

# Scouts Victoria

## Whistleblower Policy & Procedures 2022

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### PURPOSE

Scouts Victoria is committed to best practice in corporate governance and compliance, and consistent demonstration by those who represent the Scouting Movement of behaviours that reflect our Values.

Scouts Victoria recognises the importance of transparency and accountability in its management practices and encourages those who are aware of or suspect improper conduct by Scouts Victoria, its employees or its members to speak up.

The purpose of this policy is to provide a framework:

- to enable a person to raise concerns where they believe in good faith that Scouts Victoria, its Members or employees, has acted in a way that constitutes serious wrongdoing, including illegal, Corrupt Conduct or other inappropriate conduct (a **Protected Disclosure**) and for those concerns to be appropriately investigated; and
- to enable persons wishing to make a Protected Disclosure to do so safely, securely and with confidence that they will be protected from victimisation, harassment or discriminatory treatment by Scouts Victoria, its employees and Members.

### SCOPE

This policy applies to any persons, including but not limited to Scouts Victoria employees and volunteers, contractors, suppliers or members of the public who have reasonable grounds for suspecting Improper Conduct of Scouts Victoria or any member of Scouts Victoria.

For the purposes of this Policy, Improper Conduct means recklessly negligent, dishonest, unethical or illegal conduct or an improper state of affairs including:

- Corrupt, dishonest, fraudulent or illegal conduct.
- Conduct involving substantial mismanagement of Scouts resources or finances.
- Conduct involving substantial risk to the health and safety of the public or of Members.
- Conduct involving substantial risk to the environment.
- Breaches of child protection legislation.

Improper conduct involving child protection issues may be reported under this Policy but any issues relating specifically to the safety of a child will be referred for management in accordance with the Scouts Victoria Child Protection Policy. In addition, mandatory reporting requirements continue to apply notwithstanding the making of a Protected Disclosure.

Conduct that is **not** regarded as Improper Conduct for the purposes of this Policy includes personal work related grievances that do not have significant implications for Scouts Victoria (such as interpersonal conflicts, promotion decisions or terms and conditions of employment), inappropriate behaviours or poor work performance, unless the grievance relates to information about misconduct, or the conduct constitutes victimisation due to a person making a report under this Policy.

### RESPONSIBILITIES

#### **Members & Employees**

- Be familiar with the rights and obligations of Members and employees of Scouts Victoria under this Policy.

- Maintain confidentiality in relation to Protected Disclosures including keeping confidential the identity of any persons known or suspected to have made a Protected Disclosure.

#### **Executive Manager**

- Ensure this policy is made available on the Scouts Victoria website and appropriate training is provided for all Authorised Recipients, Members and employees.
- Oversee the process for the management of Protected Disclosures in accordance with this Policy.

#### **Branch Executive Committee**

- Receive and review reporting in relation to Protected Disclosures made under this Policy (deidentified where relevant).
- Periodically review this Policy.

## **PROCEDURES**

### **Reporting suspected improper conduct**

A person who has reasonable grounds for suspecting Improper Conduct (a **Reporting Person**) is encouraged to raise any concerns with the Executive Manager by lodging a report in one of the following ways:

#### **By letter:**

Executive Manager  
Scouts Victoria  
152 Forster Road  
Mount Waverley, Vic 3149

**By email:** [exec.manager@scoutsvictoria.com.au](mailto:exec.manager@scoutsvictoria.com.au)

Alternatively, a Reporting Person may report suspected Improper Conduct (including if the matter involves the Executive Manager) to any of the following:

(1) the Chairman of the Branch Executive Committee of Scouts Victoria:

#### **By letter:**

Chairman - Branch Executive Committee  
Scouts Victoria  
152 Forster Road  
Mount Waverley, Vic 3149

**By email:** [chairman@scoutsvictoria.com.au](mailto:chairman@scoutsvictoria.com.au)

(2) the President of the Branch Council of Scouts Victoria:

#### **By letter:**

President - Branch Council  
Scouts Victoria  
152 Forster Road  
Mount Waverley, Vic 3149

**By email:** [president@scoutsvictoria.com.au](mailto:president@scoutsvictoria.com.au)

(3) the Chief Commissioner of Scouts Australia:

#### **By letter:**

Chief Commissioner  
Scouts Australia  
Level 1, 8 Help Street  
CHATSWOOD NSW 2067

**By email:** [chief.commissioner@scouts.com.au](mailto:chief.commissioner@scouts.com.au)

The persons identified above are Authorised Recipients for the purposes of this Policy.

A person may also make a Protected Disclosure in relation to Scouts Victoria to any of the following, and Scouts Victoria will also extend the protections described in this Policy to that person:

- The Australian Charities and Not-for-Profits Commission (ACNC) or certain other Commonwealth regulatory bodies.
- A legal practitioner, for the purpose of seeking legal advice about whether the protections will apply to them.
- An auditor of Scouts Victoria.

The report should include sufficient information to form a reasonable basis for investigation. It is important that there is evidence to support any claims made in the report such as supporting documentation, witnesses or other direct evidence.

If a Reporting Person needs more information before lodging a report, they can contact the Executive Manager, or the Chairman of the Branch Executive Committee.

The report will be investigated in accordance with the procedures set out below.

### **Anonymity**

A Reporting Person may elect to report anonymously. As far as reasonably possible, Scouts Victoria will respect the Reporting Person's request to not identify themselves and will take reasonable steps to ensure that information likely to lead to the identification of the Reporting Person is not disclosed without their consent.

However, Scouts Victoria may not be able to investigate certain disclosures without the identity of the Reporting Person becoming known, whether directly or by inference, to Scouts Victoria or to the person about whom any allegations of Improper Conduct are made.

Where certain matters (including criminal matters) are involved, Scouts Victoria is obliged to report certain allegations to regulators and/or the police and to give the identity of the Reporting Person.

In cases where the identity of a Reporting Person is known or becomes known, Scouts Victoria will continue to treat that information as confidential to the fullest extent possible, including by redacting personal information from documents where possible, storing information securely and only allowing authorised persons to access information related to the Protected Disclosure.

At the time of making a report, the Reporting Person can request a meeting in a mutually agreeable location away from the location of concern.

Others who know of or suspect that another person has made a report under this Policy must protect and maintain the confidentiality of that person. Members and staff members who breach confidentiality in relation to a known or suspected disclosure will be subjected to disciplinary proceedings, which may include summary dismissal from employment or cancellation of membership of the Scouting Movement.

### **Protection of the Reporting Person**

Scouts Victoria will take all reasonable steps to protect and respect the rights of a Reporting Person who reports alleged Improper Conduct in good faith, even if it turns out the report is mistaken.

Scouts Victoria will not tolerate any retaliatory action or threats of retaliatory action against any person who has made or who is believed to have made a report of Improper Conduct in good faith. Any such retaliatory action or victimisation by any member or staff member in reaction to a report being made under this Policy will be treated as serious misconduct and will result in disciplinary action, which may include cancellation of membership of the Scouting Movement for a volunteer, or termination of employment for a staff member.

Any Reporting Person who believes they have suffered detriment because they have made a Protected Disclosure is encouraged to report this to the Executive Manager (or the Chairman of the BEC), and that report will itself be treated as a Protected Disclosure for the purposes of this Policy.

A Reporting Person may be entitled to certain legal protections for making a Protected Disclosure, but is not automatically protected from the consequences of being a party to any Improper Conduct they report under this Policy.

### ***Deliberate False Reporting***

Where Scouts Victoria is satisfied that the Reporting Person, being a member of staff or a member of Scouts Victoria, has not acted in good faith, or has knowingly made a false disclosure of Improper Conduct, the Reporting Person will be subjected to disciplinary proceedings, which may include summary dismissal or cancellation of membership.

## **Investigation of a report of suspected Improper Conduct**

### **Step 1:**

On receipt by an Authorised Recipient of a report from a Reporting Person, the Authorised Recipient will determine if the disclosure is considered a Protected Disclosure (ie a disclosure made in good faith relating to suspected Improper Conduct). Matters involving potential criminal offending may be referred immediately to the police. The Authorised Recipient will discuss with the Reporting Person the extent to which they authorise them to discuss the disclosure with any other person for the purposes of making this initial assessment.

### **Step 2:**

Where a disclosure is assessed not to be a Protected Disclosure (ie it relates to conduct that is not subject to this Policy, or the Authorised Recipient is satisfied it is not made in good faith), the Authorised Recipient will decide how the matter should be responded to in consultation with the Executive Manager, Chief Commissioner and the Assistant Chief Commissioner - Personnel and Manager, People and Culture, as appropriate. Even if a disclosure is not a Protected Disclosure, there may be other policies and protocols that apply and the person who made the disclosure will be advised of the correct reporting avenue.

### **Step 3:**

The Authorised Recipient will assess any Protected Disclosure, and if satisfied that there is prima facie evidence that Scouts Victoria, a Member or an employee has engaged in Improper Conduct, will refer the Protected Disclosure to a Disclosure Committee, to be constituted for the purposes of conducting an investigation into the subject matter of the Protected Disclosure. The investigation will be conducted in accordance with the following principles:

- The Disclosure Committee will review the Protected Disclosure, consider all evidence provided by the Reporting Person, and endeavour to locate and investigate any other evidence that may substantiate or refute the claims of the Reporting Person (this may include interviewing other parties).
- All parties involved in the investigation will be requested to keep all matters relating to the investigation confidential.
- Unless the circumstances require otherwise, the person/s against whom an allegation of Improper Conduct has been made will be informed in writing about the nature of the alleged Improper Conduct and given the opportunity (and sufficient time) to respond to the allegations, be afforded the opportunity to bring a representative of their choosing to any meeting and be heard in relation to the matter under investigation.
- The Chief Commissioner (or their delegate) will have absolute discretion to determine whether the membership of Scouts Victoria of any Member or other volunteer in relation to whom any Protected

Disclosure is made should be suspended while the investigation is ongoing. The Executive Manager (or their delegate) has the same discretion in relation to employees of Scouts Victoria.

- The Disclosure Committee will reach a conclusion, and make recommendations, only once it is reasonably satisfied that all relevant material has been reviewed and reasonable and appropriate enquiries have been made.
- The Disclosure Committee may, in its absolute discretion, decide to request an external investigation of the Protected Disclosure.

#### **Step 4:**

At the conclusion of an investigation a report will be prepared by the Disclosure Committee and provided to the Chief Commissioner and Executive Manager. The report will broadly outline the following:

- the details of the Protected Disclosure
- the information and evidence collected during the investigation that either supports or refutes the allegation of Improper Conduct
- the conclusions reached by the Disclosure Committee and the reasoning behind each conclusion, and
- the recommendation of the Disclosure Committee as to what actions, if any are to be taken.

The Disclosure Committee may recommend to the Chief Commissioner and the Executive Manager that the matter be referred for investigation to an external body or the police if criminal conduct appears to have occurred, and the Branch Executive Committee Chairman will be advised of any such referral.

#### **Step 5:**

Any action in response to a recommendation made by the Disclosure Committee shall be determined by the Executive Manager if the Protected Disclosure relates to conduct of a Scouts Victoria employee, or by the Chief Commissioner or his delegate if it relates to the conduct of Members or other volunteers.

#### **Step 6:**

The Executive Manager will maintain a register of Protected Disclosures, and all associated documentation, which will be stored securely and accessible only by those involved in managing and investigating the disclosure.

#### ***Communication and ongoing support during the investigation***

Assuming the identity of the Reporting Person is known, the Disclosure Committee will provide support to the Reporting Person and keep the Reporting Person informed of the progress and outcome of the investigation, subject to privacy and confidentiality considerations.

All Reporting Persons are requested to maintain confidentiality of any information provided to them by Scouts Victoria in relation to, or as a consequence or outcome of their disclosure.

Scouts Victoria recognises that persons in relation to whom a Protected Disclosure is made and investigated under this Policy must also be supported during the relevant investigation. Scouts Victoria will afford procedural fairness to the person against whom a disclosure has been made.

Any person/s against whom an allegation of Improper Conduct has been made will be informed in writing about any adverse finding against them that is made in any report arising from the investigation.

## **ACCESS AND TRAINING**

This Policy will be made available to all employees and members via the Scouts Victoria website, and periodic refresher training sessions will be provided.

#### **DEFINITIONS:**

In this Policy, the following words have the meanings given below:

**Authorised Recipient:** a person who is authorised under this Policy to receive reports of suspected Improper Conduct.

## **Corrupt Conduct:**

- conduct of a person (whether or not a representative of Scouts Victoria) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of Scouts Victoria functions, or
- conduct of a representative of Scouts Victoria that amounts to the performance of any of his or her functions on behalf of Scouts Victoria dishonestly or with inappropriate partiality
- conduct of a representative of Scouts Victoria or a former representative of Scouts Victoria, that amounts to a breach of public trust, or
- conduct of a representative of Scouts Victoria or a representative of Scouts Victoria that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise), or
- a conspiracy or attempt to engage in conduct referred to above.

**Disclosure Committee:** A Committee constituted by the Authorised Recipient having regard to the nature of the Protected Disclosure and comprising the Chief Commissioner; the Executive Manager and the Head of People and Culture (or their respective delegates), but excluding any person to whom the Protected Disclosure specifically relates.

**Protected Disclosure:** Disclosure of suspected Improper Conduct made under this Policy by a Reporting Person in good faith and on reasonable grounds.

**Reasonable grounds:** An objective test as to whether a reasonable person in possession of the information would also suspect that Improper Conduct may have occurred.

**Reporting Person:** Any person who makes a disclosure in connection with suspected Improper Conduct under this protocol.

**Values:** <https://scoutsvictoria.com.au/about-us/values/>

## **RELATED DOCUMENTS, REFERENCES**

Scouts Victoria Values

Justice Connect - Whistleblower Protections and Not-for-Profits 2021 Factsheet

<https://www.nfplaw.org.au/free-resources/how-to-run-the-organisation/whistleblower-protection-laws>

Australian Securities & Investments Commission – Whistleblower Protections for not-for-profit organisations

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-protections-for-not-for-profit-organisations/>

## **ATTACHMENTS**

Nil.

## **PROCEDURE OWNER**

Executive Manager - [exec.manager@scoutsvictoria.com.au](mailto:exec.manager@scoutsvictoria.com.au)

**DATE OF APPROVAL: SEPTEMBER 2022**

**DATE OF NEXT REVIEW: SEPTEMBER 2025**