

# RAQ Policy: Whistleblower

## 1. Intent

Relationships Australia Queensland (RAQ) is committed to operating legally, properly and ethically. Our Employees, Volunteers and Officers uphold RAQ's commitment to maintaining the highest level of professional, legal, proper and ethical business standards, by reporting non-compliant, and/or fraudulent actions of others, with the intention of maintaining organisational integrity and transparency and/or improving practices.

## 2. Objectives

The specific objective of the Policy is to;

- a) Encourage the reporting of matters that may cause harm, damage and/or loss, including financial, reputational or accreditation loss, and provide a clear framework for making a report.
- b) Supplement RAQ's reporting procedures, e.g. grievance procedures or complaints related to discrimination, harassment, bullying and similar workplace issues.
- c) Enable RAQ to investigate reports from whistleblowers in a way that is sensitive and protects the identity of the parties involved.
- d) Ensure protection of whistleblowers against reprisal both internal and external to RAQ, and security of information provided.

## 3. Scope

This Policy is applicable for all RAQ current employees, board members, contractors, volunteers, suppliers, former employees, officers and their spouse, relative or dependent.

The areas that fall outside the scope of this Policy include:

- personal work-related grievances that do not result in breaches of employment or other laws (e.g. suspicion that a client process is not being followed)
- matters currently being dealt with or previously dealt with by an external complaint agency, tribunal or Court.

## 4. Policy Definitions

<b>Term</b>	<b>Definition</b>
<i>Reportable Conduct</i>	<p>Conduct by RAQ or an officer or employee of the charity that represents misconduct, an improper state of affairs of circumstances, or breach of the law. This can include but is not limited to, conduct that:</p> <ul style="list-style-type: none"> <li>• breaches legislation, regulation or local government by-laws or is otherwise illegal (including whistleblower laws, the Corporations Act, the ASIC Act)</li> <li>• constitutes an offence against another Commonwealth law that is punishable by imprisonment for 12 months or more</li> <li>• represents a danger to the public, the environment or is detrimental financially to RAQ</li> <li>• is prescribed by the Regulations and defined by the ACNC.</li> </ul>
<i>Whistleblower</i>	<p>A whistleblower is someone with inside knowledge of an organisation who reports misconduct or dishonest or illegal activity that may have occurred within the organisation. (as defined by ACNC)</p>
<i>Reprisal</i>	<p>Any retaliative response from individuals or the organisation, in response to the action of an informant.</p>
<i>Detriment</i>	<p>Where an action may create a state of harm or damage or have a negative impact.</p>
<i>Reasonable Grounds</i>	<p>Is based on enough credible evidence that would lead a person with ordinary and prudent judgement, to the belief that the informant holds.</p>
<i>Natural Justice &amp; Procedural Fairness</i>	<p>The right to be made aware of, and respond to, information which will be used in the course of a decision that will negatively affect the person.</p>
<i>Whistleblower Investigations Officer</i>	<p>A person or persons who has responsibility for conducting preliminary investigations into reports received from a whistleblower, via the Whistleblower Protection Officer.</p>
<i>Whistleblower Protection Officer (WPO)</i>	<p>A person who receives all whistleblower reports, provides a governance function in relation to the investigation and who has</p>

*Investigator*

responsibility for supporting the whistleblower to ensure protection from reprisal.

A person who may or may not be the Whistleblower Investigation Officer, and who is responsible for the full Investigation of the reported event, once it has been determined as founded and requiring further investigation.

## 5. Policy Statements

### 5.1 Reporting a disclosure

#### 5.1.1 Internal whistleblower reports

1. Internal whistleblowers are encouraged to raise their concerns with their Line Manager or if more appropriate with a higher-level Manager or with the Whistleblower Protection Officer (WPO) directly.
2. Any RAQ representative who receives such a notification must not share details of the alleged event to anyone other than the WPO.
3. RAQ will take all reasonable attempts to ensure the identity of a whistleblower remains confidential throughout the investigation process unless:
  - the whistleblower consents to the disclosure of their identity
  - the disclosure of the whistleblower's identity is compelled by law
  - disclosure is necessary to prevent a serious threat to any person's health and safety, or
  - it is necessary to protect or enforce RAQ's legal rights or interest or to defend any claims.
4. Whistleblowers can raise their concerns anonymously via the feedback form on the RAQ website.

#### 5.1.2 External whistleblower reports

1. External whistleblowers are encouraged to raise their concerns via RAQ's website by using the feedback form or by contacting the Whistleblower Protection Officer directly on [whistleblower@raq.org.au](mailto:whistleblower@raq.org.au).
2. On receipt of such a report the receiving employee will forward the request to the Whistleblower Protection Officer email address as noted on this Policy.

## **Whistleblower protections**

1. Provided the claim is not vexatious, trivial (i.e. with no substance), unsubstantiated, malicious or knowingly false RAQ will not apply any sanctions on the person raising their concerns. False or unsubstantiated claims may result in disciplinary action (see 'Code of Conduct') on account of their actions.
2. Whistleblower's may choose to seek independent legal advice, specific to their concerns.
3. Making a disclosure may not protect the whistleblower from the consequences flowing from the involvement in the reportable event itself. This policy does not cover an individual's Personal liability.

## **Investigating disclosures**

1. Investigations will follow the Whistleblower Protection and Investigation Procedure, be conducted in a manner that is timely, confidential and without bias, and observe the rules of natural justice and procedural fairness.
2. All reports will be investigated. Where the evidence substantiates a claim, a full investigation will be conducted.

## **6. Responsibilities**

### **6.1 Whistleblowers**

A whistleblower is encouraged to provide sufficient information to support an inquiry/investigation.

A whistleblower shall not be the subject of any actual or threatened retaliatory action or victimisation in reprisal for making the report.

### **6.2 RAQ's Board**

The Board hold responsibility for adopting and reviewing the Whistleblower Policy, and for nominating the organisation's Whistleblower Protection Officer (WPO).

### **6.3 Whistleblower Protection Officer (WPO)**

The Whistleblower Protection Officer will be responsible for receiving whistleblower disclosures (both internal and external to RAQ) and will provide independent oversight to the process of investigation and resolution. They will;

- (a) Coordinate an investigation into any report received from a whistleblower, in partnership with an RAQ Executive Manager (Whistleblower Investigation Officer) who is independent of the line management or area of work, that is the subject of the reported event, and
- (b) Provide support to the whistleblower or support them to obtain required support, independently, and
- (c) Oversee the documentation of all matters in relation to the report and investigation, and
- (d) Be satisfied that any disclosure or reported event received was appropriately investigated and that all action taken in response to that investigation, was appropriate to the circumstances, and
- (e) Provide governance oversight over any investigation into retaliatory action reported against the whistleblower.
- (f) Ensure finalisation of all investigations to a satisfactory conclusion and outcome.
- (g) Notify to appropriate Government agencies about whistleblower events where required.
- (h) Maintain a whistleblower register to support analysis, review and implementation of continuous improvements to RAQ systems and practices.

#### **6.4 Whistleblower Investigation Officer (WIO)**

The Whistleblower Investigation Officer will be independent of the line management or area of work, that is subject to the reported event, and will provide;

- internal assistance to the WPO, specifically focused on the initial investigation of a whistleblower report,
- internal communication and manage the confidentiality associated with the investigation, and
- recommend actions to the RAQ Executive, or individual members, maintain independence of the reported event.

#### **6.5 Investigator**

The Whistleblower Investigation Officer is the Investigator for a reported event, unless determined otherwise by the Whistleblower Protection Officer. In such instances the Whistleblower Protection Officer will identify a more appropriate person.

The Investigator may be internal or external to RAQ.

RAQ will investigate all matters reported under this policy as soon as practically possible from the notification date.

## 6.6 Duties of RAQ employees, volunteers and contractors

All RAQ employees, volunteers and contractors are:

- encouraged to report breaches of general law, organisational policy, or generally recognised principles of ethics to a person authorised to act on such breaches; and
- responsible for escalating any report made to them, to the required person authorised to act on such breaches.

<b>Policy Owner</b>	RAQ Board
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## 7. Associated Documents

Document	Relationship
Complaints Policy	Defines a complaint and required management process vs a whistleblower notification
Fraud Prevention and Control Policy	Communicate RAQ's zero tolerance approach to fraud and sets out the framework detecting and preventing fraud and corruption
Privacy Policy	Maintaining confidentiality and privacy including personal information
Code of Conduct	Defines RAQ's culturally and legally appropriate behaviour
Code of Ethics	Defines RAQ's ethics through its principles

## 8. Relevant Legislation

Document	Relationship
Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019	New laws included to protect whistleblower's in companies, and ASIC registered not for profits and charities.
Corporations Act 2001 (Cth)	Amended whistleblower protection provisions included in part 9.4 AAA on the Federal Register of Legislation.

## 9. Version Control and Change History

Version No	Approval Date	Approved by	Amendment
V1.0	April 2020		New draft document
V2.0	June 2020		Minor updates to draft document