

Whistleblower Procedure

1. Purpose

This procedure describes the process for how Uniting representatives can make a disclosure of potential wrongdoing and how eligible disclosers will be protected from detrimental action in accordance with Uniting's obligations under Whistleblower legislation.

2. Procedure

This procedure covers; the reporting process, the protections for eligible disclosers, the investigation of reports, record keeping and transparency.

2.1 Reporting of wrongdoing

If a Uniting representative suspect that a wrongdoing has occurred, the person should report their concern via one of the following reporting channels. This is further described in **Appendix A – Whistleblower reporting flowchart**.

2.1.1 Normal reporting channels

- Where possible, representatives are encouraged to raise any concerns with their immediate manager, their P&C Business partner, or the Safety team.

2.1.2 Internal Whistleblower Protection Officer

- Where a discloser does not believe reporting through normal channels is appropriate, due to the circumstances of the wrongdoing or that they do not feel comfortable raising their concerns with their manager (or equivalent), the report may be made directly to the internal Whistleblower Protection Officers.
- Uniting's Whistleblower Protection Officers are the Executive General Manager, Performance & Integration and the General Manager, Quality & Compliance and can be contacted at:
Whistleblower Protection Officer
Uniting (Victoria and Tasmania) Limited
130 Lonsdale Street, Melbourne
Tel: (03) 9192 8100
Email: whistleblowerprotectionofficer@vt.uniting.org

2.1.3 Eligible recipients under Whistleblower legislation

- To the extent that Uniting is required to comply with Whistleblower legislation, disclosures may also be made:

- Via an 'eligible recipient' of the entity. This include a senior manager and auditors.; or
- to additional recipients in 'emergency' or 'public interest' situations – contact Synod Legal for further information.

2.1.4 Reporting protocols

- Where possible, any disclosures should be made in writing and should contain the following details:
 - The nature of the alleged or suspected wrongdoing
 - The person(s) responsible for or involved in the wrongdoing
 - The facts on which the suspicion that a wrongdoing has occurred are founded
 - The nature and particulars of any further evidence that may support or substantiate the suspicion of wrongdoing (if available).
- Evidence to support any disclosure should be brought forward at this time if it exists. The absence of evidence will be considered in decisions of whether to open an investigation into the matter.
- However, absence of evidence is not an absolute deterrent of investigative procedures.

2.1.5 External reporting

- Representatives are encouraged to report concerns relating to potential wrongdoing internally and in accordance with this procedure.
- To the extent that Uniting is required to comply with Whistleblowing legislation, representatives may wish to inform an external body, including government agencies of their concern(s), but this should only be done:
 - if they have a legal obligation to report the wrongdoing to a governing body;
 - it is not feasible for representatives to report a matter internally; or
 - reporting channels detailed in this procedure have failed to deal with the issue effectively.

2.2 Protections for whistleblowers

- Representatives reporting any potential wrongdoing will be treated fairly and will not suffer any detriment as a result of making a report.
- A discloser will not be subject to any civil, criminal or disciplinary action for making a report that is covered by this procedure and/or for participating in any investigation.

2.2.1 Confidentiality

- Generally, reports made under this procedure will be treated confidentially, subject to:

- any requirement to reveal the substance of a report to persons involved in the investigation process or, in appropriate circumstances, law enforcement agencies; or
- a need to disclose the substance of a report to the person who is the subject of a report under this procedure. Uniting will only share the identity of a discloser or information likely to reveal the identity of a discloser if:
 - consent is given; or
 - the disclosure is allowed or required by law (for example, disclosure to a lawyer to get legal advice relating to Whistleblowing legislation)
- If it is reasonably necessary to share the information for the purpose of an investigation, all reasonable steps will be taken to reduce the risk that the discloser will be identified.

2.2.2 Anonymous reporting

- If a person wishes to make their disclosure anonymously, their wish will be honoured insofar as it may be overridden by due processes of law.
- In certain circumstances, such as those where the source of the disclosure may be obvious to a person who is the subject of a report, maintenance of anonymity may make it less likely that alleged wrongdoing can be substantiated in subsequent investigations. However, if the discloser's wish is to still remain anonymous, this will be upheld.
- Where the discloser does not feel confident that their anonymity will be upheld through normal processes, they may choose to write an anonymous letter addressed to the Whistleblower Protection Officer. However, the inability to contact the discloser may hinder investigations.
- Where anonymity has been requested, the discloser is required to maintain confidentiality on their own account and is expected to refrain from discussing the matter with any unauthorised persons.

2.2.3 Protection from detriment

- Uniting is committed to protecting the rights of a discloser and will not tolerate any retaliatory action or threats of retaliatory action against any person who has made or who is believed to have made a report of wrongdoing.
- Uniting will seek to ensure that any person who makes, or seeks to make, a report in accordance with this procedure, is not subject to the following actions as a result:
 - victimisation;
 - unfair dismissal;
 - demotion, or the failure to be fairly considered for a promotion;
 - any form of bullying or harassment;

- unlawful discrimination; or
 - threats of any of the above.
- Any such retaliatory action or victimisation will be treated as serious misconduct and will result in disciplinary action. In some circumstances, this may also be a criminal offence punishable by imprisonment.
 - If a discloser believes such action has occurred or been threatened, or otherwise have concerns, they should immediately inform the Whistleblower Protection Officer/s. If the retaliatory action concerns a Whistleblower Protection Officer, they can contact the other officer directly.
 - Where it is evident that the discloser acted on objective reasonable grounds in making a report, the CEO shall designate a People and Culture Advisor, or equivalent, to oversee and ensure that the discloser suffers no employment-related or other disadvantage on account of their report and to provide additional support for the person where necessary.
 - This may include measures such as:
 - monitoring and managing the behaviour of other employees;
 - relocating employees (which may include the people alleged to have been involved in the wrong doing) or revising the reporting lines of employees;
 - offering a leave of absence or flexible workplace arrangements while a matter is investigated;
 - rectifying any detriment that has been suffered;
 - connecting the discloser with the Employee Assistance Program.

2.2.4 Information security

- Uniting will take all reasonable precautions to store any records relating to a report of wrongdoing securely and to permit access by authorised persons only.
- Unauthorised disclosure of information relating to a report, the identity of a discloser or information from which the identity of the discloser could be inferred will be regarded seriously and may result in disciplinary action(s), including dismissal.

2.2.5 Disclosers implicated in wrongdoing

- Even though a discloser may be implicated in the wrongdoing, that person must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a disclosure in accordance with this procedure.
- However, these protections do not necessarily absolve the discloser from the consequences of any involvement on their own part in the wrongdoing.

- A person's liability for their own conduct is not affected by their reporting of that conduct in accordance with this procedure. However, in some circumstances, an admission may be a mitigating factor when considering disciplinary action.

2.3 Investigation of reports

- On receiving a report of an allegation of wrongdoing, the person to whom the disclosure has been made will review the report and take one of the following actions.
 - a) If the person determines the report to be reasonable, and to be related to wrongdoings as set out in this procedure, they will initiate the investigation process. If the person is not the Whistleblower Protection Officer, they will refer the matter to a suitable alternative, such as the CEO. If referral to a Whistleblower Protection Officer is not appropriate for any reason, the CEO may nominate a suitable representative to undertake the investigation process.
 - b) If the person determines the report to be unreasonable, to be unquestionably trivial or fanciful, or to relate to matters outside the scope of this procedure they may dismiss the report. The person should consult with the Whistleblower Protection Officer before the decision is made.
- Irrespective of their determination, the person shall inform the discloser of their decision, and keep appropriate records of the disclosure and their decision, ensuring appropriate security is maintained.

2.3.1 Investigation process

- Disclosures made in accordance with this procedure will be treated seriously and dealt with sensitively and objectively.
- All reports will be considered and assessed by the Whistleblower Protection Officer or other eligible recipient and a decision will be made as to whether a formal investigation is required to either substantiate or refute the report.
- The Whistleblower Protection Officer is responsible for coordinating an initial inquiry into the substance of reports as well as any subsequent formal investigations, where required.
- On the basis of sufficient evidence, the Whistleblower Protection Officer determines whether to proceed with a formal investigation or to dismiss the matter.

2.3.2 Instigating an investigation

- Where a formal investigation is deemed necessary, the Whistleblower Protection Officer will notify the CEO of the report while maintaining the protections outlined in this procedure.
- The Whistleblower Protection Officer may opt to conduct the investigation themselves or may seek to appoint an Investigation Officer such as an alternative Manager, or depending on the matter, the Whistleblower Protection Officer may elect to retain an external consultant to undertake the investigation in consultation with the CEO.
- The Investigation Officer is responsible for ensuring that investigations are conducted in a fair, independent and timely manner.

2.3.3 Conducting the investigation

- Notification to person(s) implicated
Where reasonable, based on the context and any anonymity/confidentiality requirements, any person(s) implicated in a wrongdoing report will be contacted initially to notify them of the investigation and to give them a chance to respond to allegations.
- Data/information collection:
Any and all reasonable information in relation to the matter should be sought and reviewed. The Whistleblower Protection Officer and any Investigation Officers appointed, should be given complete access to any items that may reasonably form evidence in relation to the matter.
- Interview:
Investigations may entail interviewing any relevant persons connected with the subject of the disclosure. Interviews will be sought and conducted in a fair and independent manner, with an aim of collating any additional evidence without breaching any confidentiality or privacy restrictions.

2.3.4 Concluding the investigation

- Final report:
A final report shall be prepared by the Whistleblower Protection Officer and the Investigation Officer which details the following:
 - the substance of the initial wrongdoing report;
 - the details of the initial inquiry and the investigation process undertaken, including who was responsible for these processes and how independence was maintained;
 - a summary of the evidence obtained through information gathering and interviews;
 - a fair summary of any person(s) implicated defence (if applicable);

- a final conclusion based on the evidence obtained;
 - recommendations on what steps should be taken based on this conclusion, including disciplinary actions if appropriate; and
 - recommendations on any steps that may be taken to prevent occurrence of similar issues, if relevant, such as process/policy changes, sharing of a case study and/or training.
- The final report should consider any privacy and confidentiality requirements and is not intended to be freely distributed.
 - The final report shall be provided to the CEO and the Audit & Risk Committee for their information and consideration of the conclusion and recommendations, for endorsement or otherwise.
 - The outcomes may be referred to other committees as appropriate.
 - Communicate:
 - The Whistleblower Protection Officer or the Investigation Officer, will be responsible for informing the Discloser and any other representatives involved in the investigation process that the investigation has concluded and that a final report has been provided to the CEO and the Audit & Risk Committee.
 - The specific content of the report should remain confidential/restricted to a 'need-to-know' only basis.

2.3.5 Communications with person(s) implicated

- Reasonable steps will be taken to ensure the fair treatment of any person who is the subject of a report, during the assessment and investigation process.
- Generally, the Whistleblower Protection Officer must ensure that the person who is the subject of any report that is investigated:
 - is informed as to the substance of the allegations;
 - is given the opportunity to respond to the allegations before any investigation is finalised;
 - is informed about the substance of any adverse comments that may be included in any formal report arising from the investigation before it is finalised;
 - where required, has access to the Employee Assistance Program (EAP), and
 - has their defence set out fairly in any report.
- Where a person is reported for wrongdoing but preliminary inquiries determine that the suspicion is unfounded and that no formal investigation is warranted then the matter will be dismissed.
- In such cases, it will be at the Whistleblower Protection Officer's discretion to inform the person named of the matter and the outcome.

- The Whistleblower Protection Officer may opt not to inform the named person so as to preserve their integrity, to support workplace harmony to continue, and/or to protect the discloser.
- Where a formal investigation does not substantiate the report, the fact and outcomes of the investigation and the identity of any person(s) allegedly implicated will remain confidential.

2.4 Record keeping and transparency

- Irrespective of outcomes, the Whistleblower Protection Officer and the Investigation Officer must:
 - keep appropriate records of the disclosure, any inquiries, investigations and their outcomes, and any decisions or recommendations made, ensuring appropriate security is maintained; and
 - keep the discloser informed of the progress and outcomes of their inquiries and investigations in a timely manner, subject to considerations of privacy and confidentiality.

2.5 False reporting

- Where it is shown that a discloser knowingly made a false report of wrongdoing, (where the person knows, or ought to know, the matter has no substance), then such conduct will be considered a serious matter and that representative may be subject to disciplinary action in accordance with appropriate policies and procedures.

Responsibility	All employees are responsible for:
	<ul style="list-style-type: none">• Complying with the instructions outlined in this procedure
	The ELT, Executive Officers and Managers are responsible for:
	<ul style="list-style-type: none">• Monitoring awareness of and adherence to this procedure• Overseeing all action and outcomes pertaining to this procedure

3. Related Policy, Instructions and Advice

Whistleblower Policy
Code of Conduct
People and Culture Policy
Privacy Policy
Protected Disclosure Protocol
Open Disclosure Protocol

Revision Record

Version	Date	Document Writer	Revision Description
<i>0.0</i>	<i>27/11/2019</i>	<i>Compliance & Policy team</i>	<i>First draft based on synod.</i>
<i>1.0</i>	<i>27/11/2019</i>	<i>Compliance & Policy team</i>	<i>Final approved by EGM.</i>
<i>2.0</i>	<i>30/11/2020</i>	<i>Compliance & Policy team</i>	<i>Update Uniting address.</i>

Appendix A – Whistleblower reporting flowchart

