

Scope:

Introduction

integratedliving Australia Ltd is committed to the highest standards of conduct and ethical behaviour in all of our business activities. integratedliving promotes a culture where it is safe to speak up and as such will not tolerate anyone being disadvantaged or victimised as a result of disclosing Reportable Conduct.

Scope

This Policy applies to anyone who, or has been, any of the following in relation to integratedliving Australia Ltd:

- Employees;
- Directors;
- Contractors (including employees of contractors);
- Volunteers who provides care or services for an approved provider
- Suppliers (including employees of suppliers);
- Associates;
- Consultants; and
- Aged Care recipient, or a family member, carer, representative, advocate or significant other of the recipient.

Purpose

The purpose of this policy is to:

- encourage the reporting of an issue if it is reasonably believed that someone has engaged in Reportable Conduct;
- ensure individuals who disclose Reportable Conduct can do so safely, securely and with confidence that they will be protected and supported;
- ensure disclosures are dealt with appropriately and on a timely basis; and
- provide transparency around the framework for receiving, handling and investigating disclosures.

Whilst integratedliving encourages reports to be made under this policy, this policy is not intended to prevent the making of a protected disclosure to a relevant regulator, in accordance with relevant legislation. For example, protected disclosures can be made to the Aged Care Quality & Safety Commission, Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA), the Australian Federal Police (AFP), or if related to taxation, the Australian Taxation Office (ATO).

Responsibilities:

Role	Meaning	Responsibilities
Chief Executive Officer		Appoints and oversees the Whistleblower Protection Officers
Chair of the Board		The person the Whistleblower Protection Officer reports to in the case of a disclosure if the Chief Executive Officer may be implicated
Whistleblower or Discloser	The person who makes, attempts to make, or wishes to disclose Reportable Conduct and who may seek to avail themselves of protection in accordance with this Policy	Disclosure of Reportable Conduct on reasonable grounds in accordance with the process outlined in clause 2 in the Policy Statement in this policy.
Whistleblower Protection Officer (WPO)	Chair of the Quality Governance and Risk Committee (Board Member) Executive Director Governance and Risk Chief People Officer	Receives and assesses disclosures by Whistleblowers about Reportable Conduct Carries out, or appoints and oversees an Investigator to undertake an investigation Appoints a Welfare Officer to support the Whistleblower, if appropriate Maintains liaison with the Whistleblower throughout the course of and up until the closure of the investigation Safeguards the interests of Whistleblowers making reports under this Policy
Welfare Officer	An independent support person from the People team, or alternative as deemed appropriate by the WPO	Supports the Whistleblower
Investigator	May be a person from within integratedliving or a consultant engaged for the purpose. If the Investigator is an external consultant, such appointment will be conditional on the Investigator entering into an appropriate confidentiality agreement	Carries out an investigation into a reportable disclosure

Eligible Recipient	Chief Executive Officer; Chief Operating Officer; Executive Director Finance and Business Performance An auditor, or member of an audit team conducting the audit; and Actuaries.	The role of an Eligible Recipient is to ensure that the information is heard and to ensure the Whistleblower's confidentiality is maintained as a result of receiving their disclosure. An Eligible Recipient may direct the Whistleblower to make the report to the independent external whistleblowing service, or to a WPO, if they consider it is appropriate in the circumstances.
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Policy Statement:

1 What is Reportable Conduct

In this Policy, Reportable Conduct by any integratedliving director, employee, contractor or volunteer, which is relevant to the business operations and practices of integratedliving, which the Whistleblower suspects on reasonable grounds is:

- Unethical conduct;
- Dishonest conduct;
- Fraudulent activity, such as money laundering or misappropriate use of funds, offering or accepting a bribe, financial irregularities;
- Illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- Improper conduct, such as substantial misuse or abuse of integratedliving's resources, or involves substantial risk to public health or safety, or the environment. The improper conduct must be sufficiently serious to establish, if proved, a criminal offence or reasonable grounds for dismissal from employment (in relation to an employee);
- Corrupt conduct, such as acting contrary to the interest of integratedliving and/or abusing his or her position of trust in order to achieve personal gain or advantage for him or herself, or for another person or entity;
- In breach of Commonwealth or state legislation (including local authority laws);
- An unsafe work-practice; or
- Any other conduct which may cause financial or non-financial loss to integratedliving or be otherwise detrimental to the interests of integratedliving;
- Engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make a disclosure.

1.1 Personal workplace related grievances

Reportable Conduct does not generally include a personal workplace related grievance and therefore personal workplace related grievances are not covered under this Policy. Personal workplace related grievances should be addressed in accordance with the Staff Grievance Procedure. A personal workplace related grievance means a grievance about any matter in relation to the Discloser's employment, or former employment, having (or tending to have) implications for them personally. This includes:

- An interpersonal conflict between the Discloser and another employee;
- A decision relating to the engagement, transfer or promotion of the Discloser;
- A decision relating to the terms and conditions of engagement of the Discloser; and
- A decision to suspend or terminate the engagement of the Discloser, or otherwise to discipline the Discloser.

A personal workplace related grievance may still qualify for protection under this policy if it also includes items identified under Reportable Conduct or if the Discloser suffers from or is threatened with detriment for making a disclosure.

2 Making a report

2.1 Speaking to your supervisor / informally raising concerns

This Policy is not designed to replace normal communication channels to address questions, concerns, suggestions or complaints. If employees have any concerns about what is proper conduct for themselves or others, it is expected they will raise their concern. In most instances, the employee's immediate supervisor is in the best position to address an area of concern. Serious matters or matters not satisfactorily resolved should be escalated through appropriate management channels in the normal course of business.

Please note that reports made to managers or supervisors will not attract Whistleblower protections unless your manager or supervisor is a Whistleblower Protection Officer (WPO) or Eligible Recipient. Although our managers and supervisors can point you in the right direction, they may not be trained or experienced in receiving or handling Whistleblower Reportable Conduct.

Where you have concerns about Reportable Conduct and you are not comfortable raising your concerns informally through normal communication channels, then the following options are available.

2.2 Process for making a report

Reportable Conduct can be made via **Stopline**, a confidential, independent provider of whistleblower services available 24/7 365 days per year. Stopline will take full details of your concerns through any of the following options:

Option	Details
Telephone	1300 30 45 50
Website & Online Reporting Form	https://integratedliving.stoplينerreport.com/

Email	integratedliving@stipline.com.au
Mail	Integratedliving c/o Locked Bag 8, Hawthorn, VIC 3122
Fax	03 9882 4480

Stipline operators are trained and experienced specialists, dedicated to dealing with Whistleblowers and their concerns. **Stipline** will review disclosures and direct those that require further investigation to integratedliving's Whistleblower Protection Officer. You should provide as much information as possible, including details of the Potential Misconduct, people involved, dates, locations and any additional evidence that may exist.

2.2.1 Anonymous Reporting

If the Whistleblower wishes to remain anonymous, he or she may do so; however, this may impact on integratedliving's ability to investigate the matters reported.

2.3 Reporting directly to the Whistleblower Protection Officer

If a Whistleblower is unable to use the external reporting mechanism for any reason, a report can be made directly to a Whistleblower Protection Officer (WPO). Reports to the WPO:

- must be made in person or by telephone; and
- the Whistleblower must first inform the WPO that they wish to make a report under the Whistleblower Policy.

2.4 Other reporting contacts

2.4.1 Eligible Recipients

If a Whistleblower is unable to use any of the above reporting channels, a disclosure can be made to an Eligible Recipient.

Reports to an Eligible Recipient:

- must be made in person or by telephone; and
- the Whistleblower must first inform the Eligible Recipient that they wish to make a report under this Policy.

2.4.2 Legal practitioners

Disclosures to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of whistleblower provisions are protected.

2.4.3 Public interest or emergency reporting

In limited circumstances, a public interest or emergency report can be made to a Member of Parliament or certain professional journalists. Certain steps need to be taken before a public interest or emergency report can be made to one of these people. If you are considering making a public interest or emergency report, it is recommended that you obtain legal advice prior to doing so.

3 Whistleblower Protections

3.1 Victimisation is prohibited

integratedliving is committed to protecting people who make disclosures of Reportable Conduct. A Whistleblower who:

- suspects on reasonable grounds that any integratedliving director, employee, contractor or volunteer, which is relevant to the business operations and practices of integratedliving, has engaged, or plans to engage, in Reportable Conduct; and
- reports that matter in accordance with clause 2.2, or 2.3, or 2.4 of this Policy, must not be subjected to Detrimental Action for disclosing the Reportable Conduct.

In this Policy, Detrimental Action includes the following (even if done unintentionally):

- action causing injury, harm, loss or damage (including psychological harm);
- damaging a person's property, reputation, business or financial position or causing any other damage to a person;
- intimidation, bullying or harassment;
- discrimination or other adverse treatment in relation to the Whistleblower's employment, career, profession, trade or business, including dismissal, demotion or the taking of other disciplinary action;
- current or future bias;
- action that constitutes the making of a threat to cause any such Detrimental Action to another person; or
- any conduct which incites others to subject the Whistleblower to any of the above conduct.

3.2 Confidentiality of disclosures

All information provided by a Whistleblower will be treated as confidential and maintained securely. Any breach of confidentiality will be treated as a serious disciplinary matter.

The identity of a Whistleblower (or information that is likely to lead to them being identified as a Whistleblower) will be kept confidential, unless any of the following apply:

- they consent to this information being disclosed;
- during the investigation of a report, integratedliving needs to disclose information that may lead to the Whistleblower being identified. All reasonable steps will be taken to ensure that the Whistleblower's identity is not disclosed;
- integratedliving needs to disclose this information to obtain legal advice or representation;
- integratedliving is required to do so by law (for example where integratedliving needs to disclose this information to an external regulator or integratedliving is ordered to do so by a court);

- The information is provided to APRA, ASIC or a member of the police; or
- integratedliving needs to disclose the information to prevent a serious and imminent threat to life, health or property.
- If any employee receives information about Reportable Conduct, and does not keep that information confidential or discloses any information that is likely to lead to the Whistleblower being identified (except in the circumstances permitted above):
 - If they are integratedliving employees they will be subject to disciplinary action, which may include a formal written warning, or termination of employment with integratedliving;
 - If they are not an integratedliving employee integratedliving may take other corrective action; and
 - They may be subject to criminal and civil penalties, including substantial fines and / or jail.
 - This applies even if they did not receive the disclosure but received the information indirectly.

3.3 What support and protections are provided to Whistleblowers?

The *Aged Care Legislation Amendment (Serious Incident Response Scheme and Other Measures) Act 2021* includes a new section in aged care law that applies to Whistleblower protections from a disclosure of information by a person or body who is, or was, any of the following:

- An approved provider
- One of an approved provider's key personnel
- A staff member of an approved provider
- A residential aged care recipient, or a family member, carer, representative, advocate or significant other of the recipient
- A volunteer who provides care or services for an approved provider.

Part of the role of the WPO is to safeguard the interests of Whistleblowers, to assist them to understand the process and the available protections and to ensure the integrity of the whistleblowing process. Whistleblowers who are an employee or officer of integratedliving:

- are entitled to support through the WPO;
- may explore options such as taking leave, relocation to another area of business, or a secondment arrangement while the concern is being investigated.

Employees will not be subject to disciplinary action for making a disclosure of Reportable Conduct under this policy on reasonable grounds. They may, however, still be subject to disciplinary action for misconduct that is revealed as a result of the disclosure, however integratedliving may take the disclosure into account when determining the nature of any disciplinary action.

If any Whistleblower thinks that the person to whom they made a disclosure of Reportable Conduct has not dealt with the report sufficiently, or at all, they may raise the concern with the Chief Executive Officer.

If a person (whether the Whistleblower or not) believes on reasonable grounds that the Whistleblower has been, or is likely to be, subjected to Detrimental Action, he or she should report this to the WPO, who will investigate, or arrange an investigation into, the matter.

3.4 What are the consequences of Detrimental Action?

An employee who is found to have subjected a Whistleblower to Detrimental Action will be subject to disciplinary action (which may include termination of employment) and may be guilty of an offence that is subject to prosecution under legislation.

integratedliving may terminate the contract or engagement of non-employees or take other corrective action.

The Whistleblower Protection Laws also prohibit victimisation and Detrimental Action. If a court finds that victimisation has occurred, the court may order the victimiser and/or integratedliving to:

- pay compensation to the person who was subject to the victimisation;
- pay substantial fines and / or go to jail.

4 Protections available to disclosers at law

4.1 Whistleblower Protection Laws

If Whistleblowers make a protected disclosure under the Whistleblower Protection Laws, these laws provide that:

- they cannot be subject to any civil, criminal or administrative liability, for making a protected disclosure;
- they may be subject to civil, criminal or administrative liability for conduct that is revealed by their disclosure.

However, if the disclosure is made to ASIC, APRA or the Commissioner of Taxation, or is an Emergency Disclosure as permitted under the *Corporations Act*, the information is not admissible in evidence against the Whistleblower in criminal proceedings, or in proceedings for the imposition of a penalty, except for proceedings in respect of providing false information.

If a Whistleblower is victimised as a result of making a disclosure of Reportable Conduct, there are possible remedies available under the Whistleblower Protection Laws (where they apply) and include reinstatement, compensation, an order prohibiting the victimisation, or an apology.

The person who has victimised the Whistleblower can be ordered to pay substantial monetary fines or imprisoned. Protections for integrated living employees also exist under the *Fair Work Act*. These are enforceable as a matter of statute and do not form part of this Policy.

Note: If disclosures are not about Reportable Conduct and are not made in accordance with clause 2.2, or 2.3, or 2.4 of this Policy, then they do not qualify for protection under the Corporations Act.

5 False Reports

Vexatious, malicious or knowingly false disclosure of Reportable Conduct against one or more other persons will not be tolerated and Whistleblower protections will not apply to any such disclosures.

Disciplinary action may be taken against individuals who make vexatious, malicious or knowingly false disclosures, up to and including termination of employment.

6 Investigation Process

6.1 Overview

The main sections of the investigation process includes:

1. Receive disclosure
2. Record and report disclosure
3. Investigate disclosure
4. Affirmative finding
5. Negative finding

6.2 Receive disclosure

On receipt of a disclosure (either directly or through the independent external whistleblower reporting hotline (Stopline), the WPO completes the following steps to record and report the disclosure:

1. Make, sign and date contemporaneous notes about the disclosure (with the Whistleblower if the report was not made anonymously).
2. Access the disclosure and form a view of whether it meets the conditions for a protected disclosure under the Policy.
3. Ensure the confidentiality of the Whistleblower and ensure confidentiality of the identity of the person who is the subject of the disclosure.
4. Appoint an appropriate Welfare Officer to support the Whistleblower through the process, if appropriate.
5. Appoint an appropriate investigator (internal or external) to investigate the disclosure. This may include referral to the appropriate regulatory authority, following consultation with the Chief Executive Officer.
6. Report the disclosure and such details as the Whistleblower has provided to the Chief Executive Officer.

Notes: If the disclosure relates to the Chief Executive Officer, the WPO shall report to the Board Chair.

6.3 Investigate disclosure

6.3.1 Investigation best practice

Investigations are to be undertaken utilising best practices, this includes:

- Investigations need to be objective, fair and independent, while preserving the confidentiality of the investigation;
- To ensure fairness and independence, investigations need to be independent of the disclosure, the individuals who are subject of the disclosure, and the department of business area(s) involved.

6.3.2 Fair treatment of individuals mentioned in a disclosure

The following measures and/or mechanisms for ensuring fair treatment of individuals mentioned in a disclosure will be considered (where applicable):

- Disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;
- Each will be assessed and may be the subject of an investigation;
- The objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported;
- When an investigation needs to be undertaken, the process will be objective, fair and independent;
- An employee who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness;
- An employee who is subject of a disclosure may contact our external independent and confidential employee assistance program.

6.3.3 Communicating with the Whistleblower

The Whistleblower (if not anonymous) will be provided with updates during key stages of an investigation, such as:

- When the investigation process has begun;
- While the investigation is in progress; and
- After the investigation has been finalised.

6.3.4 Timelines

The WPO is to ensure that the investigation commences in a timely manner, if required, and will make every attempt to complete the investigation process within a maximum of a six month period from notification. Any investigation that continues past six months will be notified to the Chair.

The person who is subject of the disclosure of Reportable Conduct will be notified as soon as practicable of the matter and any investigation that has started or is to commence.

The timing of the notification must ensure that the investigation is not compromised, e.g. in some cases this may not occur until after the Investigator has collected evidence.

6.3.5 Confidentiality

All disclosures and investigation material will be treated with the utmost confidentiality and security. Only the following persons have access to any such material:

- Chief Executive Officer, unless the disclosure relates to them
- WPO(s)
- Investigator

It may be necessary for the Welfare Officer to have access to material which is necessary to fulfil that function and that decision will be made at the discretion of the WPO.

6.4 Affirmative finding

If the investigation finds that the Reportable Conduct has occurred, the WPO completes the following steps:

1. Prepare a written report, setting out the finding of the investigation and any remedial steps to be taken.
2. Provide this report to the Chief Executive Officer (or Board Chair, if appropriate).
3. Advise the Whistleblower of the key findings and any remedial steps taken.

6.5 Negative finding

If the investigation finds that the Reportable Conduct did not occur, the WPO prepares a written report to the Chief Executive Officer (or Board Chair, if appropriate).

The Whistleblower and the person who is subject of the disclosure are to be informed of the finding.

7 Policy Review

This policy and related procedures are reviewed periodically for effectiveness.

8 Policy availability

This Policy will be available to all employees via integratedliving's document management system and will be issued to all new employees upon commencement of their employment. The Policy will also be available on integratedliving's internet website.

Quality Document References:

Fraud and Corruption: Policy -ILA-Org-Quality

Employee Grievance: Procedure -ILA-Org-People Services (**Not Issued** - In Draft)

External Files/Links:

Aged Care & Other Legislation Amendment Act 2022

Australian Legislation

Corporations Act 2001

Australian Legislation

References to Standards and Legislation:

ACQS 7: Human resources

7: Human resources

ACQS 8: Organisational governance

8: Organisational governance

8c: Effective organisation wide governance systems

8c (i): Effective organisation wide governance systems relating to information management

8c (ii): Effective organisation wide governance systems relating to continuous improvement

8c (iii): Effective organisation wide governance systems relating to financial governance

8c (v): Effective organisation wide governance systems relating to regulatory compliance

8c (vi): Effective organisation wide governance systems relating to feedback and complaints

8d: Effective risk management systems and practices

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