

WHISTLEBLOWER POLICY

1. PURPOSE

- 1.1. Children by Choice is committed to an open and accountable culture that encourages honest and ethical behaviour, corporate compliance and good corporate governance.
- 1.2. As part of this commitment, Children by Choice recognises that an important aspect of this is that individuals feel confident and supported to report any concerns they may have about suspicious activity or misconduct in relation to our activities without fear of harm, discrimination, intimidation or victimisation.

2. WHO THIS POLICY APPLIES TO

- 2.1. A person making a report under this policy is referred to as a Whistleblower.
- 2.2. Under this policy, a Whistleblower can be a current or former:
 - 2.2.1. permanent, temporary, casual, part-time or full-time employee;
 - 2.2.2. officer or associate of Children by Choice;
 - 2.2.3. volunteer at Children by Choice;
 - 2.2.4. worker on secondment or supplied by an agency;
 - 2.2.5. a supplier of goods or services (whether paid or unpaid) including their employees (e.g. current and former contractors, consultants, service providers and business partners); and
 - 2.2.6. a relative, spouse or dependant of an individual referred to in sections 2.2.1 to 2.2.5.

3. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Management Committee	The Management Committee approves the policy and any amendments. The Management Committee also governs and is responsible for the ultimate decision-making power regarding reports made under this Policy.
Chief Executive Officer	The CEO reviews and ensures this policy is approved by the Management Committee and maintains the policy according to internal requirements.
Employees, volunteers, contractors and third-party service providers	Responsible for compliance with this policy, and any supporting policies, standards, and procedures.

4. ACCESS TO POLICY

- 4.1. Children by Choice is committed to providing services which are inclusive and accessible to all eligible persons. As part of this commitment, Children by Choice recognises the importance of ensuring this policy is accessible to all persons regardless of age, background, ability, location and/or economic status.

- 4.2. A copy of this policy will be available:
 - 4.2.1. on the Children by Choice website
 - 4.2.2. through any internal systems e.g. a staff intranet and Employment Hero; and
 - 4.2.3. induction packs and training for new starters (whether engaged as employees, contractors or volunteers).

5. REPORTING

- 5.1. Whistleblowers may make a report under this policy if they have reasonable grounds to suspect misconduct or an improper state of affairs in relation to Children by Choice (Reportable Conduct).
- 5.2. Examples of Reportable Conduct may include conduct by Children by Choice or its employees which:
 - 5.2.1. is dishonest, fraudulent or corrupt, including bribery;
 - 5.2.2. is an illegal activity (such as theft, violence, harassment or intimidation, criminal damage to property or other breaches of state or federal law);
 - 5.2.3. endangers the public or the financial system;
 - 5.2.4. may cause financial loss to Children by Choice or damage its reputation or be otherwise detrimental to its interests;
 - 5.2.5. breaches the Corporations Act 2001 (Cth) (Corporations Act) or other financial regulatory legislation; or
 - 5.2.6. is a Commonwealth offence punishable by imprisonment of 12 months or more.

6. WHAT CANNOT BE REPORTED UNDER THIS POLICY

- 6.1. Subject to certain exceptions outlined below, Reportable Conduct does not include a personal work-related grievance in relation to Whistleblower's employment or former employment with Children by Choice that has implications for the Whistleblower personally.
- 6.2. Examples of a personal work-related grievance may include:
 - 6.2.1. an interpersonal conflict with another employee;
 - 6.2.2. a decision by Children by Choice that does not involve a breach of workplace laws;
 - 6.2.3. the terms and conditions of a person's employment;
 - 6.2.4. the suspension, termination, transfer or promotion of a person's employment; or
 - 6.2.5. any disciplinary or performance management process.
- 6.3. However, reports relating to personal work-related grievance may still qualify for protection under this policy if:
 - 6.3.1. the personal work-related grievance includes information about Reportable Conduct, or if concerns about Reportable Conduct include or is accompanied by a personal work-related grievance;
 - 6.3.2. the personal work-related grievance suggests a pattern of behaviour or conduct extending beyond the Whistleblower's personal circumstances; or
 - 6.3.3. the Whistleblower suffers from or is threatened with detriment for disclosing Reportable Conduct in accordance with this policy.
- 6.4. *False reporting*
- 6.5. A false report of Reportable Conduct could have a significant effect on the reputation of Children by Choice and the reputations of other staff.
- 6.6. Deliberate false reporting of Reportable Conduct, whether under this policy or otherwise, will be treated as a serious disciplinary matter.

7. HOW TO MAKE A REPORT

- 7.1. Reportable Conduct can be reported to any member of the management committee or senior manager at Children by Choice.
- 7.2. Alternatively, reports can also be made to the following external people or bodies:
 - 7.2.1. an external auditor engaged by Children by Choice;
 - 7.2.2. Australian Securities and Investments Commission;
 - 7.2.3. Australian Prudential Regulation Authority;
 - 7.2.4. a lawyer (to obtain advice or representation about the whistleblower protections set out in the Corporations Act); or
 - 7.2.5. in limited circumstances involving an emergency or public interest disclosure (see below), to the media or a Member of federal or state parliament.
- 7.3. The requirements for an emergency disclosure under section 7.2.5 are:
 - 7.3.1. the Whistleblower has previously made a report under this policy;
 - 7.3.2. the Whistleblower has reasonable grounds to believe that their report concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
 - 7.3.3. the Whistleblower has provided the report to any member of the MC or senior manager with written notice that:
 - 7.3.3.1. includes sufficient information to identify their previous report; and
 - 7.3.3.2. states that they intend to make an emergency disclosure; and
 - 7.3.3.3. the extent of the information disclosed is no greater than necessary to inform the recipient of the substantial and imminent danger.
- 7.4. The requirements for a public interest disclosure under section 7.2.5 are:
 - 7.4.1. the Whistleblower has previously made a report under this policy;
 - 7.4.2. at least 90 days have passed since the Whistleblower's last report was made;
 - 7.4.3. the Whistleblower has reasonable grounds to believe that making a further report would be in the public interest;
 - 7.4.4. the Whistleblower has provided the report to any member of the MC or senior manager with written notice that:
 - 7.4.4.1. includes sufficient information to identify their previous report; and
 - 7.4.4.2. states that they intend to make a public interest disclosure; and
 - 7.4.4.3. the extent of the information disclosed is no greater than necessary to inform the recipient of the substantial and imminent danger.

8. SUBMITTING A REPORT

- 8.1. Reports can be made orally or in writing, including by email.
- 8.2. Where possible, the following information about Reportable Conduct should be provided:
 - 8.2.1. the Whistleblower's full name, address and preferred contact details (whilst there is no requirement to do this, this information will assist Children by Choice to investigate the Reportable Conduct and provide the Whistleblower with appropriate protections from any detrimental conduct);
 - 8.2.2. the nature of the alleged wrongdoing including, where relevant, details of the person believed to have committed the wrongdoing, or is aware of, or involved in, the wrongdoing;
 - 8.2.3. when and where the wrongdoing occurred;
 - 8.2.4. anyone else who may verify the claim, or possible witnesses;
 - 8.2.5. if the Whistleblower is concerned about any possible victimisation or acts of reprisal for reporting the matter, or has been subject to detrimental conduct for a previous report of Reportable Conduct, and any assistance or support sought from Children by Choice;
 - 8.2.6. any supporting information (e.g. emails, documents, text messages, file notes, photos); and

- 8.2.7. any steps taken previously to report the matter elsewhere or to resolve the concern.
- 8.3. If a report does not contain sufficient information to form a reasonable basis for investigation, then any member of the MC or senior manager may request additional information from the Whistleblower. If this additional information cannot be obtained, and the investigation is unable to be completed, then the report will be closed, and the Whistleblower will be informed.
- 8.4. *Anonymous Reports*
- 8.5. Reports of Reportable Conduct can be made anonymously, and a Whistleblower may choose to remain anonymous, including during any investigation into the report.
- 8.6. If an anonymous report is made, Children by Choice encourages the Whistleblower to communicate via an anonymised email address to assist Children by Choice with progressing any investigation into the Reportable Conduct.

9. INVESTIGATION OF REPORTABLE CONDUCT

- 9.1. Children by Choice considers and records all reports fairly, objectively and confidentially, and as soon as practicable after the issue has been reported.
- 9.2. The particular process adopted will be determined based on the nature and substance of the report.
- 9.3. A report may be addressed and resolved informally (such as assisting employees to change their behaviour) or through formal investigation. In all cases, reports will be treated sensitively, seriously, and objectively.
- 9.4. While making a report does not guarantee a formal investigation, all reports will be properly assessed and considered by Children by Choice and a decision made as to whether they should be investigated.
- 9.5. If an investigation is undertaken, all employees and contractors must cooperate fully with any investigation.
- 9.6. Where an investigation is undertaken, Children by Choice will ensure it is objective and conducted in a timely manner. Investigators will be independent from any person to whom the report relates.

10. SUPPORT AND PROTECTION OF WHISTLEBLOWERS

- 10.1. *Protections*
- 10.2. Children by Choice is committed to ensuring confidentiality in respect of all matters raised under this policy, and that those who make a report are treated fairly and do not suffer detriment.
- 10.3. Children by Choice will safeguard the interests of Whistleblowers having regard to this policy and any other applicable policies and laws.
- 10.4. *Protection from detrimental conduct*
- 10.5. Children by Choice is committed to ensuring that no person will be subject to, or threatened with, detrimental conduct (whether by act or omission) by any person as a result of making or proposing to make a report of reportable conduct.
- 10.6. Detrimental treatment includes dismissal, demotion, harassment, discrimination, bias, threats or any other harm or unfavourable treatment connected with making or proposing to make a report.
- 10.7. If Whistleblowers are subjected to detrimental treatment as a result of making a report in good faith under this policy, they should inform any member of the MC or senior manager immediately.

- 10.8. Whistleblowers will be protected under this policy when they make a report of Reportable Conduct even if the investigation rules that their concern was not substantiated or if a determination was not possible (except in cases of deliberate false reporting).
- 10.9. Any person found to have engaged in detrimental conduct will be subject to disciplinary action.
- 10.10. Protection of Identity and Confidentiality*
- 10.11. Upon receiving a report under this policy, Children by Choice will only share the Whistleblower's status as a whistleblower or information likely to reveal their identity if the Whistleblower consents or if otherwise if permitted by law.
- 10.12. A release of information in breach of this policy will be regarded as a serious matter and dealt with under Children by Choice's disciplinary procedures.
- 10.13. Any reports of a Whistleblower's identity or information likely to reveal their identity will only be made on a strictly confidential basis, and consistent with Children by Choice's Privacy Policy.
- 10.14. All files and documents created from an investigation will be stored securely.
- 10.15. Reports relating to Tax Affairs*
- 10.16. The Tax Administration Act 1953 (Cth) (Tax Act) protects reports of information that indicate misconduct or an improper state of affairs about the tax affairs of an entity or an associate of an entity. This protection applies where persons consider the information may assist the recipient in performing functions or duties relating to the tax affairs of the entity or an associate.
- 10.17. The protection is provided for reports made to the Commissioner of Taxation or any person or agency specified in section 6.1 of this policy. The protections available to a person making a protected report under the Tax Act are the same as those outlined above.

RELATED DOCUMENTS

Policy / Procedure / Work Instruction	• Decision Making Principles (related to SECTION 9) • Grievances Policy • Privacy Policy • Records Management Policy • Conflict of Interest Policy
Forms / Registers	• Conflict of Interest Register • CbyC Master Register – Whistleblower Outcomes (Tab 20)

COMPLIANCE REQUIREMENTS

Legislation and regulatory requirements	• ACNC Governance Standard 3 • Corporations Act 2001
Other (e.g., AS/NZS Standards)	

REFERENCES AND RESOURCES

- <https://www.asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/how-asic-handles-whistleblower-reports>
- [Regulatory Guide RG 270 Whistleblower policies](#)

REVIEW AND EVALUATION

This policy will be reviewed every two years from the date of approval, or earlier if any of the following occur:

- an investigation or audit reveals gaps or deficiencies in this policy;
- feedback from other stakeholders identifies areas for improvement; or
- a significant incident or near miss event indicates a need for policy revision.

The CEO is responsible for coordinating the review process. The Management Committee is responsible for approving any amendments to this policy.