

WS Policy 7.3

Whistleblower Policy

Controlled Document

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Reviewed by:		CELT Catholic Employment Relations Tracey Webb			

1. Purpose

The purpose of this policy is to:

- Encourage the reporting of matters that may cause:
 - harm to individuals including staff and clients
 - financial or non-financial loss to CatholicCare
 - damage to CatholicCare's reputation.
- Set out CatholicCare's commitment to the protection of individuals who disclose information about illegal or improper conduct occurring within CatholicCare
- Provide a safe and confidential environment where such concerns can be raised by whistleblowers without fear of reprisal or detrimental treatment.
- Set out:
 - who is entitled to protection as a whistleblower
 - the protections to which whistleblowers are entitled
 - how disclosures will be handled by CatholicCare

2. Key Accountability

Director

3. Application

This policy applies to all CatholicCare employees, volunteers, foster carers, members of the CatholicCare Advisory Council and contractors.

4. Relevant Legislation

- Corporations Act 2001
- Work Health and Safety (WHS) Act 2011
- Taxation Administration Act 2001

5. Relevant Accreditation/Outcome Standards

- NSW Office of the Children's Guardian – NSW Child Safe Standards for Permanent Care
 - Standard 22 – Governance
- Australian Children's Education and Care Quality Authority - National Quality Standard
 - Quality Area 7 – Governance and Leadership
 - 7.1.2 Management Systems

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The electronic version of this document is the approved and most current.

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- Dept of Social Services – Families & Children Activity Administrative Approval Requirements
 - Standard 2 - Governance
 - Standard 9 - Safety of Staff
- National Principals for Child Safe Organisations 2019
 - Principle 1
 - Principle 10
- Aged Care Quality and Safety Commission – Aged Care Quality Standards
 - Standard 8 – Governance
- National Disability Standards
 - Standard 6 - Service Management
- NDIS Quality and Safeguards Commission – NDIS Practice Standards
 - Core Module Section 2 – Provider Governance and Operational
 - Governance & Operational Management

6. Definitions

Term	Definition
ASIC Associate Misconduct	Australian Securities and Investment Commission individual within the meaning of the Corporations Act breaches of general law, organisational policy or generally recognised principles of ethics and includes: • illegal and/or corrupt conduct • fraud or theft • official misconduct • harassment • unlawful discrimination • practices endangering the health or safety of staff, clients, volunteers or the general public
Officer	a person that has significant decision-making abilities and financial control over a person conducting a business or undertaking (Agency)
Personal Work-Related Grievance	as defined in section 1317AADA of the Corporations Act, and may include the following: • an interpersonal conflict between the discloser and another employee • a decision relating to the engagement, transfer or promotion of the discloser • a decision relating to the terms and conditions of the engagement of the discloser • a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser
Relative	– in relation to a person means a spouse, parent or remoter lineal ancestor, child or remoter issue or brother or sister of the person (<i>Corporations Act 2001 Chapter 1, Part 1.2, Division 1, 9</i>)
Spouse	of a person includes a de facto partner of the person (<i>Corporations Act 2001 Chapter 1, Part 1.2, Division 1, 9</i>)

Whistleblower	someone who has inside knowledge of the agency and reports any misconduct or activity that is dishonest or illegal that may have occurred within the agency.
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7. Policy

CatholicCare does not tolerate misconduct, client abuse, fraud, corrupt conduct, legal or regulatory non-compliance or questionable accounting and auditing matters by its employees, foster carers, volunteers, Advisory Council members or contractors.

CatholicCare fosters an 'alert culture' whereby all staff are actively encouraged to speak up about poor practice. Staff that observe any poor practice or inappropriate behaviour when working with clients, or any other CatholicCare representative, has an obligation to 'speak up'.

CatholicCare takes all reasonable steps to protect those who make such disclosures from any reprisal or detrimental action following the disclosure.

CatholicCare has a whistleblower protection system established for the confidential reporting of unacceptable or undesirable conduct. The system enables protected disclosures to be made by CatholicCare's employees.

CatholicCare will not tolerate frivolous, malicious or vexatious disclosures.

7.1 Obligations of CatholicCare Employees to Report

7.1.1 Concerns regarding Illegal or Corrupt Behaviour

Where employees believe in good faith on reasonable grounds that any other CatholicCare employee, volunteer, foster carer, Advisory Council member or contractor has breached any provision of the general law **they must report** to their line manager or an Executive Manager, or a People and Culture team member.

7.1.2 Concerns regarding Improper or Unethical Behaviour

Where personnel believe in good faith on reasonable grounds that any other CatholicCare employee, volunteer, foster carer, Advisory Council member or contractor has breached any provision of CatholicCare's constitution, policies, Code of Ethics and Conduct or generally recognised principles of ethics **they may, and are encouraged to, report** their concern to their line manager or an Executive Manager, or a People and Culture team member.

7.1.3 Disclosures can be made by a current or former:

- officer or employee of CatholicCare
- contractor or supplier of goods and services to CatholicCare or their current and former employees
- associate of CatholicCare or
- a relative, spouse or dependant of an individual mentioned above

Disclosures which are solely about a Personal Work-Related Grievance (as defined) will not be protected under this policy. Such matters may be appropriately dealt with in accordance with CatholicCare's WS 1.3 Managing Workplace Complaints policy.

7.2 Entitlement to Protection

- 7.2.1** To be treated as a whistleblower under this policy and the Corporations Act a person must:
- be one of the individuals set out in Section 7.1.3
 - disclose information regarding the type of matters set out in Section 7.1.1 or 7.1.2

8. Procedures

8.1 Making a Disclosure

A disclosure can be made in person, by telephone, by email or in writing. A whistleblower does not have to reveal their identity when making a disclosure. However, whistleblowers must recognise that anonymity may hinder a review or investigation of the complaint.

If the disclosure is about an Executive Manager, it is to be communicated to the Director. If the disclosure is made against the Chief Operating Officer, it is to be communicated to the Director. If the disclosure is made against the Director, it is to be communicated to the Chief Operating Officer. The Chief Operating Officer and/or the Director will escalate to the Office of the Bishop as appropriate.

8.2 Investigating a Disclosure

The person who receives the disclosure will promptly forward it to the Director or Chief Operating Officer who will determine whether it requires formal investigation.

CatholicCare ensures that the investigation:

- is conducted promptly
- is sufficiently resourced
- is conducted in a fair and objective manner
- is conducted in strict confidence
- protects the identity of the person who made the disclosure
- gives the opportunity to any person who is adversely mentioned in the disclosure to respond prior to any findings being made

8.3 Protection for Whistleblowers

8.3.1 Whistleblower Protection System

CatholicCare's whistleblower protection system is characterised by the following:

- **Confidentiality**

CatholicCare takes all reasonable steps to protect the identity of the whistleblower. Maintaining confidentiality assists in ensuring reprisals are not made against a whistleblower.

Good Faith

This system is based on people acting in good faith to report concerns that they have reason to believe are true. Disciplinary action may be taken against anyone who makes allegations that are frivolous, malicious or vexatious or with foreknowledge that the allegations were false.

8.4 Whistleblowers Implicated in Improper Conduct

The act of whistleblowing does not shield whistleblowers from the reasonable consequences flowing from any involvement, on their part, in improper conduct. A person's liability for his or her own conduct is not affected by the person's disclosure of that conduct. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

9. Attachments

Flowcharts

Nil

10. Cross Reference to other Policies

- WS Policy 1.3 - Managing Workplace Complaints
- WS Policy 7.8 - Media Engagement
- WS Policy 8.2 - Bullying and Harassment

11. Other Resources

- Australian Securities and Investments Commission
 - Information Sheet 238 Whistleblower Rights and Protections
- Institute of Community Directors and Our Community
 - Whistleblowing at Your Not-for-Profit

12. Version Control and Change History

Version Number	Approval Date	Approved by	Amendment
1	Pre 2000	Director	New policy
2	20 Apr 2010	A/g Director	Major review
3	08 May 2012	Director	2 yr review – no changes
4	11 Mar 2014	Exec Mngr Qlty Sys (with authorisation of Director)	Change to 3-year review cycle. Addition of Accreditation Standards & Version Control & Change History. New logo
5	03 Jun 2015	Director	3 yr review. Addition of procedures for making complaints about Executive Managers or Director.
1.0	28/9/2021	EM Q&R	Migration to SharePoint Policies, Procedures, Forms
2.0	23/12/2021	Director	Major review. Clarification of purpose, addition of support strategy for whistleblowers, up-date of standards