

Protected Disclosure Policy

1.0 Purpose

Bendigo Kangan Institute (BKI) is a Victorian Public Body, and as such, is required to comply with the Protected Disclosure Act (2012) (the Act). This Policy states our commitment to compliance with this legislation.

2.0 Scope

This policy applies to all BKI employees.

3.0 References

[The Protected Disclosure Act 2012 \(VIC\)](#)

[IBAC Guidelines for Protected Disclosure Welfare Management](#)

[IBAC Guidelines for Making and Handling Protected Disclosures](#)

[Charter of Human Rights and Responsibilities Act 2006 \(VIC\)](#)

[Public Administration Act 2004 \(VIC\)](#)

[Code of Conduct for Victorian Public Sector Employees 2015](#)

4.0 Principles

This policy is founded on principles of transparency, accountability, integrity and impartiality of decision making, confidentiality, applications of the principles of natural justice and respect for people.

5.0 Policy Statement

BKI does not tolerate Improper Conduct by its employees or officers, or the taking of reprisals against those who come forward to disclose such conduct.

The Act encourages and facilitates making Disclosures of Improper Conduct by Public Bodies their employees, and protects persons who make those Disclosures.

Under the Act, BKI is not able to accept a Disclosure, but will instead direct the Discloser to provide the information to the appropriate external investigative body. BKI will appoint a Protected Disclosure Coordinator to manage any response to an investigating body. BKI will also appointed Protected Disclosure Welfare Managers to provide support for those who make a Disclosure, are a witness in a Disclosure, or are a person or people about whom a Disclosure is made.

None of the protections apply if the Discloser:

- Provided false or misleading information.
- Claimed that a matter is a Protected Disclosure knowing it was false.
- Falsely claimed that a matter is the subject of a disclosure that IBAC has determined to be a Protected Disclosure complaint.

BKI will only disclose personal information as required by an authorised investigative body. BKI will protect people against any Detrimental Action arising in connection with a Protected Disclosure.

Protected Disclosure Policy

The BKI Annual Report will contain a statement confirming that Policy and procedure for making a Protected Disclosure has been made available to employees and the public.

6.0 Roles and Responsibilities

| Role | Responsibilities |
|--------------------------------------|---|
| Protected Disclosure Co-ordinator | <ul style="list-style-type: none"> Coordinate any BKI response or other provision of information to an investigating body. Ensure Protected Disclosure Policy and Procedures are available to employees and the public. Report in the Annual Report on how the Protected Disclosure Policy and Procedure have been made available to the public. |
| Protected Disclosure Welfare Manager | <ul style="list-style-type: none"> Ensure the welfare of those who make a Disclosure, are a Witness in a Disclosure, or are a person or people about whom a Disclosure is made. Protect all involved in a Protected Disclosure against Detrimental Action. |

Definitions

| Word/Term | Definition |
|--------------------|--|
| Detrimental Action | <p>Taking or threatening to take action causing injury, loss or damage, intimidating or harassing a person involved in making a Protected Disclosure or assisting in the investigation of a Protected Disclosure.</p> <p>Action may include but is not limited to discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action.</p> |
| Discloser | A person or a group of people who makes a Disclosure of Improper Conduct. |
| IBAC | <p>Independent Broad-Based Anti-Corruption Commission – a Victorian body established to receive, assess and investigate disclosures about Improper Conduct and detrimental action taken in reprisal for a disclosure by public bodies or public officers.</p> <p>http://www.ibac.vic.gov.au/</p> |
| Improper Conduct | <p>Including but not limited to:</p> <ul style="list-style-type: none"> The dishonest performance of public functions. Knowingly or recklessly breaching public trust. Misuse of information obtained in official capacity. Conspiring to commit or attempt to commit the above conduct. Substantial mismanagement of public resources. Substantial risk to public health or safety, or to the environment. Conduct adversely affecting the honest performance of a Public Officer or Official. |

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| Word/Term | Definition |
|--------------------------------------|---|
| Legal Protection | The Act provides protection against Detrimental Action for: <ul style="list-style-type: none"> The person making the Disclosure Witnesses The person who is the subject of the investigation |
| Protected Disclosure | A complaint of corrupt or improper conduct by a Public Body or person. |
| Protected Disclosure Act | A Victorian Act of Parliament which provides a mechanism for people to make Disclosures about Improper Conduct within the Public Sector with protection from reprisal (the Act). |
| Protected Disclosure Co-ordinator | The person appointed by BKI to manage any response to an investigating body. |
| Protected Disclosure Welfare Manager | A person appointed by the Protected Disclosure Coordinator with the responsibility for the welfare of a person or people making a Protected Disclosure or cooperating with a Protected Disclosure complaint investigation. The Welfare Manager may be either a senior manager or a contracted employee assistance provider. |

7.0 Supporting Procedures

| Doc ID | Procedure name |
|----------|---|
| IP 3.207 | Lodgement of a Protected Disclosure procedure |

8.0 Version Control and Change History

| Ver. | Approved By | Approval Date | Issue Date | Description of Change | Next Scheduled Review Date | Document Owner |
|------|-------------|---------------|------------|---|----------------------------|--|
| 1.0 | Board | 27/10/2014 | 04/12/2014 | The content of this policy originated from Kangan Institute Protected Disclosure Policy POL 1.4 version 6 | 31/12/2015 | Chief Business Performance and Assurance Officer |
| 2.0 | N/A | | 02/03/2015 | Editorial change: Removal of logos from template | 31/12/2015 | Chief Business Performance and Assurance Officer |

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| 3.0 | CEO | | | Change to reflect capacity to receive Protected Disclosure | 21/09/2017 | Chief Operating Officer |

9.0 KI Policy and Procedure Portal / BT BMS Requirements

| Category | Key Words |
|----------|---|
| Legal | Protected disclosure; whistle blower; protection; improper conduct; IBAC; detrimental action; corruption; reprisal. |