



Whistleblower Policy and Procedure

Purpose and scope

This policy is based on RANZCOG's Vision, Mission and Code of Ethical Practice statements. It is expected that all members and College staff conduct themselves in a manner consistent with current, community and College standards and in compliance with all relevant legislation. The purpose of this policy is to provide an environment where any potential, perceived or actual wrongdoing within the College or by the College, its members or staff, can be raised by members or College staff freely without fear of reprisal or retribution.

This will be achieved by:

- minimising the risk of illegal, corrupt or other improper conduct within the College through appropriate policies, procedures, regulations and good governance practices;
- creating an environment of transparency;
- encouraging members and/or College staff to report their concerns;
- establishing procedures that enable protection for those reporting their concerns and enabling resolution of the issue(s) identified.

The policy is applicable to all members and College staff.

1. Definitions

Whistleblower	A person who reports serious wrongdoing in accordance with this policy.
Whistleblowing	The disclosure by, or for a witness, of actual, suspected or anticipated wrongdoing in an organisation that relates to fraud, corruption, illegal activities, gross mismanagement, malpractice or any other serious wrongdoing.

2. Policy

The Royal Australian and New Zealand College of Obstetricians and Gynaecologists is committed to providing the highest standards of legal, ethical and moral behaviour in all of its practices. The College does not tolerate illegal, corrupt or other improper conduct by its members or College staff and will provide appropriate support to anyone who comes forward to disclose such behaviour or conduct.

3. Procedures

3.1 Making a report

The College has a number of channels through which a person who becomes aware of suspected or actual improper conduct may make a report.

The Chief Executive Officer will, in the first instance, receive any reports of alleged wrongdoing.

If the allegations involve the Chief Executive Officer, the matter should be referred to the President.

For workplace grievances (breaches of the College Staff Code of Conduct, (refer [Code of conduct for College staff policy and procedure](#)) College Staff Core Values and non-serious instances of suspected misconduct or wrongdoing), College staff should report these instances in accordance with the College's Grievance Policy and Procedure (refer [Grievance and dispute policy and procedure](#)).

It is appropriate to make a Whistleblower's report when the disclosure relates to conduct that:

- is fraudulent or corrupt (refer [Fraud risk management policy and procedure](#));
- is an abuse of public trust;
- is illegal, such as theft, drug sale or use, violence, harassment, criminal damage to property or other serious breaches of Australian and New Zealand legislation laws;
- is unethical, such as acting dishonestly, altering College records without cause or permission; making false entries in College records, engaging in questionable financial practices;
- is contrary to, or a serious breach of, College codes and policies;
- breaches the College Staff Code of Conduct, (refer [Code of conduct for College staff policy and procedure](#)) that is not appropriate to discuss with the staff member's supervisor/manager/director or Human Resources;
- is potentially damaging to the College, by compromising its training and educational activities; or
- significant breaches of occupational health and safety laws;

After the initial report has been received, the matter will be discussed with the CEO for reference to either the President or a nominated Board member. The President and/or Board member will then follow the procedures for consideration of the alleged report as outlined.

3.2 False reporting

If it is found that a person making a report has knowingly made a malicious, false or vexatious report or not made a report in good faith, then the conduct of the person will be considered a serious matter. A staff member may be subject to disciplinary action (refer [Disciplinary policy and procedure](#)). Members of the College may be subject to investigation by the College's Standards and Complaints Committee.

3.3 Confidentiality

The College commits to absolute confidentiality, fairness and impartiality in respect of any matter raised under this Policy. The College will not make public any information unless the person making the disclosure gives consent, or the disclosure is required or authorised by law, or the disclosure is necessary as part of the investigation process.

Reports may be submitted anonymously, however this may have significant limitations on a full and complete investigation occurring and will impact Whistleblower protection under legislation and this Policy.

3.4 Protection of Whistleblowers

The College is committed to providing protection to those who bring a disclosure of wrongdoing. Part 9.4AAA of the Corporations Act 2001 (as amended) provides information on protection for whistleblowers.

3.5 Protection from retaliation

The College will not tolerate any retaliation against any such person making a report and is committed to protecting and respecting the rights of a person or entity that reports any wrongdoing in good faith.

The person (or entity) must not be disadvantaged or victimised for having made the report by:

- dismissal or termination of services or supply,
- demotion,
- any form of discrimination or harassment,
- current or future bias, or
- threats of any kind.

Any such retaliatory action or victimisation due to Whistleblowing will be treated seriously and may be considered serious misconduct resulting in disciplinary action, which may include dismissal for College

staff members or sanctions by other bodies (The College Board and/or law enforcement bodies) if involving members of the College.

Note that where a Whistleblower makes a disclosure in accordance with this Policy, it will not prevent management from taking any reasonable management action, carried out in a reasonable manner, to manage the conduct and/or performance of College staff, where this is warranted.

3.6 Investigation process

All reports of alleged or suspected wrongdoing made will be initially assessed as to the seriousness of the report.

Factors in regard to the seriousness may include, but are not limited to:

- the gravity of the conduct itself;
- the context in which the conduct occurred;
- the extent of the potential or actual consequence; or
- the potential to expose systematic wrongdoing beyond the allegation made.

If the matter is deemed serious, an investigation will be commenced. In most cases an external investigator(s) will be appointed to conduct the investigation. Terms of reference for the external investigation may be developed in order to provide guidance and a reference tool. The investigator(s) will be able to consult with any other external expert advisors as considered necessary.

If the reported matter involves an allegation of a criminal nature, the matter will be referred directly to the College solicitor and/or appropriate authorities.

Investigations will be conducted in a fair, independent and timely manner.

If the matter is deemed to be of a minor nature, College policies, regulations and the Constitution will be used to address the issue.

3.7 Person against whom the report is made

The College recognises that individuals against whom a report is made must also be supported during the handling and investigation of the allegation. The College will take reasonable action to ensure that the person who is the subject of the allegations is treated fairly and that natural justice and procedural fairness is applied.

Once an investigation has commenced, then the person at the centre of the allegations should be informed that an investigation has commenced and have the opportunity to respond to any allegations made.

3.8 Reporting of findings

On completion of an investigation a written report of the findings will be provided by the Investigator(s) to the Board. The report should summarise the conduct of the investigation and the evidence collected and should detail any conclusions drawn as well as making recommendation(s) for response by the College. If any wrongdoing has been found to have occurred, the Board will take appropriate action, either on an internal basis or refer the matter to an appropriate external body.

The College will also take reasonable steps to review policies and processes to prevent the conduct, which is the subject of the report, continuing or occurring in the future.

Where applicable, the Board may provide feedback to the person who made the initial report regarding the progress of the investigation and/or the final outcome.

4. Related RANZCOG documents

- Gifts and benefits policy and procedure
- Fraud risk management policy and procedure
- Code of conduct for College staff policy and procedure

- Grievance and dispute policy and procedure
- Disciplinary policy and procedure
- Conflict of interest for members of the RANZCOG Board, Council and Committees policy and procedure
- Code of conduct policy and procedure for the RANZCOG Board, Council and Committees
- RANZCOG Code of Ethical Practice

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UNDER REVIEW