

Whistleblower

Rationale

Life Skills Victoria (LSV) must comply with the corporate sector Whistleblower protection regime in Part 9.4AAA of the *Corporations Act 2001* (Corporations Act). Whilst LSV is not required under the Corporations Act to have a Whistleblower Policy, as a responsible organisation, LSV believes it would benefit from documenting and implementing a strategy for dealing with any Whistleblower reports it receives.

In this policy 'Whistleblowing' means the reporting by employees or service users of suspected misconduct, illegal acts, or failure to act within the organisation. The aim of this Policy is to encourage LSV employees, service users and others who have serious concerns about any aspect of the organisation's work to come forward and voice those concerns. LSV, as an NDIS provider, has obligations under the *National Disability Insurance Scheme Act 2013* (**NDIS Act**) with respect to protected disclosures and the relationship of those obligations to the Whistleblower Investigation provisions in the *Corporations Act 2001* (Cth) (**Corporations Act**). Protected disclosures can be made about breaches of the NDIS Act by *current* employees of NDIS providers as well as by a service user who is receiving a support or service (or their family member, carer or significant other), and by a supplier of goods or services to the NDIS provider. The provider in relation to this policy is LSV.

Purpose

To outline the processes for people (Board members, service users, support workers, family, employees, contractors, or volunteers) to report alleged improper or corrupt conduct in relation to any aspect of LSV's services, without fear of reprisal and to describe the process that will be followed by the organisation in evaluating and investigating such reports. The focus of the policy is on the reporting of wrongdoing that is of legitimate concern. LSV as an NDIS provider, has obligations under the *National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018* (Cth) to ensure that reasonable steps are taken to ensure that a person who makes a complaint, or a person with a disability affected by an issue raised in a complaint, is not adversely affected as a result of the making of a complaint.

Scope

The scope of this policy includes:

- All facilities of LSV.
- Where relevant, the type of course or program to which the policy applies (e.g., pre accredited, accredited courses, activities, hires, and programs).
- The members of LSV community to whom a policy applies.

- All LSV employees, Board Members, contractors, volunteers, and service users.

Policy Statement

LSV is committed to:

- Safeguarding the safety, health, and wellbeing of service users at all times.
- Conducting its services in a professional, ethical, and accountable manner.
- Ensuring LSV employees behave professionally, ethically, and consistent with the Code of Conduct which forms part of their employment contract.
- Supporting and encouraging any reporting of alleged improper or corrupt conduct.
- Providing clear and accessible information regarding how reports can be made to the Whistleblower Investigation Officer whose contact details are publicly available.
- Providing contact details for external organisations such as NDIS, DHHS for complaint where Whistleblowers would prefer not to report directly to LSV.
- Maintaining the confidentiality and security of reports within the law.
- Protecting Whistleblowers (and their identity) from reprisals, discrimination, harassment, or victimisation as a consequence of their having made a report.
- Immediately reviewing any allegations and taking action to investigate internally (consistent with LSV processes) or reporting to external organisations, as necessary.
- Ensuring that feedback is provided to Whistleblowers as appropriate including a timeframe for both initial feedback and outcomes of the investigation.
- Undertaking action to resolve and rectify any wrongdoing as far as is reasonable and practicable.

Definitions

Term	Definition
Whistleblowing	'Whistleblowing' means the reporting by employees or service users of suspected / alleged misconduct, illegal acts, or failure to act within the organisation.
Whistleblower	A person who makes an allegation of improper conduct or corrupt conduct under the Whistleblower Policy.
Potential Misconduct	Any suspected or actual misconduct or improper state of affairs or circumstances in relation to LSV and its programs and services. It also means a breach of law or information that indicates a danger to the public.

Allegations	Information that suggests improper or corrupt conduct by LSV or member(s) of the organisation.
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Procedure

The Whistleblower's identity must remain confidential according to their wishes and they will be protected from reprisal, discrimination, harassment, or victimisation for making the disclosure. To qualify for protection under the NDIS Act, the discloser must inform the person to whom the disclosure is made of their name, have reasonable grounds to suspect a contravention of the NDIS Act by the NDIS provider, and must make the disclosure in good faith. Any retaliation for having made the disclosure will be treated as serious wrongdoing under this policy.

Whistleblower Investigation Officer –is a senior LSV employee with designated responsibility for receipt and acknowledgement of allegations made under this Whistleblower Policy and has responsibility for ongoing communication with and feedback to the Whistleblower if the Whistleblower wishes this to occur.

In relation to the allegations reported to them, and in consultation with then CEO, they are responsible for ensuring documentation, appropriate investigation, action on investigation outcomes, identification of systemic issues contributing to action plans to address any issues that are substantiated.

The LSV Board will receive a summary of disclosures made under this Policy biannually. The summary will include: the number and types of disclosures made, and the issues raised. The summary provided to the Board will not identify individuals and will maintain the confidentiality of the Whistleblower.

Making a Report

Any person can report allegations of improper or corrupt conduct, or any other concern of wrongdoing by LSV employees or by other people in LSV premises or in the provision of LSV's services. Reports of allegations can be made via: Internal LSV Reporting processes

Issues of concern can be raised by:

- Initial complaints reporting process via "Contact Us" on LSV website www.lifeskillsvic.com.au
- Phone: LSV Office 03 5127 7999

LSV Whistleblower Investigation Officer

If you wish to raise an allegation of improper or corrupt conduct and have concerns about the internal LSV reporting process outlined above, your complaint can be raised by contacting the following Whistleblower Investigation Officer directly:

People and Culture (03) 5127 7999 office@lifeskillsvic.com.au

Details of the Whistleblower Policy are available on [LSV's website](#)

Allegations of improper or corrupt conduct can be made anonymously.

External Avenues of Complaint

If you wish to raise a complaint with an external body, alternative contacts are as follows:

NDIS Quality and Safeguards Commission

Phone: 1800 035 544

Email: feedback@ndiscommission.gov.au www.ndiscommission.gov.au

Office of the Public Advocate

Level 1

204 Lygon Street

Carlton Vic. 3053

Local Call: 1300 309 337

TTY: 1300 305 612 Fax: 1300 787 510

<http://www.publicadvocate.vic.gov.au/about-us/189/>

The Victorian Ombudsman

Level 1, North Tower

459 Collins Street

Melbourne Vic. 3000

Phone 03 9613 6222

Fax 03 9614 0246

Email ombudvic@ombudsman.vic.gov.au www.ombudsman.vic.gov.au

Health Complaints Commissioner

Level 26, 570 Bourke Street

Melbourne Vic. 3000

Phone: 1300 582 113

In the case of an LSV employee, the employee Whistleblower should promptly report the suspected or actual event to his/her Team Leader.

If the Whistleblower is uncomfortable or reluctant to report to his/her Team Leader, then a report can be made directly to another level of management, CEO, Executive Team, or a Board Member.

The report can be made by any means (electronic, hard copy etc) available to the Whistleblower.

A Whistleblower can report the event either using his or her identity or anonymously.

The Whistleblower will receive no retaliation or retribution for a report that was provided in good faith.

A Whistleblower who makes a report that is not done in good faith is subject to discipline, including termination in the case of an employee, or other legal means to protect the reputation of the organisation and members of its Board and employees.

Anyone who retaliates against the Whistleblower (who reported an event in good faith) will be subject to discipline, including termination of Board or employee status.

Crimes against person or property, such as assault, rape, burglary, etc., should immediately be reported to police.

A response regarding the investigation, or resolution of the issue, will be provided to the Whistleblower, within five business days of the initial report.

A Team Leader, member of the Executive Team or Board Member receiving the report must promptly act to ensure the matter is investigated and resolved.

If the investigation of a report, that was done in good faith and investigated by internal personnel, is not to the Whistleblower's satisfaction, then that person has the right to report the event to the appropriate legal or investigative agency (see external contacts above).

The identity of the Whistleblower, if known, shall remain confidential to those persons directly involved in investigating the disclosure, unless the issue requires investigation by police.

Document Information References or Related Documents

Description	Location
Code Of Conduct	LSV Code of Conduct Policy
Privacy and Confidentiality.	LSV Privacy and Confidentiality Policy
NDIS Complaints	https://www.ndiscommission.gov.au/providers/managing-complaints

Approval and Review	Responsible
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Lead Author	CEO
Approver	LSV Policy Committee
Date Endorsed	2020
Date Reviewed	August 2022
Timeframe for next renewal	August 2025

Version History

Version No.	Date	Summary of amendment(s)
1		Created 2020
2	August 2022	Reviewed and amendments included: Change of organisation name Updated links New ASIC regulations