

<b>Title:</b>	<b>Whistleblower</b>	<b>POLICY &amp; PRACTICE STANDARD</b>
<b>Department</b>	People Services	
<b>Endorsed by</b>	General Manager People Services	

## Policy Statement & Objectives

Uniting AgeWell (UA) is committed to establishing and maintaining a culture of high standards of conduct and ethical behaviour and recognises that provision for Whistleblowing and protection of Whistleblowers will help to support this culture.

The objectives of this policy are

- to encourage reporting of misconduct, illegal conduct, and/or unethical behaviour (Whistleblowing) of UA employees or representatives
- to outline UA's responsibilities and process for responding to any Whistleblower disclosures or allegations.

## Scope

This policy applies to all current and former UA Board and Committee members, staff members, volunteers, contractors and suppliers, and relatives or dependants of current or former employees where there are reasonable grounds to believe the following improper conduct has occurred:

- Conduct or practices which are illegal or breach any law;
- Breach of UA's policies;
- Corrupt activities, including collusion;
- Theft, fraud or misappropriation;
- Significant mismanagement or waste of funds or resources;
- Abuse of authority;
- Serious harm to the health and safety of any UA employee, UA's reputation, the public, or the environment; or
- Any action taken against, or harm suffered by an employee as a result of making a report under this policy.

This policy does not apply to personal work-related grievances. Where a UA employee has a grievance the UA Grievance Policy and Procedure will apply.

## Definitions

**Officer** - means Board Chair, Deputy Chair, Board Director or Company Secretary

**Senior Manager** - For the purposes of this policy means CEO or General Manager

## Practice Standards

### Whistleblower identity, protection and communication

#### i. Whistleblower identity

UA will take all reasonable steps to protect and respect the rights and identity of a person who reports alleged improper conduct.

Where a person has made a disclosure in accordance with this policy then the identity of that person will remain strictly confidential unless permission for disclosure of their identity has been provided by the whistleblower or disclosure is required by law.

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In some circumstances the Whistleblower may choose to make a disclosure anonymously however a full assessment and investigation of such a disclosure may not be possible without the ongoing authority and cooperation of the Whistleblower.

A person who discloses the identity or information likely to lead to the identification of the whistleblower, without permission or as required by law, will be deemed to have engaged in serious misconduct. Further such a disclosure would be a breach of the legislation; as the test for the courts is one of "strict liability" the court may impose penalties on this person.

## ii. **Whistleblower Protection**

UA will take all reasonable steps to ensure adequate and appropriate protection is being provided for those who, on reasonable grounds, make a report. This protection applies if the matter is proven or not.

UA will not tolerate any retaliatory action or threats of retaliatory action (including discrimination or disadvantage) against a person who has made, or who is believed to have made, a report of improper conduct. Any such retaliatory action or victimisation in reprisal for a report being made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal

A Whistleblower is not automatically protected from the consequences of being a party to any improper conduct they may report under this policy.

## iii. **Whistleblower Communication**

Where possible and assuming that the identity of the Whistleblower is known, the Whistleblower will

- be informed of the outcome of the investigation of his/her disclosure, subject to privacy and confidentiality considerations;
- maintain confidentiality as required of any information provided by UA in relation to, or as a consequence or outcome of their disclosure

### **Disclosure of misconduct / alleged misconduct**

Where a person has reasonable grounds to believe that a Board Member, UA staff member or volunteer engages in improper conduct as described in scope then that matter should be reported to the Chief Executive Officer (CEO), or to a UA Senior Manager or a member of the People Services team who will promptly refer the matter to the CEO.

Reports may also be made to an auditor or actuary or externally to the Australian Security and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA)

Public interest and emergency disclosures will be protected where made externally to Parliamentarians or Journalists if after 90 days of reporting they have reasonable grounds to believe action is not being taken or they have reasonable grounds to believe a further disclosure is in the public interest.

A report may be made in a number of ways including letter, email, telephone or via the Uniting AgeWell website feedback function.

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### **Management of the person/s against whom a disclosure has been made**

UA recognises that person/s against whom disclosures have been made and investigated under this policy must also be supported during the handling and investigation of disclosures. UA will afford procedural fairness to the person/s against whom a disclosure has been made.

#### **Investigation**

The CEO will ensure investigation of each Whistleblower allegation/disclosure to determine whether an employee or other person representing UA has contravened the law or UA's policies. If the disclosure refers to conduct of the CEO then the UA Board Chair will review the disclosure and implement processes as provided below in place of the CEO. If the disclosure refers to the conduct of the UA Board Chair then the UA Board Deputy Chair will review the disclosure and implement processes as provided below in place of the CEO.

#### Investigator

The CEO may engage an external professional to conduct the investigation.

#### Investigation process (refer attached flow chart)

The investigation process will include:

- appointment and briefing of an investigator (internal or external) by the CEO
- review of all disclosures/allegations which have been by the Whistleblower
- investigation of any evidence that may substantiate or refute the claims of the Whistleblower (this may include interviewing witnesses)
- providing details of the allegation to the person/s against whom the allegation/disclosure has been made and providing that person with the opportunity to have a support person accompany them throughout the investigation;
- providing the person against whom the allegation has been made with the opportunity to respond and to provide any material in support of their response; and
- providing the person with the opportunity to have a support person or representative attend any meetings with them
- preparation of an investigation report for the CEO
- review of investigation report and determination of outcomes and any necessary actions
- where there is a substantiated allegation of misconduct by a Uniting AgeWell employee or volunteer this will be referred to the General Manager People and Culture for appropriate action
- advice to the whistleblower (where known) of the outcome of the investigation

#### **Finding of misconduct**

A finding on the outcome will not be made until reasonable and appropriate enquiries have been made and submitted material considered.

#### **Finding of no misconduct**

Where, after investigation, a disclosure is assessed not to be misconduct then the CEO will determine an appropriate response.

#### **Alleged criminal conduct**

Where the CEO reasonably believes that an allegation/disclosure indicates that criminal conduct has occurred then the CEO will promptly refer the matter to the police.

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### **Finding of misleading or frivolous allegations**

Where an employee makes an allegation or report under this policy and that allegation or report is not made in good faith, is found to be malicious, or is deliberately misleading or frivolous then that employee may be subject to disciplinary action.

### **Audit and Risk Committee report**

On completing an investigation and reaching a determination the CEO will provide a report to the UA Audit and Risk Committee outlining:

- the details of the improper conduct or alleged improper conduct described in the Whistleblower disclosure;
- the information and evidence collected during the investigation that either supports or refutes the allegation of improper conduct;
- the conclusions reached and the reasoning behind each conclusion and actions taken.

### **Annual report**

A general report on Whistleblower disclosures will be submitted to the UA Audit and Risk Committee of the UA Board on an annual basis.

### **Monitoring & Improvement**

This policy will be reviewed every three years or earlier if required to meet legislative or UA requirements.

### **Related Documents**

- Grievance procedure
- Code of Conduct
- Bullying, Harassment and Sexual Harassment Policy

### **Key Legislation, Acts & Standards**

- *Corporations Act 2001 (Cth)*
- *Privacy Act 2001*
- *Taxation Administration Act 1953 (Cth) (New Whistleblower Provisions)*

### **References**

N/A

### **Contributors**

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## Appendix 1: Whistleblowers Process for Employees and Volunteers

