



# Whistleblower Policy

## 10 December 2019

### Revision History

Version	Change	Author	Date of Change

Policy Title	<i>Whistleblower Policy</i>
Policy Owner	<i>Board of Directors (Chief Executive Officer)</i>
Policy Approver	<i>Board of Directors</i>
Related Policies	<i>Complaints Policy</i>
Related Procedures	<i>Complaints Procedure, Whistleblower Procedure</i>
Storage Location	<i>VolunteeringACT's Website</i>
Effective Date	<i>10 December 2019</i>
Review Date	<i>June 2020</i>

## Purpose

The objective of this policy is to encourage reporting of wrongdoing that is of legitimate concern by providing a convenient and safe reporting mechanism, and protection for people who make serious wrongdoing disclosures.

## Scope

The Board of VolunteeringACT (VACT) is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles). Employees are expected to cooperate with the organisation in maintaining legal, proper, and ethical operations, if necessary, by reporting non-compliant actions by other people. Correspondingly, employees who do assist in maintaining legal, proper, and ethical operations should not be penalised in any way.

## Policy Statement

VolunteeringACT is committed to the highest standards of conduct and ethical behaviour and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance. People who have a working relationship with VACT are often the first to realise that there may be something seriously wrong. However, they may not wish to speak up for fear of appearing disloyal or may be concerned about being victimised or subject to reprisals for reporting wrongdoing.

VolunteeringACT encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving VACT and provides protections and measures so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage or reprisal.

When a person makes a disclosure:

- Their identity must remain confidential according to their wishes
- They will be protected from reprisal, discrimination, harassment or victimisation for making the disclosure
- An independent internal inquiry or investigation will be conducted
- Issues identified from the inquiry/investigation will be resolved and/or rectified
- They will be informed about the outcome
- Any retaliation for having made the disclosure will be treated as serious wrongdoing under this Policy

## Eligible Whistleblowers

A whistleblower is a person (being a director, manager, employee or contractor of, or volunteer for, VolunteeringACT) who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with reportable conduct and wishes to avail themselves of protection against reprisal for having made the report.

## Disclosable Matters

Breaches of general law, organisational policy, or generally recognised principles of ethics include:

- corrupt conduct
- fraud or theft
- official misconduct
- maladministration
- harassment or unlawful discrimination
- serious and substantial waste of public resources
- practices endangering the health or safety of employees, volunteers, or the general public
- practices endangering the environment.

## Making a Disclosure

Where a person believes in good faith on reasonable grounds that any other employee, volunteer, Director, or contractor has breached general law, organisational policy, or generally recognised principles of ethics, that employee must report their concern to, via email, phone or in person, to one of the following recipients:

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
- the CEO: or, if they feel that the CEO may be complicit in the breach,
- the organisation's nominated Whistleblower Protection Officer (Human Resource Manager),
- the Chair of the Board, or
- if necessary, the Board may nominate an external, or (where a breach of general law is alleged)
- the duly constituted legal authorities responsible for the enforcement of the law in the relevant area.

Any person reporting such a breach should be informed that:

- as far as lies in the organisation's power, the employee will not be disadvantaged for the act of making such a report; and
- if the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law; however,
- reporting such a breach does not necessarily absolve the complainant from the consequences of any involvement on their own part in the misconduct complained of.

Any such report should where possible be in writing and should contain, as appropriate, details of

- the nature of the alleged breach;
- the person or persons responsible for the breach;

- the facts on which the complainants's belief that a breach has occurred, and has been committed by the person named, are founded;
- the nature and whereabouts of any further evidence that would substantiate the complainant's allegations, if known.

Evidence to support such concerns should be brought forward at this time if it exists. The absence of such evidence will be taken into account in subsequent consideration of whether to open an investigation into the matter. However, absence of such evidence is not an absolute bar to the activation of the organisation's investigative procedures. The existence of such a concern is sufficient to trigger reporting responsibilities.

In contemplating the use of this policy, a person should consider whether the matter of concern may be more appropriately raised under either the organisation's constitutional grievance procedures or its disputes resolution policy.

## Anonymity

If the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law.

The complainant should, however, be informed that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.

Where anonymity has been requested the complainant is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorized persons.

## Investigation Process

On receiving a report of a breach, the person to whom the disclosure is made shall

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision
- if they believe the behaviour complained of to be neither trivial nor fanciful, put in motion the investigation process described below.

The person to whom the disclosure was made shall notify the CEO, who shall be responsible for ensuring that an investigation of the charges is established and adequately resourced.

Terms of reference for the investigation will be drawn up, in consultation with the CEO, to clarify the key issues to be investigated.

An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

Strict security will be maintained during the investigative process.

All information obtained will be properly secured to prevent unauthorised access.

All relevant witnesses will be interviewed, and documents examined.

Contemporaneous notes of all discussions, phone calls and interviews will be made.

Where possible, interviews will be taped.

The principles of procedural fairness (natural justice) will be observed. In particular, where adverse comment about a person is likely to be included in a report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

The person or persons conducting the investigation shall be as far as possible unbiased.

A report will be prepared when an investigation is complete. This report will include

- the allegations
- a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions
- the conclusions reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis
- recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

## Protection of Informant

Where the investigation has found that the person making the allegation made it in good faith on reasonable grounds, the CEO shall designate an officer to be responsible for ensuring that the person suffers no employment-related disadvantage on account of their actions in this matter and to provide additional support for the person where necessary.

## Evaluation

The Board of Directors will review this policy annually and advise of any new guiding principles arising from high or severe risk identification.

## Accessibility

This policy will be made publicly available on the VolunteeringACT's website.

## References

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Act)

Corporations Act 2001 (Cth), Part 9.4AAA

Taxation Administration Act 1953 (Cth)