

30. WHISTLEBLOWER POLICY

PURPOSE

To encourage reporting of wrongdoing within our organization. This policy provides a safe structure so that those reporting the matter feel safe to express their concern.

PRINCIPLE

CEN recognises that we live in a fallen world; and that people make mistakes, or exercise wrong choices, which impact others, sometimes seriously. CEN's processes aim to assist management and the individuals to address and rectify issues: also with the goal of humble restoration and support of the person who erred.

Brothers and sister, if someone is caught in a sin, you who live by the Spirit should restore that person gently. But watch yourselves, or you also may be tempted. (Galatians 6:1).

DEFINITIONS

Whistleblowing: Disclosure by or for a witness of actual or suspected wrongdoing

Whistleblower: Person reporting the matter of concern according to this policy.

Eligible Whistleblower: May be one or more of the following:

- A current or former officer or employee of CEN;
- A current or former contractor or supplier to CEN and their employees;
- A current or former volunteer of CEN;
- A relative or dependent of any of the above.

Whistleblower Officer: The person responsible for receiving the disclosure of the wrongdoing and overseeing the resolution. They have a direct avenue of reporting to the CEO and National Board as may be required to satisfy the objectives of this policy. The Whistleblower Officer is appointed by the Board.

Wrongdoing: Conduct that:

- Breaches legislation, regulations or local government by-laws or is otherwise illegal;
- Is corrupt or is an abuse of public trust;
- Is dishonest or fraudulent;
- Perverts the course of justice;

- Unreasonably endangers health and safety or the environment;
- Administration which is unjust or based on improper motives, unreasonable, oppressive or negligent;
- Seriously wasteful of resources (including finances or property);
- Is gross mismanagement or repeated breaches of administrative procedures;
- Results in the loss financial or non-financial to the detriment of CEN;
- Is an unethical breach of the Code of Conduct;
- Is serious improper conduct that could result in disciplinary action.

POLICY

This policy applies to CEN and the National Institute for Christian Education, (henceforth referred to as CEN), its directors and personnel, volunteers, contractors, clients and suppliers.

CEN is committed to the highest standards of legal, ethical and moral behaviour. Anyone who has a working relationship with CEN and observes or becomes aware of a matter they believe to be of a serious concern should feel empowered to report such concern without fear of reprisals or victimisation if they voice their concern. Such victimisation is not only illegal, it also directly opposes the values of CEN.

When a matter of concern is reported:

- The identity of the person reporting is to remain confidential
- They will be protected from discrimination, harassment or victimisation for making the disclosure;
- An independent internal enquiry or investigation will be conducted;
- Issues identified will be addressed and resolved;
- The person raising the concern will be informed of the outcome;
- Any negative consequences made toward the person reporting will be treated seriously as a wrongdoing under this policy.

Rights and responsibilities of each party

Whistleblowers

Protection is available to Whistleblowers who disclose wrongdoing that is:

- Serious;

- Made in good faith;
- Made with reasonable grounds to believe it to be true.

Protection is not available where the disclosure is:

- Frivolous, malicious or vexatious with no substance in fact. (This will be treated in the same manner as a false report and may itself be a wrongdoing.);
- Unsubstantiated allegations which are found to be malicious or knowingly to be false will be considered very seriously and may be subject to disciplinary action.

A Whistleblower must provide information to assist any enquiry/investigation of the reported wrongdoing.

Making a disclosure does not protect the Whistleblower from consequences which may result from their involvement in the wrongdoing. Liability for their own conduct is not affected by their report of that conduct under this policy. However, cooperation in the investigation, admission of involvement and remorse may be taken into account when considering disciplinary action.

Whistleblower Officer

The Whistleblower Officer will:

- Investigate the claims made and prepare a report of outcomes. He or she may seek expertise of other CEN employees where relevant and may also seek the advice of internal or external experts as required;
- Notify appropriate government agencies about Whistleblower events if required;
- Maintain a Whistleblower Register. This may reflect trends and assist in identifying systemic issues which need to be addressed;
- Be responsible for keeping the Whistleblower informed of the progress and outcomes of the investigation, subject to the considerations of privacy of the person against whom a disclosure has been made;
- Will provide a report to the Board as required.

Alternative reporting

Alternative reporting may be necessary when:

- The normal channel is considered inappropriate;
- A notification was made through normal channels but was not dealt with;
- The person disclosing is concerned about possible retaliation

In these circumstances, the report should be disclosed to the CEO or another member of the National Board.

Other Avenues for Complaints

This policy is in addition to: 04. Grievance Handling/Dispute Resolution Policy and 03. Bullying and Harassment Policy. This policy does not replace other reporting structures already in place regarding discrimination and matters relating to workplace bullying or harassment.

The exception to this is where the issue is of a serious nature and yet the existing reporting system has failed to or inadequately addressed the seriousness of the issue.

Anonymous reporting

Anonymous reports of wrongdoing are accepted but have significant limitations. These include the inability to provide feedback and report on the outcome of investigations and also limit the avenues to gather particulars when investigating the issue.

Confidentiality

CEN will not disclose the identity of a Whistleblower unless:

- It is necessary to further an investigation and the Whistleblower consents to the disclosure;
- The disclosure is required or authorised by law.

When a report is investigated, it may be necessary to reveal details to others such as other CEN personnel, external parties involved in the investigation and if necessary, law enforcement agencies.

It will be necessary to disclose the facts of a report to a person who may be the subject of the report as it is essential for natural justice to prevail. Although confidentiality is maintained, the source of the reported issue may be obvious to the person who is the subject of the report.

Records of all reports will be stored securely with restricted access determined by the Whistleblower Officer. Unauthorised disclosure of information that could prejudice confidentiality and identify a Whistleblower will be regarded seriously. Disciplinary action may result.

Investigation

All reports made under this policy will be assessed and investigated. The investigation will be carried out as quickly and thoroughly as possible. Strict confidence will be maintained during this process. All information obtained will be properly secured. Relevant witnesses will be interviewed and documents examined. Notes of all discussions, phone calls and interviews will be made. Investigations must be conducted in a fair and independent manner.

The Whistleblower Officer will prepare a report when the investigation is complete. The report will include the allegations, a statement of all findings, conclusions reached including damage caused/impact on the organisation or affected parties and all supporting material gathered during the investigation. The report will also include recommendations based on the conclusions to address any wrongdoing identified and any other matters arising due to the investigation.

Disclosure Management

CEN recognises that all parties are to be supported during the investigation process. CEN will endeavour to treat fairly the person who is the subject of a report.

Where a person is identified as being suspected of possible wrongdoing, but preliminary enquiries determine the suspicion is baseless and no formal investigation is warranted, the Whistleblower will be informed and the matter laid to rest.

Where an investigation concludes that the disclosure is unsubstantiated, the fact that an investigation has taken place, the results and the identity of the person who is the subject of the report must be treated confidentially.

Where the investigator believes there may be a case to answer, the investigator must ensure that the person who is the subject of the investigation:

- Is informed of the substance of the allegations;
- Is given an opportunity to answer the allegations before the investigation is finalised;
- Has their response recorded in the investigator's report;
- Is informed of the substance of conclusions in the investigators report that affects them.

Where adverse conclusions are made in an investigator's report, the individual has a right to respond prior to action being taken.

CEN will give support to a person who is the subject of a report where the allegations are proven wrong or are inconclusive.

Failure to comply

Any breach of this policy may result in disciplinary action that could result in severance from the organisation.

Related policies

Grievance Handling/Dispute Resolution Policy, bullying and Harassment Policy.