

10. Whistleblower Policy and Procedure

Summary

Lord Somers Camp and Power House (LSC&PH) will ensure that any stakeholder (employee, volunteer, member, participant, or supporter) who wishes to raise an allegation of improper or corrupt conduct by any LSC&PH employee or volunteer is supported to do so.

Policy Statement

LSC&PH is committed to

- safeguarding the safety, health and wellbeing of members and participants at all times
- conducting its services in a professional, ethical and accountable manner
- ensuring individuals employed by LSC&PH behave professionally, ethically and consistent with LSC&PH's Code of Conduct which forms part of their employment contract
- supporting and encouraging any reporting of alleged improper or corrupt conduct
- making it clear what types of concerns/issues should be raised
- making it clear who can raise issues and concerns (any person, either anonymously or self-identifying)
- making it clear how reports can be made to Whistleblower Protection Officers whose contact details are publicly available
- promoting external avenues for complaint where whistleblowers would prefer not to report directly to LSC&PH
- maintaining the confidentiality and security of reports within the law
- respecting whistleblowers (including their identify) and protecting them from reprisals, discrimination, harassment or victimisation as a consequence of their having made a report
- immediately reviewing any such allegations and take action to investigate internally consistent with these procedures, or alternatively reporting to external authorities as necessary.
- making sure that whistleblowers receive feedback
- taking action to resolve and rectify any wrongdoing as far as is reasonable and practicable.

Disclosures about personal work-related grievances are **not** generally protected by the laws. This includes disclosures about:

- matters pertaining to a discloser's employment that impact upon the employee personally
- interpersonal conflict between a discloser and another employee

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- decisions relating to promotions, demotions, terms and conditions of employment, and
- decisions about taking disciplinary action against a discloser (including decisions about suspension and termination of employment).

Definitions

Allegations	Information that suggests improper or corrupt conduct by LSC&PH, Board or Committee members, or staff
Corrupt conduct	<ul style="list-style-type: none"> • Conduct of any person (whether or not an employee) that adversely affects the honest performance of an employee’s role or responsibilities or LSC&PH’s functions, and/or • The performance of an employee’s functions dishonestly or with inappropriate partiality or conflict of interest; a conspiracy or attempt to engage in the above conduct. <p>Examples of corrupt conduct are:</p> <ul style="list-style-type: none"> • A staff member destroying or amending LSC&PH records for self-protection • A staff member threatening or pressuring other employees to conceal or destroy incriminating information or evidence <p>The conduct must be serious enough to constitute, if proved, a criminal offence or reasonable grounds for dismissal.</p>
Employee	Any person employed by Lord Somers Camp and Power House.
Improper conduct	<p>Conduct that is:</p> <ul style="list-style-type: none"> • illegal • a substantial mismanagement of LSC&PH resources • conduct involving a substantial risk to members or participants, public health and safety, and the environment • conduct by an employee, former employee or volunteers of LSC&PH that amounts to the misuse of information or material acquired in the course of the performance of their official functions, or • deliberate concealment of the above

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	<p>Examples of improper conduct are:</p> <ul style="list-style-type: none"> • A staff member using confidential information, LSC&PH intellectual property or LSC&PH resources to market or further their own business • A staff member misappropriating LSC&PH monies
Investigator	An Investigator will be responsible for carrying out an internal investigation into allegations reported to LSC&PH. An Investigator may be a person from within LSC&PH or an external consultant engaged for that purpose.
Member	Any person who has a current membership subscription to LSC&PH, including various life memberships, term membership or honorary life membership.
Participant	Any person who attends an LSC&PH program as a participant or a grouper.
Volunteer	Any non-member who attends LSC&PH activities as a member of the camp's staff under direction of a Camp Leader.
Whistleblower	A person who makes an allegation of improper conduct or corrupt conduct under the Whistleblower Policy to a Whistleblower Protection Officer.
Whistleblower Protection Officers	<p>Senior LSC&PH staff with designated responsibility for receipt and acknowledgement of allegations made under this Whistleblower Policy.</p> <p>They are responsible for ongoing communication with and feedback to the whistleblower if the whistleblower wishes for this. They are also responsible for ensuring the ongoing health and wellbeing and provision of support to whistleblowers.</p> <p>In relation to the allegations reported to them, they are responsible for ensuring documentation, appropriate investigation, action on investigation outcomes, identification of systemic issues contributing to opportunity for wrongdoing and implementation of action plans to redress, and reporting via the ???? Committee.</p> <p>Both the ??? and the ??? are designated Whistleblower Protection Officers.</p>

Responsibilities

Board	<ul style="list-style-type: none"> • Establish and regularly review processes that protect staff and others who wish to raise allegations of improper or corrupt conduct.
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CEO	<ul style="list-style-type: none"> • Ensure that all employees and volunteers are aware of their obligations and protections afforded under this Policy and Procedure • Appoint and ensure training is provided to Whistleblower Protection Officers
All staff (employees and volunteers)	<ul style="list-style-type: none"> • Utilise the provisions of this Policy and the <i>Complaints and Grievances Policy</i> to raise allegations of improper or corrupt conduct.

Procedures

Creating an organisational culture of openness and transparency

Compliance with the LSC&PH Code of Conduct is a requirement of all employment contracts.

Employees and volunteers are provided with induction that includes the LSC&PH Values and Code of Conduct.

Education and training in LSC&PH policies and procedures relating to safeguarding health and wellbeing, human rights, incident reporting and complaints management processes is provided to all employees and volunteers.

Employee disciplinary processes and investigation processes provide for natural justice for employees in the investigation process prior to determination of employment outcomes.

Reporting alleged improper or corrupt conduct

Any person can report allegations of improper or corrupt conduct, or other concern of wrongdoing by LSC&PH employees or by other people in LSC&PH premises or in the provision of LSC&PH's services.

Reports of allegations can be made via:

- Grievance reporting process
- Complaints reporting process
- OHS Incident reporting

LSC&PH Whistleblower Protection Officers

If an employee, volunteer, member or participant wishes to raise an allegation of improper or corrupt conduct or have concerns about the alternative internal LSC&PH reporting processes outlined above, their complaint can be raised by contacting one of the following Whistleblower Protection Officers:

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If the whistleblower wishes to raise a grievance or complaint with an external body, alternative contacts are as follows:

Office of the Public Advocate

Level 1, 204 Lygon Street

Carlton Vic 3053

Local Call: 1300 309 337

TTY: 1300 305 612

Fax: 1300 787 510

Or [Contact Form](#)

<http://www.publicadvocate.vic.gov.au/about-us/189/>

The Victorian Ombudsman

Level 1, North Tower, 459 Collins Street

Melbourne Vic. 3000

Phone 03 9613 6222

Fax 03 9614 0246

Email ombudvic@ombudsman.vic.gov.au

www.ombudsman.vic.gov.au

Victorian Independent Broad-based Anti-corruption Commission (IBAC) *

Note: While LSC&PH is not a public body for the purposes of the Protected Disclosure Act 2012, depending on the nature of the complaint IBAC may consider that consideration is in the public interest and/or be able to recommend appropriate alternative referral.

A person can make a disclosure to IBAC:

- in person at Level 1, North Tower, 459 Collins Street, Melbourne, Victoria
- in writing GPO Box 24234, Melbourne, Victoria, 3001
- by telephone 1300 735 135
- online at www.ibac.vic.gov.au/contact-us

Further information at IBAC's website: www.ibac.vic.gov.au

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LSC&PH action following reported allegations of improper or corrupt conduct

Confidentiality and mandatory reporting

LSC&PH will maintain the confidentiality and security of reports within the law. This means that where possible, privacy and confidentiality of the reporting person and the content of the reported allegations will be protected and contained to a minimum “needs to know” basis.

However, there are, on occasion, legislative or standard mandatory reporting obligations (e.g. child sexual assault, elder abuse, sexual abuse of cognitively impaired people) which must take priority over confidentiality considerations.

Protection from adverse action, discrimination or other negative consequences of reporting

People who report allegations will be treated with respect and will not suffer any adverse action, reprisals, discrimination, harassment or victimisation as a consequence of their having made a report to a Whistleblower Protection Officer.

Investigation procedures

All reported allegations will be reviewed by a Whistleblower Protection Officer to determine appropriate investigation arrangements. The responsible supervisor, the Camp Manager and / or the CEO will be involved in this decision provided they are not parties to the allegation/s; will not be subject to participating in the investigation as a respondent or witness; and their involvement will not compromise the confidentiality of the complainant or the investigation process.

Investigations may be conducted by an internal investigator where this is considered appropriately independent. LSC&PH may alternatively engage the services of an independent external investigator.

As a first step in the investigation process, the investigator (internal or external) will develop an investigation plan outlining the allegations, parties to be involved as respondents or witnesses to the investigation and anticipated timeframe for completion of the investigation process.

For reports considered to be potential criminal matters, immediate reporting to external authorities e.g. Victoria Police may be necessary.

Feedback and support for whistleblowers reporting to the Whistleblower Protection Officers

The Whistleblower Protection Officers are responsible for providing feedback to the whistleblower on:

- on the anticipated timeframe for the investigation process
- maintaining contact during the course of the investigation if the whistleblower desires

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- monitoring the health and wellbeing of the whistleblower and supports available to them, including EAP services provided by LSC&PH
- notifying the whistleblower on completion of the investigation. (Note: due to privacy considerations, whistleblowers are not entitled to know the details of disciplinary action or consequences for people involved in the investigation. They may however be informed that the investigation is closed and provided general advice on what action has been taken by LSC&PH.)

Action on completion of investigations

The Whistleblower Protection Officer who received the allegations is responsible for receipt of the investigation report and determination of appropriate action/consequences. This will be discussed with the CEO where they are not implicated in the allegations.

Responsibilities for action can include

- executing appropriate consequences for individuals where allegations are substantiated in the investigation report (e.g. employee disciplinary action, termination of employment, termination of contracts etc)
- identifying and developing an action plan to redress any organisational systemic issues (e.g. gaps in policies, procedures and operational practices) that created opportunity for the wrongdoing to occur
- reporting the issue, investigation outcomes, immediate action taken, and action planned to address systemic issues via the ??? Committee.

Other relevant policies and procedures

- Complaints and Grievances Policy and Procedure
- Misconduct Procedures

Policy review

This Policy will be reviewed every three years by the LSC&PH Risk Committee, or sooner if warranted by internal or external events or changes.

Changes to the Policy will be recommended by the Risk Committee to the Board.