



# Policy 123

## WHISTLEBLOWER POLICY

Applies to:	Board Staff, Club Committee Volunteers, Teachers & Inpool volunteers	
Responsibility:	General Manager	
Status	Approved	4/2021
	Date for Future review	2/2024

## Policy

The board of Rainbow Club Australia is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles). Employees are expected to cooperate with the organisation in maintaining legal, proper, and ethical operations, if necessary, by reporting non-compliant actions by other people. Correspondingly, employees who do assist in maintaining legal, proper, and ethical operations should not be penalised in any way.

### PURPOSE

The purpose of this policy is to:

- encourage the reporting of matters that may cause harm to individuals, that may cause financial loss to Rainbow Club or may damage its reputation.
- enable Rainbow Club to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower as far as possible and provide for the secure storage of the information provided.
- establish policies for protecting whistleblowers against reprisal by any person internal or external to the entity.
- provide the appropriate infrastructure to implement necessary procedures.
- help to ensure Rainbow Club maintains the highest standards of ethical behaviour and integrity.

## Definitions

A whistleblower is a person (being a Board member, staff member, contractor, teacher or volunteer for, Rainbow Club) who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with reportable conduct and wishes to avail themselves of protection against reprisal for having made the report.

Breaches of general law, organisational policy, or generally recognised principles of ethics include:

- corrupt conduct
- fraud or theft
- official misconduct
- maladministration
- harassment or unlawful discrimination
- serious and substantial waste of resources
- practices endangering the health or safety of staff, volunteers or members or the general public
- practices endangering the environment.

Complaints regarding occupational health and safety should, where possible, be made through the organisation's Work, Health & Safety procedures.

# Procedure

## Concerns regarding illegal or corrupt behaviour

Where an employee or volunteer of Rainbow Club believes in good faith on reasonable grounds that any other employee, volunteer, or contractor has breached any provision of the general law, that employee or volunteer must report their concern as follows:

- to their supervisor- or, if they feel that their supervisor may be complicit in the breach
- to the General Manager, or, if they feel that the General Manager may be complicit in the breach,
- to the organisation's nominated Whistleblower Protection Officer (WPO);
- or, if they feel this to be necessary,
  - a person or office independent of the organisation nominated by the organisation to receive such information, or
  - the duly constituted authorities responsible for the enforcement of the law in the relevant area.

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.

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 reported to the General Manager or the Whistleblower Protection Officer for investigation.

Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness. Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the organisation.

## **RESPONSIBILITIES**

The Rainbow Club Board is responsible for adopting the whistleblower policy, and for nominating the organisation's Whistleblower Protection Officer (WPO).

The Whistleblower Protection Officer is responsible for:

- (a) coordinating an investigation into any report received from a whistleblower,
- (b) documenting and handling all matters in relation to the report and investigation,
- (c) finalising all investigations.

The Rainbow Club's General Manager is responsible for the implementation of the whistleblower policy.

All staff and all volunteers 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.

## **External reporting entities**

The board may nominate external persons to whom or agencies to which disclosures may be made under the protections offered under this policy. Where such a nomination is made, staff and volunteers should be informed by any appropriate method of the mechanisms to use when

- it is not feasible for employees to report internally, or
- existing reporting channels have failed to deal with issues effectively.

Any person reporting such a breach should be informed that

- as far as lies in Rainbow Club's power, the employee will not be disadvantaged for the act of making such a report;
- if the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law; however,
- reporting such a breach does not necessarily absolve the complainant from the consequences of any involvement on their own part in the misconduct complained of.
- Any such report should where possible be in writing and should contain, as appropriate, details of
  - the nature of the alleged breach;
  - the person or persons responsible for the breach;
  - the facts on which the complainant's belief that a breach has occurred, and has been committed by the person named, are founded;
  - the nature and whereabouts of any further evidence that would substantiate the complainant's allegations, if known.

Evidence to support such concerns should be brought forward at this time if it exists. The absence of such evidence will be taken into account in subsequent consideration of whether to open an investigation into the matter. However, absence of such evidence is not an absolute bar to the activation of Rainbow Club's investigative procedures. The existence of such a concern is sufficient to trigger reporting responsibilities.

In contemplating the use of this policy, a person should consider whether the matter of concern may be more appropriately raised under either Rainbow Club's complaints policy and procedures.

## **Anonymity**

If the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law.

The complainant should, however, be informed that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.

Where anonymity has been requested the complainant is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.

## **Investigation**

On receiving a report of a breach, the person to whom the 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, put in motion the investigation process described below.

The person to whom the disclosure was made shall notify the General Manager, who shall be responsible for ensuring that an investigation of the charges is established and adequately

resourced. Terms of reference for the investigation will be drawn up to clarify the key issues to be investigated will be drawn up by the General Manager in consultation with the Board President and the Whistleblower Protection Officer.

An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated. Strict security will be maintained during the investigative process.

All information obtained will be properly secured to prevent unauthorised access. All relevant witnesses will be interviewed and documents examined. Contemporaneous notes of all discussions, phone calls and interviews will be made.

Where possible, interviews will be taped. The principles of procedural fairness (natural justice) will be observed, in particular, where adverse comment about a person is likely to be included in a report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

The person or persons conducting the investigation shall be as far as possible unbiased.

## **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 damage caused, if any, and the impact on the organisation 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. Information to informant Subject to considerations of the privacy of those against whom the allegations are made and customary practices of confidentiality, the whistleblower will be kept informed of:
- relevant progress of an investigation
- relevant outcomes of an investigation. Protection of informant Where the investigation has found that the person making the allegation acted in good faith on reasonable grounds, the General Manager shall designate an officer to be responsible for ensuring that the person suffers no employment-related disadvantage on account of their actions in this matter and to provide additional support for the person where necessary.

## Responsibilities

### 1.1 **Whistleblowing Protection Officer(s)** are responsible for:

- a) Receiving whistleblower reports and protecting the interests of reporters
- b) Determining whether the report falls within the scope of the Policy
- c) Determining whether and how a report should be investigated
- d) Appointing a Whistleblowing Investigator where an investigation is deemed appropriate
- e) Ensuring investigations are conducted in accordance with this Policy
- f) Ensuring any reports involving a Board Member or the General Manager are reported to the Board President
- g) Updating reporters on progress and details of outcomes to the fullest extent possible
- h) Maintaining to the fullest extent possible, confidentiality of the identity of and reports received by reporters
- i) Immediately reporting concerns in relation to any detrimental conduct to the General Manager or Board President (provided that the concerns do not relate to them)
- j) Determining the appropriate courses of action to remediate or act on the investigation
- k) Reporting matters to relevant authorities
- l) Making recommendations to prevent future instances of reportable misconduct
- m) Completing any training mandated by the Whistleblower Program Team
- n) Seeking to ensure the integrity of the Whistleblower Program is maintained.

### 1.2 **Whistleblower Investigators** are responsible for:

- a) Investigating reports in accordance with this Policy and Procedure
- b) Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters
- c) Gathering evidence and taking steps to protect or preserve evidence
- d) Making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report
- e) Keeping comprehensive records about the investigation
- f) Making recommendations to the Whistleblowing Protection Officer about how to implement the strategy in relation to how reported misconduct can be stopped, prevented and/or mitigated in future
- g) Reporting back to the Whistleblower Protection Officer on the progress of their investigation 7 days after the report and every 14 days thereafter
- h) Complying with the directions of the Whistleblower Protection Officer in relation to any further follow up, and reporting action and requirements, including the implementation of any recommendations.