

Reference number:	PY-OH-04 Whistleblower
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## Policy statement

Odyssey House NSW (OHNSW) encourages people to report wrongdoing (whistleblowers) and ensures they are protected from retribution. OHNSW recognises that this is a critical strategy to address potential risks and wrongdoing.

Whistleblower requirements and protections are governed by the Corporations Act 2001.

## Purpose and scope

The Whistleblower Policy:

- aims to encourage reporting of matters of misconduct that may otherwise be undetected.
- deter wrongdoing and promote better compliance.
- provide better protections for individuals who disclose wrongdoing.
- is essential to good risk management and corporate governance.
- supports OHNSW values and code of conduct.

OHNSW wants to ensure that any individual who has access to important information in protecting the integrity of the organisation can do so:

- anonymously if they wish.
- without fear of intimidation, disadvantage, or reprisal.
- without being penalised in any way.

## Principles

*The Policy applies to:*

- all personnel of OHNSW (which includes staff, Board and Committee members, volunteers, contractors, interns)
- a supplier of goods and services to OHNSW
- a relative, dependent or spouse of the individual that meets the definition of the above

*Matters the policy applies to:*

A whistleblower should report conduct by any person or persons connected with OHNSW which, in the opinion of a whistleblower acting in good faith and with reasonable grounds, suspects an individual of conducting the following types of wrongdoing:

- fraud or misappropriation of funds
- offering a bribe
- financial irregularities
- illegal conduct - including theft, violence or threatened violence, harassment, dealing in, or use of illicit drugs and criminal damage against property

- maladministration that adversely affects a person's interest in a substantial or specific way
- in breach of Commonwealth or State legislation or local authority by-laws
- engaging in or threatening to engage in detrimental conduct against a person who has made or who may make a disclosure
- an unsafe work practice; or
- any other conduct which may cause financial or non-financial loss to OHNSW or be otherwise detrimental to the interests of OHNSW.

Some workplace grievances do not qualify for protection under the Corporations Act and may include:

- an interpersonal conflict between work colleagues
- a decision that does not constitute a breach of workplace laws

### *Who can receive a disclosure and how to make a disclosure*

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

This position has direct, unfettered access to independent financial, legal and operational advisers as required, with a direct line of reporting to the CEO and the Board, as may be required.

This position is currently held by the Company Secretary who can be contacted at [Rajiv.Anand@odysseyhouse.com.au](mailto:Rajiv.Anand@odysseyhouse.com.au)

This role is responsible for receiving and investigating the substance of reports. If sufficient evidence is generated in support of matters relating to the report, this officer must determine if the reports are to be referred for further action to resolve, or refute claims where evidence permits. This officer must keep the whistleblower informed (if they can be contacted) of outcomes relevant to the report raised, subject to considerations of privacy for those against whom the allegations are made.

#### **CEO**

Alternatively, the whistleblower can contact the CEO via the 'Ask CEO' e-mail address ([askceo@odysseyhouse.com.au](mailto:askceo@odysseyhouse.com.au)).

#### **Chair of the Board**

The whistleblower is also to contact the Chair of the Board if they feel their complaint is not being dealt with or the complaint is about a senior member of staff using the email address ([boardchair@odysseyhouse.com.au](mailto:boardchair@odysseyhouse.com.au)).

#### **Manager**

The whistleblower may contact a manager who must engage with the WPO or CEO to investigate and action the matter.

#### **Anonymously**

Disclosures can also be made anonymously in writing and can be addressed to:

*The CEO*

*2/199 Regent St, Redfern 2016*

### *Handling and investigating a disclosure*

OHNSW will assess each whistleblower report to determine if the disclosure:

- qualifies for protection

- warrants a formal investigation

A response will be provided to the whistleblower within two (2) days of receipt of report, with the formal report being completed no later than forty-five (45) days after receipt. If the matter is complex the WPO will advise the whistleblower of the delay and expected timeframe for completion.

OHNSW may not be able to undertake an investigation or respond if it is unable to contact the whistleblower or the whistleblower's report does not contain sufficient information to conduct an investigation.

The whistleblower's identity cannot be disclosed without consent unless it is reasonably necessary for investigating the issues raised in the disclosure. OHNSW will remove any identifiers of the whistleblower or other information that is likely to lead to the identification of the whistleblower (e.g. name, position title and other identifying details).

OHNSW may request consent to a limited disclosure of the whistleblower if this is necessary to the investigation.

### *Legal protection, support and practical protection for disclosers*

Whistleblowers have protection under the Corporations Act 2001.

This protection includes:

- Identity protection
- Compensation and other remedies
- Civil, criminal and administrative liability protection i.e. legal action against the discloser, disciplinary action
- Protection from detrimental acts or omissions such as use of EAP or other support, change in location

### *Ensuring fair treatment of individuals mentioned in a disclosure*

To ensure a fair treatment:

- Disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;
- All disclosures will be assessed and may be the subject of an investigation;
- The investigation is to determine whether there is enough evidence to substantiate or refute the matters reported;
- Should an investigation be undertaken, the process will be objective, fair and independent;
- An employee who is the subject of a disclosure will be advised about the subject matter of the disclosure in due course and prior to any actions being taken;
- An employee who is the subject of a disclosure may contact EAP for support.

*This policy forms part of the Policy Framework and can be found on the Policy Drive*

## **Outcomes**

On conclusion of an investigation into a report raised by a whistleblower, based on the evidence acquired and decisions made by the WPO, there are a range of possible outcomes. Where possible a report of Reportable Conduct should be in writing and should contain, as appropriate, details of:

- the nature of the alleged conduct
- the person or persons responsible for the conduct

- the facts on which the whistleblower's belief that the conduct has occurred are based, and
- the nature and whereabouts of any further evidence that would substantiate the whistleblower's allegations, if known.

Please use the template attached to create a report.

The report can be provided to the relevant person via:

- e-mail (subject to privacy and confidentiality protocols), or
- printed report posted to the Redfern office, addressed to the current WPO.

An audit trail should be maintained, and critical findings and decisions made during investigations should be documented.

If the circumstances require, it will be considered to use alternative forms of reporting such as an external auditor.

### Template: Whistleblower report

Whistleblower report template (to be sent to the WPO, CEO or Chair of the Board as listed above) is to guide the structure of any reports made of a nature as listed in the principles of this policy.

Question	Please insert your response
Name of individual completing this report	[Insert name / you may choose to remain anonymous]
Nature of the alleged conduct	[Please describe what happened]
Name the Person(s) responsible for the conduct and any other involved participants	<ul style="list-style-type: none"> <li>• First name last name</li> <li>• First name last name</li> <li>• First name last name</li> </ul>
Facts on which your belief that the conduct has occurred are based	Insert any facts / reference to relevant documentation / reference to relevant event or occurrence
Nature and whereabouts of any further evidence that would substantiate your allegations	Please describe any sources of information that could provide support to your claims, e.g., reference to surveillance footage, email investigation, potential witnesses, etc.

### Record-keeping

The WPO should keep records of all reports and outcomes for reporting purposes and potential auditing or investigation. It is the responsibility of the WPO to work with any external parties who may become involved and provide the relevant documentation.

Privacy and confidentiality are of the utmost importance in protecting the whistleblower, and relevant precautions must be taken to guarantee this.

### Supporting documents

Code of Conduct

PY-FC-01 Fraud and Corruption Management Policy

PY-OH-02 Conflict of Interest Policy

PY-OH-09 Complaints & Compliments Policy

### References / Legislation

Corporations Act 2001

ASIC - Regulatory Guide 270

ASIC - Information Sheet 238 *Whistleblower rights and protections*  
or visit

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>