

### Scope

Applies to all Baptcare services together with Baptcare Affordable Housing (collectively referred to as Baptcare). It includes officers, current and former staff, volunteers, suppliers' contractors and consultants, as well as their spouses, dependants, other relatives, and anonymous disclosures. This is in line with the corporate sector whistleblower regime auspiced by the Australian Securities and Investments Commission.

### Background

Baptcare as not-for-profit charitable organisation company limited by guarantee, is subject to the whistleblower protection provisions of Part 9.4AAA of the *Corporations Act 2001* (Cth.). Whistleblowing is not about airing a grievance. It is about reporting real or perceived malpractice or misconduct. A report may damage the career prospects and reputation of people who are the subject of serious allegations and therefore if a report is not made in good faith or is found to be malicious, deliberately misleading or frivolous, the person making the report may be subject to disciplinary action.

Baptcare is committed to the highest standards of legal, ethical and moral behaviour. Baptcare's staff, customers and other stakeholders 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 reprisals for reporting wrongdoing.

No person should be personally disadvantaged for reporting wrongdoing. Not only is it illegal but it directly opposes organisational values. Baptcare is committed to maintaining an environment where legitimate concerns can be reported without fear of retaliatory action or retribution.

All staff, volunteers and other stakeholders within the scope of this policy are responsible for reporting breaches of general law, organisational policy, or generally recognised principles of ethics to a person authorised to take action on such breaches.

### Purpose

The purpose of this policy & procedure is to:

- a) encourage staff, customers and other stakeholders to act promptly in the reporting of matters or incidents that may cause harm to individuals or financial or non-financial loss to Baptcare or damage to its reputation;
- b) enable Baptcare to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for the secure storage of the information provided;
- c) establish a supportive environment to raise issues of legitimate concern to Baptcare without a person fearing any kind of recriminations or disadvantage;
- d) help to ensure Baptcare maintains the highest standards of ethical behaviour and integrity.

### Definitions

- Whistleblower - A person who reports wrongdoing in accordance with this Policy
- Wrongdoing - Conduct that:
  - Breaches legislation, regulations or local government by-laws or is otherwise illegal (including corporations law, theft, drug sale/use, violence or threatened violence or criminal damage against property)
  - Is corrupt or is an abuse of public trust or position as a public official

- Is dishonest or fraudulent
- Perverts the course of justice
- Unreasonably endangers health and safety or the environment
- Is maladministration (e.g. unjust, based on improper motives, is unreasonable, oppressive or negligent)
- Is serious or substantial waste (including public money or public property)
- Is gross mismanagement or repeated breaches of administrative procedures
- Has financial or non-financial loss detrimental to the interests of Baptcare
- Is an unethical breach of the Code of Conduct
- Is serious improper conduct that could give reasonable grounds for disciplinary action

### Policy

#### Concerns regarding illegal or corrupt behaviour and improper or unethical behaviour

Where an employee, volunteer, supplier of Baptcare or other stakeholder within the scope of this policy believes in good faith on reasonable grounds that any other employee or volunteer has breached any provision of common law or Baptcare's constitution, policies, code of conduct, values or generally recognised principles of ethics, that person must report their concern to:

- the relevant General Manager or, if they feel that the General Manager may be complicit in the breach,
- the organisation's nominated Whistleblower Protection Officer (Company Secretary & General Counsel) or, if they feel this to be necessary
- the duly constituted authorities responsible for the enforcement of the law in the relevant area.

#### What sort of concerns should be reported?

For the purposes of making a report under this policy and procedure, matters may include (but not limited to) any actual or suspected:

- conduct or practices which are illegal or breach any law;
- significant breach of any of Baptcare's Code of Conduct policies and procedures;
- corrupt activities;
- theft, fraud or misappropriation;
- significant mismanagement or waste of funds or resources;
- abuse of authority;
- action that causes serious harm to clients, public health, safety or environment or the health and safety of any Baptcare employee; or
- action taken against or harm suffered by an employee or volunteer as a result of making a report under this policy.

The person making their concern known shall not suffer any sanctions from the organisation on account of their actions in this regard, provided that their actions:

- are in good faith, and
- are based on reasonable grounds, and
- conform to the designated procedures.

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the organisation.

Any person within the organisation to whom such a disclosure is made shall:

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision;
- if they believe the behaviour complained of to be neither trivial nor fanciful, ensure that the allegation is investigated, a finding is made, and the person making the allegation is informed of the finding. Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness.

The Baptcare representative who receives a concern from a whistleblower will action the matter in accordance with Baptcare's Complaints/Feedback or Grievance policy and procedure, as appropriate.

If the person making a report should be dissatisfied with the how the matter is dealt with, OR isn't comfortable discussing the matter with a Baptcare operational representative, the Company Secretary & General Counsel can be contacted by:

- telephone 03 9831 7222
- send an email to the email address: [baptcare\\_privacy@baptcare.org.au](mailto:baptcare_privacy@baptcare.org.au)

Mail a report or additional information (marked confidential) to the following address:

1/1193 Toorak Road, Camberwell, Victoria 3124

### **Access to this Policy & Procedure**

This policy will be available for viewing by any employee, volunteer, contractor or stakeholder of Baptcare on the Baptcare intranet and website and will also be highlighted via regular internal reporting channels.

### **What happens to you as a whistleblower?**

You will not be discriminated against or disadvantaged in your employment with Baptcare for making a report in accordance with this policy & procedure, nor will you experience reprisals due to your actions in making a report. Baptcare will take all reasonable steps to ensure that adequate and appropriate protection is being provided for those who, in good faith, make a report. This protection applies if the matter is proven or not, regardless of whether it is reported to an external authority.

If you consent to providing information about your identity, your identity and the fact that you have made a report and the contents of the report will be kept confidential and no details of your participation in this process will be included in your personnel file or performance review. The report will not be disclosed to anyone except those who are actively involved in investigating the matters raised in the report.

### **What happens after a report is made?**

Reports will be received by the Company Secretary & General Counsel on business days between 8am to 6pm AEST; messages can be left outside these hours which will be followed up as soon as possible.

The Company Secretary & General Counsel will:

- log the report and assign it to the designated General Manager who will independently investigate the matter; and
- ensure any individual named in a disclosure is treated fairly.

Within 10 business days, the designated General Manager will:

- document the investigation findings and outcomes for the Baptcare ELT - ensuring that the report does not contain any information or details of the person who provided the information unless this person has expressly given their consent to do so;

- keep the CEO and Company Secretary & General Counsel informed of progress and provide them with a copy of the investigation's findings;
- table the details and resolution regarding Whistleblower reports at the next relevant Baptcare ELT meeting.

The Company Secretary & General Counsel is responsible for:

- tabling the details and resolution regarding Whistleblower reports at the next Audit & Risk Committee meeting; and
- establishing whether the Executive and Committee are satisfied that the investigation and actions taken in response to the Whistleblower report are satisfactory; and
- closing the matter in the relevant register/database when the process is concluded.

### References

- Australian Securities and Investments Commission:
  - Whistleblower protections for not-for-profit organisations
  - Information Sheet 238 *Whistleblower rights and protections*
- Whistleblowing at Your Not-for-profit: A leader's guide (2017)

### Relevant Legislation

- Corporations Act 2001 - Corporations Act 2001 – SECT 1317AA in Part 9.4AA:
- Australia – Public Interest Disclosure Act 2013
- South Australia – Public Interest Disclosure Act 2018
- Tasmania – Public Interest Disclosures Act 2002
- Victoria – Public Interest Disclosures Act 2012