

Whistleblower Policy

We acknowledge, value and respect people of all cultures, sexualities, beliefs, abilities, genders, and ages, and support their rights of access, equity and participation. We understand that carers in Tasmania, whilst sharing the common theme of caring for a family member or friend, have diverse lived and living experiences, and fundamentally we believe that carers are the experts in their own lives.

Introduction

Carers Tasmania Limited and Care to Serve Limited are committed to fostering an environment where concerns are able to be raised confidentially without fear of intimidation, disadvantage or reprisal. Whistleblowers play an important role in identifying and calling out misconduct which is unethical or illegal. Eligible whistleblowers are afforded legal rights and protections in accordance with the *Corporations Act 2001*.

Purpose

This document outlines how Carers Tasmania Limited and Care2Serve Limited manage whistleblower concerns under the Act.

Authorisation

This policy is issued under the authority of the Chief Executive Officer (CEO) and approved by the Board. The Board may authorise amendments to this policy at any time.

Scope

This policy applies to all Carers Tasmania and Care2Serve employees and workplace participants, including visitors, clients and suppliers and applies to all Carer Tasmania / Care2Serve workplaces.

Workplace grievances are not considered a 'qualifying disclosure' and are covered under the organisational Grievance Policy.

Definitions

Employees	Full-time, part-time and casual contractors or subcontractors, employees of contractors or subcontractors, shift workers, apprentices or trainees, students on work experience placement and volunteers.
Eligible whistleblower	Also known as the discloser. Corporations Act s1317AAA defines an eligible whistleblower as an individual who is, or has been, any of the following in relation to the entity: (a) an officer or employee (e.g. current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers, and directors); (b)

	<p>a supplier of services or goods to the entity (whether paid or unpaid), including their employees (e.g. current and former contractors, consultants, service providers and business partners); (c) an associate of the entity; and (d) a relative, dependant or spouse of an individual.</p>
Qualifying disclosure	<p>Also known as a disclosable matter. A disclosure of information from an eligible whistleblower who has reasonable grounds to suspect that the information concerns:</p> <ul style="list-style-type: none"> • misconduct (includes fraud, negligence, default, breach of trust and breach of duty) • an improper state of affairs or circumstances • a breach of the law, or • danger to the public or the financial system.
Reasonable grounds	Means that a reasonable person in the same position would also suspect the information indicates misconduct or a breach of the law.
Work related grievance	(a) an interpersonal conflict between the discloser and an employee; (b) a decision that does not involve a breach of workplace laws such as positive duty; (c) a decision about the engagement, transfer or promotion of the discloser; (d) a decision about the terms and conditions of engagement of the discloser; or (e) a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.
Whistleblower Governance Officer (WGO)	Receives disclosures and oversees the process to resolution with relevant stakeholders which may include the appointment of a WPO and WIO. If a case is against the CEO, the Chair of the Board should receive the disclosure notification.
Whistleblower Protection Officer (WPO)	An executive manager appointed to provide support, safeguard the interests of the whistleblower and undertake wellbeing checks to ensure that the discloser does not suffer detriment as a result of their disclosure.
Whistleblower Investigation Officer (WIO)	An executive manager appointed to investigate / or to assist the WGO investigate the claims of the whistleblower.
Protections	Whistleblower protections are the protections provided to whistleblowers to enable them to come forward to report misconduct without fear of retribution of personal detriment.
Detrimental acts	(a) dismissal of an employee; (b) injury of an employee in his or her employment; (c) alteration of an employee's position or duties to his or her disadvantage; (d) discrimination between an employee and other employees of the same employer; (e) harassment or intimidation of a person; (f) harm or injury to a person, including psychological harm; (g) damage to a person's property; (h) damage

to a person's reputation; (i) damage to a person's business or financial position; or (j) any other damage to a person.

Positive duty	Under the Fair Work Sexual Harassment Respect at Work Amendment Act 2021, Carers Tasmania / Care2Serve have a positive duty to actively prevent and respond to sexual discrimination, sexual harassment and victimisation. This includes taking reasonable and proportionate measures to eliminate or mitigate factors which lead to these types of behaviour.
Public interest disclosure	The disclosure of information to a journalist or parliamentarian where the discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest.
Emergency disclosure	The disclosure of information to a journalist or parliamentarian where the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment.

Policy Statement

Carers Tasmania / Care2Serve acknowledge that people who report disclosable matters promote the integrity, accountability and good management of the organisation; and therefore, support employees in knowing how to make a report so they can safely express their concerns.

Any person considering making a whistleblower report should satisfy themselves that they have reasonable grounds to suspect the concerns that they report and can provide supporting information. Whilst a discloser does not need to prove their allegations, a mere allegation with no supporting information is not likely to be considered as having reasonable grounds to suspect.

A disclosure may still qualify for protection even if it turns out to be incorrect, but a person is not protected for falsifying a claim.

Reportable conduct

Employees are encouraged to report if they have reasonable grounds to suspect that any employee, manager, director or representative of the organisation may already have or is about to engage in any conduct which is:

- Illegal such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage to property
- Offering or accepting a bribe
- Fraud, money laundering, misappropriation of funds
- Financial irregularities
- A breach of or failure to comply with legal or regulatory requirements

Generally, disclosures relating to personal or work-related grievances such as harassment, discrimination, bullying or work conditions do not qualify for protection. However, a work related grievance may still qualify for protection in the following cases:

- If it includes information about misconduct
- If it is a mixed report about misconduct including a personal work related grievance
- If the discloser suffers from or is threatened with detriment for making a disclosure or planning to make a disclosure
- If the discloser seeks legal advice or legal representation about whistleblower protections under the Corporations Act

Submitting a report internally

Disclosures must be made to the Chief Executive Officer (CEO) or, if the disclosure is in relation to the CEO, the report must be submitted to the Chair of the Board:

- Chief Executive Officer: ceo@Care2serve.com.au 0432 129 015
- Chair of the Board, Will McShane: chair@carerstasmania.org 0437192 635

A discloser may choose to remain anonymous and submit a report through anonymous telephone or anonymised email addresses to protect their identity but should maintain on-going two-way communication to enable the organisation to ask follow - up questions or provide feedback.

A report should include as much detailed information as possible to enable the report to be investigated such as:

- Date, time, location
- Persons involved (name, role, business area)
- Relationship to the person / people involved'
- Nature of the concern
- How you became aware of the issue
- Witnesses
- Additional supporting information

External submissions

Disclosure to external parties

A disclosure can be made outside of the organisation to authorities such as Australian Securities and Investment Commission (ASIC); the Commissioner of Taxation; or any other Commonwealth authority prescribed by law for investigation and will qualify for protection under the Corporations Act.

Public interest disclosures

It is important for a discloser to understand that all of the following criteria is required when making a public interest disclosure:

- 90 days must have passed since a discloser made a disclosure to ASIC, APRA or a prescribed body
- The discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure
- The discloser has reasonable grounds to believe that making a further disclosure is in the public interest

- Before making a public interest disclosure, the discloser must give written notice to the body (to which the previous disclosure was made) which includes sufficient information to identify the previous disclosure and states that the disclosure intends to make a public interest disclosure

Independent legal advice should be sought before making a public interest disclosure.

Emergency disclosures

It is important for a discloser to understand that all of the following criteria is required when making an emergency disclosure:

- A disclosure must have been previously made to ASIC, APRA or a prescribed body
- The discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment
- Before making a public interest disclosure, the discloser must give written notice to the body (to which the previous disclosure was made) which includes sufficient information to identify the previous disclosure and states that the disclosure intends to make a public interest disclosure
- The extent of information disclosed in an emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger

Independent legal advice should be sought before making an emergency disclosure.

Investigating a disclosure

The Whistleblower Governance Officer will provide an initial response to the discloser and inform them when an investigation commences.

All whistleblower reports will be taken seriously. Each disclosure will be assessed to determine if it qualifies for protection; and whether there is enough evidence to substantiate or refute the matters reported, requiring an investigation.

The investigation processes must be objective, fair, independent and conducted in a timely manner.

The WGO will ensure that detrimental acts are not planned, threatened or conducted against the whistleblower as a result of disclosure; and that support and referrals are provided for both disclosers and those accused of wrongdoing.

The WGO may appoint a Whistleblower Investigation Officer (WIO) to assist with or conduct the investigation and / or a Whistleblower Protection Officer (WPO) to provide support. A person remains protected if they seek additional advice from the organisation's WPO.

Where the disclosure relates to a specific employee, the principles of natural justice and procedural fairness will be observed by informing the employee about the nature and content of any complaint about them, at the time deemed most appropriate by the organisation (so as to

not compromise the effectiveness of the investigation), and prior to making any adverse findings against them.

The WGO will provide an update of progress being made to the discloser; and provide feedback on outcomes of the investigation when it is finalised.

Where a disclosable matter relates to breaches of regulatory and/or legislative requirements or allegations of criminal offence/s, the WGO will report this to the relevant authority if required by law.

In each case, the following will be retained for secure and confidential filing in accordance with the Australian Privacy Principles:

- The original allegations
- A statement of facts and corroborating evidence
- Conclusions of the investigation;
- Continuous improvement recommendations;
- Actions taken
- Correspondence with the discloser

Confidentiality

The discloser's identity or information that is likely to identify them must be protected unless they have given written consent, or unless it is permitted by law. The exception is if a person discloses the identity of the discloser:

- To ASIC, APRA, or a member of the Australian Federal Police (within the meaning of the Australian Federal Police Act 1979)
- To a legal practitioner (for the purposes of obtaining legal advice or legal representation about the whistleblower provisions in the Corporations Act)
- To a person or body prescribed by regulations

A person can disclose the information contained in a disclosure with or without the discloser's consent if:

- The information does not include the discloser's identity;
- The entity has taken all reasonable steps to reduce the risk that the discloser will be identified from the information; and
- It is reasonably necessary for investigating the issues raised in the disclosure

Accessibility of this policy

Carers Tasmania / Care2Sere will ensure all employees are aware of and understand this policy and ensure that appropriate training is provided in managing reports, conducting investigations, and supporting both disclosers and those who are the subject of allegations.

This policy will be made available to all employees of the organisation including the Board and will be accessible to members of the public via organisational websites.

Monitoring

Monitoring and oversight the effectiveness of this policy rests with the Board.

Roles and Responsibilities

Board	The Board is responsible for ensuring that risks are mitigated and managed effectively.
Chief Executive Officer (CEO)	The CEO is responsible for implementing the Whistleblower Policy and fulfilling the role of WGO.
Managers and Supervisors	Managers and supervisors are responsible to ensure employees understand the difference between the Whistleblower Policy and the Grievance Policy; and ensure compliance.
Employees	Employees are responsible to undertake their role in alignment with organisational policies and procedures.

Breach of Policy

All employees are expected to conform with this policy. In proven instances where employees or management do not abide by the policy, disciplinary action may result.

Legislation, standards and processes

Legislation

- Corporations Act 2001 (Cth)
- Privacy Act 1988 (Cth)
- Tax Administration Act 1997 (Tas)
- Fair Work Act 2009 (Cth)
- Fair Work Respect at Work Amendment Act 2021 (Cth)

Associated documents and processes

- Code of Conduct
- EAP brochure
- Grievance and Disputes Policy
- Gifts and Benefits Policy
- Vision and Values
- Workplace Discrimination and Harassment Policy

Alignment to standards

This policy supports the following standards:

- ISO 900:2016 6.1

- ASES Standards 2022
- Rainbow Tick Standards

Quality references

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Authorising Officer

David Brennan
Chief Executive Officer