

Whistle-blower Policy

Standard 7:	Human resources
Standard 8:	Organisational governance
Consumer Outcome	<p>I get quality care and services when I need them from people who are knowledgeable, capable and caring.</p> <p>I am confident the organisation is well run. I can partner in improving the delivery of care and services.</p>
Organisation Statement:	<p>The organisation has a workforce that is sufficient, and is skilled and qualified to provide, safe, respectful and quality care and services.</p> <p>The organisation's governing body is accountable for the delivery of safe and quality care and services.</p>

Preamble

Catholic Homes Incorporated (Catholic Homes) has a strong, values-based organisational culture. This culture guides and sustains our care. Our organisational values of Love, Joy and Hospitality, our Model of Care: Care with Purpose, and the Aged Care Quality Standards, implemented in 2019, guide the provision of quality, compassionate care, and sound, sustainable management practices.

All policies and procedures for care, governance, and workforce management are guided by the principles of enabling choice, preserving dignity, respect for culture and diversity, effective communication and dignity of risk.

Purpose

Catholic Homes is committed to providing employees, volunteers, students and contractors with a supportive work environment in which they feel able to raise issues of legitimate concern without fear of victimisation, detriment or other retribution and to provide suitable avenues for reporting of matters that may cause loss to or damage to Catholic Homes.

Catholic Homes is committed to encouraging the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving Catholic Homes' businesses and provides protections and measures so that people who make a report can do so confidentially and without fear of intimidation, disadvantage or reprisal.

The purpose of this policy is to:

- help deter wrongdoing (as defined in this policy), in line with Catholic Homes' risk management and governance framework;
- ensure people who disclose any suspected wrongdoing 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;
- provide transparency around Catholic Homes' framework for receiving, handling and investigating disclosures;
- support Catholic Homes' values and its code of conduct
- support Catholic Homes' long-term sustainability and reputation; and
- meet Catholic Homes' legal and regulatory obligations.

Scope

This policy applies to current and former employees, employment applicants, volunteers, students, contractors/vendors/suppliers, residents/clients and their families/relatives of Catholic Homes in relation to reports concerning wrongdoing.

Definitions

Whistleblowing means the deliberate, voluntary disclosure of individual or organisational wrongdoing by a person who has or had privileged access to data, events or information about an actual, suspected or anticipated wrongdoing within or by an organisation that is within its ability to control.

Wrongdoing means any conduct that is dishonest, fraudulent, corrupt, or illegal, such as fraud, negligence, breach of trust, breach of duty, theft, sale or use of prohibited substances, violence, elder abuse, criminal damage to property or other breaches of state or federal legislation.

It also includes unethical behaviours, such as dishonestly altering company records, engaging in questionable accounting practices or wilfully breaching Catholic Homes' policies or other ethical statements. It may also include (but is not limited to) conduct that:

- is potentially damaging to others who fall within the scope of this policy, e.g. wilfully undertaking unsafe work practices or substantial wasting of resources;
- may cause financial loss to Catholic Homes or damage its reputation;
- may otherwise be detrimental to Catholic Homes' interests;
- involves any other kind of serious impropriety, and
- may include concealment of Wrongdoing.

Whistle-blower

A Whistle-blower is a person who makes a disclosure of wrongdoing (or intends to disclose a wrongdoing). A Whistle-blower can be a person who is, or has been:

- an employee
- an officer (as defined in the Corporations Act)
- a volunteer
- a contractor, consultant, service provider or business partner
- a person who supplies goods or services or an employee of a person who supplies goods or services to Catholic Homes (whether paid or unpaid)
- a client or resident
- a spouse, partner, dependant or other relative of any of the above

Policy

Catholic Homes is committed to the highest standards of legal, ethical and moral behaviour. It will not tolerate unethical, unlawful or inappropriate conduct. This policy documents Catholic Homes' commitment to maintaining an environment in which Whistle-blower(s) are able to report, without fear of retaliatory action, concerns about any instances of wrongdoing (as defined in this document) that they have reasonable grounds to suspect may be occurring in the name of Catholic Homes.

This Policy does not form part of any employee's contract of employment, nor does it form part of any other staff member's contract for service (e.g. a contractor).

Guidelines

This policy is not intended to replace other reporting structures or grievance procedures such as those for dispute resolution, grievances, equal opportunity, discrimination, harassment, bullying or elder abuse.

This policy must not be used for reporting of trivial, false or vexatious matters (being matters that the reporting person knows, or ought to know have no substance), or for malicious intent.

Reporting any wrongdoing

- Any person within the scope of this policy who detects or has reasonable grounds for suspecting wrongdoing is encouraged to raise any concerns with their Line Manager through normal reporting channels.
- The Line Manager will deal with the matter appropriately, and depending on the seriousness of the alleged wrongdoing, may report the allegation of wrongdoing to the relevant Executive Manager and/or Executive Manager, Human Resources.
- An independent investigator may be appointed to undertake an independent investigation into the allegations if necessary. This process will be undertaken promptly or as soon as practicable after the report(s) has been received.
- Where the reporting person does not believe reporting to their Line Manager through normal reporting channels is appropriate given the circumstances of the alleged wrongdoing, the report may be made directly to the relevant Executive Manager, and/or Executive Manager, Human Resources. Depending on the seriousness of the alleged wrongdoing, the Executive Manager may escalate the matter to the Chief Executive.
- In the event the alleged wrongdoing involves an Executive Manager, the reporting person must report the matter directly to the Chief Executive or if the allegation involves the Chief Executive, the reporting person must report the matter directly to the Board Chairperson or/and a Board Member. Contact details for Board members and/or members of its subcommittees can be obtained by contacting Head Office on 1300 244 111.
- Reports of wrongdoing can be made in person or by telephone, post, email or through the Catholic Homes' website. They can be made within business hours or outside business hours.
- Reports made under this Policy should describe the grounds for the report and provide as much detail as possible of all relevant facts and supporting documentation (if any).
- A person reporting a suspected wrongdoing must have reasonable grounds for a report made under this Policy. A allegation based on here-say with no supporting information is unlikely to be considered as having reasonable grounds for reporting. However, a person making a report does not need to prove their allegation(s). The person making the report will still qualify for protection under this Policy even if their disclosure turns out to be incorrect.
- If, at any time, a person(s) is unsure about whether to make a report of wrongdoing, they can get independent legal advice. Any discussions they may have with a lawyer are protected under this policy and relevant whistleblowing legislation.

False Reports

- The reporting of false information is taken very seriously by Catholic Homes. Where it is shown that a person reporting to be a whistle-blower has knowingly made a false report of wrongdoing, then that conduct itself will be considered serious misconduct. A false report includes matters the reporter knows, or ought to have known, have no substance.
- Individuals deliberately or knowingly making a false report will not have access to the procedures or protections of this Policy, nor any legal protections which may normally apply. Individuals who are employees, volunteers, officers or contractors of Catholic Homes may be subject to disciplinary action or termination of employment/engagement.

Confidentiality of whistle-blower's identity and whistle-blower reports

- Information disclosed by a whistle-blower in relation to any alleged wrongdoing will be kept confidential, except to the extent that disclosure is required or permitted by law or is necessary to protect the life, health or safety of a staff member, resident/client or another person.
- Where a person makes a report of alleged or suspected wrongdoing under this policy, Catholic Homes will endeavour to protect that person's identity from disclosure. This may not occur if confidentiality is not a practical option.
- Unauthorised disclosure of information relating to a report of wrongdoing, the identity of the person(s) who has made a report of wrongdoing or information from which the identity of the reporting person could be inferred, will be regarded as serious misconduct and may result in disciplinary action, which may include termination of employment.

Protection of whistle-blowers

- Catholic Homes is committed to protecting and respecting the rights of a person who reports wrongdoing in good faith. It will not tolerate any retaliatory action or threats of retaliatory action against any person who has made or who is believed to have made a report of wrongdoing, or against that person's colleagues, employer (if a contractor) or relatives. For example, the person must not be disadvantaged or victimised by having made the report by:
 - Dismissal;
 - Demotion;
 - Any form of harassment;
 - Discrimination, victimization, harassment;
 - Current or future bias;
 - Loss of work hours/shifts;
 - Loss of promotional opportunities;
 - Loss of other employment/work benefits; or
 - Threats of any of the above.
- Any such retaliatory action or victimisation in reprisal for a report being made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include termination of employment.
- If a person who makes a report is implicated in the wrongdoing, that person must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy.
- The act of whistle-blowing does not, of itself, protect the person from any reasonable consequences flowing from any involvement in wrongdoing. A person's liability for his/her own conduct is not affected by the person's disclosure of that conduct. However, the reporting of the wrongdoing, cooperation with any investigation, or an admission by the person may be a mitigating factor when considering disciplinary or other action to be taken against them.

Investigation

- All reports of alleged or suspected wrongdoing made under this policy will be properly assessed, and if appropriate, independently investigated with the objective of locating evidence that, either substantiates or refutes the claims made by the whistle-blower.
- The Executive Manager and/or the Executive Manager, Human Resources will be responsible for ensuring the proper conduct of the investigation, which may include appropriate instruction and overview of a third party appointed to conduct an investigation.
- The investigation will not be conducted by a person who may be the subject of the investigation, or has inappropriate links or connections (actual or perceived) to the person(s) or practice(s) under investigation.

- The Executive Manager and/or Executive Manager Human Resources will keep the whistleblower informed of the outcomes of the investigation to his/her report subject to the considerations of privacy of those against whom the allegations have been made.
- Throughout the assessment and investigation process, Catholic Homes will treat the person who is the subject of a report of wrongdoing fairly and in line with the principles of natural justice and procedural fairness.
- If, following an investigation, the allegations are found not to be substantiated, then any documents relating to the investigation will be handled confidentially, subject to disclosures to the appropriate members of management as may be required.
- Progress and outcome(s) of an investigation will be communicated to the Chief Executive or the Board (where applicable).

Anonymity when reporting wrongdoing

In line with current Whistle-blower Legislation, a person may choose to remain anonymous when reporting a possible wrongdoing, over the course of the investigation and after the investigation is finalised.

While Whistle-blower(s) are encouraged to share their identity when making a report of wrongdoing, as it may make it easier for Catholic Homes to address the reporting of a wrongdoing and for Catholic Homes to communicate with them, they are not required to share their identity. If the whistle-blower doesn't share their identity, Catholic Homes will assess their disclosure in the same way as if the whistle-blower(s) had revealed their identity. However, there may be some practical limitations in conducting the investigation if the whistle-blower doesn't share their identity.

Communication with the Whistle-blower

Catholic Homes will ensure that, provided the report of wrong-doing was not submitted anonymously, the Whistle-blower is kept informed of the outcomes of the investigation of their allegations. This will be subject to the considerations of privacy of those against whom allegations are made and considerations of confidentiality affecting Catholic Homes.

If the Whistle-blower is not an employee of Catholic Homes, the Whistle-blower will be kept informed of the investigative outcomes (subject to privacy considerations as above), once the Whistle-blower has agreed in writing to maintain confidentiality in relation to any information provided to them regarding a report made by them.

Outcome of Reports of Wrongdoing

Once the report of suspected wrongdoing has been addressed and/or investigated, and Catholic Homes determines that the information disclosed doesn't amount to wrongdoing, the Whistle-blower will be informed of that decision in writing by his/her line manager or the person responsible for dealing with the report and/or its investigation. In some instances, reports may not be able to be responded to, for example, because they are anonymous reports.

In the event the matters reported are substantiated as wrongdoing, any remedial action on the matters disclosed will depend on the nature of the wrongdoing. This could range from a total review of Catholic Homes' relevant processes or that of individuals, or as may be recommended by the outcome of the investigation.

Counselling Support Services for Whistle-blowers

Catholic Homes may offer counselling and support services to a Whistle-blower who reports any wrongdoing through its Employee Assistance Program (EAP).

The EAP may also provide specific advice to managers to support employees affected by any reporting and/or investigation of alleged wrongdoing.

How this policy is made available

This Policy is made available on Catholic Homes' website and 'shared drive' under controlled documents and/or intranet (where applicable). It is also highlighted in Catholic Homes' Employee My Guide orientation information pack.