Leap in!

Whistleblower Policy

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Version control and revision history

Version number	Change made	Approved by	Approved date
1.0	Policy created	Board	1/6/2018
1.1	Edited policy to include child protection offences as Reportable Conduct, as well as violence, abuse, neglect and exploitation	Board	15/02/2023
1.2	Added to Reportable Conduct: Sexual harassment; & Discrimination on the basis of sex, or any other form of unlawful discrimination.	Board	14/06/2023
1.3	Changing his/her pronouns to they/them.	N/A	20/06/2023
1.4	Remove reference to NorgayHR and update with new HR details	NA	17/01/2025
1.5	Update CEO contact details	NA	07/05/2025

Next review date

Review Date:	June 2024

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1. Introduction

Leap in! Australia Ltd (**"the Company"**) is committed to providing a safe and enjoyable work environment where individuals are encouraged to speak up and report conduct that causes them concern.

2. Scope

This policy applies to:

All current and former employees, volunteers, contractors and on-hire workers engaged by the Company, officers of the Company, individuals who supply services or goods to the Company, an employee of a person that supplies goods or services to the Company, an associate of the Company, a relative of any of the abovementioned individuals, a dependent or spouse of any of the abovementioned individuals as well as any other person who has knowledge of any suspected wrongdoing or unethical behaviour concerning the Company's business affairs or its Workers.

3. Purpose

The purpose of this policy is to provide guidance and protection to Whistleblowers by establishing mechanisms by which matters can be raised confidentially and investigated without fear of reprisal, repercussion, victimisation or other detriment.

4. Definitions

The following definitions apply for the purposes of this policy:

Detriment includes (without limitation) any actual or threatened:

i. dismissal of an employee;
ii. injury of an employee in their employment;
iii. alteration of an employee's position or duties to their disadvantage;
iv. discrimination between an employee and other employees of the same employer;
v. harassment or intimidation of a person;
i. harm or injury to a person, including psychological harm;
vi. damage to a person's property;
vii. damage to a person's reputation;
viii. damage to a person's business or financial position;
ix. any other damage to a person.

Disclosure means when a Whistleblower notifies a person or organisation identified in this policy of Reportable Conduct on reasonable grounds.

Whistleblower means a person who makes a Disclosure of Reportable Conduct under this policy.

Worker means any person employed, contracted or volunteering at the Company.

Reportable Conduct means information that the Whistleblower has reasonable grounds to suspect or have concerns misconduct, or an improper state of affairs that includes:

i. A contravention of legislation or other unlawful behaviour (including theft, drug sale/use, violence or threatened violence and criminal damage against property);
ii. Fraud;
iii. Theft;
iv. Corrupt conduct, such as bribery;
v. Accounting irregularities;
vi. Tax avoidance behaviours (known as tax whistleblowers);
vii. Malpractice;
viii. Undeclared conflict of interest (i.e. no proper disclosure of the conflict);
ix. Unethical behaviour;
x. Unsafe work practices;
xi. Conduct representative of gross mismanagement, serious and substantial waste and/or a repeated breach of administrative procedures;
xii. Conduct which indicates a significant risk to public safety;
xiii. Any other conduct which may cause financial or non-financial loss to the Company or be otherwise detrimental to the Company's interests or reputation;
xiv. Harm or risk of harm to children, including any suspicion of harm you may hold;
xv. Violence, abuse, neglect or exploitation of any person;
xvi. Sexual harassment;
xvii. Discrimination on the basis of sex, or any other form of unlawful discrimination.
xviii. Any other conduct that risks bringing the Company into disrepute or that the Whistleblower reasonably believes should be reported to management.

5. Who must a Disclosure be made to?

5.1 Disclosing Reportable Conduct to an eligible recipient

i. A Whistleblower may report any Reportable Conduct to any eligible recipient including:

- An officer or senior manager of the Company or related Company;
- Internal or external auditors (including members of an audit team conducting an audit) or actuary of the Company or related Company; or
- A person authorised by the Company to receive Disclosures that may qualify for protection.

5.2 Exceptions

Other than any of the eligible participants listed above, a Whistleblower may also make a Disclosure to:

i. A legal practitioner if the Disclosure is made for the purposes of obtaining legal advice or legal representation about the operations of the whistleblower provisions under the Corporations Act 2001;
ii. Australian Securities and Investments Commission (ASIC);
iii. Australian Prudential Regulation Authority (APRA); or
iv. A journalist or parliamentarian for the purposes of making a public interest or emergency Disclosure.

5.2.1 Public interest disclosure

i. A Whistleblower may only make a public interest or emergency Disclosure after the Disclosure has previously been made to ASIC or APRA. In the case of a public interest Disclosure, at least 90 days must have passed since the previous Disclosure. A Whistleblower should familiarise themselves with the Whistleblower provisions in the Corporations Act 2011 and contact a legal practitioner to seek independent legal advice before making a public interest or emergency Disclosure.

ii. A Whistleblower who discloses tax avoidance behaviours can also make a disclosure to the Australian Taxation Office (ATO) if the information is considered useful in assisting the ATO perform its duties under a taxation law.

6. Reporting Procedure

i. A Whistleblower may report any Reportable Conduct to the CEO on +61 411 556 955 or whistleblower@leapin.com.au. A Whistleblower who becomes aware of Reportable Conduct must report it to the Company as soon as practicable.

ii. A Whistleblower may make a Disclosure anonymously, although an anonymous report may impair the Company's ability to investigate the matter. An anonymous Disclosure will still qualify for protection under the Corporations Act 2001. However, it is important that the Whistleblower maintain ongoing two-way communication with the Company, while remaining anonymous, to allow the Company to ask any necessary follow-up questions.

iii. Where a Whistleblower wishes to remain anonymous, the Company will ensure the protection of the anonymity by:
    a. ensuring all communication is via anonymous telephone hotlines or anonymised email addresses; and/or
    b. encouraging a Whistleblower to adopt a pseudonym.

iv. On receipt of a complaint, the Company will contact the Whistleblower (if their identity is disclosed) to notify the Whistleblower that the Disclosure has been received and to confirm details of the concern.

v. The Company will then promptly review the Disclosure and commence an investigation where the Disclosure contains allegations of Reportable Conduct.

vi. Depending on the nature and severity of the allegations, the Company may commence an investigation into the reported conduct themselves or, where considered appropriate, appoint a suitable third party to investigate the matter.

vii. A person named in the Disclosure will be given the opportunity to respond to the allegations.

viii. All individuals must co-operate fully with any investigation conducted under this policy.

ix. The Company will keep the Whistleblower informed regarding the progress of the investigation as far as is reasonably possible.

x. In certain cases, for example suspected fraud, it may be necessary to keep details of the complaint confidential until evidence has been gathered or the investigation is finalised.

xi. When an investigation is finalised, the Whistleblower will be advised (if their identity is disclosed). It may be appropriate to inform the Whistleblower of the findings or outcome, subject to any issue of confidentiality, privacy, privilege or ongoing investigation.

xii. For confidentiality reasons, it may not be appropriate to include details of the precise nature of any formal action that the Company has taken in response to the complaint.

xiii. All findings of the investigation will be documented electronically.

6. Alternative Reporting Process

Where a Whistleblower is uncomfortable making a Disclosure of Reportable Conduct in accordance with the above procedure, or it would be inappropriate to do so, the

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Whistleblower may instead report or escalate the Reportable Conduct to Human Resources on +61 411 556 955 or hr@leapin.com.au

7. Disclosures Qualifying for Protection

i. A Whistleblower qualifies for protection if they are an eligible Whistleblower in relation to the Company and:
- they have made a Disclosure of information relating to a Reportable Matter directly to an eligible recipient or to ASIC, APRAH or another Commonwealth body prescribed by regulation;
- they have made a Disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the Whistleblower provisions in the Corporations Act 2001; or
- they have made an emergency Disclosure or public interest disclosure.

ii. Whistleblowers whose Disclosure turns out to be incorrect may still qualify for protection.

iii. Disclosures that are not about Reportable Conduct do not qualify for protection under the Act.

8. Legal Protections for Disclosures

8.1 Identity protection (Confidentiality)

i. a person cannot disclose the identity of a discloser or information that is likely to lead to the identification of the discloser unless the Disclosure is:
   - to ASIC, APRA or a member of the Australian Federal Police;
   - to a legal practitioner for the purposes of obtaining legal advice or legal representation about the Whistleblower provisions in the Corporations Act 2001;
   - to a person or body prescribed by regulations; or
   - with the consent of the discloser.

ii. A person can disclose the information contained in a Disclosure with or without the discloser's consent if:
   - the information does not include the discloser's identity;
   - the entity has taken all reasonable steps to reduce the risk that the discloser will be identified from the information; and
   - it is reasonably necessary for investigating the issues raised in the Disclosure.

iii. It is illegal for a person to identify a discloser or disclose information that is likely to lead to the identification of the discloser outside the exceptions of 8.1(i) and 8.1(ii).

iv. In order to protect the confidentiality of a discloser, the Company will ensure that:
- all personal information or reference to the discloser witnessing an event will be redacted;
- the discloser will be referred to in a gender-neutral context;
- where possible, the discloser will be contacted to help identify certain
- aspects of their disclosure that could inadvertently identify them;
- disclosures will be handled and investigated by qualified staff;
- all paper and electronic documents and other materials relating to disclosures will be stored securely;
- access to all information relating to a Disclosure will be limited to those directly involved in managing and investigating the disclosure;
- only a restricted number of people who are directly involved in handling and investigating a Disclosure will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser;
- communications and documents relating to the investigation of a disclosure will not to be sent to an email address or to a printer that can be accessed by other staff; and
- each person who is involved in handling and investigating a Disclosure
- will be reminded about the confidentiality requirements, including that an unauthorised Disclosure of a discloser's identity may be a criminal offence.

8.2 Protection from detrimental acts or omissions

i. A person cannot engage in conduct that causes detriment to a discloser (or
ii. another person) in relation to a Disclosure if:
- the person believes or suspects that the discloser (or another person) made, may have made, proposes to make or could make a disclosure
- that qualifies for protection; and
- the belief or suspicion is the reason, or part of the reason, for the conduct.

iii. A person cannot make a threat to cause detriment to a discloser (or another
iv. person) in relation to a Disclosure. A threat may be express or implied, or
v. conditional or unconditional.

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vi. Examples of actions which are not taken to be detrimental conduct include:
- administrative action that is reasonable for the purpose of protecting a discloser from detriment (e.g. moving a discloser who has made a Disclosure about their immediate work area to another office to prevent them from detriment); and
- managing a discloser's unsatisfactory work performance, if the action is in line with the entity's performance management framework.

vii. In order to protect a discloser from detrimental acts or omissions, the Company will ensure that:
- processes for assessing the risk of detriment against a discloser and other persons (e.g. other staff who might be suspected to have made a Disclosure), will commence as soon as possible after receiving a Disclosure;
- support services (including counselling or other professional or legal services) are made available to disclosers;
- strategies to help a discloser minimise and manage stress, time or performance impacts, or other challenges resulting from the Disclosure or its investigation are made available;
- it has a procedure in place which outlines how a discloser can lodge a complaint if they have suffered detriment and the actions the Company will take in response to such a complaint; and
- any necessary adjustments or modifications are made to the discloser's role or workplace.

8.3 Compensation and other remedies

i. A discloser can seek compensation and other remedies through the courts if:
- they suffer loss, damage or injury because of a Disclosure; and
- the entity failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

8.4 Civil, Criminal and administrative liability protection

ii. A discloser is protected from any of the following in relation to their Disclosure:
- Civil liability (e.g. any legal action against the discloser for breach of an employment contract, duty of confidentiality or another contractual obligation);
- Criminal liability (e.g. attempted prosecution of the discloser for unlawfully releasing information, or other use of the Disclosure against the discloser in a prosecution (other than for making a false Disclosure)); and

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- administrative liability (e.g. disciplinary action for making the Disclosure).

9. Our Obligations

9.1 The Company will:

i. be supportive and protective of any Whistleblower who, acting in good faith, reports a breach or wrongdoing to the Company under this policy;
ii. treat the identity, if disclosed, of the Whistleblower as confidential unless the Whistleblower indicates (or the law requires) otherwise;
iii. keep investigations confidential so far as is practicable;
iv. treat all Disclosures seriously;
v. investigate Disclosures promptly, thoroughly and consistently with applicable law;
vi. not tolerate any act of reprisal, repercussion, victimisation or other Detriment against anyone who makes a Disclosure, or who participates in an investigation relating to possible wrongdoing.

9.2 Any vexatious or frivolous complaint will be treated seriously. Such misconduct is viewed as serious misconduct and may result in disciplinary action up to termination without notice.

10. Non-Reportable Conduct

10.1 If an individual has a concern about conduct involving an employee, volunteer, contractor, or on- hire worker engaged by the Company that is not Reportable Conduct, it should still be reported. If the concern does not amount to Reportable Conduct, the Company will review the complaint and decide on any next steps.

10.2 This policy does not apply to any personal work-related grievance, or about employment arrangements (such as pay or rosters). If an individual has a grievance about this type of matter the individual should follow the Company's Grievance Policy.

10.3 Personal work-related grievances are those that relate to the discloser's current or former employment and have, or tend to have, implications for the discloser personally but do not:

i. have any other significant implications for the Company; or
ii. relate to any conduct, or alleged conduct that is Reportable Conduct or does not concern Detriment or threatened Detriment to the discloser.

10.4 Personal work-related grievances include:

i. an interpersonal conflict between the discloser and another employee;
ii. a decision that does not involve a breach of workplace laws;

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iii. a decision about the engagement, transfer or promotion of the discloser;
iv. a decision about the terms and conditions of engagement of the discloser; or
v. a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

10.5 The protections under the Corporations Act 2001, and as outlined in clause 8 of this Policy, do not apply if the information disclosed concerns a personal-work related grievance of the discloser and does not concern Detriment or threatened Detriment to a Whistleblower.

10.6 A personal work-related grievance will qualify for protection if:

i. it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance;
ii. the Company has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances;
iii. the discloser suffers from or is threatened with detriment for making a disclosure; or
iv. the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act 2001.

11. Access to policy

11.1 This policy will be made available to the entity's officers and employees by:
i. documenting the policy and making it available on the staff intranet
ii. providing information on the policy during staff induction.

12. Breach of Policy

12.1 Any employee who is found to have breached this policy will be subject to disciplinary action, up to and including termination of employment.

13. Variation

13.1 This policy does not form part of any employee's contract of employment. The Company may vary, replace or terminate this policy from time to time.

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Related documents

Employee Grievance Policy

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