PURPOSE:

This policy aims to give guidance to people who want to raise concerns about Reportable Conduct within Christadelphian Aged Care (**CAC**).

The purpose of this policy is to:

(a) encourage the reporting of actual or suspected Reportable Conduct within CAC;

(b) set out the ways for people to report Reportable Conduct;

(c) outline how CAC will handle, investigate and resolve Reports of Reportable Conduct; and

(d) protect and support those people who make Protected Disclosures.

POLICY STATEMENT:

CAC is a charitable aged care organisation providing professional care and services to residents entrusted in our care. This policy sets out how CAC will manage reports about misconduct and meet our legal obligations relating to Eligible Whistleblowers. CAC views the rights and responsibilities set out in this policy extremely seriously. Any breach of this policy may result in disciplinary action up to and including termination of employment or engagement with CAC.

If this policy differs from applicable law, including but not limited to the Act, CAC will apply the applicable law to the extent of any inconsistency.

DEFINITIONS:

Act

The Act means the Corporations Act 2001 (Cth).

APRA

APRA is the Australian Prudential Regulation Authority.

ASIC

ASIC is the Australian Securities and Investments Commission.

Board

The Board is the Board of Directors of CAC, as constituted from time to time.

CEO

The CEO is the Chief Executive Officer of CAC, as appointed from time to time.

Discloser

A Discloser is a person who makes a Report under this policy.

SCOPE:

This policy applies to CAC workers, including employees, contractors, volunteers and officers (**Workers**). All CAC Workers must comply with this policy. The protections available under this policy are also available to CAC's associates, suppliers and spouses, relatives and dependents of CAC Workers.

The scope of this policy relates to circumstances in which an Eligible Whistleblower has reasonable grounds to suspect that someone connected with CAC has engaged in Reportable Conduct. This policy does not apply to Personal Work-Related Grievances. CAC Workers wishing to raise concerns in relation to Personal Work-Related Grievances are encouraged to refer to CAC's Grievance Policy

Concerns about workplace behaviour such as bullying, discrimination, and harassment are managed under CAC's Bullying and Harassment Policy, Anti-Discrimination Policy and the Staff Assault and Sexual Harassment Policy.

GUIDING PRINCIPLES:

Eligible Whistleblower

An Eligible Whistleblower is defined by the Act to include an individual who is, or has been, any of the following:

(a) a officer of CAC;
(b) a worker of CAC;
(c) contractors, suppliers (whether paid or unpaid);
(d) an individual who is an associate of CAC
(e) A resident, their families, representatives, carers, and other people of significance
(f) any individual including the public who, anonymously or not, discloses or attempts to disclose Reportable Conduct that is currently occurring or has occurred within CAC in accordance with this policy.

Eligible Recipient

An Eligible Recipient is defined by the Act to include:
(a) an officer (e.g. a Director) or an Executive (Senior Management) of CAC;
(b) a person authorised by CAC as the delegated Whistleblower Complaints Officer (**WCO**),
(c) The Commission
(d) the department, or an official of the department
(e) a registered provider
(f) a responsible person of a registered provider
(g) an aged care worker of a registered provider
(h) a police officer
(i) an independent aged care advocate.

People can make the report in person, over the phone or in writing. The report can also be made anonymously.

The report can be made about someone who has not followed the aged care law, or more broadly, about an organisation that hasn't followed the aged care law.

If someone makes a report, they will:

- be protected from any negative results that come from making the report.
- have their identities or identifying information protected, with some exceptions – for example, where it is necessary to share information with the ACQSC or a lawyer, or to prevent a serious threat to a person or people.

Personal Work-Related Grievance

A Personal Work-Related Grievance is any grievance about any matter in relation to the Discloser's employment or engagement, or former employment or engagement, having (or tending to have) implications for the Discloser personally but which does not have significant implications for CAC or relate to conduct (or alleged conduct) that is Reportable Conduct. Examples of these kinds of grievances include, but are not limited to, an interpersonal conflict between the Discloser and another person, a decision relating to the terms and conditions of engagement of the Discloser; a decision to suspend or terminate the engagement of the Discloser or otherwise discipline the Discloser.

Protected Disclosure

A Protected Disclosure is a Report of known or suspected Reportable Conduct made by an Eligible Whistleblower that will be protected under this policy from Detriment by CAC, provided that the Report is based on reasonable grounds and is made in accordance with this policy.

Report

A Report is when a person makes a report (or disclosure of information) of Reportable Conduct under this policy.

Reportable Conduct

Reportable Conduct is conduct by a person or persons connected with CAC that constitutes:

(a) an offence against, or a contravention of, a provision of any of the following:

(i) The Aged Care Act 2024

(ii) the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2018;

(iii) the Australian Securities and Investments Commission Act 2001;

(iv) the Banking Act 1959;

(v) the Financial Sector (Collection of Data) Act 2001;

(vi) the Insurance Act 1973;

(vii) the Life Insurance Act 1995;

(viii) the National Consumer Credit Protection Act 2009;

(ix) the Superannuation Industry (Supervision) Act 1993;

(b) an offence against any other law of the Commonwealth that is punishable by imprisonment, for a period of 12 or more months;

(c) misconduct, or an improper state of affairs or circumstances in relation to CAC or the tax affairs of CAC; or

(d) a danger to the public or financial systems.

Examples of Reportable Conduct may include, but are not necessarily limited to:

- SIRS reportable incident categories
- financial irregularities;
- corrupt conduct;
- criminal conduct;
- offering or accepting a bribe
- failure to comply with any legal or regulatory obligation; and/or
- unethical or other serious improper conduct, including breaches of CAC policies and procedures.

Whistleblower Complaints Officer

The Whistleblower Complaints Officer (**WCO**) is a person that CAC has delegated to receive Reports. **CAC's WCO is the Executive, Finance.**

Disclosers and Respondents

Disclosers who make a Report under this policy, and Respondents who are the subject of a Report under this policy, must:

(a) not discuss the Report with any other person except the person(s) authorised and nominated by CAC and notified to you in writing;
(b) not interfere with the investigation process;
(c) co-operate and follow any reasonable direction or request from the person investigating the Report and
(d) provide any information and documentation about the Report that they have or can access to assist in the investigation.

Eligible Recipients

Eligible Recipients are responsible for receiving Reports and maintaining confidentiality as required under the terms of this policy. Eligible Recipients must inform the WCO of all Reports received. If the Report alleges Reportable Conduct by the WCO, the Eligible Recipient must notify the CEO of the Report. If the Report alleges Reportable Conduct by the WCO and the CEO, the Eligible Recipient must notify the Board.

Reporting Concerns

All Workers are encouraged to report suspected or actual Reportable Conduct as soon as they become aware of it. People who make Reports will not be subjected to Detriment, penalty or victimisation for making a Protected Disclosure if they have reasonable grounds to suspect that the information concerns Reportable Conduct.

False Reports

Making false or vexatious Reports undermines the effectiveness of this policy. Where it is found that a Discloser has made a false Report (including where the Report has been made maliciously, vexatiously or without basis), CAC may take disciplinary action against the Discloser.

How to Make a Report

If you are satisfied that the allegation concerns Reportable Conduct, you should report it to the WCO at first instance.

If you do not feel comfortable reporting the Reportable Conduct to the WCO, you can also report the matter to another Eligible Recipient. You should not make a Report to a person who you suspect may be involved in the Reportable Conduct or may have a conflict of interest.

Reports can be made verbally or in writing and can be anonymous. However, Discloser's are encouraged to make Reports in writing. All Reports are subject to the confidentiality provisions set out in this policy.

Content of a Report

When making a report, you should clearly outline:

(a) the issue or concern;
(b) the individual(s) involved;
(c) your reasons for believing that the Reportable Conduct has occurred; and
(d) the nature and whereabouts of any further evidence that would substantive your allegation, if known.

This is to ensure that the WCO or other Eligible Recipient has sufficient information to take appropriate action without delay.

You should also ensure that your report is:

(a) factually accurate;
(b) based on first-hand knowledge;
(c) objectively based on reasonable grounds; and
(d) complete and does not leave out any important information.

Anonymous Reports

Anonymous Reports of Reportable Conduct are accepted under this policy. However, anonymous Reports have significant limitations that impact CAC's ability to conduct a proper and appropriate investigation as they typically limit CAC's ability to gather further information to assist an investigation. As a result, any Discloser who chooses to make a Report anonymously needs to be aware that it may make it less likely that the alleged Reportable Conduct can be substantiated in any subsequent investigation.

If you choose to make an anonymous Report, you should note that CAC has the discretion as to the extent of the investigation undertaken given the limited ability to seek further information from the Discloser. This decision will be made by the WCO (or other Eligible Recipient) after an internal preliminary investigation has

been conducted in accordance with this policy. In addition, CAC may not be able to provide feedback on the outcome of any investigations.

If a Discloser wishes to make a Report anonymously, their request will be honoured except where otherwise required by law. If the Discloser wishes to remain anonymous, they should ensure they maintain ongoing communication with the WCO or other Eligible Recipient to whom the Report was made so that CAC can ask any follow up questions or requests for additional information.

Where anonymity has been requested, the Discloser is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.

Confidentiality

If a Discloser makes a Protected Disclosure to the WCO or another Eligible Recipient under this policy, their identify will be kept confidential unless the Disclosure consents to their identity being released or CAC is permitted or required by law to disclose their identity. Except in limited circumstances outlined in the Act (and summarised below), it is illegal for a person to identify an Eligible Whistleblower or to disclose information that is likely to lead to the identification of an Eligible Whistleblower.

CAC may request that an Eligible Whistleblower consent to a limited disclosure, such as disclosure of the Whistleblower's identity to the WCO and the appointed investigator, to facilitate the conduct of the investigation.

From time to time in the course of investigating a Report, it may be necessary to disclose other personal information which ultimately leads to the identification of the Discloser. In these circumstance, CAC will take reasonable steps to reduce the risk of the Discloser being identified.

In addition, personal information may be used or disclosed where:

(a) the use or disclosure is required or authorised by or under an Australian law, or a court/tribunal order, or otherwise permitted under privacy laws;

(b) the use or disclosure is made with the individual's express or implied consent;

(c) disclosure is necessary to prevent or lessen a serious threat to a person's health or safety; and/or

(d) disclosure is necessary to protect or enforce CAC's legal rights or interests, or to defend itself against any claims.

During an investigation, it will be necessary to disclose the facts and substance of the Reportable Conduct as reported by the Discloser to the Respondent(s). This is essential for a fair investigation.

Where an investigation does not substantiate the Reportable Conduct, the fact that the investigation has been carried out, the results of the investigation and the identity of the Respondent must be handled confidentially.

CAC will ensure that any records relating to Reportable Conduct are stored securely and are able to be accessed only by authorised persons at CAC.

Protections for Whistleblowers

People can make the report in person, over the phone or in writing. The report can also be made anonymously.

The report can be made about someone who has not followed the aged care law, or more broadly, about an organisation that hasn't followed the aged care law.

If someone makes a report, they will:

- be protected from any negative results that come from making the report.
- have their identities or identifying information protected, with some exceptions – for example, where it is necessary to share information with the ACQSC or a lawyer, or to prevent a serious threat to a person or people.

Any Eligible Whistleblower requiring additional support throughout the whistleblowing process should contact the WCO or other Eligible Recipient to whom they originally made their Report. CAC employees also have access to the Employee Assistance Program (**EAP**).

Protection Against Victimisation

CAC will support Eligible Whistleblowers and will not allow people who Report Reportable Conducts to be victimised.

If a Discloser believes they are being mistreated for making a Report, they should inform the WCO (or another Eligible Recipient) and give them any relevant information so that they can investigate the complaint.

An Eligible Recipient who is advised of suspected victimisation will investigate the complaint and report the matter to CEO who will decide what action to take.

When is Protection Not Available?

Not all Reports are protected at law. Protection is not available where the Report is:

(a) a Personal Work-Related Grievance or does not relate to Reportable Conduct;

(b) trivial or vexatious in nature with no substance. This will be treated in the same manner as a false report and may itself constitute misconduct; and/or

(c) an unsubstantiated allegation or an allegation which is found to have been maliciously, or knowingly false. These will be viewed seriously and may be subject to disciplinary action.

If you are unsure about whether your suspicions or concerns relate to Reportable Conduct covered by this policy, or you have concerns in relation to other misconduct or inappropriate workplace behaviours which are not considered Reportable Conduct, you should report your concerns to the Manager Risk and Culture, who will advise you on the appropriate next steps.

Disclosing Reportable Conduct does not excuse the Eligible Whistleblower from the consequences of any of their own involvement in the Reportable Conduct. This may include criminal proceedings or disciplinary action.

However, the Eligible Whistleblower's conduct in making the Protected Disclosure may be taken into consideration in determining what disciplinary action (if any) is appropriate.

INVESTIGATING REPORTS:

When a Report is received

After receiving a Report, the WCO will:

(a) assess whether the Report is a Report relating to Reportable Conduct, in which case the Discloser will be considered an Eligible Whistleblower. If the Report does not relate to Reportable Conduct the matter will be dealt with in accordance with CAC's Grievance Policy or other applicable polices;

(b) coordinate an investigation into any Protected Disclosure received (provided the WCO has determined it is appropriate to do so);

(c) keep the Eligible Whistleblower informed, either verbally or in writing, as the WCO determines appropriate, of the progress and final outcome of the investigation, and the actions taken or to be taken in response, subject to the privacy of the Respondent. There may be circumstances where it is not appropriate to provide details of the findings/outcome of an investigation to the Eligible Whistleblower; and

(d) provide support to the Eligible Whistleblower and Respondent as necessary.

(e) The CEO and Governing Body (Board of Directors) will be notified of all eligible whistleblower reports in accordance with governance and oversight responsibilities.

If the Report alleges Reportable Conduct by the WCO, the Eligible Recipient to whom the Report is initially made will be responsible for the above actions in consultation with the CEO.

If the Report alleges Reportable Conduct by the WCO and the CEO, the Eligible Recipient to whom the Report is initially made will be responsible for the above actions in consultation with the Board or its duly nominated representative.

Responsibility for Investigations

If an investigation is deemed warranted by the WCO or other Eligible Recipient, an Independent Person may be appointed to investigate. The appointed investigator will be required to:

(a) take all reasonable steps to ensure that the investigation is fair and timely and that procedural fairness is applied;

(b) provide regular and timely feedback on the status of an investigation and the outcome of the investigation to the parties involved; and

(c) report the findings of the investigation to the WCO (or other Eligible Recipient) who will determine the appropriate responses and actions.

The means of documenting and reporting the investigation findings will depend on the nature of the Reportable Conduct.

Responsibilities Towards Respondents and Other Persons involved in a Report

CAC will take reasonable steps to treat any Respondent who is the subject of a Report, or any other persons identified in or involved in a Report, fairly. Generally, where an investigation is conducted, the Respondent will be:

(a) informed of the substance of the allegations;
(b) given a fair and reasonable opportunity to respond to the allegations before the investigation is finalised; and
(c) informed about the substance of any adverse conclusions in the investigator's findings that affects them.

Where a Respondent is identified as being suspected of Reportable Conduct, but preliminary inquiries determine that the suspicion is unfounded and that no formal investigation is warranted, then the Eligible Whistleblower will be informed of this outcome. Whether the Respondent is informed of an allegation found to be baseless upon preliminary investigation is a matter for the WCO's (or other Eligible Recipient's) discretion.

When adverse conclusions are made by the investigation relating to the Respondent, the Respondent will be given the opportunity to respond to those conclusions prior to any action being taken against them in relation to the Reportable Conduct.

PUBLIC INTEREST AND EMERGENCY DISCLOSURES:

An Eligible Whistleblower who makes a Protected Disclosure in circumstances in which each of the following criteria is satisfied:

(a) at least 90 days have passed since the Protected Disclosure was made;

(b) the Eligible Whistleblower does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the Protected Disclosure related;

(c) the Eligible Whistleblower has reasonable grounds to believe that making a further disclosure of the information would be in the public interest;

(d) after 90 days has passed, the Eligible Whistleblower gave written notice to CAC that included sufficient information to identify the initial Protected Disclosure, and stated the Eligible Whistleblower's intention to make a public interest disclosure;

(e) the public interest disclosure is made to either a member of Parliament or a journalist (as defined in the Act); and

(f) the extent of the information disclosed in the public interest is no greater than necessary to inform the member of Parliament or the journalist of the Reportable Conduct as defined in this Policy,

then the disclosure to the member of Parliament or the journalist will qualify as a Protected Disclosure (known as a public interest disclosure).

The Act also provides additional protections in relation to Reportable Conduct concerning a substantial and imminent danger to the health or safety of one or more persons or to the natural environment (known as an

emergency disclosure). An Eligible Whistleblower who believes this to be the case should notify the Eligible Recipient when making their Report.

CAC recommends you seek independent advice before making a public interest disclosure or an emergency disclosure.

REMEDY FOR BREACH:

In the event of a breach of the confidentiality and/or victimisation protections in this policy, an Eligible Whistleblower (or another employee or person) may seek compensation or other remedies if they suffer loss or injury because of the breach. Any employee who considers there to have been a breach of this policy or thinks they have been victimised or suffered a loss, is encouraged to report this to the Whistleblower Protection Officer, an Eligible Recipient and/or to seek independent advice (including from ASIC, APRA or the ATO).

POLICY ADMINISTRATION:

A copy of this policy will be made available on the shared electronic 'CAC Document Library.

A copy of the policy will also be provided to all Workers as part of our on-boarding process. You may also request a copy of this policy from Human Resources at any time by emailing hr@chomes.com.au

Any questions in relation to this policy should be directed to the Whistle-blower email address **whistleblower@chomes.com.au**

ASSOCIATED DOCUMENTS:

This is the Information that associates the policy to other policies or working documents / manuals.

ER03_SOP01	Managing Employee Grievance Procedure
ER03_SOP01	Managing Employee Grievance Procedure
ER_POL23	Anti-Discrimination
ER_POL22	Workplace Harassment
ER_POL19	Workplace Bullying
QCI_POL03	Privacy Policy

REFERENCES:

This is a list of sources referenced to develop the policy and procedure.

Reference Title	Author	Date
Aged Care Act	Commonwealth Govt	2024
Fair Work Act 2009	Fair Work	2009
Corporations Act 2001 (Cth).	Commonwealth Govt	2001
Whistle-blower Policy Guidelines (270)	ASIC	2019