



Whistle-Blower Policy

Overview

This policy aims to provide guidelines on whistle-blower protection and reporting in order to maintain appropriate standards of conduct and performance within the organisation.

The organisation will ensure:

- That business activities are legally compliant with all relevant legislation and regulation
- That business activities are Completed in an ethical manner which poses no danger to the public or financial system
- Transparency and accountability in its administrative and management practices
- Staff operate in an ethical, legally compliant, and proper manner
- The whistle-blower is protected from retaliation against a report
- The principle of natural justice is upheld for whoever is the subject of the report
- Not tolerate conduct that breaches this policy
- Not tolerate retaliation against a whistle-blower.

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Whistle-blower Protections

Protections provided to whistleblowers under the *Corporations Act 2001 (Cth)* (the Act) include:

Detriment protection

The whistleblower (and those related to the whistleblower) will be protected from detriment by any person internal or external to the organisation. Actions that are not detrimental, include:

- Administrative action that is reasonable for the purpose of protecting a discloser from detriment.
- Managing a discloser's unsatisfactory work performance if the action is in line with the organisation's performance management framework.

Measures to protect a whistleblower from detrimental acts include:

- Support services (including counselling or other professional or legal services) that are available to whistleblowers.
- Should the whistleblower feel it necessary, the organisation will reassign the whistleblower to another location, to a role of the same level.
- The organisation can make modifications to the whistleblowers workplace or the way they perform their work duties.
- The organisation can reassign or relocate other workers involved in the disclosable matter.
- Management will be reminded of their responsibilities when managing the performance or taking other action relating to a whistleblower.
- Should the whistleblower feel that they have suffered detriment, they may lodge a complaint to the responsible person which will then be investigated by the investigating officer. Interventions will be implemented upon the detriment being proven true.

Identity protection

The whistleblowers' identity and information will be kept confidential, unless:

- They provide you with consent to disclose their information
- The information is disclosed, when:
 - The information does not include the disclosers' identity
 - The organisation has taken all reasonable steps to reduce the risk that the discloser will be identified from the information, and
 - It is reasonably necessary for investigating the issues raised in the disclosure
- Their identity is disclosed to:
 - The Australian securities and investments commission (ASIC)
 - A member of the Australian federal police
 - A legal practitioner, to obtain legal advice or legal representation in relation to the whistleblowing laws, or
 - Anyone else prescribed by the regulations.

Information may only be disclosed if it is necessary for the purposes of investigating the disclosure.

Reducing risk of identity disclosure:

- All personal information or reference to the whistleblower witnessing an event will be redacted.
- The whistleblower will be referred to in a gender-neutral context.
- Where possible, the discloser will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them.
- Disclosures will be handled and investigated by qualified workers.

Secure record keeping and information sharing:

- All paper, electronic documents and materials relating to disclosures will be stored securely.
- Access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure.



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- Only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser.
- Communications and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other workers.
- Each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence

PENALTIES

Severe civil and criminal penalties will apply to those who breach the protections provided to whistleblowers under the Act. Courts are empowered to make orders for relief against a company if they fail to protect a whistleblower from detriment. Applicable penalties under the Act are as follows:

Relevant conduct	Criminal penalties		Pecuniary penalties	
	Individual	Body corporate	Individual	Body corporate
Detrimental conduct	\$50,400 (240 penalty units) or imprisonment for two years, or both.	\$50,400 (240 penalty units)	\$1,050,000 (5000 penalty units) or three times the benefit derived or detriment avoided.	\$10,500,000 (50,000 penalty units), three times the benefit derived or detriment avoided, or 10% of the body corporate's annual turnover (up to \$525 million, 2.5 million penalty units).
Breach of confidentiality	\$12,600 (60 penalty units) or imprisonment for six months, or both.	\$126,000 (600 penalty units).		
Failure to have a compliant whistleblower policy*	For an individual, \$12,600 (60 penalty units).	\$126,000 (600 penalty units).		

*Please refer to ASIC.

Internal Reporting

Reports made by a whistleblower must be based on reasonable grounds and be a disclosable matter. The report should (where possible) be in writing and contain details of:

- The nature of the disclosable matter
- The person responsible for the disclosable matter
- The facts on why the whistleblower believes the disclosable matter have occurred
- (If known) the nature and whereabouts of any further evidence that supports the report.

All disclosable matters must be treated as confidential and (without the whistleblowers' consent) must not be disclosed to anyone not connected with the investigation. Unless the responsible person is obliged to do so by law. If the whistleblower wishes to make their report anonymously, their wish is honored unless overridden by due process of law. However, there may be difficulties with keeping them updated with relevant information as a result of remaining anonymous.

Workers need to be aware that only disclosable matters are covered by this policy. Disclosures, such as a personal work-related grievance, do not qualify for protection under the Act.



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False Reporting

Staff should take care not to make deliberately false or malicious disclosures. Staff found (by the investigating officer) to have made such a disclosure will be subject to disciplinary action, including possible termination of employment.

Investigation

The responsible person will need to assess each disclosure made to determine:

- Whether whistleblower protections will apply (if unsure, proceed as if they do apply)
- If a formal, in-depth investigation is required.

It is important that the responsible person and investigating officer focus on the substance of the disclosure, not possible motives for the whistleblower to have made the disclosure. Whistleblowers are not required to act in good faith to be protected.

If an investigation is necessary, the responsible person will arrange for an investigating officer to conduct an investigation to determine the legitimacy of the allegations. The investigation is to be conducted thoroughly, but with the aim to conclude the investigation as early as possible. The whistleblower, subject to privacy and confidentiality considerations, will be kept informed of the investigation process and (where appropriate) its outcome. They must maintain full confidentiality of any information they receive.

The person who is subject to a disclosure also needs to be informed about the investigation. However, this can be at any time so long as it is before making any adverse findings against them. This is in the event there may be concerns that the individual will destroy information, or the disclosure needs to be referred to ASIC or the Federal Police. A worker who is subject to the disclosure may contact the organisation's support services (e.g., counselling).

When conducting an investigation, the investigating officer must:

- Address all relevant questions
- Conduct the investigation under strict confidence
- Observe the rules of natural justice
- Meet with the person upon whom the allegations are against, allowing them the opportunity to comment beforehand
- (according to the rules of natural justice)
- Compile all the information into an investigation report for further review.

The investigation report will include:

- The allegations
- Comments by the person the being accused, with considerations by the investigating officer
- A statement of all relevant findings, with the evidence provided
- The conclusions reached (including the damage caused and the impact on the organisation and other affected parties)
- And the reasoning behind outcome
- Recommendations based upon those conclusions.

At the end of the investigation, the responsible person will be provided a copy of the investigation report and be consulted in regard to a decision on the matter. If the police are to be involved, this is to be done at the earliest possible opportunity.

Should the whistleblower not be content with the outcome of the investigation, they can request the investigation be reopened. The organisation is not obligated to reopen an investigation if it feels it is unnecessary and that the prior investigation was conducted properly. A further complaint can still be made to ASIC should the whistleblower still feel dissatisfied.



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Note: It may not be possible to undertake an investigation if not enough information was provided and the disclosure was made anonymously, and it is not possible to contact the whistleblower.

External Reporting

Staff are still covered by the whistleblowers protections if they wish to report their concerns to ASIC, even if they have not raised their concerns internally first. A report can be lodged through ASIC's online misconduct reporting form or by writing to ASIC. Concerns can be made to ASIC anonymously; however, ASIC will not be able to follow up for further information or advise what steps can be taken based on the information provided. However, anonymous reports still qualify for whistleblower protections.

Other people who can receive a disclosure include:

- Legal practitioners
- Regulatory bodies (e.g. ASIC) and other external parties (if authorised by the organisation), and
- (under certain circumstances) journalists and members of commonwealth, state or territory parliaments.

Responsibilities

Staff Responsibilities include:

- Be familiar with and regularly review this policy and related processes
- Report any disclosable matters
- Ensure reports of disclosable matters are private and confidential

Investigating Officer's Responsibilities include:

- Remain unbiased throughout the investigation
- Ensure the scale of the investigation is in proportion to the seriousness of the wrongdoing
- Ensure the investigation is completed in a fast and efficient manner
- Examine relevant documents and evidence
- Maintain strict confidentiality throughout the investigation
- Conduct interviews with relevant witnesses
- Keep accurate and clear records.

CEO (Company Director's) Responsibilities include:

- Regularly review and memorise this policy and related processes
- Appoint an investigating officer
- Ensure sufficient resources are allocated to the investigating officer
- Ensure all reports by whistleblowers are investigated to the necessary degree.

Relevant Items

Regulations relevant to this policy include:

- *Corporations Act 2001 (Cth)*
- *ASIC Corporations (Whistleblower policies) Instrument 2019/1146*