

1. Purpose

IMPACT Community Services Limited (IMPACT) is committed to the highest standards of conduct and ethical behaviour by promoting and supporting the core values of IMPACT Community Services. This is achieved by having in place robust policies, procedures, quality management system and an 'open door' policy with management. IMPACT employees or volunteers are encouraged to speak up about any issues or areas of concern with their direct supervisor or any manager, without fear of intimidation, disadvantage or retaliation. This will ensure any possible issues can be addressed by internal processes and in a timely manner. If the problem is more significant or is reported by an external source, higher lever or external reporting may be necessary.

When a person 'The Discloser' makes a Protected Disclosure, IMPACT will ensure:

- Their identity will not be disclosed without their consent;
- They will be given protection as per this policy and the Corporations Act 2011 (s1317 - Part 9.4AAA);
- A full internal and/or independent investigation will be conducted;
- Issues identified from the investigation will be resolved and/or rectified;
- They will remain informed throughout the investigation and of the outcome (if appropriate);
- Any retaliation for having made the disclosure will be treated as serious misconduct under this policy and the Corporations Act 2011 (s1317 - Part 9.4AAA).

2. Scope

This policy applies to IMPACT services and businesses regardless of entity name or type:

Persons who are eligible to make a disclosure and may qualify as an eligible Whistleblower are any current or former:

- employee or volunteer of IMPACT;
- Directors;
- A supplier of services or goods to IMPACT whether paid or unpaid;
- An associate of IMPACT;
- A relative, spouse or dependant of any of the above.

This policy does not cover:

- Disclosures that relate solely to personal work-related grievances by staff or volunteers. If an employee has a personal grievance and it does not have any significant other implications for IMPACT or is not related to any other disclosable matter. Some examples of these grievances which may involve the Discloser are:
 - A decision that does not involve a breach of workplace law;
 - A decision regarding engagement, transfer or promotion;
 - A decision to suspend, discipline or terminate engagement.

IMPACT's **ADM026 Grievance Procedure** refers.

There are some exceptions to work-related grievances which may qualify for protection, the following may still qualify for protection if:

- It includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report);
 - IMPACT has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the Discloser's personal circumstances;
 - the Discloser suffers from or is threatened with detriment for making a disclosure;
 - the Discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act.
- Complaints pertaining to the general delivery of services to participants, as covered in IMPACT's **ADM025 Complaints and Appeals: Clients and Visitors** procedure. Some examples of complaints may be:
 - A participant who has a general complaint or may be disgruntled with the service they are receiving;

- A customer who may not have been contacted within a specific time period;
- A student who is unhappy with the training they are receiving.

3. Definitions

ASIC	Australian Securities and Investments Commission
APRA	Australian Prudential Regulation Authority (APRA)
ATO	Australian Taxation Office
Corporations Act	<i>Corporations Act 2001 (Cth)</i>
Detrimental conduct	<p>Conduct, or a threat to engage in conduct, that causes detriment to a discloser in the form of:</p> <ul style="list-style-type: none"> ○ dismissal of an employee; ○ injury of an employee in his or her employment; ○ alternation of an employee’s position or duties to his or her disadvantage; ○ discrimination between an employee and other employees of the same employer; ○ harassment or intimidation of a person; ○ harm or injury to a person, including psychological harm; ○ damage to a person’s property; ○ damage to a person’s reputation; ○ damage to a person’s business or financial position; or ○ any other damage to a person
Discloser	An individual who discloses wrongdoing or misconduct or an Eligible Whistleblower
Disclosure	A disclosure of information, which an Eligible Whistleblower has Reasonable Grounds to Suspect, is about Misconduct.
Disclosure (Public Interest)	A disclosure of information to a journalist or a parliamentarian – (Refer to ASIC Regulation Guide clause RG270.74, RG270.75)
Disclosure (Emergency)	A disclosure of information to a journalist or a parliamentarian – (Refer to ASIC Regulation Guide clause RG270.76)
Eligible Recipient	<p>Person responsible for receiving disclosure so as to be able to qualify for protection as a Whistleblower. These positions for IMPACT are:</p> <ul style="list-style-type: none"> ○ A member of the ELT ○ Director ○ An internal or external auditor (see s1317AAC(1) of the Corporations Act) ○ The Whistleblower Protection Officer ○ Your Call (details in clause 4.3) ○ ASIC, APRA, ATO or prescribed Commonwealth body
Eligible Whistleblower	each person specified in section 2 as being within the Scope of this Policy.
Executive Leadership Team (ELT)	Managing Director and General Managers
Misconduct	<p>Any conduct that an eligible whistleblower has reasonable grounds to suspect:</p> <ul style="list-style-type: none"> ○ is about misconduct or an improper state of affairs at IMPACT; ○ indicates that IMPACT or its officers or employees engaged in conduct that: <ul style="list-style-type: none"> - involves a breach of or is an offence against the <i>Australian Securities and Investments Commission Act 2001</i>; the <i>Banking Act 1959</i>; the <i>Financial Sector (Collection of Data) Act 2001</i>; the <i>Insurance Act 1973</i>; the <i>Life Insurance Act 1995</i>; the <i>National Consumer Credit Protection Act 2009</i>; the <i>Superannuation Industry (Supervision) Act 1993</i>; - is any offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;

- indicates a significant risk to public safety or the stability of, or confidence in, the financial system, even if it does not involve breach of a particular law;
- is indicative of systemic issues, dishonest or unethical behaviour or practices;
- o is about misconduct or an improper state of affairs or circumstances in relation to the tax affairs of IMPACT; or
- o involves the deliberate concealment of information tending to show any of the matters listed above.

Examples of the types of matters that can be reported as Misconduct include, but are not limited to :

- o Breaches of legislation, regulations or local government by laws;
- o Illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatening violence, and criminal damage against property;
- o Harassment
- o Unlawful discrimination
- o Practices endangering the health or safety of staff, volunteers or the general public
- o Practices endangering the environment
- o Fraud, money laundering or misappropriation of funds;
- o Offering or accepting a bribe;
- o Financial irregularities;
- o Failure to comply with or breach of, legal or regulatory requirements; and
- o Engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made or be planning to make a disclosure.

It is possible for a disclosable matter to not contravene a particular law but may solely pose a significant threat to public safety or a vital process of IMPACT.

PaC	People and Culture
Protected Disclosure	is defined in Clause 5
Reasonable Grounds to Suspect	Objective reasonableness of the reasons for the Discloser's suspicion. It ensures that the motive for making a disclosure, or their personal opinion of the person(s) involved, does not prevent them from qualifying for protection.
Whistleblower	A Discloser who has made a disclosure that qualifies for protection under the Corporations Act.
Whistleblower Investigating Officer	The role under an entity's Whistleblower Policy that is responsible for investigating disclosures.
Whistleblower Protection Officer	The role under an entity's Whistleblower Policy that is responsible for protecting or safeguarding disclosers and ensuring the integrity of the reporting mechanism.

4. Making a Disclosure

4.1. Responsibilities of a Discloser

A Discloser is an eligible whistleblower who has seen or been subject to any of the definitions of misconduct and must have 'reasonable ground to suspect' wrongdoing as motive for disclosure.

A Discloser will only qualify for protection as a whistleblower under the Corporations Act 2011 if:

- a) they have made a disclosure of information relating to a 'disclosable matter' directly to an 'eligible recipient' or to ASIC, APRA or another Commonwealth body prescribed by regulation;
- b) they have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act; or

- c) they have made an ‘emergency disclosure’ or ‘public interest disclosure’

If an allegation is made with no supporting evidence or information, then it may not likely be considered as having ‘reasonable ground to suspect.’ This does not mean that the Discloser has to prove the wrongdoing, but the person must have more than a mere suspicion.

The Discloser may wish to seek additional information or evidence before making an official disclosure. They may ask the Whistleblower Protection Officer for assistance and advice and be assured that it will be kept confidential.

False Reporting

IMPACT discourages disclosures that are untrue, fabricated or of a personal vindictive nature and may initiate disciplinary action if an employee is found to be making an intentional false disclosure.

4.2. Internal Disclosure

If the Discloser is a staff member, IMPACT encourages the employee to raise the issue as soon as possible with their supervisor or any manager in the first instance, so the issue can be addressed and resolved in a timely and unobtrusive manner.

If the Discloser has decided to make a formal disclosure, they can relay the information to the internal ‘eligible recipient’ who can be a member of the ELT, a Director, the Internal Auditor or the Whistleblower Protection Officer (**Work Health and Safety Manager ext 3673**).

The disclosure can be made by email, face to face or by phone, keeping in mind the level of confidentiality in which the Discloser wishes to apply. A scheduled meeting in a time and location removed from the workplace would be the most suitable and private arrangement.

If the Discloser wishes to make an out of hours disclosure the Whistleblower Protections Officers and/or ELT mobile phone numbers can be obtained from the phone listing on Outlook.

4.3. External Disclosure

The Discloser may not wish to make a formal disclosure through internal channels but go directly to an external source. IMPACT has engaged Your Call as the ‘eligible recipient’ for persons wishing to externally disclose information. Your Call is a 24/7 confidential reporting pathway for potential disclosures, which is potentially the most suitable way for anonymity. The contact details for reporting to Your Call are:

- Phone number: **1300 790 228 (9am to 12am business days)**
- Web address (24/7): www.yourcall.com.au/report - Org ID **IMPACT**

Commonwealth organisations such as ASIC, APRA, ATO or other prescribed Commonwealth body, can also be ‘eligible recipients’ for whistleblowing information, as can external auditing bodies such as financial auditors.

ASIC is the governing body for Whistleblowing Protection and has a specific website which you can report the disclosure.

The web address is: <https://asic.gov.au/complain> and phone number **1300 300 630**.

If the Discloser has reported to a legal practitioner in the first instance, as they may want legal advice or representation prior to disclosing, whistleblower protections still apply, even in the event that it is deemed not a ‘disclosable matter’.

4.4. Anonymous Disclosure

It is the choice of the Discloser if they wish to make an anonymous disclosure. There is no requirement that the Discloser provide their name or identify themselves at any stage during the reporting or investigation process. A Discloser can also decide not to answer questions that they feel may reveal their identity. If the disclosure is made internally then it would be difficult to remain anonymous but utmost discretion will be used during the investigation for the information to remain only with the ‘eligible recipient’ and Whistleblower Protection Officer, of the disclosure. A pseudonym name may be adopted to increase the protection for the Discloser.

External disclosures can be more easily made anonymously by making the disclosure via Your Call. If a Discloser chooses to remain anonymous, this may affect the ability of IMPACT to investigate and properly communicate with the Discloser about their disclosure. However, the Your Call platform allows ongoing two-way communication while remaining anonymous. It is important that communication is kept flowing between parties so as to work towards a resolution.

4.5. Public Interest and Emergency Disclosures

A Discloser may make a disclosure of information to a journalist or a parliamentarian, but there are specific and detailed parameters regarding these disclosures. A disclosure must have previously been made to ASIC, APRA or a prescribed body and written notice provided to the body to which the disclosure was made. For a public interest disclosure, at least 90 days must have passed since the previous disclosure.

The link for the ASIC Regulatory guide 270: Whistleblower policies provided in the Reference Section at the end of this policy, details clauses RG270.74, RG270.75 and RG270.76 in regard to these restrictions.

It is advised that the Discloser contact an independent legal adviser before making a public interest or an emergency disclosure.

5. Protection for a Discloser

Whistleblower protection applies to all forms of disclosures as identified in this policy both internal and external, provided that all 3 of the following criteria are satisfied:

1. The person making the disclosure is an Eligible Whistleblower (see section 2);
2. The disclosure is about Misconduct that the Eligible Whistleblower has Reasonable Grounds to suspect has occurred or is occurring (see section 3); and
3. The Eligible Whistleblower makes their disclosure of Misconduct to an Eligible Recipient (see section 3) or to Your Call (see section 4.3) or to ASIC or a lawyer, or in certain circumstances makes a public interest or emergency disclosure (see section 4.5).

If the disclosure does not meet the above criteria, IMPACT still encourages reporting, however only disclosures that meet all these three criteria receive the legal protections under the Corporations Act and outlined in this Policy. A Discloser can still qualify for protection even if their disclosure is deemed incorrect.

IMPACT will ensure that the identity of the Discloser will remain as confidential as possible. The Whistleblowing Protection Officer will liaise with and support the Discloser throughout the investigation and also ensure that other staff that may be involved with the investigation are also protected.

It is illegal for a person to release the identify of a Discloser or disclose information that is likely to lead to the identification unless:

- a) The Discloser provides their consent;
- b) The disclosure of identity is required by law; or
- c) The disclosure of identity is made to a professional legal advisor for the purpose of obtaining legal advice or representation or to authorised regulatory bodies such as ASIC or a member of the Australian Federal Police.

However, IMPACT may disclose information that is reasonably necessary for the purposes of investigating the disclosure. If this happens, reasonable steps will be taken to reduce the risk that the Discloser will be identified as a result of the report (for example by removing personal information or other details that are likely to identify the Discloser).

A Discloser may lodge a complaint with IMPACT or ASIC if there has been any breach of confidentiality and also seek independent legal advice.

IMPACT's measures for protecting the Discloser's identity are:

- d) Disclosures will only be handled by the dedicated officers and roles in this policy;
- e) Investigations will only involve people who are in direct association with the alleged misconduct;
- f) All party's associated with the alleged misconduct will be asked to sign Confidentiality Agreement;
- g) Unless the Discloser consents to their identity being shared, the Discloser's real name will not be used throughout the investigation, they will be known by a pseudonym which is gender neutral;
- h) Access to investigation documentation will be limited to only those people involved in the investigation;
- i) All documents relating to the investigation will be kept in a secure and locked location.

It is also illegal to cause detriment or make a threat to a person who has made or proposes to make a Disclosure (refer *Detrimental Conduct* in clause 3).

5.1. Civil, criminal and administrative liability protection

A Discloser is protected from the following in relation to their disclosure:

- a) Civil liability (eg any legal action against the Discloser for breach of an employment contract, duty of confidentiality or another contractual obligation);
- b) Criminal liability (eg attempted prosecution of the Discloser for unlawfully releasing information, or other use of the disclosure against the Discloser in a prosecution (other than for making a false disclosure));
- c) Administrative liability (eg disciplinary action for making the disclosure).

Please Note: These protections do not grant immunity for any misconduct a Discloser has engaged in that is revealed in their disclosure.

5.2. Support for a Discloser

IMPACT is committed to ensuring that the Discloser will be provided the required supports to ensure that they are safe from detriment. In addition to the above measures, personal supports may include:

- a) Assigning to other duties with consent from the Discloser;
- b) Perform duties from another location;
- c) Assistance with stress management and possible impact of their performance.

The Employee Assistance Program (EAP) which is a confidential and independent counselling service, is available to all employees and their families if required for further support.

They can be contacted on **1800 818 728**.

5.3. Support for a person mentioned in a disclosure

IMPACT will ensure that all employees who are mentioned in a disclosure will be treated fairly and provided with the highest level of privacy and confidentiality. They will be given support from the PaC team if required or can access EAP details above.

5.4. Compensation

A Discloser (or any other person or employee) may seek compensation through the courts if:

- a) they suffer loss, damage or injury because of a disclosure; and
- b) IMPACT fails to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

If a Discloser wishes to seek any form of compensation it would be beneficial to seek independent legal advice.

6. Responsibilities of Office Holders

6.1. Whistleblower Protection Officer

The Whistleblower Protection Officer will be responsible for liaising with and supporting the Discloser from point of disclosure, during the investigation and post disclosure. They will also liaise with all other parties involved in the investigation to ensure they are following the steps outlined in this policy and relevant legislation, with the intention of keeping the Disclosers identity private and contained and their wellbeing maintained.

The Whistleblower Protection Officer for IMPACT is: Work Health and Safety Manager ext 3673

The Executive Leadership Team reserve the right to appoint a Whistleblower Protection Officer if the allocated person is unavailable or another officer is more suitable to undertake this role.

6.2. Whistleblower Investigating Officer

The Whistleblower Investigating Officer will be responsible for initiating the investigation by liaising with the 'eligible recipient', and the Protection Officer. They may also, depending on the nature of the disclosure, have to talk directly and with consent from the Discloser. The Discloser may seek anonymity for all correspondence which may, in some cases, hinder the investigation. They will be tasked with ensuring that the investigation is conducted with the utmost privacy and confidentiality, in line with this policy and relevant legislation and only involve persons who are directly linked with the alleged misconduct, ensuring the protection of the identity of the Discloser is paramount.

The Whistleblower Investigating Officer will be appointed by the ELT as soon as they are made aware of the disclosure and have liaised with the Whistleblower Protection Officer. The identity of the Discloser can remain anonymous if requested.

6.3. Executive Leadership Team

It is important that IMPACT has a culture of openness and honesty, which is enhanced by the 'open door' policy of management. Any member of the ELT may be approached for confidential discussions with staff about any issues they may be experiencing. They are also committed to ensuring this policy and any legislation regarding safeguarding of a Discloser are abided by and timely resolutions of all disclosures.

6.4. Internal Auditor

May be approached as an 'eligible recipient' by a Discloser, in which case internal processes would be initiated.

An issue or suspected misconduct may become apparent during an audit process, in which case the first step would be to undertake the internal disclosure process.

6.5. People and Culture

May become involved in the investigation as disclosures will likely relate to an employee's wrongdoing. If information is required from PaC they will be subject to all the protections afforded to the Discloser as per this policy and relevant legislation and must only liaise with the designated officers who are involved in the investigation. They may also be responsible for supporting any other staff involved in the investigation.

7. Handling and Investigating a Disclosure

7.1. Handling

Once a disclosure has been reported to the 'eligible recipient', they are responsible for engaging IMPACT's Whistleblower Protection Officer within 24 hours of disclosure, who will collectively determine if the disclosure qualifies for protection and continued formal investigation is required. If the disclosure qualifies then the Whistleblower Investigating Officer is engaged within 5 working days from the initial disclosure.

It is also important at this time to ensure the Discloser is made to feel comfortable and protected and not to make assumptions of the reasons behind the disclosure.

If the disclosure is found not to qualify under the Corporations Act, the Discloser must be notified no later than 5 working days from the initial disclosure, the reasons for the decision.

7.2. Investigating

Once the Whistleblower Investigating Officer has been engaged, the investigation must commence promptly. Timeframes for the investigation may vary depending on the nature of the disclosure and how it was disclosed. If the disclosure was made anonymously or the Discloser does not provide a means of contact, it may be difficult to conduct the investigation, but if enough information was given, the investigation could still continue without further contact.

Difficulty may also be experienced if the Discloser has not given consent, IMPACT cannot disclose information that is likely to lead to the identification of the Discloser as part of the investigation process unless:

- a) the information does not include the Discloser's identity;
- b) removal of information that may lead to the identification of the Discloser;
- c) it is reasonably necessary for investigating the issues raised in the disclosure.

IMPACT will ensure that the person who undertakes the investigation will be independent from the Discloser and/or the business, program or section involved. It will be undertaken objectively and fairly with utmost discretion and protection to the Discloser.

7.3. Communication and Reporting

If the Discloser has consented to be contacted, updates will be provided on progress during the investigation, but the final outcome will only be reported if IMPACT deems the information to be appropriate for release.

If during an investigation this policy has not been followed or there has been a breach of privacy, then the policy and process must be reviewed immediately. It must also be reported to the Board if any breach has occurred.

8. Maintaining this Policy

The IMPACT Board is responsible for the implementation of this policy and approving of amendments.

This policy is reviewed annually by IMPACT's internal auditor, in line with the Quality Management System Internal Audit Schedule or if any changes to legislation are received in the interim.

IMPACT's organisational risk register and treatment plan incorporates all risks that involve fraud, theft, harassment, privacy, misconduct and whistleblowing. A regular report is submitted to the Board on all risk matters. The Board will monitor the whistleblower management system to ensure that the broader trends, themes and/or emerging risks highlighted by the disclosures made under this policy are addressed and mitigated as part of IMPACT's risk management and corporate governance.

9. Access, training and further information in relation to this policy

This policy will be available to officers and employees of IMPACT on the QMS Menu via the Intranet. A copy will also be available on our website to ensure it is accessible for all eligible whistleblowers.

The People and Culture Section will be responsible for conducting upfront and ongoing education and training on the whistleblower policy, processes and procedures to all officers and employees.

If you require further information in relation to this policy, or how to make a Disclosure, you can contact Karen Craft, People and Culture Manager on extension 3631.

10. References

ASIC Regulatory Guide 270: Whistleblower policies November 2019

<https://download.asic.gov.au/media/5340534/rg270-published-13-november-2019.pdf>

ASIC Information Sheet 239 How ASIC handles Whistleblower reports

All Policies, Procedures, Manuals and forms which cover all operations and services of IMPACT Community Services are available from the QMS menu.

Changes to this Policy have been approved by:



Managing Director



Chair