

Document Reference:	Whistleblower Protection Policy & Process
Approved by:	Board Members
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POLICY

- St Simeon Healthcare promotes a culture of transparency, accountability and ethical behaviour and is committed to encouraging the reporting of wrongdoing without fear of reprisal.
- St Simeon Healthcare will ensure that disclosures that qualify for protection under the Aged Care Act 2024 are handled appropriately, confidentially and in accordance with all legal protections.
- St Simeon Healthcare will take all reasonable steps to **actively prevent victimisation**, protect the identity of whistleblowers, and minimise risks of detriment to any person making a disclosure.
- Persons responsible for receiving, investigating and managing disclosures will be appropriately qualified, trained and independent.

KEY DEFINITIONS

- **Whistleblowing** – The reporting of misconduct, wrongdoing, or breaches of legislation by a person with reasonable grounds to suspect such conduct has occurred.
- **Whistleblower** – Any current or former Board member, Aged Care Worker, older person, Registered Supporter, volunteer, or associated provider who makes a disclosure under this Policy.
- **Disclosures** – A protected disclosure is one where a person has reasonable grounds to suspect that the information concerns:
 - A breach of the Aged Care Act 2024 or associated Principles
 - Misconduct or an improper state of affairs or circumstances
 - Conduct that poses a risk to the health, safety or wellbeing of older persons
 - Abuse, neglect or exploitation of an older person
 - Conduct that represents a danger to the public

A protected disclosure **does not need to be made in good faith** but must be based on reasonable grounds.

A protected disclosure will generally not include a personal work-related grievance unless it relates to systemic issues or victimisation.

- **Misconduct** may include:
 - Dishonest, corrupt, illegal or fraudulent conduct
 - Breach of aged care legislation or standards
 - Abuse, neglect or exploitation of older persons
 - Serious breaches of Code of Conduct
 - Behaviour posing risk to people or safety
- **Whistleblower Protection Officer (WPO)** – A designated person authorised to receive disclosures and responsible for safeguarding the whistleblower's interests. WPOs include Board members and senior leaders who are considered **responsible persons** under the Act.
- **Whistleblower Investigation Officer (WIO)** – A person appointed by the WPO to investigate disclosures independently. This may include an external investigator where appropriate.

- **Responsible Person** – As defined under the Aged Care Act 2024, a person with executive or governance responsibility within the organisation (e.g. Board members, senior managers).
- **Detriment** – Includes dismissal, injury, discrimination, harassment, intimidation, psychological harm, or damage to reputation, property or financial position.

PROCEDURE

Systems for Prevention of Misconduct

St Simeon Healthcare maintains systems to prevent misconduct, including:

- Corporate governance processes
- Code of Conduct (signed on engagement)
- Culture of openness and transparency
- Complaints and feedback systems
- HR policies and procedural fairness processes
- Recruitment and screening systems
- Legislative compliance systems
- Ongoing education and training
- Quality management systems with older person engagement

Making a Report

- A person may make a disclosure **internally or directly to an external authorised body at any time.**
- Internal reporting options include:
 - A supervisor or manager
 - The Operation & Finance Manager (OFM)
 - The Whistleblower Protection Officer (WPO)
- A disclosure may also be made to external authorised recipients, including:
 - The Aged Care Quality and Safety Commission
 - The Department of Health, Disability and Ageing
 - A responsible person of the provider
 - An aged care worker of the provider
 - Police officer
- Reports may be made:
 - Verbally or in writing
 - Anonymously (including via the Complaint and Feedback form addressed to the WPO and placed in the locked box)
- Anonymous disclosures will be accepted; however, anonymity may limit the ability to investigate or provide feedback.
- The whistleblower should, where possible, provide:
 - Nature of the alleged misconduct
 - Time and location
 - Persons involved
 - Any supporting evidence or witnesses

Investigation

- All disclosures will be assessed and, where appropriate, investigated by a WIO appointed by the WPO.
- Investigations will:
 - Be conducted impartially and independently
 - Follow procedural fairness

- Avoid conflicts of interest
 - Be proportionate to the nature and risk of the disclosure
- A person who is the subject of a disclosure will be given an opportunity to respond.
- Where necessary to protect safety, interim measures (e.g. temporary reassignment) may be implemented. These do not imply guilt.
- A report will be prepared outlining findings and recommendations.
- Where required, matters will be reported to external authorities, including the Aged Care Quality and Safety Commission.

Protection for Whistleblowers

- St Simeon Healthcare will **not disclose information that identifies, or is likely to identify, a whistleblower**, except where permitted by law.
- Whistleblowers are protected from:
 - Civil, criminal or administrative liability
 - Disciplinary action for making a disclosure
 - Contractual enforcement actions
- Whistleblowers must not be subjected to detriment, including:
 - Dismissal or disciplinary action
 - Harassment or intimidation
 - Discrimination
 - Psychological or physical harm
 - Damage to reputation or financial position
- St Simeon Healthcare has a **positive obligation** to take all reasonable steps to:
 - Prevent victimisation
 - Protect confidentiality
 - Reduce risk of harm
- Any person who engages in victimisation or breach of confidentiality will be subject to disciplinary action, up to and including termination.
- A person who believes they have suffered detriment should report this immediately to a WPO or senior manager.
- Disciplinary action may be taken where a person knowingly makes a false or malicious report.

Whistleblower Requirements (Aged Care Act 2024)

Under the Aged Care Act 2024:

- A disclosure qualifies for protection where:
 - It is made to an authorised recipient
 - It is made verbally or in writing (including anonymously)
 - The person has reasonable grounds to suspect wrongdoing
- Disclosures to journalists are **not protected** under this Act.
- It is a condition of registration that providers:
 - Maintain a whistleblower policy
 - Maintain a complaint and feedback system
 - Do not victimise or discriminate against whistleblowers
- Providers must not disclose identifying information except to authorised bodies such as:
 - The Aged Care Quality and Safety Commission
 - Government officials
 - Police
 - A lawyer for legal advice
 - A court or Royal Commission
- Exceptions apply where:
 - The whistleblower consents, or

- Disclosure is necessary to prevent serious risk

RELATED DOCUMENTS

- Code of Conduct
- Position Descriptions
- Bullying and Harassment Policy and Procedures
- Orientation Programs
- Performance Appraisal Process
- HR Policy and Procedures
- Responding and Reporting Abuse Policy and Procedures

REFERENCES

- Aged Care Act 2024
- Privacy Act 1988 (C'Vealth)
- Work Health and Safety Act (relevant State legislation)
- Statement of Rights 2024