

## 1. PURPOSE

This document defines Evolve Housing's approach to the disclosure of information by employees through the process of 'whistle blowing'.

This policy aims to:

- ensure Evolve Housing maintains the highest standards of ethical behaviour and integrity.
- encourage the reporting of matters that may cause harm to individuals, financial loss to Evolve Housing, or damage to its reputation.
- enable Evolve Housing to deal with reports from whistle blowers in a way that will protect the identity of the whistle blower
- establish the guidelines for protecting whistle blowers against reprisal by any person internal or external to Evolve Housing

## 2. SCOPE

This policy applies to all people who work for or advise Evolve Housing. Workers include employees, contractors, agency staff, people on work experience and home workers. Evolve Housing tenants and applicants, members of the public and other organisations may also use this policy if they wish to disclose information through the process of 'whistle blowing'.

## 3. DEFINITIONS

- **Employee** – any person employed by, or engaged to represent, Evolve Housing
- **Workplace** – the office or any alternative location where an employee is representing the company

Only genuine concerns should be reported. Disclosures must be made in good faith with a reasonable belief that the information and any allegation in it is substantially true, and that the disclosure is not made primarily or solely for personal gain. Malicious or false allegations will be treated as a serious disciplinary offence.

## 4. POLICY STATEMENT

Evolve Housing is committed to achieving and maintaining high standards with regard to behaviour at work, service to the public and in all its working practices. Workers are expected to conduct themselves with integrity, impartiality and honesty.

Evolve Housing seeks to develop a culture that encourages the challenge of inappropriate behaviour at all levels. To achieve this aim, Evolve Housing encourages workers to report genuine concerns about malpractice, illegal acts or failures to comply with recognised standards of work without fear of reprisal or victimisation.

Evolve Housing will not tolerate harassment or victimisation of a genuine whistle blower (including informal pressures) and will treat such conduct as gross misconduct, which if proven, may (depending on the circumstances) result in dismissal.

Evolve Housing reserves the right to amend the policy as necessary to meet any change in requirements.

### What is whistle blowing?

Whistle blowing means a disclosure of information made by an employee or an external person in connection with reportable conduct and wishes to avail themselves of protection against reprisal for having made that disclosure. The whistle blower reasonably believes that one or more of the following matters is happening, took place in the past or is likely to happen in the future:

- a criminal offence;
- a failure to comply with a legal obligation (e.g. breach of a contractual or other common law obligation, statutory duty or requirement or administrative requirement, including suspected fraud, malpractice or breach of a code of conduct);
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment; or
- a deliberate concealment of information tending to show any of the above.

Only genuine concerns should be reported. Disclosures must be made in good faith with a reasonable belief that the information and any allegation in it is substantially true, and that the disclosure is not made primarily or solely for personal gain. Malicious or false allegations will be treated as a serious disciplinary offence.

*This policy is subject to change from time to time at the discretion of Evolve Housing. Where an individual is observed to not be working within the scope of this policy, the breach will be addressed by a team leader.*

## 5. RESPONSIBILITIES

It is the responsibility of the:

**Chief Executive Officer** to ensure this policy is applied and committed to by the Group Executive Team (GET).

**Team Leaders** to ensure familiarity with this policy and related procedures, to commit to following them accordingly and where relevant, promote the policy to their team.

**Employees** to ensure they comply with this policy, be responsible for their own behaviour and if required, attend relevant training as provided by the company from time to time.

## 6. PROCEDURE

### 6.1 Workers raising a concern

If you believe in good faith on reasonable grounds that any other employee, volunteer, or contractor has breached general law, organisational policy, or generally recognised principles of ethics, the employee must report their concern to

- their supervisor; or, if they feel that their supervisor may be complicit in the breach,
- the CEO; or, if they feel the CEO may be complicit in the breach,
- the Chair of the Board, who is the nominated Director with the responsibility for dealing with concerns raised under this policy and where appropriate ensuring that an investigation is conducted

If you are unhappy with the response that you receive, you may report the matter to the Community Housing Registrar.

Your conversation will be treated in absolute confidence. The Board Chair will be informed of any protected disclosures unless the disclosure relates to that position.

Any person reporting such a breach should be informed that

- as far as lies in the organisation's power, the employee will not be disadvantaged for the act of making such a report; and
- if the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law; however,
- reporting such a breach does not necessarily absolve the complainant from the consequences of any involvement on their own part in the misconduct complained of.

Any such report should where possible be in writing and should contain, as appropriate, details of the nature of the alleged breach;

- the person or persons responsible for the breach;
- the facts on which the complainant's belief that a breach has occurred, and has been committed by the person named, are founded;
- the nature and whereabouts of any further evidence that would substantiate the complainant's allegations, if known.

Evidence to support such concerns should be brought forward at this time if it exists. The absence of such evidence will be taken into account in subsequent consideration of whether to open an investigation into the matter. However, absence of such evidence is not an absolute bar to the activation of the organisation's investigative procedures. The existence of such a concern is sufficient to trigger reporting responsibilities.

## 6.2 Others wishing to report a concern

Members of Evolve Housing, tenants, applicants, members of the public and other organisations are encouraged to raise a genuine concern about Evolve Housing.

You should report the matter to the Chief Executive Officer who is the nominated manager with the responsibility for dealing with concerns raised under this policy and where appropriate ensuring that an investigation is conducted.

If your disclosure is about the Chief Executive Officer, you are encouraged to report your concerns to the Chair of the Evolve Housing Board who will decide how the investigation should proceed.

In the case of complaints or an appeal against a decision you are directed to use the relevant Evolve Housing policy, such as the Complaints Policy or Evolve Housing Appeals Policy.

Evolve Housing will not itself investigate a whistle-blowing complaint made to Evolve Housing against another organisation. It will however take an active interest in ensuring that any such a complaint is investigated by the institution or the body that is responsible for it through their own policies.

## 6.3 Anonymity

If you wish to make your complaint anonymously, your wish shall be honoured except insofar as it may be overridden by due process of law.

You should, however, be informed that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.

Where anonymity has been requested, you are required to maintain confidentiality regarding the issue on your own account and to refrain from discussing the matter with any unauthorized persons.

## 6.4 The investigation

An investigation will be conducted as speedily and sensitively as possible. An official written record will be kept at each stage of the procedure.

You are entitled to be accompanied by your union representative (if any) or a work colleague throughout the procedure when reporting your concerns.

The Chief Executive Officer, the Chair or external person or body as appropriate, will commence an investigation into your concern/s as follows:

- If appropriate, arrange an initial interview with you within 7 days of receipt of your complaint to ascertain your area/s of concern. This interview will remain confidential if requested.
- You will be asked whether you want your identity to be disclosed and will be reassured about protection from possible victimisation or possible reprisals.
- You will be asked if you are prepared to make a verbal or written statement (if you have not already done so). Strict security will be maintained during the investigative process. All information obtained will be properly secured to prevent unauthorised access. All relevant witnesses will be interviewed and documents examined. Contemporaneous notes of all discussions, phone calls and interviews will be made.

The Chief Executive Officer, the Chair or external person or body as appropriate, will then conduct further investigations. They will aim to complete the investigation within 7 working days although in serious or complicated cases, this may not be possible.

The person against whom the disclosure is made will normally be told at an early stage, provided with the evidence supporting it, and be allowed to respond. However, it may be necessary to conduct the investigation in confidence (i.e. without informing the subject of your allegation/s) until (or if) it becomes necessary to do so. Alternatively, depending on the nature and seriousness of the complaint, the person/s against whom the allegation/s are made may be suspended while investigations are ongoing.

If it is not possible to comply with the time scales set out above, you will be informed and given a revised timescale.

### **6.5 Outcome of the investigation**

If there is a case to answer, and if appropriate, the actions taken may include disciplinary procedure against the person/s who are the subject of the allegation/s, and/or referrals to the appropriate authorities.

You will be given feedback with regard to the outcome of the investigation within 5 working days of completion of the investigation (including any disciplinary investigation). The exact nature of any disciplinary action taken against any person will remain confidential.

Whether there was a case to answer or not, and provided that your disclosure was made in good faith because you reasonably believed it to be true, Evolve Housing will ensure that you are protected from reprisal or victimisation as a result of your complaint.

Only where it is established that your allegations were false and made maliciously will disciplinary action be taken against you. Such disclosures will be treated as gross misconduct and may (depending on the circumstances), result in your dismissal without notice or payment in lieu of notice.

### **6.6 If you are not satisfied with the outcome**

If you are not satisfied with the outcome of the investigation, you may wish to discuss your concerns, in confidence, with the appropriate authority.

## **7. RELATED RESOURCES**

- *Privacy Act 1988* (Cth) - Australian Privacy Principles

If you have any questions regarding this document, please contact Evolve Housing on 1800 693 865 or email your enquiry to [myevolve@evolvehousing.com.au](mailto:myevolve@evolvehousing.com.au)