

Whistleblower Policy and Procedure

Introduction

Learning is committed to a culture of transparency and openness where feedback is encouraged, and complaints and grievances are taken seriously and acted on promptly in line with our values of empowerment, integrity, excellence and collaboration.

The Whistleblower Policy and Procedure has been developed so that persons who wish to report misconduct or dishonest or illegal activity that has occurred in connection with Learning Links can do so knowing they are fully protected against reprisal for having made the report.

Learning Links also has:

- A Feedback and Complaints Policy and Procedure which applies to general complaints including customer complaints.
- A Staff Complaint and Grievance Policy and Procedure which applies to staff complaints and work-related grievances.

The Whistleblower Policy below outlines the requirements for raising Whistleblowing Complaints.

Policy

- Learning Links is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.
 - Anyone has the right to raise a Whistleblowing Complaint and have that complaint addressed in a timely manner and receive an accurate and thoughtful response.
 - All complaints handling will be conducted in a way that is fair, effective, safe, confidential and accessible to stakeholders without prejudice.
 - Learning Links respects the right of an individual raising the complaint to remain anonymous.
 - Learning Links will keep a Whistleblower's identity and information confidential, unless they provide us with consent to disclose their information.
 - Learning Links will support and protect the person raising the complaint and anyone else assisting in the investigation, even if it turns out that concerns are mistaken, provided that the person was acting honestly and ethically and made the report on reasonable grounds.
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Definitions

Term	Definition
Reportable Conduct	<p>Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:</p> <ul style="list-style-type: none"> • Dishonest; • Corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits); • Fraudulent; • Illegal (including theft, drug sale or use, violence or threatened violence, or property damage); • In breach of regulation, internal policy or code (such as our Code of Conduct); • Improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower; • A serious impropriety or an improper state of affairs or circumstances; • Endangering health or safety of consumers and/or the community • Damaging or substantially risking damage to the environment; • A serious mismanagement of Learning Links resources; • Detrimental to Learning Links financial position or reputation; • A matter of maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives); • Concealing reportable conduct.
Whistleblower	An individual who can make a Whistleblowing Complaint. A Whistleblower may be a current or former Learning Links staff member.
Whistleblowing Complaint	A complaint which relates to misconduct or any improper state of affairs or circumstances at Learning Links as defined in Reportable Conduct above.
Whistleblowing Investigative Team	Comprised of the CEO and a Whistleblower Protection Officer assigned by the CEO which may include the Chair of the Learning Links Board, or the Board delegate.

Eligibility

This policy applies to all current or former Staff, Board Members, Contractors, Volunteers, Interns and Students.

Responsible

Responsibilities for the policy are:

Person	Responsible for
Staff	<ul style="list-style-type: none"> • Reporting misconduct or dishonest or illegal activity to their manager, or a responsible person, HR, or the CEO. • Providing as much information and supporting evidence as possible about the events underlying the whistleblowing complaint. • Reporting the complaint to other legislative bodies in the event that your complaint is not responded to.
Managers	<ul style="list-style-type: none"> • Discussing any concerns with their direct reports and outlining the mechanisms available to raise complaints, concerns and grievances including Whistleblowing Complaints. • Providing support to the direct report as required. • Protecting Whistleblower confidentiality and rights as required and as requested by the Whistleblower. • Accepting and responding to Whistleblowing Complaints in accordance with this policy.

HR	<ul style="list-style-type: none"> • Providing information about the complaints processes, options for assistance/support and protections from victimisation. • Following due process and ensuring the allegations are fully documented and managed with the upmost care and due diligence. • Explaining the confidentiality requirements to all stakeholders and that it is unlawful to victimise someone who has made a complaint. • Accepting and responding to Whistleblowing Complaints in accordance with this policy.
CEO	<ul style="list-style-type: none"> • Providing a mechanism for reporting misconduct or dishonest or illegal activity. • Dealing with reports from Whistleblowers in a way that will protect the identity of the Whistleblower and provide for secure storage of the information. • Ensuring that any Reportable Conduct is identified and dealt with appropriately and always reported promptly to the Learning Links Board. • Ensuring that individuals who disclose wrongdoing can do so safely, securely and with confidence they will be protected and supported. • Setting expectations and establishing a system that prevents Learning Links, or an officer of Learning Links, from harming or causing detriment to a Whistleblower. • Accepting and responding to Whistleblowing Complaints in accordance with this policy. • Accepting and responding to Whistleblowing Complaints in accord with any state or federal legislation relevant to the complaint.
Board	<ul style="list-style-type: none"> • Overseeing and ensuring a Whistleblower Policy and system is in place and that it is communicated and effectively implemented in line with current legislative and regulatory frameworks and reflects Learning Links values and ethical standards. • Accepting and responding to Whistleblowing Complaints in accordance with this policy. • Accepting and responding. to Whistleblowing Complaints in accord with any state or federal legislation relevant the complaint. • Ensuring that Learning Links upholds high standards in all areas of Governance to minimise potential misconduct, dishonest or illegal activity.

Whistleblowing Investigative Team	<ul style="list-style-type: none"> • Responding to the complaints and determining whether the report falls within the scope of this Policy. • Providing advice and support to reporters. • Maintaining confidentiality. • Maintaining a secure and restricted record of all reports made. • Managing the investigative process in accordance with this policy and determining how the complaint should be investigated. • Gathering and documenting evidence. • Reporting matters to relevant authorities as required. • Providing informed, timely and non-prejudicial responses to relevant authorities as required. • Making findings and determinations which are documented and formalised in a final report. • Determining the appropriate course of action to remediate or act on the investigation. • Making recommendations to prevent future instances of reportable misconduct. • Managing the communication with Respondent/s, Whistleblower, and others involved in the complaint and investigation during and after the process.
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Related documents

- Feedback and Complaints Policy and Procedure
- Q&I - Feedback and Complaints Policy for Customers
- Keeping Children Safe Policy and Procedure
- Risk Management Policy
- Delegation Policy and Procedure
- Fundraising Grants Policy
- Code of Conduct Policy
- Conflict of Interest Policy and Procedure
- Workplace Discrimination, Bullying and Harassment Policy
- Staff Complaint and Grievance Policy and Procedure

Related Resources and Legislation

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-protections-for-not-for-profit-organisations/>
Part 9.4AAA of the *Corporations Act 2001* (Corporations Act).

False Reports or disclosures

Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

Procedure

Follow the steps below to raise a Whistleblowing Complaint.

Step	Action
1	Make Whistleblower Complaint, with supporting details and evidence to your manager, a responsible person, HR, the CEO, or the Chair of the Learning Links Board. This decision will be based on the nature of the complaint.
2	The CEO and Learning Links Board will be notified of all Whistleblowing Complaints.
3	A Whistleblower Investigative Team will be established by the CEO and/or Board and the complaints handling process will commence. This will include briefings with stakeholders and a thorough investigation of the complaint. This process may include conducting interviews, taking witness statements and other investigative evidence gathering processes. It will also include communications with key stakeholders as required throughout the process.

4	The process will conclude with findings and determinations documented in a final report.
5	Actions, as required, will be taken to address the complaint and to prevent future instances of reportable misconduct.

Document control

This table outlines the control details for this document.

Element	Details
Document Name	Whistleblower Policy and Procedure
Document Owner	Jennifer Woodrow
Version Number	1.0
Effective Date	1 January 2020
Review Date	1 January 2022
Authorisation	Birgitte Maibom
