



Royal Australasian College
of Dental Surgeons
Let knowledge conquer disease

WHISTLEBLOWER POLICY

November 2020

Document Number:	EXT_GOV_120_1.0
Nature of Document:	Policy
Contact Officer:	CEO
Authorised:	Finance, Audit and Risk Committee
Approved:	Board
Date Effective:	20/11/2020
Date of Next Review:	11/2023
Related Policies:	Complaints Policy Reconsideration, Review and Appeals Policy
Related Documents:	

1. INTRODUCTION and PURPOSE

The Royal Australasian College of Dental Surgeons (RACDS) recognises the important role whistleblowers play in protecting our organisation and in upholding the law. All Board Members, Committee Members, employees and volunteers (hereafter simply referred to as “individuals”), who are aware of possible wrongdoing have a responsibility to disclose that information.

RACDS guarantees that individuals who, in good faith, disclose perceived wrongdoing will be protected from adverse consequences. To affect that guarantee, RACDS has established a fair and impartial process which provides protection for whistleblowers. This policy is to be read in conjunction with the *RACDS Complaints Policy*.

The purpose of this policy is to:

- a) assure individuals that good faith disclosures are welcome and that those who make good faith disclosures about perceived wrongdoing will be protected from adverse consequences;
- b) set out protections available in respect of Eligible Disclosures;
- c) assist individuals in understanding what is a Disclosable Matter and those which are not;
- d) support disclosure of wrongdoing/breaches of the law and deter wrongdoing/breaches of the law within RACDS’ organisation;
- e) seek to ensure that any disclosures made under, and in accordance with, this policy are dealt with effectively and efficiently;
- f) seek to fulfil RACDS’ legal obligations with respect to the matters dealt with in this policy; and
- g) promote an ethical culture within RACDS’ organisation.

2. DEFINITIONS

- a) Whistleblower - an individual disclosing information to the public or some higher authority about any wrongdoing, which could be in the form of fraud, corruption, etc.
 - i) Internal whistleblower reports misconduct to another person within the organisation. Eg, the reporting of misconduct, fraud, or indiscipline to senior officers of the organisation.
 - ii) the whistleblower reports misconduct to a person outside the organisation, such as a statutory authority.
- b) Disclosable matter - means information concerning misconduct or an improper state of affairs or circumstances in relation to RACDS
- c) Member - unless the context otherwise implies, ‘member’ means Fellow or Member of any category, Associates, or Affiliates of the College, and includes any external person serving on the Board of Directors (the Board), on a committee or other entity of the Board or as a College representative.

- d) For the purposes of this policy, the following definitions apply: “ASIC” means the Australian Securities and Investments Commission.
- e) “Corporations Act” means the Corporations Act 2001 (Cth).

3. MAKING A DISCLOSURE

How to make a disclosure

A disclosure may be made:

- a) internally, to the CEO, or if the disclosure is in relation to the CEO, the President; or
- b) externally, to ASIC, or any body prescribed by the relevant laws or regulations;

Disclosures may be made by post, email or via telephone. Disclosers are encouraged to make a disclosure internally, to the CEO in the first instance.

Anonymous disclosures

- c) Disclosures may be made anonymously and will still be eligible for protection under this policy, in accordance with the Corporations Act.
- e) A Discloser can choose to remain anonymous throughout any investigation into the disclosure and after the investigation into the disclosure has been finalised.
- f) A Discloser may refuse to answer questions if they feel it could reveal their identity, including during follow up conversations after the initial disclosure.
- g) If a Discloser wishes to remain anonymous, it is best if they maintain ongoing dialogue and communication with RACDS so that RACDS may seek any further information that is required.
- h) To protect the anonymity of a Discloser, Disclosers may adopt a pseudonym and/or disclosure may be made through an anonymised email address, if the Discloser chooses to do so.

Process of receiving a disclosure

- i) Where a disclosure is made, there are a number of steps that will generally be taken by RACDS in relation to the disclosure.

RACDS will assess the disclosure, in accordance with Clause 4.3 of the *RACDS Complaints Policy*, to determine whether:

- i) it is an Eligible Disclosure;
- ii) a formal investigation is required; and
- iii) any other steps are required.

RACDS will seek to ensure that individuals mentioned in an Eligible Disclosure are treated fairly, including by ensuring, where possible and appropriate, that:

- i) all disclosures are handled confidentially;
- ii) where an investigation is undertaken, the process is fair, impartial and independent; and
- iii) individuals mentioned in a disclosure are notified at the appropriate time of the investigation (if any), and prior to any adverse findings being made against them.

4. INVESTIGATING A DISCLOSURE

RACDS will conduct the initial review of the Disclosure in accordance with Clause 4.3 of the *RACDS Complaints Policy*, and will determine an action as outlined in 4.3 (3) of that policy. If RACDS considers that an investigation is required, an investigation plan may be developed by RACDS to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the disclosure and sufficient resources are allocated to the investigation.

Complaints Committee

- a) RACDS may convene a Complaints Committee in accordance with the *RACDS Complaints Policy*. The Complaints Committee will conduct itself in accordance with Clause 5 of the *RACDS Complaints Policy*, with the additional expectations that it will ensure that as far as reasonably practicable:
 - i) the confidentiality of the disclosure is maintained;
 - ii) retaliatory action will not be taken against the Discloser;
 - iii) any technical, financial or legal advice that is required in the investigation is obtained; and
 - iv) further support is provided to the Discloser if necessary.

RACDS may seek further information from the Discloser to assist any investigation it conducts. RACDS will endeavour to ensure that the investigation process is undertaken efficiently and without delay, where possible. However, the timeline is likely to vary, depending on the nature of the disclosure.

RACDS will endeavour to ensure that the Discloser is provided with regular updates throughout the investigation process, if they are able to be contacted, including through anonymous channels of communication. The frequency of these updates will vary, depending on the disclosure.

The investigation that RACDS is able to undertake into the disclosure may be limited, where the disclosure is made anonymously and where the Discloser has not provided a means by which they may be contacted.

5. OUTCOME OF HEARING

RACDS will consider any appropriate steps based on the findings of the investigation or hearing. The potential outcomes and notifications of such will be handled in accordance with Clause 5 of the *RACDS Complaints Policy*.

Where the Complaints Committee choose to refer the matter to the Board under the provisions of Clause 5.3(e) of the *RACDS Complaints Policy*, the Board may choose to either consider the matter or complaint afresh, or decide on the actions outlined in Clause 6 of the *RACDS Complaints Policy*.

6. APPEAL OF DECISION

Any appeal against a decision of the Complaints Committee or the Board under this policy may be made in accordance with the principles outlined in the *College's Reconsideration Review and Appeals Policy*.