

Speak Up Policy

1. Policy statement

- 1.1. The Young Men's Christian Association of Sydney Inc trading as "the Y NSW" (and its related entities) (the **Y NSW**) is committed to best practice in corporate governance and compliance, as well as the demonstration of behaviours that are consistent with our values.
- 1.2. We take unethical, illegal or other improper conduct involving our people or in the course of our operations seriously and encourage our people to Speak Up if they have these concerns.
- 1.3. Speaking Up is an important way to protect the reputation, culture and values of the Y NSW. We will endeavour to provide those who Speak Up with appropriate protection and support, as set out in this Policy. Anyone who raises a Wrongdoing concern in accordance with this Policy should feel confident that they can do so without fear of retaliation, victimisation or disadvantage, even if they turn out to be mistaken.
- 1.4. To the extent this Policy uses defined terms, the definitions are set out in clause 4 below.
- 1.5. This Policy does not form part of any contract of employment or engagement with the Y NSW and does not impose contractual obligations on Y NSW. The Y NSW may change, replace or revoke this Policy in its absolute discretion.

2. Purpose

- 2.1. The purpose of this Policy is to:
 - a. encourage and empower you to Speak Up if you become aware of suspected or actual Wrongdoing on a confidential and, if desired, anonymous basis;
 - b. explain how to Speak Up and what protections a person making a report or disclosure will receive when they Speak Up under this Policy; and
 - c. outline the processes at Y NSW for responding to Speaking Up disclosures, including how reports are received and investigated, where appropriate.
- 2.2. The Corporations Act provides for protections for Speaking Up about Wrongdoing (with Speaking Up being referred to in that legislation as 'whistleblowing'). In addition to the protections available under the Corporations Act, information you disclose may also qualify you for protection under the Taxation Administration Act.

3. Scope and implementation

- 3.1. This Policy covers all current and former:
 - a. Y NSW Staff including directors, officers, secretaries, employees, Volunteers, children, and students and any parents of children enrolled in our services;
 - b. contractors and suppliers (and third-party labourers);
 - c. consultants (paid or unpaid) that provide goods or services to the Y NSW;
 - d. any other associate of the Y NSW within the meaning of the Corporations Act; and
 - e. all relatives, dependents, spouses (or relatives, and dependants of a spouse) of the above categories.

Speak Up Policy

- 3.2. Any breach of this Policy is considered serious and may lead to disciplinary action, up to and including termination of employment or cessation of engagement.

4. Definitions

Term	Definition
APRA	Means the Australian Prudential Regulation Authority.
ASIC	Means the Australian Securities and Investments Commission.
Corporations Act	Means the <i>Corporations Act 2001</i> (Cth).
Eligible Recipient	Has the meaning set out in clause 9.
Investigation Officer	Means the person assigned to investigate a disclosure made under this Policy. For further details see clause 8.
Person Who Speaks Up or Persons Who Speak Up	Any person who this Policy applies to and deliberately and voluntarily discloses information about actual or suspected Wrongdoing within the Y NSW.
Personal Work Related Grievance	<p>Means a grievance that is solely about a person's employment, or former employment which has (or tends to have) implications for them personally. A Personal Work Related Grievance does not relate to any conduct (or alleged conduct) that would constitute Wrongdoing and does not have any other significant implications for Y NSW or another entity.</p> <p>Examples of a Personal Work Related Grievance include:</p> <ul style="list-style-type: none"> • interpersonal conflicts; • decisions related to the engagement, transfer or promotion of a Person Who Speaks Up; • decisions relating to the terms and conditions of engagement of a Person Who Speaks Up; and • any decision to discipline, suspend or terminate a Person Who Speaks Up. <p>If you have a Personal Work Related Grievance, these concerns should be reported via the internal grievance process.</p>
Reasonable Grounds	Generally means there must be some form of supporting information for the suspicion, as opposed to a mere allegation.
Staff	Any person the Y NSW employs or engages. This includes paid employees, volunteers, directors, officers, contractors and consultants.

Speak Up Policy

Term	Definition
SUPO	Means the Speak Up Protection Officer. For further details see clause 7.
Taxation Administration Act	Means the <i>Taxation Administration Act 1953</i> (Cth).
Volunteer	Any person engaged by the Y NSW in a voluntary capacity. This includes unpaid volunteers, unpaid directors and student placements.
Wrongdoing	<p>Means information that a Person Who Speaks Up has Reasonable Grounds to suspect concerns misconduct or an improper state of affairs or circumstances in relation to Y NSW. Wrongdoing that occurred before the commencement of this Policy can still be raised under this Policy.</p> <p>Examples include but are not limited to conduct that is:</p> <ul style="list-style-type: none"> • criminal or illegal activity or some other legal contravention; • a child protection breach or concern; • dishonest, fraudulent or corrupt, such as soliciting, accepting or offering bribes; • unethical, such as falsifying company records or engaging in questionable accounting practices or breaching the <i>Standards of Conduct</i>, policies or procedures; • potentially damaging to Y NSW's Staff, clients or facilities, such as unsafe work practices or a substantial waste of resources; • seriously harmful or potentially seriously harmful towards any person, such as workplace bullying or discrimination; • causing financial loss to Y NSW, causing damage to Y NSW's reputation or conduct that is otherwise materially detrimental to the interests of the Y NSW;
	<ul style="list-style-type: none"> • a work health and safety and/or environmental hazard; • a danger or significant risk to the public; • retaliatory action against a Person Who Speaks Up about Wrongdoing; and/or • an instruction to cover up any Wrongdoing.
External Speak Up Service	Means the external program (run by an independent party, Deloitte) provided to all persons within the scope of this Policy that independently facilitates voluntary disclosure of actual or suspected Wrongdoing for Y NSW.

Speak Up Policy

5. Who is protected under this Policy?

- 5.1. Speaking Up means telling an Eligible Recipient if you have Reasonable Grounds to suspect that Wrongdoing has occurred or is occurring in relation to the Y NSW.
- 5.2. In order to qualify for protection under this Policy you must:
 - a. be a person covered by this Policy (see clause 3.1 above);
 - b. make a disclosure of actual or suspected Wrongdoing (see the definition and examples in clause 4 above); and
 - c. disclose the matter to the correct person or channel (see clauses 9 and 10 below).
- 5.3. If you meet the above requirements, you are encouraged to Speak Up (anonymously if you prefer) and you will be afforded confidentiality to the extent possible. Your concerns will be assessed in accordance with this Policy, with a view to promptly investigating, identifying and rectifying any Wrongdoing.
- 5.4. If you have a reasonable Wrongdoing concern but are not a person covered by this Policy (as set out in clause 3.1 above), you are still encouraged to raise your concern through the channels described in this Policy. The Y NSW will assess the disclosure and take appropriate steps. While the Y NSW may not be able to apply all of the protections set out in this Policy to you in this circumstance, it will look for ways to support all people who raise a concern.

6. What can't be raised under this Policy?

- 6.1. The protections under this Policy only apply to Persons Who Speak Up and have Reasonable Grounds to suspect there is Wrongdoing. You must not raise information you know or ought to know is untrue or has no substance. If you do have some information to support your suspicion of Wrongdoing, but not all of the details, you are still encouraged to make a disclosure under this Policy.
- 6.2. Further, this Policy and the Y NSW Speak Up Service and processes are not:
 - a. an internal grievance process for any Personal Work Related Grievance;
 - b. a process to discuss, debate or appeal against a decision relating to your engagement, transfer or promotion, or a decision to suspend, terminate or otherwise discipline you;
 - c. a process to raise grievances about a decision by the Y NSW not to renew or to terminate a supplier contract for poor performance; or
 - d. a general customer complaint or concern process.

Anyone who wishes to raise these types of concerns that do not involve Wrongdoing should do so via the appropriate internal processes. For further information, see Related Policies and Procedures in clause 16 below.

7. Speak Up Protection Officer

- 7.1. The Speak Up Protection Officer (**SUPO**) is an officer, senior manager or employee appointed to support and provide protection to Persons Who Speak Up according to this Policy. The current SUPO is the Y NSW's Chief Risk and Innovation Officer.

Speak Up Policy

- 7.2. The SUPO can report directly to the Chief Executive Officer and/or to the Y NSW Board.
- 7.3. The SUPO will provide mentoring and other support deemed necessary, and is responsible, in conjunction with the Investigation Officer, for keeping the Person Who Speaks Up informed of the progress and outcomes of any inquiry/investigation into their disclosure. This is subject to the Person Who Speaks Up disclosing their contact details and considerations of the privacy of those against whom a report has been made.
- 7.4. The SUPO will reasonably protect your interests and reasonably ensure the processes in this Policy are followed in relation to your disclosure.

8. Investigation Officer

- 8.1. Investigations into disclosures made under this Policy are conducted by an assigned Investigation Officer. Investigation Officers are assigned on a case by case basis depending on the circumstances of each disclosure.
- 8.2. The Y NSW has four Investigation Officers:
 - a. the Chair of the Risk Audit and Finance Committee (Kerry McGoldrick Kerry.McGoldrick@ymca.nsw.org.au);
 - b. the Chief Executive Officer.
 - c. the Chief People Officer; and
 - d. the Chief Legal Officer.
- 8.3. The Investigation Officer who is assigned to the concern cannot be directly or indirectly implicated in the disclosure. The Investigation Officer will also provide the Person Who Speaks Up with regular updates where appropriate and possible.
- 8.4. As appropriate, other people, including, external advisors, external investigators or staff, may also be asked to assist with or conduct an investigation, subject to the confidentiality protections set out in this Policy.

9. Who can I Speak Up to at the Y NSW?

- 9.1. If you wish to Speak Up to someone at the Y NSW, it must be to an Eligible Recipient. Your disclosure can be verbally or in writing.
- 9.2. In the first instance, we encourage you to disclose any Wrongdoing to any of the following Eligible Recipients:
 - b. your Manager – we always encourage people to first discuss issues with their Manager, where it is appropriate to do so;
 - c. the SUPO;
 - d. the Chief Executive Officer; and
 - e. the Chair of the Risk Audit and Finance Committee (Kerry McGoldrick Kerry.McGoldrick@ymca.nsw.org.au)
- 9.3. If you are unable, or not comfortable speaking with any of the above channels, you can Speak Up to any of the following Eligible Recipients:

Speak Up Policy

- a. a Y NSW officer, director or senior manager;
 - b. the Chief Legal Officer for the Y NSW; or
 - c. members of the Executive Leadership Team (**ELT**).
- 9.4. All channels respect the confidentiality of the Person Who Speaks Up.
- 9.5. The person who receives your disclosure is responsible for ensuring your concerns are heard by the Y NSW and that proper follow up occurs. Subject to the confidentiality requirements outlined in this Policy, an Eligible Recipient may be required to refer the disclosure to appropriate persons to oversee the Y NSW's response. The investigation and response process is set out in clause 13 below.

10. Who can I Speak Up to outside the Y NSW?

If you do not feel comfortable making a report to the internal options listed in clause 9 above, or if you feel that a previous concern has not been properly investigated, you can Speak Up via external channels. If you choose to Speak Up via an external channel, we encourage you to utilise our External Speak Up Service.

10.1. *External Speak Up Service*

Our external Speak Up Service is operated by an independent provider, Deloitte. Persons Who Speak Up can access the Service as set out below. The External Speak Up Service allows for the Person Who Speaks Up to remain anonymous. You can also contact the External Speak Up Service if you would like further information before making a disclosure.

Speak Up Policy

External Speak Up Service Access Details	
Hotline Phone Number:	1800 766 199
Email:	ymcawhistleblower@deloitte.com.au
Address:	YMCA NSW 7 city View Road, Pennant Hills NSW 2120
Fax:	+613 9691 8182
Online:	www.ymcawhistleblower.deloitte.com.au Login details: Username: YMCA Password: Deloitte#1 Once you have signed in using the details above, click on the Begin Disclosure button at the bottom right of the screen.

10.2. Other channels

At law you can qualify for protection if you make your disclosure to other channels, for example:

- a. to a legal practitioner for the purposes of obtaining legal advice or representation in relation to the operation of the whistleblower provisions in the Corporations Act (even if the legal practitioner subsequently concludes that the information does not relate to Wrongdoing);
- b. to a regulatory body such as ASIC, APRA or another prescribed Commonwealth body, for example, the Australian Federal Police;
- c. the Australian Taxation Commissioner, where it may assist the Commissioner to perform their statutory functions and duties; or
- d. in certain discrete circumstances, public interest disclosures and emergency disclosures. We suggest that before making a public interest disclosure or emergency disclosure, you contact the SUPO or an independent legal advisor, as it is important to understand the criteria for making these disclosures in a way that qualifies for protection under the Corporations Act. For example, a disclosure must have previously been made to ASIC, APRA or a prescribed body and written notice must be provided to the body to which the disclosure was made. In the case of a public interest disclosure, at least 90 days must have passed since the previous disclosure.

Speak Up Policy

11. Can I Speak Up anonymously?

- 13.1. Yes, you can Speak Up anonymously at any time. If you choose to Speak Up anonymously, the person or channel you speak to cannot identify you, or disclose information that is likely to lead to your identification (except in limited circumstances - see clause 14.1 below for more details 14.14.1).
- 13.2. While you are under no obligation, you are encouraged to provide your name when Speaking Up because it will make it easier for the Y NSW to address your disclosure. For example, it is likely to be useful context to understand the context in which you may have observed the Wrongdoing. If you choose to disclose your name when Speaking Up, all reasonable measures will be taken to protect your identity and protect you from detriment.
- 13.3. If you choose not to provide your name when Speaking Up, the Y NSW will seek to assess the content and merit of your disclosure in the same way as if you had disclosed your name, and any investigation will be conducted as best as possible in the circumstances.
- 13.4. For anonymous disclosures, you are recommended to Speak Up via the External Speak Up Service referred to in clause 10.1. We recommend that when making an anonymous disclosure, you provide contact details or otherwise still make yourself available for any follow up questions or to provide feedback. It is open to you to use a pseudonym or alias if you feel more comfortable. You may refuse to answer any questions that you consider may reveal your identity if you are not comfortable doing so.

12. What information is required to make a disclosure?

It's important that the Person Who Speaks Up discloses as much information as they feel comfortable providing, as this will determine whether it is within the scope of this Policy and whether an investigation is required. You are encouraged to feel supported in providing information and, where you decide to disclose your identity, the Y NSW will take steps to protect your identity. Relevant information you should consider disclosing includes:

- 12.1. Your details – to the extent you feel comfortable disclosing these. This includes:
 - a. your name;
 - b. your relationship to the Y NSW and/or position within the Y NSW; and
 - c. your contact number and/or email.
- 12.2. Whether you wish to claim Speak Up Protection and Support (see clauses 14 and 15 below).
- 12.3. Details of the persons, including potential witnesses, mentioned in your disclosure. This includes their names, contact information (number and email) and position/relationship within the Y NSW.
- 12.4. Whether the SUPO is implicated in the disclosure.
- 12.5. The background and details of the concern:
 - a. when and where the concern first took place;
 - b. who is involved in the concern and how are they involved;
 - c. what has taken place and any evidence;
 - d. why you are disclosing the matter;

Speak Up Policy

- e. how you first became aware of the concern; and
 - f. whether you have reported the concern to anyone else.
- 12.6. Who else is aware of the concern?
- 12.7. Do any documents exist that relate to your disclosure and have they been included with your disclosure?
- 12.8. What outcome are you seeking by making the disclosure?

13. What steps will be taken once I Speak Up?

- 13.5. All Speak Up disclosures under this Policy will be received and treated seriously, with respect and with sensitivity, by the Y NSW.

Consent to disclose

- 13.6. If you make a disclosure under this Policy, the Eligible Recipient will seek your consent to disclose the information you have shared as required in order to investigate, report and take appropriate action in response to your disclosure. A copy of the Consent Form appears at **Annexure A** to this Policy.
- 13.7. If you do not consent to the sharing of the information you disclose, or disclose anonymously and do not provide any contact details, this may limit the Y NSW's ability to progress your disclosure and take any action in respect of your disclosure.

Initial assessment

- 13.8. For disclosures to Eligible Recipients at the Y NSW, the disclosure will initially be assessed by an assigned Investigation Officer to determine whether it falls within the scope of this Policy and requires investigation.
- 13.9. For disclosures made to the External Speak Up Service, the Deloitte will assess the disclosure once received to determine whether it falls within the scope of this Policy and requires investigation.
- 13.10. Speaking Up does not guarantee that a disclosure will be formally investigated in all cases. Once received, a decision will be made as to whether the disclosure should and can be investigated. In some cases the nature of the disclosure (including the amount of information provided) may mean that it is not appropriate or possible to conduct a formal investigation.

Investigations

- 13.11. All investigations will be conducted by the assigned Investigation Officer in a fair, independent and timely manner and all reasonable efforts will be made to preserve your confidentiality during the investigation.
- 13.12. The investigation process and method of documenting the findings of an investigation will vary depending on the nature of the suspected Wrongdoing and the amount of information provided. The Investigation Officer will generally aim to conclude the investigation within two months of the disclosure being made. In some cases, it may take longer to complete the investigation, for example, if the disclosure raises complex issues.

Speak Up Policy

- 13.13. If your report was not anonymous, or you have provided an anonymous means to communicate, the SUPO will contact you as appropriate to discuss the investigation process. Where possible, the SUPO and/or Investigation Officer will provide you with feedback on the progress, expected timeframes, findings of the investigation and the overall outcome of the investigation. In some cases, it may not be appropriate to provide you with details of the findings and/or outcome of the investigation having regard to confidentiality and privacy considerations.
- 13.14. Unless there are confidentiality or other reasons not to do so, the person to whom a disclosure relates will generally be informed of the allegations against them at an appropriate time and will be provided with an opportunity to respond those allegations. If appropriate, the person to whom a disclosure relates will also be provided with feedback on the findings and/or outcome of the investigation.
- 13.15. If there is insufficient information to warrant further investigation, or the initial investigation identifies there is no case to answer, the SUPO or Investigation Officer will notify the Person Who Speaks Up as soon as reasonably possible.
- 13.16. Any investigation report prepared in relation to an investigation remains the property of the Y NSW and will not be provided to the Person Who Speaks Up or any person subject to investigation.
- 13.17. The outcome of an investigation may involve disciplinary action for any Staff involved in Wrongdoing or where it is found Staff have otherwise acted in breach of the Y NSW's policies and/or procedures.

Other steps

- 13.18. To the extent such a report is required by law, or Y NSW otherwise considers it appropriate, Y NSW will report Speak Up/whistleblower disclosures to ASIC, the Australian Federal Police or State/Territory Police and cooperate with such entities.
- 13.19. The Y NSW Board will receive a summary of disclosures made under this Policy on a periodic basis, including metrics on disclosures made that have been de-identified as required. This information is important so that the Board can provide appropriate oversight of potential financial and non-financial risks in the organisation.

14. What protection will I receive if I Speak Up?

14.1. Protecting Your Identity

- a. The Y NSW is committed to protecting your identity and information that is likely to lead to you being identified as the Person Who Speaks Up. This information will be kept confidential to the extent reasonably possible.
- b. To maintain the confidentiality of the Person Who Speaks Up and their disclosure, the Y NSW will take all necessary steps including, but not limited to:
 - i. providing processes for anonymous disclosures and the External Speak Up Service;
 - ii. where appropriate, de-identifying information;
 - iii. providing a SUPO to protect the interests of the Person Who Speaks Up; and

Speak Up Policy

- iv. limiting who has access to the information and reasonably ensuring it is only disclosed on a "need to know" basis.
- c. Your identity will not be disclosed unless you have consented to this using the Consent Form provided in **Annexure A**, or it is otherwise legally required. Legally required disclosures may include disclosures to:
 - i. ASIC, APRA, the Australian Federal Police or Commonwealth, state or territory authorities for the purpose of assisting that authority in the performance of its functions or duties;
 - ii. the Australian Taxation Commissioner in respect of any tax-related misconduct;
 - iii. such other body or authority prescribed by law; or
 - iv. a legal practitioner for the purpose of obtaining legal advice.
- d. Information that is likely to lead to you being identified may be disclosed, if it is reasonably necessary to investigate the disclosure of Wrongdoing and the discloser takes all reasonable steps to reduce the risk of identification.
- e. If you do not provide your consent, this may limit the ability to fully investigate and take action in matters raised.

14.2. *Protection against detrimental conduct*

- a. The Y NSW treats the protection of Persons Who Speak Up from detrimental conduct seriously, as this is essential in creating an environment where disclosers feel safe to raise concerns about Wrongdoing.
- b. Any Person Who Speaks Up under this Policy will not be subject to any civil, criminal or administrative action for making the disclosure or for participating in any investigation.
- c. No contractual or other remedy may be enforced, and no contractual or other right may be exercised, against a Person Who Speaks Up on the basis of their disclosure.
- d. Information you disclose cannot be used in legal proceedings against you (except for any proceedings in relation to giving false information). However, you will not be granted immunity from the consequences of any misconduct you have engaged in that is revealed by your report (including any disciplinary action).
- e. The Y NSW will safeguard the interests of the Person Who Speaks Up and will take whatever action is reasonable and consistent with this Policy to make sure you are not subject to any detrimental conduct for making a report.
- f. Detrimental conduct includes actual or threatened conduct such as:
 - i. termination of your employment or engagement;
 - ii. demotion, disciplinary action or alteration of your position or duties;
 - iii. any discrimination, harassment, bullying, intimidation, threat, victimisation or retaliation;
 - iv. harm or injury including psychological harm or damage to your property;

Speak Up Policy

- v. any current or future bias; and
 - vi. damage to your reputation.
- g. Compensation and remedies may be awarded by a court to People Who Speak Up in appropriate cases, if you are subjected to detrimental conduct because you made a disclosure and you suffer loss, damage or injury.
- h. As noted above, any breach of this Policy is serious and may lead to disciplinary action, up to and including termination of employment or cessation of engagement. If you are concerned that you may be, are or have been subject to detrimental conduct, you should raise these concerns with the SUPO (or External Speak Up Service if you feel more comfortable). In some circumstances, being involved in victimising conduct may also be a criminal offence punishable by imprisonment.
- i. In addition to the protections available under the Corporations Act, the Taxation Administration Act provides protections for "qualifying disclosures" relating to breach of an Australian tax law or tax- related misconduct.

15. What support is available?

- 15.1. The Y NSW will take reasonable steps to ensure that adequate and appropriate support is provided to Persons Who Speak Up. Available support options include the Y NSW monitoring and managing the behaviour of other Staff, (in appropriate cases) provision of a leave of absence or flexible working arrangements while a matter is investigated and access to Y NSW's Employee Assistance Program.
- 15.2. Where the Person Who Speaks Up is not an employee of the Y NSW, not all of the above support options may be possible, but the Y NSW will still seek to offer support that is appropriate in the circumstances.
- 15.3. If a disclosure mentions or relates to Staff of the Y NSW, other than the Person Who Speaks Up, the Y NSW will take steps to ensure those individuals are treated fairly and provided with support during any investigation.

16. Related policies and procedures

For more details on the avenues available for raising concerns outside of a Speak Up context, please see the Y NSW's Grievance Policy and Grievance Procedure.

17. Related legislation

- a. *Corporations Act 2001* (Cth).
- b. *Children and Young Persons (Care and Protection) Act 1998* (NSW).
- c. *Children and Young People Act 2008* (ACT).
- d. *Children's Guardian Act 2019* (NSW).
- e. *Fair Work Act 2009* (Cth).
- f. *Taxation Administration Act 1953* (Cth).

Speak Up Policy

18. Questions

Any questions about this Policy can be referred to the Y NSW's Chief Risk and Innovation Officer.

19. Document Control

Policy owner	Joshua Wiseman, Chief Risk and Innovation Officer
Policy sponsor	Chief Executive Officer
Policy date	October 2022
Policy approver	Board
Version number	4
Date due for review	October 2024

Speak Up Policy**Annexure A - Consent form****Consent to disclose**

Name of person making the disclosure: _____ (**Person Who Speaks Up**)

Name of person to whom the disclosure was made: _____ (**Eligible Recipient**)

_____ Date of disclosure

The Person who Speaks Up has made a disclosure to the Eligible Recipient and is seeking protection as a discloser pursuant to the Y NSW's Speak Up Policy.

The Person Who Speaks Up consents to the Eligible Recipient disclosing their identity, information likely to identify them, information provided by them in the disclosure and information obtained in the course of the investigation, to the Y NSW's Speak Up Protection Officer, Investigation Officer, Chief Executive Officer, the Y NSW Board and any other internal or external person as necessary to investigate the disclosure, take appropriate action following any investigation, obtain legal advice and to meet reporting, audit and/or compliance requirements from time to time.

Please return this form at your earliest convenience to

[INSERT]. Dated _____

Signed _____

Name (print) _____