

Whistleblower Policy & Procedure

Policy Statement:	<p>Welcoming Australia is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance. Welcoming Australia recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct.</p> <p>This Whistleblower Policy & Procedure has been developed so that people can raise concerns regarding situations where they believe that Welcoming Australia or anybody connected with Welcoming Australia has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below.</p>	
Scope:	All employees, volunteers and participants	
Responsibility:	Board & CEO	
References:	The Institute of Community Directors Australia	
Authorised by:	Aleem Ali	Date: 1 June 2020

Purpose

This policy aims to:

1. Encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct;
2. Provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within Welcoming Australia (WA);
3. Enable WA to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information;
4. Ensure that any reportable conduct is identified and dealt with appropriately;
5. Ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported; and
6. Help to ensure that WA maintains the highest standards of ethical behaviour and integrity.

Scope

This policy applies to employees, directors, officers, contractors (including employees of contractors), volunteers, suppliers and consultants. Within this policy all of these people are represented by the term 'Workers'.

Although they are under no obligation to do so, any associate, family member or dependent of any person in the above groups of people may also speak up. If they do choose to speak up in line with this policy, we will extend to them the relevant rights and protections under this policy.

Principles

1. **Higher standard** – This policy is designed to comply with WA's legal obligations. If anything in this policy is inconsistent with any law imposed on WA, that legal obligation or the 'higher standard' will prevail over this policy.

2. **Speak up and report it!** – We encourage workers at WA to report any concerns in line with our policies and procedures.
3. **Our expectations of workers** – WA expects workers to act honestly and ethically, and to make any report on reasonable grounds.
4. **Our responsibility to whistleblowers** – Our obligations to workers are spelled out in this policy, but specifically, in the section titled ‘Protection’.
5. **Confidentiality** – WA will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While WA encourages whistleblowers to identify themselves to the CEO or the Chair of the Board, they may opt to report their concerns anonymously.

Reportable Conduct

A. Who can make a report?

A whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with WA, and wishes to avail themselves of protection against reprisal for having made the report.

A whistleblower may be a current or former worker with WA.

B. What is Reportable Conduct?

A person may disclose any information that they have reasonable grounds to suspect concerns, misconduct, or an improper state of affairs or circumstances in relation to WA.

Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:

1. Dishonest
2. Corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits)
3. Fraudulent
4. Illegal (including theft, drug sale or use, violence or threatened violence, or property damage)
5. In breach of regulation, internal policy or code (such as our Code of Conduct)
6. Improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower
7. A serious impropriety or an improper state of affairs or circumstances
8. Endangering health or safety
9. Damaging or substantially risking damage to the environment
10. A serious mismanagement of WA’s resources
11. Detrimental to WA’s financial position or reputation
12. Maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives)
13. Concealing reportable conduct.

Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, participant of our programs, supplier or service provider.

C. What is *not* Reportable Conduct?

1. While everybody is encouraged to speak up and report any concerns to WA, not all types of conduct are intended to be covered by this policy or by the protections under the *Corporations Act 2001* (Cth). This policy does not apply to personal work-related grievances (see next three points), unless the grievance includes victimisation due to whistleblowing.
2. Personal work-related grievances are those that relate to the discloser's current or former employment with WA that might have implications for the discloser personally but do not:
 - a) Have any other significant implications for WA or
 - b) Relate to any conduct or alleged conduct about a disclosable matter (as set out under the heading What is Reportable Conduct?).
3. Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.
4. However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

D. Information needed to make a report

To make a protected report, a worker must know of or have reasonable grounds to suspect the Reportable Conduct. This disclosure must be based on information directly known to the worker and not be based on hearsay.

For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that the worker provide as much information as possible. This includes any known details about the events underlying the report such as the:

1. Date
2. Time
3. Location
4. Name of person(s) involved
5. Possible witnesses to the events and
6. Evidence of the events (e.g. documents, emails).

Include in the report any steps already taken to report the matter elsewhere or to resolve the concern. A worker is not expected to investigate or prove their concern about the alleged misconduct before they disclose.

E. How to make a report

A report can be made to either:

1. The CEO Aleem Ali via aleem@welcoming.org.au
2. If the matter involves the CEO, the Chair of the Board, Sonja Hood via shood@scanlonfoundation.org.au

WA will also protect individuals who have made a report in connection with WA:

1. To the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA) or another Commonwealth regulatory body prescribed in legislation
2. To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections or
3. That qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that the worker understands the criteria for making a public interest or emergency disclosure and they may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

While WA encourages the whistleblower to identify themselves to the CEO or Chair of the Board, they may opt to report their concerns anonymously such as by adopting a pseudonym.

Protection

A. How a worker will be protected if they speak up about Reportable Conduct

If a worker has reasonable grounds to suspect Reportable Conduct, even if it turns out their concerns are mistaken, WA will support and protect them and anyone else assisting in the investigation.

WA will not tolerate any detriment inflicted on the whistleblower because they have made a report of Reportable Conduct. Examples of a detriment include:

- a) retaliation, dismissal, suspension, demotion, or termination of their role
- b) bullying, harassment, threats or intimidation
- c) discrimination, subject to current or future bias, or derogatory treatment
- d) harm or injury
- e) damage or threats to their property, business, financial position or reputation
- f) revealing their identity as a whistleblower without their consent or contrary to law;
- g) threatening to carry out any of the above actions.

This protection applies regardless of whether any concerns raised in a report are found to be true, provided that the whistleblower acted honestly, ethically and made the report on reasonable grounds.

This protection also applies to individuals conducting, assisting or participating in an investigation. They will also be entitled to the protection if the whistleblower makes a report of Reportable Conduct to an external body under this Policy.

Anyone found to be victimising or disadvantaging another individual for making a disclosure under this policy may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.

If a whistleblower believes they have suffered a detriment in violation of this policy, we encourage them to report this immediately to CEO or Chair of the Board, or an external body under this policy. The whistleblower's concern of being disadvantaged will be treated as a report of Reportable Conduct in line with this policy.

A whistleblower may also be entitled to the following legal protections for making a report:

- a) Protection from civil, criminal or administrative legal action
- b) Protection from having to give evidence in legal proceedings, and/or
- c) Compensation or other legal remedy.

B. How Welcoming Australia will ensure confidentiality

A whistleblower can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. WA will do all it can to protect confidentiality.

However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. If a person chooses to disclose their identity, their details will be treated confidentially to the fullest extent possible in connection with the investigation. WA will take measures to protect a whistleblower's identity such as by redacting their personal information, storing their information and disclosure securely, referring to them in a gender-neutral context and only allowing qualified staff to investigate their disclosures.

If a whistleblower chooses to disclose their identity, their details will be treated confidentially to the fullest extent possible in connection with the investigation, and their identity will not be disclosed unless:

- a) The whistleblower consents in writing to the disclosure
- b) The disclosure is made to ASIC, APRA or the Australian Federal Police (AFP)
- c) The disclosure is made to a Legal Practitioner for the purpose of obtaining advice
- d) The disclosure is authorised under the *Corporations Act 2001* (Cth) and/or
- e) Disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

It is illegal for a person to identify a whistleblower, or disclose information that is likely to lead to the identification of the whistleblower unless an exception above applies. If a whistleblower feels that their confidentiality has been breached, they can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. WA may also take disciplinary action against individuals that breach the confidentiality of a whistleblower, including summary dismissal.

False reports or disclosures

Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

Handling and investigating a disclosure

Upon receiving a Protected Disclosure, within 14 days, WA will endeavour to assess the disclosure to determine whether:

- a) It qualifies for protection; and
- b) A formal, in-depth investigation is required.

WA may not be able to investigate a disclosure if we are unable to contact the whistleblower.

WA will endeavour provide the discloser with regular updates.

WA will handle and investigate Protected Disclosures in accordance with the procedure below.

Procedure

Responsibilities

A. The CEO or Chair of the Board is responsible for:

- a. Receiving whistleblower reports and protecting the interests of whistleblowers
- b. Determining whether the report falls within the scope of this policy
- c. Determining whether and how a report should be investigated
- d. Appointing an independent Whistleblowing Investigator where an investigation is deemed appropriate
- e. Assisting the Whistleblower Investigator in the assessment and oversight of whistleblower reports.
- f. Providing advice and support to whistleblowers
- g. Maintaining a secure and restricted record of all reports made under this policy and procedure

B. Whistleblower Investigators are responsible for:

- a. Investigating reports in accordance with this policy and procedure
- b. Maintaining to the fullest extent possible confidentiality of the identity of and reports received by whistleblowers
- c. Gathering evidence and taking steps to protect or preserve evidence
- d. Ensuring reported concerns of any detrimental conduct involving the CEO are reported to the Chair of the Board or those involving the Chair of the Board are reported to the CEO
- e. Making findings based on a fair and objective assessment of the evidence gathered during the investigation, including determining the appropriate courses of action to remediate or act on the investigation, and formalising this in a report
- f. Keeping comprehensive records about the investigation
- g. Making recommendations to the CEO or Chair of the Board about how to implement the strategy in relation to how reported misconduct can be stopped, prevented and/or mitigated in future
- h. Making recommendations to prevent future instances of reportable misconduct
- i. Updating whistleblowers on progress and details of outcomes to the fullest extent possible
- j. Reporting back to the CEO or Chair of the Board on the progress of their investigation seven days after the report was initially received and every 14 days thereafter
- k. Complying with the directions of the CEO or Chair of the Board in relation to any further follow up, and reporting action and requirements, including the implementation of any recommendations.
- l. Reporting matters to relevant authorities

C. Workers are responsible for reporting misconduct or dishonest or illegal activity that has occurred or is suspected within WA as quickly as possible, whether anonymously or otherwise.

How do I make a report?

Whistleblowing protections will only apply to reports of Reportable Conduct made in accordance with this policy and procedure.

See further details in sections D. Information needed to make a report and E. How to make a report on pages 3 and 4 of this policy and procedure.

How are reports investigated?

After receiving your report WA will:

- a. Assess the report of Reportable Conduct;
- b. Consider whether there are any conflicts of interest prior to investigating;
- c. Determine whether external authorities need to be notified;
- d. Determine whether and how to investigate; and
- e. Appoint a Whistleblowing Investigator if appropriate.

If an investigation is deemed necessary, it will be conducted fairly, objectively and in a timely manner. The investigation process will vary depending on the nature of the Reportable Conduct and the amount of information provided.

Any individuals who are accused of misconduct in a report (a Respondent) will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken.

1. WA may need to speak with a whistleblower as part of an investigation. If the identity of the whistleblower is known, WA will endeavour to keep them informed about the status of an investigation.
2. If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, the person who reported the Reportable Conduct will be notified at the earliest possible opportunity.

Outcome of an investigation

At the conclusion of the investigation, a report will be prepared outlining:

- a. A finding of all relevant facts;
- b. A determination as to whether the allegation(s) have been substantiated or otherwise;
- c. The action that will be taken, which may include disciplinary action and dismissal.

The disciplinary action will be dependent on the severity, nature and circumstances of the Reportable Conduct.

Where possible and appropriate, having regard to WAs privacy and confidentiality obligations, the whistleblower will be informed of the outcome of any investigation into their concerns.

Legislation & Industrial Instruments

- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Insurance Act 1973
- Life Insurance Act 1995
- Public Interest Disclosure Act 2013
- Superannuation Industry (Supervision) Act 1993
- Taxation Administration Act 1953

Communication

A copy of this policy is available in the Policies and procedures folder on shared drive and also on Welcoming Australia website. It will also be provided as part of the induction process for new employees and board members.

Monitoring

This policy will be monitored and reviewed by the CEO, COO and Initiative Managers every-two years or earlier if needed.

Revision History

Date	Revision	Description of Revision	Revised By
20/12/2019	1	Policy and procedure created	Judy Thomas
22/5/2020	2	Reviewed & updated	Judy Thomas
1/6/2020	3	Reviewed & authorised	Aleem Ali
31/07/2024	4	Reviewed and Updated	Niyati Acharya