

WHISTLEBLOWER POLICY AND PROCEDURE

1. OUTCOME

mecwacare is committed to the highest standards of care, honesty and accountability reflective of our Values and Code of Conduct. We promote and support a culture of respectful and ethical behaviour and best practice governance.

Engendering a culture where concerns related to unethical behaviour, improper and/or illegal conduct, can be reported freely and without fear of detriment, is fundamental to who we are and supporting everyone to *Speak Up*.

2. POLICY

2.1 Objectives

The purpose of mecwacare's Whistleblower policy and procedures is to:

- Encourage and support *Eligible Whistleblowers* to report potential *Misconduct* or *Reportable Behaviour*, either openly or anonymously.
- Ensure that individuals who disclose potential misconduct can do so safely, with anonymity if they choose and in the confidence that they will be protected and supported from *Detrimental Action*.
- Provide transparency around mecwacare's framework for receiving, handling and investigating disclosures.
- Ensure that disclosures are dealt with appropriately and on a timely basis.

2.2 Scope

Anyone can and is encouraged to report *Misconduct* or *Reportable Behaviour*. However, to be eligible for protection under Whistleblower Laws, the following three criteria must be met:

- They are an *Eligible Whistleblower*,
- Have reasonable grounds to suspect *Reportable Behaviour*, and
- Report their concerns to an *Eligible Recipient*.

For personal work-related grievances and/or consumer complaints, we encourage the utilisation of existing dispute and/or grievance management pathways (for employees and/or volunteers) or Feedback and Complaints policy and procedure (for consumers) as the primary and first point of action for these matters where appropriate.

- Employees and Volunteers wishing to raise a **work-related grievance matter**, are encouraged to speak with their Leader in the first instance and as needed reach out to a member of our People, Culture team. Further information can be found in the Dispute and Grievance Management Policy located on our intranet.
- **Consumer complaints** regarding service provision standards can be reported in accordance with our Feedback and Complaints policy and via email at complaints@mecwacare.org.au

This does not prohibit the opportunity for any eligible individual to utilise the whistleblowing service if deemed necessary by the complainant/individual.

Eligible Whistleblowers are defined as an individual who is a current or former:

- a) employee or volunteer of mecwacare, including employees who are permanent, fixed/maximum term, casual or temporary;
- b) officer of mecwacare, for example Board member, CEO, Executive General Manager or Company Secretary;
- c) client or resident receiving care and related services from mecwacare;
- d) service provider or contractor who is providing, or has provided goods or services to mecwacare, whether paid or unpaid (e.g. volunteering) including their employees; and
- e) relative, dependent, or spouse of an individual identified in (a) to (d) above.

Eligible Recipients who are able to receive Whistleblower disclosures are:

- Mecwacare Whistleblower Protection Officer (Executive General Manager People, Culture and Safety) via email to: whistleblowerprotectionofficer@mecwacare.org.au
- Stopline - mecwacare's **authorised** provider of Whistleblower services (refer to section 3.2) providing an independent reporting pathway that affords anonymity as required.

3 PROCEDURE

3.1 What matters can be reported under the Policy

mecwacare encourages *Eligible Whistleblowers* to Speak Up about potential *Misconduct* and *Reportable Behaviour*, providing as much information as possible.

When reporting a concern, you will be expected to have reasonable grounds to suspect the information you are disclosing is true and accurate and you will not be penalised if the information turns out to be incorrect. Deliberate false reporting will not be a protected disclosure under this Policy. Where it is found that the person has knowingly made a false report, this may result in disciplinary action.

Reportable Behaviour and Misconduct that should be reported within the scope of this policy, include, but are not limited to:

- failure to comply with, or breach of legal or regulatory requirements;
- breach of mecwacare's Code of Conduct or other mecwacare policies, standards or codes;
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure, or is believed or suspected to have made, or be planning to make a disclosure of a potential Misconduct or Reportable Behaviour;
- criminal activity, bribery or corruption;
- conduct endangering health and safety or causing damage to the environment;
- dishonest, unethical or irresponsible behaviour;
- conflicts of interest, including those relating to outside business interests, relationships, improper payments and donations;
- victimisation or harassment;
- misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting, taxation or financial reporting practices;

- conduct endangering the health and safety of any person or persons;
- breaches of privacy;
- unauthorised use of mecwacare's confidential information;
- concerns that pose a danger to the public or financial system (even if it does not involve a breach of law); and deliberate concealment of any of the above.

Disclosures that may not qualify for protection, such as personal work-related grievances and consumer complaints, can be addressed in accordance with mecwacare's Disputes and Grievance Management or [Feedback and Complaints](#) policy.

3.2 How to Speak Up

Eligible Whistleblowers are encouraged to raise their concerns directly with mecwacare and where an external pathway or anonymity is sought for Whistleblower specific concerns, contact our third-party service provider Stopleveline for guidance on the available protections.

Reporting a concern with mecwacare

mecwacare provide the following internal pathways to support you in raising any concerns, be it Whistleblower specific matters, work-related grievances or consumer complaints.

- **Whistleblower related concerns** can be raised with our Whistleblower Protection Officer (Executive General Manager People, Culture and Safety) in the following ways:
 - Email: whistleblowerprotectionofficer@mecwacare.org.au
 - Mail: Attention: Whistleblower Protection Officer, mecwacare, 1287 Malvern Road, Malvern Victoria 3144, Australia.
- Employees and Volunteers wishing to raise a **work-related grievance matter**, are encouraged to speak with their Leader in the first instance and as needed reach out to a member of our People and Culture team. Further information can be found in the Disputes and Grievance Management Policy located on our intranet.
- **Consumer complaints** regarding service provision standards can be reported in accordance with our [Feedback and Complaints](#) policy and via email at complaints@mecwacare.org.au

Reporting a concern with Stopleveline

Stopleveline is an independent provider of Whistleblower services authorised to receive reportable disclosures on behalf of mecwacare *Eligible Whistleblowers*. Allowing reported concerns to be received in a context that affords anonymity as required.

Stopleveline act as the conduit (*Eligible Recipient*) between Disclosers and mecwacare, protecting your privacy and ensuring that reports are received by mecwacare's *Whistleblower Protection Officer* (Executive General Manager, People, Culture and Safety) for review and investigation.

Information shared with Stopleveline is dealt with confidentially, unless the law or regulatory authority requires it to be disclosed. Stopleveline can provide guidance on whether your reported concern qualifies for Whistleblower protection, explain available identity protection options and seek your consent for various types of information sharing.

Whistleblowers can report concerns verbally or in writing to Stopleveline 24hrs a day, 7 days a week via the following pathways:

- Website: <https://mecwacare.stoplinereport.com/>
- Telephone: 1300 30 45 50
(Free call within Australia and National Relay Service)
- Email: makeareport@stopline.com.au
- Mail: Attention: mecwacare, c/o Stopline, PO Box 403 Diamond Creek, Victoria 3089, Australia.

When making a report via Stopline, you can choose to remain anonymous (not reveal your identity) or confidentially, where your identity is known to Stopline but remains unknown to mecwacare via use of a pseudonym. Full disclosure of identity allows reported concerns to be fully investigated whilst providing you with ongoing protection and support.

Stopline are engaged solely to receive and report Whistleblower disclosures to mecwacare and can inform on matters that fall outside protected disclosures. All decisions relating to the assessment, investigation and resolution of reported concerns is the responsibility of mecwacare.

3.3 Protections available under the Policy

Disclosures of reportable conduct will be treated with the strictest confidence, ensuring that those who make a report are treated fairly and do not suffer any detriment.

The identity of the Whistleblower making the report will not be disclosed by mecwacare or Stopline unless:

- consent is obtained to disclose the Whistleblower's identity; or
- the disclosure is required by law; or
- in exceptional circumstances it is necessary to prevent a serious threat to health or safety.

If mecwacare needs to investigate a disclosure, it may be necessary to disclose information that may lead to the Whistleblower's identity but all reasonable steps to reduce this risk will be taken.

Protections under Whistleblower laws include protection from detrimental acts or omissions, compensation and remedies, and include civil, criminal and administrative liability protection. A Whistleblower can seek compensation and other remedies if they suffer a loss, damage or injury because they made a Whistleblower Disclosure.

3.4 Report handling and investigation

All reports will be carefully considered, and a decision made by the Whistleblower Protection Officer as to whether the concerns should be investigated in line with mecwacare's investigation processes.

Where an investigation is deemed necessary, appropriate Whistleblower Investigator (internal or external) will be appointed to undertake a fair and objective exploration of the concerns. As a first step in the investigation process, the Investigator will develop a plan outlining the allegations, parties to be involved (respondents and witnesses) and the anticipated timeframe for completion of the investigation process.

The response that mecwacare makes, including the investigation process it follows and the protections implemented, will depend on the nature and circumstances of the relevant disclosure and the amount of information provided.

Where an eligible discloser provides consent to Stopline for their identity to be known and they would like to enquire about the status of their reported concerns and any related investigation, they can reach out to mecwacare's Whistleblower Protection Officer (Executive General Manager People, Culture and Safety) at whistleblowerprotectionofficer@mecwacare.org.au.

For an overview of our Whistleblower report handling and Investigation pathways, please refer to Appendix A - Whistleblower Reporting and Investigation Pathway.

3.5 Support for those who Speak Up

For further information about making a disclosure relating to reportable conduct and the Whistleblower protections available, you may discuss the matter in confidence with mecwacare’s Whistleblower Protection Officer or a member of the Executive Leadership Team.

If at any stage, additional support is required, mecwacare’s Employee Assistance Program (EAP) partner Converge are available to provide confidential counselling services to suit individual needs. Converge can be contacted by phone on 1300 687 327 or via their online booking service at [EAP Provider Australia | Converge International](#) to book an EAP session that is at no cost to you.

3.6 Policy accessibility and updates

This policy will be published via the mecwacare document library and be accessible via our Whistleblowing information sites on our Intranet and External Website. The Policy may change from time to time and updated versions of the policy will be posted on our websites and will be effective from the date of posting.

4 DEFINITIONS

Eligible Recipient	<p>Eligible Recipients can receive disclosures about reportable behaviours from Whistleblowers.</p> <p>mecwacare has appointed Stopleveline as an independent, <i>Eligible Recipient</i> of Whistleblower related disclosures. As the intermediary between disclosers and mecwacare, Stopleveline protect privacy, afford anonymity and provide reports via our Whistleblower Protection Officer.</p>
Speaking Up	<p>Informing (verbally and/or in writing), mecwacare’s Whistleblower Protection Officer or Stopleveline, if you have reasonable grounds to suspect that potential wrongdoing has or is occurring.</p>
Reportable Behaviour - Misconduct	<p>The information you are disclosing concerns:</p> <ul style="list-style-type: none"> • misconduct, or an improper state-of-affairs or circumstances. • reportable behaviour about mecwacare, or an officer or employee of mecwacare, engaging in conduct that: <ul style="list-style-type: none"> ○ breaches the Aged Care Act 1997 (Cth), Corporations Act, other financial sector laws enforced by ASIC or APRA. ○ breaches an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months, or ○ represents a danger to the public or the financial system.
Reasonable Grounds	<p><i>'Reasonable grounds'</i> means that a reasonable person in your position would also suspect the information indicates misconduct or a breach of the law.</p>
Detrimental Action	<p>Causing injury, damage or loss, intimidation, discrimination, disadvantage or adverse treatment in relation to a person’s</p>

	<p>employment, including disciplinary action as a result of a Whistleblower disclosure.</p> <p>Whistleblower laws provide protection from detrimental action related to a disclosure, to anyone affected by a disclosure including a person who makes a disclosure, witness, or a person who is the subject of an investigation.</p>
<p>Whistleblower Protection Officer (WPO)</p>	<p>The Executive General Manager of People, Culture and Safety holds specific Whistleblower responsibilities under this Policy including the protection and safeguarding of the interests of those who Speak Up.</p>

5 RELEVANT DOCUMENTS

- Code of Conduct
- Privacy Policy
- Dispute and Grievance Management Policy and Procedure
- Feedback and Complaints Policy and Procedure

6 REFERENCE MATERIALS

Aged Care Act 1997 (Cth)
 Aged Care Quality Standards <https://www.agedcarequality.gov.au/>
 NDIS (Provider Registration and Practice Standards) Rules and (Quality Indicators) 2018
 Retirement Villages Act 1986
 ASIC Act 2001 (Cth) Standards and Regulatory Guide 270 Whistleblower policies
 The Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)
 Corporations Act 2001 Cth Part 9.4AAA
 National Disability Insurance Scheme Act 2013
 Taxation Administration Act 1953 (Cth) Income Tax Assessment Act 1997 (Cth)
 Public Interest Disclosure Act 2001
 Privacy Act 1988

Authorised by: Executive General Manager - People, Culture and Safety **Date:** 22 August 2024

Appendix A - Whistleblower Reporting and Investigation Pathway

