

# Whistleblower Procedure

## Section 1 - Purpose

(1) The purpose of this procedure is to set out the process to follow in logging and addressing allegations of fraud, corruption, maladministration, misconduct and serious misconduct in the Catholic Diocese of Maitland-Newcastle (the Diocese).

(2) This procedure explains:

- a. The process for reporting of concerns and suspicions by workers who have knowledge of actual or suspected fraud, corruption, maladministration, misconduct and serious misconduct.
- b. When a whistleblower disclosure may be lodged, and the process for lodging and managing a whistleblower disclosure.

## Section 2 - Scope

(3) This procedure applies to all workers of the Diocese including its agencies, and parishes if decreed by the Bishop.

(4) This procedure is designed for the protection of whistleblowers and the management of whistleblower disclosures that have been made to an eligible recipient.

(5) Any person who makes a disclosure that would have been a whistleblower disclosure if it had been otherwise made to an eligible recipient may not be able to be afforded protections due to the complexity of the person to whom the disclosure is made not being an eligible recipient and therefore not having access to the tools and resources available to support protections.

(6) Personal work-related grievances are generally not covered by this procedure 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 other 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 - Process

### Reporting Fraud, Corruption, Maladministration and Misconduct

(7) Workers are encouraged to report any genuine concern of fraud, corruption, maladministration, misconduct, serious misconduct or illegal activity as soon as practicable after becoming aware of the activity.

(8) A whistleblower may make a disclosure to an eligible recipient in writing, by email, verbally, through the Diocesan enterprise risk management system or the whistleblower disclosure service.

(9) The eligible recipient must ensure an incident report is lodged in the Diocesan enterprise risk management system where it has not been reported in this way. Further information about how to submit an incident report is outlined in the Incident Reporting Management Procedure. This clause does not apply to situations where a whistleblower disclosure has been made directly to the whistleblower disclosure service.

(10) Workers are encouraged to provide as much information as possible about the fraud, corruption, maladministration, misconduct or illegal activity so that the matter can be reviewed in detail.

(11) Disclosures by workers related to fraud, corruption or maladministration, misconduct, serious misconduct or illegal activity will be marked confidential and access limited to the whistleblower investigator, people supporting the investigation process and senior leaders required to be informed. Person/s subject of the concern or that may have a conflict of interest will not be given access.

(12) To be classified as a whistleblower, workers must satisfy the whistleblower protection criteria as set out in clause 10 of the [Whistleblower Policy](#).

(13) If at any point there is reason to believe a crime has been committed, consideration needs to be given to report the matter to police. If the matter relates to an indictable offence, police must be notified.

### **Whistleblower Disclosure Service**

(14) Workers can make a whistleblower disclosure through the whistleblower disclosure service provided by PKF by:

- a. Telephone: 1300 989 183
- b. [Submit Report](#)

(15) The whistleblower disclosure service will provide the worker with four options when they make a disclosure and will explain the advantages and limitations of each option. These are:

- a. Anonymously: making a disclosure without providing any contact information.
- b. Anonymously through an online portal: this allows a user to exchange messages and obtain updates about their disclosure using a report ID and password, provided the user logs back in and this could cause delays in communication.
- c. Telling the whistleblower disclosure service who they are and remaining anonymous to the Diocese.
- d. Telling the whistleblower disclosure service and eligible recipient who they are.

(16) Disclosures that are anonymous to both the whistleblower disclosure service and the Diocese are permitted and will be investigated fully as far as reasonable possible with the available information. In these circumstances, it will not be possible for the whistleblower to receive any status updates or information relating to investigation outcomes of these disclosures.

### **What happens once a Disclosure is made**

(17) The whistleblower disclosure service will then contact the eligible recipient to discuss the disclosure and agree on the appropriate body to investigate.

(18) If the whistleblower disclosure service and the eligible recipient agree that referral to an independent external investigation and/or the relevant authorities are required, then the whistleblower disclosure service is precluded from investigating the disclosure.

(19) The appropriate investigator will then undertake an inquisitorial investigation with the objective of locating evidence that either supports the claim or not.

(20) Personal information will be managed according to the [Privacy Policy](#) and will comply with relevant Privacy laws.

(21) If information is disclosed to any person under the [Whistleblower Policy](#), that person is subject to the policy and is required to keep that information confidential.

(22) Unauthorised disclosure of information, a whistleblower's identity or person/s subject of the concern may result in disciplinary proceedings including summary dismissal, civil penalties or potential criminal offences including imprisonment.

### **Communication with the Whistleblower**

(23) The extent to which a whistleblower can be kept informed during the investigation and subsequent handling of a whistleblower disclosure will be judged on a case by case basis by the whistleblower protection officers.

(24) At the conclusion of the investigation, the whistleblower will be informed of the outcome relevant to them or the management of their disclosure.

### **Internal Reports**

(25) The Head of Governance will periodically collect information on the existence of any whistleblower reports that may have been received by the eligible recipient in a summary form.

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

(27) A summary of disclosures may be periodically provided to the Diocesan Audit and Risk Committee (DARC) and the Bishop's Executive Committee and may also be provided to relevant stakeholders within the senior leadership team.

(28) The information included within the summaries will be limited to the category of misconduct (such as Fraud or WHS) and the number of reports.

(29) Those summaries will be used to identify needs for additional prevention measures within the Diocese.

## **Section 4 - Document Review**

(30) This procedure 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

|                           |                                            |
|---------------------------|--------------------------------------------|
| <b>Status</b>             | Current                                    |
| <b>Effective Date</b>     | 1st October 2024                           |
| <b>Review Date</b>        | 12th September 2027                        |
| <b>Approval Authority</b> | Chief Executive Officer                    |
| <b>Approval Date</b>      | 12th September 2024                        |
| <b>Expiry Date</b>        | To Be Advised                              |
| <b>Unit Head</b>          | Megan Grainger<br>Chief Governance Officer |
| <b>Enquiries Contact</b>  | 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.

**"Incident report"** - An online incident report form in mnResponse that is to be completed as soon as practicable after an injury, illness, incident, near miss or hazard is reported, whether or not there has been a claim for compensation.

**"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.

**"Whistleblower Investigator"** - Any member of the internal or external team tasked with investigating a whistleblower disclosure. They are required to possess the following qualities: • Sound judgment • Investigation skills • Integrity • Communication skills • Diplomacy • Objectivity, and Any other relevant skills subject to the investigation.

**"Whistleblower Protection Officer"** - 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.

**"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.

**"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.

**"Whistleblower Disclosure Service"** - An independent and confidential disclosure service available to workers of

the Diocese and their immediate relations.

**"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.