

Whistleblower Policy

POLICY:

Murray Human Services Inc, trading as We are Vivid (Vivid), is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.

Vivid recognises the value of transparency and accountability in its administrative and management practices, and supports the reporting of improper conduct.

This Whistleblower Policy has been developed so that any person (Whistleblower) can raise concerns regarding circumstances in which they believe that Vivid, or anybody connected with Vivid, has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct (refer to, in particular, clause 4 of this Policy).

SCOPE:

This policy applies to:

Employees	Board Members	Supported persons (including their families and carers)	Contractors (including employees of contractors)	Volunteers	Suppliers	Consultants
✓	✓	✓	✓	✓	✓	✓

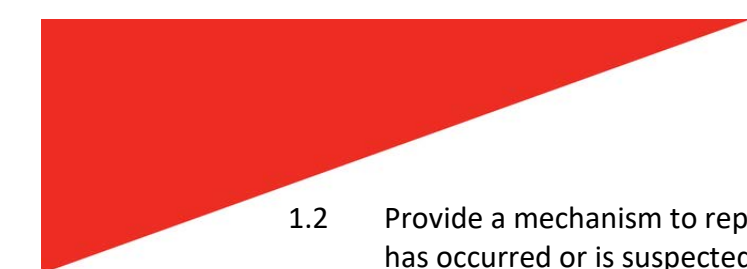
Although they are under no obligation to do so, any associate, family member or dependant of any person in the above groups of people may also speak up. If they do choose to speak up in line with this Policy, Vivid will extend to them the relevant rights and protections under this Policy.

PROCEDURES:

1. Purpose

This Policy aims to:

- 1.1 Encourage a person – a Whistleblower - to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct.

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- 1.2 Provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within Vivid.
 - 1.3 Enable Vivid to deal with reports from Whistleblowers in a way that will protect the identity of the Whistleblower and provide for secure storage of the information.
 - 1.4 Ensure that any Reportable Conduct is identified and dealt with appropriately.
 - 1.5 Ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported.
 - 1.6 Help to ensure that Vivid maintains the highest standards of ethical behaviour and integrity.

2. Principles

- 2.1 **Higher standard** – This Policy is designed to comply with Vivid’s legal obligations. If anything in this Policy is inconsistent with any law imposed on Vivid, that legal obligation (the “higher standard”) will prevail over this Policy.
- 2.2 **Speak up and report it!** – Vivid encourages Employees and others to report any concerns they have in line with this Policy.
- 2.3 **Our expectations of Employees and others** – Vivid expects Employees and others to act honestly and ethically, and to make any report on reasonable grounds.
- 2.4 **Our responsibility to Whistleblowers** – Vivid’s obligations to Workers are spelled out in this Policy, particularly in section 6 ‘Protection’.
- 2.5 **Confidentiality and consent** - Vivid will maintain the confidentiality of all reports and protect the identity of Whistleblowers to the fullest extent possible. While Vivid encourages Whistleblowers to identify themselves to Vivid’s Whistleblower Protection Officer, they may opt to report their concerns anonymously.

3. Responsibilities

3.1 The Whistleblower Program Team

The Whistleblower Program Team is comprised of the Chief Executive Officer (CEO) and Whistleblower Protection Officer(s) and is responsible for:

- 3.1.1 Assisting the Whistleblower Protection Officer in the assessment and oversight of Whistleblower reports.
- 3.1.2 Providing advice and support to Whistleblowers.

3.1.3 Maintaining a secure and restricted record of all reports made under this Policy.

3.1.4 Arranging role-specific training as and when required.

3.2 Human Resources Manager

The Human Resources Manager is responsible for ensuring that:

3.2.1 Employees are made aware of their rights and responsibilities in relation to whistleblowing at induction.

3.2.2 Employees are regularly encouraged to speak up about concerns of Reportable Conduct.

3.3 Whistleblower Protection Officer

The Whistleblower Protection Officer is responsible for:

3.3.1 Receiving Whistleblower reports and protecting the interests of Whistleblowers.

3.3.2 Determining whether the report falls within the scope of this Policy.

3.3.3 Determining whether and how a report should be investigated.

3.3.4 Appointing a Whistleblowing Investigator where an investigation is deemed appropriate.

3.3.5 Ensuring investigations are conducted in accordance with this Policy.

3.3.6 Ensuring any reports involving a Board Member or the CEO are reported to the Chair of the Board.

3.3.7 Updating Whistleblowers on progress and details of outcomes to the fullest extent possible.

3.3.8 Maintaining to the fullest extent possible confidentiality of the identity of and reports received by Whistleblowers.

3.3.9 Immediately reporting concerns in relation to any detrimental conduct to the CEO (provided that the concerns do not relate to the CEO).

3.3.10 Determining the appropriate courses of action to remediate or act on the investigation.

3.3.11 Reporting matters to relevant authorities.

3.3.12 Making recommendations to prevent future instances of reportable misconduct.

3.3.13 Completing any training mandated by the Whistleblower Program Team.

3.3.14 Seeking to ensure the integrity of the Whistleblower Program is maintained.

3.4 Whistleblower Investigators

Whistleblower Investigators are responsible for:

3.4.1 Investigating reports in accordance with this Policy.

3.4.2 Maintaining to the fullest extent possible confidentiality of the identity of and reports received by Whistleblowers.

3.4.3 Gathering evidence and taking steps to protect or preserve evidence.

3.4.4 Making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report.

3.4.5 Keeping comprehensive records about the investigation.

3.4.6 Making recommendations to the Whistleblower Protection Officer about how to implement the strategy in relation to how reported misconduct can be stopped, prevented and/or mitigated in future.

3.4.7 Reporting back to the Whistleblower Protection Officer on the progress of their investigation seven days after the report and every 14 days thereafter.

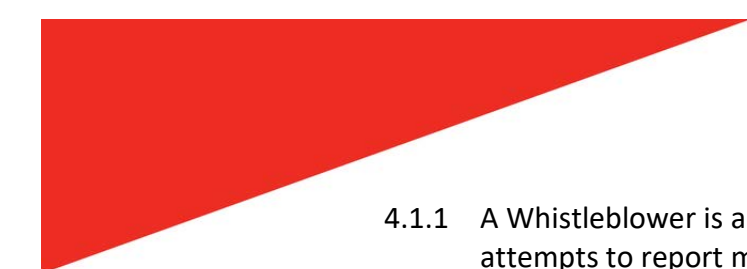
3.4.8 Complying with the directions of the Whistleblower Protection Officer in relation to any further follow up, and reporting action and requirements, including the implementation of any recommendations.

3.5 Employees

Employees are responsible for reporting misconduct or dishonest or illegal activity that has occurred or is suspected within Vivid as quickly as possible, whether anonymously or otherwise.

4. Reportable Conduct

4.1 Who can make a report?

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- 4.1.1 A Whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with Vivid, and wishes to avail themselves of protection against reprisal for having made the report.
 - 4.1.2 A Whistleblower may be a current or former employee of Vivid.
 - 4.2 What is Reportable Conduct?
 - 4.2.1 A person – a Whistleblower - may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to:
 - (a) Vivid; or
 - (b) a related body corporate of Vivid.(Reportable Conduct)
 - 4.2.2 Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:
 - (a) dishonest;
 - (b) corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
 - (c) fraudulent;
 - (d) illegal (including theft, drug sale or use, violence or threatened violence, or property damage);
 - (e) in breach of any regulation, internal policy or code (such as Vivid’s Code of Conduct or Workplace Behaviour Policy);
 - (f) improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the Whistleblower;
 - (g) a serious impropriety or an improper state of affairs or circumstances;
 - (h) endangering health or safety;
 - (i) damaging or substantially risking damage to the environment;
 - (j) a serious mismanagement of Vivid’s resources;
 - (k) detrimental to Vivid’s financial position or reputation;

- (l) maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);
- (m) concealing Reportable Conduct.

4.2.3 Reportable Conduct usually relates to the conduct of employees or Board Members, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

4.3 What is *not* Reportable Conduct?

4.3.1 While everybody is encouraged to speak up and report any concerns to Vivid, not all types of conduct are intended to be covered by this Policy or by the protections under the *Corporations Act 2001* (Cth). This Policy does not apply to complaints by clients and others about Vivid's provision of services, or personal work-related grievances (see 4.3.2, 4.3.3 and 4.3.4), unless the grievance includes victimisation as a consequence of whistleblowing. Those matters are dealt with under other policies.

4.3.2 Personal work-related grievances are those that relate to the discloser's current or former employment with Vivid that might have implications for the discloser personally but do not:

- (a) have any other significant implications for Vivid (or another entity); or
- (b) relate to any conduct or alleged conduct about a disclosable matter (as set out in 4.2.2).

4.3.3 Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

4.3.4 However, personal work-related grievances may be covered by this Policy where they include information about misconduct, an allegation that Vivid has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

4.4 What information do I need to make a report?

4.4.1 To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct (Protected Disclosure).

4.4.2 For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:

- (a) date;
- (b) time;
- (c) location;
- (d) name(s) of person(s) involved;
- (e) possible witnesses to the events; and
- (f) evidence of the events (e.g. documents, emails).

4.4.3 In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

4.5 How can I make a report?

4.5.1 A report must be made to the Whistleblower Protection Officer or other authorised person (refer to clause 5).

4.5.2 Vivid will also protect individuals who have made a report in connection with Vivid:

- (a) to the Australian Charities and Not for Profits Commission, the NDIS Quality & Safeguards Commission or other Commonwealth or State regulatory body prescribed in legislation;
- (b) to a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections; or
- (c) that qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that you understand the criteria for making a public interest or emergency disclosure and you may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

4.5.3 While Vivid encourages you to identify yourself to the Whistleblower Protection Officer, you may opt to report your concerns anonymously such as by adopting a pseudonym.

5. Procedure

5.1 How do I make a report?

5.1.1 Whistleblowing protections will only apply to reports of Reportable Conduct made in accordance with this Policy.

5.1.2 Where you have reasonable grounds to suspect that an individual has engaged in Reportable Conduct, you should report the matter to any person authorised by Vivid to receive Whistleblower disclosures.

Authorised people are:

- (a) CEO;
- (b) Whistleblower Protection Officer;
- (c) President of the Board of Management;
- (d) Executive Manager Resources;
- (e) Executive Manager Commercial Operations;
- (f) Executive Manager Corporate Services.

5.1.3 If you are not comfortable or able to report Reportable Conduct internally, you may report it to the Australian Charities and Not for Profits Commission or the NDIS Quality & Safeguards Commission.

5.2 How are reports investigated?

5.2.1 After receiving your report Vivid will:

- (a) assess the report of Reportable Conduct;
- (b) consider whether there are any conflicts of interest prior to investigating;
- (c) determine whether external authorities need to be notified;
- (d) determine whether and how to investigate; and
- (e) appoint a Whistleblowing Investigator if appropriate.

5.2.2 If an investigation is deemed necessary, it will be conducted fairly, objectively and in a timely manner. The investigation process will vary depending on the nature of the Reportable Conduct and the amount of information provided.

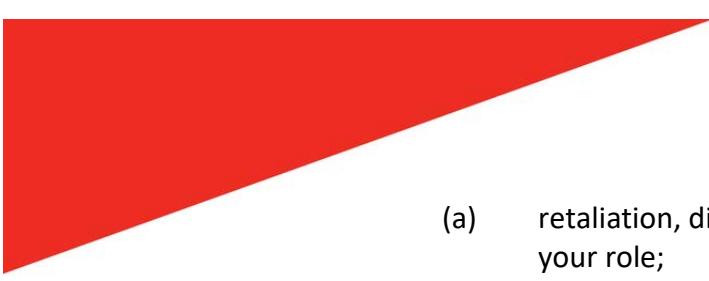
- 5.2.3 Any individuals who are accused of misconduct in a report (a Respondent) will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken.
- 5.2.4 Vivid may need to speak with the Whistleblower as part of an investigation. If the identity of the Whistleblower is known, Vivid will endeavour to keep them informed about the status of an investigation.
- 5.2.5 If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, the individual who reported the Reportable Conduct will be notified at the earliest possible opportunity.

5.3 Outcome of an investigation

- 5.3.1 At the conclusion of the investigation, a report will be prepared outlining:
 - (a) a finding of all relevant facts;
 - (b) a determination as to whether the allegation(s) have been substantiated or otherwise;
 - (c) the action that will be taken, which may include disciplinary action and dismissal.
- 5.3.2 The disciplinary action will be dependent on the severity, nature and circumstances of the Reportable Conduct.
- 5.3.3 Where possible and appropriate, having regard to Vivid's privacy and confidentiality obligations, the Whistleblower will be informed of the outcome of any investigation into their concerns.

6. Protection

- 6.1 How will I be protected if I speak up about Reportable Conduct?
 - 6.1.1 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, Vivid will support and protect you and anyone else assisting in the investigation.
 - 6.1.2 Vivid will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:

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- (a) retaliation, dismissal, suspension, demotion, or termination of your role;
 - (b) bullying, harassment, threats or intimidation;
 - (c) discrimination, subject to current or future bias, or derogatory treatment;
 - (d) harm or injury;
 - (e) damage or threats to your property, business, financial position or reputation; or
 - (f) revealing your identity as a Whistleblower without your consent or contrary to law;
 - (g) threatening to carry out any of the above actions.

6.1.3 This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.

6.1.4 This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.

6.1.5 Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.

6.1.6 If you believe you have suffered a detriment in violation of this Policy, Vivid encourages you to report this immediately to the Whistleblower Protection Officer. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.

6.1.7 Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.

6.1.8 You may also be entitled to the following legal protections for making a report:

- (a) protection from civil, criminal or administrative legal action;
- (b) protection from having to give evidence in legal proceedings; and/or

- (c) compensation or other legal remedy.

6.2 How will Vivid ensure confidentiality?

6.2.1 Vivid encourages all individuals to disclose their identity when raising a concern. This will assist Vivid to gather further information on your report. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. Vivid will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures.

6.2.2 You may choose to report your concerns anonymously. However, if you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:

- (a) you consent in writing to the disclosure of your identity;
- (b) the disclosure is made to a Commonwealth or State authority;
- (c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
- (d) the disclosure is authorised under the *Corporations Act 2001* (Cth); and/or
- (e) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

6.2.3 It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as the Australian Charities and Not for Profits Commission, for investigation. Vivid may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

6.3 False reports or disclosures

6.3.1 Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

6.3.2 The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

6.4 Employee Assistance Program

Vivid will provide Employees with access to the Employee Assistance Program (EAP). The EAP provides Employees with free, confidential, short-term support services by qualified professionals, either face to face, over the phone or over the internet.

7. Handling and investigating a disclosure

7.1 Within seven days of receiving a Protected Disclosure Vivid will endeavour to assess the disclosure to determine whether:

7.1.1 It qualifies for protection; and

7.1.2 A formal, in-depth investigation is required.

7.2 Vivid will endeavour provide the discloser with regular updates.

7.3 Vivid may not be able to investigate a disclosure if it is unable to contact the discloser.

7.4 Vivid will handle and investigate Protected Disclosures in accordance with this Policy, in particular clause 5.

8. Monitoring and assurance

8.1 This Policy will be published on Vivid's website.

8.2 To ensure effective protection under this Policy, the CEO will monitor and review this Policy annually.

9. Failure to Comply

Failure to comply with this policy may result in disciplinary action in accordance with the [Disciplinary Policy](#). This may include informal counselling, warnings or termination of employment.

10. Related Policies and Documents

Other policies and documents which are relevant to the Whistleblower Policy include:

10.1 [Code of Conduct](#).

10.2 [Code of Ethics](#).

Version Control

V1.0 – 23.6.20	V1.1 – 02.07.21				
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