



Trustees Executors

Protected Disclosure Policy

OUR VALUES: TRUST | RELATIONSHIPS | INNOVATION

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1. PURPOSE

The purpose of the Protected Disclosures policy, which is sometimes referred to as a 'Whistleblower' policy, is to provide open communication throughout Trustees Executors Limited, by developing practices that reduce the risk of serious wrongdoing within Trustees Executors Limited, and safeguard the reputation, values and ethics of Trustees Executors Limited and its staff by:

- a) Protecting any person who, in good faith, raises concerns about serious wrongdoing;
- b) Protecting employees and Trustees Executors Limited from the consequences of inappropriate allegations;
- c) Ensuring allegations of serious wrongdoing are properly investigated and addressed.

This policy details the framework for receiving, investigating and addressing allegations of serious wrongdoing.

2. SCOPE

This policy applies to disclosures by any person within or outside of Trustees Executors Limited, to all directors, employees (full time, part time and casual), contractors and consultants of Trustees Executors Limited, former employees, seconded personnel, and the families of staff members.

3. PROTECTED DISCLOSURE FRAMEWORK

This Protected Disclosure Policy has been developed as a companywide policy in compliance with the New Zealand Protected Disclosure Act 2000 and the Australian Public Interest Disclosure Act 2013.

3.1 Protected Disclosure

A person to whom this policy applies may make a protected disclosure if they disclose information in accordance with this policy and:

- a) The information is about serious wrongdoing (as defined below) in or by Trustees Executors Limited;
- b) The person believes, on reasonable grounds, that the information is true or likely to be true;
- c) The person wishes to disclose the information so that the serious wrongdoing can be investigated; and
- d) The person wishes for the disclosure to be protected.

A person who makes a valid protected disclosure in accordance with this policy is protected from disciplinary action by Trustees Executors Limited in respect of the making of the protected disclosure.

3.1.1 Serious Wrongdoing

This policy supports the reporting of allegations of serious wrongdoing. Serious wrongdoing includes:

- Unlawful, unauthorised, corrupt, or irregular use of Trustees Executors Limited funds or resources including for example:
 - i. Fraud or theft
 - ii. Offering or accepting a bribe
- An act, omission, or course of conduct that constitutes a serious risk to health, safety or the environment;
- An act, omission, or course of conduct by a manager, or official that is oppressive, improperly discriminatory, grossly negligent, or that constitutes gross mismanagement;
- An act, omission, or course of conduct that constitutes an offence;
- Any deliberate act, omission or course of conduct that contributes to irregularities with Trustees Executors Limited's accounting practices, internal accounting controls or audits.

Serious wrongdoing can occur before or after the commencement of this policy, and is not limited to the above examples.

An instruction to cover up or not report serious wrongdoing can itself be serious wrongdoing and can be disclosed in line with this policy.

3.2 Making a protected disclosure

A person ('complainant') can make a protected disclosure verbally or in writing:

- a) To the Designated Officer, currently the Manager Internal Audit; or
- b) Where the complainant is a Trustees Executors Limited employee, they may choose to make the disclosure to their immediate Manager, their business unit Manager, or the Chief People Officer, or the Chief Executive; or
- c) To the Chair of the Board if the complainant believes on reasonable grounds that:
 - i. the Chief Executive may be involved in the serious wrongdoing;
 - ii. it is not appropriate to report to the Chief Executive by reason of any relationship or association the Chief Executive may have with a person who may be involved with the alleged serious wrongdoing.
- d) To the Ombudsman or the Whistleblower Hotline if a member of the Board of Trustees Executors is, or may be, involved in the serious wrongdoing.
- e) If for any reason a person does not feel that they are able to use the internal channels, they may call the Whistleblower Hotline.

At any time, an employee who is unsure about whether to make a protected disclosure will be entitled to discuss the proposed protected disclosure, in confidence, with their immediate Manager, Business Unit Manager, Chief People Officer or the Designated Officer. That person will not pass on or act upon the proposed protected disclosure unless the complainant chooses to make a formal disclosure in line with this policy.

When making a protected disclosure, the complainant making the disclosure should state that they are making a disclosure in reliance on this policy, and the related act; Protected Disclosures Act 2000 or the Public Interest Disclosure Act 2013. The complainant should provide sufficient detail to enable the alleged serious wrongdoing to be investigated.

3.2.1 Whistleblower Hotline

The Whistleblower Hotline is an independent, anonymous, confidential and free external phone service for complainants to anonymously report any protected disclosures. It offers 24 hour, 365 days a year service, with trained operators, who are external to Trustees Executors Limited.

The caller will not be identified in any report to Trustees Executors Limited from the Whistleblower Hotline, unless they express a wish to do so. Where information is disclosed anonymously through the Whistleblower Hotline, Trustees Executors Limited may make a request for additional information about the alleged serious wrongdoing through the Whistleblower Hotline.

The Whistleblower Hotline phone number is **0800 327 669**.

3.2.2 Confidentiality and Anonymity

The recipient of a protected disclosure, or any person involved with investigating the protected disclosure, will use their best endeavours not to disclose information that might identify the complainant. The complainant will only be identified if they consent in writing to the disclosure of their identity, or where the person in receipt of, or investigating the disclosure, reasonably believes that disclosure of identifying information is essential to:

- (i) The effective investigation of the allegations in the protected disclosure; or
- (ii) Preventing serious risk to public health or public safety or the environment; or
- (iii) The principles of natural justice.

Unless you request otherwise, information concerning your identity will be provided to the Designated Officer. You can choose to remain anonymous when making a report.

3.3 Investigating a Protected Disclosure

Any protected disclosure may only be investigated and acted upon following referral to the Designated Officer (Manager Internal Audit) or the Chair of the Board (in the case of disclosures that are made to the Chair).

Any person other than the Chair of the Board who receives a protected disclosure must refer it to the Designated Officer, in the first instance and take no further action.

The disclosure must be reported as soon as practicable, as follows:

By whom	Who to report disclosure to:
Manager	General Manager
Designated Officer	Chief Executive
Chief Executive	Audit, Risk and Compliance Committee
Chair of the Board	Board of Trustees Executors

Once a protected disclosure is received by the Designated Officer, all allegations of serious wrongdoing will be reported to the Chief Executive, including the following mandatory details:

- a) The date and substance of the protected disclosure
- b) The identity and level of seniority of the alleged wrongdoer
- c) The level of risk associated with the alleged wrongdoing.

The Chief Executive and the Designated Officer will assess the information that has been disclosed and then determine the appropriate investigation process, including:

- a) The nature and the scope of the investigation
- b) Who will lead the investigation (that person may be external to Trustees Executors Limited)
- c) The nature of any technical, financial or legal advice that may be required
- d) A timeframe for the investigation (having regard to the allocated level of risk).

Where a protected disclosure is made to the Chair of the Board in accordance with this policy, it will be for the Chair to assess the information that has been disclosed and to determine the appropriate investigation process (including whether the Designated Officer is to be involved in this process). If the Chair forms the view that the complainant did not have reasonable grounds for making the protected disclosure to the Chair instead of another representative of Trustees Executive Limited, the Chair may refer the protected disclosure to the Chief Executive for investigation if the Chair is satisfied it is appropriate to do so.

The complainant will, if appropriate, be informed on a continuing basis as to the nature and progress of the investigation.

3.4 Investigation Findings

The person leading the investigation will report their findings to the Chief Executive and the Designated Officer, or the Chair of the Board (if the protected disclosure was made to the Chair), and advise the recommended course of action (if any) that Trustees Executors Limited should take in response to the complaint.

It will be for the recipient of the investigation report (either the Chief Executive or Chair) to determine what further steps are to be taken (if any) including any potential disciplinary action. The complainant will be notified of the outcome of the investigation and any action taken, except to the extent that disclosure of this information to the complainant will breach the privacy of another individual.

3.5 Documentation and Records

The Designated Officer will establish and maintain the Protected Disclosure Register which is to be held in a secure place and will record details of:

- a) All protected disclosures received
- b) Investigations undertaken
- c) Any actions taken at the conclusion of each investigation.

4. RESPONSIBILITIES AND ACCOUNTABILITIES

Trustees Executors Limited, Chief Executive and Group Leadership Team are responsible for:

- a) Appointing the Designated Officer
- b) Establishing and maintaining the Whistleblower Hotline
- c) Ensuring Maintenance and adherence to this policy.

The Chief People Officer is responsible for:

- a) Staff training on the Protected Disclosure policy
- b) Annual reminders/refresher training on the Protected Disclosure policy.

The Marketing and Communications Manager is responsible for ensuring that the current version of this policy is available on the Trustees Executives Limited Web page.

The Designated Officer will:

- a) Coordinate and support the impartial investigation of any protected disclosure
- b) Submit a quarterly summary report to the Audit, Risk and Compliance Committee, which provides statistics of:
 - The number of protected disclosures received per quarter
 - For each disclosure, the type of alleged wrongdoing involved, the level of seniority of the alleged wrong-doer and the risk rating
 - For each disclosure, the time taken to investigate it
 - The conclusion of each investigation (upholding or dismissing the complaint) and the nature of the action taken (such as disciplinary action).

The Chairman of the Audit, Risk and Compliance Committee shall periodically review the Protected Disclosure Register to ensure that proper processes are being followed.

5. CONTACT

For further information and guidance contact the Chief People Officer or Manager Internal Audit.

6. DOCUMENT HISTORY

Written: 12 March 2019
Approved: 12 June 2019
Effectuated: 12 June 2019

Reviewed: April 2020

Approved: 21 May 2020 - Board

Effected:

Next Review Date: 30 April 2021

Protected Disclosure Procedure Flowchart

A person can make their complaint to their Manager, General Manager, General Manager HR, CEO, Designated Officer or the Whistleblower Hotline



Protected disclosure may be made to the Whistleblower Hotline or Ombudsman if an investigation has not occurred or is not progressing or no action has been taken or you think the issue raised continues to be true.

Unless you request otherwise, information concerning your identity will be provided to the Designated Officer. You can choose to remain anonymous when making a report.

For further information and guidance contact the General Manager Human Resources or Manager Internal Audit.