WHISTLEBLOWER POLICY

Policy Number	P-Q7-S002	**Version Number**	4.00
Drafted by	Executive Officer	**Approved Date:** **Review Date:**	March 2026 March 2027
Responsibility	The Board of Bubup Womindjeka Family and Children's Centre Association (Inc.)		
Related Service Policies	▪ Complaints and Grievances Policy ▪ Staff Complaints and Grievances Policy	▪ Child Safe Environment Policy ▪ Code of Conduct Policy	
Legislation and Standards	Relevant legislation and standards include but are not limited to: ▪ 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		
Sources	▪ Australian Children's Education and Care Quality Authority (ACECQA): www.acecqa.gov.au ▪ Children's Services Award 2010 ▪ Educational Services (Teachers) Award 2010 ▪ Fairwork: Guide to the OHS Act 2004, WorkSafe Victoria https://www.fairwork.gov.au/ ▪ Victoria Legal Aid: www.legalaid.vic.gov.au		

AUTHORISATION

This policy was adopted by the Bubup Womindjeka Family and Children's Centre Board of Governance on 21th of May 2020.

PURPOSE

Bubup Womindjeka Family and Children's Centre is committed to the highest standard of conduct and supports a culture of honesty, ethical behaviour, corporate compliance and good corporate governance. BWFCC encourages the reporting of any instance of suspected unethical, illegal, fraudulent or undesirable conduct involving any part of BWFCC's business, and provides protections and measures so that those persons who make a report may do so confidentially without fear of intimidation, disadvantage or reprisal.

PRINCIPLES

1. **Higher standard** – This Policy is designed to comply with BWFCC legal obligations. If anything in this Policy is inconsistent with any law imposed on BWFCC, that legal obligation or the "higher standard" will prevail over this Policy.

2. **Speak up and report it** – We encourage any BWFCC stakeholders to report any concerns in line with our policies and procedures.

3. **Our expectations of Workers** – BWFCC expects Workers to act honestly and ethically, and to make any report on reasonable grounds.

4. **Our responsibility to Whistleblowers** – Our obligations to Whistleblowers are spelled out in this policy.

5. **Confidentiality** - BWFCC will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While BWFCC encourages Whistleblowers to identify themselves when making a report, people may opt to report their concerns anonymously.

SCOPE

This policy applies to the following:
A. A whistleblower is a current or former insider within BWFCC.
B. The Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Bill 2018 (Vic) (the Bill) defines an insider (an "eligible whistleblower") to include an individual who is or who has been:
i. a current or former officer of the organisation as the regulated entity. This will include board members as the Approved Provider of the organisation;
ii. a current or former employee of BWFCC as the regulated entity;
iii. a consumer or customer of the organisation;
iv. an individual who currently supplies or has previously supplied services or goods to BWFCC (whether paid or unpaid). This includes contractors, suppliers and volunteers. The Bill also includes employees of those who supply services or goods; or
v. a relative or dependent of any of the above.
C. Concerns and allegations of misconduct or improper behaviour should be raised using the *Complaints and Grievances policy.*

DEFINITIONS

Whistleblowing means the disclosure of information from a person who has reasonable grounds to suspect that the information concerns wrongdoing which:
A. is dishonest, fraudulent or corrupt, including bribery;
B. is an illegal activity (such as violence, harassment or intimidation, discrimination, victimisation or bullying, theft, criminal damage to property or other breaches of state or federal law);
C. is an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
D. is unethical or in breach of BWFCC policies (such as dishonestly altering BWFCC's records or data, adopting questionable accounting practices or wilfully breaching BWFCC Code of Conduct policy or other policies or procedures)
E. is potentially damaging to BWFCC, a BWFCC employee or a third party, such as unsafe work practices, environmental damage, health risks or abuse of BWFCC property or resources;
F. may cause financial loss to BWFCC, damage its reputation or be otherwise detrimental to BWFCC's interests; and
G. involves any other kind of misconduct or an improper state of affairs or circumstances.

What is NOT Whistleblowing

This policy must not be used for retaliation, trivial or vexatious matters; it is strictly applicable to matters that satisfy the above definition. A trivial or vexatious allegation with no substance may in itself constitute wrongdoing. Any disclosure of information that concerns a personal work-related grievance of an employee is not a disclosable matter under this policy. Personal work-related grievances should be dealt with through *Staff Complaints and Grievances Policy.*

BACKGROUND AND IMPLEMENTATION

Duties of Board Members, Employees and Others in Relation to Disclosures

It is expected that any BWFCC Board member, employee or others as outlined in the 'Scope' who becomes aware of actual, or suspect on reasonable grounds, potential cases of wrongdoing will make a report under this policy.
Where the allegation relates to a child or children's safety, *Child Safe Environment Policy* must also be followed.

Making a Report

If you become aware of any issue or behaviour which you consider to be reportable, you can report the allegation directly to either of the designated Internal Whistleblower Protection Officers (see Appendix A). The Whistleblower does not need to prove their suspicions.

If the alleged or suspected wrongdoing involves a Centre Leadership Team Member you can report the matter to one of the Board-appointed Whistleblower Protection Officers (see Appendix A).
The Whistleblower Protection Officers may appoint an external Whistleblower Protection Officer if it is deemed necessary due to the nature of the issue.
While it is BWFCC's preference that you raise reports with an Internal Whistleblower Protection Officer, it is important to note that under the *Corporations Act 2001* you may also raise the matter with any member of the Board of Governance or a 'senior manager' of BWFCC, where a 'senior manager' is defined in the Corporations Act as "a director or senior manager … who makes, or participates in making decisions that affect the whole, or a substantial part, of the business of the company, or who has the capacity to affect significantly the company's financial standing". A 'senior manager' is considered to be any members of the Centre Leadership Team.

Responsibilities of Whistleblower Protection Officers

The role of a Whistleblower Protection Officer is to safeguard the interests of the Whistleblower.
The Whistleblower Protection Officer is responsible for appointing an investigator to inquire into the substance of the report. On the basis of sufficient evidence in support of the matters raised in the report, the Whistleblower Protection Officer will determine whether to refer reports for further action, or refute these where necessary.
Investigations must be conducted in a fair and independent manner. The investigation will not be conducted by a person who may be the subject of the investigation or has appropriate connections (actual or perceived) to the person(s) or practice(s) under investigation.
The Whistleblower Protection Officer must ensure that the Whistleblower is kept informed of the outcome of the inquiry or investigation, subject to the considerations of privacy of the Whistleblower themselves and those against whom the allegations are made. Subject to the Whistleblower's consent, the Whistleblower Protection Officer may appoint a person to assist in the investigation or appoint an external investigator if it is deemed necessary due to the nature of the issue.

Protection of Whistleblowers

BWFCC is committed to ensuring confidentiality in respect of all matters raised under this policy, and that those who make a report are treated fairly and do not suffer detriment.
A. Protection against detrimental conduct.
Detrimental treatment includes dismissal, demotion, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected to making a report.
If a whistleblower is subjected to detrimental treatment as a result of making a report under this policy, the whistleblower should inform a Whistleblower Protection Officer.
B. Protection of your identity and confidentiality.
Subject to compliance with legal requirements, upon receiving a report under this policy, BWFCC will only share the identity of a whistleblower or information likely to reveal the whistleblower's identity if:
i. , the whistleblower consents; and/or
ii. the disclosure is required or authorised by law.
If BWFCC needs to investigate a report, it may only do so to the extent that it can protect the whistleblower's identity.
C. Protection of files and records.
All files and records created from an investigation will be retained securely.
Unauthorised release of information to someone not involved in the investigation (other than senior managers or Board members who need to know to take appropriate action, or for corporate governance purposes) without the whistleblower's consent will be in breach of this policy.
Whistleblowers are assured that a release of information in breach of this policy will be regarded as a serious matter.

The *Corporations Act 2001*, and *Taxation Administration Act 1953 (Cth)* give special protection to disclosures about breaches to the legislation provided certain conditions are met. Please refer to the applicable legislation if relevant.

Public Interest Disclosure

A Public Interest Disclosure is a disclosure to a member of the Commonwealth or a State or Territory Parliament or legislature, or a journalist of a whistleblowing disclosure previously disclosed.
If the whistleblower has made a disclosure under this policy that qualifies for protection under applicable laws, and
A. 90 days has passed since the whistleblower made the disclosure to ASIC, APRA or another Commonwealth body prescribed by legislation;
B. the whistleblower has reasonable grounds to believe that action is not being or has not been taken to address the matter;
C. the whistleblower has reasonable grounds to believe that further disclosure would be in the public interest; the whistleblower may make a Public Interest Disclosure.
Prior to making a Public Interest Disclosure the whistleblower must notify BWFCC in writing providing details of the previous disclosure and stating their intention to make a Public Interest Disclosure.

Emergency Disclosures

A. A whistleblower may make an emergency disclosure to a journalist or a member of parliament. These conditions include:
i. the disclosure concerns information that the whistleblower has reasonable grounds to believe concerns a matter of substantial and imminent danger to the health and safety of a person or to the environment;
ii. the discloser has already made a disclosure to ASIC, APRA or another Commonwealth body prescribed by legislation; and
iii. the discloser has given BWFCC written notice of his or her intention to make an emergency disclosure.
B. That the information concerns a substantial and imminent danger to the health or safety of one or more persons or the natural environment.

Anonymous Disclosures

Anonymous disclosures can be made by submitting information via a secure mail address accessed by BWFCC's Internal and Board-appointed Whistleblower Protection Officers (Appendix A).
BWFCC will ensure that progress updates will be provided to the whistleblower via the designated email address.

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the Nominated Supervisor of Bubup Womindjeka Family and Children's Centre will:

- Regularly seek feedback from everyone affected by the policy regarding its effectiveness
- Monitor the implementation, compliance, complaints and incidents in relation to this policy
- Keep the policy up to date with current legislation, research, policy and best practice
- Revise the policy and procedures as part of the service's policy review cycle, or as required
- Notify parents/guardians at least 14 days before making any changes to this policy or its procedures.

Relevant Forms/Documents

Version History			
Date	**Version**	**Author/s**	**Details**
May 2020	1.00	Executive Officer	New policy

June 2021	1.00	Executive Officer	Policy reviewed, changes made to Appendix A only.
April 2022	2.00	Executive Officer	Policy reviewed, changes made to Appendix A contact information.
April 2023	2.00	Executive Officer	No changes made
February 2024	3.00	Executive Officer	Policy reviewed, changes made to Appendix A contact information.
March 2025	4.00	Executive Officer	Policy reviewed, changes made to Appendix A contact information.
March 2026	4.00	Executive Officer	No changes made

APPENDIX A

Internal Whistleblower Protection Officers

These positions are delegated to the Executive Officer and Human Resources Coordinator.

Executive Officer – Kellie Connor - KellieC@bwfcc.org.au

Human Resource Coordinator - May Kanjanathamrongkul – MayK@bwfcc.org.au

Board-appointed Whistleblower Protection Officers

These positions are delegated to the Board Secretary and Convenor of the Leadership and Culture Committee.

Board Secretary – Peter Martin - pmat@netspace.net.au

Convenor of Leadership and Culture Committee – Peter Martin - pmat@netspace.net.au

Board-appointed External Whistleblower Protection Officers

Company – HR Plus

HR Plus Contact – Linda Norman

Contact Details - p: (03) 9681 9119

e: linda@hrplus.com.au

web: www.hrplus.com.au