

Whistleblower Policy

1. Purpose

Berry Street is committed to treating complaints or allegations in a respectful way – confidentially, with a fair hearing and due process for everyone involved. We recognise that a genuine commitment to detecting and preventing illegal and other undesirable conduct must include a mechanism whereby employees and others can report their concerns freely, in good faith and without fear of reprisal. This Policy provides such a mechanism and encourages the reporting of such conduct to achieve the following benefits:

- a healthy and safe work environment
- reinforcing our expectations of the highest possible standard of behaviour
- improved services and/or change to policies and procedures as appropriate
- effective and accountable management.

2. Scope

The Scope of this Policy extends to current and former:

- employees of Berry Street;
- volunteers of Berry Street;
- home- based carers of Berry Street;
- contractors (and their staff) who provide services to Berry Street
- Relatives or dependents of the above

3. Commitment to Child Safety

Berry Street is committed to being a child safe, child friendly and child empowering organisation. In everything we do we seek to protect children; we listen and respond if harm or abuse occurs and remain open, honest and transparent about any failings. Berry Street works with groups of children and young people who may be particularly vulnerable to abuse. Accordingly, Berry Street pays particular attention to:

- The safety of children in out of home care
- The cultural safety of Aboriginal and Torres Strait Islander children

- The cultural safety of children from culturally and/or linguistically diverse backgrounds
- The safety of children with a disability
- The safety of children who identify as LGBTIQ+

4. **Background and context**

Berry Street is committed to receiving and acting upon whistleblower complaints or allegations and to implementing findings and outcomes that may result from them.

The Whistleblower Service has been designed to complement, but not replace, the normal communication channels and complaint and feedback mechanisms in place to address and or report questions, concerns, suggestions or complaints. These include but are not limited to:

- Berry Street Complaints and Feedback Policy.
- Staff Grievance Procedures. - Berry Street Victoria Enterprise Agreement
- EO and Anti Bullying Procedure
- Work Health and Safety Policy
- Reporting Child Maltreatment Procedure
- Grievance and dispute resolutions procedures for Contractors – Berry Street Standard Contract Agreement.
- Workplace Investigations Procedure
- Carer and Client Screening and Investigation Procedure.
- Reportable Conduct Guidelines
- CIMS Guidelines

If any person who falls within the scope of this Policy has concerns about improper conduct (see definition – Section 5) connected with Berry Street, it is expected that they will raise their concern by using one of the complaint and feedback mechanisms available to them

While Berry Street is not required by law (Corporations Act 2001) to have a formal Whistleblower Policy, this Policy has been developed to set out how disclosures that fall within the scope of this Policy and made to the Whistleblower Service will be received, managed and protected by Berry Street.

5. **Definitions**

Natural Justice: is the right of any person where there are concerns raised regarding their conduct, to a clear, fair process including knowledge of the concerns, an opportunity to respond to the concerns and to utilise a support person as appropriate.

Child Maltreatment:

'Child abuse and neglect' and 'child maltreatment' include any:

- a) sexual abuse or sexual misconduct against, with or in the presence of a child;
- b) physical abuse;
- c) neglect;
- d) emotional maltreatment; and
- e) exposure to family violence

Protected Disclosure: is a disclosure made by an individual that falls within the scope of this policy (See definition for Improper Conduct) that entitles the person who made the disclosure to support and protection from reprisals, in accordance with this policy. Whistleblowers who make a protected disclosure will not be penalised or personally disadvantaged because they reported a matter, by way of any of the following:

- dismissal or demotion
- any form of harassment or intimidation
- discrimination
- threats, or
- bias (current or future).

Improper Conduct: is conduct by a person or persons connected with Berry Street that is:

- corrupt (for example, an employee or contractor dishonestly acting, or dishonestly failing to act, in the performance of functions of their employment, or dishonestly taking advantage of their employment or position within Berry Street to obtain any benefit for themselves or for another person or organisation, or to cause loss to another party/person; or accepting or providing secret commissions or bribes.)
- fraudulent (for example, dishonest activity that causes actual or potential financial loss, or an unjust advantage, to Berry Street or any person or organisation; theft of money, data or other property, whether or not deception is involved; deliberate falsification, concealment, destruction or use of falsified documentation used, or intended for use, for a normal business purpose or the improper use of information or position; and knowingly providing or publishing financial records or financial statements that are false or misleading in any material way).
- illegal (including theft, drug sale or use of violence or threatened violence)
- Child Maltreatment

- Breaches in Codes of Conduct
 - regulatory non-compliance
 - criminal
 - unethical behaviour (for example, practices which may be technically or arguably 'legal', but do not comply with the intent or spirit of the law or Berry Street Values
 - any other conduct which may cause loss to Berry Street or serious reputational damage.
- **Whistleblower:** is a current or former employee, volunteer, carer, contractor (including their staff, for example an agency worker) of Berry Street; and their relatives and or dependents, who attempt to make or wish to make a report in good faith of Improper Conduct under this policy and avail themselves of the protections offered by this policy.
- **Whistleblower Investigation Officers:** are people identified by Berry Street who are responsible for exercising the investigation functions under this policy. Investigation officers are responsible for:
 - receiving disclosures from the Deloitte Whistleblower Service. and or investigating disclosures;
 - if required engaging appropriate internal and or independent third parties with specialist skills and expertise to undertake all or parts of an investigation as required; and
 - reporting the outcomes of the investigation to the CEO and President of the Board.

Designated Berry Street Investigation Officers are:

- President - Berry Street Board
- Chief Executive Officer
- Executive Director: Organisational Effectiveness
- Head of Risk

6. Policy Provisions

6.1. Who can make a report under this Policy?

An eligible Whistleblower under this policy is any person who is a current or former employee, volunteer, home-based care or contractor (and their staff) of Berry Street. This also includes relatives and/or dependents of the above.

6.2. What Should be Reported Under This Policy?

In the view of the Whistleblower, who is acting in good faith, Improper Conduct as defined in Section 4. of this policy

6.3 Report the matter to the independent Berry Street/Deloitte Whistleblower Service.

This service is available 24/7. This service is anonymous. The person making the disclosure will not be asked to reveal their identity unless they choose to do so.

Telephone: 1800 986 476

Website: www.berrystreetwhistleblower.deloitte.com.au

Email: berrystreetwhistleblower@deloitte.com.au

6.4 Other reporting outside of Whistleblower Service

There are a range of complaint and feedback mechanisms available to individuals who fall within the scope of this policy to raise questions, identify concerns and or make a complaint (See Section 2). If a person chooses not to report an allegation through the Whistleblower service, an email can be sent to the following:

- i) Write or email to:
- The President - Berry Street Board
president@berrystreet.org.au
 - Berry Street Chief Executive Officer
mperusco@berrystreet.org.au
 - Berry Street Executive Director Organisational Effectiveness
jdaniels@berrystreet.org.au

6.5 What Happens Once a Disclosure is Made?

When a disclosure is made it is forwarded to a Berry Street Investigation Officer. Investigation officers receive notifications of disclosures made to the Berry Street/Deloitte whistleblower service via a secure portal.

In cases where an investigation officer has been accused of Improper Conduct, or where they have a close personal relationship with the person against whom the

accusation is made, they will be excluded from notification of the disclosure, investigation and reporting process.

Depending on the nature of the disclosure, investigation officers may engage specialist skills from specific functions of the organisation to undertake the investigation. In some cases, (for example: where investigation officers have been accused of Improper Conduct, or where they have a close personal relationship with the person against whom the accusation is made), an independent external third party will be engaged.

6.6 Allegations of Maltreatment

Where a complaint or allegation of child maltreatment arises implicating a Berry Street Person, Berry Street will do all of the following:

- immediately act to assess risks to the child, secure the child's safety, act in their best interests and respond to the child's immediate needs.
- Ensure any person assessed to be a current risk to the child does not have contact with the child or other children
- As appropriate, arrange access for the child to counselling or support other assistance
- Where the allegation involves notifiable abuse, inform relevant authorities including the Department of Health and Human Services (DHHS) Child Protection Service
- Refer matters to professional registration bodies where appropriate
- Carry out any investigation required by relevant government authorities including under the DFFS Client Information Management Systems (allegations of abuse in out-of-home care), and follow all requirements of the Victorian Reportable Conduct Scheme, and
- Cooperate with any investigation initiated by relevant government authorities including DFFH, Victoria Police and the Victorian Commission for Children and Young People.

Where a disclosure is made that involves an allegation of maltreatment of a child/ren, an allegation of maltreatment will be dealt with under the provisions of the *Reporting Child Maltreatment*, *Responding to Reports of Child Maltreatment*, *Berry Street Disciplinary Procedures* and *Workplace Investigations Procedure* to ensure:

- the immediate support and protection for all children involved in an allegation of maltreatment or other risk of harm; and
- the appropriate reporting, investigatory and disciplinary processes occur.
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6.7 Identity of the Whistleblower

If requested, the identity of the Whistleblower will be kept confidential by the Whistleblower Investigation Officer. However, if an employee chooses to disclose an issue anonymously, this may hinder the ability to fully investigate the matter. Further, it may in certain circumstances prevent the Whistleblower from accessing additional protection at law.

6.8 Disclosure of confidential information

Subject to any legal requirements, all individuals that fall within the scope of this policy including the Whistleblower, must protect and maintain the confidentiality surrounding disclosures made under this policy, including the identity of people they know or suspect may have made a disclosure, or who are the subject of a disclosure.

Information obtained from a Whistleblower will only be disclosed:

- to the extent necessary to conduct an investigation into the matter; and /or
- for reporting requirements; and or
- if the Whistleblower consents to the disclosure and or
- or as may be required by law.

6.9 Will a Whistleblower Be Penalised for Reporting a Matter?

Whistleblowers who make a protected disclosure will not be penalised or personally disadvantaged because they have reported a matter, by way of any of the following:

- dismissal or demotion
- any form of harassment or intimidation
- discrimination
- threats, or
- bias (current or future).

6.10 Protection of other employees from reprisal

Berry Street will take reasonable steps to protect employees who have been requested to assist in investigating protected disclosures from any reprisals.

7. Authorities and Accountabilities

The Chief Executive Officer is accountable for this policy.

7.1. Communication of Policy

The Berry Street/Deloitte Whistleblower portal is external to the Berry Street Network. The service can be accessed via the following methods:

Telephone: 1800 986 476

Website: www.berrystreetwhistleblower.deloitte.com.au

Email: berrystreetwhistleblower@deloitte.com.au

7.2. Reporting

The Whistleblower Investigations Officers will report their findings and actions directly to the Chief Executive Officer and President of the Board. In cases where the Chief Executive Officer or other person has been accused of Improper Conduct, or where they have a close personal relationship with the person against whom the accusation is made, they will be excluded from the reporting process.

8. Review

This Policy will be reviewed every three years or earlier as required.

9. Related Berry Street Documents

- Berry Street Values
- Berry Street Victoria Enterprise Agreement 2020 – Part 2 (Grievance and Dispute Resolution)
- Berry Street Standard Contractor Agreement (Grievance and Dispute Resolution)
- Child Safe Policy
- Client Incident Management System Guidelines (CIMS) (DFFH)
- Carer and Client Screening and Investigation Procedure. Investigation Procedure
- Code of Conduct Policy
- Credit Card Policy
- Equal Opportunity and Anti-bullying Policy
- Feedback and Complaints Policy
- Procurement Policy
- Reporting Child Maltreatment Procedure
- Reportable Conduct Guidelines (Commission for Child Young People)
- Responding to Reports of Child Maltreatment Procedure
- Staff Discipline Procedure
- School Child Safety Code of Conduct
- School Teacher Code of Conduct
- Workplace Investigations Procedure
- Work Health and Safety Policy

- Work Health and Safety Roles and Responsibilities procedure
- Volunteer Policy

10. –Version Control

Version Number	4.0
Approved by:	Berry Street Board
Approved date:	21 June 2022
Review date:	APRIL 2025
Process Owner:	Executive Director Organisational Effectiveness
Manager Responsible:	Chief Executive Officer
Version notes:	
Version 1.0	Policy created 8/2016
Version 2.0	Review 9/07/2018
Version 3.0	Review 23/01/2019 – Child Safety Commitment included.
Version 4.0	Policy Review. Updated version to include reference and update of relevant legislation and policy. Updated scope of whistle-blowers to include current and former employees, carers, volunteers and contractors. Updated wording to improve readability.