

The Winston Churchill Memorial Trust

National Policy Document – Whistleblowing

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Reviewed by	Sally Campbell, Finance Manager	Approved by Board on	October 2021
Responsible person	Adam Davey, CEO	Scheduled review date	October 2023

PURPOSE

The Winston Churchill Memorial Trust (WCMT) considers that all reports of Wrongdoing play an important role in helping to maintain the honesty, integrity and professionalism of our organisation. In making a report of suspected Wrongdoing and providing evidence to support your report you are helping us to maintain our standards of behaviour and to sustain a positive workplace culture.

1. WHISTLEBLOWING POLICY

- 1.1 WCMT is committed to operating legally, properly, and ethically. All employees have a responsibility to protect the organisation from any adverse reports, legal action, or financial loss that may result from illegal, improper, or unethical conduct carried out by other employees in relation to or incidental to the activities of WCMT.
- 1.2 For the purposes of this policy any reference to employees includes directors, permanent employees, temporary and casual employees, volunteers, unpaid interns or work experience placements, contractors and subcontractors.
- 1.3 WCMT's aim is to encourage and support the disclosure of Wrongdoing, so that appropriate action can be taken. WCMT will provide a safe and confidential environment that is free from victimisation or reprisal for any person who wishes to disclose any suspected Wrongdoing.
- 1.4 Wrongdoing, for the purpose of this policy, includes, but is not limited to:
 - (a) any breach of Commonwealth, State or Territory laws or regulations
 - (b) a breach of WCMT's policies and procedures
 - (c) fraudulent activity
 - (d) the acceptance of bribes or other unlawful benefit
 - (e) illegal activity including theft
 - (f) conduct that endangers the health and safety of employees or the general public
 - (g) any conduct that is detrimental to the financial interests or reputation of WCMT
 - (h) the impediment of any audit process or other type of financial procedure
 - (i) harassment or unlawful discrimination
 - (j) any unethical or corrupt dealings

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- (k) maladministration
 - (l) serious and substantial waste of WCMT's resources; and
 - (m) practices endangering the environment.
- 1.5 Where an employee believes in good faith and on reasonable grounds that another employee has engaged in Wrongdoing, that employee should report the conduct to the CEO or another person in line with the Whistleblower procedure set out at 2.1.
- 1.6 WCMT will investigate any report of suspected Wrongdoing that contains sufficient information to form a reasonable basis for investigation. Any employee who reports suspected Wrongdoing will be informed of the action taken to consider and/or investigate the reported Wrongdoing.
- 1.7 WCMT will ensure, as far as it is practical to do so, that an employee who reports suspected Wrongdoing will remain anonymous throughout the investigation process. WCMT will only disclose the identity of a person who reports suspected Wrongdoing if:
- (a) the person consents for their identity to be disclosed
 - (b) WCMT is required to disclose the person's identity by law; or
 - (c) the disclosure of the person's identity is necessary to further the investigation into the suspected Wrongdoing.
- WCMT must advise the employee if disclosure is required, prior to the disclosure being made.
- 1.8 Any employee who reports suspected Wrongdoing shall not suffer any sanctions or victimisation on account of their disclosure, provided that:
- (a) the employee acted in good faith
 - (b) the disclosure was made on a reasonable belief of Wrongdoing; and
 - (c) the employee acted in accordance with this policy.
- 1.9 Nothing in this policy authorises any employee to inform commercial media or social media of any suspected Wrongdoing, and does not offer protection to any employee who does so.

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2. WHISTLEBLOWING PROCEDURE

2.1 Where an employee suspects in good faith and on reasonable grounds that any other employee has engaged in Wrongdoing, the employee should report their concern to:

- (a) The CEO; or
- (b) if the employee believes that the CEO is the subject of, or is complicit in the Wrongdoing the Chair of the IARC; or
- (c) if the employee believes that the Chair of the IARC is the subject of, or is complicit in the Wrongdoing the Board Chair; or

if the employee believes that the Board Chair is the subject of, or is complicit in the Wrongdoing an external and independent person or entity nominated by the Board of Directors, currently:

Confidential Reporting Pty Ltd - Whistle Blowing Services

<https://www.whistleblowingservice.com.au/wcmt>

To make an “Online” report:

- Please click on the link above
- Click “Making a Report” Button
- Enter ‘WCMT2021’ in the “Unique Key” field.
- Enter “damy2021” in the “Client Reference Number” field
- Click “Next” Button
- Enter the details of the disclosure

2.2 Reports made under this procedure should:

- (a) include the nature of the alleged Wrongdoing
- (b) identify the person or persons responsible for the alleged Wrongdoing
- (c) include the grounds on which the employee’s report of the alleged Wrongdoing is based
- (d) include, if known, the nature and whereabouts of any further evidence that would substantiate the report; and
- (e) be lodged in writing to the appropriate person or entered via the landing page of Whistle Blowing Services, details provided above.

2.3 WCMT is under no obligation to investigate any alleged Wrongdoing if the person or entity to whom the report is made is of the opinion that there are not sufficient grounds to do so. If it is deemed by the person or entity to whom the report is made, that there are sufficient grounds to investigate the alleged Wrongdoing, then the following procedure shall be followed:

- (a) the person or entity to whom the disclosure is made shall notify a person who shall be responsible for ensuring that the investigation of the charges is established and adequately resourced. The person notified should be the CEO or another person in line with the procedure set out at 2.1.

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- (b) the person notified shall then nominate a person or persons to investigate the alleged Wrongdoing, who shall, in consultation with the person notified, draw up terms of reference for the investigation.
 - (c) the person or persons investigating the alleged Wrongdoing must keep contemporaneous notes of all discussions, phone calls, and interviews conducted in accordance with the investigation.
 - (d) the person or persons investigating the alleged Wrongdoing must adhere to the principles of procedural fairness in the conducting of investigations and shall be unbiased.
 - (e) where possible the person or persons conducting the investigation shall record interviews; and
 - (f) 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.
- 2.4 After the investigation of the alleged Wrongdoing is completed, the person or persons conducting the investigation shall produce a report which will include:
- (a) the allegations;
 - (b) a statement of all the relevant findings of fact and the evidence relied upon in reaching any conclusions;
 - (c) the conclusions reached and the reasons for those conclusions (including, if any, the damaged caused and the impact on any affected parties); and
 - (d) recommendations based on those conclusions to address any wrongdoing identified and any other matters that arose during the investigation.
- 2.5 The report will be provided to the person making the allegation with, if necessary, any applicable confidentiality stipulations.
- 2.6 WCMT will give its full support to a person who is the subject of a report where the allegations contained in the report are clearly wrong.
- 2.7 The CEO will consider whether to adopt the investigator's report recommendations and make a decision in consultation with the Board Chair.

AUTHORISATION

Company Secretary
OCTOBER 2021
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