

Risk Management | Whistleblower Policy

Policy Purpose:	<p>Your Side is committed to fostering a culture of legal, ethical, and moral behaviour and exemplary corporate governance. Your Side recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct.</p> <p>This Whistleblower Policy has been developed so that people can raise concerns regarding situations where they believe that Your Side or anybody connected with Your Side has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct.</p> <p>This Policy aims to:</p> <ul style="list-style-type: none"> a) encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct b) provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within Your Side c) enable Your Side to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information d) ensure that any Reportable Conduct is identified and dealt with appropriately e) ensure that individuals who disclose wrongdoings can do so safely, securely and with confidence that they will be protected and supported, and f) help to ensure that Your Side maintains the highest standards of ethical behaviour and integrity.
Policy Principles:	<p>Use of these policy and procedures should be guided by Northside Community Forum's Core Values:-</p> <p>Customer Focus - We recognise that the support and assistance we provide is critical to the wellbeing and independence of our clients. We respect their choices as individuals, and we understand and accept our responsibility to be mindful and responsive to their needs.</p> <p>Reliability - We deliver reliable service outcomes to our clients, our service delivery partners, our funders and the community as a whole.</p> <p>Integrity - We act honestly, consistently and transparently with one another and in the best interests of our clients and our funding bodies at all times. We are accountable for our actions and understand their importance to our clients and the community.</p> <p>Quality - We encourage innovation and improvement. We provide consistent quality leadership and financial efficiency. We are future focused and continue to develop our knowledge and skills to ensure that Your Side is sustainable and effective into the future.</p>
Definitions	<p>Protected Report – a report made in accordance with this policy</p> <p>Reportable Conduct – Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:</p> <ul style="list-style-type: none"> • dishonest; • corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);

	<ul style="list-style-type: none"> • fraudulent; • illegal (including theft, drug sale or use, violence or threatened violence, or property damage); • in breach of regulation, internal policy or code (such as our Code of Conduct); • improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the Whistleblower; • a serious impropriety or an improper state of affairs or circumstances; • endangering health or safety; • damaging or substantially risking damage to the environment; • a serious mismanagement of Your Side's resources; • detrimental to Your Side's financial position or reputation; • maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives); • concealing Reportable Conduct. <p>Whistleblower - a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with Your Side, and wishes to avail themselves of protection against reprisal for having made the report.</p> <p>Whistleblower Protection Officers – Persons authorised to receive and investigate Protected Reports in accordance with this policy. A list of authorised whistleblower Protection Officers are set out in Appendix 1.</p> <p>Workers - Employees, directors, officers, contractors (including employees of contractors), volunteers, suppliers and consultants of Your Side.</p>
Policy Statement	<p>This policy applies to present and former employees, directors, officers, contractors (including employees of contractors), volunteers, suppliers and consultants of Your Side.</p> <p>Where a Whistleblower has reasonable grounds to suspect that information they disclose concerns Reportable Conduct or an improper state of affairs or circumstances relating to Your side, the Whistleblower may make a report in accordance with this policy.</p> <p>Your Side will support and protect any Whistleblower and anyone else assisting in the investigation. Your Side will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While Your Side encourages Whistleblowers to identify themselves, they may opt to report concerns anonymously.</p>
Detailed policy	<h2>1. Reporting</h2> <h3>1.1 Who can make a report?</h3> <h4>1.1.1 Workers may report activity constituting Reportable Conduct. A Whistleblower may be a current or former Worker with Your Side.</h4> <h4>1.1.2 Although they are under no obligation to do so, any associate, family member or dependant of any person in the groups referred to as Workers may also speak</h4>

	<p>up. If they do choose to speak up in line with this Policy, we will extend to them the relevant rights and protections under this Policy.</p>
	<p>1.2 What can be reported – Reportable Conduct</p>
1.2.1	<p>A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to Your side.</p>
1.2.2	<p>This policy relates to Reportable Conduct, defined above. Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.</p>
	<p>1.3 What is <i>not</i> Reportable Conduct?</p>
1.3.1	<p>While everybody is encouraged to speak up and report any concerns to Your Side, not all types of conduct are intended to be covered by this Policy or by the protections under the <i>Corporations Act 2001</i> (Cth). This Policy does not apply to complaints by clients about a service or personal work-related grievances unless the grievance includes victimisation due to whistleblowing. Those matters are dealt with under other policies.</p>
1.3.2	<p>However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.</p>
	<p>1.4 What information do I need to make a report?</p>
1.4.1	<p>To make a Protected Report you must know of or have reasonable grounds to suspect the Reportable Conduct.</p>
1.4.2	<p>For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:</p> <ul style="list-style-type: none"> a) date; b) time; c) location; d) name of person(s) involved; e) possible witnesses to the events; and f) evidence of the events (e.g. documents, emails).
1.4.3	<p>In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.</p>

	<p>1.5 How can I make a report?</p> <p>1.5.1 A report must be made to an authorised Whistleblower Protection Officer as set out in Appendix 1.</p> <p>1.5.2 Your Side will also protect individuals who have made a report in connection with Your Side:</p> <ul style="list-style-type: none"> a) To the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA) or another Commonwealth regulatory body prescribed in legislation; b) To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections; or c) That qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that you understand the criteria for making a public interest or emergency disclosure and you may wish to consult an independent legal adviser before making a public interest or emergency disclosure. <p>1.5.3 While Your Side encourages you to identify yourself, you may opt to report your concerns anonymously such as by adopting a pseudonym.</p> <p>2. Protection</p> <p>2.1 How will I be protected if I speak up about Reportable Conduct?</p> <p>2.1.1 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, Your Side will support and protect you and anyone else assisting in the investigation.</p> <p>2.1.2 Your Side will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:</p> <ul style="list-style-type: none"> a) retaliation, dismissal, suspension, demotion, or termination of your role; b) bullying, harassment, threats or intimidation; c) discrimination, subject to current or future bias, or derogatory treatment; d) harm or injury; e) damage or threats to your property, business, financial position or reputation; or f) revealing your identity as a Whistleblower without your consent or contrary to law; g) threatening to carry out any of the above actions.
--	---

	<p>2.1.3 This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.</p> <p>2.1.4 This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.</p> <p>2.1.5 Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.</p> <p>2.1.6 If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to any of the parties set out under 1.5.1 above. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.</p> <p>2.1.7 Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.</p> <p>2.1.8 You may also be entitled to the following legal protections for making a report:</p> <ul style="list-style-type: none"> a) protection from civil, criminal or administrative legal action; b) protection from having to give evidence in legal proceedings; and/or c) compensation or other legal remedy. <p>2.2 How will Your Side ensure confidentiality?</p> <p>2.2.1 A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. Your Side will do all it can to protect confidentiality. However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report.</p> <p>2.2.2 If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. Your Side will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures. Your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:</p> <ul style="list-style-type: none"> a) you consent in writing to the disclosure; b) the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP); c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice; d) the disclosure is authorised under the <i>Corporations Act 2001</i> (Cth); and/or
--	--

	<p>e) disclosure is necessary to prevent or lessen a threat to a person's health, safety, or welfare.</p>
2.2.3	All information relating to a report of Reportable Conduct will be stored securely in a confidential incident register and access will be limited to whistleblower protection officers.
2.2.4	It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. Your Side may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.
2.3	False reports or disclosures
2.3.1	Protected Reports must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.
2.3.2	The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.
	<h3>3. Handling and investigating a disclosure</h3>
3.1.1	<p>Upon receiving a Protected Report, within five business days, Your Side will endeavour to assess the disclosure to determine whether:</p> <ul style="list-style-type: none"> a) It qualifies for protection; and b) A formal, in-depth investigation is required.
3.1.2	Your Side will endeavour to provide the discloser with regular updates.
3.1.3	Your Side may not be able to investigate a disclosure if it is unable to contact the discloser.
3.1.4	Your Side will handle and investigate Protected Reports in accordance with the Work Instructions – Receiving and Investigating a Protected Report.
	<h3>4. Monitoring and assurance</h3>
4.1	This Policy will be made available to all Workers via the intranet and in their induction.

	4.2 To ensure effective protection under the Policy, the Finance Audit and Risk Management Committee will monitor and review this Policy regularly.
Responsibilities	<p>Workers are responsible for reporting misconduct or dishonest or illegal activity that has occurred or is suspected within Your side as quickly as possible, whether anonymously or otherwise. Your Side expects Workers to act honestly and ethically, and to make any report on reasonable grounds.</p> <p>The CEO and Chair of the Board are responsible for:</p> <ol style="list-style-type: none"> Assisting the Whistleblower Protection Officer(s) (WPO) in the assessment and oversight of whistleblower reports Providing advice and support to reporters Maintaining a secure and restricted record of all reports made under this Policy and Procedure Arranging role-specific training as and when required. <p>Whistleblower Protection Officers are responsible for:</p> <ol style="list-style-type: none"> Receiving and investigating whistleblower reports and protecting the interests of reporters Ensuring investigations are conducted in accordance with this Policy. <p>Human Resources Manager is responsible for ensuring that:</p> <ol style="list-style-type: none"> Workers are made aware of their rights and responsibilities in relation to whistleblowing at induction. Workers are regularly encouraged to speak up about concerns of Reportable Conduct.
Work Instructions	Receiving and Investigating a Protected Report
Forms & Documents	
Legislation	<ul style="list-style-type: none"> Corporations Act 2001 (Cth) Fair Work Act 2009 (Cth) Fair Work Regulations 2009 (Cth) Insurance Act 1973 Life Insurance Act 1995 Public Interest Disclosure Act 2013 Superannuation Industry (Supervision) Act 1993 Taxation Administration Act 1953
Your Side References	Your Side Code of Conduct Your Side Grievance Policy Your Side Complaints and Feedback Policy Your Side Whistleblower Incident Register
Quality Service Standards	

Whistleblower Policy – Appendix 1 – Whistleblower Protection Officers

People filling the following positions are authorised Whistleblower Protection Officers under the Whistleblower policy:

Role	Name	Contact
Chair of the Board	Sonja Walters	sonjaw@yourside.org.au
Chair of the Finance, Audit & Risk Management Committee,	Stuart Snell	Stuarts@yourside.org.au
Chief Executive Officer	Danielle Ballantine	danielleb@yourside.org.au
Director, Customer Care	Simon McNamara	simonm@yourside.org.au
Director, Corporate Services	Kevin Bone	kevinb@yourside.org.au
Your Side's financial auditor, or a member of the audit team	Cutcher And Neale	Mark O'Connor mark.oconnor@cutcher.com.au