

# Whistleblower Policy and Procedure

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## Introduction

Learning is committed to an ethical culture based on transparency where feedback and the reporting of complaints and grievances are encouraged and acted on and where behaviours are in line with our values of integrity, empowerment, excellence and collaboration.

The Whistleblower Policy and Procedure has been developed so that individuals who detect misconduct or dishonest or illegal activity that has occurred in connection with Learning Links can report these concerns knowing they can do so safely and protected against reprisal.

It is aimed at encouraging disclosures of wrong doing and deterring wrongdoing by increasing awareness that there is a higher likelihood that it will be reported.

Learning Links also has:

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

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

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## Policy

- Learning Links is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance and risk management.
  - 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"> <li>• Dishonest;</li> <li>• Corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);</li> <li>• Fraudulent;</li> <li>• Illegal (including theft, drug sale or use, violence or threatened violence, or property damage);</li> <li>• In breach of regulation, internal policy or code (such as our Code of Conduct);</li> <li>• Improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;</li> <li>• A serious impropriety or an improper state of affairs or circumstances;</li> <li>• Endangering health or safety of consumers and/or the community</li> <li>• Damaging or substantially risking damage to the environment;</li> <li>• A serious mismanagement of Learning Links resources;</li> <li>• Detrimental to Learning Links financial position or reputation;</li> <li>• A matter of maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);</li> <li>• Concealing reportable conduct.</li> </ul>
Disclosable Matters	<p>Are the type of wrongdoings that can be reported. See Reportable Conduct above.</p>
Whistleblower (Discloser)	<p>An individual who makes a Whistleblowing Complaint. This can be:</p> <ul style="list-style-type: none"> <li>• An employee or former employee of Learning Links</li> <li>• An officer of Learning Links or a related company or organisation</li> <li>• A contractor, or an employee of a contractor, who has supplied goods or services to Learning Links or a related company or organisation.</li> <li>• A volunteer or former volunteer of Learning Links</li> <li>• A spouse, relative or dependant of one of the people referred to above.</li> </ul>
Whistleblowing Complaint	<ul style="list-style-type: none"> <li>• A complaint which relates to misconduct or any improper state of affairs or circumstances at Learning Links as defined in Reportable Conduct above.</li> </ul>
Reasonable Grounds	<ul style="list-style-type: none"> <li>• The term 'reasonable grounds to suspect' is based on the objective reasonableness of the reasons for the discloser's suspicion.</li> </ul>
Whistleblowing Investigative Team	<ul style="list-style-type: none"> <li>• Comprised of the CEO and/or Board delegate and a Whistleblower Protection Officer assigned by the CEO and / or Board.</li> <li>• The Investigative Team composition will be determined by the nature of the complaint: Individuals or business units/departments that are subject of the disclosure will not be involved.</li> </ul>
Corporations Act 2001	<ul style="list-style-type: none"> <li>• The Corporations Act 2001 (Corporations Act) provides a consolidated whistleblower protection regime for Australia's corporate sector: see Pt 9.4AAA</li> </ul>
Protections	<ul style="list-style-type: none"> <li>• Legal protections are available to whistleblowers, including protections under the Corporations Act. Protections include : (a) identity protection (confidentiality) (b) protection from detrimental acts or omissions (c) compensation and other remedies and (d) civil, criminal and administrative liability protection.</li> </ul>

ASIC (Australian Securities and Investments Commission)	<ul style="list-style-type: none"> <li>ASIC is responsible for administering the whistleblower protection provisions in the Corporations Act.</li> </ul>
ACNC	<ul style="list-style-type: none"> <li>Australian Charities and Not for Profit Commission.</li> </ul>
Eligible Recipient	<ul style="list-style-type: none"> <li>Learning Links “eligible recipients” for receiving a whistleblowing complaint include your manager, General Managers, HR, CEO and Board Members.</li> </ul>
Personal Work-Related Grievances	<ul style="list-style-type: none"> <li>Examples of personal work-related grievances include workplace interpersonal conflicts between an individual and another employee, or a decision relating to the employment, the terms and conditions of the employment of the individual, transfer, promotion, suspension or termination of the employment of the individual.</li> <li>Note this policy does not apply to personal work-related grievances.</li> </ul>

### 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"> <li>Reporting misconduct or dishonest or illegal activity to your manager, HR, or the CEO or directly to ASIC or another Commonwealth body prescribed by regulation such as ACNC.</li> <li>Providing as much information and supporting evidence as possible about the events underlying the whistleblowing complaint.</li> <li>If required, obtaining additional information before making a disclosure from your manager, HR or the CEO.</li> </ul>
Managers	<ul style="list-style-type: none"> <li>Ensuring staff are aware of the Whistleblowing Policy and it is included in Staff Induction. This would include explaining the difference between a whistleblower complaint, a personal work-related grievance, and general complaint.</li> <li>Discussing any concerns with their direct reports and outlining the mechanisms available to raise complaints, concerns and grievances including Whistleblowing Complaints.</li> <li>Providing advice to individuals who are considering making a disclosure.</li> <li>Providing ongoing support to the direct report as required.</li> <li>Protecting Whistleblower confidentiality and rights as required and as requested by the Whistleblower.</li> <li>Receiving and responding to Whistleblowing Complaints in accordance with this policy. This may include raising a Whistleblowing Complaint by following the procedure outlined below on behalf of the staff member.</li> </ul>

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

Whistleblowing Investigative Team	<ul style="list-style-type: none"> <li>• Responding to the complaints and determining whether the report falls within the scope of this Policy.</li> <li>• Providing advice and support to reporters.</li> <li>• Maintaining confidentiality.</li> <li>• Maintaining a secure and restricted record of all reports made.</li> <li>• Ensuring the protection of the disclosure's identify and protection from reprisals.</li> <li>• Managing the investigative process in accordance with this policy and determining how the complaint should be investigated.</li> <li>• Gathering and documenting evidence.</li> <li>• Reporting matters to relevant authorities as required.</li> <li>• Providing informed, timely and non-prejudicial responses to relevant authorities as required.</li> <li>• Making findings and determinations which are documented and formalised in a final report.</li> <li>• Determining the appropriate course of action to remediate or act on the investigation.</li> <li>• Making recommendations to prevent future instances of reportable misconduct.</li> <li>• Managing the communication with Respondent/s, Whistleblower, and others involved in the complaint and investigation during and after the process. This will include keeping a discloser informed and updated during various stages of the investigation to provide the discloser with assurance that Learning Links is taking their disclosure seriously.</li> </ul>
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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
- Information Security 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.

#### Anonymous Disclosures

Disclosure of Reportable Conduct can be made anonymously.

#### Publication and access to this policy

The Whistleblower Policy and Procedure is published on the Learning Links website where it can be viewed by the general public and the Staff Information Hub where it can be viewed by staff.

### Whistleblower Protections

Legal protections are available to Whistleblowers, including protections under the Corporations Act. Protections include:

- (a) identity protection (confidentiality)
- (b) protection from detrimental acts or omissions
- (c) compensation and other remedies and
- (d) civil, criminal and administrative liability protection.

Learning Links will ensure protections are afforded to all people making a whistleblower complaint and ensure fair treatment and no victimisation.

Protections will not extend if the Whistleblower is engaged in misconduct including false reports or disclosures.

### Procedure for making a Whistleblowing Complaint.

Follow the steps below to raise a Whistleblowing Complaint.

Step	Action
1	Make Whistleblower Complaint in person, via email, telephone, or by post, with supporting details and evidence to your manager, a responsible person, HR, the CEO, or the Learning Links Board. Whistleblowing complaints can also be sent to: <a href="mailto:whistleblower@learninglinks.org.au">whistleblower@learninglinks.org.au</a> .
2	The CEO and Learning Links Board will be notified of all Whistleblowing Complaints within 48 hours of the complaint being received.
3	A Whistleblower Investigative Team will be established by the CEO and/or Board and the complaints handling process will commence within 48 hours and be concluded within 4 weeks unless an extension is communicated to the Whistleblower due to the complexity of the matter.  The compilation of the Investigative Team will be based on the nature of the complaint.  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.

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