

# Whistleblower Policy

## Section 1 - Purpose

(1) The Whistleblower Policy (the policy) explains:

- a. The process for reporting of concerns and suspicions by workers who have knowledge of actual or suspected misconduct.
- b. When a whistleblower report may be lodged, and the process for lodging and managing whistleblower reports.
- c. The rights and protections granted to all workers who lodge a whistleblower report.
- d. The protections available to whistleblowers against reprisal.

(2) The policy is designed to promote a culture of compliance, honesty and ethical behaviour within the Catholic Diocese of Maitland-Newcastle (the Diocese) and was developed in response to recommendations from various risk assessments and commissions of inquiry to ensure the Diocese has systems in place to log and address allegations of misconduct.

## Section 2 - What is professional misconduct?

(3) Professional misconduct is misconduct or dishonest or illegal activity that has actually occurred or is suspected to have taken place within the Diocese. Examples include, but are not limited to the following:

- a. A breach of regulation or laws;
- b. A breach of Diocesan Policies and Codes;
- c. Dishonest or corrupt behaviour, including soliciting, accepting or offering a bribe or other benefits;
- d. Illegal activity (including theft, drug sale/use in the workplace, threatened violence and property damage);
- e. Impeding internal or external audit processes;
- f. Improper behaviour relating to accounting, internal controls, actuarial or audit matters;
- g. An activity that poses a substantial risk to Diocesan employee's, volunteers or the workplace;
- h. A serious impropriety;
- i. Conduct endangering health or safety at the Diocese;
- j. Conduct that is detrimental to the financial position or reputation of the Diocese;
- k. A substantial mismanagement of the resources of the Diocese; and
- l. Concealment of a serious wrongdoing.

## Section 3 - What is a Whistleblower?

(4) A whistleblower is a worker of the Diocese who, whether anonymously or not, makes, attempts to, or wishes to report conduct in connect with professional misconduct (as outlined above).

(5) All Diocesan workers should feel confident and comfortable about reporting a wrongdoing without fear of recourse.

(6) Depending on the nature of the professional misconduct, workers should consider discussing their concern with their manager in the first instance.

(7) If the worker does not feel comfortable speaking with their manager, they can raise the wrongdoing with People and Culture or Office of Safeguarding who will direct them to the appropriate channel depending on the nature of the misconduct being reported. There are a number of avenues for investing misconduct within the Diocese:

- a. Office of Safeguarding: manages any alleged misconduct towards child or 'people we support'. More detailed information is available in the Investigations Policy;
- b. People and Culture: manages misconduct relating to workers and their relationship to the Diocese or to Other workers; and
- c. Bishop/Vicar General: Matters relating to heads of agencies, clergy, or P&C/Office of Safeguarding can be raised with the Bishop or Vicar General via the Head of Governance.

(8) Matters relating to children must be reported to Office of Safeguarding ([NSW Ombudsman Act 1974](#)) as described in the [Diocesan Safeguarding Framework Policy](#). If not related to children, workers may wish to make an anonymous whistleblower report via the external independent hotline service provided by PKF Forensic and Risk Services.

## Section 4 - Whistleblower Report

(9) On receipt of a whistleblower report to the [PKF whistleblower disclosure service](#), the Whistleblower Disclosure Officer will work with PKF to determine whether it is appropriate for the investigation to be carried out by one of the groups listed above, or whether an independent external investigation is more appropriate.

(10) This assessment will be made in accordance with relevant legislation. The next step will be for the appropriate investigator to undertake an investigation with the objective of locating evidence that either substantiates or refutes the claims made by the whistleblower.

(11) Click on the [link](#) to see the reporting process.

## Section 5 - Whistleblower Protection Criteria

(12) The [Corporations Act 2001](#) contains protections for certain whistleblowers however this particular act does not apply to most workers of the Diocese. In the spirit of this act, and in order to promote an open and honest culture, the Diocese voluntarily proclaims that it will protect whistleblowers from persecution under conditions similar to those set out by the act.

(13) To be considered a whistleblower, you must meet certain criteria and do certain things when making your disclosure, namely:

- a. You must identify yourself when making your disclosure (this means giving your name to the person or authority you are making disclosure to);
- b. You must be either be:
  - i. an officer (usually that means a director or secretary of a Company controlled by the Diocese);
  - ii. an employee of the Diocese;
  - iii. a contractor, or the employee of a contractor, who has a current contract to supply goods or services to the Diocese; or
  - iv. a worker as defined in the policy glossary.
- c. You must make your disclosure to either:

- i. an Internal Auditor of the Diocese;
  - ii. an executive director, or senior manager of the Diocese; or
  - iii. a person authorised by the Diocese to receive whistleblower disclosures (i.e. the PKF whistleblower disclosure service).
- d. You must have reasonable grounds to suspect that the information you are disclosing indicates that the Diocese or a worker of the Diocese may have engaged in professional misconduct; and
- e. You must be acting in good faith. Where a person has a malicious or secondary purpose in making a disclosure, it is considered that the good faith requirement would not be met. Any worker who makes a vexatious or malicious disclosure under this policy will be subject to disciplinary sanctions ranging from formal warning to dismissal.

## **Section 6 - Investigation of the Whistleblower Report**

(14) All reports of professional misconduct should be the subject of a thorough investigation with the objective of locating evidence that either substantiates or refutes the claims made by the whistleblower.

(15) Such investigations will be conducted in consultation with PKF Forensic and Risk Services. The investigations should be conducted in a fair and reasonable manner and be independent of the organisational unit concerned, the whistleblower or any person involved in the alleged professional misconduct.

## **Section 7 - How does the Diocese protect whistleblowers and their information?**

(16) The Diocese agrees that qualifying whistleblowers shall be protected from incurring any disciplinary or other punitive action by the Diocese for making a disclosure.

(17) For example, a worker who breaches a confidentiality clause in their employment contract to make a disclosure is protected from incurring any disciplinary or other punitive action for breaching that confidentiality clause.

(18) Reporting misconduct that you yourself participated in however does not automatically give you immunity from the consequences of having engaged in the misconduct – however it may be taken into consideration by the Diocese during any subsequent disciplinary actions.

## **Section 8 - Protection from Victimisation**

(19) In some instances, establishing the offence may not be possible until an investigation has been carried out. Workers of the Diocese are encouraged to come forward with pertinent information that may support the investigation into the alleged professional misconduct.

(20) The Whistleblower Disclosure Officer will give guidance in determining whether the whistleblower meets the criteria for protection. In instances where it is determined that the whistleblower is not protected, the Diocese will take reasonable steps to maintain the worker's confidentiality and protect them from victimisation.

(21) Retaliatory action of any kind taken by a worker of the Diocese against any other worker as a result of that worker making a disclosure under this policy is prohibited and may result in disciplinary sanctions against the worker engaging in retaliatory action. These sanctions range from formal warning to summary dismissal.

## **Section 9 - Whistleblower Protection Officers**

(22) The Diocese has appointed Whistleblower Protection Officers who have responsibility for protecting whistleblowers who have made a report. They will provide assistance with helping the whistleblower understand the protections available to them and liaising with the Whistleblower Disclosure Officers for the purpose of reporting to them on the status of any investigation and/or outcome of their whistleblower report.

## **Section 10 - Whistleblower Investigators**

(23) The Whistleblower Investigators are responsible for investigating the substance of the complaint to determine whether there is evidence in support of the matters raised, or, alternatively, to refute the report made.

(24) The qualities which the Whistleblower Investigators are required to display are:

- a. sound judgment;
- b. investigations skills;
- c. integrity;
- d. communication skills;
- e. diplomacy; and
- f. objectivity.

(25) Depending on the nature of the investigation and the accused, these Whistleblower Investigators may be internal or external as determined to be appropriate on a case by case basis.

## **Section 11 - Whistleblower Disclosure Officer**

(26) The Whistleblower Disclosure Officer is the nominated person within the Diocese that will receive the details of the disclosure from the PKF whistleblower service. It is their job to liaise with PKF and see that a suitable investigator is assigned by working with relevant parties.

## **Section 12 - Key Internal Contacts**

(27) Office of Safeguarding

- a. 02 4979 1390
- b. [childprotection@mn.catholic.org.au](mailto:childprotection@mn.catholic.org.au)

(28) People and Culture Partners

- a. St Nicholas Early Education and OOSH - 0488 013 922
- b. Catholic Schools Office - 0498 008 456
- c. CatholicCare - 0498 009 890
- d. Parishes - (02) 4979 1266
- e. Email: [hrbp@mn.catholic.org.au](mailto:hrbp@mn.catholic.org.au)

(29) Whistleblower Disclosure Office

- a. (02) 4979 1179
- b. legal@mn.catholic.org.au

(30) Risk and Compliance Manager

- a. (02) 4931 1206

## **Section 13 - PKF Whistleblower Disclosure Service**

(31) Telephone: 1300 989 183

(32) <https://www.talkintegrity.com/domn/>

## **Section 14 - Anonymous Reports**

(33) The PKF whistleblower disclosure service is an independent, confidential and anonymous disclosure service available to workers of the Diocese.

(34) The Diocese has engaged PKF Forensic and Risk Services to provide an external, independent and secure process for the reporting and management of allegations (disclosures) of workplace crime, corruption or misconduct.

(35) Telephone contact with the PKF whistleblower disclosure service is made through an independent telephone number. The PKF whistleblower disclosure service also provides a web portal for disclosures to be made electronically.

## **Section 15 - Confidentiality Obligations**

(36) A whistleblower who reports or attempts to report professional misconduct will be guaranteed anonymity by the Diocese unless disclosure is required by law in legal proceedings by a regulator or under other laws.

(37) All Whistleblower Officers take the confidentiality obligation very seriously. The Whistleblower Officers will therefore always give careful consideration to how they will use the information you have supplied in order to approach and address the matter you have reported.

## **Section 16 - Communication with the Whistleblower**

(38) The extent to which the whistleblower can be kept informed during the investigation and subsequent handling of a protected disclosure will be judged on a case by case basis by the Whistleblower Officers.

(39) At the conclusion of the investigation, the whistleblower will be informed of the outcome.

## **Section 17 - Internal Reports**

(40) The Diocesan Risk Manager will periodically collect information on the existence of any whistleblower reports that may have been received by the Whistleblower Disclosure Officer.

(41) The information collected and any reports generated using that information will not permit the disclosure of whistleblower identities.

(42) A summary of disclosures may be periodically provided to the Diocesan Audit and Risk Committee and the

Bishop's Executive Committee and may also be provided to relevant stakeholders within the senior leadership team. The information included within the summaries will be limited to the category of misconduct (such as fraud or WHS) and the number of reports. Those summaries will be used to identify needs for additional prevention measures within the organisation.

## **Section 18 - Other Responsibilities**

(43) The Senior In-House Council is responsible for the provision of guidance and advice in the interpretation and application of this Policy.

(44) The Diocesan Leadership Group (DLG) is responsible for approving this policy on behalf of the Bishop.

(45) The Diocesan Risk and Compliance Manager will periodically review this policy, make amendments as needed and obtain the necessary approvals.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	15th March 2024
<b>Review Date</b>	23rd March 2024
<b>Approval Authority</b>	Chief Executive Officer
<b>Approval Date</b>	23rd March 2021
<b>Expiry Date</b>	30th September 2024
<b>Unit Head</b>	Megan Grainger Head of Governance
<b>Enquiries Contact</b>	Governance

## Glossary Terms and Definitions

**"Bishop"** - Bishop means the definition as contained in the Roman Catholic Church Trust Property Act 1936 (NSW) being a person for the time being administering the Diocese, whether as Archbishop or Bishop, Coadjutor Archbishop, Vicar Capitular or Administrator.

**"Catholic Diocese of Maitland-Newcastle (the Diocese)"** - The Catholic Diocese of Maitland-Newcastle (the Diocese) is inclusive of all parishes and agencies, communities, ministries and works that are under the authority of the Bishop of Maitland-Newcastle. The Bishop takes his authority from Canon Law (Canons 375-402). The geographical coverage of the Diocese includes all or part of the Newcastle, Lake Macquarie, Maitland, Cessnock, Port Stephens, Singleton, Muswellbrook, Upper Hunter, Dungog and Mid-Coast local government areas, with almost 160,000 Catholics, 38 parishes and serviced by multiple diocesan ministries and agencies. The Diocese is not wholly geographic in nature. There are elements of the Catholic Church operating within the physical boundaries of the Diocese that do not fall under the authority of the Bishop and are not a part of the Diocese. Equally, particular diocesan ministries occur within external institutions (e.g. Prison Chaplaincy, Hospital Chaplaincy).

**"Diocesan Leadership Group (DLG)"** - The Diocesan Leadership Group meets regularly to provide a consultative forum so that mission, pastoral and strategic plans and decisions for the diocese are realised to the highest standard.

**"Manager"** - A manager is a worker with additional responsibilities including supervising workers and/or administering a service area. This includes, but is not limited to, managers, team leaders, directors, principals, assistant principals, supervisors, heads of services/agency, parish administrators and business managers.

**"Worker"** - A Worker is a person who carries out work in any capacity for an employer or 'Person Conducting a Business Undertaking'. This includes: ♦ employees; ♦ teachers; ♦ educators; ♦ contractors; ♦ apprentices; ♦ clergy; ♦ religious; ♦ student placements; ♦ trainees; and ♦ volunteers/unpaid. In the Catholic Diocese of Maitland-Newcastle, 'worker' includes those who carry out work in diocesan parishes, within diocesan agencies and as a part of the diocesan curia.

**"Compliance"** - Adherence to applicable laws, regulations, and organisational policies.

**"Whistleblower Protection Officer"** - Are people appointed by the Diocese who have the responsibility for protecting whistleblowers who have made a whistleblower disclosure. They provide assistance with helping the whistleblower understand the protection available to them and liaising with the eligible recipient for the purpose of reporting to them on the status of any investigation and/or outcome of their whistleblower report.