



## Fraud and Whistleblower Policy

*International Justice Mission Australia*

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### 1. Purpose

The purpose of the Fraud & Whistle-blower Policy of International Justice Mission Australia (“IJM Australia”) is to define and set out a procedure for handling disclosures of reportable conduct. The purpose of the policy is to encourage staff to report any wrongdoing in good faith and in an environment free from victimisation.

### 2. Scope

This policy applies to all staff, volunteers and the Board of Directors of IJM Australia.

### 3. Definitions

Corruption	Dishonest activity in which a member of staff, volunteer, Board director or contractor acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.
Fraud	Dishonest activity causing actual or potential financial or reputational loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. It also includes the deliberate falsification, concealment, destruction or use of falsified documentation or identity used or intended for use for a normal business purpose or the improper use of information or position.
Investigation	A search for evidence connecting or tending to connect a person (either a natural person or a body corporate) with conduct that infringes the criminal law or the policies and standards of IJM Australia.
Reportable conduct	Conduct by a person or persons connected with an entity which, in the view of a whistle-blower acting in good faith, is: (a) dishonest; (b) fraudulent; (c) corrupt; (d) illegal (including theft, drug sale/use, violence or threatened violence and criminal damage against property); (e) in breach of Commonwealth or state legislation or local authority by-laws;

- (f) unethical;
- (g) other serious improper conduct;
- (h) an unsafe work-practice; or
- (i) any other conduct which may cause financial or non-financial loss to the entity or be otherwise detrimental to the interests of the entity.

Whistle-blower                      A person being a member of staff, volunteer, Board director, contractor or a member of the public whether anonymously or not, makes, attempts to make or wishes to make a report in connection with reportable conduct and where the whistle-blower wishes to avail themselves of protection against reprisal for having made the report. A whistle-blower may or may not wish to remain anonymous.

Whistle-blower  
Investigations Officer              A person or persons being a member of staff, volunteer, Board director or contractor of an entity who has responsibility for conducting preliminary investigations into reports received from a whistle-blower. This person will be appointed on a case by case basis by the Board of Directors of IJM Australia. The Whistle-blower Investigations Officer should be fair and independent. A person who is a Whistle-blower Protection Officer should not be appointed a Whistle-blower Investigations Officer within the same entity

Whistle-blower  
Protection Officer                  A person or persons being a Board director, manager, employee or contractor of an entity who has responsibility for protecting whistle-blowers. In the case of IJM Australia, this is the Chief Executive unless the Board decides that circumstances require otherwise.

*Definitions amended from AS 8004—2003*

#### **4. What should be reported?**

Any person within the scope of the policy is encouraged to report known or suspected incidences of reportable conduct.

#### **5. Process**

##### *5.1 Disclosures of reportable conduct*

Disclosures are to be made to the following people:

- Chief Executive  
Email: [choumes@ijm.org.au](mailto:choumes@ijm.org.au)  
Phone: 0452033414

If this is not appropriate, then disclosures should be made to the Chair of the Board of Directors

- Chair of the Board of Directors  
Email: [mark@markleach.com.au](mailto:mark@markleach.com.au)  
Phone: 043184781

The Chief Executive / the Chair of the Board of Directors is responsible for:

- Receiving disclosures;
- Keeping the Board of Directors informed of all disclosures;
- Making arrangements for a disclosure to be made;
- Taking all necessary steps to ensure the confidentiality of the whistle-blower is maintained;
- Ensuring confidentiality, including establishing a confidential filing system for disclosures;
- Informing the whistle-blower of the progress of the investigation; and
- Facilitating staff awareness of the intent, provisions and procedures associated with this policy.

The Board of Directors is responsible for:

- Appointing a Whistle Blower Investigations Officer.

## 5.2 *Investigation*

After reporting of disclosures have been made, a Whistle-Blower Investigation Officer will be appointed on a case-by-case basis by the Board of Directors. The appointed officer (investigator) will undertake investigations in accordance with the following principles.

Professional investigation management includes the following principles:

- a) Investigations are subject to the realities of resource allocations, and so project management techniques need to be applied over a number of phases, each having clear statements of their objectives in terms of quality, time and cost.
- b) The project plan will be submitted to the Chief Executive and the Chair of the Board of Directors for approval prior to commencing investigations.
- c) The investigation process should be open to administrative, operational and judicial review. An audit trail must be maintained relating investigation activities back to approved plans, and documenting critical decisions made during the course of the investigation.
- d) At the discretion of the investigator, involved parties may be suspended from duties during the investigation. Such leave will be on full pay.
- e) For the purposes of investigation, the nominated investigator has authority to seize any and all IJM Australia company assets from involved parties including computers, data storage devices, emails, keys and access tags, equipment and documents. In any investigative, concluding or disciplinary meeting the whistleblower and/or the implicated person or persons when present, are entitled to be accompanied by support person who may take notes but not contribute to discussion.
- f) The process used to manage investigations should be flexible. Communication should be clear and unambiguous, and a multi-disciplinary team approach is advisable where relevant to the issue in question. Successful resolution of a matter may be compromised if

certain procedural steps are not followed during an investigation, and so it may be appropriate to seek advice from an external appropriately qualified person or organisation.

### 5.3 *Communication*

The whistle-blower will be informed of the progress and, subject to legal constraints, the outcome of the investigation by the Chief Executive / Chair of the Board of Directors.

The Board of Directors will be informed of the disclosure in order to determine the appropriate person to conduct the investigation and ensure that they are kept informed about the outcome of the investigation.

Where determined relevant by the Chief Executive and/or Board of Directors, appropriate parties at IJM Global will be apprised of the allegations, investigation progress and findings.

At the conclusion of the investigation, the whistle-blower investigation officer will submit a written report of his or her findings to the Chief Executive / Chair of the Board of Directors. The report will contain:

- The allegation/s;
- An account of all relevant information received and, if the investigator has rejected evidence as being unreliable, the reasons for this opinion being formed;
- The conclusions reached and the basis for them; and
- Any recommendations arising from the conclusions.

Where the investigator has found that the conduct disclosed by the whistle-blower has occurred, recommendations made by the investigator will include:

- The steps that need to be taken IJM Australia to prevent the conduct from continuing or occurring in the future; and
- Any action that should be taken by IJM Australia to remedy any harm or loss arising from the conduct. This action may include bringing disciplinary proceedings against the person responsible for the conduct, up to and including dismissal, and referring the matter to an appropriate authority for further consideration.

Recommendations will be in accordance with the principles of natural justice and the policies and values of IJM Australia.

An investigator's report will be accompanied by:

- The transcript or other record of any oral evidence taken, including voice recordings; and
- All documents, statements or other exhibits received by the investigation officer and accepted as evidence during the course of the investigation.

Where the investigator's report is to include an adverse comment against any person that person will be given the opportunity to respond and his or her defense will be fairly included in the report. This response will be in the form of a 'show cause' letter (for which a template is attached).

The report should not disclose particulars likely to lead to the identification of the whistle-blower.

It should be noted that blowing the whistle does not lessen the guilt or criminal liability of a whistle-blower who is involved in wrongdoing, although this may be taken into account. Malicious allegations may result in disciplinary action.

#### *5.4 Communicating findings to involved parties*

The investigator will formally communicate findings on behalf of the Board of Directors to both the whistleblower and the accused parties, subject to legal constraints. Communication will be in writing and subsequently in person.

#### *5.5 Dismissal*

Where disciplinary action requires dismissal, dismissal will be immediate.

### **6. Whistle-blower protection**

The whistle-blower will not be personally disadvantaged by having made the report by dismissal, demotion, any form of harassment or discrimination.

IJM Australia will take all reasonable steps to protect the identity of the whistle-blower and the identity of the person who is the subject of the disclosure. Maintaining confidentiality is crucial in ensuring reprisals are not made against a whistle-blower.

Team members (directors, managers, employees, contractors or volunteers) are expected to support whistle blowers who have made a legitimate disclosure, refraining from any action that is, or could be perceived as victimisation or harassment.

Those found to have taken reprisal actions or victimised the whistle-blower will face disciplinary action, including the possibility of dismissal.

### **7. False reporting by a whistle-blower**

Where it is shown that a person purporting to be a whistle-blower has made a false report of reportable conduct, then that conduct itself should be considered a serious matter and may render the person concerned subject to disciplinary proceedings.

### **8. Confidentiality**

A whistle-blower who reports or seeks to disclose reportable conduct will be given a guarantee of anonymity (if anonymity is desired by the whistle-blower) bearing in mind, that in certain circumstances, the law may require disclosure of the identity of the whistle-blower in legal proceedings.

Employee Name  
Employee Address

Dear Mr/Ms/Ps

I am in receipt of a report/information from \_\_\_\_\_ (person appointed to undertake the investigation) concerning the investigation into allegations against you.

After giving careful consideration to all evidence available to me so far in respect of this (these) allegation/s, it appears that you may be liable for disciplinary action pursuant to section 3) part (a, b, c, d, e, f, g, h, or i), of the IJM Australia, Fraud and Whistleblower Policy, 2015, on the grounds of \_\_\_\_\_ (cite the relevant ground/s specified in the Policy).

The details of this (these) allegation/s is (are) as follows:

- \_\_\_\_\_ (detail the allegation/s)

Enclosed are copies of all material to be considered in connection with this (these) allegation/s \_\_\_\_\_ (or enclosed is a written summary of the information gathered to date that will be considered in connection with this (these) allegation/s).

In accordance with the principles of natural justice and IJM Australia's values, no determination has been made, or will be made until you have had the opportunity to formally respond to the allegations.

Accordingly, you are required to reply to these allegations, in writing, within fourteen (14) days of the receipt of this letter, by stating whether you admit or deny the allegations made against you and by furnishing any explanation in relation to this matter.

If you do not respond, or if your response is received later than fourteen (14) days from the date of receipt of this letter, I will make a decision on the material currently available to me.

You are also advised that the report and its contents are to remain confidential and that you are to have no contact with any persons named in the report, or other IJM employees. Should you fail to follow this lawful discretion, disciplinary action may be instigated.

IJM Australia offers a confidential counselling service to all its employees and you may wish to discuss with them your situation. To make an initial appointment, please contact (name and number).

Should you have any queries in relation to this process please do not hesitate to contact (identify applicable person) on (phone number).

Yours sincerely

**SECTION 1. CHIEF EXECUTIVE**

/ /

**POLICY VERSION**

<b>Version</b>	<b>Date</b>
1	10/05/18
2	n/a