



Safe Places
for Children

Whistleblower Policy

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At Safe Places it's all about the young people

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1. INTRODUCTION

1.1 Purpose

This Whistleblower Policy (Policy) has been adopted in accordance with requirements pursuant to the *Corporations Act 2001* (Cth) and forms part of the Safe Places corporate governance framework as defined by the *Code of Conduct*.

Whistleblowers play an important role in identifying and calling out misconduct and harm. Eligible Whistleblowers (also referred to as ‘Discloser’ or ‘you’ or ‘your’) are encouraged to report any Disclosable Matters they encounter within or in relation to Safe Places if they have reasonable grounds to believe someone has engaged in a serious illegal act or improper misconduct.

The Policy outlines:

- Who is entitled to protection under this Policy and the *Corporations Act 2001* (Cth);
- How you can report illegal or improper conduct confidentially and anonymously;
- How Safe Places will investigate the Disclosable Matter; and
- Protections available to you against victimisation, discrimination, intimidation and reprisal.

Failure to comply with this Policy by Safe Places employees may result in disciplinary action, counselling and/or dismissal.

1.2 Scope

Under this Policy an eligible whistleblower is:

- Safe Places employees, officers and Directors (current or in the past);
- Contractors (supplying goods and services to Safe Places) (including their employees);
- Suppliers (supplying goods and services to Safe Places) (including their employees);
- Consultants (including their employees);
- Associates of Safe Places; and
- Family Members of an individual above.

If you make a report about a Disclosable Matter under this Policy as an Eligible Whistleblower, you will qualify for protection as a whistleblower under the *Corporations Act 2001* (Cth) and the protections set out in this Policy.

1.3 Definitions and Acronyms

Term	Definition
ACNC Act	<i>Australian Charities and Not-For-Profit Commission Act 2012</i> (Cth).
Disclosable Matter	Defined in ‘Matters that Should Be Reported’ section of this Policy.
Eligible Recipients	Means persons listed in ‘Whistleblower Protection and How to Make a Report’ section of this Policy.
Safe Places	Safe Places Community Services Limited ACN 131 345 910.

Term	Definition
WPO	Whistleblower Protection Officer (position currently held by Safe Places Chief of Corporate Services).
WI Team	Whistleblower Investigation Team (comprised of the Chief of Corporate Services, Chair of the Audit Committee and Managing Director).
WBS	Whistle Blowers Services: A Whistle Blower Portal to help reach resolutions and solutions for Employees and Organisations. https://www.whistleblowingservice.com.au/

1.4 Reference Documents

The following referenced documents are available on the Safe Places intranet in the Management System Library:

- Code of Conduct ([COR-ALL-GOV-POL-001](#));
- Grievance Procedure ([COR-ALL-HRM-PRO-001](#)); and
- Young Person Complaints Procedure (contained in the Youth Worker Booklet).

2. MATTERS THAT SHOULD BE REPORTED

2.1 Disclosable Matters

A Disclosable Matter is information that the discloser has reasonable grounds to suspect involves misconduct or an improper state of affairs in relation to Safe Places.

Examples of Disclosable Matters include:

- Harassment, bullying or discrimination;
- Illegal conduct such as fraud, corruption, bribery and theft;
- Criminal damage to property, dealing in or use of illicit drugs, substance abuse, violence or threatened violence;
- Misconduct or an improper state of affairs for Safe Places in relation to corporate governance practices, accounting and/or audit practices and tax affairs;
- Dishonest behaviour;
- A material breach of the *Corporations Act 2001* (Cth) and ACNC Act and legislation relating to Safe Places operations;
- Corruption, unethical dealing with customers, consultants and service providers;
- Money laundering or misappropriation of funds;
- Deliberate breach of work, health, safety and environment laws or a unsafe work-practices;
- Misconduct which substantially will damage Safe Places reputation; or
- Offences against law of the Commonwealth that is punishable with 12 months or more imprisonment.

2.2 Matters Excluded From This Policy

Personal work related grievances and grievances for individual young person reporting are excluded from this Policy and will be dealt with in accordance with the Safe Places [Grievance Procedure](#) and [Young Person Complaints Procedure](#) unless:

- It includes information about misconduct;
- Any conduct that is considered victimisation of an individual because they have made or propose to make a report under this Policy; or
- You seek legal advice or legal representation about the operation of the whistleblowers protection under the *Corporations Act 2001* (Cth).

2.3 Personal Work Related Grievances

Personal work related grievances means a grievance about any matter in relation to your employment (or former employment) which tends to have an impact to the individual personally or likely to impact the person solely.

These grievances are not covered under this Policy and should be reported to your direct Manager (or if it relates to your direct Manager then report to your Manager's Manager) in accordance with Safe Places [Grievance Procedure](#).

Examples of personal work related grievances include:

- Conflict or dispute or grievance between the Discloser and another employee of Safe Places;
- Employment decisions relating to engagement (including terms and conditions), promotion or transfer for the Discloser; and
- Employment decisions to discipline, suspend or terminate the employment engagement of the Discloser.

3. PUBLIC INTEREST AND EMERGENCY DISCLOSABLE MATTERS

We recommend that individuals seek independent legal advice prior to making a Public Interest Disclosure or Emergency Disclosure. You may also contact the WPO to ensure you understand the criteria for making any Public Interest Disclosure or Emergency Disclosure.

3.1 Public Interest Disclosure

A Public Interest Disclosure is disclosure to a journalist or Member of Parliament where:

- At least 90 days have passed since you made the disclosure to the Australian Securities and Investments Commission or another Commonwealth body prescribed by regulation;
- You do not have reasonable grounds to believe that action is being or has been taken in relation to your disclosure;
- You have reasonable grounds to believe that making a further disclosure of the information is in the public interest; and
- Before making the public disclosure you have written to the body that includes sufficient information to identify the previous disclosure and states that you intend to make a public interest disclosure.

3.2 Emergency Disclosure

An Emergency Disclosure means a disclosure of information to a journalist or Member of Parliament where:

- You have previously have made a disclosure of information to a regulatory body; and
- You have reasonable ground to believe that the information in your report concerns a substantial and imminent danger to the health and safety of one or more persons or to the natural environment; and
- You have given written notice to the recipient of your report that you intend to make an emergency disclosure of the report; and
- The emergency disclosure is made to a member of parliament or a journalist; and
- The information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or member of parliament of the substantial imminent danger.

4. CHILD SAFETY AND GUARDIANSHIP LEGISLATION

Safe Places provides young people (children under the age of 18) at risk with intensive therapeutic support and supervision. The obligations of Safe Places under this Policy will be subject to requirements of Safe Places under child protection and equivalent legislation.

Reporting for Young Person matters is subject to the relevant legislation, licensing and the [Young Person Complaints Procedure](#).

5. WHISTLEBLOWER PROTECTION AND HOW TO MAKE A REPORT

5.1 Whistleblower Protection

To qualify for whistleblower protection under the *Corporations Act 2001* (Cth) you must make the report for a Disclosable Matter to an Eligible Recipient.

Eligible Whistleblowers making a report in accordance with this Policy are protected from detrimental conduct against them for making disclosure of a Disclosable Matter. Detrimental conduct may include discrimination, disadvantage, harassment and damage to property.

If the Eligible Whistleblower feels, they have suffered detrimental conduct this should be reported to the WPO or you should seek independent legal advice. Safe Places will take reasonable steps to ensure the Eligible Whistleblower will not be subject to detrimental conduct.

The Eligible Whistleblower may be entitled to other legal protections in certain circumstances, including:

- Protection from civil, criminal or administrative legal action for making a report of a Disclosable Matter;
- Safe Places exercising a contractual right or other contractual remedies against the Discloser in the Disclosable Matter report; or
- Information used against you in evidence provided in the Disclosable Matter report.

5.2 Eligible Recipients

An Eligible Recipient (internal and external) includes:

- Directors of Safe Places;

- Managing Director;
- Senior Executive;
- Whistleblower Protection Officer (WPO);
- Safe Places external auditors;
- Whistleblower Hotline WBS (external reporting);
- Legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the whistleblowers provisions of the *Corporations Act 2001* (Cth), even when the legal adviser has concluded the disclosure does not relate to a Disclosable Matter; and
- Regulating bodies such as the Australian Securities and Investment Commission or Australian Charities and Not For Profit Commission.

The Discloser must inform the Eligible Recipient the report is being made under this Policy. The Eligible Whistleblower can report a Disclosable Matter directly to the Eligible Recipient(s), with the option of reporting to an internal or external Eligible Recipient.

5.3 Reporting to an Internal Eligible Recipient

The Whistleblower Protection Officer (WPO) for Safe Places is the Chief of Corporate Services and can be contacted on 0402764868 or by email on WPO@SafePlaces.com.au.

5.4 Reporting to an External Eligible Recipient

An independent service provider hosts the Safe Places Whistleblower Hotline. The Whistleblower Hotline will forward a summary of the report to the WPO for action and/or referral to the WI Team.

Reporting to the external independent whistleblowing Eligible Recipient service can be undertaken as follows:

Phone No.	1300 687927
Website	https://www.whistleblowing-service.com.au/safeplaces/
Unique Key	SP2020
Client Reference No.	d3qg52020

The Whistleblower Hotline will be open on standard business days between 8am to 5pm (AEST). The operators taking the call on the Whistleblower Hotline are independent to Safe Places. Outside business days and hours the Whistleblower Hotline may be diverted to an operator mobile. When making a report you should include specific details and enough facts to allow an investigation to be conducted.

5.5 Anonymous or Partially Anonymous Disclosure

Disclosable Matters can be reported anonymously or partially anonymously and Safe Places have processes to protect your identity. If you are lodging the report on the grounds of partial identity to the Eligible Recipient, then:

- The Eligible Recipient will be the only party aware of your identity and procedures will be implemented to protect your identity unless identity disclosure is authorised by you; and

- You can request your identity to be redacted or only disclosed to certain Eligible Recipients or the WPO.

5.6 False Reporting and Reporting in Good Faith

A report may have a serious consequence, such as damage to reputation and career progression for an employee subject to allegations. All reports must be made in good faith, with a reasonable basis that the information is correct or likely to be correct.

Deliberate false reports where you have no reasonable grounds to suspect misconduct or improper state of affairs will be treated as a disciplinary matter. You will also not have whistleblower protection under the *Corporations Act 2001* (Cth).

6. CONFIDENTIALITY

Safe Places is committed to ensuring reports or improper conduct raised will be treated as confidential. Upon receiving a report from you whether internally or externally, the WPO and Safe Places will:

- **Protect your identity:** subject to legal requirements or disclosure requirements to auditors, the report will be treated as confidential and Safe Places, WPO and WI Team will not reveal your identity as the whistleblower. Safe Places will not disclose information to anyone not related to the investigation without your consent (where contact details are provided for consent to be obtained);
- **Protect files and records:** protect and secure report and investigation files, we will not release files and records to anyone not involved in the investigation without your consent (other than Managers or the Board who need to undertake action); and
- **Treat you with fairness:** a report made in good faith about conduct which falls under this Policy will be treated fairly. If a reporting person feels they have suffered disadvantage or reprisal for making the report then this should be reported in accordance with the Personal Work Related Grievances section of this Policy.

7. INVESTIGATING A DISCLOSABLE MATTER REPORT

7.1 Responsibilities

The Board of Safe Places is responsible for decision making regarding reports and investigations under this Policy.

Safe Places has appointed the WPO who will be responsible for reviewing the report and:

- Referring the investigation to the WI Team;
- Requesting additional information;
- Undertaking a preliminary review;
- Referring the issue to be dealt with under another policy; and/or
- Child Safety and Guardianship Legislation.

All Disclosable Matter reports will be acknowledged as received and reviewed by the WPO and then referred to the WI Team for investigation.

7.2 Investigation of a Report

Safe Places has appointed a WI Team, which will carry out and supervise the investigation for reports made under this Policy. The WI Team with the Safe Places Board will make a decision about the report.

Investigations will be carried out fairly, independently and in an objective manner. If external assistance is required, the WI Team may engage external assistance, in conjunction with the WI Team investigation or independently.

Safe Places will take prompt action if the investigation requires. This may include disciplinary action and reporting to regulatory bodies or law-enforcement bodies.

7.3 Investigation Feedback

If practicable, the Discloser will be kept informed on the progress of the investigation and the outcome of the investigation (subject to knowing the identity of the Discloser, privacy and confidentiality obligations). This does not require release of the WI Team, external or Board investigation report.

7.4 Reports Concerning the WPO, WI Team or Managing Director

For any report made internally against either the WPO, a WI Team member or a Board member it can be reported using the external reporting process in section 4. In this case the external reporting entity will liaise directly with the Chair for the Safe Places Board on the notification.

If the Disclosable Matter involves the WPO or a WI Team member, such individuals will be excluded from receiving or investigating the Disclosable Matter under this Policy. In this case, the Board will appoint suitable independent appointments.

If a report involves a Director or the Managing Director then the relevant individual will be excluded from receiving or investigating or participating in decision making for the Disclosable Matter, until the investigation process is complete.

7.5 Action Against Implicated Employee

No action will be taken against employees implicated in a Disclosable Matter under this Policy until the investigation is completed. Safe Place employees implicated or under investigation for a Disclosable Matter may be stood down with or without pay or transferred whilst the investigation is being carried out. The stand down is temporary and the employee must be re-instated if the allegations in the Disclosable Matter report are unsubstantiated.

Subject to request of the Discloser on anonymity, the employee subject to the allegations under the Disclosable Matter report has the right to be informed of the allegations and be given the opportunity to respond and provide additional information. The employee subject to the allegations must keep the information for the Disclosable Matter and identity of the Discloser confidential until the allegations are substantiated. The party subject to the allegations in the Disclosable Matter report is permitted to seek independent legal advice.

The employee subject of the Disclosable Matter allegations will be advised of the outcome of the investigation, but this does not require release of the WI Team, external or Board investigation report.

8. EMPLOYEE ASSISTANCE PROGRAM (EAP) SUPPORT

Safe Places offers support through the Employee Assistance Program (EAP) for the Discloser and/or employees implicated in the Disclosable Matter report. The program is available to all Safe Places employees at no cost.

The independent EAP provider is Complex Care. You can contact Complex Care directly without contacting Safe Places. The contact details for the EAP are located on the WHS SharePoint home page.

Alternatively you can connect with third party service providers such as Lifeline on 13 11 14 or Beyond Blue 1300 22 4636.

9. DOCUMENT REVISION CONTROL

This Policy owner will review and update this Policy every two years as required or when required by the Board.

Revision	Date Approved	Description	Policy Owner	Approved By
0	02/06/2020	The Whistleblower Policy was approved by the Board on the 02/06/2020. This version has been reformatted however the intent of the policy has not changed.	Chief of Corporate Services	Board