

Whistleblower Policy

Policy Statement

Activ is committed to fostering a culture of compliance and reporting within Activ where issues of misconduct are reported and investigated using appropriate procedures and safeguards against reprisal or intimidation.

Activ recognises that any genuine commitment to detecting and preventing illegal and unethical conduct commences with the entire organisation adopting an attitude of acceptance and openness regarding the reporting of misconduct within the organisation.

This Policy provides Activ's statement of intent relating to the protection of whistleblowers who act in good faith. It is supported by the Activ Whistleblower Procedure (AQuA: 2531), which defines the mechanisms for the reporting, investigation and management of those people who report allegations or observations of misconduct, illegal acts or inappropriate behaviours.

Principles

Activ will:

- Provide information about whistleblowing to staff, employees, customers, volunteers, Activ Board Directors (and any spouse, sibling, guardian, child or dependent of any of the preceding people), suppliers, contractors and consultants (including their employees) using the language, mode of communication and terms in which the individual is most likely to understand;
- Encourage all of Activ's staff, employees, customers, volunteers, directors (and any spouse, sibling, guardian, child or dependent of any of the preceding people), suppliers, contractors and consultants (including their employees) to report, as a Whistleblower, any genuine concerns they have that Activ, or any person acting for or on behalf of Activ, has engaged in, or intends to engage in, misconduct;
- Deal with matters that the Whistleblower genuinely believes cannot be dealt with under the Activ Complaints Policy and Procedure, or the Management of Performance and Conduct Guidelines, Code of Conduct and Ethics Policy or Respect in the Workplace Policy;
- Demonstrate Activ's commitment to a fair workplace and the protection of individuals from any potential violence, abuse, neglect, exploitation and discrimination and outline the process for managing misconduct;
- Protect the confidentiality of individuals who report something that is reasonably believed to be misconduct, assisting them to do so without fear of reprisal, dismissal or discriminatory treatment;

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- Assist in ensuring that matters of misconduct are identified and dealt with appropriately;
- Check that Whistleblowers ensure, as far as possible, that reports are factually accurate, complete, from first-hand knowledge, presented in an unbiased fashion (and any bias or perception of bias of the Whistleblower is disclosed), and without material omission; and
- Investigate cases where a Whistleblower has made a report of misconduct where he or she knew, or ought to have known, that the allegation of Misconduct was false (including where the allegation has been made maliciously, vexatiously or without any reasonable basis). Where such cases are found, the Whistleblower will be subjected to disciplinary proceedings, which may result in being summarily dismissed from his or her employment with Activ or having his or her contract with Activ terminated.

Definitions

Contractor - a person or firm that undertakes a contract to provide materials or labour to perform a service or do a job.

Immunity - an undertaking given by Activ to a Whistleblower that Activ will not take action against the Whistleblower, adverse to the interests of the Whistleblower, as a result of receiving a genuine report of Misconduct from the Whistleblower.

Investigation - a search of evidence connecting or tending to connect a person (either a natural person or a body corporate) with conduct that infringes the law.

Misconduct - behaviour on the part of any person acting by or on behalf of Activ, that has breached, or intends to breach the law or engage in any unethical behaviour. Matters which should be reported whether actual or suspected may include:

- a) Dishonest, fraudulent, corrupt or unlawful conduct or practices such as bribery, coercion, corruption, money laundering or theft;
- b) Misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting or financial reporting practices;
- c) Unethical conduct taken by or on behalf of Activ such as the dishonest altering of company records or financial data, the adoption of unethical and unlawful accounting practices or serious financial impropriety;
- d) Conduct within Activ's control which presents a significant and imminent danger to the environment or to the health and safety of members of the public including any conduct that has been reported to the management of Activ but not acted upon within a reasonable time of being reported;
- e) A breach of Activ's policies or Code of Conduct and Ethics Policy that has been reported to the management of Activ but not acted upon within a reasonable time of being reported;

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- f) Any action taken against, or harm suffered by a person as a result of making a report under this policy; and
- g) Any serious breach of the laws relating to harassment, violence, abuse, neglect, exploitation, discrimination, victimisation, safety or bullying that cannot be dealt with under the Activ Complaints Policy and Procedure, the Code of Conduct and Ethics Policy, the Management of Performance and Conduct Guidelines, or the Respect in the Workplace Policy.

Supplier - a person or organisation that provides something needed such as a product or service.

Whistleblower - any Activ staff member, employee, customer, volunteer, Board Director (and any spouse, child or dependent of any of the preceding people), supplier, contractor and consultant (including their employees) who whether anonymously or not:

- a) makes or attempts to make a report of Misconduct to Activ using the Misconduct Report Form;
- b) wishes to avail themselves of protection against reprisal for having made the report; and
- c) is accepted by Activ under this procedure as a Whistleblower.

Whistleblower Protection Officer - appropriately qualified key personnel, who is appointed by Activ as a Whistleblower Protection Officer (WPO) and has responsibility for accepting reports of Misconduct from Whistleblowers and protecting Whistleblowers. Activ generally has three options for WPO:

- a) The Chief Executive Officer;
- b) The Executive Manager, People and Quality; and
- c) The Governance and Risk Manager.

In the event where Misconduct relates to the CEO, Board Member or key personnel, the matter can be reported directly to the Chair of the Board (who will act as the WPO).

Whistleblower Investigations Officer - an individual appointed by the WPO to investigate a report of Misconduct received from a Whistleblower.

Responsibilities and delegations

Scope: This policy applies to all Activ staff, employees, volunteers, work experience placements, managers, and Board Directors of Activ (and any spouse, sibling, guardian, child or dependent of any of the preceding people), suppliers, contractors and consultants (including their employees).

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Responsibilities: Each Line Manager is responsible, and will be held accountable for ensuring staff, supported employees and customers are familiar with this policy, and have sufficient skills, knowledge and ability to meet the requirements.

All employees will be held accountable for complying with the requirements of the policy.

Variations to this Policy: This is a controlled document and any variation to this Policy must be authorised by the Board.

Consultation: Executive Team, CEO, Head of Human Resources, Governance and Risk Manager, HWL Ebsworth Lawyers, Board, Governance and Nominations Committee

Policy Context

Relevant standards:

- National Standards for Disability Services
- National Disability Insurance Scheme Practice Standards and Quality Indicators
- AS 8004–2003 (Whistleblower Protection Programs for Entities)
- AS 8001–2008 (Fraud and Corruption Control)

Legislation:

- *National Disability Insurance Scheme Act 2013*
- *Privacy Act 1988*

Related policies and procedures:

- Activ Whistleblower Procedure (AQuA: 2531)
- Code of Conduct & Ethics Policy (AQuA: 1867)
- Complaints Policy (AQuA: 1588)
- Complaints Handling Procedure (AQuA: 1589)
- Guidelines – Management of Performance and Conduct (AQuA: 2792)
- Handling of Matters under Police Investigation (AQuA: 1201)
- Investigation Protocols (AQuA: 2682)
- Privacy Management Manual (2788)
- Respect in the Workplace Policy (AQuA: 2723)

Relevant work instructions, forms, other documents:

- Misconduct Report Form (AQuA: 2532)

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