



INTERNAL INVESTIGATION AND DISCIPLINARY PANEL PROCEDURE POLICY

1. PURPOSE

- 1.1. This document explains WWF-Australia's procedure to investigate and determine allegations of and potential non-compliance with WWF policies.
- 1.2. The steps, processes and roles and responsibilities outlined in this policy are intended to protect the integrity of the organisation and the rights and responsibilities of employees.

2. POLICY

- 2.1. An internal investigation is a fact-finding exercise, it is not a trial or tribunal. All internal investigations need to adhere to the principles of natural justice, confidentiality, rules of evidence and standards of proof, legal and policy compliance.
- 2.2. Internal investigations have serious consequences for organisations and for employees. They may arise for various reasons including, but not limited to: fraud and corruption, bullying, harassment or discrimination, grievances, conflicts, violations of WWF's code of ethics, and issues related to internal WWF processes.
- 2.3. Internal investigations vary in size depending on the nature of the issue.
- 2.4. All internal investigations are to be dealt with as detailed. Documentary evidence of every stage of the process should be meticulously maintained both in secured paper-based files and backed-up electronic versions.
- 2.5. A person/or persons who is/are alleged to have committed an act of non-compliance with WWF policies remains innocent until evidence is provided that substantiates the allegations, but if it is deemed necessary, the accused person may be suspended on full pay, pending investigation and disciplinary hearing.
- 2.6. WWF's approach to internal investigations is to:
 - Respond promptly to allegations of non-compliance or discovery of potential non-compliance
 - Seek clarification through confidential enquiries to determine if the discovery or allegation is credible. Note: many minor issues can be resolved through grievance/dispute resolution processes
 - Provide all persons involved in the internal investigation with the opportunity to present their case and be heard
 - Base any actions on evidence (not suspicion or speculation)
 - Maintain accurate documentation of every step of the process.



- 2.7. During the course of the investigation, work is to continue as normal unless there is an imminent risk, which in the opinion of the management, requires suspension of normal duties in accordance with 2.5 above.
- 2.8. In the event allegations of wrongdoing are brought against WWF officers who are conferred roles and responsibilities under section 5 of this procedure, such allegations will preclude the person/persons from such roles and responsibilities, and substitutes will be appointed. This policy will use the term “designate” to describe a substitute appointee.
- 2.9. Internal investigations and all associated documents are to be treated as confidential.

3. SOURCES OF AUTHORITY

3.1. Federal Legislation

- Fair Work Act 2009 and related amendments
 - Chapter 2, Part 2-2 The National Employment Standards, Division 11—Notice of termination and redundancy pay
- Clerks – Private Sector Award 2010
- Professional Employees Award 2010 (Incorporates all amendments up to July 2017)
- Miscellaneous Award 2010

3.2. WWF-Australia

- Grievance/Dispute Resolution Policy
- Dismissal Policy
- Disciplinary Policy

4. SCOPE

- 4.1. This policy applies to all WWF-Australia staff.

5. PROCEDURES

Internal Investigation Procedures

- 5.1. **Rapid Assessment.** Immediately after an allegation/discovery has been made, the CEO or designate will deploy a small working group to conduct a rapid assessment to determine whether, on balance of probabilities, the allegation/discovery is credible. If the allegation/discovery is not found to be credible, the CEO or designate will take steps to rectify the misunderstanding. If the allegation/discovery is found to be credible, the CEO or designate will implement this Internal Investigation Procedure.
- 5.2. **Notification.** Where issues represent a significant reputational risk to WWF, the CEO or designate will immediately advise the President of the Board and, in the case of fraud and corruption, the COO of WWF International.
- 5.3. The CEO or designate will appoint an investigation panel. The CEO or designate has the discretion to appoint an internal or external investigation panel to investigate the matter,



assemble, examine and catalogue relevant documentation/other evidence, clarify the facts with relevant employees, analyse data and prepare and present a written report outlining the evidence, findings and recommended outcomes to the CEO or designate.

- 5.4. The CEO or designate has the discretion to seek professional legal advice.
- 5.5. At the conclusion of the investigation, the CEO or designate will appoint an internal WWF Disciplinary Panel of three persons in accordance with 5.7 below and will nominate one of the persons as Chair of the Disciplinary Panel. To maintain separation of powers, the CEO or designate will not participate in the Disciplinary Panel and will remain independent of the investigation, the persons involved and the Disciplinary Panel while continuing to execute normal duties as CEO.
- 5.6. In the event the allegation/discovery is likely to have a significant impact on WWF-Australia operations and workforce stability, the CEO or designate will communicate high-level facts to staff while safeguarding the confidentiality of the individuals involved and the process.
- 5.7. The Disciplinary Panel will comprise:
 - Three members of the Executive Team from departments other than those which are the subject of, or made, the allegation/discovery. One of the two will be appointed Chair of the Panel. In the event that WWF-Australia cannot provide Executive Team members in accordance with this provision, the CEO or designate has the discretion to appoint WWF-Australia National Managers and/or Senior Management Team members from other WWF network offices.
 - The People, Safety & Training Manager. Represents staff and management interests, advises the panel on matters of procedural fairness and natural justice, creates a case file and oversees document management (and, when required acts as substitute Note-taker). In accordance with Clause 2.8, the CEO or designate may appoint a substitute in the event that accusations have been brought against the People, Safety & Training Manager.
 - Note-taker. The Note-taker takes notes of proceedings and assists the People, Safety and Training Manager with document management throughout the entire process.
- 5.8. **Role of the Disciplinary Panel.** The purpose of the Disciplinary Panel is to hear evidence from those making the accusations, those who have been alleged to have committed the act/acts of non-compliance and the oral, written, or summarised statements of witnesses. Once presented, the panel weighs the facts and makes a finding as to whether the allegation has substance and recommends an appropriate response to the CEO or designate. Recommendations will be in accordance with WWF-Australia policies, relevant awards and workplace legislation.
- 5.9. **Independence.** The Disciplinary Panel must endeavour to remain as independent of the investigation and the persons bringing the accusation as possible while continuing to execute their normal duties to maintain the operational viability of the organisation.
- 5.10. **Disciplinary Panel Process.** The Disciplinary Panel will provide notice in writing to the persons alleged to have committed acts in violation of WWF policies. The panel will adhere to the following procedures and provide notice of such in writing to the accused:
 - Details about the allegations brought against the individual, and why they are deemed violations
 - Provide a reasonable opportunity for the accused to respond to the allegation and put



their case forward in writing

- Provide no less than two working days' notice of the requirement to attend a Disciplinary Panel
 - Provide information about the composition of the Disciplinary Panel
 - Confirmation that the principles of procedural fairness and natural justice will be adhered to including the statement "You will be given the opportunity to defend yourself against these allegations and to put your case forward"
 - Advice that the accused may attend the Disciplinary Panel accompanied by a witness if they wish to do so
 - Provide a statement outlining that the objective of the Disciplinary Panel is to hear the evidence presented, decide whether a violation has occurred and to recommend an appropriate penalty in accordance with WWF-Australia policies, relevant awards and workplace legislation
 - Information about the provision of an appeal process in the event that an individual wishes to pursue the matter further.
- 5.11. A copy of the letter will be retained on the case file, and on the individual's personal file.
- 5.12. Evidence in support of the allegations against the employee shall be presented at the hearing. The employee shall be given a proper opportunity at the hearing to respond to the allegations, question any witness called by the employer and to call witnesses.
- 5.13. In the event accused individuals require translators, WWF will provide appropriate translators.
- 5.14. When the Disciplinary Panel has reached a decision, the Panel Chair will provide the CEO or designate with details about the findings and the Panel's recommendations.
- 5.15. In the case of significant matters referred to in 5.2, the CEO or designate will advise the President of the Board and COO of WWF-International of the Panel's recommendations, the actions to be taken and the timeline.
- 5.16. Where the Panel has found persons to be in breach of WWF policies, the CEO or designate will advise them in writing of the finding, the penalty and the timeline. Should the penalty involve termination of employment, such termination will be implemented in accordance with WWF-Australia policies, relevant awards and workplace legislation.
- 5.17. All case documents will be retained securely and in good order for a period of seven years.

6. CONFIDENTIALITY AND DOCUMENT CONTROL

- 6.1. This policy is available on Wiki Habitat for all staff.

7. APPROVAL

Name: Dermot O'Gorman

Title: CEO



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