

Whistleblower Guidelines



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1. Introduction

Tearfund's Whistleblower Guidelines provide a framework for how Tearfund will handle whistleblowing occurrences. When someone discovers information which they believe shows serious malpractice, unacceptable behaviours, practices or wrongdoing by Tearfund staff and representatives – including staff working for our Partners – it is essential that the individual is able to report concerns to Tearfund without fear of reprisal, and independent of immediate line management.

The Whistleblowing policy aims to:

- 1.1 encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct
- 1.2 enable Tearfund 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
- 1.3 ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported

The processes in these guidelines are intended to outwork these principles.

2. Responsibilities

Tearfund's Board is responsible for adopting the Whistleblower Policy and for nominating the organisation's Whistleblower Protection Officer (WPO). The Board has nominated the Compliance and Safeguarding Officer as the WPO, with People & Culture (P&C) Director and the Chief Executive Officer as the back-up when the Compliance and Safeguarding Officer is unavailable. All Tearfund People are responsible for reporting wrongful acts in accordance with the Whistleblower Policy.

2.1 Responsibilities of the Whistleblower Protection Officer:

- Receiving Whistleblower reports and protecting the interests of reporters through this process;
- Determining whether the report falls within the scope of the Policy. In contemplating the use of this Policy, a person should consider whether the matter of concern may be more appropriately raised under either Tearfund Australia's Grievance Policy or under the Tearfund Complaints Policy;
- Considering any conflicts of interest prior to investigating;
- Appointing an external investigator if appropriate;
- Coordinating an investigation into any report received from a Whistleblower;
- Ensuring documentation of matters relating to the investigation and report;
- Ensuring any reports involving a Department Director or the Chief Executive Officer are reported to the Chair of the Board;
- Consulting and determining an appropriate course of action in regard to the investigation;
- Reporting matters to relevant authorities;
- Making recommendations to prevent future instances of Reportable Misconduct;
- Documenting and handling all matters in relation to the report and investigation; and
- Finalising all investigations.

3. Anonymity

If the Whistleblower wishes to make their report anonymously, this shall be honoured except insofar as it may be overridden by due process of law.

The Whistleblower should, however, be informed that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.

Where anonymity has been requested, the Whistleblower is also required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.

4. Processes

4.1 Responses to a Whistleblowing report

When a Whistleblower makes a report of misconduct, Tearfund will:

- respond in a timely, respectful and confidential manner;
- adhere to the protection offered under any legislative Whistleblowers' protection;
- 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 Whistleblowers and their information;
- respond to reports with impartiality and fairness;
- conclude the investigation with a report as outlined in Section 4.3 "Findings".

Reports which relate to Tearfund Partners will be managed in consultation with appropriate Partner leaders and in line with the relevant local Whistleblowing Policy. If the Partner leaders are the subject of the report, the report will be disclosed to the Partner Board Chair or equivalent party. Tearfund will provide support for independent investigation and proper process if required.

4.2 Investigation

Disclosures in line with this policy will be investigated as soon as possible. The method and level of investigation will depend on the nature of the disclosure but these are the minimum requirements:

- Upon receiving a report, Tearfund will promptly assess the information to determine whether it qualifies for protection and the extent of the investigation required. If it is determined that the information disclosed does not amount to a Reportable Matter, the Eligible Whistleblower will be, if practicable, informed of that decision. In some instances, it may not be possible to respond to reports, for example, because the report has been made anonymously.
- The investigator, as well as any other parties involved, will take any possible steps to protect the identity of the Whistleblower.
- If an investigation is conducted, it will:
 - follow principles of procedural fairness and natural justice.
 - be conducted in as timely a manner as the circumstances allow; and
 - be conducted by a person/persons independent of the person(s) against whom an allegation has been made. The person or persons conducting the investigation shall be as far as possible unbiased.
 - be based around Terms of Reference drawn up in consultation with the Chief Executive Officer (CEO) (or Board Chair if the CEO is part of the complaint), to clarify the key issues to be investigated.
 - feature an investigation plan, which will be developed to ensure all relevant questions are addressed, and that the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.
 - be conducted in an environment of strict security. All information obtained during the investigative process will be properly secured to prevent unauthorised access.
 - involve the interviewing of all relevant witnesses and the examination of all documents, as far as is possible in the specific circumstances. Notes/recordings or records of all discussions, phone calls and interviews will be made.
- Provided there are no restrictions or other reasonable bases for doing so, people against whom an allegation has been made will be informed of the allegation and will have an opportunity to respond to any allegation.

- Balance the rights of the Whistleblower and the rights of people against whom a report is made to ensure fairness. Where adverse comment about a person is likely to be included in a report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised. Any individuals who are accused of misconduct in a report will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken.

The outcome of the investigation will be reported to the Board.

4.3 Findings

A report will be prepared when an investigation is complete. This report will include:

- The allegations
- A statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions
- The conclusions reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis
- Recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

4.4 Communication with Whistleblower

Subject to considerations of the privacy of those against whom the allegations are made and customary practices of confidentiality, the Whistleblower will be kept informed of:

- Relevant progress of an investigation
- Relevant outcomes of an investigation.

4.5 Opportunity for Appeal

Where the Whistleblower wishes to appeal the findings of the investigation, they can make the appeal to Tearfund's Board Chair at chair@tearfund.org.au.

5. Acknowledgement

Staff are required to read and acknowledge the Whistleblowing Policy and Guidelines on appointment (as part of induction processes), and at regular intervals. This may be embedded in refresher training.

6. Definitions

Eligible Whistleblower: can be someone who is or was: an officer or employee of Tearfund Australia (this includes current and former employees); a person who supplies goods or services to Tearfund or an employee of that supplier; a person who has an affiliation with Tearfund (e.g. volunteer, Tearfund member or Tearfund partner); a relative, or dependent of any of the above.

Good faith: sincere belief or motive without malice.

Reportable Matter: involves disclosure of reasonable grounds to suspect that the information being disclosed is about past, present or likely future: breaches of legislation, including the Corporations Act; or the Taxation Administration Act; criminal offences or misconduct (including fraud, theft, bribery, negligence, mismanagement of funds, default, breach of trust and breach of duty or improper conduct in relation to tax affairs); improper states of affairs or circumstances (i.e. breaches of the Tearfund Code of Conduct, or unethical conduct, or Improper conduct relating to accounting, internal controls, compliance, audit, mismanagement of Tearfund resources, or maladministration), behaviour that represents a danger to Tearfund people or the public (i.e. endangering health and safety); suppression or concealment of any of the above; sexual abuse or other physical or mental harm caused to any individual inclusive of those who access and support Tearfund's programs.

Tearfund: In this document 'Tearfund', 'the organisation', 'we', 'us' or 'our' means Tearfund Australia.

Tearfund People: for the purpose of this policy, “Tearfund People” refers to all Tearfund staff, volunteers, contractors and consultants as described in the scope of the guidelines.

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.*”

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 or 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 Tearfund’s programs; abuse of authority; breach of the Tearfund Codes of Conduct; other unethical conduct. The suppression or concealment of any of the above.

7. Related References

- Tearfund Complaints Policy
- Tearfund Grievance Policy
- Tearfund Whistleblower Policy