

POLICY AND PROCEDURES

WHISTLEBLOWER PROTECTIONS

PRINCIPLE

The Royal Children's Hospital (RCH) Foundation is committed to supporting people who wish to make a complaint. The RCH Foundation takes issues raised seriously and, will escalate and act on them as a matter of priority. Privacy and confidentiality of information will be a priority in handling complaints.

Section 9.4AAA of the Corporation Act 2001 (Act) provides direction for this policy. People wishing to make a complaint and RCH Foundation employees are supported with the information and guidance contained within this policy.

POLICY

1. Determining a disclosure

A disclosure is a report about improper conduct that a person makes to any of the organisations specified in section 2. (Making a Disclosure) of this document. A disclosure can also be made about detrimental action that an employee of the RCH Foundation has taken against a person in reprisal for them (or another person) having made a protected disclosure or cooperated with the investigation of a protected disclosure.

Improper Conduct

Improper conduct must, at its lowest threshold level, be either criminal conduct or conduct serious enough to result in a person's dismissal. Improper conduct can be corrupt conduct and/or specified conduct.

Corrupt conduct is conduct that would constitute an offence such as indictable offences against the Act, attempting to pervert or perverting the course of justice, bribery or misconduct, dishonest performance of their official functions, knowingly or recklessly breaching public trust including misuse of information or material that was obtained in their official capacity, conduct that could constitute a conspiracy or attempt to engage in any of the above conduct.

Specified Conduct

Covers a broad range of conduct where that conduct would, if proved, constitute a criminal offence or reasonable grounds for dismissal including corrupt conduct, substantial mismanagement of public resources, risk to public health or safety or involves substantial risk to the environment.

Detrimental action

It is an offence for a person to take action against another person in reprisal for a protected disclosure or for intending to make a disclosure. This includes action causing

injury, loss or damage, intimidation or harassment, discrimination, disadvantage or adverse treatment in relation to a person's employment, career or profession or in taking disciplinary action.

2. Making a Disclosure

Anyone can make a disclosure about improper conduct or detrimental action – both members of the public and employees. A disclosure can be made by an individual or together with a group of individuals. A company or business cannot itself make a protected disclosure, but its officers or employees can. A person does not have to specifically refer to the protections in the Act for their disclosure to be a protected disclosure. They may also advise that they do not want their disclosure to be treated as a protected disclosure under the Act by stating so in writing at the time they make the disclosure. A person can make an anonymous disclosure. However, this creates potential difficulties in assessing whether a complaint fits the definition of a disclosure. A disclosure can be made in circumstances where the identity of the person or the organisation to which the disclosure relates is not known.

A disclosure can be made to one of the following:

Senior staff at the RCH Foundation

Sue Hunt
Chief Executive Officer
Royal Children's Hospital RCH Foundation
Level 2, 48 Flemington Road
Parkville 3052
Email: sue.hunt@rch.org.au
Phone: 03 9345 5167

Suzy Ellingsen
Director, People and Culture
Royal Children's Hospital RCH Foundation
Level 2, 48 Flemington Road
Parkville 3052
Email: suzy.ellingsen@rch.org.au
Phone: 03 9345 7902

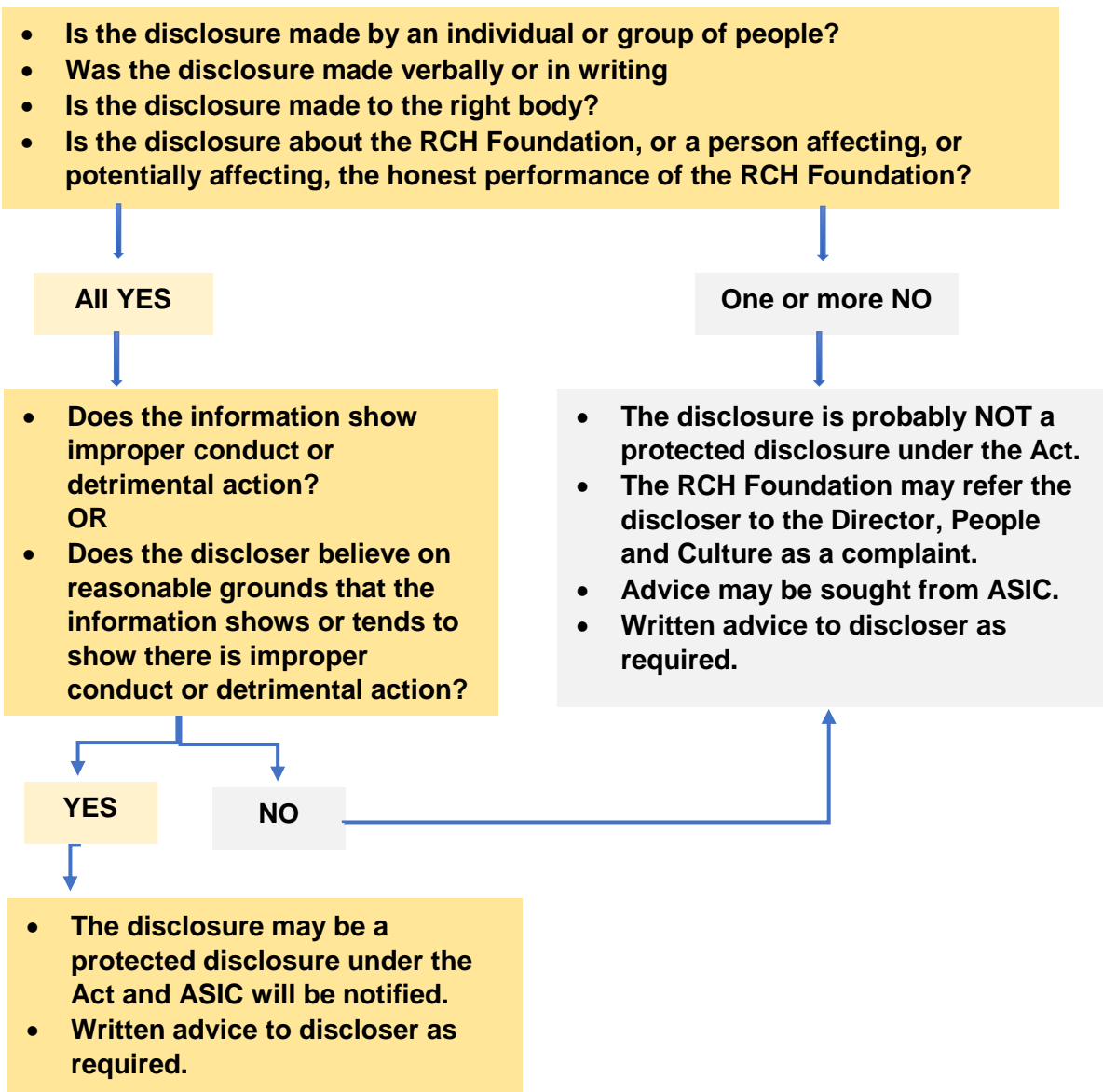
The Australian Securities & Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA)

Further information can be obtained from: <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/how-asic-handles-whistleblower-reports/>

A disclosure may be made verbally with the person receiving the disclosure making notes at the time or, with the discloser's permission, recording the conversation. A lawyer may be present during the meeting. A written disclosure may also be provided via email, post or hand delivery. An unverifiable email address or anonymous phone call or meeting at which the person does not identify themselves is also acceptable.

3. Handling a disclosure

The following process will be undertaken to assess whether there is a protected disclosure made directly to the RCH Foundation:



It is the responsibility of the senior employee receiving the disclosure to act in good faith and maintain confidentiality. If, in assessing the disclosure, the alleged conduct may pose an immediate threat to health and safety, or may consist of serious criminal conduct, immediate action can be taken while considering whether it is an assessable disclosure notifiable to ASIC. It may also be necessary to report a matter to Police and take management action against an employee to prevent future conduct. Lawful action relating to conduct may be undertaken without revealing the identity of the discloser.

4. Protections and Offences

Whilst the Act affords rights and protections to a discloser, it also provides that a person remains liable for their own conduct even though the person has made a disclosure for that conduct under the act. In addition, protections do not apply if the discloser provides information that is false or misleading. A person who makes a disclosure is not protected against legitimate management action being taken in relation to them. The responsible officer will need to demonstrate a substantial reason for taking action against the employee and that there are sufficient grounds to justify the action.

Confidentiality of disclosures ensures disclosers and others involved in investigations are protected. The Act prohibits the disclosure of the content or information about the content of an assessable disclosure as well as the disclosure of information that would lead to the identification of a person who has made an assessable disclosure. Exceptions include: to exercise functions under the Act, to obtain legal advice or representation, after ASIC has determined an assessable disclosure is not a protected disclosure, following authorisation from the investigating entity and with the consent of the discloser, to take lawful action in relation to the conduct that is the subject of the disclosure.

Sue Hunt
Chief Executive Officer

Approved: December 2019

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