

# Whistleblower Policy

## Introduction

1. This policy has been prepared as part of a common governance pack for adoption by those organisations which centrally administer, manage or support the affairs of the Anglican Church Diocese of Sydney (the “**Sydney Anglicans Group**”). It has been adopted by Sydney Anglican Services, Sydney Anglican Loans and SDS Legal (the “**Organisation**”) as part of the Sydney Anglicans Group.

## Commitment

2. The Organisation is committed to the highest standards of ethical behaviour in all its activities. The Organisation seeks to uphold a robust culture of compliance and good governance, and encourages suppliers, employees of suppliers, and clients to challenge inappropriate behaviour and practices within the Organisation, including by using this Policy to make reports of relevant misconduct.

## Purpose

3. The purpose of this Policy is to provide for the formal reporting of certain kinds of misconduct by persons (called **whistleblowers**).
4. The Policy sets out the process of receiving and handling whistleblower reports, and provides protections for whistleblowers, in accordance with the *Corporations Act 2001* (Cth).

## Scope

5. This Policy applies to all current and former officers and employees of the Organisation, contractors, consultants, volunteers and interns, and extends to clients and suppliers of the Organisation, including their employees.
6. Sydney Anglican Services (**SAS**) manages some of the operations of the Sydney Anglicans Group under a Shared Services Framework. SAS is therefore both part of the Group and a supplier to the Group for the purposes of this Policy.
7. A relative, spouse or dependant of any person to whom this Policy applies may also report misconduct, and access the protections available, under this Policy.
8. Although this Policy does not form part of any client’s or supplier’s service contract, the Organisation requires persons to whom this policy applies to comply with its terms.

## When to make a report of misconduct under this Policy

9. A person should make a report under this Policy if they have reasonable grounds to suspect that the Organisation (including any officer), or any person who has a business connection with the Organisation, such as a supplier (including SAS), contractor or volunteer, has engaged in ‘misconduct’ under this Policy in relation to the operations of the Organisation.

10. In this policy, 'misconduct' is broadly defined as any actual or suspected misconduct, or improper state of affairs or circumstances, which involves a breach of law (including the commission of an offence), organisational policy or generally recognised principles of ethics.

Reportable misconduct may include:

- fraud, theft, dishonesty or corruption;
  - breaches of legislation or regulations;
  - breaches of organisational policy such as the Code of Conduct;
  - breaches of trust or duty, or other unethical conduct;
  - maladministration (i.e. unjust, based on improper motives, or is oppressive),
  - misleading or deceptive conduct, including improper or misleading accounting or financial reporting practices;
  - systemic practices that create a significant risk to public safety or the environment; or
  - any conduct which is likely to damage the reputation of the Organisation or the Sydney Anglicans Group, or is otherwise inconsistent with the Organisation being part of the Anglican Church Diocese of Sydney.
11. If a staff member of the Sydney Anglicans Group is unsure as to whether there is any misconduct which falls under this Policy, or whether to make a report, the person may speak with their senior manager or the SAS Corporate HR Manager to seek assistance, support or advice on a confidential basis. However, there is no requirement to do so before making a report of misconduct, or to access the protections available under this Policy.

## Personal work-related grievances

12. Generally, personal work-related grievances do not constitute misconduct under this Policy.
13. A 'personal work-related grievance' is a grievance which relates to the person's employment or former employment, and has or tends to have personal implications for the person but no significant implications for the Organisation unrelated to the person.
14. Examples of a personal work-related grievance include:
- an interpersonal conflict between the person and another staff member;
  - any decision relating to the person's engagement, transfer or promotion;
  - any decision relating to the terms and conditions of engagement of the person; or
  - any decision to suspend or terminate the person's engagement, or to otherwise discipline the person.
15. Personal work-related grievances are more properly addressed under the Code of Conduct or Grievance Policy (as the case may be) for the Sydney Anglicans Office Group.
16. However, a person who makes a report of certain types of personal work-related grievance (such as victimisation because the person has or may make a report under this Policy) may be able to access the whistleblower protections set out in this Policy and the *Corporations Act 2001* (Cth).

## Making a report of misconduct

17. A person may make a report of actual or suspected misconduct, or improper state of affairs or circumstances, to any officer of the Organisation, including its CEO (or equivalent). However, a person is encouraged to make reports to:
- the Chair of the Board of the Organisation, if the report relates to the CEO or a member of the Board, or

- the Archbishop (where applicable, in his capacity as Visitor of the Organisation), if the report relates to the Chair.
18. The Chair of the Organisation can be contacted via the Secretary or directly by using the email SASChair@sydney.anglican.asn.au. Any person contacting the Chair, should only do so for the purpose of making a report under this Policy. Emails sent to the dedicated chair email address may be monitored by an executive assistant to ensure they come to the chair's attention.

## **Making a report to a regulator or other external entities**

19. This Policy does not prevent any person from making a report regarding any misconduct, or to otherwise communicate, with any relevant regulators (such as ASIC) or law enforcement bodies regarding any misconduct.
20. A person may seek legal advice or representation regarding the making of a report of misconduct under this Policy at any time prior to, during, or after making the report.
21. Making a report to a regulator or other external sources, or seeking legal advice or representation, does not prevent any person from accessing the whistleblower protections set out under this Policy.

## **How to make a report of misconduct**

22. The report, which may be made verbally or in writing, should set out the grounds for the person's concerns, including all relevant facts and any documentation to support the concerns.
23. All reports of misconduct will be treated confidentially, subject to the disclosures required to undertake the processes required or provided under this Policy. The Organisation will also take reasonable precautions to store any records relating to a report securely and to restrict access to authorised persons who need to access the record to discharge their duties.
24. In responding to a report, the Organisation may need to disclose the identity of the whistleblower (including to an investigator), or to act in a manner which may disclose the identity of the whistleblower (such as revealing the substance or facts of the report to the subject of the report). Unless otherwise required by law, the Organisation will obtain the consent of the whistleblower before taking any steps which may reasonably identify the person.

## **Anonymous reports**

25. A whistleblower may choose to make a report anonymously and remain anonymous during and after an investigation. A whistleblower who chooses to report anonymously will still be entitled to protections under this Policy and *the Corporations Act 2001* (Cth).
26. Please note that anonymity may create some practical challenges in dealing with a report. In certain cases, anonymity may make it difficult to fully and properly investigate a report, to involve the whistleblower in the investigation, and to ensure that the person receives the protections set out in this Policy and the relevant legislation.
27. However, if the whistleblower's preference is to remain anonymous, the Organisation will respect the person's wishes and take all reasonable steps to preserve anonymity, to protect them, and to investigate the concerns raised to the extent reasonably possible with the information given.

## **Reasonable basis for report**

28. If there is a reasonable basis for making a report, a whistleblower will be protected under this Policy and applicable legislation, even if the report is later determined to be incorrect, unsubstantiated, or based on an inaccurate factual understanding.

29. If it is determined that a whistleblower had no reasonable basis for their report, or has knowingly made a false or misleading report, that person may be subject to disciplinary action.

## **What happens once a report is made?**

30. Once a report is made, the recipient of the report will review the report, and based on the evidence, decide on the appropriate way forward.
31. If it is determined that an investigation is not required under this Policy (for example, because the report should be dealt with under another policy), the report will be concluded and the whistleblower will be informed of the outcome (where possible). To the extent that the matter raises concerns which should be dealt with in a different way (such as under a different policy), the person who has made the report will be notified before further steps are taken.
32. If an investigation is required, the recipient of the report will consider whether to conduct the investigation internally (including by appointing an 'investigation officer') or to use a third party service. The whistleblower will be notified prior to any referral of the report to a third party for investigation.

## **Procedural fairness**

33. Any process undertaken will be objective, fair, independent and progressed in a timely manner (although the process and timing may vary depending on the nature of the report). Care will be taken to ensure there are no conflicts of interest in the handling of any reports under this Policy.
34. Generally, and subject to any requirement to maintain anonymity, the subject(s) of a report will be informed of any allegations against them and have the opportunity to respond to those allegations before any outcomes are reached. If the subject of a report is a staff member of the Sydney Anglicans Group, they will also have access to support, including the Employee Assistance Program (**EAP**) during the investigation process.
35. The whistleblower will be kept informed about the process and timing of any investigation (where possible). If the whistleblower has any concerns regarding the handling of a report, they should notify the person to whom they made the report (i.e. the relevant senior manager, the SAS Corporate HR Manager, CEO or Chair of the Organisation).

## **Outcomes of investigation**

36. The investigation may conclude with a written document, which sets out findings on the allegations and summarises the evidence for those findings. The written document will not be shared with the whistleblower or the subject(s) of the report.
37. Where possible, the whistleblower and subject(s) of the report will be notified about the outcomes of the investigation as appropriate in the circumstances. If the allegations are substantiated, disciplinary action will be taken against those involved in the misconduct. If any employees of SAS are involved in misconduct, the disciplinary action will require the involvement and agreement of the board or management of SAS. If any employees of a service provider are involved in misconduct, this may result in termination of the services contract and referral of the outcomes of the investigation to a senior manager of the service provider to be dealt with under its workplaces policies.
38. The precise nature of any action taken against a person will remain confidential. If the allegations are not substantiated, the report will be concluded and the relevant parties will be so notified.

## **Protections for whistleblowers**

39. A whistleblower who makes a report in accordance with this Policy will have access to various protections, including protections under the *Corporations Act 2001* (Cth) as set out below. These protections apply to the making of a report and participation in the investigatory process.

## Confidentiality

40. Unless the whistleblower consents to the disclosure of their identity, the disclosure is for the purpose of undertaking processes provided for under this Policy or the disclosure is required or permitted by law, the Organisation will take all reasonable steps to protect the identity of the person, and will not disclose any information which is likely to identify the person.

## No detriment for whistleblowing

41. The Organisation is committed to ensuring that any person making a report in accordance with this Policy is protected from any 'detriment' for making a report. This may include providing support services and implementing strategies to minimise the impacts arising from making and/or investigating the report. This protection extends to witnesses who provide assistance in relation to a report, as well as any person associated with the whistleblower or witness.
42. A 'detriment' is any unfavourable treatment, including victimisation, harassment or intimidation, any injury to the person's employment, dismissal or termination of employment, or any threats or actual physical or psychological harm, or any damage to the person (including to their property, reputation or financial position).
43. For the avoidance of doubt, 'detriment' does not include any expense that a whistleblower may incur in making a report and this Policy does not require the Organisation to reimburse a whistleblower for any such expenses.
44. If a whistleblower or witness is concerned that they have been subject to a detriment as a result of a report or investigation, they are encouraged to contact the person to whom they made the report and provide details about the detriment experienced.
45. It is a breach of this Policy to subject a whistleblower or witness to a detriment for reporting misconduct or assisting an investigation of a report, other than as set out above. Such conduct is grounds for disciplinary action.
46. However, if it is determined that a whistleblower or witness had no reasonable basis for their report or testimony, or has knowingly made a false or misleading report or testimony, that person may be subject to disciplinary action, which could include dismissal.

## Review of decisions

47. A whistleblower who believes that their report has not be properly addressed under this Policy should notify the recipient of their original report, and request that the matter be reviewed by the Board of the Organisation. This includes any decision not to investigate a report, or the outcomes of any investigation.

## Further protections

48. A whistleblower will not be subject to any civil, criminal or administrative liability, and no contractual or other remedy may be enforced (including the termination of employment) against a whistleblower for making a report under this policy or applicable legislation, subject to that report having a reasonable basis.
49. There are additional protections and remedies available for certain disclosures made under particular legislation, including the *Corporations Act 2001* (Cth) and the *Tax Administration Act 1953* (Cth).
50. A whistleblower may also seek compensation or other remedies in court if they have experienced a detriment for making a report of misconduct.

## Access to support

51. The Organisation is committed to providing appropriate support to whistleblowers and witnesses. The nature of the support offered will depend on the circumstances but may include monitoring any potential detriment that may be experienced for making the report or providing strategies to manage stress.

52. If the whistleblower or witness is a current staff member of the Sydney Anglicans Group they may use the EAP. Any queries regarding support should be made to the recipient of the report or the SAS Corporate HR Manager.

## **Staff training**

53. The Organisation will make this Policy available to all suppliers and contractors, who will be requested to familiarise themselves with this Policy.
54. The Organisation will also train its officers and any employees and take reasonable steps to ensure SAS trains any member of its staff who may receive a report of misconduct under this Policy regarding their obligations under this Policy, including to maintain the confidentiality and anonymity of reports, and regarding the protection of whistleblowers against any detriment or reprisal for making a report.

## **Misconduct involving the whistleblower**

55. Any whistleblower who is involved or otherwise implicated in any misconduct reported to the Organisation may be subject to disciplinary action on that basis. In such a case, any early admission of misconduct, active cooperation or remorse may be considered as mitigating factors in relation to any disciplinary action.

## **Consequences of breaching this Policy**

56. Any person who becomes aware of a breach of this Policy is encouraged to promptly report the breach in accordance with this Policy.
57. Any alleged breaches of this Policy will be taken seriously and may lead to disciplinary action.

### **Policy Status –**

<b>Date</b>	<b>Comments</b>
18/06/2025	Group Policy adopted by Board