

Purpose

The purpose of this policy is to demonstrate Affords commitment to high standards of ethical and accountable conduct and to encourage a culture of speaking up without fear of reprisal.

Scope

This policy applies to and provides protections to those that qualify as **Eligible Whistleblowers** as determined by the law. This includes former and present Directors, Board Committee members, employees, volunteers, students, suppliers and contractors (and their employees) of Afford. The term also includes the relatives and dependents of each of these people.

The term is defined specifically in the *Corporations Act 2001* (Cth).

Definitions

Director – Any person who is a Director of the Board of Afford

Board Committee member – Any person who a Director of the Board of Afford and a member of a Board Committee and any person who attends a Board Committee as a subject matter expert

CEO means Chief Executive Officer

Executive Director means Chief Operations Officer (COO), Chief Financial Officer (CFO), Executive Director Consumer Experience and Safeguarding, Executive Director People and Organisational Development, Executive Director Strategy and Growth

Client - People who use Afford services, with the exception of Supported Employees

Employees - People who work for Afford, whether paid or unpaid

Volunteer – a person who works for Afford in an unpaid capacity

Students – a person who is undertaking a placement at Afford through a formal arrangement with an educational institution

Contractor – a person who is engaged by Afford to work on a short term contract, to provide a body of work, engaged through a labour hire company to fill vacant shifts

Our Organisation – description of ‘the business’ or ‘the company’

Services - the various supports we provide, irrespective of what type they are

Policy Statements

1. Afford encourages a culture of speaking up and coming forward where an individual is aware of or suspects, a Disclosable Matter. The Board acknowledges that people who report Disclosable Matters are helping to promote integrity, accountability and good management of Afford.

“Disclosable Matters” are matters where individuals have reasonable grounds to suspect:

- Any misconduct (including without limitation, fraud, negligence, default, breach of trust, breach of duty and systemic misconduct or issues (including employee matters))
- An improper state of affairs or circumstances within Afford (e.g., offering or accepting bribes, financial irregularities, failing to comply with or breaching legislative and/or regulatory requirements etc)
- A suspected breach of certain Commonwealth laws, or a breach that constitutes an offence under a Commonwealth law punishable with imprisonment of 12 months or more
- Conduct that represents a danger to the public or financial system

2. A Disclosable Matter is **NOT**:

- a. Interpersonal disputes between staff
- b. Decisions relating to the engagement, transfer or promotion of staff
- c. Unsafe work practices
- d. Personal grievances including harassment, discrimination or disciplinary matters
- e. Unjust or unfair staff behaviour
- f. Acts of workplace discrimination or bullying

3. The only circumstances where the matters listed above would be considered, is where they reasonably appear to have arisen from a Disclosable Matter, or forms part of systemic misconduct or issues.
4. When the matter is not a Disclosable Matter, then it will be sent/referred to the Executive Director People and Organisational Development or CEO.
5. The Whistleblower Protection Officer (WPO) is appointed annually at the Annual General Meeting and their role is to receive the Whistleblower notification, safeguard the interests of the Whistleblower, and ensure that the policies of Afford and any applicable legislation are adhered to.
6. Officers of Afford (CEO and Company Secretary), Financial auditors, Directors and Executive Directors may also receive a report from a Whistleblower and need to ensure that they abide by their obligations under the Corporations Act. Any disclosure made to these recipients, will be referred to the Whistleblower Protection Officer.

7. Outside of Afford, disclosure of a Disclosable Matter may also be made to authorities such as (noting that the Australian Charities and Not-for-Profit Commission is not a prescribed Commonwealth Authority):
 - a. Australian Securities and Investments Commission (ASIC)
 - b. The Commissioner of Taxation
 - c. Any other Commonwealth authority prescribed by law
8. Disclosures may be made to a legal practitioner for the purposes of obtaining legal advice or representation in relation to a Disclosable Matter.
9. Disclosures made to outside authorities may also be protected by law and those matters will be dealt with by those authorities. Afford will not be responsible for such disclosures in any manner.
10. The Whistleblower Protection Officer can be contacted via the following email address: whistleblower@afford.com.au or through a form on the Afford website.
11. The whistleblower identity or information that is likely to identify them will not be disclosed unless their express consent has been sought and documented. The only exception to this is where it is permitted by law, for example where Afford seeks legal advice or is disclosing to the federal police.
12. The Whistleblower Protection Officer is to keep the whistleblower informed of the progress and outcomes of the disclosure, provide support, and undertake wellbeing checks on the Whistleblower.
13. The Whistleblower Protection Officer will escalate the disclosure and nature of the allegations to the CEO, and they will assess the allegations.
14. Where the matter relates to the CEO, the Board Chair will be notified about the disclosure.
15. If an investigation is deemed necessary, the CEO will appoint an independent and impartial Whistleblower Investigations Officer (WIO) who will be charged with the responsibility for conducting an investigation in a manner that is confidential, fair and objective. When an investigation is conducted, it will:
 - a. Follow a fair process (to be developed by the CEO/or Board Chair and WPO)
 - b. Be conducted in a timely manner having due regard to the circumstances
 - c. Be independent of the person(s) about whom the allegation was made
16. Provided there are no restrictions or other reasonable bases for doing so, people against whom an allegation is made will be informed of the allegation and will have an opportunity to respond.

17. Except where a disclosure is made anonymously, a whistleblower will be kept informed of what action is being taken in response to their report, including the progress and the outcome of any investigation. In cases where the WIO has not substantiated the allegations, an appropriate explanation will be provided to the whistleblower, subject to any privacy and confidentiality rights of those involved.
18. Due regard to the reputation of persons involved as well as procedural fairness will be the cornerstones of such an investigation. To this end, Afford is committed to ensuring fair treatment, including protecting the identities and reputation of whistleblower's and every individual who is the subject of a Disclosable Matter.
19. Reports are submitted to the Board on Disclosable Matters including the findings of any investigation.
20. Several protections are available under law to individuals reporting a Disclosable Matter. Any person who relies on this policy to report a Disclosable Matter will be protected by law from reprisals of any form, and will not be disadvantaged by dismissal, demotion, harassment, discrimination, current or future bias, damage to reputation or face any other detriment, on account of or as a consequence of the report.
21. Other protections at law are:
 - a. Identity protection (confidentiality)
 - b. Protection from civil, criminal or administrative liability for reporting the Disclosable Matter
 - c. No enforcement of any contractual or other remedy against the whistleblower on the basis of reporting the Disclosable Matter
 - d. Compensation or such other orders from the courts where the whistleblower has experienced any detriment or victimising conduct, including threat of such conduct, as a consequence of reporting the Disclosable Matter.
22. If the person making the disclosure feels they are subjected to detrimental treatment as a result of making a disclosure under this policy, they should inform the Whistleblower Protection Officer or any of the other eligible recipients as listed in point 6, promptly. The disclosure of detrimental treatment will be dealt with as a separate protected disclosure under this policy and will also follow the same process. The detrimental treatment may also be reported to the authorities in point 7.
23. An Eligible Whistleblower will still qualify for protection for a disclosure even if their disclosure turns out to be incorrect. However, knowingly making a false disclosure is a serious matter and any person found to be deliberately making false or vexatious disclosures will be subject to disciplinary proceedings which may include termination.
24. This policy will be made available via the Afford website and internal intranet policy page.

Breach of Policy

Director or Board Committee member breaches will be dealt with by the Board Chair.

Employee breaches of this policy will be dealt with by the CEO.

Breaches of this policy by employees may result in disciplinary action.

Responsibilities

All Directors, employees, volunteers and contractors must adhere to this policy.

The Board Chair must ensure Directors and Board Committee members understand and adhere to this policy.

The Board is responsible for ensuring this policy is implemented and up to date.

The CEO has responsibility for compliance with this policy.

Where a position or organisational unit title changes or is no longer the title that appears in a policy document, and where a position and/or deliberative body named in the policy approval pathway has changed, the nearest appropriate equivalent body or position will have the same role and/or responsibility until that policy is updated.

Exceptions

There are no exceptions to this Policy.

Policy Owner

The owner of this policy is the Board.

Policy Approval

This policy was approved by [the Board](#).