



**MAHBOBA'S
PROMISE**

An Australian Aid Organisation

Whistleblowing Policy

Mahboba's Promise Whistleblowing Policy

1. Introduction

The Management Committee of Mahboba's Promise is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles). All staff, volunteers, contractors and partners are expected to cooperate with the organisation in maintaining legal, proper, and ethical operations, if necessary by reporting non-compliant actions by other people. It is a policy of Mahboba's Promise that all staff, volunteers, contractors and partners who are aware of possible wrongdoing have a responsibility to disclose that information. Correspondingly, employees who do assist in maintaining legal, proper, and ethical operations should not be penalised in any way.

2. Purpose

The purpose of this policy is to:

- a) encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to Mahboba's Promise or damage to its reputation;
- b) enable Mahboba's Promise to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for the secure storage of the information provided;
- c) establish the policies for protecting whistleblowers against reprisal by any person internal or external to the entity;
- d) provide for the appropriate infrastructure;
- e) help to ensure Mahboba's Promise maintains the highest standards of ethical behaviour and integrity.

3. Policy

3.1 Concerns regarding illegal or corrupt behaviour

Where an employee of Mahboba's Promise believes in good faith on reasonable grounds that any other employee, volunteer, or contractor has breached any provision of the general law that employee must report their concern to

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
- the President or, if they feel that the President may be complicit in the breach,
- the organisation's nominated Whistleblower Protection Officer; or, if they feel this to be necessary,
- a person or office independent of the organisation nominated by the organisation to receive such information, or
- the duly constituted authorities responsible for the enforcement of the law in the relevant area.

The person making their concern known shall not suffer any sanctions from the organisation on account of their actions in this regard provided that their actions

- are in good faith, and
- are based on reasonable grounds, and
- conform to the designated procedures.

Any person within the organisation to whom such a disclosure is made shall

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision;

- if they believe the behaviour complained of to be neither trivial nor fanciful, ensure that the allegation is reported to the President, is investigated, a finding is made, and the person making the allegation is informed of the finding.

Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness.

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the organisation.

3.2 Concerns regarding improper or unethical behaviour

Where an employee of Mahboba's Promise believes in good faith on reasonable grounds that any other employee, volunteer, or contractor has breached any provision of the organisation's constitution, or its bylaws, or its policies, or its code of conduct, or generally recognised principles of ethics, that employee may report their concern to

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
- the President: or, if they feel that the President may be complicit in the breach,
- the Whistleblower Protection Officer: or, if they feel that the Whistleblower Protection Officer may be complicit in the breach
- a person or office independent of the organisation nominated by the organisation to receive such information. (Australian Charities and Not-for-profits Commission)

The person making their concern known shall not suffer any sanctions from the organisation on account of their actions in this regard provided that their actions

- are in good faith, and
- are based on reasonable grounds, and
- conform to the designated procedures.

Any person within the organisation to whom such a disclosure is made shall

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision;
- if they believe the behaviour complained of to be neither trivial nor fanciful, ensure that the allegation is investigated, a finding is made, and the person making the allegation is informed of the finding.

Any such investigation shall observe the rules of natural justice and the provisions of procedural fairness.

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the organisation.

4. Investigations

4.1 On receiving a report of a breach, the person to whom the disclosure is made shall

- if they believe the behaviour complained of to be unquestionably trivial or fanciful, dismiss the allegation and notify the person making the allegation of their decision
- if they believe the behaviour complained of to be neither trivial nor fanciful, put in motion the investigation process described below.

4.2 The person to whom the disclosure was made shall notify the President, who, in cooperation with the Management Committee, shall be responsible for ensuring that an investigation of the charges is established and adequately resourced.

4.3 The investigation shall be undertaken by the Whistleblower Protection Officer, who must be:

- A qualified internal investigator who is independent of the area where the wrongdoing is alleged to have occurred, or
- A qualified external investigator independent of Mahboba's Promise under circumstances where this is considered necessary

4.4 Terms of reference for the investigation will be drawn up, in consultation with the President and Management Committee, to clarify the key issues to be investigated.

4.5 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.

4.6 The Whistleblower Protection Officer is responsible for keeping the Whistleblower informed of the progress of the investigation subject to considerations of privacy of those against whom the allegations have been made.

4.7 Strict security will be maintained during the investigative process.

4.8 All information obtained will be properly secured to prevent unauthorised access.

4.9 All relevant witnesses will be interviewed and documents examined.

4.10 Contemporaneous notes of all discussions, phone calls and interviews will be made.

4.11 Where possible, interviews will be taped.

4.12 The principles of procedural fairness (natural justice) will be observed¹. In particular, where adverse comment about a person is likely to be included in a report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

4.13 The person or persons conducting the investigation shall be as far as possible unbiased.

5. Findings

A report will be prepared when an investigation is complete to be presented to the Management Committee and President. The Management Committee and President will then determine what further action is required based on the findings. 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).

6. Protection of Informant

Where the investigation has found that the person making the allegation made it in good faith on reasonable grounds, the Whistleblower Protection Officer shall be responsible for ensuring that the person suffers no employment-related disadvantage on account of their actions in this matter and to provide additional support for the person where necessary.

¹ 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.

7. Contact Details

Mahboba's Promise Whistleblower Protection Officer:

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Mahboba's Promise President:

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