

## ORGANISATIONAL GOVERNANCE

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### Title: Whistleblower Policy

### Policy Statement and Objective

The purpose of the Whistleblower Policy is to guide the practices of the Australian Inclusion Group (the Organisation), comprising of three entities and referenced in its entirety, and its commitment to fostering a culture of integrity, transparency, and ethical behaviour. We encourage all members to report any suspicions of misconduct, ensuring that they can do so in an environment free from victimisation. This policy, alongside our [Whistleblower Procedure](#), is designed to uncover serious wrongdoing and provide individuals with the confidence to speak up, in compliance with our legal obligations.

We are dedicated to the early identification and resolution of issues, protecting, and supporting the dignity, well-being, and reputation of anyone who comes forward. Our organisation takes necessary actions following whistleblower investigations, including internal measures, and reporting criminal misconduct to relevant authorities. Insights from these investigations are utilised to enhance our operational procedures and handling of disclosures.

### Links

This policy is linked to National Standards for Disability Services 2014, Service Standards 1, 2, 5 & 6. NDIS Practice Standards 2020 Core Module 2, Provider Governance and Operational Management.

### Definitions

**Whistleblower:** An individual who reports misconduct, unethical behaviour, or illegal activities within an organisation.

**Disclosure:** The act of reporting serious misconduct or unethical behaviour within an organisation, which is then managed according to the whistleblower policy.

**Reportable Conduct:** Any action or behaviour that is dishonest, illegal, or violates company policies or ethical standards.

**Detrimental Treatment:** Any form of adverse, harmful, or abusive action taken against a whistleblower in response to their disclosure.

**Disclosure Coordinator:** The person or role designated to receive and manage whistleblower reports.

**Grievance:** A formal complaint by an employee about workplace issues, which is resolved through an internal grievance process.

### Guiding Principles

The Board regularly gets updates on whistleblower cases and any steps taken. If this policy is broken, it's taken very seriously and might lead to more investigation or disciplinary action. Not following this policy could also be breaking national laws about whistleblowers.

By promoting a 'speak up' culture where honesty, integrity, and business ethics are integral to daily conduct, we aim to ensure that all individuals feel supported and confident in reporting any unethical, illegal, or serious wrongdoing.

### Roles and Responsibilities

Everyone in the organisation must report any suspected wrongdoing. This helps ensure that all staff, the people we support, and their families know about the Whistleblowing Policy. Whistleblowers are important because they provide essential information and help manage their own reports by working with the organisation.

# Whistleblower Policy

Detailed roles and responsibilities are outlined in the [Whistleblower Procedure](#).

## Reportable Conduct

Reportable Conduct includes any actions or behaviours within the organisation that violate legal, ethical, or policy standards. These include activities that:

- Are dishonest, corrupt, or unethical.
- Involve theft, fraud, money laundering, or misappropriation of funds.
- Constitute a systemic, wilful, or serious breach of the law or internal policies or processes.
- Involve offering or accepting a bribe.
- Are illegal activities such as illicit drug sale or use, violence or threatened violence, and criminal property damage.
- Present a significant or serious threat to the health and safety of workers.
- Involve serious mismanagement of the organisation's resources.
- Entail victimisation of someone for reporting anything deemed a reportable conduct.
- Include any instruction to cover up or attempts to cover up serious wrongdoing.
- Interfere with any impending internal or external audit processes.
- Present a serious risk to the reputation or financial well-being of the organisation.

## Non-Reportable Conduct

This policy does not cover disclosures related to personal workplace grievances. While **personal workplace grievances** are important, they are typically addressed under separate policies and procedures tailored to the specific nature of the concern.

- **Employees:** Should consult the [Internal Employee Complaints Policy](#) or reach out to the People and Culture team for guidance.
- **Clients and external stakeholders:** Should refer to the [External Complaints Policy](#) for issues not included in [Reportable Conduct](#). This policy is accessible on the organisation's website(s) or can be provided upon request in a specific format.
- **Children, young and vulnerable people:** Concerns involving these groups, except for those specified under [Reportable Conduct](#), should be directed to specialised, such as the [Child and Vulnerable People Safeguarding Policy](#) and [Photography of Children and Vulnerable People Policy](#). These policies are designed to ensure their safety and welfare.

Personal grievances could be:

- Personal, work-related grievances including harassment, discrimination, or disciplinary matters.
- Alleged workplace discrimination or bullying.
- Personal disputes between staff.
- Decisions regarding the engagement, transfer, or promotion of staff.

While personal grievances typically do not qualify as whistleblowing, there are exceptions, particularly when they point to serious misconduct. If a personal grievance indicates serious misconduct, such as the examples listed below, it may be regarded as whistleblowing:

- Suspected criminal offences or violations of the Corporations Act or Australian Securities and Investments Commission Act by the organisation or its personnel.
- Suspected Commonwealth criminal offences punishable by imprisonment for over a year by the organisation or its personnel.
- Situations where the organisation or its personnel pose a danger to the public or the financial system.
- Misconduct or improper circumstances concerning the organisation's tax affairs.

### Version History Table:

Version	Version Date	Authorised Officer	Amendment Notes	Next Review Date
0.0	22/04/2024	CEO – Leanne Pearman	Drafted Policy	NA
1.0	10/05/2024	CEO – Leanne Pearman	Ratified	01/05/2026
1.1	20/02/2025	Nikki Ilich	Company banner updated	01/05/2026

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## Disclosable Conduct

A **disclosable conduct** involves serious wrongdoing that an eligible whistleblower can report to an authorised person. It pertains to information where the whistleblower has reasonable grounds to suspect:

- Misconduct or an improper situation or circumstances within the organisation.
- The organisation or its staff doing something that constitutes an offence against, or a breach of, relevant Acts or other specified legislation. Or an offence against any other law of the Commonwealth punishable by imprisonment for 12 months or more.
- Actions that could be dangerous to the public or the financial system.

Examples of disclosable matters are detailed in the [Whistleblower Procedure](#). The information may concern the organisation, any related body corporate, or any officer or employee of the organisation.

## Eligible Whistleblowers

To be eligible for protection under the Act, an individual must be connected to the organisation in one of the following roles: an officer, employee, external supplier (including their employees), or a relative/dependant of such individuals.

Protection is granted when disclosures are made directly to an authorised person within the organisation, ASIC, APRA, or another prescribed Commonwealth body. Anonymity is allowed, but the whistleblower must report on specific matters outlined in the policy to authorised recipients.

Refer to the [Whistleblower Procedure](#), 'Qualification Criteria for Whistleblower Protection' and 'Roles and Responsibilities' sections for detailed information, and contact details, on the Organisation's authorised recipients.

## Anonymous Reporting and Confidentiality

The law requires that the identity of a whistleblower, or any details that might reveal who they are, must be kept secret unless the whistleblower agrees to let their identity be known. Whistleblowers can choose to stay anonymous, but doing so might make it harder for the organisation to fully investigate or respond properly.

There are specific circumstances and exceptions to confidentiality, where a whistleblower's identity can be disclosed without their consent:

- To an in-house or external lawyer to obtain legal advice or representation regarding whistleblower laws.
- To law enforcement agencies such as the Australian Federal Police.
- To regulatory bodies including the Australian Securities and Investments Commission, the Australian Prudential Regulatory Authority, or the Australian Commissioner of Taxation, particularly if the disclosure concerns tax affairs.

In instances where a court or tribunal requests information or documents that could reveal a whistleblower's identity, no disclosure should be made without first consulting the organisation's legal advisor and obtaining permission from the Board.

## Whistleblower Protection

The law protects whistleblowers from detrimental treatment, being treated badly, in any way. This means making sure that no one in the organisation threatens or mistreats someone for being a whistleblower, wanting to be one, or being thought of as one.

Detrimental treatment can manifest in various forms, such as:

- Dismissal from employment.
- Injury within the workplace.
- Alteration of an employee's position or duties to their disadvantage.
- Discrimination, harassment, or intimidation.
- Psychological harm or injury.
- Damage to property, reputation, or financial position.

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- Actions against a whistleblower for asserting their rights, such as breaches of confidentiality.

However, if an investigation reveals that the whistleblower has engaged in personal misconduct, they may be held accountable for their actions.

The organisation commits to protecting whistleblowers by:

- Maintaining the confidentiality of their identity and information.
- Limiting access to whistleblower information to those directly involved in handling the disclosure.
- Securely storing all related information.

### References

[Whistleblower Procedure](#)

[Human Rights Policy.pdf](#)

[Code of Conduct Policy.pdf](#)

[Privacy and Confidentiality Policy.pdf](#)

[ASIC - Whistleblowing](#)

[Delegations of Responsibility & Authority Policy.pdf](#)

[Internal Employee Complaints Policy.pdf](#)

[External Complaints Policy.pdf](#)

[Quality Management System Policy.pdf](#)

[Child and Vulnerable People Safeguarding Policy.pdf](#)

[Photography of Children and Vulnerable People Policy.pdf](#)

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