

Whistleblower Policy

Purpose

The Foyer Foundation (or “the Organisation”) is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance. The Organisation recognises the value of transparency and accountability in its administrative and management practices, and supports the reporting of improper conduct. As such, this Whistleblower Policy has been developed so that people can raise concerns regarding situations where they believe that Foyer Foundation or anybody connected with the Organisation has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct.

Scope

This Policy applies to all Foyer Foundation employees (including temporary, permanent and contract), volunteers, contractors, consultants and visitors. This policy applies to any location where duties are performed by individuals undertaking activities associated with the Foyer Foundation.

Policy

This Policy aims to:

- encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct;
- provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation;
- enable Foyer Foundation to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information;
- ensure that any Reportable Conduct is identified and dealt with appropriately;
- ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported; and
- help to ensure that the Foyer Foundation maintains the highest standards of ethical behaviour and integrity.

Table of Contents

1. Responsibilities	3
1.1 Chief Executive Officer (CEO) Responsibilities	3
1.2 Manager Responsibilities	3
1.3 Employee Responsibilities	3
2. Principles	4
3. Reportable Conduct	4
3.1 Who can make a report?	4
3.2 What is Reportable Conduct?	4
3.3 What is not Reportable Conduct?	5
3.4 What information do I need to make a report?	6
3.5 How can I make a report?	6
4. Protection	6
4.1 How will I be protected if I speak up about Reportable Conduct?	6
4.2 How will the Foyer Foundation ensure confidentiality?	7
5. False reports or disclosures	8
6. Handling and investigating a disclosure	8
7. Outcome of an investigation	8
8. Legislation & Industrial Instruments	8
9. Review	9

1. Responsibilities

1.1 Chief Executive Officer (CEO) Responsibilities

- The Foyer Foundation's CEO is responsible for developing, adopting and reviewing this policy, ensuring it aligns with overall strategic direction and Foyer Foundation's vision and goals;
- overseeing the development, implementation and enforcement of this policy;
- ensuring compliance with legal and regulatory standards;
- maintaining a secure and restricted record of all reports made under this Policy and Procedure;
- arranging role-specific training as required;
- ensuring employees are made aware of their rights and responsibilities in relation to Whistleblowing;
- reporting any instances of reportable conduct and the outcomes of any investigations to the Board of Directors in a timely manner;
- monitoring changes in privacy legislation; and
- for advising on the need to review or revise this policy.

1.2 Manager Responsibilities

- Implementing and enforcing this policy with all employees;
- ensuring employees understand and adhere to this policy;
- provide guidance and clarification on this policy to employees;
- ensuring employees are made aware of their rights and responsibilities in relation to Whistleblowing during their induction;
- report misconduct, dishonest or illegal activity that has occurred or is suspected within the Foyer Foundation as quickly as possible, whether anonymously or otherwise;
- monitor and manage compliance with this policy in daily operations; and
- address any policy violations and where necessary, report up to the CEO.

1.3 Employee Responsibilities

- Ensure an understanding of all Foyer Foundation policies relevant to their role and as an employee for the Organisation;
- seek clarification on this policy when needed;
- comply with the standards outlined in this policy;
- report misconduct, dishonest or illegal activity that has occurred or is suspected within the Foyer Foundation as quickly as possible, whether anonymously or otherwise; and
- participate in policy training and updates as required.

2. Principles

This Policy is designed to comply with the Foyer Foundation's legal obligations. If anything in this Policy is inconsistent with any law imposed on the Foyer Foundation, that legal obligation or the "higher standard" will prevail over this Policy.

We encourage Foyer Foundation employees to speak up and report any concerns in line with our policies and procedures. We expect our employees and volunteers to act honestly and ethically, and to make any report on reasonable grounds.

Our obligations to our whistleblowers are spelled out in this policy, and the Foyer Foundation will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While the Foyer Foundation encourages Whistleblowers to identify themselves to Whistleblowing Services, they may opt to report their concerns anonymously.

3. Reportable Conduct

3.1 Who can make a report?

A Whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with the Foyer Foundation and wishes to avail themselves of protection against reprisal for having made the report.

A Whistleblower may be a current or former Worker with the Foyer Foundation.

3.2 What is Reportable Conduct?

A person may disclose any information that the person has reasonable grounds to suspect concerns of misconduct, or an improper state of affairs or circumstances in relation to the Foyer Foundation. The whistleblowing procedure should be followed when matters of misconduct cannot be managed internally, or if the whistleblower does not have what they feel is a safe avenue to disclose information.

Reportable conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:

- 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;
- damaging or substantially risking damage to the environment;
- a serious mismanagement of [Organisation]'s resources;
- detrimental to [Organisation]'s financial position or reputation;
- maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives); and/or
- concealing reportable conduct.

Reportable Conduct typically relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

3.3 What is not Reportable Conduct?

While everybody is encouraged to speak up and report any concerns to the Foyer Foundation, not all types of conduct are intended to be covered by this Policy or by the protections under the Corporations Act 2001. This Policy does not apply to:

- complaints of Foyer Foundation service from clients or users about our service; or
- personal work-related grievances, unless the grievance includes victimisation due to whistleblowing

Other grievances with the Foyer Foundation should be handled through the Foyer Foundation Grievance Resolution Policy.

Personal work-related grievances are those that relate to the discloser's current or former employment with the Foyer Foundation that might have implications for the discloser personally but do not:

- have any other significant implications for the Foyer Foundation; or
- relate to any conduct or alleged conduct about a disclosable matter.

Personal work-related grievances include grievances such as:

- interpersonal conflicts;
- decisions about promotions;
- decisions that do not involve a breach of workplace laws; and/or
- terms and conditions of employment.

However, personal work-related grievances may be covered by this policy where they include information about:

- misconduct;
- an allegation that the entity has breached employment law; or
- other laws punishable by imprisonment by a period of 12 months or more; or
- the grievance includes victimisation due to whistleblowing.

3.4 What information do I need to make a report?

To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct.

For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:

- date;
- time;
- location;
- name of person(s) involved;
- possible witnesses to the events; and
- evidence of the events (e.g. documents, emails).

In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

3.5 How can I make a report?

A report must be made to Whistleblowing Services via the below methods:

- Phone: 1800 730 073
- Website: whistleblowingservice.com.au
- Email: info@whistleblowingservice.com.au

While the Foyer Foundation encourages whistleblowers to identify themselves to Whistleblowing Services, they may opt to report concerns anonymously such as by adopting a pseudonym.

4. Protection

4.1 How will I be protected if I speak up about Reportable Conduct?

If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, Foyer Foundation will support and protect you and anyone else assisting in the investigation.

The Foyer Foundation will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. This includes:

- retaliation;
- dismissal;
- suspension;
- demotion;
- termination of a whistleblowers role;

- bullying, harassment, threats or intimidation;
- discrimination, subject to current or future bias, or derogatory treatment;
- harm or injury;
- damage or threats to your property, business, financial position or reputation;
- revealing the identity of a Whistleblower without their consent or contrary to law; and/or
- threatening to carry out any of the above actions.

These protections apply regardless of whether any concerns raised in a report are found to be true, provided the whistleblower is acting honestly and ethically and made the report on reasonable grounds. These protections also apply to individuals conducting, assisting or participating in an investigation.

Anyone found to be victimising or disadvantageous to another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.

If a whistleblower believes to have suffered a detriment in violation of this Policy, the Foyer Foundation encourages them to report this immediately to Whistleblowing Services under this Policy.

4.2 How will the Foyer Foundation ensure confidentiality?

A whistleblower can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. The Foyer Foundation will do all it can to protect confidentiality.

However, the Organisation encourages all individuals to disclose their identity when raising a concern. This will assist the Foyer Foundation to gather further information on the report. If they choose to disclose their identity, their details will be treated confidentially to the fullest extent possible in connection with the investigation.

Whistleblowers may choose to report their concerns anonymously. However, if they choose to disclose their identity, their details will be treated confidentially to the fullest extent possible in connection with the investigation, and their identity will not be disclosed unless:

- they consent in writing to the disclosure;
- the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);
- the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
- the disclosure is authorised under the Corporations Act 2001 (Cth); and/or
- disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

5. False reports or disclosures

Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

6. Handling and investigating a disclosure

Upon receiving a Protected Disclosure, Whistleblowing Services will endeavour to assess the disclosure to determine whether:

- it qualifies for protection; and
- a formal, in-depth investigation is required.

Whistleblowing Services will endeavour to provide the discloser with regular updates.

Whistleblowing Services may not be able to investigate a disclosure if it is unable to contact the discloser.

7. Outcome of an investigation

At the conclusion of the investigation, a report will be prepared outlining:

- a finding of all relevant facts;
- a determination as to whether the allegation(s) have been substantiated or otherwise; and
- the action that will be taken, which may include disciplinary action and dismissal.

The disciplinary action will be dependent on the severity, nature and circumstances of the Reportable Conduct.

Where possible and appropriate, having regard to the Foyer Foundation's privacy and confidentiality obligations, the whistleblower will be informed of the outcome of any investigation into their concerns.

8. Legislation & Industrial Instruments

This policy & procedure is not intended to override any industrial instrument, contract, award or legislation.

9. Review

Our Whistleblower Policy is subject to review every two years. This review assesses the policy's effectiveness, relevance, and compliance with current employment laws and employee feedback. Any necessary changes will be promptly communicated to all staff.

References

Accessibility

This document can be accessed by:

Locations
Employment Hero > Compliance > Policies

Associated internal documents

- Foyer Foundation Code of Conduct
- Foyer Foundation Workplace Health & Safety Policy
- Foyer Foundation Anti-Bullying, Harassment & Discrimination Policy
- Foyer Foundation Grievance Resolution Policy

Associated external documents

- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Public Interest Disclosure Act 2013