p>
<b>Public body</b>	<p>means a public body as defined by section 6 of the IBAC Act and includes the BHIG.</p>
<b>Public Officer</b>	<p>means a public body as defined by section 6 of the IBAC Act and includes all officers and staff of the BHIG.</p>

## **8 Related Procedures**

Protected Disclosure Procedure

## **9 Related Operating Guidelines**

NIL

## **10 Related Forms**

NIL

## **11 Related Legislation and Registration**

### **11.1 Box Hill Institute Group**

BHIG Fraud and Corruption Management Policy and Plan

### **11.2 External**

Protected Disclosure Act 2012 (Vic)

IBAC Guidelines for making and handling protected disclosures 2016

IBAC Guidelines for protected disclosure welfare management 2016

Independent Broad-Based Anti-Corruption Commission Act 2011 (Vic)

## **12 Records**

Records will be maintained in accordance with the requirements of Box Hill Institute's Records Management Policy and Procedures.

Where the privacy of individuals may otherwise be compromised, records will be maintained as confidential.

## **13 Review**

This policy must be reviewed no later than two (2) years from the date of Board endorsement. The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

Document: **Protected Disclosure Policy**

Document No.: **POLLR12**

Process Area: **ICO**



## 14 Approval Body

The Board is the approval body.

Owner	Author
General Counsel and Company Secretary	

Uncontrolled when printed or downloaded