

## Whistleblower Policy

**Functional Area: Support**

**Date approved: 26 March 2025**

**Board Resolution: UWB20250326-9**

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### 1 Context

*“A whistleblower discloses information about corruption or other wrongdoing being committed in or by an organisation to individuals or entities believed to be able to effect action – the organisation itself, the relevant authorities, or the public.”*

*“Whistleblowing is one of the most effective ways to detect and prevent corruption and other malpractice. Whistleblowers’ disclosures have exposed wrongdoing and fraud, helped save millions in public funds, avoid disasters for health, the environment.”<sup>1</sup>*

This policy documents UnitingWorld’s commitment to maintaining an open working environment in which people can report suspected instances of unethical, unlawful or undesirable conduct without fear of intimidation or reprisal, through fair, transparent and accessible procedures. The purpose of this policy is to assist in the detection and resolution of misconduct or wrongdoing and to protect those persons who raise issues regarding misconduct or wrongdoing.

UnitingWorld is committed to the Uniting Church in Australia National Assembly’s (Assembly) policy standards and the Australian Council for International Development (ACFID) Code of Conduct obligations.

### 2 Scope

This policy applies to UnitingWorld staff, volunteers and Board members. Other UnitingWorld representatives, defined as any personnel funded by or undertaking tasks on behalf of UnitingWorld, while protected by this policy, are not bound to enforce it.

In concert with our Professional Conduct, Safeguarding and Protection (including Child Protection), and Complaints and Incident Handling Policies, our Whistleblower Policy applies to disclosures where a whistleblower has reasonable grounds to suspect their information discloses misconduct or wrongdoing.

This policy does not cover general complaints, queries or requests relating to:

- a) a general enquiry about UnitingWorld’s work;
- b) a request for information;
- c) an initial request to amend donor records;
- d) a request to unsubscribe or be removed from our database;
- e) a work-related grievance or interpersonal conflicts between staff (covered by NSW/ACT Synod Employment Manual); or
- f) a general complaint such as UnitingWorld failing to meet a specific commitment or obligation in our programs (covered by Complaints and Incident Handling Policy).

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<sup>1</sup>Extracts from Transparency International - <https://www.transparency.org/en/our-priorities/whistleblowing>

This policy also does not cover instances where UnitingWorld is the recipient of a whistleblower's report against an entity outside UnitingWorld, which may or may not be one that UnitingWorld does business with. Unless a whistleblower's report is directly related to activities that are being conducted by UnitingWorld or on UnitingWorld's behalf, UnitingWorld cannot take responsibility for resolving the subject of the whistleblower's report. In such instances, UnitingWorld will inform the whistleblower that the substance of their report relates to matters which are outside UnitingWorld's area of responsibility or control, and if considered appropriate, recommend alternative audiences for redress. UnitingWorld may also pass on a whistleblower's written report to a relevant body at the whistleblower's request, and, unless required otherwise by law, will take appropriate steps to preserve the whistleblower's anonymity if requested by the whistleblower. Decisions relating to instances where UnitingWorld receives a whistleblower's report against a third party will be managed directly by the National Director. These decisions will be communicated to the Board in real time or through quarterly incident updates, depending on the incident and associated risk.

### 3 Policy Commitments

**Principle 1:** We will foster a culture of accountability and transparency that supports whistleblowing.

**Principle 2:** We will take steps to promote responsibility for whistleblowing.

**Principle 3:** We will take steps to protect whistleblowers.

**Principle 4:** We will provide a whistleblowing system that enables disclosure of wrongdoing to be reported confidentially. All reasonable steps will be taken to maintain confidentiality (unless laws require disclosure).

**Principle 5:** We will establish and maintain a fair, transparent, prompt, and impartial investigation process.

**Principle 6:** We will take appropriate action where claims of wrongdoing are substantiated.

### 4 Policy implementation

#### 4.1 Fostering a culture of accountability, transparency and whistleblowing

Our Board and management will model and support an organisational culture that is healthy, open and transparent, through processes that encourage feedback and trust. We will encourage staff and volunteers to hold UnitingWorld accountable and to raise concerns as they feel appropriate.

We will ensure staff and volunteers understand that a whistleblower does not need to be right about their concern nor prove it to be protected by this policy. The information disclosed does not need to be true. The whistleblower must simply provide information of a concern that they "reasonably suspect" indicates a category of wrongdoing; have some reasonable basis for believing there has been some wrongdoing. That is enough and it will not matter if the whistleblower is later shown to be mistaken.

We will provide information and support to whistleblowers who report alleged wrongdoing, including well-being support.

## 4.2 Promoting responsibility for whistleblowing

Under our Code of Conduct, all UnitingWorld Representatives who are aware of possible wrongdoing **must** disclose that information, in line with our Professional Conduct Policy and ACFID Code of Conduct obligations.

During induction and periodically thereafter, staff, volunteers and Board members sign the Code of Conduct and are trained in their responsibilities to report wrongdoing, including whistleblowing under this policy.

**Reporting:** A whistleblower wishing to make a report can approach any senior member of staff of UnitingWorld or the Uniting Church in Australia (UCA). This includes the Assembly or other Assembly agency; any UCA Synod, any member of the UnitingWorld Board or National Assembly Standing Committee (ASC); any member of UnitingWorld Board committees or ASC committees; an external person or body appointed by the UCA for such purposes. A whistleblower may also approach any relevant external authority.

UnitingWorld has adopted the NSW/ACT Synod's third party anonymous 'Speak Out' platform available to all staff, volunteers and Board members to report concerns of suspected or anticipated misconduct or wrongdoing.

## 4.3 Protecting whistleblowers

UnitingWorld will protect whistleblowers from any form of reprisal, such as detrimental behaviour, blame, victimisation, bullying and harassment, because of their disclosure of alleged wrongdoing, IF the disclosure:

- is made in good faith
- is based on reasonable grounds
- does not involve actions by the whistleblower that are illegal or contrary to UnitingWorld's values, and
- is made in line with this policy.

**Limitations on the protection of the whistleblower:** UnitingWorld is committed to the protection of whistleblowers against action taken in reprisal for making disclosures. However, whistleblowers will not be protected under this policy if:

- they are involved in the misconduct or wrongdoing; they are not exempt from the consequences of their involvement. However, their admission of involvement, and whistleblowing, may be mitigating factors in disciplinary or other action;
- they make a knowingly false report regarding alleged misconduct or wrongdoing. The giving of a knowingly false report will be considered a serious matter and render the person concerned subject to disciplinary proceedings including possibly termination of employment.

**External Reporting:** This policy aims to enable people to report matters of concern about UnitingWorld within the internal structures of the organisation, including the NSW/ACT Synod third party 'Speak Out' process, or through relevant external authorities including ACFID.

Protection against retaliation will be extended to a representative who reports misconduct or wrongdoing to an entity or person outside of the above listed mechanisms, where all of the following conditions (a), (b), and (c) are met:

a) Such reporting is necessary to avoid:

- a significant threat to public health and safety; or
- substantive damage to the UnitingWorld's operations; or
- violations of national or international law; and

b) The use of an internal channel is not possible because:

- at the time the report is made, the whistleblower has grounds to believe that he or she will be subjected to retaliation by the person(s) to whom the complaint must be submitted via the established internal mechanism; or
- it is likely that evidence relating to the misconduct or wrongdoing will be concealed or destroyed if the whistleblower reports to the person(s) he or she should report to pursuant to the established internal mechanisms; or
- the whistleblower has previously reported the same information through the established internal mechanisms, and the organisation has failed to acknowledge receipt of the report or to inform the whistleblower, upon her or his request, in writing of the status of the matter; and

c) The whistleblower does not accept payment or any other benefit from any party for such report.

External reporting by a staff member in accordance with the above criteria does not constitute a breach of the staff member's obligations regarding confidentiality under UnitingWorld's policy.

**Anonymous Reporting:** As noted in the Complaints and Incident Handling Policy and on our website, UnitingWorld accepts concerns expressed anonymously pursuant to the Whistleblower Policy, although anonymous reports limit the protective measures that can be provided under this policy. Anonymous reports also make it difficult to investigate concerns or take necessary or appropriate action. Preliminary reviews and investigations of anonymous reports can only take place if independent data can corroborate the information provided. It is therefore important for anonymous disclosures of suspected wrongdoing to provide sufficient and substantiated supportive evidence that allows for further investigation.

**Reporting wrongdoing versus investigating:** The whistleblower does not need to prove their allegations. UnitingWorld will appoint appropriate investigators to conduct investigations into disclosures of wrongdoing.

#### 4.4 Confidentiality

The whistleblower's identity will remain confidential to the extent permitted by law or is practical in the circumstances. We will use all reasonable efforts to protect the identity of a whistleblower. As part of this, reports of a suspicion of wrongdoing including the identity of the person/s suspected of wrongdoing will be kept as confidential as possible. In situations where the whistleblower is required to provide evidence, their identity (or any information which could identify them) will only be shared with their consent, to ensure their safety, or unless required by law (mandatory reporting).

However, maintaining the anonymity of the whistleblower may result in constraining the extent and effectiveness of an investigation.

#### **4.5 Investigation**

We will treat all disclosures seriously and fairly and investigate all disclosures as appropriate. All whistleblower reports will be handled in line with UnitingWorld's Complaints and Incident Handling Policy. While the circumstances of each report may require different investigation steps, all investigations will:

- follow a fair process
- take a survivor-centred approach
- be conducted by a UnitingWorld-appointed investigator (who may be an external expert)
- be conducted as quickly and efficiently as circumstances permit
- determine whether there is enough evidence to substantiate the matters reported, and
- be independent of the person(s) concerned with the allegations.

The person or persons appointed to undertake or co-ordinate an investigation and response will be provided with clear and specific powers and authority and access to all relevant information and will be independent of anyone implicated in the wrongdoing. The investigator will consult with the relevant people to ensure that the matter is thoroughly understood. Where warranted, the investigation itself may be better undertaken at an agency governance level or by an independent source so that specialist knowledge may be applied, and/or the inquiry can be seen to be independent.

Within the constraints of the delegated authority, the investigator will recommend what further action, if any, is to be taken. Any recommended action must be consistent with:

- UnitingWorld's Human Resources policies and procedures, including those adopted from the Assembly of NSW/ACT Synod;
- Federal and State legislation; and/or
- UnitingWorld's Code of Conduct and values.

At each meeting of the Board, the Chair and/or the National Director shall provide a report summarising any activities under this policy, generally without disclosing the identity of the whistleblower.

If someone involved in the reporting or review process is perceived to be implicated in the case or has a conflict of interest, that person's manager or supervisor will act in their place during any investigation.

Possible outcomes of the investigation are:

- the allegation is not substantiated; or
- the allegation is substantiated, and corrective actions are taken.

#### **4.6 Response to Investigations**

UnitingWorld's actions in response to investigation outcomes will vary from case to case.

Recommendations and remedial actions arising from investigations will be reported in a confidential

way to the Finance Audit and Risk Committee and the Board. Recommendations will be followed up in line with the Complaints and Incident Management Procedure.

Some cases may involve disciplinary action if allegations are substantiated. We may inform external authorities if a criminal action has been committed e.g., sexual abuse, fraud or theft. We may follow a more informal approach (for example, involving counselling or training) if there is not enough evidence of malpractice, or the actions of the person(s) are not serious enough to warrant disciplinary action.

## 5 Related Resources

Additional policies or resources that may support the implementation of this policy include:

- UnitingWorld Policies - Professional Conduct, Financial Wrongdoing, Complaints and Incidents Handling, Privacy
- UCA National Assembly Policies: Fraud Prevention, and Conflicts of Interest, and Whistleblower
- UnitingWorld Procedures include Complaints and Incidents Management Procedure, Complaints Flowchart – Internal Procedures.
- CHS Whistleblower Protection Guidance 2022 - <https://www.chsalliance.org/get-support/resource/whistleblower-protection-guidance/>

## 6 Glossary of Terms

**Mandatory Reporting:** The obligation of certain professional groups and community members to report incidents of abuse. At UnitingWorld, it is mandatory to report any concerns, suspicions or alleged incidents of child abuse or exploitation and/or any sexual exploitation, abuse or harassment in line with our Safeguarding and Protection (including Child Protection) Policy. It is also mandatory to report fraud and suspected terrorist activities.

**Misconduct or wrongdoing as covered by this Policy:** any conduct which potentially may consist of or include:

- dishonest, fraudulent or corrupt conduct;
- criminal or breaches State or Federal Law;
- unethical conduct within the meaning of the UnitingWorld's Code of Conduct and Values;
- substantial risk to health and safety of employees, volunteers, contractors, partners or the public;
- a real possibility of financial loss to UnitingWorld, the Assembly or its other agencies;
- conduct which could adversely affect the reputation of UnitingWorld, the Assembly or its other agencies; or
- conduct which raises concerns about the accounting, internal control, compliance or audit controls of UnitingWorld, the Assembly and/or its other agencies and includes conduct that would, if proven, constitute either:
  - an illegal act or omission;
  - a criminal offence; or reasonable grounds for dismissing or terminating the services of an employee who was engaged in the conduct
- the concealment of any of the above.

**Whistleblower:** A director, member of staff, volunteer, contractor or partner who reports suspected wrong-doing, including suspicion of fraud, misuse of resources, neglect of duties or a risk to health and safety. (ACFID Code of Conduct Quality Assurance Framework).

**Whistleblowing** is a common term that describes an employee passing on information concerning a misconduct or wrongdoing that will typically (although not necessarily) have been witnessed during work. (CHS Alliance Whistleblower Protection Guidance 2022).

## 7 Review Schedule

**Date of next review:** March 2028