

WHISTLEBLOWER POLICY

1 Context

1.1 Context

The objective of this policy is to encourage reporting of wrongdoing that is of legitimate concern by providing a safe reporting mechanism, and protection for people who make the disclosures.

2 Statement

2.1 Statement

St Vincent de Paul Society Queensland Housing (Vinnies Housing) is committed to the highest standards of conduct and ethical behaviour and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance and to operating:

- (a) legally and in accordance with applicable legislation and regulations;
- (b) properly, in accordance with organisational policy and procedures; and
- (c) ethically, in accordance with recognised ethical principles.

Vinnies Housing recognises the importance of Whistleblowers in raising instances of Reportable Conduct as a way of ensuring compliance and adherence to the policies (including the organisational Code of Conduct), procedures, contracts and overall ethos and values of Vinnies Housing. This includes:

- (d) supporting Whistleblowers to make reports based on reasonable grounds of Reportable Conduct involving Vinnies Housing's activities;
- (e) ensuring that any Whistleblower who makes a report based on reasonable grounds, can make a protected disclosure:
 - (i) anonymously if they wish;
 - (ii) without fear of intimidation, discrimination, harassment, victimisation or reprisal;
 - (iii) without being penalised in any way;
 - (iv) ensuring an independent internal enquiry or investigation will be conducted; and
 - (v) ensuring the Whistleblower will be informed of the outcome

3 Purpose

3.1 Purpose

The purpose of this Policy is to:

- (a) ensure Vinnies Housing maintains the highest standards of ethical behaviour and integrity;
- (b) define who can make a protected disclosure (Whistleblowers);
- (c) define matters about which a protected disclosure can be made (Reportable Conduct);
- (d) identify who can receive a protected disclosure (Eligible Recipients);
- (e) encourage the reporting of matters that may cause harm to individuals, or financial or non-financial loss to Vinnies Housing, or damage to Vinnies Housing's reputation;
- (f) establish a process for Vinnies Housing to deal with reports from Whistleblowers;
- (g) ensure Vinnies Housing protects the identity (including the disclosure of information that could lead to the identity) of a Whistleblower;
- (h) provide for the secure storage of the information provided by Whistleblowers under

- Vinnies Housing 's processes; and
- (i) protect Whistleblowers against detrimental conduct

4 Definitions

Detriment means detriment to a person which includes dismissal, demotion, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a disclosure of Reportable Conduct.

Eligible Recipient means one of the following persons responsible for receiving Whistleblower disclosures of a Reportable Conduct:

- (a) Board Chair of Vinnies Housing;
- (b) Directors of Vinnies Housing;
- (c) CEO of Vinnies Housing;
- (d) Company Secretary of Vinnies Housing: or
- (e) Head of Internal Audit & Assurance, SVdP.

Grievance has the same meaning as in the SVdP Grievance Resolution Policy (adopted by Vinnies Housing) and includes personal workplace complaints regarding:

- (a) inappropriate behaviour;
- (b) discrimination, harassment or bullying;
- (c) interpersonal conflicts and communication issues;
- (d) performance management processes;
- (e) outcome of internal recruitment processes; or
- (f) allocations of duties and responsibilities.

Reportable Conduct means:

- (a) conduct which is dishonest, fraudulent or corrupt, including financial fraud or bribery;
 - (b) illegal activity including but not limited to theft, drug sale or use, violence, harassment or intimidation, criminal damage to property or other breaches of state or federal law;
 - (c) official misconduct or maladministration;
 - (d) unethical conduct or conduct in breach of Vinnies Housing 's policies, including but not limited to dishonestly altering company records or data, adopting questionable accounting practices or willfully breaching Vinnies Housing 's Code of Conduct or other policies or procedures;
 - (e) conduct that could be damaging to Vinnies Housing, an Vinnies Housing employee or a third party, including but not limited to unsafe work practices, environmental damage, health risks or abuse of Vinnies Housing property or resources;
 - (f) conduct which amounts to an abuse of authority;
 - (g) conduct which may cause financial loss to Vinnies Housing, damage to its reputation or be otherwise detrimental to Vinnies Housing's interests;
 - (h) conduct which involves harassment, discrimination, bullying or victimisation that does not constitute a Grievance; or
 - (i) conduct which involves any other kind of serious impropriety, including but not limited to serious and substantial waste of Vinnies Housing resources, practices endangering the health or safety of employees, stakeholders or the general public and practices endangering the environment,
- but does not include Grievances.

Whistleblower means a person who:

- (a) wishes to make, attempts to make, or makes a report of Reportable Conduct in accordance with this Policy; and
- (b) is, or has been, an associate of Vinnies Housing, including a Vinnies Housing Board

Member, Director, officer, employee, contractor, supplier, apprentices, trainees, work experience students, members, volunteers members performing work for Vinnies Housing , paid or unpaid; or

(c) is a spouse, relative or dependent of a person listed in (b).

5 Protections Afforded

5.1 Protection

Protection is available to Whistleblowers who disclose Reportable Conduct that is made with reasonable grounds to believe it is true.

5.2 Identity disclosure

A Whistleblower is not required to disclose their identity to receive Whistleblower protections under this Policy, but must make a report of Reportable Conduct in accordance with this Policy.

5.3 Whistleblower identification requires consent

Subject to certain legal requirements, the identity of a Whistleblower, including information that is likely to lead to identification of the Whistleblower, must not occur without the consent of the Whistleblower.

5.4 Request for anonymity

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

5.5 No Detriment

Vinnies Housing will ensure that if a Whistleblower makes disclosures about Reportable Conduct, the Whistleblower will not suffer any Detriment on account of those actions, provided that those actions:

- (a) are based on reasonable grounds;
- (b) are not trivial or vexatious in nature with no substance. This will be treated in the same manner as a false report and may itself constitute wrongdoing;
- (c) are not based on unsubstantiated allegations which are found to have been made maliciously, or knowingly to be false. These will be viewed seriously and may be subject to disciplinary action that could include dismissal, termination of service or cessation of a service or client relationship with Vinnies Housing; and
- (d) conform to the designated procedures outlined in this Policy.

Whistleblowers are not, however, protected for any of their own misconduct or illegal conduct which may be revealed by the report or subsequent investigations.

6 Reporting

6.1 Report to Eligible Recipient

If a Whistleblower become aware, on reasonable grounds, of any issue or behaviour that amounts to Reportable Conduct and wish to report the concerns, then it must be reported to an Eligible Recipient.

6.2 Independence

If the disclosure contains allegations against any Vinnies Housing senior executive or where

the Whistleblower has a reasonable belief that the Eligible Recipient is not sufficiently independent, a report may be made to Vinnies Housing 's external auditor (as identified in Vinnies Housing 's most recent annual report) or a person or entity who is eligible to receive the disclosure under the *Corporations Act 2001*.

6.3 Anonymous reporting

A Whistleblower may report suspected or actual Reportable Conduct anonymously. However if information is provided anonymously there is no availability for feedback or further contact if additional detail is required to act upon information supplied.

6.4 Investigations

Allegations of Reportable Conduct will be considered by the Eligible Recipient for investigation based on sufficient evidence and information being supplied.

6.5 Form

Where possible a report of Reportable Conduct should be in writing and should contain, as appropriate, details of:

- (a) the nature of the alleged breach;
- (b) the person or persons responsible for the breach;
- (c) the facts on which the Whistleblower's belief that a breach has occurred are based; and
- (d) the nature and whereabouts of any further evidence that would substantiate the Whistleblower's allegations, if known.

6.6 Whistleblower to be informed

Any Whistleblower who makes a report of Reportable Conduct in accordance with this Policy must be informed that:

- (a) Vinnies Housing will take all reasonable steps to ensure that the Whistleblower will not be disadvantaged for the act of making such a report;
- (b) the Whistleblower can remain anonymous and still receive protection; and
- (c) the Whistleblower will not necessarily be absolved from the consequences of their involvement in any misconduct complained of.

6.7 Reporting Channels

Reportable Conduct contact channels to an Eligible Recipient are:

- (a) Email to the Eligible Recipient;
- (b) In writing addressed "Private and Confidential" to the Eligible Recipient, St Vincent de Paul Society Queensland Housing, PO Box 3351, South Brisbane Qld 4101
- (c) Phone: 07 3010 1000

7 Investigation of Reportable Conduct

7.1 Timely investigation

The Eligible Recipient must investigate all matters reported under this Policy as soon as practicable after the matter has been reported. The investigation will be conducted in an objective and fair manner, and as is reasonable and appropriate having regard to the nature of the disclosure and the circumstances.

7.2 Information secured

The Eligible Recipient must ensure adequate security is in place for secured storage of the information provided by the Whistleblower.

7.3 Anonymous reports

Where a report is submitted anonymously, the Eligible Recipient will conduct the investigation and its enquiries based on the information provided to it.

7.4 Assistance with investigation

The Eligible Recipient may second the expertise of other officers in Vinnies Housing to assist in the investigation and may seek the advice of internal or external experts as required, whilst maintaining a duty of confidentiality.

7.5 Dismissing complaints

The Eligible Recipient may only dismiss the Whistleblower's complaint, if on reasonable grounds, the Eligible Recipient has a high degree of confidence there is no substance to the complaint. Otherwise the Eligible Recipient must, with consent of the Whistleblower, after making reasonable preliminary inquiry of a Reportable Conduct:

- (a) notify the CEO and if the Eligible Recipient is not the Internal Auditor, the Internal Auditor;
or
- (b) if the CEO is implicated in the disclosure, notify the Board Chair; or
- (c) if the Board Chair is implicated in the disclosure, then the Eligible Recipient has the authority to move directly to (g);
- (d) be satisfied that each disclosure of Reportable Conduct received is appropriately inquired into or investigated;
- (e) be satisfied that action taken in response to the inquiry/investigation is appropriate to the circumstances;
- (f) provide governance oversight over any inquiry/investigation into retaliatory action taken against the Whistleblower;
- (g) elects to appoint an independent, external expert to investigate the Reportable Conduct (the Investigator). If an Investigator is appointed, the following Terms of Reference must be provided to the Investigator, including:
 - (i) all relevant questions;
 - (ii) that the scale of the investigation is in proportion to the seriousness of the allegation(s);
 - (iii) allocation of sufficient resources;
 - (iv) a requirement that confidentiality of all parties, including witnesses, is maintained;
 - (v) a requirement that procedural fairness be applied to all parties;
 - (vi) a requirement that strict security is maintained during the investigative process;
 - (vii) a requirement that information obtained is properly secured to prevent unauthorised access;
 - (viii) a requirement that all relevant witnesses are interviewed and documents examined;
 - (ix) a requirement that contemporaneous notes of all discussions, phone calls and interviews must be made; and
 - (x) a requirement that the Findings comply with clause 8 of this Policy;
 - (xi) where appropriate, provide feedback to the Whistleblower regarding the investigation's progress and/or outcome (subject to considerations of the privacy of those against whom allegations are made).

8 Findings

8.1 Report of Findings

A report of findings must be prepared by the Eligible Recipient or where relevant, the Investigator, and provided to the Whistleblower and the Head of Internal Audit & Assurance when an investigation is complete. This report must include:

- (a) the allegations;
- (b) a statement of all relevant findings of fact and the evidence relied upon to reach conclusions on each allegation;
- (c) the basis for each conclusion reached (including the damage caused, if any, and the impact on Vinnies Housing and other affected parties) and their basis;
- (d) recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation

9 Failure to Comply

9.1 Commitment

Officers, employees, contractors and other associates of Vinnies Housing are required to cooperate with its commitment by maintaining legal, proper and ethical operations, and if necessary, by reporting non-compliant actions by others in line with this Policy

9.2 No Retaliatory Action

Vinnies Housing will not tolerate any retaliatory action or threats of retaliatory action against a Whistleblower, or against a Whistleblower's colleagues, employer (if a contractor, consultant or supplier) or relatives. Any such retaliatory action or victimisation in reprisal for a disclosure made under this Policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. In some circumstance it may be illegal; in which case Vinnies Housing will notify Police.

10 Review

10.1 Review

This Policy:

- (a) does not form part of any contract of employment/engagement and any failure by Vinnies Housing to follow a particular term of this policy, including an express or implied term, will not amount to a breach;
- (b) may be varied or rescinded at Vinnies Housing 's absolute discretion without notice and without limitation

Document Control

Related Documents		
St Vincent de Paul Society Queensland Code of Conduct		
Authorisation		
Approved by: Vinnies Housing Board on 27 November 2019		
<i>Please contact the owner for enquiries and proposed changes</i>		
Owner:	Chantel Tse	Title: In-House Counsel and Vinnies Housing Company Secretary
Phone:	3010 1000	Email:
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