

# Whistleblower Policy

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## Whistleblower Policy

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# Whistleblower Policy

## 1. Purpose

This policy outlines the commitment of Endeavour Foundation to encourage and support the reporting of Wrongdoing, and to protect and support whistleblowers who make disclosures under this policy.

The purpose of this policy is to:

- encourage disclosures of misconduct and wrongdoing;
- provide a safe and confidential process for reporting and investigating disclosures of wrongdoing;
- protect whistleblowers from any reprisals, victimisation, harassment, discrimination, or adverse consequences because of making a disclosure;
- ensure that whistleblowers are treated fairly and respectfully;
- promote a culture of ethical conduct and compliance with the law within Endeavour Foundation; and
- comply with the whistleblower protection regime under the Corporations Act 2001 and Tax Administration Act.

### 1.1. Definitions

In this policy:

- **Disclosure** means a report of wrongdoing made by a whistleblower under this policy.
- **Eligible Recipient** means a person who can receive a disclosure under this policy, as specified in [section 4.2](#).
- **Endeavour Foundation** means Endeavour Foundation and its wholly owns subsidiaries.
- **Misconduct** means any conduct that is dishonest, fraudulent, corrupt, illegal, unethical, or otherwise improper including matters set out in [section 2](#).
- **Whistleblower** means an eligible whistleblower who makes a disclosure under this policy specified in [section 4.1](#).
- **Whistleblower Protection Officer** means the EGM Legal & Governance or the CEO who is responsible for ensuring the protection of the whistleblower’s identity or from any reprisal.
- **Whistleblower Investigation Officer** means a person appointed by the Whistleblower Protection Officer to investigate a matter reported under this policy.
- **Wrongdoing** means any misconduct or an improper situation or circumstances in relation to Endeavour Foundation, including matters set out in [section 2](#).

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## Whistleblower Policy

### 2. Scope

This policy applies to all officers, employees, volunteers, contractors, suppliers, and service providers of Endeavour Foundation. This policy covers any disclosure of wrongdoing and misconduct relating to Endeavour Foundation or a related entity, including but not limited to:

- allegations of violence, abuse, neglect, or exploitation of a person Endeavour Foundation supports
- breaches of the Corporations Act or any other legislation
- fraud, corruption, bribery, theft, or misappropriation of funds or assets
- conflicts of interest, nepotism, or favouritism
- misuse or abuse of authority or position
- serious mismanagement or waste of resources
- endangerment of health, safety, or environment
- harassment, bullying, discrimination, or violence
- any other conduct that may cause financial or reputational damage to Endeavour Foundation.

This policy does not cover personal work-related grievances that do not relate to wrongdoing, such as:

- interpersonal conflicts or complaints
- decisions relating to performance management, discipline, or termination
- decisions relating to terms and conditions of employment.

Personal work-related grievances should be raised through Endeavour Foundation’s grievance procedure or other relevant policies.

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### 3. Principles

Endeavour Foundation Group operates under the following four (4) key whistleblowing principles:

- **Commitment:** Endeavour Foundation Group recognises the value of whistleblowing as a means of promoting good governance and accountability.
- **Protection:** Endeavour Foundation will provide support and assistance to whistleblowers and will take appropriate action to address any wrongdoing that is reported.
- **Fairness:** Endeavour Foundation will also afford procedural fairness and natural justice to any person who is the subject of a whistleblower disclosure and will respect their rights and privacy.
- **Transparency:** Endeavour Foundation will communicate clearly and openly with whistleblowers about the process and outcome of their disclosures and will provide them with feedback and updates as appropriate.

### 4. Policy

#### 4.1. Who can make a disclosure?

An eligible whistleblower is a person who is, or has been a:

- Director, officer, or employee of Endeavour Foundation
- Volunteer of Endeavour Foundation
- Contractor, consultant, supplier, or service provider (or their employees) of Endeavour Foundation
- Clients or a client’s family member, carer, guardian, advocate, or any person acting on behalf of a client.

An eligible whistleblower can also be a relative, dependant, spouse, or dependant of a spouse of any of the above persons.

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### 4.2. Who can receive a disclosure?

A disclosure can be made to any of the following eligible recipients:

- a director, officer, or member of the Executive Team of Endeavour Foundation, or an agent of Endeavour Foundation appointed for the purpose of receiving a disclosure
- an auditor or member of an audit team conducting an audit on Endeavour Foundation; and
- ASIC (Australian Securities and Investments Commission).

### 4.3. How to make a disclosure?

A disclosure can be made:

- verbally (in person or by phone) or in writing (by email, letter, or online form) to an eligible recipient
- via Endeavour Foundation’s external and independent whistleblower reporting service, BDO Confidential. You can contact BDO Secure by:
  - Phone 1300 408 955
  - Email: [securedbdo@bdo.com.au](mailto:securedbdo@bdo.com.au)
  - Internet: [www.bdo.com.au/bdosecure](http://www.bdo.com.au/bdosecure)
  - Post: BDO Secure GPO Box 457, Brisbane Qld 4001.

A whistleblower can choose to remain anonymous when making a disclosure, during the investigation process, and after the investigation is finalised. A whistleblower can also refuse to answer questions that they feel could reveal their identity.

However, if a whistleblower chooses to remain anonymous, it may affect the ability of Endeavour Foundation to investigate the disclosure fully and effectively. Therefore, whistleblowers are encouraged to provide their name and contact details when making a disclosure, and to maintain communication with Endeavour Foundation throughout the process.

Prior to making a disclosure a person can obtain additional information from the EGM Legal & Governance or the Head of Risk, Assurance and Quality.

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### 4.4. Obligations of Eligible Recipients

Eligible Recipients who receive information from a whistleblower must at all times keep confidential:

- the identity of the person who disclosed the Reported Information to them; and
- all information that is likely to lead to the person being identified; and
- unless the person consents to their identity being disclosed or the limitations on disclosure outlined in section 6.1 apply.

An eligible recipient must report to the Whistleblower Protection Officer or Whistleblower Investigation Officer but must take all reasonable steps to reduce the risk that the whistleblower will be identified.

## 5. Handling a Disclosure

### 5.1. Acknowledgement and assessment

Upon receiving a disclosure, the eligible recipient will acknowledge receipt of the disclosure (if contact details are provided). The eligible recipient will provide information reasonably necessary for the purpose of investigating the matter to the Whistleblower Protection Officer but must take all reasonable steps to reduce the risk that the whistleblower will be identified unless consent has been provided to share their details.

The Whistleblower Protection Officer will assess and determine whether it qualifies for protection under this policy and legislation. The Whistleblower Protection Officer will also determine whether an investigation is required.

### 5.2. Investigation

If an investigation is required, the Whistleblower Protection Officer will appoint an investigator who is independent, impartial, and qualified to conduct the investigation. The investigator will follow a fair and objective process and will gather and examine relevant evidence and information. The investigator will also maintain confidentiality and protect the identity of the whistleblower.

The scope, duration, and outcome of the investigation may vary depending on the nature and complexity of the disclosure. The whistleblower will be provided with regular updates and feedback on the progress and outcome of the investigation, as appropriate and as permitted by law.

### 5.3. Reporting and action

At the end of the investigation, the investigator will prepare a report that summarises the findings and recommendations. The report will be submitted to the Whistleblower Protection Officer, who will review it and determine what actions, if any, need to be taken to address the issues raised in the disclosure. The actions may include disciplinary action, legal action, policy or procedure changes, or other remedial measures.

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The whistleblower will be informed of the outcome of the investigation and the actions taken, as appropriate and as permitted by law. Endeavour Foundation will also report on its whistleblowing activities and outcomes to its Audit, Finance, Risk and Compliance Committee, board and where necessary regulators or other stakeholders as required by law or best practice. Always ensuring the protection of the whistleblower.

### 6. Protection and Support

#### 6.1. Confidentiality

Endeavour Foundation will protect the identity and confidentiality of whistleblowers, as far as possible and as permitted by law. Endeavour Foundation will not disclose the identity of a whistleblower or any information that is likely to lead to their identification, unless:

- the whistleblower consents to the disclosure;
- the disclosure is required or authorised by law; or
- the disclosure is necessary to prevent or lessen a serious threat to health, safety, or welfare of any person.

Endeavour Foundation will also take reasonable steps to ensure that any records relating to a disclosure are stored securely and are accessible only by authorised persons.

#### 6.2. Protection from detriment

Endeavour Foundation will not tolerate any reprisals, victimisation, harassment, discrimination, or adverse consequences for whistleblowers or anyone who supports them. Endeavour Foundation will take reasonable steps to protect whistleblowers from any such detriment, including but not limited to:

- providing support and assistance to whistleblowers, such as counselling or other services
- ensuring that whistleblowers are not subject to any actual or threatened dismissal, demotion, suspension, or disciplinary action
- ensuring that whistleblowers are not subject to any actual or threatened harassment, intimidation, or discrimination
- ensuring that whistleblowers are not subject to any other form of detriment.

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Endeavour Foundation will also take appropriate action to address any detriment that has occurred or may occur because of a disclosure, such as:

- taking disciplinary action against anyone who engages in detrimental conduct;
- taking legal action against anyone who engages in detrimental conduct
- compensating or restoring the position of anyone who suffers detriment
- making changes to policies or procedures to prevent further detriment.

In addition to protection under this policy whistleblowers may also qualify for protection under the Corporations Act, or tax legislation where they have complied with this policy and their disclosure is a 'disclosable matter' i.e., the wrongdoing or misconduct relates to a matter protected under the legislation.

Note whistleblowers are still protected under the Corporations Act where they make a disclosure to a legal practitioner for the purpose of obtaining legal advice or representation in relation to the whistleblower protection regime under the Corporations Act.

### 6.3. Compensation and remedies

Whistleblowers may be entitled to seek compensation or other remedies under the Corporations Act if they suffer loss, damage, or injury because of a disclosure and Endeavour Foundation failed to take reasonable steps to prevent the detrimental conduct.

Whistleblowers are advised to seek independent legal advice if they wish to pursue this option.

## 7. Fairness and Transparency

Endeavour Foundation will treat all whistleblowers fairly and respectfully, and will ensure that any disclosures are handled objectively, impartially, and in a timely manner.

Endeavour Foundation will also afford procedural fairness and natural justice to any person who is the subject of a whistleblower disclosure and will respect their rights and privacy.

Endeavour Foundation will communicate clearly and openly with whistleblowers about the process and outcome of their disclosures and will provide them with feedback and updates as appropriate.

Endeavour Foundation will also monitor and review the effectiveness of this policy and its implementation and will make any necessary improvements or amendments.

## 8. Breaches of this Policy

Any breach of this policy by anyone within Endeavour Foundation may result in disciplinary action, up to and including termination of employment or engagement.

Any breach of this policy by anyone outside Endeavour Foundation may result in legal action or termination of contract or relationship.

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### 9. Responsibilities

#### Board

Board has oversight of the effectiveness of the whistleblower program, including approval of this policy.

The Audit, Finance, Risk and Compliance Committee will have oversight on reported matters and investigation outcomes through reports received every quarter. Reports or investigations carrying an undue amount of risk will be reported to the Committee Chair and Board Chair outside of the quarterly updates.

#### CEO and Executives

Encouraging and creating an open, transparent, and safe working environment by setting the tone at the top.

Ensuring individuals covered by this policy in their area of remit are aware of this policy.

Supporting and actively promoting the reporting of matters.

#### EGM Legal & Governance

Owns the program and is responsible for its effectiveness and implementation. This includes training, ease of making a disclosure, investigations, as well as being a point of escalation for any concerns or retaliation that have taken place.

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### Document Information

<b>Division</b>	Legal and Governance
<b>Portfolio</b>	Risk, Assurance & Quality
<b>Document EGM</b>	Darryn Hammond, EGM Legal & Governance
<b>Document owner</b>	Ian Bowyer, Head of Risk Assurance & Quality
<b>Review period (in months)</b>	24
<b>Purpose (for new documents)</b>	N/A
<b>Rationale for change/s (legislative, review due etc)</b>	Annual Board review
<b>Action/s required</b>	Use updated policy
<b>Classification</b>	Public

### Document Amendment History

Version	Date	Section(s) amended	Summary of amendment
05	20/06/2022	All	All content from <b>Recording and reporting matters</b> heading on has been re-created as QP 5017 Whistleblower Procedure Updated Template Updated “Endeavour Foundation” to “Endeavour Foundation Group” Removed subsidiaries – SkillsPlus, Acclaim and TORGAS
06	01/12/2023	All	Rewrite the ‘Policy’ to comply with Corporations Act and ASIC requirements

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