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# Whistleblowing Policy

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*Change begins with Education*

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## Whistleblowing Policy

### 1. Purpose

At all times SeeBeyondBorders seeks to conduct its activities professionally, honestly and with integrity. However, all organisations face the risk of unprofessional conduct, criminal behaviour or mismanagement. We believe it is our responsibility to take appropriate measures to identify such situations and attempt to remedy them.

We are committed to fostering a culture where staff, interns and volunteers are encouraged to raise concerns about unethical and unacceptable conduct and can do so in a safe environment.

The purpose of this policy is to strengthen our core values by empowering all staff, interns and volunteers who wish to report any wrongful acts in good faith.

This is a 'living' document and will be regularly reviewed and updated as experience grows.

### 2. Context

#### 2.1. Our objectives

SeeBeyondBorders' objective is to have more children complete their primary education and progress to lower secondary school.

We train teachers, develop school infrastructure and support local families educating their children in Cambodia - a country that has been ravaged by war, genocide, repression and starvation. We also work to improve the Cambodian education system as a whole, encouraging systemic change at all levels of government.

We involve people from developed countries in our work by accompanying groups of teachers to help teach Cambodian teachers and invite other volunteers to work on projects that range from teaching sports lessons to primary aged children to laying concrete or painting buildings.

Offering opportunities for other nationalities to experience and learn from an Asian way of life is fundamental to our success, and our key point of difference. Promoting mutual respect and dignity, ongoing local control and management and building in minimal dependency and maximum sustainability underpins the way we work.

#### 2.2. Our Stakeholders

- SeeBeyondBorders Board of Directors and Trustees
- Staff and volunteers working in several different countries
- Donors and supporters – including those who have been participants on In-country programs and those who are planning to do so

### 3. Definitions

**“Whistleblowing”** is defined as deliberate, voluntary disclosure of individual or organisational wrongdoing by a person who has access to data, events or information about an actual, suspected or anticipated wrongdoing within the organisation.

**“Whistleblower”** is defined as an employee or volunteer of SeeBeyondBorders who attempts to make or wishes to make a report in connection with a wrongful act under this policy and who wishes to avail her or his self of the protections offered by this policy.

“**Wrongful act**” includes, but is not limited to:

- Breaches of legal obligations (including negligence, breach of contract, breach of administrative law);
- Criminal offences;
- Mismanagement of funds;
- Actual or suspected fraud and or corruption;
- Abuse of authority;
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- The unauthorised use of organisational funds and or assets;
- Sexual, verbal or physical violence/abuse;
- Other unethical conduct; or
- The concealment of any of the above

“**Staff and volunteers**” are people who hold contracts with SeeBeyondBorders, whether this be a permanent contract, fixed term contract or volunteer agreement.

“**Personnel**” are staff and volunteers.

## **4. Policy and policy principles**

### **4.1. Policy**

SeeBeyondBorders seeks to provide staff, interns and volunteers with a supportive work environment in which they feel able to raise issues of legitimate concern. We will take steps to protect personnel from detrimental treatment or dismissal if they report actual or suspected wrongful acts in good faith. We undertake to act in accordance with relevant legislation on disclosure of wrongful acts in the workplace, as below:

- In Australia: The Corporations Act 2001
- In the UK: The Public Interest Disclosure Act 1998 which amends the Employment Rights Act 1996
- In Ireland, The Protected Disclosures Act 2014

At present, the Anti-Corruption Law in Cambodia contains very limited protection for whistleblowers and therefore the Corporations Act 2001 (Australia) will protect whistleblowers in SeeBeyondBorders Cambodia (as it is a branch of SeeBeyondBorders Australia).

### **4.2. Policy principles**

- All SeeBeyondBorders personnel have an obligation to report wrongful acts or suspected wrongful acts in accordance with this policy
- All SeeBeyondBorders personnel have the right to speak freely and honestly to report wrongful acts in a safe environment without fear of retaliation or reprisal
- SeeBeyondBorders will respond in a timely, respectful and confidential manner to all disclosures of wrongful acts
- SeeBeyondBorders will prosecute or apply other appropriate sanctions against those who have committed fraud and engaged in corrupt conduct.

## 5. Policy in action

### 5.1. Reporting a whistleblowing concern

Whistleblowing concerns should be reported, in good faith, to a member of the SeeBeyondBorders Leadership Team in the country in which the concern is based, or to any Board member. Appendix A of this Policy contains full details of who to report to in each country.

The whistleblower must not approach individuals involved in his/her disclosure directly (whether to “tip them off” or otherwise) or attempt to investigate the matter(s) personally.

### 5.2. Investigation of a whistleblowing concern

The responsible person to whom the disclosure is made will:

- Make a detailed record of the disclosure
- Ask the whistleblower to provide a written statement describing the precise nature of the allegations
- Upon receipt of the written statement, the responsible person will refer it to the appropriate person (a member of the Leadership Team, the CEO, or any member of the Board or Trustee Board) and write to the employee within five working days of making that referral. In their letter, they will acknowledge receipt of the complaint, provide information on who it has been referred to and details of who the employee should contact if they have any further questions.
- Where further action is required, this will in the first instance take the form of an internal investigation. The internal investigator will be a member of the Leadership Team, the CEO or any member of the Board or Trustee Board (as appropriate on a case by case basis).

Once the investigation is complete, the whistleblower will be given a prompt and thorough explanation about the result of the investigation and any actions SeeBeyondBorders is likely to take as a result of it. Where the allegation is considered to be of a serious nature, a report will be prepared for the Board. On occasion, the involvement of external authorities may be required, such as the police, ACFID (in Australia), the Charity Commission (UK) or the Charities Regulator (Ireland).

### 5.3. Confidentiality

If a wrongful act or a suspected wrongful act is reported under this policy, SeeBeyondBorders will endeavour to protect the whistleblower’s identity. In order not to jeopardise the investigation into the alleged wrongful act, the whistleblower is also expected to keep the fact they have raised a concern, the nature of the concern and the identity of those involved confidential.

Generally, SeeBeyondBorders will not disclose the whistleblower’s identity unless:

- the whistleblower consents to the disclosure;
- the disclosure is required or authorised by law, and/or
- the disclosure is necessary to further the investigation and the whistleblower consents.

Mostly, reports made under this policy will be treated confidentially. However, when a report is investigated it may be necessary to reveal its substance to people such as other SeeBeyondBorders personnel, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies. At some point, it may also be necessary to disclose the fact and the substance of a report to the person who is the subject of the report.

SeeBeyondBorders will take reasonable precautions to store any records relating to a report of a wrongful act securely and to permit access by authorised personnel only.

Unauthorised disclosure of information relating to a report, the identity of the whistleblower or information from which the identity of the whistleblower could be inferred will be regarded seriously and may result in disciplinary action, which may include dismissal.

#### **5.4. Protection of whistleblowers**

No person who raises genuinely held concerns in good faith under this policy will be dismissed or subjected to any detriment as a result of such action, even if the concerns turn out to be unfounded. Detriment includes, but is not limited to, unwarranted disciplinary action and victimisation in any of the following forms:

- dismissal
- demotion
- any form of harassment
- discrimination
- current or future bias
- threats of any of the above

Any such retaliatory action will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. If a whistleblower believes retaliatory action has occurred or has been threatened, the whistleblower has the right to make a submission to the SeeBeyondBorders Australia Board. The SeeBeyondBorders Australia Board is independent of management and will arbitrate the matter.

#### **5.5. Whistleblowers implicated in a wrongful act**

Even though a whistleblower may be implicated in the wrongful act, they will not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy.

However, making a report will not necessarily shield the whistleblower from the consequences flowing from that person's involvement in the wrongful act. In some circumstances an admission may be a mitigating factor when considering disciplinary or other action.

#### **5.6. False disclosure**

SeeBeyondBorders will treat all disclosures of wrongful acts seriously and protect staff who raise concerns in good faith. However, while protection is provided to whistleblowers under this policy, deliberate false reports will not be tolerated and anyone found making a deliberate false claim or report will be subjected to disciplinary action, including dismissal.

#### **5.7. Communication with the Whistleblower**

The Whistleblower will be kept informed of the progress of the investigation. The Whistleblower will be informed of the outcomes of the investigation subject to the considerations of privacy of those against whom the allegations have been made.

### **5.8. Management of a person against whom a report is made**

Generally, the person who is the subject of any report that is investigated, will:

- be informed as to the substance of the allegations;
- be given the opportunity to answer the allegations before any investigation is finalised;
- be informed about the substance of any adverse comments that may be included in any report arising from the investigation before it is finalised;
- have their defence set out fairly in any report.

SeeBeyondBorders recognises that individuals against whom a report is made must also be supported during the handling an investigation of the alleged wrongful act. SeeBeyondBorders will take reasonable steps to ensure the person who is the subject of a report, is treated fairly, particularly during the assessment and investigation process. Support provided by SeeBeyondBorders may include referral for counselling.

### **6. Related policies**

- Financial Wrongdoing Policy
- Complaints and Feedback Handling policy
- Safeguarding Policy

**7. Policy Management**

This Policy has been approved by the Australian Board and the Trustees of SeeBeyondBorders' other entities as noted below.

Amendments and or developments will be recommended to the Board from time to time as deemed appropriate by senior management. Formal reviews will take place before the expiry of three years from the anniversary date of approval by the Board. Recommendations for minor changes can be approved by the CEO before the expiry of three years, and recommendations for changes to the background or policy in practice can be approved by the relevant Sub-Committee.

Doc ref	Doc type	Approved by Australian Board Date	Minute ref.	Approved by UK Trustees Date	Minute ref	Approved by Irish Board Date	Minute ref
WP/06/2020/1.0	Policy Review	Board June 29 2020	Agenda item 8	July 21 2020	Agenda item 5		
WP/06/2020/1.1	Policy Amendment	CEO Note 11 Nov 2020		CEO Note 11 Nov 2020			



## **Appendix A – Reporting Procedures**

In Cambodia:

Whistleblowing concerns should be reported to Derek Culligan, General Manager HR and Finance:  
[derek.culligan@seebeyondborders.org](mailto:derek.culligan@seebeyondborders.org), +855 (0)63 5070 888

If the whistleblower is uncomfortable reporting to the above person, they should approach any other member of the [Cambodian Leadership Team](#).

In Australia:

Whistleblowing concerns should be reported to Louise Foodey, Head of Finance:  
[louise@seebeyondborders.org](mailto:louise@seebeyondborders.org), +61 (0)2 9960 7077

If the whistleblower is uncomfortable reporting to the above person, they should approach any member of the [Australian Board](#).

In the UK:

Whistleblowing concerns should be reported to Caroline Abel, Treasurer of the Trustee Board:  
[caroline@abelbase.com](mailto:caroline@abelbase.com), +44 (0)7910 145210

If the whistleblower is uncomfortable reporting to the above person, they should approach any other member of the [UK Trustee Board](#).

In Ireland:

Whistleblowing concerns should be reported to Edward Shuttleworth, Chair of the Trustee Board:  
[ed@seebeyondborders.org](mailto:ed@seebeyondborders.org), +44 (0)7428 393610

If the whistleblower is uncomfortable reporting to the above person, they should approach any other member of the [Irish Trustee Board](#).