POLICY G009: WHISTLEBLOWING POLICY

Responsible person	CEO	Version	1.5
Approved by Board of Directors on	27 February 2019	Scheduled review date	May 2027

PREAMBLE

This policy was written by So They Can (Australian Entity) for use across all So They Can offices. So They Can operates five offices registered in each of Australia, Kenya, Tanzania, New Zealand, the USA and England & Wales, which are part of the So They Can Global Alliance. In this policy, 'CEO' means CEO of So They Can (Australian Entity). Unless specified otherwise the 'Board' refers to the board of So They Can (Australian Entity). This policy is intended for all So They Can staff, Board members and volunteers, in all 6 So They Can offices. So They Can procedures are consistent with So They Can policies.

DEFINITION

1. **Whistleblowing** is defined as deliberate, voluntary disclosure of individual or organizational wrongdoing by a person who has access to data, events or information about an actual, suspected or anticipated wrongdoing within the organisation.
2. **Whistleblower** refers to any Representative who attempt to make or wish to make a report in connection with a wrongful act under this policy and who wish to avail themselves of the protection offered by this policy.
3. A **wrongful act** includes, but is not limited to:
    - breaches of legal obligations (including negligence, breach of contract, breach of administrative law);
    - suspected or proven breach of So they Can policies or procedures notably but not limited to Child Protection, Gender Equality, Prevention of Sexual Exploitation, Abuse and Harassment and Counter Terrorism Policies.
    - criminal offences;
    - mismanagement of funds;
    - actual or suspected fraud;
    - abuse of authority;
    - disclosures related to miscarriages of justice;
    - health and safety risks, including risks to the public as well as other employees;
    - damage to the environment;
    - the unauthorised use of organisational funds;
    - possible fraud and corruption;
    - sexual or physical abuse of clients;
    - other unethical conduct; or
    - the concealment of any of the above.
4. **So They Can representative** – are all individuals and institutions who act on behalf of So They Can regardless of whether or not there is a formal legal agreement between them and So They Can. This includes, but is not limited to, all trustees, members, directors, employees, contractors, consultants, advisors, volunteers and implementing partners irrespective of

which country their role is situated.

POLICY

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

So They Can is committed to fostering a culture where its representatives 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 So They Can's core values by empowering all Representatives to report any wrongful acts in good faith.

This policy is intended to provide reporting mechanisms and the means through which all Representatives regardless of their office location, are able to report alleged or suspected wrongful acts.

PRINCIPLES

1. All So They Can Representative have an obligation to report wrongful acts or suspected wrongful acts in accordance with this policy;
2. All So They Can Representative have the right to speak freely and honestly to report wrongful acts in a safe environment without fear of retaliation or reprisal; and
3. So They Can will respond in a timely, respectful and confidential manner to all disclosures of wrongful acts.
4. So They Can will take steps to protect its personnel from detrimental treatment or dismissal if they report actual or suspected wrongful acts in good faith.

PROCEDURES

1. Confidentiality

   If a wrongful act or a suspected wrongful act is reported under this policy, So They Can will endeavor 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, So They Can 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.

   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 Representative, 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.

So They Can will take reasonable precautions to store any records relating to an Incident 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.

2. 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; or
- 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 So They Can Board. The So They Can Board is independent of management and will arbitrate the matter.

3. 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.

4. False disclosures

So They Can 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, which could include dismissal.

5. Procedure for raising and handling a concern

So They Can uses an anonymous online platform Whispli available to all Representatives to report concerns of suspected or anticipated wrongdoing or unethical behaviour by another person, or a group of persons, within the So They Can organisation in an entirely safe way.

To report a wrongful act, unethical behaviour or make a complaint please go to So They Can's Incident Report Form on Whispli using the following link https://app.whispli.com/SoTheyCan, also available on the So They Can website. The whistleblower can chose to provide his/her contact details, only available to the person investigating the Incident Report, or to remain anonymous. With the application working through 256 bit encryption the whistleblower's IP address is never revealed. Additional supporting materials such as photographs, videos and documents can be attached with the Incident Report.

Once an incident report is submitted through Whispli it gets forwarded by the So They Can Whispli account users (the CFO and the Head of the So They Can Audit and Risk Committee) and to the CEO who also has an access to the Whispli account. The CEO responds to the author of the complaint thanking them for their concern and for bringing it to So They Can's attention and informing them the matter will be investigated.

The CEO will instruct a case manager to investigate. The Board, the CEO, the Program Implementation Manager, or the Kenyan or Tanzanian Country Director will become the case manager in charge of the investigation according to:

- If a complaint is about a So They Can Program Implementing Manager then the CEO will manage the investigation.
- If the complaint is about the CEO then the CFO and Head of ARC will instruct the So They Can Board to manage the investigation.
- Where a complaint does not involved the CEO, and the complaint is of a medium or high risk as specified by a Risk Rating matrix in So They Can's Risk Management Policy, the CEO will inform the So They Can International Board and relevant in country Board of the complaint.
- Where a complaint relates to in country operation and the complaint is of a low risk as specified by a Risk Rating matrix in So They can's Risk Management Policy, then the Kenyan or the Tanzanian Country Manager will manage the case according to the complaint's geographic relevance.
- Where the complaint relating to in country operations involves the Kenyan or the Tanzanian Country Manager but is of low risk the Country Director will manage the investigation.

The case manager will do an initial assessment to confirm it is a valid report and begin investigation. This can include corresponding with the informant via the Whispli platform or

another channel if details are disclosed by the information. The case manager will keep the So They Can Board, the CEO or the Country Director updated on the progress of the investigation.
Once the case manager has finalised their investigation and report, management and the informant will be updated. At this point, the case manager will hand everything over to So They Can executive management for any subsequent action to take place.

Where the complaint is medium or high risk the CEO will inform the author and the Boards of the result of the investigation.

Representatives may also raise their concerns verbally or in writing with their immediate manager, Project Supervisor or Country Manager, or, if not comfortable with doing so, they have the option to raise the matter directly with the CEO or a Board director, and should include full details together with any supporting evidence that may be available. They should state they are using the Whistleblowing Policy and specify whether they wish for their identity to be kept confidential. People choosing to raise their concerns in writing must use the template So They Can Incident Report contained within So They Can Incident Management Plan.

6. How a disclosure will be handled

All disclosures will be taken seriously and the following procedure will be used:

(a) The whistleblower must disclose at the outset, any personal interest they may have in the matter. This must include full disclosure of any involvement the whistleblower has had in the matter.

(b) The person to whom it was raised shall manage the disclosure (the **Disclosure Manager**).

(c) The Disclosure Manager will identify a suitable individual who will be instructed to conduct an investigation into the allegation. This person may be internal or external to So They Can. So They Can undertakes to start the investigation within two weeks of the disclosure. The length and scope of the investigation will depend on the subject matter of the disclosure. In most instances, there will be an initial assessment of the disclosure to determine whether there are grounds for a more detailed investigation to take place or whether the disclosure is, for example, based on erroneous information.

(d) The whistleblower may be asked to provide more information during the course of the investigation.

(e) The person investigating the disclosure will prepare an investigation report that will be reviewed by the Disclosure Manager.

(f) Appropriate action will be decided by the Disclosure Manager in discussion with relevant senior managers and the executive team. Action may include: initiating a disciplinary process, or informing external authorities if a criminal action has been committed, eg fraud or theft. If referral to an external authority is necessary the Board will be advised and the whistleblower will be informed, although if So They Can considers it appropriate to do so, such a referral may

need to be made without the whistleblower's knowledge or consent.

(g) If it is found that there is not sufficient evidence of a wrongful act, or the actions of the individual(s) are not serious enough to warrant disciplinary action, it may be appropriate for the Disclosure Manager to take a more informal approach to dealing with the matter. In this circumstance possible outcomes of the investigation could be that:

- The allegation could not be substantiated; or
- Action has been taken to ensure that the problem does not arise again.

(h) If the whistleblower is not satisfied with the response they have received they have the option to raise the matter directly with the CEO or a Board member directly.

7. Corrective action and compliance

Should allegations be found to be unsubstantiated, every effort will be made to address any negative effects on the reputation and morale of personnel involved.

As part of the investigation into disclosures made under this policy, recommendations for change will be invited from the investigator to enable So They Can to minimise the risk of the recurrence of any wrongful act that has been disclosed. The Disclosure Manager, or a designated senior manager, will be responsible for reviewing and implementing these recommendations.

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; and
- have their defence set out fairly in any report.

So They Can recognises that individuals against whom a report is made must also be supported during the handling and investigation of the alleged wrongful act. So They Can 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 So They Can may include referral for counselling.

Where a person is named by a whistleblower as being suspected of a possible wrongful act but preliminary inquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted then the whistleblower will be informed of this outcome and the matter laid to rest.

Where an investigation does not substantiate the report, the fact that the investigation has been

carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.

RELATED DOCUMENTS

So They Can Policy and Manual Register
So They Can Risk Management Policy
So They Can Incident Management Plan – Incident Report
So They Can Incident Register

Date	Version	Comment
October 2013	1.0	
February 2019	1.2	Sign off authority changed to the Board from CEO, old version of Whistle blower's report removed.
November 2019	1.3	Added breach of STC policies into definition of wrongful act
October 2020	1.4	Addition of in country management to procedural investigation of low-risk complaints
June 2021	1.4	Policy review, no changes
July 2022	1.5	Update role titles
April 2023	1.5	Biennial policy review, no changes
May 2025	1.5	Biennial policy review, England & Wales entity added to pre-amble