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Chief Executive

Date:

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Approved by:



Chair, Board of Directors

Date:

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1. Purpose

ECH is committed to promoting a culture where integrity, honesty and ethical conduct is part of everyday behaviour.

ECH encourages the disclosure of wrongdoing to help deter unlawful activity in line with the organisation's risk management and corporate governance frameworks.

This policy is fundamental to ensure individuals who disclose wrongdoings can do so safely, securely and with confidence they will be protected and supported.

The policy provides transparency around ECH's management of receiving, handling and investigating disclosures appropriately and in a timely manner.

This policy also aims to deter wrongdoing in line with ECH core values and principles.

2. Scope

This policy applies to ECH staff including volunteers, suppliers and contractors, ECH clients and residents, and any relative, advocate or dependent of any of the aforementioned persons making disclosure to a nominated eligible recipient such reports. ECH will take all reasonable steps to disseminate and distribute this policy.

This policy does not apply to matters relating to personal, work-related grievances such as those relating to harassment, discrimination or disciplinary matters, alleged workplace discrimination or bullying, personal disputes between staff or decisions regarding the engagement, transfer or promotion of staff

3. Definitions

Term	Definition
Reportable Conduct	<p>Includes any past, present or likely future activity which;</p> <ul style="list-style-type: none">- Is dishonest, corrupt or unethical- Involves theft, fraud, money laundering or misappropriation of funds- Is a systemic, willful or serious breach of the law as it relates to ECH, or its internal policies or processes- Involves offering or accepting a bribe from any person- Is illegal (e.g. illicit drug sale or use, violence or threatened violence and criminal property damage)- Presents a significant or serious threat to the health and safety of workers- Involves a serious mismanagement of ECH's resources- Involves victimisation of someone for reporting a Reportable Conduct- Involves any instruction to cover up or attempt to cover up serious wrongdoing- Interferes with any impending internal or external audit processes- Presents a serious risk to the reputation or financial wellbeing of ECH
Detriment	<p>Includes (without limitation) any of the following:</p> <ul style="list-style-type: none">- dismissal of an employee;- injury of an employee in his or her employment;- alteration 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;- any other damage to a person.

Disclosable Conduct	<p>In circumstances where ECH is engaged under Federal or State Government contracts, Reportable Conduct may extend to include “disclosable conduct” such as conduct that:</p> <ul style="list-style-type: none">- perverts, or attempts to pervert, the course of justice;- constitutes maladministration (i.e. conduct that breaks the law, is unreasonable, unjust, or improperly discriminatory, or based wholly or partly on improper motives);- results in the wastage of any public money or money held by the Commonwealth / a corporate Commonwealth entity;- results in a danger, or a risk of danger, to the environment.
Whistleblower Protection Officer	<p>The role under ECH's whistleblower policy that is responsible for protecting or safeguarding disclosers and ensuring the integrity of the reporting mechanism.</p>

4. Reportable Conduct

You may make a report or disclosure under this Policy if you have reasonable grounds to believe that a company director, officer, employee, contractor, supplier, consultant or other person who has business dealings with ECH has engaged in conduct (reportable conduct) which is:

- Dishonest, fraudulent or corrupt
- Illegal (such as theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage to property)
- Unethical
- Oppressive or grossly negligent
- Potentially damaging to ECH, its employees or a third party
- Misconduct or an improper state of affairs
- A danger, or represents a danger to the public or financial system

For the avoidance of doubt, reportable conduct does not include personal work-related grievances. A personal work-related grievance is a grievance about any matter in relation to an employee's current or former employment, having implications (or tending to have implications) for that person personally and that do not have broader implications for ECH.

Examples of personal work-related grievances are as follows:

- An interpersonal conflict between the employee and another employee
- A decision relating to the engagement, transfer or promotion of the employee
- A decision relating to the terms and conditions of engagement of the employee
- A decision to suspend or terminate the engagement of the employee, or otherwise to discipline the employee

5. Making a disclosure

ECH relies on its employees maintaining a culture of honest and ethical behaviour. Accordingly, if an eligible whistleblower becomes aware of any reportable conduct, it is expected that they will make a disclosure under this Policy.

There are several ways in which you may report or disclose any issue or behaviour which you consider to be reportable conduct.

5.1. Internal Reporting

You may disclose any Reportable Conduct to any of the Whistleblower Protection Officers listed below:

- Chief Executive – Claire Scapinello
- General Manager, People and Culture – Matt Mulvihill
- Chair, Audit and Risk Management Committee – Cameron Bryson

If you are unable to use any of the above reporting channels, a disclosure can be made to an “eligible recipient” within ECH.

Eligible recipients include:

- Officers
- Directors
- Senior Managers
- Auditor or member of an audit team conducting an audit of ECH

The Whistleblower Protection Officer or eligible recipient will safeguard your interests and will ensure the integrity of the reporting mechanism.

All whistleblower complaints will be referred to the Chair of the Audit and Risk Management Committee with all identifiable information removed to ensure confidentiality.

5.2. Anonymity

When making a disclosure, you may do so anonymously. It may be difficult for ECH to properly investigate the matters disclosed if a report is submitted anonymously and therefore ECH encourages you to share your identity when making a disclosure, however you are not required to do so.

5.3. Reporting to Regulators

You may also make a disclosure to the Australian Charities and Not for Profits Commission (ACNC) or Australian Securities and Investments Commission (ASIC) in relation to Reportable Conduct. However, it is important to remember that **ACNC is not an eligible recipient**. To be covered by the protections outlined in this Policy, you must ensure you have reported your concerns to an eligible recipient in the first instance.

5.4. Reporting to a Legal Practitioner

You may choose to discuss your concerns with a legal practitioner for the purposes of obtaining legal advice or representation. You will be covered by the protections outlined in this Policy if you have reported your concerns to a legal practitioner.

5.5. Public Interest and Emergency Disclosure

In certain situations, the conduct or wrongdoing may be of such gravity and urgency that disclosure to the media or a parliamentarian is necessary.

A public interest and emergency disclosure can only be made to:

- A journalist, defined to mean a person who is working in a professional capacity as a journalist for a newspaper, magazine, or radio or television broadcasting service
- A Member of the Parliament of the Commonwealth or of a State or Territory parliament

You may only make a public interest and emergency disclosure if:

- You have previously disclosed the information to ACNC or ASIC
- At least 90 days has passed since the previous disclosure was made

- You have reasonable grounds to believe that action is not being taken to address the matters which you have disclosed
- You have reasonable grounds to believe that making a further disclosure to a journalist or member of parliament would be in the public interest
- You have given written notification, including sufficient information to ACNC or ASIC in your previous disclosure and that you intend on making a public interest disclosure
- The extent of information disclosed is no greater than is necessary to inform the recipient of the misconduct or improper state of affairs

You will be qualified for protection where you have made a public interest disclosure if:

- You have previously disclosed the information to ACNC or ASIC
- You have reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons, or to the natural environment
- You have given written notification, including sufficient information to ACNC or ASIC in your previous disclosure and advised them in writing that you intend on making a public interest disclosure
- No more information is disclosed than is reasonably necessary to inform the recipient of the substantial and imminent danger

6. Investigation

ECH will investigate all matters reported under this Policy as soon as practicable after the matter has been reported. The Whistleblower Protection Officer will investigate the matter and where necessary, appoint an internal or external investigator to assist in conducting the investigation. All investigations will be conducted in a fair, independent and timely manner and all reasonable efforts will be made to preserve confidentiality during the investigation.

If the report is not anonymous, the Whistleblower Protection Officer or investigator will contact you to discuss the investigation process and any other matters that are relevant to the investigation.

Where you have chosen to remain anonymous, your identity will not be disclosed to the investigator or to any other person and ECH will conduct the investigation based on the information provided to it.

Where possible, the Whistleblower Protection Officer will provide you with feedback on the progress and expected timeframes of the investigation. The person(s) against whom any allegations have been made will also be informed of the concerns and will be provided with an opportunity to respond (unless there are any restrictions or other reasonable bases for not doing so).

To the extent permitted by law, the Whistleblower Protection Officer may inform you and/or a person against whom allegations have been made of the findings. Any report will remain the property of ECH and will not be shared with you or any person(s) against whom the allegations have been made.

7. Protection of Whistleblowers

ECH is committed to ensuring that any person who makes a disclosure is treated fairly, does not suffer detriment, and that confidentiality is preserved in respect of all matters raised under this Policy.

7.1. Protection from Legal Action

You will not be subject to any civil, criminal or administrative legal action (including disciplinary action) for making a disclosure under this Policy or participating in any investigation.

Any information you provide will not be admissible in any criminal or civil proceedings other than for proceedings in respect of the falsity of the information.

7.2. Protection against Detrimental Conduct

ECH (or any person engaged by ECH) will not engage in 'detrimental conduct' against you if you have made a disclosure under this Policy.

Detrimental conduct includes actual or threatened conduct such as the following (without limitation):

- Termination of employment
- Injury to employment including demotion, disciplinary action
- Alternation of position or duties
- Discrimination
- Harassment, bullying or intimidation
- Victimisation
- Harm or injury including psychological harm
- Damage to person's property
- Damage to a person's reputation
- Damage to a person's business or financial position
- Any other damage to a person

ECH will take all reasonable steps to protect you from detrimental conduct and will take necessary action where such conduct is identified. Any person who engages in detrimental conduct against a person who makes a disclosure or who is involved in an investigation, may be subject to disciplinary consequences including in appropriate circumstances, summary dismissal (without notice).

ECH also strictly prohibits all forms of detrimental conduct against any person who is involved in an investigation of a matter disclosed under the policy in response to their involvement in that investigation.

If you are subjected to detrimental conduct as a result of making a disclosure under this Policy or participating in an investigation, you should inform a Whistleblower Protection Officer or eligible recipient in accordance with the reporting guidelines outlined above.

You may also seek remedies including compensation, civil penalties or reinstatement where you have been subject to any detrimental conduct.

7.3. Protection of Confidentiality

All information received from you will be treated confidentially and sensitively.

If you make a disclosure under this policy, your identity (or any information which would likely to identify you) will only be shared if:

- You give your consent to share that information
- The disclosure is allowed or required by law (for example where the concern is raised with a lawyer for the purposes of obtaining legal advice)
- The concern is reported to the ACNC, ASIC, the Australian Taxation Office (ATO) or the Australian Federal Police (AFP)

Where it is necessary to disclose information for the effective investigation of the matter, and this is likely to lead to your identification, all reasonable steps will be taken to reduce the risk that you will be identified.

7.4. False and Misleading Reporting

Where the information received is found to be:

- Trivial or vexatious in nature with no substance
- Unsubstantiated, and found to be made maliciously
- Made knowingly to be false

This will be treated in the same manner as a false report and may itself constitute wrongdoing. These actions will be taken seriously and may result in disciplinary action, up to and including termination of employment.

8. Support Available

Any employee who makes a disclosure under this Policy or is implicated as a result of a disclosure that is made can access ECH's Employee Assistance Program (EAP) which is a free and confidential counselling service.

Where appropriate, ECH may also appoint an independent support person from the Human Resources team to deal with any ongoing concerns you may have.

You may also access third party support providers such as **Lifeline** (13 11 14) and **Beyond Blue** (1300 22 4636) for support.

9. Breach of Policy

This Policy and its application are at ECH's discretion (subject to ECH complying with statutory obligations) and may be varied, withdrawn or replaced from time to time. This Policy is not intended to constitute a contractual term or a contractual promise.

10. How to make a Whistleblower Disclosure

You are able to make a report (disclosure) by submitting your details by email to whistleblower@ech.asn.au or by contacting any of the WPO's or Eligible Recipients. Please ensure you include clear details of the breach; what happened, where and when. Please provide supporting evidence of your disclosure and the names of any other persons involved.

By making a disclosure using this channel of reporting, your details will be shared with two (2) Whistleblower Protection Officers, Claire Scapinello, CE and Matt Mulvihill, General Manager, People and Culture.

A disclosure can also be made anonymously; however, this can make the disclosure more difficult to investigate and ECH will not be able to respond to you personally.

Reports can be made by post to:

ECH Inc

Confidential

Matt Mulvihill - WPO Officer

174 Greenhill Road

Parkside, SA 5063

11. Related Documents and Resources

11.1. External

- *Corporations Act 2001*
- *Treasury Laws Amendment (Enhancing Whistleblower Protections Bill) Act 2019*

11.2. Internal

- Operational Governance Policy
- Whistleblower Management Procedure

12. Feedback

Contact the Quality and Compliance department with feedback on this document at: qcinbox@ech.asn.au. Feedback includes but is not limited to broken hyperlinks, updated processes and additional related documentation and resources.

Any updates identified prior to the review date can be forwarded to Quality and Compliance for actioning.

13. Document History

Version	Review Date	Description of Change
1.0	22/07/2019	New template only – not changes to wording
2.0	26/08/2022	New Template. Supersedes D19/15357