

# Whistleblower Policy, Guidelines and Procedures

Compliance with this Policy is mandatory

## 1. Introduction

- 1.1 Save the Children Australia and related entities (**SCA**) is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.
- 1.2 SCA recognises the value of transparency and accountability in its administrative and management practices, and supports the reporting of improper conduct.
- 1.3 This Whistleblower Policy, which includes the Guidelines and Procedure annexed to this Policy, has been developed for people to raise concerns:
  - regarding situations where they believe that SCA or anybody connected with SCA has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct; **and**
  - they fear reprisal for making a report through the usual mechanisms (SCA Complaints Handling Policy, Grievance and Complaints Standards, Child Safeguarding Policy and Bullying, Harassment, Discrimination and Exploitation Policy).
- 1.4 This Whistleblower Policy does not replace SCA's other policies referred to in 1.3 above. Rather, it is intended to complement them and offer an alternative channel to report suspected improper conduct in circumstances where the reporter desires the legal protections provided by Whistleblower law.

## 2. Policy Statements

- 2.1 **Speak up and report it!** – We encourage everyone at SCA to report any concerns in line with SCA's policies and procedures on complaints and grievances.
- 2.2 **Our expectations of our people** – SCA expects our people to act honestly and ethically, and to make any report in good faith and on reasonable grounds.
- 2.3 **Our responsibility to whistleblowers** – A whistleblower or any person who participates in an investigation will not be subject to a reprisal. Our obligations to our people are set out in this Policy, but in particular in section 2 of the Guidelines – 'Protection'.
- 2.4 **Confidentiality and consent** - SCA will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While SCA encourages whistleblowers to identify themselves to a Whistleblower Protection Officer (defined in section 1.5.1(b) of the Guidelines), a Whistleblower may opt to report concerns anonymously.

## 3. Reporting

The preferred method for making a report is using Whispli (an external, secure, online reporting service which can be used anonymously) by visiting:

<https://app.whispli.com/save-the-children-au> or using the following Quick Response (QR) code:



Alternative reporting mechanisms are described at section 1.5 of the Whistleblower Guidelines.

#### **4. Scope**

4.1 This Policy applies to:

- Board members;
- employees;
- volunteers;
- suppliers and consultants (including any employees);
- ambassadors
- beneficiaries; and
- partner organisations.

Within this Policy all of these people are represented by the term “**Personnel**”.

4.2 Although they are under no obligation to do so, any associate, family member or dependant of any person in the above groups of people may also speak up (excluding supporters and partner organisations). If they do choose to speak up in line with this Policy, we will extend to them the relevant rights and protections under this Policy.

#### **5. Monitoring and Assurance**

5.1 The Whistleblower Policy will be distributed and available to all Personnel via the intranet and during induction.

5.2 To ensure effective protection under the Policy, the Legal Team will monitor and review this Policy annually.

#### **6. Related Documents**

- Save the Children Australia Child Safeguarding Policy
- Save the Children Australia Employee Code of Conduct
- Save the Children Australia Bullying, Harassment, Discrimination and Exploitation Policy
- Save the Children Australia Grievance and Complaints Standards
- Save the Children Australia Complaints Handling Policy

#### **7. Legislation & Industrial Instruments**

- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Public Interest Disclosure Act 2013

*This Policy is not intended to override any industrial instrument, contract, award or legislation.*

Previous Version	Current Version	Comments	Author	Approved by Executive	Approved by BPRC	Review Date
7.0	8.0	Review and simplify	Head of Risk Support	Aug 2017	4/9/17	Q3 2019
8.0	9.0	Clarification and protection of confidentiality of the accused.	Head of Risk Support	-	29/11/17	Q3 2019
		Compliance with <i>Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019</i> commencing 1 Jun 2020	Legal	10/03/20	23/3/20	Q1 2022

## Annexure A

# Whistleblower Guidelines

## Compliance with these Guidelines is mandatory

These Whistleblower Guidelines form part of, and provide further detail in relation to the Whistleblower Policy.

### 1. Reportable Conduct

#### 1.1 Who can make a report?

1.1.1 A whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with SCA, and wishes to avail themselves of protection against reprisal for having made the report.

1.1.2 A whistleblower may be current or former Personnel of SCA.

#### 1.2 What is Reportable Conduct?

1.2.1 A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to:

- a) SCA; or
- b) a related body corporate of SCA

**(Reportable Conduct).**

1.2.2 Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:

- a) dishonest, corrupt, fraudulent, illegal or unethical;
- b) in breach of regulation, internal policy or code (such as the SCA Child Safeguarding Policy, or Code of Conduct);
- c) improper conduct relating to accounting, internal controls, compliance, audit or other matters of concern to the whistleblower;
- d) a serious impropriety or an improper state of affairs or circumstances;
- e) endangering health or safety;
- f) damaging or substantially risking damage to the environment;
- g) a serious mismanagement of SCA's resources;
- h) detrimental to SCA's financial position or reputation;
- i) maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives); or
- j) concealing reportable conduct.

1.2.3 Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

#### 1.3 What is *not* Reportable Conduct?

- 1.3.1 While everybody is encouraged to speak up and report any concerns to SCA, not all types of conduct are intended to be covered by this Policy or by the protections under the *Corporations Act 2001* (Cth). This Policy does not apply to complaints by donors (who should utilise SCA's complaints procedures on our webpage), or personal work-related grievances (see 1.3.2, 1.3.3 and 1.3.4), unless the grievance includes victimisation due to whistleblowing. Those matters are dealt with under the SCA Grievance and Complaints Handling Standards.
- 1.3.2 Personal work-related grievances are those that relate to the discloser's current or former employment with SCA that might have implications for the discloser personally but do not:
- a) have any other significant implications for SCA (or another entity); or
  - b) relate to any conduct or alleged conduct about a disclosable matter (as set out in 1.2.2).
- 1.3.3 Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.
- 1.3.4 However, personal work-related grievances may be covered by these Guidelines where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

#### **1.4 What information do I need to make a report?**

- 1.4.1 To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct.
- 1.4.2 For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:
- a) date;
  - b) time;
  - c) location;
  - d) name of person(s) involved;
  - e) possible witnesses to the events; and
  - f) evidence of the events (e.g. documents, emails).
- 1.4.3 In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

#### **1.5 How can I make a report?**

- 1.5.1 A report must be made:
- a) **via the Whispli online protected disclosure service:** To provide effective protection over disclosures, including allowing continuous discussion with anonymous reporters, SCA has chosen to engage an external, secure, online service from Whispli. This is the preferred mechanism for making a protected disclosure and can be used by anyone with internet access and a browser by going to: <https://app.whispli.com/save-the-children-au>. The online reporting form can also be reached using the following Quick Response (QR) code:



The Whispli platform establishes secure, anonymous if required, two-way communication between the Whistleblower and SCA's Legal Counsel and Head of Risk Support, who have been nominated as Whistleblower Protection Officers to ensure the obligations within the Whistleblower Policy are adhered to;

OR

- b) **verbally or in writing**, to your line manager, a member of the SCA Executive Team, to an SCA Board member, or directly to other key people within SCA who have been nominated as Whistleblower Protection Officers:
- a member of the SCA Legal Team
  - Head of Risk Support
  - Director, People & Culture
  - Chief Executive Officer (**CEO**)
  - Board Chair

The Whistleblower Protection Officers can also provide accurate and confidential advice or information about the Whistleblower Policy, without a report being made.

1.5.2 SCA will also protect individuals who have made a report in connection with SCA:

- a) SCA's auditor, or a member of the audit team;
- b) to the Australian Securities and Investments Commission (**ASIC**) or the Australian Prudential Regulation Authority (**APRA**) or another Commonwealth regulatory body prescribed in legislation;
- c) to a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections; or
- d) that qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that you understand the criteria for making a public interest or emergency disclosure and you may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

1.5.3 While SCA encourages you to identify yourself to a Whistleblower Protection Officer, you may opt to report your concerns anonymously such as through Whispli or by adopting a pseudonym.

## **2. Protection (Protected Disclosures)**

### **2.1 How will I be protected if I speak up about Reportable Conduct?**

2.1.1 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, SCA will support and protect you and anyone else assisting in the investigation.

- 2.1.2 SCA will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:
- a) retaliation, dismissal, suspension, demotion, or termination of your role;
  - b) bullying, harassment, threats or intimidation;
  - c) discrimination, subject to current or future bias, or derogatory treatment;
  - d) harm or injury;
  - e) damage or threats to your property, business, financial position or reputation; or
  - f) revealing your identity as a whistleblower without your consent or contrary to law;
  - g) threatening to carry out any of the above actions.
- 2.1.3 This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.
- 2.1.4 This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.
- 2.1.5 Anyone found to be victimising or disadvantaging another individual for making a disclosure under these Guidelines will be disciplined and may be dismissed or subject to criminal or civil penalties.
- 2.1.6 If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to Whispli, or the Whistleblower Protection Officers under this Policy. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy
- 2.1.7 Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.
- 2.1.8 You may also be entitled to the following legal protections for making a report:
- a) protection from civil, criminal or administrative legal action;
  - b) protection from having to give evidence in legal proceedings; and/or
  - c) compensation or other legal remedy.

## **2.2 How will SCA ensure confidentiality?**

- 2.2.1 A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. SCA will do all it can to protect confidentiality.
- 2.2.2 However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. SCA will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures.

- 2.2.3 You may choose to report your concerns anonymously. However, if you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:
- a) you consent in writing to the disclosure;
  - b) the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);
  - c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
  - d) the disclosure is authorised under the *Corporations Act 2001* (Cth); and/or
  - e) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.
- 2.2.4 We encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.
- 2.2.5 It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. SCA may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

### **2.3 False reports or disclosures**

- 2.3.1 Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.
- 2.3.2 The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

### **3. Handling and investigating a disclosure**

- 3.1.1 SCA will handle and investigate Protected Disclosures in accordance with the Whistleblower Procedure at Annexure B.
- 3.1.2 SCA will endeavour to provide the discloser with regular updates.
- 3.1.3 SCA may not be able to investigate a disclosure if it is unable to contact the discloser.



## Annexure B

# Whistleblower Procedure

This Whistleblower Procedure forms part of the Whistleblower Policy. It outlines the procedure for making a report under the Whistleblower Policy and Guidelines.

### 1. Responsibilities

- 1.1 The **Human Resources Department** is responsible for ensuring that:
- a) Personnel are made aware of their rights and responsibilities in relation to whistleblowing at induction; and
  - b) Personnel are regularly encouraged to speak up about concerns of Reportable Conduct.
- 1.2 **Whistleblower Protection Officer(s)** are responsible for:
- a) providing advice and support to reporters;
  - b) maintaining a secure and restricted record of all reports made under this Policy, Guidelines and Procedure (collectively, **Whistleblower Framework**);
  - c) arranging role-specific training as and when required;
  - d) receiving whistleblower reports and protecting the interests of reporters;
  - e) determining whether the report falls within the scope of the Policy;
  - f) determining whether and how a report should be investigated;
  - g) appointing a Whistleblowing Investigator where an investigation is deemed appropriate;
  - h) ensuring investigations are conducted in accordance with this Policy; and
  - i) ensuring any reports involving a Director or the CEO are reported to the Board Chair. Reports involving the Chair will be reported to the Chair of the Board Audit Committee.
  - j) updating reporters on progress and details of outcomes to the fullest extent possible;
  - k) maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters;
  - l) immediately reporting concerns in relation to any detrimental conduct to the CEO or Board Chair (provided that the concerns do not relate to them);
  - m) determining the appropriate courses of action to remediate or act on the investigation
  - n) reporting matters to relevant authorities;
  - o) making recommendations to prevent future instances of reportable misconduct; and
  - p) seeking to ensure the integrity of the whistleblower program is maintained.
- 1.3 **Whistleblower Investigators** are responsible for:
- a) investigating reports in accordance with this Framework;
  - b) maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters;
  - c) gathering evidence and taking steps to protect or preserve evidence;
  - d) making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report;
  - e) keeping comprehensive records about the investigation;
  - f) making recommendations to the Whistleblower Protection Officers about how to implement the strategy in relation to how reported misconduct can be stopped, prevented and/or mitigated in future;
  - g) reporting back to the Whistleblower Protection Officers on the progress of their investigation 7 days after the report and every 14 days thereafter; and
  - h) complying with the directions of the Whistleblower Protection Officer in relation to any further follow up, and reporting action and requirements, including the implementation of any recommendations.

- 1.4 **Personnel** are responsible for reporting misconduct or dishonest or illegal activity that has occurred or is suspected within SCA as quickly as possible, whether anonymously or otherwise.

## **2. Procedure**

### **2.1 How do I make a report?**

- 2.1.1 Whistleblowing protections will only apply to reports of Reportable Conduct made in accordance with this Framework.

- 2.1.2 Where you have reasonable grounds to suspect that an individual has engaged in Reportable Conduct, you should make a Protected Disclosure (verbally or in writing) to your line manager, an SCA Board member or any person authorised by SCA to receive whistleblower disclosures. Authorised persons are:

- a) Whispli online protected disclosure service;
- b) Whistleblower Protection Officers:
  - i. a member of the SCA Legal Team
  - ii. Head of Risk Support
  - iii. Director, People & Culture
  - iv. CEO
  - v. Board Chair; or
- c) a member of SCA's Executive Team.

- 2.2 If you are not comfortable or able to report Reportable Conduct internally or using the Whispli platform, you may also report it to SCA's auditor or a member of the audit team, or ASIC.

- 2.3 If you have disclosed your identity, your confidentiality will be maintained and your disclosure will be protected in accordance with this Framework regardless of whether the allegations in your report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.

### **2.4 How are reports investigated?**

- 2.4.1 Upon receiving your report, SCA will:

- a) assess the report of Reportable Conduct;
- b) consider whether there are any conflicts of interest prior to investigating;
- c) determine whether external authorities need to be notified;
- d) determine whether and how to investigate; and
- e) appoint a Whistleblower Investigator if appropriate.

- 2.4.2 If an investigation is deemed necessary, it will be conducted fairly, objectively and in a timely manner. The investigation process will vary depending on the nature of the Reportable Conduct and the amount of information provided.

- 2.4.3 When an investigation is commenced, the Whistleblower Investigator will make contact with the whistleblower (if possible), advising that:

- a) they have been appointed to respond to the report and conduct an investigation, subject to the clarification of any preliminary matters with the whistleblower;

- b) they will then form a preliminary assessment of whether the alleged Reportable Conduct is reasonably capable of meeting the criteria of improper conduct. If unclear about the matter, the Whistleblower Investigator may seek further information from the whistleblower or other persons necessary to form a proper view and will advise the whistleblower of his or her assessment;
- c) the whistleblower may request a review of the assessment by the CEO, or a suitably constituted body or panel within SCA, or otherwise in accordance with the grievance procedures applicable within SCA from time to time; and
- d) if the Whistleblower Investigator (or reviewing body or panel) considers that the whistleblower report discloses potential improper conduct, he or she will assess and determine the appropriate manner in which to conduct an Investigation. The Whistleblower Investigator will liaise with the SCA CEO, the SCA Director of People and Culture and other relevant parties (such as the SCA Board Audit and Risk Committee, or other SCA legal or financial advisers) in determining an Investigation Plan and content.

2.4.4 Without limitation, an Investigation Plan may address:

- a) a summary of the allegations, the issues to be proven, the possible findings or offences, and the facts in issue;
- b) the number and identity of witnesses to be interviewed, if any, and the nature and extent of any documents to be reviewed;
- c) any resources required to conduct the investigation, including the assistance of other SCA people or external assistance or resources;
- d) the realities of resource allocation affecting the investigation;
- e) whether the investigation should be conducted in whole or in part by external investigators, in light of the allegations or any other matter; and
- f) any recommendations to be considered by the Whistleblower Investigator regarding actions to be taken where improper conduct is found to have occurred.

2.4.5 The Whistleblower Investigator will then conduct the investigation. The Whistleblower Investigator will be free to depart from, vary or skip any steps identified in the Investigation Plan, depending on the nature of the allegations contained in the disclosure and any matters identified or determined during the investigation.

2.4.6 Any individuals who are accused of misconduct in a report (a Respondent) will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken.

2.4.7 SCA may need to speak with a whistleblower as part of an investigation. If the identity of the whistleblower is known, subject to obligations of privacy and confidentiality SCA will endeavour to keep them informed about the status of an investigation.

2.4.8 If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, the individual who reported the Reportable Conduct will be notified at the earliest possible opportunity.

## 2.5 **Outcome of an investigation**

2.5.1 At the conclusion of the investigation, a report will be prepared outlining:

- a) a finding of all relevant facts;
- b) a determination as to whether the allegation(s) have been substantiated or otherwise;

c) the action that will be taken, which may include disciplinary action and dismissal.

2.5.2 The disciplinary action will be dependent on the severity, nature and circumstances of the Reportable Conduct.

2.5.3 Where possible and appropriate, having regard to SCA's privacy and confidentiality obligations, the whistleblower will be informed of the outcome of any investigation into their concerns.