

Whistleblower Policy

Purpose

The purpose of this Policy is to outline the framework for receiving, handling and investigating Disclosures relating to activities at HousingFirst in a way that encourages the reporting of misconduct within HousingFirst and protects Whistleblowers from fear of intimidation or disadvantage.

The objectives of the Whistleblower Policy are to:

- encourage the reporting of suspected wrongdoing within HousingFirst;
- ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- ensure Disclosures are dealt with appropriately and on a timely basis;
- provide transparency around the receiving, handling and investigating Disclosures.

Effective implementation of this Policy will lead to a reduced risk of wrongdoing and will safeguard the reputation, values and ethics of HousingFirst and ensure we meet our legal and regulatory obligations.

Scope

This Policy applies to persons who make an allegation of misconduct, an improper state of affairs or circumstances, in relation to HousingFirst (Whistleblower).

The following individuals are eligible to make a protected Disclosure (eligible Whistleblowers) if they are or have been, any of the following:

- HousingFirst director, employee, associate or officer;
- a supplier of goods or services to HousingFirst (paid or unpaid) this includes volunteers;
- an employee of suppliers of goods or services to HousingFirst; and
- any relative or dependant of an individual described above.

The Disclosure of information related solely to a personal work-related grievance is not covered by this Policy (please refer to personal work-related grievance in Section 1 below).

Definitions

Associate	Has the meaning given in s9 of the Corporations Act
Detriment	Has the meaning given in s1317ADA of the Corporations Act
Discloser	An individual who discloses wrongdoing or an eligible Whistleblower
Disclosure	A disclosure of information relating to wrongdoing or a Disclosable Matter
Disclosable Matters	Refers to the types of matters outlined at section 1 below, which are protected by Whistleblower Laws and the terms of this Policy.
Eligible Recipient	An individual who can receive a disclosure that qualifies for protection
Eligible Whistleblower	An individual to whom the Whistleblower protections apply
Officer	Has the meaning given in s9 of the Corporations Act
Whistleblower(s)	Refers to the persons who has made a Disclosure that qualifies for protection under the Corporations Act

Whistleblower Laws Refers to the protections contained in Part 9.4AAA of the *Corporations Act 2001*.

Policy Statement

HousingFirst is committed to promoting an ethical culture of good governance and proper practice. Our Whistleblower Policy is supported by our values of integrity and accountability. This section of the Policy explains:

- The types of matters that can be reported under this policy ([section 1](#))
- Who can receive a Disclosure ([section 3](#))
- How to make a Disclosure ([section 3](#))
- How a Disclosure will be handled and Investigated ([section 4](#))
- The legal protections available to Disclosers ([section 5](#))
- How Disclosers will be supported and protect from detriment ([section 6](#))
- How HousingFirst will ensure fair treatment of individuals mentioned in Disclosures ([section 7](#))

1. Disclosable Matters

This Policy supports the reporting of any matter that a Discloser has reasonable grounds to suspect is misconduct, or an improper state of affairs or circumstances, in relation to HousingFirst.

Disclosable Matters that qualify for protection are:

- a breach that would constitute a contravention of the Corporations Act 2001, the ASIC Act 2001, the Superannuation Industry (Supervision) Act 1993, the Banking Act 1959 or any insurance or life insurance statutes;
- constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- conduct that represents a danger to the public or the financial system;
- is prescribed by regulation (e.g. State Legislation).

Examples of Disclosable matters:

- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- fraud, money laundering or misappropriation of funds;
- offering or accepting a bribe;
- financial irregularities;
- failure to comply with, or breach of, legal or regulatory requirements; and
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.

This Policy extends to Disclosable Matters that occur before or after the commencement of this Policy and is not limited to the above examples and may not involve a contravention of a particular law.

Personal work-related grievance

The Disclosure of information related solely to a personal work-related grievance is not covered by this Policy and are generally not protected by Whistleblower Laws and remain under the jurisdiction of the Fair Work Act. A personal work-related grievance relates to information that concerns a grievance in relation to the Discloser's employment or former employment which has implications for the Discloser personally but does not;

- have significant implications for HousingFirst; or
- concern conduct or alleged conduct referred to as Disclosable Matters above.

Examples of personal work-related grievance:

- an interpersonal conflict between the discloser and another employee;
- a decision that does not involve a breach of workplace laws;
- a decision about the engagement, transfer or promotion of the discloser;
- a decision about the terms and conditions of engagement of the discloser; or
- a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

A personal work-related grievance may still qualify for protection if it includes information regarding a Disclosable Matter, the Discloser suffers from or is threatened with detriment for making the Disclosure or if the Discloser seeks legal advice or legal representation in relation to Whistleblower protections in the Corporations Act.

Individuals should refer to the HousingFirst Positive and Fair Workplace Policy for guidance relating to personal work-related grievance.

2. Whistleblowing

Whistleblowing is usually only necessary in certain circumstances. In most situations, individuals should address any matters of concern through their reporting line, by raising any issues with a line manager, general manager or HR manager or through their usual contact at HousingFirst.

In some situations, individuals may feel that they are not able to raise concerns through their reporting line, for example where they believe their Manager may be involved in misconduct. In such circumstances an individual can consider making a Disclosure in accordance with this Policy.

In addition to this Whistleblower policy HousingFirst also has the following complaint and incident reporting policies and procedures in place:

- Fraud, Bribery and Corruption Policy
- Incidents procedure
- HousingFirst Positive and Fair Workplace Policy

3. Making a Disclosure

In order to be protected by Whistleblower Laws, a Disclosure must be made directly to an eligible recipient.

At HousingFirst these are:

- Whistleblower Protection Officer/s (WPOs);
- The CEO, Company Secretary or Director;
- an auditor (inc. a member of an audit team conducting an audit) or actuary for HousingFirst.

HousingFirst encourage Disclosures to be made in the first instance to the WPO (if appropriate).

Disclosures are to be made in writing or in person and can be made anonymously and/or confidentially. Disclosures are to be marked confidential and addressed to: **Whistleblower Protection Officer (or other HousingFirst eligible recipient) , Suite 3.01, Level 3, 492 St Kilda Road, Melbourne, VIC 3004 or via secure email address WPO@HousingFirst.org.au.**

Disclosures are also protected by Whistleblower Laws if made to:

- Legal practitioner (for the purpose of obtaining legal advice or representation);

- Regulatory bodies such Australian Securities and Investment Commission <https://www.asic.gov.au>, Australian Prudential Regulatory Authority (APRA) <https://www.apra.gov.au>, or another commonwealth body nominated for this purpose through the regulations;
- Tax related disclosures can be made to the Australian Tax Office (ATO) <https://www.ato.gov.au> .

Conclusive proof of misconduct is not required in order to make a Disclosure. However, the more specific the Disclosure, the more likely that the matters raised will be able to be successfully investigated. The type of information a Disclosure could include:

- a description of the matter of concern;
- names and job titles of individuals involved;
- key dates and places on which the alleged misconduct occurred;
- where possible, documents or material that evidences misconduct.

A Disclosure can qualify for protection even if the Disclosure is later determined to be incorrect.

Anonymous Disclosures

Disclosures can be made anonymously and will still be protected. A Discloser can choose to remain anonymous while making a Disclosure, over the course of an investigation and after the investigation is finalised.

If a Disclosure comes from an email address from which the person's identity cannot be determined, and the Discloser does not identify themselves in the email, it will be treated as an anonymous Disclosure.

It is suggested a Discloser who wishes to remain anonymous maintains ongoing two-way communication with HousingFirst, so that follow-up questions can be asked. A Discloser can refuse to answer questions that they feel could reveal their identity during follow-up conversations.

In order to protect their anonymity a Discloser may choose to adopt a pseudonym or anonymised email for the purposes of their Disclosure, and not use their real name.

Public Interest and Emergency Disclosures

In very serious circumstances a Whistleblower may be eligible to make a public interest or emergency disclosure to a journalist or parliamentarian and qualify for protection.

There are strict requirements for making such a disclosure and it is important to fully understand the criteria in order to qualify for protection. Independent legal advice should be sought by the Whistleblower.

4. Handling and Investigating a Disclosure

Upon receipt of a Disclosure, the eligible recipient will promptly acknowledge (where possible) the Disclosure and arrange to carry out an initial review into the matter.

Disclosures relating to HousingFirst's CEO or WPO or a Director will be directed immediately to the Chair of the Governance and Risk committee or Chair of the Board.

After initial review and determination that the Disclosure falls within this Policy and warrants a formal investigation, an appropriately qualified and independent investigator will be appointed and will need to determine:

- the nature and scope of the investigation;
- the person(s) within and/or outside HousingFirst that should lead the investigation;
- the nature of any technical, financial or legal advice that may be required to support the investigation;
- the timeframe for the investigation.

HousingFirst will (where possible) keep the Discloser informed and updated with the progress at key stages of the investigation (frequency may vary depending of the nature of the Disclosure). However, in certain circumstances it might not be appropriate to provide details of the outcome of the investigation.

HousingFirst's Governance and Risk Committee and Board will be provided with regular updates regarding the progress of any ongoing investigations at each meeting as part of regular compliance reporting.

HousingFirst will take every effort to ensure the confidentiality of its Disclosure handling and investigation process (refer to section 5 below) and that appropriate records and documentation for each step of the process are maintained securely.

Limitations of the Investigation process

HousingFirst may not be able to undertake an investigation if it is unable to contact the Discloser (e.g. if a Disclosure is made anonymously and the Discloser has refused or omitted to provide a means of contacting them).

5. Legal Protections available to Disclosers

Confidentiality

HousingFirst is prohibited by law from disclosing the identity of a Discloser or disclosing information that is likely to lead to the identification of the Discloser.

Individuals may only disclose the identity of a Discloser with the Discloser's consent or to ASIC, APRA, the Australian Federal Police or a legal practitioner for the purposes of obtaining legal advice or legal representation regarding the Whistleblower Laws, to person or body prescribed by the regulations or with the consent of the Discloser.

Individuals may disclose the existence of the Disclosable Matters (without disclosing the identity of the Discloser) to the extent necessary for the matters to be investigated, provided all reasonable steps are taken to reduce the risk that the Discloser's identity can be discovered.

ASIC, APRA or the Australian Federal Police can disclose the identity of the discloser, or information that is likely to lead to the identification of the discloser, to a Commonwealth, state or territory authority to help the authority in the performance of its functions or duties.

HousingFirst will ensure all information relating to the Disclosure is stored securely and only those directly involved in managing and investigating the Disclosure will have access. Communications and documents relating to the Disclosure are not to be sent or printed to areas accessible to other staff.

Those individuals directly involved in the managing and investigating or the Disclosure who are aware of the Disclosures identity or information that is likely to lead to the identification of the Discloser are reminded to keep information confidential.

If an Individual need to make a complaint regarding a breach of confidentiality under this Policy, they should immediately inform the WPO. Complaints may also be lodged with or ASIC, APRA or the ATO for investigation.

Any breach of these confidentiality protections is illegal and attracts significant fines for both individuals and companies.

Protection from detrimental acts or omissions

All reasonable steps will be taken to ensure that the Discloser (or another person) is not be subject to any detrimental act such as; dismissal, injury, demotion, victimisation, discrimination, harassment, harm, injury, damage, threats or any other unfavourable treatment because they made a report. Further details are set out in section 1317ADA of the Corporations Act.

Detrimental conduct does not extend to any management or administrative action taken in order to protect a Discloser from detriment (e.g. moving a Discloser from their immediate work area to another office to prevent detriment) or managing unsatisfactory work performance. HousingFirst will take reasonable steps to explain management or administrative action to the Discloser.

Compensation and other remedies

A Discloser may seek compensation and other remedies through the courts if they suffer loss, damage or injury because of a Disclosure and HousingFirst failed to prevent a person from causing the detriment. Further details are set out in section 1317AD of the Corporations Act and Disclosers are encouraged to seek independent legal advice.

Civil, criminal and administrative liability protection

A Discloser is not liable for any criminal, civil or administrative action (whether at the request of HousingFirst, an alleged wrongdoer or any other person) in relation to their Disclosure. However, protections do not grant immunity for any misconduct a Discloser has engaged in that is revealed in their Disclosure. Further details are set out in section s1317AB(1) of the Corporations Act.

6. Support and Practical Protections of Disclosers

HousingFirst is committed to ensuring that any individual who reports a Disclosable Matter, acts as a witness or participates in any way with respect to a report of misconduct will be supported and protected from detriment.

Identity Protection (Confidentiality)

The Discloser's identity will be kept confidential and will only be used if the Discloser consents. If consented to their identity being disclosed, this information will be provided only for the purposes of carrying out an investigation.

HousingFirst will put in place the following measures in order to protect a Discloser's identity:

- All personal information or reference to the Discloser will be redacted from related documentation;
- The Discloser will be referred to in gender-neutral context;
- All related paper and electronic documents will be stored securely;
- Access to information will be strictly limited to those directly involved in handling and investigating the Disclosure;
- Disclosures will be handled by trained personnel and investigated by a legal practitioner;
- Individuals involved in the handling and investigating a Disclosure will be reminded of the confidentiality requirements and that the unauthorised revealing of a Discloser's identity is prohibited by law.

Disclosers should be aware that people may be able to determine their identity if:

- the Discloser has previously mentioned to other people that they are considering making a Disclosure;
- the Discloser is one of a very small number of people with access to the information;
- the Disclosure relates to information that a Discloser has previously been told privately and in confidence.

Protection from detrimental acts or omissions

HousingFirst will support employees who make Disclosures and in the first instance provide access to the Employee Assistance Program through Acacia EAP <https://www.eapcounselling.com.au/>

If the Discloser consents, HousingFirst will appoint a senior manager or Human Resources Officer to monitor their treatment in the workplace for relevant periods to ensure no victimisation takes place.

HousingFirst will make management aware of their responsibilities to:

- maintain the confidentiality of a Disclosure;
- address the risks of isolation or harassment;
- manage conflicts;
- ensure fairness when managing the performance of, or taking other management action relating to, a Discloser.

Individuals who are subjected to detrimental treatment as a result of making a report under this Policy should inform the WPO immediately. A Discloser may seek independent legal advice or contact regulatory bodies, such as ASIC, ATO or APRA, if they believe they have suffered detriment.

7. Fair treatment of individuals mentioned in Disclosures

The results of a Disclosure and the identity of any individuals who are the subject of the Disclosure will remain confidential, unless the subject of the Disclosure requests otherwise.

Subject to compliance with any legal requirements, any employee or Director at HousingFirst who is mentioned or is the subject of a Disclosure protected by Whistleblower laws will be advised at an appropriate time of:

- the substance of the allegations as and when required by principles of natural justice and procedural fairness, and prior to any actions being taken;
- the outcome of any investigation.

All employees have access to Employee Assistance Program counselling services through Acacia EAP <https://www.eapcounselling.com.au/>.

Accountabilities and Responsibilities

Role	Accountabilities and Responsibilities
The Board	Ultimate responsibility for ensuring that HousingFirst has an appropriate Whistleblower program in place
	Own and approve the Whistleblower Policy, process and procedures
	Promote a culture of ethical values
Governance, and Risk Committee (GRC)	Review and assess the effectiveness of the Whistleblower Policy and procedures
	Appointment of Whistleblower Protection Officers (WPO)
	Provide suitable training of internal eligible recipients and WPOs
	Where necessary, provide internal eligible recipients and WPOs with access to external professional advisors
	Review status of Whistleblower register
CEO	Reporting of Whistleblower status to the Board and escalate matters as required
	Responsible for the implementation of the Whistleblower Policy
Leadership Team	Responsible for ensuring that the coordinating, handling and investigating of Disclosures is established and resourced.
	Assess the risk of Disclosable Matters relevant to their teams
	Educate employees and contractors on Whistleblower Policy, process and procedures. This includes incorporation into employee induction process and ensuring regular awareness sessions are held.
	Lead a culture of ethical values as described in the Code of Conduct
	Periodically reviewing and updating the Whistleblower Policy and procedures
	Provide statistical reporting to the Governance and Risk Committee

General Manager, Strategy and Communications	Maintain a Whistleblower register on behalf of the GRC
Whistleblower Protection Officer (WPO)	Protecting and safeguarding Disclosers providing advice and assistance and ensuring the integrity of the Whistleblowing reporting mechanism. WPOs will not carry out investigations.
Third Party Service Providers	HousingFirst may engage specialist investigation and legal services to assist with the investigation of Disclosures
Employees and Contractors	All employees and contractors are responsible for the identification and reporting of wrongdoing

Monitoring and Review

HousingFirst will continually monitor the effectiveness of this Policy and associated procedures and its compliance with its legislative obligations. Any improvements or changes identified will be proposed to the Governance and Risk Committee for submission and approval by the Board.

Disclosures will be reported to the Governance and Risk Committee in accordance with handling and investigation process described in section 5. All reporting will be consistent with the confidentiality requirements in section 5 of this Policy.

Related information

This Policy forms part of the HousingFirst’s Governance Framework. Controls relevant to the identification of wrongdoing are also incorporated (but not limited to) the following HousingFirst policies and procedures.

Key Policies	Key Legislation and Standards
Board Charter	Legislation Corporations Act 2001 (Cth)
Code of Conduct	Legislation Australian Charities and Not-for-profits Commission Act 2012 (Cth)
Positive and Fair Workplace Policy	Legislation Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019
Privacy Policy	Legislation Protected Disclosures Act 2012 (Vic)
Risk Management Policy	Legislation Taxation Administration Act 1953 (Cth)
Work Health Safety Policy	Standards Housing Registrar: Performance Standard 5 (Probity)
	Standards ASX Corporate Governance Principles 4th Ed (2019)

Transparency and accessibility

This Policy will be made available to all the HousingFirst employees and Officers on HousingFirst’s SharePoint site on ‘The Way we Work’. The Policy will also be provided to new employees as part of their induction and refresher training provided to all employees every two years.

This policy is also available externally at www.housingfirst.org.au

Version Control

Version	2	Review frequency	Every Two Years
Approved	Board December 2019	Responsible position	General Manager, Strategy and Communications