Whistleblower Policy

POLICY NUMBER: NDIS GOV 27

INTENT

Real Living Options Association Inc. (the Service) is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.

The Service recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct.

This Whistleblower Policy and Procedure has been developed to ensure that people can raise concerns regarding situations where they believe that Real Living Options Association Inc. or anybody connected with the Service has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below.

DEFINITION

A Whistleblower – *a person who informs on a person or organisation regarded as engaging in an unlawful, immoral or unusual activity.*

Protected Disclosure *- a protected disclosure is when someone reports serious misconduct or illegal activity in the organisation to the right person or authority, and they are legally protected from punishment, discrimination, or having their identity revealed.*

POLICY STATEMENTS

- This Policy aims to:
  - Encourage people to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct.
  - Provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the Service.
  - Enable the Service to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information.
  - Ensure as far as practicable that any Reportable Conduct is identified and dealt with appropriately.
  - Ensure as far as practicable that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported.
  - Help to ensure that the Service maintains the highest standards of ethical behaviour and integrity.

PROCEDURES

REPORTABLE CONDUCT

Who can make a report?

- A Whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with the Service, and wishes to avail themselves of protection against reprisal for having made the report.

- A Whistleblower may be a current or former Worker with the Service.

What is Reportable Conduct?

- A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to the Service.

- Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:
    - dishonest.
    - corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits).
    - fraudulent.
    - illegal (including theft, drug sale or use, violence or threatened violence, or property damage).
    - in breach of regulation, internal policy or code (such as the Code of Conduct).
    - improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower.
    - a serious impropriety or an improper state of affairs or circumstances.
    - endangering health or safety.
    - damaging or substantially risking damage to the environment.
    - a serious mismanagement of the Service's resources.
    - detrimental to the Service's financial position or reputation.
    - maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives).
    - concealing reportable conduct.

- Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

What is *not* Reportable Conduct?

- While everybody is encouraged to speak up and report any concerns to the Service, not all types of conduct are intended to be covered by this Policy or by the protections under the *Corporations Act 2001* (Cth). This Policy does not apply to complaints made by people who use the Service or their families/networks or personal work-related grievances unless the grievance includes victimisation due to whistleblowing. Those matters are dealt with under other policies.

- Personal work-related grievances are those that relate to the discloser's current or former employment with the Service that might have implications for the discloser personally but do not:
    - Have any other significant implications for the Service; or
    - Relate to any conduct or alleged conduct about a disclosable matter.
- Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

- However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

What information is required to make a report?

- To make a protected report there must be reasonable grounds to suspect the Reportable Conduct.

- For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that as much information is provided as possible. This includes any known details about the events underlying the report such as the:
    - date
    - time
    - location
    - name of person(s) involved
    - possible witnesses to the events
    - evidence of the events (e.g. documents, emails)
- In the report, include any steps already taken to report the matter elsewhere or to resolve the concern.

How to make a report?

- A report must be made to:
    - The General Manager or a member of the Management Committee.
    - The Service's auditor, or a member of the audit team.

- The Service will also protect individuals who have made a report in connection with the Service to;
    - The Australian Securities and Investments Commission (**ASIC**) or the Australian Prudential Regulation Authority (**APRA**) or another Commonwealth regulatory body prescribed in legislation.
    - A legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections or that qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth).
- While the Service encourages people to identify themselves, they may opt to report their concerns anonymously such as by adopting a pseudonym.

PROTECTION

How will a person be protected if they speak up about Reportable Conduct?

- Where there are reasonable grounds to suspect Reportable Conduct, even if it turns out the concerns are mistaken, the Service will support and protect the person making the report and anyone else assisting in the investigation.

- The Service will not tolerate any detriment inflicted on a person because they or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:
    - Retaliation, dismissal, suspension, demotion, or termination.
    - Bullying, harassment, threats or intimidation.
    - Discrimination, subject to current or future bias, or derogatory treatment.
    - Harm or injury.
    - Damage or threats to property, business, financial position or reputation.
    - Revealing the identity of the Whistleblower without their consent or contrary to law.
    - Threatening to carry out any of the above actions.

- This protection applies regardless of whether any concerns raised in a report are found to be true or false, provided that the person is acting honestly and ethically and made the report on reasonable grounds.

- This protection also applies to individuals conducting, assisting or participating in an investigation. Protection will also be entitled to any person who makes a report of Reportable Conduct to an external body under this Policy.

- Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.

- If a person believes they have suffered a detriment in violation of this Policy, they are encouraged to report this immediately to the General Manager, a member of the Management Committee, or an external body under this Policy. Any concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.

- Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.
- The person may also be entitled to the following legal protections for making a report:
    - protection from civil, criminal or administrative legal action
    - protection from having to give evidence in legal proceedings; and/or
    - compensation or other legal remedy

How is confidentiality assured?

- A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. The Service will do all it can to protect confidentiality.
- All individuals are encouraged to disclose their identity when raising a concern. This will assist the Service to gather further information on their report. For those who choose to disclose their identity, all details will be treated confidentially to the fullest extent possible in connection with the investigation. The Service will take measures to protect identifying information by redacting personal information, storing information and disclosure securely, referring to the person in a gender-neutral context and only allowing qualified staff to investigate any disclosures.
- Any concerns can be reported anonymously. However, where the person has chosen to disclose their identity, all details will be treated confidentially to the fullest extent possible in connection with the investigation, and the identity will not be disclosed unless:
    - The Service has consent in writing to the disclosure.
    - The disclosure is made to ASIC, APRA or the Australian Federal Police (AFP).
    - The disclosure is made to a Legal Practitioner for the purpose of obtaining advice.
    - The disclosure is authorised under the *Corporations Act 2001* (Cth).
    - Disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.
- All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.
- It is illegal for a person to identify a discloser or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If a person feels that their confidentiality has been breached, a complaint can be lodged with a regulator, such as ASIC, APRA or the ATO, for investigation. The Service may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

False reports or disclosures

- Protected Disclosures must be made on reasonable grounds. Any person who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

- The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

HANDLING AND INVESTIGATING A DISCLOSURE

- Upon receiving a Protected Disclosure, within 10 working days, the Service will endeavour to assess the disclosure to determine whether:
    - It qualifies for protection; and
    - A formal, in-depth investigation is required.

- The Service will endeavour to provide the discloser with regular updates.

- The Service may not be able to investigate a disclosure if it is unable to contact the discloser.

- The Service will handle and investigate Protected Disclosures in accordance with the Whistleblowing Workplace Procedure attached to this Policy.

DELEGATIONS

Management Committee

- Accept any report from a Whistleblower and arrange for an investigation to be undertaken by the Grievance Sub Committee, which includes the President and the General Manager of the Service and specific Management Committee members as required.
- Ensure reports are made to any legal entities as required
- Ensure this policy and the attached procedures are adhered to when dealing with a Whistleblower.

General Manager

- Accept any Whistleblower reports and report to the Management Committee
- Be a member of the Grievance sub-committee
- Investigate any reports
- Report to any legal entities as required
- Ensure as far as practicable that employees are made aware of their rights and responsibilities in relation to whistleblowing at induction.
- Encourage employees to speak up about concerns of Reportable Conduct

Support Manager

- Ensure as far as practicable that employees are made aware of their rights and responsibilities in relation to whistleblowing at induction.

- Encourage employees to speak up about concerns of Reportable Conduct.

All Staff

- Report any person or member of the Service regarded as engaging in an unlawful or immoral activity.

RELATED DOCUMENTATION
Whistleblower Workplace Procedure

REFERENCES
- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Insurance Act 1973
- Life Insurance Act 1995
- Public Interest Disclosure Act 2013
- Superannuation Industry (Supervision) Act 1993
- Taxation Administration Act 1953

AMENDMENTS/REVIEWS

Whistleblower Workplace Procedure

Responsibilities

- **The Whistleblower Sub-committee,** are responsible for:
  - Assisting in the assessment and oversight of whistleblower reports.
  - Providing advice and support to reporters.
  - Maintaining a secure and restricted record of all reports made under this Policy and Procedures.
  - Arranging role-specific training as and when required.

- The **General Manager and Support Manager** are responsible for ensuring that:
  - Employees are made aware of their rights and responsibilities in relation to whistleblowing at induction.
  - Employees are regularly encouraged to speak up about concerns of Reportable Conduct.

- **The** Grievance **sub-committee (which includes Whistleblower issues) is** responsible for:
  - Receiving whistleblower reports and protecting the interests of reporters.
  - Determining whether the report falls within the scope of the Policy.
  - Determining whether and how a report should be investigated.
  - Appointing a Whistleblowing Investigator where an investigation is deemed appropriate.
  - Ensuring investigations are conducted in accordance with this Policy.
  - Ensuring any reports involving a member of the Management Committee or the General Manager are reported to the Hon. President of the Committee.
  - Updating reporters on progress and details of outcomes to the fullest extent possible.
  - Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters.
  - Immediately reporting concerns in relation to any detrimental conduct to the General Manager and/or Hon. President (provided that the concerns do not relate to those people).
  - Determining the appropriate courses of action to remediate or act on the investigation.
  - Reporting matters to relevant authorities.
  - Making recommendations to prevent future instances of reportable misconduct.
  - Completing any training mandated by the Whistleblower Program Team.
  - Seeking to ensure the integrity of the Whistleblower Program is maintained.

- **Whistleblower Investigators** are responsible for:
    - Investigating reports in accordance with this Policy and Procedure.
    - Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters.
    - Gathering evidence and taking steps to protect or preserve evidence.
    - Making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report.
    - Keeping comprehensive records about the investigation.
    - Making recommendations about how to implement the strategy in relation to how reported misconduct can be stopped, prevented and/or mitigated in future.
    - Reporting on the progress of their investigation 7 days after the report and every 14 days thereafter
    - Complying with the directions of the Whistleblower Program Team in relation to any further follow up, and reporting action and requirements, including the implementation of any recommendations.
- **Employees** are responsible for reporting misconduct or dishonest or illegal activity that has occurred or is suspected within the Service as quickly as possible, whether anonymously or otherwise.

How to make a report?

- Whistleblowing protections will only apply to reports of Reportable Conduct made in accordance with this Policy and Procedure.
- Where a person has reasonable grounds to suspect that an individual has engaged in Reportable Conduct, the matter should be reported to any person authorised by The Service to receive Whistleblower disclosures. Authorised people are:
    - The General Manager
    - The Hon. President of Real Living Options Association Inc.
    - Any current member of the Management Committee of Real Living Options Association Inc.
- If the person is not comfortable or able to report Reportable Conduct internally, it can be reported to ASIC.

How are reports investigated?

- After receiving a report, the Service (General Manager/Hon. President will:
    - Assess the report of Reportable Conduct.
    - Consider whether there are any conflicts of interest prior to investigating.
    - Determine whether external authorities need to be notified.
    - Determine whether and how to investigate; and
    - Appoint a Whistleblowing Investigator if appropriate.

- If an investigation is deemed necessary, it will be conducted fairly, objectively and in a timely manner. The investigation process will vary depending on the nature of the Reportable Conduct and the amount of information provided.

- Any individuals who are accused of misconduct in a report (a Respondent) will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken.

- The Service may need to speak with a Whistleblower as part of an investigation. If the identity of the Whistleblower is known, The Service will endeavour to keep them informed about the status of an investigation.

- If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, the individual who reported the Reportable Conduct will be notified at the earliest possible opportunity.

Outcome of an investigation

- At the conclusion of the investigation, a report will be prepared outlining:
    - The finding of all relevant facts.
    - A determination as to whether the allegation(s) have been substantiated or otherwise.
    - The action that will be taken, which may include disciplinary action and dismissal.

- The disciplinary action will be dependent on the severity, nature and circumstances of the Reportable Conduct.

- Where possible and appropriate, having regard to the Services privacy and confidentiality obligations, the Whistleblower will be informed of the outcome of any investigation into their concerns.
- The final report will be filed under the Services confidential Whistleblower file.

AMENDMENTS/REVIEWS

Amended 04.09.2025