

QA7

WHISTLE BLOWER POLICY



NATIONAL QUALITY STANDARDS (NQS)

QUALITY AREA 7 GOVERNANCE and LEADERSHIP

7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and Responsibilities	Roles and responsibilities are clearly defined and understood and support effective decision-making and operation of the service.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS

168	Education and care service must have policies and procedures.
170	Policies and procedures to be followed.
171	Policies and procedures to be kept available.
172	Notification of change to policies or procedures.

RELATED POLICIES AND RECORDS

Code of Conduct Policy
Staff Handbook
Dealing with Complaints Policy

AIM OF POLICY

The aim of this policy is to ensure eligible whistle blowers, and those who may be involved in an investigation, understand

- The ways in which a whistle blower can make a disclosure of information.
- The protections which arise under whistle blower laws.

Story House's process for handling and investigating disclosures and ensuring the fair treatment of the individuals involved and how whistle blowers will be supported and protected by Story House.

SCOPE - WHO DOES THIS POLICY APPLY TO?

The protections in this policy apply to Disclosers, which means anyone who is, or has been, any of the following with respect to the Employer:

- employee
- director
- officer
- contractor (including employees of a contractor)
- supplier (including employees of suppliers)
- associate

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- consultant, or
- a relative, dependant, spouse, or dependant of a spouse of any of the above.

The protections in this policy will also apply to any person who has made a disclosure of information relating to the Employer to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to whistleblowing protection laws.

IMPLEMENTATION

INTRODUCTION

Australian whistle blower legislation has been amended by The Treasury Laws Amendment (Enhancing whistle blower Protections) Act 2019 (CTH) (the Act). The purpose of the Act is to amend the Corporations Act 2001 (Corporations Act) (CTH) to broaden the whistle blower protection regime.

The Corporations Act 2001 provides protections for certain types of persons that make a disclosure of Reportable Conduct. This policy has been put in place to ensure Employees and other Disclosers can raise concerns regarding any misconduct or improper state of affairs or circumstances of the Employer (including any related entities of the Employer) (the Employer) without being subject to victimisation, harassment, or discriminatory treatment.

The organisation your disclosure is about must fall into the below categories:

- A company
- A bank
- A provider of general insurance or life insurance
- A superannuation entity or a superannuation trustee, or
- An incorporated association or other body corporate that is a trading or financial corporation. This includes not for-profit organisations that trade in goods or services, lend, or borrow money, or provide other financial services, and their trading or financial activities make up a sufficiently significant proportion of their overall activities. Not all not-for-profit organisations are subject to the whistle blower protections.

REPORTABLE CONDUCT

Reportable Conduct is conduct which involves:

- dishonest behaviour
- fraudulent activity
- unlawful, corrupt, or unethical use of company funds or practices
- improper or misleading accounting or financial reporting practices
- behaviour that is oppressive, discriminatory, or grossly negligent
- unsafe work practices
- a serious risk to the health and safety of any person at the workplace
- a serious risk to public health, public safety, or the environment, or
- behaviour which may cause financial loss to the employer, damage its reputation or be otherwise
- detrimental to the employer’s interests.

Personal work-related grievances regarding matters such as an interpersonal conflict with the Discloser and another employee or a business decision relating to an engagement, transfer, promotion, terms and conditions, suspension, or termination of the Discloser’s employment typically fall outside this policy and should be raised in accordance with the *Dealing with Complaints Policy*.

An exception to this is where a personal work-related grievance is related to detrimental treatment taken against the Discloser because the Discloser has made (or is suspected of making) a disclosure under this policy, or because the Discloser proposes to (or could) make a disclosure under this policy.

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RESPONSIBILITY TO REPORT

Story House relies on its employees and Disclosers to maintain its culture of honest and ethical behaviour. To this end, it is expected that any Discloser who becomes aware of Reportable Conduct will make a formal report.

HOW TO REPORT

You can report the allegation directly to the designated Whistle blower Protection Officer:

Head of People and Culture - people@shel.edu.au or Ph: (07) 3397 5000

If the alleged or suspected wrongdoing involves the company's senior management, you can report the matter to the internal whistle blower Protection Officer above or the board appointed whistle blower Protection Officer:

John Murphy – Board Member - john.murphy@rocp.com or 0431 608 746

The whistle blower Protection Officers may appoint an external whistle blower Protection Officer if it is deemed necessary due to the nature of the issue.

You may choose to remain anonymous when making a disclosure. However, it should be noted that it may be more difficult for the alleged wrongdoing to be fully investigated if further information cannot be sought from the whistle blower.

INVESTIGATION OF REPORTABLE CONDUCT

Upon receiving a report, the whistle blower Protection Officer will determine if the report relates to Reportable Conduct and, if so, the report will be investigated as appropriate. The investigation may be conducted internally or via an externally appointed investigator.

The investigation process and enquiries will be determined by the nature and substance of the report.

All investigations will be conducted in an objective and fair manner and will be reasonable and appropriate having regard to the nature of the Reportable Conduct and the circumstances.

Where a Discloser wishes to remain anonymous, the Discloser's identity will not be disclosed to the investigator or to any other person. Information that is likely to lead to the identification of the Discloser can be disclosed without the Discloser's consent, provided that:

- The disclosure of the confidential information is reasonably necessary for the purposes of investigating the conduct disclosed by the discloser, and
- All reasonable steps are taken to reduce the risk that the discloser will be identified.

Where appropriate, the eligible recipient or appointed investigator will provide feedback to the discloser regarding the investigation's progress and/or outcome. This will be subject to privacy and confidentiality considerations.

CONFIDENTIALITY OF WHISTLE BLOWERS IDENTITY AND WHISTLE BLOWING REPORTS

If a person makes a report of alleged or suspected wrongdoing, Story House will protect your identity from disclosure.

Generally, Story House will not disclose your identity unless:

- You consent to the disclosure; and/or
- The disclosure is required or authorised by law.

Where permissible at law, it may also become necessary to disclose the fact and the substance of a report to the person who is subject to the report. There may be circumstances if your identity could be readily identifiable because of disclosure, where a report cannot be fully investigated unless you provide consent to the disclosure of your identity.

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PROTECTION OF WHISTLE BLOWERS

Story House is committed to protecting and respecting your rights in good faith. Story House does not tolerate any retaliatory action or detrimental conduct against you or any person who is believed to have made a report of wrongdoing, or against your colleagues or relatives.

Any retaliatory action or victimisation in reprisal for a report being made under this policy will be treated as serious misconduct and will result in disciplinary action. If after making a report, you believe retaliatory action has occurred or been threatened, you have the right to make a submission to the appointed Whistle blower Protection Officer.

You will not be subject to any civil, criminal, administrative liability, enforcement of any contractual or other remedy for making a disclosure under this policy. It should be noted that if you have been involved in the wrongdoing that you are reporting, making a report will not necessarily shield you from consequences of those actions. Your liability for your own conduct is not affected by reporting that conduct under this policy and any disclosure will not be admissible in any proceedings, except in the respect of falsity of the information.

FALSE OR MISLEADING DISCLOSURES

When making a disclosure, you will be expected to have reasonable grounds to suspect the information you are disclosing is true, but you will not be subject to a penalty if the information turns out to be incorrect. However, you must not make a report that you know is not true or is misleading. This may be considered a serious matter that may result in disciplinary action. There may also be legal consequences if you make a knowingly false report.

WHAT IS THE INVESTIGATION PROCESS?

While the circumstances of each Whistle blower Report may require different investigation steps, all investigations will:

- Follow a fair process
- Be conducted as quickly and efficiently as the circumstances permit
- Determine whether there is enough evidence to substantiate the matters reported
- Be independent of the person(s) concerned with the allegations.

WHAT HAPPENS AFTER AN INVESTIGATION?

Whistle blower Protection Officer will notify you once an investigation has been completed but please be aware that Story House may be unable to disclose details or the outcome of the investigation.

HOW IS THIS POLICY MADE AVAILABLE?

This policy will be available on the Story House Collaboration Station which is accessible to all employees, as well as on the company website.

SOURCE

- ASIC Australian Securities and Investments Commission [Whistle blower rights and protections | ASIC - Australian Securities and Investments Commission](#)
- Australian Government Federal Register of Legislation [Treasury Laws Amendment \(Enhancing Whistleblower Protections\) Act 2019 \(legislation.gov.au\)](#)

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