

1 PURPOSE

SCCQ (QLD) Ltd (**SCCQ**) values a culture of ethical behaviour, corporate compliance and good corporate governance. SCCQ also values transparency and accountability in its management practices and supports the making of disclosures that reveal misconduct, improper state of affairs, fraudulent activity or mismanagement of resources.

2 STATEMENT OF POLICY

SCCQ will take all reasonable steps and do all things necessary to protect persons who make disclosures (Disclosing Persons) from any reprisal action when they raise matters that are of legitimate concern to them, including in relation to a potential breach of any legal or regulatory requirement or policy. SCCQ will deal fairly with employee(s) who are the subject of the disclosure.

This policy:

- Provides Disclosing Persons with an avenue for reporting unacceptable or improper conduct
- Protects eligible Disclosing Persons (Whistleblowers) who appropriately report unacceptable or improper conduct where they had reasonable grounds to suspect such conduct, and demonstrates the commitment of SCCQ to its good governance.

3 APPLICATION

This policy covers disclosure(s) made by Disclosing Persons (Whistleblower) who are either current or former:

- Employees, Volunteers or officers (including Board Members) of SCCQ;
- Contractors, suppliers to SCCQ and their employees (whether or not they are paid for their services), medical practitioners, allied health professionals and other providers of services to residents;
- Individuals who are an associate of SCCQ (as defined in the Corporations Act 2001 (Cth));
- Relatives, dependents and/or spouses of any of the above.

3.1 Scope

This policy only applies to a disclosure of information if the Disclosing Person has reasonable grounds to suspect that the information:

- a) concerns Misconduct; or
- b) concerns an improper state of affairs or circumstances in relation to SCCQ; or
- c) indicates SCCQ or an officer or employee of SCCQ has engaged in conduct that:
 - i. constitutes an offence against, or a contravention of, a provision of any of the following, including subordinate legislation
 - Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2018 (Cth);
 - The ASIC Act;
 - The Banking Act 1959;
 - The Financial Sector (Collection of Data) Act 2001;
 - The Insurance Act 1973;
 - The Life Insurance Act 1995;
 - The National Consumer Credit Protection Act 2009;
 - The Superannuation Industry (Supervision) Act 1993.

- ii. constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
- iii. represents danger to the public or the financial system; or
- iv. is prescribed by the regulations.

3.2 Workplace Grievances

This policy does not apply to disclosure of information that concerns a personal work-related grievance of the Disclosing Person, unless it concerns victimisation of the Disclosing Person that involves detriment caused to the Disclosing Person or a threat made to the Disclosing Person resulting from a belief or suspicion that they or any other person made, may have made, proposes to make or could make a disclosure that qualifies for protection and this belief or suspicion is the reason, or part of the reason for the victimisation.

A disclosure could qualify for protection if it concerns a personal work-related grievance but also concerns alleged detriment caused to the discloser (or a threat of detriment).

Disclosures about personal work-related grievances that do not qualify for protection under this Policy will generally be dealt with under the Grievance and Dispute Policy.

3.3 Where conduct is notifiable under other legislation

In circumstances where the Disclosing Person identifies conduct or behaviour that is notifiable and/or there are protections in place for Disclosing Persons under relevant legislation, the WPO may refer the matter to be managed in accordance with that legislation, or where suitable, the Complaints Management Policy and Guideline.

For the avoidance of doubt, where the WPO or Alternate WPO makes a referral under other legislation, to the extent it is within the control of SCCQ, this Policy will not limit the protection/s available under other legislation.

4 PRINCIPLES

4.1 Protections available to Disclosing Persons (Whistleblowers)

After making a disclosure, the Disclosing Person's identity will be treated as confidential subject to any requirements to disclose the identity. If a person makes a disclosure that qualifies for protection:

- a) the person is not subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure; and
- b) no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the person on the basis of the disclosure; and
- c) if the disclosure qualifies for protection under subsection 1317AA(1) relating to disclosures to ASIC, APRA or prescribed body or section 1317AAD relating to public interest and emergency disclosures of the *Corporations Act 2001*—the information is not admissible in evidence against the person in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.

Note: Except as provided for by paragraph (c), this does not prevent the person being subject to any civil, criminal or administrative liability for conduct of the person that is revealed by the disclosure.

4.2 Victimization prohibited

Victimization or threatening to victimise a Whistleblower or a person because it is believed or suspected that they or any other person made, may have made, proposed to make or could make a disclosure that qualified for protection as a Whistleblower is strictly prohibited. Where victimisation includes engaging in conduct which causes Detriment to a person and threatening to victimise includes threatening to cause Detriment to a person.

5 ROLES AND RESPONSIBILITIES

The following table defines the roles and responsibilities associated with this Policy:

Who?	Responsible for?
Board	<ul style="list-style-type: none"> Sponsoring, Leading and Demonstrating compliance with the Policy.
Chief Executive Officer and Executive Leadership Team	<ul style="list-style-type: none"> Sponsoring, Leading and Demonstrating compliance with the Policy. Communicating the importance of the Policy to all workers. Implementing the Policy in each respective function for compliance. Responding to recommendations made when the Policy is reviewed, to ensure the Standard remains up to date and relevant to the organisation.
Leaders of functions, areas and teams	<ul style="list-style-type: none"> Supporting and communicating the Policy to all workers. Demonstrating compliance with the Policy.
All workers	<ul style="list-style-type: none"> Understanding and complying with the Policy.

5.1 Disclosure process

A disclosure within the scope of this policy is to be made to a Whistleblower Protection Officer or other Eligible Recipient in order to qualify for the protections available.

Disclosures may also qualify for protection where they are made to ASIC, APRA or other prescribed Commonwealth authorities.

Disclosures should be made in writing and include all relevant information associated with the disclosure that the Whistleblower is permitted to provide. In the event that direct information (i.e. copies of information) is not able to be provided, a clear explanation in writing of the information should be provided so that the information, if relevant and/or necessary, can be obtained at a later date by an authorised person.

It is preferred that the Disclosing Person identifies themselves when making a disclosure, as this greatly assists the investigation process. However, Disclosing Persons may choose to make their disclosure anonymously. In these circumstances, the protections under the Whistleblower Protection Policy still apply. Ideally, the Disclosing Person should provide sufficient information to allow the matter to be properly investigated and Southern Cross Care encourages the Disclosing Person to provide an anonymous email address through which additional questions can be asked and additional information provided.

5.2 Investigation process

1. Following a disclosure, the Whistleblower Protection Officer will determine the investigation process, including who in the organisation is to be informed.
2. Confidentiality of the identity of the Whistleblower will be maintained at all stages, unless otherwise required by law.
3. In order to avoid damaging the reputations of innocent persons initially suspected of wrongful conduct, information regarding the disclosure and the results of audits / investigations will only be disclosed to those persons necessary to properly investigate the matter and who require the knowledge in the proper performance of their office or function.
4. The initiation and outcome of the investigation may be reported to the Chief People Officer (or the Chief Executive or Alternate WPO if the matter involves the Chief People Officer), who will determine the action to be taken. This may include suspension with pay while the matter is being investigated through to the termination of employment of any staff member. A decision will be made in each case about whether the matter is to be referred to any relevant external agency.
5. The principles of natural justice will be observed in relation to those persons against whom allegations are made, whilst upholding the protections afforded to the Whistleblower.

SCCQ, at its absolute discretion, may seek external assistance or make an external appointment at any time to ensure the disclosure is appropriately dealt with.

5.3 Managing the welfare of the Whistleblower

SCCQ is committed to the protection of genuine Whistleblowers against reprisal action from making disclosures. Strategies to support the Whistleblower will be put in place.

If the person who makes a disclosure is implicated in misconduct, SCCQ will handle the disclosure and protect the Whistleblower from reprisal in accordance with this policy. SCCQ acknowledges that the act of whistleblowing should not shield Whistleblowers from the consequences of their involvement in improper conduct. A person's liability for their own conduct is not affected by the person's disclosure of this misconduct.

5.4 Managing the person against whom a disclosure is made

SCCQ recognises that employees against whom disclosures are made must also be treated fairly. The fact that an investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential, other than as is required to properly investigate the matter and take appropriate action.

The Whistleblower Protection Officer will ensure that the person who is the subject of any disclosure investigated by or on behalf of SCCQ is provided with natural justice, including being given an opportunity to respond to the allegations prior to a final decision being made.

This does not prevent the need to conduct investigations.

5.5 Breach of policy

False reports can have significant effects on the reputation of Southern Cross Care and on the reputation of its employees, and would cause considerable waste of time and effort. Accordingly, any deliberately false disclosures under the Whistleblower Policy will be treated as a serious disciplinary matter.

Breaches of this policy may result in disciplinary action up to and including termination, depending on the seriousness of the breach/es, being taken against the employee.

For other persons a breach of this policy may result in appropriate action, which may include the termination of the person's agreement with SCCQ.

6 TERMS AND DEFINITIONS

The following key terms and definitions apply to this Policy:

Term	Definition
Alternative Whistleblower Protection Officer	means the person's named below, who will be the Whistleblower Protection Officer if the disclosure relates to or involves the Whistleblower Protection Officer.
Detriment includes without limitation:	<ul style="list-style-type: none"> a) Dismissal of an employee or officer b) Injury of any employee in their employment c) Alteration of an employee's position or duties to their disadvantage d) Discrimination between an employee and other employees e) Harassment or intimidation of a person f) Harm or injury to a person, including psychological harm g) Damage to a person's property, reputation, business or financial position, or h) Any damage to a person.
Eligible Recipient	includes the Chief Executive, any member of the Executive Leadership Team, and any member of the Board including the Chair of the Governance and Risk Committee.
Misconduct	<p>Includes without limitation:</p> <ul style="list-style-type: none"> a) Fraud b) Negligence c) Breach of duty or trust d) Default e) Criminal offences f) Failure to comply with any legal obligation g) Failure to comply with any obligation of SCCQ as a provider of aged care services h) Unfair or unethical dealing with a customer, supplier or agent of SCCQ i) Corrupt conduct j) Human rights abuses k) Risk to the health or safety of any person l) Unethical conduct m) Any deliberate concealment relating to the above.
Personal work-related grievance	<p>the information disclosed concerns a personal work-related grievance of the Whistleblower if:</p> <ul style="list-style-type: none"> a) the information concerns a grievance about any matter in relation to the Whistleblower's employment, or former employment, having (or tending to have) implications for the Whistleblower personally; and b) the information: <ul style="list-style-type: none"> i. does not have significant implications for SCCQ, or another regulated entity, that do not relate to the Whistleblower; and

Term	Definition								
	<p>ii. does not concern conduct, or alleged conduct, referred to in section 3.1 c) i, ii, iii, or iv of this policy.</p> <p>Examples of grievances that may be personal work-related grievances are as follows:</p> <ul style="list-style-type: none"> ▪ an interpersonal conflict between the Whistleblower and another employee; ▪ a decision relating to the engagement, transfer or promotion of the Whistleblower; ▪ a decision relating to the terms and conditions of engagement of the Whistleblower; ▪ a decision to suspend or terminate the engagement of the Whistleblower, or otherwise to discipline the Whistleblower. 								
Regulated entity	as per the definition set out in section 1317AAB of the Corporations Act 2001								
Regulations	means the Corporations Regulations 2001								
Whistleblower Protection Officer (WPO)	<p>means the following persons:</p> <table border="1"> <tbody> <tr> <td>WPO</td> <td>Company Secretary</td> <td>073340 2200</td> <td>governance@sccqld.com.au</td> </tr> <tr> <td>Alternate WPO</td> <td>Chair of the Governance and Risk Committee (a non-executive director)</td> <td>07 3340 2200</td> <td>Southern Cross Care (Qld) Ltd 2078 Logan Road Upper Mount Gravatt Qld 4122 governance@sccqld.com.au</td> </tr> </tbody> </table>	WPO	Company Secretary	073340 2200	governance@sccqld.com.au	Alternate WPO	Chair of the Governance and Risk Committee (a non-executive director)	07 3340 2200	Southern Cross Care (Qld) Ltd 2078 Logan Road Upper Mount Gravatt Qld 4122 governance@sccqld.com.au
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Volunteer	A person that works for SCCQ without being paid and is not an employee.								
Worker	<p>A person who carries out work for SCCQ as:</p> <ul style="list-style-type: none"> (a) An employee; (b) An apprentice or trainee; (c) A student gaining work experience; (d) A volunteer; (e) Contractor. 								

This Policy is read in conjunction with all other Policy framework documentation, including, but not limited to, Policies, Standards, Guidelines, Procedures, Toolkits and Work Instructions as applicable.

7 RELATED DOCUMENTATION

The following documents relating to this Policy, but are not limited to:

Document name	Document Type	Location
Grievance and Dispute Policy	Policy	L:\Policies
Complaints Management Policy	Policy	
Complaints Handling Guideline	Guideline	

8 VERSION HISTORY

Version	Issued Date	Description of Change	Owner	Review Date
2	18/12/2019 (Approved at Board Meeting)	Replaces Version 1.0 4/8/2014	Board	18/09/2022