

**POLICY and PROCEDURE MANUAL**

<b>Category</b>	Operational
<b>Section and Number</b>	Section 5: PC-21
<b>Title</b>	Whistleblower

<b>Purpose:</b>	<p>The purpose of this Policy is to:</p> <ul style="list-style-type: none"> <li>- Encourage a person to report improper conduct in good faith if they genuinely suspect or are aware of such conduct</li> <li>- Ensure that any Reportable Conduct is identified and dealt with appropriately</li> <li>- Outline how Safe Steps will deal with reported Reportable Conduct</li> <li>- Protect a Whistleblower who intends to report or has reported Reportable Conduct from victimisation</li> <li>- Afford natural justice to anyone who is the subject of the Reportable Conduct</li> <li>- Help to ensure that Safe Steps maintains the highest standards of ethical behaviour and integrity</li> </ul>
<b>Scope:</b>	<p>This Policy applies to all employees, directors, officers, contractors, volunteers, students and agents (together referred to as staff). This Policy does not apply to grievances that do not meet the below definition of Reportable Conduct and can be better dealt with under the Grievance and Dispute Resolution process</p> <p>In contemplating the use of this Policy, a person should consider whether the matter of concern may be more appropriately raised under another Safe Steps policy or procedure</p>
<b>Strategic Area:</b>	<p>Building an organisation and culture that is supportive, responsive and sustainable</p> <p>Strengthening our role with the family violence ecosystem</p>
<b>Date Approved:</b>	31 July 2019
<b>Approved By:</b>	Board
<b>Date for review:</b>	Before July 2022

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Version	Details of change	Date
V001	See archived document for previous versions No changes to version, transferred to new template	11/2020

References and Compliance:	
<b>External:</b>	<ul style="list-style-type: none"> <li>› Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019</li> <li>› Equal Opportunity Act 2010 (Victoria)</li> <li>› Racial and Religious Tolerance Act 2001 (Victoria)</li> <li>› Occupational Health and Safety Act 2004 (Victoria)</li> <li>› Age Discrimination 2004 (Commonwealth)</li> <li>› Sex Discrimination Act, 1984/4 (Commonwealth)</li> <li>› Disability Discrimination Act 1992 (Commonwealth)</li> <li>› Human Rights and Equal Opportunity Commission Act, 1986 (Commonwealth)</li> <li>› Racial Discrimination Act, 1975 (Commonwealth)</li> <li>› Privacy and Data Protection Act 2014</li> <li>› Financial Management Act 1994 (Victoria)</li> <li>› Freedom of Information Act 1982 (Victoria)</li> <li>› Information Privacy Act 2000 (Victoria)</li> <li>› Health Records Act 2001 (Victoria)</li> <li>› Public Records Act 1973 (Victoria)</li> </ul>
<b>Internal:</b>	

### Policy Statement

- › Safe Steps is committed to fostering a culture of compliance, ethical behaviour and good governance
- › Safe Steps recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct
- › Safe Steps will not tolerate any corrupt, illegal or other unlawful conduct by its employees, directors, contractors or agents, nor condone victimisation of someone who intends to report or has reported such conduct

- › All reasonable steps will be taken to protect people who make such disclosures about Reportable Conduct from any detrimental action for making the disclosure
- › All individuals who have seen or suspect Reportable Conduct are encouraged to report it as soon as possible.

## Definitions

**Whistleblower** - A Whistleblower is a person who, whether anonymously or not, reports Reportable Conduct in accordance with this Policy.

**Reportable Conduct** - means any breaches of general law, organisational policy, or generally recognised principles of ethics. For example, it may include:

- Dishonest, corrupt or illegal conduct or activities
- Serious misconduct or serious violations of the code of conduct
- Fraud, theft or misappropriation
- Maladministration or questionable accounting
- Unlawful harassment or discrimination
- Serious and substantial waste of public resources
- Practices endangering the health or safety of staff, volunteers, or the general public; and
- Practices endangering the environment

Whistleblowing is not about airing a grievance, child safety concern or workplace health and safety concerns. Issues such as these will be dealt with in other Safe Steps policies.

## Application

### 1. Process for reporting

- › Where an individual believes in good faith on reasonable grounds that an employee has engaged in Reportable Conduct, the person should first aim to resolve the matter internally by reporting their concern to one of the following, as appropriate to the situation:
  - A Senior Manager
  - CEO; or
  - Chair of the Board
- › Any internal report should (where possible) be in writing and should contain, as appropriate, details of:
  - The nature of the alleged breach
  - The person or persons responsible for the breach

- The facts on which the individual believes that a breach has occurred, and has been committed by the person named; and
  - The nature and whereabouts of any further evidence that would substantiate the complainant's allegations, if known
- › Evidence to support such concerns of Reportable Conduct should be provided at the earliest possible opportunity. The absence of such evidence will be taken into account in considering whether to conduct an investigation. However, absence of such evidence is not an absolute bar to the activation of Safe Steps investigative procedures. The existence of such a concern is sufficient to trigger reporting responsibilities.

## 2. Anonymity, confidentiality and privacy

- › Disclosures may be made anonymously. Safe Steps will treat all disclosures in the strictest confidence. Staff must keep information pertaining to Reportable Conduct strictly confidential in line with this Policy
- › The identity of a reporter will not be disclosed unless:
- The person consents to the disclosure
  - The disclosure is required by law
  - The disclosure is authorised under the Corporations Act 2001 (Cth); and/or
  - It is necessary to prevent a serious threat to a person's health or safety
- › Notwithstanding the above, Safe Steps encourages individuals to put their name to allegations whenever possible – as concerns with no attributable source can be much less powerful
- › All records relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.

## 3. Protection from victimisation

- › The person making the disclosure will not suffer any sanctions (or threats of sanctions) from Safe Steps for making a report provided that their actions are:
- Taken in good faith; and
  - Consistent with Safe Steps policies and procedures
- › If Safe Steps discovers that sanctions are taken (or threatened to be taken) against the Whistleblower by an employee, this will constitute a breach of this Policy and disciplinary action may be taken (including up to cessation of their engagement)
- › For the purpose of this section, 'sanctions' means:
- Alteration of their position or duties to their disadvantage
  - Discrimination
  - Harassment or intimidation

- Harm or injury, including psychological harm
- Damage to their property
- Damage to their reputation; and/or
- Damage to their business or financial position; any other damage to them.

## 5. Investigation

- › On receiving a report of a breach, the person receiving the report under will carefully assess the information provided to decide the best action to take, including whether external authorities need to be notified and whether an investigation into the Reportable Conduct is required
- › Where an investigation is considered appropriate:
  - Terms of reference for the investigation should be drawn up to clarify the key issues to be investigated
  - An investigation plan should be developed to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated
  - Strict security should be maintained during the investigative process to the extent reasonably possible
  - All information obtained should be properly secured to prevent unauthorised access
  - All relevant witnesses should be interviewed, and documents examined
  - Contemporaneous notes of all discussions, phone calls and interviews should be made; and
  - All parties involved in the investigation (including the Whistleblower and the respondent) will be treated fairly and provided with procedural fairness
- › An employee who is the subject of a protected disclosure investigation will be:
  - Informed as to the substance of any allegations including, in a findings report arising out of an investigation; and
  - Given a reasonable opportunity to respond to the allegations.

## 6. Findings

- › A confidential report will be prepared when an investigation is complete
- › Where possible and appropriate, the Whistleblower will be informed of the outcome of any investigation into their concerns

## 7. Consequences if reportable conduct is proven

- › If the Reportable Conduct is proven, Safe Steps will decide what action to take, which may include:

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- Disciplinary action up to dismissal or termination of a staff members engagement;  
and
  - A report to an external authority (including the police)
- › The disciplinary action will depend on the severity, nature and circumstances of the Reportable Conduct.

### 8. Consequences of making a false report or disclosure

- › Anyone who knowingly makes a false report/disclosure of Reportable Conduct, or who otherwise fails to act in good faith in respect of the report may be subject to disciplinary action, including dismissal
- › The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

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