

## Whistle Blower Policy



### SUMMARY

The Board of Lord Somers Camp and Power House (LSC&PH) is committed to operating legally (in accordance with applicable legislation, regulation and other laws), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles).

Employees and members are expected to cooperate with the organisation in maintaining legal, proper, and ethical operations. If necessary, this includes by reporting non-compliant actions by other people.

Correspondingly, employees or members who do assist in maintaining legal, proper, and ethical operations should not be penalised in any way.

### INTRODUCTION

#### Purpose

The purpose of this policy is to:

- (a) encourage Whistleblowers (defined below) to report of matters that may cause harm to individuals or financial or non-financial loss to LSC&PH or damage to its reputation;
- (b) enable LSC&PH to deal with reports from Whistleblowers in a way that will protect the identity of the Whistleblower and provide for the secure storage of the information provided;
- (c) establish a policy for protecting Whistleblowers against reprisal by any person internal or external to LSC&PH;
- (d) provide for the appropriate infrastructure for complaints to be made;
- (e) help to ensure LSC&PH maintains the highest standards of ethical behaviour and integrity.

#### Responsibility

The Board of LSC&PH is responsible for adopting this policy, and for nominating the organisation's Whistleblower Protection Officer.

The CEO of LSC&PH is responsible for the implementation of this policy.

All staff and all volunteers are responsible for reporting breaches of any law, organisational policy, or generally recognised principles of ethics to a person authorised to take action on such breaches.

#### Definitions

**Breach** is a form of conduct by an individual that breaches general law, LSC&PH policies, or generally recognised principles of ethics. Breaches include, but are not limited to:

- (a) corrupt conduct;
- (b) fraud or theft;
- (c) official misconduct;

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- (d) maladministration;
- (e) harassment or unlawful discrimination;
- (f) serious and substantial waste of public resources;
- (g) practices endangering the health or safety of the Employees, Members, Volunteers, participants in LSC&PH programs or activities or members the general public;
- (h) practices endangering the environment.

Employee means any person employed by Lord Somers Camp and Power House.

**Independent Whistleblower Protection Consultant** means Peta Nowacki of Working Together (<http://www.working-together.com.au>) or such other person nominated by the LSC&PH Board from time to time.

Members means any person who has a current membership subscription to LSC&PH, including various life memberships, term membership or honorary life membership.

Volunteers means any Non-Member who attends LSC&PH activities as a member of the camp's staff under direction of a Camp Leader.

**Whistleblower** means a person (being a director, manager, employee, member, volunteer or contractor of LSC&PH) who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with a Breach and wishes to avail themselves of protection against reprisal for having made the report.

**PROCEDURE FOR MAKING COMPLAINTS.**

Where an employee, member or volunteer of LSC&PH believes in good faith on reasonable grounds that any other employee, member, volunteer, or contractor has committed a Breach, that person must report their concern to:

- (a) their supervisor; or, if they feel that their supervisor may be complicit in the breach,
- (b) the CEO of LSC&PH; or, if they feel that the CEO may be complicit in the breach,
- (c) the President and Camp Chief of LSC&PH; or, if they feel that the President and Camp Chief may be complicit in the Breach,
- (d) the Independent Whistleblower Protection Consultant; or, if they feel this to be necessary,
- (e) the duly constituted authorities responsible for the enforcement of the law in the relevant area, which may be Victoria Police.

The person making their concern known shall not suffer any sanctions from LSC&PH on account of their actions in this regard provided that their actions:

- (a) are in good faith, and
- (b) are based on reasonable grounds, and
- (c) conform to the designated procedures.

Any person within LSC&PH to whom such a disclosure is made shall:

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- (a) if they believe the behaviour complained about to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision; or
- (b) if they believe the behaviour complained of to be neither trivial nor fanciful, ensure that the allegation is investigated, a finding is made, and the person making the allegation is informed of the finding (subject to an privacy or confidentiality restrictions that apply).

Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness.

Complaints about Breaches may be made anonymously, and this anonymity shall as far as possible be preserved by LSC&PH.

This Policy does not authorise any Employee, Member, Volunteer or other person to publish details of an alleged Breach in any form of public media, including but not limited to mainstream news reporting outlets and social media platforms. This Policy does not offer protection to any Employee, Member, Volunteer or other person who does so.

Any person reporting a Breach in accordance with this Policy should is informed and acknowledges that:

- (a) as far as lies in LSC&PH's power, the Employee, Member, Volunteer or other person will not be disadvantaged for the act of making such a report; and
- (b) if the Whistleblower wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law and the Whistleblower should be informed that the maintenance of such anonymity may make it less likely that the alleged Breach can be substantiated in any subsequent investigation; and
- (c) reporting such a Breach does not absolve the Whistleblower from the consequences of any involvement on their own part in the Breach complained of, or any other Breach.

### CONTENTS OF COMPLAINT

Any report of an alleged Breach should, to the full extent possible, be in writing and should contain details of:

- (a) the nature of the alleged Breach;
- (b) the person or persons responsible for the Breach;
- (c) the facts on which the Whistleblower has formed the belief that a Breach has occurred, and has been committed by the person named, are founded;
- (d) attach copies of any supporting primary documents;
- (e) the nature and whereabouts of any further evidence that would substantiate the Whistleblower's allegations, if known.

Evidence to support such concerns should be brought forward as soon as practicable. The absence of such evidence will be taken into account in subsequent consideration of whether to open an investigation into the matter. However, absence of such evidence is not an absolute bar to the activation of the organisation's investigative procedures. The existence of a complaint about a Breach can be sufficient to trigger reporting responsibilities.

The Whistleblower is required to maintain confidentiality regarding the details of their complaint, unless released from that obligation in writing by LSC&PH.

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### **INVESTIGATION**

On determining that a complaint regarding a Breach warrants investigation, the person to whom the disclosure is made shall notify the CEO, who shall be responsible for ensuring that an investigation of the charges is established and adequately resourced.

If a Complaint alleges that the CEO is complicit in the Breach, then the person to whom the disclosure is made shall determine who to engage for the purpose of conducting an investigation. In that case, all references to the CEO in the following provisions should be read as references to the alternative person appointed.

Terms of reference for the investigation will be drawn up, in consultation with the CEO, to clarify the key issues to be investigated.

An investigation plan will be developed to ensure that all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

Strict confidentiality will be maintained during the investigative process.

All information (including in hard copy and digital form) obtained will be properly secured to prevent unauthorised access.

All relevant witnesses will be interviewed and documents examined.

Contemporaneous notes of all discussions, phone calls and interviews will be made.

Where possible, interviews will be taped.

The principles of procedural fairness (natural justice) will be observed. Natural justice and procedural fairness do not require that the person affected be informed of the identity of the person making the initial disclosure, unless that communication constitutes part of the evidence relied upon in making the eventual finding.

In particular, where adverse comment about a person is likely to be included in a written report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

The person or persons conducting the investigation shall be as far as possible unbiased and free of any conflict of interest, including (but not limited to) having personal, family or business relationships with the individuals concerned in the Breach and the Whistleblower.

### **FINDINGS**

A report will be prepared when an investigation is complete. This report will include:

- (a) the details of the alleged Breach;
- (b) a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions;
- (c) the conclusions reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis; and

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- (d) recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

The report will be provided to the person making the allegation (with, if necessary, any applicable confidential information redacted).

#### **PROTECTION OF WHISTLEBLOWER**

Where the investigation has found that the Whistleblower made the complaint in good faith on reasonable grounds, the CEO shall designate an officer to be responsible for ensuring that the person suffers no employment- or volunteer-related disadvantage on account of their actions in this matter and to provide additional support for the person where necessary.

#### **REVIEW OF POLICY**

This Policy will be reviewed approximately every two years, by the LSC&PH Board, or at any other time that the LSC&PH Board deems fit. LSC&PH may update or change this Policy at other times. LSC&PH will publish the current Policy on its website. Please check the website to review this policy regularly.

[END]

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