

## WHISTLEBLOWER POLICY

*Employees have a safe avenue to report an offence against a senior manager (OR40)*

### POLICY OBJECTIVE

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Employees are encouraged and feel confident to report serious wrongdoing or misconduct.

### POLICY PURPOSE

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Integricare Limited (Integricare) commits to being an organisation whose working environment is safe, enjoyable, and productive; where our resources are stewarded appropriately, and where individuals are encouraged and feel confident to report **serious wrongdoing or misconduct** which they have reasonable grounds to suspect has been engaged in by any person working on behalf of Integricare.

The purpose of this policy is to provide guidance, care, and protection to Whistleblowers by establishing mechanisms by which concerns about serious wrongdoing or misconduct can be raised confidentially and investigated without fear of reprisal, repercussion, victimisation, or other detriment.

This policy does not apply to workplace grievances or individual employment matters, which in the first instance should be to follow the policies and procedures set out by Integricare.

### SCOPE

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This policy applies to all current and former Directors, officers and other employees, volunteers, and contractors engaged by Integricare, as well as any other spouse, relative or dependent of any of those people.

### DEFINITIONS

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The following definitions apply to this policy:

**Dependant** means a person who is wholly or partly dependent on the employee, contractor or volunteer for financial or other support.

**Detriment** includes (without limitation) any actual or threatened:

- I. dismissal of an employee;
- II. injury of an employee in his or her employment;
- III. alteration of an employee's position or duties to his or her disadvantage;
- IV. discrimination between an employee and other employees of the same employer;
- V. harassment or intimidation of a person;
- VI. harm or injury to a person, including psychological harm;
- VII. damage to a person's property;
- VIII. damage to a person's reputation;
- IX. damage to a person's business or financial position; or
- X. any other damage to a person.

**Disclosure** means the notification of Reportable Conduct by a Whistleblower to the relevant person.

**Reportable Conduct** means serious wrongdoing or misconduct that the Whistleblower has reasonable grounds to

suspect may have occurred or may occur, for example:

- I. Unlawful activity including but not limited to, theft, dealing in or using illicit drugs, violence, and criminal damage;
- II. Dishonesty;
- III. Fraudulent action;
- IV. Corruption or irregular use of Integricare's funds or resources;
- V. Unethical behaviour;
- VI. Improper or misleading accounting practices or financial reporting;
- VII. Discriminatory behaviour;
- VIII. Gross negligence;
- IX. Unsafe work practices that pose serious risk to work health and safety;
- X. Serious risk to public health, safety, or the environment; or
- XI. Conduct that may cause loss or damage to Integricare.

**Relative** includes a Spouse, child, parent, grandparent, grandchild or sibling of the employee, contractor or volunteer; or a child, parent, grandparent, grandchild or sibling of the Spouse, of the employee, contractor or volunteer.

**Relevant Person** includes an officer or senior manager of Integricare, ASIC, legal practitioners and, in limited circumstances, journalists and members of Parliament.

**Spouse** includes a current husband or wife or former husband or wife or a person in a de facto relationship or a person formerly in a de facto relationship.

**Whistleblower** is a person who makes a Disclosure of Reportable Conduct.

## GUIDING PRINCIPLES

Of the Integricare core values, the following are directly relevant to and will guide the application of this policy:

**Respect:** We respect the right to hold people accountable and to ensure that they are biblically responsible. All people associated with Integricare should value respect and be accountable for their actions.

**Support and Trust:** We are open, honest and commit to supporting those who have the courage to seek justice and mercy appropriately. If we get into conflict with others over serious wrongdoing or misconduct, we will model and apply the biblical peacemaking principles in our approach to resolving the issue.

## THE POLICY PROCEDURE

### REPORTING

A Whistleblower who has reasonable grounds to suspect Reportable Conduct must report it to the CEO of Integricare as soon as practicable either verbally or in writing. If the disclosure is in writing, it can be sent to the following confidential email address which is viewable only by Integricare's CEO: [ceo@Integricare.org.au](mailto:ceo@Integricare.org.au)

If a Whistleblower is uncomfortable making a Disclosure to the CEO, they may make the Disclosure to the Integricare Board Chair ([asibley@integricare.org.au](mailto:asibley@integricare.org.au)) or another Board member who will report it to the CEO (unless the Disclosure relates to the CEO).

In a situation where the CEO is the subject of the Disclosure then the Whistleblower will report it to the Integricare Board Chair.

A Disclosure may be made anonymously, though this may impair the ability for Integricare to appropriately investigate the matter.

On receipt of a Disclosure the CEO will contact the Whistleblower (if known) to notify them that the Disclosure has been received and to confirm details where required.

The details of the Disclosure will then be reviewed by the CEO to determine whether an investigation into any allegations is required to be undertaken by Integricare.

The CEO must consult with the Board Chair to consider the appropriate response to the Disclosure. If the Disclosure relates to the Board Chair, the CEO must instead consult with another Director.

Part 9.4AAA of the *Corporations Act 2001* (Cth) provides a process for alternative Disclosure to ASIC, APRA or another prescribed Commonwealth Authority, and a process for further public interest or emergency Disclosure to journalists or members of Parliament in specific circumstances arising after 90 days from the Disclosure to Integricare.

A Disclosure may also be referred by the CEO, President or a Director to the Office of the Children's Guardian or to the Department of Communities and Justice, as the case may require.

## INVESTIGATION

Investigation of a Disclosure may include the Board Chair of the Integricare Board and may also include other members of the Integricare Board where necessary and appropriate (and may include referral to an appropriate third party for investigation if the nature or severity of the allegations requires it).

Integricare may provide for alternative workplace arrangements for a Whistleblower following a Disclosure and any subsequent investigation, through discussion with the Whistleblower.

Integricare will treat all Disclosures seriously and will review, and where necessary, investigate them promptly, thoroughly, and consistently with the applicable law.

A person named in a Disclosure will be given the opportunity to respond to any allegations made about them. It is expected that all individuals will co-operate fully with any investigation conducted under this policy.

## FINALISATION AND RECORDS

A Disclosure will be finalised as soon as practicable after it is made and at the conclusion of the review of a Disclosure, and any subsequent investigation, the Whistleblower will be advised appropriately.

For confidentiality reasons it may not be appropriate to include details of the precise nature of any formal action taken in response to the Disclosure.

All Disclosures will be recorded in a Whistleblower register, which will include the outcome of each Disclosure. This register will only be accessible by the CEO. All Disclosures will be reported to the Board upon Disclosure and upon finalisation.

This Policy will be published on the Integricare website, and the master copy will be retained in the Integricare internal document management system.

## CONFIDENTIALITY & PROTECTION

Where a Disclosure is made to a Relevant Person, Integricare will keep the identity of the Whistleblower, and information that is likely to lead to the identification of the Whistleblower, confidential except for where:

- I. the Whistleblower consents to disclosure of their identity;,-
- II. disclosure of identity is required by law; -
- III. disclosure of identity is necessary to appropriately investigate the matter (and the Whistleblower is notified of the need to do so prior),
- IV. disclosure of identity is necessary to prevent or lessen a serious threat to a person's health or safety, or
- V. disclosure of identity is necessary to protect or enforce Integricare's legal rights or interests or to defend any claims.

Integricare will not tolerate any act of retribution, victimisation or other detriment against a Whistleblower, or anyone who participates in any investigation arising from a Disclosure. Such conduct will be viewed as serious misconduct and may result in disciplinary action.

Whistleblowers are encouraged to let Integricare know if they believe they need personal or pastoral support given they have made a Whistleblower report, and Integricare will seek to arrange for suitable support to be provided to them.

## POLICY NON-COMPLIANCE

Actions taken as a result of policy non-compliance (e.g. subjecting a Whistleblower to detriment) will depend on any consequential negative impact caused by the non-compliance. As a guide, it will be at the discretion of senior management to determine the level of adverse impact on Integricare i.e.:

- **Catastrophic Impact**- Could lead to instant dismissal or any of the below consequences, as appropriate.
- **Very High Impact** - A written warning and grounds for dismissal could apply;
- **High Impact** - A written warning, recorded in the employee's HR file
- **Low Impact** - A verbal warning given by the line manager;
- **Minimal Impact** - A reminder of the policy by the line manager.

## INTEGRICARE RELATED POLICIES AND PROCEDURES

**Related policies include but are not limited to:**

- Bullying and Harassment Policy
- Anti-Discrimination Policy
- Disciplinary Policy
- Child Protection Policy
- Staff Code of Conduct Policy
- Complaint Policy and Complaints Handling Policy
- Staff Grievance and Complaints Investigation Policy

## LEGISLATION AND SOURCES:

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- Corporations Act 2001(Cth) Section 1317A
- Employment Right Act 1996 (Amended Public Interest Disclosure Act 1998)
- Treasury Laws Amendment (Enhancing Whistleblower Protections Act (2019)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Children's Guardian Act 2019 (NSW)
- Education and Care Services National Law & Regulations