

Protected Disclosure Policy

PURPOSE

The purpose to this policy is to provide a confidential, non-punitive and straightforward process that enables staff, Board and company Directors and members of the public to bring questionable practices to light and to have their concerns properly investigated and adequately addressed.

This Protected Disclosure Policy is intended to:

- encourage and enable people internal and external to Hope Street to raise serious concerns
- establish an organisational culture that encourages openness, transparency and disclosure at all levels of the organisation.

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RATIONALE

The Corporations Act 2001 (Corporations Act) protects certain protected disclosure activities, and protects people from persecution. These protections are designed to encourage people within companies, or with special connections to companies, to alert ASIC and other authorities to illegal behaviour.

Company officers, company auditors and other persons have legal obligations under the Corporations Act if they receive a revelation from an employee with a protected disclosure. Unless those persons handle the revelation correctly they may inadvertently breach the Corporations Act if they tell an unauthorised third party, including other officers of the company or the audit partner. Any unauthorised revelation may trigger significant civil and criminal consequences.

SCOPE

- All personnel of Hope Street Youth and Family Services Ltd are bound by this policy; this includes company Directors, Board members and staff (employees, volunteers, contractors and students on placement).
- The policy covers disclosures made by people internal and external to Hope Street. It can include, staff (employees, volunteers and students on placement), Board Members, company Directors, clients, former clients, contractors, consultants, partner organisations, sponsors, suppliers, referring agencies, etc.

Exclusions

- This Protected Disclosure Act 2012 does not include individual complaints by company members, staff or clients about treatment they have received. Such issues should be dealt with via the Grievance Procedure in the Constitution, Staff Grievance Procedures or the Client Complaints Procedures.

DEFINITIONS

Protected Disclosure	<p>Protected disclosure is the disclosure of significant information on improper or corrupt conduct by people within or from outside an organisation, where disclosures are made in the public interest not the personal interest of the person making disclosure. For the purposes of this policy, the above definition includes allegations against internal personnel, external contractors and partner organisations.</p> <p><u>Exclusions</u> Identifying a protected disclosure is quite different from complaining or lodging a grievance about a person bullying or victimising you, because in doing this you're acting for yourself and in your own interest and not the public interest.</p> <p>Accordingly, the above definition excludes personal complaints about ill-treatment in the workplace and breaches of employment conditions. Such issues are dealt with through grievance procedures outlined in the Award and Occupational Health and Safety Act. It also excludes complaints by clients about the treatment they have received – this is dealt with through the Client Complaints Procedure.</p>
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	<p>In general, a protected disclosure involves an insider within an organisation, who reports misconduct or dishonest or illegal activity that has occurred within that same organisation. They must meet the five criteria</p> <ol style="list-style-type: none"> 1. be a current employee, officer or contractor of the company 2. make the disclosure to ASIC or an authorised officer of Hope Street 3. give their name to ASIC 4. have reasonable grounds to suspect breach of the Corporations Act or the <i>Australian Securities and Investments Commission Act 2001</i> 5. make the disclosure in 'good faith'. <p><i>For more details refer to the ASIC website asic.gov.au</i></p>
Improper Conduct	<p>For the purposes of this policy improper conduct means:</p> <ul style="list-style-type: none"> • corrupt conduct, or • a substantial mismanagement of public resources, or • action that poses a substantial risk to the environment , or • action where public health and safety is put at considerable or great risk
Corrupt Conduct	<p>For the purposes of this policy, corrupt conduct is :</p> <ul style="list-style-type: none"> • dishonest conduct or performance, or • inappropriate partiality, or • breach of public trust, or • misuse of information, or • a conspiracy or attempt to engage in conduct referred to above; or • attempts to conceal any of the above. <p>The alleged corrupt conduct must be serious enough to constitute, if proven, a criminal offence or reasonable grounds for dismissal.</p>
Frivolous, Malicious and Vexatious Disclosures	<p>Frivolous means having no sound basis or having no reasonable ground for making a disclosure. Malicious is defined as making a disclosure based on an intention of ill will. Vexatious is defined as a disclosure made to cause trouble or annoyance to another person.</p>
Reasonable Grounds for Belief	<p>The phrase 'reasonable grounds for belief' requires more than a suspicion that improper or corrupt conduct has occurred or is about to occur. The existence of evidence is required.</p>
Detrimental action/ Retaliation	<p>Detrimental action is action taken or threatened against a person disclosing alleged corrupt conduct and includes:</p> <ul style="list-style-type: none"> • action causing injury, loss or damage • intimidation or harassment • discrimination, disadvantage, or adverse treatment to a person's employment, career, profession, trade or business and includes the taking of disciplinary action.

POLICY STATEMENTS

Conduct

- Hope Street's values and policies demand the highest level of ethical behaviour of its company Directors, Board and staff. As representatives of the organisation they must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.
- Hope Street does not tolerate:
 - improper conduct by Board members, company Directors or staff, or
 - taking reprisals against those who come forward to disclose such conduct.

- All company Directors, Board members and staff are required to co-operate with the investigation process.

Duty to Report Improper Conduct

- It is the responsibility of all company Directors, Board and staff to report corrupt or improper conduct through appropriate channels, in accordance with this Protected Disclosure Policy.

Encouraging Disclosure

- All staff members, company Directors, Board members or members of the public who have reasonable grounds to believe corrupt conduct has occurred, is occurring or is about to occur in the management or conduct of Hope Street (including fear of detrimental action) is encouraged to disclose this conduct to the CEO or the Chair.
- Hope Street accepts and will investigate all disclosures made under this Protected Disclosure Policy where the person or persons making the claim has “reasonable grounds for belief”.

Protecting the person making a Protected Disclosure under the Protected Disclosure Act 2012

- Hope Street Youth and Family Services will take all reasonable steps to protect the identity of the person and the nature of the information disclosed.¹
- To this end, the Protected Disclosure Investigation Working Group will ensure:
 - the notification will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation
 - the investigation process maintains the highest levels of confidentiality and information is shared on a strictly need to know basis.
- Staff, Board members and company members must not disclose the following information to another person or entity:
 - suspicions about the identity of the person
 - information that may lead to the identity of the person being identified

Note: Under the Protected Disclosure Act 2012 you can only pass on the revelation and the identity of the person (or information that may lead to the identity of the person) under the following circumstances:

- a) You can pass it onto ASIC, APRA or the Australian Federal Police without asking for the person or persons making a protected disclosure’s permission.
 - b) You can only pass it onto a third party if the person or persons making a protected disclosure’s has given their consent. This means, for example, that a company secretary cannot pass on the revelation to members of the Board or the CEO unless the person or persons making a protected disclosure has consented to them doing this.
- No company Director, Board member, staff member or member of the public, who in good faith discloses alleged corrupt conduct, shall suffer retaliation/detrimental action including social rejection/ostracism.
 - Staff, Board members and company Director must not engage in any retaliation or detrimental action (including social rejection/ostracism) against the person or persons making a protected disclosure.
 - The person co-ordinating the investigation will appoint a person, separate from the investigation process, to manage the welfare of the person making a protected disclosure.

Natural Justice for the Accused

The person(s) accused of wrongdoing must be afforded natural justice in that:

¹ Hope Street Youth and Family Services acknowledges that even with the best of intentions, the anonymity of the person or persons may not always be possible in a small organisation. Other influences impacting on the ability to maintain confidentiality include:

- the actions of the person or persons making the disclosure before and after disclosure
- the nature of the disclosure
- some issues may not be able to be investigated without identifying the person or persons making the disclosure.

- they must be informed of the nature and substance of the accusations made against them before the final decision is made
- they have the right to respond to any allegations before a final decision is made
- their defence is set out fairly in any report on the outcomes of the investigation
- an impartial person(s) is appointed to investigate the allegation (all proceeding must be carried out fairly, and without bias (care must also be taken to exclude perceived bias from the proceedings)
- a decision will not be made until all reasonable inquiries have been made.

Consequences of Non-Compliance with this Protected Disclosure Policy

- Any person or group of people who discloses the identity of the person may be subject to disciplinary action.
- A company Director, Board member or staff member, who retaliates against someone who has reported a violation, will face disciplinary action which may result in termination of membership or termination of employment.
- A company Director, Board member or staff member making a vexatious, dishonest, malicious or frivolous disclosure will be subject to disciplinary action.
- Hope Street Youth and Family Services reserves the right to take any action available to it under the law to seek compensation and retribution from any person within or outside the organisation who makes a vexatious, dishonest, malicious or frivolous disclosure.

PROCEDURES

The procedures below are adapted from the Protected Disclosure Act 2012

1. Internal Controls Against Corrupt Conduct

Hope Street will maintain key internal controls to reduce the potential for improper or corrupt conduct, including:

- Conflict of Interest Policy
- Financial management policies, systems and controls
- CEO Limitations Policy
- Assets Protection Policy
- Risk Identification and Management system
- Continuous Quality Improvement processes
- Grievance Procedures for staff and Board members
- Client Complaints Policy and Procedures
- Staff supervision
- Staff Performance Appraisals

2. Strategies to Encourage Disclosure

2.1 Promoting the disclosure process

Hope Street will promote the disclosure process and encourage people to disclose any corrupt conduct through a range of strategies including:

- staff and Board induction processes and information kits
- Hope Street's website
- prominent notice boards at each site .

The above strategies will also involve informing stakeholder of:

- the existence of the Protection Disclosure Policy
- the level of protection and confidentiality afforded to people who disclose
- the process for making a disclosure.

2.2 Accepting Anonymous Disclosures

Hope Street Youth and Family Services will accept and investigate anonymous disclosures of alleged corrupt conduct where these are supported by sufficient evidence. A decision to investigate an anonymous disclosure will be based on:

- the seriousness of the issue raised
- the credibility of the complaint the evidence provided.

2.3 Building a Culture that Supports Protected Disclosures

Hope Street strives to build a culture of openness and collaboration based on the values of the organisation and a strong commitment to quality improvement. This is supported by clear policies and procedures to guide staff and Board members in undertaking their roles and responsibilities.

Moreover such a culture encourages early reporting of wrongdoing, has appropriate internal reporting mechanisms in place which are supported by a well promoted Protected Disclosure Policy. Most importantly there must be a strong management and governance commitment to prompt and effective investigation and an appetite to take the required remedial action.

2.4 Training

Hope Street will provide the necessary training to ensure staff and Board members understand the Protected Disclosure Policy, the strict requirement for confidentiality, and the process for making disclosures.

3. Managing the Welfare of the Person or Persons making a Protected Disclosure

3.1 Appointing a Welfare Manager

- Hope Street Youth and Family Services must appoint a Welfare Manager to monitor the needs of the person making the protected disclosure. The Welfare Manager must be independent from the investigation.
- Responsibility for appointing the Welfare Manager generally lies with the person co-ordinating the investigation
- The person making the disclosure should be consulted before deciding on the best person to appoint as the Welfare Manager.

3.2 Role of the Welfare Manager

A Welfare Manager may be appointed from inside or outside the organisation. The role of the Welfare Manager is to monitor the needs of the person or persons making a protected disclosure and provide advice and support. This includes:

- examining the welfare and protection needs of person or persons who has made a disclosure and seek to foster a supportive work environment
- advising the person or persons of the legislative and administrative rights and protections and information available to them
- clarifying the role of the Welfare Manager being specific about what he or she can/cannot do and what he or she will/ will not do including timelines
- clarifying who will be the point of contact for the person in terms of receiving reports on the progress of the investigation
- listening and responding to any concerns of harassment, intimidation or victimisation in reprisal for making a disclosure
- keeping an up to date record of all aspects of the case management of the person or persons, including all contact and follow-up actions
- endeavouring to ensure that the expectations of the person or persons are met.

Note: the Welfare Manager is not an advocate for the person in terms of the investigation

3.3 Maintaining Confidentiality and Anonymity

- The Welfare Manager must not divulge any details relating to the disclosed matter to any person other than members of the Protected Disclosure Investigation Working Group.
- All meetings between the Welfare Manager and the person or persons who have disclosed a protected disclosure must be conducted discreetly to protect the confidentiality of the person or persons involved.

3.4 Keeping the person or persons making a protected disclosure

A person or persons making a protected disclosure should be advised of:

- the objective of the investigation
- what actions Hope Street might be able to take
- the progress (in general terms) in investigating or otherwise dealing with their disclosures and the timeframes that apply
- the findings of any investigation and any action taken by Hope Street as a result
- the reasons for any actions

Hope Street must appoint a person to be the point of contact for the person or persons making the protected disclosure for the purposes of keeping him or her informed of this information. It should be a person who is readily accessible to the person or persons making the protected disclosure and informed of the overall handling of the disclosed matter. This person would normally person co-ordinating the investigation or the Welfare Manager.

Critical developments in the welfare of the person or persons who have made the protected disclosure should be brought to the immediate attention of the person co-ordinating the investigation.

The person co-ordinating the investigation must inform the Board of any critical developments in the welfare of the person or persons involved in making a protected disclosure. This information must be treated as totally confidential by the Board.

4. Managing the Welfare of the Person Against Whom a Disclosure is Made

Hope Street also has a duty of care to the person against whom a disclosure is made. This person will always be someone internal to the organisation (employee, volunteer, student on placement, Board member, or a company member).

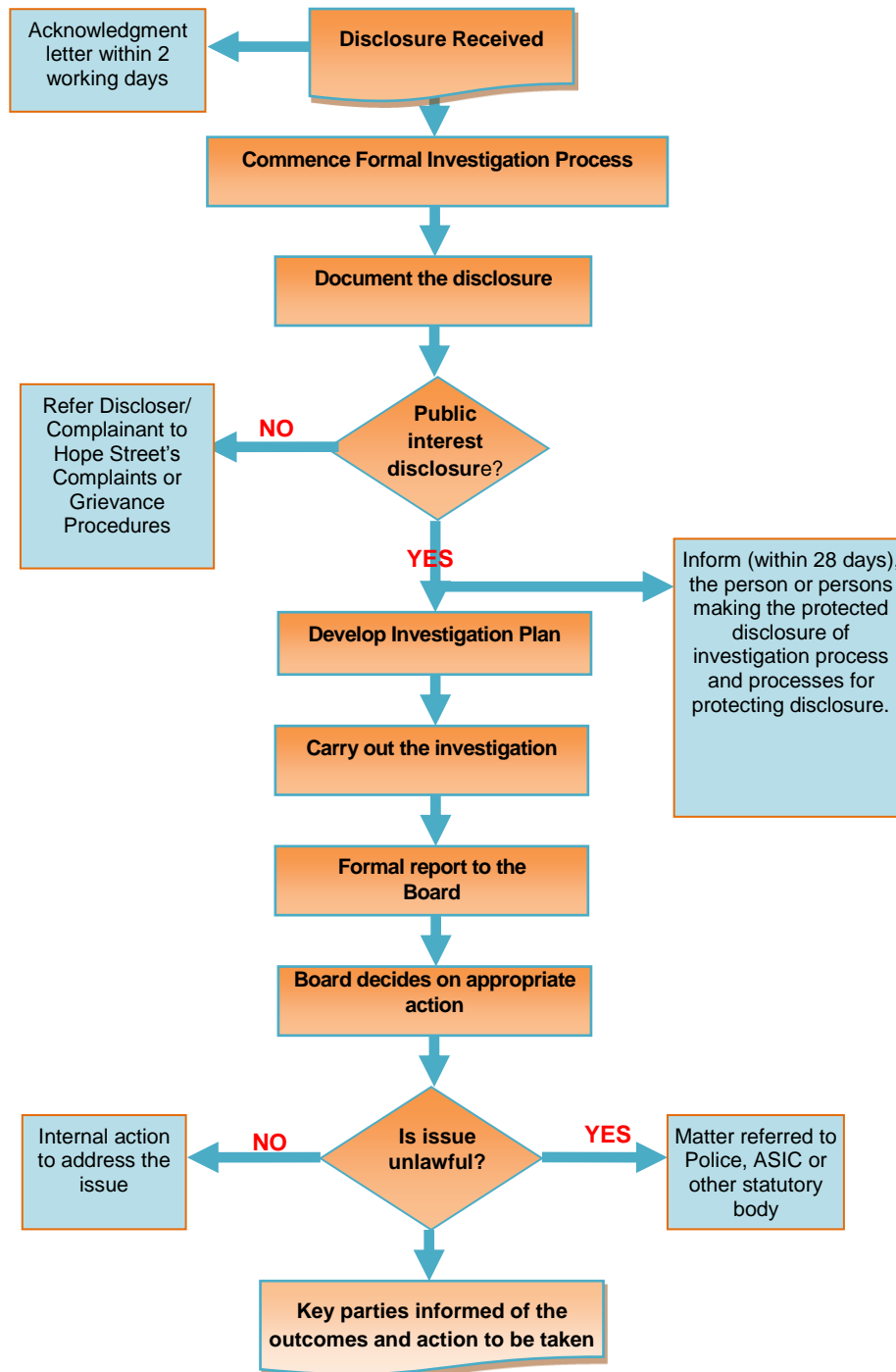
In carrying out its duty of care, Hope Street requires that the Protected Disclosure Investigation Working Group will ensure the person is informed (verbally and in writing) of:

- the allegation made against them
- an internal contact person from whom they can seek information and support their rights to:
 - confidentiality
 - have an advocate or support person present
 - receive support through the Employees Assistance Program (employees only)
- the progress (in general terms) of the investigation
- the findings of any investigation.

The decision when to inform the person(s) of the allegations made against them is the responsibility of the Protected Disclosure Investigation Working Group. In making the decision to inform, the Protected Disclosure Investigation Working Group needs to balance the rights of the accused person against the chances of this notification compromising or derailing the investigation process.

5. Process for Disclosing and Investigating Improper Conduct

The following diagram provides an overview of the process for disclosing and investigating allegations of improper conduct. At any time in the process the person co-ordinating the investigation or the Board may refer the matter to the Police where they believe a criminal act has occurred.



Step 1: Making the disclosure

Hope Street is a small organisation and despite all efforts made by management, total anonymity for person or persons involved in making a protected disclosure may not always be possible. A key factor in this is the extent a person or persons making a protected disclosure discusses an issue within and outside the organisation prior to making a formal disclosure.

Even so, a person or persons making a protected disclosure are encouraged in good faith to disclose improper and corrupt conduct and be assured that they will not be subjected to reprisals. Moreover, any member of Hope Street will be severely dealt with for carrying out reprisals against a person or persons making a protected disclosure, this includes gossiping and ostracism.

ACTION REQUIRED	PERSON TO TAKE ACTION	DETAILS												
Read Hope Street's Protected Disclosure Policy	Person or persons making a protected disclosure	Policy is available: <ul style="list-style-type: none"> • in Section 1 of the policy and procedures manual in the Shared Drive • on Hope Street's noticeboards and website. 												
Gather the facts and documentation	Person or persons making a protected disclosure	Provide a detailed description or outline of the information you have and the improper conduct it relates to. For example, dishonest or inappropriate behaviour or unsafe workplace or suggestion for better work practices. Provide as many specific details as possible including for example- <ul style="list-style-type: none"> • names of people involved • witnesses • dates and times • places and events • if theft or fraud, how much money do you think is involved? where has the money gone? etc • if property, has it been removed from the work place or is about to be? • has the property been sold or is it being stored pending sale? etc • whose work area? • location of any physical documentation or evidence including the likelihood of destruction or disposal of that evidence. 												
Make the disclosure	Person or persons making a protected disclosure	Disclosures may be in writing, verbal or anonymous. Disclosures should be made in the first instance to the CEO. If the disclosure is regarding the CEO, the Chair of Hope Street Youth and Family Services should receive the disclosure. Where there are reasonable grounds to believe the issue involves both the CEO or the Chair, disclosures should be made to another member of the Board or to the appropriate statutory body: <table border="1" data-bbox="683 1758 1385 2018"> <thead> <tr> <th>Type of Issue</th> <th>Relevant Statutory Body</th> </tr> </thead> <tbody> <tr> <td>Fraud</td> <td>Police</td> </tr> <tr> <td>Public Health or Safety</td> <td>WorkSafe</td> </tr> <tr> <td>Substantial mismanagement of public resources</td> <td>ASIC or Dept of Health & Human Services</td> </tr> <tr> <td>Putting clients at risk</td> <td>Dept of Health & Human Services</td> </tr> <tr> <td>Substantial risk to the environment</td> <td>Environment Protection Agency</td> </tr> </tbody> </table>	Type of Issue	Relevant Statutory Body	Fraud	Police	Public Health or Safety	WorkSafe	Substantial mismanagement of public resources	ASIC or Dept of Health & Human Services	Putting clients at risk	Dept of Health & Human Services	Substantial risk to the environment	Environment Protection Agency
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Step 2: Acknowledge Receipt of the Disclosure

ACTION REQUIRED	PERSON TO TAKE ACTION	DETAILS
Acknowledge receipt within 2 working days	CEO or Chair	Contact the sender and acknowledge receipt of the notification within two working days
Inform the person making the disclosure	CEO or Chair	The CEO or Chair shall explain to the person making the disclosure the following: <ul style="list-style-type: none"> the stages laid out in this procedure confidentiality requirements and the requirements as set out in the Protected Disclosure Act 2012 the record keeping processes associated with the Protected Disclosure Act 2012 (refer to section below “Keeping all Documents Strictly Confidential”) the commitment of Hope Street to protect a person or persons making protected disclosures.

Step 3: Commence a Formal Investigation Process

The person receiving the disclosure must commence a formal investigation process within 2 working days of the notification. In order to protect a person or persons making a protected disclosure, it is important to keep to a minimum the number of people who are informed of the disclosure.

Those involved in the investigation will vary depending on the person subject to the investigation, as outlined in the following table:

PERSON SUBJECT TO THE ALEGATION	PERSON TO CO-ORDINATE THE INVESTIGATION*	OTHER PEOPLE INVOLVED
Board Member	Chair	one Board member or an external person
Chair	Secretary	one Board member or an external person
CEO	Chair	one Board member or an external person
Operations Manager	CEO	one Board member or an external person
General Staff	CEO	Operations Manager

* Note: Whilst it is generally expected that the investigation will be co-ordinated by the Chair, Secretary or CEO, they may decide to appoint an external consultant to co-ordinate the investigation.

The role of people investigating the disclosure is to:

- determine whether the disclosure is a public interest disclosure or a complaint or grievance
- manage the investigation process including maintaining confidentiality as far as is practicable throughout the investigation process
- engage a suitable person to undertake the investigation if necessary
- appoint a Welfare Manager to provide support to the person or persons making a protected disclosure,
- manage the welfare of the accused person(s)
- liaise with the Board

Step 4: Document the Disclosure

ACTION REQUIRED	PERSON TO TAKE ACTION	DETAILS
Document the disclosure using the Protected Disclosure Form.	Person Co-ordinating the Investigation	The person receiving the disclosure of alleged improper conduct must document the disclosure using the Hope Street <i>Protected Disclosure Form (to be developed)</i> this would include: <ul style="list-style-type: none"> the date and time of the disclosure whether the disclosure was in person, verbal, in writing, by email, or by phone the name of the person making the disclosure (unless the disclosure is anonymous) the name(s) of the subject of the disclosure the details of the disclosure name and signature of person receiving the disclosure
Clarify details	Person Co-ordinating the Investigation	Contact the person making the disclosure and clarify the details If possible get the person to sign the disclosure form.

Step 5: Initial Assessment of a Disclosure

ACTION REQUIRED	PERSON TO TAKE ACTION	DETAILS
Determine if disclosure is in the public interest	Person Co-ordinating the Investigation	Examine the information contained in the disclosure and determine if it is a public interest disclosure or a complaint or grievance
Establish if there are reasonable grounds for belief that Improper conduct has occurs?	Person Co-ordinating the Investigation	Is the disclosure mere allegation, or conclusion, which is unsupported by any facts or circumstances? Note: <i>This does not mean that it is necessary that the person has a prima facie case, merely that there is sufficient evidence to show the belief is probable.</i> Is the informant a credible source? Ask the question, “Would a reasonable person, possessed of the same information that the person making the disclosure holds, believe that the improper conduct had occurred?”
Contact the person or persons making a protected disclosure, for more information	Person Co-ordinating the Investigation	If there is insufficient information to support reasonable grounds for the belief; contact the person or persons making the protected disclosure and invite him/her to provide additional information.
Deciding whether or not to investigate	Person Co-ordinating the Investigation	The person co-ordinating the investigation will take action to investigate the matter where it has established that there are reasonable grounds for belief that improper conduct has occurred. It may be decided <i>not</i> to investigate a disclosed matter if: <ul style="list-style-type: none"> the disclosure is believed to be frivolous, malicious or vexatious the person making the disclosure had had knowledge for more than 12 months of the disclosed matter and failed to give a satisfactory explanation for the delay in making the disclosure

ACTION REQUIRED	PERSON TO TAKE ACTION	DETAILS
		<ul style="list-style-type: none"> the matter is a personal complaint or a grievance that should be addressed through other channels
Respond to the person or persons making a protected disclosure within 28 days.	Person Co-ordinating the Investigation	Within 28 days of receiving the disclosure, inform in writing the person or persons making a protected disclosure, who made the disclosure of the assessment of the disclosure: <ul style="list-style-type: none"> whether it is considered a public interest disclosure or a personal grievance/complaint the appropriate internal process for addressing a complaint or grievance the action the organisation will take to investigate the disclosure the immediate action the organisation will take to manage the welfare of the person or persons making a protected disclosure, <p><u>Note:</u> notification is not required where the disclosure was made anonymously</p>

Step 6: Investigate the Allegations

The investigator shall not be bound by the rules of evidence and shall observe the principles of fairness and natural justice.

ACTION REQUIRED	PERSON TO TAKE ACTION	DETAILS
Decide who is to be the Leading Investigator	Person Co-ordinating the Investigation	Decide if the investigation is best carried out by an impartial person internal to the organisation or whether to call in an external consultant. <p>The Leading Investigator should have the following competencies:</p> <ul style="list-style-type: none"> be impartial (i.e. not partial or biased : treating or affecting all parties equally without prejudice) professional knowledge and skills relevant the area the alleged improper conduct occurred (e.g. finance, IT, service delivery, human resource management, occupational health and safety, etc.) understands legislative or other compliance in the area of alleged improper conduct be committed to the principal of natural justice for the accused ability to accurately document the process and findings of the investigation and make recommendations for dealing with any improper conduct <p><u>Note:</u> the person co-ordinating the investigation may also be the lead investigator if they have the required competences</p>
Develop on terms of reference	Person Co-ordinating the Investigation and the Investigator	The Terms of Reference should provide a focus and specify parameters for the investigation, identify the key issues and set a date for an investigation report.

ACTION REQUIRED	PERSON TO TAKE ACTION	DETAILS
Develop an investigation Plan	Investigator	<p>The investigator should prepare an investigation plan in consultation with the person co-ordinating the investigation.</p> <p>The plan will require the elements of the allegation to be clarified. Accordingly, a plan should address the following issues:</p> <ul style="list-style-type: none"> • What is being alleged? • What processes/avenue of enquiry will be used to substantiate the issues • What are the possible findings or offences? • What are the facts in issue? • How is the enquiry to be conducted? • What resources are required? • Timelines for reporting on progress and completion of the investigation <p>The plan will also specify the conditions and timing for informing the accused person(s) of the allegations made against them</p>
Implement the Investigation Plan	Investigator	<p>At the commencement of the investigation, the person or persons making a protected disclosure, should be:</p> <ul style="list-style-type: none"> • notified by the Investigator that he or she has been appointed to conduct the investigation • asked to clarify any matters • asked to provide any additional material he or she might have. <p>The Investigator needs to be sensitive to the person or persons making a protected disclosure for possible fear of reprisals, and to be aware of the protections provided to the Hope Street under the Protected Disclosure Act 2012.</p>
	Investigator	<p>The Investigator should obtain all documents relevant to the allegation prior to conducting interviews.</p> <p>This familiarises the Investigator with the issues of the case and allows witnesses, including the person or persons making the protected disclosure, to identify and explain documents during the interview process.</p>
Recording the investigation	Investigator	<p>It is important that notes are made of all discussions, phone calls and interviews at the time the conversations occur.</p> <p>It is recommended that all interviews with witnesses be recorded to enable an accurate record of the interview to be kept. The Investigator should ask the witness to identify him/herself at the commencement of the interview for the purposes of the taped record.</p> <p>The Investigator may also accept written statements from witnesses. These statements should include the witness's name, address and occupation, and each page should be signed. The last page should be signed below the final paragraph. <i>Refer also to section below "Keeping all Documents Strictly Confidential".</i></p>
Taking witness statements	Investigator	<p>All interviews with witnesses should be recorded to enable an accurate record of the interview to be kept.</p>

ACTION REQUIRED	PERSON TO TAKE ACTION	DETAILS
		<p>The Investigator must obtain written approval from the witness before taping a conversation with them.</p> <p>The Investigator should ask the witness to identify him/herself at the commencement of the interview for the purposes of the taped record.</p> <p>The Investigator may also accept written statements from a witness. The statement should include the witness's name, address and occupation, and each page should be signed. The last page should be signed below the final paragraph.</p>
Manage the welfare of the person or persons making a protected disclosure,	Person Co-ordinating the Investigation	Ensure an appropriate person is appointed to manage the welfare of the person or persons making a protected disclosure.
Manage the welfare of the person accused	Person Co-ordinating the Investigation	Ensure appropriate and adequate arrangements are made to manage the welfare of the accused. (<i>Refer to section below "Managing the Welfare of the Person Against Whom a Disclosure is Made"</i>).
Dealing with obstruction	Investigator	If the investigator believes the investigation is being obstructed, he or she must report the matter to the person co-ordinating the investigation.
	Person Co-ordinating the Investigation	<p>Speak with the person (s) concerned and try and resolve the matter.</p> <p>If the matter cannot be resolved and the investigation remains stalled, the matter must be reported in writing to the Board.</p> <p>Note: In providing this report to the Board, person Co-ordinating the Investigation must maintain confidentiality and provide information on a strictly need to know basis.</p>
	Board	<p>The Board will decide if the matter is to be:</p> <ul style="list-style-type: none"> investigated by another consultant, or reported to the Police or other statutory body for investigation (e.g. WorkSafe, ASIC, Environmental Protection Authority, Department of Human Services) <p>The Board may also move to implement disciplinary procedures against the person(s) obstructing the investigation.</p>

Step 7: At the end of the Investigation

ACTION REQUIRED	PERSON TO TAKE ACTION	DETAILS
Formal Report to the Board	Person Co-ordinating the Investigation and the Investigator	The person co-ordinating the investigation will assist the Investigator to draft a formal report to the Board. (<i>See guidelines in section below: Informing the Board</i>)
Decision by the Board	Board	<p>The Board will review the investigation report and make a decision of what action to take. This may include but is not limited to:</p> <ul style="list-style-type: none"> instigate disciplinary action procedures refer the matter to a more qualified consultant

ACTION REQUIRED	PERSON TO TAKE ACTION	DETAILS
		<ul style="list-style-type: none"> • refer the matter to the Police or other statutory body • move that there is no case and no further action is required • instruct the CEO to implement more stringent internal controls • instruct the CEO to organise any required training to prevent the issue from reoccurring
Informing the key parties	Person Co-ordinating the Investigation	Inform in writing of the outcome of the investigation and the steps taken the following parties: <ul style="list-style-type: none"> • the person(s) against whom allegations were made • the person or persons making the protected disclosures • key witnesses (where necessary) • staff (where necessary)
Support for wrongly accused	CEO, Chair Board Senior Management	If the allegations are clearly wrong or unsubstantiated, the person who is the subject of the disclosure is entitled to the support of Hope Street Board and its senior management. The Chair and CEO will confer and decide what information shall be afforded to the accused person and whether this shall be verbal or written.
Preventative Action	CEO Board	The CEO and Board must take reasonable steps to ensure the improper conduct does not reoccur. This may include but is not limited to : <ul style="list-style-type: none"> • disciplinary action • reviewing and revising policy and procedures • providing training or increased supervision • reviewing the organisations checks and balances and its monitoring systems

6. Informing the Board

The person co-ordinating the investigation will need to establish the level of detail that should be contained in its reports to the Board so as not to compromise the investigation or the anonymity of the person or persons making a protected disclosure Reports must be on a “need to know basis”.

As a general guideline the following information should be provided to the Board:

- the nature of the notification
- brief summary of the investigation methodology
- persons involved in carrying out the investigation
- actions taken to protect and support the person or persons making a protected disclosure
- actions taken to afford natural justice to the accused
- findings of the investigation
- any outstanding risks
- recommendations for action.

Any reports received by the Board must be treated in the strictest confidence.

The Board must be informed immediately if the matter is referred to the Police or ASIC.

7. Keeping all Documents Strictly Confidential

Hard Copy Documents

All hard copy documents (including paper documents, tape recordings, CDs, USB memory sticks) relating to a disclosure under this Protected Disclosure Policy

- be kept in a locked filing cabinet with access restricted to the CEO and person(s) investigating the matter
- be kept in files that are clearly marked Protected Disclosures, with a prominent label on the front clearly stating that any unauthorised divulging of the contents will lead to disciplinary action
- not be faxed to a fax machine where there is general access
- delivered by personal delivery.

Electronic Files

All electronic files relating to a disclosure under this Protected Disclosure Policy must:

- be password protected, and the password is only known to the investigator and the CEO**
- **not be emailed**, even between authorised personnel.

* * Where the CEO is the subject of the disclosure or investigation, access to hard copy and electronic files will be restricted to the person investigating the matter and the Chair.

MONITORING AND REVIEW

The CEO and Board should keep abreast of developments in State and Federal legislation around making a protected disclosure.

Within one month of the completion of an investigation, the organisation should seek feedback from person or persons making a protected disclosure, their Welfare Manager and others involved in the investigation as to the effectiveness of the system outlined in this Protected Disclosure Policy. This feedback should be used as part of the evaluation of Hope Street's Protected Disclosure system and the development of improvement actions.

The CEO is responsible for ensuring that staff and Board members remain aware of the system in place for making a protected disclosure that is, disclosing serious improper and corrupt conduct. The Board should report publically in its Annual Report:

- the number of disclosures received under the Protected Disclosure Policy
- a categorisation of the allegations reported
- the number and types of disclosure matters referred to and external investigator
- the number and types of disclosure that were substantiated on investigation and the action taken to address the issues
- which authorities were informed

RELATED POLICIES, PROCEDURES AND OTHER KEY DOCUMENTS

- CEO Limitations Policy
- Code of Conduct for Board Members
- Code of Conduct for Staff
- Conflict of Interest Policy
- Client Complaints Policy
- Hope Street Youth and Family Services Limited Constitution – Cessation of Membership
- Financial Management Manual
- Protected Disclosure Form

REFERENCES

- Australian Securities and Investments Commission (ASIC) asic.gov.au
- *Guidelines for making and handling protected disclosures*, IBAC
<https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-making-and-handling-protected-disclosures>
- *Guidelines for protected disclosure welfare management*, IBAC
<https://www.ibac.vic.gov.au/publications-and-resources/article/guidelines-for-protected-disclosure-welfare-management>
- Protected Disclosure Act 2012