

WHISTLEBLOWING POLICY



Whistleblowing Policy & Practice Manual

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Whistleblowing Policy

This policy is modelled on the AS 8004-2003 Standard: Corporate governance - Whistleblower protection programs for entities (1/1/2003) and has been revised in line with ASIC's Regulatory Guide 270: Whistleblower policies (13/11/2019) to ensure compliance with the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 ("the Act").

This standard is referred to by the NSW Department of Communities and Justice:

Your obligations

As an organisation funded by us, we expect your policies to be consistent with the intent of the Public Interest Disclosures Act 1994 and Independent Commission Against Corruption Act 1988, and to maintain a whistleblowing program that aligns to better practice (AS 8004-2003, Corporate governance – Whistleblower protection programs for entities).

6B.1 Purpose

1. This policy is founded upon the values and principles of Carrie's Place Inc.
2. The purpose of this policy is to provide a convenient and safe reporting mechanism within a supportive work environment where wrongdoing that is of legitimate concern can be raised without fear of retribution.
3. Terms used throughout highlighted in bold are defined in 6B.4 Definitions.

6B.2 Scope

4. This policy applies to all current and former Governance Committee members, management, employees, volunteers, students, contractors and consultants of Carrie's Place Inc. It extends to current and former suppliers and their employees and volunteers as well as a dependent or relative of any of the aforementioned individuals.
5. The individuals referred to above are all considered Eligible Whistleblowers in relation to Carrie's Place Inc.

6B.3 Policy Statement

6. Carrie's Place Inc. is committed to the highest standards of conduct and ethical behaviour and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance.
7. Carrie's Place Inc. recognises that people who have a work, service, stakeholder, or client relationship with the organisation are often the first to realise that there may be something seriously wrong. However, they may not wish to speak up for fear of appearing disloyal or may be concerned about being victimised or subject to other reprisals for reporting wrongdoing.
8. No person should be subject to detriment, or threats of detriment, for reporting wrongdoing. Carrie's Place Inc. is committed to maintaining an environment where legitimate concerns are able to be reported without fear of retaliatory action or retribution.
9. Carrie's Place Inc. encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving Carrie's Place Inc. and provides protections and measures so that those persons who make a report may do so

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confidentially and without fear of intimidation, disadvantage or reprisal.

10. When a person makes an Eligible Disclosure:
 - a. They will qualify for protections under this policy and the Act whether or not they identify themselves. Where their identity is revealed or disclosed, it shall remain confidential at all times according to their wishes;
 - b. They will be protected from reprisal, harassment or victimisation for making the report, including from threats thereof;
 - c. An independent internal inquiry or investigation will be conducted;
 - d. Issues identified during an inquiry or investigation will be resolved and/or rectified;
 - e. They will be informed of the progress and outcome of the investigation, where possible; and
 - f. Any individual acting in a way that causes detriment or threatens to cause detriment to a known or suspected whistleblower will be considered in breach of this policy and will be subject to disciplinary action. In addition, such an individual may be subject to civil penalty and other legal consequence as a result of contravening the Act.

6B.4 Definitions

6B.4.1 Definitions for this policy

1. Whistleblowing is:

“The disclosure by a person, usually an employee, in a government agency or private enterprise, to the public or to those in authority, of mismanagement, corruption, illegality, or some other wrongdoing”

Source: www.freedictionary.com

2. A Whistleblower is:

“A person who reports serious wrongdoing in accordance with this policy”

6B.4.2 Descriptions of wrongdoing for this policy

3. **Wrongdoing** includes, but is not limited to, conduct that:
 - a. is fraudulent, corrupt or otherwise illegal, such as theft, drug sale or use, violence, harassment, criminal damage to property and other breaches of State, Federal or Territory legislation (including whistleblowing laws);
 - b. Is an offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
 - c. is unethical, such as acting dishonestly, illegally altering organisational records, wilfully making false entries in the books and records, engaging in questionable accounting practices, or wilfully breaching Carrie's Place Inc.'s Code of Conduct or

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- other ethical statements;
 - d. is maladministration (e.g. management or administration of Carrie's Place that is unjust, based on improper motives, unreasonable, oppressive or negligent);
 - e. is a serious or substantial waste of resources (including public money or public property);
 - f. is a deliberate unsafe work practice or wilfully disregards the safety of others in the workplace;
 - g. may cause serious financial or non-financial loss to Carrie's Place Inc., damage its reputation, or be otherwise seriously contrary to Carrie's Place Inc.'s interests;
 - h. involves any other kind of serious impropriety including retaliatory action against a Whistleblower for having made a wrongdoing disclosure.
4. **Disclosable matters** are types of wrongdoing that can be reported by an Eligible Whistleblower to qualify for protections under this policy and the Act. Disclosable matters include wrongdoing (as defined in this policy) that is serious in nature but does not include information considered a work-related grievance. Whistleblower protection only apply under the Corporations Act where an Eligible Whistleblower has reported a disclosable matter to an Eligible Recipient.
5. **Work-related grievances:**
- a. concern a grievance about any matter in relation to an individual's employment, or former employment, having implications for the individual personally (other than victimisation of a whistleblower); and
 - b. the information:
 - i. does not have significant implications for Carrie's Place Inc., that do not relate to the individual; and
 - ii. does not concern wrongdoing, or alleged wrongdoing, as defined in this policy.
 - c. Examples of grievances that may be personal 'work-related grievances' are as follows:
 - i. an interpersonal conflict between the individual and another employee;
 - ii. a decision relating to the engagement, transfer or promotion of the individual;
 - iii. a decision relating to the terms and conditions of engagement of the individual;
 - iv. a decision to suspend or terminate the engagement of the individual, or otherwise to discipline the individual.

6. An **Eligible Recipient** is:

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- a. An officer or senior manager of Carrie's Place Inc., including members of the Governance Committee;
- b. An auditor, or a member of an audit team conducting an audit, of Carrie's Place Inc.;
- c. Any individual specifically authorised by Carrie's Place Inc. to receive disclosures (see 6B.12);
- d. Any person or entity eligible to receive the disclosure under the Act, including legal practitioners, regulatory bodies (such as The Department of Communities and Justice's Prudential Oversight Division, The Strategic Projections Division of the NSW Ombudsman, or ASIC) and, under certain circumstances, journalists or members of Commonwealth, state or territory parliaments.

6B.5 Responsibilities

6B.5.1 Whistleblowers

1. Protection is available to whistleblowers who report a disclosable matter to an Eligible Recipient with reasonable grounds to suspect that the information concerns wrongdoing.
2. To ensure that all employees are treated fairly and resources are not wasted, protections are not available where the report:
 - a. Concerns trivial or vexatious matters with no substance. These will be treated in the same manner as a false report and may constitute wrongdoing.
 - b. Unsubstantiated allegations which are found to have been made maliciously, or knowingly to be false. These will be viewed seriously and may be subject to disciplinary action including dismissal, termination of service or cessation of a service or client relationship.
3. A Whistleblower must provide information to assist any inquiry/investigation of the wrongdoing disclosed.
4. Making a report may not protect the Whistleblower from the consequences flowing from involvement in the wrongdoing itself. A person's liability for their own conduct is not affected by their reporting of that conduct under this policy. However, active cooperation in the investigation, an admission and remorse may be taken into account when considering disciplinary or other action.
5. Even though a Whistleblower may be implicated in the wrongdoing they must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy.

6B.5.2 Internal Eligible Recipient

1. An Internal Eligible Recipient is a person named in 6B.12 of this policy who is authorised to receive whistleblower disclosures of wrongdoing and to oversee resolution.

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2. Upon receipt of a disclosure, the Internal Eligible Recipient must immediately inform the Governance Committee via the Chairperson. In the event the report relates to the GC or member(s) of the GC, the CEO should be informed. If the allegations relate to criminal behaviour, the Internal Eligible Recipient must notify the appropriate external authorities immediately.
3. The Internal Eligible Recipient is responsible for providing or arranging support for the whistleblower(s). This will include:
 - a. Advising the Whistleblower of this policy – including their right to anonymity;
 - b. Consulting with the Whistleblower – asking them what their needs are around being protected;
 - c. Devising and implementing strategies to ensure the safety of the Whistleblower; and
 - d. Where requested, referring the whistleblower to external support services.
4. The Internal Eligible Recipient must ensure:
 - a. The disclosure received is appropriately inquired into or investigated;
 - b. The action taken in response to the inquiry/investigation is appropriate in the circumstances; and
 - c. The Whistleblower is protected from detriment as a result of making the disclosure.
5. An inquiry or investigation may be performed by an internal committee consisting of appropriate members of senior management and the GC or a qualified external Investigator independent of Carrie's Place.

6B.5.3 Governance Committee (GC) & CEO

1. The GC and CEO may receive reports of wrongdoing directly from a whistleblower or from a Whistleblowing Governance Officer.
2. The CG and CEO are responsible for ensuring appropriate action is taken to investigate the disclosure and to protect the whistleblower from detriment in line with this policy.

6B.5.4 Investigator(s)

1. Carries Place Inc. will investigate all matters reported under this policy as soon as practicable after the matter has been reported. The Investigator(s) appointed may be internal or external to Carries Place Inc.
2. The internal Investigator must be independent of line management in the area affected by the wrongdoing disclosure. The internal Investigator may include the CEO, and/or members of the Governance Committee.
3. The Investigator may second the expertise of other workers in Carrie's Place Inc. to assist in

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the investigation and may seek the advice of internal or external experts as required.

4. The investigation will be conducted in an objective and fair manner, and as is reasonable and appropriate having regard to the nature of the disclosure and the circumstances. Where a report is submitted anonymously, Carries Place Inc. will conduct the investigation and its enquiries based on the information provided to it. However, anonymity can sometimes prevent Carries Place Inc. from taking the issue further if Carries Place Inc. is not able to obtain further information from the source of the report.

6B.5.5 Managers, Staff and Volunteers

1. All managers who receive a disclosure about wrongdoing must notify an Internal Eligible Recipient to provide particulars and must maintain confidentiality about the disclosure and the Whistleblower.
2. Under no circumstances are any members of management, staff or volunteers to act in a way that causes, or threatens to cause, detriment to a known or suspected Whistleblower. Whistleblowers who feel they have been subject to detrimental conduct or threats thereof should report this conduct to an Internal Eligible Recipient to enable an investigation and potential disciplinary action to commence.

6B.6 Reporting a Disclosure

1. Internal Eligible Whistleblowers are encouraged to report any wrongdoing or suspected wrongdoing to their supervisor or their supervisors' manager to seek an immediate response. Where the Whistleblower believes this is not appropriate, an alternative reporting mechanism may be used.
2. Where an external Eligible Whistleblower (including former employees, clients and suppliers) is reluctant to report wrongdoing to their internal contact, they are encouraged to report their concerns to a higher level of management than the person in Carrie's Place Inc. that they ordinarily deal with. Where the Whistleblower believes this is not appropriate, an alternative reporting mechanism may be used.
3. An Eligible Whistleblower may make a disclosure to any Eligible Recipient of Carrie's Place Inc. as defined in section 6B.4. The contact details for each are included in 6B.12. These alternative reporting mechanisms are designed to be available where:
 - a. The normal reporting channel is considered inappropriate in the circumstances;
 - b. Carrie's Place Inc. management was notified but failed to respond appropriately; or
 - c. The person or organisation disclosing wrongdoing is concerned about possible retaliation.
4. This policy is in addition to Complaints procedures as outlined in Chapter 6 of this organisation's policy and procedure. Complaints that do not concern wrongdoing or reports of a work-related grievance as defined in section 6B.4 should not be reported under this policy's mechanism and do not qualify for protections under the Corporations Act.

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5. A Whistleblower may contact the CEO, , Governance Committee or any other Eligible Recipient to obtain additional information prior to making a disclosure.
6. Reports can be made in writing (i.e. email or post) or over the phone and can be made at any time, including outside business hours. You may make a confidential disclosure or choose to remain anonymous. In the event you wish to remain anonymous, we encourage you to assess the security of your disclosure and to consider using methods such as an anonymous email address or private number.
7. Anonymous reports of wrongdoing are accepted under this policy and do qualify for protections under the Corporations Act. However, anonymous reports have significant limitations that may inhibit a proper and appropriate inquiry or investigation. These limitations include the inability to provide feedback on the outcome and/or to gather additional particulars to assist the inquiry/investigation. Specific protection mechanisms may be difficult to enforce if you choose to remain confidential.

6B.7 Protection of Whistleblowers

1. Not all disclosures of serious wrongdoing are protected at law. Carrie's Place Inc. will comply with legislative requirements set down in Part 9.4AAA of the Act. To qualify for Whistleblower protections under the Act and this policy, the following criteria apply:
 - a. The disclosure is made by an Eligible Whistleblower of Carrie's Place Inc.,
 - b. The disclosure is about a Disclosable Matter, and
 - c. The disclosure is made to an Eligible Recipient of Carrie's Place Inc.

6B.7.1 Confidentiality

1. Carries Place Inc. will not disclose a Whistleblower's identity unless:
 - a. The Whistleblower consents to the disclosure,
 - b. Information (other than the identity of the whistleblower) is reasonably required to be revealed for the purpose of investigating the disclosed matter and all reasonable steps have been taken to reduce the risk that the whistleblower will be identified as a result,
 - c. The disclosure is made to ASIC, a member of the Australian Federal Police or a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of Whistleblowers Act and this Policy, and/or
 - d. The disclosure is required or authorised by law.
2. When a report is investigated it may be necessary to reveal its substance to a limited number of people, such as other Carries Place Inc. personnel, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies.
3. It may be necessary to disclose the facts and substance of a report to a person who may

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be the subject of the report to ensure natural justice can prevail. Although confidentiality is maintained, in some circumstances, the source of the reported issue may be obvious to a person who is the subject of a report. Where possible, the discloser will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them so that these details can be excluded in communications to the subject, where practicable.

4. To help maintain confidentiality, in all discussions and communications care should be taken to refer to the discloser in a gender-neutral context and to ensure all personal information and/or reference to a discloser witnessing an event is redacted.
5. Carrie's Place Inc. will also take reasonable precautions to store any records relating to a report of wrongdoing securely and to permit access by authorised persons only.
6. Unauthorised disclosure of information that could prejudice confidentiality and identify a Whistleblower will be regarded seriously and may result in disciplinary action which may include dismissal and where applicable, Carries Place will notify law enforcement.

6B.7.2 Retaliation and Detriment

1. Carrie's Place Inc. is committed to protecting and respecting the rights of a person or organisation that reports wrongdoing in good faith.
2. Carrie's Place Inc. will not tolerate any retaliatory action or threats of retaliatory action against any Whistleblower or organisation that has made or is believed to have made a report of wrongdoing, or against that person's colleagues, employer (if a contractor or supplier) or relatives.
3. Retaliation and detriment includes, without limitation, the following:
 - a. dismissal of an employee;
 - b. injury of an employee in his or her employment;
 - c. alteration of an employee's position or duties to his or her disadvantage;
 - d. discrimination between an employee and other employees of the same employer;
 - e. harassment or intimidation of a person;
 - f. harm or injury to a person, including psychological harm;
 - g. damage to a person's property;
 - h. damage to a person's reputation;
 - i. damage to a person's business or financial position;
 - j. any other damage to a person.
4. Any such retaliatory action or victimisation in reprisal for a report being made under this policy will be treated as serious wrongdoing and will result in disciplinary action, which may include dismissal. In some circumstances it may be illegal; in which Carries Place Inc. will notify Police.

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5. If a Whistleblower or organisation has made a report and believes that retaliatory action or victimisation has occurred or been threatened, that Whistleblower or organisation is encouraged and has a right to report this to an Eligible Recipient of Carrie's Place.
6. Carrie's Place Inc. will seek to protect disclosers from detriment through a variety of strategies, including:
 - a. Assessing the risk of detriment against a Whistleblower and other persons (e.g. staff who may be suspected of making the disclosure) as soon as possible after receiving a disclosure,
 - b. Informing the Whistleblower of the Employee Assistance Plan available to them should they require counselling or other professional help,
 - c. Educating staff, volunteers and management of their responsibility to maintain the confidentiality of a Whistleblower, to ensure fairness when working with or managing a known or suspected Whistleblower, and to report any detrimental conduct they witness or experience.

6B.7.3 Compensation, Remedies and Other Protections

1. Compensation and other remedies may be available to a whistleblower in the event their confidentiality is breached. Penalties may also apply under the Act for a breach of confidential information of up to \$200,000 for an individual and \$1 million for a body corporate.
2. If a person makes an eligible disclosure, they will not be subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure. Further, no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the person or organisation on the basis of the disclosure.
3. Where the disclosure qualifies for protection under the Act, the information is not admissible in evidence against the person in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information. Note, however, that this does not prevent a person from being subject to civil or administrative liability for conduct revealed by the disclosure.
4. A Whistleblower may also qualify for protections under the *Public Interest Disclosure Act 2013* (PID Act) where this applies to the particular circumstances.

6B.8 Investigation of Wrongdoing Allegations

1. All reports of alleged or suspected wrongdoing made under this policy will be properly assessed, and if appropriate, independently investigated, with the objective of gathering evidence relating to the claims made by the whistleblower. That evidence may substantiate or refute the claims made.
2. An Investigator or investigation team will be assembled as per 6B.5.4 to investigate reasonable indications of wrongdoing. Information will be shared with the

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Investigator(s) in line with the confidentiality and anonymity wishes of the Whistleblower.

3. The Investigator(s) will be responsible for conducting a fair and independent investigation with all reasonable efforts made to preserve the confidentiality of the investigation. The investigation will not be conducted by a person who may be the subject of the investigation or has significant links or connections (actual or perceived) to the person(s) or practice(s) under investigation. This means investigations must be independent from the program/service concerned, the whistleblower, and any person who is a subject of the wrongdoing report.
4. Where a Whistleblower has disclosed their identity, the Investigator or disclosure recipient will inform the Whistleblower directly of the progress and outcome of an investigation, subject to privacy and confidentiality considerations. Such communication will be made no later than 90 days after a disclosure is made. More regular communications may be made to the Whistleblower where considered appropriate and upon request.
5. In the event a disclosure is received that does not fall within the scope of this policy, or where there is information to suggest a lack of reasonable grounds for the disclosure, the Eligible Recipient or Investigator may choose not to conduct an investigation. Where this occurs, a record of the assessment will be prepared and retained, including the rationale for the outcome, and the Whistleblower will be informed where possible. All communications and reports to the Whistleblower will be made as per the method of their original disclosure or otherwise in line with their wishes, where practicable.

6B.9 Management of a Person against Whom a Report Is Made

1. Carrie's Place Inc. recognises that individuals against whom a report is made must also be supported during the handling and investigation of the wrongdoing report.
2. Carrie's Place Inc. takes reasonable steps to treat fairly the person who is the subject of a report, particularly during the assessment and investigation process in accordance with an established investigation procedure.
3. Where a person is identified as being suspected of possible wrongdoing, but preliminary inquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted, then the Whistleblower will be informed of this outcome and the matter laid to rest.
4. The Investigator(s) will decide whether or not the person named in the allegation should be informed that a suspicion was raised and found to be baseless upon preliminary review. This decision will be based on a desire to preserve the integrity of a person so named, so as to enable workplace harmony to continue unfettered and to protect the whistleblower if it was a bona fide disclosure.

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5. Where an investigation does not substantiate the report, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.
6. Generally, where an investigation is conducted and the Investigator believes there may be a case for an individual to respond, the Investigator must ensure that the person who is the subject of a disclosure:
 - a. is informed of the substance of the allegations;
 - b. is given reasonable opportunity to answer the allegations before any investigation is finalised;
 - c. is informed about the substance of any adverse conclusions that may be included in the Investigator's report that affect them, and
 - d. has their response set out fairly in the Investigator's report.
11. Where adverse conclusions are made in an Investigator's report about an individual, that individual has a right to respond to those conclusions prior to any action being taken by Carries Place Inc. against them.
12. Carrie's Place Inc. will give its full support to a person who is the subject of a report where the allegations contained in the report are clearly wrong.

6B.10 Breach or Failure to Comply

13. Any breach of this Policy may result in disciplinary action that could result in severance from the organisation.

6B.11 Publicity

14. This organisation's Whistleblowing policy will be publicised as follows:
 - a. Included in annual "Ethics and Values" training.
 - b. Poster displayed at all work locations, including outreach offices and court safe rooms.
 - c. On the website of Carries Place Inc.
 - d. On any social media accounts of Carries Place Inc.
 - e. At local networking meetings.
 - f. At stakeholder engagement meetings.

6B.12 Internal Eligible Recipients

Whistleblower Protection Officers of Carrie's Place Inc.

Chief Executive Officer of Carrie's Place – cp.CEO@carriesplace.org.au

Chair, Governance Committee – chair@carriesplace.org.au

Members of the Governance Committee:-

1. Vice President;
2. Secretary;

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3. Treasurer; and
4. Committee Members.

The Whistleblower Protection Officers can be contacted at:-

Phone: 02 4934 2585

Address:- 12/116 High St, East Maitland NSW 2323

Website: <https://carriesplace.org.au/wehelp/contact/>