



anf policy

# australian nursing federation

## whistleblowing and nursing and midwifery

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 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 or corrupt 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 of 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 or corrupt conduct.
4. The policies and procedures of health care organisations must comply with 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 or corrupt 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 or corrupt conduct.
  - Provide alternate steps to be taken when immediate supervisors are implicated in complaints or reports of misconduct or corrupt 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 or corrupt conduct are 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 or corrupt conduct. All such complaints or reports should initially be investigated internally.

This investigation should commence as soon as practicable be conducted in accordance with procedural fairness, including ensuring the investigation is undertaken by a suitably qualified and independent person.

Investigation by an external independent person may also be appropriate in some circumstances.

In making a complaint or report, registered health practitioners must also comply with reporting requirements of the Australian Health Practitioner Regulation Agency.<sup>1</sup>

6. Health care managers who receive complaints or reports of misconduct or corrupt 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 ANF Branch.
8. Employers have an obligation to ensure they comply with any relevant whistleblower legislation within their State and Territory.

*endorsed november 2004*

*reviewed and re-endorsed december 2007*

*reviewed and re-endorsed february 2011*

## reference

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