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Aged Care Whistleblower Policy

Inclusee Ltd. (the **Company**) supports the provision of a safe and transparent workplace culture where anyone involved with the Company is able to raise issues of concern without fear of retribution. As a registered provider of aged care services, the Company is committed to operating in accordance with its obligations under the Aged Care Act 2024 (the **Aged Care Act**).

The Company aims to maintain the highest standards of ethical behaviour and integrity and create a culture that encourages our people to help deter wrongdoing, with the confidence that they will be protected and supported in doing so.

Purpose

The purpose of this Policy is to encourage the raising of any concerns about contraventions of the Aged Care Act without fear of reprisal or victimisation.

This Policy sets out guidelines for who can make a report, how to make a report, who can receive a report, and what information should be reported. This Policy also sets out the protections and support available to individuals who raise concerns in accordance with this Policy, and how the Company will handle and investigate reports.

Election of Process

The Discloser may choose how they want their report to be handled, from the following options:

1. Report will be managed and handled as a whistleblower report under this Policy; or
2. Report will be managed as a complaint or feedback under the Company's complaints and feedback management system; or
3. Report will be managed as a complaint under section 361 of the Aged Care Act (this option is only available if the report is made to the Complaints Commissioner).

This Policy will apply if only the Discloser elects for their report to be handled as a whistleblower report under option 1 or if, despite reasonable efforts, the Company is unable to confirm which process the Discloser wishes to use.

Scope

Reports may be made under this Policy by anyone who has reasonable grounds to suspect that the Company or any of its officers, employees, contractors or volunteers has engaged in conduct that would be a contravention of the Aged Care Act. This includes participants, family members of participants, carers, staff, volunteers and advocates.

A **Discloser** is anyone who discloses information that indicates a suspected contravention of the Aged Care Act in accordance with this Policy. A Discloser will be eligible for the protections under this Policy when they make a disclosure using any of the reporting methods set out in this Policy to one of the recipients listed in this Policy. Disclosers may also be able to access legal protections under the Aged Care Act.

Reportable Information

Any information about conduct that may be a contravention of the Aged Care Act by the Company, its officers, employees, contractors or volunteers should be reported under this Policy. Examples of such conduct are:

- Physical, psychological, or other abuse of a participant;
- Conduct that is seriously harmful or potentially seriously harmful to a team member or participant, such as deliberate unsafe work practices or wilful disregard for the safety of others;

Reasonable Grounds

A Discloser must have reasonable grounds for a report made under this Policy. A rumour or a mere allegation with no supporting information is unlikely to be considered as having “reasonable grounds”. However, a Discloser does not need to prove their allegations. A Discloser will still qualify for protection under this Policy even if their disclosure turns out to be incorrect.

How to make a Report

Reports can be made orally or in writing using any of the reporting channels outlined below.

Internal Reporting

Reports may be made to any of the following persons:

Chief Executive Officer (CEO)

- Telephone: 1800 287 687
- Email: whistleblower@inclusee.org.au

Responsible Persons for the Company
The following individuals are designated as responsible persons for the Company:

- **Jared Norris**, Chair of the Inclusee Board
  Email: jared.norris@inclusee.org.au
- **Sheridan Cooper**, Inclusee Board Member
  Email: sheridan@inclusee.org.au

An Aged Care Worker of the Company
Reports may also be made to any aged care worker of the Company.

External Reporting

Reports may also be made outside the Company to any of the following:

- The Commissioner or the Complaints Commissioner, or a member of staff of the Aged Care Quality and Safety Commission (Complaints & feedback | Aged Care Quality and Safety Commission); or
- The System Governor (the Secretary of the Department), or an official of the Department of Health, Disability and Ageing (Contact us | Australian Government Department of Health, Disability and Ageing); or
- A police officer; or
- An independent aged care advocate.

Information to include

Disclosers should provide as much information as possible about the suspected contravention. By way of example, this information could include (but must not necessarily include):

a) The date, time and location of the events mentioned in a report;

b) The name(s) of person(s) involved and possible witnesses to the events;
c) Evidence of the events (e.g. documents, emails etc); and
d) Steps the Discloser or another person may have already taken to report the matter or to resolve the concern.

What to do if you receive a report

An employee of the Company (including all aged care workers and responsible persons) who receives a report about a suspected contravention of the Aged Care Act must:

a) Notify the CEO that a report has been received, unless the CEO is implicated in the report, in which case one of the Company's designated Responsible Persons must be notified instead.
b) Not disclose the identity of the Discloser, unless the Discloser has consented to this; and
c) Follow the instructions of the CEO or the Chairman of the Board to ensure that the report is appropriately assessed and handled in accordance with this Policy.

Confidentiality

Disclosers are encouraged (but are not required) to disclose their identity when making a report. A Discloser can choose to make an anonymous disclosure and will still be protected under this Policy.

Providing a Discloser's identity will assist in:

- Monitoring and implementing protections against victimisation; and
- Investigating the report

If a Discloser requests that they, or any individual named in their request, remain anonymous then the Company will take reasonable steps to preserve the anonymity of those individuals.

However, the Company may disclose the Discloser's identity or information that is likely to lead to the identification of the Discloser if permitted by the Aged Care Act.

This includes where:

a) the disclosure is made to an Appointed Commissioner or a member of the staff of the Commission; or
b) the disclosure is made to the System Governor, or an official of the Department; or
c) the disclosure is made to the Inspector General of Aged Care; or
d) the disclosure is made to a police officer; or
e) the disclosure is made to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of this Part; or
f) the disclosure is made with the consent of the discloser; or
g) the disclosure is necessary to lessen or prevent a serious threat to the safety, health or wellbeing of one or more individuals; or
h) the disclosure is made to a court, tribunal or a Royal Commission; or
i) the confidential information was in the public domain before the disclosure is made, and the original disclosure was not made in contravention of the Aged Care Act.

Exception for investigation and management purposes

Information that may be likely to lead to the identification of the Discloser may be disclosed if:

- The information does not include the Discloser's identity; and
- The Company has taken all reasonable steps to reduce the risk that the Discloser will be identified from the information; and
- It is reasonably necessary for dealing with, managing or investigating the alleged contravention to which the report relates.

Handling and Investigation of Reports

Assessment of Report

When a report is made under this Policy an initial assessment will be made to determine whether it relates to a contravention or potential contravention of the Aged Care Act, whether an investigation is possible or appropriate, and whether the matter may be investigated or confirmed in other ways.

The Discloser will be asked to confirm whether they wish the report to be handled as:

1. a whistleblower report under this Policy; or
2. managed as a complaint or feedback under the Company's complaints and feedback management system.

If the report is about a matter that would fall under the Company's Whistleblower Policy, Grievance Policy or other complaints procedure, the Company may decide to handle the report under an alternative process.

- An investigation may not be required if the Company is already aware of the matters in the report or if they have already been investigated, if the information (if substantiated) would not constitute a contravention of the Aged Care Act, or if the report is minor, trivial or vexatious.
- An investigation may not be possible if the Discloser is unable to be contacted (for example, if a report is made anonymously and the information provided is not sufficient to enable an investigation).
- A report may be investigated in any manner deemed appropriate by the Company. This may include, for example, a review of internal records, an informal collection of information from people who may be involved in the matters reported, or a formal investigation conducted by an internal or external party.

Appointment of an Investigator

If the result of the initial assessment is that the report concerns or potentially concerns a contravention of the Aged Care Act, that an investigation is possible, and that an investigation is appropriate in all the circumstances, the Company may appoint an investigator to investigate the matter.

The investigator can be:

a) A Manager or Senior Executive;
b) An external independent resource; or
c) Another suitably qualified person,

who, in whichever case, is not implicated directly or indirectly in the report.

Conduct of the Investigation

Where an investigation is deemed appropriate, the report will be investigated as soon as practicable after the matter has been reported. The investigator will use their best endeavours to conduct the investigation in a timely, thorough, confidential, objective and fair manner, as is reasonable and appropriate having regard to the nature of the matters reported and all of the circumstances.

- Where appropriate in all the circumstances, persons who are implicated in the report will be informed of the allegations and will be provided with an opportunity to respond.
- Where appropriate in all the circumstances and where the Discloser is able to be contacted, the Company may provide updates to the Discloser on the progress and outcome of the investigation. However, for reasons of privacy and confidentiality, there may be instances where the investigation progress and outcome are kept confidential.
- A Discloser must not disclose and must keep confidential any details of the investigation, its progress or its outcome.

Investigation Outcomes

The outcome of an investigation that confirms a contravention or potential contravention of the Aged Care Act will be reported to the Board of Directors. A finding of misconduct may result in disciplinary action for officers and employees up to and including dismissal without notice. Serious criminal matters will be reported to the police or the appropriate regulatory authorities.

Protections for Disclosers

It is a breach of this Policy to cause Detriment to a Discloser (or to another individual or entity that employs or is otherwise associated with the Discloser) because the Discloser has made, may have made, or intends to make, a report under this Policy. It will also be a breach of this Policy to make a threat to cause Detriment to a Discloser (or to another individual or entity that employs or is otherwise associated with the Discloser) in relation to a report made under this Policy.

Causing Detriment to a Discloser because they have made or propose to make a report about a Reportable Matter may also be an offence under the Aged Care Act.

Disclosers are encouraged to discuss any concerns about possible Detriment with the CEO, so that appropriate measures can be put in place to prevent any potential Detriment to a Discloser.

What is “Detriment”?

“**Detriment**” includes (without limitation):

a) Dismissal from employment;
b) Injury of an employee in their employment;
c) Alteration of an employee’s position or duties to their disadvantage;
d) Discrimination between an employee and other employees of the same employer;
e) Harassment or intimidation;
f) Harm or injury (including psychological harm);
g) Damage to a person’s property; and
h) Reputational, financial or any other damage to a person.

Detriment does not include administrative action that is reasonable to protect a Discloser from Detriment (for example, a temporary transfer or arrangements for the Discloser to work from home or another location), or reasonable management action in relation to managing an employee’s work performance, if the action is in line with the Company’s performance management framework.

If a Discloser believes they have suffered or may suffer Detriment because they have made a report under this Policy, or if any person has threatened to cause Detriment to them or another person in connection with a report, they should immediately report the matter to the CEO.

Civil, Criminal and Administrative Immunity

A Discloser is not subject to civil, criminal, or administrative liability (including disciplinary action) for making a report under this Policy.

No contractual or other remedy may be enforced or exercised against the Discloser on the basis of the disclosure. However, the Discloser may be subject to civil, criminal or administrative liability for any personal misconduct revealed by the report or the investigation.

The Company has the discretion to provide the Discloser (or anyone assisting with the investigation) with immunity from its disciplinary procedures. However, the Company has no power to provide immunity from criminal prosecution.

Support for Disclosers

Support available for Disclosers includes:

- Connecting the Discloser with access to the Employee Assistance Program (EAP) if they are an employee, contractor or volunteer with the Company;
- Appointing an independent support person to deal with any ongoing concerns they may have, if they are an employee, contractor or volunteer with the Company;
- Connecting the Discloser with third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636);
- Changes to working arrangements for employees, contractors and volunteers may be considered on a case-by- case basis.

Use of these support services by a Discloser may require the Discloser to consent to the disclosure of their identity or of information that is likely to lead to the discovery of their identity.

Fair Treatment of Persons Implicated

Each report will be assessed and if an investigation is carried out, it will be in a fair and impartial manner. All reasonable steps will be taken to preserve confidentiality in relation to an investigation of a reported matter.

Any reports that implicate an employee or officer must be kept confidential (even if the Discloser has consented to the disclosure of their identity) and should only be disclosed to those persons who have a need to know the information for the proper performance of their functions under this Policy, or for the proper investigation of the report.

If a formal investigation is conducted, an employee or officer who is implicated in a disclosure will be informed of the allegations against them (subject to privacy and anonymity rights of the Discloser) and must be given an opportunity to respond to those allegations and provide additional information, if relevant, in the course of an investigation into those allegations. An employee or officer who is implicated in a report will be informed of the outcome of any investigation.

No action will be taken against employees or officers who are implicated in a report under this Policy until findings have been made that any allegations against them are substantiated.

An employee or officer who is implicated may be temporarily stood down on full pay whilst an investigation is in process or may be temporarily transferred to another workplace (including working from home), if appropriate in the circumstances. Any such stand-down or temporary transfer may only continue for the duration of the investigation. If the allegations are not substantiated, the employee or officer will be reinstated to full duties.

Support available for persons implicated in a report under this Policy includes:

- Connecting the person with access to the Employee Assistance Program (EAP) for employees, contractors and volunteers;
- Appointing an independent support person to deal with any ongoing concerns they may have for employees, contractors and volunteers;
- Connecting the person with third party support providers such as Lifeline (**13 11 14)** and Beyond Blue (**1300 22 4636**).

Review and Monitoring

The CEO will report to the Board on an as-needed basis regarding the effectiveness of this Policy, and the whistleblowing process. If a report under this Policy relates to serious misconduct or involves a serious risk to the Company, the CEO may immediately notify the Board.
All such reports shall be de-identified and shall ensure confidentiality of Disclosers. If no disclosures have been received under this Policy in the relevant period, no report to the Board will be required.

The Board shall review this Policy, and its aged care whistleblowing process, on a periodic basis and at least annually, to ensure that it is operating effectively in accordance with applicable legislative requirements, to rectify any issues identified in the review, and to ensure that it reflects any legislative changes.

Accessibility, Education and Training

This Policy will be made available through the Company intranet and website in an accessible document. A copy of this policy (including an emailed copy or an internet link) will be provided to:

- All of the Company's aged care workers and responsible persons;
- Individuals to whom the Company delivers funded aged care services;
- Any person who requests a copy of the policy and who is a family member or other supporter of an individual to whom the Company delivers funded aged care services; and
- Any other person who requests the policy.

Copies may also be obtained by request to the CEO. Regular training will be conducted for aged care workers and responsible persons who may receive a report under this Policy.

Information and training about this Policy will be provided to aged care workers and responsible persons through:

- Induction training
- Staff briefing sessions
- Discussing the policy in staff meetings

Policy compliance statement

Responsible Executive:	CEO	**Date of Review:**	September 2026
Approved by:	Inclusee Ltd Board	**Date of Next Review:**	September 2027