

1. Purpose

The UnitingCare NSW.ACT Board is committed to the operation of its services in a manner that is consistent with its Vision, Mission, and Values and, in doing so, expects its employees, volunteers, contractors and board members to uphold the highest standards of legal, ethical and moral behaviour in their work and the performance of their duties and functions. It promotes an organisational culture built upon personal and business integrity and seeks to provide a supportive work environment where individuals can report serious wrongdoing without fear of retaliatory action or retribution.

2. Policy Aim

The aim of the Whistleblower Policy is to ensure that effective management systems are in place to allow individuals to raise serious and legitimate concerns without fear of victimisation or reprisal and to ensure that such concerns are investigated in a timely, appropriate and transparent manner enabling resolution of the issues identified, where possible.

3. Scope

This policy shall apply to all employees and volunteers of UnitingCare NSW.ACT including UnitingCare Ageing, UnitingCare Corporate and Group Services and UnitingCare Children, Young People and Families (CYPF)

The policy also extends to board members, contractors (including agency staff), consultants, and any other 'worker' as defined by the *Work Health and Safety Act 2011*

4. Definitions

Whistleblowing is:

"The disclosure of actual or suspected Wrongdoing in an organisation that reveals fraud, corruption, illegal activities, gross mismanagement, malpractice or any other serious wrongdoing."

A Whistleblower is:

A person who reports serious Wrongdoing in accordance with this policy.

A Wrongdoing for this policy is defined as conduct that:

- *is fraudulent or corrupt;*
- *is illegal, such as theft, drug sale or use, violence, bullying, harassment, criminal damage to property or other breaches of State or Federal legislation;*
- *is unethical, such as acting dishonestly; altering organisational records; wilfully making false entries in the books and records; engaging in questionable accounting practices; or wilfully breaching the UnitingCare Ageing or CYPF Codes of Conduct or other ethical statements;*
- *is potentially damaging to UnitingCare, such as deliberate or substantial waste of resources;*
- *is seriously harmful or potentially seriously harmful to an individual, such as deliberate unsafe work practices or wilful*

disregard to the safety of others in the workplace;

- *Is seriously harmful or potentially seriously harmful or unethical towards a Client or Service User.*
- *may cause serious financial or non-financial loss to UnitingCare or damage to its reputation; or be otherwise seriously contrary to UnitingCare interests; or*
- *involves any other kind of serious impropriety including retaliatory action against a Whistleblower for having made a wrongdoing disclosure.*

5. Responsibilities **Whistleblower Disclosure Officer**

The Whistleblower Disclosure Officer(s) is/are the designated person(s) that is responsible for receiving, forwarding and/or acting upon disclosures made in accordance with this policy. Depending upon the circumstances, a Whistleblower Disclosure Officer may:

- provide support to the Whistleblower;
- make a written record of any verbal disclosure and have the Whistleblower sign and date the record. If written records of any disclosure are made by the Whistleblower Disclosure Officer, the Officer should take reasonable steps to store any records;
- appoint a Whistleblower Protection Officer;
- appoint a qualified investigator (either internal or external where considered necessary) and refer the disclosure to the investigator for investigation or further enquiry;
- receive reports from the investigator and, based on the findings and any recommendations, determine what action should be taken;
- report the investigation, and the findings and recommendations, to the relevant Director/ Executive Director or Board Chairperson as agreed and must record the outcomes in the monthly certification statement or appropriate risk register; and
- take such steps as are necessary to protect the Whistleblower, including escalating the matter to the Whistleblower Protection Officer or appropriate person, should the Whistleblower Disclosure Officer become aware of any retaliatory action or retribution taken against the Whistleblower.

The Whistleblower Disclosure Officers are:

- the Director, People Learning & Culture within UnitingCare Ageing for UnitingCare Ageing, Group Services and Corporate; and
- The Director of Business Services for UnitingCare CYPF

If the Whistleblower has a reasonable belief that disclosure to the relevant Whistleblower Disclosure Officer would not be sufficiently independent or their report contains a disclosure of wrongdoing against the relevant Whistleblower Disclosure Officer, disclosure should be made either to the Director, UnitingCare Ageing, the Director UnitingCare CYPF or to the Integrity Hotline.

If the Whistleblower has a reasonable belief that disclosure to the Director, UnitingCare Ageing or the Director UnitingCare CYPF would not be sufficiently independent or their report contains a disclosure of wrongdoing against the Director, UnitingCare Ageing or the Director UnitingCare CYPF, disclosure should be made either to the Executive Director, UnitingCare or to the Integrity Hotline.

If the Whistleblower has a reasonable belief that disclosure to the Executive Director, UnitingCare would not be sufficiently independent or their report contains a disclosure of wrongdoing against the Executive Director, UnitingCare, disclosure should be made either to the Board Chairperson, UnitingCare Board or to the Integrity Hotline.

Whistleblower Protection Officer

The Whistleblower Protection Officer is appointed by the relevant Whistleblower Disclosure Officer to provide support to the Whistleblower if required or requested.

The Whistleblower Protection Officer will be independent of line management in the area that is the subject of the report of wrongdoing. The Whistleblower Protection Officer will provide mentoring and other support deemed necessary by the Whistleblower Protection Officer.

The Whistleblower Protection Officer is responsible for keeping the Whistleblower informed of the progress and outcomes of the inquiry/investigation subject to considerations of privacy of those against whom the allegations have been made.

Investigator

The investigator is appointed by the relevant Whistleblower Disclosure Officer and may be internal or external to UnitingCare. The investigator must have appropriate investigation experience. Cultural or other specialist needs will also be taken into consideration when appointing an investigator.

The internal investigator must have internal independence of line management of the area affected by the wrongdoing disclosure.

The investigator may seek the advice of internal or external experts as required and as approved by the relevant Whistleblower Disclosure Officer.

The investigator is responsible for reporting to the Whistleblower Disclosure Officer the outcome of any investigation undertaken under this policy.

Whistleblower

A person considering making a Whistleblower report is expected to act in good faith and have reasonable grounds for believing the disclosure constitutes serious Wrongdoing.

This policy is intended to apply to reports of Wrongdoing which are serious in nature. Unsubstantiated allegations which are found to have been made maliciously, or knowingly to be false, will be viewed seriously and may be subject to disciplinary action.

A Whistleblower must provide information to assist any inquiry/investigation of the wrongdoing disclosed.

6. Principles

Protection of Whistleblowers

UnitingCare is committed to protecting and respecting the rights of a person that reports Wrongdoing in good faith. UnitingCare will not tolerate any retaliatory action or threats of retaliatory action against any person that has made or is believed to have made a report of Wrongdoing, or against that person's colleagues, or relatives. For example, the person must not be disadvantaged or victimised for having made the report by:

- dismissal;

- demotion;
- any form of discrimination or harassment;
- current or future bias;
- threats of any of the above.

Any such retaliatory action for a report being made under this policy will be treated seriously and will result in disciplinary action, which may include dismissal.

If a person has made a report and believes that retaliatory action has occurred or been threatened, that person should inform the relevant Whistleblower Disclosure Officer who will investigate the matter.

It is important to note that making a report may not protect the Whistleblower from the consequences flowing from involvement in the Wrongdoing itself. A person's liability for their own conduct is not diminished by the reporting of that conduct under this policy.

Confidentiality

Where a Whistleblower (whether a person or organisation) makes a report of alleged or suspected Wrongdoing under this policy, UnitingCare will endeavour to protect the Whistleblower's identity from disclosure.

However, while UnitingCare is committed to protecting the identity of Whistleblowers, there will be occasions where this is not possible, for example:

- where it is necessary to report the matter to the policy and other law enforcement agencies, prosecutorial authorities or regulators where there is a suspected breach of the law;
- where the disclosure is required or authorised by law;
- where the nature of the allegations is such that the identity of the Whistleblower can be deduced from the information provided; and/or
- where disclosure to certain persons, such as other UnitingCare personnel including the appointed Whistleblower Protection Officer and Investigator, is necessary to investigate or address the disclosure; and
- the disclosure is necessary to either further the investigation.

Unauthorised disclosure of information relating to a disclosure, the identity of the Whistleblower or information from which the identity of the Whistleblower could be inferred will be regarded seriously and may result in disciplinary action, which may include dismissal.

UnitingCare will also take reasonable steps to store any records relating to a reported disclosure securely and limit access to authorised persons only.

Anonymous Disclosures

Anonymous reports of Wrongdoing are accepted under this policy. Anonymous reports, however, have significant limitations that inhibit a proper and appropriate inquiry or investigation. These limitations include the inability to provide feedback on the outcome and/or to gather additional particulars to assist the inquiry/investigation. In such circumstances:

- specific protection mechanisms cannot be provided;
- a Whistleblower Protection Officer will not be appointed.

Unfounded Disclosures

If a Whistleblower makes a disclosure in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. In making a disclosure, the Whistleblower should, to the extent possible, exercise due care regarding the accuracy of the information disclosed. If, however, a Whistleblower makes malicious or vexatious allegations he/she will not be

entitled to the protections afforded to Whistleblowers under this policy and may be subject to disciplinary action that may include dismissal.

Legislation

The *Corporations Act 2001 (Cth)* contains provisions and protections relating to certain activities of Whistleblowers. The legislative provisions aim to protect those who alert the Australian Securities and Investment Commission and other authorities to misconduct, such as theft or fraud within an organisation. The legislation may provide certain statutory protections from civil or criminal liability for making disclosures.

Not all disclosures of serious Wrongdoing, however, are protected at law. To meet UnitingCare's philosophy of accepting disclosures or reports of Wrongdoing, it has adopted the principle of providing protection to individuals at least to the extent of protection at law and beyond legal protection wherever it is practical in the circumstances.

7. Reporting Process

Making a Disclosure – Internal

A person who detects, or has reasonable grounds for suspecting wrongdoing, may first raise their concerns with their immediate supervisor or manager and seek advice on the best way to progress their disclosure. The supervisor/manager must immediately refer it to the relevant grievance or complaints process, or if it involves a matter covered by this Policy, then to the relevant Whistleblower Disclosure Officer or the *Integrity Hotline*.

Where this normal reporting channel is:

- not appropriate;
- where the matter has been previously notified but management failed to deal with the disclosure; or
- the person or organisation disclosing the Wrongdoing is concerned about possible retaliation;

then the Whistleblower may provide the report of serious Wrongdoing to either the relevant Whistleblower Disclosure Officer or the *Integrity Hotline* as soon as practical.

Receipt of Disclosure via External *Integrity Hotline*

UnitingCare's *Integrity Hotline*, is operated by independent provider STOPline and can be contacted as follows:

Phone: 1300 30 45 50

Fax: +61 3 9882 4480

Email:

Website: www.unitingcarenswact.stoplinereport.com

Post: C/O The STOPline
Locked Bag 8
HAWTHORN VIC 3122

All notifications from UnitingCare's *Integrity Hotline* are referred to the Whistleblower Disclosure Officers. The relevant Officer will consider the disclosure and determine how best to investigate.

Other Disclosure Mechanisms

This Whistleblower Policy is in addition to:

- Grievance procedures for employees, which are prescribed and

available for all staff to raise any matters they may have in relation to their work or their work environment, other persons, or decisions affecting their employment. This policy does not replace other reporting structures such as those for dispute resolution, discrimination or matters relating to Mandatory Reportable Assaults under the Aged Care Act 1997 (Cth) or Reportable Conduct and Reportable Convictions under the Ombudsman Act 1974 (NSW).

- The standard complaint mechanisms that may be utilised by residents, service users or clients.

8. Investigation Process

The relevant Whistleblower Disclosure Officer will appoint an Investigator(s) who will be responsible for ensuring the proper conduct of the investigation and for keeping the Whistleblower Disclosure Officers and Whistleblower Protection Officers (if appointed) informed of progress.

The Investigator will conduct the investigation under the guidance of the relevant Whistleblower Disclosure Officer in accordance with the following guiding principles:

- Except where it is not possible or appropriate in the circumstances, or where an investigation is also being undertaken by an external regulator, the Investigator will explain the investigation process to the person who made the disclosure.
- Any circumstances relevant to the maintenance of confidentiality should be identified and the Whistleblower should be informed of the level of confidentiality that will be applied to the person's identity and the disclosure.
- The Whistleblower should be informed of their right to be accompanied by a support person at any future interview or hearing held under these procedures.
- Full details of the disclosure and any clarification required should, where possible, be sought from the Whistleblower.
- The Investigator, in consultation with the relevant Whistleblower Disclosure Officer, should determine whether it is necessary to involve internal/external auditors or legal counsel and any other law enforcement agency at any stage.
- The investigation should be conducted in a fair and independent manner. This includes ensuring, unless it is not appropriate or reasonably practicable to do so in the circumstances, that any person who is the subject of the disclosure is given a reasonable opportunity to answer the concerns before the investigation is finalised.
- Where appropriate, other individuals/bodies should be engaged to assist with or conduct the investigation.
- The investigation process should include conducting relevant interviews and reviewing data as may be required.
- Throughout the investigation, the Investigator and/or the Whistleblower Protection Officer should keep the Whistleblower informed of the progress of the investigation.
- When the investigation is completed, the Investigator should prepare a written Investigation Report concerning the disclosure. This Investigation Report should contain details of the concern/allegation and the findings and/or recommendations of the investigation. The report will be provided to the relevant Whistleblower Disclosure Officer.

9. Investigation Outcomes

1. The relevant Whistleblower Disclosure Officer will review any Investigation Report and decide what action is required, including any action that may be required by law as well as the appropriate disciplinary action or

organisational response.

2. The relevant Whistleblower Disclosure Officer will report the Investigation outcomes and recommended action to the relevant Director/ Executive Director or Board Chairperson as agreed and must record the outcomes in the monthly certification statement or appropriate risk register.
3. If appropriate, a copy (or appropriately de-identified summary version) of the outcomes will be passed to internal auditors to enable a review of the procedures.
4. If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, and the Whistleblower is not satisfied with the outcome of the investigation, the organisation recognises the lawful rights of individuals to make disclosures to relevant regulatory bodies or external stakeholders.

10. Related Policies

This Whistleblower Policy is a key component of the organisational policies that support UnitingCare and should be read in conjunction with the following:

UnitingCare Ageing, Corporate and Group Services:

- Code of Conduct;
- Code of Ethical Behaviour;
- Preventing Bullying & Harassment;
- Grievance Management;
- Performance Counselling & Discipline.

UnitingCare Children, Young People and Families:

- Code of Conduct;
- Complaint/Feedback Policy;
- Prevention of Harassment Policy;
- Grievance Policy;
- Performance Counselling and Discipline Policy;
- Responding to Allegations of Reportable Conduct Policy;

11. Breach

Any breach of this policy may result in disciplinary action including termination of employment or services.

12. Policy Administration and Review

This Policy is approved by the UnitingCare NSW.ACT Board, and reviewed by the Director, People Learning & Culture in conjunction with the Executive Leadership Team in UnitingCare Ageing and the Director of Business Services in conjunction with the Executive Leadership team in UnitingCare Children, Young People and Families.

This Policy will next be reviewed in June 2015 and annually thereafter.