

Asian Aid Organisation Whistleblower Policy

November 2019

POLICY PURPOSE

Asian Aid requires directors, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of Asian Aid we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

This Whistle Blower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that Asian Aid can address and correct inappropriate conduct and actions. It is therefore the responsibility of all board members, officers, employees and volunteers to report concerns about violations of Asian Aid’s code of ethics or suspected violations of law or regulations that govern Asian Aid’s operations.

POLICY STATEMENT

Asian Aid is committed to best practice in governance and compliance and coherent demonstration of behaviours consistent with our Values by those who represent Asian Aid.

Persons, including but not limited to employees, volunteers, contractors, suppliers or members of the public who detect or have reasonable grounds for suspecting Improper Conduct associated with Asian Aid can raise concerns in good faith under the protocol without being subject to victimisation, harassment or discriminatory treatment by Asian Aid or its staff, and may choose to raise concerns on an anonymous basis.

DEFINITIONS

Word/Term	Definition
Improper Conduct	Recklessly negligent, dishonest, unethical or illegal conduct including: <ul style="list-style-type: none"> • corrupt conduct • substantial mismanagement of Asian Aid’s resources • conduct involving substantial risk to public health or safety • conduct involving substantial risk to the environment Improper Conduct is perceived unreasonable; or unfair behaviours; or poor work performance; or practices that can be identified, raised and addressed through other mechanisms
Corrupt Conduct	Conduct of a person (whether or not a representative of Asian Aid) that: <ul style="list-style-type: none"> • adversely affects, or could adversely affect, either directly or indirectly, the honest performance of Asian Aid’s functions; or • conduct of a representative of Asian Aid that amounts to the performance of any of his or her functions on behalf of Asian Aid dishonestly or with inappropriate partiality; or • conduct of a representative of Asian Aid, a former representative of Asian Aid that amounts to a breach of public trust; or • conduct of a representative of Asian Aid or, a representative of Asian Aid that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or • a conspiracy or attempt to engage in conduct referred to above.

Disclosure Committee	At least any three of the following: <ul style="list-style-type: none"> Chief Executive, Chairman of the Board, the Human Resources Manager, an official external designated Human resource consultant and a Board Director
Reasonable Grounds	An objective test and relates to whether a reasonable person in possession of the information would form the belief that the Improper Conduct occurred. It is important that there is evidence to support a person's beliefs, other than their concerns. This may include documentation, witnesses or other direct evidence.
Values	Asian Aid's values published on asianaid.org.au
Whistle Blower	Any person who makes a disclosure in connection with Improper Conduct under this protocol
Whistle Blower Disclosure	Disclosure by a Whistle Blower under this protocol based on reasonable grounds that discloses or demonstrates an intention in good faith to disclose.

POLICY IN ACTION

Acting in Good Faith

Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Protection

Asian Aid will take all reasonable steps to protect and respect the rights of a person who reports alleged Improper Conduct in good faith. Asian Aid will take all reasonable steps to protect the Whistle Blower and will not tolerate any retaliatory action or threats of retaliatory action against any person who has made or who is believed to have made a report of Improper Conduct in good faith. Any such retaliatory action or victimisation by any member of staff in reprisal for a report being made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal.

A Whistle Blower is not automatically protected from the consequences of being a party to any Improper Conduct they report under this Policy. Where it is established that a Whistle Blower who is a member of staff is not acting in good faith, or he/she has knowingly made a false disclosure of Improper Conduct, then he/she will be subjected to disciplinary proceedings, which may include summary dismissal.

Confidentiality/Anonymity

A Whistle Blower may elect to make a disclosure anonymously. As far as possible, Asian Aid will respect the Whistle Blower's request to not identify themselves. However, Asian Aid may not be able to investigate certain disclosures without the identity of the Whistle Blower becoming known, whether directly or by inference, to Asian Aid or to the person about whom the allegations are made. Where criminal matters are involved, Asian Aid may be required to report certain allegations to the police (or other relevant agency) and to give the identity of the Whistle Blower.

However, even if the identity of a Whistle Blower is known or becomes known, Asian Aid will continue to ensure that all reasonable steps are taken to protect the Whistle Blower from reprisal. At the time of making a disclosure, the Whistle Blower can request a meeting in a discreet location away from their workplace or from Asian Aid.

Others who know of or suspect that another person has made a disclosure under this protocol should protect and maintain the confidentiality of that person. Staff members who breach confidentiality in relation to a known or suspected disclosure will be subjected to disciplinary proceedings, which may include summary dismissal.

No Retaliation

It is contrary to the values of Asian Aid for anyone to retaliate against any board member, officer, employee or volunteer who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of Asian Aid. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

Communication

Where possible and assuming the identity of the Whistle Blower is known, the Whistle Blower will be kept informed of the progress and outcome of the investigation of his/her disclosure, subject to privacy and confidentiality considerations. All Whistle Blowers must maintain confidentiality of any information provided to them by Asian Aid in relation to, or as a consequence or outcome of their disclosure.

Management of the person/s against whom the disclosure has been made

Asian Aid recognises that persons against whom disclosures are made and investigated under this protocol must also be supported during the handling and investigation of disclosures. Asian Aid will afford procedural fairness to the person against whom a disclosure has been made.

Accounting and Auditing Matters

The Executive Director shall immediately notify the Finance Committee of any concerns or complaint regarding corporate accounting practices, internal controls or auditing and work with the committee until the matter is resolved.

Disclosure Committee

The Disclosure Committee will ensure that, unless the circumstances require otherwise, the person who is subject of any Whistle Blower Disclosure investigated by or on behalf of Asian Aid is:

- informed in writing as to the substance of the allegations
- given the opportunity (and sufficient time) to respond to the allegations, be afforded the opportunity to bring a representative of their choosing to any meeting and be heard in relation to the matter under investigation
- informed as to the substance of any adverse finding against them included in any report arising from the investigation, and
- offered the opportunity to utilise the employee assistance program where they are an employee of Asian Aid

Investigation

All relevant matters, including suspected but unproved matters, will be promptly reviewed and analysed, with documentation of the receipt, retention, investigation, and treatment of the complaint. Appropriate corrective action will be taken, if necessary, and findings may be communicated to the reporting person and his or her supervisor, if appropriate.

Investigations may be conducted by independent persons such as auditors and/or attorneys. Investigators will endeavour to maintain appropriate confidentiality, but confidentiality is not guaranteed.

Reporting

A person's concerns about possible fraudulent or dishonest use or misuse of resources or property, or program operation, should be reported: to the Executive Officer (if an employee, supporter, community member or volunteer); to the Chairperson of the Board of Directors (if a CEO or a board member). To facilitate reporting of suspected violations where the reporter wishes to remain anonymous, a written statement may be submitted to one of the individuals listed above.

Reporting Procedure

Asian Aid has an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with their supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with your Executive Director, or an external Human Resources specialist. Supervisors and managers are required to report complaints or concerns about suspected ethical and legal violations in writing directly to their supervisor or the Executive Director. If the accusations involve the CEO or any of his/her Executive Management Team, then a report should be made directly to the organisation's Board Chair.

Whistle Blower disclosures will be handled by the following steps.

Step 1:

The CEO or Board Chair will determine if the disclosure is a Whistle Blower Disclosure. They will deem the claim to be a Whistle Blower Disclosure if they are satisfied that the claim made tends to show that Asian Aid, an employee, or volunteer or other person representing Asian Aid has engaged in Improper Conduct. Matters involving potential criminal offending may be referred immediately to the police.

Step 2:

Where a disclosure is assessed not to be a Whistle Blower Disclosure, the Disclosure Committee will decide how the matter should be responded to. Even if a disclosure is not a Whistle Blower Disclosure, there may be other Asian Aid policies and protocols that apply and the person who made the disclosure will be advised of the correct reporting avenue.

Step 3:

The CEO or Board Chair will refer a Whistle Blower Disclosure to the Disclosure Committee to commission an investigation which will be conducted as follows:

- review all claims made, in conjunction with any evidence provided by the Whistle Blower
- investigate and locate any evidence that may substantiate or refute the claims of the Whistle Blower (this may include interviewing other parties)

- the person/s against which the allegation has been made will have the opportunity to respond and explain their behaviour and to provide any material in support of their response and explanation
- a conclusion shall not be reached and a recommendation will not be made until reasonable and appropriate enquires have been made and submitted material considered, and
- the Disclosure Committee may also refer the matter for investigation to an external body or the police if criminal conduct appears to have occurred, and the Board of Management will be advised of any such referral

Step 4:

At the conclusion of an investigation a report will be prepared by the Disclosure Committee. The report will broadly outline the following:

- the details of the Whistle Blower Disclosure
- the information and evidence collected during the investigation that either supports or refutes the allegation of Improper Conduct
- the conclusions reached by the Disclosure Committee and the reasoning behind each conclusion, and
- the recommendation of the Disclosure Committee as to any action to be taken and as to who should be the appropriate decision maker in respect of any such action

Step 5:

Authority as to taking any action in response to a recommendation made by the Disclosure Committee shall be determined by the seriousness of any substantiated allegations.

Step 6:

The level of reporting to the Board as to Whistle Blower Disclosures will be determined by the seriousness of any allegations made in relation to Improper Conduct. At a minimum, the CEO or Board Chair will prepare a general report on Whistle Blower Disclosures at the next Board Meeting.

Step 7:

The CEO or Board Chair will maintain a register of Whistle Blower Disclosures, a copy of the report of the Disclosure Committee and actions taken in response to the report.

SCOPE OF THIS POLICY

This policy applies to:

- All Asian Aid staff, whether national, international, full-time, part-time or engaged on short-term contracts (e.g. consultants, etc.) – referred to as staff members.
- Volunteers, board members, staff and representatives of partner agencies and any other individuals, groups or organisations who have a formal/contractual relationship with Asian Aid that involves any contact with children (unless it is formally agreed that a partner organisation may enforce its own safeguarding or protection policy), referred to as “partners or staff of partner agencies”.
- Donors, journalists, celebrities, politicians and other people who visit Asian Aid programs or partner offices in order to make contact with children must be made aware that this Policy applies to them while visiting our programs or offices. (During this time, they are referred to as “representatives”).
- All of the above must act in accordance with this protocol in both their professional and their personal lives.

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