



Procedure Name:	Employee Protection (Whistleblower) Procedure		
Distribution:	Australian based Caritas Australia staff, volunteers, and others as defined in paragraph 2 Scope below.	Document No:	CA-PC-PRO-005-v2.2
Approval Date:	28 June 2018	Next Review Date:	28 June 2021
Issued/Updated by:	People and Culture	Approved by:	National Council

1. Purpose

The purpose of this procedure is to:

- a) encourage the reporting of matters that may involve corruption, misconduct or unethical behaviour or that may cause harm to individuals or financial or non-financial loss to Caritas Australia or damage to its reputation;
- b) enable Caritas Australia to proactively deal with reports from whistleblowers; and,
- c) establish the framework for, as far as practicable, maintaining the confidentiality of a person that lodges a concern or complaint covered by this procedure and protecting whistleblowers against reprisal by any person internal or external to Caritas Australia

The National Council is committed to ensuring that Caritas Australia operates legally in accordance with applicable legislation, effectively in accordance with organisational policies and procedures and, ethically in accordance with Catholic Social Teaching and the Caritas Australia Codes of Conduct and other standards operating within Caritas Australia.

Staff and volunteers and others as defined in Section 2 below are expected to report situations of non-compliance or suspected non-compliance with Caritas Australia's statutory obligations and internal policies, procedures and ethical standards. Staff and volunteers and others, as defined, that do report concerns have a right to be protected from reprisals or other inappropriate action taken as a result of the making of a report or a concern.

2. Scope

This procedure applies to all Australian based Caritas Australia staff, volunteers, contractors and people directly associated with Caritas Australia programs and activities. This procedure reflects legal obligations set out in State and Federal legislation operative within Australia. Coverage of overseas contractors and people directly associated with Caritas Australia programs and activities is formalised in the various contractual and funding agreements entered into by those persons with Caritas Australia.

3. Definitions

Catholic Social Teaching	An interrelated body of Catholic social thought and principles which can be used to reflect on and guide how we relate to one another in our local and global communities
Conflict of Interest	A situation that has the potential to undermine the impartiality of a person because of the possibility of a clash between the person's self-interest and the interests of others including his/her employer
Whistleblower	A person that is covered by the scope of this procedure who reports a concern or a complaint in relation to a matter covered by this procedure and who wishes to avail her/himself of the protections afforded under this procedure against reprisal or the taking of detrimental action against the person for having makes the report.
Safeguarding	In Caritas Australia, Safeguarding refers to the actions, policies and procedures that create and maintain protective environments for all, including our staff, partners and beneficiaries, particularly those that are most vulnerable to exploitation, abuse or exclusion. Safeguarding includes prevention, mitigation, response and feedback and complaints handling mechanisms.

4. Reporting and investigation framework

4.1 Concerns that may be reported under the Caritas Australia (Whistleblower) Procedures.

The Caritas Australia (Whistleblower) Procedure provides protection for staff, volunteers and contractors who, in good faith, report a concern in relation to suspicions of misconduct within the workplace or "malpractice" which may include:

- breaches of legal obligations including negligence, breaches of employment or other contracts or procurement procedures
- breaches of the Caritas Australia Code of Conduct
- criminal offences including corrupt behaviour, theft, fraud or embezzlement
- disregard for work health or safety involving staff, volunteers and the general public
- conflicts of interest, harassment, unlawful discrimination and bullying.
- damage to the environment
- the concealment of any of the above

4.2 Process for raising concerns or complaints under this procedure

Where a staff member, volunteer or contractor believes in good faith and on reasonable grounds that any other staff member, volunteer, or contractor to Caritas Australia or other

person directly associated with the work of Caritas Australia may have engaged in conduct set out in sub-paragraph 4.1 above, that person must report their concern to one of the following persons:

- i) The **Head of the Team** in which the person works, volunteers or provides services to or on behalf of Caritas Australia; or if the person feels that the Head of Team may be complicit or otherwise involved in the matter or have an interest, including a conflict of interest in relation to the matter, the person may report their concern or complaint to:
- ii) The **CEO of Caritas Australia**; or if the person feels that the CEO may be complicit or otherwise involved in the matter or have an interest, including a conflict of interest in relation to the matter, the person may report their concern or complaint to:
- iii) The **Whistleblower Protection Officer**; or if the person feels that the Whistleblower Protection Officer may be complicit or otherwise involved in the matter or have an interest, including a conflict of interest in relation to the matter, the person may report their concern or complaint to:
- iv) The **Employment Relations Advisor** for the Australian Catholic Bishops Conference; or if the person feels that it would be more appropriate to do so, to:
- v) The duly constituted authorities responsible for the enforcement of the law in the relevant geographic area in which the person is employed or resides

The attached ***Employee Protection (Whistleblower) Protection Form*** can also be used to make a report under this procedure. The completed form should be posted to the Whistleblower Protection Officer at the address shown on the form or emailed to whistleblowerprotection@caritas.org.au which is a confidential email address only accessible by the Whistleblower Protection Officer and the Human Resources Business Partner.

If the concern or complaint relates to the CEO, the person should forward their report to the Chair of the Caritas Australia National Council.

The Head of Team and the CEO shall take no action in relation to a report made under the provisions of this Procedure without first informing and/or consulting with the Whistleblower Protection Officer.

The person making their concern known shall not be subject to any sanction or detrimental action provided that in making the report the person has acted in good faith and has reasonable grounds for making the report.

4.3 The Whistleblower Protection Officer

The Whistleblower Protection Officer is responsible for:

- Recording and confidentially storing all reports of concerns or complaints lodged under the provisions of this Procedure.
- Determining whether a report is trivial or fanciful or whether the report should be investigated

- Promptly commissioning a confidential internal or external investigation into reports made under this procedure
- Informing the Whistleblower of action taken in relation to their report and the outcomes of any investigations undertaken
- Ensuring that all reasonable steps are taken to protect the Whistleblower from reprisals or detrimental action as a result of the making of a report under the provisions of this procedure
- Making recommendations to the CEO on actions to be taken to strengthen compliance with this Procedure and to strengthen protections for Whistleblowers

Any such investigation commissioned by the Whistleblower Protection Officer shall observe the rules of natural justice and be investigated in a prompt and procedurally fair manner.

4.4 Anonymous Reports

Reports may be made anonymously, and this anonymity shall as far as possible be preserved by Caritas Australia. Anonymous reports on matters covered by this procedure shall be investigated to the fullest extent possible if the Whistleblower Protection Officer determines that an investigation should be undertaken.

Where anonymity has been requested the person is required to maintain confidentiality regarding the issue and to refrain from discussing the matter with any unauthorised persons.

4.5 The Whistleblower's Rights and Obligations

Any person that reports a concern or a complaint under this procedure should be informed that

- as far as lies within the power of Caritas Australia, the person will not be disadvantaged for the act of making such a report where that report has been made in good faith and on reasonable grounds; and
- if the person wishes to make their concern or complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law; however,
- reporting such a concern or complaint does not necessarily absolve the person from the consequences of any involvement on their own part in the misconduct or other action reported.

Any such report should where possible be in writing and should contain, as appropriate, details of:

- the nature of the alleged misconduct or other inappropriate or illegal conduct as described in this procedure;
- the person or persons responsible for the alleged behaviour;
- the facts on which the person that makes the report has formed the view that behaviour in the nature of that described in this procedure may have occurred and been committed by the person or persons named in the report; and
- the nature and whereabouts of any further evidence that would substantiate the persons concern or complaint, if known.

Evidence to support such concerns should be brought forward when the report is made, if it exists. The absence of such evidence is not an absolute bar to the activation of Caritas Australia's investigative procedures. The existence of such a concern is sufficient to trigger reporting responsibilities.

This procedure does not authorise any person covered by the procedure to inform commercial media or social media of their concern, and does not offer protection to any person who does so.

4.6 Investigation

Investigations of reports made under the provisions of this Procedure shall be undertaken in accordance with standard investigative methods for workplace investigations and shall be undertaken in a manner that is consistent with Australian Catholic Bishops Conference and Caritas Australia investigation procedures.

4.7 Findings

A report will be prepared when an investigation is complete. This report will include

- the allegations
- a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions
- the conclusions reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and
- recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

The report will be provided to the person making the allegation (with, if necessary, any justifiable redactions and/or confidentiality stipulations).

5. Protection of informant

Once a report is made under this procedure, a member of the People and Culture Team will be allocated as the person's key contact in relation to their report and to keep the person up to date with action being taken in relation to their report.

Where the investigation has found that the person that reported the alleged behaviour described in this procedure made the report in good faith on reasonable grounds, the CEO shall ensure that the person suffers no employment-related disadvantage on account of their actions in this matter and will provide additional support for the person where necessary.

6. Related documents

- Caritas Australia Code of Conduct
- Caritas Australia Respectful Workplaces: Procedure for Resolving Workplace Concerns
- ACBC Managing Misconduct Procedure
- ACBC Investigations Procedure
- ACBC Grievance Procedure
- ACBC Termination of Employment Procedure

7. Document Control and Version History

Version No.	Date Approved	Approved By	Description of Changes
1.0	April 2013, July 2013, April 2014	Human Resources	Original publication and updates
2.0	28 Jun 2018	National Council	To designate the role and responsibilities of the Whistleblower Protection Officer and clarify the process for lodging a complaint or concern
2.1	3 Aug 2018	Senior Manager, People and Culture	Updated header template and footer
2.2	5 Nov 2018	Senior Manager, People and Culture	Updated formatting

8. Acknowledgement and acceptance

I have carefully read this Employee Protection (Whistleblower) Procedure and agree that I understand that the onus is on me, as a person engaged by Caritas Australia, a volunteer or a person directly associated with a program or activity of Caritas Australia to both not engage in behaviours described in this procedure and to report any suspicions that I may have, on reasonable grounds, of others engaging in such behaviours when implementing Caritas Australia programs or activities.

Note: This Employee Protection (Whistleblowers) Procedure is not intended to create any contractual rights or entitlement outside of an employee's contract of employment, and is not intended to apply as terms of an employee's contract of employment.

Signed by: _____ Date ___/___/___

Name: (please print) _____

Witnessed: _____ Date ___/___/___

Name (please print) _____



Strictly Confidential

EMPLOYEE PROTECTION (WHISTLEBLOWER) REPORTING FORM

Part One: About You

Name:

Your role in Caritas Australia:

Preferred Contact details:

Part Two : About Your Concern

Briefly describe the nature of your concern and why you consider that the concern should be investigated.

Current Situation

Please advise if you feel that any person is in a situation of actual or potential harm or danger and, if so, who that person is and the nature of the harm or danger

Part Three : Declaration of Honest Belief

I state that in making this report, the information set out above is to the best of my recollection true, accurate and correct.

Name (Print): _____

Signature: _____

Date: _____

Forward to:

The Whistleblower Protection Officer

Caritas Australia

24-32 O'Riordan St,

Alexandria NSW 2015

Australia

Scan and email to: whistleblowerprotection@caritas.org.au