

The Junction Club House Cairns Ltd (The Junction)		
Policy: Whistleblower		
Policy number: JQS.P4.6		Date adopted: 17/06/20
Authorised by: The Board		
Date last reviewed: 17/06/2020	Reviewed by: Quality Review Panel	Date of next review: 17/06/2022

Related documents:	
Related policies and procedures, How To Task Lists, forms, registers or other organisational documents of The Junction	<ul style="list-style-type: none"> • Code of Conduct policy • Conflict of Interests policy and form • Criminal History Screening policy • Performance Management & Improvement policy and forms • Disciplinary Action HTTL and form • The Constitution • Grievance Dispute Resolution policy • Complaints by Members policy • Risk Management policy and forms
Other standards	<ul style="list-style-type: none"> • National Mental Health Standards • The International Standards for Clubhouse programs • NDIS Practice Standards • Human Services Quality Standards
Legislation or other requirements	<ul style="list-style-type: none"> • The Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019

	<ul style="list-style-type: none"> • Corporations Act 2001 • The Privacy Act 1988 • Work Health & Safety Act 2011 • Work Health and Safety Regulation 2011 • Human Rights Act 2019
Definitions	<ul style="list-style-type: none"> • Whistleblower means a person who informs on a person or organization regarded as engaging in an unlawful or immoral activity, or • A whistleblower is someone with inside knowledge of an organisation who reports serious misconduct or dishonest or illegal activity that may have occurred within that organisation.

1. Purpose

The purpose of this policy is to:

- Help deter wrongdoing, in line with The Junction's risk management and governance framework
- Encourage disclosures of wrongdoing
- Ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported
- Ensure disclosures are dealt with appropriately, transparently and on a timely basis, and
- Support The Junction's values and code of conduct.

Note - this policy does not cover matters related to the Grievance/Dispute Resolution or Complaints by Members policies.

2. Scope

This policy applies to all employees, members, contractors, volunteers and visitors involved in the operations of The Junction.

3. Commitment

While The Junction is not required to have a whistleblower policy (ASIC has granted exemption from the requirement under the Treasury Laws Amendment - Enhancing Whistleblower Protections Act 2019 for small not-for-profits), it is required to manage whistleblowing in accordance with the Corporations Act. The Board has thus determined to provide a policy that guides the Board, employees, members, volunteers and other stakeholders. It is committed to ensuring that The Junction encourages ethical whistleblowing and upholds the protections for whistleblowers under The Act.

The Junction is committed to the highest standards of conduct and ethical behaviour and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance. People who have a working relationship with The Junction are often the first to realise that there may be something seriously wrong. However, they may not wish to speak up for fear of appearing disloyal or may be concerned about being victimised or subject to reprisals for reporting wrongdoing. The Junction encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving The Junction and provides protections and measures so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage or reprisal.

When a person makes a disclosure:

- Their identity must remain confidential according to their wishes
- They will be protected from reprisal, discrimination, harassment or victimisation for making the disclosure
- An inquiry or investigation will be conducted
- Issues identified from the inquiry/investigation will be resolved and/rectified
- They will be informed about the outcome

Any retaliation for having made the disclosure will be treated as serious wrongdoing under this Policy and will be managed in accordance with Section 4.3 Disciplinary Action of the Performance Management & Improvement policy.

4. Procedures

4.1 Reporting a Disclosure

Whistleblowers (members, employees, volunteers, contractors, other service providers) are encouraged to report their concerns to the Director of Operations (the Director) to seek an immediate response. Where the whistleblower believes this is not appropriate, then they

may report their concerns to the Chairperson of the Board. Where this is not appropriate or there is fear of retribution, or that it was reported and The Junction failed to deal with it, the whistleblower may report their concerns directly to an eligible recipient. To qualify for protection under the Act, a whistleblower must make their disclosure to an eligible recipient. The information below regarding eligible recipients was sourced from the Australian Charities & Not-for-profits Commission (ACNC):

- *The Australian Securities and Investment Commission (ASIC)*
- *The Australian Prudential Regulatory Authority (APRA)*
- *A Commonwealth body nominated for this purpose in (this does not include the ACNC)*
- *A legal practitioner, if someone is seeking legal advice about whether the protections will apply to them*
- *An officer or senior manager of the charity in question*
- *An auditor or member of the audit team for the charity*
- *An actuary of the charity (mainly relevant for banking, insurance, and superannuation entities)*
- *A person that the charity has authorised to receive a disclosure (this can include a person external to the charity).*

Note: Anonymous reports of wrongdoing are accepted under this policy. Note that anonymous reports may inhibit a proper and appropriate inquiry or investigation. Limitations include the inability to provide feedback on the outcome and/or to gather additional information to assist the inquiry/investigation.

4.2 Confidentiality

The Junction will not disclose a whistleblower's identity unless:

- It is necessary to further an investigation and the Whistleblower consents to the disclosure, and/or
- The disclosure is required or authorised by law.

When a report is investigated it may be necessary to reveal its substance to people such as other employees, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies.

It will be necessary to disclose the facts and substance of a report to a person who may be the subject of the report as it is essential for natural justice to prevail. Note that even when confidentiality is maintained, in some circumstances, the source of the reported issue may be obvious to a person who is the subject of a report.

The Junction will take reasonable precautions to store any records relating to a report of wrongdoing securely and to restrict access to authorised persons only.

Unauthorised disclosure of information that could prejudice confidentiality and identify a whistleblower will be regarded seriously and may result in disciplinary action and where applicable, The Junction will notify Police.

4.3 Retaliation

The Junction will not tolerate any retaliatory action or threats of retaliatory action against a whistleblower, or against a whistleblower's colleagues, employer (if a contractor, service provider or supplier) or relatives.

Any retaliatory action or victimisation in reprisal for a disclosure made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. If in some circumstance it may be illegal, The Junction will notify Police.

4.4 Investigation

All reports of alleged or suspected wrongdoing made under this policy to the Director or an employee who will report it to the Director will be properly assessed, and if appropriate, inquired into or independently investigated - with an objective of gathering evidence relating to the claims made by the whistleblower. That evidence may substantiate or refute the claims made.

The Director will inform the Board of all whistleblower reports.

Investigations must be conducted in a fair and independent manner.

4.5 Natural Justice

In line with the principles of natural justice relating to procedural fairness, The Junction will support individuals against whom a report is made during the handling and investigation of the wrongdoing report. It will take reasonable steps to treat fairly any person who is the subject of a report, particularly during the assessment and investigation period.

Where a person is identified as being suspected of possible wrongdoing, but preliminary inquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted, then the whistleblower will be informed of this outcome and the matter will be considered finalised.

5. Review processes

Policy review frequency: Annually	Responsibility for review: The Director of Operations
Review process: Director of Operations as Chair of the Quality Review Panel convenes the panel to conduct reviews.	
Documentation and Communication: All policy decisions will be documented and communicated through the Quality System Review Panel observing the Document control HTTL. Note: add version number after review.	