



Whistleblower Policy

1. Purpose

King's Own Institute (KOI) is committed to the highest standards of conduct and ethical behaviour and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance.

Whistleblowing refers to the act of raising concerns about potential, suspected or actual misconduct within KOI and is one of the key mechanisms for achieving transparency and accountability. This policy is designed to:

- Encourage more disclosures of wrongdoing
- Help deter wrongdoing in line with KOI's risk management framework
- Ensure people who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported
- Ensure disclosures are dealt with appropriately and on a timely basis.

KOI will support and respect anyone who acts as a whistleblower to draw attention to suspected inappropriate, corrupt or illegal conduct or behaviour.

2. Scope

This policy applies to suspected or actual unethical, illegal, corrupt or fraudulent conduct.

This policy applies to disclosures by current and former KOI directors and officers, staff including permanent, casual and contract workers, contractors, agents (or a relative, dependant or spouse of any such persons) and students, who have reasonable grounds to suspect that potential misconduct has occurred or is occurring in KOI.

3. Policy principles

KOI encourages people to speak up, to make complaints and raise concerns about integrity, safety and quality. KOI staff who become aware of known, suspected, or potential cases of potential misconduct are expected to make a report under this policy.

KOI responds appropriately to concerns about illegal or inappropriate conduct, whether provided as feedback, a complaint or a whistleblower disclosure.

Whistleblower disclosures qualify for protection under the Corporations Act.

Whistleblowers are not victimised and will be treated fairly and with respect at all times. KOI will not retaliate against whistleblowers for raising an alert about suspected misconduct.

KOI will consider disciplinary action, which may include termination, where anyone has caused detriment to another because they have or want to make a disclosure in accordance with this policy.

Reports must be based on reasonable grounds that the information disclosed is true. There will not be negative consequences if the information turns out to be incorrect, but making a false report is considered a serious matter and may result in disciplinary action.

KOI will provide regular orientation and training on whistleblowing for its students and staff.

4. Potential misconduct

Potential Misconduct is any suspected or actual misconduct or an improper state of affairs in relation to KOI. This includes:



- dishonest, fraudulent or corrupt conduct, including bribery;
- illegal activity such as theft, fraud, criminal damage to property, breach of competition and consumer law, privacy law or any other breaches of state or federal law or local laws and regulations applicable to KOI's operations;
- activities which pose a risk to health and safety;
- activities which are unethical or in breach of KOI policies or procedures.

The policy does not apply to complaints about work and study which are covered by the Complaints Policy (for staff) and the Complaints and Appeals Policy (for students).

Work-related complaints are issues in relation to employment with KOI that have personal implications such as:

- a conflict with another staff member;
- a decision about promotion or transfer;
- a decision relating to the termination of employment.

Study-related complaints are issues in relation to learning at KOI that have personal implications such as:

- a review of an administrative decision
- a review of a grade
- a conflict with another student or a staff member.

Complaints related to work and study do not qualify for whistleblower protection.

5. Making a disclosure

There are both informal and formal ways in which concerns can be raised depending on the circumstances and the level of seriousness of the issue.

Where the person making a disclosure is comfortable to do so, KOI encourages concerns being raised informally outside this policy with a manager (for staff) or a teacher (for students).

More information about this policy, how it works and whistleblower information more generally can also be obtained from one of the Protected Disclosure Officers listed in this policy.

Disclosures may be reported to any director AIBM Pty Ltd or to any of the following Protected Disclosure Officers:

- Dr Richard Robinson, Deputy Vice-President (Academic)
- Sean O'Hanlon, Student Experience Manager and Work Health and Safety Officer
- Susana Cabillon, Senior Student Support Manager and Assistant Registrar

Under certain circumstances, disclosures can also be made to the following external bodies:

- A legal practitioner for the purpose of obtaining legal advice or legal representation
- A regulator (for example, ASIC, ATO, TEQSA).

Under certain circumstances, "public interest disclosures" or "emergency disclosures" can be made to a journalist or parliamentarian. A whistleblower should consult an independent legal adviser before making a disclosure of this type.

A report may be submitted anonymously. It is also possible to provide details to an external body, but not to KOI. In these instances, the report will remain anonymous. Depending on the circumstances, KOI may be able to respond to the report through the external body.



Generally, disclosures received with the discloser's name are easier to address. For example, the context in which the potential misconduct was observed is likely to be useful information. KOI may also seek more information to assist an investigation. If the discloser's name is not provided, the investigation will be conducted as well as possible in the circumstances and the disclosure will still be protected in accordance with this policy. However, an investigation may not be possible unless enough information is provided and the practical support that KOI can offer may be limited.

6. Investigation

Matters raised under this policy will be received and treated seriously and with the utmost sensitivity. All matters will be dealt with fairly and objectively, in a timely manner and in accordance with relevant supporting procedures.

Reports alleging potential misconduct will be assessed by the Protected Disclosure Officer to:

- determine if and how they should be investigated in accordance with this Policy;
- determine whether the potential misconduct is of a serious nature, in particular if it involves conduct involving senior management and or significant financial matters. In such cases, the Protected Disclosure Officer must immediately notify the CEO and President and the Chair of the Audit and Risk Committee.

In all cases:

- All staff and contractors must cooperate fully with any investigations.
- The Protected Disclosure Officer may investigate the matter directly or consult another Protected Disclosure Officer to determine how KOI will respond and/or report the matter.
- If the matter relates to the CEO and President, approval must be sought from the Chair of the Council to engage external legal advisers to oversee the investigation.
- Unless there are confidentiality or other reasons not to do so, individuals to whom the disclosure relates will be informed of the allegation at an appropriate time and will be given a chance to respond to the allegations made against them.
- Where KOI considers it appropriate to do so, KOI will provide feedback to the person making the disclosure regarding the investigation's progress and/or outcome (subject to considerations of the privacy of those against whom allegations are made).

At the end of the investigation, the Investigation Officer or Protected Disclosure Officer must submit a report to the CEO and President, which will remain confidential.

Where an investigation identifies a breach of the Code of Conduct or other internal policies or procedures, appropriate disciplinary action may be taken. This may include, but is not limited to, terminating or suspending the employment or engagement of the person(s) involved in the potential misconduct. If the report finds that there has been a suspected or an actual breach of the law, KOI may refer the matter to the relevant legal authority.

7. Protection of whistleblowers

KOI is committed to protecting and respecting the rights of persons who make reports under this policy and ensuring anyone who makes a report based on reasonable grounds is treated fairly and does not suffer any disadvantage.

Disclosures by current and former KOI directors and officers, staff including permanent, casual and contract workers, contractors, agents (or a relative, dependant or spouse of such persons) are protected under the Corporations Act. While students may not be eligible for protection under the Corporations Act, KOI will



follow the same procedures for investigating disclosures received from students and put in place strategies to protect and support students against reprisals.

(a) Protecting the whistleblower's identity

KOI's priority is to protect the identity of people who speak up and make a report. A whistleblower's identity (and any information held because of the disclosure that could be used to work out that identity) will only be disclosed with the consent of the whistleblower to disclose that information or where the disclosure is allowed or required by law.

KOI will take steps to protect confidentiality by ensuring investigations are overseen and conducted by suitably qualified and appointed staff and by securely and confidentially storing all files and records relating to a whistleblower report or an investigation.

(b) Protection from detriment

KOI will take all reasonable steps to protect a whistleblower from detrimental treatment and will take appropriate action where any such detrimental treatment is identified. A whistleblower should report any detrimental treatment because of a report based on reasonable grounds to a Protected Disclosure Officer immediately. A whistleblower who considers a matter has not been appropriately addressed can refer it directly to an AIBM director.

Detrimental treatment includes dismissal, demotion, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a report.

(c) Protection from liability

A whistleblower is protected from disciplinary action for making a disclosure and from legal action for releasing information. A whistleblower may seek compensation for loss, damage or injury because of a disclosure. Whistleblowers should seek independent legal advice on such matters.

8. Reporting

This policy will be available on the KOI website.

The CEO and President has overall accountability for the culture of honest and ethical behaviour at KOI. The CEO and President is responsible for the implementation and monitoring of this policy.

The CEO and President is responsible for preparing periodic reports for the AIBM Council on the number and type of whistleblower incident reports. These reports will also be tabled at the Audit and Risk Committee at regular intervals. The Audit and Risk Committee will advise whether any matters arising from the reports should be further considered by the Council, including information about any material incidents raised.

The CEO and President will provide the Council with immediate notification of any disclosure of a serious nature.

All reporting of matters investigated in accordance with this Policy will maintain the confidentiality of any person who has reported a matter in accordance with the Policy. Any information that might lead to the disclosure of the identity of the whistleblower will also be excluded from these reports.

This policy will be periodically reviewed and updated. Staff who have roles under this policy receive training on discharging their responsibilities and will be advised of any changes to this policy and their responsibilities as required.

9. Related policies and legislation



This policy should be read in conjunction with

- Complaints and Appeals Policy (for students)
- Complaints Policy (for staff)
- Student Code of Conduct
- Code of Conduct (for staff)
- Privacy Policy

KOI complies with the following Commonwealth and NSW legislation

- Corporations Act
- Whistleblower Protection Act 1989
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019
- Protected Disclosures Act 1994 (NSW)

Web links

- ASIC <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>

Document control

Policy title	Whistleblower Policy
Policy owner	CEO and President
Approver	Council
Version Date	5 February 2021
Version Approval Date	23 October 2020
Date of next review	1 October 2024
Changes in this version	Section 5: Update names of Protected Disclosure Officers

*****END OF POLICY*****