

Baker Heart and Diabetes Institute

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Whistleblower policy and procedures

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Table of contents

Section 1: Overview	3
Section 2: Purpose.....	3
Section 3: Legislative and policy context	3
Section 4: Definitions.....	5
Section 5: Whistleblower policy.....	6
5.1 Protected Disclosures.....	6
5.2 Whistleblower protections.....	8
Section 6: Procedures	11
6.1 Making a disclosure.....	11
6.2 What to include in a disclosure	13
6.3 How a Protected Disclosure will be handled	13
6.4 Investigation	14
6.5 Findings.....	16
6.6 Communications with the Whistleblower.....	16
6.7 Vexatious or deliberately false disclosures	17
6.8 Accessibility of this policy	17

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Section 1: Overview

The Baker Heart and Diabetes Institute (the **Baker Institute**) is committed to the highest standards of conduct and ethical behaviour, research integrity and good corporate governance. The Baker Institute expects its personnel to behave professionally and uphold the Institute's [Mission](#) and [Values](#) and act in accordance with the [Code of Conduct](#).

This policy supports this commitment by encouraging and facilitating disclosures of misconduct or an improper state of affairs or circumstances (anonymously if preferred) in an environment which supports the discloser and protects them from detriment.

Section 2: Purpose

The purpose of this policy is to:

- (a) encourage the disclosure of wrongdoing, including conduct that may cause harm to individuals or financial or non-financial loss to the Baker Institute or damage to its reputation;
- (b) enable the Baker Institute to deal with such disclosures in a way that will protect the discloser, including protection from detriment;
- (c) ensure that disclosures are dealt with appropriately and in a timely manner, are thoroughly investigated and are resolved with appropriate action taken;
- (d) ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported; and
- (e) help ensure the Baker Institute maintains the highest standards of ethical behaviour and integrity.

Simply put, the policy is about how the Baker Institute deals with whistleblowing.

Section 3: Legislative and policy context

Combating crime and misconduct is a longstanding aim of corporate, financial and tax law enforcement. Often such wrongdoing in respect of disclosures concerning corporate corruption, bribery, fraud, money laundering, terrorism financing or other serious forms of misconduct only comes to light because of individuals who are prepared to disclose it, sometimes at great personal and financial risk.

To reduce these risks and encourage the disclosure of wrongdoing, Australia and many other countries have statutory whistleblower regimes with legally enforceable protections for people who make disclosures to ensure there is a safe and secure means for disclosing wrongdoing. These regimes recognise the critical role whistleblowing can play in the early detection and prosecution of misconduct in businesses and the avoidance or evasion of tax liabilities.

Under the *Corporations Act 2001* (Cth) (**Corporations Act**) and the *Tax Administration Act 1953* (Cth) (collectively, **Whistleblower Protection Scheme**), the Baker Institute is required to have a transparent whistleblower policy covering certain prescribed matters.

In addition, the Baker Institute has a number of policies and procedures relating to our expected standards of conduct and ethical behaviour, research integrity, data protection and good corporate governance, including but not limited to policies addressing:

- [Code of Conduct](#) — provides a guide to members of the Baker Institute community about the standards of behaviour expected of them at all times when acting in connection with Baker and that support Baker Institute's mission, values, vision and strategy.
- [Research conduct policy and procedures](#) — details the policy and procedures for reporting, assessing, investigating, managing and resolving complaints and allegations of breaches of the standards expected in the conduct or reporting of research at the Baker Institute, including potential breaches of the Australian Code for the Responsible Conduct of Research.
- [Anti-corruption policy](#) — prohibits authorisation, offer, gift or promise of anything of value to a government official or anyone else by way of an inducement and the procedure for pre-approval for anything of value to be provided within certain very limited circumstances.
- [Occupational health and safety policy](#) — sets out the obligations and expectations on all to ensure a safe working environment, including the process for reporting and responding to notifiable and other incidents which may pose a risk to workplace health or safety.
- [Equal opportunity policy, Workplace bullying and harassment policy and procedure](#) and [sexual harassment policy and procedure](#) — describes the procedures that apply to complaints relating to discrimination, bullying and harassment.
- [Data breach response policy](#) — details how the Baker Institute will handle a suspected or actual data breach, including the procedural steps required to identify, report, contain, assess, remediate and notify a breach.
- [Animal Ethics](#) — relating to the handling of complaints, concerns and grievances regarding the use of animals in accordance with the Alfred Research Alliance procedures.

The circumstances or nature of an allegation or complaint reported in accordance with one of the above policies may be such that the allegation or complaint also attract the protections afforded under the Whistleblower Protection Regime.

Section 4: Definitions

Term	Definition
Affiliate	Clinical title holders, adjunct, conjoint and honorary appointees, visiting scientists, consultants and contractors to the Baker Institute and any persons appointed or engaged by the Baker Institute to perform duties or functions on its behalf, or who use Baker Institute Resources, including those funded by external sponsors.
Disclosable Matter	A disclosable matter is a disclosure that qualifies for protection under the Corporations Act, as discussed in section 5 of this policy.
Eligible Recipient	Eligible Recipient is a person described in section 6.1 of this policy, who may receive disclosures that qualify for protection.
Eligible Whistleblower	An individual who is, or has been any of the following in relation to the Baker Institute: <ul style="list-style-type: none"> (a) an officer; (b) an employee; (c) a person who has supplied goods or services (whether paid or not) (including an employee of that person), including an Affiliate, volunteer or Student; (d) an associate of the entity (within the meaning of the Corporations Act); and (e) a relative, dependant or spouse of an individual.
Whistleblower Protection Officer (WPO), including the Deputy Whistleblower Protection Officer (Deputy WPO)	A senior manager of Baker Institute, designated, authorised and trained by the Baker Institute to receive Protected Disclosures from Whistleblowers, including the Deputy Whistleblower Protection Officer. Contact details for WPOs are provided on the Internet and Intranet.
Protected Disclosure	A disclosure of the type described in section 5.1 of this policy that is protected under this policy.
Resources	Any form of funds, facilities, services, or resources, including background IP, equipment, consumables and human resources of, or awarded or donated to, the Baker Institute.
Student	Undergraduate and post-graduate students of a university or other academic institution, including but not limited to honours, masters and PhD students, who are conducting research at the Baker Institute.

Section 5: Whistleblower policy

5.1 Protected Disclosures

This policy addresses the disclosures that 'qualify' for protection under the Whistleblower Protection Scheme.

A discloser qualifies for protection if they are an Eligible Whistleblower and:

- (a) they have made a disclosure of information relating to a Disclosable Matter directly to an Eligible Recipient;
- (b) they have made a disclosure of information relating to a Disclosable Matter to the Australian Securities and Investment Commission (**ASIC**), the Australian Prudential Regulation Authority (**APRA**), the Commissioner of Taxation (in relation to tax matters), or a prescribed Commonwealth authority;
- (c) 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; or
- (d) they have made an 'emergency disclosure' or a 'public interest disclosure' (discussed in section 6 of this policy).

Disclosable Matters involve information that the discloser has 'reasonable grounds' to 'suspect':

- i. concerns misconduct or an improper state of affairs or circumstances in relation to the Baker Institute or one of its related bodies corporate; or
- ii. the Baker Institute, a related body corporate or one of its or their officers or employees has engaged in conduct that:
 - constitutes an offence against the Corporations Act, *Australian Securities and Investments Commission Act 2001* (Cth), *Banking Act 1959* (Cth), *Financial Sector (Collection of Data) Act 2001* (Cth), *Insurance Act 1973* (Cth), *Life Insurance Act 1995* (Cth), *National Consumer Credit Protection Act 2009* (Cth) or *Superannuation Industry (Supervision) Act 1993* (Cth), or any instrument made under these Acts; or
 - constitutes an offence against or a contravention of any other law of the Commonwealth that is punishable by imprisonment for 12 months or more; or
 - represents a danger to the public or the financial system; or
 - is prescribed by regulation.

The types of matters which may constitute Disclosable Matters includes but is not limited to:

- conduct that may not involve the contravention of a particular law — for example, a systemic issue within the Baker Institute which the appropriate regulator should know about to properly perform its functions;
- conduct which is dishonest, fraudulent or corrupt, including financial fraud or bribery;
- conduct involving a substantial mismanagement of the Baker Institute's Resources;
- conduct involving a substantial risk to the Baker Institute, its directors, officers, employees or public health and safety or to the environment, even if it does not breach a particular law;

- conduct or practices which are illegal including theft, violence, harassment or intimidation, criminal damage to property;
- unethical conduct or serious breaches of the Baker Institute's policies or the Baker Institute's Code of Conduct; and
- engaging or threatening to engage in detrimental action against a person who has made a disclosure or is believed or suspected to have made or be planning to make a Protected Disclosure.

An Eligible Whistleblower who makes a disclosure must have 'reasonable grounds to suspect' the information disclosed to qualify for protection. This means that, even if a disclosure turns out to be incorrect, a discloser can still qualify for protection.

This policy does not apply to:

- (a) disclosures that do not qualify for protection under the Whistleblowers Protection Scheme;
- (b) disclosures that relate solely to personal work-related grievances and that do not relate to detriment or a threat of detriment to the discloser. This may include:
 - i. interpersonal conflict between the discloser and another employee;
 - ii. a decision relating to the engagement, transfer or promotion of the discloser;
 - iii. a decision relating to the terms and conditions of engagement of the discloser; or
 - iv. a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

However, a disclosure about, or including, a work-related grievance may still qualify for protection if, for example:

- (a) it includes information about misconduct, or information about misconduct includes or is accompanied by a work-related grievance;
- (b) the Baker Institute 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;
- (c) the discloser suffers from or is threatened with detriment for making a disclosure; or
- (d) the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act.

All members of the Baker Institute community, including employees, Affiliates, Students, visitors and volunteers are encouraged to report any improper conduct.

Reporting of any matters which do not constitute a Protected Disclosure or which is not reported to an Eligible Recipient in accordance this policy will not be afforded protection under the Whistleblower Protection Scheme. Any such disclosures may be protected under other legislation such as the *Fair Work Act 2009* (Cth) (**FW Act**). For example, the Baker Institute and its employees are prohibited under the FW Act from taking adverse action against any employees or contractors because they exercised or proposed to exercise a workplace right.

5.2 Whistleblower protections

Identity protection (confidentiality)

In making a Protected Disclosure:

- (a) an Eligible Whistleblower is not required to disclose their identity to receive whistleblower protections under this policy but is required to report improper conduct in accordance with Section 6 of this policy.
- (b) where anonymity has been requested:
 - i. the Baker Institute will take all reasonable steps to ensure that the identity of the Eligible Whistleblower, including information that is likely to lead to the identification of the Eligible Whistleblower, will not occur without the consent of the Eligible Whistleblower (subject to the exceptions set out below); and
 - ii. the Eligible Whistleblower is also required to maintain confidentiality regarding the matter and to refrain from discussing the matter with any unauthorised persons.

There are certain limited exceptions to the anonymity protection. Where an Eligible Whistleblower does not consent to their identity being disclosed to any other persons, it will still be lawful:

- (a) to disclose the Eligible Whistleblower's identity to:
 - i. ASIC, APRA, the Australian Federal Police (**AFP**) or the Commissioner or Taxation;
 - ii. a legal practitioner for the purposes of obtaining advice about the disclosure; or
 - iii. to a body prescribed by the regulations.
- (b) for ASIC, APRA or the AFP to disclose the identity of an Eligible Whistleblower, or information likely to lead to the identification of the Eligible Whistleblower to a Commonwealth, state or territory authority to help that authority in the performance of its function; and
- (c) to disclose information contained in the disclosure if: the information does not include the Eligible Whistleblower's identity; Baker Institute has taken all reasonable steps to reduce the risk that the Eligible Whistleblower will be identified from the information; and it is reasonably necessary for the purpose of investigating the issues raised in the disclosure.

It is illegal for a person to identify an Eligible Whistleblower, or disclose information that is likely to lead to the identification of an Eligible Whistleblower other than in accordance with the exceptions referred to at (a)–(c) above.

An Eligible Whistleblower can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation has finalised. An Eligible Whistleblower can also refuse to answer any questions that they feel could reveal their identity, during follow up conversations. Further, an Eligible Whistleblower may also choose to use a pseudonym (not their true name) for the purposes of making a disclosure or create an anonymous email address to submit their disclosure to an Eligible Recipient.

If an Eligible Whistleblower wishes to remain anonymous, they should maintain ongoing two-way communication with the Baker Institute so the Baker Institute can ask follow-up questions or provide feedback. The Baker Institute has measures in place to ensure confidentiality of an Eligible Whistleblower's identity including:

- (a) all paper and electronic documents and other materials relating to disclosures will be stored securely;
- (b) access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- (c) 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;
- (d) communications and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other staff; and
- (e) 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.

If there is a breach of confidentiality, an Eligible Whistleblower can lodge a complaint with the Baker Institute or a regulator such as ASIC or APRA for investigation.

To avoid inadvertent breaches of confidentiality obligations under the Whistleblower Protection Scheme, Eligible Whistleblowers are encouraged to consent to their identity being disclosed (if they feel comfortable to do so). Being able to share an Eligible Whistleblower's identity will also assist in an efficient investigation of the matters than an Eligible Whistleblower discloses.

Protection from detrimental acts or omissions

The Whistleblower Protection Scheme makes it unlawful for a person to engage in conduct against another person that causes or will cause a detriment:

- (a) in circumstances where the person believes or suspects that the other person or a third person made, may have made, proposes to make or could make a qualifying disclosure; and
- (b) if the belief held by that person is the reason or part of the reason for their conduct.

Threats of detriment will also be unlawful if:

- (a) the person making the threat intended to cause fear that a detriment would be carried out or was reckless as to whether the person against who it was directed would fear the threatened detriment being carried out; and
- (b) the threat was made because the person makes or may make a qualifying disclosure.

Threats may be express or implied, conditional or unconditional. A discloser (or another person) who has been threatened in relation to a disclosure does not have to actually fear that the threat will be carried out. The Baker Institute **will not tolerate, and is committed to taking all reasonable steps to ensure that an Eligible Whistleblower will not be subject to, any form of victimisation or detriment. Any staff member who retaliates, victimises**

or causes detriment to an Eligible Whistleblower may be subject to disciplinary action which may include termination of employment.

The meaning of 'detriment' is very broad and may include, but is not limited to: dismissing an employee; injuring an employee in their employment; altering an employee's position or duties to their disadvantage; discriminating between the employee and other employees; harassing or intimidating a person; and harming or injuring a person.

However, detrimental conduct will not include managing a discloser's work performance where it is unsatisfactory under the Baker Institute's performance management framework.

The Baker Institute will protect disclosers from detriment through:

- (a) 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), which will commence as soon as possible after receiving a disclosure;
- (b) support services (including counselling or other professional or legal services) that are available to disclosers;
- (c) strategies to help a discloser minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation;
- (d) actions for protecting a discloser from risk of detriment—for example, the entity could allow the discloser to perform their duties from another location, reassign the discloser to another role at the same level, make other modifications to the discloser's workplace or the way they perform their work duties, or reassign or relocate other staff involved in the disclosable matter;
- (e) processes for ensuring that management are aware of their responsibilities to maintain the confidentiality of a disclosure, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a discloser;
- (f) procedures on how a discloser can lodge a complaint if they have suffered detriment and the actions the entity may take in response to such complaints (e.g. the complaint could be investigated as a separate matter by an officer who is not involved in dealing with disclosures and the investigation findings will be provided to the board or audit or risk committee); and
- (g) interventions for protecting a discloser if detriment has already occurred—for example, the entity could investigate and address the detrimental conduct, such as by taking disciplinary action, or the entity could allow the discloser to take extended leave, develop a career development plan for the discloser that includes new training and career opportunities, or offer compensation or other remedies.

If an Eligible Whistleblower believes they have suffered detriment they may seek independent legal advice or contact a regulator such as ASIC or APRA.

Compensation and remedies

A discloser (or any other employee or person) can seek compensation and other remedies through the courts if:

- (a) they suffer loss, damage or injury because of a disclosure; and

- (b) the Baker Institute failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

In these circumstances, a discloser is encouraged to seek independent legal advice.

Civil, criminal and administrative liability protection

The Baker Institute is prohibited from pursuing any civil, criminal, administrative action against an Eligible Whistleblower in relation to any Protected Disclosure they make.

This protection extends only to the act of disclosure itself and not to the matters reported. An Eligible Whistleblower who makes a disclosure will not be granted protection or immunity for any illegal act or wrongdoing in which they were themselves involved. For example, if an individual reports their own involvement in matters described in Section 5, they will not be protected from disciplinary action that may arise from those matters.

Section 6: Procedures

6.1 Making a disclosure

An Eligible Whistleblower must make a disclosure directly (orally or in writing) to one of the following Eligible Recipients to be able to qualify for protection as a whistleblower under the Corporations Act:

- (a) any officer (for example a director or company secretary) or senior manager of the Baker Institute or a related body corporate;
- (b) a person authorized by the Baker Institute to receive qualifying disclosures (the WPO and Deputy WPO are specifically authorized by Baker Institute to receive disclosures under the Whistleblower Protection Scheme); or
- (c) an internal or external auditor (or a member of an audit team conducting an audit) or an actuary, of Baker Institute or a related body corporate.

Where possible, it is recommended that a disclosure be made in one of the following ways:

- by telephoning and leaving a message on the Protected Disclosures Hotline 1800 577553; or
- by sending a confidential email to the Protected Disclosure email address: protected.disclosure@baker.edu.au;
- by mail marked confidential and addressed to the Whistleblower Protection Officer, Baker Heart and Diabetes Institute, PO BOX 6492, Melbourne VIC 3004; or
- by delivering in person a sealed envelope marked confidential and addressed to the Whistleblower Protection Officer at:
 - Reception, 75 Commercial Road, Melbourne; or
 - in the secure box marked “Confidential Disclosures” in the mail room located next door to Reception,

which will be received by the Baker Institute’s Whistleblower Protection Officer (Leonie Cullen, Research Integrity and Support Manager) and/or Deputy Whistleblow Protection Officer (Heidi Black, Senior HR Partner). However, a discloser can make a disclosure to any of the Baker Institute's Eligible Recipients and still qualify for protection.

If a disclosure involves the WPO and/or the Deputy WPO, the disclosure will not be discussed or raised with the WPO and/or Deputy WPO (as relevant), except for the purposes of conducting any investigation or subsequent action which needs to be taken to address the disclosure in accordance with this policy, and in the same manner as any other subject of a disclosure would be treated.

Each disclosure will be acknowledged within a reasonable period after it has been received, if the discloser can be contacted (including through anonymous channels).

A Protected Disclosure can be made anonymously, if desired. However, this may impact Baker Institute's ability to investigate the matters in the disclosure.

If a discloser wants additional information before formally making their disclosure, they can obtain this information by contacting the WPO or speaking to an independent legal advisor.

A disclosure other than in accordance with this policy will not (except in very limited circumstances) receive the Whistleblower protection as set out in this policy.

Public interest disclosures

There is an additional category of disclosures called 'public interest disclosures' that qualify for protection under the Whistleblower Protection Scheme. Before making a public interest disclosure, the discloser should contact an independent legal adviser.

These disclosures can be made to a member of parliament or journalist but protection will only be offered if the Eligible Whistleblower complies with the following strict requirements:

- (a) the Eligible Whistleblower has made a qualifying disclosure to ASIC, APRA or a prescribed Commonwealth authority;
- (b) at least 90 days have passed since the qualifying disclosure was made;
- (c) the Eligible Whistleblower does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the qualifying disclosure related;
- (d) the Eligible Whistleblower has reasonable grounds to believe that making a further disclosure of the information would be in the public interest;
- (e) after 90 days have passed, the Eligible Whistleblower must give the body to which the qualifying disclosure was originally made, a written notification that:
 - includes sufficient information to identify the qualifying disclosure;
 - clearly states that the Eligible Whistleblower intends to make a public interest disclosure; and
- (f) the extent of the information disclosed in the public interest disclosure is no greater than necessary to inform the member of parliament or journalist of the misconduct or improper state of affairs or circumstances, or other conduct falling within the scope of the Whistleblower Protection Scheme.

Emergency disclosures

There is another additional category of disclosures called 'emergency disclosures' that qualify for protection under the Whistleblower Protection Scheme. Before making an emergency disclosure, the discloser should contact an independent legal adviser.

These disclosures can be made to a member of parliament or journalist but protection will only be offered if the Eligible Whistleblower complies with the following strict requirements:

- (a) the Eligible Whistleblower has made a qualifying disclosure to ASIC, APRA or a prescribed Commonwealth authority,
- (b) the Eligible Whistleblower has reasonable grounds to believe that information concerns a substantial and imminent danger to the health and safety of one or more persons or to the natural environment;
- (c) the Eligible Whistleblower must give the body to which the qualifying disclosure was originally made, a written notification that:
 - includes sufficient information to identify the qualifying disclosure;
 - clearly states that the Eligible Whistleblower intends to make an emergency disclosure; and
- (d) the extent of the information disclosed in the emergency disclosure is no greater than necessary to inform the member of parliament or journalist of the substantial and imminent danger.

Disclosure to a legal practitioner

Disclosures to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act are protected under this policy. This includes where the legal practitioner concludes that a disclosure does not relate to a disclosable matter.

Disclosure to regulatory bodies and other external parties

Eligible Whistleblowers who make disclosures of information relating to disclosable matters to ASIC, APRA or another Commonwealth body prescribed by regulations are protected under this policy.

6.2 What to include in a disclosure

Where possible, the disclosure should be in writing (however, it may also be oral) and include details of, amongst other things:

- the nature of the alleged improper conduct including where possible: dates, times, quantities, locations or projects;
- the person or persons suspected to be responsible for the improper conduct;
- the facts on which the Eligible Whistleblower's belief that the improper conduct has occurred are based including whether they personally witnessed the conduct or heard about it from someone else; and
- the nature and whereabouts of any evidence that would substantiate the allegations, if known (e.g. documents, CCTV, emails or witnesses).

6.3 How a Protected Disclosure will be handled

Unless otherwise stated in this policy, all reports of improper conduct reported to an Eligible Recipient will be notified on a confidential basis to the WPO and/or Deputy WPO.

If a report is made to Baker Institute personnel other than an Eligible Recipient, it must be immediately forwarded on a confidential basis to the WPO and/or Deputy WPO.

The Baker Institute will ensure the confidentiality of its investigation process, including a requirement that the confidentiality of all parties, including witnesses, is maintained.

The Baker Institute will also ensure the fair treatment of any of its employees who are mentioned in a Protected Disclosure. For example, the Baker Institute will ensure:

- (a) Protected Disclosures are handled confidentially where it is practical and appropriate in the circumstances;
- (b) each Protected Disclosure will be assessed and may be the subject of an investigation;
- (c) the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported;
- (d) an employee who is the subject of a disclosure will be advised about:
 - the subject matter of the disclosure as and when required by the principles of natural justice and procedural fairness, and prior to any actions being taken; and
 - the outcome of an investigation (but they will not be provided with a copy of any investigation report); and
- (e) an employee who is the subject of a disclosure may contact Baker Institute's support services. For further information about the EAP, and the free counselling service, please call 1300 360 364, or contact the HR or OHS teams, or go to:
<https://intranet.baker.edu.au/staff-room/employee-assistance-program/>

6.4 Investigation

Baker Institute will investigate all conduct matters reported to it promptly with due regard to the nature of the allegations and the rights of individuals involved in the investigation.

An investigation of a disclosure will involve a number of key stages, as set out below:

Triage

Each disclosure will be assessed initially by the WPO and/or Deputy WPO in consultation with the Baker Institute's General Counsel to determine if the disclosure is eligible for protection under this policy, or can be dealt with in the usual way under other relevant Baker Institute policies.

If the disclosure involves the Baker Institute's General Counsel, the General Counsel will not be consulted in relation to the disclosure. In those circumstances, the WPO and/or Deputy WPO will instead consult with Baker's Legal Counsel, or an external legal provider as required.

At this stage, it is important to follow the confidentiality regime described in this policy when obtaining the information required to determine whether the disclosure qualifies for protection.

Notification

If the triaging process determines that a Protected Disclosure has been received, the WPO and/or Deputy WPO must notify one of the following individuals (as relevant):

- (a) the Institute Director;
- (b) if the Institute Director is implicated in the disclosure, the Chair of the Board; or
- (c) if the Chair of the Board is implicated in the disclosure, then the WPO and/or Deputy WPO has the authority to move directly to (d); or
- (d) appoint an external investigator to investigate the reported allegation (**Investigator**).

Investigation

The process for investigating a disclosure may vary depending on the nature of the disclosure.

Investigations of less serious allegations may be conducted internally in accordance with the Baker Institute policy relevant to the complaint (including those described in Section 3 (above), in such a manner as to ensure the confidentiality and protect against detrimental acts or omissions of the discloser and fair treatment of its employees who are mentioned in a Protected Disclosure in accordance with this policy.

In the event the matter is referred to an independent, external investigator to investigate, the Investigator shall:

- (a) determine the process for the investigation, ensuring at all times that the principles of procedural fairness will guide the investigation process; and
- (b) conduct the investigation in a timely manner, bearing in mind the complexities associated with the investigation (e.g. availability of witnesses).

The terms of reference for the investigation should include:

- the nature and scope of the investigation including an indication of the relevant questions;
- the person within or outside Baker Institute that will lead the investigation;
- that the scale of the investigation is in proportion to the seriousness of the allegation(s);
- reference to the allocation of sufficient resources;
- the nature of any technical, financial or legal advice that may be required to support the investigation; and
- the timeframe for the investigation.

The WPO, Deputy WPO or Investigator may seek the assistance of individuals within or external to the Baker Institute with relevant expertise and make disclosures of information to those individuals on a confidential basis for that purpose. Baker Institute will ensure appropriate records and documentation is maintained for each step of the investigation. All files, reports, decisions, actions and outcomes will be documented accurately, lawfully, securely and retrievably.

Baker Institute will ensure the confidentiality of its disclosure handling and investigation process. However, without the discloser's consent, Baker Institute cannot disclose information contained in a disclosure as part of its investigation process unless:

- the information does not include the discloser's identity;
- the Baker Institute removes information relating to the discloser's identity or other information likely to lead to the identification of the discloser; and

- it is reasonably necessary for investigating the issues raised in the disclosure.

Baker Institute may not be able to undertake an investigation if it is not able to contact the discloser (for example, if the disclosure was made anonymously and the discloser has refused or omitted to provide a means of contacting them).

6.5 Findings

The method for documenting and reporting the findings of an investigation will depend on the nature of the disclosure.

Generally, a report of findings must be prepared by the Investigator and provided to the WPO and/or Deputy WPO when an investigation is complete. If the disclosure involved the WPO and/or Deputy WPO it will be provided to another authorised representative of the Baker Institute.

This report must include:

- the allegations;
- a statement of all relevant findings of fact and the evidence relied upon to reach conclusions on each allegation;
- the basis for each conclusion reached (including the damage caused, if any, and the impact on the Baker Institute and other affected parties); and
- recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

The WPO and/or Deputy WPO (or other authorised representative) will respond to the report as soon as reasonably practicable including addressing:

- whether any risks have been satisfactorily identified and any action taken;
- whether lessons learned have been captured, and necessary changes to policies, procedures, systems, programs or governance implemented; and
- whether any onward referral or notification has been made.;

Baker Institute will ensure the confidentiality of any reports prepared in the course of the investigation.

Ordinarily the discloser will not get a copy of any reports. There may also be circumstances where it is not appropriate to provide details of the outcome of an investigation to the discloser.

6.6 Communications with the Whistleblower

Subject to considerations of the privacy of those against whom the allegations are made and the customary practices of confidentiality, the Eligible Whistleblower will be kept informed of:

- when the investigation process has begun;
- the relevant progress of an investigation at reasonable time intervals but at least quarterly; and
- the relevant outcomes of the investigation (if appropriate).

The frequency and timeframe of the communications may vary depending on the nature of the disclosure and length of the investigation period.

6.7 Vexatious or deliberately false disclosures

Baker Institute will take all disclosures seriously and endeavour to protect anyone who raises concerns in line with this policy. An Eligible Whistleblower can still qualify for protection under this policy where their disclosure turns out to be incorrect.

If a vexatious or deliberately false disclosure is made, Baker Institute will view it very seriously. The protections under this policy will not extend to vexatious or deliberately false disclosures.

Baker Institute may take appropriate action against a person who makes a vexatious or deliberately false disclosure. This may include disciplinary action, up to and including termination of employment.

6.8 Accessibility of this policy

This policy will be made available to the Baker Institute's officers and employees through the Baker Institute Internet, Intranet, staff notice boards, induction material and training sessions.