

Whistleblower Policy & Procedure

Purpose

The My Supports Board is committed to providing a safe mechanism through which employees and others can report their concerns freely and without fear of repercussion. The objectives of this Policy are to:

- encourage disclosures of Potential Misconduct;
- help deter Potential Misconduct;
- ensure that individuals who disclose Potential Misconduct can do so safely, securely and with confidence that they will be protected and supported;
- ensure that disclosures are dealt with appropriately and on a timely basis;
- provide transparency around My Supports' framework for receiving, handling and investigating disclosures; and
- meet My Supports' legal and regulatory obligations.

Scope (who does this Policy apply to?)

Anyone with information about Potential Misconduct is encouraged to Speak Up. This Policy applies to anyone who is:

- a current or former My Supports employee
- a current or former officer of My Supports, for example a director
- a service provider or contractor who is providing, or has provided goods or services to My Supports, whether paid or unpaid including their employees; and
- a relative, dependent, or spouse of an individual identified above.

Policy

Protecting Whistleblower safety

My Supports will not tolerate anyone being discouraged from Speaking Up or being subject to detriment because they want to Speak Up or they have done so. Disciplinary action, up to and including termination of employment or engagement, may be imposed on anyone shown to have caused detriment to a person because they want to, or have, Spoken Up.

What matters can be reported

My Supports encourages any individual in the Scope above to Speak Up about Potential Misconduct. You should provide as much information as possible, including details of the Potential Misconduct, people involved, dates, locations and if any more evidence may exist.

When Speaking Up, you will be expected to have reasonable grounds to suspect the information you are disclosing is true and accurate from first-hand knowledge, but you will not be penalised if the information turns out to be incorrect. You must not make a report that you know is untrue or misleading. Deliberate false reporting will not be covered by this Policy and will not be a protected disclosure.

Examples of Potential Misconduct include but are not limited to:

- failure to comply with, or breach of legal or regulatory requirements;
- breach of My Supports' Code of Conduct or other My Supports policies;
- conflicts of interest, including those relating to outside business interests or relationships;
- criminal activity or bribery or corruption;

- misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting, taxation or financial reporting practices;
- victimisation or harassment;
- conduct endangering the health and safety of any person or persons including clients and others;
- breaches of privacy or unauthorised use of My Supports' confidential information;

Personal work-related grievances

Disclosures that relate solely to personal work-related grievances, and do not relate to detriment or threat of detriment to the person Speaking Up, are not covered by this Policy. Personal work-related grievances have implications for you personally, but no other significant implications for My Supports or other matters of misconduct beyond your personal circumstances; for example:

- an interpersonal conflict between you and another employee;
- a decision about your engagement, transfer or promotion;
- a decision about your terms and conditions of engagement.

In general a personal work-related grievance will be managed in accordance our Grievance Procedure. If the personal work-related grievance includes information about a Potential Misconduct, the grievance may qualify for whistleblower protections under this Policy.

Procedure

How to report a Potential Misconduct

You are encouraged to Speak Up to a Whistleblower Protection Officer (WPO) in the first instance. A WPO is an individual within My Supports who has specific whistleblower responsibilities under this Policy. This includes protecting and safeguarding the interests of the person Speaking Up.

You can Speak Up to any of the WPOs in the table below; different options are included so that if the Potential Misconduct relates to a particular area you can raise the issue through a different channel.

Where needed (for example, if the Potential Misconduct relates to the CEO) the WPO will forward your report to the Chair of the Board for investigation and response.

Role	Contact
People & Culture Lead	maddison.kilby@mysupports.com.au
Clinical Lead	patrick.murray@mysupports.com.au
Complaints Lead	trudy.shea@mysupports.com.au
Chief Executive Officer	andrew.young@mysupports.com.au
Anonymous/General	whistleblower@mysupports.com.au or by mail to Whistleblower Complaint, My Supports 3 Marion St Midland WA 6056

You can also Speak Up to a legal practitioner for the purposes of obtaining legal advice or legal representation about the whistleblower requirements. You can also read more about Whistleblower protections on the ASIC website (see asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/).

Can I Speak Up Anonymously?

You can choose to Speak Up in a confidential manner, anonymously or in a partially anonymous manner.

- You can make a confidential disclosure where your identity is known to the WPO and relevant stakeholders involved in the investigation and reporting of the Potential Misconduct. This is the preferred option as it allows the matter to be fully investigated whilst providing you with ongoing protection and support.

- You can also choose to be partially anonymous where only the WPO is aware of your identity and a pseudonym is used so your identity is not known to others. This may create some limitations to the investigation process.
- You can make an anonymous disclosure if you do not want to reveal your identity. This is the least preferred option as it may not be possible to investigate the report if My Supports is unable to contact you for further information and it may make it difficult to offer you the same level of practical support if My Supports does not know your identity.

What protection exists if I Speak Up under the Policy?

Protecting your identity

My Supports will protect the identity of people who Speak Up. Your identity (and any information My Supports has because of your report that someone could likely use to work out your identity) will only be disclosed if you give your consent to My Supports to disclose that information or in exceptional circumstances where the disclosure is allowed or required by law.

All information, documents, records and reports relating to the investigation of a Potential Misconduct will be confidentially stored and retained in an appropriate and secure manner. Access to all information relating to the disclosure will be limited to those directly involved in managing and investigating the disclosure. Only a restricted number of people who are directly involved in handling and investigating the disclosure will be made aware of your identity (subject to your consent) or information that is likely to lead to the identification of your identity.

You can lodge a complaint with the WPO, or a regulator for investigation if you believe that is a breach of confidentiality under this Policy.

Protecting you from detriment

You will not be penalised or subject to any detriment for Speaking Up. It is unlawful to cause detriment to you or another person on the belief or suspicion that a report has been, or will be, made, regardless of whether the report was made. My Supports will not tolerate such unlawful behaviour.

Examples of detrimental conduct include (but is not limited to):

- dismissal of an employee;
- alteration of an employee's position or duties to his or her disadvantage;
- discriminatory behaviour towards the employee or harassment or intimidation of a person;
- harm and injury to a person, including psychological harm; or
- damage to a person's property, reputation, business or financial position.

Reasonable administrative or management action such as managing your unsatisfactory work performance does not constitute a detriment if the action taken is consistent with My Supports' performance management process. An administrative action that is reasonable for the purpose of protecting you from risk of detriment is not detrimental conduct. For example, My Supports may ask you to perform your duties from another location, reassigning you to another role at the same level, make other modifications to your workplace or the way you perform your work duties.

If you believe you have been subjected to a detriment because of the actual or intended disclosure, you should immediately report the matter to the WPO so prompt action can be taken to protect against further detrimental acts or omissions. Reports of detrimental conduct will be treated confidentially. You may also seek independent legal advice or contact regulatory bodies if you believe you have suffered a detriment.

Protection from civil, criminal and administrative liability

You may be entitled to protection from civil liability, criminal liability and administrative liability (including disciplinary action) in respect of the disclosure although whistleblower protections do not grant immunity for any Potential Misconduct you have engaged in that is revealed in the process.

What happens once a report is made?

Investigating the disclosure

All reports of misconduct under this Policy will be dealt with promptly, fairly and objectively. All reports will be properly assessed and considered by the WPO and a decision made as to whether it should be investigated.

If the WPO determines that an investigation is required, the WPO will brief a Whistleblower Investigation Officer (WIO) to undertake an investigation with the objective of locating evidence that either substantiates or refutes the claims of Potential Misconduct. The WIO may engage external professionals to assist in any investigation. The WPO will monitor the WIO's investigation to ensure the confidentiality of the investigation is maintained.

The WIO will conduct the investigation in a timely manner and will be fair and independent from any persons to whom the report relates. All employees and contractors must cooperate fully with any investigation.

Where appropriate, a person being investigated will be provided with details of the report that involves them (to the extent permitted by law) and be given an opportunity to respond.

The WIO will gather documents, information and evidence relating to the report including ensuring that all documentations and information relating to the report is kept secure and protected. The WIO will draw objective conclusions based on the evidence gathered during the investigation and present findings and recommendations to the WPO. The WPO will determine appropriate response and necessary action to remediate, or act on the investigation findings.

My Supports is committed to implementing the findings and recommendations of any investigation with a view to rectifying any wrongdoing as far as is practicable in the circumstances.

Keeping you informed

Assuming your identity is known and where appropriate, you will be kept informed and updated during the following key stages of the investigation:

- when the investigation process has begun;
- while the investigation is in progress; and
- after the investigation has been finalised.

There may be some circumstances where it may not be appropriate to provide details of the outcome to you. You will not be provided with a copy of the investigation report.

Reporting

The WPO will report the findings and actions directly to the Chair of the My Supports Board.

In cases where the CEO, or a member of the Board has been accused of reportable conduct, or where they have a close personal relationship with the person against whom the accusation is made, they will be excluded from the reporting process.

Additional Information

Definitions

- **Potential Misconduct** means any suspected or actual misconduct or improper state of affairs or circumstances in relation to My Supports. It also means (but is not limited to) a breach of law or information that indicates a danger to the public or to the financial system.
- **Speaking Up** means informing (verbally and/or in writing) the appropriate person identified in the Policy if you have reasonable grounds to suspect that potential wrongdoing has occurred or is occurring in relation to My Supports.
- **“Whistleblower”** means the person Speaking Up.
- **Whistleblower Investigation Officer (WIO)** means the person who has responsibility for investigating the report of Potential Misconduct.
- **Whistleblower Protection Officer (WPO)** means the person who has specific whistleblower responsibilities under this Policy including the protection and safeguarding of the interests of the person Speaking Up.

Related Documents (see also)

- Managing Performance and Staff Termination Policy and Procedure
- Bullying and Harassment Policy & Procedure
- Grievance Procedure
- Staff Code of Conduct
- Privacy Policy & Procedure

Compliance

- Corporations Act 2001