

# Risk Incidents and Complaints Management



## Whistle Blower Protection Policy

### Instructions:



The template provides an example of a whistleblower protection policy that can assist your organization identify wrongdoing that may not be uncovered unless there is a safe and secure means of disclosing wrongdoing.

This policy template is general in nature and is provided as a guide only. It can be modified to suit your circumstances and needs.



# Whistle-blower Protection Policy Template

## Policy statement

This policy guides organisations on how to support staff to raise concerns about service delivery in the interests of service safety and quality.

This policy is used to support whistle-blowers, who in good faith and without malice, disclose information or raise concerns about alleged improper or illegal activity.

[Service name]

and our staff are committed to providing services in a safe and honest way. We expect everyone to comply with all legal requirements. We will support and respect anyone who acts as a whistle-blower to draw attention to suspected inappropriate, corrupt or illegal conduct or behaviour.

## Definitions

### Whistle-blower

A person associated with your service - a board member, manager, employee, contractor or volunteer who reports known or reasonably suspected misconduct within your organisation. The person is not usually involved in the issue but is wanting to alert others to suspected misconduct. The alert may be raised outside of usual reporting lines or processes.

### Whistle-blower protection

This refers to protecting whistle-blowers against reprisals following reporting.

### Misconduct

This is a breach of general law, organisational policy, or recognised principles of ethics and includes:

- Corrupt conduct
- Fraud or theft
- Official misconduct
- Harassment or unlawful discrimination
- Maladministration
- Serious and substantial waste of public resources
- Practices endangering the health or safety of staff, volunteers or the general public
- Practices endangering the environment.



## Purpose of the Policy

To:

- Encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to [name of service] or damage to its reputation
- Enable [name of service] to deal with reports from whistle-blowers in a way that will protect the identity of the whistle-blower as far as possible and provide for the secure storage of the information provided
- Establish policies for protecting whistle-blowers against reprisal by any person, either internal or external to the service
- Provide for the appropriate infrastructure, and
- Help to ensure [name of service] maintains the highest standards of ethical behaviour and integrity.

## Scope

This policy applies to all current and former employees and directors, including permanent and casual, contract workers, temporary agency workers, and volunteers. This policy applies to disclosures made on reasonable grounds about a disclosable matter such as illegal misconduct, improper state of affairs (relates to systemic issues). It excludes staff raising personal grievances. Anonymous disclosures are accepted.

## Principles

[Service name]

encourages people to speak up, to make complaints and raise concerns about service integrity, safety and quality.

[Service name]

has good governance and responds appropriately to concerns about illegal or inappropriate conduct, whether that's provided as feedback, a complaint or a person acts as a whistle-blower.

People who 'blow the whistle' are not victimised, are protected from detrimental conduct and will be treated fairly and with respect at all times.

[Service name]

will not retaliate against whistle-blower including employees, for raising an alert about suspected misconduct.



## Procedures

### Reporting

Where someone believes in good faith on reasonable grounds that an employee, volunteer or contractor has breached general law, organisational policy, principles of ethics, code of conduct and wishes to report their concerns, information can be provided in any format. Claims made in conversation should be documented by the person receiving the claim. The record of conversation should be signed by the whistle-blower to verify it is a true account.

### Who can receive a disclosure?

1. [Service name]

has identified the role of [role of individual] (a manager)

to receive disclosures, and is called the Whistle Protection Officer (WPO). The WPO should be trained in handling a diverse range of scenarios, investigative techniques, communication processes and protection protocols.

2. Despite an organisation's best efforts, some employees won't speak up internally for fear of reprisals or retribution. Ensure alternative means are provided including an external and independent third party if employees feel uncomfortable or unable to use the internal reporting option.

### How the disclosure will be handled and treated.

Any information shared about the allegations raised by a whistle-blower will be de-identified to protect the whistle-blower's identity and stored securely while the matter is examined.

The person making their concern known will not suffer any sanctions from the service on account of their actions in this regard provided their actions:

- Are in good faith, and
- Are based on reasonable grounds, and
- Conform to the designated procedures.

Any person to whom the disclosure is made shall either:

- If they believe the behaviour complained of does not require further actions, dismiss the allegation and notify the person making the allegation of their decision, or
- If they believe the behaviour complained of does require further action, ensure that the allegation is investigated, a finding is made and the person making the allegation is informed of the finding
- Ensure critical steps, from receiving a disclosure to finalising an investigation are allocated to appropriate personnel to ensure independence and impartiality and avoid conflict.



## Investigation

Should the service decide an internal investigation is required, care must be taken to protect the integrity of any evidence and the usual internal investigation process should be followed.

[Service name]

will conduct an investigation using its Investigations Policy or guidelines.

Investigations will be confidential, fair and objective. The Code of Conduct applies at all times. Any investigation shall observe rules of natural justice and the provision of procedural fairness. All relevant witnesses will be interviewed and documents examined. Notes of all discussions phone calls and interviews will be made.

[Service name]

and our staff will comply with all legal requests for information in a timely manner. Requests by external parties for information will be responded to using the service's complaints, access to information and privacy policies.

The Manager overseeing the investigation or working on the issue raised by the whistle-blower will keep the whistle-blower and all other parties informed about the process and the outcome of the investigation where permitted.

## Findings

A report will be prepared when an investigation is complete. This report will include:

- The allegations
- A statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions
- The conclusions reached (including the damaged caused, if any and the impact on the service and other affected parties) and their basis
- Recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

If the matter is investigated by an external service or referred to police or another investigating body, there may be limits on what information can be shared. In this case, involved parties will be advised of any limitations on the release of information.

## Protection of Informant

Where the investigation has found that the person making the allegation acted in good faith on reasonable grounds, the CEO will appoint a manager to be responsible for ensuring the person suffers no employment-related disadvantage on account of their actions in this matter and to provide additional for the person where necessary.

Staff who are impacted will be offered support through the employee assistance program.