

## Intent:

Vasey RSL Care is committed to the highest standards of conduct and ethical behaviour in the organisation, and to promoting and supporting a culture of corporate compliance and good corporate governance.

This Whistleblowers procedure establishes the requirements for:

- Ensuring that Vasey RSL Care has appropriate, confidential and objective reporting and investigation mechanisms so that people having honest, objective and reasonable concerns are able to raise Reportable Conduct (see definitions) without fear of reprisal;
- Ensuring that protections and protocols are in place to support people who raise Reportable Conduct
- Ensuring fair treatment of employees who are mentioned in a Reportable Conduct claim; and
- Conducting fair, unbiased, evidence-based investigations in order to substantiate or refute claims of Reportable Conduct.

This procedure complements the usual reporting and communication channels at Vasey RSL Care, and provides an alternative means of reporting serious alleged matters of a public interest nature where the usual channels may not be appropriate.

This procedure applies to all persons as defined. Any person may make a claim of Reportable Conduct under this procedure in the matter set out below.

## Definition:

**Reportable Conduct** shall mean any conduct (or matter/information) that:

- The Person has reasonable grounds to suspect concerns of misconduct, or an improper state of affairs or circumstances, in relation to Vasey RSL Care;
- Is dishonest, fraudulent or corrupt;
- Is illegal activity, such as theft, drug sale or use, violence, harassment or intimidation, criminal damage to property or other breaches of state or federal legislation (or any other behaviour that constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more);
- Is unethical, such as dishonestly altering company records or data, adopting questionable accounting practices, or wilfully breaching the organisation's Code of Conduct;
- Is potentially damaging to Vasey RSL Care, a Vasey RSL Care employee or third party, such as unsafe work practices, environmental damage, health risks or abuse of Vasey RSL Care property or resources;
- Represents a danger to the public or the financial system;
- May cause financial loss to Vasey RSL Care or damage to its reputation or be otherwise detrimental to Vasey RSL Care's interests;
- Amounts to an abuse of authority; or
- Involves any other kind of serious impropriety.

For the avoidance of doubt, Reportable Conduct does **not** include conduct that relates to:

personal work related grievances, being any matter in relation to the person's own employment (or former employment) having (or tending to have) implications for the person personally, for example but not limited to:

- an interpersonal conflict between the person and another employee;
- a decision in relation to the engagement, transfer or promotion of the person;
- a decision relating to the terms and conditions of engagement of the person; or
- a decision to suspend and terminate the engagement of the person, or otherwise to discipline the person:

**and/or**

instances of such conduct that is managed by Vasey RSL Care under separate mechanisms and procedures and are expressly excluded from this procedure (see section 4).

**Person** shall mean current and/or former:

- Officers (i.e. Board members); or
- employees; or
- volunteers and contractors, or other individuals who supply services or goods; and

- an employee of a person that supplies services or goods;

of/to Vasey RSL Care (and to the spouse, child or dependant of such persons).

**Whistleblower Protection Officer:** Officer appointed by Vasey RSL Care to ensure the integrity of the protection and protocols involved in this process. The Whistleblower Protection Officer is the Governance Officer.

## Key Steps:

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## 1 Making a claim of Reportable Conduct

### 1.1 Raising Reportable Conduct

(i) Reasonable Belief: A report made under this procedure may have serious consequences, including potential damage to the personal reputation and career prospects of the person(s) who are the subject of allegations of wrongdoing. Therefore, in raising Reportable Conduct, a person must ensure that they are acting honestly and with the reasonable objective belief that the conduct falls within the confines of Reportable Conduct.

(ii) Anonymous Reporting: As required under law, Vasey RSL Care will accept anonymous advice of Reportable Conduct, although there could be limitations to the investigation process due to the anonymity.

(iii) False Reporting: Where it is shown that a person has knowingly made a false Reportable Conduct claim, that conduct could be considered a serious breach of appropriate behaviour and the person may be subject to appropriate action, including the full options of disciplinary action.

(iv) Trivial or Vexatious Reports: This procedure is intended to apply to Reportable Conduct only. Generally, such reports will be regarded as being in the public nature. This procedure should not be used for trivial or vexatious matters.

### 1.2 Form of Report

Reports of Reportable Conduct made under this procedure can be made either verbally or in writing, and should describe the grounds for the report and provide as much detail as possible of all relevant facts. If made in writing, the report should include supporting documentation (where possible).

As stated above, when making a report, the person can choose to do so anonymously and may request that their identity be kept confidential and claim details de-identified.

### 1.3 Who to make a report to:

A person can make claim of a Reportable Conduct matter as follows:

- Directly to the Whistleblower Protection Officer (see section 3 below);
- To their immediate supervisor or manager (who will then immediately refer it to the Whistleblower Protection Officer or the whole Board as appropriate);
- Directly to an officer (Board member) of Vasey RSL Care (who will then immediately refer it to the Whistleblower Protection Officer); or
- A member of the Executive of the Company, including the CEO and General Managers (who will then immediately refer it to the Whistleblower Protection Officer).

The Whistleblower Protection Officer will then advise the Chief Executive Officer who, with the Board, will determine the appropriate course of action, which could include a formal investigation of the Reportable Conduct.

### 1.4 Investigation of Reportable Conduct:

Where an investigation into Reportable Conduct is required, the investigation shall be conducted fairly, objectively and without bias. The Chief Executive Officer shall appoint the Investigator. The Investigator must be independent from the area of the business involved and have the required skill to manage and investigate the Reportable Conduct. Vasey RSL Care will take reasonable steps to ensure that the investigation is conducted in a timely manner.

When conducting the investigation, Vasey RSL Care (and the Investigator) will ensure that the principles of natural justice are applied and that any individual against whom the allegation is made is informed of the allegation and provided with the right of response.

### 1.5 Investigation outcome and reporting

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At the end of the formal investigation, the Investigator must provide the Chief Executive Officer with a written report setting the findings on the allegations and a summary of the evidence. Findings may be that an allegation of Reportable Conduct occurring is:

- fully substantiated;
- partially substantiated;
- not able to be substantiated; or
- disproven.

The Chief Executive Officer will take appropriate action in relation to the Investigator's report. This may, for example, include:

- requiring further investigations;
- recommending disciplinary action;
- referring the matter to the Board; and/or
- notifying regulatory bodies.

To the extent permitted, the person will be informed of the findings, however they will not be entitled to receive a copy of the formal report.

Any findings that relate to criminal activity will be reported to the police and/or regulators as appropriate.

## 2 Protection of persons advising of reportable conduct

### 2.1 Anonymity

Vasey RSL Care will not disclose the person's identity unless:

- The person making the report consents to the disclosure; or
- The disclosure is required or authorised by law.

### 2.2 Confidentiality

Reports made under this procedure will be treated confidentially. However, when a report is investigated, it may be necessary its substance to people such as key Vasey RSL Care personnel, external persons involved in the investigation process and in appropriate circumstances to the relevant law enforcement agencies. Further, it may also be necessary to disclose the fact and the substance of the report to the person/s who is subject of the report.

### 2.3 Files and Records

All files and records created from an investigation will be retained under strict security and unauthorised release of information to someone else not involved in the investigation (other than relevant senior staff who need to know to take appropriate action, or for corporate governance purposes) without the person's consent will be regarded as a breach of this procedure, the person may be subject to appropriate action, including the full options of disciplinary action.

### 2.4 Detrimental Treatment

Vasey RSL Care is committed to protecting and respecting the rights of a person who advises of a Reportable Conduct. Vasey RSL Care will not tolerate any retaliatory action or threats of retaliatory action against a person who has made or who is believed to have made a report, or against that person's colleagues, employer, or family. For example, the person must not be disadvantaged or victimised by having made a report by:

- Dismissal;
- Demotion;
- Any form of harassment;
- Discrimination;
- Current or future bias; or
- Threats of any of the above.

Any such retaliatory action or victimisation in reprisal for a report being made under this procedure will be treated as serious misconduct and will result in disciplinary action, which may include termination of employment.

## 3 Whistleblower protection officer

## Key Steps:

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The Whistleblower Protection Officer is responsible for taking steps to safeguard the interests of the person advising of the Reportable Conduct. This includes maintaining the privacy and confidentiality of the person, keeping the person informed of developments, including progress and outcome of the investigation, and monitoring the effectiveness of protections offered under this procedure.

#### 4 Links to other procedures

This procedure is concerned with disclosure of Reportable Conduct only. The process under this procedure is not intended to replace the processes available under other relevant procedures relating to the Serious Incident Response Scheme (SIRS), or equal opportunity, harassment and bullying, or the staff grievance resolution process, and excludes personal work related grievances (see the definition of Reportable Conduct above).

A matter raised with the organisation under this procedure may be determined to be more appropriately dealt with under another procedure such as (but not limited to) procedure 54 Staff grievance or procedure 45 - Equal opportunity, harassment and bullying, or procedure 16 Residential Services Incidents, including Serious Incident Response Scheme (SIRS) or Procedure 28 Home Care Consumer Incidents including Serious Incident Response Scheme (SIRS).

#### 5 Availability of procedure

This procedure is available to officers and employees of Vasey RSL Care via the organisation's website and intranet. A hard copy of this procedure is also available via request to the Human Resources Department.

#### 6 References

For specific legal information relating to this procedure, refer to:

- Whistleblowers Protection Act 2001;
- Corporations Act 2001.

## Quality Document References:

42 Code of conduct: Procedure -Human Resources

43 Performance counselling and discipline: Procedure -Human Resources

45 Discrimination, harassment, bullying and victimisation: Procedure -Human Resources

54 Employee grievance: Procedure -Human Resources