



Policy - Governance

Whistleblower

1. Purpose & Scope

UnitingCare West's (UCW) Working Ethos policy notes that it is committed to integrity in all its activities. Part of this commitment is to ensure that our culture is transparent particularly around its operational activities.

The purpose of this policy is to encourage workers, guardians, service users and their relatives to raise any concerns and report instances of improper or corrupt conduct where there are reasonable grounds to suspect such conduct has occurred or is occurring, without fear of intimidation, retaliation or adverse action.

The Policy aims to ensure:

- Every worker has a chance to speak up anonymously when they feel UCW is not adhering to its corporate values.
- That there is a reporting system in place to report the misconduct and for the report to be acted on in a timely manner.
- That the person making the complaint must be able to do this anonymously with the confidence that their identity will only be revealed if they choose to do this.
- That after each investigation a report will be developed and, where appropriate, will be acted on.

2. Definitions

- 2.1. *'Disclosure'* covers, but is not limited to, actual or potential breaches of general law, contractual compliance, organisational policy and ethical decisions as is defined in paragraph 3 below.
- 2.2. *'Emergency Disclosure'* means a disclosure open to a whistleblower in the circumstances that are outlined in Attachment A.
- 2.3. *'GRC'* – Means the Governance and Risk Committee, a sub-set of the UCW Board.



- 2.4. *'Whistleblower Reporting Officer'* means a worker charged with receiving and processing disclosures who is independent from operational and corporate decision making. At UCW, this role is assumed by the Practice Lead – Risk & Compliance.
- 2.5. *'Whistleblower'* means a current or former person associated with UCW that is a current or former worker, service user, guardian or their relative who reports known or reasonably suspected breaches as detailed in the disclosure definition using the reporting mechanisms outlined in this policy.
- 2.6. *'Whistleblower protection'* refers to protecting an eligible whistleblower against reprisals following a disclosure. Protections will be assessed on a case-by-case basis.
- 2.7. *'Whistleblower Investigation Officer'* – means a person, whether an employee of UCW or a Consultant appointed by the Organisation who has the requisite skill to investigate a disclosure.
- 2.8. *'Worker'* is any person who carries out work for UCW, including work as an employee, volunteer, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, and/or an employee of a labour hire company placed with UCW.
- 2.9. *'Service User'* is any person deemed to have been in receipt of a service/s from UCW.

3. What sort of issues can be reported under this policy?

'Disclosure' covers, but is not limited to, actual or potential breaches of general law, contractual compliance, organisational policy and ethical decisions including, but not limited to:

- Practices endangering the health or safety of workers, service users or community.
- A breach of UCW mission, values and ethos.
- Breaches of standards which relate to vulnerable people, disability or children (including child abuse and child sexual abuse).
- Illegal behaviour.
- Corrupt conduct.
- Fraud or theft.
- Intentional misuse of resources.
- Official misconduct.
- Harassment.
- Unlawful discrimination.



Matters that will fall outside the above definition would include disputes about an employee's work performance, rosters, or allocation of resources.

Where a report is made under this Whistleblower Policy:

- the whistleblower must have reasonable grounds to suspect that the information disclosed concerns misconduct or an improper state of affairs or circumstances;
- the disclosure must not be made for purposes of personal gain;
- in all the circumstances of the case, it must be reasonable for the disclosure to be made; and
- the disclosure must not be malicious or vexatious.

While UCW will protect any whistleblower who makes a disclosure from any retaliation, if there are any legitimate issues relating to an employee's work or performance, UCW reserves the right to continue to deal with these matters whilst an investigation is underway. This will require the issues in question to be clearly separated from the substance of the disclosure as is appropriate.

4. Who can make a disclosure under this policy?

A disclosure can be made by workers, guardians and service users and their relatives.

The policy applies to all UCW's operations in Western Australia. It also applies across all jurisdictions which apply to UCW. If there is legislation that provides a higher level of protection than what is included in this policy, that legislation will take precedent.

5. How do I make a report?

You have a number of options open to you so that you can make a disclosure:

- **Email:** send to the confidential mailbox whistleblower@unitingwa.org.au
- **In writing:** marked "Confidential and addressed to the Whistleblower Reporting Officer (Practice Lead – Risk & Compliance)", PO Box B74 Perth WA 6838.
- **Telephone:** Whistleblower Reporting Officer (Practice Lead – Risk & Compliance), 1300 663 298
- **Verbal:** Speak with a member of the UCW executive.



6. Can I make an anonymous complaint?

Yes you can.

It is important to realise, that all disclosures are kept confidential. You can choose to remain anonymous while making the report, as well as after your case has been closed. If you indicate that you want to have your complaint kept confidential, we will ensure that your details are removed from the appropriate documents.

At any time you can identify yourself, but this is your choice and at no point will you be forced to provide your identity.

If you do decide to disclose your identity, we will protect your identity and outline to you who in UCW will know about your disclosure. We will take all steps to ensure that you do not suffer any retaliation.

You need to realise that if you make a disclosure anonymously, it may limit the scope of the investigation that can be undertaken. This can be discussed with you at the time you lodge the disclosure so that you are clear of the implications of taking this course of action.

7. How will the matter be dealt with?

The following steps will be taken in dealing with a disclosure:

1. Once the disclosure is received by the Whistleblower Reporting Officer, he/she will formally acknowledge this in writing.
2. A Whistleblower Investigation Officer will be assigned to investigate the matter as well as answer any queries you have.
3. A scope of investigation will be developed and you will be given an opportunity to comment on this. However, UCW does reserve the right to be able to investigate a matter so that its interests are taken care of.
4. The matter will then be investigated. The investigation will observe the principles of natural justice. This means a person who has had an allegation made against them will be given the allegation in writing and given adequate time to seek advice and provide a response. Any response will be carefully considered and may require further investigation. The subject of the allegation will also be entitled to access the UCW Employee Assistance Program.
5. Throughout the process, and depending how long the matter takes, you will be kept informed of developments.



6. A report will then be developed. Subject to its contents, you will be given a summary of its findings. There may be circumstances where due to privacy concerns a full report may not be able to be released.
7. Management will then be responsible for taking the appropriate action to resolve the issues you have raised.

8. Who is alerted to a Report?

All disclosures to the whistleblower@unitingwa.org.au address will be automatically forwarded to the Chair of the Governance & Risk Committee. If the whistleblower has elected to remain anonymous, their identity will not be disclosed to the Committee.

Certain senior managers might be alerted to the report as part of the reporting process or if they are involved in the investigation in some manner.

Any information that could potentially identify an anonymous whistleblower will be held in the strictest confidence and will not be shared unless UCW is compelled by law.

9. What happens if this is an emergency about a significant matter?

Attached to this policy as Attachment A is an extract from the Corporations Act which provides information on making a public interest or emergency disclosure to a politician or a journalist in certain circumstances.

10. What happens if I am not satisfied with the outcome?

If after receiving either the report or a summary of the report, the whistleblower is not satisfied with the result, you can escalate this to the Whistleblowing Reporting Officer who can advise what options are open to the whistleblower. The whistleblower needs to provide this in writing outlining their concerns so that a review can take place. While we commit to reviewing the request, UCW is under no obligation to reopen the investigation. If it is concluded that the investigation was conducted properly and no new information exists that would change the result of the investigation, the investigation will be concluded.

11. How can I be sure that action won't be taken against me?

At your request, your disclosure will be kept anonymous. Even if you wish to disclose your name, steps will be taken to ensure that the disclosure is managed to ensure that it is shown only to those people who need to act on the information.

UCW is committed to:

- Using tools and platforms that help protect the whistleblower's identity during and after submitting a report.



- Maintaining its commitment that the whistleblower is not required to reveal their identity, unless there is a requirement by law that this happens.
- The whistleblower can refuse to answer questions they feel this would identify themselves. If they decided to reveal their identity at any time, the whistleblower Reporting Officer will document who will have access to their identity both during and after the investigation.

12. My supervisor has already threatened me – what action can I take to ensure this stops or won't go further?

UCW does not tolerate any attempts to retaliate against a whistleblower who has made a report. Any employee found to be retaliating will face disciplinary action, which may result in the termination of their employment.

If this happens, you should contact Whistleblower Reporting Officer and they will refer the matter to the appropriate person who can take whatever action is necessary. This may include disciplinary action or alternative actions to ensure this stops.

In this situation, it may also be open for you:

- To take leave.
- To be reassigned to other duties.
- To be reassigned to another location.

13. Related Legislation

- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019
- Corporations Act 2001
- Public Interest Disclosure Act 2003 (WA)
- Corruption, Crime and Misconduct Act 2003 (WA)
- Fair Work Act 2009
- Privacy Act 1988

14. Related Documents

- Grievance Resolution Policy
- Workplace Bullying Policy



- Misconduct and Serious Misconduct Policy
- Complaints Policy and Procedure
- Protecting Vulnerable People Policy
- Child Safe Policy
- Responding to Allegations of Abuse Policy
- Responding to Complaints of Past Abuse Policy and Procedure
- National Child Safe Policy Framework – Uniting Church in Australia

15. Authorisation

Erica Haddon
Board Chairperson

Date: 11 May 2020

Version	Date	Comments
0	31 October 2018	Approved by the UCW Board
1	11 November 2019	Whole policy updated to reflect Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 requirements.
2	11 May 2020	Updated to reflect change in Board subcommittee. Updated section 7.4 updated to address fair treatment of employees mentioned in disclosures.



Attachment A

PUBLIC INTEREST AND EMERGENCY DISCLOSURES

EXTRACT FROM CORPORATIONS ACT

Section 1317AAD Public interest disclosure and emergency disclosure

(1) A disclosure of information (the **public interest disclosure**) by an individual (the **discloser**) qualifies for protection under this Part if:

(a) the discloser has previously made a disclosure of that information (the **previous disclosure**) that qualifies for protection under this Part under subsection 1317AA(1); and

(b) at least 90 days have passed since the previous disclosure was made; and

(c) the discloser does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the previous disclosure related; and

(d) the discloser has reasonable grounds to believe that making a further disclosure of the information in accordance with this subsection would be in the public interest; and

(e) after the end of the period referred to in paragraph (b), the discloser gave the body to which the previous disclosure was made a written notification that:

(i) includes sufficient information to identify the previous disclosure; and

(ii) states that the discloser intends to make a public interest disclosure; and

(f) the public interest disclosure is made to:

(i) a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory; or

(ii) a journalist; and

(g) the extent of the information disclosed in the public interest disclosure is no greater than is necessary to inform the recipient referred to in paragraph (f) of the misconduct or the improper state of affairs or circumstances referred to in subsection 1317AA(4) or the conduct referred to in subsection 1317AA(5), as the case may be.

(2) A disclosure of information (the **emergency disclosure**) by an individual (the **discloser**) qualifies for protection under this Part if:

(a) the discloser has previously made a disclosure of that information (the **previous disclosure**) that qualifies for protection under this Part under subsection 1317AA(1); and



(b) the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment; and

(c) the discloser gives the body to which the previous disclosure was made a written notification that:

(i) includes sufficient information to identify the previous disclosure; and

(ii) states that the discloser intends to make an emergency disclosure; and

d) the emergency disclosure is made to:

(i) a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory; or

(ii) a journalist; and

(e) the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the recipient referred to in paragraph (d) of the substantial and imminent danger.

(3) In this section:

journalist means a person who is working in a professional capacity as a journalist for any of the following:

(a) a newspaper or magazine;

(b) a radio or television broadcasting service;

(c) an electronic service (including a service provided through the internet) that:

(i) is operated on a commercial basis, or operated by a body that provides a national broadcasting service (within the meaning of the *Broadcasting Services Act 1992*); and

(ii) is similar to a newspaper, magazine or radio or television broadcast.