

Whistleblower Policy

March 2017



ChildFund
New Zealand

WHISTLE-BLOWER POLICY

Title	Whistle-Blower Policy
Policy Type	Company Operation Policy
Date Effective	March 2017
Last Revised	November 2011
Policy Number	COP 2.2

1. Statement of Purpose

- a.) ChildFund Zealand is committed to the highest standards of ethical, moral and legal business conduct
- b.) In line with this commitment, and ChildFund New Zealand's commitment to open communication, this Policy aims to provide an avenue for ChildFund New Zealand's employees, Board members, contractors and third parties to raise concerns and complaints
- c.) The Policy is intended as reassurance that complainants will be protected from reprisals or victimisation for whistle-blowing

2. Scope

- a.) ChildFund New Zealand will not tolerate retaliation, harassment, or victimisation against its Board of Directors, employees, volunteers, contractors or visitors, or any member of the public, partner or beneficiary, for reporting concerns or complaints in good faith
- b.) Retaliation refers to any direct or indirect detrimental action recommended, threatened, or taken towards an individual who has reported misconduct or real or suspected child abuse, or provided information concerning the same
- c.) When established, retaliation in itself constitutes misconduct, for which appropriate action will be taken
- d.) Concerns and complaints may include but are not limited to:
 - ChildFund New Zealand's accounting, auditing and internal controls practices and procedures;
 - Matters involving harassment, unsafe practices, exploitation, victimisation, child abuse or other inappropriate behaviour towards a child;
 - Retaliation for raising complaints or concerns; and
 - Misconduct by employees, or other inappropriate behaviour by ChildFund New Zealand's Board of Directors, employees, volunteers, contractors or visitors

3. Core Commitments

a.) Responsibilities

- i.) ChildFund New Zealand's Board of Directors, employees, and contractors must report any misconduct or wrongdoing through the appropriate channels; confidentiality clauses in employment and consultancy contracts do not preclude such reporting
- iii.) It will be the responsibility of management to take appropriate action and to report outcomes to the Board of Directors

b.) Reporting misconduct

- i.) Submitting a complaint is confidential and initially should be directed to the employee/contractor's manager
- ii.) If the complaint is related to the employee/contractor's manager, the complaint should then be escalated to the manager at the next level up, i.e. to the Chief Executive Officer, or to the Chair of the Board of Directors (if the complaint relates to the Chief Executive Officer)
- iii.) The manager must inform the Chief Executive Officer of the complaint within two working days
- iv.) Complaints can be made in writing, in email, or via a telephone call, and must remain strictly confidential
- v.) Except when he/she is involved in the complaint, the Chief Executive Officer shall promptly conduct an initial screening of the complaint to assess the nature, legitimacy, and significance of any complaint received
- vi.) If necessary, upon conclusion of the initial screening the Chief Executive Officer, in consultation with the respective manager, shall make a determination whether to:
 - Undertake a thorough investigation, which should involve consultation with appropriate management in ChildFund New Zealand not implicated in the complaint;
 - Seek the advice and guidance of a legal counsel and other professional services in making a decision; and/or
 - Close the complaint with no further investigation

c.) When complaints involve children

- i.) When a complaint involves a child, ChildFund New Zealand will respond in a manner which ensures children's or young persons' immediate and long-term protection and safety
- ii.) ChildFund New Zealand will take positive steps to ensure the protection of children and will maintain a focus on the best interests of children
- iii.) When there are suspicions of abuse by a staff-member, both staff and children's rights are to be attended to

- iv.) This means that the safety of the child is of first concern and that the staff-member must have access to legal and professional advice and support
- vi.) ChildFund New Zealand will not act alone; all suspected situations of child abuse will be referred to the relevant legal authority
- vii.) The safety of the child will be the primary consideration; no person within ChildFund New Zealand will collude to protect an adult or an organisation
- viii.) The designated person addressing child protection must immediately ensure that the suspected individual does not have any contact with the child making the allegation
- ix.) A risk assessment must be undertaken to determine what level of access, if any, that person should have, to other children
- x.) If the police decide to undertake a criminal investigation then that member of staff may be suspended, without prejudice, as a precautionary measure
- xi.) It is important that no internal investigation is undertaken, and no evidence gathered that might prejudice the criminal investigation
- xii.) If there is insufficient evidence to pursue a criminal prosecution, then a disciplinary investigation may still be undertaken if there is reasonable cause to suspect that abuse may have occurred
- xiii.) The allegation may represent inappropriate behaviour of poor practice by a member of staff which needs to be considered under internal disciplinary procedures

d.) *Protection for individuals submitting complaints*

- i.) Protection against retaliation applies to Board members, employees, and contractors who:
 - Report the failure of a Board member, employee, or contractor to comply with his or her obligations under ChildFund New Zealand's policies and procedures; this includes any request or instruction from any Board member, employee, or contractor to violate ChildFund New Zealand's policies and procedures;
 - Provide information in good faith on wrongdoing perpetrated by a Board member, employee, or contractor; and
 - Cooperate in good faith with an audit or investigation
- ii.) In order to receive protection under this Policy, the individual must:
 - Make the report in good faith;
 - Have a reasonable belief that the misconduct or irregularity has occurred; and
 - Report any retaliation as soon as possible and no later than 90 days after the alleged act of retaliation has taken place
- iii.) The transmission or dissemination of unsubstantiated rumours is not a protected activity
- iv.) Making a report or providing information that is intentionally false or misleading constitutes misconduct and may result in disciplinary or other appropriate action

- v.) The procedures for the submission of complaints shall allow those persons reporting complaints to do so confidentially
- vi.) Irrespective of the merits or outcome of the complaint process, anyone filing a complaint must be proceeding in good faith
- vii.) Retaliation by the Board, employees, or contractors against any person who files a complaint is prohibited
- viii.) ChildFund New Zealand shall take all appropriate steps, and comply with all applicable laws and regulations, to prevent retaliation against the Board, employees, or contractors of ChildFund New Zealand who submit a complaint where retaliation is due to the fact that such person has submitted such complaint

e.) *Reporting*

- i.) Where a complaint alleges or otherwise suggests the existence of (a) material inaccuracies in ChildFund New Zealand's financial reporting, or (b) fraud or other intentional misconduct with respect to ChildFund New Zealand's accounting, auditing, and internal controls by management or those responsible for such functions, the Chief Executive Officer shall report such a complaint to the Chair of the Board promptly after the initial screening thereof
- ii.) If the Chief Executive Officer is involved in a complaint then the Chair of the Board shall report to the Board
- iii.) Other complaints will be reported by the Chief Executive Officer to the Chair of the Board at the next regularly scheduled Board meeting unless the Chief Executive Officer determines that earlier reporting is necessary

f.) *Reporting retaliation*

- i.) Individuals who believe that retaliatory action has been taken against them because they have reported misconduct or cooperated with an audit or investigation should make their complaint directly with the Chief Executive Officer, or to the Chair of the Board (if the complaint relates to the Chief Executive Officer)
- ii.) This will be treated with the utmost confidentiality. If in the view of the Chief Executive Officer or Chair of the Board, there is a credible case of retaliation then a thorough investigation will be completed with a written report provided to the Chair of the Board
- iii.) Pending the completion of this investigation, the Chief Executive Officer (or Chair of the Board), may decide to take appropriate measures to safeguard the interests of the complainant, including but not limited to, temporary suspension of the parties involved and, in consultation with the complainant, temporary reassignment of the complainant or placement of the complainant on special leave
- iv.) When the investigative report has been completed, the Chief Executive Officer will inform the complainant, in writing, of the outcome of the investigation
- v.) If retaliation against an individual is established, the Chief Executive Officer (or Chair of the Board) may, after taking into account any recommendations from the investigations and

after consultation with the complainant, take appropriate measures aimed at correcting negative consequences suffered as a result of the retaliatory action

vi.) Such measures may include, but are not limited to, the rescission of the retaliatory decision, including reinstatement or if requested by the complainant, transfer to function for which the individual is qualified, independently of the person engaged in retaliation

vii.) Acts of retaliation constitute misconduct, and some instances, serious misconduct

viii.) Should an investigation establish that an individual engaged in such action, that person may be subject to administrative or disciplinary action, including dismissal

CEO Approved:

CEO's Signature	
Date	