

# Global procedure for reporting malpractice and breaches to the Global Code of Conduct - adapted for WaterAid Australia

## WaterAid Australia

### Document control

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### Version control

Date	Version	Reason for change	Author
16 Aug 2018	1	Approved by Rachel Westcott	Veerinder Puri
19 Feb 2019	2	External reporting details added	Leigh Heale
June 2019	3	WAAus adapted	Rosie Wheen
October 2019	4	WAAus adapted (update)	Rosie Wheen
January 2022	5	Update in line with Global template following changes to the Global Code of Conduct	Rena Davies

### Related Policies/Procedures/Guidance Notes

Title	Date	Version
WAAus Equal Opportunity/Anti-Discrimination, Bullying and Harassment Policy (under review)	TBA	TBA
Performance Management and Development Policy	July 2021	5

WAAus Grievance Policy (under review)	TBA	TBA

## 1. Introduction

- 1.1 The following procedure outlines how to report concerns if you suspect or know that malpractice<sup>1</sup> or violations of WaterAid's [Global Code of Conduct](#) have taken place, are taking place or are likely to take place.
- 1.2 If you have such a concern you should report it immediately and not attempt to conduct your own investigation. There are slightly different routes for reporting a concern outlined below depending on its nature. If you are unsure, it is important to simply report it to someone who may be able to assist you to identify the right channels.
- 1.3 WaterAid staff, trustees, volunteers and consultants are obligated as part of the Global Code of Conduct to report any such concerns.
- 1.4 When reporting you should describe the incident with as much information as possible, such as: date; description of the malpractice and names of people involved; your name and contact details; if you are aware of any impact on communities, donors, staff or others; the risk of repeated malpractice occurring; and if appropriate, whether there is any action you are seeking from WaterAid.
- 1.5 If you are unsure whether something you are doing or that someone else is doing is a serious breach of the Global Code of Conduct, you should seek advice from your line manager (or primary WaterAid contact if you are not employed by WaterAid).
- 1.6 Please note that this procedure should not be used as an appeal process where the matter has already been addressed or should be addressed through another formal procedure, such as the grievance or disciplinary policy.

## 2. Scope

- 2.1 The commitments in this document apply to everyone representing, working on behalf of or associating with WaterAid, including staff, volunteers, partners, trustees and consultants across WaterAid and country programmes globally.

## 3. Confidentiality and anonymous reporting

- 3.1 Once reported, your identity will be kept confidential as far as is possible. However, this may not be possible in all situations, for example where the

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<sup>1</sup> The term 'serious malpractice' includes but is not limited to:

- Criminal activity (e.g. fraud, theft etc)
- illegality (including negligence, breach of contract, breach of law etc)
- miscarriage of justice
- danger to health and safety or the environment
- victimisation
- improper conduct or unethical behaviour
- corruption, bribery or blackmail
- the cover up of any of the above

police are involved or where a statement needs to be shared with third parties in order to carry out the investigation.

3.2 Any personal data submitted must be treated as confidential in line with WaterAid's [Privacy Policy](#)

3.3 Whilst every attempt is made to deal with all allegations appropriately, anonymous reporting can make it difficult to clarify issues, substantiate claims and investigate concerns properly. So where possible, please do provide your name and contact details. However, we do accept that anonymous reporting may still occur from time to time, and managers will consider each instance on a case-by-case basis to decide on how best to respond.

#### **4. Protection from victimisation and malicious allegations**

4.1 Anyone raising concerns under this policy is protected from any form of victimisation or other forms of detrimental treatment, provided that the concerns have been raised in good faith.

4.2 All reports made in good faith will be viewed as evidence of the individual's concerns for WaterAid's best interests and will be treated as such, regardless of the outcome of any subsequent investigation. Staff and others may also be entitled to legal protection under relevant national legislation.

4.3 Any allegations not made in good faith or found to be malicious will be treated seriously, dealt with in accordance with the local disciplinary policy and could lead to dismissal. If the allegation is made by a non-WaterAid staff member, this will be treated in line with the relevant procedure. For example local volunteer procedures for volunteers; consultancy contracts and procedures for consultants; partnership agreements and standards for WaterAid partners; trustee agreements for trustees.

4.4 If a member of staff or a non-WaterAid staff member tries to prevent an individual from making a confidential report or victimises that person for raising their concerns in good faith, WaterAid will treat this as gross misconduct, and respond in accordance with the relevant local procedure.

4.5 Any individuals who have raised a concern will be treated fairly and will have the right to be accompanied by a colleague for moral support at any meetings related to the incident. In addition, WaterAid will seek to provide psychological / counselling support where appropriate.

#### **5. Manager's responsibilities**

5.1 Managers have a responsibility to treat any concerns raised with them seriously (in accordance with this reporting process) and to create an environment where employees are supported to act honestly and transparently.

#### **6. How to report your concern**

## 6.1 In general

6.1.1 If you are not sure how best to raise your concern, you should speak to your manager (or primary WaterAid contact if you are not employed by WaterAid). If you are not comfortable speaking to your manager (or primary WaterAid contact if you are not employed by WaterAid) or their line manager, speak to someone you trust and get advice. This could be your local People Team representative or another senior member of staff. If you are still unsure you can report the issue to a WaterAid Safeguarding Focal Point. It is important that you do not ignore your concern.

## 6.2 Safeguarding people

6.2.1 If you know your concern is about **safeguarding**, which includes: safeguarding against **harassment, sexual harassment, racial harassment, bullying or cyber bullying, discrimination (all forms), exploitation or abuse, oppression, exclusion, safeguarding children, safeguarding vulnerable adults**, you should report it to your line manager (or primary WaterAid contact if you are not employed by WaterAid). If you do not feel comfortable with this (for example if they are involved in the situation or you have raised the concern previously and it was not taken seriously) you should report it to a more senior line manager. You should report your concern within 24 hours.

6.2.2 In some cases, you may feel the issue can be addressed informally by explaining to the individual that their behaviour is not welcome and offends or upsets you. The perpetrator may be unaware that their behaviour is having this effect and dealing with this informally may have the desired effect. However, this may not be appropriate for everyone or in many situations, in which case you should report the issue formally.

6.2.3 Every country office at WaterAid has a nominated Safeguarding Focal Point. Focal points have been trained to advise on safeguarding concerns and the action to be taken when a concern is raised. Therefore, you may seek advice from them regarding your concern and next steps.

6.2.4 WaterAid has a Global Safeguarding Team, who you can contact directly to report safeguarding concerns, if you do not feel able, or safe, to report to your line manager (or primary WaterAid contact if you are not employed by WaterAid), senior line manager, or Safeguarding Focal Point. You can contact the Global Safeguarding Team at [Safeguarding@wateraid.org](mailto:Safeguarding@wateraid.org).

6.2.5 If you still do not feel comfortable reporting to your manager (or primary WaterAid contact if you are not employed by WaterAid), a more senior manager or discussing with your local Safeguarding Focal Point, or reporting to the Global Safeguarding Team directly then mark your correspondence private and confidential and report it to either:

- Leigh Heale, Head of Global Safeguarding, [LeighHeale@wateraid.org](mailto:LeighHeale@wateraid.org)

- Rachel Westcott, Director of People and Organisational Development (global lead for People), [RachelWestcott@wateraid.org](mailto:RachelWestcott@wateraid.org) +44 (0) 207 793 4560
- Chief Executive, Rosie Wheen, [rosie.wheen@wateraid.org.au](mailto:rosie.wheen@wateraid.org.au)
- Board member, Alex Owens, [alexandra.owens@columbia.edu](mailto:alexandra.owens@columbia.edu)

### Safeguarding Focal point

- **Melbourne** – Renae Davies, [renae.davies@wateraid.org.au](mailto:renae.davies@wateraid.org.au)
- **Cambodia** – Visith Chhorm, [Visith.chhorm@wateraid.org.au](mailto:Visith.chhorm@wateraid.org.au)
- **PNG** - Jenny Mori, [jenny.mori@Wateraid.org.au](mailto:jenny.mori@Wateraid.org.au)
- **Timor-Leste** - Flaviano Sombai, [flaviano.sombai@wateraid.org.au](mailto:flaviano.sombai@wateraid.org.au)
- **EOO in Melbourne** – [Alice Phan, alice.phan@wateraid.org.au](mailto:Alice.Phan@wateraid.org.au) and [Mirna Arivalagan, mirna.arivalagan@wateraid.org.au](mailto:Mirna.Arivalagan@wateraid.org.au)

6.2.6 If you wish to raise a concern directly with WaterAid’s regulatory body, they can be contacted on the details below:

- Australian Charities and Not-For-Profits Commission - [www.acnc.gov.au](http://www.acnc.gov.au)

6.2.7 If your concern is specifically related to child safeguarding, you may follow the procedure outlined above, and will also find more information on how to report and manage child safeguarding concerns in the WaterAid [Child Safeguarding Procedure](#).

6.2.8 After you have reported your concern, the manager that you have reported your concern to should take the following immediate actions.

6.2.9 More information should be obtained immediately (within 24 hours of any alleged incident being reported). All information should be recorded, stored and used confidentially.

6.2.10 All reported safeguarding concerns must also be **reported to the Global Safeguarding Team within 24 hours** who can advise on next steps. This may include reporting to the member Chief Executive.

6.2.11 **What an investigation may involve** - once reported, the action taken will depend on the nature of the incident. Some incidents may be resolved promptly after an initial review whilst others may require a formal investigation.

6.2.12 Any formal safeguarding investigation will be overseen by the Global Safeguarding Team and will be managed as per the relevant WaterAid policy, such as the [Global Safeguarding Internal Operating Procedure](#) and/or local disciplinary policy and in line with relevant national legislation.

- 6.2.13 If deemed appropriate to ensure a fair investigation, the people involved may be suspended, or immediate action may be taken to secure assets. **Suspension** is not a disciplinary sanction and by no means indicates that any decision has been made.
- 6.2.14 Any individuals appointed to conduct an investigation should not be implicated in the complaint in any way (either an independent manager or an appropriate external professional should be appointed).
- 6.2.15 Onward reporting to donors or regulatory bodies will be managed on a case-by-case basis, and upon advice from the Global Safeguarding Team.

### 6.3 Health & Safety and Security

- 6.3.1 If you know that your concern has, or has the potential to, result in the health & safety or security of others being put in immediate danger or additional risk, you should report this to your line manager (or primary WaterAid contact if you are not employed by WaterAid), **as soon as possible**.
- 6.3.2 If you do not feel comfortable reporting to your manager (or primary WaterAid contact if you are not employed by WaterAid) or a more senior manager, you should mark your correspondence private and confidential and report it to either:
- Tom Bendall, Global Security Manager, [Tom Bendall@wateraid.org](mailto:Tom.Bendall@wateraid.org) +44 (0)7801 585825
  - Chief Executive, Rosie Wheen, [rosie.wheen@wateraid.org.au](mailto:rosie.wheen@wateraid.org.au)
  - Board member, Louise Dudley, [louise.dudley@urbanutilities.com.au](mailto:louise.dudley@urbanutilities.com.au)
- 6.3.3 Once reported, all reasonable and practical measures to protect those that may be at risk of injury or physical harm as a result of the breach or malpractice must be immediately actioned as a priority.
- 6.3.4 Once the risk of any remaining danger, injury or physical harm has been removed, any concerns that has, or may have, an impact on the health & safety and security of others must be reviewed promptly by the line management and other appropriate senior managers, as to prevent as future reoccurrence of the incident. More serious breaches or malpractice may require a formal investigation. In both cases, these can be supported by the Global Security Manager and / or nominated Security Focal Point.
- 6.3.5 Onward reporting to donors or regulatory bodies will be managed on a case-by-case basis, and upon advice from the Global Security Manager.

### 6.4 Fraud & Serious Malpractice

- 6.4.1 If you know your concern is about **fraud or serious malpractice**, including, **bribery, corruption, negligence, money laundering, criminal activity, data protection and right to privacy**, you should report this to your line manager (or primary WaterAid contact if you are not employed by WaterAid).

However, if you do not feel comfortable with this (for example if they are involved in the situation or you have raised the concern previously and it was not taken seriously) then you should report it to a more senior manager.

- 6.4.2 If you do not feel comfortable reporting to your manager (or primary WaterAid contact if you are not employed by WaterAid) or a more senior manager, you should mark your correspondence private and confidential and report it to either:
- Chief Executive, Rosie Wheen, [Rosie.Wheen@wateraid.org.au](mailto:Rosie.Wheen@wateraid.org.au)
  - Board member, Louise Dudley, [louise.dudley@urbanutilities.com.au](mailto:louise.dudley@urbanutilities.com.au)
  - [fraud@wateraid.org.au](mailto:fraud@wateraid.org.au) – CEO and Director of Finance & IT
  - Mark Lomas, Head of Internal Audit, [Fraud@wateraid.org](mailto:Fraud@wateraid.org) +44 (0) 207 793 4945
- 6.4.3 After you have reported your concern regarding safeguarding assets, the manager that you have reported your concern to should then **report it to the Internal Audit team**.
- 6.4.4 Any information available should be recorded immediately, stored and used confidentially.
- 6.4.5 Once reported, the action taken will depend on the nature of the incident. Some incidents may be resolved promptly after an initial review whilst others may require a **formal investigation**.
- 6.4.6 Any formal investigation will be overseen by the Internal Audit team and will be managed as per the relevant WaterAid policy, such as the local disciplinary policy and in line with the relevant national legislation.
- 6.4.7 If deemed appropriate to ensure a fair investigation, the people involved may be suspended, or immediate action may be taken to secure assets. **Suspension** is not a disciplinary sanction and does not indicate that any decision has been made.
- 6.4.8 Any individuals appointed to conduct an investigation should not be implicated in the complaint in any way (either an independent manager or an appropriate external professional should be appointed).
- 6.4.9 In cases of fraud and bribery, WaterAid will seek to **recover any lost funds** or assets. The Chair of the Finance Audit and Risk Management Committee, Louise Dudley [louise.dudley@urbanutilities.com.au](mailto:louise.dudley@urbanutilities.com.au) will also be informed, if the alleged incident is thought sufficiently serious, by the Director of Finance & IT and cases will be included in the register of financial irregularities presented to the Finance, Audit & Risk Management Committee at its regular meetings.
- 6.4.10 Donors will be kept informed of fraud affecting funds that they have provided. This will be coordinated by the donor's main point of contact. Under many funding agreements, WaterAid Australia is required to report to funding bodies



within a week any cases of suspected or detected fraud or malpractice. To satisfy these requirements and to ensure an appropriate response, all such cases should be reported internally as soon as practicable).

## **6.5 Reporting other potential breaches of the Global Code of Conduct**

- 6.5.1 If your concern is related to WaterAid contravening any relevant fundraising regulatory codes of practice or any other fundraising related legal requirements, use one of the routes above for safeguarding assets or safeguarding people or report it to the Director of Communications and Fundraising Teresa Ayles, Director Corporate & Community Engagement, [Teresa.Ayles@wateraid.org.au](mailto:Teresa.Ayles@wateraid.org.au) However, if you feel that the concerns are not being sufficiently addressed by WaterAid, these concerns can also be escalated externally to the ACNC. Please note, this process is not intended as a means to voice disagreement with content, style or tone of our fundraising practice unless you believe WaterAid is in breach of a legal obligation.
- 6.5.2 Issues relating to performance, communication between members of teams, or disagreements that arise from working together should be dealt with through line management, feedback and discussion. If more serious, then these may be resolved through local disciplinary and grievance procedures.
- 6.5.3 If your concern is about anything else outlined in the Global Code of Conduct, report it to your line manager (or primary WaterAid contact if you are not employed by WaterAid), or your People Team representative.

## **7. External reporting**

- 7.1 If you feel that none of the above options outlined for reporting your concern are possible (either because you feel the managers are involved in the situation, or if you have raised the concern previously and feel it was not taken seriously), you can raise your concern to an external independent reporting serious malpractice hotline. This is an **external independent advice line**, whose operators can advise you on the next steps for managing your concern and will ensure the concern is raised appropriately within WaterAid. The external reporting serious malpractice hotline can be contacted by calling 13 ACNC which is a hotline for serious charity complaints such as fraud and other suspected breaches.

## **8. After the investigation is completed**

- 8.1 If the investigation finds that the Global Code of Conduct has been breached, this could result in a range of outcomes, including dismissal for employees, termination of the relevant WaterAid agreement or contract for non-WaterAid staff, and possibly even a criminal conviction (as per the national legislation). Employees' right of appeal in response to disciplinary action will be detailed in their local disciplinary policy.
- 8.2 A judgement over whether or not serious malpractice has taken place will depend on the nature of the allegation and the actions WaterAid could

reasonably expect an individual to take, given their role and the type of engagement they have with WaterAid.

- 8.3 An employee's **resignation** with immediate effect will generally not be accepted if they are suspended or under investigation. The investigation will still be concluded and any outcome decided and acted upon. If the person has left the organisation every attempt will be made to let them know the outcome of the investigation.
- 8.4 All incidents of serious malpractice or serious breaches of the Global Code of Conduct will be recorded on a **central global register** held by the Director of People & Organisational Development. Regular reports will be provided to the relevant member boards and external bodies as required.
- 8.5 All incidents that constitute **criminal activity** or fraud will be reported to the police, unless there is good reason not to do so, for example if lives will be put in danger.
- 8.6 The person raising the initial concern, will receive general feedback as soon as is possible and if appropriate. However, there may be circumstances where, given the confidential nature of allegations or the materials covered, it will not be possible to give feedback on actions taken.