

# WHISTLEBLOWER PROTECTION POLICY AND PROCEDURE

## 1. POLICY STATEMENT

This policy sets out Warrigal’s commitment to protecting whistleblowers and the procedure that will be undertaken to investigate a person’s concerns over improper conduct or certain activities within the organisation that they feel may have breached moral, ethical, legal or behavioural standards.

## 2. KEY RESPONSIBILITIES

The following responsibilities apply to Warrigal employees.

Chief Executive Officer (CEO)	1.1 Approve arrangements that are outside the provisions of this Policy and Procedure
Executive Leader People and Culture	2.1 Monitor and review this Policy and Procedure to ensure compliance
Employee Relations Advisor – People and Culture	3.1 Establish, implement, monitor and review this Policy and Procedure. 3.2 Communicate Policy and Procedure to ensure up-to-date and accessible to all stakeholders. 3.3 Provide guidance and assistance to managers and employees on the application of this Policy and Procedure as required. 3.4 Determine any issues that are in dispute, or have not been determined locally in a manner consistent with the Policy and Procedure. 3.5 Inform employees of their obligations under this Policy and Procedure.
Managers and Coordinators - Supervisory Employees	4.1 Implement policy and procedure within areas of control. 4.2 Comply with requirements outlined in the Policy and Procedure. 4.3 Promote best conduct and regularly remind employees of their responsibilities in relation to the Policy and Procedure. 4.4 Determine the appropriate course of action in managing any conflict in relation to this Policy and Procedure within areas of control.
Warrigal Employees	5.1 Comply and adhere to requirements outlined within this Policy and Procedure

## 3. PROCEDURE

### 3.1. Whistleblowing

Whistleblowing involves a person coming forward to voice concerns over improper conduct or certain activities within an organisation that they feel may have breached moral, ethical, legal or behavioural standards. It is generally about the disclosure of misconduct within an organisation that may need investigation to ascertain and then resolve.

The following persons can make a disclosure:

- An employee, or a former employee of Warrigal;
- Suppliers;
- Contractors;
- An Officer (for example a Director from the Board of Directors), or a former Officer of Warrigal; or
- A family member of one of the above persons.

A volunteer can also make a disclosure under this Policy and Procedure.

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## Some examples of activities that are considered improper conduct:

- The sexual or serious assault of a Warrigal client
- Corporate corruption
- Bribery
- Money laundering
- Terrorist financing
- Fraudulent activity
- A substantial mismanagement of Warrigal's resources
- Conduct involving substantial risk to public health and safety or the environment, that if proven would be:
  - A criminal offence;
  - Grounds for termination of employment;
  - Grounds for disciplinary action.

Note: a personal or professional work-related grievance does not fall within the scope of this Policy and Procedure (for example, an interpersonal conflict between two employees). Please refer to the Grievance Resolution Policy & Procedure.

## 3.2. Warrigal's Role

To ensure Warrigal's Whistleblowing Protection Policy is properly implemented and adhered to the Executive Leader, People and Culture has been appointed the company's Whistleblower Protection Officer (WPO) and the Employee Relations Advisor has been appointed the company's Whistleblower Investigation Officer (WIO).

Warrigal also has the following measures in place to help protect whistleblowers:

- **Confidentiality** – Warrigal will take all reasonable steps to protect the identity of whistleblowers and recognises that confidentiality is crucial in helping protect whistleblowers.
- **Welfare** – Whistleblowers must be supported and protected. It is not acceptable to terminate, demote, suspend, threaten, harass or in any other manner discriminate against a whistleblower.  
Persons who are involved in the investigation of a disclosure (for example witnesses), or the person who receives or investigates a disclosure must also not be victimised.
- **Protected Disclosure** – Warrigal recognises "protected disclosure" for whistleblowers which is any communication based objectively on reasonable grounds that discloses or demonstrates intention to disclose information that may evidence an "improper conduct".

The following also applies:

- **Whistleblower's Improper Conduct** – The act of whistleblowing should not shield whistleblowers from the consequences of their own behaviour if involved in "improper conduct".
- **False or malicious Whistleblowing** – Warrigal may pursue disciplinary, or even legal action against a whistleblower acting with malicious intent or who knowingly provides vexatious or false information.

Employees will be trained on this Policy, and Officers and volunteers of Warrigal will be provided a copy of this Policy on the commencement of their roles.

## 3.3. Whistleblowing Reporting and Investigation Process - also see Appendix A

- The person making the disclosure must have objectively reasonable grounds to suspect misconduct or contravention or an improper state of affairs or circumstances.
- Reports may be made by contacting the Whistleblowing Protection Officer (WPO). All reports are treated in confidence. A report can be made in writing (for example via email), or in person. A report can be made anonymously and will be investigated in accordance with this Policy and Procedure;

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however an anonymous complaint can be difficult to investigate (especially if the person who made the report cannot be contacted).

- Disclosures received will be assessed as to whether further investigation is appropriate. If further investigation is warranted, the matter will be referred to the Whistleblower Investigation Officer (WIO) for investigation.
- The whistleblower will be informed of the WIO's appointment and the WIO will contact the whistleblower to acknowledge receipt of the disclosure and to establish a process, including expected timeframes, for reporting to the whistleblower on the progress of dealing with the disclosure
- The whistleblower will be contacted by the WPO, as soon as practicable, to discuss their welfare and to discuss a communication process, if required. The whistleblower will be offered access to confidential counselling via Warrigal's Employee Assistance Program ("EAP")
- If it is determined that there is insufficient information or evidence to warrant further investigation, the whistleblower will be informed at the earliest possible opportunity. No further action will be taken
- Any disclosures which may implicate the WPO or the WIO, should be referred to the CEO who will then involve the chair of the Warrigal board directly
- Where a formal investigation is initiated, this will be a fair and independent process, without bias, conducted by the WIO. Investigations will be independent of the business unit in respect of which allegations have been made, the person who has made the disclosure, or any person who is the subject of the improper conduct
- The whistleblower will be informed by the WIO of the final outcome of the investigation, where appropriate
- Where investigations substantiate an allegation arising from the disclosure, the matter will be dealt with in accordance with established administrative or disciplinary procedures, which may result in disciplinary action, including termination of employment
- Any matters of a criminal nature will be reported to the police and, if appropriate, other appropriate regulatory authorities

If a person who makes a disclosure considers that their disclosure has not been dealt with in accordance with this Policy & Procedure, or that they have been subject to retaliation as a result of making the disclosure, the matter can be escalated to the WPO. The WPO, in consultation with the CEO and/or Board, will determine the most appropriate course for handling the matter, which may include informal resolution options or a formal investigation.

## 3.4. Public Interest and Emergency Disclosures

A person can make an "emergency" or "public interest" disclosure to a journalist or a Member of Parliament.

A public interest disclosure is made where at least ninety (90) days have passed since the person made the initial disclosure to Warrigal, and Warrigal has not taken reasonable steps to address the misconduct, and the person has reasonable grounds to believe that the making of the disclosure would be in the public interest

A person can make an emergency disclosure where they have reasonable grounds to believe that their disclosure concerns a substantial and imminent danger to the health or safety of one or more persons of the natural environment.

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A person making an emergency or public interest disclosure must provide notice to Warrigal that they are making such a disclosure.

Note: a person cannot make an emergency or public interest disclosure in relation to a tax matter

## 4. DEFINITIONS

Whistleblowing	Whistleblowing involves a person coming forward to voice concerns over improper conduct or certain activities within an organisation that they feel may have breached moral, ethical, legal or behavioural standards. It is generally about the disclosure of misconduct within an organisation that may need investigation to ascertain and then resolve.
Whistleblower Protection Officer (WPO)	The officer with overall responsibility for Whistleblower investigation and protection. The Executive Leader People and Culture carries out this role.
Whistleblower Investigation Officer (WIO)	The officer with responsibility for investigating Whistleblower claims. The Employee Relations Advisor carries out this role.

## 5. RELATED DOCUMENTS

5.1 Grievance Resolution Policy & Procedure

## 6. REGULATORY COMPLIANCE

6.1 Aged Care Act 1997

6.2 Aged Care Quality Standards 2019

6.3 Treasury Law Amendment (Enhancing Whistleblowers Protections) Act 2019

## 7. APPENDICES

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# WHISTLEBLOWER PROTECTION POLICY AND PROCEDURE

## Appendix A

### Step 1

#### Contact the Whistleblowing Protection Officer (WPO)

Disclosures received will be assessed as to whether further investigation is appropriate. If so the matter will then be referred to the Whistleblower Investigation Officer (WIO) for investigation (step 2).

If it is determined that there is insufficient information or evidence to warrant further investigation, the whistleblower will be informed at the earliest possible opportunity. No further action will be taken.



### Step 2

#### Formal Investigation

The whistleblower will be informed of the WIO's appointment and the WIO will contact the whistleblower to acknowledge receipt of the disclosure and to establish a process, including expected timeframes, for reporting to the whistleblower on the progress of dealing with the disclosure

The whistleblower will be contacted by the WPO, as soon as practicable, to discuss their welfare and to discuss a communication process, if required. The whistleblower will be offered access to confidential counselling via Warrigal's Employee Assistance Program ("EAP")



### Step 3

#### Outcome of Investigation

If it is determined that there is insufficient information or evidence to warrant further action, the whistleblower will be informed of the decision.

The whistleblower will be informed by the WIO of the final outcome of the investigation, where appropriate but certain information may need to be kept confidential.

Where investigations substantiate an allegation arising from the disclosure, the matter will be dealt with in accordance with established administrative or disciplinary procedures, which may result in disciplinary action, including termination of employment.

Any matters of a criminal nature will be reported to the police and, if appropriate, other appropriate regulatory authorities



### Step 4

#### Review

If a person who makes a disclosure considers that their disclosure has not been dealt with in accordance with this policy, or that they have been subject to retaliation as a result of making the disclosure, the matter can be escalated to the WPO. The WPO, in consultation with the CEO and/or Board, will determine the most appropriate course for handling the matter, which may include informal resolution options or a formal investigation.