



Whistleblower Policy

Department

Sections (inc. All sections where this document is located.)

Corporate Services

Core Documents/CS

Modified By

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WHISTLE-BLOWER POLICY

1. PURPOSE AND SCOPE

ADRA New Zealand (hereafter referred to ADRA) is committed to maintaining high ethical standards and legitimate business practices and wishes to encourage the identification and prevention of any Serious Wrongdoing (as defined in this policy) that may affect this commitment. The purpose of this policy is, therefore to provide ADRA Personnel (including employees, volunteers, partners, contractors, and Board of Trustee members) with a system whereby they can disclose any knowledge of actual or intended Serious Wrongdoing which may be unethical, illegal or fraudulent; and to confirm that persons who provide such disclosure, and are acting in good faith, and on the basis of reasonable belief, should not be victimised (including retaliation or threat of retaliation) or subject to other adverse action if they make such a disclosure.

This policy applies to all ADRA Personnel and any other individual who may have dealings with ADRA, in this policy referred to as 'person'. This policy does not apply to matters which have been or may be investigated under the Complaints Policy (General or Employees), or the Workplace Relations Policy. This policy shall not be used to provide a platform for dishonest, vexatious or frivolous allegations.

2. DEFINITIONS

- Complaints Officer refers to an appointed ADRA employee. Their contact details are: complaints@adra.org.nz or by mail to:
 - ADRA NZ Attn: Complaints Officer, 124 Pah Road, Royal Oak, Auckland 1345
- Whistleblowing is: "The disclosure by or for a witness, of actual or suspected wrongdoing in an organisation that reveals fraud, corruption, illegal activities, gross mismanagement, malpractice or any other serious wrongdoing".
- A whistle-blower is someone who reports or exposes dishonest or illegal behaviour from within an organisation.
- Appropriate authority: the ombudsman, or any police or law enforcement agency with respect to an offence within its power to investigate; or any person whose duties include the enforcement of state or federal law within his or her power to investigate.
- Serious wrongdoing includes:
 - is fraudulent or corrupt
 - is illegal, such as theft, drug sale or use, violence, criminal damage to property or other breaches of legislation
 - involves accepting bribes
 - involves not disclosing gifts more than \$100.
 - is unethical, such as acting dishonestly; altering company records; wilfully making false entries in the books and records; engaging in questionable accounting practices; or wilfully breaching the organisation's code of conduct or other ethical statements
 - is potentially damaging to the organisation such as maladministration or substantial waste of resources
 - is seriously harmful or potentially seriously harmful to a worker such as deliberate unsafe work practices or wilful disregard to the safety of others in the workplace



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- may cause serious financial or non-financial loss to the organisation; or damage its reputation; or be otherwise seriously contrary to Church's interests
- involves any other kind of serious impropriety including retaliatory action against a Whistle-blower for having made a wrongdoing disclosure

3. POLICY STATEMENT

- A. Where a person acting in good faith and on the basis of reasonable belief, becomes aware of actual, suspected or intended Serious Wrongdoing (as defined in this policy), suspicious financial management, or other accountability concerns, he or she should report such Serious Wrongdoing or incidents, as soon as learning of them, to their supervisor or, if they consider it is appropriate, the Complaints Officer or the Chief Executive of ADRA. If the person considers it necessary, they should also file a report with the appropriate authority.
- B. A person, acting in good faith and on the basis of reasonable belief, may refuse to carry out any request, order or direction which is (or they are concerned may be) illegal, unethical, or against policy and which is given by an individual who has direct or indirect control over their employment or engagement. Such requests should be reported immediately to their manager, or, if appropriate, a director or senior manager of ADRA. If the person considers it necessary, they should also file a report with an appropriate authority (as defined in this policy).
- C. Employees and volunteers are expected to co-operate fully with appropriate authorities during any investigation process or proceedings related to acts of alleged Serious Wrongdoing or work refusals under this policy.
- D. Where allegations are covered by the Protected Disclosures Act 2000, there are statutory protections afforded to the person making a protected disclosure (see section 6).
- E. Nothing in this policy is meant to take precedence over a person's duties under statutes law, or common law. Any unlawful Serious Wrongdoing or incident which may affect public safety must be reported to the appropriate authorities immediately.
- F. Anonymous reports are discouraged. If a person, for whatever reason, believes that he or she cannot otherwise make a report of Serious Wrongdoing, anonymous reports can be sent to the Chief Executive Officer or the Complaints Officer.
- G. Complaints or reports of Serious Wrongdoing shall be investigated, and any person found to have participated in actions of Serious Wrongdoing will be subject to disciplinary action up to and including summary termination or termination of engagement.
- H. No person shall be subject to discipline, termination, demotion, or any form of retaliation, including but not limited to, intimidation, harassment, financial penalty or other threats by reason that the person, acting in good faith and on the basis of reasonable belief, takes any of the action set out at paragraphs 3.A-C.



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- I. Any and all information collected under this policy or through the investigative process shall be held in confidence, except where disclosure may be necessary to further the investigation, address or respond to the issue or as required by law. Any person who breaches this confidentiality requirement may be subject to disciplinary action up to and including summary termination or termination of engagement.
- J. All persons are required to co-operate with the investigation of incidents under this policy and, if necessary, shall be granted paid time off to do so.

4. EXPECTATIONS

Any person who receives a report of alleged Serious Wrongdoing under this policy (including Supervisors and the Chief Executive Officer) must hold the report and the identity of the reporting person in confidence except where disclosure may be necessary to further the investigation, address or respond to the issue or as required by law.

A. Persons

- Any person, acting in good faith and on the basis of reasonable belief, should report actual, suspected or potential incidents of Serious Wrongdoing and to co-operate with any investigation by Lawful Authorities into such allegations.
- A person is responsible for adhering to ADRA’s Code of Ethical Conduct in relation to confidentiality when making reports to external appropriate authorities, except where required by law, or where an employee or volunteer’s safety or public safety is imminently threatened.

B. Supervisors are expected to:

- receive any reports of Serious Wrongdoing in confidence, and immediately forwarding such reports to the Complaints Officer or the Chief Executive Officer;
- co-operate with any investigations into Serious Wrongdoing; and
- foster a work environment which encourages open communication, ethical behaviour, adherence to laws and adherence to ADRA’s policies.

C. Complaints Officer and the Chief Executive Officer

The Chief Executive Officer and the Complaints Officer are expected, after receiving reports of Serious Wrongdoing, alleged Serious Wrongdoing or anticipated Serious Wrongdoing to:

- assess the situation in order to make a determination of the process of investigation to be followed;
- determine whether external authorities should be notified;
- lead the internal investigation process;
- report any matters disclosed under this policy to the Chair of the Board of Directors and provide appropriate updates as the matter proceeds;
- implement actions to resolve the issue and ensure any procedural or policy changes that may be necessary in order to prevent a recurrence;
- develop and prepare, in consultation with the most appropriate senior authority, a communications strategy for internal and external use regarding the Serious Wrongdoing and/or investigation; and



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- provide any information or follow-up reports as required by executive management, external authorities or agencies.

The Chief Executive Officer, the ADRA Board of Trustees, and the Complaints Officer, reserve the right to involve legal counsel and/or independent auditor representatives throughout the process.

5. BREACH

Any breach of the policy may result in disciplinary action that could result in termination from the organisation.

6. LEGISLATION

The Protected Disclosures Act 2000 exists in New Zealand to provide protection for employees in state sector organisations who make disclosures of information about serious issues and wrongdoings. SDA has elected to adopt as relevant the processes and principles of the Protected Disclosures Act 2000.

The legislation can be accessed through the following link:

http://www.legislation.govt.nz/act/public/2000/0007/latest/whole.html?search=ts_act%40bill%40regulation%40deemedreg_protected+disclosures+act_resel_25_h&p=1#DLM53466

This covers:

- Who can make a disclosure under the Act.
- Protected disclosures covered by the Act.
- Making a disclosure under the Act.
- Submission of a disclosure under the Act.
- Investigation of a disclosure.
- Appeals Protection for employees under the Act.
- Retaliatory action and victimisation.

7. RELATED POLICIES AND DOCUMENTS

Financial Wrongdoing Policy

Complaints Policy – General

Complaints Policy – Employees

Workplace Relations Policy

Fraud Prevention Policy

Code of Conduct