

POLICY

Whistleblowing

Established: July 2018	Review frequency: Every three years
Prepared by: P Simmons	Approved by: Board

Purpose

To establish whistleblowing as an important element in detecting corrupt, illegal or other undesirable conduct, and ensure that individual or organisational misconduct or wrongdoing can be raised without fear of retaliation or retribution

Introduction

GraceWorks Myanmar (GWM) is committed to the highest standards of legal, ethical and moral behaviour. We have an open-door policy and encourage staff, volunteers, consultants and partners who are aware of wrongdoing to disclose that information. Not only may misconduct be illegal; it may directly oppose the purpose, values, vision and mission of GWM. We are committed to maintaining an environment where legitimate concerns can be reported without fear of retaliatory action or retribution. No person should be personally disadvantaged for reporting wrongdoing.

Definitions

Whistleblowing

Whistleblowing is the disclosure by, or for, a witness of actual or suspected misconduct.

Whistleblower

A whistleblower is a person who reports serious misconduct.

Misconduct

Misconduct relates to any action that is:

- ◆ Fraudulent, corrupt or otherwise illegal
- ◆ Unethical, such as acting dishonestly, altering company records, wilfully making false entries in official records, engaging in questionable accounting practices, or wilfully breaching the Australian Council for International Development's (ACFID) Code of Conduct
- ◆ Potentially damaging, such as maladministration
- ◆ Seriously harmful (actual or potential) to personnel, such as deliberately unsafe work practices or wilful disregard for the safety of others
- ◆ Able to cause serious financial or non-financial loss and/or reputational damage
- ◆ Linked to any other kind of serious impropriety including retaliatory action against a whistleblower for having made a wrongdoing disclosure.

Assured process

Contexts for reporting

The whistleblowing process is relevant in situations where there is good faith and fair belief that misconduct has occurred, or is occurring, and where there is a fear of reprisal, including risk to safety, for making a report via the avenues provided in our other policies. These include our Complaints Handling Policy; Child Safeguarding Policy; Prevention of Sexual Exploitation, Abuse and Harassment Policy; Conflict of Interest Policy; Financial Management Policy; and Code of Conduct.



While we encourage the reporting of misconduct, this policy is not intended to support situations not covered via the definitions and contexts above, such as donor complaints or personal work-related grievances not related to whistleblowing.

A person considering making a whistleblower report is obliged to act in good faith and have reasonable grounds for believing the disclosure is reportable wrongdoing. False or malicious allegations may result in disciplinary action.

Making a report may not protect the whistleblower from the consequences flowing from involvement in the wrongdoing itself. A person's liability for their own conduct is not affected by their reporting of that conduct. However, in the event of involvement in misconduct by the whistleblower, active cooperation in the investigation, and an admission and remorse, may be taken into account when considering disciplinary or other action.

Mutual expectations

A whistleblower needs to provide enough information to form a reasonable basis for investigation and to assist as much as practical with any inquiry/investigation of the wrongdoing disclosed. This may include details such as dates, times, locations, people involved, potential witnesses and supporting evidence.

When a person makes a disclosure of suspected or actual misconduct, they are entitled to expect:

- ◆ Their identity will remain confidential at all times to the extent permitted by law or as is practical to the circumstances – we observe strict confidentiality via management by skilled and authorised personnel in line with our chain of command, and via the protection of personal information
- ◆ They will be protected from reprisal, harassment and/or victimisation for making the report
- ◆ Any incident of retaliation for making a disclosure will be treated as serious wrongdoing.

Investigator's role

At all times, parties will agree on the appointment of an appropriate delegate, who is not implicated in the report, to lead the investigation. A qualified external investigator independent of GWM may be appointed if considered necessary.

The responsibilities of the appointed investigator include providing assurance that action taken in response to the inquiry will be appropriate to the circumstances and that retaliatory action will not be taken against the person who made the disclosure. The investigator has direct, unfettered access to independent financial, legal and operational advisers as required.

The investigator will keep the whistleblower informed of the progress and outcomes of the inquiry/investigation, subject to considerations of the privacy of those against whom the allegations have been made.

Avenues for whistleblowing

All whistleblowing is to be directed to the Chief Executive Officer (CEO). The CEO is responsible for investigating reports of whistleblowing. If the whistleblowing is about the CEO, the Chairperson of the Board is the responsible first contact. If the whistleblowing is about the Chairperson of the Board, another member of the Board is the responsible first contact. Contact details are available at www.graceworksmyanmar.com.

Learning and improving

GWM will always analyse and reflect on issues that have arisen from whistleblowing to ensure the continual improvement of our operations and activities, and prevent similar misconduct from arising in the future.



References and related documents

References

- ◆ ACFID Code of Conduct

Related documents

- ◆ Code of Conduct
- ◆ Incident Register
- ◆ Complaints Handling Policy
- ◆ Privacy Policy

Review

Previous reviews: June 2021
Next review: June 2024