

Whistleblower Policy

Background

Transparent whistleblower policies are essential to good risk management and corporate governance. They help uncover misconduct that may not otherwise be detected. Often, such wrongdoing only comes to light because of individuals (acting alone or together) who are prepared to disclose it, sometimes at great personal and financial risk.

To promote an open and transparent culture within Marymead CatholicCare Canberra & Goulburn (MCCG), where current and former employees, volunteers, Board members, contractors and other stakeholders (including clients, residents, families, etc.), subsequently referred to as whistleblower(s), are encouraged to report an issue, if it is genuinely believed that wrongdoing has occurred, where the whistleblower policy is an important tool for helping the MCCG to identify wrongdoing that may not be uncovered unless there is a safe and secure means for disclosing wrongdoing.

MCCG sees the value of transparency, good governance and risk management, and the need to establish mechanisms for managing disclosures on a voluntary basis and to manage whistleblowing to best practice (with alignment to the Corporations Act). Even there is no legal requirement for MCCG to have a Whistleblower Policy (as the organisation is not a public company, large proprietary company or a proprietary company that is the trustee of registrable superannuation entity), MCCG wants to foster a culture that values ethical and compliant behaviour, and exemplifies an organisation that lives its mission, values, and code of conduct.

MCCG will protect individuals who in good faith, report concerns regarding misconduct on a confidential or anonymous basis, without fear of reprisal, dismissal, or discriminatory treatment.

1. Purpose

The purpose of the Whistleblower Policy is to:

- to support the MCCG's Mission, Values, and Code of Conduct.
- to ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported.
- to encourage more disclosures of wrongdoing.
- to help deter wrongdoing, in line with the MCCG's risk management and governance framework.
- to ensure disclosures are dealt with appropriately and on a timely basis.
- to provide transparency around MCCG's framework for receiving, handling, and investigating disclosures.
- to support the MCCG's long-term sustainability and reputation; and
- to meet MCCG's legal and regulatory obligations.

This policy is an important component of MCCG's risk management and corporate governance processes and aims to ensure that clear protections are in place for individuals who report misconduct, within a culture where misconduct/wrongdoing is not tolerated, and that an ethical culture is fostered and encouraged. MCCG encourages employees (and non-employees) who are aware of possible wrongdoing to have the confidence to speak up.



2. Policy Statement

MCCG is committed to creating and maintaining an open work environment where whistleblowers are able to raise concerns regarding actual or suspected unethical, unlawful or undesirable conduct.

MCCG's Board and Leadership Team recognise that any genuine commitment to detecting and preventing undesirable conduct must include a mechanism where concerns can be reported without fear of reprisal, retribution, or intimidation. This mechanism will assist in identifying undesirable behaviour within the workplace and ensure that an investigation is conducted where warranted.

A whistleblower procedure is an important tool for detecting misconduct and is essential to the achievement of good corporate governance.

There are many benefits to an effective whistleblower regime at MCCG, including:

Assisting with legislative and regulatory compliance.

Improved financial management and budgetary responsibility.

Improved work health and safety practices and compliance, as well as greater protections for MCCG program participants.

Effective and efficient management.

Improved organisational morale and culture.

Confidence in the organisation's commitment to good corporate governance.

Enabling a more transparent approach in investigation of potential misconduct.

MCCG is committed in the fostering of a culture that encourages lawful and ethical behaviour and transparency in service delivery to the community, as well as commercial, legal, and other stakeholder dealings. MCCG expects individuals to act in accordance with the law at all times, to behave professionally and to uphold MCCG's mission, values, and Code of Conduct, in undertaking their duties and activities on behalf of, or in association with MCCG.

3. Reporting

The protection and respect afforded to whistleblowers is a significant commitment made by MCCG within the Whistleblower Policy and Procedure. MCCG is committed to enabling appropriate disclosures of matters properly characterised wrongdoing, to be made by whistleblowers without fear of identification, retribution, or reprisal subject **to the whistleblower having reasonable grounds to suspect that the misconduct has occurred**. Whistleblowers have the choice to report internally within the organisation or through a third party.

The type of disclosable wrongdoing (where relevant to MCCG's operations and practices), could include (but not limited to the following):

- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property.
- fraud, money laundering or misappropriation of funds.
- offering or accepting a bribe.
- financial irregularities.
- failure to comply with, or breach of, legal or regulatory requirements; and
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.
- This policy includes conduct that may not involve a contravention of a particular law. Information that indicates a significant risk to public safety or the stability of, or confidence in, the financial system is also a disclosable matter, even if it does not involve a breach of a particular law.



A whistleblower will be protected even if the disclosure turns out to be incorrect.

There are two types of reporting (notification) mechanisms:

Confidential reporting is when a whistleblower (which could be an employee or other stakeholder), provides information confidentially within the protections of the policy – this person would provide information about the potential wrongdoing, observed incident or accident as well as information about themselves. This would include things like their name, contact information and how they have come to know about this wrongdoing. **But this identity information will remain confidential.** A person cannot disclose the identity of a discloser or information that is likely to lead to the identification of the discloser (which they have obtained directly or indirectly because the discloser made a disclosure that qualifies for protection).

Anonymous reporting is when someone is a whistleblower, but we don't take any information from them. Nobody, not even the person investigating the incident, will know anything about the person's identity. There are limitations with anonymous reporting as it is more difficult for the investigator to assess the credibility of the complaint. The investigator must go out and look for additional sources. Thus, leads are harder to find and follow. The anonymous discloser can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations. In addition, it should include a suggestion that a discloser who wishes to remain anonymous should maintain ongoing two-way communication with MCCG, so MCCG can ask follow-up questions or provide feedback.

In accordance with the MCCG values, mission and policies, whistleblowers who make reports of misconduct or perceived misconduct, will be treated with dignity and respect, and provided protection against retribution and reprisal. MCCG is committed to ensuring that anyone who reports such conduct is not victimised, as a result of reporting suspected misconduct.

4. Procedure Information – Notification of Wrongdoing

In the event that a whistleblower wants to notify a potential wrongdoing, the disclosure needs to be made to either an internal whistleblower recipient or an external and independent organisation that has been appointed by the Archdiocese of Canberra and Goulburn. An external provider has been selected if the whistleblower is more comfortable to report externally. In both cases, depending on the type of notification, the issue will be treated confidentially or anonymously.

Internal Whistleblower Recipient Contacts are as follows:

Primary Eligible Whistleblower Recipient (PEWR):

Lisa Higginson
Deputy CEO, MCCG
0407 107 595 (mobile) and 02 6295 4300 (work)
PO Box 3167 Manuka ACT 2603
Lisa.Higginson@mccg.org.au

Secondary Eligible Whistleblower Recipient (SEWR):

Melissa Armstrong
Director – Human Resources
0414 587 176 (mobile) and 02 6295 4311 (work)
PO Box 3167 Manuka ACT 2603
Melissa.Armstrong@mccg.org.au



CEO and Board Contact:

Anne Kirwan
Chief Executive Officer and Board Chair
0419 216 491 (mobile) and 02 6295 4300 (work)
PO Box 3167 Manuka ACT 2603
Anne.Kirwan@mccg.org.au

Archdiocese of Canberra & Goulburn Contact:

Maria Hicks
Institute for Professional Standards and Safeguarding
02 6239 9806 (work)
5 Franklin St Forrest, ACT 2603, Australia. GPO Box 3089, Canberra ACT 2601
Maria.Hicks@cg.org.au

Investigation and Reporting

All reports of misconduct made to RSM will be treated seriously and will be the subject of a thorough investigation with the objective of locating evidence that either substantiates the allegation of misconduct, or refutes the claims made by the whistleblower.

The external report will be prepared by RSM will be provided to one of the above two (2) employees of MCCG (i.e., the PEWR or SEWR), the Chair of the MCCG Board, and the Institute for Professional Standards and Safeguarding, if this is required due to the nature of the report.

Approval to conduct the investigation will be granted by the Chair of the MCCG Board, where RSM will provide an overview of the nature of the investigation and the process it will deploy to investigate.

The investigation process is as follows:

1. RSM will conduct the investigation upon approval from the Chair, with an overview provided to the Chair of the nature of the investigation and the processes deployed to investigate the matter, this includes:
 - a. the nature and scope of the investigation.
 - b. the person(s) within and/or outside the entity that should lead the investigation.
 - c. the nature of any technical, financial, or legal advice that may be required to support the investigation; and
 - d. the timeframe for the investigation.
2. A nominated person (which will be either the PEWR, SEWR, Chair of the Board or the Institute for Professional Standards and Safeguarding) will inform the whistleblower of the process and how the investigation will proceed.
3. RSM will forward the report to the Chair, this will depend on the nature of the whistleblower notification. In addition, the information may be shared with the Critical Incident Committee and Risk and Audit Committee, depending on the nature of the incident.
4. The Internal Board will be notified of the report.

The Chair (in conjunction with the Board) will determine the appropriate response, including addressing any notifiable incidents with relevant agencies. This will include addressing any unacceptable conduct and taking remedial action to prevent any future occurrences of the same conduct. The Critical Incident Committee will be convened to review practice and identify areas for improvement and policy



change.

Where issues of discipline arise, the response will be in line with the normal disciplinary processes (refer to the MCCG Code of Conduct). MCCG may seek advice from the Catholic Commission for Employment (CCER) or their suite of lawyers. Where allegations of misconduct cannot be substantiated, that person(s) will be advised accordingly and will be entitled to continue in their role as if the allegation had not been made.

Depending on the type of wrongdoing, MCCG might need to notify government agencies or other organisations that may have been impacted.

Dealing with whistleblowers

Confidentiality and Anonymity: Depending on the notification of wrongdoing (confidentially or anonymously) requested, the identity of the whistleblower will be kept strictly confidential or will remain anonymous by RSM, Chair of the Board, MCCG employees and the contact representative at the Archdiocese of Canberra and Goulburn, involved in the whistleblowing process as described in this procedure unless:

- The person making the report consents to disclosure of identity.
- The disclosure is required by law.
- The disclosure is necessary to present or lessen threat to a person's health or safety.
- It is necessary to protect or enforce MCCG's legal rights or interests.
- It is necessary to defend any claims.

Protection: A whistleblower that reports matters in good faith and provided they have not been involved in the misconduct reported, will not be penalised or personally disadvantaged because they have reported a matter.

MCCG will not tolerate any instances of whistleblowers being:

- Dismissed.
- Demoted.
- Subjected to any form of harassment and persecuted.
- Discriminated against.
- Threatened.

A whistleblower who believes they or their family have been the victim of any of the above, should immediately report the matter to the Chair, PEWR, SEWR, or Contact Representative at the Archdiocese of Canberra and Goulburn, or in severe cases the Police.

Any current or former employee, volunteer, Board member, contractor or other stakeholder who are found to have dismissed, demoted, harassed, or discriminated against a whistleblower by reason of their making allegations, will be subject to disciplinary measures, including dismissal (where appropriate). A whistleblower who has been involved in the reported misconduct may be provided with immunity or due consideration from MCCG initiated disciplinary proceedings, by agreement with MCCG. MCCG has no power to provide immunity from criminal prosecution.

Communication: The whistleblower will, where possible, be kept informed of the outcome of the investigation into their report, subject to privacy and confidentiality considerations. All whistleblowers must maintain confidentiality of all such reports and not disclose details to any person.



Support: The whistleblower will be supported through various mechanisms within MCCG, including the roles of the Chair, PEWR, SEWR or the contact at the Archdiocese of Canberra and Goulburn or by the use of Employee Assistance Program (EAP) services. Other support mechanisms could include:

- strategies to help a discloser minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation.
- actions for protecting a discloser from risk of detriment—for example, MCCG could allow the discloser to perform their duties from another location, reassign the discloser to another role at the same level, make other modifications to the discloser’s workplace or the way they perform their work duties, or reassign or relocate other staff involved in the disclosable matter.
- processes for ensuring that management are aware of their responsibilities to maintain the confidentiality of a disclosure, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a discloser.
- procedures on how a discloser can lodge a complaint if they have suffered detriment, and the actions MCCG may take in response to such complaints (e.g., the complaint could be investigated as a separate matter by an officer who is not involved in dealing with disclosures and the investigation findings will be provided to the board or audit or risk committee); and
- interventions for protecting a discloser if detriment has already occurred—for example, MCCG could investigate and address the detrimental conduct, such as by taking disciplinary action, or the entity could allow the discloser to take extended leave, develop a career development plan for the discloser that includes new training and career opportunities, or offer compensation or other remedies.

False Reports: Where it is established that the whistleblower is not acting in good faith or has made a false report of misconduct (including where the allegation has been made maliciously, vexatiously or without any basis), they could be the subject of disciplinary proceedings, including dismissal (where appropriate). This will be determined by the investigation that will be undertaken by RSM.

Whilst not intending to discourage whistleblowers from reporting matters of genuine concern, whistleblowers must ensure as far as possible, that reports are factually accurate, complete, from firsthand knowledge, presented in an unbiased fashion (and any potential bias from the whistleblower is disclosed) and without material omission.

Document Retention and Confidentiality: All information, documents, records, and reports relating to an investigation of reported misconduct must be stored confidentially and retained in an appropriate and secure manner, separate to personnel files. MCCG securely stores its information and takes seriously its obligations in meeting requirements of the Privacy Act 1988 (Cth).

Complaints and Grievances: MCCG has a Complaints Policy and Procedure which provides a formal response on how MCCG will manage and address the complaint. If the complaint or grievance has not been managed to the satisfaction of the whistleblower, then the following organisations can be contacted:

- **Australia Human Rights Commission** – can assist with resolving human rights concerns 1300 369 711
- **Office of the Human Rights Commissioner, ACT** – works to resolve complaints and promotes rights – 02 6205-2222
- **Head of Agency** – Contact the Archbishop of Canberra & Goulburn (or his delegate the Vicar General) on 02 6239-9811 or via email on archbishop@cg.org.au to discuss concerns relating to misconduct within MCCG
- **Institute of Professional Standards and Safeguarding (IPSS)** - has been established by the Archdiocese to handle allegations about employees’ misconduct towards children or vulnerable people on 02 6239-9806 or via email at IPSS@cg.org.au
- **Human Services Registrar, Community Services Directorate, ACT** – provides responsive regulation of service providers – 02 6207-5474



- **Fair Work Australia** – provides free workplace relations advice to employees – 1300 845 036
- **ACT Police** – 13 14 44

5. Definitions

Table Header	Table Header
Allegation	A claim or assertion that someone has done something that could constitute misconduct.
Investigation	A search of evidence connecting or tending to connect a person with conduct that breaches the policies, procedures, values, standards, obligations or Code of Conduct and Ethics of MCCG.
Wrongdoing	All MCCG personnel and stakeholders are encouraged to report any genuine concerns that they believe constitute a breach and/or unethical behaviour that could contravene MCCG Code of Conduct and Ethics, policies, legislation, or standards of practice.
Whistleblower	<p>A whistleblower is an individual who wants to make a report in connection to alleged misconduct and where the whistleblower wishes to avail themselves of protection against reprisal for having made the report. This person(s) could be one of the following current or former:</p> <ul style="list-style-type: none"> • Board members. • MCCG employees. • Contractors. • Volunteers. • Other stakeholders including clients, residents, families, etc.
Primary Eligible Whistleblower Recipient (PEWR), Secondary Eligible Whistleblower Recipient (PEWR),	A designated MCCG representative tasked with the responsibility of protecting and safeguarding the interests of whistleblowers within the meaning of this policy. The role is also a key contact for the External Whistleblower Reporting Service (RSM).

6. Responsibilities

This policy applies to the following current and former current or former (referred to in this document as whistleblowers):

- Board members.
- CEO.
- Employees.
- Contractors.
- Volunteers.
- Stakeholders (including clients, residents, family members, etc.).



7. Key Performance Indicators

- MCCG Board members and Committee members are required to sign-off on the MCCG Board Governance Manual Version 5 (Section 5.2)
- Board members, the CEO and deputy CEO must attend annual refresher training regarding the Whistleblower Policy and Procedure and records will be retained as verification of attendance.
- Employees, volunteers, and contractors of MCCG are informed at induction that a Whistleblower Policy and Procedure exists within MCCG and sign-off on the Code of Conduct annually is required for employees.
- Employees will attend an annual refresher training session on the Whistleblower Policy and Procedure and Human Resources will ensure that records are retained of employee attendance.
- The Contractor Induction Procedure will include a section on the Whistleblower Policy and Procedure.
- If a whistleblower reports an allegation of misconduct, their anonymity or confidentiality is maintained and an investigation is undertaken to determine the validity of their claims.
- Ensure that no reprisal, retribution, or intimidation occurs against the whistleblower by MCCG or any MCCG personnel involved in the allegation.
- Post event, the Critical Incident Committee (a management committee) is convened to review practice and identify areas for improvement and policy change, and the findings of the investigation reported to the Risk & Audit Committee for review.
- MCCG reports all notifiable incidents to the relevant authorities and parties in line with requirements, practices, legislation, and obligations, including that ACT or NSW Police (depending on the jurisdiction when the potential criminal event occurred).

Effective Date: July 2022

