

Purpose

At CPL we are guided by our values and our vision for our clients. These values are the foundation of how we behave and interact with each other, our clients, suppliers and other stakeholders. This policy has been put in place to ensure our employees, clients and other whistleblowers can raise concerns regarding any misconduct or improper state of affair or circumstances without being subject to victimisation, harassment or discriminatory treatment.

Scope

This policy applies to all current and past members of the Board of Directors, the CEO, employees, volunteers, clients, contractors, suppliers, external auditors as well as any relatives of clients.

This policy will be available on CPL’s website and intranet page.

Roles and responsibilities

The personnel involved and their roles and responsibilities.

Role	Responsibility
Chair of the Board	<ul style="list-style-type: none"> Oversee investigations as appropriate Review reports and investigations made under this Policy
CEO	<ul style="list-style-type: none"> Report on matters to Finance and Risk Committee Appoint external investigators as required
Chief Operating Officer, Chief Financial Officer, General Manager – People, Learning and Culture (PLC),	<ul style="list-style-type: none"> Investigate reports as required Ensure this Policy and other CPL standards, policies and procedures are adhered to
Employees	<ul style="list-style-type: none"> CPL relies on its employees to help maintain and grow its culture of honest and ethical behaviour. It is therefore expected that any Employee who becomes aware of matters will make a report

1. Matters that should be reported

Any matter that a whistleblower has reasonable grounds to believe is misconduct or an improper state of affairs or circumstances, is in breach of CPL’s policies, the law or NDIS standards should be reported in accordance with this policy. Please note that personal work related grievances are excluded from this Policy and will handled under the grievance policy.

Reportable matters include any conduct that may involve but not be limited to:

- Unapproved restrictive practices or the delivery of service that does not meet the relevant standards
- Dishonest behaviours
- Fraudulent activity
- Unlawful, corrupt or irregular use of company funds or practices
- Illegal activities
- Breaches of legislation
- Unethical behaviour, including anything that would breach the NDIS Code of Conduct
- Improper or misleading accounting or financial reporting activities
- Behaviour or the provision of service that is oppressive, discriminatory or grossly negligent
- Any other conduct which may cause loss to CPL or otherwise be detrimental to the interests of CPL or its clients

2. Personal work-related grievances

Personal work related grievances are not covered under this Policy and should be reported to the line manager or PLC representative in accordance with the Grievance Policy.

This includes:

- An interpersonal conflict between the whistleblower and another employee
- A decision relating to the engagement, transfer or promotion of the whistleblower
- A decision to suspend or terminate the engagement of the whistleblower, or otherwise to discipline the whistleblower.

3. Reporting

3.1. Making a report

Whistleblowers can report their concerns to any of the eligible recipients of protected disclosure:

- CEO
- Chair of the board - where the matter may include the CEO or executive team members
- Chief Financial Officer
- Chief Operating Officer
- General Manager - People, Learning & Culture
- Auditor or member of an audit team conducting an audit
- NDIS Quality and Safeguards Commission
- Relevant government agency that has primary responsibility for the enforcement of relevant legislation.

Reports can be made in person, by telephone or in writing and advise that they wish to make a report under this policy.

3.2. Support and protection available to whistleblowers

A whistleblower will not be subject to any civil, criminal or disciplinary action for making a report that is covered by this Policy, or for participating in any subsequent investigation by CPL. No employee, officer or contractor of CPL may engage in detrimental conduct against a whistleblower who has made or proposes to make a report in accordance with this Policy, because of such report or proposed report.

All reasonable steps will be taken to ensure a whistleblower will not be subject to any form of victimisation, discrimination, harassment, demotion, dismissal or prejudice on the basis of having made a report. However, this policy will not protect the whistleblower if they are involved in or connected to the improper conduct or illegal activities that are the subject of a report.

3.3. Anonymity

A report can be made anonymously. However, it may be difficult for CPL to properly investigate or take other action to address the matters disclosed in anonymous reports. In circumstances where the whistleblower has not consented to the disclosure of their identity, the matter may be referred for investigation. The investigator will be required to take all reasonable steps to reduce the risk that the whistleblower will be identified as a result of the investigation.

3.4. Support for whistleblowers

Support for whistleblowers includes:

- Connecting the whistleblower with access to the Employee Assistance Program
- Appoint an independent support person from the PLC team
- Connecting the whistleblower with third party support

Use of these supports may require the whistleblower to consent to their identity or information that is likely to lead to the discovery of their identity.

4. Investigations

4.1. Investigating a report

Where a report is made under this policy the CEO will decide on who will investigate the report. If the report implicates the CEO the Chair of the Board will decide on the appropriate course of action. Where the CEO and/or Chair deems it necessary an external investigator may be engaged to assist and/or run the investigation. All investigations will be conducted in a fair and independent manner and all reasonable efforts will be made to preserve confidentiality of an investigation. To avoid jeopardising an investigation, a whistleblower who has made a report under this Policy is required to keep confidential the fact that a report has been made. Where required any allegations from whistleblowers will form the basis of a notification from CPL to NDIS Quality and Safeguards Commission and/or other regulatory bodies as required.

Where a whistleblower wishes to remain anonymous, their identity will not be disclosed to the investigator or to any other person. Strict security will be maintained during the investigative process. All information obtained will be properly secured to prevent unauthorised access. The whistleblower may be asked to identify any possible conflicts of interest as part of the investigation process.

4.2. Support for persons implicated

No action will be taken against employees or officers who are implicated in a report under this policy until an investigation has determined whether any allegations against them are substantiated. However, an employee or officer who is implicated may be temporarily stood down on full pay whilst an investigation is in process, or may be temporarily transferred to another work location if appropriate in the circumstances.

Any reports that implicate an employee or officer must be kept confidential, even if the whistleblower has consented to the disclosure of their identity, and should only be disclosed to those persons who have a need to know the information for the proper performance of their functions under this Policy, or for the proper investigation of the report. An employee or officer who is implicated in a disclosure has a right to be informed of the allegations against them, and must be given an opportunity to respond to those allegations and provide additional information, if relevant, in the course of an investigation into those allegations.

4.3. False reports

If it is discovered that a whistleblower knowingly and intentionally fabricated an accusation against an employee or associate of the organisation, for their own personal gain or with malicious intent, they may be subject to disciplinary action which may include dismissal, termination of services or cancellation of customer relationship. Any such action will only be made at the approval of the CEO and/or Chair of the Board.

Definitions

Abbreviation/Acronym	Definition
Whistleblowing	The reporting, in good faith by an individual, of misconduct that is within CPL's ability to control. Reporting in good faith means the complainant has a reasonable and honest belief that the alleged misconduct occurred.
Whistleblower	Any current or former Board member, employee, volunteer, resident, client, family member, vendor or contractor who wishes to make a report in connection with misconduct and avails themselves of the protections offered in this Policy.
Personal workplace grievances	Means a grievance about any matter in relation to the Discloser's employment, or former employment, having (or tending to have) implications for the discloser personally.

Related documents

Policies and procedures

- Code of Conduct
- Grievance Policy
- Performance and Disciplinary Action Procedure

Legislative requirements

- Corporations Act (Cth) 2001
- Commonwealth Public Interest Disclosure Act 2013
- Fair Work Act (Cth) 2009
- The Australian Securities and Investments Commission (Cth) Act 2001
- The Taxation Administration Act 1953
- Treasury Laws Amendment (Enhancing Whistleblowers Protection) Act 2019
- NDIS Code of Conduct