

DISCLOSURE (ex-WHISTLEBLOWER) POLICY/PROCEDURE

Policy/Procedure Details

Document Group: Governance and Accountability

Assigned Owner: Chief Executive Officer

Approved by: Board of Directors

1. Purpose

The purpose of this policy is to demonstrate Bendigo Community Health Services' (BCHS) commitment to detecting, preventing and addressing illegal, unethical or inappropriate conduct. Specifically, this document articulates the frameworks Staff, Board, or the general public can use to report a concern, complaint or public interest disclosure. It also sets out the protections in place for individuals who make such disclosures, and the types of disclosures covered by these legal protections.

2. Scope

This policy applies to BCHS staff (both current and former), the Board, contractors, suppliers and the public and provides a process by which individuals can safely report wrongdoing, misconduct or unacceptable behaviour.

Sometimes it is unclear which process applies. The Executive and People and Culture teams can provide guidance to individuals who need to make a disclosure.

All disclosures, complaints or concerns are taken seriously, handled sensitively, investigated, and kept confidential unless and until the process indicates otherwise.

BCHS seeks to protect those individuals who come forward from recrimination, reprisals, and other adverse consequences.

3. Definitions

DEFINITIONS PERTAINING TO PUBLIC INTEREST DISCLOSURES

(Whistleblowing)

Improper Conduct is defined in s.4 of the Public Interest Disclosures Act 2012 (Vic) and includes:

- Corrupt or criminal conduct
- A substantial mismanagement of public resources
- Conduct involving substantial risk to public health or safety
- Conduct involving substantial risk to the environment where that conduct is not trivial in nature.

Public Interest Disclosure (previously known as Protected Disclosure or whistleblower's complaint).

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The main objective of the Public Interest Disclosures Act 2012 (the PIDA) is to encourage people to report improper conduct involving public officers and/or public bodies. The PIDA also provides protection from detrimental action to any person involved in a protected disclosure whether it is a person who makes a disclosure, a witness, or a person who has co-operated with the investigation.

Public Body is defined in law as: "a body that is performing a public function on behalf of the State or a public body or public officer (whether under contract or otherwise)". BCHS receives government funds and consequently is covered by this Law. In addition, the definition of Public Officer is broad enough to cover Board Members, Officers (e.g. Senior Management and CEO) and employees of BCHS.

Whistleblower: For the *Corporations Act 2001* (the Corporations Act) to recognise and protect you as a 'whistleblower', you must meet the criteria below and do certain things when making your disclosure.

1. You must be:

- a current officer (usually that means a director or secretary) of the company your disclosure is about, or
- a current or former employee of the company your disclosure is about, or
- a contractor, or the employee of a contractor, who has a current contract to supply goods or services to the company your disclosure is about, or
- an associate of the organisation, or
- a relative/dependent of one of the above people.

2. You must make your disclosure to:

- the company's auditor, or a member of the company's audit team, or
- a director, secretary or senior manager of the company, or
- a person authorised by the company to receive whistleblower disclosures, or ASIC.

3. You must have reasonable grounds to suspect that the information you are disclosing indicates that the company or company officer may have breached the Corporations Act or the *Australian Securities and Investments Commission Act 2001* (ASIC Act).

However, if the Reportable Information that you disclose does not fall under the Corporations Act, then you may be entitled to protections under other legislation.

Which Disclosures are covered by this policy?

You may report/disclose information or conduct ("Reportable Information") under this policy if you have reasonable grounds to suspect corporate misconduct, improper conduct, affairs, or circumstances involving BCHS, its managers or employees or have concerns about the organisation's tax matters or financial irregularities.

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The protections in this policy do not apply if you report information you know is not true. However, if you have reasonable grounds to believe the information you report, and your report later ends up being incorrect, the protections in this policy still apply.

This policy does not cover your own personal grievances about workplace matters, which should instead be reported under the Staff Dispute Resolution Policy and Procedures.

Protections

The protections in this policy cover the person who makes the complaint or disclosure in accordance with the Policy (the “Protected Person”). Employees who participate, or assist in, an investigation involving Reportable Information will also be protected. Every effort will be made to protect the anonymity of the person who makes the report, however, there may be situations where anonymity cannot be guaranteed. In such situations, the individual will be informed.

To the maximum extent practicable, a person who genuinely discloses an allegation or concern about compliance with laws or other standards of behaviour will be protected from any adverse action (such as dismissal, demotion, suspension, harassment, or other forms of discrimination) being taken against them on the grounds that they have raised such allegations. Subject to this policy, a Protected Person is protected, even if the allegations prove to be incorrect or unsubstantiated (although a person who maliciously or vexatiously makes disclosures or makes false disclosures may be subject to disciplinary action).

4. Policy Overview

The Disclosure Policy and Procedure is designed to:

- Encourage the reporting of issues that may cause harm to individuals, result in financial or nonfinancial loss to BCHS, or damage its reputation.
- Deter misconduct and promote a culture of accountability.
- Ensure timely and appropriate handling of disclosures.
- Provide a clear framework for managing and investigating complaints.
- Protect the identity of individuals making disclosures and ensure secure storage of all related information.
- Safeguard whistleblowers from any form of retaliation or reprisal, whether internal or external.
- Ensure appropriate systems and infrastructure are in place to support the policy.
- Uphold ethical standards and integrity across all areas of BCHS operations.

Protected disclosures are reports made by whistleblowers to an eligible recipient when there are reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, in relation to BCHS.

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5. Policy

Commitment to Ethical Standards and Reporting Mechanisms

Bendigo Community Health Services (BCHS) is committed to upholding the highest standards of corporate governance, regulatory compliance, and ethical behaviour, in alignment with our core values.

In addition to our Disclosure (ex-Whistleblower) Policy-Procedure, BCHS has established multiple mechanisms that enable staff (including volunteers), Board members, clients, contractors, and members of the public to raise concerns safely, confidentially, and without fear of retaliation. These mechanisms include:

- Discrimination Bullying and Harassment Policy – addressing staff-related issues
- Client Complaints and Compliments Management Procedure – for clients to provide feedback or raise concerns.
- Conflict of Interest Policy and Procedures – applicable to both Board members and staff.
- Code of Conduct Policy – setting clear behavioural expectations for staff and Board members.
- Staff Dispute Resolution Policy and Procedure – supporting fair and transparent resolution of internal staff disputes.

Relevant Legislation

BCHS operates within the framework of the following legislative requirements:

- *Corporations Act 2001 (Cth)* – relevant to public governance and Board obligations
- *Public Administration Act 2004 (Vic)*
- *Public Interest Disclosure Act 2012 (Vic)* – formerly the Protected Disclosure Act
- *Public Interest Disclosure Act 2013 (Cth)*

These statutes, along with BCHS policies, guide our approach to ethical conduct, accountability, and the handling of disclosures.

Investigation and Protection Framework

BCHS provides a structured and transparent framework for investigating reported concerns. This framework ensures that individuals making disclosures are protected from retaliation, discrimination, or any adverse consequences as a result of coming forward.

6. Procedure

The following is a list of procedural references when responding to the following disclosures:

1. Anti Bullying and Harassment – refer Discrimination Bullying and Harassment policy and procedure
2. Concerns/Complaints raised by clients/public – refer Client Complaints and Compliments Management Procedure
3. Conflicts of Interest– refer Conflict of Interest Policy/Procedure

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4. BCHS Code of Conduct Breaches – refer BCHS Code of Conduct Policy and Procedure/s
5. Staff Grievances – refer Staff Dispute Resolution Policy and Procedure
6. Protected Disclosure/Corporation Act Breaches - Any member of the staff or the public wishing to make a disclosure should personally make contact with or be referred to the Public Interest Disclosure Coordinator (CEO), who will:
 - Provide general information and advice regarding the operation of the Act.
 - Receive all phones calls, emails, and letters from members of the public or employees seeking to make disclosure.
 - Assess each disclosure and take appropriate action, e.g. no further action, refer the disclosure to the Ombudsman (if a public interest disclosure) or appoint an Investigator to carry out the investigation.
 - If necessary, manage the welfare of the whistleblower.
 - Advise the whistleblower of the progress of any investigation.
 - Establish and manage a confidential filing system on the details of all disclosures made and provide statistics for the information of the Board and for inclusion in the annual report.
 - Inform the person who is the subject of a disclosure investigation of the substance of the allegations and ensure that they are given every opportunity to answer the allegations before any final decision is made.
 - Oversee the conduct of the investigation; consider the report and recommendations of the Investigator and where the investigation has determined that the disclosed conduct has occurred, determine the appropriate action to be taken.
 - Advise the Board of the results of any investigation and the details of any remedial action taken.

Note: Where the disclosure concerns the actions of the CEO the assessment and recommendations are to be forwarded directly to the Chair of the Board.

How to make a disclosure under the policy

1. Any person who has Reportable Information, based on reasonable grounds to suspect that a breach of a law or other standard of behaviour has occurred, is encouraged to report that suspicion to that person's manager. If this is considered inappropriate, that person should raise the concern with the Executive or CEO, by phone or email, or in writing. Any items of concern may also be raised with the Chair of the Board of Directors.
2. All disclosures should provide specific, adequate and pertinent information with respect to, among other things, dates, places, persons, witnesses, amounts, and other relevant information, in order to allow for a reasonable investigation to be conducted.
3. If the person making the disclosure gives their name and contact details in the disclosure, the person receiving the disclosure will acknowledge having received it

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and may initiate a follow up meeting. However, if the disclosure is submitted on an anonymous basis, there will be no follow-up meeting regarding the disclosure and BCHS will be unable to communicate with them if more information is required, or if the matter is to be referred to external parties for further investigation.

4. All disclosures received will be dealt with on a confidential basis and those making disclosures are encouraged to disclose their identities, to obtain the protection afforded to them at law.

Action that will be taken in response to a Disclosure

1. Once a disclosure has been received, BCHS will consider the most appropriate action. This includes making a decision about which policy and procedure applies to the disclosure (e.g. whether it is a personal workplace grievance or a disclosure about corporate wrongdoing). This might include an investigation of the alleged conduct, either by an appropriate person or a group of people, such as a committee.
2. Any investigation in relation to a disclosure will be conducted promptly and fairly, with due regard for the nature of the allegation and the rights of the persons involved in the investigation.
3. Any evidence gathered during an investigation, including any materials, documents or records, must be held by the investigator, and held securely.
4. During an investigation, the investigator will have access to all of the relevant materials, documents, and records. The directors, officers, employees and agents of BCHS must cooperate fully with the investigator.
5. Following the investigation, a final Report will be drafted by the investigator and appropriate action taken where applicable.

7. Related Documents

Discrimination, Bullying and Harassment Policy and Procedure

Client Complaints and Compliments Management Procedure

Conflict of Interest Policy-Procedure

Code of Conduct Policy and Procedures

Staff Dispute Resolution Policy and Procedure

8. Responsibilities

BCHS Board Directors

- Endorse the Disclosure (ex-Whistleblower) Policy-Procedure;
- Ensure they understand their responsibilities as eligible recipients and comply with this policy and related documents.

BCHS CEO

- Performs the role of the Public Interest Disclosure Coordinator.

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BCHS Executive Leaders and Operations Managers

- Ensure they understand their responsibilities and comply with this policy and related documents;
- Ensure BCCHS Senior employees understand their responsibilities and comply with this policy and related documents;
- Ensure this policy and related documents are regularly reviewed and maintained in line with applicable legislation, guidelines and standards;
- Ensure that any breaches of this policy are managed in line with Performance Improvement Policy and Procedures.

People and Culture team

- The team is responsible for advice and assistance with regard to which process applies and how it will be managed.

BCCHS Senior Leaders

- Ensure they understand their responsibilities and comply with this policy and related documents;
- Ensure BCCHS employees understand their responsibilities and comply with this policy and related documents;
- Ensure that any breaches of this policy are managed in line with Performance Improvement Policy and Procedures.

BCCHS Employees

- Ensure they understand their responsibilities and comply with this policy and related documents.

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