

1 Introduction

The purpose of this procedure is to outline Southern Cross Care (WA) has established a Whistleblower Policy to ensure employees and other Disclosers can raise concerns regarding any misconduct or improper state of affairs or circumstances (including unethical, illegal, corrupt or other inappropriate conduct) without being subject to victimisation, harassment or discriminatory treatment.

These procedures are intended to support the Whistleblower Policy, by providing a guide to the management of Whistleblower reports.

2 Purpose & Scope

This Procedure aims to:

- Provide guidance on the management of Whistleblower reports.
- Establish procedures which are accessible to employees and other disclosers, and which support the goal of the policy, which is to encourage the bringing forward of concerns.
- Establish procedures for any matter that a Discloser has reasonable grounds to believe is misconduct or an improper state of affairs or circumstances to be reported.
- Establish processes that protect Whistleblowers and provide a fair process for all parties to a report.

The Southern Cross Care Whistleblower Policy appoints

- A Whistleblower Protection Officer, whose role is to safeguard the interests of a person making a report, and to ensure the integrity of the reporting mechanism. The current Whistleblower Protection Officers are the Chief People, Learning & Culture Officer and the Head of Risk.
- A Whistleblower Investigations Officer who will carry out or supervise investigation into reports made under the Whistleblower policy.

For the purposes of this document, SCCWA encompasses services provided by Southern Plus and Southern Cross Housing Ltd.

3 Procedure

3.1 Receipt of a Report

Under Southern Cross care (WA) Whistleblower policy a report can be made to any of the following

- A direct line manager
- A human resources representative
- Directors
- Senior Managers
- Southern Cross Care's independent external whistleblower service.
- Direct to the Whistleblower Protection Officer

Where possible the receiver of the report should ask the person making the report to provide the following information:

- The nature of the conduct
- The names, position and location of each person alleged to be involved in the conduct

- The period over which the conduct has occurred
- What evidence or direct observations the person making the report can provide
- The names and contact details of any witnesses

The receiver of the report should ask the person making the report

- Whether they wish to remain anonymous
- Their personal details and best contact arrangements
- Any concerns they may have about retaliation or detrimental conduct against them by anyone involved in the alleged conduct.

In all cases where a report is not made direct to a Whistleblower Protection Officer, the receiver of the report must refer it to the Whistleblower Protection Officer within 2 days of receiving the report.

3.2 Initial consideration

The report will be considered by the Whistleblower Protection Officer who will decide whether the complaint should be referred to the Whistleblower Investigations Officer.

The Whistleblower Protection Officer may decide not to refer the report where:

- The matters raised are of the nature of a personal work-related grievance. In this case the person making the report will be offered the option of having the matter dealt with under Southern Cross Care (WA) staff grievance process.
- The report on its face does not disclose any conduct or state of affairs that is improper or unethical – in this case the person making the report will be advised of this assessment and asked if they have further information to provide.
- Whether the nature of the report is such that there is no reasonable chance of an effective investigation- for example a report which is so general or vague its terms that there is no aspect that could reasonably be investigated. In this case the person making the report, if known, will be asked if they can provide more particulars or specific information.

Where the Whistleblower protection Officer forms a view that the report should not be referred to the Whistleblower Investigation Officer, and there is no mechanism to seek further input from the person making the report (for example, whether the report is anonymous in writing with no contact mechanism provided) the report should be noted, and no further action taken.

A decision on whether to refer the report to the Whistleblower Investigation Officer should be made within 3 days of the report being received by the Whistleblower Protection Officer.

The Southern Cross Care Whistleblower Policy provides that if a report involves the Chief Executive Officer, the Whistleblower Protection Officer or the Whistleblower Investigation Officer the report will be directed to the Board Chair of Southern Cross Care (WA). It is recommended that the Chair apply these procedures, including the steps involved in the initial consideration.

3.3 Protection of a Person Making a Report

If the Whistleblower Protection Officer decides to refer the report to the Whistleblower Investigation Officer, they will consider what steps are necessary to protect the person making the report.

The action taken will focus on

- protecting the identity of the whistleblower, where they ask to remain anonymous,
- ensuring that no detrimental action is taken against the whistleblower, including being subjected to any discrimination or other unfavourable bias
- supporting the mental wellbeing of the whistleblower

Whistleblowers should be made aware of the Southern Cross Care (WA) employee assistance program.

Where the identity of the whistleblower is public, consideration should be given to making changes in the reporting lines or management of the Whistleblower. Changes should only proceed after consultation with the Whistleblower.

In the event that the Whistleblower Protection Officer becomes aware of any allegation that the Whistleblower has been subject to detrimental action or retaliation, they will initiate an immediate investigation, and put in place interim steps to ensure the protection of the Whistleblower..

3.4 Investigation of the Report

Whistleblower reports must be thoroughly investigated to substantiate or refute the claims made. The investigation should be independent of the business unit concerned, the whistleblower and the people alleged to have been involved in the reported conduct.

The investigation must be undertaken in an unbiased manner and must afford procedural fairness to any party involved. In particular any person against who an allegation is made must be given the opportunity to respond. However, the Southern Cross Care (WA) Whistleblower policy provides that a person implicated in a report may be stood down on full pay, or temporarily transferred to another role for the duration of the investigation.

All parties to the investigation must be bound to absolute confidentiality, until the investigation is concluded.

Within 7 days of receiving a report from the Whistleblower Protection Officer the Whistleblower Investigation Officer should inform the Whistleblower Protection Officer, and the Whistleblower (where they can be contacted) of:

- the identity of the person(s) conducting the investigation and how they can be contacted; and
- the investigators estimated time frame for completion of the investigation. During the investigation, the investigator will provide updates to the Whistleblower if the anticipated timeframes change.

The investigator must produce a final written report that includes

- Identification and analysis of relevant evidence
- Findings of fact, applying the standard of the balance of probability,
- Conclusions in regard to whether there has been improper conduct or an improper state of affairs, and
- Recommendations to remediate the situation.

If findings of misconduct are made in regard to any employee, Southern Cross Care (WA)'s usual disciplinary processes must be followed.

If the investigation identifies any potential criminal act, the Whistleblower Investigation Officer is responsible for reporting this to the police.

If the investigation identifies any breach of regulatory requirements the Whistleblower Investigation Officer is responsible for reporting this, if appropriate, to the relevant regulatory authority, following Southern Cross Care (WA)'s usual processes.

3.5 Feedback to the Whistleblower

When the investigation is completed, and remediation action identified the Whistleblower will be advised of

- The completion of the investigation
- Whether the matters reported by the whistleblower have been substantiated and
- A summary (subject to necessary confidentiality considerations) of the remediation action.

3.6 Deliberate False Reporting

If the matters reported are not substantiated, this does not automatically lead to a conclusion that the Whistleblower has acted improperly.

However, if the investigator finds that the Whistleblower has deliberately made a false report, Southern Cross Care (WA) will apply its usual disciplinary processes.

4 Legislation and Supporting Documents

4.1 Legislation and Standards

- Corporations Act 2001
- Public Interest Disclosure Act 2003
- The Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019

4.2 Related SCCWA Policy and Procedures

- SCC-HUM-POL- Whistleblower Policy

5 Document Control

| Rev | Owner | Sections Modified | Date Reviewed | Next Review Date |
|-----|---|-------------------|---------------|------------------|
| 1.0 | Chief People learning and Culture Officer | New document | 30/01/2023 | 30/01/2026 |