



pathways
southwest

Towards better mental health

Patron

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Whistleblowing Policy

Approved by: Pathways SouthWest Board of Management

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This policy applies to: Pathways SouthWest Board of Management, Staff, Students, Volunteers, Consumers, Carers, other Stakeholders and the General Public



Purpose

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

This Policy applies to all Pathways SouthWest board members, executives, managers, staff, contractors, consultants, volunteers and students. It extends to clients and suppliers.

Policy

Pathways SouthWest is committed to the highest standards of legal, ethical and moral behaviour. People who have a working relationship with Pathways SouthWest 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 reprisals for reporting wrongdoing.

No person should be personally disadvantaged for reporting wrongdoing. Not only is it illegal but it directly opposes Pathways SouthWest's values. Pathways SouthWest is committed to maintaining an environment where legitimate concerns are able to be reported without fear of retaliatory action or retribution.

When a person makes a disclosure:

- Their identity must remain confidential according to their wishes
- They will be protected from reprisal, discrimination, harassment or victimisation for making the disclosure
- An independent internal inquiry or investigation will be conducted
- Issues identified from the inquiry/investigation will be resolved and/or rectified
- They will be informed about the outcome
- Any retaliation for having made the disclosure will be treated as serious wrongdoing under this Policy

Definitions

Terms used in this Policy are:

Whistleblowing
Whistleblower

Wrongdoing

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

A person who reports wrongdoing in accordance with this Policy

Conduct that:

- Breaches legislation, regulations or local government by-laws or is otherwise illegal (including corporations law, theft, drug sale/use, violence or threatened violence or criminal damage against property)
- Is corrupt or is an abuse of public trust or position as a public official
- Is dishonest or fraudulent
- Perverts the course of justice
- Unreasonably endangers health and safety or the environment
- Is maladministration (e.g. unjust, based on improper motives, is unreasonable, oppressive or negligent)



- Is serious or substantial waste (including public money or public property)
- Is gross mismanagement or repeated breaches of administrative procedures
- Has financial or non-financial loss detrimental to the interests of Pathways SouthWest
- Is an unethical breach of the Code of Conduct
- Is serious improper conduct that could give reasonable grounds for disciplinary action

Responsibilities

1 Whistleblowers

Protection is available to Whistleblower's who disclose wrongdoing that is:

- Serious in nature;
- Made in good faith; and
- Made with reasonable grounds to believe it is true.

Protection is not available where the disclosure is:

- 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.
- 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.

A Whistleblower must provide information to assist any inquiry/investigation of the wrongdoing disclosed.

Making a disclosure 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 report 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. Even though a Whistleblower may be implicated in the wrongdoing they must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy.

2 Whistleblower Contact Officer

The Whistleblower Contact Officer is the CEO or if not appropriate then one of the other Managers, and provide information and support to the Whistleblower according to this policy. The contact officer;

- will have a direct line access to the Chair of the Board of Management of Pathways SouthWest for the reporting of wrongdoing.
- will provide mentoring and other support deemed necessary
- is responsible for keeping the Whistleblower informed of the progress and outcomes of the inquiry/investigation subject to considerations of privacy of those against whom a disclosure has been made.

3 Investigator



The Investigator may be appointed by Pathways SouthWest and may be internal or external to Pathways Southwest.

The Investigator must have internal independence of line management in the area affected by the wrongdoing disclosure.

The Investigator conducts sufficient inquiry to be able to determine conclusions about the disclosures made including whether or not investigation is warranted. The investigator must provide a report of every inquiry/investigation to the President of the Board.

The Investigator may second the expertise of other officers in Pathways SouthWest to assist in the investigation and may seek the advice of internal or external experts as required. The Investigator is responsible for ensuring the proper conduct of the investigation and for keeping the Whistleblower Contact Officer and President of the Board informed of progress.

4 Managers

All managers who receive a disclosure about wrongdoing must notify the Whistleblower Contact Officer and provide particulars and maintain confidentiality about it.

Policy Application

1 Reporting a Disclosure

Normal channels of reporting are favoured.

1.1 Internal Whistleblowers

(Directors, employees, volunteers, students, contractors or consultants)

Sometimes, a suspicion of wrongdoing may arise from a misunderstanding and is not in fact wrongdoing; or is a matter where communication is restrained by confidentiality requirements or other legitimate reasons. Accordingly, internal Whistleblowers are encouraged to check with their supervisor or their supervisors' manager to seek an immediate response. Where the internal Whistleblower believes this is not appropriate, then an alternative reporting mechanism is available.

1.2 External Whistleblowers

(Other people with a relationship with Pathways SouthWest – e.g. clients & suppliers)

Where an external Whistleblower is reluctant to report it to line management for fear of retribution, they can report their concerns to a higher level of management than the person in Pathways SouthWest that they ordinarily deal with. There may be a simple explanation that they had not considered. Where this is not appropriate, an alternative reporting mechanism is available.

1.3 Alternative reporting

Alternative reporting to normal channels are available where:

- The normal reporting channel is considered inappropriate to the circumstances;
- Pathways SouthWest line management was notified but failed to deal with it; or
- The person or organisation disclosing wrongdoing is concerned about possible retaliation.



External Whistleblowers (people or organisations with a relationship with Pathways SouthWest) may provide the report of wrongdoing to:

- Chair of the Board of Management of Pathways SouthWest
- Whistleblowing hotline (to be established under the Whistleblowing legislation (Cwlth))

Emergency public interest disclosures (to a member of parliament or a journalist) can be made if the information disclosed concerns a substantial or imminent danger to health or safety of one or more persons.

Public interest disclosure can also be made if at least 90 days has passed since the first disclosure to a regulator or authority, and the person does not have reasonable grounds to believe that action has been taken to address the matters. The whistleblower has given written notification to the authority / regulator that they intend to make a public interest disclosure.

1.4 Other Complaint Mechanisms

This policy is in addition to:

- Grievance procedures for employees, which is for all staff to raise any matters they may have in relation to their work or their work environment, other persons, or decisions affecting their employment. This policy does not replace other reporting structures such as those for dispute resolution, discrimination, victimisation or matters relating to workplace bullying or harassment.
- Standard complaint mechanisms for clients or volunteers
- Any exercising of rights under the terms of their contract by contractors and suppliers

An exception to this is where the issue is wrongdoing of a serious nature yet the existing reporting system failed to attend to the issue or has processed it in a substantially inappropriate, grossly unfair or heavily biased manner.

1.5 Anonymous reporting

Anonymous reports of wrongdoing are accepted under this policy. Anonymous reports have significant limitations that inhibit a proper and appropriate inquiry or investigation. These limitations include the inability to provide feedback on the outcome and/or to gather additional particulars to assist the inquiry/investigation. Specific protection mechanisms cannot be provided. A Whistleblower Contact Officer will not be appointed.

2 Protection

Not all disclosures of serious wrongdoing are protected at law. To meet Pathways SouthWest philosophy of accepting tip-offs from anyone, Pathways SouthWest adopts the principle of providing protection to people or organisations with a relationship with Pathways SouthWest :

- At least to the extent of protection at law; and
- Beyond legal protection wherever it is practical in the circumstances.

3 Confidentiality

Generally, Pathways SouthWest 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.

When a report is investigated it may be necessary to reveal its substance to people such as other Pathways SouthWest personnel, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies.

It will be necessary to disclose the facts and substance of a report to a person who may be the subject of the report as it is essential for natural justice to prevail. 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.

Pathways SouthWest will take reasonable precautions to store any records relating to a report of wrongdoing securely and to restrict access to authorised persons only.

Unauthorised disclosure of information relating to a disclosure that could prejudice confidentiality and identify a whistleblower will be regarded seriously and may result in disciplinary action, which may include dismissal. In some circumstance it may be illegal; in which case Pathways SouthWest will notify Police.

4 Retaliation and sanctions

Pathways SouthWest is committed to protecting and respecting the rights of whistleblowers who report wrongdoing in good faith. Pathways SouthWest 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.

For example, a Whistleblower must not be disadvantaged or victimised for having made the report by:

- Dismissal or termination of services or supply
- Demotion
- Discrimination, victimisation or harassment
- Current or future bias
- Threats of any of the above

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 Pathways SouthWest will notify Police.

3 Investigation

All reports of alleged or suspected wrongdoing made under this policy to a Whistleblower Governance Officer will be properly assessed, and if appropriate, inquired into or independently investigated - with an objective of gathering evidence relating to the claims made by the Whistleblower. That evidence may substantiate or refute the claims made.

Investigations shall observe the rules of natural justice and procedural fairness

4 Disclosure Management

Pathways SouthWest recognises that individuals against whom a report is made must also be supported during the handling and investigation of the wrongdoing report. Pathways SouthWest takes reasonable steps to treat fairly any person who is the subject of a report, particularly during the assessment and investigation process in accordance with an established support protocol which may be extended to include appointing an independent senior officer in Pathways SouthWest to provide support.

Where a person is identified as being suspected of possible 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 Contact 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.



Where an investigation does not substantiate the report, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.

Generally, where an investigation is conducted and the investigator believes there may be a case for an individual to respond, the Investigator must ensure that a person who is the subject of a disclosure:

- Is informed of the substance of the allegations;
- Is given a fair and reasonable opportunity to answer the allegations before the investigation is finalised;
- Has their response set out fairly in the Investigator's report; and
- Is informed about the substance of any adverse conclusions in the investigator's report that affects them.

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- Where adverse conclusions are made in an investigator's report about an individual, that individual has a right to respond to those conclusions prior to any action being taken by Pathways SouthWest against them.
- Pathways SouthWest will give its full support to a person who is the subject of a report where the allegations contained in the report are clearly wrong.

Failure to comply

Any breach of this Policy may result in disciplinary action that could result in severance from the organisation.

Related policies

Staff Code of Conduct

Board of Management Code of Ethics Policy

Board of Management Conflict of Interest Policy

Prevention of Crime Against Service Users Policy

Fraud Risk Management Policy

Feedback Policy

Staff Disciplinary and Termination Policy and Procedure

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