

# Whistleblower Policy



## 1. Purpose

TEAR values of transparency and accountability. TEAR is also committed to operate legally (in accordance with applicable legislation and regulation), properly (in accordance with organizational values, policies, procedures and applicable codes), and ethically (in line with biblical values and recognized ethical practice). This policy establishes a framework to provide all staff, volunteers, contractors, partners and members of the public an accessible and safe process to report concerns about a wrongful act or misconduct by someone involved with TEAR.

## 2. Scope

This policy applies to all staff, volunteers, contractors or partners involved with TEAR supported work.

## 3. Policy

### 3.1. Principles underpinning TEAR's whistleblower policy

All staff, partners, volunteers, supporters and contractors:

- have an obligation to report wrongful acts in accordance with this policy;
- have the right to speak freely and honestly to report wrongful acts in a safe environment without fear of retaliation or reprisal.

All members of the public:

- are encouraged to report wrongful acts involving TEAR staff, volunteers, contractors or partners involved with TEAR supported work.

When a whistleblower makes a report of misconduct, TEAR will:

- respond in a timely, respectful and confidential manner to all disclosure of wrongful acts;
- adhere to the protection offered under any legislative whistleblowers' protection acts;
- refer the matter to law enforcement agencies where it has been assessed that the matter may be subject to a criminal investigation;
- take all reasonable steps to preserve confidentiality of reporters and their information;
- respond to reports with impartiality.

This policy is not intended to replace the procedures in TEAR's Grievance policy which exists for staff to raise any matter they may have in relation to their work or their work environment, other person, or decision affecting their employment.

### 3.2. Protection as a whistleblower

TEAR will make every effort to protect those who make a whistleblowing disclosure in good faith and on reasonable grounds from reprisal, discrimination, harassment or victimisation.

### 3.3. Process for making a disclosure

Reports can be made in writing or verbally and should include as much detail as possible and, where feasible, supporting evidence. It is acceptable to make an anonymous complaint, however it is noted that this may impede any subsequent investigation.

Whistleblowing reports should be made to any of the following:

- A member of the TEAR Leadership team: when a member of the Leadership team receives a report they will immediately inform the CEO unless the report is in relation to the CEO, in which case they will immediately inform the Board Chair.
- The Chair of the Board: when the Board Chair receives a report, they will inform the CEO, unless the report is in relation to the CEO.

If necessary, reports can be made via email to [whistleblower@tear.org.au](mailto:whistleblower@tear.org.au) (this is directed to TEAR's People at TEAR Coordinator) or to [chair@tear.org.au](mailto:chair@tear.org.au) (this is directed to TEAR's Board Chair).

Upon receiving a report, TEAR will appropriately and discretely investigate concerns and, where possible, will provide feedback to the whistleblower regarding the outcome of the investigation and remedial action taken.

### 3.4. False Reports

Disciplinary action will be taken in accordance with the Discipline Policy against any employee or volunteer who is found to have made a whistleblowing report maliciously. This may result in dismissal.

## 4. Definitions/Terminology Clarification

Whistleblowing is different to a complaint. A complaint is defined by TEAR as "an expression of dissatisfaction, with an explicit or implied expectation of a response" or a grievance, defined as a "problem, concern, dispute or complaint related to work or the work environment".

**Whistleblower:** defined by ACFID as "*a member of staff, volunteer, contractor or partner who reports suspected wrong-doing, including suspicion of fraud, misuse of resources, neglect of duties or a risk to health and safety.*"

**Good faith:** sincere belief or motive without malice.

**Wrongful act:** Includes but is not limited to acts such as criminal offences; mismanagement of funds; actual or suspected fraud; misinformation to public bodies; legal breaches such as negligence, breach of contract or breach of administrative law; endangerment of health, safety and the environment; abuse of authority; sexual abuse or other physical or mental harm caused to any individual inclusive of those who access and support TEAR's programs; abuse of authority; breach of the TEAR Codes of Conduct; other unethical conduct. The suppression or concealment of any of the above.

## 5. Related References

- ACFID Code of Conduct
- ASIC Guidance for whistleblowers
- TEAR Complaints policy and procedures
- TEAR Code of Conduct
- TEAR Discipline Policy
- TEAR Fraud policy and processes
- TEAR Grievance policy
- TEAR Partnership agreement documents (International Program team)
- TEAR Safeguarding Children policy and Code