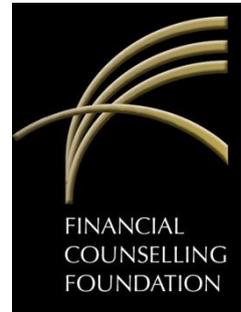


Whistleblower Policy



1. Purpose

1.1 Our goals

A transparent whistleblower policy is essential to good risk management and corporate governance, helping to uncover misconduct that may not otherwise be detected. This policy is designed to encourage people to speak up and provide a safe environment in which they can do this.

The goal of this policy is to provide clear guidelines on:

- to whom it applies,
- how to make a disclosure of suspected wrongdoing,
- the support that will be provided when a disclosure has been made, and
- how the Financial Counselling Foundation will manage the disclosure, including issues of confidentiality and protecting identities.

1.2 Our commitment

The Financial Counselling Foundation (the Foundation) is committed to ensuring its employees and all associated partners and stakeholders:

- know they can provide information on any concerns they have,
- understand where they can report their concerns,
- know what happens after they make a report,
- ensure they feel safe in providing a report,
- know about their right to remain anonymous if they make a report, and
- know that the organisation will ensure they are not subject to any retaliation or other abuse because they made a report.

The Foundation is committed to investigating every report of misconduct related to the Foundation. At the end of the investigation, we will document the results and provide feedback when appropriate.

1.3 What conduct should be reported

The Foundation wants to hear from anyone who experiences, witnesses, or knows about, any behaviour related to the Foundation, directly or indirectly, that is:

- Fraudulent
- Illegal
- Corrupt
- Dishonest
- Unethical
- Creating an unsafe environment
- Breaching any of our organisation's policies
- Discriminatory
- Considered harassment and/or bullying of any kind; and/or
- Detrimental to the Foundation and could cause financial or non-financial loss.

Conduct that is not considered illegal but nevertheless causes serious harm should also be reported, as should any information that indicates a significant risk to public safety.

This policy does not apply to situations where people or organisations are dissatisfied with the Foundation's decision over a potential grant for their benefit including circumstances where a grant has been discontinued due to performance of the recipient.

1.4 Who is covered by this policy

This policy covers two categories of people making a report of suspected misconduct related to the Foundation:

- (a) A person who is an "eligible person" under the Corporations Act whistleblower provisions. This can include someone who is or was:
 - an employee (including a board member, director, intern or secondee) and
 - a contractor, consultant, service provider, supplier or business partner.
- (b) Any other person reporting suspected misconduct related to the Foundation.

2. Process for making a report

2.1 Options for an 'eligible person' to make a report

To qualify for protection under the Corporations Act as a whistleblower, the person disclosing the potential wrongdoing must make their report to an 'eligible recipient'. The Foundation has authorised the following people as 'eligible recipients' for whistleblower reports:

- Any board member of the Financial Counselling Foundation;
- The Foundation's legal consultant;
- The chief executive officer of the Financial Counselling Foundation.

Under the Corporations Act, 'eligible recipients' also include:

- The whistleblower's lawyer;
- Regulatory agencies, including ASIC.

Contact details for the key Foundation recipients are in Appendix 1.

The Corporations Act also gives whistleblower protections for 'public interest' and emergency disclosures to journalists or politicians in very specific circumstances. The whistleblower will be covered under the Corporations Act for a 'public interest' disclosure as long as:

- At least 90 days have passed since they made the disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation;
- They had reasonable grounds to believe that no action was being, or had been taken, in relation to their disclosure;
- They had reasonable grounds to believe that making a further disclosure of the information was in the public interest; and
- before making their disclosure, they had given written notice to the Commonwealth body (regulatory agencies) of their intention.

An 'emergency' disclosure can also be made to a journalist or a politician. The person making this type of disclosure is similarly protected under the Corporations Act if they had reasonable grounds to believe the information disclosed concerned a substantial and imminent danger to the health or safety of one or more persons or to the natural environment.

2.2 How to make a whistleblower report to an eligible recipient

Contact details for the key Foundation people to receive whistleblower reports are in Appendix 1.

If you wish to make a report anonymously, methods include:

- Sending from an anonymous email address;
- Dialling from a telephone with caller ID turned off;
- Sending via post (Level 6, 179 Queen Street, Melbourne Vic 3000).

2.3 Protection of whistleblower's identity

It is your right to make a whistleblower report anonymously, if you wish.

The Foundation will make every endeavour to investigate your whistleblower report. However, if you decide to remain anonymous and/or uncontactable, it may be harder to investigate the issue and to report back on the outcome.

You can choose to remain anonymous throughout the whole process. This includes when:

- making the report;
- working with the case manager who is investigating your complaint; and
- the investigation is complete.

At any time you can identify yourself, but you will never be forced to provide your identity. You can also refuse to answer questions if you believe that answering such questions could identify you. The Foundation will take all possible steps to ensure you cannot be identified.

If you decide to disclose your identity to the Foundation, the organisation will work to protect your identity and will document who will know that you submitted your report. The Foundation will take all steps necessary (as outlined in this policy) to ensure you do not suffer any retaliation.

2.4 The investigative process

As part of the Foundation's commitment to providing a safe environment in which to raise reports of potential wrongdoing, it is important that the investigative process is transparent.

The investigative process will be conducted as follows:

- A report (anonymous or otherwise) is received by an 'eligible recipient'. See Section 2.1
- A case manager is assigned to confirm receipt of the report to the whistleblower (where possible).
- The case manager will conduct an initial assessment to confirm it is a valid report and request permission to investigate.
- The case manager will begin their investigation. This can include corresponding with the whistleblower if there is a way to do this.
- The case manager will investigate and update the whistleblowing protection officer and (if possible) the whistleblower.
- Once the case manager has finished their investigation and report, they will update the whistleblowing protection officer and (if possible) the whistleblower.
- The case manager will then hand everything over to the whistleblowing protection officer to take any further action if required.

As the Foundation is a small organisation, it will usually appoint an external person such as a lawyer or other professional as the case manager.

2.5 How the person making the report is kept informed

The case manager appointed by the Foundation will update the whistleblower on the progress of the investigation (if the whistleblower can be contacted).

The Foundation will:

- Confirm with the person that it has received a report
- Alert this person when it has begun the investigation
- Update this person every month on the progress of the investigation; and
- Inform the person when the investigation is complete.

The Foundation aims to provide as much feedback as possible on the investigation. However, due to privacy guidelines, there is often some information that cannot be shared with the whistleblower.

If the whistleblower has not provided any contact details, the Foundation will not be able to inform them personally about the progress or result of the investigation. In this situation, the Board chair will decide whether to publish information on the Foundation website. This might include:

- Confirming that a report of alleged misconduct has been received,
- Confirming whether the report has been assigned for further investigation, and/or
- Confirming that investigation has concluded, whether misconduct was identified, and the nature of any action taken.

3. How informants are protected

3.1 Protection against potential retaliation

The Foundation will protect anyone who raises a report against any potential retribution, including but not limited to:

- Being terminated or having their employment with the Foundation cease;
- Being performance managed by the Foundation;
- Harassment on the job or workplace bullying by the Foundation;
- Warnings or disciplinary actions;
- Discrimination; and
- Any other action that can be perceived as retaliation for making a report.

3.2 Protection against the risk of, or actual, retaliation

If the whistleblower believes they have suffered or are at risk of adverse action by the Foundation as a result of making a whistleblower report, they should escalate their concerns to the Board Chair.

3.3 How the Foundation deals with actual retaliation

The Foundation does not tolerate any attempts to retaliate against a whistleblower. Any employee or associated person found retaliating will face disciplinary action, including the potential to be terminated from their roles.

3.4 Separation of issues

The Foundation will be able to raise any issues related to work or performance-related issues where a person has made a whistleblower report. While the Foundation will protect the informant from any retaliation, it is also important that the informant is still effective in their job. The Foundation can still

raise any performance or contract issues with the informant as long as these issues are kept separate and not influenced at all by any whistleblower reports that have been made.

3.5 Protection and immunity for others

Other parties that might have to bear witness or are involved in the investigation will be protected from retaliation in the same manner as the person who raised the initial report.

4. The Foundation's roles and responsibilities

The Board Chair is the whistleblowing protection officer. The Board Chair directs the investigation of a report including appointment of a case manager. Case managers investigate reports as outlined at 2.4 and 2.5. Concerns about investigations or retaliation are to be directed to the Board Chair.

5. Governance

5.1 Changes to the Foundation's Whistleblowing Policy

From time to time, the Foundation's whistleblowing policy will need to change to keep up with best practice as well as legislation and other regulations. Any changes to our whistleblowing policy must be approved by the Board. Changes will be communicated to relevant stakeholders.

5.2 Reporting to the Board of Directors

The Board of Directors is updated every quarter on the Foundation's whistleblowing program, which will include information on any reports, investigations, and results. Reports or investigations that carry an undue risk will be reported to the Board of Directors outside of the quarterly updates. The Board of Directors can at any time ask about anonymous reports, investigations, as well as the state of The Foundation's whistleblowing program.

The Board is responsible and accountable for the implementation and effectiveness of the Foundation's whistleblowing program.

Related documents

Nil

Version control

Version	Date Effective	Changes
1.0	August 2020	Initial policy

Appendix 1: Channels for Reporting

Foundation Board Chair

Name: George Brouwer
Email: George.Brouwer@financialcounsellingfoundation.org
Post: Financial counselling Foundation
Level 6, 170 Queen St
Melbourne Vic 3000

Financial Counselling Foundation CEO

Name: Jane Nash
Email: jane.nash@financialcounsellingfoundation.org
Post: Level 6/179 Queen St Melbourne VIC 3000
Phone: 0407 114 095

Appendix 2: Relevant Legislation/Regulation

The *Corporations Act 2001* and the *Taxation Administration Act 1953* both contain protections for whistleblowers.

[ASIC Info Sheet 238 - Whistleblower rights and protections](#)