

1.5.1 Whistle-blower Policy



Policy statement

The Queensland Police-Citizens Youth Welfare Association (PCYC) is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles). As such, the PCYC is committed to creating and sustaining a safe and confidential environment, strongly encouraging employees to disclose any unethical and fraudulent behaviour without fear of reprisal, dismissal or discriminatory treatment.

1. Objectives

The purpose of this policy is to:

- a) encourage the reporting of matters that may cause harm to individuals, financial or non-financial loss to the PCYC, or damage to its reputation. Such matters might include:
 - corrupt conduct
 - fraud or theft
 - official misconduct
 - maladministration
 - workplace bullying or unlawful discrimination
 - serious and substantial waste of resources
 - practices endangering the health or safety of the staff, volunteers, or the general public.
- b) enable the PCYC to deal with reports from whistle-blowers (or 'disclosers') in a way that will protect the identity of the discloser and provide for the secure storage of the information provided;
- c) establish the policies for protecting disclosers against reprisal by any person internal or external to the entity;
- d) provide for the appropriate infrastructure;
- e) help to ensure the PCYC maintains the highest standards of ethical behaviour and integrity.

2. Scope

This Policy applies to all PCYC employees including but not limited to: executives, managers, staff, contractors, consultants, members, volunteers and interns. QPS officers are bound by this Policy except where it is in conflict with the [Queensland Police Public Interest Disclosure Policy](#).

3. Responsibilities

The PCYC Board is responsible for adopting this policy, and for nominating the organisation's Whistle-blower Protection Officer.

The PCYC CEO is responsible for the implementation of this policy.

All PCYC staff, members and volunteers are responsible for reporting breaches of general law, organisational policy, or generally recognised principles of ethics to a person authorised to take action on such breaches.

4. Anonymity and protection

If the discloser wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law. If it proves impossible to resolve the matter without revealing the discloser's identity, the nominated Investigating Officer will provide information on whether and how to proceed.

The discloser should, however, be informed that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.

Where anonymity has been requested the discloser is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.

Provided the concern is raised in good faith, the discloser will not be at risk of reprisal for coming forward, whether the suspicion proves to be unfounded or real. The PCYC will not tolerate any harassment or victimisation of anyone who raises a genuine concern and will deal with any such occurrences under the disciplinary and/or workplace bullying policies.

The PCYC is committed to protecting and respecting the rights of disclosers who report wrongdoing in good faith. The PCYC will not tolerate any retaliatory action or threats of retaliatory action against a discloser, or against a discloser's colleagues, employer (if a contractor, consultant or supplier) or relatives.

For example, a discloser must not be disadvantaged or victimised for having made the report by:

- dismissal or termination of services or supply
- demotion
- discrimination, victimisation or harassment
- current or future bias, or
- threats of any of the above.

Any such retaliatory action or victimisation in reprisal for a disclosure made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. In some circumstance it may be illegal; in which case the PCYC will notify the Queensland Police Service or another person, organisation or entity that has the jurisdiction to take further action.

5. Procedures

5.1 Reporting

Where an employee of the PCYC believes in good faith on reasonable grounds that any other employee, volunteer, or contractor has breached general law, organisational policy, or generally recognised principles of ethics, that employee must report their concern to

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
- the CEO: or, if they feel that the CEO may be complicit in the breach,
- the organisation's nominated Whistle-blower Protection Officer, whistleblower@pcyc.org.au, or
- the duly constituted legal authorities responsible for the enforcement of the law in the relevant area.

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.

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 discloser 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 discloser from the consequences of any involvement on their own part in the misconduct complained of.

Any such report should, where possible, be in writing and should contain:

- the nature of the alleged breach;
- the person or persons responsible for the breach;
- the facts on which the discloser's 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 discloser'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.

In contemplating the use of this policy a person should consider whether the matter of concern may be more appropriately raised under the PCYC's *Complaints Policy and Procedure*.

5.2 Investigation

Once a potential breach has been reported, the onus is on the PCYC to identify whether an actual breach has occurred. Upon receipt of the report, the discloser shall be contacted within 48 hours to confirm receipt and to discuss further communication timelines. In assessing the report, the Investigating Officer should:

- err on the side of caution – when in doubt, assume the discloser is protected and act accordingly;
- concentrate on the allegation, the information and the evidence provided, not the identity of the discloser or their motive for disclosing the information;
- focus on what is communicated, not how well information is communicated. Poorly articulated allegations can still contain valid information; and
- be prepared to talk to the discloser in more detail about their disclosure.

If report is substantiated

If the investigating officer determines that a breach has occurred, they will notify the CEO, who shall be responsible for ensuring that an investigation of the allegations is established and adequately resourced.

Terms of reference for the investigation will be drawn up, in consultation with the CEO, to clarify the key issues to be investigated.

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 may be taped.

The principles of procedural fairness (natural justice) will be observed. 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.

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

If report is not substantiated

If the Investigating Officer determines that the report does not show unethical or fraudulent behaviour, the PCYC should still ascertain what the discloser expects to be done with their information and whether they need any form of support or protection.

Reports that are determined not to be breaches may still warrant investigation, a response by the PCYC under normal complaint handling policies, and support or protection for the person who made the report to ensure they do not suffer from bullying, harassment or any other detriment.

5.3 Providing support

Reporting wrongdoing is rarely an easy experience and support is essential for a discloser and must be part of any whistleblowing policy. Ideally, a discloser should be able to access support from several sources. This may involve the Executive Leadership Team working with line management to foster a supportive work environment or appointing a peer support officer. Management must discuss possible sources of assistance with the discloser and seek their agreement to divulge their identity so that support can be arranged.

Management is ideally placed to ensure that the discloser is supported in their workplace by management and staff. They must monitor the workplace for signs of harassment or victimisation, anticipate problems before they arise, and intervene when necessary.

Providing support and information to the discloser should be ongoing. They should be met with periodically or whenever something significant occurs (e.g., the start or completion of an investigation, when any decisions are made or outcomes released) to:

- advise them of progress
- ensure that they are not suffering any detriment
- obtain any further information that may be relevant.

5.4 Finalising the matter

The discloser and the subject(s) of the reported breach should be separately informed of the investigation findings and any steps taken as a result.

If the reported breach is substantiated, advise the discloser of this and any action that will be taken in response. Actions may include one or more of the following:

- stopping the conduct or preventing it from recurring (e.g., providing training and awareness, introducing new technology);
- implementing or changing policies, procedures or practices;
- offering mediation or conciliation;
- taking disciplinary action against a person responsible for the conduct;
- referring the conduct to the Queensland Police Service or another person, organisation or entity that has the jurisdiction to take further action (e.g., initiating legal proceedings against those involved in criminal activity).

If the investigation is unable to substantiate the reported breach, some disclosers will feel very dissatisfied when they believe, rightly or wrongly, that their information is true. If this is the case, senior management (ELT) are to:

- reinforce the importance of the role they have played;
- reaffirm that the organisation supports them for having properly raised the matter;
- inform the discloser of the usefulness of the information in preventing such issues from arising in the future;
- explain why the reported breach was not substantiated, without breaching confidentiality; and
- emphasise the opportunities to learn from the situation.

5.5 Record keeping

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.

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

All documentation relating to the report will be stored in a confidential file and secured in a locked area and/or an electronic copy will be held securely. No details will be placed in personal files.

Document version control

Related Documents	Complaints Policy; Workplace Bullying Policy and Procedure
Policy Owner	Board
Approved By	
Issue Date	April 2017
Review Date	November 2017

Appendix

Policy comparison – Whistle-blower, Complaints, Workplace Bullying

Though similar in theme, the intended use for each policy is distinct.

The *Whistle-blower Policy and Procedure* are specifically intended for staff and volunteers to report instances of **unethical or fraudulent behaviour** including: corrupt conduct, fraud or theft, official misconduct, maladministration, harassment or unlawful discrimination, serious waste of public resources, and practices endangering the health and safety of workers and volunteers or the environment.

The *PCYC Complaints Policy and Procedure* is meant to cover **all complaints** received from PCYC staff and volunteers, contractors, members or members of the public towards an individual connected to PCYC or PCYC itself – but NOT of an unethical or fraudulent nature.

The *PCYC Workplace Bullying Policy and Procedure* is meant to provide the expected standards of behaviour of PCYC workers – **to ensure all those in the workplace are treated with respect, dignity and fairness.**

POLICY COMPARISON

Policy	Main coverage	Contacts
Whistle-blower	Unethical or fraudulent behaviour	<ul style="list-style-type: none">• their supervisor: or, if they feel that their supervisor may be complicit in the breach,• the CEO: or, if they feel that the CEO may be complicit in the breach,• the organisation's 160 nominated Whistle-blower Protection Officer, or• the duly constituted legal authorities responsible for the enforcement of the law in the relevant area.
Bullying	Bullying behaviour	<ul style="list-style-type: none">• Person exhibiting bullying behaviour• Supervisor/Manager• HR team
Complaints	All other complaints	<ul style="list-style-type: none">• complaints@pcyc.org.au