

Whistleblower Policy & Procedure

Introduction

The Board of **Perth Eye Foundation Limited** ('**Perth Eye Foundation**') is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policies and procedures), and ethically (in accordance with recognised ethical principles).

Employees, contractors, and volunteers are expected to cooperate with the organisation in maintaining legal, proper, and ethical operations, if necessary by reporting non-compliant actions by other people. Correspondingly, people who do assist in maintaining legal, proper, and ethical operations should be protected and not be penalised.

Purpose

The purpose of this Policy is to:

- encourage the reporting of matters that may cause harm to individuals, or financial or non-financial loss to **Perth Eye Foundation**, or damage to its reputation;
- enable **Perth Eye Foundation** to deal with reports from Whistleblowers in a way that will protect the identity of the Whistleblower and provide for the secure storage of the information provided;
- establish policies for protecting Whistleblowers against reprisal by any person, internal or external to **Perth Eye Foundation**; and
- help to ensure **Perth Eye Foundation** maintains the highest standards of ethical behaviour and integrity.

Policy

Concerns Regarding Illegal, Corrupt, Improper or Unethical Behaviour

Where an employee, contractor or volunteer of **Perth Eye Foundation** believes in good faith and on reasonable grounds that any other employee, volunteer, or contractor has breached any provision of the organisation's constitution, policies, code of conduct, generally recognised principles of ethics or general law, that employee must report their concern to:

- the **Company Secretary** or, if they feel that the **Company Secretary** may be complicit in the breach;
- the **Chairman** or, if they feel that the **Chairman** may be complicit in the breach;
- **Perth Eye Foundation's** nominated **Whistleblower Protection Officer** (the Chief Operating Officer of contracted Corporate Services provider Rural Health West) or, if they feel this to be necessary:

- a person or office independent of the organisation nominated by the organisation to receive such information, being the organisation's company auditor William Buck Audit (WA) Pty Ltd; or
- the duly constituted authorities responsible for the enforcement of the law in the relevant area.

The person making their concern known shall not suffer any sanctions from the organisation on account of their actions in this regard, provided that their actions:

- are in good faith;
- are based on reasonable grounds; and
- conform to this procedure.

Any person within the organisation to whom such a disclosure is made shall:

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision; or
- if they believe the behaviour complained of to be neither trivial nor fanciful, ensure that the allegation is investigated, a finding is made, and the person making the allegation is informed of the finding.

Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness.

Disclosures may be made anonymously, and this anonymity shall as far as possible, be upheld by the organisation.

Procedures

Responsibilities

Perth Eye Foundation's Board is responsible for adopting the Whistleblower Policy, and for nominating the organisation's **Whistleblower Protection Officer (WPO)**.

The **Whistleblower Protection Officer** is responsible for:

- coordinating an investigation into any report received from a Whistleblower, and
- documenting and handling all matters in relation to the report and investigation, and
- finalising all investigations.

The **Company Secretary** is responsible for the implementation of the Whistleblower Policy.

All staff and volunteers are responsible for reporting breaches of general law, organisational Policy, or generally recognised principles of ethics to a person authorised to take action on such breaches.

Definitions

A Whistleblower is a person (being a Director, Manager, employee, contractor or volunteer for **Perth Eye Foundation**) who, whether anonymously or not, makes, attempts to make, or wishes to make, a report in connection with reportable conduct and wishes to avail themselves of protection against reprisal for having made the report.

Breaches of general law, organisational policies, or generally recognised principles of ethics include:

- corrupt conduct;
- fraud or theft;
- official misconduct;
- maladministration;
- harassment or unlawful discrimination;
- serious and substantial waste of public resources;
- practices endangering the health or safety of staff, volunteers, or the general public;
or
- practices endangering the environment.

Complaints regarding occupational health and safety should, where possible, be made through the organisation's occupational health and safety procedures.

Processes

External Reporting Entities

The Board may nominate external persons or agencies to which disclosures may be made under the protections offered under this Policy. Where such a nomination is made, staff and volunteers should be informed by any appropriate method.

Reporting

Where an employee, contractor or volunteer of **Perth Eye Foundation** believes in good faith or on reasonable grounds that any other employee, volunteer or contractor has breached general law, organisational Policy, or generally recognised principles of ethics, and wishes to report their concern, that employee must report their concern to:

- the **Company Secretary** or, if they feel that the **Company Secretary** may be complicit in the breach;
- the **Chairman** or, if they feel that the **Chairman** may be complicit in the breach;
- **Perth Eye Foundation's** nominated **Whistleblower Protection Officer** (the Chief Operating Officer of contracted Corporate Services provider Rural Health West) or, if they feel this to be necessary:
 - a person or office independent of the organisation nominated by the organisation to receive such information, being the organisation's company auditor William Buck Audit (WA) Pty Ltd, or

- the duly constituted authorities responsible for the enforcement of the law in the relevant area.

These procedures do not authorise any employee to inform commercial media or social media of their concern, and do not offer protection to any employee who does so, unless:

- it is not feasible for employees to report internally; or
- existing reporting channels have failed to deal with issues effectively.

Any person reporting such a breach should be informed that:

- as far as lies in the organisation's power, the employee will not be disadvantaged for the act of making such a report; and
- if the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law; however
- reporting such a breach does not necessarily absolve the complainant from the consequences of any involvement on their own part in the misconduct complained of.

Any such report should, where possible, be in writing and should contain, as appropriate, details of:

- the nature of the alleged breach;
- the person or persons responsible for the breach;
- the facts on which the complainant's belief that a breach has occurred, and has been committed by the person named, are founded; and
- the nature and whereabouts of any further evidence that would substantiate the complainant's allegations, if known.

Evidence to support such concerns should be brought forward at this time if it exists. The absence of such evidence will be taken into account in subsequent consideration of whether to open an investigation into the matter. However, absence of such evidence is not an absolute bar to the activation of the organisation's investigative procedures. The existence of such a concern is sufficient to trigger reporting responsibilities.

In contemplating the use of this Policy a person should consider whether the matter of concern may be more appropriately raised under either the organisation's constitutional grievance procedures or its disputes resolution Policy.

Anonymity

If the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law.

The complainant should, however, be informed that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.

Where anonymity has been requested, the complainant is required to maintain confidentiality regarding the issue on their own account, and to refrain from discussing the matter with any unauthorised persons.

Investigation

On receiving a report of a breach, the person to whom the disclosure is made shall:

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision; or
- if they believe the behaviour complained of to be neither trivial nor fanciful, put in motion the investigation process described below.

The person to whom the disclosure was made shall notify the **Company Secretary**, who shall be responsible for ensuring that an investigation of the charges is established and adequately resourced.

Terms of Reference for the investigation will be drawn up, in consultation with the **Company Secretary**, to clarify the key issues to be investigated.

An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated. The investigation plan to include:

- Strict security will be maintained during the investigative process.
- All information obtained will be properly secured to prevent unauthorised access.
- All relevant witnesses will be interviewed and documents examined.
- Contemporaneous notes of all discussions, telephone calls and interviews will be made.

The principles of procedural fairness (natural justice) will be observed. In particular, where adverse comment about a person is likely to be included in a report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

The person or persons conducting the investigation shall be as far as possible unbiased.

Findings

A report will be prepared when an investigation is complete. This report will include:

- the allegations;
- a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions;
- the conclusions reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis; and
- recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

Information to Whistleblower

Subject to considerations of the privacy of those against whom the allegations are made and customary practices of confidentiality, the Whistleblower will be kept informed of:

- relevant progress of an investigation; and
- relevant outcomes of an investigation.

Protection of Whistleblower

Where the investigation has found that the person making the allegation acted in good faith and on reasonable grounds, the Company Secretary shall designate an officer to be responsible for ensuring that the person suffers no employment-related disadvantage on account of their actions in this matter, and to provide additional support for the person where necessary.