

Section 3

Human Resources

## Whistleblower Policy

<b>Policy:</b>	Whistleblower Policy
<b>Sub heading:</b>	Human Resources
<b>Status:</b>	Operational
<b>Approval date:</b>	2 <sup>nd</sup> February 2010
<b>Approved by:</b>	Management Committee
<b>Staff Training Date:</b>	28 <sup>th</sup> January 2010
<b>Review date:</b>	February 2013

### Purpose

This policy is to provide a mechanism by which employees and volunteers can confidently report illegal, unethical, or corrupt conduct and raise concerns in a responsible and effective manner without fear of detrimental action being taken against them.

This policy aims to ensure swift, impartial and confidential investigation of such disclosures and to enable appropriate action to be taken.

This policy is reserved for matters concerning illegal, unethical or corrupt conduct and therefore must not be used:

- For frivolous or vexatious purposes
- To dispute ethically proper Newtown Neighbourhood Centre decisions with which an employee may disagree
- For matters dealt with under other Newtown Neighbourhood Centre policies and procedures (e.g. Complaints procedures).

Reporting illegal or corrupt activity may be difficult to do if the activity being reported involves the staff member's supervisor or senior management of the Neighbourhood Centre. The purpose of the Whistleblower Policy is to ensure that there are open avenues for reporting such conduct should it occur and that the rights of whistleblowers are protected in the process of investigating such conduct.

### No Retaliation

No NNC officer or employee who in good faith reports an ethics violation shall suffer harassment, retaliation or adverse employment consequences. An employee who retaliates against someone who has reported a violation in good faith is subject to disciplinary action up to and including termination of employment. The Whistleblower Policy is intended to enable employees and others to raise serious concerns within the Newtown Neighbourhood Centre prior to seeking resolution outside NNC.

### Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

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#### Procedure

It is the responsibility of staff members to report illegal, corrupt or unethical conduct

#### Reporting unethical/illegal/corrupt conduct:

Where a staff member or volunteer has an honest belief based on reasonable grounds that there is unethical, corrupt or illegal activity taking place, that staff member should either:

Report it to a member of staff of their choice, provided that staff member is in a position to investigate the allegations or see that an investigation is launched into the matter.

Or

If there is no one on staff with the authority to investigate the matter (e.g. the allegations concern the most senior levels of management), the matter should be taken directly to a member of the Board of Management. The whistleblower making the disclosure can contact any Board member of their choice.

The responsibility for the investigation should not rest with one Staff or Board member alone. The person receiving the disclosure should inform the Executive Officer or the Chairperson of the Board. Should it not be appropriate to disclose to either of those two officers, an appropriate alternate board member or staff should be chosen.

The whistleblower will need to provide as much detail as possible regarding the matter. In reporting an allegation of unethical, corrupt or illegal activity to another staff or board member, it is necessary to state:

- What is being alleged.
- What are the facts in the matter.
- What evidence may exist to corroborate the allegation.

The Staff or Board member who receives the disclosure will take steps to have the matter investigated. This will involve:

- Determining how the investigation into the matter will be conducted
- Whether any additional resources will be needed to carry out the investigation
- Who will conduct the investigation
- What measures, if any, are required to protect the whistleblower from detrimental action being taken against him or her.

The investigator will report back to the whistleblower on how the investigation will be conducted and a likely timeline for its conclusion. All reports will be followed up promptly. In conducting its investigations, the Newtown Neighbourhood Centre will strive to keep the identity of the whistleblower as confidential as possible.

Whistleblower	Approved By: NNC Board	Date: 2.2.10	Review Date: Feb 2013 <sup>2</sup>
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#### Investigating a Disclosure

The Newtown Neighbourhood Centre requires procedural fairness in any investigation of improper conduct. This means:

- The person who is the subject of the disclosure is entitled to know the allegations made against him or her and must be given the right to respond. (This does not mean the person must be advised of the allegation as soon as the disclosure is received or the investigation has commenced)
- If the investigator is contemplating making a report adverse to the interests of any person, that person should be given the opportunity to put forward further material that may influence the outcome of the report and that person's defence should be fairly set out in the report
- All relevant parties to a matter should be heard and all submissions should be considered
- A decision should not be made until all reasonable inquiries have been made
- All proceedings must be carried out fairly and without bias. The investigator must be impartial in assessing the credibility of the whistleblower and any witnesses.
- Where appropriate, conclusions as to credibility should be included in the investigation report.

All information gathered in an investigation will be stored securely. Interviews will be conducted in private. It is the right of the employee to have a witness, legal or other representation.

#### The Investigation Final Report

The Investigator will submit to the Board or Senior Management (whichever is appropriate):

- The investigation findings
- Recommendations of any actions, including legal actions that may be required.
- Steps required to prevent the action from continuing or happening again
- Measures that may be required to remedy any harm or loss arising from the conduct and the investigation into it.

The whistleblower is to be advised of the outcome of the investigation.