

1. Purpose

Southern Cross Care (Tasmania) Inc. (SCC) is committed to the highest standards of legal, ethical and moral behaviour. SCC recognises that people that have a work, service or client relationship with SCC are often the first to realise there may be something seriously wrong.

The purpose of this policy is to:

- encourage reports about suspected misconduct or an improper state of affairs at SCC;
- ensure that those who report concerns can do so safely, and with confidence that they will be protected and supported; and
- Provide a transparent framework around how concerns will be received, handled and investigated.

No one should be personally disadvantaged for reporting a wrongdoing. SCC is committed to maintaining an environment where legitimate concerns can be reported without fear of retaliatory action or retribution.

Relevant Strengthened Aged Care Quality Standards

Standard	Outcomes
2: The Organisation	2.5, 2.6, 2.9

2. Scope

The Policy applies to:

- directors and officers of SCC;
- current and former employees who are permanent, part-time, fixed-term or temporary, students, secondees, and managers;
- suppliers of services of goods to SCC, including their employees (e.g. current and former contractors, consultants, service providers and business partners);
- residents or clients of SCC;
- any business associates; and
- a relative, dependent or spouse of any of the above.

3. Definitions

CBOS	Consumer, Building and Occupational Services
ATO	Australian Tax Office
Director	A director or secretary of the corporation or a person who makes, or participates in making decisions that affect the whole, or a substantial part, of the business of the corporation or who has the capacity to affect significantly the corporations' financial standing. For further information, please see Section 9 of the <i>Corporations Act 2001</i> .
PKF Integrity	An independent reporting service available to all SCC employees, suppliers and contractors to ensure employees feel safe to report

	concerns of misconduct. Reports can be made confidentially and anonymously through this service.
SCC	Southern Cross Care (Tasmania) Inc.
Senior Manager	A 'senior manager' is generally a senior executive within an entity, other than a director or company secretary, who: makes or participates in making decisions that affect the whole, or a substantial part, of the business of the entity; or has the capacity to significantly affect the entity's financial standing. For further information, please see Section 9 of the <i>Corporations Act 2001</i> .
WPO	Whistleblower Protection Officer, a person authorised by SCC to receive disclosures that may qualify for protection. See Section 1317AAC(1)(d) of the <i>Corporations Act 2001</i> . At SCC this is the Chief People Officer unless this presents a conflict of interest.

4. Policy Statement

Misconduct or an Improper State of Affair

SCC encourages anyone covered by this Policy to report information that concerns misconduct or an improper state of affairs or circumstances at SCC. This includes information relating to conduct that you have reasonable grounds to suspect:

- is fraudulent or corrupt;
- is illegal, such as theft, drug sale or use, violence, criminal damage to property or other breaches of State, Federal or territory legislation;
- is unethical, such as acting dishonestly, altering company records, wilfully making false entries in the financial records, engaging in questionable accounting practices;
- breaches SCC policies (i.e. *Code of Conduct, Conflict of Interest, Board and Officials Policy, Workplace Behaviour Policy*) or other ethical statements, including conflicts of interest or the improper giving or receiving of gifts or hospitality;
- is potentially damaging to SCC such as maladministration or substantial waste of resources;
- is seriously harmful or potentially seriously harmful to an SCC employee, such as deliberate unsafe work practice or wilful disregard to the safety of others in the workplace;
- may cause serious financial or non-financial loss to SCC or damage its reputation or be otherwise seriously contrary to SCC interests;
- involves breach of any tax laws or misconduct or improper state of affairs or circumstances in relation to the tax affairs of SCC; or
- involves another kind of serious impropriety including retaliatory action against anyone raising a concern under this Policy.

Concerns covered by other policies and procedures

Concerns that relate solely to personal work-related grievances are more appropriately dealt with under the SCC Grievance Policy and are NOT covered by this Policy. Examples of a personal work-related grievance include:

- an interpersonal conflict between the discloser and another employee;

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- a decision that does not involve a breach of workplace laws;
- a decision about the engagement, transfer or promotion of the discloser;
- a decision about the terms and conditions of engagement of the discloser; or
- a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

Other complaints such as staff grievances or consumer complaints should be raised via the relevant SCC Policy (i.e. Grievance Policy, Feedback and Complaints Policy) Sometimes a single report can include information about multiple types of wrongdoing, some within the scope of this Policy and some outside of scope. On each occasion this type of complaint is received, SCC will determine how this policy will coordinate with other complaints policies. Complex complaints guidance is further defined below.

Complex complaints

The Whistleblower Protection Officer (WPO) should drive a centralised and collaborative approach by engaging with relevant stakeholders (People and Culture, Legal, Finance, outsourced provider etc) to obtain the required knowledge of the complaint to determine an effective course of action. The WPO role must be independent of management. The WPO role is further defined in the *SCC Whistleblower Procedure*.

However, you may use the channels available under this Policy if:

- you are uncomfortable using the SCC Grievance Policy to raise your concerns;
- you have tried to raise the concern via these avenues and feel your concern has not been addressed;
- your concern amounts to a breach of employment or workplace health and safety laws;
- your concern relates to a danger to the public or any person;
- your information suggests misconduct beyond your personal circumstances; or
- your concern is about your treatment when you have made or been going to make a report under this Policy.

In these cases, your concern will be reviewed and the most appropriate channel for handling your concern decided upon.

5. Procedure

When you report under this Policy, you can expect to be appreciated, supported and protected.

5.1 Who do I report to?

We want you to feel comfortable to raise concerns at SCC and so we have a number of channels you can report to:

- senior managers of SCC;
- directors and officers of SCC;
- Whistleblower Protection Officer;
- our 24/7 external Whistleblowers Hotline provided by PKF Integrity; and
- internal or external auditor.

Please see Whistleblower Procedure for the names and contact details for the above.

We hope you feel that you can talk to us first about your concern, but if not, you can also contact Consumer, Building and Occupational Services (CBOS), or the Australian Tax Office (ATO), if your

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concern relates to misconduct or an improper state of affairs relating to taxation, or the Aged Care Quality and Safety Commission (ACQSC).

If your concern is about the conduct of a senior person or you believe the above reporting channels may be conflicted, please see the *SCC Whistleblower Procedure* for a breakdown of further roles, responsibilities and escalation guidelines.

5.1.1 How can I make a report?

You can make the report via email, letter, telephone or in person inside or outside of business hours, and can do so anonymously, confidentially or openly. It will help us if you can be clear in your communications that you are reporting under this Policy.

5.1.2 How much information should be reported?

You should provide as much specific detail in your report as you can, including times, dates, places and people involved. Please provide any documents or evidence to support your concern if you have them.

5.1.3 False Reports

You should have reasonable grounds to suspect something is wrong when you report it. You do not have to have proof of your concern, but you must be honest. It does not matter if your concern turns out to be unsubstantiated if you are honest. It is a serious breach of this Policy to knowingly raise false information or allegations. Any instances of this will lead to disciplinary action, including dismissal.

5.1.4 Public interest disclosures

A public disclosure can be made to journalists or a parliamentarian but only if:

- 90 days have passed since you made the disclosure to CBOS, Australian Prudential Regulation Authority (APRA), ACQSC or another Commonwealth body prescribed by regulation;
- You do not have reasonable grounds to believe that action is being, or has been taken, in relation to your disclosure;
- You have reasonable grounds to believe that making a further disclosure of the information is in the public interest; and
- Before making the public interest disclosure, you have given written notice to the body to which the qualifying disclosure was originally made, a written notification that:
 - Includes sufficient information to identify the previous disclosure; and
 - States that you intend to make a public interest disclosure.

To ensure you are protected by law, you should take independent legal advice before taking any such step. It is important that you understand the criteria for making a public interest disclosure.

5.1.5 Emergency disclosures

An emergency disclosure can be made to journalists and parliamentarians but only if:

- You have previously made a disclosure of the information to CBOS, APRA, ACQSA or another Commonwealth body prescribed by regulation;
- You have reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more person or to the natural environment;
- Before making the emergency disclosure, you have given written notice to the body in that:

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- Includes sufficient information to identify the previous disclosure; and
- States that you intend to make an emergency disclosure; and
- The extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

To ensure you are protected by law, you should take independent legal advice before taking any such step. It is important that you understand the criteria for making an emergency disclosure.

5.1.6 Anonymous reports

You can choose to report anonymously (you do not have to give your name to anyone) and if so, you can choose to remain anonymous while you make the disclosure, over the course of any investigation and afterwards.

If you choose to raise your concern anonymously, we would prefer it if you do it via email to a SCC senior manager so that we can respond to your email; or via the Whistleblowers Hotline and enable the third party provider (PKF Integrity) to contact you. PKF Integrity have a three-way communication message board that enables PKF Integrity, SCC and the complainant to continue two-way or three-way communication to effectively progress the complaint. This step enables follow-up questions and a feedback mechanism to the complainant.

If we cannot contact you at all, we will not be able to:

- ask for further information, which may inhibit a proper and appropriate inquiry or investigation into your report; or
- provide you with feedback on the progress or outcome of your report.

5.1.7 Confidential reports

We will treat your identity and all concerns raised under this Policy as confidential. This means that the recipient of your concerns cannot disclose your identity or any information in your disclosure that is likely to identify you unless:

- we have your consent; or
- they are disclosing it to the CBOS, Australian Prudential Regulation Authority or the Australian Federal Police or a lawyer for the purposes of obtaining legal advice.
- A person can disclose the information contained in a report without your consent if:
 - the information does not include your identity as the reporter;
 - we have taken all reasonable steps to reduce the risk that the reporter will be identified from the information; or
 - it is reasonably necessary for investigating the issues raised in the disclosure.
- We will take all reasonable steps to reduce the risk that you will be identified as the one who made the report, including:
 - training recipients of reports (see section 5.1) on how to maintain confidentiality;
 - removing as much identifying information as we can when we pass your concern onto be investigated or escalated to the board; and
 - keeping all our records of disclosures locked down with access only to the People & Culture Team.

5.1.8 What will happen to my concern once I report it?

Once you have made your report, the recipient of your report (see section 5.1) will pass on the information in your report to the Chief People Officer (CPO) who will assess it to determine:

- if it falls within this Policy or is more appropriately dealt with by another policy or procedure;

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- if an investigation is required and, if so, who will investigate it; and
- any risks to you or your identity being revealed and how to mitigate them to ensure you are protected.
- If your report relates to the conduct of the CPO or member of the People & Culture team (P&C), please make this clear in your report and your concern will be dealt with by the Chief Executive Officer (CEO).

If you make the report via the Whistleblowers Hotline, a qualified PKF investigator will:

- pass on the information concerned in your report to the CPO or the CEO if the concern is about P&C;
- give you a unique identifying number to enable you to provide further information or seek a status update in relation to your report; and
- not pass on your contact details unless you have provided these and consented to your personal details being provided to SCC.

5.2 Investigation

All reports will be taken seriously and carefully considered. The best way forward to stop or prevent the wrongdoing identified in a report will be determined by the CPO. In many cases this may be an investigation, but some matters will be handled differently (e.g. by audits, changes to policies or controls etc).

5.2.1 Fair Treatment

Investigations must be conducted in a fair and independent manner in accordance with the SCC investigation procedure. The exact process, extent and timeframes of an investigation may vary depending on the nature and complexity of the report, but all investigations must be:

- conducted by someone independent from the business unit and staff concerned;
- commenced within five (5) working days of receiving the report; and
- completed within twenty (20) days, unless an extension is granted.
- If an allegation is made against you, we will support and treat you fairly by ensuring:
 - a fair and independent assessment of the concern;
 - keeping the details of the report, any allegations contained in it confidential to those who need to know;
- a fair and independent investigation process in accordance with an established investigation procedure; and
- as far as we are permitted under law, if there is evidence of wrongdoing by you, this evidence will be put to you prior to a decision to take disciplinary action against you.

SCC recognises that this situation may be stressful. Staff will have access to the SCC Employee Assistance Program and should talk to the investigator about any support that you need.

5.2.2 What will I know about the investigation?

We will seek to update all those who report under this Policy every 2 weeks. You will also be informed when your report has been closed. We will provide you with an appropriate level of detail taking into consideration the confidentiality of the investigation and the privacy of other staff.

5.3 Protections and support for Reporters

When you are considering making a report or afterwards, you can contact the CPO if you need support. Staff will also have access to the SCC Employee Assistance Program. We are committed

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to providing our employees, contractors, suppliers and others with an environment in which they can safely raise concerns about misconduct (see section 5.4). We will take all reasonable steps to protect those who report, including assessing the risks to you as a reporter and developing an appropriate support plan. We will not tolerate anyone taking detrimental action against anyone for reporting under this Policy and will take disciplinary action against anyone who does so.

Detrimental action includes:

- termination of your employment;
- change of your employment position or duties to your disadvantage;
- discrimination between you and other employees of the same employer;
- harassment or intimidation;
- harm or injury, including psychological harm;
- damage to your property, reputation, business, or financial position.

If you have been involved or implicated in any misconduct which you have reported under this Policy, we may take that into consideration when considering an appropriate sanction to be applied to you for that misconduct. However, reporting under this Policy will not give you immunity from disciplinary action or consequence from regulatory or criminal actions.

5.3.1 Penalties for breaching confidentiality or detrimental conduct

It is a criminal offence and a breach of this Policy if anyone:

- discloses the identity, or information that may lead to the identification, of a person that had made a report, other than in accordance with this Policy (see section 5.1.5); or
- threatens or engages in conduct that causes any detriment to a person who has made or could make a report under this Policy because of their report or intention to report.

SCC may also be liable for the actions of its staff if this occurs and as such will take disciplinary action, including dismissal, against any staff member who performs the actions set out above.

If you have made a report and believe that:

- your confidentiality has been breached; or
- you have suffered or been threatened with retaliatory action or detrimental action for making a report;

please report it under this Policy so we can protect you and stop the detrimental action. You can also report it to CBOS or the ATO (where your report relates to taxation matters).

5.4 Legal Protections

In addition to the protections we provide to those who make reports under this Policy, there are also strong protections under law.

5.4.1 Protection under Corporations Law

The *Corporations Act* 2001 (Cth) (Corporations Act) affords protection to those who raise whistleblowing reports in line with this Policy if they:

- are an individual described in section 2 above or an associate of SCC (within the meaning of the Corporations Act);
- have reasonable grounds to suspect that the information they are reporting concerns misconduct or an improper state of affairs relating to SCC (reports about personal work-related grievances will not attract the protections of the Corporations Act); and
- make the disclosure to:
 - a person designated to receive a report under section 5.1 of this Policy;
 - an internal or external auditor or actuary of SCC;

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- a legal practitioner for the purpose of obtaining legal advice or representation in relation to the operation of the statutory protections under the Corporations Act;
- the Australian Securities & Investment Commission; or
- the Australian Prudential Regulation Authority.

Anonymous disclosures made in accordance with the above will be protected under the Corporations Act. The Corporations Act also provides protections for public interest disclosures and emergency disclosures which meet specific requirements prescribed by the Corporations Act. It is important for you to understand the criteria for making a public interest or emergency disclosure before you do so.

The protections available under the Corporations Act to an individual who meets the requirements above, in accordance with the Corporations Act, include:

- the right to have their identity protected;
- the right to be protected from detrimental action or any form of victimisation;
- a requirement for SCC to take reasonable steps to reduce the risk that the person who makes the report will be identified as part of any investigation process conducted under this Policy;
- the right not to be required to disclose their identity before any court or tribunal;
- the right to compensation and other remedies; and
- the right to be protected from civil, criminal or administrative liability (including disciplinary action) from making the disclosure or from contractual or other remedies on the basis of the disclosure, and
- the right to be protected from the admissibility of the information provided in evidence against the person in each case in accordance with the provisions of that legislation.

5.4.2 Protections under the Tax Administration Act

The Australian Tax Administration Act 1953 (Cth) (Tax Administration Act) provides protection for disclosures of information that indicate misconduct or an improper state of affairs in relation to the tax affairs of an entity or an associate of an entity where the person considers the information may assist the recipient of that information to perform functions or duties in relation to the tax affairs of the entity or an associate.

Protection is provided for disclosures made to the Australian Commissioner of Taxation, any person or agency specified in section 5.1 of this Policy or the Tax Administration Act. The protections available to someone who makes a protected disclosure under the Tax Administration Act are the similar to those outlined above in section 8.1 above under the Corporations Act.

6. Roles and Responsibilities

6.1 Board Directors

If a member of the board receives a whistleblower disclosure, they are responsible to work with the WPO or PKF Integrity where necessary to manage the disclosure and progress it to resolution.

6.2 Whistleblower Protection Officer (WPO)

The WPO is responsible for assessing risk of detrimental treatment or adverse action to the whistleblower and /or other implicated individuals and implementing appropriate actions

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accordingly. The WPO is responsible for ensuring appropriate investigations are conducted, managing the resolution of the disclosure, ensuring appropriate and secure communication to key internal stakeholders and advising the whistleblower that they can report their matter to other regulators.

6.3 Chief Executive Officer

The Chief Executive Officer (CEO) is responsible for appointing the WPO and for managing all reports under this policy where there is a conflict of interest with the WPO.

6.4 Chief People Officer

The Chief People Officer (CPO) is appointed as the WPO, unless a conflict of interested is presented. The CPO is responsible for providing quarterly reports to the Board on the effectiveness of this Policy and general trends relating to whistleblowing.

7. Supporting documents and References

7.1 Government legislation:

The Aged Care Act 1997
The Corporations Act 2001
The Tax Administration Act 1953

7.2 SCC documents:

Code of Conduct
Conflict of Interest – Board and Officials Policy
Counselling and Disciplinary Policy
Feedback and Complaints Management Policy
Grievance Policy
Incident Management Policy
Investigations Procedure
Provisions of Gifts Policy
Whistleblower Procedure
Workplace Behaviour Policy

7.3 Other:

Aged Care Quality Standards
The Strengthened Aged Care Quality Standards

7.4 Policy Review and Implementation

This Policy is owned by the Chief People Officer. This Policy will be available to all staff via ionMy and to all others via the SCC website. References to this Policy will also be included in the Code of Conduct which is covered in the induction of all new staff and made clear to contractors and suppliers via their contracts. Serious matters raised under this Policy will be notified to the CEO and Board as appropriate. For advice or general information about this Policy please contact the Chief People Officer. This policy is to be reviewed at least annually or when changes are necessary in line with Continuous Improvement or Legislative Changes. This policy is effective as of the issue date.

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