

**GV02.1**

**Whistleblower Policy (Web version)**

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**TABLE OF CONTENTS**

1. POLICY OBJECTIVE .....2

2. PURPOSE .....2

3. SCOPE .....2

4. DEFINITIONS.....2

5. POLICY .....3

5.1 WHAT TO REPORT .....3

5.2 WHO TO REPORT TO .....4

5.3 CONFIDENTIALITY .....4

5.3 PROTECTION AGAINST DETRIMENTAL TREATMENT .....5

5.4 OTHER PROTECTIONS .....5

6. INVESTIGATION PROCESS .....5

7. FURTHER SUPPORT .....6

8. HOW THIS POLICY IS MADE AVAILABLE .....6

9. RELATED DOCUMENTS.....6

10. APPENDICES .....6

11. VERSION CONTROL AND MODIFICATION HISTORY .....7

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## 1. POLICY OBJECTIVE

Domestic Violence NSW Service Management (DVSM) is committed to the highest standards of integrity and conduct. The objective of this policy is to present a comprehensive set of tools that helps DVSM to identify any serious wrongdoing in a way that is safe and secure for the discloser, provides transparency on DVSM's framework for investigating disclosures and supports DVSM's values.

## 2. PURPOSE

The purpose of this policy is to promote public interest by facilitating a disclosure/investigation of matters of serious wrongdoing and to protect individuals who make the disclosures of serious wrongdoing.

## 3. SCOPE

This policy applies to all DVSM employees (both current & former), contractors and volunteers who work in DVSM, and Board of Trustees.

## 4. DEFINITIONS

Term	Definition
Employee(s)	In the context of this policy, the term Employees refers to all current Employees, Volunteers, Contractors and Consultants
Line Manager	Line manager includes GM, all Managers and Service Leads
Eligible Whistleblower	A person who is, or has been, any of the following: <ul style="list-style-type: none"><li>• an officer or employee of DVSM (this includes current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers and directors);</li><li>• a person who supplies goods or services to DVSM or an employee of a person who supplies goods or services to DVSM (whether paid or unpaid) - this could include current and former volunteers, contractors, consultants, service providers and business partners;</li><li>• a person who is an associate of DVSM - for example, a director or company secretary of DVSM or a related body corporate of DVSM; or</li><li>• a relative, dependent or dependent of the spouse of any person referred to in this definition of Eligible Whistleblower.</li></ul>
Protected Whistleblower	An Eligible Whistleblower who: <ul style="list-style-type: none"><li>• has disclosed (or intends to disclose) a Reportable Matter to an Eligible Recipient or to the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA) or another entity prescribed under the Corporations Act.</li><li>• has taken advice from a legal practitioner on the operation of whistleblowing protection laws.</li></ul>

Term	Definition
	Protected Whistleblowers are entitled to protection under the Corporations Act 2001 (Cth) (Corporations Act) and, if applicable, under the Taxation Administration Act 1953 (Cth) (Taxation Administration Act)
Reportable Matter	<p>Cases of:</p> <ul style="list-style-type: none"> <li>• gross misconduct such as: <ul style="list-style-type: none"> <li>○ major breaches of our contractual obligations with Department of Community and Justice;</li> <li>○ neglect of our duty of care to our clients, such as privacy breaches or misuse of power;</li> <li>○ theft or embezzlement of DVSM, or funds from DCJ/other funders;</li> </ul> </li> <li>• behaviour that represents a danger to the public or the financial system;</li> <li>• a breach of the Corporations Act; or</li> <li>• a breach of the Taxation Administration Act or improper conduct in relation to the tax affairs</li> </ul>
Eligible Recipient	<p>A protected disclosure of a Reportable Matter can be made using any of the channels below (each is an Eligible Recipient of Reportable Matter):</p> <ul style="list-style-type: none"> <li>• The CEO or Executive Manager of DVSM;</li> <li>• Any Board Member of DVSM;</li> <li>• Any relevant regulatory or funding bodies (e.g. Department of Communities &amp; Justice, NSW Ombudsman);</li> <li>• an internal or external auditor of DVSM;</li> <li>• (in relation to tax affairs) a tax agent or BAS agent of DVSM;</li> </ul> <p>See Appendix 1 for contact details of all DVSM Eligible Recipients</p>

## 5. POLICY

### 5.1 WHAT TO REPORT

The individual may make a protected disclosure if they have reasonable grounds to suspect:

- That a Reportable Matter has taken place at DVSM
- There are reasonable grounds that the information is true/likely to be true

In more specific and limited circumstances where a matter is of public interest or there is an emergency, a report may be protected if it's made to a journalist or a member of Parliament. It's important that you

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understand the criteria for making a public interest or an emergency disclosure to be covered by the Whistleblower protections. DVSM recommends that you contact an independent legal adviser before making a public interest or an emergency disclosure.

Personal work-related grievances are not protected under the Corporations Act or Taxation Administration Act, and should be dealt with according to DVSM Policy HR 06 Grievance Policy, unless:

- DVSM has broken employment or other laws which are punishable by imprisonment for 12 months or more, or acted in a way that is a threat to public safety; or
- Disclosure relates to misconduct that reaches beyond the Whistleblower's personal circumstances; or
- the Whistleblower suffers from or is threatened with detriment for making a disclosure.

## 5.2 WHO TO REPORT TO

Disclosure of a Reportable Matter can be made to an Eligible Recipient (see Appendix 1), either in writing or in person. Anonymous disclosures may be made by mail addressed to any of the Eligible Recipients at DVSM's postal address.

A disclosure may also be made to:

- A legal practitioner;
- A journalist or Member of Parliament (under specific circumstances, See 5.1 What to Report); or
- A regulatory body (see Appendix 1 for a list of regulatory bodies, or discuss with a legal advisor)

If the complainant believes the CEO is involved in the serious wrongdoing, the disclosure should be made directly to the Chair of DVSM's Board. If the complainant believes that the governance of DVSM is involved, the disclosures may be made to an appropriate authority (See Appendix 1).

A complainant may choose to remain anonymous at the time of disclosing a Reportable Matter and during the course of investigation, but this will limit any communication on the progress of the investigation.

A discloser may also ask for additional information from any of these parties prior to making a disclosure.

## 5.3 CONFIDENTIALITY

Disclosures from Protected Whistleblowers will be treated confidentially and sensitively, including redacting the name and position of the Protected Whistleblower from any written record of the report. The identity of Protected Whistleblowers will only be shared if:

- Consent is received from the Protected Whistleblowers;
- The disclosure is required by law;
- The disclosure is to a recipient permitted by law such as Australian Federal Police or Commissioner of Taxation.

The Reportable Matter will be stored electronically in a secure folder on DVSM's document management platform, accessible only to the CEO and Executive Manager.

For disclosure that may involve the CEO, the information will be stored securely by the Board without DVSM's management access.

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### 5.3 PROTECTION AGAINST DETRIMENTAL TREATMENT

A complainant is protected against any detrimental treatment, including dismissal, harassment, damage to reputation, discrimination, disciplinary action, bias, or other unfavourable treatment connected with making a report as a Protected Whistleblower.

To ensure the Protected Whistleblower is protected from detrimental treatment, DVSM will:

- Develop a risk assessment of detriment against a Protected Whistleblower as soon as the disclosure of Reportable Matter is received.
- Limit information about the complaint strictly to the recipient, investigator(s), and the person(s) about whom the complaint has been made.
- Ensure that each manager is aware of their responsibility to maintain the confidentiality of the Protected Whistleblower and manage their performance fairly.
- Where deemed necessary, review the work situation of the complainant to ensure confidentiality and safety.

### 5.4 OTHER PROTECTIONS

Protected Whistleblowers are protected from:

- Civil, criminal, or administrative liability (including disciplinary action) for making reports of Reportable Matters.
- No contractual right (including under an employment contract) can be exercised against a Protected Whistleblower to stop them disclosing a Reportable Matter.
- Protected Whistleblowers may be entitled to seek remedies through courts if DVSM fails to protect the Eligible Whistleblower from detriment, hence resulting to loss or damage.

## 6. INVESTIGATION PROCESS

Investigation from ASIC/APRA, as the regulator, will begin as soon as the Reportable Matter is received.

DVSM will determine if the information disclosed amounts to a Reportable Matter and if the report is not anonymous, the Whistleblower will be informed of that decision.

All investigations of Whistleblower complaints will be advised to the Board.

Fair investigation will be conducted promptly to ensure that rights of the Eligible Whistleblower and the subject(s) of the complaint are protected.

At the conclusion of the investigation, a closing report will be completed, including:

- Initial complaint
- Parties involved
- Investigations undertaken
- Conclusions reached, and the basis for these conclusions
- Assessment of impact of the complaint, matter or investigation
- Recommendations

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Subject to consideration of privacy of DVSM and those against whom allegations are made, the outcome of investigation will be notified to the Protected Whistleblower.

## 7. FURTHER SUPPORT

DVSM offers clinical supervision to all its staff.

External counsellors/psychological supports are available for Protected Whistleblower at their own choice.

## 8. HOW THIS POLICY IS MADE AVAILABLE

This policy is available to all stakeholders on the DVSM website, and to staff in the Policies and Procedures folder on the DVSM intranet.

All DVSM staff are made aware of the policy and any updates through all staff communications distributed fortnightly.

## 9. RELATED DOCUMENTS

### 9.1 Legislation, compliance and regulatory requirements

- Corporation Act 2001 (Cth)

### 9.2 Policies and procedures

- HR01 Code of Conduct
- HR03 – 1 Diversity and Equal Opportunity
- HR03 – 2 Bullying and Harassment
- HR06 – Grievance Policy

## 10. APPENDICES

### 10.1 DVSM Eligible Recipients

Name	Relationship to DVSM	Mail to
Sally Grimsley-Ballard	General Manager	PO Box Q1764 Queen Victoria Building Sydney NSW 1230  Or <a href="mailto:admin@dvnswsm.org.au">admin@dvnswsm.org.au</a>
Anna Ross	Board Chair	
Vicki Hartley	Non executive Director	
Leigh Gassner	Non executive Director	

Suzanne Evans	Non executive Director		
Lizette Twisleton	Non executive Director		
Melissa Alexander	Auditor of DVSM		
Ombudsman		<a href="https://www.ombo.nsw.gov.au/contact-us">https://www.ombo.nsw.gov.au/contact-us</a> or <a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>	02 9286 1000 Or Toll Free: 1800 451 524
Department of Community & Justice		<a href="https://www.facs.nsw.gov.au/providers/funded/resources/issues-and-complaints/allegations-of-misconduct/chapters/reporting-allegations-of-misconduct-to-us">https://www.facs.nsw.gov.au/providers/funded/resources/issues-and-complaints/allegations-of-misconduct/chapters/reporting-allegations-of-misconduct-to-us</a>	

## 11. VERSION CONTROL AND MODIFICATION HISTORY

Version Number	Approval Date	Approved by	Modifications
1.0	May 2021	OSM	Initial Release – contacts modified for website publication.