
Whistleblower Policy

May 2020

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| Board Ratification Date | May 2020 Nov 2018 | |
| Reaffirmation Date | | |
| Revision Date | Nov 2019 | Revised to reflect our PSEAH policy and to correct contact details. |
| Next Review Date and Cycle | May 2023 | Three years from date of ratification or last substantial review, or when required by Australian Govt or other Regulatory bodies. |

“Typically, whistleblowing happens when an employee or worker raises a specific concern, usually to their employer or an external regulator, regarding some danger, fraud or other illegal or unethical conduct that affects others, for example other workers or members of the public. The potential organisational risks are normally greater in workplace malpractice complaints and generally do not affect the complainant personally. They are therefore different from a normal grievance or complaint which the individual is personally affected. (People in Aid Guide and Template, Whistle Blowing, Revised 2008)”.

Purpose

The purpose of this policy is to encourage the reporting of serious misconduct within or by Act for Peace by providing safe reporting mechanisms and protection for people who make such disclosures.

The Whistleblower Policy covers concerns that affect others.

Our Complaints Policy covers concerns that directly or indirectly affect the complainant.

Our Staff Grievance Handling Policy relates to internal matters.

Objective

As part of Act for Peace’s commitment to being a healthy, transparent and open Agency, this policy ensures that Act for Peace maintains the highest commitment to the protection of whistle-blowers and a safe environment for reporting.

Principles

- I. **Integrity:** Act for Peace will act with honesty being guided by ethical and moral principles. We recognize the value and diversity of every person and are committed to treating others with due regard for their rights, dignity and integrity.
- II. **Address concerns informally where possible:** Informal concerns or grievances should be raised and discussed with responsible employees as close to the activity as possible so that informal discussion can resolve the issue quickly and effectively.
- III. **Accountability and Transparency:** Employees, Board members, contractors, consultants, partners and volunteers of Act for Peace must be consulted regarding appropriate and effective ways of giving feedback or making a complaint. They must also know their rights and entitlements and be fully informed of the whistleblower policy.
- IV. **Anonymity and confidentiality:** In the case of sensitive complaints, information about the complaint and subsequent investigation shall be addressed in a confidential way and only be disclosed to those that ‘need to know’ for the purpose of the investigation.

Confidentiality for the Subject of Complaint should also be respected.

- V. **Ensure the safety of all witnesses:** The risk of injury or harm to witnesses (the complainant, the Subject of Complaint, other witnesses) must be assessed and addressed when a formal complaint about a grievance is received prior to undertaking an investigation.
- VI. **Be proactive in addressing allegations of Sexual Exploitation and Abuse:** In the case of alleged sexual abuse, the witness, complainant / and or survivor(s) and the Subject of Complaint(s) shall receive timely and appropriate support and redress. This may include medical support and counselling.
- VII. **Be fair, independent and equitable:** All investigations must be conducted in a fair, independent and equitable way. Remember, as a witness, the Subject of Complaint is assumed innocent until an allegation is substantiated or not.
- VIII. **Respect national laws and contracts:** The complaints handling process must respect national employment and criminal laws (with the exception of national or customary laws that may be discriminatory or have the potential for negative consequences as decided by the investigation manager), Act for Peace employment contracts, policies, behavioral codes and procedures. If an Act for Peace policy has a higher standard than a national law, then in the case of staff discipline, the Act for Peace policy stands.
- IX. **Report Child and Sexual Exploitation and Abuse to the authorities where mandatory:** In countries where it is a legal obligation to report allegations of child abuse or sexual assault to the national police, Act for Peace management must consider whether, how and when to inform national authorities. The survivor's view shall be sought, as people who report abuse may be at risk from the authorities in some countries. Donors will be notified of abuse where required.

Scope

This policy applies to employees, Board members, contractors, consultants, partners and volunteers. It also applies to a person or organisation with a relationship with Act for Peace who reports serious misconduct within or by an Act for Peace employee or other.

All employees, Board members, contractors, consultants, partners and volunteers of Act for Peace have an obligation to report any knowledge, suspicions, or concerns of breaches of the Act for Peace Code of Conduct or Child Safeguarding Code of Conduct through appropriate channels within the Act for Peace whistle blowers policy. This includes but is not limited to any suspicions of sexual exploitation, abuse and harassment.

Policy Statement

This Policy supports the disclosure of wrongdoing occurring within Act for Peace so that appropriate action can be undertaken. Act for Peace is committed to maintaining an environment where legitimate concerns regarding illegal, unethical, corrupt or other improper conduct are able to be reported without fear of retaliatory action or retribution.

People who have a working relationship with Act for Peace are often the first to realise that there may be serious misconduct concerns, such as breaches of the Codes of Conduct, policies or the law. However they may not wish to report this misconduct for fear of appearing disloyal or concern about being victimised or subject to reprisals.

All Board members, employees, volunteers, contractors, consultants and partners of Act for Peace who are aware of possible wrongdoing have a responsibility to disclose that information.

When a person makes a disclosure of perceived wrongdoing:

- Their identity remains confidential at all times to the extent permitted by law or is practical in the circumstances
- They will be protected from reprisal, harassment or victimisation for making the disclosure
- An independent internal inquiry or investigation will be conducted according to the investigation procedure. If necessary an external investigation will be conducted
- Issues identified from the inquiry / investigation will be resolved and/or rectified
- They will be informed of the outcome
- Any retaliation for having made the disclosure will be treated as serious wrong doing under this Policy.

Definitions

Whistleblowing is:

The disclosure by or for a witness, of actual or suspected misconduct in an organisation that reveals fraud, corruption, illegal activities, gross mismanagement, malpractice, sexual exploitation, abuse, harassment or any other serious wrong doing.

A Whistleblower is:

A person who reports serious misconduct in accordance with this policy. The report may be made anonymously. A Whistleblower is someone who raises a concern about a danger or an illegality that affects others; they are not usually directly affected by the danger or illegality and therefore are unlikely to have a personal interest in the outcome of any investigation that may occur.

A Contact Officer is:

A person responsible for receiving protected disclosures (the information that is 'whistle blown') and referring them to the appropriate person for investigation and action.

The Contact Officer is also responsible for ensuring that the Whistleblower has adequate support through the investigation process. The responsibilities of a Contact Officer cannot be delegated (except between Contact Officers if the appointed Contact Officer is required to be absent from the office for a period of time or is due for leave).

Act for Peace Contact Officers:

| Name | Title | Contact Email | Contact Number |
|---------------|-------------------------|-------------------------------|------------------------------|
| Janet Cousens | Chief Executive Officer | complaints@actforpeace.or.gau | 02-8259-0825 0410-676-007 |
| Sonia Mar | Chief Operating Officer | complaints@actforpeace.org.au | 02-8259-0808 |

External Contact Officer

| Name | Title | Contact Email | Contact Number |
|---------------------------------|--------------|---|-----------------------|
| ACFID Code of Conduct Committee | | https://acfid.asn.au/content/complaints | |

A Whistleblower Protection Officer is:

A person appointed to lead the investigation who should be either:

- A qualified internal investigator who is independent of the area where the wrongdoing is alleged to have occurred, or
- A qualified external investigator independent of Act for Peace where considered necessary.

Misconduct, for this policy, is behaviour that:

- Breaches our Code of Conduct or Child Safeguarding Code of Conduct
- Breaches legislation, regulations or local government by-laws or is otherwise illegal (including corporations law, theft, drug sale / use, violence or threatened violence or criminal damage against property)
- Is corrupt or is an abuse of public trust
- Is unethical, fraudulent, or considered maladministration including acting dishonestly or willfully breaching the Act for Peace Codes of Conduct or the ACFID Code of Conduct
- Perverts the course of justice
- Unreasonably endangers health and safety of others or the environment
- Results in serious or substantive waste (including of agency resources)
- Is gross mismanagement or repeated breaches of administrative procedures
- Causes financial or non-financial loss to Act for Peace; or damage its reputation; or be otherwise seriously contrary to Act for Peace's Whistleblower policy
- Involves any other kind of serious impropriety including retaliatory action against a Whistleblower for having made a wrongdoing disclosure.

Procedures

1. All Act for Peace staff will be made aware of this policy and their responsibilities to report wrongdoing to a Contact Officer. It is the responsibility of the Chief Executive Officer to ensure all staff are adequately trained in understanding, identifying and (where possible) mitigating any activity that may be misconduct, as defined in this policy.
2. The Whistleblower policy will be available on the Act for Peace website.
3. A Whistleblower should report instances of, or suspicions of misconduct to a Contact Officer. Reports must be made in good-faith and be as thorough as possible. False or malicious allegations may result in disciplinary action.
4. The Contact Officer will appoint an appropriate Whistleblower Protection Officer, who is not implicated in the report to lead the investigation. The responsibilities of the appointed investigator include the assurance that action taken in response to the inquiry is appropriate to the circumstances and retaliatory action will not be taken against the Whistleblower.
5. The Contact Officer will notify the Chair of the Act for Peace Board, and authorities as required by the nature of the disclosure.
6. The Whistleblower Protection Officer has access to independent financial, legal and operational advisors as required, and a direct line of reporting to the Contact Officer, as may be required to satisfy the objectives of this policy.
7. The Whistleblower Protection Officer will follow Act for Peace's Complaints Procedure and Investigation Procedure.

8. The Whistleblower Protection Officer must keep the Contact Officer regularly informed of the investigation process.
9. The Whistleblower Protection Officer is responsible for keeping the Whistleblower informed of the progress and outcomes of the inquiry/investigation subject to considerations of privacy of those against whom the allegations have been made.
10. The Whistleblower Protection Officer may second the expertise of other officers in Act for Peace to assist in the investigation and may seek the advice of internal or external experts as required.

Obligations

A Whistleblower must provide information to assist any inquiry/investigation of the wrongdoing disclosed.

Even though a Whistleblower may be implicated in the wrongdoing they must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy.

It is important to note that making a report may not protect the Whistleblower from the consequences flowing from involvement in the wrongdoing itself. A person’s liability for their own conduct is not affected by their reporting of that conduct under this policy. However active cooperation in the investigation, an admission and remorse may be taken into account when considering disciplinary or other action.

Annex 1: Act for Peace Objectives and Indicator Table

| <u>Objective</u> | <u>Activity</u> | <u>Indicators</u> |
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| To ensure that Act for Peace adheres to our Codes of Conduct, policies, laws and external regulations in relation to provision of a safe environment for reporting. | <p>All staff are introduced to the policy during orientation.</p> <p>The policy is included in an annual policy refresher session for staff and included in PSEAH training.</p> <p>Investigations into allegations received are conducted according to the principles and procedures agreed in this policy.</p> | <ol style="list-style-type: none"> 1. Confirmation that this policy is reviewed at orientation. 2. Annual Policy refresher for staff. 3. PSEAH training covers this policy 4. ‘Lessons Learnt’ exercises conducted at the end of each investigation confirm the principles and procedures of the policy were followed. |

Annex 2: Resource and Reference List

ACFID Code of Conduct: <https://acfid.asn.au/code-of-conduct>