

## **WHISTLE-BLOWER POLICY**

### **INTRODUCTION**

HFC are committed to working according to or above the standard required by the Code of Conduct of the Australian Council for International Development (ACFID).

As part of our commitment to transparency, accountability and fair treatment for all representatives, partners and people who come into contact with our organisation, especially those most vulnerable, both in Australia and overseas, Hope for Children Organization Australia Limited (HFC) has developed a whistleblowing handling process. The document provides practical tool for helping us to identify wrongdoing that may not be uncovered unless we provide a safe and secure means for disclosing such wrongdoing.

We address any disclosure in a fair, equitable, objective, and unbiased manner and we are committed to handling the process with transparency, responsiveness and confidentiality.

We are committed to the values of fairness and justice and strive to achieve the highest possible standard in all areas of our work therefore this policy not only meets our legal and regulatory obligations, but it is aligned with HFC Code of Conduct.

We encourage anyone who is aware of wrongdoing at Hope for Children to have a confidence to speak up.

HFC recognised that a need for disclosure may occur because of some services failures, personal misconduct or wrongdoing, relevant information is not readily available or difficult to understand, incomplete or misleading, does not appropriately address common concerns, therefore we see this as one of the ways to identify, address and report on any fraudulent, illegal or unethical conduct (including any sexual exploitation, abuse or harassment) and a source of continues improvement of how the organization operates.

HFC acknowledges that the handling of concerns about misconduct is very sensitive in the countries in which we operate, in that they have different cultural expectations to those of Australia. However, as part of our role, HFC will continue to work closely with partners in those countries to devise ways to promote transparency and encourage anyone associated with it who becomes aware of serious misconduct to voice their concerns directly to HFC and without fear of reprisal.

It is essential that the reporting person should be able to make a report without fear of retribution, harassment, victimisation or discrimination.

### **PURPOSE AND SCOPE**

#### **Purpose**

This policy aims to encourage and facilitate the disclosure of wrongdoing and ensure that people who disclose wrongdoing can do so safely , securely and with confidence that they will be protected and supported.

## Scope

### These procedures apply to:

- employees
- volunteers and members
- directors of the Board
- clients
- contractors, suppliers and service providers engaged by HFC.

Former employees, volunteers and interns may make a protected disclosure, as long as it is within 12 months of the end of their involvement with HFC.

This policy should be read in conjunction with other relevant policies, including the Complaints Policy and the grievance procedure in the HR handbook. Anyone who considers there has been misconduct is encouraged to read each policy to choose the most relevant policy and/or procedure for reporting their concern. Making a protected disclosure does not absolve the whistleblower from the consequences – including criminal proceedings or disciplinary action – of any involvement in the misconduct.

However, the whistleblower's action in reporting the concern may be taken into consideration in the decision about what disciplinary action (if any) is appropriate.

### Reportable Concerns

HFC encourages the reporting of misconduct and/or reasonable suspicions that any of the following have taken place, are taking place, an intent exists to carry any of the following out in the future, or that any of the following have been concealed:

- fraud, that is, a deliberate deception in order to secure personal gain, or to cause disadvantage to HFC; this includes theft, bribery and facilitation payments and money laundering;
- corruption, that is, the improper use of influence or position and/or improper use of information by commission or omission;
- unauthorised use or misuse of HFC property, equipment or materials;
- criminal offences by HFC staff or third parties related to HFC;
- damage to the environment;
- breaches of health and safety; , including risks to the public as well as other beneficiaries and employees;
- undeclared conflicts of interest;
- abuse of authority;
- sexual exploitation, harassment or abuse;
- unethical or other serious improper conduct, including such conduct that is in breach of any of HFC policies and procedures.
- the concealment of any of the above

## **False Reporting**

If you deliberately make a malicious, false or vexatious allegation under this policy, you will not be able to access the whistleblower protections and you may be subject to disciplinary proceedings.

However, if you reasonably suspect misconduct or have some information leading to a suspicion (but lack all the details) we encourage you to nonetheless come forward.

Provided you make your disclosure in good faith, you may still be protected even if your allegations are then found to be incorrect, unfounded or unable to be substantiated in a subsequent investigation.

## **Anonymous Reporting**

Anonymous reports of misconduct are accepted under this policy. However, such reports have limitations that inhibit a proper and appropriate inquiry or investigation. Specific protection mechanisms cannot be provided. If an anonymous report is made, it remains at HFC's discretion as to whether it will proceed with a full investigation because of the limited ability to interview the whistleblower to seek further information.

## **Core Protections for the whistleblower**

This section of the policy sets out legal protections that apply to persons who qualify for protection under this policy.

### **Protection from detriment**

Those who make protected disclosures are protected from any civil, criminal or administrative liability (including disciplinary action) for making the disclosure. HFC is committed to protecting and respecting the rights of anyone who has made such a disclosure. Protection is available to those who make a disclosure that is:

- serious in nature;
- made in good faith;
- made with reasonable grounds to believe it is true.

Whistleblowers, as far as possible, will not be disadvantaged for making a report. Any adverse action, harassment, discrimination or reprisals for a protected disclosure made under this policy or procedure will be treated by HFC as serious misconduct and may result in disciplinary action against the perpetrator.

Any reporting person who believes that they have been subject to disadvantage as a consequence of making a disclosure should report the details to the Managing Director.

### **Protection of your identity (Confidentiality)**

No person can disclose the information contained in your disclosure, your identity or any information likely to lead to your identification (where that information has been obtained directly or indirectly because of your disclosure). It is illegal to do so except in one of the following instances:

- you consent to the disclosure
- the disclosure is required or authorised by law; and/or
- the disclosure is necessary to further the investigation, and all reasonable steps are taken to reduce the risk that you will be identified as a result of the information disclosed.

During an investigation, it will be necessary to disclose the facts and substance of the misconduct to the subject/s of it. This is essential for a fair investigation to be undertaken and for the laws of natural justice and procedural fairness to prevail. However, it is also acknowledged that by always ensuring the protection of the reporting person, this may limit HFC's ability to conduct a full and comprehensive investigation.

Where an investigation does not substantiate misconduct, the fact that the investigation has been carried out, the results of the investigation, the identity of the person making the report and the identity of the person who is the subject of it must be handled confidentially.

We will ensure that any relevant records are stored securely and are able to be accessed only by the Managing Director or by the Chair of the Board and bona fide for the purposes of discharging their responsibilities as a director.

The whistleblower must also maintain confidentiality and refrain from discussing the matter with anyone else. This includes informing commercial media or social media of their concern.

**Any person who violates this may not be offered protection.**

## **POLICY STATEMENTS**

### **PROCEDURE FOR REPORTING**

If you are a person this policy applies to and have reasonable grounds to believe you have information concerning reportable conduct, you may make a disclosure to any of the persons or organizations referred to below.

**When making a report, the whistleblower should clearly outline:**

- the issue or concern;
- the alleged misconduct;
- the individual(s) involved;
- their reasons for believing that the misconduct has occurred, including when and how it occurred; and
- the nature and whereabouts of any further evidence that would substantiate their allegation, if known.

This is to ensure that the recipient has sufficient information to take appropriate action without delay.

**The whistleblower should ensure that their report is:**

- factually accurate, noting the suspected misconduct and their own actions;
- based on firsthand knowledge;
- objectively based on reasonable grounds; and
- contains all relevant details.

The whistleblower must keep secure any relevant documents as possible evidence and not alter them.

All disclosures will be recorded and treated respectfully and with appropriate urgency according to how urgent or serious they are. If personal safety or security is at risk, HFC will respond immediately and will escalate appropriately.

If the information is not classified as an urgent HFC will respond within a reasonable time that disclosure has been received.

Disclosure can be made verbally or in writing and can be made anonymously.

In the first instance, we encourage making disclosure to relevant team leader, the Human Resources manager or HFC CEO ( in person or by phone during office hours, or by appointment , via letter or by email at all times) to allow us to take the appropriate steps in investigation, rectify (if possible) or otherwise resolve the issue internally as soon as possible.

### **Reporting Internally**

Where the disclosure is made internally, the relevant person at HFC to whom the disclosure has been made will acknowledge your disclosure within a reasonable period (provided you can be contacted, even via anonymous channels) and report your disclosure directly to:

- A person at HFC who has been appointed on a case-by-case basis to assess the risk of detriment to you and those implicated by your disclosure, and be responsible for your protection
- A person at HFC who has been appointed on a case-by-case basis to promptly conduct a preliminary review of your complaint to determine whether it qualified for protection under this policy and whether a formal, in-depth investigation is required.

**All reports are subject to the confidentiality provisions set out in this policy and all parties should be given the opportunity to give their perspective and have a support person allocated.**

If a disclosure does not relate to reportable conduct the matter may be dealt with in accordance with HFC Complaints Policy or other applicable procedures. Where an investigation is deemed warranted by the Managing Director, an investigator must be appointed. The appointed investigator must be external to HFC or a person who is completely at arm's length from the management and administration of HFC and the matters raised by the report or disclosure. It may be considered necessary to appoint a team of investigators if the matter is complex. The appointed investigator/s will be required to:

- take all reasonable steps to ensure that the investigation is fair, timely and that the rules of procedural fairness are applied;
- provide regular and timely feedback on the status of an investigation and the outcome of the investigation to the parties involved;
- report the findings of the investigation to the Managing Director.

## **Violation of laws and regulations**

If the Managing Director is of the opinion that the reported misconduct could be illegal or criminal, they must first consult HFC legal advisor before taking further action. This may result in the matter being referred to the police or other appropriate authority. If the legal advisor is of the opinion that the evidence is insufficient to take to an external authority, then the misconduct will be treated as an internal matter.

## **Investigation outcomes**

On completion of an investigation, a written report of the findings must be provided by the investigator/s to the Managing Director. The report must summarise the conduct of the investigation and the evidence collected and should detail any conclusions drawn, as well as making recommendation/s for response by HFC. The Managing Director will determine the appropriate responses to the findings of the investigation. This will include determining whether disciplinary action is necessary. The misconduct may have wider implications for HFC regarding such matters as policy, structure and operations. The Managing Director can make recommendations for a wider systemic response and HFC will take reasonable steps to review policies and processes to prevent such misconduct continuing or occurring in the future

## **Steps to take if you are making disclosure:**

**Step 1:** Work out the best way to handle the situation. If you are unsure, seek advice and guidance from others, including HFC management, local In-Country Representative or a member of the Board.

**Step 2:** If you feel the issue has reasonable ground for disclosure you should utilise any of the following avenues:

### *In Ethiopia:*

- Approach the local Line Manager/Headmaster, HR Manager or if neither of these avenues is appropriate, the In-Country Representative
- Approach the Managing Director

### *In Australia:*

- Approach the Managing Director
- Approach a Member of the Board

**Step 3:** Lodge a formal report.

## **Lodging a formal disclosure with HFC**

### **In Australia**

- (a)** send an email to [info@hopeforchildren.org.au](mailto:info@hopeforchildren.org.au) detailing the matter or ask for appointment
- (b)** telephone on +61 8 6460 4949 (working hours), +61 418 788 445 ( at all times)
- (c)** contact Managing Director- Jacqui Gilmour, directly on [jgilmour@hopeforchildren.org.au](mailto:jgilmour@hopeforchildren.org.au)
- (d)** address the issue in writing to

HFC Organization Australia  
PO Box 919, Claremont  
Western Australia, 6910

### **In Ethiopia**

- (e)** Utilise one of the Suggestion and Feedback boxes at any program location
- (f)** telephone on +25118688620
- (g)** visiting office in Yeka Sub-city, Woreda 1, House No.1415
- (h)** email directly SSY principal on [principal@schoolofstyared.com](mailto:principal@schoolofstyared.com)
- (i)** email directly HFC Country Representative on [crethiopia@hopeforchildren.org.au](mailto:crethiopia@hopeforchildren.org.au)

### **Communicating this Policy**

This policy will be circulated to employees, contractors, members and volunteers via the internet and will be reinforced as part of HFC's ongoing policy review and renewal processes. This policy is a part of HFC onboarding package and it's to be sighted by all new employees. The policy will be made available for external stakeholders via HFC website.

### **REFERENCES**

#### **Associated Documents**

- ACFID Code of Conduct
- HFC Policy - Human Resource Management
- HFC Complaints Handling Policy
- HFC Child Protection Policy
- HFC PSEAH Policy
- HFC Transparency Policy
- HFC Conflict of Interest Policy

#### **Acknowledgements:**

This policy has been adapted from the Australian Doctors for Africa, Caritas Australia and ACFID Good practice guidance.

**Policy Established:** 2019

**Policy Updated:** 2022