



# PROVINCE WIDE PRINCIPLES

Australian Province of the Society of Jesus

## Whistleblower Principles

<b>Section</b>	Governance (Corporate)
<b>Policy Number</b>	GVC.13.00.00
<b>Application</b>	Incorporated Ministries of the Province
<b>Endorsing Body</b>	Ministries Commission
<b>Last Endorsed</b>	23 September 2020
<b>Next Review</b>	12 months from approval and every 2 years thereafter
<b>Version</b>	2.0
<b>Written By</b>	Province Director of Professional Standards
<b>Approved By</b>	Fr Brian F. McCoy SJ - Provincial

### PREAMBLE

“He (Jesus) said to them, “Is a lamp brought in to be put under the bushel basket, or under the bed, and not on the lampstand? For there is nothing hidden, except to be disclosed; nor is anything secret, except to come to light. Let anyone with ears to hear listen!” Mark 4:21-23

### 1. WHISTLEBLOWER PRINCIPLES STATEMENT

Consistent with the Province’s [Code of Conduct \(Code\)](#) and the Society of Jesus’ Instruction on the Administration of Goods (**IAG**), this Whistleblower Policy (the ‘Policy’) demonstrates our commitment to upholding the highest standards of professional and personal conduct and articulating ‘our way of proceeding’ (a way of acting and interacting with people, social structures and the environment that respects and fosters their dignity, freedom and relationship with their Creator) in the stewardship of the assets and ministries entrusted to our care.

The Province encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving the incorporated ministries of the Province and seeks to provide protections for those persons who make a report, so they may do so confidentially and without fear of intimidation, disadvantage or reprisal.

This Policy applies to all Jesuits and Partners in Mission involved with an incorporated ministry of the Province.

### 2. PURPOSE

To outline the disclosure processes of Disclosable matters in respect of suspected wrongdoing as a means of promoting an ethical framework in managing the risk of fraud, illegal or corrupt conduct, based on the Code of Conduct.

### 3. KEY REQUIREMENTS

The Province’s commitment is supported by these key requirements with each incorporated ministry maintaining evidence of these requirements:

- [Code of Conduct](#) – adherence to the Code’s primary obligations, particularly responsible stewardship of Province resources and protection of its trust in the wider community, the duty to preserve standards of equity and respect, and a commitment to act with integrity and to be accountable for actions in performing work or work-related functions;

- Reporting and protections – a well understood system to enable confidential disclosure of Disclosable matters by Jesuits and Partners in Mission in respect of suspected wrongdoing in an incorporated Province Ministry, along with seeking to provide protections to such disclosers;
- Investigation and response – provision by the incorporated Province ministry and the Province of an investigation and response framework that is objective, confidential, independent and based on fair treatment; and
- Education and training – communicate and embed awareness of the key requirements, including the creation and maintenance of appropriate records.

#### 4. ACTIONS TO ACHIEVE IMPLEMENTATION OF THESE PRINCIPLES

Heads of incorporated Ministries are responsible for implementing these principles and the template policy in Appendix 1 and its requirements. The active involvement and commitment of an incorporated ministry’s leadership team is essential to ensure the effective application of the policy.

Incorporated ministries **must** implement the whistleblower policy template as set out in Appendix 1. Following the approval by the ministry’s governing board/council of the customized local ministry whistleblower policy, using the template provided in Appendix 1, each incorporated ministry must make the ministry’s whistleblower policy accessible for all staff, people who engage with the ministry and the public.

##### *Heads of Incorporated Ministries*

#### 4.1 Communicate details of the ministry’s Whistleblower Policy

Review and, where necessary, strengthen communication that encourages Jesuits, Partners in Mission and Contractors engaged in an incorporated ministry to raise matters at any time with their manager or Head of Ministry, and to make them aware that disclosures of Disclosable matters can be made to the Head of Ministry, the Chair of the Governing Board of the incorporated ministry or any one of the Protected Disclosure Officers listed below:

Protected Officer	Disclosure	Contact details
<i>Province Director of Professional Standards</i>		Phone: 03 9810 7300 Email: <a href="mailto:professionalstandards@sjasl.org.au">professionalstandards@sjasl.org.au</a>
<i>Province Socius</i>		Phone: 03 9810 7300 Email: <a href="mailto:socius@sjasl.org.au">socius@sjasl.org.au</a>
<i>Province Manager of Human Resources</i>		Phone: 03 9810 7300 Email: <a href="mailto:humanresources@sjasl.org.au">humanresources@sjasl.org.au</a>

Review and, where necessary, strengthen procedures for making the local ministry’s Whistleblower Policy accessible and updated on the incorporated ministry website.

#### 4.2 Reference to disclosure requirements

Refer to disclosure requirements in ministry procedures on, for example, the acceptable use of ministry resources, financial management, gifts and benefits, and electronic communication.

#### 4.3 Provision of education and training

Provide information, education and training to communicate and embed awareness of disclosure procedures and any changes to those procedures e.g. document and disseminate information to Jesuits and Partners in Mission through on-boarding practices, team discussions, hard copy documentation posted on dedicated notice boards, internet and intranet.

Ensure disclosure requirements are communicated to interested parties such as external recruitment agents/labour suppliers through inclusion of an incorporated ministry's requirements in contractual documents, information to visitors and induction processes.

### **Province Director of Professional Standards**

#### **4.4 Strengthen the framework of disclosure investigation and response**

Establish a Disclosures Panel to consider action on disclosures received, without prejudice to incorporated entities' ability to investigate at the local level (provided disclosures are reported to the Province at the time of receipt and outcomes of investigations are reported in a timely manner). The Panel to normally comprise the Provincial, the Province Socius, the Province Director of Professional Standards, the Province Manager of Human Resources and other employees as directed by the Provincial. The Head of Ministry, the Chair of the Governing Board of the incorporated ministry and any member of the panel shall be an "eligible recipient" within the meaning of s. 1317AAC of the *Corporations Act 2001 (Cth)* except where the disclosure concerns conduct of one of these people. If the disclosure concerns a member of the Disclosures Panel other than the Provincial, the Provincial shall be an "eligible recipient". If the disclosure concerns conduct of the Provincial, the Superior General of the Society of Jesus shall be an eligible recipient and the appropriate Protected Disclosures Officer [Reports to be posted to Borgo S. Spirito 4, 00193, Roma Italy, in two envelopes, the interior one being marked "SOLI", if sent by a Jesuit].

Review and, where necessary, strengthen the Province's disclosure investigation and response processes to ensure they are objective, confidential, independent and based on fair treatment.

Provide support and guidance to those making disclosures as to what will happen in relation to the information received and taking all necessary steps to ensure that the identity of the person who made the disclosure, and any employee who is the subject of a disclosure, are kept confidential (where this is practical and reasonable).

## **5. MONITOR AND REVIEW OF THE PRINCIPLES AND TEMPLATE POLICY**

These principles and template policy will be monitored for compliance and effectiveness by the Director of Professional Standards, in consultation with the Heads of the incorporated ministries. This Policy will be reviewed after 12 months from approval and at least every two years thereafter.

The Ministries Commission will endorse changes to these principles and the template policy prior to approval by the Provincial. Policy changes will be communicated to Jesuits, Partners in Mission and other stakeholders, including being placed on the Province and ministry websites.

Interim reviews will occur at any time as required in response to either feedback or changes in legislation/IAG, policy or practices to ensure the information is current, useful and easy to understand.

Any Jesuit, Partner in Mission or Contractor engaged in an incorporated Province Ministry who requires assistance in understanding these Principles and/or the template policy should in the first instance contact their Head of Ministry. Further questions or concerns about this Policy or its application should then be directed to the Province's Director of Professional Standards.

## **6. DEFINITIONS**

<b>Name</b>	<b>Description</b>
<b>Code of Conduct</b>	The Province-approved document which sets out what personal and professional standards mean for the Province, the Province's primary obligations and the associated behaviour that are expected of all Jesuits, Partners in Mission and Contractors, and how to report inappropriate behaviour. See: <a href="https://jesuit.org.au/wp-content/uploads/Code-of-Conduct.pdf">https://jesuit.org.au/wp-content/uploads/Code-of-Conduct.pdf</a>
<b>Contractor</b>	Means a person who is not an employee but is engaged under an independent service contract to complete a specific job or project within a specified time frame for an agreed price. The Code of Conduct applies to Contractors who are permitted to be unsupervised while on ministry grounds e.g. engaged using a tender process and formal induction.

Name	Description
<b>Delegate</b>	Covers the positions of delegates for Social Ministries, Jesuit and Ignatian Spirituality, Jesuit Life and Formation, Pastoral and Diocesan Ministries, Communication Ministries, and the Chair of Jesuit Education Australia and Education Ministries. These delegates are part of the Ministries Commission which functions as the Provincial's executive management team (see definition below).
<b>Disclosure</b>	Notification of an allegation of wrongdoing e.g. breach of the Code of Conduct, corrupt conduct, fraud, maladministration or serious and substantial waste.
<b>Document control</b>	Jesuits, Partners in Mission or Contractors who work with printed copies of this document must check the document regularly to monitor version control. Documents are considered 'uncontrolled if printed', as indicated in the footer.
<b>Eligible recipient</b>	Means the following: (a) an officer or senior manager of the incorporated ministry or a related body corporate; (b) an auditor, or a member of an audit team conducting an audit, of the incorporated ministry or a related body corporate; (c) an actuary of the incorporated ministry or a related body corporate; (d) a person authorised by the incorporated ministry to receive disclosures that may qualify for protection under Part 9.4AAA of the Corporations Act 2001(Cth) or Part IVD of the Income Tax Assessment Act 1953(Cth), including any person named in clause 4.4 of this Policy.
<b>Head of Ministry</b>	Means the person who has day to day operational responsibility for an incorporated ministry, such as a Chief Executive Officer, Director or Principal.
<b>Jesuit</b>	Means any Priest or Brother member of the Society of Jesus or someone in formation for those roles (e.g. a novice or a scholastic).
<b>Ministries Commission</b>	Functions as the Provincial's executive management team, meeting regularly to review and plan the work of the Australian Province. Comprises the Socius, Delegates for Pastoral and Diocesan Ministries, Social Ministries, Jesuit and Ignatian Spirituality, Jesuit and Life Formation, Education Ministries and Chair of Jesuit Education Australia, Communication Ministries, Director of Professional Standards and Director of Finance and Special Projects.
<b>Partners in Mission</b>	Means a lay person involved in an incorporated ministry of the Province.
<b>Provincial</b>	The member of the Society of Jesus from time to time holding the office of Major Superior of the Province or, in the case of absence or indisposition, the acting Provincial or, in the event of the office of the Provincial being vacant at any time, the member of the Society of Jesus for the time being performing the duties of Provincial.
<b>Disclosable matter</b>	Has the meaning given to that term in Section 3 of Appendix 1.
<b>Volunteer</b>	Means a person who is involved with an incorporated Province Ministry, generally without payment or financial reward. The Code of Conduct applies equally to volunteers as it does to Jesuits and Partners in Mission.

## 7. Version Control and Change History

Version	Approved Date	Approved By	Short Description for Development or Review	Review Completed by	Consultation Process
1.0	13/11/2019	Provincial	New document	N/A	N/A
2.0	23/09/2020	Provincial	Policy reviewed in light of feedback from some ministries	Province GRC	Feedback from some ministries