

WHISTLEBLOWER POLICY

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REVISION HISTORY

Version	Authored by/ Approved by	Amendment Notes	Revision date
V0.1	Board approved 27 March 2018	New Policy	03/2023

1. POLICY STATEMENT

Family Planning NSW is committed to best practice in corporate governance and compliance and consistent demonstration of behaviours consistent with our values by those who represent Family Planning NSW.

Persons, including but not limited to employees, volunteers, contractors, suppliers or members of the public who detect, become aware of or have reasonable grounds for suspecting improper conduct associated with Family Planning NSW can raise concerns in good faith under the protocol without being subject to victimisation, harassment or discriminatory treatment by Family Planning NSW or its staff, and may choose to raise concerns on an anonymous basis with Family Planning NSW.

2. SCOPE

All employees, Board members students, volunteers, interns, contractors and members of the public

3. DEFINITIONS AND ACRONYMS

Term	Meaning
Improper conduct	recklessly negligent, dishonest, unethical or illegal conduct including: <ul style="list-style-type: none">• corrupt conduct• substantial mismanagement of Family Planning NSW's resources• conduct involving substantial risk to public health or safety, or• conduct involving substantial risk to the environment
Corrupt conduct	<ul style="list-style-type: none">• conduct of a person (whether or not a representative of Family Planning NSW) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of Family Planning NSW's functions, or• conduct of a representative of Family Planning NSW that amounts to the performance of any of his or her functions on behalf of Family Planning NSW dishonestly or with inappropriate partiality, or• conduct of a representative of Family Planning NSW, a former representative of Family Planning NSW that amounts to a breach of public trust, or• conduct of a representative of Family Planning NSW or, a representative of Family Planning NSW that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise), or• a conspiracy or attempt to engage in conduct referred to above.
Disclosure committee	At least any two of the Chief Executive Officer, Board Chair, Director Human Resources and the Director having responsibility for the department in which the alleged improper conduct arose.
Disclosure officer	The Director Human Resources and Company Secretary of Family Planning NSW or their appointed nominee.
Reasonable grounds	An objective test and relates to whether a reasonable person in possession of the information would form the belief that the improper conduct occurred. It is important that there is evidence to support a person's beliefs, other than their concerns. This may include documentation, witnesses or other direct

Term	Meaning
	evidence.
Values	Family Planning NSW's values as published at https://www.fpnsw.org.au/about-us/who-we-are
Whistleblower	Any person who makes a disclosure in connection with improper conduct under this protocol.
Whistleblower disclosure	Disclosure by a whistleblower under this policy based on reasonable grounds that discloses or demonstrates an intention in good faith to disclose.

4. POLICY DETAILS

4.1. Protocol

The whistleblower who detects or has reasonable grounds for suspecting improper conduct is encouraged to raise any concerns with the Disclosure Officer.

Improper conduct may involve:

- corrupt conduct
- mismanagement of Family Planning NSW's resources
- conduct involving substantial risk to public health or safety, or
- conduct involving substantial risk to the environment

Improper conduct is not perceived unreasonable or unfair behaviours or poor work performance or practices that can be identified, raised and addressed through other mechanisms.

4.2. The Whistleblower

4.2.1. Protection

Family Planning NSW will take all reasonable steps to protect and respect the rights of a person who reports alleged improper conduct in good faith.

Family Planning NSW will take all reasonable steps to protect the whistleblower and will not tolerate any retaliatory action or threats of retaliatory action against any person who has made or who is believed to have made a report of improper conduct in good faith. Any such retaliatory action or victimisation by any member of staff in reprisal for a report being made under this protocol will be treated as serious misconduct and will result in disciplinary action, which may include dismissal.

A whistleblower is not automatically protected from the consequences of being a party to any improper conduct they report under this protocol.

Where it is established that a whistleblower who is a member of staff is not acting in good faith, or he/she has knowingly made a false disclosure of improper conduct, then he/she may be subjected to disciplinary proceedings, which may include dismissal.

4.2.2. Confidentiality/Anonymity

A whistleblower may elect to make a disclosure to Family Planning NSW about a Family Planning staff member anonymously. As far as possible, Family Planning NSW will respect the whistleblower's request to not identify themselves. However, Family Planning NSW may not be able to investigate certain disclosures without the identity of the whistleblower becoming known, whether directly or by inference, to Family Planning NSW or to the person about whom the allegations are made. Where criminal matters are involved, Family Planning NSW may be required to report certain allegations to the police (or other relevant agency) and to give the identity of the whistleblower.

However, even if the identity of a whistleblower is known or becomes known, Family Planning NSW will continue to ensure that all reasonable steps are taken to protect the whistleblower from reprisal.

At the time of making a disclosure, the whistleblower can request a meeting in a discreet location away from their workplace or from Family Planning NSW.

Others who know of or suspect that another person has made a disclosure under this protocol should protect and maintain the confidentiality of that person. Staff members who breach confidentiality in relation to a known or suspected disclosure will be subjected to disciplinary proceedings, which may include dismissal.

4.2.3. Communication

Where possible and assuming the identity of the whistleblower is known, the whistleblower will be kept informed of the progress and outcome of the investigation of his/her disclosure, subject to privacy and confidentiality considerations. All whistleblowers must maintain confidentiality of any information provided to them by Family Planning NSW in relation to, or as a consequence or outcome of their disclosure.

4.3. Management of the Person/s Against Whom the Disclosure Has Been Made

Family Planning NSW recognises that persons against whom disclosures are made and investigated under this protocol must also be supported during the handling and investigation of disclosures. Family Planning NSW will afford procedural fairness to the person against whom a disclosure has been made.

5. DISCLOSURES

5.1 Process of Disclosures

Disclosures can be made:

- By letter: Disclosure Officer
Family Planning NSW, 328-336 Liverpool Road, Ashfield, NSW, 2131
- By email: DisclosureOfficer@fpnsw.org.au

Disclosures may also be made to Family Planning NSW staff via other means, such as conversation or electronic messages.

Step 1:

The Disclosure Officer will determine if the disclosure is a whistleblower disclosure. They will deem the claim to be a whistleblower disclosure if they are satisfied that the claim made tends to show that Family Planning NSW, an employee, or officer or other person representing Family Planning NSW has engaged in improper conduct. Matters involving potential criminal offending may be referred immediately to the police.

Step 2:

Where a disclosure is assessed not to be a whistleblower disclosure, the Disclosure Officer will decide how the matter should be responded to in consultation with the Chief Executive Officer or the Chair of the Board as appropriate. Even if a disclosure is not a whistleblower disclosure, there may be other Family Planning NSW policies and protocols that apply and the person who made the disclosure will be advised of the correct reporting avenue.

Step 3:

The Disclosure Officer will refer a whistleblower disclosure to the Chief Executive Officer to commission an investigation which will be conducted as follows:

- review all claims made, in conjunction with any evidence provided by the whistleblower
- investigate and locate any evidence that may substantiate or refute the claims of the whistleblower (this may include interviewing other parties)
- the person/s against which the allegation has been made will have the opportunity to respond and explain their behaviour and to provide any material in support of their response and explanation
- a conclusion shall not be reached and a recommendation will not be made until reasonable and appropriate enquires have been made and submitted material considered, and
- the Chief Executive Officer may also refer the matter for investigation to an external body or the police if criminal conduct appears to have occurred, and the Chair of the Board will be advised of any such referral

Step 4:

At the conclusion of an investigation a report will be prepared by the Chief Executive Officer. The report will broadly outline the following:

- the details of the whistleblower disclosure where possible while maintaining their confidentiality
- the information and evidence collected during the investigation that either supports or refutes the allegation of improper conduct
- the conclusions reached by the Chief Executive Officer and the reasoning behind each conclusion, and
- the recommendation of the Chief Executive Officer as to any action to be taken and as to who should be the appropriate decision maker in respect of any such action

Step 5:

Authority as to taking any action in response to a recommendation made by the Chief Executive Officer shall be determined by the seriousness of any substantiated allegations.

Step 6:

The level of reporting to the Board regarding whistleblower disclosures will be determined by the seriousness of any allegations made in relation to improper conduct. At a minimum, the Chief Executive Officer will prepare a general report on whistleblower disclosures to the Board on an annual basis.

Step 7:

The Disclosure Officer will maintain a register of whistleblower disclosures, a copy of the report of the Chief Executive Officer and actions taken in response to the report.

5.2 Disclosure Committee

The Chief Executive Officer will ensure that, unless the circumstances require otherwise, the person who is subject of any whistleblower disclosures investigated by or on behalf of Family Planning NSW is:

- informed in writing as to the substance of the allegations
- given the opportunity (and sufficient time) to respond to the allegations, be afforded the opportunity to bring a representative of their choosing to any meeting and be heard in relation to the matter under investigation
- informed as to the substance of any adverse finding against them included in any report arising from the investigation, and
- offered the opportunity to utilise the employee assistance program where they are an employee of Family Planning NSW

6. OUTCOME

Any person, including but not limited to, employees, Board members, students, volunteers, contractors or any member of the public that has concerns regarding Family Planning NSW in relation to any improper conduct affecting Family Planning NSW can raise these concerns without being subject to victimisation, harassment or discriminatory treatment by Family Planning NSW or its staff, and may choose to raise concerns on an anonymous basis.

7. MONITORING, EVALUATION AND REVIEW**7.1. COMPLIANCE STRATEGY**

Item	Audit frequency /evidence	Person responsible / Desired outcome
Report on whistleblower disclosures presented to the Board of Management	Annual	Chief Executive Officer