

Whistleblower Policy

June 2024

Board Ratification Date	May 2020 Nov 2018	
Reaffirmation Date		
Revision Date	Nov 2019	Revised to reflect our PSEAH policy and to correct contact details.
	May 2022	Contact details updated including Stopline details. Updates to definitions to include protections under Australian Law in certain circumstances. Update to structure of policies policy and references. Commitment to well-being of victim/survivor
	January 2024	Update of review date as per the approved Policy Review and Reporting Schedule Nov 2023. General and consistency formatting.
	June 2024	Administration change – Updated CEO details
Review Date	March 2027	Five 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)”.

1. Policy Statement

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 as whistleblowers.

This Policy supports the disclosure of wrongdoing occurring within or by 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 can 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. We want to know if someone suspects, has observed or experienced wrongful conduct. The earlier Act for Peace finds out that something is going wrong in our organisation the sooner we can do something about it.

All Board members, staff, 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 wrongdoing under this Policy.
- They have extra protection under Australian law if they:
 - Are connected to Act for Peace (be an ‘eligible whistleblower’)
 - Tell the right person (a ‘Contact Officer’) and
 - Make a certain type of complaint (a ‘disclosable matter’)

The Whistleblower Policy covers concerns that affect others, and generally does not affect the complainant personally. Our Complaints Policy covers concerns that directly or indirectly affect the complainant. Our Staff Grievance Handling Policy relates to internal matters.

2. 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 whistleblowers and a safe environment for reporting.

3. Principles and Standards

- 1. 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 staff as close to the activity as possible so that informal discussion can resolve the issue quickly and effectively.
- III. Accountability and Transparency:** Staff, 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 in the Subject of Complaint should also be respected. Using a third-party reporting service allows greater ability for the complainant to remain anonymous if they wish.
- 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.
- X. People focused and victim/survivor-centred:** Act for Peace understands that making complaints can be difficult and commits to a "do no harm" approach. We prioritise the safety, rights, needs, and wishes of all people whilst ensuring procedural fairness to all parties. We especially recognise the needs of those who are vulnerable or maybe victims/survivors of harm. Access to other support services including health or psychological services will be made available.

4. Scope

This policy applies to staff, 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.

This policy does not involve general complaints, queries or requests relating to:

- (a) a general enquiry about AfP's work;
- (b) a request for information;
- (c) an initial request to amend donor records;
- (d) a request to unsubscribe or be removed from AfP's database;
- (e) a work-related grievance or interpersonal conflicts between staff (covered by Staff Grievance Handling Policy); or

(f) a general complaint such as AfP failing to meet a specific commitment or obligation in our programs (covered by Complaints Policy)

5. Definitions

Whistleblowing is:

The disclosure by or for a witness, of actual or suspected misconduct in Act for Peace that reveals fraud, corruption, illegal activities, gross mismanagement, malpractice, sexual exploitation, abuse, harassment, risk to health and safety or any other serious wrongdoing.

Whistleblowing disclosures are normally greater in severity to general 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.

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.

An Eligible Whistleblower is:

A person who makes or attempts to make a protected disclosure and is connected to Act for Peace as:

- a) A current or former employee, volunteer, Board Director, contractor, or an employee of a contractor or partner who has supplied goods or services to Act for Peace
- b) A spouse, relative or dependant on of the people referred to at (a).

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
Tricia Keys	Head of Operations	complaints@actforpeace.org.au	+61 02 8259 0800
Elijah Buol	Chief Executive Operations	ebuol@actforpeace.org.au	+61 02 8259 0800

If your disclosure is about the CEO, you can also make a complaint to the Head of Operations or a Board Director.

External Contact Officer:

Stopline is an external complaints and whistleblowing service engaged by Act for Peace to support safe handling of complaints and investigations. Stopline can be contacted:

- By Email: actforpeace@stopline.com.au
- By online web-based form: <https://actforpeace.stoplينereport.com>
- By Letter: **Act for Peace, c/o Stopline, PO Box 403, Diamond Creek, VIC 3089, Australia**
- By phone: **Australia: 1300 30 45 50 International: +61 3 9811 3275**

Other organisations are also eligible to receive whistleblowing complaints, including ACFID, a government

body such as ASIC, an auditor, or a legal practitioner (in this case you must ask for legal advice on Whistleblower protections).

A Whistleblower Protection Officer is:

A person appointed by Act for Peace 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 were considered necessary.

A Disclosable Matter:

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
- Is harassment, unlawful discrimination, or bullying?
- 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.

Mandatory Reporting

The obligation of certain professional groups and community members to report incidents of abuse.

At Act for Peace, it is mandatory to report any concerns, suspicions or alleged incidents of child abuse or exploitation and/or any sexual exploitation, abuse, or harassment in line with our PSEAH and Child Protection policies. It is also mandatory to report fraud and suspected terrorism activities.

Whistleblower Protections

If a complaint is made in good faith the whistleblower may receive additional protections under Australian Law (the corporations Act) in certain circumstances. To receive these extra protections the

Whistle-blower needs to:

- Be an 'eligible whistle-blower.'
- Tell the right person (a contact officer)
- Make a complaint that is a 'disclosable matter.'

6. Procedures

1. All Act for Peace staff will be made aware of this policy and their responsibilities to report wrongdoing to a Contact Officer or via the Act for Peace external Whistleblower and complaints management hotline, Stopleveline. 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 Stopleveline or 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. We encourage use of the Stopline Whistleblower service if:
 - complainants feel uncomfortable reporting to the Contact Officers, or
 - If complainants have sensitive or whistleblower complaint (including child protection, sexual exploitation, abuse, harassment, or fraud), or
 - If complainants wish to make an anonymous complaint.

To remain anonymous, complainants can make a complaint to Stopline without sharing their name, or they can tell Stopline their name but ask Stopline not to share their name with Act for Peace. If a complainant wants to receive updates about the complaint, they will need to tell Stopline how to contact them (Stopline will keep contact information confidential).

Any employee or volunteer, partner, vendor, programme participant, or other outside party, may use this service to report wrongful conduct.

5. If a complaint or whistleblowing allegation is made via StopLine they will alert a Contact Officer to allow an investigation to take place. StopLine may continue to be involved to support the investigation process.
6. 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.
7. The Contact Officer will notify the Chair of the Act for Peace Board, and authorities as required by the nature of the disclosure.
8. The Whistleblower Protection Officer has access to independent financial, legal, and operational advisors as required, which may include Stopline, and a direct line of reporting to the Contact Officer, as may be required to satisfy the objectives of this policy.
9. The Whistleblower Protection Officer will follow Act for Peace's Complaints Procedure and Investigation Procedure.
10. The Whistleblower Protection Officer must keep the Contact Officer regularly informed of the investigation process.
11. 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.
12. 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.
13. Act for Peace will keep a confidential register of complaints with the ability to de-identify complaints at the request of the victim/survivor.

7. 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, victimisation, or harassment 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: Resource and Reference List

ACFID Code of Conduct:

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

ACNC Whistleblower guidelines:

<https://www.acnc.gov.au/tools/factsheets/whistleblower-protections>

ASIC Whistleblower protections for not-for-profit organisations:

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-protections-for-not-for-profit-organisations/>

Annex 2: Act for Peace Objectives and Indicator Table

Objective	Activity	Indicators
To ensure that the Act for Peace adheres to our Codes of Conduct, policies, laws, and external regulations in relation to the provision of a safe environment for reporting.	All staff are introduced to the policy during orientation. The policy is included in an annual policy refresher session for staff and included in PSEAH training. Investigations into allegations received are conducted according to the principles and procedures agreed in this policy.	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.