



FEELS LIKE HOME SUPPORT SERVICES

CORE MODULE: WHISTLE-  
BLOWER

Legal name: Feels Like Home Support Services Pty Ltd

Business/trading name: Feels Like Home Support Services

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Rev.1

Date: 21 March 2023



## WHISTLE-BLOWER POLICY

### POLICY

This policy is confirming that “Whistleblowing” is encouraged and is that Whistle-blowers will be protected within the Royalty Scope service.

**Internally:** Whistleblowing (in the context of this policy and within Royalty Scope), is the reporting in good faith by an individual, of misconduct that is within ability to control.

Reporting in good faith means the complainant has a reasonable and honest belief that the alleged misconduct occurred.

The person to whom a report under this Policy is made (The Director) and who has the responsibility to safeguard the interests of the whistleblower. It is the commitment of the Director to maintain the safety and tenure of the person making the report.

**Externally:** NDIS providers should not direct their workers to undertake duties they are not qualified or skilled to deliver.

If an NDIS provider, a person with disability, or their family or carer directs a worker to deliver supports and services for which they do not have the necessary training, competence and qualifications, workers should decline to do so.

Workers can also make a report to the NDIS Commission that such a direction has been made.

Whistle bower protections are in place for workers who raise issues with the NDIS Commission, so their NDIS provider cannot take or threaten to take adverse action against them for pursuing this course of action.

*This policy covers all staff whether employee, contractor, volunteer, or student.*

### DEFINITION

Whistleblowing is when someone reports ‘Misconduct’. Misconduct can be categorised as:

- Dishonest, corrupt, illegal, or fraudulent conduct
- Unethical or immoral behaviour
- Legal or regulatory non-compliance
- Substantial mismanagement of Anglicare's resources
- Substantial mismanagement that involves a significant risk to health, safety, or the environment
- Behaviour damaging to the reputation of Anglicare



Scenario:

Angela is living in shared accommodation in a small regional area in Northern NSW that does not have many support workers. One evening, disability support worker Tamara comes in to relieve another support worker, Julia, for the nightshift. Recently, Tamara has noticed that when she takes over from Julia, Angela is withdrawn and upset. When she asks Angela why she is upset, Angela says that Julia has been shouting at her, calling her stupid and useless. Tamara follows Housing Plus's policy to report Julia's behaviour to her supervisor. However, over the next few weeks, it is apparent to Tamara that the supervisor is not acting on her concerns. There has been no change to shifts or supports, and Angela tells her that Julia is continuing to verbally abuse her. Tamara is worried that taking her concerns to the Director as it may compromise her employment, but she re-reads the Code of Conduct and understands that she has whistle-blower protections and an important role in ensuring the situation is addressed. Together, Angela and Tamara make a complaint to the Director. The Director Investigates the situation.

## PROCEDURE

### **Making a report**

In the first instance, prior to action under this Policy, the whistle blower is encouraged to follow normal reporting channels and discussing the matter with their immediate supervisor/manager.

If the nature of the matter is such that it is not appropriate to report through normal channels, or if the whistle-blower has a reasonable concern about doing so, or if the matter has been previously reported under normal channels but the whistle-blower believes no appropriate action has been taken, the whistle-blower can contact the Director directly to discuss the matter and lodge a report.

A whistle-blower may choose to report a matter anonymously, however, they should recognise that anonymity may be inconsistent with natural justice for the person or persons that the complaint is made about and may severely hamper the investigation process. Anonymity may also mean that it is difficult to provide feedback on the status of the investigation to the whistle-blower and to provide the protection afforded to whistle-blowers under this Policy.

Whistle-blowers should ensure as far as they are able that their report is factually accurate, complete, based on first-hand knowledge, without material omission and presented in an unbiased fashion. The report should be as detailed as practicable and include (but not be limited to):

- The exact nature of the alleged misconduct believed to have occurred.
- When the alleged misconduct took place, if known
- Where the alleged misconduct took place, if known
- Who was involved in the alleged misconduct?
- The names of witnesses who may know information that is relevant to investigating the alleged misconduct.



### Internal Reporting

- Position: Director
- Name: Chloe Thomas or Wayne Thomas
- Phone numbers: 1300 035 477
- Postal address: 8 Clunies Ross Court, Eight Mile Plains, QLD

### External Reporting

Phoning: 1800 035 544 or TTY 133 677. Interpreters can be arranged call 1800 035 544.

Completing a [complaint contact form](#).

The NDIS Commission can take complaints from anyone about:

- NDIS services or supports that were not provided in a safe and respectful way
- NDIS services and supports that were not delivered to an appropriate standard
- How an NDIS provider has managed a complaint about services or supports provided to an NDIS Participant

### Conducting an Investigation

All reports made under this Policy will be investigated with the objective of obtaining evidence that either substantiates or refutes the claims made by the whistle-blower.

Investigations will be carried out by the Director, who will be fair and independent in their investigation. A person accused within or connected to the matter must not be involved in the investigation. If the Director believes he/she may have a conflict of interest by acting as Whistle-blower Support in the matter, he/she is to notify an alternative or provide details to of the NDIS Quality and Safety Commission who will ensure that the matter is addressed without conflict of interest.

Where appropriate, for example where this is a potential risk to resident/client care or staff safety, the person alleged to have engaged in misconduct may be stood down from duty pending investigation. Where a person is stood down while the investigation takes place, no inference of wrongdoing or assumed guilt will apply. The principles of natural justice will be observed in the investigation, which will be conducted without bias and any person against whom an allegation has been made will be given the opportunity to respond.

If requested, the identity of the whistle-blower may be kept confidential, noting that any commitment to confidentiality will be subject to reasonableness and the requirements of the law.

As soon as practicable after the investigation is concluded, the Director will prepare a report providing a summary of the facts of the suspected misconduct and of the findings of the investigation (i.e. whether the misconduct was substantiated or unsubstantiated).

The report shall outline appropriate measures to be taken considering the findings in the report, which may include notification to regulatory and/or enforcement agencies.



### Protecting Whistle-blowers

If a whistle-blower makes a report under this Policy in good faith, then provided he/she has not been involved in the conduct reported, the whistle-blower will not be penalised or disadvantaged because they have reported a matter.

Royalty Scope staff must not victimise, harass, or discriminate against anyone who raises a concern under this Policy or who participates in an investigation.

Such victimisation, harassment or discrimination is serious misconduct and may result in disciplinary measures, up to and including summary dismissal.

A whistle-blower or Participant in an investigation who believes he/she has been penalised or disadvantaged, including by being subjected to victimisation, harassment, discrimination, or other unfavourable treatment.

Any employee, supervisor or manager who is found to have penalised or disadvantaged a whistle-blower or Participant in an investigation by reason of their status as a whistle-blower or witness to the alleged misconduct may be subjected to disciplinary measures, up to and including summary dismissal.

Where it is established by the Director, that the whistle-blower has not acted in good faith or he/she intentionally made a false, malicious, or vexatious report of alleged misconduct, then this may result in the whistle-blower being the subject of disciplinary measures, up to and including summary dismissal.

## RELATED DOCUMENTS

- Complaint Form
- Complaint Policy
- Incident Report
- Incident Policy
- Whistle-blower Template

## REFERENCES

- National Disability Insurance Scheme Act 2013
- Information Sheet 238 Whistle-blower rights and protections (INFO 238)I
- Information Sheet 239 How ASIC handles whistle-blower reports (info 239)