

WHISTLEBLOWER POLICY and PROCEDURES

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Section 1: POLICY STATEMENT

SU QLD is committed to the highest standards of conduct and ethical behaviour in all our business activities. We promote and support honest and ethical behaviour, corporate compliance, and upright corporate governance.

People who have a working relationship with SU QLD are often the first to realise that there may be something seriously wrong. However, they may not wish to speak up for fear of appearing disloyal or may be concerned about being victimised or subject to retaliation for making a disclosure about suspected wrongdoing.

SU QLD encourages the disclosure of any instances of suspected unethical, illegal, fraudulent or undesirable conduct and provides protections and measures so that disclosures can be made confidentially and without fear of intimidation, disadvantage or retaliation.

Principles for receiving disclosures:

- Identities will be protected and remain confidential according to the wishes of the person making the disclosure (Whistleblower);
- Whistleblowers will be protected from retaliation, discrimination, harassment or victimisation for making the disclosure;
- An independent internal investigation will be conducted, issues identified from the investigation will be resolved and/or rectified, and Whistleblowers will be appropriately informed about the outcome; and
- Any retaliation on the Whistleblower will be treated as serious wrongdoing under this Policy and may result in disciplinary action and potential termination of employment.

Section 2: PURPOSE AND SCOPE

The purpose of this policy is to encourage disclosure of actual or suspected wrongdoing that is of legitimate concern by providing a convenient and safe disclosure mechanism, and protection for people who make serious wrongdoing disclosures.

This policy applies to all full-time, part-time, fixed-term and casual employees and covers all contractors, volunteers, interns and consultants. It encompasses all SU QLD Board members and extends to all SU QLDs donors, clients, partners, stakeholders, suppliers, vendors, parents/children, schools, Department of Education staff, and next-of-kin of the parties mentioned before.

This policy also applies across all jurisdictions where SU QLD operates. If local legislation, regulations, or laws provide a higher level of protection than what is included in this policy such local legislation, regulations, or laws will take precedence.

Section 3: RESPONSIBILITIES

1. Whistleblower

Whistleblowers must disclose actual or suspected wrongdoing that is made with reasonable grounds to believe it is true.

- Whistleblowers must ensure that the disclosure is:
 - 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.

- Not unsubstantiated or is found to have been made maliciously, or knowingly to be false. Such allegations will be viewed seriously and may be subject to disciplinary action that could include dismissal, termination of service, or cessation of a service or business related relationship.
- A Whistleblower must provide information to assist any investigation of the actual or suspected wrongdoing disclosed.
- Making a disclosure may not protect the Whistleblower from the consequences flowing from involvement in the actual or suspected wrongdoing itself. A person's liability for their own conduct is not affected by their disclosure of that conduct under this policy. However active cooperation in the investigation, an admission and remorse may be taken into account when considering disciplinary or other action.

2. Whistleblowing Officer

The Executive Director of Shared Services is the SU QLD Whistleblowing Officer. If a Whistleblower's concern relates to the Executive Director of Shared Services, the Whistleblowing Officer for that case is the CEO.

- The Whistleblowing Officer is responsible for receiving Whistleblower disclosures of actual or suspected wrongdoing, and for overseeing resolution.
- The Whistleblowing Officer must:
 - Brief the Head of People Services as the on-going advisor (or another appropriate person, if the Whistleblower's concern relates to the Head of People Services);
 - Conduct reasonable preliminary enquiries to establish substance, and the best practicable and confidential approach to take;
 - If the Whistleblower agrees, appoint a support person to provide support to the Whistleblower (normally a member of People Services);
 - Notify the Whistleblowing Coordinator of disclosure allegations;
 - Develop Terms of Reference (TOR) for an investigation and appoint an Investigator (which may be internal or external to SU QLD);
 - Be satisfied that each disclosure of actual or suspected wrongdoing they received was appropriately investigated;
 - Be satisfied that action taken in response to the investigation outcome is appropriate to the circumstances;
 - Provide governance oversight over any investigation into alleged retaliatory action taken against the Whistleblower; and
 - Where required provide advice and clarification on the application of this policy to individuals coming under the scope of this policy.

3. Whistleblowing Coordinator

The SU QLD Risk and Compliance Manager is the Whistleblowing Coordinator. If a Whistleblower's concern relates to the Risk and Compliance Manager, the Head of People Services will be the Whistleblowing Coordinator for that case.

- The Whistleblowing Coordinator receives particulars about all Whistleblower events and performs the following functions:
 - Arranges the logistics for investigations into the disclosures made;
 - Ensures appropriate government agencies are notified where required;

- Maintains a confidential Register for trend analysis, reporting, and to identify systemic issues requiring attention; and
- Where required provide advice and clarification on the application of this policy to individuals coming under the scope of this policy.

4. Investigator

All matters disclosed under this policy will be investigated as soon as practicable after the matter has been disclosed. Where a disclosure is submitted anonymously, SU QLD will still conduct an investigation based on the information provided. However, anonymity may prevent SU QLD from taking the issue further if unable to obtain further information from the source of the disclosure.

The Investigator:

- Must be independent of line management in the area affected by the actual or suspected wrongdoing disclosure;
- Must conduct the investigation in an objective and fair manner, and as is reasonable and appropriate having regard to the nature of the disclosure and the circumstances;
- Must have due regard for the TOR (and investigation timeframes) and seek the Whistleblowing Officer's consent where new information suggests a change to the TOR;
- May seek the advice of internal or external experts as required (Whistleblowing Officer must be consulted prior to such advice being sought);
- Provide regular feedback to the Whistleblowing Officer on investigation progress;
- Submit a written report to the Whistleblowing Officer on the findings (not including recommendations) of the investigation.

5. Head of People Services

Provides advice and guidance, as required.

6. Support Person

The support person is generally a member of the People Services team and:

- Provides confidential emotional support to the Whistleblower for the duration of the investigation;
- Maintains regular personal contact preferably by phone, video link, or in person; and
- Relays any concerns, issues, or questions the Whistleblower may have, to the Whistleblowing Officer.

The support person **is not to provide any advice or information about the investigation** or discuss the merits of the case at all. Any information about the investigation process, where necessary and required, will be appropriately provided to the Whistleblower by the Whistleblowing Officer

7. SU QLD Managers

All managers who receive disclosure about actual or suspected wrongdoing must notify the Whistleblowing Officer and provide particulars and maintain complete confidentiality about it.

Section 4: PROTECTION

1. Protected Disclosures

A protected disclosure may include actual or suspected wrongdoing that:

- Constitutes a contravention of the Corporations Act 2001, the Australian Securities & Investments Commission Act 2001, the Superannuation Industry (Supervision) Act 1993, the Banking Act 1959 or any insurance or life insurance statutes;
- Constitutes an offence against a law of the Commonwealth which is punishable by imprisonment for 12 months or more; and/or
- Represents a danger to the public or the financial system.

While not an exhaustive list, protected disclosures can be made where there is reasonable grounds to suspect that the actual or suspected wrongdoing concerns behaviour or conduct that is:

- In breach of SU QLD's Child Protection Policy;
- Dishonest, fraudulent, corrupt, or an abuse of a position of trust;
- Illegal, or perverting the course of justice;
- Unethical, or maladministration e.g. based on improper motives, or gross negligence;
- Gross mismanagement, repeated breaches of SU QLD administrative procedures, or a serious/substantial waste of resources;
- Unsafe, or unreasonably creates an unsafe environment for self and/or others;
- Any behaviour which is detrimental to SU QLD, and could potentially lead to financial or non-financial loss or damage.

The disclosure of information related to a personal work-related complaint or employment relationship problem is not generally protected by Whistleblower Laws. This may for example include matters such as interpersonal conflict, decisions regarding recruitment, employment conditions and contracts, disciplinary issues, termination of employment, etc. and should be taken up with People Services

2. How Whistleblowers Are Protected

Anonymity

- The Whistleblower has the right to remain anonymous and does not need to identify themselves at any time either at the time of disclosure or during the investigation process.
- At no time will SU QLD force the Whistleblower to reveal their identity.
- The Whistleblower can refuse to answer questions they feel could identify themselves.
- If the Whistleblower reveals themselves at any time, the Whistleblowing Officer will document who will have access to their identity. This can include the Whistleblowing Coordinator, Investigator, Head of People Services, etc.
- SU QLD will not disclose a Whistleblower's identity unless:
 - It is necessary to further an investigation and the Whistleblower consents to the disclosure; and/or
 - The disclosure is required or authorised by law.
- During an investigation it may however be necessary to reveal the substance of the disclosure to people such as other SU QLD personnel, any external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies.

- It will be necessary to appropriately disclose the facts and substance of a disclosure to a person who may be the subject of the disclosure as it is essential for natural justice to prevail. It should further be noted that although confidentiality is maintained, in some circumstances the source of the disclosure may be obvious to a person who is the subject of such disclosure.
- SU QLD will take reasonable precautions to store any records relating to a disclosure of actual or suspected wrongdoing securely, and to restrict access to authorised persons only.

Unauthorised disclosure of information that could prejudice confidentiality and identify a Whistleblower will be regarded seriously and may result in disciplinary action. Where applicable, SU QLD will notify federal police

Potential Retaliation

A Whistleblower might be concerned that staff, management, or the organisation might retaliate against them. Where this is the case, SU QLD will protect the Whistleblower from any retaliatory actions that might be present as a result of the disclosure e.g.:

- Having their employment and/or volunteer status ceased;
- Being subjected to performance management;
- Being harassed on the job, or workplace bullying;
- Warnings or disciplinary actions;
- Discrimination; or
- Any other action that can be perceived as retaliation for making a disclosure.

Considered Risk of Retaliation

In the case of a considered risk of retaliation (the Whistleblower reasonably believes retaliation is near or imminent and they are targeted for retaliation) the Whistleblower should contact the Whistleblowing Officer. The Whistleblowing Officer will take the action they feel is appropriate as well as make recommendations to the Whistleblower for how the situation can be resolved. Potential steps to protect the Whistleblower from a considered risk of retaliation can include:

- Working from home;
- Taking leave. This will generally be paid leave even where the Whistleblower does not have sufficient paid leave available; or
- Redeployed/reassigned to the same or other duties in the same or different location. This could be temporary or permanent.

Already Retaliated Against

If the Whistleblower feels that they have already been retaliated against, they should escalate this immediately to the Whistleblowing Officer. The Whistleblowing Officer will take the action they consider is appropriate as well as come up with recommendations for how the situation can be resolved. Potential steps to protect the Whistleblower after retaliation has occurred can be similar to Section 4c.

Retaliation Not Adequately Resolved

If the Whistleblower feels their report of retaliation was not resolved adequately they can escalate this in writing to the Chief Executive Officer (CEO). The CEO will investigate the matter and process for how the retaliation was dealt with, and take the appropriate steps to remedy the situation.

Separation of Issues

While SU QLD will protect the Whistleblower from any retaliation, it is also important that they are still effective in the performance of their duties. SU QLD will be able to still raise any issues related to work or performance related issues provided such issues are kept separate and are not influenced by the disclosure/s that have been made.

Legislative/Regulatory Protection & Assistance

If in any jurisdictions or areas where SU QLD operates there are whistleblowing protection laws that provide a higher level of protection than what is included in this policy, the local legislation will prevail.

3. How Others are Protected

Witnesses, Support Persons, and Representatives

Where appropriate or requested other parties that might have to bear witness or are involved in the investigation as support persons/representatives for witnesses will be protected from retaliation in the same manner as the Whistleblower.

Individuals against Whom a Disclosure is made

SU QLD recognises that individuals against whom a disclosure is made must also be supported during the handling and investigation of actual or suspected wrongdoing. SU QLD takes reasonable steps to treat any person fairly who is the subject of a disclosure, particularly during the initial enquiry and investigation process. An independent SU QLD Manager may be assigned in a support role. Where this is the case, the same provisions as in Section 3.6 apply.

- Where a person is identified as being suspected of actual or suspected wrongdoing, but preliminary inquiries determines that the suspicion is baseless or unfounded and that no formal investigation is warranted, then the Whistleblower will be informed of this outcome and the matter laid to rest.
- The Whistleblowing Officer will decide whether or not the person named in the allegation should be informed that a suspicion was raised and found to be baseless upon preliminary review. This decision will be based on a desire to preserve the integrity of a person so named, so as to enable workplace harmony to continue unfettered and to protect the Whistleblower where it is a bona fide disclosure.

The Head of People Services, or another person the CEO nominates (as appropriate), must be involved in all protection related matters (Section 4)

Section 5: MAKING A PROTECTED DISCLOSURE

1. Who May Make a Protected Disclosure

Each of the following persons may make a protected disclosure:

- Anyone coming under the scope of this policy (Section 2) as well as their relatives and dependants;
- Donors, supporters, suppliers, clients or stakeholders of SU QLD as well as their relatives and dependants; and
- Employees of donors, supporters, suppliers, clients or stakeholders of SU QLD.

2. How to Make a Protected Disclosure, and to Whom

Protected disclosures can be made in two different ways:

- Directly via the SU QLD web site on the following link: <https://www.suqld.org.au/>. The link contains a copy of this policy and the confidential email address disclose@suqld.org.au that can only be accessed by the SU QLD Whistleblowing Officer and Whistleblowing Coordinator; or
- The Whistleblower can submit a written letter to the Whistleblowing Officer in a sealed envelope addressed to the Executive Director of Shared Services (see below), and clearly marked **STRICTLY CONFIDENTIAL**. The letter must contain details of the disclosure, the Whistleblower's preferred contact details, and any relevant supporting documentation. The standard mailing address is: Executive Director of Shared Services; Scripture Union Queensland; PO Box 1167; Eagle Farm; QLD 4009.

The Whistleblowing Officer will establish contact with the Whistleblower at the earliest opportunity to explain the process and to progress the disclosure.

Alternatively, if the disclosure contains allegations against a SU QLD Executive or where the Whistleblower has a reasonable belief that the Whistleblowing Officer is not sufficiently independent, the disclosure may be made by email to the Chairperson of the SU QLD Board of Directors (currently Diann Feldman di@feldman.com.au) The Chairperson of the Board will contact the CEO or Head of People Services (as appropriate) for support and advice to progress the matter.

Although anonymous disclosures of actual or suspected wrongdoing are accepted under this policy, they impose significant limitations that may inhibit a proper and appropriate inquiry or investigation. These limitations include the inability to provide feedback on the outcome and/or to gather sufficient information to assist the inquiry or investigation. Specific protection mechanisms may be difficult to enforce if a Whistleblower chooses to remain completely confidential

Section 6: INVESTIGATING PROTECTED DISCLOSURES

On receipt of the protected disclosure the Whistleblowing Officer will make initial inquiries to establish substance and the best practicable and confidential approach to take. The Head of People Services will be involved from this early stage to provide advice and guidance as required.

- The Whistleblowing Officer will ensure that the disclosure is investigated in a manner compliant with the protection obligations outlined in Section 4 of this policy.
- The Whistleblowing Officer may alternatively:
 - appoint an appropriately qualified and impartial person/entity (internal to SU QLD or external) to investigate the disclosure; or
 - refer the disclosure directly to Australian Securities & Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA), or the Australian Federal Police.
- Whilst every investigation process will differ according to the relevant circumstances, the Whistleblowing Officer will generally ensure that appropriate enquiries are made to determine whether:
 - The allegations are substantiated;
 - Reactive action needs to be taken in order to address any established misconduct or other improper state of affairs; and
 - If reactive action is appropriate, what this should be.

Refer to Section 3.4 for information about the Investigator's duties.

Section 7: GOVERNANCE

This policy is governed by the SU QLD Board, on advice of the SU QLD Risk and Compliance Committee, and will be reviewed annually to retain alignment with SU QLD's values and any applicable legislative changes. Changes may be made independent of this timeframe if so required.

- All changes must be reviewed by the SU QLD Board of Directors for comment and feedback as deemed necessary, and final approval rests with the Chief Executive Officer prior to any publication of any changes.
- Reporting to the SU QLD Board of Directors:
As a monitoring mechanism the SU QLD Board of Directors will be updated every quarter on SU QLD's whistleblowing program inclusive of reports, investigations, and results. Reports or investigations carrying an undue amount of risk will be reported in the Board Risk Register and managed accordingly.
- This policy will be scenario tested at quarterly intervals as a means to practice its application, test its practicality, and to make changes if required.

Section 8: ACCESS TO THIS POLICY

The primary source of this policy is the SU QLD external website <https://www.suqld.org.au/> where it is available to all persons coming within its scope and who are able to make a protected disclosure under this policy.

- This policy is further available to all full-time, part-time, fixed-term and casual employees on SU QLD's internal website i.e. MySU.
- This policy, its intent and location is communicated to all new employees and volunteers during induction and training;
- Any changes to this policy are primarily communicated via:
 - The SU QLD website and relevant external publications for persons outside the organisation; and
 - Internal communications (email) for persons inside the organisation, and publication on MySU.

Section 9: REFERENCES

- [Corporations Act 2001](#)
- [Australian Securities & Investments Commission Act 2001](#)
- [Treasury Laws Amendment \(Enhancing Whistleblower Protections\) Act 2019](#)
- [Treasury Laws Amendment \(Strengthening Corporate and Financial Sector Penalties\) Act 2019 \(Cth\)](#)
- [SU QLD Code of Conduct \(Office and Field Management\)](#)
- [SU QLD Code of Conduct \(Chaplains\)](#)

Section 10: DEFINITIONS

Natural Justice: In the context of this policy natural justice includes the rule against bias and the right to a fair hearing. Natural justice is based on three principles:

- The Hearing Rule - a person has a right to respond to any allegation where their rights or interests may be adversely affected by a decision. They have the right to all information considered during the

investigation, are entitled to support or representation of their choosing, and have their responses acknowledged and genuinely considered before any decision is made;

- **The Bias Rule** – A decision-maker must be impartial and must make their decision based on a balanced and considered assessment of the information and evidence before them, without favouring one party over another. There must be no actual or perceived (the appearance of) bias during an investigation or when a decision is being considered. Investigators and decision-makers must further avoid any conflict of interest in all procedures connected with the making of a decision; and
- **The Evidence Rule** – The decision must be based upon logical proof or evidence material. Investigators and decision makers must not base their decisions on mere speculation or suspicion and should be able to clearly point to the evidence on which the inference or decision is based. Evidence (arguments, allegations, documents, etc.) presented by one party must be disclosed to the other party, who may then subject it to scrutiny and challenge. Original documents and the identity of confidential sources do not have to be provided.

Protected disclosure: A disclosure that is protected by Whistleblower Laws and the terms of this policy (see Section 4.1).

Whistleblower: A person who discloses actual or suspected wrongdoing in accordance with this policy.

Whistleblowing: Disclosure by (or for) a witness of actual or suspected wrongdoing.

Whistleblower laws: Refers to the protections contained in Part 9.4AAA of the Corporations Act 2001.

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