



FNC Policy – WHISTLEBLOWER POLICY

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FNC has developed a Whistleblower Policy to demonstrate our commitment to the highest standards of legal, ethical and moral behaviour.

1. Overview

- FNC is committed to conducting our business with honesty, fairness and integrity, and we expect all committee members, employees, contractors and volunteers to maintain high standards in accordance with our Code of Ethics and Conduct, and our people policies.
- An effective whistleblower policy is a key element of a culture of ethical behaviour, strong corporate governance and effective compliance and risk management.
- However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring unlawful or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- This policy aims to:
 - Reinforce FNC's commitment to identifying and responding to concerns
 - Encourage the reporting of suspected or actual wrongdoing as soon as possible, in the knowledge that confidentiality will be respected.
 - Provide guidance as to how to raise concerns and how they will be investigated.
 - Reassure anyone who raises a concern that they can do so without fear of retaliation, even if they turn out to be honestly mistaken.
 - Provide the option for anonymity and access to the Whistleblower Protection Delegate where there are concerns of potential retaliation.
 - To minimise the risk of damage to innocent parties, for example when the report is found to be baseless or inaccurate, this policy must be followed.
- FNC committee encourages all employees, volunteers and contractors to report perceived wrongdoing as soon as possible.
- FNC policy is – “when in doubt report”. All committee members, employees, contractors and volunteers should feel confident about reporting wrongdoing.
- FNC is committed to protecting the dignity, well-being, career and good name of anyone reporting wrongdoing. This includes providing the necessary support.
- All reports must be made with a genuine and reasonable belief regarding the reportable conduct.

2. Scope

- This policy applies to all FNC people, programs and services
- This policy does not in any way restrict or diminish the right of any individual to make disclosures directly to the NSW Ombudsman

3. Who is a whistleblower?

- A whistleblower is defined as anyone who makes or attempts to make a report under this policy.
- Eligible whistleblowers include any stakeholder of FNC
- In addition to the protections under this policy, certain legislation may offer statutory protection of whistleblowers (refer section 7).

4. What is reportable conduct?

- Reportable conduct is defined as any past, or present, behaviour or state of affairs considered to be:
 - **Illegal** (theft, drug use or sale, violence or threatened violence harassment, criminal damage to property, etc.);
 - **Fraudulent**;
 - **Unethical** (acting dishonestly, altering company records, wilfully making false entries, engaging in questionable accounting practices, etc.);
 - **Dishonest and corrupt** (including soliciting, accepting or offering a bribe, facilitation of payments or other such benefits);
 - **A breach of any law**, regulation, internal policy or code (such as Code of Ethics and Conduct); **Harmful** (serious disregard of safety to any person, damaging or substantially risking damage to the environment etc.); **Damaging** (to the reputation, finances or resources of FNC, etc.)
 - **Maladministration** (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives); or
 - **Concealing reportable conduct**.
- Reportable conduct usually relates to the conduct of any FNC employees, committee members or volunteers, but it can relate to the actions of a third party, such as a client, supplier or service provider.

5. Who do I report a concern to? Normal reporting channels:

- People are encouraged to contact the Manager in the first instance. If that is impractical or undesirable, they may contact the President, Treasurer or another committee member.
- To protect all parties, this should be a confidential communication.

6. How are reports investigated? What should a report contain?

- All concerns raised will be recorded in a secure place and investigated in a manner that is confidential, fair, independent and objective.
- For a report to be investigated, it must contain sufficient information to form a reasonable basis for investigation. For this reason, whistleblowers should provide as much information as possible including any known details about the events underlying the report (e.g. date, time, location, name of person(s) involved, possible witnesses to the events, evidence of the events (e.g. documents, emails) and steps they may have already taken to report the matter elsewhere or to try resolve the concern).
- FNC will not continue an investigation where insufficient information has been provided.
- Investigations will then be taken forward by the Whistleblower Protection Delegate. As soon as possible, the Manager will inform the President of the report, or the President.
- The investigation process will vary depending on the nature of the reportable conduct and the amount of information provided. The Whistleblower Protection Delegate will seek to conclude the investigation as soon as possible.
- The whistleblower will be informed of the investigation outcome by the Whistleblower Protection Delegate, usually through the same channels that the report was initially made. The potential outcomes that will be reported are:
 - *Substantiated and appropriate action has been taken; or*
 - *Not substantiated and no further action will be taken unless further evidence to the contrary becomes available.*
- If there is insufficient information to warrant further investigation or the initial investigation immediately identifies there is no case to answer, the whistleblower will be informed at the earliest possible opportunity.
- Further feedback may be provided, subject to the privacy and confidentiality rights of those whom the reports are made against and subject to any requirement for confidentiality arising.
- Where the Whistleblower Investigation Delegate substantiates the report, the matter will be dealt with in accordance with established FNC disciplinary procedures. This may result in disciplinary action including dismissal.
- Serious criminal matters will be reported to the police or other appropriate regulatory authorities.

7. Protection and support Protection from personal disadvantage

- It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support whistleblowers who raise genuine concerns under this policy, even if they turn out to be mistaken.
- Support and protection from personal or financial disadvantage applies to anyone making a report under this policy and extends to anyone else within FNC who is assisting the investigation, as well as to the Whistleblower Investigation Delegate.
- FNC will not practise retaliation or adverse action related to a whistleblowing disclosure. This includes action such as:

- Dismissal, suspension, demotion or being overlooked for future promotions and career opportunities;
- Any form of harassment, bullying or threatening behaviour;
- Current and future discrimination or bias; and
- Threatening to carry out any of the above actions.
- Disciplinary action, up to and including dismissal, will result for anyone found to be victimising or disadvantaging someone for making a disclosure under this policy.
- The Whistleblower Protection Delegate can protect the whistleblower in a number of ways including, but not limited to:
 - Ensuring confidentiality in the investigation;
 - Protecting, as far as legally possible, the person's identity;
 - Offering a staff member leave of absence while a matter is investigated.
- Anyone who suspects they have, or has, suffered personal disadvantage in violation of this policy must report this immediately, using any of the whistleblower channels. This will be treated as a report of reportable conduct, and the process outlined in the policy will apply.

8. Statutory protections for whistleblowers

- While all whistleblower reports are protected under this policy, only certain kinds of reports are protected by law.
- Statutes that contain whistleblower protections require various conditions to be satisfied before the protection can be obtained. For example, Part 9.4AAA of the Corporations Act affords protection to a whistleblower's disclosure provided that they:
 - Are an employee, volunteer or contracted service provider;
 - Make the disclosure to:
 - ASIC;
 - A person designated to receive whistleblowing reports (such as the Whistleblower Protection Delegate);
 - Inform the person to whom they make disclosure of their name (*this must occur prior to making the disclosure*);
 - Have reasonable grounds to believe that the information they disclose indicates that the report shows what breach may have occurred.
 - Make the disclosure in good faith

9. Confidentiality and immunity Anonymous disclosures

- You are encouraged to disclose your identity when making a whistleblower report. This will:
 - Assist in monitoring your wellbeing and protections against personal disadvantage;
 - Help us obtain further information on your report; and
 - Helps trigger certain statutory protections.

- There will however be certain circumstances where FNC may be compelled to disclose your identity, if known (e.g. during legal proceedings).
- Your identity, if you choose to disclose it, is only known to the Whistleblower Investigation Delegate.

It is not disclosed to anyone else unless:

- FNC is legally obliged to disclose the identity;
- The disclosure is required if and when FNC decides to report to relevant regulatory or police authorities;
- Disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare; and/or
- You consent in writing to the disclosure.

10. **Confidentiality**

- Confidentiality extends to all information received from you and the fact that you have made a disclosure. All information will be held securely and in strict confidence.
- Recipients of reports of reportable conduct outside of the whistleblower channels should consider whether the disclosure may put the whistleblower at risk of personal disadvantage and consider confidentiality. They should refer to the Whistleblower Protection Delegate for guidance as required.

11. **No right to immunity**

- Whistleblowers whose own conduct is implicated in the report will not be given automatic immunity from investigation, disciplinary action, criminal prosecution and/or civil liability. The same applies to others who assist in an investigation.
- However, by speaking up and being cooperative in the investigation process, such positive acts may be taken into account as mitigating factors for any disciplinary or other actions that may be taken against the whistleblower.

12. **Whistleblower Protection Delegate (WPD)**

- The Whistleblower Protection Delegate is responsible for protecting whistleblowers from personal disadvantage as a result of making a report. The Whistleblower Protection Delegate is authorised to provide certain protections where he/she deems appropriate for fulfilling their role.
- The Whistleblower Protection Delegate is also responsible for arranging the appropriate investigation method and/or conducts the investigation.
- Anyone covered by this policy can approach the Whistleblower Protection Delegate prior to, during, or after making a whistleblowing report. The whistleblower can seek advice from the Whistleblower Protection Delegate prior to or after making a report.