

THE BUCKLAND CONVALESCENT HOSPITAL Trading as



WHISTLEBLOWER POLICY

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BUCKLAND AGED CARE SERVICES – WHISTLEBLOWER POLICY

1. Introduction

Buckland Aged Care Services (Buckland) is committed to adhering to its statutory obligations, its rules and values. We are committed to providing those involved with our organisation a safe environment to raise breaches of internal rules or policy, or Reportable Conduct relating to Buckland, its officers, employees or members.

In cases where people feel they need to be protected in relation to raising a matter, this Policy outlines the protections that will apply.

This Policy will be made available to all officers and employees of the company on the server as part of the company's policies and procedures and will also be available on the Buckland website.

2. Purpose

The purpose of this Policy is to:

- provide you with an understanding of what can be reported under this Policy;
- demonstrate the importance Buckland places on ensuring a safe and supportive environment where our people feel confident to raise breaches of internal rules or Reportable Conduct relating to the organisation, its officers, employees or members;
- assist to create a culture within Buckland that encourages our people to speak up and raise breaches of internal rules or policy, or Reportable Conduct relating to the organisation, its officers, employees or members;
- explain the processes for reporting breaches of internal rules or policy, or Reportable Conduct, including what happens when you make a report; and to
- outline how you will be protected if you make a report.

3. Scope

The following people can make a disclosure within the organisation:

- an officer or former officer of the organisation;
- an employee or former employee of the organisation;
- a director/member or former director/member of the organisation;
- a person who is (or was) a supplier to, or has (or had) a transaction with, the organisation;
- a person who is (or was) a supplier to, or has (or had) a transaction with, an officer or employee of the organisation;
- an employee (or former employee) of a supplier or person who had such a transaction; or

- a lawyer on behalf of a discloser in one of the above categories.

a. The scope of this Policy – Reportable Conduct

You may make a report of disclosure under this policy if you have reasonable grounds to believe that a Buckland company director, officer, employee, contractor, supplier, consultant or other person who has business dealings with Buckland has engaged in conduct (Reportable Conduct) which is:

- dishonest, fraudulent, or corrupt;
- illegal (such as theft, violence or threatened violence and criminal damage to property, drug sale/use);
- breaches of legislation, regulations or local government by-laws;
- unethical, including any breach of Buckland’s policies such as the Code of Conduct, oppressive or grossly negligent;
- potentially damaging to Buckland, its employees or a third party;
- misconduct;
- harassment, discrimination, victimisation or bullying;
- perverts the course of justice;
- gross mismanagement or repeated breaches of administrative procedures;
- Disclosable Conduct under the *Corporations Act, 2001*.

b. Out of scope – Complaints and grievances

For the avoidance of doubt, Reportable Conduct does not include personal work-related grievances. These grievances should be reported to your manager or senior management. A personal work-related grievance is a grievance about any matter in relation to a staff member’s current or former employment, having implications for that person personally and that do not have broader implications for Buckland. Examples of personal work-related grievances are:

- an interpersonal conflict between the staff member and another employee;
- a decision relating to the engagement, transfer or promotion of the staff member;
- a decision relating to the terms and conditions of engagement of the staff member;
- a decision to suspend or terminate the engagement of the staff member, or to discipline the staff member.

Disclosures that are not disclosable matters do not qualify for protection under the *Corporations Act, 2001*.

4. Making a Disclosure

Buckland relies on its employees maintaining a culture of honest and ethical behaviour. Accordingly, if you become aware of any Reportable Conduct, it is expected that you will make a disclosure under this policy.

There are several ways in which you may report or disclose any issue or behaviour which you consider to be Reportable Conduct.

a. Internal Reporting

You may disclose any Reportable Conduct to:

- your manager;
- CEO;
- Finance Manager/ Deputy CEO

Under the *Corporations Act 2001*, you may also raise the matter with a director or senior manager of the company.

Where a report or disclosure is made anonymously or confidentially this can be undertaken in the manner the discloser see fit, including mail addressed to one of the personnel noted above. This can be via external mail delivery or the internal mail system. The sealed envelope should state 'Confidential' and for the 'Addressee only'.

b. External Reporting

Where you do not feel comfortable making an internal report, or where you have made an internal report, but no action has been taken within a reasonable time, you may disclose any Reportable Conduct to:

- the Australian Securities and Investments Commission (ASIC); or
- the Australian Prudential Regulation Authority (APRA)

If you wish to seek additional information before making a disclosure you should contact an independent legal advisor.

5. Anonymity

When making a disclosure, you may do so anonymously. It may be difficult for Buckland to properly investigate the matters disclosed if a report is submitted anonymously, therefore Buckland encourages you to share your identity when making a disclosure, however, you are not required to do so.

6. Reporting to Regulators

If you make a disclosure to regulators in relation to a Reportable Conduct you will be covered by the protections outlined in this policy.

7. Reporting to a Legal Practitioner

You may choose to discuss your concerns with a legal practitioner for the purposes of obtaining legal advice or representation. You will be covered by the protections outlined in this policy if you have reported your concerns to a legal practitioner.

8. Public Interest and Emergency Disclosure

In certain situations, the conduct or wrongdoing may be of such gravity and urgency that disclosure to the media or a parliamentarian is necessary.

A public interest and emergency disclosure can only be made to:

- a journalist, defined to mean a person who is working in a professional capacity as a journalist for a newspaper, magazine or radio or television broadcasting service; or a Member of the Parliament of the Commonwealth or of a State or Territory parliament. You may only make a public interest and emergency disclosure if:
 - you have previously disclosed the information to ASIC or APRA;
 - at least 90 days have passed since the previous disclosure was made;
 - you have reasonable grounds to believe that action is not being taken to address the matters which you have disclosed;
 - you have reasonable grounds to believe that making a further disclosure to a journalist or member of parliament would be in the public interest;
 - you have given written notification, including sufficient information to identify the previous disclosure to the authority to which the previous disclosure was made that you intend on making a public interest disclosure; and
 - the extent of information disclosed is no greater than necessary to inform the recipient of the misconduct or improper state of affairs.

- You will be qualified for protection where you have made a public interest disclosure if you have previously disclosed the information to ASIC or APRA if:
 - you have 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; and
 - you have given written information, including sufficient information to identify the previous disclosure to the authority to which the previous disclosure was made that you intend on making a public interest disclosure; and
 - no more information is disclosed than is reasonably necessary to inform the recipient of the substantial and imminent danger.

9. Investigation

Buckland will investigate all matters reported under this policy as soon as practicable after the matter has been reported. Where necessary an external investigator will be appointed to assist in conducting the investigation. All investigations will be conducted in a fair, independent and timely manner and all reasonable efforts will be made to preserve confidentiality during the investigation.

If the report is not anonymous, the investigator will contact you within a reasonable timeframe to discuss the investigation process and any other matters that are relevant to the investigation.

Where you have chosen to remain anonymous, your identity will not be disclosed to the investigator or to any other person and Buckland will conduct the investigation on the information provided.

Where possible, the investigating officer will provide you with feedback on the progress and expected timeframes of the investigation. The person against whom any allegations have been made will also be informed of the concerns and will be provided with an opportunity to respond (unless there are any restrictions or other reasonable basis for not doing so).

To the extent permitted by law, the investigator may inform you and/or a person against whom the allegations have been made of the findings. Any report will remain the property of Buckland and will not be shared with you or any person against whom the allegations have been made.

10. Protection of Whistleblowers

Buckland is committed to ensuring that any person who make a disclosure is treated fairly and does not suffer detriment and that confidentiality is preserved in respect of all matters raised under this policy.

11. Protection from Legal Action

You will not be subject to any civil, criminal or administrative legal action (including disciplinary action) for making a disclosure under this policy or participating in any investigation.

Any information you provide will not be admissible in any criminal or civil proceedings other than for proceeding in respect of the falsity of the information.

12. Protection against Detrimental Conduct

Buckland will not engage in detrimental conduct against you if you have made a disclosure under this policy.

Detrimental conduct includes actual or threatened conduct such as the following:

- termination of employment;
- injury to employment including demotion, disciplinary action;
- alteration of position or duties;
- discrimination;
- harassment, bullying or intimidation;
- victimisation;
- harm or injury including psychological harm;

- damage to a person's property;
- damage to a person's reputation;
- damage to a person's business or financial position; or any other damage to a person.

Buckland will take all reasonable steps to protect you from detrimental conduct and will take necessary action where such conduct is identified.

Buckland strictly prohibits all forms of detrimental conduct against any person who is involved in an investigation of a matter disclosed under the policy in response to their involvement in that investigation.

You may also seek remedies including compensation, civil penalties or reinstatement where you have been subject to any detrimental conduct.

13. Protection of Confidentiality

All information received from you will be treated confidentially and sensitively.

If you make a disclosure under this policy, your identity (or any information which would be likely to identify you) will only be shared if:

- you give your consent to share that information; or
- the disclosure is allowed or required by law (for example where the concern is raised with a lawyer for the purposes of obtaining legal advice);
- the concern is reported to ASIC, APRA, the Australian Taxation Office or the Australian Federal Police;
- where it is necessary to disclose information for the effective investigation of the matter, and this is likely to lead to your identification, all reasonable steps will be taken to reduce the risk that you will be identified.

14. Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by a subsequent investigation, no action will be taken against that individual in making a disclosure. However, individuals should exercise due care to ensure the accuracy of information provided. If an individual makes malicious or vexatious allegations, legal and/or disciplinary action may be taken against them.

15. Support Available

Any person who make a disclosure under this policy or is implicated as a result of a disclosure that is made may access Buckland's Employee Assistance Program which is a free and confidential counselling service.

16. Other Matters

Any breach of this policy will be taken seriously and may result in disciplinary action, up to and including termination of employment.

Employee are encouraged to read this policy in conjunction with other relevant Buckland policies, including:

- Code of Conduct;
- Inappropriate Behaviour in the Workplace.

Policy statement

The Buckland Whistleblower Policy was developed by the Board of Directors and adopted by them on 18 May 2009.

It was reviewed and further endorsed on:

16 May 2011

It was reviewed, amended and further endorsed on:

18 June 2012

21 July 2014

It was reviewed and further endorsed on:

20 June 2016

It was reviewed, amended and further endorsed on:

20 August 2018

A full review was undertaken and amendments made in accord with the *Treasury Laws Amendment (Enhanced Whistleblowers Protections) Act 2019* on:

28 December 2019.