



Whistleblowing

Whistleblowing is the reporting, in the public interest, of misconduct such as negligence, misrepresentation, wastage of resources, and practices that endanger the health and safety of the public (including other employees), or corrupt conduct such as bribery, theft, fraud or other criminal activities.

It is the policy of the Australian Nursing and Midwifery Federation that:

1. Nurses, midwives and assistants in nursing (however titled) should be able to speak out without fear of reprisal or intimidation in circumstances of suspected or actual misconduct, corrupt conduct or criminal conduct.
2. Responding appropriately and in a timely manner to employee concerns and complaints will improve the health, safety and general wellbeing of employees and people accessing health services.
3. Health care organisations should have policies and procedures in place to assist employees, including managers, to deal with making, receiving and responding to complaints or reports of suspected or actual misconduct, corrupt conduct or criminal conduct.
4. The policies and procedures of health care organisations must comply with professional standards and reporting requirements of the Australian Health Practitioners Regulation Agency and should provide robust mechanisms that:
 - Maintain the privacy and the anonymity of the persons making a complaint or report of actual misconduct, corrupt conduct or criminal conduct.
 - Ensure persons making a complaint or report do not suffer any form of retaliation, victimisation, discrimination or adverse action as a result of submitting a complaint or report of actual suspected misconduct, corrupt conduct or criminal conduct.
 - Provide alternate steps to be taken when immediate supervisors are implicated in complaints or reports of misconduct, corrupt conduct or criminal conduct or where the outcome of the investigation does not satisfy the employee's concerns, for example identifying a senior person within the organisation responsible for responding to complaints or reports or nominating an independent external person or body to receive complaints or reports.
 - Ensure all complaints and reports of suspected or actual misconduct, corrupt conduct or criminal conduct are investigated and managed with procedural fairness, as soon as practicable.
 - Ensure persons who make a complaint or report are kept informed about the progress of the investigation and, with due consideration of privacy principles and procedural fairness, any actions that are to take place, and any related findings and recommendations from the investigation.



5. Employees should use internal procedures wherever possible to make a complaint or report to their employer of suspected or actual misconduct, corrupt conduct or criminal conduct. All such complaints or reports should initially be investigated internally.
 - 5.1 The investigation should commence as soon as practicable and be conducted in accordance with procedural fairness, including ensuring the investigation is undertaken by a suitably qualified and independent person.
 - 5.2 Investigation by an external independent person may also be appropriate in some circumstances.
 - 5.3 In making a complaint or report, registered health practitioners must also comply with reporting requirements of the Australian Health Practitioner Regulation Agency¹.
6. Health care managers who receive complaints or reports of misconduct, corrupt conduct or criminal conduct must manage the complaint in accordance with relevant legislation and the organisation's policies and procedures.
7. Nurses, midwives or assistants in nursing (however titled) who make a complaint or report or who are the subject of a complaint or report should seek support and advice from their ANMF State or Territory Branch.
8. Employers have an obligation to ensure they comply with any relevant whistleblower legislation (State, Territory and Commonwealth). Legislation provides legal protection against reprisals in some circumstances, for example the Corporations Act².

Endorsed November 2004

Reviewed and re-endorsed December 2007

Reviewed and re-endorsed February 2011

Reviewed and re-endorsed June 2014

Reviewed and re-endorsed May 2017

References

- 1 Nursing and Midwifery Board of Australia. Nursing and Midwifery Guidelines for Mandatory Notifications. <http://www.nursingmidwiferyboard.gov.au/Codes-and-Guidelines.aspx>
- 2 <http://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>