

Parent document: UCWB Rules and Regulations

Document owner: Chief Executive

Policy category: Governance

1. Policy Statement

We are committed to maintaining legal and ethical behaviour throughout our organisation and understand that whistleblowers can be important in exposing misconduct.

The Corporations Act 2001, Taxation Administration Act 1953 and the Fair Work Act 2009 give some protection to whistleblowers in specific circumstances.

We provide additional protections for whistleblowers in relation to disclosures of any illegal or unethical behaviour.

While we encourage and support genuine whistleblowers, we discourage deliberate false reports.

2. Purpose

The purpose of this policy is to:

- encourage reporting of misconduct
- help deter misconduct
- ensure we have a transparent approach to whistleblowing
- provide a safe and supportive environment where people can raise allegations without negative consequences or fear of negative consequences
- ensure compliance with legislation.

3. Scope

This policy applies to all of our operations, to all types of misconduct and to any person who alleges misconduct by UnitingCare Wesley Bowden (UCWB).

This policy does not cover:

- personal work-related grievances which are covered by the **Workplace Grievance Framework**
- complaints about the quality of our services which are covered by the **Complaints Management Policy**.

4. Definitions

Disclosure Officer	The position in UCWB which receives whistleblower disclosures
Eligible recipient	The type of position specified in the Corporations Act and Taxation Administration Act to receive whistleblower disclosures under those Acts. The acts have different eligible recipients which are detailed in 9 Who to Disclose To .
Misconduct	Action that includes, but is not limited to: <ul style="list-style-type: none">• breaches of legislation• activity that is corrupt, an abuse of public trust, dishonest or fraudulent• perversion of the course of justice• threats to health or safety or the environment• maladministration – e.g. unjust, based on improper motives, unreasonable, oppressive or negligent• serious or substantial waste including public money or public property• gross mismanagement or repeated breaches of administrative procedures• activities that result in financial or non-financial lost detrimental to the interests of UnitingCare Wesley Bowden• breaches of the Code of Conduct• improper conduct.
Whistleblower	A person who reports misconduct
Whistleblowing	Disclosure of actual or suspected misconduct

5. How This Policy Will be Published and Implemented

5.1 How We Will Publish It

We will publish this policy to:

- the public on our website
- the Board by providing a copy to Board members
- staff through our Policies and Procedures document library in SharePoint.

5.2 How We Will Implement It

We will implement the policy by:

- including it in induction sessions for new Board members and new staff (employees, volunteers and contractors)
- conducting information sessions for staff.

6. Disclosure Officer

The Manager People and Culture is our Disclosure Officer for whistleblower reports.

The Chief Executive will appoint an alternative Disclosure Officer if needed.

The Disclosure Officer is responsible for:

- receiving information from whistleblowers
- ensuring that all disclosures from whistleblowers are examined
- formally investigating disclosures where examination isn't enough to find out the facts
- referring disclosures to SA Police when they may involve a criminal act
- reporting to external organisations when this is required by law or in contracts
- reporting to the Chief Executive and/or the Board as appropriate on the allegations and result of the investigation
- ensuring that whistleblowers do not experience any negative consequences because they make a disclosure.

7. Whistleblowers are Protected

7.1 Protection Provided by Laws

There are some laws which give specific protection to whistleblowers:

- Corporations Act
- Taxation Administration Act
- Fair Work Act.

There is detail about **what** disclosures are protected in 7.3 and **who** is protected in 7.4.

7.2 Protection Provided by Us

We will protect whistleblowers and ensure that they don't experience negative consequences if they report misconduct. Whistleblowers will not be disadvantaged or victimised in any way for making a report.

7.3 The Disclosures That Are Protected

Here is information about the disclosures that are protected:

What is protected	Where the protection comes from
<p>Information about suspected misconduct or an improper state of affairs or circumstances that is provided to an eligible recipient under the Act.</p> <p>Here are some examples relevant to us:</p> <ul style="list-style-type: none">• obtaining funds from government or a private organisation under false pretences• an employee using some of our funds for their personal use by setting up a false employee (through payroll) or false creditor (through accounts payable)• we fail to comply with or breach legislation that applies to us	Corporations Act 2001 (Cth)

What is protected	Where the protection comes from
<ul style="list-style-type: none"> we engage in or threaten to engage in detrimental conduct against a person who has made, or we suspect to have made a whistleblower disclosure. <p>A disclosure is protected even if it isn't about a possible breach of a law.</p>	
<p>Information about possible misconduct or an improper state of affairs in relation to the tax affairs of UCWB, including information that:</p> <ul style="list-style-type: none"> may help the Australian Taxation Office to perform its duties under a taxation law relevant to UCWB indicates misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of UCWB may assist recipient to perform their duties under a taxation law in relation to the entity about which the disclosure is made. 	Taxation Administration Act 1953 (Cth)
<p>Exercise of a workplace right – workplace rights are defined in the Act and include but aren't limited to complaining about such things as:</p> <ul style="list-style-type: none"> underpayment of wages incorrect application of conditions protected under the Fair Work Act, such as working hours, breaks. 	Fair Work Act 2009 (Cth)
Any genuine disclosure of suspected misconduct.	UCWB

7.4 The People Who Are Protected

Here is information about the people who are protected when they make a disclosure:

Who is protected	Where the protection comes from
<p>An individual who is or has been any of the following in relation to UCWB:</p> <ul style="list-style-type: none"> an officer or former employee a supplier of goods or services to us, including their employees an associate of UCWB – for example a partner in a consortium a relative or a spouse of current and former employees, contractors, consultants, service providers, suppliers and partners. 	Corporations Act 2001 (Cth)

Who is protected	Where the protection comes from
An individual who is, or has been in the past: <ul style="list-style-type: none"> • an officer (within the meaning of the Corporations Act) • an employee • a supplier of goods or services to UCWB • an employee of a supplier of goods or services to UCWB • an associate (see s318 of Income Tax Assessment Act 1936) of UCWB • a spouse, child or dependent of any of the above. 	Taxation Administration Act 1953 (Cth)
People who exercise or plan to exercise a workplace right, which is defined in s341 of the Act.	Fair Work Act 2009 (Cth)
Any person who reports suspected misconduct, including current or previous staff (employees, volunteers and contractors), partners and stakeholders.	UCWB

8. How to Disclose

In the section below there is information about how to disclose information about suspected misconduct and what happens after you have disclosed.

8.1 Get Information

If you're thinking about disclosing suspected misconduct, you may want to get some information or advice beforehand to help you decide what to do. You can contact:

- these external organisations

Name of organisation	Phone	Website
Australian Securities and Investment Commission (ASIC)	1300 300 630	https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/
Australian Charities and Not-for-profits Commission	13 22 62	https://www.acnc.gov.au/tools/factsheets/whistleblower-protections
Australian Taxation Office	1800 060 062	https://www.ato.gov.au/general/gen/whistleblowers/
Fair Work Ombudsman	13 13 4	https://www.fairwork.gov.au/how-we-will-help/how-we-help-you/help-us-keep-workplaces-fair

- a lawyer
- our Disclosure Officer, the Manager People and Culture – phone 8245 7171 or email whistleblowers@ucwb.org.au.

8.2 Disclose to an External Organisation

You can disclose to one of the external organisations above by phone or email.

8.3 Disclose to Our Disclosure Officer

Contact our Disclosure Officer – there is information about how to do this in **11.3**.

If your disclosure is about the Disclosure Officer (Manager People and Culture) you can contact the Chief Executive.

9. Who to Disclose To

You can disclose to different organisations depending on what your disclosure is about. If you're not sure, contact one of them for information and advice.

The Corporations Act and Taxation Act there specify who you can disclose to.

Under the Corporations Act....	To be protected you must disclose to an eligible recipient including: <ul style="list-style-type: none">• our Disclosure Officer (Manager People and Culture)• a Board member or the Chief Executive• the Australian Securities and Investment Commission (ASIC)• the Australian Prudential Regulation Authority (APRA).
Under the Taxation Administration Act....	To be protected you must disclose to an eligible recipient including: <ul style="list-style-type: none">• our Disclosure Officer (Manager People and Culture)• a Board member, the Chief Executive or a senior manager• the Manager Finance or any other employee who has functions or duties that relate to our tax affairs• an auditor or a member of an audit team conducting an audit of UCWB• a registered tax agent or BAS agent.
Under the Fair Work Act...	Our Disclosure Officer (the Manager People and Culture) Fair Work Ombudsman An organisation registered under the Fair Work Act such as a trade union or employer association.

10. Support for Whistleblowers and Subjects of Disclosures

10.1 Support for Whistleblowers

We understand that reporting suspected misconduct can be difficult for whistleblowers.

The Disclosure Officer will offer support to a whistleblower as soon as they make a report. This support may be through the Employee Assistance Program or any other suitable resource that is acceptable to the whistleblower.

10.2 Support for Staff Who Are the Subject of Disclosures

When a whistleblower discloses misconduct, we'll treat the staff member who is the subject of the disclosure fairly, including:

- advising them of the disclosure and what it's about in line with principles of procedural fairness
- if there is an investigation, letting them know about the purpose and process of the investigation
- offering them support through the Employee Assistance Program.

11. What Happens When You Disclose to the UCWB Disclosure Officer?

There is a flowchart showing this process in the [Attachment](#).

11.1 You Are Protected

The details of protections provided by law and by UCWB are set out above in **7 – Whistleblowers are Protected**.

You can report anonymously; if you do, you must give enough detail for the Disclosure Officer to examine your report and get the facts.

11.2 We Keep the Details Confidential

The Disclosure Officer will keep all details of the allegations and any investigation confidential except where they must report the allegations to the Chief Executive or Board or to an external organisation.

We will not disclose your identity unless:

- we're legally required to or
- you consent to the disclosure to help an investigation.

11.3 You Report

Give the information you have to the Disclosure Officer:

- face-to-face
- by phone
- by email to whistleblowers@ucwb.org.au
- by letter to (Confidential) Whistleblower Disclosure Officer, 77 Gibson Street Bowden 5007.

You can contact the Disclosure Officer anonymously by phone or letter if you wish.

11.4 The Disclosure Officer Keeps You Informed

The Disclosure Officer will keep you informed of what they are doing

If you disclose anonymously they can do this using a method that maintains your anonymity if there is one available, for example an anonymous email address.

11.5 The Disclosure Officer Gathers Information

The Disclosure Officer will gather information on the misconduct and decide if they need to conduct a formal investigation.

11.6 The Disclosure Officer May Investigate

If the information gathered by the Disclosure Officer indicates that your report could be valid, they will initiate an investigation. They may do the investigation themselves or hire someone else to do it.

The purpose of the investigation is to establish the facts as far as possible and to recommend whether to take any further action.

Investigations will occur as soon as possible after you have made your report.

11.7 The Disclosure Officer Reports

The Disclosure Officer reports their findings and recommendations to the Chief Executive and Board as appropriate.

11.7.1 External reporting

The Disclosure Officer will identify whether it is necessary to report to external organisations such as the Australian Charities and Not-for-profits Commission, funding organisations or the police, and provide those reports.

11.7.2 Internal reporting

The Disclosure Officer will report the allegations and the result of the investigation using their discretion about who they report to depending on the nature of the allegations. They may report to:

- Chief Executive
- Board.

The report will include:

- the allegations
- results and findings of the investigation
- any recommendations resulting from the investigation
- information about any reports to external organisations that we have already made or need to make in the future.

11.8 The Chief Executive and Board Take Action

The Board will consider the report from the Disclosure Officer and decide what actions to take:

- in response to the disclosure – this will depend on the nature of the disclosure, the findings reported by the Disclosure Officer and what's required by law
- if the allegation of misconduct is considered proven – to prevent similar misconduct occurring again.

Where the allegations are about the actions of the Board the Chief Executive will consider the report and decide what action to take.

11.9 The Disclosure Officer Informs You

The Disclosure Officer will inform you about:

- whether the investigation confirms the concerns raised by you
- any actions that the Board has decided to take.

12. Keeping Records and Annual Reporting

12.1 Keeping Records

The Disclosure Officer will keep records of the allegation, investigation and any following activities and ensure that these records can't be accessed by anyone else, except if they need to be shared for investigation and reporting.

12.2 Annual Reporting

The Executive Manager Corporate Services will include general information about whistleblower disclosures in the annual Quality Risk and Compliance Report to the Board. This information will keep the identity of whistleblowers confidential.

13. Responsibilities

Board	<p>Ensure whistleblowers are protected</p> <p>Receive reports from the Chief Executive or Disclosure officer on whistleblower allegations and investigations</p> <p>Decide action to be taken</p>
Chief Executive	<p>Ensure whistleblowers are protected</p> <p>Appoint an alternative Disclosure Officer when required</p> <p>Receive reports from the Disclosure officer on whistleblower allegations and investigations</p> <p>Report to the Board unless allegations are about the Board</p> <p>Decide action to be taken when allegations are about the Board</p>
Executive Manager Corporate Services	<p>Include information on whistleblower disclosures in the annual Quality Risk and Compliance Report to the Board</p>
Disclosure Officer (Manager People and Culture)	<p>Receive information from whistleblowers</p> <p>Investigate allegations of misconduct from whistleblowers</p> <p>Report allegations and the results of investigations internally and externally</p> <p>Keep records of whistleblower allegations and investigations</p> <p>Maintain confidentiality</p>
Whistleblower	<p>Give the Disclosure Officer enough information to enable them to investigate</p> <p>Help with investigation of allegations they have made</p>

14. Delegations

There are no delegations established by this policy.

15. Relevant Legislation, Policies, Procedures and Other Documents

15.1 Legislation

Associations Incorporation Act 1985 (Cth)

Australian Charities and Not-for-profits Commission Act 2012 (Cth)

Corporations Act 2001 (Cth)

Fair Work Act 2009 (Cth)

Privacy Act 1988 (Cth)

Taxation Administration Act 1953 (Cth)

15.2 Policies and Procedures

Board Charter

Code of Conduct

Complaints Management Policy

Fraud and Corruption Control Policy

Information Technology Information Security Procedure

Managing Under-performance and Misconduct Policy

Managing Misconduct Procedure

Privacy and Information Management Policy

Workplace Grievance Framework

15.3 Other Documents (internal and external)

Australian Service Excellence Standards

Regulatory Guide 270 – Whistleblower policies (Australian Securities and Investment Commission)

16. Document History

Version No.	Version Date	Next Review Date	Approved by	Summary of Changes
2.0	25/5/20	25/5/23	Board	All policy content simplified and re-written References to whistleblower protections in Corporations Act, Fair Work Act and Taxation Administration Act added Following sections added:

Version No.	Version Date	Next Review Date	Approved by	Summary of Changes
				<ul style="list-style-type: none"> • How This Policy Will be Published and Implemented • Whistleblowers are Protected • Who To Disclose To • Support for Whistleblowers and Subjects of Disclosures • How to Disclose • What Happens if you Disclose to the UCWB Disclosure Officer? • Keeping Records and Annual Reporting. <p>Following sections updated:</p> <ul style="list-style-type: none"> • Policy Statement • Purpose • Scope • Definitions • Relevant Legislation, Policies, Procedures and Other Documents.
1.0	10/2016	1/11/19	Board	Document created

Flowchart for Whistleblower Disclosure to UCWB Disclosure Officer

