

Sydney Diocesan Services

Whistleblower Policy

Commitment

1. Sydney Diocesan Services (“SDS”) is committed to the highest standards of ethical behaviour in all its activities. SDS seeks to uphold a robust culture of compliance and good governance, and encourages staff, clients and suppliers to challenge inappropriate behaviour and practices within SDS, including by using this Policy to make reports of relevant misconduct.

Purpose

2. The purpose of this Policy is to provide for the formal reporting of certain kinds of misconduct by persons (called “whistleblowers”).
3. The Policy sets out the process of receiving and handling whistleblower reports, and provides protections for whistleblowers, in accordance with the *Corporations Act 2001* (Cth).
4. This Policy supplements the existing procedures available within SDS to raise personal work-related concerns and complaints under the Grievance Policy, and reporting structures dealing with workplace harassment and bullying, and victimisation.
5. As this Policy is intended to address situations where other reporting systems are inappropriate or ineffective, SDS encourages staff to raise other concerns directly with their manager in the first instance where possible.

Scope

6. This Policy applies to all current and former officers and staff of SDS, including contractors, consultants, volunteers and interns, and extends to clients and suppliers of SDS.
7. A relative, spouse or dependant of any person to whom this Policy applies may also report misconduct, and access the protections available, under this Policy.
8. Although this Policy does not form part of any staff member’s contract of employment or client’s or supplier’s contract of services, SDS requires persons to whom this Policy applies to comply with its terms.

What should be reported under this Policy

9. SDS encourages any person identified above to make a report under this Policy if they have reasonable grounds to suspect, in relation to SDS (including any employee or officer):
 - (a) misconduct, or an improper state of affairs or circumstances;
 - (b) conduct that constitutes a contravention of laws that are punishable by imprisonment for a period of 12 months or more;
 - (c) conduct that represents a danger to the public or the financial system.

This includes, but is not limited to:

- breaches of the law or regulations;
- fraud, negligence, default, breach of trust and breach of duty;
- theft, dishonesty, corruption, bribery or money laundering or other criminal conduct;
- tax evasion;

- misleading or deceptive conduct, including improper or misleading accounting or financial reporting practices;
 - systemic practices that create a significant risk to public safety or the environment; and
 - the victimisation of a whistleblower.
10. A base allegation without supporting information is unlikely to be enough to show you have reasonable grounds. Your report need not identify particular breaches of the law (for example), but it should outline the information, reasons or grounds for your suspicion so the allegations can be properly assessed and investigated.
 11. If a person is unsure as to whether something falls under this Policy, or whether to make a report, the person may speak to their senior manager or the Head of Human Resources to seek assistance, support or advice on a confidential basis. However, there is no requirement to do so before making a report, or to access the protections available under this Policy.
 12. A relative, spouse or dependant of any person to whom this Policy applies may also report misconduct, and access the protections available, under this Policy.

Personal work-related grievances

13. Generally, personal work-related grievances do not constitute misconduct under this Policy.
14. A 'personal work-related grievance' is a grievance which relates to the person's employment or former employment with SDS, and has or tends to have personal implications for the person but no significant implications for SDS unrelated to the person.
15. Examples of a personal work-related grievance include:
 - an interpersonal conflict between the person and another staff member;
 - any decision relating to the person's engagement, transfer or promotion;
 - any decision relating to the terms and conditions of engagement of the person;
 - any decision to suspend or terminate the person's engagement, or to otherwise discipline the person.
16. Personal work-related grievances are more properly addressed under the Code of Conduct or Grievance Policy (as the case may be).
17. However, a person who makes a report of certain types of personal work-related grievance (such as victimisation because the person has or may make a report under this Policy) may be able to access the whistleblower protections set out in this Policy and the *Corporations Act 2001* (Cth).

Making a report of misconduct to an SDS officer

18. A person may make a report of actual or suspected misconduct, or improper state of affairs or circumstances, to any officer or senior manager. However, SDS encourages reports to be made to:
 - the person's senior manager or the Head of Human Resources, if the report relates to an employee, volunteer or contractor (except a senior manager);
 - the CEO, if the report relates to a senior manager;
 - the Chair of the Board of SDS, if the report relates to the CEO or a member of the Board; or
 - the President, if the report relates to the Chair.
19. The Chair of the Board of SDS can be contacted via the Corporate Secretary or directly by using the email SDSChair@sydney.anglican.asn.au. Any person contacting the Chair, should only do so for the purpose of making a report under this Policy.

Making a report to a regulator or other external entities

20. This Policy does not prevent any person from making a report regarding any misconduct, or to otherwise communicate, with any relevant regulators or law enforcement bodies regarding any misconduct.
21. A person may seek legal advice or representation regarding the making of a report of misconduct under this Policy at any time prior to, during, or after making the report. SDS may agree to reimburse the reasonable costs of a person who seeks legal advice or other representation regarding the making of a report.
22. Making a report to a regulator or other external sources, or seeking legal advice or representation, does not prevent any person from accessing the whistleblower protections set out under this Policy.

How to make a report of misconduct

23. The report, which may be made verbally or in writing, should set out the grounds for the person's concerns, including all relevant facts and any documentation to support the concerns.
24. All reports of misconduct will be treated confidentially, subject to the disclosures required to undertake the processes required or provided under this Policy. SDS will also take reasonable precautions to store any records relating to a report securely and to restrict access to authorised persons who need to access the record to discharge their duties.
25. In responding to a report, SDS may need to disclose the identity of the whistleblower (including to an investigator), or to act in a manner which may disclose the identity of the whistleblower (such as revealing the substance or facts of the report to the subject of the report) if this is reasonably necessary for the purpose of investigating the disclosure. SDS will take all reasonable steps to reduce the risk that the whistleblower will be identified as a result of the disclosure. Unless otherwise required by law, SDS will obtain the consent of the whistleblower before taking any steps which may reasonably identify the person.

Anonymous reports

26. A whistleblower may choose to make a report anonymously, and remain anonymous during and after an investigation. A whistleblower who chooses to report anonymously will still be entitled to protections under this Policy and the *Corporations Act 2001* (Cth).
27. Please note that anonymity may create some practical challenges in dealing with a report. In certain cases, anonymity may make it difficult to fully and properly investigate a report, to involve the whistleblower in the investigation, and to ensure that the person receives the protections set out in this Policy and the relevant legislation.
28. However, if the whistleblower's preference is to remain anonymous, SDS will respect the person's wishes and take all reasonable steps to preserve anonymity, to protect them, and to investigate the concerns raised to the extent reasonably possible with the information given.

Reasonable basis for report

29. If there is a reasonable basis for making a report, a whistleblower will be protected under this Policy and applicable legislation, even if the report is later determined to be incorrect, unsubstantiated, or based on an inaccurate factual understanding.
30. If it is determined that a whistleblower had no reasonable basis for their report, or has knowingly made a false or misleading report, that person may be subject to disciplinary action, which could include dismissal.

What happens once a report is made?

31. Once a report is made, the recipient of the report will review the report, and based on the evidence, decide on the appropriate way forward.
32. If it is determined that an investigation is not required under this Policy (for example, because the report should be dealt with under another policy), the report will be concluded and the whistleblower will be informed of the outcome. To the extent that the matter raises concerns which should be dealt with by SDS (such as under a different policy), the person who has made the report will be notified before further steps are taken.
33. If an investigation is required, the recipient of the report will consider whether to conduct the investigation internally (including by appointing an 'investigation officer') or to use a third party service. The whistleblower will be notified prior to any referral of the report to a third party for investigation.

Procedural fairness

34. Any process undertaken will be objective, fair, independent and progressed in a timely manner (although the process and timing may vary depending on the nature of the report). Care will be taken to ensure there are no conflicts of interest in the handling of any reports under this Policy.
35. Generally, and subject to any requirement to maintain anonymity, the subject(s) of a report will be informed of any allegations against them, and have the opportunity to respond to those allegations before any outcomes are reached. They will also have access to support, including the Employee Assistance Program ("EAP") during the investigation process.
36. The whistleblower will be kept informed about the process and timing of any investigation. If the whistleblower has any concerns regarding the handling of a report, they should notify the person to whom they made the report (i.e. the relevant senior manager, the Head of Human Resources, CEO or Chair of the Board).

Outcomes of investigation

37. The investigation may conclude with a written document, which sets out findings on the allegations and summarises the evidence for those findings. The written document will not be shared with the whistleblower or the subject(s) of the report.
38. The whistleblower and subject(s) of the report will be notified about the outcomes of the investigation as appropriate in the circumstances. If the allegations are substantiated, disciplinary action will be taken against those involved. The precise nature of any action taken against a person will remain confidential. If the allegations are not substantiated, the report will be concluded and the relevant parties will be so notified.

Protection for whistleblowers

39. A whistleblower who makes a report in accordance with this Policy will have access to various protections, including protections under the *Corporations Act 2001* (Cth) as set out below. These protections apply to the making of a report and participation in the investigatory process.

Confidentiality

40. Unless the whistleblower consents to the disclosure of their identity, the disclosure is for the purpose of undertaking processes provided for under this Policy or the disclosure is required or

permitted by law, SDS will take all reasonable steps to protect the identity of the person, and will not disclose any information which is likely to identify the person.

No detriment for whistleblowing

41. SDS will take all reasonable steps to protect a whistleblower from any 'detriment' for making a report, which may include providing support services and implementing strategies to minimise the impacts arising from making and/or investigating the report. This protection extends to witnesses who provide assistance in relation to a report, as well as any person associated with the whistleblower or witness.
42. A 'detriment' is any unfavourable treatment, including victimisation, harassment or intimidation, any injury to the person's employment, dismissal or termination of employment, or any threats or actual physical or psychological harm, or any damage to the person (including to their property, reputation or financial position).
43. If a whistleblower or witness is concerned that they have been subject to a detriment as a result of a report or investigation, they are encouraged to contact the person to whom they made the report, and provide details about the detriment experienced.
44. It is a breach of this Policy to subject a whistleblower or witness to a detriment for reporting misconduct or assisting an investigation of a report, other than as set out above. Such conduct by a member of SDS staff is grounds for disciplinary action, which may include termination of employment or the engagement.
45. However, if it is determined that a whistleblower or witness had no reasonable basis for their report or testimony, or has knowingly made a false or misleading report or testimony, that person may be subject to disciplinary action, which could include dismissal.

Review of decisions

46. A whistleblower who believes that their report has not been properly addressed under this Policy should notify the recipient of their original report, and request that the matter be reviewed by the Board of SDS. This includes any decision not to investigate a report, or the outcomes of any investigation.

Further protections

47. A whistleblower will not be subject to any civil, criminal or administrative liability, and no contractual or other remedy may be enforced (including the termination of employment) against a whistleblower for making a report under this policy or applicable legislation, subject to that report having a reasonable basis.
48. There are additional protections and remedies available for certain disclosures made under particular legislation, including the *Corporations Act 2001* (Cth) and the *Tax Administration Act 1953* (Cth).
49. A whistleblower may also seek compensation or other remedies in court if they have experienced a detriment for making a report of misconduct.

Access to support

50. SDS is committed to providing appropriate support to whistleblowers and witnesses. The nature of the support offered will depend on the circumstances, but may include monitoring any potential detriment that may be experienced for making the report, or providing strategies to manage stress.

51. If the whistleblower or witness is a current SDS staff member, they may use the EAP. Any queries regarding support should be made to the recipient of the report or the Head of Human Resources.

Staff training

- 52. SDS will make this Policy available to all staff members, who must familiarise themselves with this Policy.
- 53. SDS will also train all officers and senior managers who may receive a report regarding their obligations under this Policy, including to maintain the confidentiality and anonymity of reports, and regarding the protection of whistleblowers against any detriment or reprisal for making a report.

Misconduct involving the whistleblower

54. Any whistleblower who is involved or otherwise implicated in any misconduct reported to SDS may be subject to disciplinary action on that basis. In such a case, any early admission of misconduct, active cooperation or remorse may be considered as mitigating factors in relation to any disciplinary action.

Consequences of breaching this policy

- 55. Any staff member who becomes aware of a breach of this Policy is encouraged to promptly report the breach to a senior manager, the Head of Human Resources, CEO or Chair of the Board (as appropriate).
- 56. Any alleged breaches of this Policy will be taken seriously and may lead to disciplinary action, which may include termination of employment or the engagement.

Policy Status –

Date	Comments
14 April 2021	Board Approval
November 2021	Board approved amendments
February 2023	Board approved amendments
February 2024	Reviewed