

Whistleblower Procedure



1. Purpose

The purpose of this procedure is to provide an outline of the steps to take to make a disclosure and the actions to be taken by those receiving disclosures. This procedure is to be read in conjunction with the Southern Cross Care (Tasmania) Inc. (SCC) Whistleblower Policy.

2. Scope

The procedure 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.

The following steps apply to disclosures of misconduct made to PKF Integrity, (Auditor) and/or the SCC WPO (Whistleblower Protection Officer).

3. Definitions

Term	Definition
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> .

Whistleblower Procedure



Southern Cross Care
(Tasmania) Inc.

WPO	Whistleblower Protection Officer. At SCC this is the Chief People Officer, unless this presents a conflict of interest
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4. Procedure

Escalation Processes

1. The Chief People Officer, who is also the SCC WPO, can be contacted in person or by:
 - Phone: (03) 6240 8861
 - Email: whistleblower@scctas.org.au
2. Where a disclosure relates to a member of the senior management team including the CEO, then the disclosure should be made to:
 - WPO; or
 - Directors or officers of SCC; or
 - PKF Integrity; or
 - A third party such as the auditor or regulator.
3. Where a disclosure relates to the SCC directors and officers, Chair or another Board Member, then the disclosure should be made to:
 - PKF Integrity; or
 - WPO; or the
 - CEO by:
 - Email: ceo@scctas.org.au
 - Phone: 61461800
 - A third party such as the auditor or a regulator.

Whistleblower Protection Officer Actions

1. The role and responsibilities of the SCC WPO have been designed to ensure appropriate separation from SCC management. The person undertaking the role should have the appropriate background, experience and skill set to manage the defined roles and responsibilities, as outlined below.
 - The role of the WPO must be independent of management
 - If the WPO receives a disclosure that implicates a person in their reporting line that is senior to them, then to manage any potential conflict of interest, the WPO can escalate the disclosure to either the CEO, the Chair of the Board or another Board member.
 - Where the above circumstances arise, the WPO (providing there is not a conflict of interest – see below for further details if this occurs) should work with the appropriate officer or senior manager and the outsourced provider/s (if required) to manage the disclosure and progress it to an appropriate resolution.
2. The WPO will also be responsible for:
 - Assessing the risk of detriment or adverse action to the whistleblower and / or other implicated individuals. Depending on the level of risk, whistleblower circumstances etc, this may need to be managed by PKF Integrity
 - Managing ongoing communication protocols with the whistleblower.

Whistleblower Procedure



- Working with other key stakeholders at SCC and PKF Integrity to assess the disclosure content to determine the type of misconduct involved and the most effective course of action. Where possible, the approach should be collaborative but on a “need to know” basis to ensure confidentiality is maintained.
- Ensuring appropriate resources and suitably qualified individuals (internal or external) are engaged to conduct any investigation (if required).
- Managing the resolution of the disclosure, ensuring appropriate and secure communication to key internal stakeholders.
- Considering the legal implications of disclosures of misconduct including, where appropriate, the need to undertake investigations under the protection of legal professional privilege or the requirement to notify the relevant regulator.
- Advising the whistleblower that they can report their matter to a regulator such as the Australian Securities Investment Commission ASIC.

CEO, Chairman of the Board or Board Member Actions

1. If the CEO, Chairman of Board or a Board member receives a whistleblower disclosure, they should work with the WPO and PKF Integrity (where necessary) to manage the disclosure and progress it to resolution. The steps would follow those outlined above for the WPO role.
2. If the disclosure is about the WPO or presents a conflict of interest for the WPO, then the officer or senior manager that has received the complaint will work with PKF Integrity (if necessary) to manage the disclosure and progress it to resolution. Further considerations for the officer or senior manager are outlined below.

Outsourced Provider Actions

1. In most circumstances, any disclosure received by PKF Integrity will be provided to the WPO.
2. However, where a disclosure implicates the WPO, then PKF Integrity should provide the disclosure to the parties outlined in the escalation processes above.
3. Where a whistleblowing disclosure is made to PKF Integrity, the CEO, WPO, Chairman of the Board, or other Board member should work with PKF Integrity to assess and mitigate any risks that may be apparent from the details contained in the disclosure, such as but not limited to:
 - legal and/or reputational risks in respect of how the disclosure is to be handled;
 - excessive time taken to appropriately resolve the disclosure;
 - lack of skilled and experienced internal resources to effectively investigate the disclosure;
 - the complexity of the subject matter of the disclosure which is related to the availability of appropriately skilled and experienced internal resources;
 - confidentiality concerns associated with internally managing the disclosure;
 - the seniority of the person who is the subject of the disclosure;
 - actual or perceived conflicts of interest on the part of SCC employees managing the disclosure.

Whistleblower Procedure



5. Supporting documents and References

5.1 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

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