



## Whistleblowing Policy

<b>Responsible Officer</b>	Chief Executive Officer		
<b>Contact Officer</b>	Chief Operating Officer		
<b>Superseded Documents</b>	A4U Whistleblowing Policy V1.0		
<b>Review</b>	Three years		
<b>Associated Documents</b>	A4U Grievance Policy A4U Complaints Policy A4U Safeguarding People Policy A4U Workplace Discrimination and Harassment Policy		
<b>Policy Status</b>	This policy may be amended or revoked by A4U at any time and at its discretion		
<b>Version</b>	<b>Authorisation</b>	<b>Approval Date</b>	<b>Effective Date</b>
1.0	Board	27/02/2020	March 2020
1.1	Board	10/5/2023	May 2023

## Introduction

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Australia for UNHCR (A4U) seeks to conduct its activities professionally, honestly and with integrity. However, all organisations face the risk of unprofessional conduct, criminal behaviour or mismanagement.

A4U's Whistleblower Policy (Policy) is an important element in detecting corrupt, illegal or other undesirable conduct. A4U is committed to fostering a culture where people are encouraged to raise concerns about unethical and unacceptable conduct and can do so in a safe environment. A4U strongly encourages you to speak up if you suspect or witness any matters of concern. A4U will take all reports made under this Policy seriously and protecting those who raise concerns about potential misconduct.

## Purpose of the Policy

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The purpose of this policy is to:

- a) Encourage the reporting of matters that may involve corruption, misconduct or unethical behaviour or that may cause harm to individuals or financial or non-financial loss to A4U or damage to its reputation;
- b) Deter wrongdoing and promote compliance with the law and an ethical culture; and
- c) Establish a framework to enable A4U to proactively deal with reports from whistleblowers, including providing for the protection of individuals who disclose wrongdoing.

## Principles

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This policy is underpinned by a commitment to A4U's values:

- To be accountable
- To act with integrity
- To be inclusive
- To be sustainable
- To take pride on our people
- To promote team work

## Scope

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This policy applies to all A4U employees, volunteers, interns, contractors, Board Directors and partner organisations.

Members of staff of partner organisations are encouraged to report such acts committed by A4U staff or their own staff in the execution of their partnership agreements.

This policy applies to "Reportable Conduct" (see definition section below).

### **Out of scope**

Reportable Conduct excludes personal work-related grievances as described below. A personal work-related grievance is a report of behaviour that has implications for the discloser personally and does not have significant implications for A4U. Examples include:

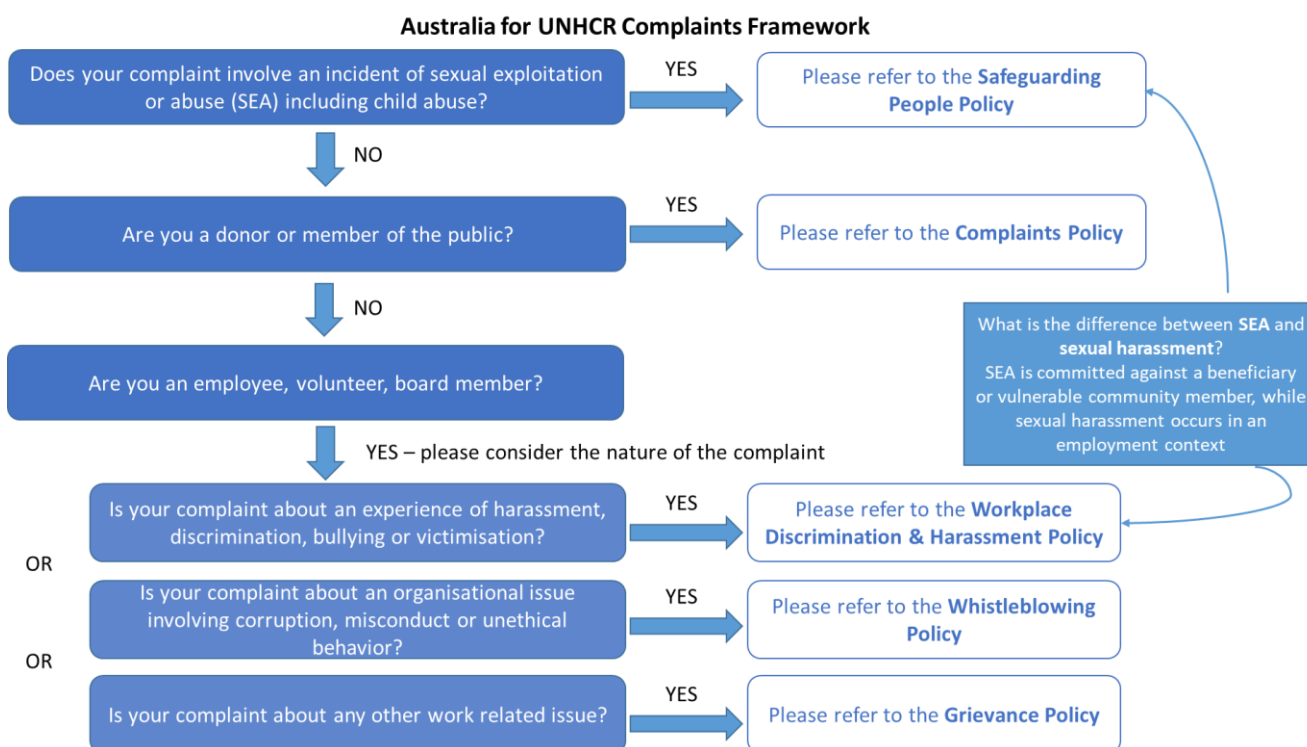
- an interpersonal conflict between you and another Employee, or
- a decision relating to your employment, such as a promotion, or disciplinary action.

Personal work-related grievances do not qualify for protection under the Whistleblower Laws or this Policy. Personal work-related grievances should be raised under the Grievance Policy (see How to apply this policy, below).

## How to apply this policy

A4U’s Whistleblowing Policy is part of a framework to enable the appropriate reporting and investigation of complaints.

Please consider whether this issue involves “reportable conduct” when electing to apply the Whistleblower Policy.



## Definitions

**Whistleblowing** is defined as deliberate, voluntary disclosure of individual or organisational Reportable Conduct by a person who has access to data, events or information about an actual, suspected or anticipated wrongdoing within the organisation.

**Whistleblower** refers to any employee, volunteer, contractor or Board Director who raises a Reportable Conduct matter under this Policy and who wishes to avail themselves of the protections offered by this Policy.

**Whistleblowing Protection Officer (WPO)** refers to the nominated person responsible for overseeing this policy, managing whistleblowing disclosures and their subsequent investigation. The Chief Operating Officer is the usual nominated person. If the reportable conduct involves the Chief Operating Officer the WPO will be the Chief Executive Officer or the Chair of the Finance, Audit and Risk Committee.

**Reportable Conduct** includes, but is not limited to:

- breaches of legal obligations (including negligence, breach of contract administrative law);
- criminal offences;
- engaging in acts of physical sexual, emotional, psychological or financial abuse, exploitation or neglect of beneficiaries or staff;
- mismanagement or the unauthorised use of organisational funds;
- actual or suspected fraud and/or corruption;
- abuse of authority;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public as well as other staff;
- other unethical conduct;
- damage to the environment;
- a breach of any internal Policy including (but not limited to) the Code of Conduct, Safeguarding People Policy, etc.
- an intentional disclosure or misuse of sensitive information, or the concealment or failure to report knowledge of the above actions in themselves or others.

## The Whistleblower's Rights and Obligations

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Any person that reports a concern or a complaint under this procedure should be informed that

- as far as lies within the power of A4U, the person will not be disadvantaged for the act of making such a report where that report has been made in good faith and on reasonable grounds; and
- if the person wishes to make their concern or complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law; however,
- reporting such a concern or complaint does not necessarily absolve the person from the consequences of any involvement on their own part in the misconduct or other action reported.

## Reporting Complaints and Confidentiality

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### How can I make a report?

Cases may be reported on a confidential basis or may be reported anonymously using the email address [whistleblowing@unrefugees.org.au](mailto:whistleblowing@unrefugees.org.au) which will be monitored by the Whistleblowing Protection Officer.

If the complaint relates to the Chief Operating Officer the complaint should be made to the Chief Executive Officer or the Chair of the Finance, Audit and Risk Committee.

If the complaint relates to the Chief Executive Officer the complaint should be made to the Chair of the Finance, Audit and Risk Committee or the Chair of the Board.

Whistleblowing Officer	Chief Operating Officer	<a href="mailto:whistleblowing@unrefugees.org.au">whistleblowing@unrefugees.org.au</a>
CEO	Trudi Mitchell	<a href="mailto:TMitchell@unrefugees.org.au">TMitchell@unrefugees.org.au</a>
Chair of the Board	Peter Shergold	<a href="mailto:P.Shergold@westernsydney.edu.au">P.Shergold@westernsydney.edu.au</a>
Chair of the Finance, Audit and Risk Committee	Rick Millen	Rick.millen23@gmail.com

### What should I include in the report?

Please provide as much detailed information as possible so that your report can be investigated. Any such report should where possible be in writing and should contain, as appropriate, details of:

- the nature of the alleged misconduct or other inappropriate or illegal conduct as described in this procedure; the person or persons responsible for the alleged behaviour;
- dates and times the conduct occurred
- the facts on which the person that makes the report has formed the view that behaviour in the nature of that described in this procedure may have occurred and been committed by the person or persons named in the report
- the nature and whereabouts of any further evidence that would substantiate the persons concern or complaint, if known – for example any other witnesses

Evidence to support such concerns should be brought forward when the report is made, if it exists.

### **Should I make a Whistleblower Report anonymously?**

You can choose to make your disclosure anonymously and if so, you will still be protected under the Whistleblower Laws. However, anonymity may practically make it more difficult for us to investigate the issue or take the action we would like to take. By letting us know who you are, we can contact you directly to discuss your concerns which will help us investigate the complaint more quickly and efficiently.

Where your disclosure is protected by whistleblower laws, your disclosure will be treated with the utmost confidentiality and your identity will be protected.

A4U will obtain your consent before disclosing your identity. There may be exceptions to this, for example if required to report to ASIC, the Australian Federal Police (AFP) or a legal practitioner for the purposes of obtaining legal advice about whistleblower laws.

The confidentiality of the reports will be kept to the extent possible, consistent with the needs to conduct an adequate investigation.

### **Investigating Complaints**

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All Whistleblower Reports will be taken seriously by A4U. They will all be assessed carefully to determine whether an investigation is required.

The WPO who receives a report will acknowledge receipt of the report within five days.

All reports shall be properly investigated by a Committee set up by the WPO or an external auditor where applicable. The WPO will determine representatives to be on the committee given the nature and severity of the reportable conduct. Depending on the nature of the investigation the Finance Audit and Risk Committee and the Board may be notified and consulted.

Upon completion of the investigation, the WPO will consult with relevant members of management to take the appropriate corrective action warranted by the outcome of the investigation.

There may be occasions when external bodies such as donors and regulators (including UNHCR, ACNC, ACFID and FIA) will need to be notified of the outcome of an investigation.

The Whistleblower will be notified once an investigation has been completed but please be aware that A4U may be unable to disclose particular details or the outcome of the investigation.

Issues raised through whistleblowing will be tracked and reported to the Board in summary form on a bi-annual basis.

## Protection of whistleblowers

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Where the investigation has found that the person that reported the alleged behaviour described in this procedure made the report in good faith on reasonable grounds, the Whistleblowing Protection Officer, Head of HR and CEO shall ensure that the person suffers no employment-related disadvantage on account of their actions in this matter and will provide additional support for the person where necessary.

A4U will support you in relation to the reporting of any protected matters and has in place procedures to promote fair treatment and protection from harm by:

- providing access to counselling services (These services may be accessed by contacting our EAP)
- investigating complaints in accordance with the procedures outlined in this Policy
- conducting investigations in a manner that is procedurally fair to both you and respondents to allegations
- in situations where you consent, having an appropriate senior manager or the Head of HR contact you at appropriate intervals to check on your welfare and ensure that you are not subject to victimisation
- communicating this Policy to all employees, officers and contractors
- taking appropriate disciplinary action against any employees or contractors that breach the victimisation or confidentiality provisions of this policy or the whistleblower laws.

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

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A4U recognises that individuals against whom a report is made must also be supported during the handling and investigation of the alleged reportable conduct. A4U will take reasonable steps to ensure the person who is the subject of a report, is treated fairly, particularly during the assessment and investigation process. Support provided by A4U may include referral for counselling.

Where a person is named by a Whistleblower as being suspected of possible Reportable Conduct but preliminary inquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted then the Whistleblower will be informed of this outcome and the matter laid to rest.

Where an investigation does not substantiate the report, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.

## False allegations

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Any allegation which proves to be malicious or knowingly false will be viewed as a serious disciplinary offence.

## Education and Training

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All new employees will be provided an overview of this Policy as part of their induction.

All staff will receive regular periodic reminders on the policy and its role within A4U's complaints framework.

Managers will receive training on receiving and managing complaints made under this policy and the broader complaints framework.