



## Protected Disclosure Policy

<b>Last review date</b>	June 2024	<b>Policy owner</b>	Head of Corporate Services
<b>Next review due</b>	June 2025	<b>Policy Classification</b>	Board via Risk, Audit and Finance Committee
<b>Frequency of review</b>	Annual	<b>Policy Type</b>	Governance and Risk

## Policy

### Purpose

Brave is committed to fostering a culture of legal, ethical and moral behaviour, and exemplary corporate governance. The value of transparency and accountability is recognised in its administrative and management practices.

The purpose of this Policy is to create an environment and culture where people feel free and safe to speak up when they witness or reasonably suspect behaviour that seems unethical, immoral, or not in accordance with laws and obligations.

### Policy Statement

Brave is committed to maintaining a secure and confidential platform for individuals associated with our organisation to report any serious wrongdoing. Our policy is guided by ASIC's Regulatory Guide 270 (ASIC, 2019) and the ACNC Whistleblower Protections fact sheet (ACNC, n.d.), and prepared in accordance with the Protected Disclosure Act (2012).

This Policy aims to:

- encourage individuals to bring their concerns forward or report improper conduct in good faith;
- ensure that individuals who disclose wrongdoing have the ability to do so safely, securely, anonymously, and with confidence that they will be protected, supported, and engaged with free from prejudice;
- provide a mechanism by which reports of misconduct are dealt with promptly, thoroughly, and with consideration of the privacy and wellbeing of those involved;
- allow for resolution of reported matters in line with ethical, moral, and legal obligations; and
- ensure that Brave maintains the highest standards of ethical behaviour and integrity.



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## Scope

Under the whistleblower protection legislation, an eligible whistleblower can be someone who is, or was:

- an employee or volunteer of Brave
- an individual or an employee of a person that supplies services or goods to Brave
- an individual who is otherwise associated with Brave
- a relative or dependant of any of the above, or a dependant of the spouse of any of the above
- an individual prescribed by the Regulations as being an eligible whistleblower

It is noted an eligible whistleblower can remain anonymous and still qualify for protection.

## Definitions

<b>Whistleblower/ whistleblowing</b>	A person who makes a disclosure or a report about a person or organisation regarded as engaging in unlawful or immoral activity (see 'reportable/improper conduct' for further details).
<b>Reasonable grounds</b>	A set of facts or circumstances that would cause a person of ordinary and prudent judgment to believe beyond a mere suspicion.
<b>Reportable conduct</b>	Actions or omissions by an individual or the organisation that are illegal, unethical, or immoral.  Note: further detail on reportable conduct is outlined in detail in Section 2.
<b>Report/ disclosure</b>	Sharing information of a sensitive or concerning nature, or information that relates to an act of Reportable Conduct, Emergency Interest Disclosure, or Public Interest Disclosure, with another person.  A report or disclosure does not need to be formally made to an Eligible Recipient to warrant further investigation or action.
<b>Emergency Disclosure</b>	Specifically, a disclosure made on reasonable grounds of belief that the information in your report concerns substantial and imminent danger to the health or safety of one or more people or to the natural environment. In this instance, please refer to the WHS policy and reporting guidelines as a first instance.  For the purposes of this Policy, Emergency Disclosure related behaviour will fall under the definition of 'Reportable Conduct'.
<b>Public Interest Disclosure</b>	Specifically, a disclosure made on reasonable grounds of belief that reporting your concerns to a journalist or parliamentarian would be in the best interest of the public.  For the purpose of this Policy, Public Interest Disclosure related behaviour will fall under the definition of 'Reportable Conduct'
<b>Substantiated</b>	Providing evidence to support or prove the truth of a claim that is being made.



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<b>Free from prejudice</b>	A decision that is made with the exemption of having an adverse judgment or opinion formed beforehand, or without knowledge or examination of the facts.
<b>Eligible person/recipient</b>	An individual who is eligible to receive a protected disclosure. This may include a manager or director of the organisation, a lawyer, or a prescribed authority like ASIC. Further details on Eligible Recipients for Brave can be found in section 6.
<b>Stopline</b>	Brave’s contracted anonymous whistleblowing support service who provide an anonymous whistleblower service hotline and staff training services to Brave.
<b>LawSquared</b>	Brave’s contracted legal support service.
<b>The Virtual IT Department</b>	Brave’s contracted information technology support service.
<b>Direct manager</b>	The person to whom another person reports to within the organisation
<b>HR</b>	Human Resources
<b>Brave, the organisation</b>	Brave Foundation
<b>Staff, Brave Staff, Board members, staff member</b>	All employees (engaged in any capacity – permanent, temporary, full time, part time, casual), current or former secondees, volunteers, contractors, agency employees, consultants & suppliers (inc. the people who work for them) and Brave’s Board Members

## Authorities & Responsibilities

<b>Title</b>	<b>Authorities</b>	<b>Responsibilities</b>
<b>Board of Directors (including Chair)</b>	To approve the Protected Disclosure Policy.	<p>To act as Eligible Recipients within Brave.</p> <p>Receive and respond to serious cases of Protected Disclosures as they arise within the organisation, as brought via the Risk, Audit and Finance Committee.</p> <p>To review biyearly reports on any Disclosures made and investigations completed, completed by the Head of Corporate Services.</p>
<b>Chair of the Board</b>		To act as an Eligible Recipient within Brave



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<b>Risk, Audit and Finance Committee (including Chair)</b>	To endorse the Protected Disclosure Policy.	To manage serious disclosures that may pose operational or reputational risk to Brave, as brought via the CEO.
<b>Risk, Audit and Finance Committee Chair</b>		To act as an Eligible Recipient within Brave.
<b>Chief Executive Officer</b>	<p>To authorise relationships relevant to the Protected Disclosure Policy, such as contract with Stopline.</p> <p>To authorise the procurement of services to assist in the investigation of a Protected Disclosure, such as legal or HR related advice.</p> <p>To nominate Eligible Recipients.</p>	<p>Comply with and ensure oversight of Protected Disclosure Policy within the organisation.</p> <p>To manage serious disclosures that may pose operational or reputational risk to Brave, as brought via the Head of Corporate Services.</p> <p>To lead the investigation, or delegate lead, and manage any Protected Disclosures made involving to the Head of Corporate Services.</p> <p>To act as an Eligible Recipient within Brave</p>
<b>Stopline</b>	To act within the contractual agreement made via/with Brave.	<p>To provide advice and management in relation to best Protected disclosure practices.</p> <p>To offer legal advice in support of an investigation of a Protected Disclosure where requested by the CEO.</p> <p>Ensure compliance with this policy and reporting standards.</p> <p>To provide training and staff awareness around whistleblowing, in particular to those deemed Eligible Recipients.</p> <p>To provide an anonymous Disclosure mechanism.</p> <p>To provide support and reporting via their online portal.</p>



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<b>Head of Corporate Services</b>	<p>To act within the contractual agreement made via/with Stopline.</p> <p>To manage the procurement of and relationship with services to assist in the investigation of a Protected Disclosure, such as legal or HR related advice, as instructed by the CEO.</p>	<p>Comply with and ensure oversight of Protected Disclosure Policy within the organisation.</p> <p>To lead the investigation of and manage any Protected Disclosures made and bring to the CEO where necessary.</p> <p>To manage any breaches of the Protected Disclosure Policy and report to CEO.</p> <p>To act as an Eligible Recipient within Brave.</p>
<b>Senior Leadership Team (SLT) (including Head of Corporate Services and CEO)</b>		<p>Comply with and ensure staff are aware of and comply with the Protected Disclosure Policy.</p> <p>To assist with the investigation of any Protected Disclosures made.</p> <p>To bring any concerning information that may qualify as a Protected Disclosure to an Eligible Recipient.</p>
<b>Employees (including Board, CEO, SLT, Team Leaders, volunteers and contractors)</b>		<p>Comply with the Protected Disclosure Policy</p> <p>To bring any concerning information that may qualify as a Protected Disclosure to an Eligible Recipient, or their direct manager</p>



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## Procedure

### 1. Principles of this Policy

The principles of this Policy include transparency, integrity, fairness, and respect for all parties involved.

**Higher standard** – This Policy is designed to comply with Brave’s legal obligations. If anything in this Policy is inconsistent with any law imposed on Brave, that legal obligation or the “higher standard” will prevail over this Policy.

**Speak up and report it!** – We encourage staff at Brave to report any concerns in line with our policies and procedures.

**Our expectations of staff and Board members** – Brave expects Board members and staff to act honestly and ethically, and to make any report on reasonable grounds.

**Our responsibility to Whistleblowers** – Our obligations to staff are spelt out in this policy, but in particular in in section 8 ‘Protection for Whistleblowers’

**Confidentiality and consent** - Brave will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While Brave encourages Whistleblowers to identify themselves, they have the right to report their concerns anonymously (see section 6 ‘How can I make a report or disclosure’)

### 2. What is Reportable Conduct?

Reportable Conduct usually relates to the conduct of staff, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs, intentional or unintentional, which includes but is not limited to the following:

- Is illegal, dishonest, fraudulent or corrupt
- Is negligent, a default, a breach of trust or breach of duty
- Is unethical, such as dishonestly altering Brave’s organisational records or engaging in questionable accounting practices
- Is a significant or considerable misuse or mismanagement of Brave’s resources
- May cause financial loss to Brave or damage Brave’s reputation, or be otherwise detrimental to Brave’s interests
- Is considered to be improper conduct relating to accounting, internal controls, and compliance
- Is a conflict of interest (a situation when an individual's personal interests – family, friendships, financial, or social factors – could compromise his or her judgment, decisions, or actions in the workplace) that has not been appropriately notified to the organisation and Board, and noted on the conflict-of-interest register (further information regarding conflicts of interest can be found in the Conflict of Interest Policy)
- Is considered to be maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives)
- Is a breach of relevant legislation, or an offence under any Commonwealth law or Act
- Is considered to be serious misconduct or impropriety of any kind, including sexual harassment, or
- Is an attempt to conceal reportable conduct



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## 3. What is not Reportable Conduct?

While staff are encouraged to speak up and report any concerns they may have in relation to the operations or conduct of the organisation or staff members to Brave, not all types of conduct are intended to be covered by this Policy.

This policy does not apply to:

- Internal company grievances (for example, those relating to HR matters)
- External company grievances and feedback (for example, a report of concerning behaviour of a Brave staff member made by an organisational partner or a program participant)
- Child protection related allegations (further outlined in section 13)

These are addressed in Brave's External Complaints and Feedback Policy, Internal Complaints and Feedback Policy, and Child Safe Policy, respectively.

## 4. How do I raise a concern about Reportable Conduct?

If you become aware of any conduct which you consider or believe, on reasonable grounds or otherwise in good faith, may be Reportable Conduct, then you should initially raise it with your direct manager. In many cases, this should satisfactorily address your concern.

Brave recognises there may be highly sensitive issues you do not feel comfortable raising with your direct manager, or that you may feel a concern you have raised has not been adequately addressed. If that is the case, then you can submit a formal report of Reportable Conduct in accordance with the processes below.

To report reportable conduct, please see section 6 of this procedure.

## 5. What information is needed to make a report or disclosure?

For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important that you provide as much information as possible. This includes any known details about the events underlying the report such as :

- date;
- time;
- location;
- name of person(s) involved;
- possible witnesses to the events; and
- evidence of the events (e.g. documents, emails).

In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

## 6. How do I make a report or disclosure?

A report or disclosure can be made to one of the following Eligible Recipients:

- a) The Head of Corporate Services
- b) The CEO
- c) The Chair of Brave's Board – via email on [chair@bravefoundation.org.au](mailto:chair@bravefoundation.org.au)
- d) The Chair of Brave's Risk, Audit and Finance Committee – via email on [RAFchair@bravefoundation.org.au](mailto:RAFchair@bravefoundation.org.au)



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- e) Any member of the Brave Board of Directors
- f) Anonymously, via Stopline's whistleblower hotline service:

**Telephone:** 1300 30 45 50 (Australia Only)  
**Email:** [makeareport@stopline.com.au](mailto:makeareport@stopline.com.au)  
**On-line:** <https://bravefoundation.stoplinereport.com>  
**Mail:** Brave Foundation c/o Stopline,  
PO Box 403, Diamond Creek, VIC 3089

**QR Code Link:**



- g) Brave's audit partner, Seward Dawson
- h) Australian Securities and Investment Commission (ASIC) or Australian Prudential Regulatory Authority (APRA)

Note – You can report to both an eligible recipient (listed above) and the ACNC, though you will only be covered by the protections when you report to an eligible recipient. Generally, if someone makes a disclosure about a charity to ASIC, ASIC will recommend the whistleblower also contact the ACNC. ASIC may also release information to the ACNC itself. ASIC will generally obtain the consent of the whistleblower to do this.

Please note: if your report or disclosure involves one of the eligible recipients listed above, you should make your report or disclosure to a different eligible recipient.

While you are encouraged to make your disclosures to an eligible recipient within Brave or to Stopline in the first instance, under certain circumstances/criteria, disclosures can also be made to journalists, and members of the Commonwealth, State or Territory Parliaments (parliamentarians). Further information on this is available at [Whistleblower rights and protections | ASIC](#)

While Brave encourages you to identify yourself when making a report or disclosure, you may opt to report your concerns anonymously.

It should be noted a report or disclosure does not need to be formally made to an Eligible Recipient to warrant further investigation or action.

## 7. How a report or disclosure is handled

Upon receiving a report or disclosure, and depending on the nature of the disclosure, the Head of Corporate Services (or, in instances against a report or disclosure being made involving the Head of Corporate Services, the CEO or a delegate thereof) will endeavour to assess the disclosure as soon as possible to determine whether:





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- a) It qualifies for protection
- b) Investigation is warranted
- c) If further information or verification is required to investigate the report, and
- d) If additional services are required to investigate the report (i.e. advice from lawyers, human resources services, information technology partners)

The Head of Corporate Services (or the CEO or delegate thereof) may communicate details of the report to any relevant parties required to complete the investigation, including but not limited to the CEO, SLT, other staff members, Board of Directors, Law Squared and The Virtual IT Department.

The Head of Corporate Services (or the CEO or delegate thereof) may require further contact with the Whistleblower, taking into account confidentiality and privacy considerations, to request verifying evidence of the claims that have been made. The Head of Corporate Services ((or the CEO or delegate thereof) may also determine if any resources are needed to the allocated to the investigation (for example, legal or human resources advice).

During the investigation, the Head of Corporate Services (or the CEO or delegate thereof) and anyone else associated with the investigation must:

- act fairly and independently in investigating all the claims which have been reported
- conduct the investigation in as timely a manner as the circumstances allow
- communicate with the whistleblower, the person/s being investigated and any other person participating in the investigation clearly, continuously at various stages of the process and unambiguously, and
- take all appropriate procedural steps and maintain an audit trail relating to investigation activities and document evidence found and critical decisions made during the investigation

The Head of Corporate Services (or the CEO or delegate thereof) must take all reasonable steps to safeguard the confidentiality and privacy of the whistleblower and each person being investigated and any other person participating in the investigation, where requested. The Head of Corporate Services (or the CEO or delegate thereof) must also take all reasonable steps to safeguard the confidentiality of the information comprised in the report that the whistleblower has made and which they have gathered during the investigation.

Where and to the extent it is relevant and appropriate (considering confidentiality and privacy considerations), the Head of Corporate Services or other relevant party will keep the whistleblower and each person being investigated informed of the progress and outcomes of the investigation.

If the report made has been deemed not to be substantiated, an appropriate explanation will be provided to the whistleblower.

Brave will securely keep records and/or details on any reports and disclosures made, including the investigation process and resolution. Consideration will be given to the confidentiality and privacy of the whistleblower and those involved with the investigation. These records may be shared with the CEO, Risk, Audit and Finance Committee, Board, or other relevant party where appropriate, and will also be included in the biannual Protected Disclosure report to the Risk, Audit and Finance Committee and Board.

## 8. Protection for Whistleblowers

If you have reasonable grounds to suspect Reportable Conduct, Brave will support and protect you and anyone else assisting in the investigation and take all reasonable steps to ensure that you are treated fairly during and after the claims are investigated.

This protection applies regardless of whether any concerns raised in a report are found to be true, provided you are acting honestly and ethically and made the report on reasonable grounds. This protection also applies to individuals conducting, assisting or participating in an investigation.



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As per the Whistleblower Protection Act 2019, whistleblowers are protected from retaliation, including discrimination, harassment, or victimisation. Brave adheres to these protections.

These include:

- **Confidentiality:** The Act requires that a whistleblower's identity remains confidential unless they give consent to disclose it. In addition, it is unlawful to disclose information that is likely to lead to the identification of the whistleblower.
- **Immunity from Legal Action:** Whistleblowers are immune from civil, criminal, and administrative liability for making a disclosure. This means they cannot be sued for defamation or breach of confidentiality, nor can they be subject to criminal prosecution or disciplinary action in relation to their disclosure. These protections do not grant immunity for any misconduct a whistleblower has engaged in that is revealed in their disclosure.
- **Protection from Detrimental Acts or Omissions:** The Act provides strong protections against detrimental acts or omissions made in response to a disclosure. It is unlawful to engage in conduct that causes detriment to a whistleblower (or another person) in relation to a disclosure. This can include harassment or intimidation, discrimination, damage to property, harm or injury including psychological harm, and damage to a person's reputation or financial position.
- **Compensation and Other Remedies:** If a whistleblower or another person suffers loss, damage, or injury because of a disclosure and the organisation failed to take reasonable precautions and exercise due diligence to prevent detrimental conduct, the affected person may seek compensation and other remedies through the courts.

Please note that the protections listed above generally apply when the whistleblower reports wrongdoing in accordance with the procedures outlined in the Act. Whistleblowers should consult with a legal professional to fully understand their rights and protections under the law.

Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties. If the whistleblower believes retaliatory action has occurred or is threatened against them, or they are not satisfied with the investigation of their report, they may report this to an Eligible Recipient, or take further steps as outlined in section 9: 'What to do if I am not satisfied with the outcome of my Protected Disclosure'.

## 9. What to do if I am not satisfied with the outcome of my Protected Disclosure

If you are not satisfied with the outcome of the report, there are several actions that can be taken:

- **Formal Request for Review:** You can submit a formal written request for a review of the initial investigation. This request should include the reasons why you are dissatisfied with the initial findings. The review will be conducted by an individual or a body that was not involved in the initial investigation. The process for the review will be transparent, and you will be kept informed of progress and outcomes, where possible and appropriate. Brave will take appropriate action based on the findings of the review. This may involve a revision of the initial findings, taking additional remedial actions, or validating the initial outcome.
- **External Reporting:** Irrespective of your request for a review of the findings, you can report the matter to an external regulatory body such as the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA) (Corporations Act 2001, s 1317AA).
- **Seek Legal Advice:** You may want to consult with a lawyer to understand your rights and potential next steps, especially if you believe you have been retaliated against for making the report.



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- Contact an MP or the Media: In certain circumstances, if you have first reported to ASIC, APRA, or another Commonwealth body, and a specified period has passed without action, you may select to disclose the information to a parliamentarian or a journalist (Whistleblower Protection Act 2019, s 1317AAD).
- Apply for Compensation: If you believe you have suffered detriment as a result of making a disclosure, you may seek compensation through the courts if the organisation has failed to take reasonable steps to prevent the detrimental conduct (Whistleblower Protection Act 2019, s 1317AD).

## 10. Training for Eligible Recipients and Staff

The organisation will provide training through a third party, Stopline. This will ensure that the persons named as Eligible Recipients within Brave are made fully aware of legal responsibilities which govern how they should respond to disclosures and other matters pertaining to their role. It will also ensure staff have a general awareness of the process of making a protected disclosure report, and their rights, responsibilities and protections.

This training will cover matters such as:

- How to identify, receive and handle a protected disclosure
- What are the obligations of the Eligible Recipient?
- What is and what is not reportable conduct?
- Who is bound by whistleblower protection laws?
- What kinds of disclosures are not protected?
- When it is permitted to share information relating to a protected disclosure, and other confidentiality provisions
- Other relevant information

## 11. Support for those involved in a Protected Disclosure statement

Brave recognises that each person involved in a claim of Reportable Conduct (be it the whistleblower, the person/s about whom the report is about, the investigator, and any related person/s) must be supported throughout the process.

These supports will be offered regardless of whether or not a report is substantiated.

If you are involved in a Protected Disclosure process you are encouraged to reach out to your manager, the CEO, or Head of Corporate Services for support.

You will also have access to Brave's EAP provider, Uprise, for anonymous support and additional counselling services. Uprise can be contacted via the below details:

- Through the Uprise platform (online at (<https://app.uprise.co/sign-in>) or via the mobile app (in Apple App or Google Play stores) by registering with the employer code: brave-foundation
- By requesting support here: <https://uprise.co/eapsupport/>
- By sending an email to [team@uprise.co](mailto:team@uprise.co)



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- By calling the hotline: 1300 209 371 (Australia), +64 800 461 271 (New Zealand), +61 2 8294 9546 (overseas)

## 12. False reports or disclosures

If you make a report where you do not have reasonable grounds to suspect there has been Reportable Conduct or knowingly make a false report, you may have engaged in serious misconduct.

If it is discovered that the whistleblower has used this Policy inappropriately, Brave may escalate the breach to management and/or the CEO or Board, which may result in disciplinary action, up to and including termination of contract. (see 'Breach of Policy' for further information)

## 13. Keeping young people and children safe - reporting of suspected abuse of children, mandatory or otherwise

As a Child Safe organisation, Brave recognises the responsibility for children's safety and protection is embedded within the organisation culture including governance, and organisational policies and practices.

Brave takes a systems approach to the management of risk to ensure the identification of harm, reporting of suspected incidents, and monitoring for any trends for continuous improvement. All allegations of child harm are taken seriously, investigated, and reported to the relevant state authority.

Please refer to the 'Child Safe Organisation' Statement and 'Child Safety – Keeping young people and children safe from harm' Policy for information on staff members obligations and requirements for reporting mistreatment, abuse or suspected abuse (mandatory or otherwise).

## 14. Review and Revision

This Policy shall be reviewed annually or sooner, if there is a protected disclosure event to ensure its continued effectiveness and relevance. Any necessary revisions shall be made in consultation with senior leadership team and any relevant subcommittees/employees. The Risk Audit and Finance Committee will endorse the policy for approval by the Board.

## 15. Policy Dissemination

This Policy shall be communicated to staff members, Board members, volunteers, and stakeholders, where relevant. Training and awareness programs will be conducted to ensure understanding and compliance with the Policy.

The policy will be available to all staff within the Employment Hero HR portal, and on the dedicated Stopline Brave Whistleblower page (refer to Section 6 for more information on Stopline)

To ensure Whistleblowers outside of the organisation can access the Whistleblower Policy, the policy will be available on Brave's external website ([www.bravefoundation.org.au](http://www.bravefoundation.org.au))

## 16. Breach of policy

Where there are breaches of this Policy, Brave may escalate the breach to management and/or the CEO which may result in disciplinary action, up to and including termination of contract.



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## 17. Other relevant documents

- External Complaints and Feedback Policy and Procedure
- Internal Complaints and Feedback Policy and Procedure
- Code of Conduct
- Privacy Policy
- Child Safe Organisation Statement
- Child Safety Policy
- WHS Policy
- Conflict of Interest Policy
- Fraud and corruption Policy

### References:

ACNC. (n.d.). *Whistleblower Protections Fact Sheet*.

ASIC. (2019). *Regulatory Guide 270: Whistleblower Policies*.

*Corporations Act 2001 (Cth)*.

*Whistleblower Protection Act 2019*.

POLICY REVIEW HISTORY		
DATE	MODIFICATIONS	NEXT REVIEW DATE
July 2023	Policy drafted	July 2024
July 2023	Approved by Board	
July 2024	Changes to section 6 – how do I make a report or disclosure  Additional Minor wording changes made throughout	July 2025
August 2024	Approved by the Board	