

POLICY TITLE:	028 – WHISTLE-BLOWER POLICY		
VERSION:	003	DATE EFFECTIVE:	20/01/2020
AUTHORISED BY:	Chairperson	DATE REVIEWED:	10/05/2022

PURPOSE

The purpose of this Policy is to:

- Provide an understanding of what can be reported under this Policy;
- Demonstrate the importance placed on ensuring a safe and supportive reporting environment;
- Assist to create a culture that encourages people to raise concerns around breaches or disclosable conduct;
- Outline the process to undertake when reporting breaches; and
- How you will be protected if you make a report.

SCOPE

This policy covers all employees and workers (whether full-time, part-time, casual, or former) for ARC Disability Services Inc. (ARC) and all persons performing work at the direction of, in connection with, or on behalf of ARC. Including officers, contractors, and associates, as well as volunteers, members, and the Board.

This policy relates to conduct which breaches the Organisation’s internal policies and procedures, and/or is Disclosable Conduct under the applicable Act. This policy does not relate to complaints and grievances in relation to service levels, policy decisions or employment related grievances.

DEFINITIONS

Whistle-blower

A person who raises concern regarding illegal and/or improper conduct that affects others. The person is not usually involved in the issue but is wanting to alert others to suspected misconduct. The alert may be raised outside of usual reporting lines or processes.

Disclosable Conduct

Means an act or omission that:

- a) contravenes, or may contravene, a provision of the Registered Organisations Act, the Fair Work Act or the Competition and Consumer Act 2010; or
- b) constitutes, or may constitute, an offence against a law of the Commonwealth

IMPLEMENTATION

ARC is committed to adhering to its statutory and legal obligations, and values by providing a safe environment to raise breaches of internal rules or policy, or disclose conduct relating to the Organisation, officers, employees or members. In cases where people feel they need to be protected when raising a matter or concerns about service delivery in the interests of service safety and quality, this policy outlines the protections that will apply.

This policy supports the application of the National Standards for Disability Services, in particular Rights, Feedback and Complaints, and Service Management. The policy is used to support whistle-blowers, who in good faith and without malice, disclose information or raise concerns about alleged improper or illegal activity.

ARC and its employees are committed to providing services in a safe and honest way. Everyone is expected to comply with all legal requirements. ARC will support and respect anyone who acts as a whistle-blower to draw attention to suspected inappropriate, corrupt or illegal conduct or behaviour.

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ARC encourages the reporting of any suspected unethical, illegal, fraudulent or undesirable conduct:

- Encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to ARC or damage to its reputation;
- Enable ARC to deal with reports from whistle-blowers in a way that will protect the identity of the whistle-blower and provide for the secure storage of the information provided;
- Establish the policies for protecting whistle-blowers against reprisal by any person internal or external to the entity;
- Provide for the appropriate infrastructure;
- Help to ensure ARC maintains the highest standards of ethical behaviour and integrity.

PROCEDURES

The person making their concern known shall not suffer any sanctions from the organisation on account of their actions in this regard provided that their actions;

- Are in good faith; and
- Are based on reasonable grounds; and
- Conform to the designated procedures.

Any person within the organisation to whom such a disclosure is made shall:

- Bring this disclosure to a member of the Leadership Team, who will then seek the assistance of an additional member of the Leadership Team or Board immediately for review;
- Ensure the disclosure is investigated independently of the person making the disclosure; or the subject of allegation;
- Present the allegation to ARC's Board within 48 hours;
- Present the finds of the investigation to ARC's Board once completed; and
- Either notify the person making the allocation of the decision to dismiss the allocation, if the investigation is unsubstantiated; or inform the person making the allegation that the disclosure will be progressed.

Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness. The person to whom the disclosure was made will secure any records or information related to the alleged issue. Information can be provided in any format. Claims made in conversation should be documented by the person receiving the claim. The record of conversation should be signed by the whistle-blower to verify it is a true account.

Where the person who believes in good faith on reasonable grounds that any other employee, volunteer, or contractor has breached any provision of the organisation's constitution, or its policies, or its code of conduct, or generally recognised principles of ethics, that person may report their concern to: their supervisor, manager, C.E.O, a member of the ARC Board, or a person or office independent of the organisation nominated by the organisation to receive such information. This report can be made either in person, verbally by phone, or written (letter or email).

Any information shared about the allegations raised by a whistle-blower will be de-identified to protect the whistle-blower's identity and stored securely while the matter is examined. Should the organisation decide an internal investigation is required, care must be taken to protect the integrity of any evidence and the usual internal investigation process must be followed.

Investigations will be confidential, fair and objective. The Code of Conduct applies at all times. Employees will comply with all legal requests for information in a timely manner. Requests by external parties for information will be responded to using the organisation's complaints, access to information and privacy policies.

The Manager overseeing the investigation or working on the issue raised by the whistle-blower will keep the whistle-blower and all other parties informed about the process and the outcome of the investigation where permitted.

If the matter is investigated by an external organisation or referred to police or another investigating body, there may be limits on what information can be shared. In this case, involved parties will be advised of any limitations on the release of information.

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If the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law. The complainant should, however, be informed that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation. Where anonymity has been requested the complainant is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.

Those who are impacted will be offered support through the Employee Assistance Program.

REFERENCES

Registered Organisations Act 2009

Fair Work Act 2009

Competition and Consumer Act 2010

AUTHORISATION

This Policy is approved and issued by:



Elizabeth Brown

Chairperson

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