



# WHISTLEBLOWER PROCEDURE

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## 1 PURPOSE

1.1 The purpose of this procedure is to:

- encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to the Diocese of North West Australia (“the Diocese”) or damage to its reputation;
- enable the Diocese to deal with reports from a whistleblower in a way that will protect the identity of the whistleblower and provide for the secure storage of the information provided;
- establish procedures for protecting whistleblowers against reprisal by any person internal or external to the entity;
- provide for the appropriate infrastructure; and
- help to ensure the Diocese maintains the highest standards of ethical behaviour and integrity.

## 2 SCOPE

2.1 This procedure applies to all ministry centres on Diocesan property or being run on behalf of the Diocese.

## 3 PROCEDURE

### Concerns regarding illegal or corrupt behaviour

3.1 Where a worker believes in good faith on reasonable grounds that an officer, employee, volunteer, or contractor has breached any provision of the general law that employee must report their concern to

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
- the Bishop: or, if they feel that the Bishop may be complicit in the breach,
- the organisation’s nominated Whistleblower Protection Officer; or, if they feel this to be necessary,
- a person or office independent of the organisation nominated by the organisation to receive such information, e.g. the Director of Professional Standards.
- the duly constituted authorities responsible for the enforcement of the law in the relevant area.

3.2 The person making their concern known shall not suffer any sanctions from the organisation on account of their actions in this regard provided that their actions

- are in good faith, and

- are based on reasonable grounds, and
  - conform to the designated procedures.
- 3.3 Any person within the organisation to whom such a disclosure is made shall
- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision;
  - if they believe the behaviour complained of to be neither trivial nor fanciful, ensure that the allegation is investigated, a finding is made, and the person making the allegation is informed of the finding.
- 3.4 Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness. Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the organisation.

### **Concerns regarding improper or unethical behaviour**

- 3.5 Where a worker believes in good faith on reasonable grounds that any other employee, volunteer, or contractor has breached any provision of the organisation's constitution, or its bylaws, or its policies, or its code of conduct, or generally recognised principles of ethics, that employee may report their concern to
- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
  - the Bishop: or, if they feel that the Bishop may be complicit in the breach,
  - the Registrar: or, if they feel that the Registrar may be complicit in the breach,
  - the Director of Professional Standards.
- 3.6 The person making their concern known shall not suffer any sanctions from the organisation on account of their actions in this regard provided that their actions
- are in good faith, and
  - are based on reasonable grounds, and
  - conform to the designated procedures.
- 3.7 Any person within the organisation to whom such a disclosure is made shall
- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision;
  - if they believe the behaviour complained of to be neither trivial nor fanciful, ensure that the allegation is investigated, a finding is made, and the person making the allegation is informed of the finding.
- Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness.
- 3.8 Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the organisation.
- 3.9 These procedures do not authorise any employee to inform commercial media or social media of their concern, and do not offer protection to any employee who does so, unless
- it is not feasible for employees to report internally, or
  - existing reporting channels have failed to deal with issues effectively.
- 3.10 Any person reporting such a breach should be informed that
- as far as lies in the organisation's power, the employee will not be disadvantaged for the act of making such a report; and
  - if the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law; however,
  - reporting such a breach does not necessarily absolve the complainant from the consequences of any involvement on their own part in the misconduct complained of.
- 3.11 Any such report should where possible be in writing and should contain, as appropriate, details of
- the nature of the alleged breach;

- the person or persons responsible for the breach;
- the facts on which the complainants' belief that a breach has occurred, and has been committed by the person named, are founded;
- the nature and whereabouts of any further evidence that would substantiate the complainant's allegations, if known.

Evidence to support such concerns should be brought forward at this time if it exists. The absence of such evidence will be taken into account in subsequent consideration of whether to open an investigation into the matter. However, absence of such evidence is not an absolute bar to the activation of the organisation's investigative procedures. The existence of such a concern is sufficient to trigger reporting responsibilities.

3.12 In contemplating the use of this procedure, a person should consider whether the matter of concern may be more appropriately raised under the organisation's Grievance Procedure.

### **Investigation**

3.13 On receiving a report of a breach, the person to whom the disclosure is made shall

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision
- if they believe the behaviour complained of to be neither trivial nor fanciful, put in motion the investigation process described below.

3.14 The person to whom the disclosure was made shall notify the Bishop, who shall be responsible for ensuring that an investigation of the charges is established and adequately resourced. Terms of reference for the investigation will be drawn up, in consultation with the Bishop, to clarify the key issues to be investigated.

3.15 An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

- Strict security will be maintained during the investigative process.
- All information obtained will be properly secured to prevent unauthorised access.
- All relevant witnesses will be interviewed and documents examined.
- Contemporaneous notes of all discussions, phone calls and interviews will be made.
- Where possible, interviews will be recorded.

3.16 The principles of procedural fairness (natural justice) will be observed<sup>1</sup>. In particular, where adverse comment about a person is likely to be included in a report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

3.17 The person or persons conducting the investigation shall be as far as possible unbiased.

### **Findings**

3.18 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 their basis
- recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

3.19 The report will be provided to the person making the allegation (with, if necessary, any applicable confidentiality stipulations).

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<sup>1</sup> Natural justice and procedural fairness do not require that the person affected be informed of the identity of the person making the initial disclosure, unless that communication constitutes part of the evidence relied upon in making the eventual finding.

### **Protection of Informant**

- 3.20 Where the investigation has found that the person making the allegation made it in good faith on reasonable grounds, the Bishop shall designate an officer to be responsible for ensuring that the person suffers no employment-related disadvantage on account of their actions in this matter and to provide additional support for the person where necessary.

## **4 RESPONSIBILITIES**

### **Compliance, monitoring and review**

- 4.1 Ministry centre governing groups are responsible for ensuring compliance of this procedure within their ministry centre.

### **Reporting**

- 4.2 Ministry centre compliance with this procedure is reported in the quarterly and annual ministry centre returns/reports to the Diocese.

### **Records management**

- 4.3 The Registry maintains all records relevant to administering this procedure using its recordkeeping system.

## **5 DEFINITIONS**

- 5.1 Terms not defined in this document may be found in the Diocesan Glossary.
- 5.2 A **whistleblower** is a person (being an officer, employee or contractor of the Diocese of North West Australia) who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with reportable conduct and wishes to avail themselves of protection against reprisal for having made the report. Breaches of general law, organisational procedure, or generally recognised principles of ethics include:
- corrupt conduct
  - fraud or theft
  - official misconduct
  - maladministration
  - harassment or unlawful discrimination
  - serious and substantial waste of resources
  - practices endangering the environment.
  - practices endangering the health or safety of the staff, volunteers, or the general public

Complaints regarding occupational health and safety should where possible be made through the organisation's safety procedures.

## **6 RELATED LEGISLATION AND DOCUMENTS**

Public Interest Disclosure Act 2003 (WA)

## **7 FEEDBACK**

- 7.1 Church members may provide feedback about this document by emailing **registrar@anglicandnwa.org**.

## 8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Diocesan Council
Administrator	Diocesan Registrar
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