



# Grievance Resolution and Whistleblowing Disclosure

Version 3.0  
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## 1. Background

PCYC NSW was founded 87 years ago on the values of Respect, Integrity, Commitment, Resilience and Citizenship. As a charity empowering young people through police and community partnerships, we value high ethical standards of behaviour and expect honesty, openness and integrity in everything we do. Unacceptable, unethical and illegal behaviour is not in our DNA and impacts not only on PCYC, but on the NSW Police and PCYC staff, contractors and members.

### a. PCYC's Goals

PCYC aims to maintain a happy and productive working environment, where we can all work together towards the goals of the organisation.

We also take our governance and compliance obligations very seriously. We want to maintain ethical, compliant and accountable systems.

We can only achieve these goals if (amongst other things) all members of staff (ongoing, fixed term, casual and temporary employees; NSW Police staff who work with us; contractors; volunteers; and company officers) feel that their concerns, complaints or grievances are dealt with properly. In this context, we want to encourage you, as a member of our staff, to tell us about:

- any difficulty you are experiencing at work;
- any complaint you have about anyone's behaviour or decisions at work; and
- any other concern you have about non-compliance, misconduct or any system at PCYC that is not working the way it should.

PCYC aims to treat all grievances and complaints seriously, efficiently and as fairly and confidentially as is reasonably possible, to enable staff to get back to productive work. We recognise the importance of providing a safe, supportive and confidential environment where people can feel confident about reporting wrongdoing and are supported and protected when they do so.

We want to hear about issues that trouble any of our staff, especially those issues which might relate to a breach of the law. PCYC and our staff also have relevant legal obligations, including in relation to:

- grievances about:
  - discrimination (including harassment and vilification)
  - workplace safety (including bullying); and
- whistleblowing disclosures under whistleblowing legislation, i.e. the *Corporations Act 2001 (Cth)*, the *Taxation Administration Act 1953 (Cth)* and other related legislation.

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## 2. Purpose

This policy includes information about:

- the meaning of 'whistleblowing disclosure' and how this is different from a 'personal work-related grievance'.
- what you can do if you have a grievance and/or want to make a whistleblowing disclosure, including how to get advice, and how to make complaints/disclosures.
- how a grievance and/or whistleblowing disclosure might be dealt with, including how they might be investigated; and
- the protections available to complainants/whistleblowers, including how PCYC will:
  - support complainants/whistleblowers and protect them from suffering any victimisation or retaliation as a result of making a complaint or disclosure; and
  - ensure fair treatment of staff who are mentioned in disclosures, or to whom disclosures relate.

If you are a member of the NSW Police Force, then the NSWPF internal whistleblowing regime, the regime under the Public Interest Disclosures Act 1994 (NSW) and the disclosure obligations under section 211F of the Police Act 1990 (NSW) may also be relevant to you.

This policy is made available to staff of PCYC via our Intranet portal

PCYC reviews its policies from time to time and may change this policy at its discretion. This policy is not intended to be contractual in nature and is a guideline only. It may be appropriate for PCYC to depart from this policy in certain circumstances.

## 3. Definitions

**Personal work-related grievances** – A personal work-related grievance is any complaint, concern dispute or problem to do with your work, the working environment, workload and/or employment relationships, and that this has implications for you personally. Grievances can arise from work-related behaviours, situations or decisions that you consider to be unfair or unjustified.

Examples include:

- A conflict between you and another staff member;
- A situation where you think you have been discriminated against, bullied or harassed; and/or
- If you are dissatisfied about a decision relating to your employment, including about transfer or promotion, the terms of your employment, discipline or termination.

**Whistleblowing disclosure** – A whistleblowing disclosure in relation to PCYC is a disclosure of information made by someone who has reasonable grounds to suspect:

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- Breaches of various Commonwealth Laws including the *Corporations Act 2001 (Cth)* (**Corporations Act**), *Taxation Administration Act (Cth)* (**Tax Act**) and legislation concerning banking, finance, insurance and superannuation;
- Conduct that represents a danger to the public or the financial system;
- Other misconduct i.e. conduct that is corrupt, fraudulent, a breach of PCYC's Compliance Policy, and/or knowingly concealing and/or encouraging another person to engage in any of this conduct; or
- An otherwise improper situation or circumstances that, even if it does not involve unlawful conduct, indicates a systemic issue at PCYC that the relevant regulator should know about.

A personal work-related grievance may become a whistleblowing disclosure if it:

- Has significant implications to PCYC that do not relate to you;
- Is a type of unlawful conduct set out in the Whistleblowing Disclosure definition;
- Is conduct that represents a danger to the public or financial system.

**Whistleblower** – A whistleblower is a person that makes a whistle blowing disclosure, e.g. current or former staff, suppliers, associates of PCYC (as defined under the Corporations Act) and the relatives and dependants of these people. A whistleblower is legally protected under legislation.

## 4. Policy

The sections below explain how to deal with the different types of grievances, and how PCYC will protect you if you lodge a grievance or make a whistleblowing disclosure.

### a. Personal work-related grievances

#### What to do.

If you have a personal work-related grievance, do not ignore the problem or hope that it will go away. Instead, if you can, you should ask the person responsible for the conduct to stop as soon as possible. If you feel that you cannot do this or if it does not work, your options to discuss the grievance are to talk and/or write to:

- Your manager/supervisor.
- Your People & Culture Business Manager.
- The General Manager People & Culture.

If either you or PCYC is not sure whether the information that you disclose is in fact a whistleblowing disclosure, PCYC will treat it as a whistleblowing disclosure for the purposes of this document.

Be careful about discussing your complaint with other people. It is easy for rumors to spread, and this can adversely impact everyone involved.

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## How will your matter be resolved?

All staff personal grievances are important to PCYC, and we want to address them. There are different approaches for resolving personal work-related grievance. You may wish for your grievance to be dealt with either informally or formally.

### The informal approach

Informal resolution is when the people involved resolve the issue between themselves. This can happen through discussions, or an exchange of correspondence or a mediated meeting between the parties involved to reach a resolution.

Informal resolutions will not involve PCYC investigating or making a formal decision about what has happened, or what the consequences should be. However, PCYC may help with discussion or communications, or provide guidance about the next steps.

### The formal approach

Formal resolution is when (either because this is what one of the parties involved wants, or the nature of the grievance requires) it is appropriate for PCYC to make a formal decision about what happened and/or a decision about the potential consequences needs to be made.

With personal grievances, PCYC has an absolute discretion as to whether to use a formal grievance resolution or not. If there is to be a formal grievance resolution:

- PCYC will ask the person with the grievance to describe the complaint in detail, usually in writing;
- The person(s) against whom the grievance is brought will be given details of the allegations against them and be given a reasonable opportunity to explain their side of the story;
- Other people (witnesses) may be interviewed with notes taken of the interviews and documents collected (where appropriate);
- After considering the evidence, PCYC will communicate the decision about the facts and the outcomes to all parties involved in writing.

## Potential outcomes

The potential outcomes for both formal and informal grievance processes include:

- A compromise between the parties involved about the issue raised.
- A decision that a complaint is correct or incorrect.
- A solution in which both parties benefit to some extent.
- Disciplinary action, up to and including termination of employment or contractor arrangement.
- No action being taken.

## b. Whistleblowing disclosures

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## What options are available to make a whistleblowing disclosure?

The following options are available to you if you would like to make a whistleblowing disclosure:

- Talking and/or writing to the Contact Officer. The Primary Contact Officer can be contacted at any reasonable time to discuss any disclosures.

Primary Contact Officer	
<b>Name (Title)</b>	Kellie Lavercombe (GM People & Culture)
<b>Phone</b>	0408 730 028
<b>Email</b>	wbco@pcycnsw.org.au
<b>Address</b>	LG, 6A Figtree Drive Sydney Olympic Park NSW 2127

- Contacting the PCYC auditors.
- Contacting a prescribed external authority, including the Australian Securities and Investment Commission (ASIC), Australian Prudential Regulation Authority (APRA) or the Commissioner of Taxation.

When contacting any of the above you should:

- Keep a file note of any correspondence or discussions (including the date and time) for future reference.
- Ensure that any email or correspondence that you send is marked 'Strictly Confidential'.
- Not make a whistleblowing disclosure to any person who has been in any way involved or connected with the content of the disclosure. If that is the case, contact a different person.

PCYC encourages you to speak to an independent legal representative at any time if you would like legal advice in relation to your whistleblowing disclosure.

## What to include in a whistleblowing disclosure.

You can choose to make a whistleblowing disclosure anonymously however, if you do choose to stay anonymous, this can make it difficult for PCYC or an external authority to assess and investigate the disclosure.

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If choosing to identify yourself when you make the disclosure, please note that the person you contact is legally required to keep your identity strictly confidential unless you provide permission for them to do so. If PCYC is aware of your identity, we will aim to work with you to protect your identity.

If you mail a whistleblowing disclosure, you should consider providing as many of the following details as possible to assist PCYC or an external authority to determine the best course of action:

- The specific nature of the conduct or state of affairs or circumstances that concern you.
- The details of the person(s) you think engaged or is engaging in any relevant conduct.
- When and where (dates and times).
- Details of anyone else aware of or involved in the conduct or events.
- Details of anyone else who might be able to verify your disclosure.
- If you have done anything in response to the conduct or events.
- If you have any concerns about being victimised and if so by whom.
- Any supporting information (documents, file notes, emails, photographs).

### How your whistleblower disclosure will be addressed.

#### Assessment of the disclosure

The Contact Officer is responsible for conducting a preliminary assessment of any report received from a whistleblower. The objective of the preliminary assessment is to determine whether the disclosure requires further investigation. A disclosure will only warrant further investigation if there is some objective evidence of the events, conduct or situation disclosed, or a reasonable suspicion that such evidence exists and may be obtained through further investigation. If you have identified yourself, then the person responsible might contact you to obtain further information before deciding to proceed.

If the whistleblower can be contacted, the Contact Officer is responsible for acknowledging the disclosure within a reasonable period after receiving the disclosure.

#### Investigation of the disclosure

If it is decided that a formal investigation is warranted, and you have identified yourself, PCYC or the investigator may seek your consent to disclose your identity (or information that might lead to your identification) for the purposes of the investigation. If you do not consent to this disclosure, then by law, PCYC or the person who knows your identity is only permitted to disclose your identity to ASIC, APRA or the Australian Federal Police or a legal practitioner to obtain advice.

That person is also permitted to disclose information that you have disclosed (apart from your identity) to investigate the matter, if they take all reasonable steps to reduce the risk that you will be identified because of the disclosure. PCYC also aims to maintain confidentiality about the investigation generally as far as practicable.

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If there is a formal investigation, this might involve third parties such as lawyers, accountants, HR consultants and/or specialist forensic investigators who may:

- Interview relevant witnesses.
- Collect relevant documentary evidence.
- Decide based on evidence.
- Document the findings.

### Investigation outcome

The investigator determines whether the information in the whistleblowing disclosure is proven on the balance of probabilities. The 'balance of probabilities' test requires consideration of whether it is more likely than not that the alleged conduct has occurred.

If the whistleblowing disclosures are proven, the investigator will report the outcome of the investigation to the decision maker for further action.

If the whistleblowing disclosures are not proven, but there is evidence of other inappropriate conduct, the matter might be referred to the General Manager People & Culture for further action in accordance with applicable policies and procedures. I.e. there may be a breach of the Code of Conduct.

If the whistleblowing disclosures are not proven and there is no evidence of other inappropriate conduct, no further action will be taken. Whatever the outcome, the whistleblower can be contacted, the decision maker will advise them of the outcome of the investigation.

### c. Protections – All types of grievances and disclosures

PCYC will ensure that staff that report work-related grievances/complaints and whistleblowers who make disclosures in good faith, do not suffer any detriment or disadvantage in retaliation or as a result. It will also ensure that other staff mentioned or involved in complaints or disclosures are treated fairly.

The protections set out below aim to achieve this. These protections may also be available to you if you make a disclosure to a legal practitioner to obtain legal advice or representation. Similar protections may also be available to you under the Tax Act, if the disclosure is in relation to a tax issue that arises from your relationship with PCYC.

#### Protection of identity and confidentiality (Whistleblower disclosures)

If you have made a whistleblowing disclosure, then PCYC will generally not be permitted to disclose any information that would suggest or reveal your identity without first obtaining your consent. If reasonably necessary, information that does not reveal your identity may be disclosed for the purposes of investigation your disclosure. It is important to note that in certain circumstances, PCYC may be compelled or permitted by law to disclose your identity. For example:

- To ASIC, APRA, the Tax Commissioner, or the Australian Federal Police.
- To a legal practitioner to obtain advice.

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- In legal proceedings or where the whistleblowing disclosures involve a threat to personal life.

## Protection of files and records

PCYC maintains record keeping and information sharing procedures with the aim of ensuring that all records are stored and handled securely. All files and records created from an investigation should be retained under strict security during the investigation and following the investigation by the General Manager People & Culture.

## No victimisation

'Victimisation' is what happens if a person is subjected to any detrimental treatment because of making a complaint or whistleblowing disclosure or someone else's belief that the person has made or will make a complaint or whistleblowing disclosure. It can include bullying and harassment, termination of employment, physical violence or threats there of or damage to reputation.

Detrimental treatment does not include administrative action that is reasonable to protect a whistleblower from detriment or reasonable management actions.

Victimisation is strictly prohibited. You should immediately inform the Contact Officer if you are subjected to victimisation or any threat of victimisation so that PCYC can take the appropriate action. The Contact Officer may need to work with others to manage the risk of victimisation including relevant managers, the People & Culture team or the Board. The Contact Officer is expected to:

- Take appropriate interim action, which might include temporary relocating you or the victimiser, or change your reporting line.
- Conduct a preliminary assessment of any alleged victimisation.
- If necessary and with your consent, refer the matter to the CEO for further investigation.
- If the allegations of victimisation are substantiated, and you consent, refer the matter to a decision maker for further action.
- Act in a timely manner.

Other staff mentioned or involved in the complaints and disclosures also need to be treated fairly. This is partly achieved by their involvement being kept reasonably confidential in accordance with the protections outlined. It also means that no decisions should be made that cause them detriment without proper investigation.

## Other whistleblower protections

Whistleblowers have additional protections under legislation, including:

- Whistleblowers are not subject to any civil, criminal, or administrative liability (including disciplinary action) for making a disclosure.
- No contractual or other remedy can be enforced, and no contractual or other right can be exercised against a whistleblower based on the disclosure.
- If the disclosure is made to ASIC, APRA, the Tax Commissioner or is a public interest/emergency disclosure, then the information is not admissible in criminal proceedings or for the imposition of a penalty against a whistleblower.

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- Whistleblowers may also seek compensation through the courts if they suffer loss, damage, or injury because of the disclosure. Other remedies may be available depending on the type of detriment suffered.

## d. Involvement in wrongdoing

PCYC may discipline anyone found to have:

- Unlawfully discriminated against, harassed, vilified, or bullied another person or otherwise acted inappropriately.
- Victimised a complainant or whistleblower.
- Disclosed information in breach of our confidentiality rules.
- Lied about a complaint or made a complaint maliciously or otherwise in bad faith.

Disciplinary action can involve termination of employment or contractor arrangements.

Some of the protections under this policy might also not be available to you if you are ultimately found to be involved in the wrongdoing that is the subject of a complaint or whistleblowing disclosure.

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## 5. Document Information

### Version History

Version	Date	Document Number	Created By	Role	Reason
1.0	Mar 2021	POL-022	Kellie Lavercombe	Head of People & Culture	New Policy
2.0	Jan 2024	POL-022	David Parrish	Head of Audit Risk & Compliance	General updates, including Primary Contact Officer.
3.0	Mar 2026	POL-022	David Parrish	Head of Audit Risk & Compliance	Change of Primary Contact Officer

### Reviewed By

Version	Date	Reviewed By	Role	Reason
1.0	Mar 2021	Dominic Teakle	CEO	New Policy
2.0	Jan 2024	Kellie Lavercombe	General Manager People & Culture	General updates, including Primary Contact Officer.
3.0	Mar 2026	Kellie Lavercombe	General Manager People & Culture	Change to Primary Contact Officer

### Acceptance Signoff

Version	Date	Reviewer	Role	Signature
1.0	Mar 2021	Dominic Teakle	CEO	
2.0	Jan 2024	Ben Hobby	CEO	
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