

# Pacific Conference of Churches (PCC)

Executive Committee approved 25 April 2022

## Whistleblower Policy

### *Commitment by Pacific Conference of Churches*

PCC is committed to enabling our staff and volunteers to report wrongdoing through fair, transparent and accessible procedures. This Whistleblower Policy documents PCC's commitment to maintaining an open working environment in which people can report suspected instances of unethical, unlawful or undesirable conduct without fear of intimidation or reprisal. The purpose of this Policy is to assist in the detection and resolution of unacceptable conduct and to protect those persons who raise issues regarding unacceptable conduct.

### *Definition of Terms*

**Whistleblower:** For the purpose of this policy, a Whistleblower is any person associated with PCC who, whether anonymously or otherwise, reports, discloses or attempts to disclose in good faith (based on reasonable grounds) allegedly unacceptable conduct in accordance with this policy.

**Unacceptable Conduct as covered by this Policy:** any conduct which potentially:

- is dishonest, fraudulent or corrupt;
- is criminal or breaches National Law, regulations and policies;
- is unethical within the meaning of the PCC's Code of Conduct;
- involves substantial risk to health and safety of employees, volunteers, contractors, partners or the public;
- involves a real possibility of financial loss to PCC or its other agencies;
- could adversely affect the reputation of PCC or its other agencies; or
- raises concerns about the accounting, internal control, compliance or audit controls of PCC, the Assembly and/or its other agencies and includes conduct that would, if proven, constitute either:
  - an illegal act or omission;
  - a criminal offence; or
  - reasonable grounds for dismissing or terminating the services of an employee who was engaged in the conduct.

**Reporting:** For the purpose of this policy, a Whistleblower should approach any senior member of staff of PCC or Finance and General Business Committee; any member of the PCC Executive Committee; an external person or body appointed by the Finance and General Business Committee for such purposes; or any relevant external authority.

### **Principle 1: Promote Responsibility for Whistleblowing**

All PCC representatives who are aware of possible wrongdoing have a responsibility to disclose that information, in line with PCC Code of Conduct obligations.

Representatives include:

1. Members of the Executive Committee.
2. Members of the Finance and General Business Committee.
3. PCC staff.
4. Overseas partner staff.
5. PCC volunteers, including individuals and groups who visit overseas partners or projects funded by PCC.

### **Principle 2: Protection from adverse employment consequences**

Those who in good faith disclose perceived wrongdoing will be protected from adverse employment consequences.

### **Principle 3: Fair and impartial investigative process**

PCC will ensure the establishment of a fair, transparent, expeditious and impartial investigative process.

### **Principle 4: Confidentiality of the Whistleblower's identity is paramount.**

PCC will ensure confidentiality for Whistleblowers, unless they expressly indicate in writing that they are willing to forego such protection.

### **Principle 5: Whistleblowers will be protected.**

PCC will ensure appropriate protection for Whistleblowers. A Whistleblower will be protected under this Policy from reprisal or repercussions from the Executive Committee, Finance and General Business Committee and Management or its agencies arising from the disclosure of alleged unacceptable conduct, provided that the disclosure:

- is made in good faith;
- is based on reasonable grounds;
- does not involve actions by the Whistleblower that are illegal or contrary to the PCC's vision and mission; and
- is made in accordance with this Policy.

### ***Scope of the Policy***

This Policy should be read in conjunction with the PCC Complaints Handling Policy (PCC Manual).

## *Policy Context*

### **Limitations on the protection of the Whistleblower**

PCC is committed to the protection of Whistleblowers against action taken in reprisal for making disclosures. However, Whistleblowers will not be protected under this Policy if:

- they are involved in the unacceptable conduct. They are not exempt from the consequences of their involvement. However, their admission of involvement, and whistleblowing, may be mitigating factors in disciplinary or other action;
- they make a knowingly false report regarding alleged unacceptable conduct. The giving of the knowingly false report will be considered a serious matter and render the person concerned subject to disciplinary proceedings including possibly termination of employment; or
- they disclose the information regarding the allegation of unacceptable conduct to anyone other than senior people in PCC or the Executive Committee, Finance and General Business Committee or other relevant authority, or an external person or body appointed by the Finance and General Business Committee for such purposes, except where required by law to disclose the information (See Reporting).

### **Confidentiality**

PCC will use all reasonable efforts to protect the identity of a Whistleblower. PCC reserves the right, however, to disclose the identity of the Whistleblower, the information disclosed by the Whistleblower, and/or information that may lead to the identification of the Whistleblower, where:

- the Whistleblower has given express written consent to such disclosure;
- the disclosure is required by law;
- the alleged unacceptable conduct relates to a contravention or possible contravention of National Law;
- the disclosure is necessary to prevent or lessen a serious threat to a person's health and safety or where there is a material risk of a person suffering a material financial loss if the disclosure is not made; or
- it is necessary to protect or enforce legal rights or interests or to defend any claims.

The Finance and General Business Committee and its agencies will ensure that all records relating to a report about unacceptable conduct are stored securely.

### **Privacy**

Information disclosed regarding personal or sensitive information within the meaning of the Privacy Act will be treated in accordance with the PCC's Privacy Policy<sup>1</sup>, subject to access by:

- legal advisors;
- external auditors; or
- regulatory bodies, as required or authorised by law.

### **External Reporting of matters of concern**

The purpose of this Policy is to enable people to report matters of concern about PCC within the

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<sup>1</sup> Under development

internal structures of the organisation. People reporting matters of concern are required to maintain their duties of confidentiality regarding PCC, and specifically their obligation not to disclose confidential information to persons outside PCC. These obligations of confidentiality do not prevent a person, however, from disclosing information to a relevant authority (if appropriate). See also Reporting, above.

### **Investigation Process**

The person or persons appointed to undertake or co-ordinate an investigation and response will be provided with clear and specific powers and authority and access to all relevant information. The investigator will consult with the relevant people to ensure that the matter is thoroughly understood. Where warranted, the investigation itself may be better undertaken at an agency governance level or by an independent source so that specialist knowledge may be applied, and/or the inquiry can be seen to be independent.

Within the constraints of the delegated authority, the investigator will recommend what further action, if any, is to be taken. Any recommended action must be consistent with:

- the PCC's Employment Policy<sup>2</sup>;
- National legislation; and/or
- PCC's Code of Conduct.

At each meeting of the Finance and General Business Committee, the Chair and/or the General Secretary shall provide a report summarising any activities under this Policy, generally without disclosing the identity of the Whistleblower.

If someone involved in the reporting or review process is perceived to be implicated in the case or has a conflict of interest, that person's manager or supervisor will act in their place during any investigation.

### ***Related Resources***

Additional resources for the implementation of this policy include the PCC's Fraud Policy and Conflicts of Interest Policy.

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<sup>2</sup> Under development