

Whistleblower Policy and Procedure

Approved: 11 September 2020

1. Introduction

- 1.1 *Hope From Above Inc (HFA)* is committed to fostering a culture of legal, ethical and moral behaviour and corporate governance.
- 1.2 *HFA* recognises the value of transparency and accountability in its administrative and management practices, and supports the reporting of improper conduct.
- 1.3 Our Whistleblower Policy and Procedure (this **Policy**) has been developed so that you can raise concerns regarding situations where they believe that *HFA* or anybody connected with *HFA* has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below.

2. Purpose

- 2.1 This Policy aims to:
 - (a) encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct;
 - (b) provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation;
 - (c) enable *HFA* to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information;
 - (d) ensure that any Reportable Conduct is identified and dealt with appropriately; and
 - (e) help to ensure that *HFA* maintains the highest standards of ethical behaviour and integrity.

3. Scope and application

- 3.1 This Policy applies to current and former:
 - (a) employees;
 - (b) directors;
 - (c) board members;
 - (d) managers and supervisors;
 - (e) contractors (including employees of contractors);
 - (f) volunteers;
 - (g) suppliers; and

(h) consultants.

of all entities within or associated with *HFA (Individuals)*. This includes any third-party entity with whom *HFA* collaborates to deliver programs outside Australia.

- 3.2 Although they are under no obligation to do so, an associate, family member or dependant of any person in the above groups of people may also speak up. If they do choose to speak up in line with this Policy, we will extend the relevant rights and protections under this Policy to them.
- 3.3 While everybody is encouraged to speak up and report any concerns to *HFA*, not everyone nor all types of conduct are intended to be covered by this Policy. This Policy does not apply to complaints by service/clients, users or personal work-related grievances, unless the grievance includes victimisation because of the making of a protected disclosure.

4. Principles

- 4.1 Higher Standard - This Policy is designed to comply with *HFA*'s legal obligations. If anything in this Policy is inconsistent with any law imposed on *HFA*, that legal obligation or the "higher standard" will prevail over this Policy.
- 4.2 All channels are open! - If you are a current Worker at *HFA*, you are always entitled to report your concern via another channel such as through your Supervisor, COO, or Board Chairman.
- 4.3 Our expectations of You - *HFA* expects you to act honestly and ethically, and to make a report on reasonable grounds.
- 4.4 Confidentiality and Consent – *HFA* will maintain confidentiality of all reports and your identity as a reporter to the fullest extent possible. While *HFA* encourages you to identify yourself by giving consent to CEO or Board Chairman, you can still report anonymously.

5. Reportable conduct

Who can make a report?

- 5.1 A Whistleblower is a person who, whether anonymously or not, attempts to report, or reports misconduct or dishonest or illegal activity that has occurred in connection with *HFA*, and wishes to avail themselves of protection against reprisal for having made the report.
- 5.2 A Whistleblower may fall within one of the categories identified at section 3.1 whether they are currently employed or previously held a role with *HFA*.

What is Reportable Conduct?

- 5.3 Reportable Conduct is defined as any past, present or likely future activity, behaviour or state of affairs considered to be:
- (a) dishonest;
 - (b) corrupt (including soliciting, accepting or offering a bribe, facilitation payments or other such benefits);

- (c) fraudulent;
- (d) illegal (including theft, drug sale or use, violence or threatened violence and property damage);
- (e) in breach of regulation, internal policy or procedure;
- (f) impeding internal or external audit processes;
- (g) improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;
- (h) a serious impropriety or an improper state of affairs or circumstances;
- (i) endangering health or safety;
- (j) damaging or substantially risking damage to the environment;
- (k) endangering the financial system;
- (l) a serious mismanagement of *HFA's* resources;
- (m) detrimental to *HFA's* financial position or reputation;
- (n) maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);
- (o) concealing reportable conduct.

5.4 Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of another organisation, such as a third party with whom *HFA* collaborates to deliver programs, a funder, customer/client, supplier or service provider.

What information do I need to make a report?

5.5 To make a report you must know of or have reasonable grounds to suspect the Reportable Conduct.

5.6 For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:

- (a) date;
- (b) time;
- (c) location;
- (d) name of person(s) involved;
- (e) possible witnesses to the events; and
- (f) evidence of the events (e.g. documents, emails).

- 5.7 In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

6. Procedure

How do I make a report?

- 6.1 There are two ways you can speak up in relation to Reportable Conduct. Whistleblowing protections will only apply to reports of Reportable Conduct made in accordance with this Policy and Procedure.

Reporting Internally

- 6.2 Where you have reasonable grounds to suspect that an individual has engaged in Reportable Conduct, you should first aim to resolve the matter internally by reporting their concern to:
- (a) the COO;
 - (b) a Board Director;
 - (c) a Board Member;
 - (d) a Company Secretary;
 - (e) a member of *HFA*'s Executive team;
 - (f) any other person authorised by *HFA* to receive Whistleblower disclosures; or
 - (g) the ACNC.

How are reports investigated?

- 6.3 After receiving your report *HFA* will:
- (a) assess the report of Reportable Conduct;
 - (b) consider whether there are any conflicts of interest prior to investigating;
 - (c) determine whether external authorities need to be notified;
 - (d) determine whether and how to investigate; and
 - (e) appoint a Whistleblowing Investigator if appropriate.
- 6.4 If an investigation is deemed necessary, it will be conducted fairly, objectively and in a timely manner. The investigation process will vary depending on the nature of the Reportable Conduct and the amount of information provided.
- 6.5 Any individuals who are accused of misconduct in a report (a Respondent) will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken.
- 6.6 *HFA* may need to speak with you as part of an investigation. If your identity is known, we will endeavour to keep you informed about the status of an investigation.

- 6.7 If there is insufficient information to warrant further investigation or the initial investigation immediately identifies there is no case to answer, the individual who reported the Reportable Conduct will be notified at the earliest possible opportunity.

Outcome of an investigation

- 6.8 At the conclusion of the investigation, a report will be prepared outlining:
- (a) a finding of all relevant facts;
 - (b) a determination as to whether the allegation(s) have been substantiated or otherwise;
 - (c) the disciplinary or other action, which may include dismissal, that is to be taken.
- 6.9 The disciplinary action will be dependent on the severity, nature and circumstances of the Reportable Conduct.
- 6.10 Where possible and appropriate, having regard to *HFA's* privacy and confidentiality obligations, the Whistleblower will be informed of the outcome of any investigation into their concerns.

7. Protection

How will I be protected if I speak up about Reportable Conduct?

- 7.1 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, we will support and protect you and anyone else assisting in the investigation.
- 7.2 *HFA* will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:
- (a) retaliation, dismissal, suspension, demotion, or having your engagement terminated;
 - (b) bullying, harassment, threats or intimidation;
 - (c) discrimination, subject to current or future bias, or derogatory treatment;
 - (d) harm or injury;
 - (e) damage or threats to your property, business, financial position or reputation; or
 - (f) revealing your identity as a Whistleblower without your consent or contrary to law;
 - (g) threatening to carry out any of the above actions.
- 7.3 This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and

made the report on reasonable grounds. This protection also applies to individuals conducting, assisting or participating in an investigation.

- 7.4 Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.
- 7.5 If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to Board Chairman. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.
- 7.6 Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.
- 7.7 You may also be entitled to the following legal protections for making a report:
- (a) protection from civil, criminal or administrative legal action;
 - (b) protection from having to give evidence in legal proceedings; and/or
 - (c) compensation or other legal remedy.

How will HFA ensure confidentiality?

- 7.8 You may choose to report your concerns anonymously. However, if you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:
- (a) you consent in writing to the disclosure;
 - (b) the disclosure is made to ACNC, APRA or the Australian Federal Police;
 - (c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
 - (d) the disclosure is authorised under the *Corporations Act 2001* (Cth); and/or (ONLY APPLIES TO CORPORATIONS)
 - (e) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.
- 7.9 We encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.

8. False reports or disclosures

- 8.1 Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

8.2 The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

9. Monitoring and assurance

9.1 This Policy will be distributed and available to all Workers, i.e. intranet.

9.2 To ensure effective protection under the Policy, administration staff and the Board of *HFA* will monitor and review this Policy by annually.

10. Whistleblowing and third-party programs

10.1 *HFA* pursues its charitable purposes in part through collaborating with a third party or third parties to deliver programs overseas.

10.2 *HFA* is required by the ACNC External Conduct Standards (**ECS**) to have oversight over the activities third parties collaborating with *HFA* outside of Australia.

10.3 As part of its ECS risk assessment, *HFA* must consider what whistleblower procedures are appropriate for third parties, with reference to matters including the:

- (a) level of risk associated with the operations;
- (b) relationship with the third party; and
- (c) existing whistleblower procedures and policies within the third party.

10.4 *HFA* may require third parties to:

- (a) produce a Whistleblower Policy in respect (at least) of the programs on which they collaborate with *HFA*;
- (b) distribute and make this Policy available to the third party's workers;
- (c) notify *HFA* of any disclosures of Reportable Conduct made to the third party, unless the Whistleblower will not consent to *HFA* receiving notice; and/or
- (d) provide similar protections to overseas Whistleblowers (whether they make their disclosure to the third party or directly to *HFA* as are available under this Policy).

11. Relevant policies and procedures

11.1 Guidance Manual; "Policy on Corruption"

11.2 Operations Manual; "23. Administration"

Legislation & Industrial Instruments

- Banking Act 1959
- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Insurance Act 1973
- Life Insurance Act 1995

- Public Interest Disclosure Act 2013
- Superannuation Industry (Supervision) Act 1993
- Taxation Administration Act 1953

This policy & procedure is not intended to override any industrial instrument, contract, award or legislation.

12. Authorisation

The Board of *Hope From Above (HFA) Inc.*