

Whistleblower Policy

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Barnardos
Australia

Whistleblower Policy

Contents

1. Background and benefits of an effective whistleblower policy	4
2. Scope.....	4
3. Terms and Definitions.....	5
4. Policy Statement.....	Error! Bookmark not defined.
5. Making a Disclosure.....	7
6. Investigating Disclosures	9
7. Statutory Protection (added by KWM).....	9
a. Overview	9
b. Who is protected?	10
c. What kind of reports are protected?	10
d. The protections available	10
e. Protections available under the Taxation Administration Act.....	11
8. Relationship to the Complaints Policy	11
9. Relationship to the Grievance Policy.....	12
10. Support for Employees Raising Concerns.....	12
11. False Disclosure of Improper Conduct.....	12
12. Breach.....	12
13. Access to policy, training and reporting to the Board	12
14. Version control and change history.....	13

Whistleblower Policy

1. Background and benefits of an effective whistleblower policy

Barnardos Australia (**Barnardos**) is a values-based organisation that prioritises ethical behaviour, transparency, integrity and accountability in all its activities.

Whistleblowing plays an important role in preventing misconduct and this is especially important for Barnardos which receives funding from governments, corporations, philanthropists and donors to enable it to undertake the important work it does with vulnerable children and families.

Barnardos prides itself on having an organisational culture that supports and encourages people to speak up and raise legitimate concerns about misconduct and wrongdoing, and that in doing so they will be protected. The Barnardos Board and Executive Leadership Team (ELT) are committed to maintaining a workplace free of misconduct and wrongdoing and recognise whistleblowing as a method of supporting ethical behaviour and responsible corporate governance practices.

An effective Whistleblower Policy offers numerous advantages, including:

- Enhanced legal compliance;
- Strengthened financial management and fiscal accountability;
- Improved workplace health and safety practices and adherence;
- More efficient and effective organisational management;
- Elevated organisational morale and culture; and
- Increased confidence in the organisation's dedication to sound corporate governance.

This policy is drafted to comply with:

- Part 9.4AAA of the Corporations Act 2001 (Cth)
- Taxation Administration Act 1953 (Cth)
- ASIC guidance
- Australian Standard 8004-2003

Barnardos will review and update this policy to ensure ongoing compliance with applicable laws and standards.

2. Scope

This policy applies to an individual who is (or has been):

- an employee, officer, volunteer, consultant and contractor of Barnardos; or
- a supplier of services or goods (whether paid or unpaid) to Barnardos including an individual who is or has been employed by such a supplier.

A disclosure made by a relative, spouse or dependant of an individual identified above will

Whistleblower Policy

also be handled in accordance with this policy and the protections in this policy will apply to such individuals.

An individual covered by this paragraph is described as an '**Eligible Whistleblower**'¹ in this policy.

As a condition of working for Barnardos, employees are required to comply with any lawful directions made by Barnardos in respect of this policy. This policy is not intended to be contractually binding and does not form part of any contract of employment employees may have with Barnardos.

3. Terms and Definitions

ASIC means Australian Securities and Investments Commission.

Confidential Information means in relation to this policy, identity of a Whistleblower (as relevant) who reports or who seeks to report a disclosure and any information that is likely to lead to their identification.

Corporations Act means *Corporations Act 2001 (Cth)*.

Disclosable Matters includes breaches of general law, organisational policy or generally recognised principles of ethics and includes:

- dishonest, corrupt or illegal conduct
- misleading or deceptive conduct
- fraud or theft
- misconduct² or an improper state of affairs³
- unethical behaviour, whether or not it breaches Barnardos Code of Conduct
- unsafe work practices endangering the health or safety of employees, volunteers or the general public
- conduct which may causes serious risk to public health and safety
- has financial or non-financial loss to Barnardos
- breach of applicable laws and regulations (either negligently or deliberately)
- non-disclosure of conflicts of interest or receiving personal gain
- fraudulent financial reporting

Any disclosures relating to safeguarding of children and young people will be addressed under the Barnardos **Child Safety & Wellbeing Policy NSW & ACT**. This however, does not preclude an Eligible Whistleblower from using the whistleblowing mechanism in this Policy

¹ S.1317AAA *Corporations Act*

² S.9 *Corporations Act* defines 'misconduct' as fraud, negligence, default, breach of trust, breach of duty, bribery and criminal behaviour

³ Improper state of affairs is not defined in the *Corporations Act*, and is intentionally broad. It may involve unlawful conduct, systemic issues, unethical business practices that may cause harm to clients or significant risk to public safety

Whistleblower Policy

to make a disclosure in relation to a child safety related matter. Such disclosures will be referred to the appropriate area of the organisation for urgent action.

Disclosure means the initial communication of information or conduct made to an Eligible Recipient in accordance with this policy.

Eligible Recipient⁴ means:

- a director or company secretary (officer) or senior manager (a person other than a director or company secretary who makes or participates in making decisions that affect the whole or a substantial part of the business of Barnardos or have the capacity to significantly affect the organisation's financial standing). This would include the CEO or a member of the ELT)
- a person authorised by Barnardos to receive whistleblower disclosures (Whistleblower Officer)
- the external auditors of Barnardos
- a legal practitioner retained to obtain legal advice or representation in relation to the operation of the whistleblower protections in the Corporations Act
- ASIC

Eligible Whistleblower has the meaning given to the term in *paragraph 2* of this policy.

Personal Work-Related Grievance⁵, means:

- disclosures concerning a grievance about any matter in relation to an individual's current employment or former employment, having (or tending to have) implications for the individual personally; but do **not**
 - have any other significant implications for Barnardos or
 - relate to any conduct or alleged conduct about a disclosable matter under the Corporations Act

Examples of grievances that may be Personal Work-Related Grievances are as follows:

- an interpersonal conflict between employees
- a decision relating to the engagement, transfer or promotion of the discloser
- a decision that does not involve a breach of workplace laws
- a decision relating to the terms and conditions of engagement of the discloser
- a decision to suspend, performance manage or terminate the employment/engagement of the discloser

Taxation Administration Act means *Taxation Administration Act 1953 (Cth)*.

Whistleblowing is the act of raising concerns about a Disclosable Matter occurring within the organisation.

⁴ S.1317AAC *Corporations Act*

⁵ S.1317AADA *Corporations Act*

Whistleblower Policy

Whistleblower Officer (WO) is the person appointed by Barnardos with responsibility for receiving, investigating and managing whistleblowing disclosures. The WO must protect the Eligible Whistleblower's identity, safeguard them from retaliation and ensure fair investigations.

Barnardos actively encourages the reporting of misconduct or an improper state of affairs and recognises the personal impact that making disclosures of misconduct may have on an individual and will treat all disclosures with sensitivity, confidentiality and security to protect the identity of Whistleblowers (wherever possible). The aim of this Policy is to make Eligible Whistleblowers feel confident about raising concerns of any actual or suspected misconduct or an improper state of affairs by offering a secure and independent way to report such conduct free from any disadvantage, reprisal or detriment.

Barnardos is committed to ensuring that Whistleblower reports are managed with appropriate confidentiality and in accordance with statutory confidentiality regimes. Subject to compliance with any legal reporting requirements, when implementing any process under this Policy, Barnardos will:

- not disclose the identity of the Whistleblower, other than in accordance with this Policy
- ensure that the information contained in the Disclosure is only disclosed to the extent necessary to conduct an investigation or administer this Policy or where required for the purpose of obtaining legal advice
- take reasonable steps to reduce the risk that the person who made the Disclosure will be identified as part of any process conducted under this Policy

Barnardos will protect the identity of the Whistleblower who makes a Disclosure except in the following circumstances:

- if the Whistleblower consents in writing to the disclosure of their identity by Barnardos
- if the disclosure of the identity of the Whistleblower is required by law

This Policy is aligned to and supports Barnardos Code of Conduct and is one of a number of policies and procedures to support and promote honest and ethical behaviour within the workplace.

4. Making a Disclosure

There are several channels for making a Disclosure which are outlined below.

a. Internal reporting

A discloser may make a Disclosure to any of the Eligible Recipients (*paragraph 3*) by email or phone call. The subject of any email should make it clear that the report is being made under the Whistleblower Policy. Barnardos does not expect a person making a Disclosure to have absolute proof of the conduct that is the subject of the disclosure, however a

Whistleblower Policy

Disclosure should show the reasons for the concerns and provide as much information as possible with any supporting documentation to enable Barnardos to undertake a thorough investigation.

The discloser may elect to make a report anonymously. Barnardos will respect their right to not identify themselves. However, electing to make a Disclosure anonymously may hinder Barnardos ability to fully investigate the matter and ensure the person is provided with the support and protections contemplated by law and by this Policy.

b. External reporting

If a discloser is not comfortable or unable to make a Disclosure internally, they may report it to Barnardos external and independent whistleblowing service provider. Barnardos has contracted Your Call Whistleblowing Solutions (**Your Call**) to receive and manage whistleblowing reports with impartiality and confidentially.

Alternatively, they may make a report to Barnardos external auditor or to ASIC.

The Your Call reporting options include:

Website: <https://www.yourcall.com.au/Barnardos>
24x7
Telephone: 1300 790 228
7am—midnight, recognised business days, AEST

Online reports can be made via the website address listed above. You will be required to enter Barnardos unique identifier code **BA2007**.

Your Call remains the intermediary at all times, receiving and forwarding communication between all parties. The Barnardos officers who will have access to your reports include:

- Kate Alexander, CEO

You are able to securely upload any relevant documentation and/or material relevant to your Disclosure.

After making a Disclosure, you will be provided with a unique Disclosure Identification Number (**DIN**) and access to a secure online message board. The message board allows ongoing anonymous communication with Your Call and/or Barnardos. The Message Board can be used to receive updates, share further information/evidence and request support or report retaliation. If you cannot access the message board, you can contact Your Call by calling them on the number set out above for verbal updates.

Whistleblower Policy

National Relay Service

If you are deaf, or have a hearing or speech impairment, you can contact Your Call online or through the National Relay Service. Simply choose your contact method at www.relayservice.gov.au and request Your Call's hotline 1300 790 228. If you have difficulty speaking or understanding English, contact us through the [Translating and Interpreting Service \(TIS\) 131 450](#) and ask for Your Call on 1300 790 228. Throughout this process, you may remain completely anonymous, identify yourself to Your Call only, or identify yourself to both Your Call and Barnardos.

5. Investigating Disclosures

Disclosures will be assessed by Barnardos to determine whether it is a disclosure that qualifies for protection under this Policy and whether a formal in-depth investigation is required. The exception is if it is a police matter, the police investigation must be finalised first.

Barnardos will ensure that all investigations relating to a Disclosable Matter are conducted with procedural fairness (or natural justice). The investigator will be independent of the person who made the Disclosure and the person being investigated. To avoid jeopardising an investigation, a person who made a Whistleblower report is required to keep the fact that they made a Disclosure and the information in the Disclosure strictly confidential (subject to any legal requirements).

Barnardos is committed to ensuring the fair treatment of any employee who is mentioned in a Disclosure made under this Policy by:

- informing the person being investigated of the accusations
- allowing them to present their case
- hearing the case without bias,
- acting only on the evidence; and
- maintaining the confidentiality of information.

All Disclosures regarding a member of the ELT, the CEO, a director or the company secretary, will be referred directly by Your Call for independent investigation.

Updates on the investigation will be notified via the Your Call message board on a regular basis.

7. Statutory Protection

a. Overview

The Corporations Act gives special protection to Disclosures which are made in accordance with the requirements of the Corporations Act.

Whistleblower Policy

This Policy is designed to comply with the requirements of the Corporations Act and to ensure that the protections available in the Corporations Act are afforded to Eligible Whistleblowers who make a Disclosure which qualifies for protection under the Corporations Act.

b. Who is protected?

The protections in the Corporations Act apply only to an individual who is an **Eligible Whistleblower** (*paragraph 2*) and the report relates to a **Disclosable Matter**.

c. What kind of reports are protected?

To be protected by the Corporations Act:

- the individual must have reasonable grounds to suspect that the information they are reporting:
 - concerns misconduct or an improper state of affairs relating to Barnardos;
 - constitutes an offence or contravention of certain nominated legislation; or
 - represents a danger to the public or the financial system.and
- the report is made to:
 - a director, company secretary (officer) or senior manager (CEO/ELT) of Barnardos, or a person authorised by Barnardos to receive whistleblower disclosures;
 - Your Call;
 - the external auditors or a member of the audit team conducting an audit of Barnardos;
 - a legal practitioner for the purpose of obtaining legal advice or representation in relation to the operation of the whistleblower protections in the Act; or
 - ASIC.

The Corporations Act also provides protection for public interest disclosures and emergency disclosures which meet specific requirements prescribed by the Corporations Act.

d. The protections available

The protections available under the Corporations Act to an individual who meets the requirements above include:

- the right to have their identity protected in accordance with the provisions of that legislation;
- the right to have information provided as part of the disclosure handled in accordance with the provisions of that legislation;
- the right to be protected from civil, criminal or administrative liability (including disciplinary action) for making the disclosure; from contractual or other remedies on

Whistleblower Policy

the basis of the disclosure; and from the admissibility of the information provided in evidence against the person, in each case in accordance with the provisions of that legislation;

- the right to be protected from detrimental treatment or any form of victimisation in accordance with the provisions of that legislation;
- the right to compensation and other remedies in accordance with the provisions of that legislation (including a right not to be required to pay costs incurred by another person when litigation is commenced); and
- the right not to be required to disclose their identity before any court or tribunal in accordance with the provisions of that legislation.

If employees have any further questions about these protections, please contact the Whistleblower Officer or an Eligible Recipient.

e. Protections available under the Taxation Administration Act

The Taxation Administration Act also provides protection for disclosures of information which indicate misconduct or an improper state of affairs, in relation to the tax affairs of an entity or an associate of an entity where the discloser considers that the information may assist the eligible recipient to perform functions or duties in relation to the tax affairs of the entity or an associate.

Protection is provided for disclosures made to the Commissioner of Taxation or any person or agency specified in paragraph 7 (c) above.

The protections available to an individual making a protected disclosure under the Taxation Administration Act are the same as those outlined above in this paragraph 7.

8. Relationship to the Feedback & Complaints Policy

If an employee has a Disclosure to make which does not fall under the remit of this policy, the Barnardos Feedback & Complaints Policy may apply. Under the Barnardos Feedback & Complaints Policy clients, (children, young people, birth parents, carers, family/kin) can raise concerns about:

- decisions made by Barnardos employees about Barnardos program and services
- the conduct of employees, volunteers and carers, including the quality of services provided,
- Barnardos policies.

Please refer to the Complaints Policy for more information in relation to complaints.

Whistleblower Policy

9. Relationship to the Grievance Policy

Barnardos employees and volunteers can raise concerns related to the work environment, their working conditions and Personal Work-Related Grievances under the Barnardos Grievance Policy.

Please refer to the Grievance Policy for more information in relation to grievances. Notwithstanding the above, a Personal Work-Related Grievance may still qualify for protection if it: includes information about a Disclosable Matter, is a mixed report, involves breach of employment or other laws punishable by imprisonment and the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances, the discloser suffers from or is threatened with detriment for making the disclosure.

10. Support for Employees Raising Concerns

If an Eligible Whistleblower requires support, they can contact Sonder, Barnardos wellbeing and safety partner via the Sonder app or via their website <https://sonder.io/> and logging into the member portal.

11. False Disclosure of Improper Conduct

Barnardos takes deliberate false reporting which the discloser knows to be untrue very seriously. Any person found to have made a such a report may be subject to disciplinary action, which may include termination of employment or services.

12. Breach

A breach of this Policy will be taken very seriously and may result in disciplinary action, up to and including the termination of employment or services.

13. Access to the policy, training and reporting to the Board

Once this Policy is approved by the Barnardos Board, it will be available on the Barnardos Hub as well as on the Barnardos website.

It is the responsibility of each employee to read the policy and familiarise themselves with the policy and raise any questions with their Manager. Employees are also required to complete the Whistleblower training module on BOLD.

Disclosures will be reported on an anonymous and confidential basis to the Board, through the CEO report.

Whistleblower Policy

14. Version control and change history

Approved by:	Barnardos Board	Recent Approval date:	4 May 2026
Date First Effective:	September 2018	Next Review Due:	September 2029
Contact for Queries:	Company Secretary		
Version Number	Approval Date	Approved by	Amendment
Version 1	September 2018	Penny Hood	New Policy
Version 2	26 July 2022	Rita D'Arcy – Executive Leader, People and Culture and Barnardos Board	<p>Policy Review and Update</p> <ul style="list-style-type: none"> • Changed to the new Policy template format • The Scope includes a section of compliance with the Policy • Definition have been extended to include – ASIC, Confidential Information, Disclosure, Eligible Recipient, Personal Work-Related Grievance • Policy statement outlines the benefits of having a Whistleblower Policy & Guidelines • Inclusion of Types of Conduct and Examples • Information on Investigating Disclosures • Change in details for Whistleblower Hotline – to Your Call • Separated out section on Grievances
Version 3	12 March 2026	Governance Committee	<ul style="list-style-type: none"> • Policy reviewed and updated to bring it into line with amendments to the <i>Corporations Act 2001 Cth</i> (Corporations Act) and new ASIC guidelines. It reflects the statutory protections accorded to Whistleblowers under the Corporations Act

Whistleblower Policy

			<ul style="list-style-type: none">• Policy also reflects the current Whistleblower Officer.
Version 3	4 May 2026	Board	<ul style="list-style-type: none">• Policy revised to comply with the amendments to whistleblower provisions in the <i>Corporations Act 2001</i> (Cth) (Corporations Act) and guidelines from ASIC