



*everyone's family*

# Whistleblowing (Serious Reportable Issues)

## *Policy and Procedures*

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Level 9, 117 Clarence Street  
GPO Box 10500  
Sydney NSW 2001

Telephone 02 9085 7222  
Facsimile 02 9085 7299  
[thesmithfamily.com.au](http://thesmithfamily.com.au)

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### 1 Policy summary

The Smith Family is committed to ethical behaviour that is aligned with our values and complies with all relevant Commonwealth, State and Territory laws.

To demonstrate our commitment, this Whistleblowing Policy provides guidelines for any person or organisation associated with The Smith Family who may wish to discuss or report an actual or suspected wrongdoing.

Wrongdoing includes behaviour that is:

- illegal e.g. theft, violence or drug use
- unethical e.g. altering The Smith Family records or breaching The Smith Family's Code of Conduct
- seriously harmful to a team member e.g. disregarding their safety
- damaging to The Smith Family's reputation.

A person considering making a whistleblower report is expected to have reasonable grounds for believing that wrongdoing has occurred.

The Smith Family is committed to providing a supportive environment for the person wishing to discuss or report their concerns. The person can expect that:

- their identity remains confidential at all times to the extent permitted by law or that is practicable in the circumstances;
- they will be protected from retaliation, harassment or victimisation; and
- should retaliation occur, it will be treated as serious wrongdoing under this Policy.

If you would like to have a confidential discussion about your concerns or make a formal report, contact one of the following Whistleblower Governance Officers:

**Annette Young, Head of People and Culture**

Phone: (02) 9085 7151 or

Email: [annette.young@thesmithfamily.com.au](mailto:annette.young@thesmithfamily.com.au)

**Eamon Daly, Chief Financial Officer**

Phone: (02) 9085 7180 or

Email: [eamon.daly@thesmithfamily.com.au](mailto:eamon.daly@thesmithfamily.com.au)

**Murray Kellock, Partner, King & Wood Mallesons**

Email: [murray.kellock@au.kwm.com](mailto:murray.kellock@au.kwm.com)

All reports of actual or suspected wrongdoing made under this Policy to a Whistleblower Governance Officer will be properly assessed, and if appropriate, independently investigated.

The Smith Family recognises that a person who has had a report made against them will also need to be supported during the investigation and The Smith Family will take reasonable steps to treat the person fairly during this process.

## 2 Policy overview and principles

### 2.1 Policy statement

The Smith Family is committed to developing an internal culture based on ethical behaviours that are aligned with our corporate values. The Smith Family will ensure that we comply with all applicable laws and practices governed by State, Territory and Commonwealth legislation.

The Smith Family recognises that people who have a work, service or client relationship with the organisation are often the first to realise there may be something seriously wrong. However they may not wish to speak up for fear of appearing disloyal or may be concerned about being victimised or subject to other reprisals if they report the matter. No person should be personally disadvantaged for reporting a wrongdoing. Not only is it illegal but it directly opposes the values of The Smith Family.

The Smith Family is committed to maintaining an environment where legitimate concerns are able to be reported without fear of retaliatory action or retribution. When a person makes such a disclosure they are entitled to expect that:

- their identity remains confidential at all times to the extent permitted by law or is practical in the circumstances
- they will be protected from reprisal, harassment or victimisation for making the report
- should retaliation occur for having made the disclosure, it will be treated as serious wrongdoing under this Policy.

The purpose of this Policy is to provide a supportive environment where wrongdoing within or by The Smith Family can be raised without fear of retribution. This is achieved by:

- encouraging reporting of wrongdoing issues of legitimate concern,
- providing safe wrongdoing reporting alternatives to remove inhibitions that may impede such disclosures,

and by establishing procedures that enable:

- protection for those that make serious wrongdoing disclosures
- independent internal inquiry/investigation of disclosures made
- resolution of the issue(s) identified.

### 2.2 Scope

This Policy applies to The Smith Family Board members, Executive, managers, paid and unpaid team members, contractors and consultants. It also applies to any person or organisation that has an association with The Smith Family who reports serious wrongdoing within or by The Smith Family.

### 2.3 Definitions

**Whistleblowing** is the disclosure by or for a witness, of actual or suspected wrongdoing in an organisation that reveals fraud, corruption, illegal activities, gross mismanagement, malpractice or any other serious wrongdoing.

A **Whistleblower** is a person who reports serious wrongdoing in accordance with this Policy.

**Wrongdoing** includes conduct that:

- is fraudulent or corrupt
- is illegal (examples include but are not limited to theft, drug sale or use, violence, harassment, criminal damage to property or other breaches of State, Federal or Territory legislation)

## Policy overview and principles

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- is unethical, such as acting dishonestly; altering company records; wilfully making false entries in the books and records; engaging in questionable accounting practices; or wilfully breaching The Smith Family's Code of Conduct or other ethical statements
- is potentially damaging to The Smith Family such as maladministration or substantial waste of resources
- is seriously harmful or potentially seriously harmful to a Smith Family team member or contractor, such as deliberate unsafe work practices or wilful disregard for the safety of others in the workplace
- is a serious breach of The Smith Family's Child Safety Code of Conduct for team members which sets out expectations regarding the behaviour and responsibilities of The Smith Family team members to safeguard children and young people from abuse and neglect, and to ensure a safe environment when undertaking The Smith Family programs and activities
- may cause serious financial or non-financial loss to The Smith Family; or damage to its reputation; or be otherwise seriously contrary to The Smith Family's interests
- involves any other kind of serious impropriety including retaliatory action against a Whistleblower for having made a wrongdoing disclosure.

### 2.4 Responsibilities and approvals

This Policy has been approved by The Smith Family Board. The Policy Owner is The Smith Family Board (People & Culture Committee). The Smith Family Executive is responsible for implementation of the Policy.

See further Section 3 (Responsibilities).

### 3 Responsibilities

#### 3.1 Whistleblower Governance Officers

Whistleblower Governance Officers have a responsibility to conduct sufficient inquiry to be satisfied that:

- a Whistleblower Protection Officer is appointed to provide support to the Whistleblower
- each disclosure of wrongdoing referred to them is appropriately investigated by:
  - a trained and experienced internal investigator who is independent of the area where the wrongdoing is alleged to have occurred, or
  - a trained and experienced external investigator independent of The Smith Family where considered necessary
- action taken in response to the findings of an investigation is appropriate to the circumstances
- retaliatory action has not been taken against the person who made the disclosure.

There are two internal and one external Whistleblower Governance Officers. The two internal Whistleblower Governance Officers are:

**Annette Young, Head of People and Culture**

Phone: (02) 9085 7151 or

Email: [annette.young@thesmithfamily.com.au](mailto:annette.young@thesmithfamily.com.au)

**Eamon Daly, Chief Financial Officer**

Phone: (02) 9085 7180 or

Email: [eamon.daly@thesmithfamily.com.au](mailto:eamon.daly@thesmithfamily.com.au)

The internal Whistleblower Governance Officers have direct, unfettered access to independent financial, legal and operational advisers as required, and a direct line of reporting to the Chief Executive Officer or the Board, as may be required to satisfy the objectives of this Policy. The Whistleblower Governance Officers must make wrongdoing disclosures in broad terms to the Chair of the Finance, Audit and Risk Committee.

If a report or claim contains allegations against an executive of The Smith Family including either of the Whistleblower Governance Officers, or the Whistleblower has a reasonable belief that this avenue would not be sufficiently independent, then they may contact the External Whistleblower Governance Officer:

**Murray Kellock, Partner, King & Wood Mallesons**

Email: [murray.kellock@au.kwm.com](mailto:murray.kellock@au.kwm.com)

#### 3.2 Whistleblower Protection Officer

The Whistleblower Protection Officer is an officer, senior manager or team member appointed by a Whistleblower Governance Officer to provide protection to the Whistleblower according to this Policy. The Whistleblower Protection Officer will have a direct reporting line to an executive team member from an area of the organisation that is independent of line management in the area that is the subject of the report of wrongdoing. The Whistleblower Protection Officer will provide mentoring and other support deemed necessary by the Whistleblower Protection Officer.

The Whistleblower Protection Officer is responsible for keeping the Whistleblower informed of the progress and outcomes of the inquiry/investigation, subject to considerations of privacy of those against whom the allegations have been made.

### 3.3 Investigator

The investigator is appointed by the Whistleblower Governance Officer and may be internal or external to The Smith Family. The investigator must have investigation training and experience and may be one of the Whistleblower Governance Officers.

An internal investigator must have internal independence of line management of the area affected by the wrongdoing disclosure.

The investigator may second the expertise of other officers in The Smith Family to assist in the investigation and may seek the advice of internal or external experts as required.

### 3.4 Whistleblower

A person considering making a Whistleblower report is obliged to act in good faith and have reasonable grounds for believing the disclosure is a reportable wrongdoing. This Policy is intended to apply to reports of wrongdoing which are serious in nature.

Trivial or vexatious matters with no substance will be treated in the same manner as a false report and may themselves constitute wrongdoing. Unsubstantiated allegations which are found to have been made maliciously, or knowingly false will be viewed seriously and may be subject to disciplinary action including dismissal, or termination of a service or client relationship.

A Whistleblower must provide information to assist any inquiry/investigation of the wrongdoing disclosed.

Even though a Whistleblower may be implicated in the wrongdoing they must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this Policy.

It is important to note that making a report may not protect the Whistleblower from the consequences flowing from involvement in the wrongdoing itself. A person's liability for their own conduct is not affected by their reporting of that conduct under this Policy. However active cooperation in the investigation, an admission and remorse may be taken into account when considering disciplinary or other action.

## 4 Reporting and disclosure

### 4.1 Internal Whistleblowers

Internal Whistleblowers are Board members, Executives, managers, paid and unpaid team members, contractors or consultants.

Sometimes, a suspicion of wrongdoing may arise from a misunderstanding and is not in fact wrongdoing or is a matter where communication is restrained by confidentiality requirements or other legitimate reasons. Accordingly, any team member or contractor that detects, or has reasonable grounds for suspecting wrongdoing is encouraged to raise any concerns with their manager or team leader or their second level manager and seek advice on the best way to progress the disclosure. Where this is not appropriate, an alternative reporting mechanism, such as The Smith Family's grievance procedure, is available.

Alternatively, for external confidential advice regarding ethical matters, you may wish to contact **St James Ethics Centre – Ethics Helpline on 1800 672 303** where you will be referred to a counsellor. This is a free service for (non-legal) matters that are ethical in nature.

### 4.2 External Whistleblowers

External Whistleblowers are other people with an external relationship with The Smith Family, including students and families, supporters and suppliers.

Where such a person observes possible wrongdoing but is reluctant to report it for fear of retribution, they are encouraged to report their concerns to a higher level of management than the person in The Smith Family with whom they normally deal. Where this is not appropriate, the report should be made to an internal or external Whistleblower Governance Officer.



## 5 Protection of Whistleblowers

### 5.1 Commitment to protection

Not all disclosures of serious wrongdoing are protected by law. To meet The Smith Family's philosophy of accepting disclosures from anyone, the organisation adopts the principle of providing protection to people or organisations with a relationship with The Smith Family:

- at least to the extent of protection at law; and
- beyond legal protection wherever it is practical in the circumstances.

The following principles establish The Smith Family's commitment to protection for people who bring a disclosure of serious wrongdoing forward, whether they are:

- managers, team members, contractors or consultants, or
- a person who has a relationship with The Smith Family.

### 5.2 Confidentiality of Whistleblower's identity and whistleblowing reports

If a person or organisation makes a report of alleged or suspected wrongdoing under this Policy, The Smith Family will endeavour to protect that person's or organisation's identity from disclosure. This may not occur if confidentiality is not a practical option. Generally, The Smith Family will not disclose the person's or organisation's identity unless:

- the person or organisation making the report consents to the disclosure
- the disclosure is required or authorised by law, and/or
- the disclosure is necessary to further the investigation.

When a report is investigated it may be necessary to reveal its substance to people such as other Smith Family team members or managers, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies.

At some point in time it may also be necessary to disclose the fact and the substance of a report to a person who may be the subject of the report. Although confidentiality is maintained, in some circumstances, the source of the reported issue may be obvious to a person who is the subject of a report.

The Smith Family will also take reasonable precautions to store any records relating to a report of wrongdoing securely and to permit access by authorised persons only. Unauthorised disclosure of information relating to a report, the identity of a person or organisation that has made a report of wrongdoing or information from which the identity of the reporting person or organisation could be inferred will be regarded seriously and may result in disciplinary action, which may include dismissal.

### 5.3 Retaliation

The Smith Family is committed to protecting and respecting the rights of a person or organisation that reports wrongdoing in good faith. The organisation will not tolerate any retaliatory action or threats of retaliatory action against any person or organisation that has made or is believed to have made a report of wrongdoing, or against that person's colleagues, employer (if a contractor or supplier) or relatives.

For example, the person (or organisation, where appropriate) must not be disadvantaged or victimised for having made the report by:

- dismissal or termination of services or supply
- demotion
- any form of discrimination or harassment

## Protection of Whistleblowers

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- current or future bias
- threats of any of the above.

Any such retaliatory action or victimisation in reprisal for a report being made under this Policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. If a person or organisation has made a report and believes that retaliatory action or victimisation has occurred or been threatened, that person or organisation has the right to make a submission to the External Whistleblower Governance Officer designated in this Policy to receive reports of suspected wrongdoing. The External Whistleblower Governance Officer is independent of management and will arbitrate the matter.

### 6 Investigation of wrongdoing allegations

All reports of alleged or suspected wrongdoing made under this Policy to a Whistleblower Governance Officer will be properly assessed, and if appropriate, independently investigated, with the objective of gathering evidence relating to the claims made by the Whistleblower. That evidence may substantiate or refute the claims made.

The Investigation Officer will be responsible for ensuring the proper conduct of the investigation and for keeping the Whistleblower Governance Officer and the Whistleblower Protection Officer informed of progress.

The Investigation Officer must be a trained and experienced investigator. The investigation will not be conducted by a person who may be the subject of the investigation or has significant links or connections (actual or perceived) to the person(s) or practice(s) under investigation.

The Investigation Officer (either internal or external) is appointed by a Whistleblower Governance Officer. The Investigation Officer may be the same person as the Whistleblower Governance Officer.

Investigations must be conducted in a fair and independent manner in accordance with an established investigation procedure. This means investigations must be independent from the business unit concerned, the Whistleblower and any person who is a subject of the wrongdoing report.

## Management of a person against whom a report is made

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### 7 Management of a person against whom a report is made

The Smith Family recognises that individuals against whom a report is made must also be supported during the investigation of the wrongdoing report. The organisation will take reasonable steps to treat fairly the person who is the subject of a report, particularly during the assessment and investigation process in accordance with an established investigation procedure.

Where a person is suspected of possible wrongdoing, but preliminary enquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted, the Whistleblower will be informed of this outcome and the matter laid to rest. The Whistleblower Governance Officer will decide whether or not the person named in the allegation should be informed that a suspicion was raised and found to be baseless upon preliminary review.

This decision will be based on a desire to preserve the integrity of a person so named, so as to enable workplace harmony to continue unfettered and to protect the Whistleblower if it was a bona fide disclosure.

Where an investigation does not substantiate the report, the fact that the 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.

Generally, an Investigation Officer must ensure that the person who is the subject of any report where an investigation is commenced:

- is informed of the substance of the allegations
- is given a reasonable opportunity to respond to the allegations before any investigation is finalised
- is informed about the substance of any adverse comments that may be included in any report arising from the investigation before it is finalised, and
- has their response set out fairly in the Investigator's report.

Where the allegations in a disclosure report have been investigated and the person who is the subject of the report is aware of the allegations or the fact of the investigation, then the Investigation Officer must formally advise the person of the outcome of the investigation.

The Smith Family will give its full support to a person who is the subject of a report where the allegations contained in the report are clearly wrong.

## 8 Other related areas

### 8.1 Breach of Whistleblowing Policy

Any breach of this Policy may result in disciplinary action which may include dismissal.

### 8.2 Other complaint mechanisms

This Policy is in addition to:

- The Smith Family's *External Complaints Policy*
- The Smith Family's Framework to Safeguard Children and Young People from Abuse and Neglect
- grievance procedures for The Smith Family which allow team members to raise any matters they may have in relation to their work or their work environment, other persons, or decisions affecting their employment or engagement. This Whistleblowing Policy does not replace other reporting structures such as those for grievance and dispute resolution, discrimination or matters relating to workplace bullying or harassment
- the standard complaint mechanisms for students and families, supporters or volunteers
- the exercising of rights under the terms of their contract by contractors and suppliers.

An exception to this is where the issue is wrongdoing of a serious nature yet the existing reporting system failed to process the issue or has processed it in a substantially inappropriate, grossly unfair or heavily biased manner.

### 8.3 Dissatisfaction with outcomes of the process

If a Whistleblower or person/s who are the subject of a report are dissatisfied with the outcome of the investigation process, external confidential advice can be obtained by contacting the **St James Ethics Centre – Ethics Helpline on 1800 672 303**. This is a free service for (non-legal) matters that are ethical in nature.

### 9 Supporting documents

Other organisational policies that should be read in conjunction with this Policy include:

- Delegation of Internal Authorities
- Code of Conduct
- Grievance Resolution Policy and Procedures
- Safeguarding Children and Young People from Abuse and Neglect Framework
- External Complaints Policy
- Disciplinary procedures

A Document information

Document details	
<b>Name of document</b>	Whistleblowing (Serious Reportable Issues) Policy and Procedures
<b>Function</b>	To document the guidelines for persons and organisations associated with The Smith Family who may wish to discuss or report actual or suspected wrongdoing.
<b>Author</b>	Annette Young, Head of People & Culture
<b>Approved By</b>	The Smith Family Board (People & Culture Committee)
<b>Date of Effect</b>	29 June 2018
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<b>Date of Next Review</b>	29 June 2020

Version control				
Version No.	Version Date	Amendment Details	Amended By	Approved By
1.0	28/10/14	Implemented	Annette Young	P&C Committee
2.0	05/02/16	Policy review and minor updates to format, terminology and dates	Annette Young	P&C Committee
3.0	04/04/16	Change details of Whistleblower Contact Office from Ian Torrance to Eamon Daly, CFO	Annette Young	TSF Board
4.1	29/06/2018	Policy review includes changes to refer wrong doing disclosure to Chair of FAR committee and minor changes to Supporting documents	Annette Young	TSF Board

Related documents		
Version	Name	Date
	See Section 9	