



## Whistleblower Protection Policy and Procedure

### 1 Purpose

This Whistleblower Protection Policy and Procedure outlines the ways that the Tailem Bend Community Centre (TBCC) supports and protects people associated with the organisation, and who disclose information regarding organisational wrongdoing and misconduct.

Whistleblowing can be an effective way of uncovering fraud and other misconduct which may not be identified by internal or external controls within an organisation. TBCC is committed to the principles of transparency and accountability and views Whistleblowing as an opportunity to reflect upon organisational procedures and promote an ethical culture.

Where a key stakeholder or associate of the organisation believes, on reasonable grounds, that another person or persons associated with the organisation has been involved in illegal, improper or unethical conduct, they are encouraged and supported to report the conduct without reprisal or consequence.

TBCC protects Whistleblowers from retaliatory action of any kind including:

- Dismissal;
- Demotion;
- Harassment or discrimination;
- Victimisation of any kind;
- Current or future bias; or
- Threats of any of the above.

### 2 Scope

This Whistleblower Protection Policy and Procedure applies to all key stakeholders.

### 3 Definitions

**Anonymity:** is when one's identity is unknown. In the case of an anonymous Whistleblower, their identity is not known by anyone, including those who receive and investigate the report.

**Confidentiality:** is when one's identity is protected to prevent harm. In the case of a Whistleblower, their identity may be known to those receiving and investigating the report, but is protected from the broader organisation and public.

**Reportable conduct:** including, but are not limited to: illegal conduct, such as theft, violence or threatened violence, and criminal damage against property; fraud, money laundering or misappropriation of funds; offering or accepting a bribe; financial irregularities.

**Whistleblower:** is a person associated with the organisation, whether it be a key stakeholder, who discloses information regarding organisational wrongdoing/misconduct, and wishes to be protected against reprisal for reporting.

**Whistleblowing:** is the deliberate, voluntary disclosure of individual or organisation wrongdoing by a person with access to data, events or information about misconduct by the organisation.

**Wrongdoing** is illegal, improper or unethical conduct that:

- Is in breach of Legislation or Regulations, or which is otherwise illegal;
- Is fraudulent or dishonest;
- Could cause financial or non-financial damage to the organisation, or the reputation of the organisation;

- Is a breach of the organisation's Code of Conduct;
- Constitutes maladministration;
- Infringes on the rights of any person;
- Endangers the health and safety of others; or
- Is a misuse of organisational, public or other funds.

## 4 Policy

TBCC recognises that whistleblowing can be an effective way of uncovering fraud and other misconduct which may not be identified by internal or external controls within an organisation.

TBCC is committed to the principles of transparency and accountability.

TBCC views whistleblowing as an opportunity to reflect upon organisational procedures and promote an ethical culture.

In providing whistleblower support and protection TBCC will:

- Encourage and support key stakeholders or associates of the organisation who believe, on reasonable grounds, that another person or persons associated with the organisation has been involved in illegal, improper or unethical conduct, to report the conduct without reprisal or consequence;
- Protect whistleblowers from retaliatory action of any kind including:
  - Dismissal;
  - Demotion;
  - Harassment or discrimination;
  - Victimisation of any kind;
  - Current or future bias; and
  - Threats of any of the above.
- Inform and educate key stakeholders of procedures for reporting;
  - Inform and educate key stakeholders of the protections available to them in order to facilitate a safe environment in which concerns of misconduct may be voiced without reprisal; and
  - Provide appropriate training for key stakeholders involved in the management of whistleblower reports, investigation and supporting whistleblowers and key stakeholders who are the subject of allegations.
- Make this Whistleblower Protection Policy and Procedure accessible;
  - To all key stakeholders;
  - Through the TBCC website; and
  - Through hard copy at TBCC front reception.
- Consider subjecting any whistleblower who knowingly and intentionally fabricates an accusation against a key stakeholder or associate of the organisation, for their own personal gain or with malicious intent, to dismissal, termination of services or cancellation of service user relationship in accordance with the Ethics and Conduct Policies and Procedures;
- Review this Policy for effectiveness every four (4) years, ensuring that it reflects the most up-to-date Legal and corporate Governance requirements;
  - This Whistleblower Protection Policy and Procedure was established in consultation with the key stakeholders, including consideration of their views on reporting mechanisms; and
  - Any changes made to the Policy and Procedure will be communicated to all key stakeholders.

## Whistleblowing to Media

Protection will not be offered to key stakeholders of the organisation who report internal wrongdoing to a journalist, unless it can be established that the disclosure was made as a public interest disclosure or an emergency disclosure, in accordance with the terms of the Corporations Act.

## 5 Responsibilities

### Board of Management

- Implementing this Whistleblower Protection Policy and Procedure;
- Encouraging a culture of “speaking up”; and
- Evaluating and making improvements to the effectiveness of the Policy and Procedures implementation.

### Whistleblower Protection Officer (WPO)

The CEO is the WPO.

- Implementing this Whistleblower Protection Policy and Procedure;
- Initial first responder to an accusation of wrongdoing;
- Ensuring the protection and/or anonymity of the whistleblower, where possible;
- Conducting or assisting in investigations into alleged wrongdoings;
- Informing the whistleblower of the progress and outcomes of investigations;
- Ensuring that whistleblowers do not suffer any retaliation or negative consequences;
- Providing support and referrals for both whistleblowers and those accused of wrongdoing; and
- TBCC will ensure that all people associated with the organisation know who the designated WPO is and their contact details.

## 6 Procedures

### Support and Protection for Whistleblowers

Whistleblowers found to have made reports in good faith, according to organisational procedures and based on reasonable grounds will receive support and protection as below:

- The confidentiality of a Whistleblower’s identity will be protected as far as the Law allows;
- The Whistleblower will have the right to request positive action for the purposes of protection, such as relocation or a leave of absence while the matter is under investigation;
- The WPO will be responsible for ensuring that the Whistleblower receives any necessary support and referrals, and that they are not subject to any form of negative employment-related consequence as a result of reporting;
- If an act of reprisal is alleged, the Whistleblower will have the automatic right of appeal to an independent appeal body; and
- If required support from external Whistleblower support services.

### Reporting Framework

- If a person becomes aware of misconduct, internal reporting to the WPO must be the first step;
- However, if this has proven to be ineffective, externally reporting the misconduct may be used as a last resort.

### Internal Reporting

- To report internally, personnel should report the breach to the WPO; and
- If they believe that the WPO is involved in the breach they may report to the Chair.

## External Reporting

- If the Whistleblower believes that:
  - All of the above internal persons are involved in the breach; or
  - All internal measures have been taken to try to get the issue addressed; or
  - The issue is significant and poses dangers to health or safety; or
  - They may report the complaint to an external agency such as the Australian Charities and Not-For-Profits Commission (ACNC), or in cases of illegal conduct, the police should be contacted.

## Anonymous Reporting

- The WPO will:
  - Receive and consider seriously anonymous reports; and
  - Ensure the anonymity of the whistleblower as far as is possible.
- Anonymous whistleblowers must be aware that anonymous reporting may affect the outcome of the investigation, as evidence may be more difficult to substantiate.

## External Whistleblowers

- Persons external to the organisation who wish to make a disclosure regarding organisational wrongdoing will be afforded the same protections as personnel of the organisation;
  - External persons may report wrongdoing to the WPO.
- Alternatively, external persons may report wrongdoing to an external agency such as the ACNC;
  - Information about external reporting is publicly available and can be accessed via the internet.

## Investigation Procedures

- All reports received will be considered seriously;
- An internal investigation of the facts of the case will be conducted by WPO to verify the allegations made and take further action if necessary. An internal investigation will be undertaken if the matter does not necessitate a police investigation; and
- When a report is received, the WPO will use their discretion to decide whether legal advice is required.

## Notification Procedures

- The WPO will first notify the Chair of the Board of Management of any alleged misconduct; and
- The person/s accused will then be notified, so that they may present their case.

## Investigation Planning

- In consultation with the WPO and other relevant Board members, Terms of Reference and an investigation plan will be prepared, including:
  - The key issues to be investigated;
  - The scale of the investigation, in proportion to the alleged wrongdoing; and
  - Allocation of resources.

## Principles of Conducting Investigations

- Investigations will be undertaken applying fair and ethical principles, and as such:
  - Any person accused of wrongdoing will have the presumption of innocence;
  - All investigations will be conducted without bias;
  - Persons accused of wrongdoing will be supported throughout the process and referred to external support services if necessary;

- Investigations will follow the procedures of natural justice;
- In circumstances where the Whistleblower is unable to remain anonymous, they must remain free from any retaliatory action; and
- All disciplinary action will be proportionate to the seriousness of the breach.

### **Documentation**

- Throughout the course of the investigation conversations, interviews, communications and relevant documents will be recorded and stored;
  - Upon completion, an investigation report will be prepared and filed;
  - The investigation report will include:
    - The allegations;
    - A statement of facts and the corroborating evidence;
    - Conclusions reached by the investigation; and
    - Recommended amendments to organisational Policy to avoid future wrongdoing.
- All documents relating to whistleblowing reports and investigations must be kept securely and confidentially;
  - Access to documents granted only when necessary.

### **Whistleblower Kept Informed**

- The whistleblower will be kept informed of the progress and outcomes of the investigation.

### **Review**

- Based on the recommendations made by the investigation report, as well as input from the WPO or the Board, the relevant organisational Policy will be reviewed, evaluated and amended in order to avoid future wrongdoing and increase organisational transparency.

<b>Date first formulated</b>	March 2024
<b>Dates approved by Board</b>	V1 2 October 2024
	V1 May 2022
<b>Next Review Date</b>	March 2027
<b>Related Documents</b>	<p>Internal</p> <ul style="list-style-type: none"> <li>• Child Safeguarding Policy and Procedure</li> <li>• Code of Conduct Rights and Responsibilities</li> <li>• Ethics and Conduct Policy and Procedure</li> <li>• Feedback and Complaints Policy and Procedure</li> <li>• Human Resources Management Policy and Procedure</li> <li>• Risk Management Policy and Procedure</li> <li>• Statement of Commitment to the Safety and Wellbeing of Children (included in Child Safeguarding)</li> <li>• TBCC Strategic Plan</li> </ul> <p>External</p> <ul style="list-style-type: none"> <li>• <a href="#">Children and Young People (Safety) Regulations 2017 (SA)</a></li> <li>• <a href="#">Children's rights and responsibilities flyer</a></li> <li>• <a href="#">Child safe environments</a></li> <li>• <a href="#">Codes of Practice</a></li> <li>• <a href="#">Department Human Service DHS Critical Client Incidents Policy Coronial</a></li> <li>• <a href="#">Information Sharing Guidelines</a></li> <li>• <a href="#">National Principles for Child Safe Organisations</a></li> <li>• Overview of child protection legislation across state and territory jurisdictions <a href="#">Australian Institute of Family Studies</a></li> <li>• <a href="#">Rights of every child</a></li> <li>• <a href="#">Unicef – know your rights and responsibilities</a></li> </ul>
<b>Standards</b>	<ul style="list-style-type: none"> <li>• <a href="#">Equal Opportunity Commission</a></li> <li>• <a href="#">Human Rights Commission</a></li> <li>• <a href="#">Legal Services Commission</a></li> <li>• <a href="#">National Employment Standards</a></li> <li>• <a href="#">Unions Australia</a></li> </ul>
<b>Legislation</b>	<ul style="list-style-type: none"> <li>• <a href="#">Aged Care Quality and Safety Commission Act 2018</a></li> <li>• <a href="#">Aged Care Act 1997</a></li> <li>• <a href="#">Associations Incorporation Act 2009</a></li> <li>• <a href="#">Australian Human Rights Commission Act 1986</a></li> <li>• <a href="#">Children's Protection Act 1993 (SA)</a></li> <li>• <a href="#">Children and Young People (Safety) Act 2017</a></li> <li>• <a href="#">Commonwealth Privacy Act 1988</a></li> <li>• <a href="#">Competition and Consumer Act 2010</a></li> <li>• <a href="#">Crimes Act 1914 (Federal)</a></li> <li>• <a href="#">Equal Opportunity Act 1984</a></li> <li>• <a href="#">Fair work Act 1994</a> State Law</li> <li>• <a href="#">Fair Work Act 2009</a></li> <li>• <a href="#">Family Law Act 1975</a></li> <li>• <a href="#">Guardianship and Administration Act 1993</a></li> <li>• <a href="#">Public Interest Disclosure Act 2018 (SA)</a></li> <li>• <a href="#">Return to Work SA</a></li> <li>• <a href="#">Safework SA</a></li> <li>• <a href="#">Sex and Age Discrimination Legislation Amendment Act 2011</a></li> <li>• <a href="#">State Records Act 1997</a></li> <li>• <a href="#">Volunteers Protection Act 2001 (SA)</a></li> <li>• <a href="#">Work Health and Safety Act</a></li> <li>• <a href="#">Work Health and Safety Regulations 2012</a></li> </ul>

**Signed on behalf of TBCC Board of Management by:**

**Name:** Judy Bagg

**Position:** Chairperson

**Signature:** 

**Date:** August 2025