



# Whistleblower Protections

## Policy

### Overview

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<b>TSA encourages people to speak up</b>	<ul style="list-style-type: none"><li>• The Salvation Army (TSA) recognises that the act of choosing to report wrongdoing may require strong individual courage and commitment to doing the right thing in a difficult situation.</li><li>• Doing the right thing is central to TSA's values and is essential for us to continue to carry out our mission and have the trust of the broader community we serve.</li><li>• TSA wants a culture where every single person connected to the movement or its work knows that if they have reasonable grounds for a concern about wrongdoing by even the most senior personnel of the movement, they are encouraged to report their concerns to any approved Report Recipient and that TSA will make every possible effort to protect and support Whistleblowers who raise these concerns.</li></ul>
<b>Purpose</b>	<ul style="list-style-type: none"><li>• To encourage and facilitate the reporting of information regarding improper illegal, corrupt and/ or unethical conduct by The Salvation Army (TSA) Australia Territory or its personnel. This policy aims to provide a safe and confidential structure where Whistleblowers can raise these concerns without fear of detrimental treatment.</li></ul>
<b>Who does this apply to?</b>	<p>This policy applies to all current and former personnel of TSA (including members of the Board), suppliers of goods or services to TSA, associates of TSA and includes their spouse, relative or dependents.</p> <p>These individuals may be located outside of Australia.</p>
<b>Effective date</b>	10/02/2021

## Definitions

Definitions are located in the [Glossary of Terms and Definitions](#) (GO\_LR\_GUI-03\_TPMP).

Term	Definition
<b>Conflict of Interest</b>	<p><b>Actual conflict of interest</b> A conflict between the duties and personal interests of an individual that improperly influences the performance of their duties.</p> <p><b>Apparent or perceived conflict of interest</b> A situation where it appears that an individual's personal interests could improperly influence the performance of their duties but this is not in fact the case.</p> <p><b>Potential conflict of interest</b> Where a process has been set in motion that in the future, may create a conflict of interest.</p>
<b>Reasonable Grounds</b>	A Whistleblower is not required to prove their concerns, but must have 'reasonable grounds' to suspect Potential Wrongdoing. In practice, this means that there is more than just a suspicion of Potential Wrongdoing and there is some information that supports the allegation. However, a Whistleblower does not need to prove their allegations.
<b>Report</b>	The written report which a Whistleblower provides to a Report Recipient.
<b>Report Recipient</b>	<p>A person who receives a Report from a Whistleblower and is required to respond to the report in line with the Whistleblower Protections Policy (GO_LR_POL_TWBP) and Whistleblower Protections Procedure (GO_LR_PRO_TWBP).</p> <p>Personnel may make Reports to:</p> <ul style="list-style-type: none"> <li>• Divisional Commanders</li> <li>• Heads of Department</li> <li>• National Directors</li> <li>• Whistleblower Protections Officer (WPO)</li> <li>• Members of the Executive Mission Council (EMC) including the EMC Secretariat</li> <li>• Board Members, including the Board Secretariat</li> <li>• The auditor or member of an audit team conducting an audit on TSA</li> <li>• 'Your Call' Whistleblower service</li> </ul>
<b>TSA Personnel</b>	A person who may be an officer, territorial envoy, aux-lieutenant, cadet, candidate, person serving under officer conditions, employee, volunteer, a contractor or subcontractor, employee of a contractor or subcontractor, employee of a labour hire company, trainee or student on placement that is engaged in any TSA mission delivery or mission expression or is a Board or Board Committee member.

<p><b>Whistleblower</b></p>	<p>Any current or former:</p> <ul style="list-style-type: none"> <li>• Member of personnel</li> <li>• Suppliers of goods and services to TSA</li> <li>• An associate of TSA</li> <li>• Spouse, relative or dependent of one of the individuals referred to above</li> </ul> <p>who provides a Report within the context of whistleblowing, acting on objective reasonable grounds. A Whistleblower may be located outside of Australia.</p> <p>A Whistleblower can still qualify for protection even if their disclosure turns out to be incorrect, if they had reasonable grounds for reporting Potential Wrongdoing.</p>
<p><b>Potential Wrongdoing</b></p>	<p>Potential Wrongdoing is any:</p> <ul style="list-style-type: none"> <li>• Suspected or actual misconduct or improper state of affairs or circumstances in relation to TSA. This includes any conduct in relation to TSA personnel.</li> <li>• Conduct that indicates that TSA, including TSA personnel, has engaged in conduct that is an offence against or a breach of the <i>Corporations Act 2001</i> (Cth) or has engaged in conduct that constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more.</li> <li>• Conduct at TSA that represents a danger to the public or the financial system, even if this does not breach any law.</li> </ul> <p>Examples of Potential Wrongdoing include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• TSA has failed to act legally or ethically in accordance with TSA's values</li> <li>• Conduct endangering health or safety or causing damage to the environment</li> <li>• Dishonest or unethical behaviour</li> <li>• Conflicts of interest</li> <li>• Conduct likely to damage TSA's reputation</li> <li>• Accounting, tax, audit or resource mismanagement concerns that may lead to financial loss for TSA</li> <li>• Deliberate concealment of the above</li> </ul> <p>In most cases, Reports relating solely to personal work-related grievances are not considered to be Potential Wrongdoing and whistleblower protections do not apply. Reports relating solely to personal work-related grievances should be raised under the Grievance Resolution Procedure (BS_HR_PRO-03_TWPR). However, sometimes, there are personal work-related grievances which do qualify as protected disclosures, for example, if they are part of a problematic pattern or systemic issue within TSA, will have a significant implication for TSA, or if the grievance is bundled with illegal activity or another protected disclosure or if the grievance concerns detriment to a Whistleblower in relation to making a report of Potential Wrongdoing.</p> <p>Reports relating to TSA personnel misconduct towards clients and community members may also be raised under the Incident Management procedure (GO_QA_PRO-01_TCIM) and Responding to Safeguarding Concerns procedure (GO_LR_PRO-01_TPOI).</p>

## Policy Statement

### Valuing transparency and accountability

TSA:

- Recognises the value of transparency and accountability
- Supports the making of disclosures that reveal systemic faults
- Takes steps to avoid mistreatment of Whistleblowers
- Provides appropriate protections for Whistleblowers
- Is committed to addressing Whistleblower concerns

### TSA's Reporting requirements

This policy provides reporting requirements that:

- Allow TSA to deal effectively and appropriately with reports in a way that will protect, as far as is reasonably practicable, the identity of the Whistleblower
- Facilitate protection, as far as is reasonably practicable, from any negative actions that may arise from submitting a report
- Ensure principles of procedural fairness are applied to investigations in response to reports
- Support the appropriate infrastructure including:
  - Systems, processes and mechanisms for reporting and investigation
  - Protection and support of Whistleblowers
  - Secure storage of information that is provided by Whistleblowers

## Whistleblowing

### Benefits

The benefits of the effective application of this policy include:

- An improved culture in which personnel are safe and confident they can raise concerns
- Improved quality and safety of service delivery
- Improved compliance
- Improved work health and safety
- Improved personnel confidence in the culture of TSA to address inappropriate conduct

### Types of reports

Reports may be made about TSA as a movement, or its personnel.

Reports may also be made in regard to action taken, suspected to be taken, or failed to be taken in relation to whistleblowing.

### Timeframe

The conduct or action being reported may have taken place in the past, may still be occurring, or may be suspected to occur or be engaged in, in the future.

### Incident, feedback and complaints process

This policy exists alongside the:

- Feedback and Complaints Policy ([GO\\_QA\\_POL\\_TFBK](#)),
- Incident Management Policy ([GO\\_QA\\_POL\\_TCIM](#))
- Person of Interest (Safeguarding) Policy ([GO\\_LR\\_POL\\_TPOI](#))
- Responding to Safeguarding Concerns procedure ([GO\\_LR\\_PRO-01\\_TPOI](#))
- Workplace Relations Policy ([BS\\_HR\\_POL\\_TWPR](#)) and associated Procedures.

The Feedback and Complaints Policy provides the incident, complaints, compliments and suggestions mechanism for anyone who engages with TSA including clients, participants and members of the community.



## How to make a whistleblowing report

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**Protected Reports** Under Australian law, legislative protections are available to Whistleblowers who make a report, based on reasonable grounds, of Potential Wrongdoing to a Report Recipient. A report can also be made to ASIC, APRA or to a lawyer for the purpose of obtaining legal advice. Emergency disclosures and public interest disclosures can also be made to a member of parliament or to a journalist in certain circumstances as set out in the *Corporations Act 2001* (Cth). A Whistleblower is encouraged to seek independent legal advice before making a public interest disclosure or emergency disclosure to a member of parliament or a journalist to ensure that the criterion for protection is satisfied before making the disclosure.

To obtain the legal protections, all 3 criteria must be satisfied:

- The report must be made by a Whistleblower
- The report must be made to a Report Recipient or one of the other parties listed above
- The report must be made with reasonable grounds to suspect Potential Wrongdoing

A Whistleblower does not need to prove the allegations, but they are encouraged to provide evidence in support of the disclosure if it is safely available. A Whistleblower can still qualify for protection even if their report turns out to be incorrect or unsubstantiated provided they have a reasonable basis for making the report.

A Whistleblower can remain anonymous when making a report of Potential Wrongdoing. There is no requirement for a Whistleblower to provide their name or identity at any stage during the reporting or investigation process. A Whistleblower can also decide not to answer questions that they feel may reveal their identity. However, if a Whistleblower chooses to remain anonymous, this may affect the ability of TSA to investigate and properly communicate with the Whistleblower about the report.

TSA encourages disclosers who would prefer to remain anonymous to maintain ongoing two-way communication with TSA so that TSA can ask follow-up questions and provide feedback. This can also be done using the Your Call service (see below).

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**Reporting to a Report Recipient** TSA encourages everyone to report actual or suspected Potential Wrongdoing as soon as a person becomes aware of it. The preferred first point of contact is to the Whistleblower's applicable Head of Department or National Director. However, if the Whistleblower is concerned this person would have a conflict of interest in knowing the information and/or may not act appropriately on being told, they may choose to report to a different Report Recipient or to Your Call.

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**Reporting to Your Call** If a person is not comfortable raising their concerns internally, TSA has engaged Your Call to provide external, third party whistleblower services.

Your Call provides a call centre for making whistleblowing reports, which enables a person to make an anonymous report. They also provide the ability for a person to make an anonymous report through their website. Your Call can be contacted at the following:

Phone: 1300 790 228 (9am – 12pm AEST on business days)

Web: [www.yourcall.com.au/report](http://www.yourcall.com.au/report). Please refer to "TSA" as the organisation ID.

When making a report, a person should provide as much information as possible, including details of the potential wrongdoing, people involved, dates, locations and any more evidence that may exist.

**Additional  
information**

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If a person requires additional information about making a whistleblower report or the operation of this policy, they can contact The Secretary to the Property Trusts.

## Protection for Whistleblowers



### Confidentiality of identity

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TSA offers protection and support to Whistleblowers who make a report of Potential Wrongdoing that appears to have reasonable grounds in accordance with this policy.

Subject to the below exceptions, Whistleblower identity will be kept confidential.

Whistleblower reports may be made anonymously.

It is illegal for a person to identify a Whistleblower, or disclose information likely to lead to their identification, subject to the exceptions listed below. Maintaining confidentiality of identity of a Whistleblower who has made a report of Potential Wrongdoing with reasonable grounds is crucial, particularly in ensuring reprisals are not made against a Whistleblower.

### Exceptions to keeping identity of a Whistleblower confidential

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TSA takes all reports seriously and will protect the identity of the Whistleblower, information that may lead to Whistleblower identification and the contents of the report, except if:

- The Whistleblower consents in writing to the disclosure of their identity
- The Whistleblower self-discloses their identity
- The identity of the Whistleblower becomes known, other than by an action of TSA and all reasonable steps to reduce the risk that the Whistleblower will be identified, have been exercised
- Disclosure of the identity of the Whistleblower is compelled by law
- An authorised disclosure of the Whistleblower's identity, or information likely to lead to their identification, is made to the Australian Securities and Investments Commission, the Australian Prudential Regulation Authority or the Australian Federal Police
- It is reasonably necessary to disclose information likely to lead to a Whistleblower's identification for the purposes of investigating a matter. All reasonable steps will be taken to reduce the risk that the Whistleblower is identified

### How TSA protects confidentiality of identity

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- Ways that TSA will protect a Whistleblower's identity include:
    - Removing personal information or other details that may identify a Whistleblower
    - Referring to the Whistleblower in gender-neutral terms or via a pseudonym
    - Where possible, the Whistleblower will be contacted to help identify whether certain aspects of their report could inadvertently identify them
    - Storing whistleblower reports securely



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**Limitations on public comment**

- Public comments by TSA Personnel, including interactions with commercial and social media, must be in accordance with TSA's Media Relations Policy (GO\_PR\_POL\_TMED).
- TSA does not authorise any personnel to inform commercial or social media of their report and will not offer protection to any personnel who do so.
- Legal protections for TSA Personnel making reports to journalists or parliamentarians will apply only in circumstances where the disclosure is of public interest or emergency and the process set out in this policy for making such disclosures is followed. Where such reports are not warranted, not properly made, or do not have reasonable grounds, the legal protections will not apply. For this reason, any person intending to make a public interest disclosure or an emergency disclosure to a journalist or member of parliament is encouraged to get independent legal advice before doing so.

## Protection from Reprisals

### Potential retaliation

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A Whistleblower may be concerned that they may experience retaliation from other personnel or TSA as a movement.

In relation to a Whistleblower report, TSA will protect the Whistleblower from:

- Being terminated or having their engagement ceased
  - Performance management
  - Harassment or on the job workplace bullying
  - Harm or injury, including psychological harm
  - Damage to property, reputation or financial position
  - Warnings or disciplinary actions
  - Discrimination
  - Any other action that can be perceived as retaliation for making a report
  - Threats of retaliation action
- Where the disclosure itself identifies criminal activity or breaches of TSA policy of the Whistleblower themselves, then performance management may still occur.

### Addressing retaliation

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The Whistleblower must contact the Whistleblower Protections Officer (WPO) if they:

- Believe that retaliation is imminent
- Are targeted for retaliation
- Have already been retaliated against

The WPO must take the appropriate protective action and make recommendations for resolution of any retaliatory behaviour.

TSA is committed to selecting the best possible option to protect the Whistleblower.

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### Compensation and other remedies

Whistleblowers are protected from some civil, criminal or administrative action being taken against them because they have made a report of Potential Wrongdoing under this policy. This includes civil action being taken against them for breaching the terms of their engagement, criminal action being taken against them (except because they have made a false report) or administrative action (e.g. disciplinary action) being taken against them.

However, these protections do not apply to action being taken against a Whistleblower for misconduct that the Whistleblower has engaged in, that is revealed in the report or subsequent investigation.

It is an offence under the *Corporations Act 2001* (Cth) to cause, or threaten to cause detriment to a Whistleblower because they have made, propose to make, or could make a report of Potential Wrongdoing in accordance with this policy and serious penalties apply. A Whistleblower who is subject to such detriment may seek compensation or other remedies from a Court if they have suffered loss, damage or injury because TSA failed to take reasonable precautions and exercise due diligence to prevent the detriment.

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### Protection for others

The WPO will take into account any protection that may be appropriate for other parties involved in a whistleblowing matter, e.g. witnesses and alleged victims/survivors of Wrongdoing.

**Separation of issues**

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While TSA is committed to protecting Whistleblowers from retaliation, it is also important that Whistleblowers remain effective in their position and continue to fulfil the requirements of their role as long as that remains reasonably practicable and safe for them to do so.

TSA will retain the right to address any performance or contractual issues with Whistleblowers provided they are kept separate from, and not influenced by the whistleblowing.

## Reporting to the Board, Access and Training in relation to this policy

<b>Board oversight</b>	The Board (either directly or through its Audit and Risk Committee) will monitor the whistleblower management system to ensure that the broader trends, themes and/or emerging risks highlighted by the disclosures made under its policy are addressed and mitigated as part of its risk management and corporate governance.
<b>Training</b>	The Secretary to the Property Trusts will be responsible for ensuring the ongoing education and training on the Whistleblower Policy, processes and procedures to all personnel.
<b>Policy availability</b>	This policy will be available to TSA personnel on the intranet <a href="#">Policy Hub - Home (sharepoint.com)</a> . A copy will also be available on TSA's website to ensure it is accessible for all eligible Whistleblowers.

## Roles and Responsibilities

<b>Whistleblower</b>	<ul style="list-style-type: none"> <li>Provides a report recipient verifiable information of improper, illegal or corrupt conduct within TSA.</li> </ul>
<b>Report Recipient</b>	<ul style="list-style-type: none"> <li>Receives a report from the Whistleblower</li> <li>Protects the confidentiality of the Whistleblower's identity</li> <li>Liaises with TSA's WPO to manage TSA's response to whistleblowing reports</li> </ul>
<b>Whistleblower Protections Officer (WPO)</b>	<ul style="list-style-type: none"> <li>Receives whistleblowing reports</li> <li>Protects the confidentiality of the Whistleblower's identity</li> <li>Works with Whistleblowers and report recipients to manage TSA's response to whistleblowing reports</li> <li>Reports directly to the Board on whistleblower reports (while keeping the Whistleblower's identity confidential)</li> <li>Facilitates communication and awareness of this policy and related processes to all personnel</li> <li>Ensures protection is afforded to the Whistleblower</li> </ul>

## Accountability

<b>Obligation</b>	All personnel under the terms of their service, employment, engagement or contract must comply with all TSA policies, procedures and supporting documents.
<b>Consequences of non-compliance</b>	Failure to comply with this policy may result in disciplinary action or mediation and, in serious cases, termination of employment or engagement with TSA.

## Location

<b>Repository</b>	<a href="#">Territorial Policy Hub</a>
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## Feedback

<b>Feedback is encouraged</b>	Feedback is used to improve and enhance the impact of this policy and will be considered when reviewing and updating the document.
<b>Who is feedback provided to?</b>	All feedback is to be forwarded to the Secretary to the Property Trusts via email to <a href="mailto:policy@salvationarmy.org.au">policy@salvationarmy.org.au</a> .

## Related Documents and References

<b>Policy Documents</b>	Whistleblower Protections Policy ( <a href="#">GO_LR_POL_TWBP</a> ) Whistleblower Protections Procedure ( <a href="#">GO_LR_PRO_TWBP</a> )
<b>Related Policy Documents</b>	Feedback and Complaints Policy ( <a href="#">GO_QA_POL_TFBK</a> ) Incident Management Policy ( <a href="#">GO_QA_POL_TCIM</a> ) Media Relations Policy ( <a href="#">GO_PR_POL_TMED</a> ) Workplace Relations Policy ( <a href="#">BS_HR_POL_TWPR</a> )
<b>Related Legislation</b>	<i>Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019</i> (Cth) <i>Privacy Act 1988</i> (Cth) <i>Corporations Act 2001</i> (Cth) <i>Crimes Act 1988</i> (Cth)
<b>Funding Agreement Requirements</b>	N/A
<b>Governance/ Accreditation/ Certification Standards</b>	N/A
<b>Audit Report Findings</b>	N/A
<b>Other Relevant Documents /Resources</b>	N/A

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	1-0	08/08/2019	Inaugural version
	2-0	05/02/2021	12 month review
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