

## Y Australia

# Speak Up Policy

*(Formerly Whistle-blower Policy)*

### 1. Policy Statement:

Y Australia is committed to and encourages everyone who works at the Y or visits a Y or engages in other ways with the Y to speak up and report any issues or conduct they believe to be inappropriate. Y Australia will provide safe, trusted and defined avenues for those who want to raise genuine concerns. This commitment also aligns with our commitment to embedding youth voice and intergenerational leadership and the safeguarding of children and young people in our culture, strategy and practices.

Encouraging and supporting people to speak up about suspected inappropriate behaviour or misconduct is core to the Y's commitment to maintain a high level of legal, ethical and moral behaviour in governance and in operational standards. Identifying potential problems, risks, inappropriate behaviour or misconduct allows Y Australia to continue to improve the way the Y operates and provide the best service and support to all people.

Y Australia acknowledges that speaking up about potential problems and risks, or suspected inappropriate behaviour or misconduct, can be challenging or intimidating and people may be concerned about being identified or potential repercussions. Any form of retaliation or victimisation as a result of a person speaking up about inappropriate behaviour will not be tolerated. Y Australia will ensure the protection of any person making the complaint or disclosure, and that the identity of that person will remain confidential, unless that disclosure is specifically authorised by law. Natural justice will also be afforded to any person against whom a disclosure is made.

With our continued commitment to good governance practices, Y Australia has voluntarily developed and adopted the following Speak Up Policy. The [Y Australia Speak Up Procedure](#) should also be referred to in conjunction with this policy.

### 2. Scope:

This policy applies to all Y People of Y Australia and Y Safeguarding who elect to make a disclosure of suspected alleged corruption, unethical behaviour or improper conduct, and seeks protection. It also encompasses other stakeholders including anyone who visits a Y, or engages in other ways with the Y, including clients, partners and the general public.

Y Australia has a number of internal policies in place that address issues of grievance and dispute resolution, bullying and other forms of harassment or discrimination, and work health and safety issues (refer Section 5). This policy is not intended to override or replace these policies. It also does not apply to personal work-related grievances or personal service or customer level grievances.

**Please note:** This policy does not apply to Member Ys. The Ys Speak Up Commitment Statement requires all Member Ys to have a Speak Up/Whistle-blower policy, with an escalation point to Y Australia. This policy does not address disclosures made in relation to Member Ys.

### 3. Definitions:

**Y Person/People** - includes employees, volunteers, contractors or sub-contractors, labour hire employees, apprentices or trainees and volunteers involved with the activities of the Y.

It also includes the Y Council of Governors, the Y Board Members and any person serving the Y on a committee or in an advisory capacity.

**Stakeholder** - anyone who works at or visits a Y, or engages in other ways with the Y, including clients, partners and the general public.

**Corrupt Conduct** - conduct of a Y Person that:

- adversely affects the honest performance of a Y Person or the functions of Y Australia; or
- involves performance of official Y Australia functions conducted dishonestly or with inappropriate partiality; or
- amounts to the misuse of information or material acquired in the course of the performance of official Y Australia functions; or
- amounts to a conspiracy or attempt to engage in the above conduct.

**Detrimental Action** - is a reprisal against a person for making a protected disclosure and includes:

- action causing injury, loss or damage;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business.

**Improper Conduct** - Involves two stages:

(a) The conduct must be:

- corrupt conduct; or
  - substantial mismanagement of Y Australia resources; or
  - conduct involving substantial risk to public health and safety; or
  - conduct involving substantial risk to the environment;
- and;

(b) The conduct must be serious enough to be a criminal offence, or reasonable grounds for dismissal.

**Public Interest Disclosure** - a complaint or allegation made about corrupt conduct, improper conduct or detrimental action. A person will receive the protection of this policy if their allegation satisfies the definition of a public interest disclosure.

**Unethical Behaviour** - is when that person is:

- involved in unfair behaviours which adversely affect others or the Y;
- involved in behaviour that is morally wrong; and/or

- involved in behaviour that is in breach of Y Australia values or [Code of Conduct](#).

#### **4. Operational Guidelines:**

##### **4.1 Types of disclosure**

To assist Y People and others within the scope of this policy to determine what types of disclosures or wrongdoings are covered under this policy, the following types of actions are called Reportable Conduct and include:

- Dishonest activity such as altering company records, wilfully making false entries or claims, engaging in questionable accounting practices, or wilfully breaching Y Australia's Code of Conduct or other ethical statements;
- Illegal activity such as theft, drug use or sale, violence, criminal damage to property or other breaches of State, Federal or Territory legislation;
- Fraudulent, unethical or corrupt activity
- Substantial mismanagement of Y's resources
- Unresolved serious breaches of Codes of Conduct or Safeguarding Policies
- Unsafe practices and conduct that causes an imminent danger to health and safety;
- conduct that impedes internal or external audit processes;
- substantial mismanagement of Y Australia's resources;
- concealment of wrongdoing;
- conduct that may cause serious financial or non-financial loss to Y Australia, damage to the organisation's reputation, or be otherwise seriously contrary to the Y Australia's interests;
- any other kind of serious impropriety including victimisation against a person who speaks up.

##### **4.2 Welfare of the Person who Speaks Up**

Y Australia is responsible for ensuring the welfare of the person who speaks up throughout the process of making a disclosure. In particular, Y Australia will:

- examine the immediate welfare and protection needs of the person who speaks up and foster a supportive work environment;
- advise the person who speaks up of the administrative protections available to them and provide general advice about the operation of this policy;
- appoint a third party or welfare manager to support the person who speaks up, if necessary;
- advise the person who speaks up of the progress of the investigation;
- create and manage a confidential filing system;
- take all steps to ensure that the identity of the person who speaks up remains confidential; and
- listen and respond to any concerns of harassment, intimidation or victimisation which may occur subsequent to making a disclosure.

### Person against whom the Disclosure is Made

Y Australia will ensure that natural justice is afforded to the person who is the subject of the disclosure. Where an investigation does not establish that improper conduct has occurred, 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 disclosure will remain confidential.

Y Australia will ensure that the subject of the disclosure has the right to:

- be informed as to the substance of the allegations;
- be given the opportunity to answer the allegations before a final decision is made;
- be informed as to the substance of any adverse comment that may be included in any report arising from the investigation; and
- have his or her defence set out fairly in any report.

### 4.4 Y Person Receiving Disclosures

If a Y Person receives a disclosure of improper conduct or detrimental action from an internal or external person, they should advise that person to go directly to the National CEO, maintaining strictest confidentiality.

### 4.5 Confidentiality

The National CEO, Board President or any such person responsible for managing and/or investigating protected disclosures will take all necessary steps to ensure the identity of the person who speaks up and the person who is the subject of the disclosure remains confidential. Where a Y Person is contemplating making a disclosure and is concerned about approaching the appropriate person in the workplace, they can request a confidential meeting in a discreet location away from the workplace.

It is important that there is evidence to support a belief which can include witnesses, documents or other direct evidence. All record keeping is to be maintained in a confidential manner and must be separate from the usual Y Australia record keeping systems.

## 5. Related Documents:

The documents listed below can be accessed in the [Y Australia Policy and Procedure Library](#):

- Y Australia Speak Up Procedure
- Y Australia Internal Grievance and Dispute Resolution Policy
- Y Australia Disciplinary and Termination Policy
- Y Safeguarding Children and Young People Policy
- Y Australia Health, Safety and Wellbeing Policy
- Y Australia WHS Issue Resolution Policy
- Y Australia Fair Treatment Policy
- Y Australia Privacy Policy
- The Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)

- Also refer to relevant State/Territory Work Health and Safety and Public Interest Disclosure legislation

## 6. Consequences of Breaching this Policy

All elements of this policy must be adhered to, and any breach will be dealt with in accordance with the [Y Australia Disciplinary and Termination Policy](#). If an individual's conduct results in a breach under law they may also be personally liable.

## 7. Policy Owner

The Executive Manager Governance is responsible for keeping this policy current - including ensuring amendments and reviews occur as scheduled.

## 8. Document Control

Review of this policy will be undertaken every two years, or prior as required by law, in consultation with appropriate Y personnel.

This document is due for review on 30 June 2022.

| Version: | Description of Amendment, Approver and Date:                                                                               | Amendment Rating (L, M or H) | Amended by:    | New Issue Date: | Policy Location:          |
|----------|----------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------|-----------------|---------------------------|
| 1.0      | Draft Policy Created by Jacki Whitwell                                                                                     | M                            | Jacki Whitwell | 30 Oct 2013     | -                         |
| 2.0      | Updated in new policy format                                                                                               | L                            | Alli Carr      | 1 Mar 2014      | -                         |
| 3.0      | Policy updated and presented to Executive Management team and CEO for approval                                             | M                            | Olivia Brown   | 23 Mar 2016     | -                         |
| 4.0      | Changes made to introduction by Executive Team and Approved                                                                | M                            | Olivia Brown   | 24 Mar 2016     | -                         |
| 5.0      | Policy updated to reflect new version control                                                                              | L                            | Alli Carr      | 6 Jun 2016      | -                         |
| 6.0      | Policy review to reflect National Board minutes May 2017. Policy approved by National Board on 26 August 2017.             | H                            | Jacki Whitwell | 26 Aug 2017     | -                         |
| 7.0      | Policy updated and redrafted in new format. Currently in 'Updated' status due to extension of review date to 30 June 2022. | M                            | Alli Carr      | 27 Oct 2021     | <a href="#">Hyperlink</a> |

**Note:** to ensure correct version control when amendments are made, the new issue date must be inserted in the footer of this document. To determine amendment rating, please refer to Section 4 in the [Y Australia Policy Framework](#).