
ST CATHERINE'S AGED CARE SERVICES



<i>Manual</i>	Policies & Procedures Manual
<i>Document</i>	A1 Whistleblower Policy
<i>Revision Date</i>	May 2025

WHISTLEBLOWER POLICY

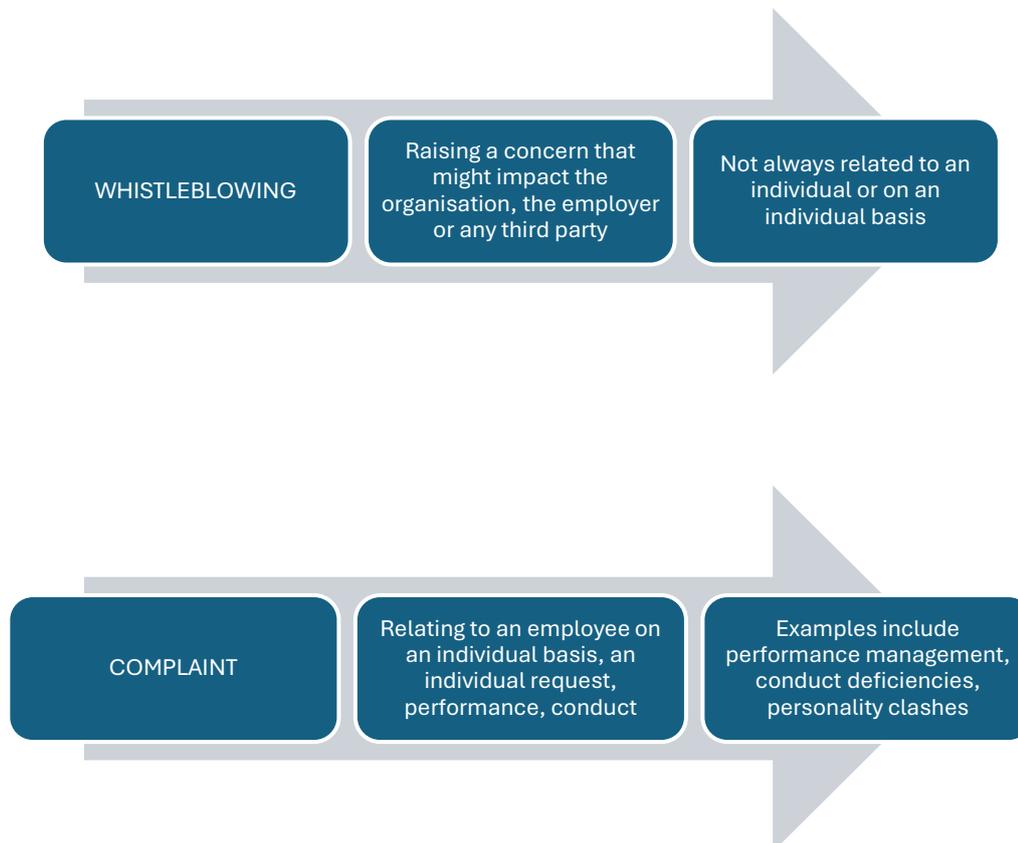
POLICY

A1.1 PURPOSE & SCOPE

Whistleblowing is the act of exposing information or activity within an organization that is deemed illegal or unlawful, unethical, corrupt, fraudulent or wrongdoing (such as abuse of power for personal gain).

Whistleblowing typically involves a current or former employee, Board member, CEO, Manager or a stakeholder, client, resident, family member, or advocate, **reporting** or **disclosing** misconduct to individuals or entities that have the power to take corrective action. Whistleblowing aims to bring attention to practices that are harmful or illegal, ensuring accountability and promoting a culture of integrity and transparency within the organization. Whistleblowing is not to be mistaken with general complaints against each other.

EXAMPLES ONLY:



Whistleblower reporting, whether anonymous or otherwise, is particularly important in aged care to safeguard the wellbeing of residents and clients, and the optimisation of operational effectiveness through the best and most appropriate use of company resources and assets. By implementing a whistleblowing system, including related incident and complaint management processes and reporting, SCACS safeguards:

- the prioritization of resident wellbeing, welfare and dignity above all else; and
- the organisation's strengthened longevity, and
- and the minimizing any actual or potential harm.

Section 355 to Section 361 of the new Aged Care Act 2025, covers the matter of Whistleblowers, disclosure of information, confidential information

The processes and systems supporting services and supports for daily living are regularly audited as part of our audit program and staff, consumers and other stakeholders are encouraged to provide ongoing feedback on issues and areas where improvements can be made (see 8.9 Continuous Improvement).

The purpose of this policy is to:

- Support SCACS to ensure compliance with mandatory reporting laws relating to the Whistleblower provisions of the new Aged Care Act 2025
- Encourage the reporting of matters that may cause harm to individuals or financial or non-financial loss to St Catherine's Aged Care Services (SCACS) or damage to its reputation;
- enable SCACS to deal with reports from whistleblowers in a way that will protect the identity of the whistleblowers and provide for the secure storage of the information provided;
- Support protection for whistleblowers against reprisal by any person internal or external to the entity;
- Implement measures to protect whistleblowers, including a system for submitting complaints as safely as possible without threat of recrimination, investigate complaints as appropriate, address and resolve as best as possible any complaints made, keep relevant records accordingly.
- Support the provision of appropriate Whistleblower program-related infrastructure, incident management system and complaints management system;
- Provide a guidance framework to management and aged care workers within SCACS on how to handle whistle blower disclosures.
- Provide guidance to management and staff including SCACS aged care workers, on identifying training needs and implementing training programs on how to handle whistle blower disclosures, Whistleblower protections, processes and outcomes
- Assist SCACS with their reinforcement and maintenance of the highest standards of ethical behaviour and integrity within the workplace, and to the extent required by law in relation to the workplace.

This Policy outlines the procedures for handling reporting or disclosures, serving as a critical tool for SCACS to identify and address wrongdoing. It supports a conducive environment for uncovering issues that might otherwise remain hidden. The Policy also informs and guides SCACS staff and stakeholders about the framework for receiving, managing, and investigating disclosures.

A transparent policy is vital for effective risk management and corporate governance, as it can reveal misconduct that might not be detected otherwise. Such wrongdoing often comes to light through the actions of individuals willing to disclose it.

SCACS believes the outcomes of this Whistleblower policy will be:

- a culture of ethical behaviour;
- more effective business management;
- improved health and safety;
- compliance with relevant legislation;
- appropriate fiscal management and the minimisation of fraud;
- improved employee engagement and positive morale; and
- quality corporate governance and reputation.

In addition SCACS believes this policy will:

- Enhance the whistleblowing culture and increase transparency in handling disclosures.
- Encourage more individuals to report wrongdoing.
- Deter misconduct, promote legal compliance, and foster an ethical culture by highlighting the increased likelihood of wrongdoing being reported

A1.2 DEFINITIONS

Act: means the new Aged Care Act commencing 2025 or such later date as proclaimed under Australian national law.

Balance of Probability: means taking into consideration all information at hand that is available and on that basis deciding whether something more likely than not did happen.

Misconduct activity or action: means any type of action or activity in the context of Section 355 to Section 361 of the Aged Care Act that qualifies the discloser for protections, and may include but is not limited to breach of a law applicable to the organisation and/or its people, fraud, negligence, misappropriation of funds, misappropriation of resources, an improper state of affairs or circumstances that misapplies balance of power or creates conflict of interest, breach of trust, breach of duty, or a breach of law impacting the organisation or workplace. For clarity, under this Whistleblower policy, disclosure of misconduct that may not qualify for protections includes (however is not limited to) employment-related performance management or employment-related conduct management of an individual, employee workload complaints in the discharge of ordinary daily duties, staff grievances regarding workplace disagreements or personality clashes, or workplace matters relating to reasonable action taken by SCACS in the running of the organisation, workforce management and/or care and services delivery.

Protections: means those protections provided by Section 355 to Section 361 of the Aged Care Act, whereby the Discloser who reports misconduct activity is protected against discrimination, bullying and harassment, physical or non-physical harm, damage to property, reputation or business, termination of employment or alteration of position/duties, termination of services or alteration of the provision of care or services, any or all of the above being a direct consequence of the Disclosure undertaking Whistleblowing or making an associated report.

Reasonable grounds: based on the proposition that a reasonable person would also suspect the information being disclosed concerns misconduct activity, an improper state of affairs or circumstances that pose harm to the organisation, the residents, or are in breach of the law.

Reportable conduct, reportable event or reportable incident: is any misconduct activity or action, process, system or document, that an individual believes is misconduct of a type that constitutes a breach of the new Aged Care Act, and/or may bring harm to the service, recipient of aged care services, financial, operational or reputational standing of the service.

Reportable Disclosure or Disclosure: is the act of reporting by a person (the Whistleblower or Discloser) of the reportable conduct, reportable event or reportable incident, made in accordance with Section 355 of the new Aged Care Act, and as such qualifies for appropriate protections under the said Act.

Representatives: A collective term used within this policy to refer to employees, contractors, consultants and volunteers (including Board of Directors, students and people on work experience).

Whistleblower or Discloser: As per the new Aged Care Act, a Whistleblower (or Discloser) is a person who, whether anonymously or not, makes, attempts to make or wishes to make a report or Reportable Disclosure in connection with reportable conduct, a reportable event or reportable incident, and wishes to avail themselves of protection against reprisal for having made the report. A Whistleblower includes but is not limited to a broad range of individuals, such as aged care workers, responsible persons of registered providers, and recipients of aged care services, along with their carers and advocates, A Whistleblower may also include a director, manager, employee, volunteer or contractor of SCACS.

PRACTICE & PROCEDURE

Whistleblowing Reportable Conduct

This Policy supports the reporting (disclosures) of allegations of serious wrongdoing (“**Reportable Conduct**”) by Disclosers.

Both disclosures and disclosers must meet the Whistleblowing requirements of the Aged Care Act for protections to apply.

Disclosers may be current or ex: SCACS aged care workers (employees, contractors and volunteers), Management or Board members, SCACS representatives, clients, residents or their families and carers, or SCACS’s independent auditors.

Reportable Conduct includes, but is not limited to the following:

- Dishonest, corrupt or illegal activities including breach of any law covering the organisation and/or its’ people;
- Theft, fraud, money laundering or misappropriation;
- A serious breach of the Group’s policies and procedures;
- Offering or accepting a bribe;
- Use of Group funds or Group resources in a manner that falls within the scope of Reportable Conduct;
- Damage/sabotage, violence, drug & alcohol sale/use;
- Risks to the health and safety of workers;

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- Unethical conduct including abuse of power for personal gain;
 - Bullying, discrimination, harassment or abuse;
 - Victimising someone for reporting Reportable Conduct;
 - Recrimination against someone because they participated in an investigation or review;
 - Any instruction to cover up or attempt to cover up serious wrongdoing.

Breaches of general law, organisational policy, or generally recognised principles of ethics include:

- corrupt conduct
- fraud or theft
- official misconduct
- maladministration
- harassment or unlawful discrimination
- serious and substantial waste of public resources
- practices endangering the health or safety of the staff, volunteers, or the general public
- practices endangering the environment.

This Policy extends to serious wrongdoing that occurs before or after the commencement of this Policy, and is not limited to the above examples.

The Board of SCACS is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles).

Disclosers are expected to cooperate with the organisation in maintaining legal, proper, and ethical operations as necessary, by reporting non-compliant actions through SCACS required channels, systems and processes.

Complaints regarding occupational health and safety should also where possible be made through the organisation's occupational health and safety procedures.

Handling Disclosures

Disclosures qualifying for protections, and the Protections themselves, are prescribed by Sections 355 and 356 of the Aged Care Act.

Where a Discloser believes in good faith and on reasonable grounds that any Board member/s, CEO or manager, employee, volunteer, or contractor has instigated, taken part in or witnessed an action or activity that represents Reportable Conduct under this policy, they should officially report their concern orally or in writing to

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
- the CEO: or, if they feel that the CEO may be complicit in the breach,
- the Chair of the Board, the Convenor of the Finance, Risk and Audit Committee or a director,
- Or any other person or entity prescribed by Section 355 of the Aged Care Act.

Where Reportable Conduct is discussed with a fellow work colleague (as opposed to being officially reported to any of those individuals noted above), the fellow work colleague may:

- Encourage the Discloser to seek direct support from their Supervisor, Manager, CEO or Board and make a disclosure using the Procedure within this Policy

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- Make a report themselves to their Supervisor, Manager, CEO or Board, advising what they have been told.

The above must be adhered to in order for Whistleblower qualifications for protections to be assessed properly.

Where the individual or individuals reporting or taking part in Whistleblowing qualify for protections under the Act, the Discloser or Disclosers shall not suffer any sanctions from the organisation on account of their actions in this regard provided that their actions

- are in good faith, and
- are based on reasonable grounds, and
- conform to the designated procedures.

Notwithstanding, the protections referred to within this Policy do not extend to claims that are made frivolously or vexatiously. Where on the balance of probability a claim has been made on grounds considered false or misleading, frivolous or vexatious, SCACS reserves the right to apply proportionate disciplinary action to an individual or individuals, including dismissal if appropriate.

Any Board member, CEO, manager or supervisor, within the organisation to whom such a disclosure is made:

- Who believes on the balance of probability that the claims hold substance and there are reasonable grounds to investigate, shall ensure the claims are reported in accordance with the Procedure within this Policy, to enable an appropriate and sufficient investigation of the Reportable Conduct, Event or Incident. The Discloser will be advised that their report shall be reviewed and may be progressed subject to further examination. The Discloser may also be advised of an anticipated timeframe for feedback.
- Who believes on the balance of probability that the claims do not hold substance, nor are there reasonable grounds to investigate, may advise the Discloser as such and give reason for dismissing the allegation.
- Shall keep notes and make a Report regarding their decision to either enable a disclosure-related investigation or dismiss a disclosure. Such Report must be produced, submitted, handled and filed for record-keeping, in accordance with the Procedure within this Policy, and in alignment with the Act.

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the organisation.

RESPONSIBILITIES

The organisation's **Board** is responsible for adopting this policy

The organisation's **CEO** is responsible for the implementation of this policy.

The organisation's **CEO** and **Executive Management** are responsible for the enforcement, application, reinforcement and continuous improvement of this policy.

All SCACS Board, CEO and Managers, staff, contractors and all volunteers, clients and residents, families, carers and advocates, are responsible for reporting breaches of general law, organisational policy, or generally recognised principles of ethics to a person authorised to take action on such breaches.

EXTERNAL REPORTING ENTITIES

For the purpose of compliance and thorough attention to Whistleblower obligations, the Board of SCACS may nominate external persons to whom, or agencies to which, disclosures may be made. Where such a nomination is made, staff and volunteers should be informed by any appropriate method.

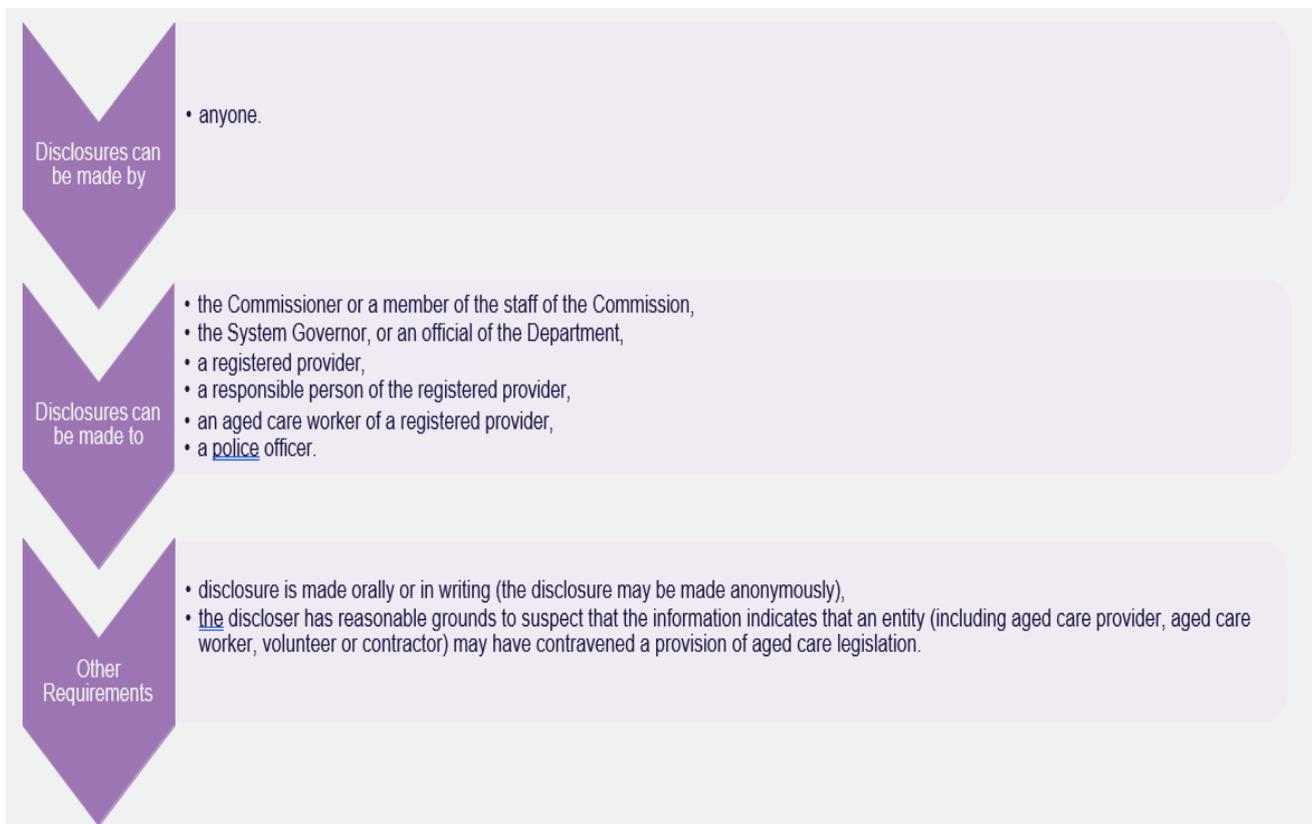
Reporting

Disclosure can be anonymous at the discretion of the Discloser



It means that Whistleblowers can make their disclosures without fear of retaliation or reprisal as their identity remains confidential.

In brief, the following summarises the Reporting Procedure required by the Australian Government, Department of Health and Aged Care:



In summary, SCACS is obligated to:

- Implement and maintain an incident management system.
- Implement and maintain a complaints management system.
- Implement measures to protect whistleblowers.
- Train aged care workers to handle whistleblower disclosures.
- Ensure compliance with mandatory reporting laws.

In view of the above SCACS must follow a clear process for reporting incidents, document and address serious incidents, and submit regular reports to the relevant authorities. By identifying, recording, managing, resolving, and reporting all serious incidents, SCACS can ensure compliance and accountability, doing their part for the sector. Failure to meet these obligations can result in:

- Civil penalties
- Non-compliance notices
- Revocation of approved provider status
- Imposition of sanctions

Therefore, it is crucial for us to prioritize compliance with legislation and proper governance.

In addition to the above, and to support our obligations, SCACS provides the following process as a guideline. SCACS may alter Steps or details within the Steps to ensure compliance and thoroughness with requirements, and adapt to the Claims and associated investigation as it unfolds:

Step 1

- Whistleblower or Discloser raises complaint orally or in writing with one of the following: Supervisor, Manager, CEO or Board, the registered Provider of SCACS. Complaint may be anonymous if desired.
- Other acceptable persons or entities that the Whistleblower can report to under the Aged Care Act Section 355 include: A police officer, an official of the Department of Health and Aged Care, the Commissioner or member of the staff of the Aged Care Quality and Safety Commission.
- Sound record-keeping is encouraged at this stage. As such the Whistleblower, even if choosing to remain anonymous, shall be required to provide evidence to the effect of names, dates, witnesses, places, diary notes, other proof substantiating their claim.
- Other mandatory reporting under various legislation, including the Act, must be adhered to eg SIRS

Step 2

- A complaint record is created within SCACS Whistle Blower Register (part of our Incident and Complaints Management systems) by the SCACS nominated Whistle Blower Officer (SCACS WBO).
- The SCACS WBO along with Board and/or management as appropriate, review the Complaint and all relevant documentation available at the time.
- The complaint will be checked to see whether it fits Whistleblowing as per the Act or is a general complaint. Mandatory reporting under various legislation, including the Act, must be adhered to.
- SCACS may at this stage choose to investigate the claim or decline the claim, subject to reasonableness and on the basis of balance of probability that events or activities indeed occurred. Should the complaint concern the Board, an external agent will be appointed to undertake next steps and provide recommendations.
- Where an investigation is necessary, SCACS may, relative to the scale of claim, choose to investigate using internal resources, or alternatively engage an external agent to conduct the investigation.
- At all times sound record-keeping is essential. Follow-up entries are made into the Incident and Complaints Management systems as appropriate. Log if further notification to authorities is anticipated or required, due date and by responsible person.
- Discloser will be advised of whether their claim fits the Whistleblowing requirements of the Act, or is a general complaint, and next steps to occur.

Step 3

- Whether the investigation is carried out internally or by an external agent, the principles of right of reply and procedural fairness shall be afforded as best as possible as permitted by circumstances. Conflicts of interest should be eliminated and other influencing factors managed so as to avoid the integrity of the investigatory process being called into question.
- The investigator shall produce a thorough Report on the investigation, including findings based on the Balance of Probability. Recommendations for resolution should be included within the Report.
- The Board or CEO will review the recommendations and either action as appropriate or delegate actioning authority.
- A concluding Report should be filed by the SCACS WBO for completeness once signed off by the Board or CEO, or their external authority.
- At all times sound record-keeping is essential. Follow-up entries are made into the Incident and Complaints Management systems as appropriate. Log if further notification to authorities is anticipated or required, due date and by responsible person. Other mandatory reporting under various legislation, including the Act must be adhered to eg SIRS

Step 4

- Where recommendations require individuals being stood down or further investigation takes place, a separate process will be undertaken to ensure integrity.
- At this stage, SCACS may require intervention from external agencies and authorities, including the Police if necessary.
- Where matters escalate, and the Whistleblower claims are on the balance of probability substantiated or partially substantiated, SCACS may apply appropriate disciplinary action, including up to termination of employment.
- At all times record-keeping is essential. At all times sound record-keeping is essential. Follow-up entries are made into the Incident and Complaints Management systems as appropriate. Log if further notification to authorities is anticipated or required, due date and by responsible person. Other mandatory reporting under various legislation, including the Act must be adhered to eg SIRS

CLOSE THE LOOP: SCACS shall as part of its continuous improvement effort, vigilantly review all complaints made under this policy as well as others, to draw data, revise approaches, involve additional parties and make systems improvements. SCACS believes that transparency, trust and improved staff and stakeholder engagement can only serve to benefit.

Where a Discloser believes in good faith on reasonable grounds that any other employee, volunteer, or contractor, CEO, Manager, Board member or other key stakeholder has breached general law, organisational policy, or generally recognised principles of ethics and trust, that Discloser must report their concern to

- their supervisor: or, if they feel that their supervisor may be complicit in the breach,
- the CEO: or, if they feel that the CEO may be complicit in the breach,
- the Chair of the Board, the Convenor of the Finance, Risk and Audit Committee or a director, the duly constituted legal authorities responsible for the enforcement of the law in the relevant area.
- Or any other person or entity prescribed by Section 355 of the Aged Care Act.

These procedures do not authorise any representative to inform public, commercial or social media of their concern, and do not offer protection to any representative who does so, unless

- it is not feasible for them to report internally, or
- existing reporting channels have failed to deal with issues effectively.

Any person reporting such a breach should be informed that

- as far as lies in the organisation's power, the representative will not be disadvantaged for the act of making such a report; and
- if the person wishes to make their report anonymously, their wish shall be honoured except insofar as it may be overridden by the necessity of safety, and various requirements of law; however,
- reporting such a breach does not necessarily absolve the complainant from the consequences of any involvement on their own part in the misconduct complained of.

Any such report should where possible be in writing and should contain, as appropriate, details of

- the nature of the alleged breach;
- the person or persons responsible for the breach;
- the facts on which the complainants' belief that a breach has occurred, and has been committed by the person named, are founded;
- the nature and whereabouts of any further evidence that would substantiate the complainant's allegations, if known.

SCACS, requires the Discloser to support such concerns with timely evidence and proof. It should be brought forward at the time of disclosure if it exists. The absence of such evidence will be taken into account in subsequent consideration of whether to open an investigation into the matter. However, absence of such evidence is not an absolute bar to the activation of the organisation's investigative procedures. The existence of such a concern is sufficient to trigger reporting responsibilities.

In contemplating the use of this policy a person should consider whether the matter of concern may be more appropriately raised under either the organisation's grievance procedures or its disputes resolution policy.

Investigation

The person to whom the disclosure was made shall notify the CEO (or Board if more appropriate), who shall be responsible for deciding on the balance of probability, whether enough substance to the claim exists, such that an investigation into the disclosure occurs.

Thereafter the CEO (or if more appropriate the Board) is responsible for overseeing the adequacy and appropriateness of resourcing for the investigation (should one be required).

Terms of reference for the investigation will be drawn up, in consultation with the CEO (or the Board if more appropriate), to clarify the key issues to be investigated.

An investigation plan will be developed to ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.

Strict security will be maintained during the investigative process.

All information obtained will be properly secured to prevent unauthorised access.

All relevant witnesses will be interviewed and documents examined.

Contemporaneous notes of all discussions, phone calls and interviews will be made.

Where agreed interviews may be taped.

The principles of procedural fairness and right of reply will be observed as far as permitted by circumstances.

The person or persons conducting the investigation shall be as far as possible unbiased. Conflicts of interest should be declared and resolved prior to an investigator undertaking an investigation.

FINDINGS

A report will be prepared when an investigation is complete. This report will include

- the allegations
- a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions
- the conclusions reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis
- recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

The report will be provided to the person making the allegation (with, if necessary, any applicable confidentiality stipulations).

Protection of Informant

Where the investigation has found that the person making the allegation made it in good faith on reasonable grounds, the CEO shall designate an officer to be responsible for ensuring that the person suffers no employment-related disadvantage on account of their actions in this matter and to provide additional support for the person where necessary.

REFERENCES

1. New Aged Care Exposure Draft - <https://www.health.gov.au/sites/default/files/2023-12/exposure-draft-aged-care-bill-2023.pdf>
2. <https://www.health.gov.au/our-work/aged-care-act/about>
3. <https://www.agedcarequality.gov.au/about-us/legislation-and-policies/new-aged-care-act>

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4. <https://www.agedcareessentials.com.au/news/aged-care-whistleblower-reforms-upcoming-new-protections-and-obligations>
 5. <https://www.health.gov.au/resources/publications/whistleblower-protections-under-the-draft-new-aged-care-act>
 6. <https://www.agedcarequality.gov.au/>
 7. <https://www.acnc.gov.au/tools/factsheets/whistleblower-protections>
 8. The Corporations Act 2001 (Cth) (Corporations Act)
 9. The Taxations Administration Act 1953 (Cth)
 10. <https://asic.gov.au/report-misconduct>