



Whistleblower Policy

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St John Ambulance Australia SA Inc.

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1. Purpose

The purpose of this policy is to provide a supportive environment where allegations of wrongdoing within, or by St John SA, can be raised without fear of retribution where the matter and/or grievance cannot be resolved through a member's line manager. The Whistleblower Policy applies to genuine corporate disclosure and excludes what would normally be considered as a personal grievance.

2. Whistleblower Protected Disclosure

Under this Policy, a Whistleblower who makes a disclosure, based on reasonable grounds, will be protected from reprisal or repercussions from St John SA as a result of reporting wrongdoing. Protections include:

- Non-disclosure / identification of the Whistleblower (unless otherwise agreed);
- Acceptance of and investigation of anonymous disclosure; *and*
- Discreet investigation.

3. Whistleblower Protection from Victimisation

A St John SA Member must not victimise any Whistleblower or cause any Whistleblower to be victimised as a result of a disclosure. St John SA is committed to protecting and ensuring that Whistleblowers who disclose wrongdoing under this Policy do not suffer any detrimental treatment.

Victimisation includes intimidation, harassment, threats, action causing injury, loss or damage, discrimination, disadvantage, or adverse treatment in relation to a person's employment, career, profession, trade or business.

St John SA regards victimisation very seriously and will take appropriate actions in response to victimisation, which may result in perpetrators facing disciplinary action, including possible suspension of membership, termination of employment or termination of contract.

4. Whistleblower Liability

A Whistleblower remains liable for their own conduct that may constitute wrongdoing. St John SA has no power to offer any person immunity against prosecution from either the South Australia Police or other regulatory agency, nor does St John SA have authority to reduce the penalty applicable if the conduct disclosed is criminal or in breach of clinical guidelines.

5. Responsibilities

5.1 All Members

There is an expectation that all members contribute to creating an honest, ethical and professional work and/or volunteering environment.

5.2 Supervisors

Supervisors have a leading role in creating an honest, ethical and professional work and/or volunteering environment and are expected to display appropriate attitudes towards compliance with St John SA policies and procedures.

6. Investigation of Whistleblower Disclosures

6.1 Making a disclosure

St John SA may, at its discretion, engage the services of a reputable third-party provider to receive and report on disclosures. Where such service is provided, process will be provided within a documented and agreed Service Level Agreement, with relevant information provided to members.

Where no third-party provider is in place, or where a member prefers, disclosures of general wrongdoing may be referred to the Human Resources Manager or alternatively where this is not appropriate, to the General Manager, Operational Services or CEO.

Whilst it is preferable for disclosures to be made directly to St John SA as indicated above, a disclosure may also be made with the St John National Office or any other “eligible recipient” which could include external bodies such as:

- a) The Australian Securities Investments Commission (ASIC)
- b) The Australian Tax Office (ATO)
- c) The Australian Federal Police (AFP).

All disclosures must be treated with confidentiality and only those responsible for managing process or who have a requirement to respond to the disclosure may be consulted or briefed.

6.2 Preliminary Assessment

On determination, the Chair, Deputy Chair, Human Resources Manager, General Manager Operational Services or CEO will:

- Where the Chair, Deputy Chair or CEO have legal responsibilities, a criminal offence has (or could be) committed, or there is a serious safety concern, must manage the investigation via the formation of an Allegation and Investigation Management Committee;
- Refer the disclosure to the Whistleblower’s supervisor or other relevant person for actioning (not applicable if Whistleblower is anonymous);
- Refer the disclosure to the General Manager, Operational Services who will review the information to determine if there is a breach of clinical competence, clinical misconduct or whether the matter may need to be referred to the Australian Health Practitioner Regulation Agency, Health and Community Services Complaints Commissioner or other relevant agency for further investigation;
- Progress the disclosure to an informal investigation.

6.3 Disclosure Referrals

For a disclosure of wrongdoing made to St John SA implicating Board members, the following applies:

- For an individual member or several members, excluding the Board Chair, the matter is to be referred to the Board Chair;
- For the Board Chair, the matter is to be referred to the Deputy Chair;
- For the entire Board, the matter is to be referred to the CEO as do all other disclosures. However, in this instance, the CEO will initiate an independent investigation based upon the advice and recommendations of independent legal consultation.

For a disclosure which presents implications of wrongdoing against the CEO, the disclosure will be referred to the Board Chair. If the Whistleblower prefers, they may request the matter be referred to the HR Manager or General Manager Operational Services to disclose on their behalf.

For a disclosure which presents implications of wrongdoing against a General Manager or any other paid or volunteer member, the disclosure will be referred to the CEO or the HR Manager.

Disclosures of wrongdoing in relation to children (including suspicion or evidence of grooming or inappropriate contact or conversation) will be referred to a St John SA Child Protection Officer. (Members should refer to the Children and Vulnerable Persons Protection Policy, Procedure and Safeguarding Children and Vulnerable Persons Handbook for more information).

6.4 Investigations

Investigations will be conducted as per the Grievance Handling Policy and Procedure.

6.5 Suspension or Re-assignment of Duties

Suspension or re-assignment of duties will be as per the Disciplinary Policy and Procedure or as otherwise determined by the recipient of disclosure as defined at 6.1.

7. Right of Appeal

St John SA acknowledges the right of members to appeal the decision made following the outcome of an investigation.

8. Natural Justice

The principles of natural justice will be applied and followed in all incidences of alleged wrongdoing and subsequent investigations. A presumption of innocence exists unless / until allegations are substantiated. All parties implicated or involved in a matter, will be treated with fairness and in line with the principles of natural justice, including being provided with the opportunity to respond to any allegation.

9. Confidentiality

Where the identity of a Whistleblower is known, St John SA will take all reasonable steps to protect the identity of the Whistleblower. Accordingly, St John SA will not disclose the Whistleblower's identity unless:

- The Whistleblower making the report consents to the disclosure;
- The disclosure is required by law;
- The disclosure is necessary to prevent or lessen a serious threat to a person's health or safety;
- It is necessary to protect or enforce St John SA's legal rights or interests or to defend any claim; or
- Engaged in serious misconduct or illegal conduct.

10. Communication

Where possible, and assuming the Whistleblower is not anonymous, St John SA will keep the Whistleblower informed of the outcome of an investigation into wrongdoing, subject to confidentiality considerations.

11. Support Programs

Members have access to counselling support provided by St John SA. Support may include Peer Support, St John SA's Employee Assistance Program or private counselling services.

Please refer to the Grievance and Handling Policy and Procedure for further information.

12. Definitions

Whistleblowing: The disclosure by or for a witness, of actual or suspected wrongdoing in an organisation that reveals fraud, corruption, illegal activities, gross mismanagement, malpractice or any other serious wrongdoing.

Whistleblower: A person who reports wrongdoing in accordance with this policy.

Wrongdoing: Is conduct that:

- may constitute child / elder abuse as provided within the relevant Act. (Members should refer to the Children and Vulnerable Persons Protection Policy and Procedure for more information);
- is fraudulent, dishonest or corrupt, including soliciting or offering of a bribe;
- is illegal, such as theft, drug sale or use, violence or threatened violence, criminal damage to property or other breaches of legislation;
- is unethical, such as acting dishonestly; altering company records; wilfully making false entries in books and records; engaging in questionable accounting practices; or wilfully breaching St John's code of conduct or policies and procedures;
- is potentially damaging to St John SA such as mal-administration or substantial waste of resources;
- is seriously harmful or potentially seriously harmful to a St John SA member such as deliberate unsafe work practices or wilful disregard to the safety of others in the workplace;
- may cause serious financial or non-financial loss to St John SA, damage its reputation or be otherwise seriously contrary to St John's interests;
- involves any other kind of serious impropriety including retaliatory action against a Whistleblower for having made a wrongdoing disclosure.

Reprisal: Is to cause or attempt or conspires to cause detriment to another member or person because of, or in belief that the member or person has made or intends to make a disclosure.

Member: Any person (paid or voluntary) who conducts business for or on behalf of St John SA.

Supervisor: Paid staff, Operations Leaders, Community Care Program Coordinators, Line Managers, Senior Members or others who have members or other service providers conducting St John SA business on their behalf.

AIMC: The Allegations and Investigation Management Committee comprises the CEO, Commissioner, Human Resources Manager, General Manager Operational Services and State Superintendent.

Work: Any action conducted by members or others engaged by St John SA on behalf of St John SA.

Workplace: Any location where St John SA business is conducted, which includes (but is not limited to) St John SA properties, events (Operations), clients' homes (Community Care).

13. Related Documents

- Children and Vulnerable Persons Protection Policy and Procedure
- Grievance Handling Policy and Procedure
- Code of Conduct
- Whistleblower Protection Act 1993