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## INTERNAL WHISTLEBLOWING PROCEDURE RAISING CONCERNS FRAMEWORK FOR STAFF AT CHURCH HOUSE, SWAN VALLEY ADVENTURE CENTRE AND WOLLASTON COLLEGE

Approved by: The Perth Diocesan Trustees

16 November 2017

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### 1 INTRODUCTION

All organisations face the risk of things going wrong from time to time. The Perth Diocesan Trustees (“PDT”) is committed to ensuring that church business is conducted with honesty and integrity at all times, that the culture at Church House, Swan Valley Adventure Centre (“SVAC”) and Wollaston Theological College (“Wollaston”) is one of openness and accountability. By encouraging such a culture, the PDT can prevent unethical behaviour and wrongdoing, and when such conduct occurs, deal with it effectively.

The PDT wants Staff to raise Concerns at work. This Procedure is designed so that if a member of Staff discovers, or has reason to believe that there is within the PDT, Church House, SVAC or Wollaston a matter of Concern, then the Concern can be raised with an appropriate person without fear of reprisal and with the knowledge that internal reports will be treated fairly and confidentially. This Procedure can assist in the detection of corrupt, illegal or other undesirable conduct, and as such is an important ingredient in achieving good corporate governance.

A member of Staff raising a Concern will not be expected to produce unquestionable evidence—this is the responsibility of the PDT once it has been alerted to a potential problem. All that is required is that the member of Staff has a genuine Concern. Provided a member of Staff is acting in good faith in raising the Concern, it does not matter if the Concern is later found to be mistaken. It is in the PDT’s interest to hear of suspicions at the earliest opportunity. Raising a Concern internally should provide the PDT with an opportunity to investigate, and take the relevant preventative and/or remedial action.

By reporting any Concerns, Staff will not be opening themselves up to victimisation or other detriment.

#### **When to use this Procedure**

There is a difference between whistleblowing and raising a grievance.

- Whistleblowing is where a member of Staff has a Concern that has a public interest element to it because it threatens the PDT, the Anglican Church, third parties or the public;
- A grievance or complaint generally relates to the Staff member’s own personal position or situation and does not have a public interest element.

This Procedure should not be used for personal grievances. Any member of Staff who is unsure whether an issue should be dealt with in accordance with this Procedure or otherwise, should contact one of the Whistleblower Protection Officers, listed in section 3 below, for guidance.

#### **Interface with the Professional Standards Statute**

A Concern once investigated may lead to a complaint being made under the Professional Standards Statute 2015 (“PSS”) against an individual or individuals. This Procedure does not detract from the provisions of the PSS.



## 2 OBJECTIVE

The purpose of this Procedure is to promote responsible whistleblowing about issues where the interests of others, including the public, or of the Anglican Diocese of Perth are at risk.

## 3 DEFINITIONS

- a **Independent Authorities** are public regulators and authorities within the community, such as ASIC and the State and Federal Police.
- b **Concern** means a genuine concern that a person or persons connected with the PDT, Church House, SVAC or Wollaston has engaged in conduct which in the view of the Whistleblower acting in good faith is dishonest, fraudulent, corrupt, illegal, a failure to comply with legal or professional obligations, unethical, improper, dangerous to health, safety or the environment, or any other conduct which may cause reputational, financial or non-financial loss to the PDT or the Anglican Church or may otherwise be detrimental to the interests of the PDT or the Anglican Church.
- c **Staff** means somebody engaged in the work of the PDT at Church House, SVAC or Wollaston regardless of their method of employment, including full and part time staff, casual staff, contractors, and volunteers.
- d **Whistleblower** is a member of Staff who raises a Concern with a Whistleblower Protection Officer.
- e **Whistleblower Protection Officer** means a person or persons appointed to receive Concerns from a Whistleblower. Currently these are:

Whistleblower Protection Officer	Contact Details
Chair of the PDT (Mr Sam Walsh AO)	08 9325 7455
Diocesan Secretary, Anglican Diocese of Perth (Mr Keith Stephens)	<a href="mailto:kstephens@perth.anglican.org">kstephens@perth.anglican.org</a> ; 08 9325 7455
Executive Officer, ACF (Mr Ian Leverington)	<a href="mailto:ileverington@anglicanconf.com.au">ileverington@anglicanconf.com.au</a> 08 9425 7282
Diocesan Services Administration Officer (Melanie Hannah)	<a href="mailto:mhannah@perth.anglican.org">mhannah@perth.anglican.org</a> 08 9325 7455

## 4 RESPONSIBILITIES

- a The PDT is responsible for:
  - i. Ensuring this Procedure is communicated to all management and staff of PDT;
  - ii. Approving any changes to this Procedure; and
  - iii. Ensuring this Procedure is reviewed on a biennial basis.
- b Management is responsible for:
  - i. Ensuring this Procedure is communicated to all Staff, including contact details of Whistleblower Protection Officers; and
  - ii. Reviewing this Procedure biennially for the approval of the PDT.
- c A Whistleblower Protection Officer is responsible for
  - i. Providing a direct channel of communication from Staff;
  - ii. Receiving any Concern provided in good faith, acting on the Concern (taking steps to verify the Concern, alerting other Independent Authorities as necessary), and maintaining confidentiality of the issue;



- iii. Maintaining the documented audit trail of actions taken from any investigation, and ensuring that all related records remain secure;
- iv. Reporting to the PDT, or any other body as appropriate, any Concern, whilst respecting the confidentiality of the Whistleblower; and
- v. Responding to the Whistleblower with any action taken to resolve the issue within 30 days of the issue being resolved.

## **5 PROCEDURE FOR RAISING A CONCERN**

- a A member of Staff can raise a Concern in person, over the telephone or in writing to a Whistleblower Protection Officer. Written Concerns should be marked 'personal, private and confidential' and preferably hand delivered to a Whistleblower Protection Officer.
- b To avoid ambiguity when a Concern is raised, the Whistleblower must declare that they are raising a Concern under this Procedure in order that appropriate action is taken and protection provided. Generally, the earlier a Concern is raised, the easier it will be to remedy.
- c A Whistleblower may raise a Concern jointly with another member of Staff, as long as the other member of Staff agrees to maintain confidentiality.
- d A Whistleblower will not be expected to prove an allegation but may need to demonstrate reasonable grounds for the Concern. The more information that can be provided the better the Concern can be investigated. If possible, such information would include:
  - i. Why the Whistleblower is concerned and the background information;
  - ii. Any other steps the Whistleblower may already have taken and the outcome;
  - iii. The name of the person(s) whose conduct is the subject of the Concern;
  - iv. Names of other Staff members who may support the Whistleblower's Concern; and
  - v. Dates or periods of time.
- e As a Concern has the potential to involve a person at any level within the PDT, Church House, SVAC or Wollaston, a Whistleblower may choose a person from the Whistleblower Protection Officers with whom they feel comfortable communicating.
- f A member of Staff may raise a Concern anonymously. Anonymous Concerns will be reviewed by the Whistleblower Protection Officer, taking into account the seriousness of the issues raised, the credibility of the Concern and the likelihood of confirming the allegations, in order to determine if it is viable to proceed with an investigation.

## **6 INVESTIGATION OF A CONCERN**

- a The Whistleblower Protection Officer will note the key points of the Concern. The member of Staff may be required to attend a meeting to provide additional information. The Whistleblower Protection Officer must assure the member of Staff of confidentiality.
- b The Whistleblower Protection Officer will carry out an initial assessment to determine the scope of the investigation and then initiate an internal investigation or to take alternative appropriate action to understand the facts and to resolve the issue. The Whistleblower Protection Officer will inform the member of Staff who raised the concern, in writing, of the investigation, except in the case of an anonymous disclosure.
- c Where a Concern is raised in good faith, the PDT will, to the extent possible at law, provide immunity from disciplinary proceedings to the member of Staff raising the Concern. Protection will not be provided to Staff where the concerns raised are frivolous or vexatious or without basis.
- d All Concerns will be subject to investigation with the objective being to locate evidence that either substantiates or refutes the Concerns raised by the Whistleblower.



- e The investigations shall be conducted without bias, fairly and independently of the Whistleblower, or any person who is the subject of the Concern. The person(s) against whom the allegation is made will be given the right to respond.
- f A documented audit trail shall be kept of the investigation and all files relating to the Concern shall be kept secure. Matters which arise as a result of the Concern will be reported to the PDT.
- g Where Concerns are serious in nature, the Whistleblower Protection Officer may give consideration to the appointment of external investigators with appropriate expertise.
- h As soon as, and to the extent practicable, the PDT will deal with a verified Concern, including taking such disciplinary or preventative action as is appropriate.
- i The PDT may also take action against a member of Staff who is shown to have raised a concern frivolously, vexatiously, for an ulterior purpose or otherwise in bad faith.

**7 MANAGEMENT OF PERSONS AGAINST WHOM, A CONCERN HAS BEEN RAISED**

- a The PDT recognises that persons in relation to whom Concerns are raised must also be supported during the handling and investigation of Concerns. The PDT will take all reasonable steps to ensure the confidentiality of the person who is the subject of the Concern during any initial assessment and or consequential investigation. Where a Concern is not substantiated, the results of the investigation, and the identity of that person will remain confidential.  
The PDT will give its full support to a person in relation to whom a Concern has been raised where the Concern is found to be frivolous or vexatious.