

WHISTLE-BLOWER POLICY

1 Policy Statement

This policy guides employees of Civic Disability Services (Civic) on how to support people to raise concerns about serious wrongdoing that may impact the safety and quality of service delivery at Civic.

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.

Civic 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.

2 Scope

This Policy applies to all employees, directors, agents, volunteers and contractors (including temporary contractors) of Civic, collectively referred to as 'employees'.

A whistleblower report should only be made in relation to conduct that is considered 'serious wrongdoing'. This policy is not intended to apply to disclosures relating to conduct concerning a person's individual employment, such as personal work-related grievances, alleged workplace discrimination or bullying, or personal disputes between staff. These matters should be dealt with in accordance with Civic's Staff Grievance Guide, or Bullying, Discrimination and Harassment Guide.

Complaints or feedback concerning Civic's service delivery should be dealt with in accordance with Civic's Feedback, Disputes and Complaints Guide.

3 Principles

- Civic encourages people to speak up and raise concerns about alleged serious wrongdoing that could impact Civic's service integrity, safety and quality.
- Civic 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 and will be treated fairly and with respect at all times
- Civic will not retaliate against whistle-blower including employees, for raising an alert about serious wrongdoing.

4 Definitions

Serious wrongdoing is behaviour or action that is fraudulent, corrupt, illegal or in breach of Civic's Code of Conduct. This may include the following:

- theft, fraud, money laundering or misappropriation of funds;
- systemic, wilful or serious breach of the law that is related to Civic's activities, or its internal policies or processes;
- offering or accepting a bribe from any person
- illegal activity (e.g. illicit drug sale or use, violence or threatened violence and criminal property damage);
- presents a significant or serious threat to the health and safety of workers;
- involves a serious mismanagement of Civic's resources;
- involves victimisation of someone for reporting serious wrongdoing;
- involves any instruction to cover up or attempt to cover up serious wrongdoing;
- interferes with any impending internal or external audit processes; or
- presents a serious risk to the reputation or financial wellbeing of Civic. A whistle-blower is someone who raises concern of serious wrongdoing.

5 Roles and responsibilities

The Whistleblower Protection Officer is who a whistle-blower should contact to report serious wrongdoing. They are responsible for receiving whistle-blower reports and updating whistle-blowers on the progress and outcome of an investigation.

The Internal Whistleblower Protection Officer is Civic's Company Secretary. The External Whistleblower Protection Officer is Stoline Pty Ltd.

The Investigation Officer is a person appointed by the Whistleblower Protection Officer who is sufficiently experienced and trained to undertake the investigation and must be independent of the reported matter.

The Whistleblower Governance Officer is responsible for overseeing this Policy. The Chair of the Corporate Governance & Risk Committee fulfils this role.

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6 Process

a) Serious wrongdoing by a Civic staff member (excluding the Senior Leadership Team), contractor, temporary agency worker or volunteer should be reported to the Internal Whistleblower Protection Officer (Civic's Company Secretary - 0427 473 379 or kimberly.rathmanner@civic.org.au).

b) Serious wrongdoing by a Board member or a member of the Senior Leadership Team should be reported to the External Whistleblower Protection Officer (Stopline - 1300 304 550 or civic@stopline.com.au).

c) A whistle-blower report should:

- identify the person concerned who engaged in serious wrongdoing;
- provide details of the serious wrongdoing (i.e. what occurred, when and where it happened and whether any other people were involved); and
- include any evidence of the conduct or other information considered relevant by the whistle-blower.

d) The Whistleblower Protection Officer will then assess the report before referring to an Investigation Officer, who must not have any affiliation with the reported matter.

e) The Investigation Officer will investigate the matter and determine whether the allegations are substantiated or unsubstantiated. Before commencing an investigation, terms of reference will be established by the Whistleblower Protection Officer and authorised by the CEO, Whistleblower Governance Officer or Chair of the Board. The terms of reference state when the investigation will be concluded.

f) Investigations must be conducted fairly, discreetly and with respect to the privacy of all individuals involved. The Investigation Officer may seek assistance from other officers within Civic to assist in the investigation (as provided in the terms of reference) and may seek the advice of internal or external experts as required.

g) The Investigation Officer must report to the Whistleblower Protection Officer regularly on the progress of the investigation, who must in-turn provide such report to the Whistleblower Governance Officer.

h) At the conclusion of the investigation, the Investigation Officer must submit a written report of their findings to the Whistleblower Protection Officer. The Whistleblower Protection Officer must distribute the report to the Chief Executive Officer, Whistleblower Governance Officer and/or Chair of the Board. The report must not disclose particulars likely to lead to the identification of the whistleblower.

i) If a whistleblower is not satisfied with the outcome of the investigation or the Internal Whistleblower Protection Officer refuses to investigate, or discontinues the investigation into the report, the whistleblower can refer the matter to the External Whistleblower Protection Officer (Stopline).

Whistleblowers can choose to remain completely anonymous, however, it may be more difficult for the serious wrongdoing to be fully investigated if further information cannot be sought from the whistleblower.

Unsubstantiated allegations which are later found to be made maliciously or knowingly false may be subject to disciplinary action including dismissal, or termination of a service or client relationship.

7 Protections to whistleblowers

Not all disclosures of serious wrongdoing are protected by law. Civic will offer a whistle-blower the following protections to the extent that such protection is available at law

1. Protection of information provided by whistleblowers
2. Protection for whistleblowers from retaliation
3. Protection for whistleblowers against legal action

Protection of information

Civic will not disclose the whistle-blower's identity unless:

- the person or organisation making the report consents to the disclosure;
- the disclosure is required by law; or
- the disclosure is necessary for the investigation.

When a report is investigated it may be necessary to reveal its substance to people such as Civic managers, external persons involved in the investigation and, in some circumstances, law enforcement agencies.

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At some point in time it may also be necessary to disclose the fact and the substance of a report to a person who may be the subject of the report. Although confidentiality is maintained, in some circumstances, the source of the reported issue may be obvious to a person who is the subject of a report.

Civic will take reasonable precautions to store any records relating to a report of wrongdoing securely and to permit access by authorised persons only. Unauthorised disclosure of information relating to a report, the identity of a person or organisation that has made a report of wrongdoing or information from which the identity of the reporting person or organisation could be inferred will be regarded seriously and may result in disciplinary action, which may include dismissal.

Protection against retaliation

It is illegal for a person to cause or threaten harm to another person based on a belief or suspicion that the other person has or may have made or could make a whistleblower disclosure. Harm in this context includes:

- Dismissal/termination of employment or services or supply;
- Demotion;
- Harassment or intimidation;
- Discrimination;
- Damage of property;
- Physical violence;
- Threats of any of the above.
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If a person believes or suspects that they are being targeted by this behaviour as a result of a whistleblower disclosure they have made or intend to make, they should notify the Internal or External Whistleblower Protection Officer immediately (whichever is appropriate in the circumstances).

Any retaliation or threat of retaliation that is reported will be treated as serious misconduct and result in disciplinary action, which may include dismissal.

Protection from legal action

A whistleblower acting in good faith and who has not engaged in serious wrongdoing or illegal conduct may be provided with immunity (definition on page 6) from disciplinary proceedings. Civic has no power to offer any person immunity against criminal prosecution.

Making a report may not protect the whistleblower from the consequences flowing from involvement in the wrongdoing itself. A person's liability for their own conduct is not affected by their reporting of that conduct under this guide. However, active cooperation in the investigation, admission of guilt and remorse may be taken into account when considering disciplinary or other action.

8 Management of persons who are the subject of a report

Civic will treat person(s) who are the subject of a report fairly and in accordance with this guide during the assessment and investigation process.

If a report of suspected or alleged wrongdoing is found to be baseless or unfounded during preliminary stages of an investigation, the Whistleblower Protection Officer will decide whether or not to inform the person named in the allegation of the allegation and the outcome of the investigation. The decision should factor in the integrity of the person so named, workplace harmony and protection for the whistleblower if it was a bona fide disclosure. Civic will give its full support to a person who is the subject of a report where the allegations contained in the report are false.

Where the allegations in a disclosure report have been investigated and the person who is the subject of the report is aware of the allegations or the fact of the investigations, the Investigation Officer must formally advise the person of the outcome of the investigation.

9 Visibility, Communication and Review

The Whistleblower Protection Officer will prepare a quarterly report to the Corporate Governance & Risk Committee regarding requests for protection, matters referred for investigation, outcomes of investigations and reviews of the operation of the protection program.

Civic will ensure that staff, volunteers, contractors, and other persons to which this Policy applies are regularly made aware of this Policy, which will be reviewed at least annually by the Corporate Governance and Risk Committee to ensure its continued effectiveness.