

Whistleblowing Procedure

1. Purpose

The Brotherhood of St. Laurence (“BSL”) is committed to legal, ethical, and moral behaviour.

We know that any genuine commitment to detecting and preventing illegal or unethical conduct must include a way to report concerns freely and without fear of repercussion. This procedure provides such a mechanism and encourages our people to report such conduct, while providing protection to the person making the report.

2. Scope

This procedure applies to all our people* who have reasonable grounds to suspect *Potential Misconduct*.

BSL will not tolerate anyone being discouraged from speaking up, or being adversely affected because they have reported misconduct in accordance with this procedure.

This procedure and its protections **do not** apply to personal work-related grievances. BSL can provide better support and address concerns raised by BSL staff about interactions at work (work-related grievances) if the matter is raised with your line manager or Human Resources directly.

3. Definitions

***Our People** means persons:

- (a) who are or have been associated with BSL, including BSL Board members, directors, executives, chaplains, officers, employees, contractors, suppliers, apprentices, trainees, work experience students, members, volunteers; or
- (b) who are the spouse; relative or dependent of a person listed in (a).

Whistleblower means one of our people (you) who makes a report or disclosure of potential misconduct directly to a Whistleblower Officer, legal practitioner, or other eligible recipient in accordance with this procedure.

Whistleblower Officer means a person authorised by the BSL to receive and investigate disclosures of a potential misconduct within the organisation. These people are responsible for protecting the interests of the whistleblower, including maintaining confidentiality as far as possible and protecting them from detriment as a result of their report.

Whistleblower Protection allows for legal recourse (including compensation) if confidentiality and protection from detriment are not adequately provided. (It is illegal to breach confidentiality, or to fire, harass or discriminate against a whistleblower or potential whistleblower because someone thinks they made a disclosure.) What constitutes adequate protection will be assessed on a case-by-case basis, but could, if deemed necessary, include appropriate changes to working arrangements while the issue is being investigated, or beyond.

4. What is Potential Misconduct?

Potential Misconduct is any suspected or actual misconduct (unacceptable behaviour), or an improper state of affairs or circumstances in relation to BSL. This includes if you have reasonable grounds to suspect that a BSL director, executive, manager, team member, contractor, supplier, tenderer or other person who has dealings with BSL has engaged, or attempted to engage in conduct which:

- constitutes an offence against or a contravention of a law;

- represents a danger to the public or the financial system;
- is illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damaged against property;
- is fraudulent or involves the misappropriation of funds;
- involves the offering or accepting of a bribe;
- is systemic harassment or unlawful discrimination;
- is threatening against a person who has made a disclosure or is believed to have made, or be planning to make, a disclosure.

Note: *Reasonable grounds to suspect* is based on the reasons for the discloser's suspicion.

An allegation with no supporting information is not likely to be considered as having 'reasonable grounds to suspect'. However, you do not have to prove the allegation to qualify for protection, even if the disclosure turns out to be incorrect.

5. Procedure

i) Report – All Our People

A report involving potential misconduct should include as much detail as possible.

You can raise your concern informally to your line manager, or formally (as a whistleblower) to one of the BSL's Whistleblowing Officers, who are also available to advise you if you need help with your disclosure:

- **Simon Miller**, Company Secretary and General Counsel: simon.miller@bsl.org.au
- **Niamh O'Malley**, Director Shared Services: nomalley@bsl.org.au
- **Debra Saffrey-Collins**, Head of Chaplaincy and Diocesan Partnerships: dsaffrey-collins@bsl.org.au

If you prefer, you can make a report through **Stopline** – the Whistleblower Hotline 24 hours a day, 7 days a week on 1300 304 550 or:

- BSL@stoline.com.au
- <http://bsl.stolinereport.com/>
- Stopline 365 app (available on Google Play or the App Store)

Your report can be anonymous and/or confidential, if you choose. You also have the option of disclosing your identity to Stopline but not to BSL. Anonymous whistleblowers still qualify for protection.

If you choose to remain anonymous, it would still be helpful to have a way to contact you (such as an email address) so that ongoing communication can be maintained throughout the investigation and beyond for follow-up questions and feedback. You can choose not to answer such questions if you are concerned about revealing your identity. Sometimes it may not be possible to investigate if you cannot be contacted and there is not enough information.

Stopline will report every complaint to the BSL Board via the Nominations, Governance & People Committee.

ii) Investigation – Whistleblower Officers

All reports of *potential misconduct* under this policy will be treated seriously and confidentially and will be assessed to determine whether the report:

- Qualifies for protection; and
- requires an in-depth investigation.

All our people are expected to cooperate fully with any investigations and maintain confidentiality.

In all cases:

- The Whistleblower Officer will be responsible for the investigation, including determining appropriate place(s) and time(s) for the disclosure to take place to maximise discloser's comfort.
- The Whistleblower Officer may consult with another Whistleblower Officer or external Legal Counsel to determine how BSL will respond to and/or report the matter (unless the other Whistleblower Officer is the subject of the complaint).
- The investigation will be conducted fairly and without bias.
- Any person against whom an allegation is made will be given the opportunity to respond.
- The Whistleblower (you) will be kept informed of the investigation's progress and any relevant / appropriate outcome (subject to privacy considerations).
- If information is shared that is identified as confidential, you must maintain confidentiality.
- BSL is committed to implementing the findings and recommendations of any investigation to rectify any wrongdoing as far as is practicable.
- The Whistleblower Officer(s) must submit the final investigation report to the Executive Director (or the Chair of the Board if the complaint is against the Executive Director). This report will be the property of BSL and will remain confidential.
- Where an investigation identifies a breach of the BSL Code of Conduct, disciplinary action may be taken, including terminating employment or engagement of the person(s) involved in the *Potential Misconduct*. If there has been a suspected or an actual breach of the law, BSL may refer to the matter to the relevant legal authority.
- The Whistleblower Officers will be responsible for preparing periodic reports on the number and type of whistleblower reports for the Nominations, Governance & People Committee and to the Board.
- In cases where the Executive Director, a Whistleblower Officer or a member of the Committee has been accused of *Potential Misconduct*, or where they have a close personal relationship with the person against whom the accusation is made, they will be excluded from the reporting process.

iii) Outcome

Appropriate action will be taken in accordance with the BSL Code of Conduct, or by the relevant legal authority if a breach of the law has occurred.

Whistleblowers will be informed of the investigation's progress and outcome, if appropriate. They are also protected from any repercussions for their action in reporting the potential misconduct.

If you believe you have suffered detrimental treatment as a result of whistleblowing you should contact an Executive, or the Whistleblower Welfare Support Officer: James Thyer james.thyer@bsl.org.au

Chaplains are also available to support you at any time throughout this process.

Contact Debra Saffrey-Collins: dsaffrey-collins@bsl.org.au

Or you may wish to speak with a counsellor through the Employee Assistance Program. Ph: 1300 687327

6. Protection of Whistleblowers

Protection is available under the law to Whistleblowers who disclose *potential misconduct* (to an authorised officer) that is made with reasonable grounds to believe it is true. BSL will ensure that the Whistleblower will not suffer any detriment which includes:

- (a) dismissal
- (b) causing injury to their employment
- (c) alteration of position or duties to their disadvantage
- (d) discrimination
- (e) harassment or intimidation of a person
- (f) harm or injury to a person, including psychological harm
- (g) damage to a person's property, reputation, business, financial position, and any other form of damage.

If you believe that you or your family have been subject to detrimental treatment because of your status as a whistleblower, you should immediately inform a senior BSL Executive.

7. Malicious Reporting

If you raise a concern maliciously, or knowing it to be untrue, you may be subject to disciplinary action (including employment termination) or other legal action.

8. Support Services

The BSL Chaplaincy Team is available to you at any time throughout the reporting and investigation stages. Chaplains offer confidential pastoral care and support. If you wish to speak to the Chaplains, you may contact Debra Saffrey-Collins in the first instance at dsaffrey-collins@bsl.org.au.

You and your immediate family members may also wish to use your Employee Assistance Program to confidentially discuss any work or personal issues with trained counsellors.

Further information is available on our intranet [here](#).

9. Other Complaint Mechanisms

The Whistleblowing Procedure does not replace other reporting structures such as those for child protection matters, grievance and dispute resolution, discrimination or matters relating to workplace bullying or harassment.

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

This procedure is therefore in addition to:

- [Feedback and Complaint Handling Procedure](#)
- [Workplace Complaint Handling Procedure](#) - which supports staff to raise any matters, grievances or concerns they may have in relation to their work or work environment, other persons or decisions affecting their employment or engagement
- [BSL Bullying, Stalking, Cyber-Bullying and Workplace Violence Policy](#)
- Standard complaint mechanisms, both internal and external, for volunteers, service users and their advocates
- [Safeguarding Reporting & Incident Management Procedure](#) which includes mandatory reporting by staff of witnessed, suspected or alleged incidents of child abuse
- Exercising of rights under the terms of their contract by contractors and suppliers.

10. Other Related BSL Policies

[BSL Code of Conduct \(Formerly Code of Ethical Behaviour\)](#)

[Conflict of Interests Policy](#)

[Appropriate Gift Acceptance Procedure](#)

Related external documents:

[AS 8004-2003: Whistleblower protection programs for entities](#)

[Treasury Laws Amendment \(Enhancing Whistleblower Protections\) Act 2019 \(Cth\)](#)

[Corporations Act 2001 \(Cth\)](#)

[Public Interest Disclosures Act 2012 \(Vic\)](#)

Document Information

Adopted by the Board on 26 April 2022

Review Date: February 2024

Reviewed by: Rodney Weston - Acting Director, Finance, Strategy and Operations

Version Number: 1.5

Version Date: February 2022

Review Cycle: 2 years

Document Changes

Date: March 2023

Reason for change: Update contact details, update procedure links

Change made by: Janet Armstrong, Governance and Privacy Officer