

PROCEDURE – Whistleblower

Procedure Title	Country Education Foundation Whistleblower Procedure
Procedure Number	Governance 2.006
Version Number	2
Originally Approved	3/9/2019
Last Approved	21/11/2022
Next Review Date	21/11/2025
Policy Officer	Operations Manager
Responsible Person/s	Chief Executive Officer
Scope	CEF board, staff and volunteers. CEF supported students and alumni
Purpose	Country Education Foundation of Australia Pty Ltd ACN 103 889 452 (CEF) provides these procedures to: <ol style="list-style-type: none"> 1. encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to CEF or damage to its reputation; 2. enable CEF 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; 3. establish the policies for protecting whistleblowers against reprisal by any person internal or external to the entity; 4. provide for the appropriate infrastructure; and 5. help to ensure CEF maintains the highest standards of ethical behaviour and integrity.
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1. Responsibility

- 1.1. The CEO is responsible for the implementation of these procedures.
- 1.2. All staff and volunteers are responsible for reporting breaches of general law, CEF policy, or generally recognised principles of ethics to a person authorised to take action on such breaches.

2. External Reporting Responsibilities

- 2.1. The Board may nominate external persons or agencies to whom disclosures may be made under the protections offered under this policy. Where such a nomination is made, staff and volunteers should be informed by any appropriate method.

3. Reporting

- 3.1. Where an employee of CEF believes in good faith, on reasonable grounds that any other employee, volunteer, client or contractor has breached general law, CEF policy, or generally recognised principles of ethics, that employee must report their concern to:
 - 3.1.1. the CEO; or
 - 3.1.2. the Chairman of the Board, if they feel that the CEO may be complicit in the breach;
 - 3.1.3. a person or office independent of the organisation nominated by CEF to receive such information.
 - 3.1.4. the duly constituted legal authorities responsible for the enforcement of the law in the relevant area.
- 3.2. These procedures do not authorise any employee to inform commercial media or social media of their concern, and do not offer protection to any employee who does so.
- 3.3. Any person reporting such a breach should be informed that:
 - 3.3.1. as far as lies in CEF's power, the employee will not be disadvantaged for the act of making such a report; and
 - 3.3.2. if the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law; however,
 - 3.3.3. reporting such a breach does not necessarily absolve the complainant from the consequences of any involvement on their own part in the misconduct complained of.
- 3.4. Any such report should where possible be in writing and should contain, as appropriate, details of:
 - 3.4.1. the nature of the alleged breach;
 - 3.4.2. the person or persons responsible for the breach;
 - 3.4.3. the facts on which the complainants' belief that a breach has occurred, and has been committed by the person named; and
 - 3.4.4. the nature and whereabouts of any further evidence that would substantiate the complainant's allegations, if known.
- 3.5. Evidence to support such concerns should be brought forward at this time if it exists. The absence of such evidence will be taken into account in subsequent consideration of whether to open an investigation into the matter. However, absence of such evidence is not an absolute bar to the activation of CEF's investigative procedures. The existence of such a concern is sufficient to trigger reporting responsibilities.
- 3.6. In contemplating the use of this policy and procedure, a person should consider whether the matter of concern may be more appropriately raised under either CEF's Grievance and Dispute Resolution Policy.

4. Anonymity

- 4.1. If the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law.
- 4.2. The complainant should, however, be informed that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.

- 4.3. Where anonymity has been requested the complainant is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with or disclosing the matter through traditional or social media.

5. Investigation

- 5.1. On receiving a report of a breach, the person to whom the disclosure is made shall:
 - 5.1.1. dismiss the allegation if they believe the behaviour complained of to be unquestionably trivial or fanciful, and notify the person making the allegation of their decision; or
 - 5.1.2. put in motion the investigation process described below if they believe the behaviour complained of to be neither trivial nor fanciful.
- 5.2. The CEO or the Chairman of the Board shall be responsible for ensuring that an investigation of the charges is established and adequately resourced.
- 5.3. Terms of reference for the investigation will be drawn up, in consultation with the CEO (or Chairman of the Board), to clarify the key issues to be investigated.
- 5.4. An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.
- 5.5. Strict security will be maintained during the investigative process.
- 5.6. All information obtained will be properly secured to prevent unauthorised access.
- 5.7. All relevant witnesses will be interviewed, and documents examined.
- 5.8. Contemporaneous notes of all discussions, phone calls and interviews will be made.
- 5.9. The principles of procedural fairness (natural justice) will be observed¹. In particular, where adverse comment about a person is likely to be included in a report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.
- 5.10. The person or persons conducting the investigation shall be unbiased.

6. Findings

- 6.1. A report will be prepared when an investigation is complete. This report will include:
 - 6.1.1. the allegations;
 - 6.1.2. a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions;
 - 6.1.3. the conclusions reached (including the damage caused, if any, and the impact on CEF and other affected parties) and their basis; and
 - 6.1.4. recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

¹ Natural justice and procedural fairness do not require that the person affected be informed of the identity of the person making the initial disclosure, unless that communication constitutes part of the evidence relied upon in making the eventual finding.

6.2. The report will be provided to the person making the allegation (with, if necessary, any applicable confidentiality stipulations).

7. Protection of Informant

7.1. Where the investigation has found that the person making the allegation made it in good faith on reasonable grounds, the CEO shall be responsible for ensuring that the person suffers no employment-related disadvantage on account of their actions in this matter and to provide additional support for the person where necessary.

8. Record of Amendments

Amendments	Section	Date	Name	Approved
none	n/a	21/11/22	Xanthe Long	yes