

SPEAK UP POLICY September 2019

Purpose

The purpose of the Transparency International New Zealand (TINZ) Speak Up Policy is to provide a clear, open and consistent protected disclosures process framework within which our people can:

- feel safe to raise genuine concerns and make complaints about TINZ (Speak Up);
- have clarity about how to raise such concerns or make complaints;
- have confidence their concerns or complaints will be acknowledged, investigated and responded to promptly and appropriately; and
- maintain their privacy and confidentiality in doing so.

TINZ also wishes to learn from any concerns or complaints as part of its commitment to continuous improvement.

This policy is not intended to cover personal grievances relating to engagement or employment by TINZ. Other policies and procedures are in place for dealing with such matters including clear reporting lines. The Personnel and Ethics Committee are authorised to address personal grievances, depending on their nature.

Nothing in this policy requires any person to take any action (or omit to take an action) that would be unlawful.

Context

The mission of TINZ is to foster a New Zealand culture where transparency, integrity, good governance and ethical standards and practices are the core values of all New Zealanders.

TINZ values are:

- Integrity: We behave responsibly, acting honestly and ethically in everything we do
- Courage: We act in accordance with our values, even when it is hard to do
- Transparency: We are visibly open and honest
- Respect: We treat everyone with respect as we would like to be treated, acknowledging and valuing differences

This policy supports our values and the fair treatment of our people as well as legal, regulatory and reputational risks.

Who is covered by this policy?

This policy is applicable to everyone engaged at all levels of TINZ, including Directors, consultants, employees, trainees/interns, part time and fixed term workers, members with delegated authority (together referred to as 'our people')

What is speaking up?

We want TINZ to be a place where our people speak up whenever they have a concern about unsafe practice. This can be any breach of TINZ policies and standards or wrongdoing or any risk of harm to staff, TINZ partners, the public, the environment or TINZ itself.

This may include but is not limited to:

- health and safety risks
- bribes, fraud and corruption
- breaches of data privacy and information security breaches
- damage to the environment
- questionable accounting
- conflict of interest that is undeclared or not managed
- serious breaches of TINZ policies and procedures
- breaches of the law, regulation or a professional code
- actions or behaviour which could damage TINZ's reputation
- bullying or victimisation
- unfair employment practices
- discrimination or harassment (including sexual harassment)
- improper use of organisation resources
- personal problems or behaviour affecting work
- defective or incompetent decisions or procedures
- inaccurate or misleading reporting
- miscarriage of justice
- slander or libel
- other unethical conduct
- actions which are intended to hide or cover up any of the above.

Speak Up Process

Assessment

If you see an unsafe practice, risk or wrongdoing, decide if you can address it yourself, there and then. A firm, polite challenge is sometimes all that is needed.

Please also consider whether there is another, more appropriate procedure under which to raise your concern. For example, any complaint relating to personal circumstances should be dealt with under the personal grievance procedure.

Reporting

Where you do not feel it is possible for you to address the matter yourself, you should raise any concerns with your manager or report your concern directly to one of the following, whichever you feel is most appropriate in the circumstances and/or to whom you feel most comfortable doing so:

- TINZ Chair
- Chair of the Personnel Committee
- Chair of the Ethics Committee
- TINZ CEO
- Board Legal Secretary

Receiving a complaint

If you receive a concern or have a complaint reported to you that you feel you cannot resolve yourself or that you feel it would be inappropriate for you to deal with, contact the Chairperson of the Personnel Committee as soon as possible.

External advice

If you feel you would like to take advice before speaking up or if you believe that you may be treated badly or that the concern you report may be covered up, you can take advice from Vitae Services.

Their contact details are:

Vitae Services, 0508 664 981

Triage and investigation

Once you have spoken up and the person most appropriate to deal with the concern has been identified, that person will assess:

- a) what the alleged wrongdoing is;
- b) whether a complaint investigation is needed or whether this fits under another process;
- c) what risks you may face;
- d) what type of investigation or other response is needed;
- e) what type of support you may need; and
- f) what type of support any person being complained about may need.

As part of the response to the complaint, we will think about how this impacts upon:

- a) human resource management;
- b) integrity and compliance;
- c) prevention;
- d) intervention; and
- e) monitoring.

As part of any recommendations or decisions we will be specific about:

- a) any actions; and
- b) any reporting¹.
- c) The level of required urgency in acting

If the complaint is of a nature that would warrant Police investigation and potentially criminal prosecution then the complainant will be encouraged to make a complaint to the police, or (with the complainant's agreement) TINZ will inform the Police.

Timeliness

We will acknowledge receipt of a concern or complaint by email within five working days and, as soon as is reasonably practicable, decide whether this or another TINZ policy applies and how any investigation should be carried out. You will be informed of the outcome of that assessment. You may be asked to attend one or more meetings to provide further information and may bring a colleague with you. We will aim to keep you informed of the progress of the investigation and its likely time scale. The length of time needed to investigate will depend on the concerns raised however if the investigation is going to take longer than one month you will be notified of this in writing.

¹ This assessment and response process is based on: Clean as a whistle a five step guide to better whistleblowing policy and practice in business and government 'Whistling While They Work 2 – key findings and actions August 2019 (original report Roberts, Brown & Olsen 2011, p.109')

Confidentiality

We will keep information about your concern and the investigation confidential to the specific people considering your complaint.

Sometimes the need for confidentiality may preclude us from giving you specific details of the investigation or any disciplinary action taken.

You should treat any information about the investigation as confidential, as should any person who supports you.

Anonymity

You may make reports anonymously, but we do encourage you to give your name as proper investigation may be more difficult or impossible if we cannot ask you questions about your concern. If you want to report a concern without giving your name, please write and post a personal report to the Chair of the Personnel Committee (currently Brendon Wilson).

If your complaint is about a person and the initial assessment results in an investigation, then natural justice requirements may lead to the person who is complained of being advised of a complaint and its substance and being offered the opportunity to comment. The person being complained about may also be offered support.

External review

In some cases, we may ask a person with relevant experience or specialist knowledge of the subject matter to investigate your concern and those of colleagues. Any investigation will be carried out in a timely way by appropriately qualified personnel. We expect all of our people to cooperate fully honestly and openly in relation to any investigation. The investigator may make recommendations for change to enable us to minimize the risk of future wrongdoing. We are committed to implementing the findings of recommendations.

Challenging an outcome

We will always try to deal with your concerns fairly and in an appropriate way. By using this policy, you can help us achieve this. If you are not happy with the way your concerns have been handled, you can raise it with the Chair of the Personnel Committee who will consider and take further early action with reference to the TINZ board and/or external specialists, and continue to advise you as complainant of these actions.

Record keeping

Accurate and relevant records will be kept in accordance with record retention policies and procedures: these may include meeting notes, minutes of meetings, emails, notes of telephone calls and copies of correspondence.

Protection and support

We understand that people who speak up sometimes worry that there may be repercussions for them. We encourage openness and will support people who raise genuine concerns under this policy, even if their concerns turn out to be mistaken. If you feel that you have suffered such treatment as a result of speaking up, you should tell the Chair of the Personnel Committee, who will offer channels of support, and act to enquire and remedy this concern in keeping with the terms of this policy and other TINZ policies.

We also appreciate that being the subject of an investigation can be stressful and we will provide appropriate support under these circumstances.

We will not accept the unfair treatment of any person who raises, takes part in, or, is the subject of the investigation of, a genuine concern.

You must not threaten or react negatively against those who speak at or take part in the investigation. If you are involved in such conduct you will be subject to disciplinary action.

This policy is subject to and is to be read consistently with the Rules of Transparency International New Zealand Inc.

The Conflicts of Interest Policy and Complaints Policy interface with this one.

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Approved by the TINZ Board September 2019

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