Whistleblower Policy

Section 1 - Purpose

(1) The purpose of this policy is to outline how the Catholic Diocese of Maitland-Newcastle (the Diocese) will promote a culture of compliance, honesty and ethical behaviour. It ensures the Diocese has systems in place to record and address allegations of fraud, corruption, maladministration, misconduct and serious misconduct

(2) The Diocese must comply with certain legislative requirements including those within the Corporations Act 2001 (Cth) and the Taxation Administration Act 1953 (Cth)

(3) The policy explains:

a. The criteria to gain protection as a whistleblower.
b. How the Diocese interprets the term misconduct (and its inclusions of fraud, negligence, default, breach of trust and breach of duty) as defined in the Corporations Act 2001 (Cth) to provide further guidance to both whistleblowers and the Diocese.
c. The rights and protections granted to all workers who make a whistleblower disclosure.
d. When a whistleblower report may be lodged, and the process for lodging and managing whistleblower reports.
e. The protections available to whistleblowers against reprisal including detriment and victimisation.

Section 2 - Scope

(4) The policy applies to all workers of the Diocese including its agencies, and parishes if decreed by the Bishop.

(5) This policy is defined for the protection of whistleblowers and the management of whistleblower disclosures.

(6) Personal work-related grievances are generally not covered by this policy and are covered by the Grievance Resolution Policy and Procedure. Examples of grievances that may be personal work-related grievances include:

a. an interpersonal conflict between the individual and another worker;
b. a decision about engagement, transfer or promotion of the individual;
c. a decision about the terms and conditions of engagement of the individual; or
d. a decision to suspend or terminate the engagement of an individual, or to otherwise discipline the individual.

Section 3 - Responsibilities

ROLE	RESPONSIBILITIES
Bishop, CEO	♦ Primarily responsible for ensuring an effective process exists for disclosing and responding to whistleblower reports. ♦ Setting the tone at the highest leadership level, by demonstrating commitment to and compliance with this policy. ♦ Ensuring that appropriate people are delegated the responsibility to receive and investigate whistleblower disclosures. ♦ Promoting an ethical working culture.

ROLE	RESPONSIBILITIES
Directors, COO (Chief Operating Officer), Heads of Agencies, Heads of Shared Services	♦ Setting the tone at Diocesan and agency level, by demonstrating commitment to and compliance with this policy. ♦ Implementing this policy. ♦ Ensuring that whistleblowers are afforded protection that is free from retaliatory, disciplinary or punitive action. ♦ Promoting an ethical working culture.
Managers and Principals	♦ Ensuring that all workers at the workplace they manage are aware of and familiar with this policy and that all activities at the workplace are compliance with this policy and any associated procedures. ♦ Responding appropriately to reports of fraud, corruption, maladministration or professional misconduct made by workers.
Workers	♦ Understanding and following this policy. ♦ Reporting suspected or actual fraud, corruption, maladminstration or professional misconduct to the Diocese, their manager or the whistleblower disclosure service

Section 4 - Policy Principles

(7) All Diocesan workers should feel confident and comfortable about making whistleblower disclosures without fear of victimisation or detriment.

(8) The Diocese is committed to protecting a whistleblower who reports or attempts to make a whistleblower disclosure unless disclosure is required by law in legal proceedings, by a regulator or under other laws.

Whistleblower Protection Criteria

(9) Under the Corporations Act 2001 (Cth) and the Taxation Administration Act 1958 (Cth), a whistleblower is afforded protections in certain circumstances. These provisions apply within the Diocese.

(10) To receive the protections afforded to a whistleblower, you must satisfy the following criteria and take the following action when making a disclosure namely:

a. You must identify yourself when making your disclosure (this means giving your name to the person or authority you are making the disclosure to).
b. You must either be:
    i. a worker of the Diocese or immediate relation;
    ii. an officer (usually means a director or secretary of a company controlled by the Diocese); or
    iii. a contractor, or the employee of a contractor, who has a current contract to supply goods or services to the Diocese.
c. You must make your disclosure to
    i. an eligible recipient of the Diocese each of whom has relevant experience and/or training to deal with such matters;
    ii. a person authorised by the Diocese to receive whistleblower disclosures (i.e. the authorised whistleblower disclosure service); or
    iii. if you do not feel comfortable making the whistleblower disclosure to an eligible recipient, you could also raise it with the auditors or actuaries of the Diocese.
d. You must have objectively reasonable grounds to suspect that the information you are disclosing indicates that the Diocese or a worker of the Diocese may be engaged in fraud, corruption, maladministration, misconduct or serious misconduct
e. You must be acting in good faith. Any worker who makes a vexatious or malicious disclosure under this policy

may be in breach of the Code of Conduct.

Investigation of the Whistleblower Disclosure

(11) All whistleblower reports should be the subject of a thorough investigation to determine whether there is evidence to support the claim or not.

(12) Investigations will be conducted in accordance with the principles of procedural fairness in a manner independent of the organisational unit concerned, the whistleblower or any person involved in the alleged fraud, corruption, maladminstration, misconduct or serious misconduct.

How Does the Diocese Protect Whistleblowers and their Information?

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

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

(15) In some instances, establishing the offence may not be possible until an investigation has been carried out.

(16) Workers are encouraged to come forward with pertinent information that may support the investigation into the alleged fraud, corruption, maladminstration, misconduct or serious misconduct.

(17) The eligible recipient will give guidance in determining whether the whistleblower meets the criteria for protection.

(18) The whistleblower disclosure service is an independent, confidential and anonymous disclosure service available to workers of the Diocese or their immediate relation.

(19) The Diocese will engage a nominated service to provide an external independent and secure process for the reporting and management of allegations (disclosures) of workplace crime, fraud, corruption, maladminstration, misconduct and serious misconduct.

Protection from Detriment

(20) The Diocese will protect whistleblowers who make a whistleblower disclosure from incurring detriment.

(21) Whistleblowers who experience detriment as a result of making a whistleblower disclosure must report this matter to the Diocese so it can provide protection to whistleblowers who make a whistleblower disclosure.

Protection from Victimisation

(22) Retaliatory action of any kind taken by a worker of the Diocese against a whistleblower as a result of that whistleblower making a disclosure under this policy is prohibited and may result in disciplinary sanctions against the worker engaging in retaliatory action. This includes where a worker intends for a whistleblower making a disclosure to fear that a threat will be carried out or is reckless as to causing the whistleblower to fear the threat will be carried out. These sanctions range from formal warning to summary dismissal.

Section 5 - Consequences of Breaching this Policy

(23) Any worker found to be in breach of this policy may be subject to disciplinary action, including where a serious breach occurs, dismissal.

Section 6 - Notations

(24) If there is any inconsistency between a policy document in existence before the commencement of this policy, and a policy document developed after the commencement of this policy, the latter applies to the extend of the inconsistency.

Section 7 - Document Review

(25) This policy will be reviewed when there is a legislative change, organisational change, delegations change, technology change or at least every 3 years to ensure it continues to be current and effective.

Status and Details

Status	Current
Effective Date	1st October 2024
Review Date	12th September 2027
Approval Authority	Chief Executive Officer
Approval Date	12th September 2024
Expiry Date	To Be Advised
Unit Head	Megan Grainger Chief Governance Officer
Enquiries Contact	Governance

Glossary Terms and Definitions

"Grievance" - A grievance is any issue or concern raised by a worker that involves interpersonal conflicts, disagreements about perceived unfairness, discrimination, or breaches of policies, procedures, and/or conduct standards. Examples include but are not limited to: • Interpersonal conflict and disagreements between workers. • Disagreements about how work is allocated or managed. • Disagreements regarding the application of organisational policies. • Issues of discrimination, unfairness, or administrative decisions perceived as unreasonable.

"Corruption" - Occurs where a worker uses or attempts to use their position for some personal gain or advantage (either for themselves or another person or entity), rather than acting in the interest of the Diocese. It may involve a worker carrying out their duties dishonestly or unfairly or misusing the Diocese's resources or information for an improper purpose.

"Fraud" - Is dishonest activity by a worker that causes actual or potential financial loss to the Diocese, including theft of money or other property for personal gain. It includes deliberate fabrication, concealment, destruction, or improper use of documentation used for a normal business purpose or the improper use of other information or position.

"Agency" - Diocesan agencies may also be referred to as directorates. Diocesan agencies are intra-diocesan organisational structures that have been established and developed in the life of the church, to undertake good works and services on behalf of the Diocese and have the capacity to bind the Diocese to its actions. For the most part, but not exclusively, diocesan agencies are led by executive directors. Examples of Diocesan agencies include: • CatholicCare Social Services Hunter-Manning; • Catholic Community Fund (including Catholic Development Fund Maitland-Newcastle (CDFMN)); • Catholic Schools and the diocesan systemic schools; • Hunter Community Housing; • St Nicholas services including Early Education centres and Out of School Hours Care (OOSH) services; and • Shared Services, which is inclusive of multiple specialist tertiary providers to diocesan parishes and agencies, that forms part of the Diocesan Curia.

"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).

"Worker" - 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.

"Detriment" - Includes (without limitation) any of the following: • Dismissal of an employee; • Injury of an employee in his or her employment; • Alteration of an employee's position or duties to his or her disadvantage; • Discrimination between an employee and other employees of the same employer; • Harassment or intimidation of a person; • Harm or injury to a person, including psychological harm; • Damage to a person's property; • Damage to a person's reputation; • Damage to a person's business or financial position; or • Any other damage to a person.

"Eligible Recipient" - Anyone nominated under legislation and an internal staff member authorised by the Bishop either through this policy or by written delegation to receive whistleblower disclosures and ensure that a suitable whistleblower investigator is assigned. This includes: • A senior manager being a Head of Governance, Head of Finance, Head of People and Culture, Director or Executive Director • The Chief Operating Officer • The Chief Executive Officer • The Director of the Office of Safeguarding • The Bishop • Manager Quality and Assurance • Manager Governance Operations • Manager Legal and Company Secretary • Senior Legal Counsel, or • Whistleblower Disclosure Service.

"Maladministration" - Is inefficient or improper administration by an individual or team. It is conduct that involves action or inaction of a serious nature that is: • Contrary to law, • Relating to any concern about taxation or taxation affairs; or • Unreasonable, unjust, oppressive or improperly discriminatory, or Based wholly or partly on improper motives.

"Misconduct" - Misconduct is improper behaviour in the workplace that is inconsistent with employee obligations or duties. Misconduct may or may not be deliberate. Examples of misconduct may include, but are not limited to: • Failure to comply with legislation, a policy, procedure, or reasonable directive of the Diocese. • Failure to comply with professional obligations. • Acting outside of delegation and/or responsibility of position. • Disclosing confidentiality inappropriately, or misuse of confidential information. • Unauthorised absences and/or repeated lateness. • Dishonest practices. • Behaviour that a reasonable person would not view as appropriate the workplace, such as swearing at colleagues or clients. • Matters that impact an employee's ability to perform the inherent requirements of their role such as not holding, or letting lapse the required licences, clearances, registrations or qualifications to perform the role. Medical related matters will typically be managed in accordance with the Fitness for Work Policy and associated procedures. • A pattern of behaviours when taken together amount to misconduct.

"Victimisation" - Conduct that causes detriment to another person such as treating someone unfairly because they have complained about unfair treatment, are proposing to complain or because they have supported someone else acting within their rights. It also includes the threat to cause detriment where the person initiating the conduct intends the person to fear that the threat will be carried out, or is reckless as to causing the person to fear that the threat will be carried out. It may include imposing unjust penalties or practices on a person because of a complaint.

"Whistleblower" - A worker of the Diocese or immediate relation who, whether anonymously or not, makes, attempts to, or wishes to report conduct in connection with fraud, corruption, maladministration or misconduct.

"Whistleblower Disclosure" - A report made by a whistleblower in good faith to the whistleblower disclosure service or to the Diocese directly about fraud, corruption or maladministration, misconduct within the Diocese or any other matter covered by the relevant legislation.

"Serious misconduct" - Serious misconduct is: • Wilful or deliberate behaviour that is inconsistent with the continuation of the contract of employment. • Conduct that causes serious and imminent risk to the health or safety of a person or the reputation, viability or profitability of the employer business. • Engaging in theft, fraud, assault or sexual harassment in the course of the employee's employment. • Being intoxicated at work. • Refusing to carry out a lawful and reasonable instruction that is inconsistent with the employee's contract of employment Examples of serious misconduct may include, but are not limited to: • Engaging in illegal activities in the course of the employee's role. • Conduct that poses a substantial risk to workers of the Diocese, clients or anyone in the workplace. • Conduct endangering health or safety at the Diocese with the potential to cause significant impairment or death. • A substantial mismanagement of the Diocese resources or gross negligence such as a marked or gross failure to meet requires levels of care. • Assault and violence in the workplace including property damage, and threats of assault, violence and property damage. • Being under the influence of, using or selling illicit drugs or alcohol while at work. • Behaviour that could be considered dishonest or corrupt, such as soliciting, accepting or offering a bribe or other benefit or misusing Diocesan funds. • Impeding internal or external audit processes. • Improper behaviour related to accounting, trusts, internal controls, actuarial or audit matters. • Conduct that is wilfully or blindly reckless that causes detriment to the financial position or reputation of the Diocese. • Wilful behaviour that could be considered as causing harm to a child or vulnerable person in the Diocese's care. • A serious impropriety. • Concealment of a serious wrongdoing. • A pattern of behaviours when taken together amount to serious misconduct.