

Anglican Board of Mission – Australia  
Anglicans in Development Ltd

Policy ABM2002-AID2002

Whistleblower Policy

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To be reviewed by 2027

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**Introduction**

ABM and AID are committed to enabling all their *Personnel* present or past, their families, ABM-AID's *Partners*, and those who are or have been *Associated* with ABM, to report *Wrongdoing* through fair, transparent, and accessible processes.

Where an ABM/AID *Personnel* becomes aware of possible unlawful, unethical, or undesirable conduct relating to an ABM or AID project or any ABM or AID activity, that person has a responsibility to disclose the information.

The boards of ABM and AID recognise that any genuine commitment to detecting and preventing illegal, unethical and other undesirable conduct must include a mechanism whereby employees and others can report their concerns freely and without fear of reprisal or intimidation. This *Whistleblower* Policy provides such a mechanism for the reporting of such conduct.

Unethical, unlawful or undesirable conduct is referred to in this Policy as *Wrongdoing*. "*Wrongdoing*" and other terminology used in this Policy are defined below.

This Policy refers to the Commonwealth *Corporations Act 2001*.

**Purpose**

The purpose of this Policy is to:

- a. Encourage ABM/AID *Personnel* and *Partners* and *Associates* to report an issue if they genuinely believe any ABM/AID *Personnel* to have breached AID's Code of Conduct, the ACFID Code of Conduct, ABM or AID Policies or the law.
- b. Protect individuals who, in good faith, report *Wrongdoing* which they reasonably believe to be corrupt, illegal, or unethical on a confidential basis, in a safe environment, without fear of reprisal, dismissal or discriminatory treatment.
- c. Assist in ensuring that matters of *Wrongdoing* and/or unethical behaviour are identified and dealt with appropriately.

## Definitions

### *Associates*

Any person or organisation that currently has or has had an association with ABM or AID.

### *ABM/AID Personnel*

Includes staff, volunteers, board director and governance committee members, and contractors of either ABM or AID.

### *Complaints Officer*

A designated ABM-AID representative tasked with the responsibility of protecting and safeguarding the interests of *Whistleblowers* within the meaning of this Policy. The *Complaints Officer* will have access to independent financial, legal and operational advisers as required. The *Complaints Officer* is currently the Marketing and Fundraising Manager. The email address for this function is [Complaints.Officer@abmission.org.au](mailto:Complaints.Officer@abmission.org.au).

### *Partner*

For the purposes of this Policy, *Partner* refers to any of ABM's *Partners* who are engaged in implementing an ABM- or AID-funded project or activity, and if the *Wrongdoing* relates to that project or activity. "*Partner*" includes employees, directors, volunteers and sub-contractors of the *Partner*.

### *Whistleblower*

An ABM or AID employee, director, contractor, consultant or volunteer who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with *Wrongdoing* and where that person wishes to avail themselves of protection against reprisal for having made the report.

ACFID Definition of a *Whistleblower*: A member of staff, volunteer, contractor or *Partner* who reports suspected wrong-doing, including suspicion of fraud, misuse of resources, neglect of duties or a risk to health and safety.

For the more comprehensive definition provided by the Australian Securities Investment Commission (ASIC) please see their '*Whistleblower Rights and Protections*' listed in the references below.

### *Wrongdoing*

All *ABM/AID Personnel* are required to report any genuine concerns that they believe constitute a breach of AID's Code of Conduct, Policies or the Law. Matters which should be reported under this Policy, whether actual or suspected may include:

- a. Dishonest, fraudulent, corrupt or unlawful conduct or practices.
- b. Misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting or financial reporting practices.

- c. Action, or any proposed action, proposal, offer, contract, or other aspect of ABM's or AID's operation that breaches the law in any State or Territory of Australia or in any country in which ABM or AID operate or have related programs.
- d. Coercion, harassment or discrimination by, or affecting, any ABM/AID *Personnel* or ABM or AID *Associate/s*.
- e. Sexual harassment, sexual exploitation, or sexual abuse of another person by an ABM or AID employee, director, volunteer in the course of their work for ABM or AID; or by an ABM or AID *Partner* in relation to an ABM- or AID-funded project or activity.
- f. A breach of any of ABM's or AID's policies or the AID Code of Conduct.
- g. Conduct endangering the health and safety of any person or persons which has been reported to management but not acted upon.
- h. Any action taken against, or harm suffered by a person as a result of making a report under this Policy.
- i. Any other conduct or act which may cause loss to ABM or AID or which may otherwise be detrimental to their interests

## Policy

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2. All ABM/AID *Personnel* who are aware of *Wrongdoing* have a responsibility to disclose that information, in line with ACFID Code of Conduct obligations.
3. Those who in good faith disclose perceived *Wrongdoing* will be protected from adverse employment consequences.
4. ABM and AID will ensure the establishment of a fair, transparent, timely and impartial investigative process.
5. ABM and AID will ensure confidentiality for *Whistleblowers*, unless they expressly indicate in writing that they are willing to forego such protection.
6. ABM and AID will ensure appropriate protection for *Whistleblowers*. A *Whistleblower* will be protected under this Policy from reprisal or repercussions from ABM and AID arising from the disclosure of any alleged unacceptable conduct, provided that the disclosure:
  - is made in good faith;
  - is based on reasonable grounds
  - does not involve actions by the *Whistleblower* that are illegal or contrary to ABM's and AID's values; and
  - is made in accordance with this Policy.

## Procedure

### 1. **Reporting Wrongdoing**

*Whistleblowers* may wish to discuss the matter informally with their direct manager first to determine whether an incident of *Wrongdoing* has occurred. This is an opportune time to clarify the incident, ask questions and become familiar with the process. At all times, discussions will remain confidential. Where this is not appropriate, where the *Whistleblower* does not feel comfortable in doing so, or where the *Whistleblower* has previously done so and believes no action has been taken, the *Whistleblower* should contact the *Complaints Officer*, any senior member of the ABM

or AID staff, any director of the ABM or AID board, or any external authority, to discuss the incident.

When the *Wrongdoing* is reported to the *Complaints Officer* the incident must be formally documented, and this formal statement becomes the basis of the investigation. The statement must include names, dates, witnesses, and a full narrative of the incident in question. Any supporting documentation is vital to the investigation and should be attached to the report. The statement must then be signed off by the *Whistleblower* making the report.

## **2. Reporting to an External Body**

*Whistleblowers* are entitled by law to report an incidence of *Wrongdoing* to an external body. Such external bodies include a person or organisation contracted for that purpose by ABM or AID, ABM/AID's Auditor, the person's own lawyer, or an external authority such as the Australian Securities and Investment Commission (ASIC) or the Australian Prudential Regulation Authority (APRA).

## **3. Investigating Wrongdoing**

All reports of *Wrongdoing* will be treated seriously and be the subject of a thorough investigation with the objective of locating evidence that either substantiates or refutes the claims/allegations made by the *Whistleblower*.

Following a report of *Wrongdoing* the following process is to be followed.

The *Complaints Officer* is to review the formal statement and determine the appropriate manner of investigation and then inform the *Whistleblower*.

The *Complaints Officer* will decide whether they will investigate the *Wrongdoing* themselves, delegate to another person more appropriate, or form a committee of investigation.

The *Complaints Officer* is to determine what resources are needed and secure access to those resources including the assistance of other employees or external professional help (including lawyers, accountants, forensic analysts or operational experts).

The *Complaints Officer* will prepare an Investigation Report and forward to the ABM Executive Director.

The *Complaints Officer* advises and debriefs the *Whistleblower*.

In cases where the *Complaints Officer* is the subject of a claim of *Wrongdoing*, the Executive Director will appoint another *Complaints Officer* for the case.

## **4. Reporting of Investigation Findings and Response**

At the end of the investigation, the *Complaints Officer* will report their findings to the Executive Director who will determine the appropriate response. This response will include addressing any unacceptable conduct and taking remedial action required to prevent any future occurrences of the same *Wrongdoing*. This may involve changes to ABM-AID's policies, the AID Code of Conduct, or either organisation's structures. It may involve disciplinary action, including dismissal.

In the event of the ABM/AID Executive Director being the subject of an investigation or allegation, the Chair of the ABM or AID board will receive the report and determine corrective measures. Where issues of discipline arise the response will be in line with

the AID Code of Conduct, relevant board charter, and/or relevant Workplace Guidelines.

Where allegations of unacceptable conduct made against another person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

#### **5. Time Frame**

Prompt action on a *Whistleblower* report is crucial and so the whole process of investigation, reporting and then response should, wherever possible, be completed within one calendar month or less from the date the report is received.

#### **6. Whistleblower Anonymity**

The identity of the *Whistleblower* will be kept strictly confidential by the *Complaints Officer* unless:

- a. The person making the report consents to the disclosure.
- b. The person making the report is involved in the *Wrongdoing*.
- c. The person making the report discloses information about the allegation of *Wrongdoing* to anyone other than senior ABM/AID *Personnel*, or other relevant authority, or external body appointed for the purpose of an investigation.
- d. The disclosure is required by law.
- e. The disclosure is necessary to prevent or lessen a serious threat to a person's health or safety.
- f. It is necessary to protect or enforce ABM's or AID's legal rights or interests.
- g. It is necessary to defend any claims.

#### **7. Whistleblower Protection**

A *Whistleblower* who reported matters in good faith and, provided he or she has not been involved in the *Wrongdoing* reported, will not be penalised or personally disadvantaged because they have reported a matter. Neither ABM nor AID will tolerate any instances of legitimate *Whistleblowers* being:

- a. dismissed;
- b. demoted;
- c. subjected to any form of harassment and persecution; or
- d. discriminated against.

A *Whistleblower* who believes they, or their family, has been the victim of any of the above by reason of their status as a *Whistleblower*, should immediately report the matter to the *Complaints Officer*. Where an incident of this nature occurs, the AID Code of Conduct will apply. Any ABM or AID *Personnel* who are found to have dismissed, demoted, harassed, or discriminated against a *Whistleblower* by reason of their status as a *Whistleblower*, may be subjected to disciplinary measures. A *Whistleblower* who has been involved in the reported *Wrongdoing* may be provided with immunity or due consideration from ABM- or AID-initiated disciplinary proceedings, by agreement with ABM/AID. However, neither ABM nor AID has power to provide immunity from criminal prosecution.

#### **8. Feedback and Communication with the Whistleblower**

Where possible, if the identity of the *Whistleblower* is known, the *Whistleblower* will be kept informed of the outcome of the investigation of their report, subject to privacy and confidentiality considerations. All *Whistleblowers* must maintain confidentiality of all such reports, and not disclose details to any person.

## **9. False Wrongdoing Reports**

Where it is established by the *Complaints Officer* that the *Whistleblower* is not acting in good faith, or that they have made a false report of *Wrongdoing* (including where the allegation has been made maliciously, vexatiously or without any basis), then they will be subjected to disciplinary proceedings, which may include dismissal. Whilst not intending to discourage *Whistleblowers* from reporting matters of genuine concern, *Whistleblowers* must ensure as far as possible, that reports are factually accurate, complete, based on first-hand knowledge, presented in an unbiased fashion (and any possible perception of bias of the *Whistleblower* is disclosed), and without material omission.

## **10. Document Retention and Confidentiality**

All information, documents, records, and reports relating to the investigation of a reported *Wrongdoing* will be confidentially stored and retained in an appropriate and secure manner.

## **Review**

The *Whistleblower* Policy will be reviewed by 2027.

## **Related ABM and AID Policies and Procedures**

ABM-AID1001 Fraud and Anti-Corruption Policy  
ABM-AID1005 Conflict of Interest Policy  
ABM-AID1009 Prevention of Sexual Exploitation, Abuse and Harassment Policy  
ABM-AID1011 Child Protection Policy  
AID1008 Code of Conduct  
ABM-AID1010 Complaints Handling Policy  
B2001 AID Workplace Guidelines  
B2003 Grievance Procedure

## **Compliance with ACFID Code of Conduct**

This policy complies with the following ACFID Code of Conduct Compliance Indicators:

- 9.2.2, 'Members enable staff and volunteers to make *Complaints* and report *Wrongdoing* through fair, transparent and accessible procedures'.

## **Resources**

Whistleblowing, <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/> (Accessed 11/08/22)

Australian Securities and Investment Commission, 2019, *How ASIC Handles Whistleblower Reports*, <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/Whistleblower-protections-for-not-for-profit-organisations/> (Accessed 11/08/22)

Australian Securities and Investment Commission, 2019, *Whistleblower Rights and Protections*, <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/> (Accessed 14/08/22)

<b>Policy History</b>	
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Whistle Blower Procedure	April, 2012
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Whistleblower Policy	December, 2019
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