

Whistleblower

Policy

Goodwin Aged Care Services Limited (Goodwin) is committed to providing officers and employees with necessary protections to ensure employees and other workers can openly raise concerns regarding any misconduct, improper state of affairs or improper circumstances (including unethical, illegal, unsafe, corrupt or other inappropriate conduct) without being subjected to adverse action. Goodwin welcomes and encourages disclosures under this policy in order to learn and improve on the delivery of care and services to our residents and clients.

Goodwin is also guided by its corporate values and Code of conduct, and they are the foundation of how we behave and interact with each other, our residents, clients, suppliers and stakeholders. Our Code of conduct and other policies have been developed alongside our values to ensure we exhibit the highest standards of honesty, integrity and transparency in all our dealings.

Purpose

Although Goodwin's core obligations are contained in the *Corporations Act 2001*, and Goodwin's constitution, this policy provides information about:

- To whom disclosures that qualify for protection may be made and how they may be made.
- The protections available to whistleblowers.
- How Goodwin will support whistleblowers and protect them from detriment.
- How Goodwin will investigate disclosures that qualify for protection.
- How Goodwin will ensure fair treatment of employees who are mentioned in disclosures that qualify for protection, or to whom such disclosures relate.
- How this policy is made available to officers and employees of Goodwin.

Definitions

Whistleblowing: The disclosure of information relating to actual or suspected misconduct, or an improper state of affairs or circumstances of Goodwin, its officers or employees (Disclosable matters). This consists of conduct that is an offence under the Corporations Act 2001, or any other law (where the penalty for such offence is imprisonment for more than 12 months) or represents danger to the public. Typically, this will include information relating to actual or suspected:

- fraud
- corruption (including solicitation and/or receiving of gifts or services from suppliers, employees, consumers or residents in return for favours, or the awarding contracts or other services)
- sale or use of illicit drugs
- violence or threatened violence
- criminal damage to property
- bullying and harassment (including sexual or physical)

- unsafe work practices.

Disclosures that are not about ‘Disclosable matters’ as defined above do not qualify for protection under the Corporations Act.

It is important to note that the whistleblowing legislation and this policy **does not** apply to disclosure of information relating to a personal work-related grievance of any current or previous employment at Goodwin. For the avoidance of doubt, examples of grievance not covered by this policy include:

- an interpersonal conflict between the person making the disclosure and another employee
- a decision relating to the appointment, transfer or promotion of the person making the disclosure
- a decision to discipline the person making the disclosure or to suspend or terminate their employment (Except when the decision to terminate or suspend employment relates to whistleblowing)

A Whistleblower is: A person who makes a disclosure to an eligible recipient. Specifically, for the purposes of this policy and the *Corporations Act 2001*, a whistleblower consists of any previous or current:

- officer (Director or Company Secretary) of Goodwin
- employee of Goodwin_
- supplier (including their employees) of services or goods to Goodwin
- an associate of Goodwin. Associates are defined as a Goodwin director, Goodwin company secretary or a “related body corporate”. Goodwin does not have any related body corporates.

A whistleblower can also be any relative, spouse or dependent of any of these parties stated above.

It is important to note that where a resident, consumer or their families have a concern or wish to provide feedback to Goodwin regarding the provision of care or services, this is to be undertaken in accordance with Goodwin’s *Feedback mechanism* policy.

Reporting

General information

Goodwin relies on its employees to help maintain and grow its culture of honesty and integrity. Goodwin will not tolerate misconduct or other disclosable matters that should be reported under this policy. It is expected that any employee who becomes aware of such conduct will make a report.

Whistleblowers are expected to have enough information including providing any supporting evidence or documentation that is appropriate and reasonably available to the whistleblower, for a proper assessment of the matters in the disclosure to be made. However, whistleblowers are entitled to seek additional information from Goodwin’s Chief Operating Officer (being an Eligible Recipient) or an independent legal advisor for clarification before formally making a disclosure.

Under the whistleblower legislation and this policy, disclosures should be made in writing to the following eligible recipients:

- a) Stephen Holmes (Chief Operating Officer) through email at sholmes@goodwin.org.au.
- b) To the extent that it is impractical or inappropriate for the disclosure to be made to the person listed in a) above, the disclosure should be made to Sue Levy (Chief Executive Officer) via email at slevy@goodwin.org.au
- c) To the extent that it is impractical or inappropriate for the disclosure to be made to either of the persons listed above, the disclosure should be made to the Chair of Goodwin's Board of Directors, Liesel Wett, via email at liesel.wett@australianpathology.com.

Whistleblowers are also entitled to make a disclosure to:

- their own legal representative if seeking advice about whether their concern is covered by the whistleblower legislation
- the Australian Securities and Investments Commission via their website (www.asic.gov.au) or telephone (Phone number: 1300 300 600)
- Goodwin's internal auditor (Ben Tansley, Ernst & Young, ben.tansley@au.ey.com).

Anonymous reporting

A report can be made anonymously; however, it may be difficult for a proper investigation to be undertaken. If the matter is to be taken further, it may become necessary for the whistleblowers identity, with their consent, to be disclosed to the person investigating the disclosure. If the whistleblower wishes to benefit from statutory protections provided to whistleblowers (e.g. under the *Corporations Act 2001*), they may have to disclose their name for the purposes of conducting an investigation. Goodwin does reserve the right to choose not to investigate anonymous reports if unable to contact the whistleblower or if there is insufficient information provided to Goodwin

Reporting in good faith

Goodwin welcomes and encourages disclosures under this policy, it is very important that those who make a disclosure under this policy do so in good faith, with reasonable grounds for believing that the information is correct or likely to be correct.

A disclosure may have serious consequences, including potential damage to the career prospects and reputation of people who are the subject of allegations of wrongdoing.

Goodwin takes all reports made under this policy seriously and looks unfavourably on false, vexatious or malicious reports or claims. Where there are reasonable grounds to consider that the information has not been disclosed in good faith, then there may be an investigation undertaken in accordance with Goodwin's workplace policies, as appropriate.

Making a report

Employees may wish to first discuss the matter informally with their direct supervisor or a member of the People & Culture Department to determine whether misconduct has occurred. This is an opportunity to clarify the incident, ask questions and see if it falls under this policy. These discussions will remain confidential. Where this is not appropriate, an employee should make the report to one of those listed as eligible recipients in the *General information* section of this policy.

EMERGENCY REPORTING

Where a whistleblower has reasonable grounds to believe there is substantial and imminent danger to the health or safety of one or more persons or to the natural environment, the legislation provides avenues for making an emergency disclosure. This disclosure can be made to a Journalist or a Member of the Parliament of the Commonwealth, a State or Territory, but can only be made on the condition that:

- they have previously made a disclosure to the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulatory Authority (APRA) or any other Commonwealth body as prescribed in the whistleblowing provisions of the Corporations Regulations
- the whistleblower has provided 7 days notice to the party who received the original disclosure that they intend to make an emergency disclosure.
- The whistleblower should contact an independent legal adviser before making an emergency disclosure

PUBLIC INTEREST REPORTING

Where a whistleblower has reasonable grounds to believe that action is not being or has not been taken to address the matters in a previous disclosure, the legislation provides avenues for making a public interest disclosure. This disclosure can be made to a Journalist or a Member of the Parliament of the Commonwealth, a State or Territory, but can only be made on the condition that:

- they have previously made a disclosure to ASIC, APRA or any other Commonwealth body as prescribed in the whistleblowing provisions of the Corporations Regulations and at least 90 days has passed since the previous disclosure
- the whistleblower has provided 7 days' notice to the party who received the original disclosure that they intend to make a public interest disclosure.
- The whistleblower should contact an independent legal adviser before making an emergency disclosure

Protections and support

Whistleblowers

The identity of a whistleblower will remain confidential. However, the legislation provides that the identity of the whistleblower may be disclosed to any of the parties below:

- the Australian Federal Police
- the Australian Securities and Investments Commission
- the Australian Prudential Regulation Authority
- any other regulatory or enforcement authority as required in the circumstances
- a legal practitioner, for the purpose of obtaining legal advice or legal representation.

It is illegal to identify the discloser/whistleblower or disclose information that is likely to lead to the identification of the whistleblower outside of the exceptions detailed above and Goodwin will take all reasonable steps to ensure identity protection in line with the regulatory requirements.

The whistleblower may lodge a complaint with any of the eligible recipients or with a regulator such as ASIC, APRA or the Australian Taxation Office (ATO) for further investigation in case of an unauthorised identification.

Goodwin, its officers and employees will not engage in conduct or threaten to engage in conduct which intentionally causes detriment to a person because a disclosure has been made. Any contravention of this will be investigated in accordance with Goodwin policies, which may include referral to appropriate regulatory authorities. In assessing this, detriment includes:

- dismissal of an employee
- injury of an employee in their employment
- alteration of an employee's position or duties to their disadvantage
- discrimination between an employee and other Goodwin employees
- harassment or intimidation of a person
- any damage or harm to a person, including their psychological property, reputation or their business or financial position.
- Any other damage to a person

The following are examples of actions that are not detrimental conduct:

- Administrative action that is reasonable for the purpose of protecting a whistleblower from detriment including moving the person who has made the disclosure about their immediate work area to another office to prevent them from detriment,
- Management of a whistleblower's unsatisfactory work performance, in line with Goodwin's policies and procedures.

In circumstances where a report of actual or suspected misconduct results in significant stress or anxiety to the whistleblower and/or other Goodwin employees or officers, Goodwin will encourage and ensure that the whistleblower and/or other persons have access to Goodwin's employee assistance program or other support and assistance as it deems appropriate to the circumstances.

It is important to note that this policy will not protect the whistleblower if they are also involved in or connected to the conduct that is being reported.

Those subject to a disclosure

To the extent that a disclosure concerns any information which could be adverse to an officer (Director or Company Secretary) or employee of Goodwin, Goodwin will endeavour to ensure that in the process of investigating or addressing any matters in the disclosure that it complies with procedures contained in any applicable policies, such as the *Underperformance and misconduct* policy.

Similar to the protection for whistleblowers, Goodwin will maintain the confidentiality of any officers or employees of Goodwin who are subject to a disclosure.

The whistleblower may lodge a complaint with any of the eligible recipients or with a regulator such as ASIC, APRA or the ATO for further investigation in case of suffering detriment.

Investigation

On receipt of any report of actual or suspected misconduct, Goodwin will assess as soon as reasonably practicable depending on the nature of disclosure, whether it qualifies for protection and what action, if any, is necessary to address the matters contained in the disclosure. This may include:

- Requesting further details from the whistleblower.
- Conducting an internal investigation.
- Referring the matters in the disclosure to an external investigator.
- Referring the information in the disclosure to appropriate regulatory or enforcement authorities, including:
 - the Australian Federal Police
 - the Australian Securities and Investments Commission
 - the Australian Prudential Regulation Authority
 - any other regulatory or enforcement authority as required in the circumstances in line with the Corporations Regulations.

During the investigation process, Goodwin will:

- Guarantee that the whistleblower is periodically informed of the status of the investigation and regularly updated without compromising on the anonymity;
- Ensure that all paper and electronic documents and other materials relating to the disclosures will be stored securely;
- Ensure that access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- Ensure that only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of the whistleblowers identity (subject to the whistleblower's consent) or information that is likely to lead to the identification of the whistleblower;
- Ensure that communications and other documents relating to the investigation of the disclosure will not be sent to an email address or to a printer that can be accessed by other staff; and
- Ensure that each person who is involved in handling and investigating the disclosure will be reminded of the confidentiality requirements including that an unauthorised disclosure of a whistleblower's identity may be a criminal offence.

Goodwin will inform the whistleblower of the outcome of any investigation and any actions that Goodwin has taken to address the matters contained in the disclosure.

Goodwin's officers and employees commit to not releasing to any third parties, any information collated during an investigation, or of the resolution of the matter, without the written permission of the whistleblower, unless required by law. Failure to abide to this requirement is considered a breach of protocol and disciplinary action will be taken should it occur.

Training and education

Information about the existence of this policy and its requirements will be provided to all new officers, employees and volunteers at their induction to Goodwin.

In accordance with Goodwin's document control system, this policy is made available to all existing employees through the Goodwin Intranet. Additionally, all employees are notified when the policy is changed, including the details of the changes made.

Employees are encouraged to contact the People & Culture Department for any further information or assistance they require.

Breach of this policy

Employees should note that false, vexatious and malicious reports of misconduct can constitute misconduct. Goodwin will immediately commence disciplinary procedures if there are reasonable grounds to suspect that a report is false, vexatious and/or malicious.

Related documents

- Vision, Mission and Values
- Underperformance and misconduct policy
- Employee handbook (incorporating Code of conduct)
- Security and theft management policy
- Feedback mechanism
- Employee assistance program policy
- Bullying, harassment and discrimination policy