



# Whistleblower Protections Procedure

## Overview

<b>Overarching Policy</b>	This procedure supports the Whistleblower Protections Policy (GO_LR_POL_TWBP).
<b>Purpose</b>	This procedure facilitates the reporting process for Whistleblowers within The Salvation Army (TSA).
<b>Who does this apply to?</b>	This procedure 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. These individuals may be located outside of Australia.
<b>Effective Date</b>	10/02/2021

## **Definitions**

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

## Procedure Statement

TSA has procedures in place to facilitate whistleblowing. In contemplating the use of this procedure, the potential Whistleblower should consider if the disclosure meets the definition of Potential Wrongdoing as outlined in the Whistleblower Protections Policy (GO\_LR\_POL\_TWBP).

If the disclosure is not in relation to Potential Wrongdoing, it may be raised via TSA's Workplace Relations Policy (BS\_HR\_POL\_TWPR), Feedback and Complaints Policy (GO\_QA\_POL\_TFBK), Incident Management Policy (GO\_QA\_POL\_TCIM) and associated procedures, as applicable. The following procedure will apply for the handling of whistleblowing reports.

## Reporting

### Making a report

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A Whistleblower who wants to make a report of Potential Wrongdoing may make the report verbally or in writing to a Report Recipient. The report can be made anonymously if the Whistleblower chooses to do so.

Where the report is made verbally, the Report Recipient must make a comprehensive written record of the report.

When receiving a report, the Report Recipient must ask the Whistleblower whether they consent to the disclosure of their identity. The Report Recipient must make a written record regarding whether the Whistleblower consents to disclosure of their identity, and if so, to whom.

The Whistleblower is not required to prove their allegation, but must have reasonable grounds for suspecting Potential Wrongdoing. In practice, this means that there should be some supporting information provided by the Whistleblower regarding their allegation. Where possible, the report should include:

- That it is a whistleblowing report
- The nature of the concern
- The person(s) responsible for the misconduct (if known)
- The specific evidence that supports there are reasonable grounds to submit a report
- Any further evidence that substantiates the Whistleblower's allegations

There is no requirement that a Whistleblower provide their name or identify themselves at any stage when making a report or during the investigation process. Whistleblowers can decide not to answer questions that they feel may reveal their identity. They can also choose to provide their identity to a Report Recipient but not consent to the Report Recipient sharing their identity with anyone else. Where a Whistleblower chooses to remain anonymous, TSA encourages the Whistleblower to maintain ongoing two-way communication with TSA so that TSA can ask follow-up questions and provide feedback. This can also be done by making the report via the Your Call service.

If a Whistleblower requires further information before making a report, they can contact the applicable Divisional Commander, Head of Department, National Director or the Whistleblower Protections Officer (WPO).

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**Reporting to Your Call**

TSA has engaged Your Call to provide external, third party whistleblower services. If a person is not comfortable reporting internally to one of TSA's Report Recipients, a report can be made to Your Call:

Phone: 1300 790 228 (9am to midnight AEST on business days).

Web: [www.yourcall.com.au/report](http://www.yourcall.com.au/report). You will be required to enter "TSA" as the organisation ID.

Your Call uses an online message board which a person will continue to have access to after making the report. The message board allows Whistleblowers to:

- Communicate with Your Call and with TSA, with or without revealing their identity
- Securely upload any relevant documentation and/or material that the Whistleblower wishes to provide
- Receive updates
- Request support or report detrimental acts

If the report relates to a Report Recipient, Your Call will exclude that person from all communications when they provide information about the report to TSA.

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**Where the Divisional Commander, Head of Department or National Director is implicated**

In the event that the Whistleblower's applicable Divisional Commander, Head of Department or National Director is implicated, or there is a Conflict of Interest, the Whistleblower should provide the report to Your Call, a member of the Executive Mission Council (EMC) or the WPO (whichever is applicable).

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**Reporting to the Whistleblower Protections Officer (WPO)**

Alternatively, the Whistleblower may provide their report directly to the WPO rather than the applicable Divisional Commander, Head of Department, National Director or a member of the EMC.

Reports to the WPO can be made via telephone using TSA's Whistleblower Protections Hotline (03) 8878 2474 or via an email [wpo@salvationarmy.org.au](mailto:wpo@salvationarmy.org.au).

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**Where the Whistleblower Protections Officer (WPO) is implicated**

In the event that there is no path for escalation and the WPO is implicated in the Potential Wrongdoing, the report may be sent to Your Call or to the Alternate Chair of the Board, who will present the report to the Board. The Alternate Chair of the Board will also undertake the preliminary assessment and other functions of the WPO set out in this procedure.

## Listening and Evaluating

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<b>Reporting to the Whistleblower Protections Officer (WPO)</b>	Once a written report has been received by a Report Recipient, the Report Recipient must refer the matter to the WPO within two working days. Where the Whistleblower has not consented to their identity being shared with the WPO, the Report Recipient must take reasonable steps to protect the identity of the Whistleblower.
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## Assessment of the report

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### Preliminary Assessment

The WPO will undertake a preliminary assessment of the disclosure within two working days of receipt from the Report Recipient (or where a report has been made to the WPO directly by a Whistleblower, within two days of receipt from the Whistleblower) to ascertain whether:

- The report has been made by a Whistleblower
- There are reasonable grounds to suspect Potential Wrongdoing
- The matter being disclosed is trivial or has already been dealt with in an appropriate way
- The matter being disclosed relates to a personal work-related grievance or interpersonal conflict that should be dealt with under TSA's Grievance Policy or another policy to which the matter relates

The WPO will take into account the seriousness of the allegations, whether the matter needs to be reported under mandatory reporting obligations and whether a preliminary assessment may compromise a full investigation. Where conducting a preliminary assessment will cause TSA to be in breach of its obligations under law, TSA will not commence any investigation until authorised by the relevant authority to do so.

Where necessary, and taking into account the confidentiality obligations in the Whistleblowing Policy, the WPO may seek additional information from the Whistleblower or the Report Recipient who received the disclosure in order to undertake a preliminary assessment.

### Baseless Allegations

If after undertaking the preliminary assessment the WPO determines that the allegations in the report have no merit, the WPO will advise the Report Recipient and the Whistleblower (where their contact details are known) that TSA will not be taking any further action and the reason for this (e.g. there is no reasonable basis for the allegation(s) made or the allegations do not comprise Potential Wrongdoing).

### Cause for Investigation

If the WPO considers that the disclosure constitutes a report by a Whistleblower of Potential Wrongdoing in accordance with the Whistleblower Protections Policy, the WPO will prepare a notice of disclosure. The notice shall include:

- Outcomes of the preliminary assessment
- The proposed investigation process, including whether to appoint an external investigator
- Recommended mitigation strategies to minimise the risk of detriment to the Whistleblower arising from their disclosure
- The WPO will provide the notice of disclosure to the Alternate Chair of Board, who will assess the notice for compliance with the Whistleblower Protections Policy and recommend any changes. The Alternate Chair of the Board may also request further information or make recommendations about the conduct of the investigation, including whether to engage external expertise to assist, as appropriate.
- If the report alleges that the Alternate Chair of the Board has engaged in Potential Wrongdoing or there is a Conflict of Interest, then the notice will be provided to Chair of the Board for review.
- Within two working days of review of the disclosure notice by the Alternate Chair of the Board, the WPO will advise the Report Recipient and the Whistleblower (where their contact details are known) that TSA will be investigating the matter.

## Investigating

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### Appointment of investigator

The WPO, in consultation with the Alternate Chair of the Board, will determine which person(s) will conduct the investigation (and the investigator may be internal or external to TSA). The investigator must be an independent person who does not have a Conflict of Interest in relation to the matter.

The WPO will appoint the investigator within 10 days of advising the Whistleblower that TSA will be investigating the report.

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### Gathering of information

Where possible, the investigator will interview all relevant witnesses and examine all associated documents.

Any person being interviewed may be offered the option to attend the interview with a support person.

The person(s) conducting the investigation will take notes of all discussions, phone calls and interviews as they happen, clearly noting the date and time. Where possible, interviews will be recorded and transcribed.

Where the identity of the Whistleblower is known, they will be requested to sign interview notes as confirmation of accurate reflection of the interview or amend as needed.

The investigator must provide regular and timely feedback on the investigation to the person who appointed them.

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### Procedural fairness

The principles of procedural fairness (natural justice) will be observed.

In particular, where an adverse comment about a person is likely to be included in a report, the person affected must be given an opportunity to comment beforehand and any comments must be considered before the report is finalised.

The person(s) conducting the investigation shall be independent and suitably qualified to conduct an investigation.

Where there is an actual, potential or perceived Conflict of Interest, those affected by the conflict must excuse themselves from involvement in the investigation.

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### Risk assessment and mitigation

The WPO will implement a mitigation strategy to reduce or remove risks to the integrity of any investigation required and also contain the underlying issue or concern that led to the initial report by the Whistleblower.

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### Protection for the Whistleblower

Potential steps to protect the Whistleblower from a perceived risk of retaliation can include, but are not limited to the:

- Whistleblower taking leave
  - Whistleblower being reassigned to other duties
  - Whistleblower being reassigned to another location
  - These steps will only be undertaken if required only after other mitigation strategies have been explored.
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### Confidentiality and security

Strict confidentiality must be maintained during the investigative process. Maintaining the confidentiality of the Whistleblower's identity will be prioritised, except as set out in the Whistleblower Protections Policy.

All information obtained by those conducting the investigation must be properly secured to prevent unauthorised access.

## Actions and Communications

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<b>Findings report</b>	<p>The investigator must report the findings of the investigation to the WPO (or other person who appointed them to investigate the report) within seven days of completion of the investigation.</p> <p>This findings report will include:</p> <ul style="list-style-type: none"><li>• The allegation(s)</li><li>• A statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions</li><li>• The conclusions reached (including the damage caused, if any, and the impact on TSA and any other affected parties) and their basis</li></ul>
<b>Review of findings</b>	<p>Once the investigation is complete, the WPO, in consultation with the Alternate Chair of the Board or if there is a Conflict of Interest, the Chair of the Board, will recommend what action will be taken based on the findings.</p>
<b>Informing the Whistleblower</b>	<p>Subject to consideration of the privacy of those people against whom the allegations are made, and practicing reasonable levels of confidentiality and maintaining faith in the integrity of the process, the Whistleblower will be kept informed of the:</p> <ul style="list-style-type: none"><li>• Relevant progress of the investigation of their report</li><li>• Outcome(s) of their report, within seven days of completion of investigation</li></ul>
<b>Review of decision</b>	<p>If a Whistleblower makes a report of Potential Wrongdoing and is not satisfied with the outcome, the Whistleblower may ask for an internal review of TSA's decision. The review will be conducted by the Chair of the Audit and Risk Committee.</p> <p>TSA may decide not to conduct an internal review if no new information is available or if new information would not change the outcome.</p> <p>If a Whistleblower is not satisfied with TSA's response, they may lodge a report or complaint with a regulator such as ASIC, in accordance with the law.</p>
<b>Updating the Whistleblower Reports Register</b>	<p>The WPO will update a confidential, de-identified Whistleblower Reports Register including the circumstances and outcomes.</p> <p>This register will be periodically reported to the Board. The Board will review the register, how reports were addressed and the outcomes of each case for effectiveness, compliance and improvement.</p>



## Responsibility Assignment (RACI) Matrix

Stage	Activity	WB	RR	WPO
Reporting	Reporting to a disclosure recipient	R	I	
	Reporting to the WPO		R	I
	Reporting to the Board			R
Listening and evaluation	Assessment of the report		R	R
Investigating	Planning the investigation			R
	Scoping the investigation	C		R
	Gathering of information	C	C	R
Actions and communications	Findings report	I		R
	Informing the Whistleblower			R
	Reporting to the Board			R

Legend:

**R** – Responsible, **A** – Accountable, **C** – Consulted, **I** – Informed

**WB** – Whistleblower, **RR** – Report Recipient, **WPO** – Whistleblower Protections Officer

## Accountability

**Obligation** All TSA personnel under the terms of their service, employment, engagement or contract must comply with all TSA policies, procedures and supporting documents.

**Consequences of noncompliance** Failure to comply with this procedure may result in disciplinary action and, in serious cases, termination of employment or engagement with TSA.

## Location

**Repository** [Territorial Policy Hub](#)

## Feedback

**Feedback is encouraged** Feedback is used to improve and enhance the impact of this procedure. It will be considered when reviewing and updating the document.

**Who is feedback provided to?** All feedback is to be forwarded to the Secretary to the Property Trusts via email to: [policy@salvationarmy.org.au](mailto:policy@salvationarmy.org.au)

## Related Documents and References

<b>Policy Documents</b>	Whistleblower Protections Policy (GO_LR_POL_TWBP) Whistleblower Protections Procedure (GO_LR_PRO_TWBP)
<b>Related Policy Documents</b>	Feedback and Complaints Policy (GO_QA_POL_TFBK) Incident Management Policy (GO_QA_POL_TCIM) Workplace Relations Policy ( <u>BS HR POL TWPR</u> )
<b>Related Legislation</b>	<i>Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)</i> <i>Corporations Act 2001 (Cth)</i>
<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

## Document Control Information

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	1-0	08/08/2019	Inaugural version
	2-0	05/02/2021	12 month review
	3-0	14/04/2022	Content update and external review by Your Call