
Crawford Fund Limited Whistleblower Policy

Approved by Board: 5 March 2020

Next review date: March 2021

Managed on behalf of the CEO and Board by CEO

*Revisions to this version are identified on the last page before declaration form

1. Purpose of this Policy

This policy outlines the Crawford Fund's commitment to accountability and transparency. The purpose of this policy is to provide a supportive work-relationship environment where misconduct within or by Crawford Fund 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

This policy is closely associated with a number of other Crawford Fund policies and should be read in conjunction with Crawford Fund's Grievance and Dispute Resolution Policy (Employees and Volunteers), Anti-Fraud and Anti-Corruption Policy, Child Protection Policy and Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy.

2. Scope of the Policy

This policy applies to the following current and former:

- Crawford Fund staff members and consultants;
- Crawford Fund volunteers and mentors¹;
- Crawford Fund Board of Directors and Committee and Working Group members; and
- Observers/visitors accompanying a Crawford Fund activity
- Spouses and relatives of any of the above

These people are collectively referred to as Crawford Fund personnel for the purposes of this policy. Personal work-related issues and grievances that an employee or volunteer has, will be managed in accordance with Crawford Fund's Grievance and Dispute Resolution Policy (Employees and Volunteers).

¹ Volunteers include mentors, master class participants and staff such as those in administrative, promotional, governance or fundraising roles.

3. Legislative Framework and Standards

There are a number of legislative and other frameworks and standards that apply to this policy:

- Corporations Act 2001
- Crawford Fund is a registered charity with the Australian Charities and Not-for-profits Commission (ACNC)
- The Crawford Fund is committed to protecting the human rights and safety of its employees and volunteers by enabling them to report wrongdoing through fair, transparent and accessible procedures (Quality Principle 9 People and Culture; Commitment 9.2).
- Crawford Fund is also required to comply with DFAT standards relating to protection of whistleblowers, specifically, DFAT Accreditation Criteria A2.4: Crawford Fund has established public-facing complaints handling, whistleblowing and incident management systems that are accessible to all stakeholders.
- G20 Commitment to Whistleblowing (2010 Seoul Summit)
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019

4. 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.

A whistleblower is a person who reports serious misconduct in accordance with this policy.

Misconduct includes behaviour that:

- is fraudulent or corrupt (as defined under the Crawford Fund Anti-Fraud and Anti-Corruption Policy);
- is illegal;
- is unethical, such as acting dishonestly; altering company records; wilfully making false entries in office records; engaging in questionable accounting practices; or wilfully breaching Crawford Funds Code of Conduct or the ACNC Code of Conduct;
- is potentially damaging to Crawford Fund, such as maladministration;
- is seriously harmful or potentially seriously harmful to staff, volunteers, or the general public 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 Crawford Fund; or damage its reputation; or be otherwise seriously contrary to this Policy;
- involves any other kind of serious impropriety including retaliatory action against a whistleblower for having made a wrongdoing disclosure.

Complaints regarding occupational health and safety should as a general rule be made through the Crawford Fund Occupational Health and Safety Policy procedures.

5. Policy Statement

The Crawford Fund is committed to the highest standards of legal, ethical and moral behaviour.

The Crawford Fund recognises that people who have a working relationship with Crawford Fund are often the first to realise there may be concerns. No person should be personally disadvantaged for reporting a wrongdoing. Crawford Fund is committed to maintaining an environment where legitimate concerns can be reported without fear of retaliatory action or retribution. When a person makes such a disclosure, they are entitled to expect that:

- Their identity always remains confidential to the extent permitted by law or is practical in the circumstances. Penalties may be imposed if a whistleblower's identity is revealed.

- They will be protected from reprisal, harassment or victimisation for making the report and may be compensated if they receive detriment.
- Should retaliation occur for having made the disclosure, Crawford Fund will treat it as serious wrongdoing under this Policy.

6. Policy in Practice

The Board is responsible for adopting this policy. The Chief Executive Officer (CEO) is responsible for the implementation of this policy.

All Crawford Fund personnel (staff, Board, volunteers, local partners and other program activity participants) will be made aware of this policy and their responsibilities to report wrongdoing to the CEO, as well as through the PSEAH policy Agreement which is signed by volunteers and observers. It is the responsibility of the CEO 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.

All Crawford Fund stakeholders will have access to the Policy via the Crawford Fund website.

Where a whistleblower suspects wrongdoing on objectively reasonable grounds, that person may report their concern to the CEO. Reports must 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 CEO, or, if they feel that the CEO may be complicit in the breach, reports should be raised directly to the Chair of the Audit & Risk Committee, or a Director on the Executive Committee of the Crawford Fund Board who will notify the Chair of the Audit & Risk Committee.

An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated. 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 whistleblower and further support is provided to that person if necessary. The investigator has direct, unfettered access to independent financial, legal and operational advisers as required, and a direct line of reporting to the CEO, as may be required to satisfy the objectives of this Policy.

A whistleblower must provide information to assist any inquiry/investigation of the wrongdoing disclosed. This should include details of:

- the nature of the alleged breach;
- the person or persons responsible for the breach;
- the facts on which the whistleblower's belief that a breach has occurred, and has been committed by the person named, are founded;
- the nature and whereabouts of any further evidence that would substantiate the whistleblower's allegations, if known.

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 does not absolve the whistleblower from the consequences of any involvement on their part in the wrongdoing itself. A person's liability for their own conduct is not affected by their reporting of that conduct under this policy.

The CEO must keep 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 investigator may second the expertise of other officers in Crawford Fund to assist in the investigation and may seek the advice of internal or external experts as required.

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

Anonymity

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by Crawford Fund, except insofar as it may be overridden by due process of law.

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.

The principles of procedural fairness (natural justice) will be observed².

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.

The report will also be provided to the person making the allegation (with, if necessary, any applicable confidentiality stipulations).

The CEO will provide a register to the Crawford Fund Board through the Audit & Risk Committee, summarising the protected disclosures received, at least once a year or more frequently as required, protecting confidentiality, anonymity and any information which might make possible the identification of the whistleblower in any way.

7. Monitoring and Review of Policy

This policy will be monitored and reviewed in line with the process outlined in the Policy Framework. The CEO is accountable to the Board for managing and maintaining this policy.

Where compliance issues are identified, the CEO will work with staff and other relevant stakeholders to address these issues promptly.

Any updates and revisions to this policy must be endorsed by the CEO before being submitted to the Crawford Fund Board for its approval. Policy changes will be reflected, as necessary in updated operational manuals.

² Natural justice and procedural fairness do not require that the person affected be informed of the identity of the person making the initial disclosure, unless that communication constitutes part of the evidence relied upon in making the eventual finding.