

POLICY: WHISTLEBLOWER POLICY

POLICY NUMBER: 1.8

<i>Current version approved:</i>	<i>Executive Team:</i>	
<i>Version 1</i>	<i>Signature:</i>	<i>Date: 8 September 2016</i>
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	<i>Chair of Board:</i>	
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POLICY STATEMENT

UnitingCare Wesley Bowden (UCWB) is committed to the highest standards of legal, ethical and moral behaviour. The purpose of this Policy is to provide a safe and supportive environment where wrongdoing within or by UCWB can be raised without fear of retribution.

1 AIM

The purpose of this Policy is to maintain an environment where concerns of serious wrongdoing are able to be reported without fear of retaliatory action or retribution in line with the Values of UCWB.

2 SCOPE

This Policy applies to disclosures of serious wrongdoing made by any person(s) in relation to activities and functions provided by UCWB.

Disclosures may be made by employees, volunteers, contractors, clients and/or members of the public.

Grievances or other minor matters are specifically excluded from the scope of this Policy.

3 DEFINITIONS

Corrective Actions Means improvements to an organisation's processes taken to eliminate causes of non-conformities or other undesirable situations. Examples may include amendments to procedures, creation of work instructions, implementation of new systems, etc.

Corruption Means dishonest activity in which a person acts contrary to the interests of UCWB and abuses his/her position of trust in order to achieve some personal gain for him/herself or for another person or organisation.

Disclosure	Means when a person discloses information to the Disclosure Officer <ol style="list-style-type: none"> a. Believing on reasonable grounds that the information is true; or b. Where the person is not in a position to form a belief on reasonable grounds about the truth of the information but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated.
Disclosure Officer	The Disclosure Officer is a person authorised by the Chief Executive (CE) to receive and act upon disclosures received from a Whistleblower.
Fraud	Means dishonest activity causing actual or potential financial loss to any persons or entity whether or not deception is used at the time, immediately before or immediately following the activity. <i>[Refer 1.9 Fraud and Corruption Risk Management Policy, Annexure 1 for examples of potentially fraudulent or corrupt practices].</i>
Maladministration	Means the unauthorised and/or serious or substantial mismanagement of resources that might be described as improper, incompetent or negligent.
Natural Justice	Means a set of common law rules developed to ensure that decision-making procedures are fair and reasonable, including: <ul style="list-style-type: none"> ▪ A hearing appropriate to the circumstances – including a right to be told the case against them (at an appropriate time) and be given a chance to reply prior to any decision that negatively affects them; ▪ A lack of bias; ▪ Evidence to support a decision; and ▪ Inquiry into matters in dispute.
Persons of Interest	A person(s) who may, in the opinion of the Disclosure Officer, have information relevant to their enquiries.
Respondent	The person who is the subject of the complaint.
Serious Wrongdoing	Includes conduct that: <ul style="list-style-type: none"> ▪ Is illegal, such as fraud, corruption, theft, drug sale or use, violence, abuse, harassment, criminal damage to property or other breaches of legislation; ▪ Is unethical, such as acting dishonestly, altering company records, wilfully making false entries in the books and records, engaging in questionable accounting practices, irregular or unauthorised use of public monies or wilfully breaching UCWB's <u>2.1 Code of Conduct</u>; ▪ Is potentially damaging to UCWB, such as maladministration, financial or non-financial loss, damage to reputation or substantial waste of resources; ▪ Is seriously harmful or potentially harmful to a person associated with UCWB, such as deliberately unsafe work practices or wilful disregard to the safety of others in the workplace; and

- Involves any other kind of serious impropriety, including retaliatory action against a Whistleblower for having made a disclosure.

Whistleblower Any person who discloses information about serious wrongdoing within the organisation.

4 POLICY PRINCIPLES

- 4.1. Any person or organisation involved with UCWB, or those affected by its operations, are encouraged to report serious wrongdoing.
- 4.2. UCWB is committed to establishing procedures that enable:
 - Protection for those that make disclosures;
 - Safe reporting alternatives to remove all potential barriers to disclosure;
 - Independent internal investigation of disclosures made or the referral of all allegations involving criminal conduct; and
 - Resolution of the issues identified.
- 4.3. UCWB actively seeks to investigate any disclosures of serious wrongdoing in a manner which promotes fair and objective treatment of those involved.
- 4.4. UCWB seeks to promote a culture of continuous improvement across the organisation and is committed to using the information gained through disclosures to improve the organisation and its operations.
- 4.5. UCWB will seek to rectify any substantiated wrongdoing to the extent practicable in the circumstances.

5 WHISTLEBLOWER RIGHTS AND RESPONSIBILITIES

- 5.1. A Whistleblower may make a disclosure of serious wrongdoing to the Disclosure Officer at any time where it is in good faith and there are reasonable grounds for believing the suspicions.
- 5.2. A Whistleblower must assist with any investigation of their disclosure.
- 5.3. UCWB will protect Whistleblowers from victimisation and ensure they are not subjected to intimidation or discrimination in the workplace to the extent practicable in the circumstances.
- 5.4. UCWB will not disclose a Whistleblower's identity unless:
 - The Whistleblower consents to the disclosure;
 - The disclosure is required or authorised by law; or
 - The disclosure is necessary to further the investigation.

During an investigation, it will be necessary to disclose the fact and substance of a report to a person who is the subject of the report. Although confidentiality is maintained, in some circumstances, the source of the reported issue may be obvious to a person who is subject of a report.

The Disclosure Officer will, using best endeavours, notify the Whistleblower if their identity is likely to be disclosed.

- 5.5. The Whistleblower may, at their discretion, identify themselves to the Disclosure Officer who is accountable for ensuring their identity remains anonymous (if that is their wish).
- 5.6. In situations where a disclosure is found to be deliberately false, malicious or vexatious, the confidentiality provisions will not apply. In these cases, the CE or the Board Chairperson (where the matter relates to the CE) will:
- View the matter seriously and may pursue disciplinary action including dismissal, termination of service or cessation of a service or client relationship;
 - Determine if the person's identity will remain confidential;
 - Consider referring the matter to relevant agencies where the matter may become the subject of legal proceedings.

6 MAKING A DISCLOSURE

6.1. Disclosures can be made to the Disclosure Officer in person, by telephone, in writing or via email.

- Written disclosures should be addressed to:
Confidential
Whistleblowers
Disclosure Officer
PO BOX 426
HINDMARSH SA 5007
- Additional contact details for the Disclosure Officer are as follows:
Telephone: 08 8245 7128
Email: Whistleblowers@ucwb.org.au
- Disclosures can also be made in person by approaching the Disclosure Officer.

6.2. Anonymous complaints may be made. However, where the information supplied is insufficient to allow thorough investigation of the issue, UCWB will not be able to process the disclosure.

7 DISCLOSURE OFFICER

7.1. The CE has appointed the Manager Organisational Development as the Disclosure Officer who will be responsible to:

- Receive information from a Whistleblower; and
- Determine, in consultation with the CE, who should undertake a preliminary investigation; and
- Report to the CE on the matter; and
- Refer the matter to SAPOL or other authority if required at any time; or
- Determine, in consultation with the CE, who should undertake a detailed investigation where the CE has determined the matter is of legitimate concern; and
- Submit a full report to the CE.

- 7.2. The Disclosure Officer will have direct, unfettered access to independent financial, legal and operational advisers as required, and a direct reporting line for these matters to the CE, or the Board in matters relating to the CE, to satisfy the objectives of this Policy.
- 7.3. When investigating the allegations made, the Disclosure Officer shall adhere to the process detailed in Clauses 5.6 to 5.9 of the 9.0.3. Complaints Management Procedure with the following variations:
- 7.3.1. The Disclosure Officer will assume the duties assigned to the Assigned Officer; and
- 7.3.2. Subject to Clause 7.6, the CE will assume the duties assigned to the Divisional Manager.
- 7.4. The Disclosure Officer is responsible for keeping the Whistleblower informed of the progress and outcomes of the investigation subject to considerations of privacy and procedural fairness of those against whom the allegations have been made.
- 7.5. When, in the opinion of the Disclosure Officer, the circumstances warrant, information supplied will be reported to the SAPOL or other authority.
- 7.6. In the following cases, the functions outlined in this Policy will be varied as follows:
- 7.6.1. Where the subject of the disclosure is the CE, the Board's Chairperson will determine how the matter should be investigated and receive the report.
- 7.6.2. Where the subject of the disclosure is the Disclosure Officer or in the absence of the Disclosure Officer, then the information should be provided directly to the CE unless the matter relates to the CE.

8 RESPONSIBILITIES

Whistleblower:

- May disclose information about suspicions of serious wrongdoing to the Disclosure Officer at any time.
- Obligated to act in good faith and have reasonable grounds for believing the suspicions disclosed.
- Assist with any investigation into disclosures made.

Disclosure Officer (Manager Organisational Development):

- Receives information from Whistleblowers.
- Keeping the Whistleblower informed of progress and any outcomes.
- Undertakes preliminary and full investigations, where required.
- Reports to the CE/Chairperson on matters.
- Refer matters to SAPOL or other authority(s) if required.
- Retain all information in a securely stored file.

Chief Executive:

- Appoints the Disclosure Officer.
- Receives information from Whistleblowers relating to the Disclosure Officer.
- Determines how matters should be investigated on the basis of the preliminary investigation results.

- Ensure a Whistleblower's identity is not disclosed unless consented to or required to do so by law or is necessary to further the investigation.
- Protect Whistleblowers from victimisation and ensure they are not subjected to intimidation or discrimination in the workplace.
- Report outcomes of investigations supporting a disclosure to the Board.

Board Chairperson:

- Receives reports of matters relating to the CE from the Disclosure Officer.
- Determines how matters relating to the CE should be investigated on the basis of the preliminary investigation results.

9 RELEVANT POLICIES, PROCEDURES, LEGISLATION AND DOCUMENTATION

10.1 Legislation

- Nil

10.2 Related UCWB Policies and Procedures

- 1.9 Fraud and Corruption Risk Management Policy
- 2.1 Code of Conduct
- 9.0.3 Complaints Management Procedure

10.3 References (to other key documents, internal or external)

- Nil

10 POLICY HISTORY

HISTORY	
Date approved	
<i>October 2016</i>	V1 document created.