

# WHISTLEBLOWING POLICY & PROCEDURE

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## Document Control

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## Revision History

Version Number	Status	Date	Author	Authorised By	Remarks
1.0	Policy	21/11/2018	Nina von Stebut	Board	Refresh of initial Policy
1.1	Update	23/10/2019	Nina von Stebut	COO	Anonymous reporting mechanism

## Related Policies

- Organisational Code of Conduct
- Employee Grievance Policy & Procedure
- Complaints Policy & Procedure
- Child Safeguarding Policy and Procedure

'Whistleblowing' means the reporting of suspected misconduct, illegal acts or failure to act according to Our Code.

The aim of this Policy is to **encourage employees and others** who have **serious** concerns about any aspect of our work to come forward and voice those concerns where they feel other reporting mechanisms are not appropriate.

The **Grievance Policy** enables **staff, interns and volunteers** to lodge a claim with regard to any **employment matter** or if h/she feels adversely affected by the misinterpretation or misapplication of any of our ChildFund policies.



A **complaint** is an expression of dissatisfaction, related to the standards of service, actions or lack of action by ChildFund Australia.

**Anybody affected** by our programs, including children and youth, members of the public, partners and supporters, child sponsors and other donors may raise a Complaint.

## Purpose

At all times ChildFund Australia (ChildFund) seeks to conduct its activities professionally, honestly and with integrity. However, all organisations face the risk of unprofessional conduct, criminal behaviour or mismanagement. At ChildFund it is our responsibility to take appropriate measures to identify such situations and to follow a defined procedure to investigate any such wrongdoings whilst protecting any Person raising concerns about potential misconduct.

ChildFund is committed to fostering a culture where People are feel comfortable to raise concerns about unethical and unacceptable conduct and can do so in a safe environment.

## Scope

This Policy and Procedure is intended to provide a means through which any individual or organisation is able to raise alleged or suspected Reportable Conduct, if they feel existing or local channels may have failed or may be inappropriate.

## Exclusions

This Policy and Procedure does not apply to any employment related grievance which is likely to be more appropriately covered through the Employee Grievance Policy & Procedure. The diagram at the front of the policy provides additional information as to which policies may be more appropriate in the instance of an employee grievance or complaint.

## Definitions

**People/Person** refers to all employees, interns, volunteers, directors, contractors, consultants, Partners, suppliers and service providers.

**Whistleblowing** is defined as a deliberate disclosure of individual or organisational Reportable Conduct by a person who has access to data, events or information about an actual, suspected or anticipated wrongdoing within the organisation.

**Whistleblower** refers to any Person who raises a Reportable Conduct matter under this Policy and who wishes to avail themselves of the protections offered by this Policy.

**Partners** refers to organisations that ChildFund works with in the delivery of project or country services.

**Whistleblower Protection Officer (WPO)** will be appointed to oversee adherence and application of this Policy and Procedure and to be the referral point for all investigations and subsequent board

reporting. This person must be of a level of seniority commensurate with the responsibilities of this role. Initially, 2 WPOs will be nominated, one male, one female in order to provide a gender option for Whistleblowers.

**Whistleblower Investigation Officer (WIO)** is a person suitably qualified and experienced to undertake an investigation in a factual and evidence-based manner consistent with this Policy and Procedure. This person will be independent of the area or Person to whom the matter relates. The WIO will be appointed by the WPO in consultation with the executive team, except if the executive team is impacted by the matter. In this case the Chair of the ChildFund Audit, Risk and Governance Committee will be involved. The WPO will decide if gender should be considered when appointing a WIO, depending on the matter and parties involved.

**Reportable Conduct** includes, but is not limited to:

- breaches of legal obligations (including negligence, breach of contract administrative law);
- criminal offences;
- engaging in acts of physical, sexual, emotional, psychological or financial abuse, exploitation or neglect of beneficiaries or Staff;
- mismanagement or the unauthorised use of organisational funds;
- actual or suspected fraud and/or corruption;
- actual or suspected acts of money laundering or terrorism financing;
- abuse of authority;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other staff;
- other unethical conduct;
- damage to the environment;
- a breach of any internal Policy including (but not limited to) the Organisational Code of Conduct, Child Safeguarding Policy, etc.
- an intentional disclosure or misuse of sensitive information, or
- the concealment or failure to report knowledge of the above actions in themselves or others.

## Policy Statement

ChildFund aims to provide People with a supportive environment and clear mechanisms that enable them to raise issues of legitimate concern. ChildFund will respond in a timely and respectful manner in accordance with this Policy and Procedure. ChildFund respects the right of People to raise concerns anonymously or through external authorities.

ChildFund will take steps to protect Whistleblowers from detrimental treatment or dismissal (if applicable) if they report actual or suspected Reportable Conduct in good faith. ChildFund undertakes to act in accordance with relevant legislation on disclosure of such Reportable Conduct in the workplace (both in Australia and internationally).

## Policy Principles

- All ChildFund People have an **obligation** to raise Reportable Conduct or suspected Reportable Conduct in accordance with this Policy
- All ChildFund People have the right to speak freely and honestly to raise Reportable Conduct in a safe environment without fear of retaliation or reprisal
- ChildFund will respond in a timely, respectful and confidential manner to all disclosures of Reportable Conduct
- ChildFund will provide the necessary support and protection to a Whistleblower when reports of actual or suspected Reportable Conduct are made in good faith

- Regular, at least annual training of the Whistleblowing Policy & Procedure will be undertaken across ChildFund offices.

## Policy in Action

### Confidentiality

If Reportable Conduct is raised under this policy, ChildFund will endeavour to protect the Whistleblower's identity. In order not to jeopardise the investigation into the alleged wrongful act, the Whistleblower is also expected to keep the fact they have raised a concern, the nature of the concern and the identity of those involved confidential.

ChildFund will not disclose the identity unless:

- the Whistleblower consents to the disclosure;
- the disclosure is required or authorised by law, and/or
- the disclosure is necessary to further the investigation.

Reportable Conduct raised under this Policy will be treated confidentially. However, when a matter is investigated it may be necessary to reveal its substance to people such as other ChildFund personnel, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies. Where there is a suspicion of criminal offence, the matter should be reported to the appropriate law enforcement agency even before the investigation is concluded and be guided by such an agency as to the appropriate actions.

At some point it may also be necessary to disclose the fact and the substance of a report to the person who is the subject of Reportable Conduct.

ChildFund will take reasonable precautions to store any records or files relating to a matter of Reportable Conduct securely and to permit access by authorised only.

Unauthorised disclosure of information relating to a matter, the identity of the Whistleblower or information from which the identity of the Whistleblower could be inferred will be taken seriously and may result in disciplinary action, which may include dismissal.

### Protection of Whistleblowers

No employee who raises genuinely held concerns in good faith under this Policy will be dismissed or subjected to any detriment as a result of such action, even if the concerns turn out to be unfounded. Detriment includes, but is not limited to, unwarranted disciplinary action and victimisation in any of the following forms:

- dismissal
- demotion
- any form of harassment
- discrimination
- loss of business or service (for non-employees)
- current or future bias
- threats of any of the above

Any such retaliatory action will be treated as serious misconduct and will result in disciplinary action which may include dismissal. If a Whistleblower believes retaliatory action has occurred or has been threatened, the Whistleblower has the right to make a submission to the Whistleblower Protection Officer or the Chair of the ChildFund Audit, Risk and Governance Committee. This Committee Chair is independent of management and will arbitrate the matter.

## Whistleblowers implicated in Reportable Conduct

Even though a Whistleblower may be implicated in Reportable Conduct, they will not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for raising a matter under this Policy. ChildFund will provide the necessary support to any Whistleblower throughout the process.

However, raising Reportable Conduct will not necessarily shield the Whistleblower from the consequences flowing from that person's involvement in the matter. In some circumstances an admission may be a mitigating factor when considering disciplinary or other action.

## False disclosures

ChildFund will treat all disclosures of Reportable Conduct seriously and protect those who raise concerns in good faith. However, while protection is provided to Whistleblowers under this Policy, deliberate false reports will not be tolerated and anyone found making a deliberate false claim or report will be subjected to disciplinary action, which could include dismissal.

## Procedure for raising Reportable Conduct

If People believe that the actions of any person (or a group of people) working or volunteering for ChildFund do or could constitute Reportable Conduct they should raise the matter via the appropriate channel. The avenues for reporting are:

- Directly to the Whistleblower Protection Officer ([wpo@childfund.org.au](mailto:wpo@childfund.org.au)).
- Through our [Anonymous Reporting Mechanism](#).
- Directly to any appropriate regulator or authority.

People may raise their concerns verbally or in writing and should include full details together with any supporting evidence that may be available. They should state they are using the Whistleblowing Policy and specify whether they wish for their identity to be kept confidential. People choosing to raise their concerns in writing should use the template provided (see Appendix A).

## How a disclosure will be handled

All disclosures will be taken seriously and the following procedure will be used:

1. The Whistleblower must disclose at the outset, any personal interest they may have in the matter. This must include full disclosure of any involvement the Whistleblower has had in the matter.
2. A Whistleblower Investigation Officer will be appointed to manage the disclosure. The Whistleblower Investigation Officer may engage the services of an external party to support the investigation where necessary providing such approval has been granted by the Whistleblower Protection Officer. Such appointment would be subject to a confidentiality undertaking by the external party.
3. The Whistleblowing Protection Officer commits to scrutinise the case upon receipt of the initial allegation and take immediate action in cases where this is deemed warranted (e.g. child exploitation suspicions, serious fraud suspicions). In all other cases ChildFund undertakes to start the investigation within 14 days of the disclosure. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, there will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.

4. The Whistleblower may be asked to provide more information during the course of the investigation.
5. The Whistleblower Investigation Officer investigating the disclosure will prepare an investigation report that will be reviewed by the Whistleblower Protection Officer.
6. Appropriate action will be decided by the Whistleblower Protection Officer in discussion with relevant senior managers. Action may include: initiating a disciplinary process, or informing external authorities if a criminal action has been committed or suspected of being committed, e.g. fraud or theft.
7. If referral to an external authority is necessary, the CEO will be advised and the Whistleblower will be informed. If ChildFund considers it appropriate to do so, such a referral may need to be made without the Whistleblower's knowledge or consent.
8. If it is found that there is not sufficient evidence of, or the actions of the individual(s) are not serious enough to warrant disciplinary action, it may be appropriate for the manager to take a more informal approach to dealing with the matter. In this circumstance possible outcomes of the investigation could be that:
  - a. The allegation could not be substantiated; or
  - b. Action has been taken to ensure that the problem does not arise again.
  - c. A more applicable policy and procedure is applied to the matter
9. If the Whistleblower is not satisfied with the response they have received they have the option to raise the matter with the CEO, the Whistleblower Protection Officer or the Chair of the ChildFund Audit, Risk and Governance Committee of the ChildFund Board.

### **Corrective action and compliance**

Should allegations be found to be unsubstantiated, every effort will be made to address any negative effects on the reputation and morale of staff members involved. As part of the investigation into disclosures made under this Policy, recommendations for change will be invited from the Whistleblower Investigation Officer and/or the Whistleblower Protection Officer to enable ChildFund to minimise the risk of the recurrence of any Reportable Conduct that has been disclosed. The Chief Executive Officer, or a designated Senior Manager, will be responsible for reviewing and implementing these recommendations.

### **Communication with the Whistleblower**

The Whistleblower will be kept informed of the progress of the investigation. The Whistleblower will be informed of the outcomes of the investigation subject to the considerations of privacy of those against whom the allegations have been made. If the Whistleblower has raised Reportable Conduct via the Anonymous Reporting Mechanism, they will be communicated to through the portal.

### **Management of a person against whom a report is made**

Generally, the person who is the subject of any report that is investigated, will:

- be informed as to the substance of the allegations;
- be given the opportunity to answer the allegations before any investigation is finalised;
- be informed about the substance of any adverse comments that may be included in any report arising from the investigation before it is finalised;
- have their defence set out fairly in any report.

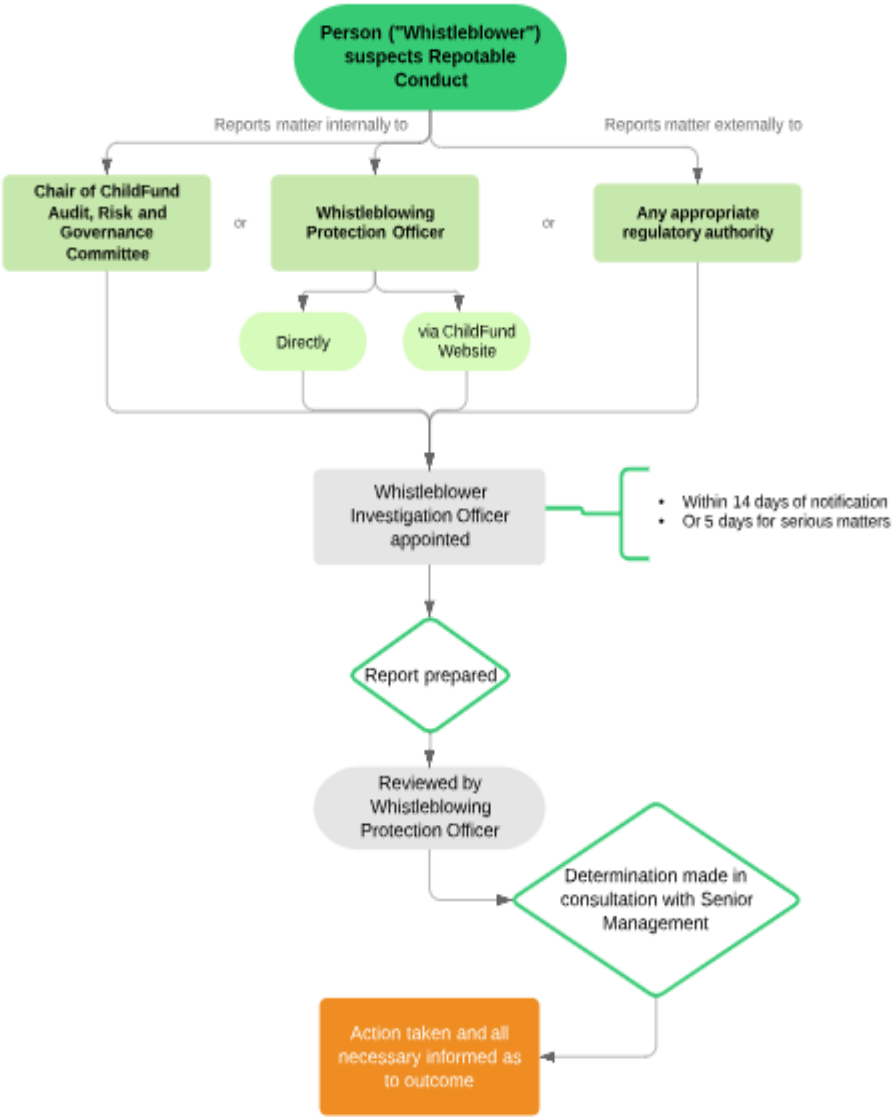
ChildFund recognises that individuals against whom a report is made must also be supported during the handling and investigation of the alleged reportable conduct. ChildFund will take reasonable steps to ensure the person who is the subject of a report, is treated fairly, particularly during the

assessment and investigation process. Support provided by ChildFund may include referral for counselling.

Where a person is named by a Whistleblower as being suspected of possible Reportable Conduct but preliminary inquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted then the Whistleblower will be informed of this outcome and the matter laid to rest.

Where an investigation does not substantiate the report, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.

**Procedure Flowchart**



The ChildFund board is advised of all proven Reputable Conduct matters and actions taken.



## APPENDIX A – Whistleblower Report

**Note: If you wish to remain anonymous do not complete items 1 – 4 of this questionnaire**

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> I authorise the use of the information provided in this report in accordance with the Whistleblowing Policy | <input type="checkbox"/> I would like a summary of my concerns and proposed action to be provided to me | <input type="checkbox"/> I have a preference that the WPO is Female | <input type="checkbox"/> I have no preference as to the gender of the WPO |
|  |   | <input type="checkbox"/> I have a preference that the WPO is Male   |   |

1.	Please state your full name	
2.	Please state <ul style="list-style-type: none"> <li>▪ your position title</li> <li>▪ and your office location</li> </ul>	
3.	What is your work telephone number and email address?	
4.	What is the name of your immediate manager?	
5.	Please describe in detail the matter you would like to disclose	
6.	How was the matter discovered?	
7.	Over what period of time has the suspected activity occurred?	
8.	Why do you consider this matter to be a wrongful act?	

9.	Please name all the people involved in the suspected wrongful act	
10.	Are there any witnesses? If "yes" please state their names:	
11.	Do you have any supporting evidence?	
12.	Where is the evidence located?	
13.	Is the evidence in danger of being lost or destroyed?	
14.	Please explain how this evidence can be retrieved → by the person involved in investigating the matter, OR → provide the evidence with your report.	
15.	Have you been told about this matter by someone else?	
16.	Who else knows about this matter?	
17.	Please state (in detail) if you have any concerns regarding reprisals or recriminatory action taken or that might be taken against you.	
18.	Please include any other details which you believe are relevant. This should include whether you have any personal interest in the matter.	