

## Whistleblower Policy

Policy number	2.11	Version	1
Drafted by	Executive Assistant	Approved by Board on	17/12/19
Responsible Person	Chair	Scheduled review date	17/12/21

### Introduction

Mission Educate is committed to high standards of conduct and ethical behavior. We promote and support a culture of honest behaviour, compliance and good governance.

People who have a working relationship with Mission Educate are often the first to realise that there may be something seriously wrong. However, they may not wish to speak up for fear of appearing disloyal or may be concerned about being victimised or subject to reprisals for reporting wrongdoing.

Mission Educate will continue to build organisational culture that values whistleblowing as a mechanism for safeguarding.

### Purpose

The purpose of this policy is to outline Mission Educate's position on Whistleblowing. The objective of this policy is to:

- encourage the reporting of wrongdoing that is of legitimate concern by providing a convenient and safe reporting mechanism;
- enable Mission Educate to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for the secure storage of the information provided;
- establish policies for protection for people who make serious wrongdoing disclosures against reprisal by any person internal or external; and
- provide for the appropriate framework.

The Whistleblower policy forms part of Mission Educate's overall regulatory framework of transparency, responsibility and accountability.

### Scope

This Policy applies to all Mission Educate, locally, nationally and internationally. It encompasses all:

- Directors and personnel including executives, managers, staff, spouses and family;
- contractors;
- consultants;
- volunteers;
- partners;
- participants; and
- youth advocates.

## Definitions

Board	The Board of Directors of Mission Educate Ltd.
Executive Director	Can be known as the CEO [Chief Executive Officer]
Executive Leaders	The heads of all Mission Educate initiatives internationally.
Leadership Teams	Those staff who form part of the executive team for each initiative, including the Australian Office.
Mission Educate	Mission Educate Ltd is registered in Australia as a not for profit charity and in Mozambique as an International Non-Government Organisation, developing quality educational programs in Mozambique.
Non disclosable conduct	Includes any complaint in relation to service provision, policy decisions, or an employment-related grievance with another person within the organisation, which is not Disclosable Conduct or a breach of the Organisation's rules or policies
Participants	These include: <ul style="list-style-type: none"> <li>● Participants involved in any Mission Educate initiative or program.</li> <li>● Those people involved in any Mission Educate enterprise.</li> </ul>
Protections	What a discloser qualifies for under the Corporations Act and Taxation Administration Act if they are an eligible whistleblower in relation to Mission Educate.
Whistleblower	A person who reports wrongdoing in accordance with this Policy.
Whistleblowing	Disclosure by (or for) a witness of actual or suspected wrongdoing.
Wrongdoing [Disclosable]	Conduct that includes but is not limited to: <ul style="list-style-type: none"> <li>● illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;</li> <li>● fraud, money laundering or misappropriation of funds;</li> <li>● offering or accepting a bribe;</li> <li>● breaches legislation, regulations or local government laws;</li> <li>● unethical behaviour resulting in the breach of Mission Educate policies, including safeguarding;</li> <li>● financial irregularities;</li> <li>● failure to comply with, or breach of, legal or regulatory requirements; and</li> <li>● engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make a disclosure.</li> </ul>

## Whistleblower Framework

Mission Educate is committed to good practice with regard to whistleblower practice. This includes 5 key steps.

1. Fostering a whistleblowing culture	2. Roles and responsibilities	3. Ensure privacy and security of information	4. Monitoring and reporting	5. Reviewing and updating
				
<p>Our aim is to create a positive and open environment:</p> <ul style="list-style-type: none"> <li>• so that employees feel they can come forward; and</li> <li>• to help eliminate negative connotations on whistleblowing.</li> </ul>	<p>Allocation of key roles and responsibilities under our Whistleblower policy. This includes:</p> <ul style="list-style-type: none"> <li>• staff, and</li> <li>• governance.</li> </ul>	<p>Privacy and security of information is achieved through the following:</p> <ul style="list-style-type: none"> <li>• IT resources for securing personal information received, handled and recorded as part of whistleblower policy.</li> <li>• Cyber security.</li> <li>• Compliance with Australian Privacy Principles.</li> </ul>	<p>Arrangements in place for monitoring the effectiveness of its whistleblower policy and compliance with legal obligations. This includes:</p> <ul style="list-style-type: none"> <li>• Adding to compliance schedule.</li> <li>• Review by Safeguarding, Risk Management and Compliance Committee.</li> <li>• Mechanism to enable matters to be escalated to the Board when required.</li> <li>• Reporting to the Board.</li> </ul>	<p>The Whistleblower Policy will be reviewed:</p> <ul style="list-style-type: none"> <li>• Every two years; or</li> <li>• As required given any change in legislation and or issues emerging.</li> </ul>

## Policy

Mission Educate encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving Mission Educate. Furthermore, Mission Educate provides protections and measures so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage or reprisal.

Any person making their concerns known should do so provided their actions:

- are in good faith, and
- are based on reasonable grounds, and
- conform to the designated process.

Disclosable conduct includes but is not limited to:

- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- fraud, money laundering or misappropriation of funds;
- offering or accepting a bribe;
- breaches legislation, regulations or local government laws
- unethical behaviour resulting in the breach of Mission Educate policies, including safeguarding;
- financial irregularities;
- failure to comply with, or breach of, legal or regulatory requirements; and
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make a disclosure.

Non disclosable complaints and grievances includes any complaint in relation to service provision, policy decisions, or an employment-related grievance with another person within the organisation, which is not Disclosable Conduct or a breach of Mission Educate's policies. Any complaints and grievances should be raised in accordance with Mission Educate Grievance Policy and Procedures.

When a person makes a disclosure:

- Their identity must remain confidential according to their wishes.
- They will be protected from reprisal, discrimination, harassment or victimisation for making the disclosure.
- An independent internal inquiry or investigation will be conducted.
- Issues identified from the inquiry/investigation will be resolved and/or rectified.
- They will be informed about the outcome.
- Any retaliation for having made the disclosure will be treated as serious wrongdoing under this Policy.

Where an employee of Mission Educate believes in good faith and on reasonable grounds, that there has been wrongdoing, that employee must report their concern to:

- their supervisor: or if they feel that their supervisor may be complicit in the breach,
- the Executive Director [ED]; or if they feel that ED may be complicit in the breach,
- the organisation's nominated Whistleblower Protection Officer [WPO]; or if they feel this to be necessary ,
- a person or office independent of the organisation nominated by the Mission Educate to receive such information, or
- the duly constituted authorities responsible for the enforcement of the law in the relevant area.

Any person within the organisation to whom such a disclosure is made, shall:

- If they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision;
- If they believe the behaviour complained of to be neither trivial nor fanciful, ensure that the allegation is investigated and due process followed.

Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness.

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the Mission Educate.

### **Policy Accessibility**

Mission Educate is committed to the promotion and training of this policy. This policy forms part of Mission Educate's:

- Staff and volunteer induction.
- Staff Training.
- Board induction.

The Whistleblower policy is accessible on the organisation's file storage drive for its staff and officers. Mission Educate makes this policy available on its external website.

### **Response to Breach of Policy**

Any breach of this Policy may result in disciplinary action that could result in severance from the organisation.

### **Reference:**

- ASIC - Regulatory Guide 270
- Australian Charities and Not-for-profits Commission [ACNC]
- CMA Standards Council [Christian Management Australia]
- Ourcommunity.com.au & Institute of Community Directors Australia

### **Authorisation**

.....  
**Chair**  
Mission Educate Limited

.....  
**Date**

## Whistleblower Procedures

Policy number	2.11.1	Version	1
Drafted by	Executive Assistant	Approved by Board on	17/12/19
Responsible Person	Executive Director	Scheduled review date	17/12/21

### Responsibilities

The Board is responsible for adopting the Whistleblower Policy. It is the responsibility of the Executive Director to implement the Whistleblower Policy.

#### 1. Whistleblower

Protection is available to Whistleblowers who disclose wrongdoing that is made with reasonable grounds to believe it is true.

To ensure that all employees are treated fairly and that resources are not wasted, protection is not available where the disclosure is:

- trivial or vexatious in nature with no substance. This will be treated in the same manner as a false report and may itself constitute wrongdoing.
- Unsubstantiated allegations which are found to have been made maliciously, or knowingly to be false. These will be viewed seriously and may be subject to disciplinary action that could include dismissal, termination of service or cessation of a service or client relationship.

Any matters that are not covered by this policy, for example, personal work related grievances, must be raised internally and in accordance with the Mission Educate Grievance Policy.

#### 2. Whistleblower Protection Officer

If the Whistleblower requests, a Whistleblower Protection Officer may be appointed who is a Director, senior manager or employee to support and provide protection to the Whistleblower according to this policy.

The Whistleblower Protection Officer must have a direct reporting line to an Executive Leader from an area of the organisation that is independent of line management in the area that is the subject of the report of wrongdoing.

The role of the Whistleblower Protection Officer is:

- To provide mentoring and other support deemed necessary by the Whistleblower Protection Officer.
- Is responsible for keeping the Whistleblower informed of the progress and outcomes of the inquiry/investigation subject to considerations of privacy of those against whom a disclosure has been made.

The Whistleblower Protection Officer can be internal or external.

### 3. Whistleblower Governance Officers

A Whistleblower Governance Officer is a person named in Appendix A of this policy as such and is responsible for receiving whistleblower disclosures of wrongdoing and overseeing resolution.

Whistleblower Governance Officers must (after reasonable preliminary inquiry):

- If the Whistleblower agrees, appoint a Whistleblower Protection Officer to provide support to the whistleblower.
- Notify the Protected Disclosures Coordinator of disclosure allegations.
- Be satisfied that each disclosure of wrongdoing they received was appropriately inquired into or investigated.
- Be satisfied that action taken in response to the inquiry/investigation is appropriate to the circumstances.
- Provide governance oversight over any inquiry/investigation into retaliatory action taken against the Whistleblower Alternatively, if the disclosure contains allegations against any Mission Education Executive or where the Whistleblower has a reasonable belief that the Whistleblower Governance Officers are not sufficiently independent a report may be made to an external person.

### 4. Protected Disclosures Coordinator

The Protected Disclosures Coordinator receives particulars about all whistleblower events and performs the following functions:

- Arranges for an inquiry/investigation into the disclosures made by the Whistleblower.
- Ensures appropriate government agencies are notified about Whistleblower events where required.
- Maintains a Whistleblower Register for trend analysis and to identify systemic issues requiring attention.

The Protected Disclosures Coordinator is the Company Secretary.

### 5. Investigator

Mission Educate will investigate all matters reported under this policy as soon as practicable after the matter has been reported. The Investigator is appointed by the Protected Disclosures Coordinator and may be internal or external to Mission Educate.

The Investigator must have internal independence of line management in the area affected by the wrongdoing disclosure. The internal investigator may be the Executive Director, Chair of Safeguarding, Risk Management and Compliance Committee or a member of the Safeguarding, Risk Management and Compliance Committee.

The investigation will be conducted in an objective and fair manner, and as is reasonable and appropriate having regard to the nature of the disclosure and the circumstances. Where a report is submitted anonymously, Mission Educate will conduct the investigation and its enquiries based on the information provided to it. However, anonymity can sometimes prevent Mission Educate from taking the issue further if Mission Educate is not able to obtain further information from the source of the report. The Investigator may second the expertise of other officers in Mission Educate to assist in the investigation and may seek the advice of internal or external experts as required.

## 6. Executive Leaders and Leadership Teams

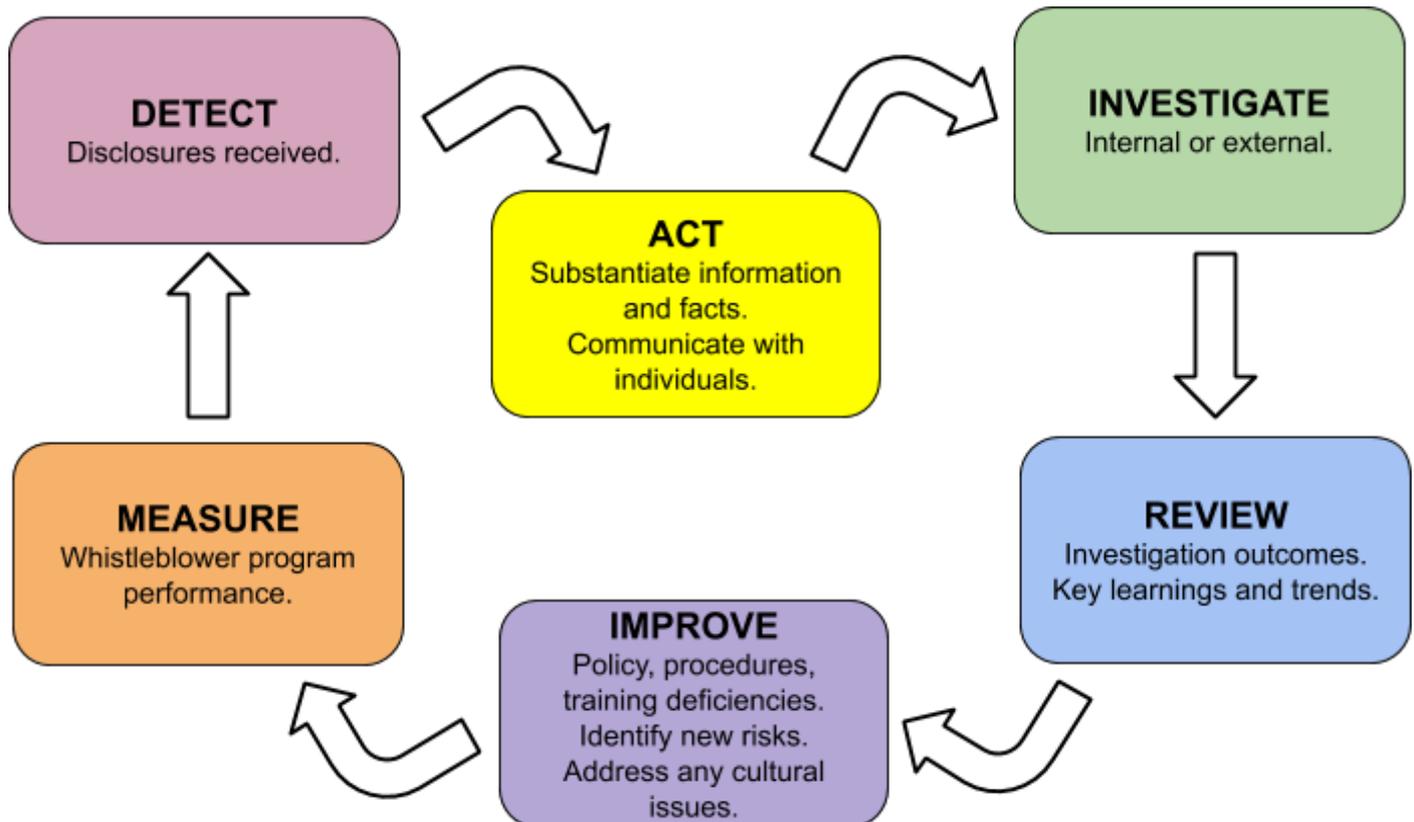
All Executive Leaders and those who are part of the Leadership Teams who receive disclosure about wrongdoing must notify the Whistleblower Governance Officer and provide particulars and maintain confidentiality about it.

### Definitions

Board	The Board of Directors of Mission Educate Ltd.
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made, or be planning to make a disclosure.

### Whistleblower Flowchart



### Processes

#### 1. Reporting a Disclosure

- a. Internal Whistleblowers. *[current or former Directors, employees, volunteers, advocates, contractors or consultants]*

Internal Whistleblowers are encouraged to report their concerns to their supervisor or their supervisors' manager to seek an immediate response. Where the internal Whistleblower believes this is not appropriate, then an alternative reporting mechanism is available.

- b. External Whistleblowers. *[other people with a relation with Mission Educate - eg program participants, suppliers]*

Where an external Whistleblower is reluctant to report it to a supervisor for fear of retribution, they can report their concerns to a higher level of management that the person in Mission Educate that they ordinarily deal with. Where this is not appropriate, an alternative reporting mechanism is available.

- c. Alternative Whistleblowers.

Alternative reporting to normal channels are available where:

- The normal reporting channel is considered inappropriate to the circumstances;
- Mission Educate line management was notified but failed to deal with it; or
- The person or organisation disclosing wrongdoing is concerned about possible retaliation.

In any of these circumstances, an internal Whistleblower may provide the report of wrongdoing directly to:

- A Whistleblower Governance Officer;
- The Integrity Line [[integrity@missioneducate.org](mailto:integrity@missioneducate.org)]; or
- A person or entity who is eligible to receive the disclosure under the Corporations Act 2001.

External Whistleblowers may provide the report of wrongdoing to:

- The Integrity Line; or
- A person or entity who is eligible to receive the disclosure under the Corporations Act 2001.

d. Other Complaint Mechanisms.

Where there is Non disclosable complaints and grievances should be raised in accordance with Mission Educate Grievance Policy and Procedures.

e. Anonymous reporting.

Anonymous reports of wrongdoing are accepted under the Whistleblower Policy. Anonymous reports have significant limitations that may inhibit a proper and appropriate inquiry or investigation. These limitations include the inability to provide feedback on the outcome and/or to gather additional particulars to assist the inquiry/investigation. Specific protection mechanisms may be difficult to enforce if you choose to remain confidential.

f. Integrity Line

The Integrity Line is a mechanism to receive disclosures of wrongdoing as well as unresolved reports of wrongdoing. The Integrity Line will take a wrongdoing disclosure to an appropriate Whistleblower Governance Officer. The Integrity Line is structured to be independent of line management.

Email - [integrity@missioneducate.org](mailto:integrity@missioneducate.org)

## 2. Confidentiality

Mission Educate will not disclose a whistleblower's identity unless:

- It is necessary to further an investigation and the Whistleblower consents to the disclosure, and/or
- The disclosure is required or authorised by law.

When a report is investigated it may be necessary to reveal its substance to people such as other Mission Educate personnel, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies.

It will be necessary to disclose the facts and substance of a report to a person who may be the subject of the report as it is essential for natural justice to prevail. Although confidentiality is maintained, in some circumstances, the source of the reported issue may be obvious to a person who is the subject of a report.

Mission Educate will take reasonable precautions to store any records relating to a report of wrongdoing securely and to restrict access to authorised persons only.

Unauthorised disclosure of information that could prejudice confidentiality and identify a whistleblower will be regarded seriously and may result in disciplinary action and where applicable, Mission Educate will notify authorities.

### **3. Retaliation**

Mission Educate will not tolerate any retaliatory action or threats of retaliatory action against a Whistleblower, or against a Whistleblower's colleagues, employer (if a contractor, consultant or supplier) or relatives.

For example, a Whistleblower must not be disadvantaged or victimized for having made the report by:

- Dismissal or termination of services or supply
- Demotion
- Discrimination, victimization or harassment
- Current or future bias
- Threats of any of the above

Any such retaliatory action or victimisation in reprisal for a disclosure made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. In some circumstances it may be illegal; in which case Mission Educate will notify the authorities.

### **4. Investigation**

All reports of alleged or suspected wrongdoing made under this policy to a Whistleblower Governance Officer will be properly assessed, and if appropriate, inquired into or independently investigated - with the objective of gathering evidence relating to the claims made by the Whistleblower. That evidence may substantiate or refute the claims made.

Investigations must be conducted in a fair and independent manner.

### **5. Disclosure Management**

Mission Educate recognises that individuals against whom a report is made must also be supported during the handling and investigation of the wrongdoing report. Mission Educate takes reasonable steps to treat fairly any person who is the subject of a report, particularly during the assessment and investigation process in accordance with an established support protocol which may be extended to include appointing a Whistleblower Protection Officer to provide support.

Where a person is identified as being suspected of possible wrongdoing, but preliminary inquiries determines that the suspicion is baseless or unfounded and that no formal investigation is warranted, then the Whistleblower will be informed of this outcome and the matter laid to rest.

The Whistleblowing Governance Officer will decide whether or not the person named in the allegation should be informed that a suspicion was raised and found to be baseless upon preliminary review. This decision will be based on a desire to preserve the integrity of a person so named, so as to enable workplace harmony to continue unfettered and to protect the Whistleblower where it is a bona fide disclosure.

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

Generally, where an investigation is conducted and the investigator believes there may be a case for an individual to respond, the Investigator must ensure that a person who is the subject of a disclosure:

- Is informed of the substance of the allegations;
- Is given a fair and reasonable opportunity to answer the allegations before the investigation is finalised;
- Has their response set out fairly in the Investigator's report; and
- Is informed about the substance of any adverse conclusions in the investigator's report that affects them.

Where adverse conclusions are made in an investigator's report about an individual, that individual has a right to respond to those conclusions prior to any action being taken by Mission Educate against them.

Mission Educate 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.

### **Policy Accessibility**

Mission Educate is committed to the promotion and training of this policy. This policy forms part of Mission Educate's:

- Staff and volunteer induction.
- Staff Training.
- Board induction.

The Whistleblower policy is accessible on the organisation's file storage drive for its staff and officers. Mission Educate makes this policy available on its external website.

### **Response to Breach of Policy**

Any breach of this Policy may result in disciplinary action that could result in severance from the organisation.

### **Related Documents**

- Safeguarding Policy and Procedures
- Partner Engagement Policy
- Grievance Policy and Procedures
- Safeguarding Policy
- Child Protection Policy and Procedures
- Overseas Initiatives and Projects - Visitor Information
- Risk Management
- Code of Conduct

- Conflicts of Interest Policy

**Reference:**

- ASIC - Regulatory Guide 270
- Australian Charities and Not-for-profits Commission [ACNC]
- CMA Standards Council [Christian Management Australia]
- Ourcommunity.com.au & Institute of Community Directors Australia

**Authorisation**

.....  
**Executive Director**  
Mission Educate Limited

.....  
**Date**

## APPENDIX A CURRENT CONTACTS FOR THIS POLICY

*Whistleblower hotline email:*

[integrity@missioneducate.org](mailto:integrity@missioneducate.org)

*Whistleblower Governance Officers*

Executives:

Dr Terry King - Executive Director [terry.king@missioneducate.org](mailto:terry.king@missioneducate.org)

Company Secretary

Natalie Baker - [natalie.baker@missioneducate.org](mailto:natalie.baker@missioneducate.org)

Board Safeguarding, Risk Management & Compliance Committee

Eddie Wellins - [eddie.wellins@missioneducate.org](mailto:eddie.wellins@missioneducate.org)

*Whistleblower Officers - Mozambique*

Ms Jillian Lovell - Project Director [jill.lovell@missioneducate.org](mailto:jill.lovell@missioneducate.org)

School Management Board Chair