

Whistleblower

Promoting an open and accountable community is our focus at LSC&PH, extending full support to any employee, volunteer, or member seeking to raise concerns regarding improper or corrupt behaviour. **The role of whistleblowing is essential in detecting and preventing misconduct and potential harm, which in turn enables us to uphold our commitment to maintaining a safe and ethical environment.**

Whistle-blower Anonymity

We offer equal protection for both identified and anonymous whistle-blower. Once you report and meet the criteria, you're automatically under the whistle-blower safeguards provided by the Corporations Act and the Tax Administration Act.

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How to report alleged improper conduct?

By enacting the following:

Incident reporting process
Child Safety reporting process
Feedback and complaints reporting process
OHS Incident reporting
Managing Breaches of the Code of Conduct Procedure
Misconduct Policy

LSC&PH Commitment

Encouraging and supporting reporting of improper conduct

Offering external complaint options for whistleblowers who prefer it

Keeping reports secure and private within the law

Protecting whistleblowers from harm or discrimination

Promptly investigating allegations internally or externally as needed

Keeping whistleblowers informed

Taking reasonable steps to fix any wrongdoing



* Limits to Whistle-blower Protections

Not all complaints are covered by whistle-blower protection Acts. However, those not covered can use our Feedback and Complaints Process or other suitable channels for reporting improper conduct.

Note



LSC&PH will secure reports within the law, safeguarding privacy and content on a "needs to know" basis. However, certain legal mandates (like child sexual assault, elder abuse) override confidentiality.

Immunity from legal action doesn't apply if the whistle-blower was involved in reported misconduct. LSC&PH can act against a whistle-blower but not solely for making the report.



Lord Somers Camp
and Power House

Whistleblower Policy and Procedure

Summary

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

Whistleblowing is important because it helps to identify misconduct and potential harm to others and the community.

Policy Scope

Having a whistle-blower policy allows LSC&PH to demonstrate:

- strong governance by the organisation
- respect and fair treatment for whistle-blowers
- support for a positive whistle-blower culture
- its promise to take whistle-blowers seriously and to investigate whistle-blower reports
- compliance with legislative requirements:
 - Corporations Act 2001 (Commonwealth)
 - Taxation Administrations Act 1953 (Commonwealth)
- and proper reporting to regulators like ASIC and ACNC

Policy Statement

LSC&PH is committed to:

- safeguarding the safety, health and wellbeing of employee, volunteers, members and participants
- conducting its services in a professional, ethical, and accountable manner
- ensuring employees and volunteers behave professionally, ethically and consistent with LSC&PH's Code of Conduct which forms part of their engagement obligations
- encouraging and supporting any reporting of alleged improper or corrupt conduct
- 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

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- 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.

Note: Reporting and investigation procedures related to the reasonable suspicion of abuse of a child or vulnerable person are defined in the Lord Somers Camp and Power House Child Safety and Client Protection Policy and Procedure. Such cases should follow the reporting and investigation procedures under the Child Safety and Client Protection Procedure rather than using the procedures in this document.

Definitions

Allegations	Information that suggests improper or corrupt conduct by LSC&PH, Board or Committee members, or staff (employees and volunteers)
Corrupt conduct	<ul style="list-style-type: none"> • Conduct of any employee or volunteer that adversely affects the honest performance of another employee’s role or responsibilities or LSC&PH’s functions, and/or • The performance of an employee or volunteer’s functions dishonestly or with inappropriate partiality or conflict of interest; or a conspiracy or attempt to engage in the above conduct. • Concealing the failure to fulfil mandatory reporting obligations under Child Safety Standards and the Child Safety and Client Protection Policy • Concealing any other form of criminal conduct
Employee	Any person employed by Lord Somers Camp and Power House.

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Delegate	An appointed investigator who will be responsible for carrying out an internal investigation into allegations reported to LSC&PH. A Delegate may be a person from within LSC&PH or an external consultant engaged for that purpose.
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 employees members or participants, public health and safety, and the environment • conduct by an 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 • failure to fulfil mandatory reporting obligations under Child Safety Standards and the Child Safety and Client Protection Policy
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.
Whistle-blower	<p>A current or former employee or volunteer (including Board and Committee members), contractor, consultant, supplier or spouse of the aforementioned who makes an allegation of improper conduct or corrupt conduct under the Whistle-blower Policy to:</p> <ul style="list-style-type: none"> • The auditor or a member of the audit team for the organization

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	<ul style="list-style-type: none"> • A board member, officer, senior manager of the organization • A person authorised by LSC&PH to receive whistle-blower disclosures (Delegate) • ASIC or ACNC • The whistle-blower’s own lawyer <p><i>See section: Legal protections for eligible whistle-blowers who report corrupt conduct</i></p>
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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.
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
Delegate	<ul style="list-style-type: none"> • Delegates are appointed to investigate and manage Whistle-blower allegations and in doing so ensure that the requirements of procedural fairness, in concert with legal obligations, are fulfilled. • Delegates are responsible for ongoing communication with and feedback to the whistle-blower (if the whistle-blower wishes for this). • They are also responsible for ensuring the ongoing health and wellbeing and provision of support to whistle-blowers. • In relation to the allegations reported to them, they are responsible for ensuring documentation, appropriate investigation, action on investigation outcomes, identification

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	of systemic issues contributing to opportunity for wrongdoing and implementation of action plans to redress, and reporting via the Risk Committee.
All staff (employees and volunteers)	<ul style="list-style-type: none"> • Utilise the provisions of this Policy and the <i>Feedback and Complaints Policy</i> in addition to LSC&PH Incident Report Portal 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 employee and volunteer appointments and forms part of terms and conditions of engagement.

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

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

Reporting alleged improper conduct

Any person can report allegations of improper conduct, or other concern of wrongdoing by LSC&PH employees, volunteers (staff) or by other people in a LSC&PH premises or in the provision of LSC&PH’s services. Reports of allegations can be made via:

- Incident reporting process
- Child Safety reporting process
- Feedback and complaints reporting process
- OHS Incident reporting

Or by enacting the following:

- Managing Breaches of the Code of Conduct Procedure
- Misconduct Policy

Whistleblower Policy and Procedure

Legal protections for eligible whistle-blowers who report corrupt conduct

Legal protections under the *Corporations Act* and *Taxation Administration Act* are available for whistle-blowers who are:

- A current or former employee of LSC&PH
- A current or former officer of LSC&PH
- A current or former contactor, consultant or service provider who has supplied goods and/or services to LSC&PH
- A current or former volunteer with LSC&PH
- A spouse, relative or dependent of any of the above (Whilst a broad definition it includes many people who have a connection with LSC&PH who may be in a position to observe or be affected by misconduct and may presume to face reprisals for reporting the alleged misconduct.)

Reporting alleged corrupt conduct

The whistle-blower must disclose the information to one of the following recipients, who are authorised to receive whistle-blower disclosures:

- The auditor or a member of the audit team for the organization
- A board member, officer, senior manager of the organization
- A person authorised by LSC&PH to receive whistle-blower disclosures
- ASIC or ACNC
- The whistle-blower's own lawyer

Whistle-blower anonymity

A whistle-blower may provide their name and contact details but may also choose to remain anonymous. If a whistle-blower chooses to remain anonymous, LSC&PH will treat the person making disclosures as a whistle-blower in the same way and with the same protections it gives to whistle-blowers who identify themselves.

As soon as a person who meets the criteria for an 'eligible whistle-blower' makes a disclosure or report, they are automatically able to access the whistle-blower protections available under the *Corporations Act* (and the *Tax Administration Act*).

Whistle-blower protections

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For a disclosure to attract protections of the whistle-blower laws, whistle-blowers must have reasonable grounds to suspect conduct that qualifies for protection under the Corporations Act and the Tax Administration Act, including misconduct or an improper state of affairs in relation to a regulated entity such as ACNC

Limits to Whistle-blower protections

Not all people making a complaint about the company or organisation are whistle-blowers, which means they will not be protected under the Corporations Act (or the Tax Administration Act).

People who are not protected include:

- a former or current employee or volunteer making a personal or work-related complaint (this can include a complaint about a personal problem or dispute they have with a colleague, a complaint about a decision relating to their employment, or role appointment, being suspended or fired, or other work conditions). However, some of these types of disclosures can be protected, for example, the disclosure will be protected if the information has significant implications for LSC&PH as a regulated entity
- competitors of working in the same industry
- participants or recipients of services

These people may have rights under other laws but will not be able to use the whistle-blower protections in the Corporations Act. **It is recommended that they use the LSC&PH Feedback and Complaints Process or processes outlined in reporting improper conduct.**

If the whistle-blower 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/>

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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

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.

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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 under Whistle-blower Protection

Investigation procedures

All reported allegations will be reviewed by an appointed Delegate 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 either an internal or external Delegate.

The Delegate 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 whistle-blowers

Delegates are responsible for providing feedback to the whistleblower on:

- on the anticipated timeframe for the investigation process
- maintaining contact during the investigation if the whistle-blower desires
- monitoring the health and wellbeing of the whistle-blower and supports available to them, including EAP services provided by LSC&PH
- notifying the whistle-blower on completion of the investigation. (Note: due to privacy considerations, whistle-blowers 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.)

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Action on completion of investigations

The Delegate 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 Risk Committee
- reporting to the regulator as required

Whistle-blower protections under the law

Whistleblowing protection laws protect a person who makes a whistle-blower report from certain legal actions related to making the whistle-blower report, including:

- criminal liability (the whistle-blower report can't be used against the whistle-blower in a prosecution, unless the report is false)
- civil liability (the whistle-blower can't be sued for breach of an employment contract, duty of confidentiality, or other contractual obligations that it owes to its employer), and
- administrative liability (this means disciplinary action cannot be taken against the whistle-blower purely for making a report)

Note - this immunity from legal action doesn't protect the whistle-blower if that person was involved in the misconduct that has been reported in the whistle-blower disclosure.

Does this mean LSC&PH can't take action against a whistle-blower?

LSC&PH can still take employment action against the person who makes a whistle-blower report, as long as that employment action is not for making the report itself.

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Other relevant policies and procedures

- Code of Conduct
- OHS Policy
- Risk Management Policy
- Anti-Discrimination, Bullying and Harassment Policy
- Managing Breaches of the Code of Conduct Procedure
- Feedback and Complaints Policy
- Privacy Policy
- Misconduct Procedure

Policy review

This Policy will be reviewed every two 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.