



ACCI WHISTLEBLOWER POLICY

APPLICABILITY: ACCI Missions & Relief Staff, Volunteers, Field Workers, Associates, Strategic Partners & Board Members (See Scope)

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AUTHORISED BY: General Manager and Board

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CONTENTS

1.	WHISTLEBLOWER POLICY	3
	1.1 INTRODUCTION	3
	1.2 PURPOSE.....	3
	1.3 SCOPE	3
	1.4 RESPONSIBILITIES.....	4
	1.5 DEFINITIONS	4
2.	REPORTING	5
	2.1 Nominated Whistleblower Protection Officers	5
3.	INVESTIGATION	6
	3.1 Investigation procedures	6
	3.2 Persons implicated in Whistleblower report	7
	3.3 Personal work-related grievances	7
4.	WHISTLEBLOWER PROTECTIONS	8
	4.1 Confidentiality	8
	4.2 Protection of Whistleblowers	8

1. WHISTLEBLOWER POLICY

1.1 INTRODUCTION

The Boards of ACC International Relief Inc (ACCIR) and ACC International Missions Ltd (ACCIM), collectively referred to as ACCI Missions & Relief (ACCI) are committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles). Employees are expected to cooperate with the organisation in maintaining legal, proper, and ethical operations, if necessary by reporting non-compliant actions by other people. Correspondingly, employees who do assist in maintaining legal, proper, and ethical operations should not be penalised in any way.

1.2 PURPOSE

The purpose of this policy is to:

- a) encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to ACCIR or damage to its reputation;
- b) enable ACCIR to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for the secure storage of the information provided;
- c) establish the policies for protecting whistleblowers against reprisal by any person internal or external to the entity;
- d) provide for the appropriate infrastructure;
- e) help to ensure ACCIR maintains the highest standards of ethical behaviour and integrity.

1.3 SCOPE

This policy applies to all **ACCI Stakeholders** defined below.

- All ACCI **Staff** including but not limited to employees, contractors and consultants.
- All ACCI **Volunteers** including but not limited to office and event based volunteers.
- All ACCI **Field Workers**.
- All ACCI **Associates**.
- All ACCI **Strategic Partners** including any organisation receiving ACCI funding in Australia or abroad to implement activities including but not limited to community development, disaster response or non-development activities.
- All ACCI **Board Members**.

1.4 RESPONSIBILITIES

The organisation's Board is responsible for adopting this policy, for nominating the organisation's Whistleblower Protection Officer and for making all ACCI Stakeholders aware of this policy and the avenues available to report instances (or suspicions) of Misconduct.

The organisation's General Manager is responsible for the implementation of this policy.

All staff and all volunteers are responsible for reporting breaches of general law, organisational policy, or generally recognised principles of ethics to a person authorised to take action on such breaches.

1.5 DEFINITIONS

For the purpose of this policy:

"The Organisation" means ACC International Relief Inc (ACCIR) and/or ACC International Missions Ltd (ACCIM), collectively referred to as ACCI Missions & Relief (ACCI);

"Misconduct" includes conduct that:

- Constitutes an offence against, or a contravention of, a provision of any of the following:
 - The *Corporations Act 2001*;
 - The *Australian Securities and Investments Commission Act 2001*;
 - The *Banking Act 1959*;
 - The *Financial Sector (Collection of Data) Act 2001*;
 - The *Insurance Act 1973*;
 - The *Life Insurance Act 1995*;
 - The *National Consumer Credit Protection Act 2009*;
 - The *Superannuation Industry (Supervision) Act 1993*;
- Constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
- Represents a danger to the public or the financial system; or
- Is prescribed by regulations for the purposes of paragraph 1317AA(5) of the *Corporations Act 2001*.

"Whistleblowing" is the voluntary disclosure of Misconduct by a person who has witnessed instances of, or holds suspicions regarding Misconduct within the Organisation.

"Whistleblower" is an officer, employee, contractor or volunteer of any entity within the Organisation who reports Misconduct in accordance with this policy.

Complaints regarding occupational health and safety should where possible be made through the organisation's occupational health and safety procedures.

2. REPORTING

2.1 NOMINATED WHISTLEBLOWER PROTECTION OFFICERS

The Organisation has nominated both Internal and External Whistleblower Protection Officers, to receive reports of Misconduct and protect the interests of the Whistleblower in terms of this policy. The Organisation will seek to ensure that all ACCI Stakeholders are aware of the current nominated Whistleblower Protection Officers and mechanisms to contact them.

Where reporting within the Whistleblower's normal reporting channels (ie. to their immediate manager) is not desirable or appropriate, the Whistleblower may report instances of, or suspicions of, Misconduct to the Internal Whistleblower Protection Officer.

Internal Whistleblower Protection Officer – Chad Irons, General Manager, complaints@acci.org.au.

In circumstances where it is not possible or appropriate to report instances of Misconduct to the Internal Whistleblower Protection Officer, reports may be raised directly with the nominated External Whistleblower Protection Officer. This reporting avenue may be used where the Whistleblower reasonably believes that any internal reporting avenues available are unlikely to provide an independent assessment and/or investigation of the allegations of Misconduct, and will generally only be appropriate where the Misconduct alleged involves senior leaders within the Organisation.

External Whistleblower Protection Officers –

Ian Maynard, ACC Review Directorate Chairperson, ian@maynards.net.au

Jeffrey Bartlett, ACC General Manager, jeffrey.bartlett@acc.org.au

In addition to making a report through normal reporting channels or to the Whistleblower Protection Officer, a Whistleblower may wish to make a report of Misconduct within the Organisation to an external body. Disclosures made to an external body will not be investigated by the Organisation pursuant to this policy, but Whistleblowers will be afforded the protections set out in this policy to the extent that the Organisation is made aware of the identity of the Whistleblower by the external body.

3. INVESTIGATION

3.1 INVESTIGATION PROCEDURES

All reports of Misconduct made under this policy will be assessed and investigated.

Upon receipt of a report from a Whistleblower, the Whistleblower Protection Officer is responsible for informing the Organisation's Board Chair that a report of Misconduct has been received, and determining whether the disclosure is a matter of Misconduct to which this policy applies, within 72 hours of receiving the report.

Where the Whistleblower Protection Officer determines that a report is trivial, vexatious or baseless, the Whistleblower Protection Officer will inform the Whistleblower of this assessment and no further action will be taken in relation to the report.

If it is determined that the report is a matter to which this policy applies, the following investigation processes will apply:

- The Whistleblower Protection Officer will be responsible for appointing an investigator within 7 days of receiving the report. The investigation must not be conducted by a person who may be the subject of the investigation or has connections (actual or perceived) to the persons or issues under investigation. In making this appointment, the Whistleblower Protection Officer must consider whether the appointment of an external investigator is appropriate, having regard to the nature of the Misconduct alleged and the persons implicated in the allegations.
- Investigations must be conducted in a fair and transparent manner, affording principles of natural justice to any persons implicated in a report of Misconduct and preserving the confidentiality (to the greatest extent possible) of the person.
- Investigations regarding reports made pursuant to this policy should be completed within 21 days of the appointment of an investigator. If for any reason an investigation cannot be completed within 21 days, the Whistleblower must be informed of the delay by the Whistleblower Protection Officer.
- The investigator will provide a report confirming the outcome of the investigation to the Whistleblower Protection Officer within 7 days of completing the investigation.
- The Whistleblower Protection Officer will immediately make the report available to the Organisation's Board Chair, who will determine the appropriate action to take as a result of the investigation outcomes (in consultation with the Board as appropriate).

The Whistleblower Protection Officer will keep the Whistleblower informed generally regarding the progress of the investigation and the outcome of the investigation, subject to privacy considerations for any persons implicated in the report of Misconduct.

3.2 PERSONS IMPLICATED IN WHISTLEBLOWER REPORT

Any persons implicated in allegations of Misconduct by a Whistleblower pursuant to this policy are entitled to be afforded natural justice and procedural fairness during the course of the Organisation's investigation of the alleged conduct. This shall include:

- Being informed of the substance of the allegations;
- Having the opportunity to be heard by the investigator about the substance of the allegations; and
- Being informed of the outcome of the investigation.

Where allegations of Misconduct are not substantiated by an investigator's report, any persons implicated in the allegations must be formally informed of the outcome of the investigation.

Where it is determined by a Whistleblower Protection Officer that a report is trivial, vexatious or baseless and no formal investigation is required, the Whistleblower Protection Officer may determine whether or not (in their sole discretion) to inform the person against whom any allegations of Misconduct are made that a report has been received and dismissed.

3.3 PERSONAL WORK-RELATED GRIEVANCES

This policy is concerned with the disclosure of instances of (or suspicions of) Misconduct only and is not intended to replace existing policy documents regarding complaints handling, dispute resolution, grievances, discrimination, harassment or bullying (except in circumstances where such behavior may constitute Misconduct as defined in this policy).

Reports regarding personal work-related grievances will not be afforded protections under this policy, and will be referred to existing appropriate policy documents for alternative resolution mechanisms. To be clear, a personal work-related grievance will generally concern a grievance about any matter relating to the discloser's employment having implications for the discloser personally, which does not constitute Misconduct.

4. WHISTLEBLOWER PROTECTIONS

4.1 CONFIDENTIALITY

Where a Whistleblower makes a report of actual or suspected Misconduct to a Whistleblower Protection Officer pursuant to this policy, the Whistleblower Protection Officer must take all reasonable steps to keep the identity of the Whistleblower confidential unless disclosure of the Whistleblower's identity is required by law.

The Whistleblower's right to confidentiality regarding their identity (unless disclosure is required by law) may only be waived with the express consent of the Whistleblower.

The Organisation acknowledges that in some instances, a Whistleblower may wish to make a report of Misconduct anonymously. However, it also acknowledges that proper investigation may not be possible upon receipt of an anonymous complaint, as the inability to make inquiries and seek further information from the disclosure may limit the scope of any potential investigation. For this reason, Whistleblowers are encouraged to make any reports of Misconduct without the condition of anonymity and rely on the assurances provided in this policy regarding confidentiality of their identity.

4.2 PROTECTION OF WHISTLEBLOWERS

The Organisation is committed to protecting the rights of a Whistleblower who reports Misconduct in accordance with the procedures set out in this policy.

A Whistleblower must not be subject to any detriment, or the threat of detriment, for making a disclosure of Misconduct. Detriment may include, but is not limited to:

- Dismissal of the Whistleblower as an employee, or alteration of the employee's duties or position;
- Discrimination against the Whistleblower as an employee as compared to other employees;
- Harassment or intimidation of the Whistleblower;
- Harm or injury to the Whistleblower (including psychological harm);
- Damage to the Whistleblower's property, reputation or business or financial interests;
- Threats of any of the above.

Where a Whistleblower believes that they have been subjected to detriment for making a disclosure of Misconduct, the Whistleblower should raise these concerns with a Whistleblower Protection Officer as soon as practically possible.

Subjecting a Whistleblower to detriment for making a disclosure of Misconduct will itself be considered an instance of Misconduct and investigated in accordance with this policy.

Where a Whistleblower is implicated in reports of Misconduct which are investigated and found to be substantiated, the protections under this policy will not apply to any disciplinary action taken by the Organisation in relation to the Misconduct itself.