



**ST Francis
Social Services**

Speak Up Policy

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1 Purpose

St Francis Social Services (**SFSS**) is committed to providing those involved with SFSS with a safe environment to raise concerns about Disclosable Conduct relating to SFSS.

The purpose of this Policy is to:

- validate our commitment to high standards of ethical and accountable conduct and encourage a culture of speaking up without fear of reprisal;
- support SFSS' Values - Welcome, Respect, Empower and Connect;
- address wrongdoing as early as possible and build confidence and trust in this Policy and all SFSS policies;
- explain how to report Disclosable Conduct and what protections a discloser will receive; and
- outline SFSS' processes for responding to disclosures of Disclosable Conduct.

SFSS will not tolerate anyone being discouraged from reporting Disclosable Conduct or being subject to detriment because they want to report Disclosable Conduct, or because they have done so.

Disciplinary action, up to and including termination of employment or engagement, may be imposed on anyone shown to have caused detriment to a person because they want to, or have, reported Disclosable Conduct.

2 Application

SFSS (including Centre 360, House of Welcome and House of Welcome Catering) is committed to adhering to its statutory obligations and values.

This Policy applies to all current and past employees, volunteers, contractors, consultants, students on placement and Board members of SFSS (together, **SFSS People**). It also applies to SFSS clients, service users, suppliers (and their employees) and other visitors to our premises or other stakeholders (together, **SFSS Partners**). In addition, it applies to the relatives, dependents or dependents of the spouse of any such person.

The above persons are 'Eligible Whistleblowers' and may also qualify for protections under the law when reporting Disclosable Conduct in certain circumstances. Please see Attachment 1 for more information.

3 What is Disclosable Conduct?

'**Disclosable Conduct**' is any suspected or actual misconduct or improper state of affairs, or circumstances, in relation to SFSS. Examples of Disclosable Conduct can include, but are not limited to:

- breach of laws or regulations;
- material or systemic breach of SFSS policies, standards or codes;

- criminal activity;
- bribery or corruption;
- conduct endangering health and safety, or causing damage to the environment;
- dishonest, unethical, or corrupt behaviour, including soliciting, accepting or offering a bribe, facilitation payments or other such benefits;
- conflicts of interest;
- information that indicates a danger to the public or to the financial system;
- anti-competitive behaviour;
- financial fraud or mismanagement;
- insider trading;
- breach of trade sanctions or other trade controls;
- unauthorised use of SFSS' confidential information;
- conduct likely to damage SFSS' financial position or reputation;
- any other 'disclosable matter' listed in Attachment 1; and/or
- deliberate concealment of the above.

Disclosable Conduct does **not** generally include '**personal work-related grievances**'. Personal work-related grievances are grievances about something in relation to an individual's current or former employment or engagement that have implications for them personally (such as a disagreement between them and another employee or a decision about their promotion).

While personal work-related grievances will not generally amount to Disclosable Conduct, they may be covered by this policy in certain situations. For example, a grievance may be covered by this policy if it:

- relates to detriment that has been suffered or is threatened because an individual has raised a concern about suspected Disclosable Conduct;
- relates to both a personal work-related grievance and Disclosable Conduct; or
- relates to concerns that SFSS has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or information that suggests misconduct beyond the discloser's personal circumstances.

In some cases, personal work-related grievances may qualify for legal protection. See Attachment 1 for details, as well as the Code of Conduct and the Fair and Respectful Workplace and Grievance Policy and Procedures.

4 Who can I disclose to?

You are encouraged to report Disclosable Conduct to one of the following **Recipients**:

Recipient Name	Contact Details
Chief Executive Officer	Dr Angela Argent 461-463 Oxford St Paddington NSW 2021 a.argent@st.francis.org.au M: 0403 981 144
Chair of the SFSS Board	Peter Hennessy 461-463 Oxford St Paddington NSW 2021 p.hennessy@st.francis.org.au
Other nominated recipients	See Attachment 1

The role of Recipients is to ensure that the information is heard by SFSS and proper follow-up occurs, as well as to ensure that you feel supported and protected. You can make your disclosure to a Recipient by using any listed method you prefer.

People must not discourage you from making a disclosure under this Policy and to do so will breach this Policy. If you are told not to raise or pursue a concern, even by your manager or a person in authority, you are encouraged to raise the concern with a Recipient.

While we encourage you to report Disclosable Conduct to one of the Recipients listed in the table above, there are certain other additional people to whom you can make a disclosure under the law and still receive protections, who are listed in Attachment 1.

5 What information should I provide?

You should provide as much information as possible in your disclosure, including details of the Disclosable Conduct, people involved, dates, locations and if any more evidence may exist.

You are encouraged to feel supported and safe in providing information, and to consent to the limited sharing of your identity. This will assist SFSS to protect and support you in

relation to your disclosure and facilitate SFSS in investigating, reporting on and taking action, as a result of your disclosure.

Please be aware that if you do not consent to the limited sharing of your identity as needed, this may limit SFSS' ability to progress your disclosure and take any action in respect of it.

6 What if the information in my disclosure is incorrect?

When making a disclosure you will be expected to have reasonable grounds to believe the information you are disclosing is true, but you will not be penalised even if the information turns out to be incorrect. Your motive is irrelevant to whether your report is covered by this Policy. However, you obviously must not make a report that you know is not true or is misleading.

Where it is found that a person has knowingly made a false report, this may be a breach of SFSS' Code of Conduct and will be considered a serious matter that may result in disciplinary action, up to and including termination of employment or engagement.

7 Can I make an anonymous report?

You can make an anonymous report if you do not want to reveal your identity.

We encourage you to provide your name because it will make it easier to investigate and address your disclosure. However, you are not required to do so, and may choose to remain anonymous when making a disclosure, over the course of any investigation and after any investigation is finalised.

If you do not provide your name, SFSS will assess the content and merit of your disclosure in the same way as if you had revealed your identity. However, an investigation may not be possible unless sufficient information is provided, and it may make it difficult to offer you the same level of practical support if we do not know your identity. You will still be entitled to protections under the law, as applicable (see Attachment 1).

If you do provide your name, it will only be disclosed if you provide your consent, or in circumstances where the disclosure is allowed or required by law (e.g., in dealings with a regulator). Further details of how your identity will be protected are described below. If you have concerns about this, you can discuss this with the Recipient.

8 How will SFSS respond to a disclosure?

If you make a disclosure under this Policy:

- it will be treated sensitively and seriously, and will be dealt with promptly, fairly and objectively;
- SFSS will apply protections in accordance with this policy;

- SFSS' response to a disclosure will vary depending on the nature of the disclosure and the amount of information provided. Your disclosure may be addressed and resolved informally or through formal investigation;
- recipients will endeavour to contact you within three business days of receiving your disclosure, where appropriate and you have provided a means of contact;
- if appropriate, you will be told how SFSS has decided to respond to your disclosure, including whether an investigation will be conducted;
- while making a disclosure does not guarantee a formal investigation, all disclosures will be properly assessed and considered by SFSS and a decision made as to whether they should be formally investigated or internally resolved;
- any investigations commenced will be conducted in a timely manner and will be fair and independent from any persons to whom the disclosure relates. While timeframes will vary depending on the particular investigation, SFSS endeavours to conclude investigations within eight weeks of commencing the investigation;
- where practicable, SFSS will aim to update you about the general progress of any investigation on a monthly basis until it is finalised;
- investigations will generally be overseen by the CEO, subject to any potential conflicts of interest. Other people, including members of the leadership team or external advisers, may also be asked to assist or run the investigation;
- all SFSS People must cooperate fully with any investigations; and
- unless there are confidentiality or other reasons not to do so, persons to whom a disclosure relates will be provided with details of the disclosure that involves them at an appropriate time (to the extent permitted by law) and be given an opportunity to respond.

9 What happens after an investigation?

The results of any investigation will be recorded in writing in a formal internal report that will remain confidential and the property of SFSS.

The formal report recording the results of an investigation will not be provided to a discloser or any other person subject to or implicated in an investigation.

Where an investigation identifies a breach of SFSS' internal policies or procedures, appropriate disciplinary action may be taken. This may include but is not limited to terminating or suspending the employment or engagement of a person(s) involved in any misconduct.

10 Reporting

The Board will receive a summary of reports made under this Policy at least 4 times per year and will be provided with additional information about any material incidents raised.

11 What protections exist if I make a disclosure under this policy?

SFSS is committed to protecting people who report Disclosable Conduct under this policy. This section outlines SFSS' policy on protecting those who make a disclosure to which this Policy applies. The law also contains protections for disclosers in certain circumstances, which are summarised in Attachment 1.

(A) Protecting your identity

SFSS will protect the identities of people who report Disclosable Conduct. Your identity (and any information SFSS has because of your report that someone could likely use to work out your identity) will only be disclosed if:

- you give your consent to SFSS to disclose that information;
- the disclosure is allowed or required by law (for example, the disclosure is by SFSS to a lawyer in order to get legal advice); or
- in the case of information likely to identify you, it is reasonably necessary to disclose the information for the purposes of an investigation, but all reasonable steps are taken to prevent someone from working out your identity.

If your report qualifies for legal protection as set out in Attachment 1, your identity and information that is likely to lead to another person identifying you has the benefit of these confidentiality protections at law. If a person makes an unauthorised disclosure of your identity, the person will commit an offence under the law and you may be able to seek legal recourse. The person may also be liable for civil and/or criminal penalties.

The measures which SFSS will adopt to protect your identity may include some or all of the following, as appropriate and necessary in the circumstances:

- using a pseudonym in place of your name;
- redacting personal information or references to you;
- referring to you in a gender-neutral context;
- where possible, consulting with you to help identify the aspects of your disclosure that could inadvertently identify you;
- ensuring paper and electronic documents and other materials relating to your disclosure are stored securely;
- limiting access to all information relating to a report to those directly involved in managing and investigating the report; and
- reminding each person who is involved in handling and investigating a disclosure about the confidentiality requirements, including the consequences of an unauthorised disclosure.

(B) Protecting you from detriment

SFSS and any other person must not victimise or cause detriment to you (or threaten to do so) because of a belief that you have, will, or could, report Disclosable Conduct. Examples of detriment include discrimination, harassment, intimidation, retaliation, causing physical or psychological harm, damaging property, varying an employee's role or duties, or demoting or dismissing the person.

If your disclosure qualifies for legal protection as set out in Attachment 1, you are legally protected from detriment. If a person causes detriment or victimises you, or threatens to do so, because you have, will or could report Disclosable Conduct, the person will commit an offence under the law and you may be able to seek legal recourse. The person may also be liable for civil and/or criminal penalties.

You are encouraged to tell a Recipient if you are, or someone else is being, or has been subject to detrimental conduct, or if you are concerned that you may be subject to detrimental conduct. Preferably, this will be the Recipient to which you made your initial disclosure but can be to any Recipient. SFSS will treat this very seriously.

Any person found to be involved in detrimental conduct will be subject to disciplinary action, up to and including termination of employment or engagement. SFSS may also refer any person that has engaged in detrimental conduct to law enforcement authorities for further investigation.

The protections that will be offered by SFSS to protect you from detriment will depend on things such as the Disclosable Conduct and people involved. Protections may include the following, in SFSS' discretion and as appropriate and necessary in the circumstances:

- monitoring and managing the behaviour of other staff;
- relocating staff (which may include the people alleged to have been involved in the Disclosable Conduct) to a different division or team;
- offering you a leave of absence or flexible workplace arrangements while a matter is investigated; and/or
- rectifying any detriment that you have suffered.

SFSS will look for ways to support all people who make a report, but it will not be able to provide non-employees with the same type and level of support that it provides to employees. Where this Policy cannot be applied to non-employees (for example, because SFSS cannot itself offer flexible working arrangements to a supplier), SFSS will still seek to offer as much support as practicable.

12 Availability of this Policy and training

SFSS will seek to ensure that SFSS People (including new SFSS People) are informed about and understand this Policy. Each employee will receive access to a copy of and be provided with training about the Policy and their rights and obligations under it. Key officers and employees will receive regular training, including in relation to how to respond to disclosures.

A copy of this Policy will also be available on SFSS' Teams SharePoint and on SFSS' public website at www.stfrancis.org.au

13 Further information

Any questions about this Policy, or about making a disclosure can be referred to the CEO at a.argent@st.francis.org.au Questions can be asked at any time, including before or after you have made a disclosure under this Policy.

This Policy does not form part of your terms of employment and may be amended from time to time.

14 Document history

Date	Description	By	Position	Approval confirmation
2019	Created	Risk Management Committee	Board	Board
January 2023	Amended	Dr Angela Argent	CEO	Board 07/02/23

This policy will be reviewed at least every two years and amended as required. It can only be amended by the CEO or SFSS Board.

Attachment 1 – Protections provided by Australian law

Under Australian law, including the *Corporations Act 2001* (Cth) (the **Corporations Act**) and the *Taxation Administration Act 1953* (the **Tax Act**), legislative protections are available to Eligible Whistleblowers who make a 'protected disclosure' to certain people.

While you are encouraged to make a disclosure as set out under the policy, the law can still offer protections if you make a 'protected disclosure' in accordance with this Attachment instead (for example, you can report Disclosable Conduct to people other than Recipients). A disclosure can qualify for legal protection even if it is made anonymously or turns out to be incorrect.

Protected disclosures

To be a '**protected disclosure**' qualifying for protection under the Corporations Act or Tax Act (as applicable), the Eligible Whistleblower must objectively have reasonable grounds to suspect that the disclosure concerns a '**disclosable matter**' and must make the disclosure to an '**eligible recipient**' who is able to receive such disclosures under the law. The Eligible Whistleblower's motive in making the disclosure is irrelevant. A matter that is disclosed under the policy but which does not meet these criteria will not qualify for legal protection.

Types of 'disclosable matters' and 'eligible recipients' are outlined in the following table.

Disclosable matter	Eligible Recipients
General disclosable matters <ul style="list-style-type: none">Information about actual or suspected misconduct, or an improper state of affairs or circumstances in relation to SFSSInformation that SFSS, or any officer or employee of SFSS, has engaged in conduct that:<ul style="list-style-type: none">contravenes or constitutes an offence against certain legislation including the Act; the Australian Securities and Investments Commission Act 2001 (Cth); Banking Act 1959 (Cth); Financial Sector (Collection of Data) Act 2001 (Cth); Insurance Act 1973 (Cth); Life Insurance Act 1995 (Cth); National Consumer Credit Protection Act 2009 (Cth); Superannuation Industry (Supervision) Act 1993 (Cth); or an instrument made under any of the aforementioned; orrepresents a danger to the public or the financial system; orconstitutes an offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more	Eligible recipients for any general disclosable matters <ul style="list-style-type: none">A person authorised by SFSS to receive protected disclosures – i.e. Recipients under this policyAn officer or senior manager of SFSSAn auditor, or a member of an audit team conducting an audit, of SFSSAn actuary of SFSSASIC, APRA or another Commonwealth body prescribed by regulationA legal practitioner for the purposes of obtaining legal advice or legal representation (even if the legal practitioner concludes the disclosure does not relate to a disclosable matter)Journalists or parliamentarians under certain circumstances allowing emergency and public interest disclosures. It is important for you to understand the criteria for making a public interest or emergency disclosure before doing so. You should contact an independent legal adviser before making a public interest or emergency disclosure.

Disclosable matter	Eligible Recipients
<p>Note that ‘personal work-related grievances’ are ‘disclosable matters’, except in limited circumstances including as set out in the policy above.</p>	
<p>Tax-related disclosable matters</p> <ul style="list-style-type: none"> Information about misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of SFSS or an associate (as defined in the <i>Income Tax Assessment Act 1936</i> (Cth)), which the employee considers may assist the Eligible Recipient to perform functions or duties in relation to the tax affairs of SFSS or an associate 	<p>Eligible Recipients for any tax-related disclosable matters</p> <ul style="list-style-type: none"> A person authorised by SFSS to receive reports of tax-related disclosable matters – i.e. Recipients under this Policy An auditor, or a member of an audit team conducting an audit, of SFSS A registered tax agent or BAS agent who provides tax services or BAS services to SFSS A director, secretary or senior manager of SFSS An employee or officer of SFSS who has functions or duties that relate to the tax affairs of SFSS A legal practitioner for the purpose of obtaining legal advice or legal representation (even if the legal practitioner concludes the disclosure does not relate to a disclosable matter)
<p>Further tax-related information</p> <p>Information that may assist the Commissioner of Taxation to perform his or her functions or duties under a taxation law in relation to SFSS or an associate (as defined in the <i>Income Tax Assessment Act 1936</i> (Cth))</p>	<p>Eligible Recipients for any further tax-related information</p> <ul style="list-style-type: none"> Commissioner of Taxation A legal practitioner for the purpose of obtaining legal advice or legal representation (even if the legal practitioner concludes the disclosure does not relate to a disclosable matter)

Specific protections and remedies

Legislative protections are available for disclosures qualifying for protection under the law, including but not limited to:

- it is illegal for a person to identify you, or disclose information that is likely to lead to your identification, except in certain circumstances including;
 - those referred to in the Policy (under “Protecting your identity”); and
 - if the disclosure is by SFSS to the Australian Securities and Investments Commission, the Australian Prudential Regulation Authority, Australian Taxation Office, Australian Federal Police, a Commonwealth, State or Territory authority for the purposes of assisting the authority in the performance of its functions or duties, or to any other body which may be prescribed by legislation from time to time; and

- you are protected from detrimental acts or omissions in relation to making the disclosure and can seek compensation and other remedies through the Courts if you suffer loss, damage or injury because of a disclosure and SFSS has failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

You are also protected from the following in relation to a protected disclosure you make:

- civil liability (e.g., any legal action against you for breach of an employment contract, duty of confidentiality or another contractual obligation);
- criminal liability (e.g., attempted prosecution of you for unlawfully releasing information, or other use of the disclosure against you in a prosecution (other than for making a false disclosure)); and
- administrative liability (e.g., disciplinary action for making the disclosure).

However, you will not have immunity for any misconduct you have engaged in that is revealed in a disclosure.