

	Whistleblowing Policy and Procedure	
	Type: Policy/Procedure	Approval Date: 20.07.2026
	Document Owner: Governance	Version: 3.0
	Document No: ORH-05	Review History: 21.05.2019 08.02.2023, 18.06.24, 20.07.26
	Approved By: Board	

1.0 INTRODUCTION

Our Rainbow House is committed to observing the highest standards of fair dealing, honesty and integrity in our activities, and ensuring accountability and transparency is instilled in all areas of our operations. The ability to report any misconduct or wrongdoing, without fear of adverse consequences, is seen as a critical element of internal controls for governance of our organisation.

2.0 REFERENCE

Anti-Discrimination Act 1991 (Qld)
Australian Charities and Not-for-profits Commission Act 2012 (Cth)
Corporations Act 2001 (Cth)
Crime and Corruption Act 2001 (Qld)
Criminal Code Act 1899 (Qld)
Employment Code Act No. 3 of 2019 (Zambia)
Industrial and Labour Relations Act (Zambia)
Public Interest Disclosure Act 2013 (Cth) (optional)
Sex Discrimination Act 1984 (Cth)
Work Health and Safety Act 2011 (Qld)
ACFID Code of Conduct
Our Rainbow House Association Rules
Our Rainbow House Child Protection Code of Conduct
Our Rainbow House Child Protection Policy and Procedure
Our Rainbow House Code of Conduct
Our Rainbow House Complaints Handling Policy and Procedure
Our Rainbow House Confidentiality Policy and Procedure
Our Rainbow House Conflict of Interest and Related Party Transactions Policy and Procedure
Our Rainbow House Record-Keeping Policy and Procedure
Our Rainbow House Safeguarding Vulnerable People Policy and Procedure

3.0 DEFINITIONS

Discloser/Whistleblower - means a person, organisation or its representative, making a disclosure of misconduct or wrongdoing, as per this policy and procedure.

Disclosure shall mean a report of actual or suspected misconduct that reveals fraud, corruption, illegal activities, gross mismanagement, malpractice or any other serious wrongdoing.

Frivolous complaint/disclosure shall mean one which is considered to be:

- made without evidence to cause annoyance;
- regularly focused on a trivial matter to the extent which is out of proportion to its significance and the person raising the complaint continues to focus on this matter;
- continually lodged to invoke a desired response; or

- on a matter which the person persists in pursuing despite the board's reasonable efforts to help them rectify their concerns, and/or where the concerns identified are not within the realm of the board to investigate, and/or where the board has advised the person that the matter has been investigated and resolved.

Our Rainbow House community shall mean all representatives of Our Rainbow House, students, guardians and family members, caregivers, sponsors, donors and visitors, i.e., anyone directly or indirectly involved in Our Rainbow House activities.

Representative shall mean any board member, staff member, volunteer, student placement, apprentice, contractor, sub-contractor or any other person who is caused to undertake tasks or duties on behalf of Our Rainbow House.

Vexatious complaint/disclosure shall mean one which is not made in good faith and is considered to be:

- made maliciously to damage a person's career or reputation or otherwise discredit them;
- made to discredit the reputation of Our Rainbow House;
- made as an act of retribution towards an individual or Our Rainbow House;

Whistleblowing shall mean the disclosure by a witness of actual or suspected misconduct that reveals fraud, corruption, illegal activities, gross mismanagement, malpractice or any other serious wrongdoing.

4.0 SCOPE

This policy applies to:

- all members of the Our Rainbow House community.
- how Our Rainbow House deals with disclosures of misconduct or wrongdoing from whistleblowers in an appropriate manner ensuring the protection of the whistleblower/s as far as reasonably possible.

5.0 PURPOSE

The purpose of this policy is to ensure all members of the Our Rainbow House community have a clear understanding of our expectations, and their own obligation, in reporting misconduct or wrongdoing within, or by, Our Rainbow House and their right to do so without fear of reprisal.

This policy should be read in conjunction with the *Our Rainbow House Complaints Handling Policy and Procedure*, *Child Protection Policy and Procedure*, *Safeguarding Vulnerable People Policy and Procedure*, *Code of Conduct* and *Conflict of Interest and Related Party Transactions Policy and Procedure*.

6.0 RESPONSIBILITIES

Our Rainbow House Representatives have a responsibility to ensure:

- each person is encouraged and supported in being accountable for their own behaviour;
- their own actions and behaviours mirror those outlined in our policies and procedures;
- any concerns, (either real or suspected), regarding misconduct or wrongdoing are reported in accordance with this policy.
- appropriate action is taken to prevent and respond to reports of misconduct or wrongdoing.

Whistleblowers have a responsibility to:

- make disclosures in a timely manner;
- not make any false or misleading disclosures;
- maintain their confidentiality about the disclosure;
- keep copies of correspondence secure;
- report any reprisal if it occurs;

The Board, delegates and investigators, have a responsibility to ensure that:

- any actual, perceived or potential conflict of interest relating to a disclosure are disclosed and the conflicted party does not participate in the assessment, investigation, decision-making or resolution of a matter where such a conflict exists.
- those who take action to report misconduct and wrongdoing are protected from any adverse consequences resulting from their disclosure.
- this policy and related procedures are communicated, implemented and enforced.

7.0 POLICY STATEMENT

Our Rainbow House is committed to fostering a culture of integrity, accountability and transparency. We encourage the reporting of actual or suspected misconduct, wrongdoing, unethical behaviour, breaches of law, policy violations and any conduct that may:

- cause harm to individuals;
- result in financial or non-financial loss to Our Rainbow House; or
- damage the reputation, operations or effectiveness of Our Rainbow House.

All representatives of Our Rainbow House who become aware of actual or suspected misconduct or wrongdoing are expected to report their concerns in accordance with this policy. Members of the Our Rainbow House community and the general public are also encouraged to raise concerns in good faith.

Our Rainbow House is committed to ensuring that disclosures are managed fairly, confidentially, promptly and in accordance with the principles of procedural fairness. No person who makes a disclosure in good faith and on reasonable grounds will be subject to reprisal, victimisation, discrimination or any other adverse consequence as a result of raising a concern.

In responding to disclosures, Our Rainbow House will:

- act promptly and take all disclosures seriously;
- maintain confidentiality wherever possible;
- ensure procedural fairness and impartial decision-making;
- manage actual, perceived and potential conflicts of interest;
- support the wellbeing of all parties involved;
- protect whistleblowers, witnesses and other affected persons from adverse consequences;
- communicate the process, progress and outcomes of matters as appropriate.

Where a disclosure is substantiated, appropriate action will be taken, which may include corrective, disciplinary, safeguarding, governance or legal measures. Where a disclosure is found to be false, malicious, frivolous or vexatious, appropriate action may also be taken.

8.0 PROCEDURE STATEMENT

Making a disclosure

Who can make a disclosure?

Our Rainbow House has procedures in place that allow anyone to confidentially raise concerns about possible misconduct or wrongdoing.

What types of breaches can be reported? (Reportable Conduct)

You can make a disclosure under this policy if you have reasonable grounds to believe that a representative of Our Rainbow House, or another person who has dealings with our organization, has engaged in conduct (**Reportable Conduct**) which is:

- dishonest, fraudulent or corrupt;
- illegal (such as theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage to property);
- unethical including any breach of the Our Rainbow House policies or governing documents;
- oppressive or grossly negligent;
- potentially damaging to Our Rainbow House, its representatives, community members or a third party;
- misconduct or improper state of affairs;
- a danger, or represents a danger to the public or financial system;
- harassment, discrimination, victimisation or bullying.

Any disclosures that do not fall within this definition of Reportable Conduct, will not qualify for protection under the *Corporations Act 2001 (Cth)*. It will be at the discretion of Our Rainbow House whether it considers there is a reasonable suspicion that the Reportable Conduct is occurring and/or whether the conduct constitutes “misconduct or improper state of affairs” under the *Corporations Act 2001 (Cth)*.

Reportable Conduct does not include personal work-related grievances. A personal work-related grievance is a grievance about any matter in relation to a representative’s current or former employment, having implications (or tending to have implications) for that person personally and that do not have broader implications for Our Rainbow House. Examples of personal work-related grievances are as follows:

- An interpersonal conflict between the whistleblower and another representative;
- A decision relating to the engagement, transfer or promotion of the whistleblower;
- A decision relating to the terms and conditions of engagement of the whistleblower;
- A decision to suspend or terminate the engagement of the whistleblower, or to otherwise discipline them.

Personal work-related grievances should be reported to the Project Coordinator or Director, in accordance with the *Our Rainbow House Complaints Handling Policy and Procedure* and *Association Rules - Grievance Procedure*.

How do I make a disclosure?

Disclosures may be made verbally, (in person or by telephone), in writing, (by post or email), or online via our website or social media. A whistleblower may choose to make a report verbally but request assistance in putting the report in writing. They may also choose to have a friend or advocate assist with the making of a report.

Whistleblowers may submit reports directly to:

- Director Alison Ray - phone: +61 407 040 251 or email to alisonjray@ourrainbowhouse.com.au
- Australian Office: admin@ourrainbowhouse.org.au
- Project Co-ordinator – phone: +260 971 594 160 or email to orh-projectassistant@live.com or placed in their letter box/ pigeonhole.
- any caregiver or staff member.
- the duly constituted authority responsible for the enforcement of the law in the relevant area (e.g. police).

Where you do not feel comfortable making an internal report, or where you have made an internal report, but no action has been taken within a reasonable time, you may refer your disclosure to an appropriate

external body, such as the Australian Charities and Not-For-Profits Commission ([Raise a concern | ACNC](#)) in relation to Reportable Conduct.

Whistleblowers may also contact the Code Committee of the Australian Council for International Development (ACFID) to make a complaint regarding an alleged breach of the ACFID Code of Conduct by Our Rainbow House. We support a whistleblower's right to do so.

Email: code@acfid.asn.au

Mail: Chair
ACFID Code of Conduct Committee
C/- ACFID
Private Bag 3
Deakin ACT

What do I include in my disclosure?

You should include as much information as possible about the suspected wrongdoing including:

- who was involved;
- what happened;
- when it happened;
- where it happened;
- whether there were any witnesses;
- any evidence that supports your disclosure;
- any other information that supports your disclosure or would assist in the investigation;
- your contact details (unless reporting anonymously).

What protections are in place for Whistleblowers?

Anonymity:

Whistleblowers have the right to de-identify reports of misconduct or wrongdoing at their request. It may be difficult for Our Rainbow House to properly investigate the matters disclosed if a report is submitted anonymously and therefore, we encourage you to share your identity when making a disclosure, however you are not required to do so.

In some instances, Our Rainbow House may be legally bound to make further reports to constituted authorities for alleged breaches of the law. In these cases, our legal obligations will take precedence and therefore the identity of the whistleblower may need to be divulged to relevant authorities (e.g. police).

Overall, we will not disclose the identity of the whistleblower unless:

- The whistleblower consents;
- We are required to provide the whistleblower's identity by law;
- The disclosure of the whistleblower's identity is necessary to prevent a serious threat to a person's health or safety.

Protection against adverse consequences:

Any person/s making a disclosure of suspected misconduct or wrongdoing shall be protected from any retribution, reprisal or adverse consequences as a result of their report providing that their disclosure:

- was made in good faith;
- was based on reasonable grounds; and
- conforms to these procedures.

Adverse consequences include, but are not limited to:

- termination of employment;

- injury to employment including demotion, disciplinary action;
- alteration of position or duties;
- discrimination;
- harassment, bullying or intimidation;
- victimisation;
- harm or injury including psychological harm;
- damage to a person's property;
- damage to a person's reputation;
- damage to a person's business or financial position;
- any other damage to a person;
- legal action; or
- threats of any of the above.

Is there anything else I need to know?

Where appropriate, we may establish a committee involving representatives from partner organisations and/or members of the communities we serve to address and manage disclosures we receive.

Support is available from Our Rainbow House for anyone wishing to make a disclosure. Alternatively, you may also seek legal advice or access third party support providers such as Lifeline:

- Australia -13 11 14
- Zambia - Children: 116 Adults: 933

Withdrawing a disclosure of misconduct or wrongdoing:

Disclosures may be withdrawn at any time with no further action taken, except where the board feels that a breach of this policy has occurred. In that instance the board may decide to continue to investigate the disclosure to determine if follow-up action is needed.

Frivolous, vexatious or false accusations:

Our Rainbow House views all disclosures of misconduct or wrongdoing as serious. As such any person making intentionally false accusations or those that are deemed frivolous or vexatious in nature may be investigated using this same procedure. If the disclosure is found to be intentional or malicious the board may then decide to take disciplinary action as a result.

Responding to Disclosures of Misconduct or Wrongdoing

Stage 1 – Preliminary assessment

The disclosure must be immediately discussed with the board during a special meeting.

The board will assign a delegate who will manage the process.

Conflict of Interest

Any Board member, delegate or investigator who is the subject of the disclosure, is a witness, has a personal relationship with an involved party, or has an actual, perceived or potential conflict of interest must immediately declare the conflict and take no part in the assessment, investigation, decision-making or resolution of the matter.

The remaining Board members will determine how the matter will proceed and may appoint an alternative delegate, investigator or decision-maker where necessary to ensure independence and procedural fairness.

The delegate must:

- Immediately acknowledge receipt of the disclosure and notify the whistleblower of the process that will be undertaken (unless received anonymously);
- Obtain all relevant information pertaining to the disclosure;
- Assess how the matter will be handled where the discloser requests they not be identified;
- Assess how the matter will progress. This may include:
 - Collecting and reviewing all provided materials
 - Assessing the disclosure to determine whether it is frivolous or vexatious or requires investigation.
 - Providing advice to the board on whether the matter is deemed appropriate for investigation.

Prior to an investigation, the board may decide the matter is frivolous or vexatious, or not suitable for progression under this policy. This may be the case where the board has a legal obligation to report to an authorised body (e.g. police) and in this case no further investigation will be undertaken internally. In this instance the whistleblower will be advised of the outcome and the reasons for dismissal of the disclosure.

Stage 2 – Investigation

Where the preliminary assessment identifies that further examination is required, a formal investigation may be undertaken. This may occur where:

- the disclosure is serious in nature;
- further information is required to properly assess the disclosure; or
- the Board determines that an investigation is appropriate.

Investigator appointment

The Board may appoint a delegate, an independent investigator, or another suitably qualified person to conduct the investigation.

Where a disclosure concerns the Director, Project Coordinator, a Board member, or any person involved in managing or deciding the matter, the Board will consider whether an independent external investigator should be appointed, taking into account the seriousness of the allegations, actual or perceived conflicts of interest, and the need to ensure procedural fairness and independence.

Conduct of the investigation

The investigator will determine the appropriate scope and methodology of the investigation. This may include:

- interviewing relevant parties and witnesses;
- obtaining written statements;
- collecting and reviewing relevant records, documents and other evidence; and
- seeking additional information where required.

Any person participating in an interview may be accompanied by a support person, provided that person is not a witness or otherwise involved in the matter.

Procedural fairness

All investigations must be conducted in accordance with the principles of natural justice and procedural fairness.

Prior to being interviewed, any person who is the subject of allegations must:

- be advised of the substance of the allegations;

- be provided with a reasonable opportunity to respond; and
- be given adequate time to prepare for any interview or meeting.

All interviews should be conducted separately unless exceptional circumstances require otherwise.

Investigation findings

At the conclusion of the investigation, the investigator must prepare a written report setting out:

- the allegations investigated;
- the evidence considered;
- findings of fact;
- reasons for the findings; and
- any recommendations for resolution or further action.

The report must be provided to the Board for consideration.

Board decision

The Board, or a person delegated by the Board, will normally make the decision on any disclosure that has required investigation. In making its decision, the Board will consider:

- the findings of fact;
- any recommendations made by the investigator;
- the seriousness of the conduct;
- any legal, safeguarding or regulatory obligations; and
- the best interests of Our Rainbow House and those affected.

Timeframes

All reasonable efforts should be made to complete investigations within 30 days of the conclusion of the preliminary assessment or, where no preliminary assessment is undertaken, within 30 days of the disclosure being received.

Where this timeframe cannot reasonably be met, the parties will be advised of the reasons for the delay and the anticipated timeframe for completion.

Stage 3 – Resolution

Unsubstantiated Disclosures

If a disclosure is found to be unsubstantiated, no further action will be taken. The reason/s for this decision must be communicated, by the board or its delegate, to both parties in writing. Other instances where no further action is to be taken may include:

- insufficient detail or evidence of the allegation is able to be provided to enable the matter to be properly investigated;
- the disclosure is deemed frivolous or vexatious.

Substantiated Disclosures

If a disclosure is substantiated the decision and actions to be taken must be communicated, by the board or its delegate, in writing to both parties.

Where a disclosure is substantiated, actions may include:

- education, training or counselling;
- changes to systems, procedures or controls;
- performance management;
- disciplinary action;
- termination of employment, engagement or volunteer service;

- referral to external authorities; and/or
- any other action considered appropriate by the Board.

Review of decisions

If either party believes the investigation process was not conducted fairly, or significant new information becomes available that was not previously considered, they may submit a written request for review to the Board within 30 days of being notified of the outcome.

The Board will determine whether a review is warranted and may:

- confirm the original decision;
- appoint an independent reviewer;
- direct that further investigation be undertaken; or
- vary the original decision.

Nothing in this procedure prevents a person from reporting their concerns to an appropriate external authority, including the ACNC, ACFID, police or other relevant regulatory body.

Record keeping

Matters dealt with in accordance with this policy and procedure must be documented and stored securely in the Australian office. The record must include:

- a copy of the original disclosure;
- any correspondence sent to involved parties;
- all evidence gathered;
- statements from all persons interviewed;
- an outline of the process;
- a copy of the fact of findings and recommendation to the board (where applicable);
- outcomes and further actions taken; and
- copies of correspondence finalising the matter.

All records must be kept confidential.

Reviewing Systems of Work

Upon completion of addressing any matter involving a disclosure made by a whistleblower, the workplace should be examined to identify and address any underlying factors that may have contributed. This includes reviewing workloads, staff levels and existing policies, procedures and training for effectiveness.

9.0 REVIEW

Date of next review: 20/07/2028 or after any serious incident, to determine if the policy and associated procedure has been effective.