WHISTLEBLOWER POLICY

Parent document: UCWB Rules and Regulations

Document owner: Chief Executive

Policy category: Governance

1. Policy Statement

We are committed to maintaining legal and ethical behaviour throughout our organisation and understand that whistleblowers can be important in exposing misconduct.

Australian legislation provides protections for genuine whistleblowers in specific circumstances.

We provide additional protections for whistleblowers in relation to disclosures of any illegal or unethical behaviour.

2. Purpose

The purpose of this policy is to:

- encourage reporting of misconduct
- help deter misconduct
- ensure we have a transparent approach to whistleblowing
- provide a safe and supportive environment where people can raise allegations without negative consequences or fear of negative consequences
- comply with obligations under the;
    - Aged Care Act 2025 and enhanced quality standards (Cth)
    - Corporations Act 2001 (Cth)
    - Taxation Administration Act 1953 (Cth)
    - Fair Work Act 2009 (Cth)
    - Privacy Act 1988
    - NDIS Code of Conduct and Quality Standards
    - Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019

3. Scope

This policy applies to all our operations, to all types of misconduct and to any person who alleges misconduct by UnitingCare Wesley Bowden (UCWB).

This policy does not cover:

- personal work-related grievances which are covered by the Grievance Resolution procedure
- complaints about the quality of our services which are covered by the Complaints and Feedback Management Policy.

4. Definitions

Disclosure	A report of suspected misconduct made under whistleblower protections.
Disclosure Officer	The position in UCWB which receives whistleblower disclosures
Eligible recipient	The type of position specified in the Legislation to receive whistleblower disclosures under those Acts. The acts have different eligible recipients. Links to the relevant websites included in this policy.
Misconduct	Action that includes, but is not limited to: • breaches of legislation • activity that is corrupt, an abuse of public trust, dishonest or fraudulent • perversion of the course of justice • threats to health or safety or the environment • maladministration – e.g., unjust, based on improper motives, unreasonable, oppressive or negligent • serious or substantial waste including public money or public property • gross mismanagement or repeated breaches of administrative procedures • activities that result in financial or non-financial lost detrimental to the interests of UCWB • breaches of the applicable Codes of Conduct • improper conduct.
Whistleblower	A person who reports misconduct
Whistleblowing	Disclosure of actual or suspected misconduct

5. What is Reportable Misconduct?

Whistleblowers can report misconduct including, but not limited to:

- Breaches of applicable Australian Legislations and associated rules and standards.
- Unlawful, unethical or dishonest conduct
- Fraud, corruption, bribery or financial misconduct
- Abuse or neglect of vulnerable people
- Risk to health and safety
- Serious mismanagement or improper conduct
- Breaches of workplace rights under the **Fair Work Act**
- Tax evasion or other breaches under the **Taxation Administration Act**
- Victimisation of whistleblowers

While we encourage and support genuine whistleblowers, there must be reasonable grounds to the concerns being reported and deliberate false reporting is discouraged.

6. Who Can Make a Disclosure?

Disclosures can be made by:

- Current or former staff, volunteers, contractors, suppliers
- Officers and associates of the organisation
- Family members/carers of clients
- Any other stakeholders with a relationship to the customer or provider

7. How to Make a Disclosure

Disclosures can be made in person, by phone or in writing (including via email) to:

- The designated **Disclosure Officer** at UCWB **– Executive Manager, Strategy and Impact**
- **To the Board Chair** (where the disclosure involves senior leadership)
- **Externally** to:
    - **Aged Care Quality and Safety Commission**
    - **NDIS Quality and Safeguards Commission**
    - **Australian Securities and Investments Commission (ASIC)**

- **Australian Taxation Office (ATO)**
- **Fair Work Ombudsman**
- **Australian Information commissioner (OAIC)**
- **Department of Health, Department Disability and Ageing**
- **A registered aged care provider, responsible person of a registered provider or another aged care worker of a registered provider**
- **A police officer**
- **An independent Aged Care Advocate**
- **Australian Charities and Not-for-profits Commission (ACNC)**
- **Legal practitioners** for advice on making a protected disclosure

8. Disclosure Officer

The Executive Manager, Strategy and Impact is our internal Disclosure Officer for whistleblower reports. The Chief Executive will appoint an alternative Disclosure Officer if needed.

The Disclosure Officer is responsible for:

- receiving information from whistleblowers
- handling disclosures sensitively and confidentially
- ensuring that all disclosures from whistleblowers are examined
- formally investigating disclosures where examination is not enough to find out the facts – as per our Incident Management Procedure/Misconduct Management Procedure.
- referring disclosures to SA Police when they may involve a criminal act
- reporting to external organisations when this is required by law or in contracts
- reporting to the Chief Executive and/or the Board as appropriate on the allegations and result of the investigation
- ensuring that whistleblowers do not experience any negative consequences because they make a disclosure.
- Supporting whistleblowers throughout the investigation process
- Maintaining secure records of reports and outcomes

9. Whistleblower Protections

Disclosure Channels and Protections Under Law

Whistleblower disclosures made to the Australian Securities and Investments Commission (ASIC), Australian Charities and Not-for-profits Commission (ACNC), Australian Taxation Office (ATO), the Fair Work Ombudsman or a legal practitioner (for the purpose of obtaining legal advice or representation) are protected under the following legislation:

- Corporations Act 2001 (Cth)
- Taxation Administration Act 1953 (Cth)
- Fair Work (Registered Organisations) Act 2009 (Cth)

Under the Aged Care Act 2025, whistleblower disclosures are only protected if made to the persons or entities explicitly listed in the legislation. These include:

- The Aged Care Quality and Safety Commission
- The Department of Health, Disability and Ageing
- A registered aged care provider or responsible person
- An aged care worker
- A police officer
- An independent aged care advocate

Disclosures can be made anonymously. Depending on the reporting channel used, anonymous disclosures may be protected under law. UCWB must ensure all staff are aware of the correct channels for protected disclosures.

Third-party services: UCWB cannot appoint third-party services (i.e. external hotlines or platforms) to formally receive disclosures on its behalf if the intention is to ensure legal protection for whistleblowers, as such providers are not recognised under relevant legislation.

10. Further information and disclosure contact details

For further information about whilstleblower protections, a list of eligible recipients, or to make a disclosure, please contact one of the authorised channels below:

- external organisations

Name of organisation	Contact details	Website
Australian Securities and Investment Commission (ASIC)	1300 300 630	https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/

Name of organisation	Contact details	Website
Australian Charities and Not-for-profits Commission	13 22 62	https://www.acnc.gov.au/tools/factsheets/whistleblower-protections
Australian Taxation Office	1800 060 062	https://www.ato.gov.au/general/gen/whistleblowers/
Fair Work Ombudsman	13 13 94	https://www.fairwork.gov.au/workplace-problems/send-us-an-anonymous-tip-off
Aged Care Quality and Safety Commission	1800 951 822 Email: info@agedcarequality.gov.au	https://www.agedcarequality.gov.au/contact-us/complaints-concerns/what-do-if-you-have-complaint
Department of Health, Disability and Ageing	Contact via health.gov.au contact page	health.gov.au
Older Persons Advocacy Network (OPAN)	1800 700 600	opan.org.au [agedcarequ...ity.gov.au]
Police (for criminal matters)	Contact your local police station or call 131 444 (non-emegrency)	police.gov.au

- an alternative independent Aged Care advocate
- a lawyer
- our Disclosure Officer, the Executive Manager, Strategy and Impact - phone 8245 7100 or email whistleblowers@ucwb.org.au.

11. Support for Whistleblowers and Subjects of Disclosures

Support for Whistleblowers

We understand that reporting suspected misconduct or improper circumstances can be difficult for whistleblowers.

The Disclosure Officer will offer support to a whistleblower as soon as they make a report. This support may be through the Employee Assistance Program or any other suitable resource that is acceptable to the whistleblower.

Whistleblowers making protected disclosures are entitled to:

- Protection of identity and confidentiality
- Protection from retaliation, harassment, dismissal or disadvantage
- Civil, criminal and administrative immunity under applicable legislations
- Right to compensation if victimised

Victimisation of a whistleblower is unlawful and may lead to disciplinary action or prosecution.

Support for Staff Who Are the Subject of Disclosures

When a whistleblower discloses misconduct or improper circumstances, we will treat any staff member who is the subject of the disclosure fairly, including:

- advising them of the disclosure and what it's about, in line with principles of procedural fairness
- if there is an investigation, staff will be advised of the purpose and process of the investigation
- offering them support through the Employee Assistance Program or another suitable resource
- providing them with an opportunity to respond

12. Investigation of Disclosures

All disclosures will be treated in accordance with the Incident Management Procedure, Customer Incident Management Procedure and/or Managing Misconduct Procedure and will be;

- Treated seriously and assessed promptly
- Investigated impartially, confidentially, and in a timely manner under the relevant internal procedures
- Managed in accordance with natural justice and procedural fairness
- Outcomes documented and actions taken where necessary
- Persons involved will be provided with regular updates and informed of any outcomes.

Application of procedures:

- **Incident Management Procedure:** Where a disclosure involves potential or actual harm to a staff member, this policy will be applied in conjunction with the Incident Management Policy.
- **Customer Incident Management Procedure:** Where a disclosure involves both potential or actual harm to a customer/s, this policy will be applied in conjunction with the Customer Incident Management Procedure. **Staff Misconduct Procedure:** Where a disclosure involves potential staff misconduct, this policy will be applied in conjunction with the Managing Misconduct Procedure.

If a disclosure relates to more than one area (i.e. harm to customer and staff misconduct), all relevant procedures will be applied concurrently to ensure a comprehensive and appropriate response.

13. Confidentiality

The identity of whistleblowers will not be disclosed without their consent, unless required by law. All records will be securely stored.

14. False Reports

Deliberately false, malicious or vexatious disclosures will not be tolerated and may result in disciplinary action.

15. Training and Communication

- All staff will receive training and regular communications on this Policy and whistleblower protections; this policy will be included in induction resources.
- The Policy will be made publicly available on our website, included in customer induction information and provided in accessible formats.

16. Keeping Records and Reporting

Keeping Records

The Disclosure Officer will keep confidential records of all allegations, investigations and any following activities, and ensure that these records are not accessible by any other persons, except where it is necessary for records to be shared for investigation, reporting or legislative purposes. This may include

reporting of allegations to the Chief Executive, Board or to an external organisation.

Annual Reporting

The Executive Manager Strategy and Impact will include general information about whistleblower disclosures (if any instances have occurred) in the annual Risk Management System Review Report to the Board. This information will keep the identity of whistleblowers confidential.

Board Reporting

The Chief Executive will ensure that any disclosures are reported to the Board in a timely and appropriate manner.

17. Review

This Policy will be reviewed every five years or following legislative change. Feedback from staff and stakeholders will be considered as part of the review process.

18. Responsibilities

Board	Ensure whistleblowers are protected Receive reports from the Chief Executive or Disclosure officer on whistleblower allegations and investigations Decide action to be taken
Chief Executive	Ensure whistleblowers are protected Appoint an alternative Disclosure Officer when required Receive reports from the Disclosure officer on whistleblower allegations and investigations Report to the Board in a timely manner, unless allegations are about the Board Decide action to be taken when allegations are about the Board

Disclosure Officer (Executive Manager, Strategy and Impact)	Receive information from whistleblowers Investigate allegations of misconduct from whistleblowers Report allegations and the results of investigations internally and externally Keep confidential records of whistleblower allegations and investigations Maintain confidentiality Include information on whistleblower disclosures (if they have occurred) in the annual Risk Management System Review Report to the Board
Whistleblower	Give the Disclosure Officer true, accurate and sufficient information to enable them to investigate Help with investigation of allegations they have made Maintain confidentiality and not discuss the matter with others unless authorised Nominate a support person and access supports as needed
Person named in whistleblower disclosure	Give the Disclosure Officer true, accurate and sufficient information to enable them to investigate Help with investigation of allegations they have made Maintain confidentiality and not discuss the matter with others unless authorised Nominate a support person and access supports as needed Comply with all directions from investigators or managers

19. Delegations

Delegations are determined by the Delegations Register.

20. Relevant Legislation, Policies, Procedures and Other Documents

Legislation

Associations Incorporation Act 1985 (Cth)

Australian Charities and Not-for-profits Commission Act 2012 (Cth)

Corporations Act 2001 (Cth)

Fair Work Act 2009 (Cth)

Privacy Act 1988 (Cth)

Taxation Administration Act 1953 (Cth)

Aged Care Act 2025

NDIS ACT

Policies and Procedures

Board Charter

Code of Conduct

Complaints Management Policy

Customer Incident Management Procedure

Fraud and Corruption Control Policy

Incident Management Procedure Information Technology Information Security Procedure

Managing Misconduct Policy

Managing Misconduct Procedure

Privacy and Information Management Policy

Workplace Grievance Framework

Other Documents (internal and external)

Australian Service Excellence Standards

Regulatory Guide 270 – Whistleblower policies (Australian Securities and Investment Commission)

NDIS Practice Standards

NDIS Code of Conduct

Aged Care Quality Standards

Aged Care Code of Conduct

21. Document History

Version No.	Version Date	Next Review Date	Approved by	Summary of Changes

5.0	03/11/2025	03/11/2030	Board	Policy re-written to reflect that whistleblower protections and disclosure pathways are defined externally under legislation and ensures compliance with the new Aged Care Act 2024 and Strengthened Quality Standards. Policy review cycle updated from 2 to 5 years to reflect Policy Management Policy.
4.0	09/09/2024	09/09/2029	Board	Inclusion of Table of Contents Check of key links including phone numbers, email address, and websites Inclusion of independent reporting channel for anonymous disclosures, either hotline or electronic Check that no substantial change to legislation since last review Update to position titles
3.0	29/3/22	28/3/24		Minor review Changes to role title - Executive Manager to General Manager

2.0	25/5/20	25/5/23	Board	All policy content simplified and re-written References to whistleblower protections in Corporations Act, Fair Work Act and Taxation Administration Act added Following sections added: • How This Policy Will be Published and Implemented • Whistleblowers are Protected • Who To Disclose To • Support for Whistleblowers and Subjects of Disclosures • How to Disclose • What Happens if you Disclose to the UCWB Disclosure Officer? • Keeping Records and Annual Reporting. Following sections updated: • Policy Statement • Purpose • Scope • Definitions • Relevant Legislation, Policies, Procedures and Other Documents.
1.0	10/2016	1/11/19	Board	Document created