

Policy:

Azure Specialists Home Care Services seeks to provide a working environment free of improper or corrupt conduct.

Processes will ensure compliance with all relevant requirements of the Act.

Disclosers (Whistleblowers) will be provided all possible protections as afforded by the Act.

Scope:

All reports or complaints reported to the organisation will be managed in accordance with the recommended guidelines to ensure protection to the appropriate individuals concerned. Involves allegations or complaints by or about consumers, relatives, visitors or personnel.

Definitions:

Whistleblower or Protected Discloser Complainant has:

- reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances
- reasonable grounds to believe that making a further disclosure of the information in accordance with this subsection would be in the public interest
- reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment.

An individual is an **eligible whistleblower** in relation to a regulated entity if they are, or have been:

- a. an officer of the regulated entity
- b. an employee of the regulated entity
- c. an individual who supplies services or goods to the regulated entity (whether paid or unpaid)
- d. an employee of a person that supplies services or goods to the regulated entity (paid or unpaid)
- e. an individual who is an associate of the regulated entity
- f. a spouse or child of an individual referred to in any of paragraphs (a) to (e)
- g. a dependent of an individual referred to in any of paragraphs (a) to (e), or of such an individual's spouse
- h. an individual prescribed by the regulations for the purposes of this paragraph in relation to the entity.

Regulated entities are:

- a. a company
- b. a corporation to which paragraph 51(xx) of the Constitution applies.

Definitions:

The Act makes it an offence for a person to take **detrimental action** against a person in reprisal for whistleblowing. Detrimental action includes:

- a. dismissal of an employee
- b. injury of an employee in their employment
- c. alteration of an employee's position or duties to their
- d. disadvantage
- e. discrimination between an employee and other employees of
- f. the same employer
- g. harassment or intimidation of a person
- h. harm or injury to a person, including psychological harm
- i. damage to a person's property
- j. damage to a person's reputation
- k. damage to a person's business or financial position
- l. any other damage to a person.

Accountability	KEY STEPS	PROCEDURE
1 Business Operations Manager	Access	<ol style="list-style-type: none"> 1. The person responsible for the receipt of information related to potentially misconduct, or an improper state of affairs or circumstances hereafter known as the 'delegate' is the Business Operations Manager. 2. If, due to conflict of interest, the identified delegate is not appropriate to receive the complaint, the contact is the CEO/Director. 3. The discloser may make a formal complaint directly to the Aged Care Quality and Safety Commission (ACQSC GPO Box 9819, Melbourne, 3000 Telephone 1300 935 075 www.agedcarequality.gov.au).
2a Discloser	Receiving and assessing disclosure	<ol style="list-style-type: none"> 1. The discloser makes the disclosure to the delegate and may request a meeting outside the work environment.
2b Delegate		<ol style="list-style-type: none"> 1. The delegate assesses if the disclosure is a public interest disclosure and reviews it for the essential elements of a protected disclosure.

Authorized by: Dr. Stephen Loi

Date: 04 November 2024

Signature: *Stephen Loi*

Policy and Procedure: Whistleblowers

Accountability	KEY STEPS	PROCEDURE
3 Azure SHCS Executive, Appointed Investigator	Investigation	<ol style="list-style-type: none"> AZURE SHCS Executive appoints an investigator The appointed investigator: <ol style="list-style-type: none"> Develops terms of reference, sets a date by which the report is to be concluded and describes the resources available Develops an investigation plan which describes: <ol style="list-style-type: none"> What has been alleged What the possible findings or offences are What evidence can be identified Investigation conduct: how and by whom and The resources that are required. Before starting the investigation, checks the discloser has been notified by the delegate and asked to provide any additional material relevant to the investigation Takes all reasonable steps to protect the identity of discloser; where disclosure cannot be avoided, warns the discloser in advance of their identity being released Regularly informs the discloser of the investigation progress May refer the situation directly to the ACQSC for further investigation and review, if the investigation reveals that the information is one of 'public interest disclosure'.
4 Azure SHCS Executive	Action taken after investigation	<ol style="list-style-type: none"> The appointed investigator: <ol style="list-style-type: none"> Completes a written report of the findings and submits it to the management representatives who is not implicated in the investigation Maintains confidentiality of the identity of the discloser, including in the report, unless necessary for ongoing legal investigations; the identity of the discloser is only released after seeking legal advice and informing the discloser Forwards a copy of the investigation report to the discloser and if necessary, ACQSC Action to be taken is determined by the organisation or their representatives, or in the case of suspected criminal activity it is referred to the appropriate authorities.
5 Delegate	Managing the welfare of the Discloser	<ol style="list-style-type: none"> The delegate: <ol style="list-style-type: none"> Protects discloser complainants from direct and indirect detrimental action, and fosters a workplace culture supportive of protected disclosures Keeps the discloser informed Records the incident details (Incident Report), advises the discloser of their rights and refers the discloser to appropriate personnel for additional support if a discloser reports an incident of harassment.

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Accountability	KEY STEPS	PROCEDURE
<p>6</p> <p>AZURE SHCS Governance Committee</p>	<p>Monitoring</p>	<ol style="list-style-type: none"> 1. This procedure is audited and reviewed at least 3 yearly (according to organisational risk) as per Audit, Internal Assessment and Review Schedule 2. Data and statistics are analysed and plans developed to improve outcomes for consumers, the organisation and personnel.

Related documents:

<ul style="list-style-type: none"> • <i>Incident Report</i> 	<ul style="list-style-type: none"> • <i>Audit, Internal Assessment and Review Schedule</i> • <i>Management Report</i>
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Forms – Work Instructions - Procedures

References:

Aged Care Quality Standards (Aged Care Act 1997 and Quality of Care Amendment (Single Quality Framework) Principles 2018 (Cth)): Standard 8 3–effective 1.7.19
Aged Care Act 1997 (Cth)
Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)
Protected Disclosure Act 2012 (Vic)
Occupational Health and Safety Act 2004 (Vic); OHS Regulations 2017 (Vic); Work Health and Safety Act 2011 (Cth)
AS/NZS ISO 31000:2009 Risk Management Principles and Guidelines
Prevention and management of aggression in health services, A handbook for workplaces, WorkSafe Victoria, Edition No. 1 June 2008
Workplace bullying – prevention and response, WorkSafe Victoria, October 2012
Guide: Anti-Bullying, Fair Work Commission, July 2014.

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