

# INTERNATIONAL NEEDS AUSTRALIA

## Board of Directors Policy

### Title: 1.8 Whistleblower Policy

**Date of Adoption:** 27<sup>th</sup> March 2013

**Amended** 3<sup>rd</sup> June 2017

**Amended** 28<sup>th</sup> August 2019

**Amended** 25<sup>th</sup> August 2021

*This policy is to be reviewed no later than 25th August 2024*

#### **Purpose**

The purpose of this policy is to:

- help detect and address wrongdoing and protect employees and partner employees who report (anonymously or not) actual or suspected wrongdoing.
- help provide INA and partner employees, volunteers, donors and contractors with a supportive work environment in which they feel able to raise issues of legitimate concern to them and to INA.

#### **Scope**

This policy applies to current or former employees, volunteers, contractors or partners of INA, or family members of those listed here. This policy must not be used for trivial or vexatious matters (being matters that the reporter knows, or ought to know have no substance).

This policy is not intended to replace other reporting structures such as those for grievances, equal opportunity, harassment or bullying except where the issue is of a serious matter and where existing reporting systems have failed to or are inappropriate to process the issue in an appropriate, fair and unbiased manner.

This policy applies whether you are at work or engaged in any work-related activity. It is not restricted in its operation to work hours or your usual place of work. The policy also applies to incidents of wrong-doing outside of work hours or activities, if the person is exploiting their role at INA or our partner organisation in order to commit wrong-doing.

#### **Definitions**

**Whistleblowing** is: "the disclosure by organisation members (former or current) of illegal, immoral or illegitimate practices under the control of their employers to persons that may be able to effect action"<sup>1</sup>

**Reportable Conduct** is: conduct which you have reasonable grounds to suspect to be misconduct, a breach of Australian law, or an improper state of affairs or circumstances, relating to INA or our business (including in relation to any of our officers and employees).<sup>2</sup>

Reportable Conduct may include actions which are:

- dishonest, illegal, fraudulent, corrupt or unsafe.

- unethical, including breaching our Code of Conduct.
- is damaging to our business or reputation.
- endangering the health and safety of any employee or member of the public.

This policy does not apply to a disclosure which is solely about a personal work-related grievance. For personal grievances, please refer to INA's HR manual.

### **Policy**

INA is committed to the highest standards of legal, ethical and moral behaviour. INA recognises that the most common method of detecting misconduct is by notification of the wrongdoing by its own staff or the staff of its partner agencies. INA is committed to maintaining an environment in which people are able to report concerns about serious wrongdoing without fear of retaliatory action.

### **How to report**

Any knowledge or suspicions of Reportable Conduct should be reported as soon as possible. INA will receive and act on reports from any time period, however the sooner a report is received the more likely it is that the report can be investigated thoroughly and acted upon.

INA has two Whistleblower Protection Officers: the CEO and the Board Chair.

In the first instance, you should report Reportable Conduct to the CEO who can be contacted on 03 8669 0604 or [ceo@ina.org.au](mailto:ceo@ina.org.au). You may also report it to the Board Chair, at [boardchair@ina.org.au](mailto:boardchair@ina.org.au).

INA partner staff should report to the CEO as above, or the International Programs Manager.

Reports may also be made to other INA staff or Board members, who will be responsible to pass on that report to a Whistleblower Protection Officer.

You may also disclose Reportable Conduct to the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA). You may disclose Reportable Conduct to a lawyer for the purpose of obtaining legal advice or representation.

Reports can be made in writing or verbally and should include as much detail as possible and, where feasible, supporting evidence. Anonymous reports are accepted, however it is noted that this may impede any subsequent investigation. Whistleblowers reporting anonymously are encouraged to provide as much detail as possible to enable thorough investigation.

Reports should include:

- The nature of the alleged misconduct;
- The person or persons responsible for the misconduct;

- The facts on which the whistleblowers' belief that a breach has occurred, and has been committed by the person named, are founded (i.e. witnesses, date, location, evidence of the events such as documents or emails);
- Any steps that have been taken to report the matter elsewhere or resolve the concern.

### **Investigation**

The Whistleblower Protection Officer is responsible for receiving and notifying the whistleblower that the report has been received. The whistleblower should not attempt to investigate any Reportable Conduct themselves.

The Whistleblower Protection Officer will make a preliminary assessment of the report to determine whether the conduct warrants an investigation.

They may then:

- conduct an internal investigation into the substance of the report; or
- appoint an external investigator to determine whether there is evidence to support the matters raised in the report.

The person leading the investigation will be known as the Whistleblower Investigation Officer. The Whistleblower Protection Officer will report the complaint and their course of action to the Board, and may refer to FRAC if relevant to FRAC scope.

The Whistleblower Investigation Officer will be responsible for ensuring the proper conduct of the investigation. The investigation will not be conducted by a person who may be the subject of the investigation or has inappropriate links or connections (actual or perceived) to the person(s) or practice(s) under investigation.

The Whistleblower Protection Officer is to ensure that the whistleblower is kept informed of the outcomes of the inquiry or investigation, subject to the considerations of privacy of those against whom the allegations are made.

Anyone who knowingly makes a false report of Reportable Conduct may be subject to disciplinary action.

### **Confidentiality of whistleblowers**

All information disclosed in a report, including the whistleblowers' identity will remain confidential to the extent possible. However, where necessary, their identity may be disclosed to authorities such as ASIC, APRA or the Australian Federal Police to enable investigation of criminal offences.

In some circumstances, information that might lead to whistleblower identification may be disclosed if it is reasonably necessary for investigating a report. All reasonable steps will be taken to reduce the risk of identification.

INA will store records relating to a report of wrongdoing securely and permit access by authorised persons only. Unauthorised disclosure of information relating to a whistleblower report will be regarded seriously and may result in disciplinary action. Revealing the identity of a whistleblower may be a civil offense and will be dealt with accordingly.

### **Protection of whistleblowers**

INA is responsible for protecting whistleblowers against detriment as a result of making a report. Detriment includes (without limitation):

- dismissal of an employee.
- injury of an employee in his or her employment.
- alteration of an employee's position or duties to his or her disadvantage.
- discrimination between an employee and other employees of the same employer.
- harm or injury to a person, including harassment, intimidation or psychological harm.
- damage to a person's property, reputation, business or financial position.

Whistleblowers will not be subject to disciplinary action by INA as a result of reporting, including where we are unable to find any evidence to support the conduct reported. Where the whistleblower is from one of INA's projects or partner organisations, INA will undertake to investigate the report to the extent possible while upholding these protections.

Other staff who suspect that an individual is a whistleblower must not take any steps to attempt to identify the whistleblower.

INA will consider any reasonable requests for additional protections that whistleblowers may make, or we consider necessary for their protection (for example, transfer of duties or leave of absence during any investigation).

### **Disclosers implicated in wrongdoing**

If a person who makes a report is implicated in the wrongdoing, they must not be subjected to any actual or threatened retaliatory action in reprisal for making a report under this policy.

However, making a report will not necessarily shield the discloser from the consequences of involvement in the wrongdoing itself. In some circumstances, an admission may be a mitigating factor when considering disciplinary or other action.

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

INA recognises that individuals against whom a report is made must also be supported during the handling and investigation of the report. INA takes reasonable steps to treat fairly the person who is the subject of a report, particularly during the investigation process.

Where a report has been investigated and the person who is the subject of the report is aware of the investigation, the Whistleblowing Investigation Officer must formally advise the person who is the subject of the disclosure of the investigation outcome.

### **AUSTRALIAN STANDARDS**

This Policy has been drafted to comply with the following Australian standards:

- AS 8004–2003 (Whistleblower Protection Programs for Entities)
- AS 8001–2008 (Fraud and Corruption Control).
- Enhancing Whistleblower Protections Bill 2019 (Cmwth)

### **Cross reference**

- 2.17 Fraud Prevention and Awareness Policy
- 1.9 Policy on Complaints
- 3.12 Policy on Counter Terrorism
- 3.13 Policy on Child Protection
- 3.18 Policy on Prevention of Sexual Exploitation & Abuse
- INA Procedure Manual Volume 4: Human Resources