



Catholic Diocese of Bathurst

WHISTLEBLOWER PROTECTION POLICY

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WHISTLEBLOWER PROTECTION POLICY

1. PURPOSE

The Catholic Diocese of Bathurst, ('**CDoB**') is committed to conducting its affairs with honesty, fairness and integrity and does not tolerate any behaviour which is considered 'Improper Conduct' as defined in this policy.

The Whistleblower Protection Policy ('**Policy**'), is underpinned by a strong commitment to building a culture across all workplaces across the Diocese that reflects sound governance and promotes ethical behaviour in the detection and management of fraudulent, corrupt or improper conduct.

The CDoB has adopted this policy to help ensure a safe and confidential environment where concerns of Improper Conduct can be raised without fear of reprisal or detrimental treatment, and to assure any person submitting a report, that where necessary, the matter will be investigated and rectified.

2. DEFINITIONS

"**CDoB**" means the Catholic Diocese of Bathurst, including its schools, agencies, entities, related bodies corporate and ministries, e.g. the Catholic Education of Bathurst, Centacare, a Parish, the Chancery.

"**Eligible Person**" means employees, officers, contractors, consultants, service providers and volunteers who either work for or provide goods or services to any aspect of the CDoB, and the relatives and dependants of any such persons or such persons' Spouses.

"**Personal Work-Related Grievance**" may include the following grievances:

- an interpersonal conflict between the discloser and another employee;
- a decision relating to the engagement, transfer or promotion of the discloser;
- a decision relating to the terms and conditions of engagement of the discloser;
- a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

"**Relative**" means, in relation to a person, the Spouse, parent, child or brother or sister of the person.

"**Improper Conduct**" that can be the subject of a protected Whistleblower report is anything an Eligible Person, acting in good faith, has reasonable grounds to suspect misconduct or improper state of affair or circumstances in respect of the CDoB. Examples of things that may be unethical, unlawful, fraudulent or improper conduct or circumstances include conduct that is:

- dishonest;

- fraudulent;
- corrupt;
- illegal (including theft, drug sale/use, violence or threatened violence and criminal damage against property);
- in breach of Commonwealth or state legislation or local authority by-laws;
- unethical (generally, and/or representing a breach of a CDoB, or associated agency/ministry, policy or procedure);
- other serious improper conduct;
- an unsafe work practice;
- representative of gross mismanagement, serious and substantial waste and/or a repeated breach of administrative procedures;
- any other conduct which may cause financial or non-financial loss to the CDoB and/or its associated agencies/schools/ministries and/or be otherwise detrimental to the interests of the CDoB and/or its associated agencies/schools/ministries; and
- deliberate concealment of information tending to show any of the matters listed above.

The following kinds of conduct do not fall within the definition of Improper Conduct and are not subject to this Policy:

- a) Personal Work-Related Grievances;
- b) health and safety hazards;
- c) general employment grievances and complaints by a person about their own employment or situation.

“**Spouse**” includes a de facto partner of the person.

“**Whistleblower**” is an Eligible Person and who reports Improper Conduct in good faith in accordance with section 4.

“**Whistleblower Hotline**” is a confidential whistleblower disclosure service, managed by an external service provider.

“**Whistleblower Investigations Officer**” is the person appointed (internal or external to the Diocese) by the Whistleblower Protection Officer, to conduct an investigation into a report made by a Whistleblower.

“**Whistleblower Protection Officer**”, is the person appointed by the Bishop of the CDoB and whom is responsible for managing the disclosure, including, keeping the Whistleblower informed of the progress and any outcomes, subject to considerations of the privacy of those against whom a disclosure has been made. At the date of this Policy, the Diocesan Financial Administrator of CDoB is the person appointed as the Whistleblower Protection Officer.

3. SCOPE

3.1 Application

This Policy applies to all Eligible Persons and sets out:

- who is entitled to protection as a Whistleblower under this Policy;
- the protections Whistleblowers are entitled to under this Policy; and
- how disclosures made by Whistleblowers in accordance with this policy will be handled by CDoB.

Nothing in this Policy impacts on the ability of the CDoB to deal with any Eligible Person in relation to matters arising in the ordinary course of their relationship with, and contractual duties to, the CDoB (for example separate performance or misconduct concerns). In the normal course of events, individuals should refer to the relevant policies and procedures established by their employer to attempt to resolve any concerns before making a report of improper conduct. For example, an individual may make a complaint of bullying in accordance with the process described in the relevant harassment, bullying and discrimination policy.

3.2 Operation of this Policy

This Policy is designed to give guidance so that honesty and integrity are maintained at all times at the CDoB.

A Whistleblower will be protected from reprisal or adverse action (such as dismissal, demotion, suspension, harassment, or other forms of discrimination) because they have raised such allegations, subject to the terms of this Policy (in particular, see section 7).

For the avoidance of doubt, this Policy does not apply to the disclosure of any matters that do not fall within the definition of Improper Conduct.

4. DISCLOSURE OF IMPROPER CONDUCT

4.1 Disclosure of Improper Conduct

An Eligible Person may make disclosures about Improper Conduct which he or she suspects on reasonable grounds has occurred or is occurring within the CDoB, (including conduct by an officer or an employee of the CDoB) pursuant to sections 4.2 and 4.3.

4.2 Recipients of disclosure

The Eligible Person may make their disclosure of Improper Conduct to any one of the following people or bodies:

- a) their supervisor or manager (if they are an employee of the CDoB);
- b) the CDoB Whistleblower Protection Officer;
- c) an Officer of the CDoB;
- d) an auditor of the CDoB, or
- e) the Whistleblower Hotline.

An Eligible Person who has reasonable grounds to suspect that Improper Conduct has occurred is encouraged to report that suspicion to that person's manager (if they are an employee or volunteer of the CDoB), or a senior officer of the agency, ministry or parish. If this is considered inappropriate, that person may consider raising the concern with the Whistleblower Protection Officer or the Whistleblower Hotline (see below for contact details in section 5.1).

4.3 Disclosed information

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 for a reasonable investigation to be conducted.

A disclosure of Improper Conduct can be made in person, by telephone or in writing.

5. MAKING A DISCLOSURE

5.1 Contacting CDoB

Whilst a disclosure can be made to any person or body identified in section 4.2, if the person wishes to disclose to the Whistleblower Protection Officer, they may do so pursuant to the following contact details:

Whistleblower Protection Officer
C/ The Catholic Diocese of Bathurst
PO Box 246
Bathurst NSW 2795

Email: dfa@bathurst.catholic.org.au
Telephone: (02) 6334-6400

Alternatively, a disclosure can be made via an external Whistleblower Hotline via the following channels:

Phone: 1300 304550 (Australia)
Email: cdob@stopline.com.au
Online: <https://cdob.stoplinereport.com.au>
Mail: Catholic Diocese of Bathurst
C/- Stopline
PO Box 403
DIAMOND CREEK VIC 3089

5.2 Confidentiality and anonymity

Whilst it is important to note that a person does not need to disclose their identity when making a disclosure of Improper Conduct, by not providing their identity details, it may not

be possible for the CDoB or the person receiving the information to fully investigate the matter and/or provide any status updates or investigation findings.

The CDoB recognises that maintaining appropriate confidentiality is crucial in ensuring that potential Whistleblowers come forward and make disclosures in an open and timely manner without fear of reprisals being made against them.

The CDoB will take all reasonable steps to protect the identity of the Whistleblower and will adhere to any statutory requirements in respect of the confidentiality of disclosures made. In appropriate cases, disclosure of the identity of the Whistleblower, or the allegation made by them, may be unavoidable, such as if the CDoB needs to seek legal advice regarding the matter from an external lawyer or if court proceedings result from a disclosure pursuant to this Policy or there is a threat to life or property or if the CDoB has an obligation to do so. In such situations, the Whistleblower will be informed.

6. HOW THE CATHOLIC DIOCESE OF BATHURST INVESTIGATES DISCLOSURES

- 6.1** If a person within the CDoB receives information regarding alleged or suspected Improper Conduct from an Eligible Person, he or she will promptly forward it to the Whistleblower Protection Officer who will determine the most appropriate action. This might include an investigation of the alleged conduct by an appropriate person. As part of the assessment process the Whistleblower Protection Officer will determine if, in the case that the subject of a report is a parish priest, administrator or assistant priest, the content of the report may be more appropriately dealt with under the *Code of Canon Law*.
- 6.2** Any formal investigation of a disclosure will be undertaken by an impartial senior person, or a Whistleblower Investigations Officer.
- 6.3** The Whistleblower Investigations Officer will ensure the investigation:
- a) is conducted promptly;
 - b) is sufficiently resourced;
 - c) is conducted in a fair and objective manner;
 - d) is conducted in strict confidence;
 - e) protects the identity of the person who made the disclosure; and
 - f) gives the opportunity for any person who is adversely mentioned in the disclosure, an opportunity to respond prior to any findings being made.
- 6.4** At the conclusion of the investigation, the Whistleblower Investigations Officer will provide the Whistleblower Protection Officer with a report that will summarise how the investigation was conducted, the evidence collected and report any findings in relation to the allegations made and recommend any action required.
- 6.5** Following receipt of the investigation report, the Whistleblower Protection Officer, will take appropriate action if applicable, which may include:

- a) implementing the recommendations of the investigator;
- b) requesting further investigation;
- c) recommending disciplinary action; and/or
- d) notifying regulatory or law enforcement bodies.

6.6 The Whistleblower will be informed of the results of the investigation following the steps outlined in 6.5 (unless the Whistleblower has chosen to remain anonymous and there is no practical way for he or she to be contacted by the Whistleblower Protection Office). In some circumstances, privacy or other legal constraints may limit the information provided to the Whistleblower.

7. SUPPORT AND PROTECTION

7.1 Operation of this Policy

This Policy applies and protects a Whistleblower from reprisal and adverse action provided that the Whistleblower identifies himself or herself to the CDoB, and the disclosure is:

- a) Improper Conduct disclosed pursuant to section 4 of this Policy;
- b) submitted in good faith and without any malice or intentionally false allegations;
- c) based on the Whistleblower's reasonable belief that the alleged conduct, or issue related to the alleged conduct constitutes, or may constitute, a material breach of a law or other standard of behaviour; and
- d) does not result in a personal gain or advantage for the Whistleblower.

7.2 Protection for Whistleblowers

- (a) The CDoB will not take any adverse action against a Whistleblower because they have made a disclosure which meets all of the conditions in section 7.1, unless the Whistleblower is a participant in the prohibited activities with respect to which the complaint is made.
- (b) If the Whistleblower was involved in the conduct, which was the subject of the disclosure, the fact that the Whistleblower has made the disclosure may be taken into account in determining the severity of the disciplinary measures, if any, that may eventually be taken against such Whistleblower.
- (c) Any reprisals or adverse actions against a Whistleblower because they have made a disclosure which meets all of the conditions in section 7.1 are a serious breach of this Policy and may result in disciplinary action, up to and including dismissal. This protection applies to anyone providing information related to an investigation pursuant to this policy.
- (d) While it is the right of the Whistleblower to remain anonymous, if the Whistleblower

does not identify themselves and requires complete anonymity, it will be difficult for the CDoB to protect them.

- (e) The CDoB may, at its discretion, grant a Whistleblower immunity from disciplinary proceedings relating to matters that may come to light as a result of his/her disclosure. However, he/she must continue to adhere to his/her obligations to the CDoB, including any relevant policies in relation to security and privacy of Diocesan information at all times. The CDoB cannot grant immunity against criminal prosecution or third party legal proceedings.

Document Information:

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2021/007.1	Chancellor	Sharon Booth	Amend the definition of 'Reportable Conduct' to 'Improper Conduct'

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