Whistleblower Policy

Essential Information

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<tr><td>What is a whistleblower disclosure?</td><td colspan="3">A special form of disclosure that is recognised by the law and entitled to special protections. Whistleblower disclosures are used to report actual or reasonably suspected wrongdoing in relation to Olivet Care.</td></tr>
<tr><td>What is “wrongdoing”?</td><td colspan="3">Misconduct, a reportable incident (as defined under the Serious Incident Response Scheme (SIRS)), a breach of any of the provisions of the Aged Care Act 2024 (Cth) or an improper state of affairs with respect to Olivet Care.</td></tr>
<tr><td>When to blow the whistle</td><td colspan="3">Not everyone is entitled to be protected for blowing the whistle in regard to Olivet Care, and even if you are entitled to whistleblower protections, you may prefer to report via some other channel.

Generally, whistleblowing may be an option if:
• you have reasonable grounds to suspect that an entity* may have contravened a provision of the Aged Care Act 2024 (Cth) or otherwise committed wrongdoing, and
• your disclosure meets the eligibility requirements (refer to Is Whistleblowing the Best Option?).

If whistleblowing is not the best option for you, you may be able to use other reporting procedures such as our Feedback and Complaints or Incident Management procedures.

*An “entity” means an individual, body corporate, body politic, partnership or any other unincorporated association that has a governing body.</td></tr>
<tr><td>Why blow the whistle?</td><td colspan="3">So that we can investigate and address wrongdoing.</td></tr>
<tr><td rowspan="2">How to report</td><td colspan="3">If you wish to make your whistleblower disclosure to us, contact one of our Whistleblower Protection Officers.</td></tr>
<tr><td>Chief Operations Officer

Director of Clinical Care</td><td>Clinical Risk & Quality Manager

Support at Home Manager</td><td>Day Centre Manager</td></tr>
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	If you wish to make your whistleblower disclosure directly to an external agency such as the Aged Care Quality and Safety Commissioner or Australian Securities and Investments Commission (ASIC) this will be a matter for you to arrange with that agency.
What we will do	We will assess your disclosure for appropriate action, including: • commencing an investigation • protecting your identity • protecting you from detriment – although our ability to do this will be greater for current employees than for whistleblowers outside the Olivet Care. Your report will be taken seriously, and we will strive to ensure that you are protected and supported. You may be entitled to legal protections under the Aged Care Act 2024 (Cth) and/or Corporations Act 2001 (Cth), as detailed in this Policy.
Can a report be anonymous?	You may remain anonymous or give your name; it's up to you. However, if you provide your identity, this will help us to oversee your wellbeing. It may limit our ability to conduct a thorough investigation if we are not able to contact you to obtain further information about the wrongdoing you have disclosed.
What to do if you are considering making a report	• Read this Policy. • Determine if blowing the whistle is the best option for you. • If whistleblowing is the best option, follow the instructions under How to Make a Whistleblower Disclosure.
Who to speak to about this policy or to obtain additional information before making a disclosure	Speak to one of our Whistleblower Protection Officers.

1. Introduction

Olivet Care is committed to ethical behaviour that is aligned with our values and to complying with all relevant laws. The disclosure of actual or reasonably suspected wrongdoing is a key element in maintaining our ethical culture.

We recognise that people who have a work, service or customer relationship with the Olivet Care are often best placed to identify illegal or other undesirable conduct.

We are committed to providing a supportive environment for any person making a whistleblower disclosure, including protecting whistleblowers' identities, and we will always strive to ensure that every whistleblower, their colleagues or relatives are protected from detriment as a result of blowing the whistle. This includes protection from dismissal or demotion and from any form of reprisal including retaliation, harassment or victimisation.

We have documented and implemented a detailed Whistleblower Program, which is available to the Board of Directors and Executive Management Team and all staff. Our Whistleblower Program documents our whistleblowing governance mechanisms.

Under Australian law, two separate but overlapping sets of protected disclosure ("whistleblower") laws apply to residential aged care facilities. One set comes from the Aged Care Act 2024(Cth) (Aged Care Act); the other from the Corporations Act 2001 (Cth) (Corporations Act). Our Whistleblower Program, including this Policy, follows a best practice approach that is designed to meet both sets of requirements.

Our Whistleblower Program, including this Policy, also aims to meet the whistleblower protections provided by the Taxation Administration Act 1953 (Cth) (Tax Act). However, the Tax Act protections apply only to disclosures about tax affairs and therefore have a narrower scope than this Policy. For more information about tax whistleblowers see the Australian Taxation Office website.

2. Policy Objectives

The objectives of this Policy are to:

- deter wrongdoing.
- encourage and enable individuals to disclose actual and suspected wrongdoing, knowing that their concerns will be taken seriously and investigated.
- describe clearly the process for making a whistleblower disclosure, the types of matters that should be reported and the support and protections available to whistleblowers.
- describe clearly the processes that the Olivet Care follows for receiving, managing and appropriately investigating whistleblower disclosures in a timely and effective way that supports and protects the whistleblower (including protecting their identity and protecting them from detriment)

- outline how Olivet Care manages persons named in whistleblower disclosures and the secure storage of the information provided and gathered.
- meet the requirements of and give effect to the protected disclosure ("whistleblower") legislation provisions in the Aged Care Act, Corporations Act and the regulatory guidance set out in the Australian Securities and Investments Commission (ASIC) Regulatory Guide 270 Whistleblower Policies
- meet the requirements for whistleblower policies set out in section 1317AI of the Corporations Act.

3. Is Whistleblowing the Best Option?

Blowing the whistle is different from making an everyday complaint or reporting a minor incident. A whistleblower disclosure is a special form of disclosure that must meet certain criteria, is recognised by the law, and entitles the whistleblower to special protections.

Not every disclosure will qualify as a whistleblower disclosure. Also, even if the disclosure does qualify, the discloser may want to report via some other channel. For these reasons, it is important to understand:

- when a disclosure will qualify as a whistleblower disclosure and entitle the person to special protections
- what other reporting options are available.

When is Whistleblowing Protected?

Anyone can report a wrongdoing, but not every report will be legally recognised as a whistleblower disclosure and receive the associated legal protections. A whistleblower disclosure is a special kind of disclosure that meets these criteria:

- the disclosure must be made to an **eligible recipient.**
- the disclosure must be about wrongdoing with respect to Olivet Care and must meet the additional criteria below (**eligible content**).

Eligible recipient	To qualify as a whistleblower disclosure, a disclosure must be made to one or more of these people or agencies: • our staff, including directors, officers and anyone employed or contracted to provide care or other services. • anyone authorised by Olivet Care to receive whistleblower disclosures. • the Aged Care Quality and Safety Commissioner, or their staff • the System Governor, or an official of the Department of Health and Aged Care • a police officer.

	• an independent aged care advocate • other eligible recipients as defined by the Aged Care Act or Corporations Act. In limited circumstances, a disclosure may be made to a journalist or parliamentarian. Refer to "Public interest disclosure and emergency disclosure" in Part 9.4AAA of the Corporations Act.
Eligible content	To qualify as a whistleblower disclosure, a disclosure must be about wrongdoing with respect to Olivet Care. The person making the report must have reasonable grounds to suspect that the wrongdoing has occurred. "Wrongdoing" means: • a contravention of any of the provisions of the Aged Care Act • misconduct or an improper state of affairs or circumstances in relation to Olivet Care or a related body corporate.

Other Reporting Options

Aside from whistleblowing, there are many procedures you can use to make a report. These include Feedback and Complaints, Incident Management and Internal Grievances.

4. When to Blow the Whistle: Examples of Conduct that Should be Reported.

You should only use the whistleblowing procedures in this Policy to report wrongdoing that you have reasonable grounds to suspect has occurred or will occur.

Examples of conduct that you may want to report via our whistleblower procedures:

- reportable incidents (as defined under the SIRS and including elder abuse, assault, sexual assault, theft and neglect)
- dishonest and/or unethical conduct
- fraud, forgery, misappropriation, misuse, misdirection, misapplication, maladministration or waste of funds
- gross mismanagement
- conflicts of interest that are not declared or managed appropriately, nepotism, favouritism.
- theft, embezzlement, tax evasion

- corruption, taking or offering bribes or secret commissions.
- dishonesty involving influence, such as blackmail.
- coercion, harassment or discrimination by, or affecting, any of our staff, volunteers or contractors.
- abuse of public trust
- misleading or deceptive conduct of any kind, including conduct or representations that amount to improper or misleading accounting or financial reporting practices by or affecting Olivet Care
- other criminally prosecutable offences
- failure to report, or concealment of, an indictable offence
- conduct that poses an unreasonable danger to the health or safety of others.
- failure to act in accordance with applicable professional and ethical standards.
- a significant threat to the environment
- a significant breach of the terms of any contract that binds Olivet Care
- other serious acts such as refusing to carry out lawful and/or reasonable actions under a contract.
- other serious misconduct that may materially damage Olivet Care's reputation, or may otherwise be detrimental to Olivet Care
- any other act that would be considered, by a reasonable person, to be serious improper conduct or an improper state of affairs or circumstances, or amount to a contravention of any of the provisions of the Aged Care Act.

Wrongdoing would also include a deliberate attempt to conceal any of the actions described above.

When NOT to Blow the Whistle

Do not use these whistleblowing procedures to report minor matters that do not constitute wrongdoing as defined in this Policy. Do not use these whistleblowing procedures to report a matter you know to be false.

Examples of conduct that should NOT be reported via our whistleblower procedures:

- an isolated compliance breach that does not amount to a SIRS reportable incident or misconduct and does not indicate a systemic issue.
- mismanagement of the budget for the end of financial year celebration that does not involve misconduct such as fraud or embezzlement or nepotism.
- failure by a staff member to meet the personal expectations of a resident or their family members or carers (where the failure does not constitute a contravention of the Aged Care Act)
- a personal work-related grievance that has no serious implications for Olivet Care

It may be appropriate to report these and other similar incidents via another channel such as our Feedback and Complaints, Incident Management or Internal Grievance procedures.

5. How to Make a Whistleblower Disclosure

You can submit a whistleblower disclosure directly to one of the following Whistleblower Protection Officers:

Chief Operations Officer Director of Clinical Care	Clinical Risk & Quality Manager Support at Home Manager	Day Centre Manager

You may provide a whistleblower disclosure anonymously. You may also provide non-identifying contact details when you make a disclosure. Depending on the method that you use to contact a Whistleblower Protection Officer to make an anonymous disclosure, we may not be able to contact you if we need further information from you, which may make it more difficult for us to investigate your disclosure and we may not be able to advise you of the outcome of the investigation.

If you provide your identity, this will help us to oversee your wellbeing.

You may also provide a whistleblower disclosure to any of the eligible recipients listed in Part 3 above.

Information to Provide in a Whistleblower Disclosure

For a whistleblower disclosure to be investigated it must contain enough information to form a reasonable basis for investigation. This includes any known details about the events underlying the actual or suspected wrongdoing, including:

- a description of the events or activities, including locations.
- the names of the people involved and their roles.
- relevant dates and times
- possible witnesses to the events
- supporting documentary evidence of the events.

In your disclosure, include any steps that you may already have taken to report the matter elsewhere or to resolve the concerns.

6. Whistleblower Support and Protection

We are committed to providing a supportive environment for any person making a whistleblower disclosure and we will always strive to ensure that every whistleblower is protected from detriment as a result of blowing the whistle. This includes protection from dismissal or demotion and from any form of reprisal, including retaliation, harassment or victimisation.

Anonymity and Confidentiality

Olivet Care will, as far as reasonably possible, enable whistleblowers to make a disclosure anonymously and will take all reasonable steps to reduce the risk that the whistleblower will be identified as a result of the investigation of their disclosure. A disclosure that is eligible under the Corporations Act or the Aged Care Act can be made anonymously and still be protected under that Act.

Steps that Olivet Care will take to reduce the risk of a whistleblower being identified include, where possible:

- ensuring that any meetings with the whistleblower are held in a private setting and outside business hours if required.
- ensuring that all communications, files and records that relate to the whistleblower are kept securely.
- informing any personnel who are aware of the whistleblower's identity that they have an obligation to keep that identity confidential.

Where a whistleblower's identity is, or becomes, known, that information will remain strictly confidential and only disclosed to the extent permitted and as required.

Protection from Retaliation, Harassment or Victimisation

We do not tolerate reprisals or adverse action being taken against whistleblowers for reporting actual or suspected wrongdoing, including when suspicions are not substantiated following a thorough investigation.

We take steps to promote awareness to all staff of their responsibilities to treat their colleagues and stakeholders with respect and never to engage in behaviour that is discriminatory or that involves bullying or harassment. These responsibilities encompass acknowledging that reporting actual or suspected wrongdoing is integral to an ethical culture and nobody who reports actual or reasonably suspected wrongdoing should experience detriment as a result.

Steps we take to promote awareness and protect whistleblowers include, where possible:

- sharing this Policy with staff and other stakeholders (see section 9)
- staff training
- facilitating a clear, easy process for whistleblowers to make reports and to do so anonymously if they wish (see section 5 above)
- where a whistleblower's identity is known, assigning a Whistleblower Protection Officer to the case to monitor the workplace for signs of retaliation, harassment or victimisation and to intervene when necessary.
- facilitating a clear, easy process for reporting retaliation, harassment or victimisation (see below)
- taking disciplinary action against anyone who retaliates against, harasses or victimises a whistleblower (see below).

Reporting Retaliation, Harassment or Victimisation

A whistleblower who experiences actual or threats of retaliation, harassment or victimisation should immediately report it to their Whistleblower Protection Officer. Any such conduct will be treated as serious misconduct and the perpetrator of the retaliation will be subject to disciplinary action.

Whistleblowers can also report externally to police. A whistleblower who qualifies for protections under the Corporations Act may also contact the Australian Securities and Investments Commission (ASIC). For more information, see ASIC's Information Sheet 239, How ASIC handles whistleblower reports.

Protection from Liability and Internal Disciplinary Action

In accordance with the law, we will not take legal or disciplinary action against a person for making a whistleblower disclosure.

While a whistleblower will not be held liable *for making a disclosure*, they may be held liable for other acts that comes to light because of the disclosure. For instance, if the whistleblower's disclosure leads to an investigation and the investigation reveals that the whistleblower committed a crime, they could be held liable for that crime. Also, if the whistleblower's disclosure is false, they could be held criminally liable for making a false disclosure.

Compensation and Remedies

Where there has been a breach of whistleblower protections and the whistleblower suffers detriment, a court may order that compensation be paid. The court may also order that other remedies be provided. Other remedies include orders to:

- stop conduct that is causing detriment to the whistleblower.
- apologise to the whistleblower.
- reinstate a whistleblower who is an employee that has been dismissed.

7. Receiving and Investigating a Whistleblower Disclosure

Initial Assessment

When a disclosure of wrongdoing is received, the Whistleblower Protection Officer will assess the disclosure, as a matter of priority, to determine whether it qualifies as a whistleblower disclosure and the nature and extent of the investigation that may be required, including timeframes that will allow the investigation to be conducted both thoroughly and with expediency.

Where a whistleblower's identity is known or becomes known or non-identifying contact details have been provided, the Whistleblower Protection Officer will discuss with the whistleblower the issue of confidentiality, the degree of risk that their identity may become known and the risk that they may experience detriment. The Whistleblower Protection Officer will also discuss support services that may be available and strategies for minimising and managing stress and other challenges resulting from their disclosure.

A whistleblower can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. Where the non-identifying contact is maintained during the investigation of the disclosure, they may choose not to answer any further questions posed if they are concerned that it will lead to their identity being revealed. However, this may compromise the thoroughness of the investigation.

Assigning a Whistleblower Investigator

The Whistleblower Protection Officer will assign a Whistleblower Investigator to investigate the disclosure. Whistleblower Investigators are assigned by the Whistleblower Protection Officer on a case-by-case basis depending on the particular circumstances of the whistleblower disclosure. The Whistleblower Protection Officer will act independently of the Whistleblower Investigator and focus on the protection of the whistleblower during the investigation.

Conducting the Investigation

The Whistleblower Investigator will be provided with reasonable access to independent specialist advice if required and all Board members, staff members, volunteers and contractors at Olivet Care will be required to provide any assistance required to the Whistleblower Investigator.

The Whistleblower Investigator will, as far as reasonably possible, follow best practice in investigations including ensuring that all reports of suspected wrongdoing that are determined to require investigation are investigated in a way that adheres to the principles of objectivity, procedural fairness, confidentiality and natural justice.
All information and documents relevant to the investigation will be stored securely.

Management of a Person Named in a Whistleblower Disclosure

Individuals who are named in a whistleblower disclosure will be supported during the preliminary assessment of the whistleblower disclosure and during any subsequent investigation. We will provide fair treatment to people who have been mentioned in a report of actual or suspected wrongdoing, by informing them of the substance of statements that have been made about them and giving them a reasonable opportunity to respond. This also includes informing them of the substance of any adverse findings by the Whistleblower Investigator and providing the opportunity to have their response to any allegations set out fairly in the Whistleblower Investigator's report.

8. Provision of Feedback

If the whistleblower's identity is known, or they can be contacted through anonymous channels, where possible Olivet Care will provide feedback to the whistleblower during the course of the investigation in a way that does not compromise the confidentiality of their identity. The frequency and timeframes for providing feedback will vary according to the nature of the disclosure and the investigation.

The whistleblower will be informed of the outcome of an investigation, where appropriate, and in particular:

- if the whistleblower's concern was substantiated, the action that has been taken or will be taken to address the issues.
- if the whistleblower's concern was not substantiated, then that no further action will be taken unless further information becomes available.

There may be circumstances where it is not appropriate to provide details of the outcome to the whistleblower.

9. Sharing this Policy

Olivet Care makes this Policy available to the Board of Management, Executive Management Team and employees and other stakeholders via the Policy Connect platform and Olivet's staff intranet and website.