

Whistleblower Policy

1. Purpose

The purpose of this policy is to:

- a) Encourage the reporting of any Disclosable Information within the Royal Australasian College of Medical Administrators (**RACMA**) without fear of victimisation or Detriment.
- b) Set out the process for the reporting of Disclosable Information, including who such reports can be made to.
- c) Set out the process for how Disclosable Information will be managed.
- d) Set out the protections and supports a person who reports Disclosable Information will receive.

2. Scope

This Policy applies to Disclosable Information (see definition under section 3.2) and any individuals with Disclosable Information who is or has been any of the following in relation to RACMA are encouraged to make a report under this Policy:

- a) Board Directors
- b) Employees
- c) Volunteers including but not limited to RACMA Members in the roles of Censors, Supervisors and Preceptors; people who are members of Committees, Subcommittees and Working Groups established by the Board; and members of panels including Accreditation of Training Posts and Recognition of Prior Learning and Experience.
- d) Suppliers of services or goods to RACMA, whether paid or unpaid and their employees
- e) Relatives, dependants and spouses of any of the above

3. Policy statement

3.1 Definitions

Detriment	<p>Includes but is not limited to the following:</p> <ul style="list-style-type: none"> ▪ Dismissal ▪ Injury of an employee in their employment ▪ Alternation of an employee's position or duties to their disadvantage ▪ Discrimination, harassment or intimidation ▪ Harm or injury, including psychological harm ▪ Damage to a person's reputation.
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Disclosable Information	<p>Means any suspected or actual misconduct or improper state of affairs or circumstances in relation to RACMA that the Whistleblower has reasonable grounds to suspect, and includes but is not limited to the following:</p> <ul style="list-style-type: none"> ▪ A contravention of the Corporations Act 2001 (Cth). ▪ Conduct that constitutes an offence under any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more. ▪ Criminal activity. ▪ A willful breach of RACMA’s Code of Conduct or other policies. ▪ Financial and/or tax fraud or mismanagement. ▪ Conduct that represents a danger to the public or the financial system. ▪ Bribery or corruption. ▪ Conduct likely to damage to the reputation of RACMA or its Members and Board Directors. ▪ Conduct that may cause serious financial or non-financial loss to RACMA. ▪ Conduct otherwise detrimental to RACMA’s interests.
Personal Workplace Grievance	<p>Means information concerning a grievance about an individual’s employment, or former employment, which has implications for the individual personally and does not fall within the scope of this Policy. However, a personal work-related grievance may be protected if:</p> <ul style="list-style-type: none"> ▪ it concerns Detriment to an individual because they have or may be considering reporting Disclosable Information; ▪ it is made to a legal practitioner for the purposes of obtaining legal advice in relation to the operation of law about Whistleblowers; ▪ it has significant implications for an entity regulated under the law (e.g. RACMA) that do not relate to the individual; ▪ it concerns conduct or alleged conduct in contravention of certain corporate and financial services laws or that constitutes an offence punishable by 12 months imprisonment under any other Commonwealth law; ▪ It concerns conduct that represents a danger to the public or the financial system.
Recipient(s)	Means persons identified in Section 4.2 of this Policy
Whistleblower	An individual identified in Section 2 of this policy who reports or attempts to report Disclosable Information in accordance with this Policy.
Whistleblower Investigation Officer (WIO)	<p>Means the person or persons responsible for leading and/or coordinating the investigation of a report of Disclosable Information in a fair, confidential, impartial and timely manner. A Whistleblower Investigation Officer:</p> <ul style="list-style-type: none"> ▪ may be internal or external to RACMA but will always be independent of the person or departments to whom the report of Disclosable Information relates; ▪ in relation to any particular report will be determined by the Recipient of the Disclosable Information and will depend upon the nature of the Disclosable Information and its seriousness.

3.2 Intent

- 3.2.1 RACMA is committed to adhering to highest standards of integrity and legal and ethical behaviour. RACMA is committed to providing a safe culture and environment which encourages disclosure of legitimate concerns, free from victimisation, and RACMA recognises the important role of a Whistleblower Policy in achieving this.

- 3.2.2 RACMA will take all reports of Disclosable Information seriously.
- 3.2.3 Anyone can and is encouraged to report misconduct. However, to be eligible for the legal protections outlined in this policy, a person must meet the following three criteria:
- a) be an eligible Whistleblower (see section 2);
 - b) have reasonable grounds to suspect misconduct in relation to RACMA (see definition of Disclosable Information in section 3.2); and
 - c) report their concerns to an eligible recipient (see section 4).

4. How to make a report

4.1 Introduction

- 4.1.1 Where an individual holds concerns about conduct occurring at RACMA, they are encouraged to raise these with RACMA.
- 4.1.2 For many concerns, an individual may feel comfortable discussing these informally with their immediate manager or some other person within the organisation. Further, concerns that are considered personal work-related grievances are more appropriately raised in accordance with RACMA's Dispute Resolution Policy.
- 4.1.3 Where a concern would not be considered a personal work-related grievance and where a person wishes to make a report of Disclosable Information in accordance with this Policy, they may do so in the manner outlined below.
- 4.1.4 All reports of Disclosable Information will be taken seriously and treated confidentially and objectively.

4.2 Internal Reporting

- 4.2.1 To qualify for protection, a Whistleblower must make their report of Disclosable Information to an eligible recipient.
- 4.2.2 Internally, Recipients are:
- a) The President. Disclosures must be in writing and sent to whistleblower@racma.edu.au; or
 - b) The Chair of the Professional Standards Group (for disclosures relating to the conduct of RACMA Members). Disclosures must be in writing and sent to ChairPSG@racma.edu.au; or
 - c) The Chief Executive. Disclosures may be made in person by appointment, by email to chiefexecutive@racma.edu.au and or by mail to the national office with the mention "Attention to the Chief Executive – Confidential".
- 4.2.3 The national office address is 1/20 Cato Street, Hawthorn East VIC 3123, Australia.
- 4.2.4 Individuals can seek assistance with this process through the President, the Chair of the Professional Standards Committee or the Chief Executive.
- 4.2.5 The role of the Recipient(s) is as follows:
- a) To appoint a Whistleblower Investigation Officer and refer the report of Disclosable Information to them in a timely manner.

- b) Where the identity of the Whistleblower is known i.e. it is not an anonymous report, to act as a point of contact for the Whistleblower until the matter is resolved and provide them with all reasonable information and support.
- c) To record the report on the Disclosures Register (see section 8).

4.3 External Reporting

4.3.1 Reports of Disclosable Information are also protected by law where they are made to the following external recipients:

- a) A legal practitioner for the purpose of obtaining legal advice or representation in relation to the whistleblower legislation.
- b) An auditor conducting an audit of RACMA.
- c) The Australian Securities and Investments Commission (ASIC), the Australian Charities and Not-for-profits Commission (ACNC), or the Australian Prudential Regulation Authority (APRA).

4.3.2 Protections are afforded to Whistleblowers who make reports to additional recipients (such as journalists and members of Parliament) in “emergency” and “public interest” situations. Please contact the Chief Executive or the President if you would like further information regarding such reports.

4.4 Anonymous Reports

4.4.1 Individuals can make an anonymous report if they do not wish to reveal their identity. However, it is important that if an individual is making an anonymous report that they provide as much information as possible, including details of the Disclosable Information (including names of individuals to whom the Disclosable Information relates, as well as dates, times and locations) and any supporting material they may have. A failure to provide sufficient information may mean that the matter cannot be investigated.

4.4.2 As far as is practicable, anonymous reports will be dealt with in accordance with the processes outlined in this Policy.

5. Investigation

5.1.1 First and foremost, the identity of the Whistleblower will be protected throughout any investigation process, in accordance with this Policy.

5.1.2 Within 5 days of receiving a report of Disclosable Information, the Recipient will notify the Whistleblower that the report has been received.

5.1.3 Each report of Disclosable Information will be assessed to determine whether it qualifies for protection under this Policy, and whether a formal investigation is required.

5.1.4 The Recipient will decide on the most appropriate Whistleblower Investigation Officer given the allegations and then refer the matter to them for assessment.

5.1.5 Where an assessment determines that there is no further action to be taken in relation to a particular report, the Whistleblower Investigation Officer will inform the Recipient, who will conclude the matter and advise the Whistleblower of this outcome. Where no further action is taken, the person to whom the report of Disclosable Information relates may or may not be notified of the report (and that finding that it has no substance), having regard to the need to protect the rights of

the Whistleblower and ensure ongoing workplace harmony.

- 5.1.6 Where the assessment determines that an investigation is necessary in relation to a particular report:
- a) Investigations will be conducted impartially, independently from anyone to whom the Disclosable Information relates, and in a timely manner.
 - b) The Whistleblower Investigation Officer may seek further information from the Whistleblower, however, at the time of reporting the Disclosable Information, the Whistleblower should endeavour to provide the following:
 - i. The particulars of the allegation(s) and the facts giving rise to it, including but not limited to the specific conduct, the names of those involved, and the dates/times of any alleged conduct; and
 - ii. Any evidence in support of the report being made or if not in the Whistleblower's possession, the whereabouts of any such evidence if known.
- 5.1.7 Unless it is not reasonable to do so and at an appropriate time, the Whistleblower Investigation Officer will inform the person(s) to whom the Disclosable Information relates of the particulars of the allegation(s) and they will be afforded an opportunity to respond.
- 5.1.8 The Whistleblower can choose to remain anonymous over the course of the investigation and after the investigation is finalised. They can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations.
- 5.1.9 After weighing up all the evidence, the Whistleblower Investigation Officer will make a determination as to whether the allegation(s) is substantiated and record this outcome in a confidential internal report. This report will not be provided to the Whistleblower or any person to whom the investigation relates, although the relevant parties will be informed of the investigation outcome generally (unless inappropriate to do so). The outcome will be reported to either RACMA Board and/or the Chief Executive, depending upon to whom the investigation relates.
- 5.1.10 Where a breach of law or internal policy is identified by the Whistleblower Investigation Officer as part of the outcome, disciplinary action may result. Depending on the nature and seriousness of the substantiated breach, the matter may also be referred to the appropriate law enforcement authorities or other external agencies.

6. Protection of a whistleblower and their identity

- a) RACMA understands the importance of and is committed to protecting a person who makes a report of Disclosable Information under this Policy.
- b) Whistleblowers who make a report of Disclosable Information as per section 3.1 qualify for protections even if the disclosure turns out to be incorrect, and irrespective of their decision to remain anonymous.

6.1 Protecting a Whistleblower's identity

- 6.1.1 A Whistleblower's identity (and any other information that is likely to lead to the identification of the Whistleblower) will only be disclosed in the following circumstances:
- a) If the Whistleblower consents to the disclosure of their identity/the information.

- b) In the case of information that is likely to lead to the identification of the Whistleblower, it is reasonably necessary for the purpose of investigating the matter, but all reasonable steps are taken to reduce the risk that the Whistleblower will be identified.
- c) If the disclosure is made by RACMA to ASIC, APRA, a member of the Australian Federal Police (AFP) or is made to a legal practitioner for the purpose of obtaining legal advice or representation in relation to the whistleblower legislation.

6.1.2 It is unlawful for any person to identify a Whistleblower or disclose information that is likely to lead to the identification of a Whistleblower (unless an exemption applies). The release of information in breach of this policy will be regarded as a serious matter and may be subject to disciplinary action.

6.1.3 If a Whistleblower believes their confidentiality has been breached, they may lodge a complaint with RACMA or with a regulator such as ASIC for investigation or seek independent legal advice.

6.2 Protecting a Whistleblower from Detriment

6.2.1 A Whistleblower (or any other person) must not be subjected to any Detriment because they have made or may make a report of Disclosable Information.

6.2.2 Any person involved in causing or threatening to cause Detriment to another person because of a report of Disclosable Information may be subjected to disciplinary action. RACMA may also refer such conduct to law enforcement authorities or other external agencies.

6.2.3 A person who believes they are being or may be subjected to Detriment because of a report of Disclosable Information should immediately report this to the Chief Executive or the President. A whistleblower may seek independent legal advice or contact a regulator such as ASIC if they believe they have suffered Detriment.

6.3 Additional Protections and Support

6.3.1 To ensure a Whistleblower (or any other person) is not subjected to any Detriment because they have made or may make a report of Disclosable Information, RACMA may undertake one or more of the following:

- a) Providing whistleblower training and education across RACMA.
- b) Managing the conduct of other employees and where necessary, taking prompt action in instances of Detriment or threatened Detriment of a Whistleblower or potential Whistleblower.
- c) Allowing a Whistleblower or potential Whistleblower to work from a different location or otherwise implementing flexible workplace arrangements.
- d) Making alternative workplace arrangements for anyone to whom the Disclosable Information relates.
- e) Any other measure that RACMA considers appropriate in the circumstances.

6.3.2 Professional counselling support is available to all Whistleblowers through RACMA's Employee Assistance Program (EAP).

6.3.3 Further, additional protections available to a Whistleblower under the Corporations Act 2001 (Cth) and the Taxation Administration Act 1953 (Cth) include but are not limited to the following:

- a) A person who makes a report of Disclosable Information must not be subjected to any civil, criminal or administrative liability for making the report.
- b) No contractual or other remedy may be enforced or exercised against a person who makes a report of Disclosable Information because they made a report.
- c) Where a person makes a report of Disclosable Information, in some circumstances, the information provided is not admissible in evidence against the person in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.
- d) Where a person makes a report of Disclosable Information, their identity is not to be revealed to a court or tribunal, except in limited circumstances.

6.3.4 A Whistleblower can seek compensation and other remedies through the courts if:

- a) they suffer loss, damage or injury because they made a Report of Disclosable Information under this Policy
- b) RACMA failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct that led to their loss, damage or injury.

7. Treatment of employees to whom a report relates

7.1.1 RACMA acknowledges that individuals mentioned in a report of Disclosable Information or to whom a report of Disclosable Information relates must be treated fairly and supported throughout any process implemented under this Policy.

7.1.2 If a report is made and an investigation takes place:

- a) Any investigation will be handled sensitively and confidentially to protect the rights and privacy of all parties involved, including those to whom a report of Disclosable Information relates.
- b) As outlined in section 5 of this policy, unless unreasonable to do so in the circumstances, the Whistleblower Investigation Officer will inform the person(s) to whom the Disclosable Information relates of the particulars of the allegation(s) against them and provide them an opportunity to respond.
- c) Unless it is unreasonable to do so in the circumstances, once a determination has been made as to whether the allegation(s) is substantiated, the person to whom the report of Disclosable Information relates will be advised of the outcome.
- d) Any person to whom a report of Disclosable Information relates may access professional counselling support through EAP.

8. Recording disclosures

8.1.1 All reports of Disclosable Information will be recorded by the relevant Recipient on the Disclosures Register. The Disclosures Register will set out the details of reports of Disclosable Information.

8.1.2 A Whistleblower's name, or any other information which is likely to lead to the identification of the Whistleblower, will only be recorded on the Disclosures Register with the consent of the Whistleblower.

8.1.3 The Disclosures Register is confidential and can only be accessed by the Recipients.

- 8.1.4 All information and records relating to reports of Disclosable Information will be stored securely by the College.

9. Reporting to the Board

The Board will be provided with a summary of reports of Disclosable Information yearly by the Chief Executive, which will not identify individual Whistleblowers, being for topics including but not limited to the following:

- a) The number and nature of disclosures made during the preceding period.
- b) The status of any ongoing investigations.
- c) The allegations, evidence and outcomes of any investigations completed, and actions taken as a result of those investigations.
- d) Identification of any systemic organisational weaknesses exposed by disclosures or investigations.
- e) Recommendations based on those conclusions to address any wrongdoing identified.

10. False or misleading reports

- 10.1.1 A false report, i.e., where a person reports information they know to be untrue, may amount to a breach of RACMA's Code of Conduct or other internal policies, which may lead to disciplinary action. False reports may also amount to a criminal offence.
- 10.1.2 For the avoidance of doubt, reports made in good faith and on reasonable grounds that are ultimately unsubstantiated or incorrect will not be considered false reports and will not result in disciplinary action.

11. Breaches of this Policy

Non-compliance with RACMA's obligations under this Policy may result in any one of the following:

- a) For employees – disciplinary action in accordance with RACMA's Disciplinary Policy.
- b) For Board Directors, suppliers and volunteers who are Members – disciplinary action in accordance with the College's Constitution and the Suspension or Termination of Appointment to Representative Position Regulation.
- c) Legal proceedings.
- d) Any decision deemed reasonable in the circumstances.

12. Access to this Policy and training

This Policy will be:

- a) Included as part of the induction program for all new staff
- b) Included as part of the induction program for all new Board and Committee members.
- c) Included as part of the orientation of new Censors, Supervisors and Preceptors

- d) Made available on the College Intranet and website.
- e) Communicated and explained in whistleblower training provided to all staff.

13. Monitoring and review of policy

This Policy will be monitored and reviewed in line with the process outlined in RACMA's Policy Development and Review Policy. The Chief Executive is accountable to the RACMA Board for managing and maintaining this Policy. Any updates and revisions to this Policy must be endorsed by the Chief Executive before being submitted to the RACMA Board for approval.

14. Related documents

- Code of Conduct
- Discrimination, Harassment, Bullying and Victimisation Policy
- Dispute Resolution Policy.
- Conflict of Interest Policy
- Complaints Policy
- RACMA Constitution
- Suspension or Termination of Appointment to Representative Position Regulation
- Corporations Act 2001 (Cth)
- Treasury Laws Amendment (Enhancing Whistleblowers Protections) Act 2019 (Cth)

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v1.2	February 2024	Closer alignment of Scope with legislation (Section 2) Clarification that to be eligible for protections under this Policy, a person must meet three criteria (section 3.2) Addition of Chief Executive and Chair of Professional Standards Committee as eligible Recipients (section 4.2) Clarification that the Recipient appoints the Whistleblower Investigation Officer (sections 5, 4.2) Clarification that protections apply for reports of Disclosable Information in scope of the Policy, irrespective of the decision to remain anonymous, or the outcome of the investigation. Addition that whistleblowers can seek compensation and other remedies through the courts (section 6).	
v1.0	April 2020	New Policy	