**Protected Disclosure (Whistle-blower) Policy**

## PURPOSE

### This Protected Disclosures Policy and Protected Disclosures Procedure implement a framework for the making of Protected Disclosures consistent with Australian Standard and Whistleblower protection programs.

###

The primary purpose of this policy and procedure is to:

* encourage Members of insert org name, affiliates of insert org name and any other external stakeholders of insert org name to notify the Centre of Reportable Conduct using the mechanisms contained in the procedure.
* allows insert org name to deal effectively and appropriately with Protected Disclosures in a way that will protect, as far as reasonably practicable, the identity of the discloser making the Protected Disclosure and provide for secure storage of the information provided
* facilitates protection, as far as reasonably practicable, from detrimental action which arises from the submission of a protected disclosure
* define a procedure that enables a mechanism for the Centre to rectify deficiencies in systems and processes identified as a result of investigations into any protected disclosures made.

## Scope

When a Member of insert org name, the Committee of Management, an affiliate of insert org name, volunteer or any other external stakeholder becomes aware of reportable conduct, it is incumbent upon the person who has become aware of the reportable conduct to report it through the appropriate channels.

This Policy applies only to the Reportable Conduct as defined in the Definitions section of this policy, in relation to the members of the Committee of Management, all staff, volunteers, contractors, stakeholders and affiliates of insert org name.

## Policy Statement

 Insert org name is committed to identifying and investigating reportable conduct and supporting and protecting Disclosers.

The Centre/House recognises that this Protected Disclosures Policy and procedure are important tools for detecting reportable conduct. It is essential to the achievement of good corporate governance.

There are many benefits to an effective protected disclosures regime within an organisation including:

* effective legislative and regulatory compliance
* improved financial management and budgetary responsibility
* improved work health and safety practices and compliance
* effective and efficient management
* improved organisational morale and culture
* confidence in the organisation’s commitment to good corporate governance

Insert org name will protect all Disclosers’ confidentiality without fear of identification or retribution.

Disclosers who make reports properly characterised as Protected Disclosures in accordance with this policy are, along with their colleagues, to be treated with dignity and respect and protection against detrimental action.

This is subject to the report being made in good faith, upon a proper and reasonable basis, supported by written evidence.

PROCEDURE

Any person (a discloser) who seeks to make a Protected Disclosure is required to follow the process set out in this Procedure.

Step 1

Discloser should contact the appropriate insert org name officer (direct line manager) and/or the Manager/Coordinator.

* sending a confidential email to their direct line manager; or
* if this is not appropriate, directly to the Manager/Coordinator

**Step 2**

If the direct line manager has obtained all available relevant information or documents from the discloser in relation to the Protected Disclosure, the direct line manager must refer the Protected Disclosure to the Manager/Coordinator within seven (7) days.

The Discloser must be able to provide sufficient written or other evidence to the direct line manager and/or Manager/Coordinator at the time of making the Protected Disclosure or within a reasonable period to enable a response to the claim. The Manager/Coordinator may ask the Discloser to provide further information or documents in relation to the Protected Disclosure at any time.

**Step 3**

Upon receipt of the Protected Disclosure, the Manager/Coordinator may, at the Manager/Coordinator’s discretion, pursue the following actions (or any combination of the following actions) in order to reach an outcome:

* request the appropriate insert org name officer to provide further documents or information in relation to the Protected Disclosure, including the identity of the discloser in accordance with the Anonymity and Confidentiality section of the Policy, if the identity of the discloser is necessary to pursue an investigation or reach an outcome

Step 4

Manager/Coordinator to:

* determine an outcome in relation the Protected Disclosure based upon the available information and documents including any actions or recommendations arising and conduct the investigation in a timely manner
* Provide a copy of the investigation report to the Committee of Management for consideration and confirmation of action

The Manager/Coordinator must:

* where relevant, the Manager/Coordinator will provide progress reports to the appropriate insert org name officer on a fortnightly basis to enable the appropriate insert org name officer to communicate the progress of any action to the Discloser.

Upon receipt of any report or notification from the Manager/Coordinator in accordance with **Step 4** of this Procedure, the appropriate insert org name officer must provide the Discloser with an update or details of the outcome within 5 working days of receipt of the report.

In summary:

The Manager/Coordinator may:

* dismiss the Protected Disclosure and take no further action
* if necessary, refer the matter to the Police; and/or
* take other appropriate action

#### PROCEDURE - Appeal Process

Any appeals in relation to the steps taken by the Manager/Coordinator in accordance with **Step 4** shall:

* be made in writing
* be addressed to the President/Chair of the Committee of Management
* set out the grounds for appeal as prescribed under Grounds for Appeal section below
* provide an address to which notices or documents connected with the appeal may be posted or left for the discloser.

The President/Chair may request the appropriate insert org name officer to reveal the identity of the discloser in accordance with the Anonymity and Confidentiality section of the Policy if the President/Chair reasonably believes, based upon all the information before them, that the identity of the discloser is necessary to determine the appeal.

#### Grounds for Appeal

#### The only grounds on which a discloser may appeal are that:

* there was a lack of procedural fairness during any of the steps taken by either the Manager/Coordinator and/or the appropriate insert org name officer in accordance with policy
* there is new evidence relating to the Protected Disclosure that was not taken into account by either the appropriate insert org name officer and/or the Manager/Coordinator and/or the Investigator that is reasonably likely to have a material impact upon the final outcome and that new evidence was not available to the Discloser prior to the decision or action which is the subject of appeal
* the appropriate insert org name officer and/or the Manager/Coordinator and/or the Investigator took into account irrelevant evidence or failed to consider relevant evidence; and/or

The discloser must set out details of each ground of appeal in sufficient detail to enable the President/Chair or (authorised CoM delegate) to determine the appeal.

The appeals process cannot to be used to seek a remedy for alleged Detrimental Action. Any claims of Detrimental Action should be pursued in accordance with the appropriate insert org name policy, procedure or guideline, including, but not limited to, the **Code of Conduct Policy.**

#### Appeal Outcome

#### In determining the appeal, the President/Chair may:

* uphold the appeal and make a determination as to the action to be taken
* dismiss the appeal

The decision of the President/Chair is final and there shall be no further avenues of appeal.

Notwithstanding any decision on appeal, the President/Chair may make recommendations to the Manager/Coordinator in relation to the subject matter of the Protected Disclosure, the appeal, or any process associated with the Policy, or this Procedure arising out of the appeal.

RESPONSIBILITY

The Manager/Coordinator and Committee of Management President/Chair are responsible for ensuring that proper procedures are adhered to in development and consultation for this policy.

ANONIMITY AND CONFIDENTIALITY

Insert org name will protect the anonymity of a Discloser who reports or who seeks to report Reportable Conduct except in the following circumstances:

* if the discloser consents in writing to the disclosure of their identity by insert org name
* self discloses their identity
* the identity of the discloser becomes known other than by an action of insert org name if disclosure of the identity of the discloser is required by law
* where disclosure of the identity of the discloser is required in order to deal with and/or investigate the disclosure

As far as practicable, the confidentiality of all information provided by a discloser must be maintained securely in the strictest confidence and should only be disclosed to a third party if:

* the discloser consents in writing to the disclosure
* the information is otherwise available to insert org name
* disclosure is compelled by law
* disclosure of the information is required in order to deal with and/or investigate the disclosure.

Any person receiving information provided by a discloser under this Policy is bound by the obligation of confidentiality as set out above. A breach of this obligation of confidentiality shall be considered to be misconduct and, in the case of staff members, shall be dealt with in accordance with the Code of Conduct for all Staff, or any equivalent policy of Insert org name from time to time.

DEFINITIONS

As identified in the chart below:

|  |  |
| --- | --- |
| **Item** | **Definition** |
| Protected Disclosure | Protected Disclosure means a confidential notification or report of Reportable Conduct made by a Discloser in good faith and with reasonable and proper basis supported by evidence in accordance with this policy and the procedure. It does not include a malicious, frivolous or vexatious disclosure. |
| Reportable Conduct | Reportable Conduct means:Reportable conduct is any conduct which gives rise to a suspicion of corrupt conduct, fraud, corruption, breach of insert org name policy (e.g. Code of Conduct – *see related documents*) or breach of law.  |
| Discloser | Includes any of the following individuals who make a Protected Disclosure in accordance with this policy and the procedure:(a) a staff member, student, volunteer, contractor of insert org name(b) an affiliate of Insert org name (c) any external stakeholders of insert org name (e.g. members of the public dealing with the Centre/House) |
| Member of Insert org name | Means an officer or employee of insert org name . |
| Affiliate of Insert org name  | Affiliate of Insert org name means:(a) a contractor engaged by the Centre or an individual employed by a contractor engaged by the Centre/House(b) a consultant engaged by the Centre/House or an individual employed by a consultant engaged by the Centre/House |

Related Legislation

* OHS Act 2004 (Vic)
* Protected Disclosure Act 2012

Related Documents

* Bullying Discrimination and Harassment Policy
* Code of Conduct Policy
* Occupational Health and Safety Policy
* Australian Standard AS 8004-2003, Whistleblower Protection Programs for Entities 2003

|  |  |  |  |
| --- | --- | --- | --- |
| Policy/Procedure name | Protected Disclosure  | Version | 1 |
| Policy number | Insert Policy number | Date developed | Insert date |
| Drafted by  | Manager/Coordinator | Approved by CoM | Insert month/year |
| Responsible person | Manager/Coordinator date | Scheduled review date | Insert month/year |
| Policy Area | Governance |