

WHISTLE-BLOWER PROTECTION POLICY AND PROCEDURE

POLICY STATEMENT

Warrigal is committed to fostering a culture where honesty, integrity and ethics are a part of our everyday behaviour; and encourages reporting of matters which may be considered unethical, illegal or an act of serious wrongdoing. Warrigal also provides protections and measures so that those who raise such concerns may do so confidentially and without fear of intimidation, disadvantage or reprisal.

KEY RESPONSIBILITIES

The following responsibilities apply to Warrigal employees:

Chief Executive Officer (CEO)	<ul style="list-style-type: none"> Approve arrangements that are outside the provisions of this Policy and Procedure
Chief People & Culture Officer	<ul style="list-style-type: none"> Monitor and review this Policy and Procedure to ensure compliance
Employee Relations Manager – People & Culture.	<ul style="list-style-type: none"> Establish, implement, monitor and review this Policy and Procedure. Communicate it to ensure it is up-to-date and accessible to all managers and staff. Guide and assist managers and employees to use the Policy and Procedure as required. Determine any disputes, or anything not determined locally in line with the Policy and Procedure. Inform employees of their obligations under this Policy and Procedure.
Managers and Coordinators - Supervisory Employees	<ul style="list-style-type: none"> Implement policy and procedure within their areas of control. Comply with the Policy and Procedure. Promote the code of conduct and signature behaviours and regularly remind employees of their responsibilities at work. Determine the appropriate course of action in managing any conflict in relation to this Policy and Procedure within areas of control.
Warrigal Employees	<ul style="list-style-type: none"> Comply with the requirements in this Policy and Procedure

1. DEFINITION

Whistleblowing / Disclosures	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 Chief People & Culture Officer carries out this role.
Whistleblower Investigation Officer (WIO)	The officer with responsibility for investigating whistleblower reports. The Employee Relations Manager carries out this role.
Whistleblower	Individual(s) who report the misconduct or dishonest or illegal activity that may have occurred within the organisation.
Warrigal Client	Any person who is a recipient of a good, service or product to or from Warrigal such as residents/customers/consumers/suppliers.

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2. PROCEDURE

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 may need investigation to ascertain and then resolve. Anyone can, and is encouraged to report misconduct, however to be eligible for protections outlined in clause 4.4 of this policy, they must be:

- i. An employee, or a former employee of Warrigal;
- ii. Suppliers;
- iii. Contractors;
- iv. An Officer (for example a Director from the Board of Directors), or a former Officer of Warrigal; or
- v. A customer of the organisation; or volunteer

Some examples of activities that are considered improper conduct:

- 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; or
 - 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](#).

2.1. Reporting Disclosures

2.1.1. Making a Disclosure

A whistleblower can make a disclosure verbally or in writing however the person making the disclosure must have objectively reasonable grounds to suspect misconduct or an improper state of affairs or circumstances. Disclosures should include as much information and evidence as possible, including:

- i. Name, job title, site of the individual/s who is/are the subject of the disclosure;
- ii. Details of the alleged improper conduct to the extent known by the whistleblower;
- iii. How the whistleblower became aware of the improper conduct;
- iv. Possible witnesses; and
- v. Any other information that is or may be available to support the allegation (even if not accessible by the whistleblower).

2.1.2. Anonymity

All disclosures can be made anonymously. However, when deciding whether to make a disclosure anonymously, the whistleblower must understand that anonymity may limit Warrigal's ability to investigate the matter(s) reported (especially if the person who made the disclosure cannot be contacted). Warrigal encourages whistleblowers to disclose their identity when making a disclosure, as this will also enable Warrigal to monitor the whistleblower's wellbeing and protect them from any retaliation or detriment.

2.1.3. Who Disclosures can be made to

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A whistleblower will make a disclosure in writing (for example via email) or in person by contacting the Whistleblower Protection Officer (WPO) via whistleblower@warrigal.com.au.

2.1.4. Public Interest and Emergency Disclosures

- i. A person can make an “emergency” or “public interest” disclosure to a journalist or a Member of Parliament.
- ii. 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.
- iii. 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.
- iv. 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.

2.2. Investigation

When a disclosure is received, the WPO, in consultation with the CEO and/or Board will:

- 2.2.1. Assess the nature and scope of the disclosure to determine whether an investigation is appropriate. If investigation is warranted, the matter will be referred to the Whistleblower Investigation Officer (WIO) for investigation.
- 2.2.2. 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.
- 2.2.3. 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”).
- 2.2.4. 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 unless further information is provided.
- 2.2.5. Any disclosures which may implicate the WPO will be referred to the CEO who will then involve the chair of the Warrigal board. In these circumstances, an external WIO to Warrigal will be appointed.
- 2.2.6. Any disclosure which may implicate the WIO should be referred to the WPO. In these circumstances, a WIO external to Warrigal will be appointed.
- 2.2.7. Any disclosures in relation to the CEO or a Board should be referred to the [Australian Charities and Not-For-Profits Commission \(“ACNC”\)](#). A disclosure can be reported online through ACNC website or by calling 13 22 62. Reports of a financial, corporate or governance nature can also be made to the [Australian Securities and Investments Commission \(ASIC\)](#). Disclosure(s) can be reported online through ASIC website.
- 2.2.8. Where a formal investigation is initiated, it will be a fair and independent process, without bias, conducted by the WIO. Investigations will be independent of the service outlet or 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.
- 2.2.9. The whistleblower will be informed by the WIO of the final outcome of the investigation, where appropriate.
- 2.2.10. 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.
- 2.2.11. Any matters of a suspected criminal nature will be reported to the police and, if appropriate, other appropriate regulatory authorities
- 2.2.12. 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

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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.

2.3. Protections

An eligible whistleblower who reports a disclosure will have the following whistleblower protections:

2.3.1. Identity Protection

Warrigal will treat all disclosure(s) and the whistleblower's identity with the strictest confidence. However subject to compliance with legal requirements, Warrigal may disclose the identity of the whistleblower or any other information that is likely to lead to the identification of whistleblower, with their prior consent or otherwise in limited circumstances listed below:

- i. Warrigal's lawyers and/or external investigators;
- ii. Aged Care Quality and Safety Commission;
- iii. Department of Health and Aged Care;
- iv. Australian Securities and Information Commission;
- v. Australian Charities and Not-for-profits Commission;
- vi. Australian Federal Police / State Police;
- vii. Where Warrigal is permitted or required to do so by law; and
- viii. Any third party where the WIO or investigating authority is of the opinion that disclosure of whistleblower's identity is necessary to investigate the matter effectively, or it is otherwise in the public interest to do so.

Warrigal will take all reasonable steps to reduce the risk that the whistleblower is not identified from the information. However, people may be able to guess the whistleblower's identity in circumstances where:

- The whistleblower has informed other persons of the fact they have made a disclosure or their intention to make a disclosure.
- The investigation leads to charges being made in court
- The nature of the allegations is such that the identity of the whistleblower can be deduced from the disclosure made.

2.3.2. Protection from Detriment

Warrigal is committed to ensuring any person feels safe in making a disclosure. When a disclosure is made, the identity of the person will remain confidential and the person will be protected from detrimental conduct for reporting the disclosure. Any detrimental conduct against the whistleblower will be treated as a serious misconduct.

If the whistleblower faces any kind of detrimental conduct, they are encouraged to notify the Whistleblower Protection Officer (WPO). The Whistleblower Protection Officer will ensure the matter is investigated promptly and disciplinary action (up to and including dismissal) may be taken against the person who causes or threatens to cause any detriment against a whistleblower.

Some examples of detriment conduct:

A person may be causing you detriment if they:

- Dismiss you from your employment.
- Injure you in your employment.
- Alter your position or duties to your disadvantage.
- Discriminate between you and other employees of the same employer.
- Harass or intimidate you.
- Harm or injure you, including causing you psychological harm.
- Damage your property.
- Damage your reputation.
- Damage your business or financial position.
- Cause you any other damage.

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2.3.3. Protection against legal action

A whistleblower who reports a disclosure may be protected against certain legal actions related to the making the whistleblower disclosure, including:

- criminal prosecution (and the disclosure cannot be used against the whistleblower in a prosecution, unless the disclosure is false);
- civil litigation (such as for breach of an employment contract, duty of confidentiality, or other contractual obligation); or
- administrative action (including disciplinary action).

This protection however does not grant the whistleblower or anyone involved in the investigation of a disclosure (for example witnesses) immunity for any misconduct that they were involved in that is revealed in the disclosure. The act of whistleblowing will not shield whistleblowers from the consequences of their own behaviour if involved in “improper conduct”. Warrigal may also pursue disciplinary, or even legal action against a whistleblower acting with malicious intent or who knowingly provides vexatious or false information.

2.3.4. **Support**

Professional counselling support will be made available to the whistleblower or anyone involved in the investigation of a disclosure (for example witnesses) through Warrigal’s Employee Assistance Program. Warrigal will also ensure that all employees will be trained on this policy as part of their induction.

3. **RELATED DOCUMENTS**

- 3.1. [Grievance Resolution Policy & Procedure.](#)
- 3.2. [Bullying, Harassment and Discrimination Policy & Procedure.](#)
- 3.3. [Managing Performance and Behaviour Policy & Procedure.](#)

4. **REGULATORY COMPLIANCE**

- 4.1. *Aged Care Act 1997 (Cth)*
- 4.2. *Aged Care Quality Standards*
- 4.3. *Treasury Law Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)*
- 4.4. *Corporations Act 2001 (Cth)*

5. **APPENDICES**

- 5.1. Flowchart

Document owner:	Chief People & Culture Officer	Author:	Employee Relations	Approved by:	Chief People & Culture Officer
Date:	12/07/2024	Next review due:	12/07/2027	Doc ID:	Click here to enter number listed on intranet
Version:	4	Amendment notes:	Review and update of Policy and Procedure.		

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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 whistle-blower 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.