



Whistleblower Policy

November 2023

Authorised by	Authorisation date	Effective date	Next Review
Marybeth Bartholomew, AEPL Chairperson	23 November 2023	23 November 2023	November 2025

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WHISTLEBLOWER POLICY

INTRODUCTION

A significant issue for charities is that of private benefit – where the resources of the charity are used for the benefit of those close to or related to the charity, rather than for the charity's beneficiaries, and for its charitable purpose.

Related party transactions are those between the charity and 'related parties'. These can be people or organisations, such as:

- those with a significant influence over the charity's strategy and finances (including board members or executive officers, rather than operational managers), and close members of their families (such as a parent, partner, sibling, or child), and
- Organisations with a significant influence over the charity (for example, an organisation that appoints one of the members of the board of the charity).

PURPOSE

Association for Educational Projects Limited (**AEPL**) is committed to accountability and transparency. The purpose of this policy is to provide a supportive work relationship environment where misconduct within or by AEPL can be raised without fear of retribution.

This is achieved by:

- encouraging the reporting of serious misconduct
- providing protected misconduct reporting alternatives to remove inhibitions that may impede such disclosures
- establishing procedures that enable:
 - protection for those that make serious misconduct disclosures
 - independent internal inquiry/investigation of disclosures made
 - resolution of the issue(s) identified

ADDITIONAL AUTHORITY

Australia	Public Interest Disclosure Act 2013
NSW	Public Interest Disclosures Act 1994
Victoria	Protected Disclosure Act 2012
ACT	Public Interest Disclosure Act 2012
Queensland	Public Interest Disclosure Act 2010

SCOPE

This policy applies to directors, employees, volunteers, contractors and consultants. It also applies to a person or organisation with a relationship with AEPL who reports serious misconduct within or by an AEPL employee/s.

POLICY STATEMENT

AEPL is committed to the highest standards of legal, ethical and moral behaviour. It recognises that people who have a working relationship with AEPL are often the first to realise there may be concerns. AEPL maintains an environment where legitimate concerns can be reported without fear of retaliatory action or retribution.

DEFINITIONS, BREACHES, DESCRIPTIONS AND DISCLOSURES

1. Definitions

- Whistleblowing is: The disclosure by or for a witness, of actual or suspected misconduct in an organisation that reveals fraud, corruption, illegal activities, gross mismanagement, malpractice or any other serious wrongdoing.
- Whistleblower is: A person who reports serious misconduct in accordance with this policy

2. Breaches of general law, organisational policy, or generally recognised principles of ethics include:

- corrupt conduct
- fraud or theft
- official misconduct
- maladministration
- harassment or unlawful discrimination
- serious and substantial waste of public resources

3. Descriptions of misconduct for this policy

Misconduct includes behaviour that:

- is fraudulent or corrupt
- is illegal
- is unethical, such as acting dishonestly; altering company records; wilfully making false entries in official records; engaging in questionable accounting practices; or wilfully breaching AEPL's code of conduct
- is potentially damaging to AEPL such as maladministration
- is seriously harmful or potentially seriously harmful to an AEPL employee or volunteer such as deliberate unsafe work practice or wilful disregard to the safety of others in the workplace
- may cause serious financial or non-financial loss to AEPL; or damage its reputation; or be otherwise seriously contrary to AEPL's Whistleblowing policy
- involves any other kind of serious impropriety including retaliatory action against a whistleblower for having made a wrongdoing disclosure

4. Disclosures:

When a person makes such a disclosure of misconduct – be it illegal, or opposed to the values and mission of AEPL – they are entitled to expect that:

- their identity always remains confidential to the extent permitted by law or is practical in the circumstances,
- They will be protected from reprisal, harassment or victimisation for making the report,
- Should retaliation occur for having made the disclosure then AEPL will treat it as serious wrongdoing under this Policy.

No person will be personally disadvantaged for reporting a wrongdoing. Therefore, there should be no fear of appearing disloyal or concern about being victimised or the subject of other reprisals, about reporting misconduct.

MANUAL OF PROCEDURES FOR WHISTLEBLOWER POLICY

INTRODUCTION

The Board of AEPL is committed to operating legally, properly (in accordance with organisational policy and procedures), and ethically in accordance with recognised ethical principles and its organisational policy and procedures.

Its staff and volunteers are expected to cooperate with the organisation in maintaining legal, proper, and ethical operations, if necessary, by reporting non-compliant actions by other people.

Correspondingly, employees who do assist in maintaining legal, proper, and ethical operations should not be penalised in any way.

This Manual comprises the guidelines for the implementation of the Whistleblower policy.

RESPONSIBILITIES

The AEPL Board is responsible for adopting this policy, and for nominating the organisation's Whistleblower Protection Officer.

The organisation's Manager trains everyone regarding the contents and implementation of this policy.

All staff and all volunteers are responsible for reporting breaches of general law, organisational policy, or recognised principles of ethics to a person authorised to act on such breaches.

The responsibilities of the Whistleblower Protection Officer are outlined under reporting channels.

RELEVANT TRAINING

- All AEPL's staff will be made aware of this policy and their responsibilities to report wrongdoing to the Company Secretary. It is the responsibility of the Company Secretary to ensure all staff are adequately trained in understanding, identifying and (where possible) mitigating any activity that may breach the definitions of fraudulent or corrupt behaviour.
- AEPL stakeholders will be notified of the Whistleblower policy via the AEPL website.

REPORTING CONDITIONS:

- 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.

The Board may nominate external persons to whom or agencies to which disclosures may be made under the protections offered under this policy.

REPORTING CHANNELS:

Where an employee of AEPL believes in good faith on reasonable grounds that any other employee, volunteer, or contractor has breached general law, organisational policy, or generally recognised principles of ethics, that employee must report their concern to

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
- the Company Secretary: or, if they feel that the Company Secretary may be complicit in the breach,
- the organisation's nominated Whistleblower Protection Officer,
- or (where a breach of general law is alleged), the duly constituted legal authorities responsible for the enforcement of the law in the relevant area.

COMMERCIAL OR SOCIAL MEDIA:

These procedures do not authorise any employee to inform commercial media or social media of their concern, and do not offer protection to any employee who does so.

REPORTING PROCEDURES

- A whistleblower should report instances of, or suspicions of misconduct to Contact Point 1: the Company Secretary (Email: admin@aepl.org.au; Mobile: 0424 272 503).
- Reports must be made in good-faith and be as thorough as is possible.
- False or malicious allegations may result in disciplinary actions.
- Where it is not possible or appropriate to report suspicion of misconduct to the Company Secretary (Contact Point 1) (Email: admin@aepl.org.au), reports should be raised directly to a Director of the Board (Contact Point 2) – Norlie Dooma (Email: norliefrida@gmail.com).
- Where such a nomination is made, staff and volunteers should be informed by any appropriate method.
- If the report is lodged with Contact Point 1, the officer will contact the Chairperson. Both parties will agree on the appointment of an appropriate delegate, who is not implicated in the report, to lead the investigation.
- If the report is lodged with Contact Point 2, the officer will contact the Chairperson of the board. Both parties will agree on the appointment of an appropriate delegate, who is not implicated in the report, to lead the investigation.
- Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness
- The individual who leads the investigation will be referred to as the Whistleblower Protection Officer and should be either a:
 - qualified internal investigator who is independent of the area where the wrongdoing is alleged to have occurred, or
 - qualified external investigator independent of AEPL where considered necessary
- The responsibilities of the appointed investigator include the assurance that action taken in response to the inquiry is appropriate to the circumstances and retaliatory action will not be taken against the person who made the disclosure.
- Once the Whistleblower Protection Officer is appointed, the Contact Point will notify the Board of Directors the details and process of the investigation to be undertaken.

- The investigator has direct, unfettered access to independent financial, legal and operational advisers as required, and a direct line of reporting to the relevant Contact Point, as may be required to satisfy the objectives of this Policy.
- The Whistleblower Protection Officer must keep the Contact Point regularly informed of the investigation progress.
- The Whistleblower Protection Officer is also responsible for keeping the Whistleblower informed of the progress and outcomes of the inquiry/investigation subject to considerations of privacy of those against whom the allegations have been made.
- The internal investigator must have internal independence of line management of the area affected by the wrongdoing disclosure. The internal investigator is authorised to apply the powers granted by the Board of Directors.
- The investigator may second the expertise of other officers in AEPL to assist in the investigation and may seek the advice of internal or external experts as required.

ANONYMITY

- If the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law;
- however, reporting such a breach does not necessarily absolve the complainant from the consequences of any involvement on their own part in the misconduct complained of.
- The complainant should, however, be informed that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.
- Where anonymity has been requested the complainant is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.

OBLIGATIONS

- A Whistleblower must provide information to assist any inquiry/investigation of the wrongdoing disclosed.
- Even though a whistleblower may be implicated in the wrongdoing they must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy.
- It is important to note that 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 under this policy.
- However, active cooperation in the investigation, an admission and remorse may be considered when considering disciplinary or other action.

FINDINGS

A report will be prepared when an investigation is complete. This report will include

- the allegations

- a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions
- the conclusions reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis
- recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.
- A copy of the findings will be filed
- Another copy will be provided to the person making the allegation (with, if necessary, any applicable confidentiality stipulations).

RELATED DOCUMENTS

AEPL Staff Conflict of Interest Policy

AUTHORISATION

Approved by:	Marybeth Bartholomew, Chairperson of AEPL Board
Date approved:	23 November 2023