

WHISTLE BLOWER POLICY AND PROCEDURES

PURPOSE OF THIS POLICY

- encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to Foresight Australia or damage to its reputation;
- enable Foresight Australia 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;
- establish the policies for protecting whistleblowers against reprisal by any person internal or external to the entity;
- help to ensure Foresight maintains the highest standards of ethical behaviour and integrity.

RESPONSIBILITIES

The Foresight Board is responsible for adopting the Whistle Blower policy. The organisation's General Manager is responsible for the implementation of this policy.

All staff, Board members, volunteers, contractors and partners 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.

DEFINITIONS

A whistleblower is a person being a director, manager, employee, volunteer, contractor or members of Foresight's partner organisations who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with reportable conduct and wishes to avail themselves of protection against reprisal for having made the report.

Breaches of general law, organisational policy, or generally recognised principles of ethics include:

- corrupt conduct
- fraud or theft
- official misconduct
- maladministration
- harassment or discrimination based on age, gender, transgender, race, marital status, sexuality, carer responsibilities or disability
- serious and substantial waste of resources
- practices endangering the health or safety of the staff, volunteers, or the general public
- practices endangering the environment.

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

POLICY AND PROCEDURES

Concerns regarding illegal or corrupt behaviour

Where an employee, Board member, volunteer, contractor and/or partner of Foresight believes in good faith on reasonable grounds that any other employee, volunteer, Board member or contractor has breached any provision of the general law that person must report their concern to:

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
 - the General Manager: or, if they feel that the General Manager may be complicit in the breach,
 - the organisation's Chairperson,
- The person making their concern known shall not suffer any sanctions from the organisation on account of their actions in this regard provided that their actions are in good faith, and are based on reasonable grounds, and conform to the designated procedures.

Where serious breaches of the law are alleged, the whistle blower or the person to whom the whistle blower has made a disclosure to, may be legally obliged to report the breaches to the relevant authority, such as the police.

Any person within the organisation to whom such a disclosure is made shall

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision;
- if they believe the behaviour complained of to be neither trivial nor fanciful, ensure that the allegation is investigated, a finding is made, and the person making the allegation is informed of the finding. The Foresight General Manager or Board will nominate the person or entity that will undertake the investigation.

Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness.

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the organisation.

Concerns regarding improper or unethical behaviour

Where an employee, Board member, volunteer or contractor of Foresight believes in good faith on reasonable grounds that any other employee, Board member, volunteer, or contractor has breached any provision of the organisation's constitution, or its bylaws, or its policies, or its code of conduct, or generally recognised principles of ethics, that person may report their concern to

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
- the General Manager: or, if they feel that the General Manager may be complicit in the breach
- the organisation's Chairperson;

The person making their concern known shall not suffer any sanctions from the organisation on account of their actions in this regard provided that their actions

- are in good faith, and
- are based on reasonable grounds, and
- conform to the designated procedures.

Any person within the organisation to whom such a disclosure is made shall

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision;
- if they believe the behaviour complained of to be neither trivial nor fanciful, ensure that the allegation is investigated, a finding is made, and the person making the allegation is informed of the finding. The Foresight's General Manager or Board will nominate the person or entity that will undertake the investigation.

Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness.

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the organisation.

Anonymity

If the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law.

The complainant 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 complainant is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorized persons.

Where serious breaches of the law are alleged, the person to whom a disclosure is made may be legally obliged to report the breaches to the relevant authorities, such as the police, and may be obliged to cooperate with them. Legal obligations may not permit the whistle blower to be shielded, and they should be informed accordingly.

Investigation

On receiving a report of a breach, the person to whom the disclosure is made shall

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision
- if they believe the behaviour complained of to be neither trivial nor fanciful, put in motion the investigation process described below.

The person to whom the disclosure was made shall notify the General Manager (or Chair – as appropriate), who shall be responsible for ensuring that an investigation of the charges is established and adequately resourced.

Terms of reference for the investigation will be drawn up, in consultation with the General Manager (or other relevant person or body), to clarify the key issues to be investigated.

An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

Strict security will be maintained during the investigative process.

All information obtained will be properly secured to prevent unauthorised access.

All relevant witnesses will be interviewed, and documents examined.

Contemporaneous notes of all discussions, phone calls and interviews will be made.

The principles of procedural fairness (natural justice) and impartiality will be observed. In particular, 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.

The person or persons conducting the investigation shall be as far as possible unbiased.

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.

The report will be provided to the person making the allegation (with, if necessary, any applicable confidentiality stipulations).

Protection of Informant

Where the investigation has found that the person making the allegation made it in good faith on reasonable grounds, the General Manager (or other relevant person or body) shall designate an officer to be responsible for ensuring that the person suffers no employment-related disadvantage on account of their actions in this matter and to provide additional support for the person where necessary.

RELEVANT LEGISLATION

Australia – Public Interest Disclosure Act 2013

NSW – Public Interest Disclosures Act 1994

NSW – Anti-Discrimination Act 1977

DOCUMENT CHANGE HISTORY

Revision: June2019