

Section	Governance
Sub Section	
Policy Name	Whistleblowing Policy
Version	V1
Date of Effect	4 June 2020
Review Date	4 June 2022
Board Approval	Frank Quinlan

Context

The Board of Directions Health Services (Directions) is committed to transparency and accountability. This means operating legally (in accordance with applicable legislation), properly (in accordance with internal policies and procedures) and ethically (in accordance with Directions' values). Employees are expected to cooperate and act in accordance with these principles. This policy has been prepared at a time when whistleblowing laws in Australia have recently changed. The new Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019, is designed to encourage more people to come forward with reports of corporate wrongdoing, more effectively protect people who come forward against reprisal and make corporations more accountable for business integrity.

Directions is fully committed to encouraging people to speak up when they see activity or behaviour that they feel is wrong and does not match our organisation's values. This policy is to be read in conjunction with Directions Whistleblowing Procedure.

Purpose

The purpose of this policy is to:

- encourage the reporting of matters that may cause harm to individuals or financial or nonfinancial loss to Directions or damage to its reputation;
- enable Directions to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower as far as possible and provide for the secure storage of the information provided;
- establish policies for protecting whistleblowers against reprisal by any person internal or external to Directions; and
- Provide the appropriate infrastructure to help ensure Directions maintains the highest standards of ethical behaviour and integrity.

Scope

This policy applies to anyone who works for or at Directions, including staff, contractors (and their employees), consultants, Board Directors and volunteers. The policy does not form part of the terms of employment or engagement of any employees or individual contractors.

Directions members and other external parties may report any concerns they have about suspected wrongdoing at Directions under the Feedback and Complaints Guidelines.

Other arrangements

This policy does not replace, but supplements existing processes for dealing with workplace grievances and misconduct, such as suspected breaches of the Directions Code of Conduct, and mandatory reporting regime requirements.

Accordingly, the arrangements under those existing processes are to be followed. Any issues covered by those processes will be referred back and dealt with under the process for that issue; however, if the reason for the disclosure creates a concern that the existing process is not working, then Directions may consider the issues under this policy or make commence a separate review process

This policy is a publicly available document and can be found on Directions website.

Policy

What is whistleblowing?

Whistleblowing is the act of exposing any illegal, improper or unethical conduct within an organisation, including where external requirements are not being met so that it can be addressed. Whistleblowers can bring to light conduct such as corruption, theft, fraud and other misconduct which may not be identified by internal or external controls within an organisation. Directions encourages Disclosures where our standards are not being met and the issue cannot be resolved through the usual processes.

Whistleblowing plays a crucial role in managing risk, cultivating ethical culture in an organisation, ensuring good governance and as an integral part of our focus on quality and improvement. The need for good governance policy to foster upward reporting in an environment free from recriminations and victimisation is essential if senior management and the Board are to adequately manage risk and cultural issues within Directions.

The Corporations Act protects a whistleblower against certain legal actions related to making the whistleblower disclosure, including:

- criminal prosecution;
- civil litigation (such as for breach of an employment contract, duty of confidentiality, or other contractual obligation); and
- Administrative action (including disciplinary action).

Whistleblowing protections will provide an avenue for employees, contractors, board members and volunteers to report breaches in these values without fear of reprisal for doing the right thing.

The Corporations Act makes reprisal illegal through a criminal offence and/or civil penalty. Reprisal happens when someone causes or threatens detriment to someone else because they believe or suspect that the person has made, may have made, or could make a whistleblower disclosure.

Reprisal can include:

- Dismissal;
- Demotion;
- Harassment or discrimination;
- Victimisation of any kind;
- Current or future bias
- Alteration of position or duties to the whistleblower disadvantage
- Discrimination between whistleblower and other employees of the same employer
- Damage to property
- Damage to reputation
- Damage to financial position

Whistleblowers may seek compensation through a court if they suffer loss, damage or injury as a result of making a disclosure.

Corporations Act 2001- Criteria for protection as a whistleblower:

1. The whistleblower must be a current or former officer, employee, contractor (and their employees), consultant, Board member or volunteer of Directions. They may also be a spouse, relative or dependant of one of the persons mentioned earlier
2. The disclosure is made in good faith to:
 - An auditor, a director, company secretary or senior manager;
 - A person/organisation authorised by Directions to receive whistleblower disclosures; or
 - Directions regulatory body (e.g. ASIC, ACNC, Fair Work Australia)
3. The whistleblower must have reasonable grounds to suspect that Directions or an officer or employee of the company may have breached the law or generally recognised ethical principles and values A whistleblower may also report any breach of the Corporations Act or the Australian Securities and Investments Commission Act 2001 (ASIC Act) or any wrongdoing that represents a danger to the public or financial system.

Reportable Conduct:

Wrongdoing conduct that might be a breach of law, organisational policy or generally recognised principles of ethics.

Examples include:

- corrupt conduct
- fraud or theft
- official misconduct
- maladministration
- harassment or unlawful discrimination
- serious and substantial waste of public resources
- practices endangering the health or safety of staff, volunteers or the general public
- Non-compliance with funding arrangements
- Non-compliance with accreditation requirements
- Quality systems not working as required
- Reprisal as set out in this policy

How to make a Disclosure:

Where a person believes in good faith on reasonable grounds that Directions has breached any provision of the general law or Direction's constitution, policies and procedures, code of conduct, or generally recognised ethics, they may decide to use any of the following options to make a disclosure:

- Internal Disclosure:
To their supervisor, CEO or Director of Service Delivery (DSD) or a Directions Board member. The investigation process will commence with the appointment of a Whistleblower Protection Officer (WPO) to investigate the nature of the disclosure based on this policy and, where applicable, investigated as set out in the whistleblowing procedure. If the reported concern raises potential conflict of interests, the WPO will recommend and guide Directions whistleblower to use the nominated external whistleblower services (WBS), as per below
- External Disclosure:
If the person feels their supervisor, management or board Director may be conflicted either because they are involved; have a connection with other people involved; because the disclosure raises issues about their conduct; or because they don't feel comfortable to report the concern internally, they may choose to make an external disclosure via WBS-Whistleblowing services (www.whistleblowingservice.com.au/) an independent office nominated by Directions to receive such information. Disclosures via WBS can be both anonymous and confidential

- The Duly constituted authorities responsible for the enforcement of the law in the relevant area include, Australian Charities and Not-for-Profits Commission (ACNC), Australian Securities and Investments Commission (ASIC), Australian Taxation Office (ATO), Australian Federal Police (AFP), and Fair Work Australia.

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by Directions. Anonymous disclosures will be protected under the Corporations Act. Disclosures can also be made confidentially, securely and outside of business hours.

How do I make a report?

Go to <https://www.whistleblowingservice.com.au/directionshealth/>

To make an “**Online**” report please click on the ‘**Make a Report**’ button below. You will be redirected to the new page where you need to enter ‘**DIRECTIONS2020**’ in the ‘**Unique Key**’ field. Click on ‘**next**’ and follow the prompt. You will then be asked for will then ask you for your “**Client Reference Number**” that is “**6i7oo2020**”

What happens when I lodge a report?

When you lodge a report, you will be provided with your own unique number which will be up to 20 characters long. Please keep a record of the unique number. It will be important if you wish to resume a report, upload more information for your disclosure or monitor progress of your disclosure.

Definitions

Anonymity: is when one’s identity is unknown. In the case of an anonymous Whistleblower, their identity may not be known by anyone, including those who receive and investigate the report.

Confidentiality: is when one’s identity is protected to prevent harm. In the case of a Whistleblower, their identity may be known to those receiving and investigating the report, but is protected from the broader organisation and public.

Policy/Procedure Documentation and Maintenance Information			
Policy/Procedure Name	Whistleblowing Policy		
Standards	<ul style="list-style-type: none"> • The AS 8004-2003 Whistleblower Protection Programs for Entities • Australian Securities & Investments Commission Whistleblower policies Regulatory Guide 270 		
Related Policies/Procedures	<ul style="list-style-type: none"> • Fraud & Dishonest Conduct Management Policy • Risk Management Policy • Complaints, Grievance & Disputes Resolution Policy • Disciplinary Action Policy • Workplace Health and Safety (WHS) Policy • Bullying and Harassment Policy • Privacy Policy • Whistleblowing Procedure 		
Related Documents (eg Forms/Checklists)	<ul style="list-style-type: none"> • Whistleblower Report Form 		
Related or Relevant Legislation	<ul style="list-style-type: none"> • The Corporations Act 2001 • The Fair Work Act 2009 • The Australian Public Interest Disclosure Act 2013 • The ACT Public Interest Disclosure Act 2012 • The NSW Public Interest Disclosures Act 1994 • Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 		
Review and Version Tracking			
Review Frequency	Who is Responsible		Who Approves
Biennial	CEO		Board
Version	Date Approved	Approved By	Next Review Due
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