



Whistle-blower Policy

A/1.6

Introduction

At Uniting Church Australia, Queensland Synod we are guided by our values and are committed to compliance with all applicable laws, regulations and Codes of Conduct that affect our business and practices. The Uniting Church insists on a standard of ethical and honest behaviour by all its employees, ministry agents, volunteers, contractors, members or advisors in the performance of their roles and in interactions with our stakeholders.

Purpose

To assist compliance with our standards and values, we have established the Whistle-blower Policy (Policy) to afford all employees, ministry agents, volunteers, contractors, members or advisors protection and confidentiality so they can raise concerns regarding reportable conduct (defined below) without victimisation, harassment or discrimination.

Scope

This Policy applies to:

- all functions and activities of the Uniting Church in Australia which occur within, or in relation to, functions and activities within the bounds of the Queensland Synod;
- all functions and activities of the Uniting Church in Australia which occur outside the bounds of the Queensland Synod which are managed by parts of the organisation located within the bounds of the Queensland Synod; and
- all Queensland Synod employees, ministry agents, volunteers, contractors, members or advisors.

This policy applies in addition to any other Whistle-blower Policy and processes adopted by any part of the Queensland Synod in relation to that part's specific functions or activities. In the event of an inconsistency between this policy and any other Whistle-blower policy or process, this policy prevails. This policy does not apply to Personal Work-Related Grievances and does not replace other reporting structures such as those for child protection, dispute resolution, discrimination or matters relating to workplace bullying or harassment.

Policy

1. **Matters that can be disclosed or reported**

This Policy applies where a person makes a disclosure of reportable conduct. Reportable conduct means any conduct (reasonably suspected or actual) which is:

- Dishonest, fraudulent, unlawful or corrupt activity (including theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage against property)
- a substantial misuse of Queensland Synod funds or property
- a substantial and specific danger to the health or safety of a person with a disability
- a substantial and specific danger to public health or safety
- a substantial and specific danger to the environment

- serious and persistent unethical behaviour
 - a significant and serious breach of any legislation relating to Queensland Synod's operations or activities
 - maladministration that adversely affects a person's interests in a substantial and specific way.
- For the avoidance of doubt, generic allegations of reportable conduct which lack any specificity will generally not suffice to amount to reasonable grounds to form the relevant suspicion.

2. Making a disclosure or report

2.1. Responsibility to report

The Queensland Synod relies on disclosures to help maintain and grow its culture of values, principles and honest and ethical behaviour. It is expected that anyone who becomes aware of or has reasonable grounds to suspect reportable conduct has occurred, or will occur, will make a report.

2.2. Internal reporting

Whistle-blowers are encouraged to report any concerns to their Whistle-blower Officer. That Whistle-blower Officer will, within one business day, notify the General Secretary of receipt of the whistle-blower report.

If the whistle-blower is not comfortable approaching their Whistle-blower Officer, the concern relates to that person or they have previously reported the concern and no action has been taken, then alternative reporting (see 2.3) is available.

Any person who receives a report from a whistle-blower may notify the Whistle-blower Officer and provide particulars and maintain confidentiality.

Reports can be made in person, by phone or by email.

2.3. Alternative reporting

In the circumstances mentioned in paragraph 2.2, whistle-blowers may report their concerns direct to the General Secretary who will then be the Whistle-blower Officer for the purposes of that report.

The Whistle-blower Officer is named in the definitions to this policy and is responsible for receiving whistle-blower reports and oversees the resolution.

Reports can be made in person, by phone or by email.

If the whistle-blower has a reasonable belief an internal investigation would not be sufficiently independent, a report may be made to a relevant external body such as the Australian Securities & Investments Commission (ASIC) or the Australian Charities and Not-for-profits Commission (ACNC).

2.4. Anonymous reporting

A report may be made anonymously. Whilst the whistle-blower is encouraged to share their identity as it will make it easier when addressing concerns, it is not a requirement. When dealing with an anonymous report, the investigation and assessment of concerns will occur in the same way, however there may be some practical limitations which may affect the outcome of the investigation.

The Queensland Synod is committed to fairness and equity whilst ensuring all parties' rights are respected and every appropriate effort will be made to investigate the concerns raised regardless of the reporting mechanism chosen by the whistle-blower.

2.5. Confidentiality

All information received via any reporting mechanism will be treated confidentially and sensitively. If a report is made, the identity of the whistle-blower (or any information which may identify them) will not be shared unless:

- consent is given from the whistle-blower; or
- the disclosure is required or authorised by law.

When a report is investigated, it may be necessary to reveal certain information to other Queensland Synod personnel or external parties. If this is required, all reasonable steps will be taken to protect the identity of the whistle-blower and all reasonable steps will be taken to ensure the identity and information remains secure. Unauthorised disclosure of information that could prejudice confidentiality and/or reveal the identity of the whistle-blower (who has not consented to the disclosure of their identity) will be regarded seriously and may result in disciplinary action.

2.6. Support and protection for disclosure

A whistle-blower will not be subject to any civil, criminal or disciplinary action for making a report covered by this policy or for participating in any subsequent investigation. The Queensland Synod prohibits all forms of retaliation or detrimental conduct against the whistle-blower. All reasonable steps will be taken to ensure that the whistle-blower will not be subject to any form of victimisation, discrimination, harassment, demotion, dismissal or prejudice because they have made a report. However, this policy will not protect the whistle-blower if they are also involved in, or connected to, the improper conduct or activities that are the subject of the report.

The whistle-blower should immediately inform the Whistle-blower Officer if they are being, or have been, subject to detrimental conduct or they feel their report has not been dealt with in accordance with this policy.

Support available for whistle-blowers under this Policy includes:

- access to an approved Employee Assistance Program (EAP)
- support from a senior leader, executive, council chair or ministry agent within the Queensland Synod.

2.7. Reasonable basis for making a report or disclosure

When making a report, the whistle-blower is expected to have reasonable grounds to believe the information they are reporting is true and accurate. There will be no penalty or ramifications if, upon investigation, the information is determined to be false or incorrect. However, if it is determined that a report was made vexatiously or maliciously or the whistle-blower knew the information was untrue and misleading then this may result in disciplinary or legal action.

3. Investigations

3.1. Investigating a report

An initial assessment of the initial report will be undertaken by the relevant Whistle-blower Officer within a reasonable timeframe, having regard to the substance of the report. Such assessment may include undertaking some preliminary enquires and, if it is determined that the allegations are unfounded, then the whistle-blower will be informed, and the matter concluded. The Whistle-blower Officer need not inform the person who has been implicated but will inform the General Secretary of the outcome.

However, if the preliminary enquires indicate possible concerns, an investigation will be commenced and conducted by the Whistle-blower Officer or an independent person under the direction of the Whistle-blower Officer.

Dependent on the circumstances, the Whistle-blower Officer, seeking such advice as is considered appropriate, will determine if, when and how the person who has been implicated and other affected parties are to be advised of the suspicions raised.

Investigations will follow a fair process and be conducted in a reasonable timeframe. Independent investigations will be completed to ensure there is no connection to persons implicated or that those involved in the investigation do not have any conflict of interest in undertaking the investigation. The objective of the investigation is to gather evidence relating to the claims made to either substantiate or refute them.

The investigation process will be determined on a case-by-case basis dependent on the entity conducting the investigation and the scenarios involved. Whistle-blower Officers across several entities may work in partnership to ensure the protection of the whistle-blower and confidentiality and fairness are maintained.

3.2. Investigation findings

Where an investigation does not substantiate the report, the fact that an investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.

If the investigation confirms there may be a case for a person to answer, the person who is the subject of the investigation must:

- be informed of the substance of the investigative findings;
- be given a fair and reasonable opportunity to respond to the findings;
- have their response set out fairly in the Whistle-blower's final report; and
- be informed about the substance of any adverse conclusions or repercussions that may occur.

The investigation will conclude with a final report from the Whistle-blower Officer to:

- (i) the whistle-blower and the person against whom the allegations have been made, unless restricted by law; and, where applicable,
- (ii) the General Secretary,

and will include findings on the allegations and a summary of the material facts on which the findings are based. In addition, the Whistle-blower's final report may include recommendations concerning, but not limited to:

- (i) the making of a complaint under Part 5 of the Regulations against a particular person(s);
- (ii) the reporting of matters to a regulatory or law enforcement agency (e.g. the ACNC, ASIC, ATO, Police);
- (iii) remedial actions identified as a result of the process.

The Whistle-blower Officer must complete the investigation within 45 days from the date of receipt of the report. Where the investigation process requires additional time, approval must be obtained from the General Secretary and the parties must be kept informed of such developments.

3.3. Remedial Actions

Where the Whistle-blower Officer has recommended remedial actions, sufficient de-identified information will be provided to those responsible for considering implementation of those remedial actions. A copy of that information will be provided to the General Secretary.

Those responsible for considering the implementation of remedial actions will report back to the Whistle-blower Officer and the General Secretary on any action taken.

3.4. Involvement of External Bodies

Depending on the circumstances of the reported matter, it may be necessary to involve an external entity such as the Police or other statutory body. This will be determined by the Whistle-blower Officer.

4. Whistle-blower Officer

The Whistle-blower Officer will be designated within each appropriate entity and will:

- safeguard the interests of any person making a report under this policy;
- ensure the integrity of the reporting mechanism;
- determine if further investigation is required;
- conduct internal investigations or supervise and commission external parties to conduct investigations;
- notify and keep informed the whistle-blower of any decisions made regarding the allegations

- and investigation; and
- provide guidance and support during the process.

5. Support for Persons implicated

The Queensland Synod will take all reasonable steps to treat fairly any person against whom a report is made and recognises they must also be supported during the investigation. The person will be assumed innocent and no action will be taken against anyone who is implicated until an investigation has determined whether any allegations against them are substantiated.

However, employees may be temporarily stood down on full pay (at the discretion of their employer, in consultation with the General Secretary) whilst an investigation is in process, or may be temporarily transferred to another office, placement, department or workplace if appropriate in the circumstances. Any such stand-down or temporary transfer/placement may only continue for the duration of the investigation. If the investigation determines that the allegations are not substantiated, the person shall be reinstated to full duties. In relation to ministry agents being stood aside, see the Regulations.

A person against whom a report is made must keep the information disclosed to them confidential, even if the whistle-blower has consented to the disclosure of their identity. The only exceptions being where such disclosure is required by law or if the disclosure is to a professional advisor (e.g. a lawyer or health care professional) or person mentioned below. Information will only be disclosed to persons who have a need to know for the proper performance of the investigation.

Support available for persons implicated in a report under this Policy includes:

- access to an approved Employee Assistance Program (EAP);
- support from a senior leader, executive, council chair or ministry agent within the Queensland Synod.

6. Support for other Parties affected

Where the report or investigation has, or is likely to have, an adverse effect upon another person or persons (e.g. a Congregation or Presbytery), the Whistle-blower Officer may provide such information to the effected person(s) as the Whistle-blower Officer determines appropriate to mitigate any adverse effect, provided such information does not compromise the identity of the whistle-blower (where their identity is to remain confidential) or the integrity of any investigation.

In such circumstances, the Whistle-blower Officer must advise the person(s) that the information being provided is sensitive and confidential and should seek an undertaking from the person(s) concerned that the information given to them will be kept confidential by them and will not be shared with any other person, except for the purpose of seeking and obtaining legal advice or where disclosure is otherwise compelled by law.

7. Policy Breach

Breach of this policy may lead to disciplinary action including termination of employment, displacement from ministry or committee and exposure to criminal or civil liability.

Related documents

- Complaints and Allegations Policy – POL-0003
- Conflicts Policy – POL-0002
- Person of Concern Policy – POL-0009
- Privacy Policy – POL-0001
- Safe Ministry with Children – POL-SMC-01
- UCAQ Ethical Investments – POL-0005

Definitions

Term	Meaning
Allegations	A claim that someone has done something or suspected to have done something which is reportable under this policy.
Appropriate Entity	Entities that fall within the boundaries of the Queensland Synod – Qld Synod Office, Wesley Mission Qld and UnitingCare
Codes of Conduct	A policy that identifies the required standards of behaviour
Contractors	Individuals who are not employees engaged to perform services for the Queensland Synod.
Detrimental Conduct	Any actual or threatened conduct or action that could cause a detriment or loss to the whistle-blower as a result of making a disclosure.
Personal Work-Related Grievance	Grievances where the information concerns the discloser's employment or former employment and have personal implications
Queensland Synod	Means the work and activities of the Uniting Church in Australia performed within the bounds of the Queensland Synod office including the Trinity Theological College, Raymont Lodge Residential College, Alexandra Park Conference Centre and any congregation or presbytery service.
Reportable Conduct	See paragraph 1.
Senior Leader	General Secretary, Chief Executive Office, Executive Directors, Managers or another employee identified to assist support the person implicated.
Whistle-blower	Any person making a report of reportable conduct.
Whistle-blower Officer	Means one of the following persons: (i) The person nominated by the appropriate entity who will safeguard the interests of any person making a disclosure or report under this Policy and manage the investigation of any allegation. (ii) Where the entity has not nominated a Whistle-blower Officer, then, in the case of a: <ul style="list-style-type: none"> • Congregation, the Chairperson of the Church Council; • Presbytery, the Chairperson of that Presbytery; • Committee, the Chairperson of that Committee; • Church entity that has a Board, the Chairperson of that Board, will be the Whistle-blower Officer for that entity.

Revisions

Document number	A/1.6				
Version	Approval date	Approved by	Effective date	Policy owner	Policy contact
1.0	05.12.2019	Synod Standing Committee	05.12.2019	Executive Director Strategic Resources and Assurance	Manager Risk and Compliance
2.0	07.04.2022	Synod Standing Committee	07.04.2022	General Secretary	Strategic Risk Manager
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