

Whistleblower Policy



The Royal Australian and New Zealand
College of Radiologists®

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About the College

The Royal Australian and New Zealand College of Radiologists (RANZCR) is a not-for-profit association of members who deliver skills, knowledge, insight, time and commit to promoting the science and practice of the medical specialties of clinical radiology (diagnostic and interventional) and radiation oncology in Australia and New Zealand.

The College is led by clinicians who are democratically elected by the membership. The ultimate oversight and responsibility for the College is vested in the RANZCR Board of Directors.

The work of the College is scrutinised and externally accredited against industry standard by the Australian Medical Council and the Medical Council of New Zealand.

Our Vision

RANZCR as the peak group driving best practice in clinical radiology and radiation oncology for the benefit of our patients.

Our Mission

To drive the appropriate, proper and safe use of radiological and radiation oncological medical services for optimum health outcomes by leading, training and sustaining our professionals.

Our Values

Commitment to Best Practice

Exemplified through an evidence-based culture, a focus on patient outcomes and equity of access to high quality care; an attitude of compassion and empathy.

Acting with Integrity

Exemplified through an ethical approach: doing what is right, not what is expedient; a forward thinking and collaborative attitude and patient-centric focus.

Accountability

Exemplified through strong leadership that is accountable to members; patient engagement at professional and organisational levels.

Code of Ethics

The Code defines the values and principles that underpin the best practice of clinical radiology and radiation oncology and makes explicit the standards of ethical conduct the College expects of its members.

1. INTRODUCTION

1.1 Purpose and scope

A Whistleblower Policy is an important element in detecting corrupt, illegal or other undesirable conduct. It is expected that all members and College staff will conduct themselves in a manner consistent with current community and College standards and in compliance with all related legislation.

The purpose of this policy is to promote a culture of corporate compliance, honesty and ethical behaviour and 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 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 staff and members to report their concerns; and
- establishing procedures which enable protection for those reporting their concerns and enabling resolution of the issue/s identified.

This policy applies to all staff (including contractors and consultants) and all the College members (as defined herein).

1.2 Definitions

In this Whistleblower Policy:

College means The Royal Australian and New Zealand College of Radiologists.

College Member for the purposes of this policy, includes those defined in the College Regulations as being 'members' of the College, trainees, non-specialist trainees, international medical graduate specialists (IMGs) undertaking College requirements for the purposes of obtaining specialist recognition in Australia or New Zealand, and any external person serving on any College entity.

Whistleblower means a person who reports serious wrongdoing in accordance with this policy.

Whistleblowing means the disclosure by or for a witness of actual, suspected or anticipated wrongdoing in the College that relates to fraud corruption, illegal activities, gross mismanagement, malpractice or other serious wrongdoing.

2. REPORTING

2.1 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.

In the first instance, the Chief Executive Officer (CEO) shall receive any reports of alleged wrongdoing. If the allegations involve the CEO, the matter should be referred to the President.

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

- is fraudulent or corrupt;
- 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;
- 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 Code of Conduct that are not appropriate to discuss with the staff member's supervisor or manager or Human Resources;
- is potentially damaging to the College, by compromising its training and educational activities; or
- represents significant breaches of occupational health and safety laws.

A report may be made verbally or in writing. A person making a report should have reasonable grounds for believing that the information provided is accurate. The report should include as much information and evidence as possible, including where possible information on:

- the nature of the alleged improper conduct has occurred.
- when and how the alleged conduct occurred.
- the people involved in the conduct

Anyone making a report must act in good faith and have reasonable grounds for believing the information disclosed constitutes improper conduct as stated in clause 3.1.

2.2 Anonymity

A whistleblower may make a report anonymously. However an anonymous report makes it more difficult to investigate the report and take appropriate action. As such, anonymous reports will be examined, but may not be able to be progressed to the extent that would otherwise be possible. For this reason, the College would prefer the whistleblower to disclose his or her identity.

Alternatively, the whistleblower could provide his or her name and contact details and request that the details be kept confidential. In such circumstances the College will, as far as reasonably possible, protect the person's identity unless it are legally required to disclose it. If it is necessary to identify the whistleblower, this will first be discussed with the whistleblower, where practicable.

Any such report should be in writing and include as much information as possible so as not to compromise the ability to fully investigate the report.

The act of whistleblowing should not protect whistleblowers from the consequences of any involvement in the improper conduct disclosed in the report. Involvement in the improper conduct may lead to disciplinary action, including termination of employment or the College membership. However, an admission may be a mitigating factor when considering disciplinary action.

2.3 False Reporting

If it is found that a whistleblower has knowingly made a false or vexatious report or not made a report in good faith, then that conduct itself will be considered a serious matter and may lead to disciplinary action, including termination of employment or the College membership.

2.4 Confidentiality

The College commits to absolute confidentiality, fairness and impartiality in respect of any matter raised under this policy and, pursuant to clause 3.2 and as far as it is legally possible, will protect the whistleblower's identity. The College will not make public any information unless:

- the person making the report gives consent;
- 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.

It should be noted that maintaining confidentiality of the identity of the whistleblower may be difficult where the nature of the matter points to one particular individual and others may be able to deduce their identity.

2.5 Protection of Whistleblowers

Whistleblowers who report matters in good faith, and provided he or she has not been involved in the conduct reported, will not be penalised or personally disadvantaged under any College policy because they have reported a matter, by any of the following:

- Dismissal or suspension;
- Demotion;
- Any form of harassment;
- Discrimination; or
- Bias or other adverse conduct.

A whistleblower who believes he or she, or his or her family, has been the victim of any of the above by reason of their status as a whistleblower, should immediately report the same to the CEO.

Any employee or manager who is found to have dismissed, demoted, harassed, or discriminated against a whistleblower by reason of their status as a whistleblower, may be subjected to disciplinary measures, including summary dismissal.

A whistleblower who has been involved in the reported conduct may still be provided with immunity by the College or by any disciplinary proceedings, by agreement with the College. The College, however, has no power to provide immunity from criminal prosecution.

2.6 Protection from Retaliation

The College will not tolerate any retaliation against a person because the person has made a report under this policy and is committed to protecting and respecting the rights of a person who 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 termination of employment or the College membership.

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. INVESTIGATION PROCESS

All reports of alleged or suspected wrongdoing received will be initially assessed as to the seriousness of the report. Factors relating 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/s; or
- the potential to expose systematic wrongdoing beyond the allegation made.

On receipt of a report, the College has the discretion to determine whether it is appropriate to conduct an investigation. The decision regarding the investigation process and whether or not an investigation is required will be made by the Chief Executive Officer (or the President if the allegations involve the CEO), a designated member of the College Board of Directors and the College's legal counsel.

The College may decide not to investigate a report if it is considered that:

- the alleged conduct is not reportable conduct under this policy;
- the report is not made in good faith or is frivolous, vexatious or malicious;
- the report is made anonymously and there is insufficient information to undertake an investigation;
- the subject matter of the report has been satisfactorily dealt with or resolved through another grievance or reporting procedure;
- some other more appropriate procedure is available in relation to the matter – for example, the matter may be able to be reported through Workplace Health and Safety reporting mechanisms.

3.1 Conduct of Investigation

An investigation will generally be conducted if the matter is deemed to be serious. However the investigation process will vary, depending on the nature of the report and the amount of information provided.

In some cases, an external investigator may 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 will be able to consult with any other external expert advisers as considered necessary.

All investigations will be conducted in a fair, independent and timely manner that affords procedural fairness to all involved.

If the reported matter involves an allegation of a criminal nature, the matter may be referred directly to the College solicitor and/or appropriate authorities. If the matter is deemed to be of a minor nature, College regulations, policies and the Constitution shall be used to address the issue.

Chief Executive Officer will add an item about the allegations to the Board of Director's Risk Register to inform Finance, Risk and Audit Committee and the Board when a report by a whistleblower has been received and the subsequent process that is being followed.

3.2 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 procedural fairness is applied.

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

3.3 Reporting of Findings

On completion of an investigation, a written report of the findings will be provided by the investigator 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 recommendations 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. CHANGES TO THIS WHISTLEBLOWER POLICY

The College may amend this Whistleblower Policy at any time and will ensure that future amendments comply with applicable law.