

WhistleWhistleblowers¹

POLICY STATEMENT

Sabine's Home Care Services is committed to enabling the reporting of wrongdoing within the organisation and supports this through the promotion of a workplace free of unacceptable behaviour and serious misconduct. We are committed to addressing and investigating reported misconduct and rectifying proven wrongdoing.

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1 PURPOSE

To provide guidance in the reporting of wrongdoing within the organisation.

2 SCOPE

In-Home Care

¹ Australian Government ASIC Media Release [19-308MR ASIC gives guidance on companies' whistleblower policies and relief to small not-for-profits](#) Website Accessed April 2024. ASIC is providing relief to not for profits or charities with annual revenue of less than \$1 million from the requirement to have a written whistleblower policy. They are, however; still bound by the whistleblower protections legislation (See above link to 19-308 Media Release). GGJ Consultants recommend that all organisations have a written policy as it clarifies responsibilities and processes for whistleblowers and other people involved in whistleblower disclosures

3 OVERVIEW²

This policy is endorsed by the Management Team and the Board following consultation with workers to ensure it supports simple and clear reporting and resolution processes in response to the identification of illegal, inappropriate or unethical conduct.

A summary of this policy is included in the Employee Handbook, that is provided to all workers on commencement and when updated.

4 WHY HAVE A WHISTLEBLOWER POLICY?³

We have a whistleblower policy to:

- Encourage disclosures of wrongdoing
- Help deter wrongdoing, in line with our risk management and governance framework
- Ensure individuals who disclose wrongdoing (whistleblowers) can do so safely, securely and with confidence that they will be protected and supported
- Ensure whistleblower's reports (disclosures) are dealt with appropriately and in a timely manner
- Provide transparency around our process for receiving, handling and investigating disclosures
- Support our values and code of conduct
- Support our long-term sustainability and reputation and
- Meet our legal and regulatory obligations.

If we are to achieve this purpose it is important that all employees (and non-employees) who are aware of possible wrongdoing have the confidence to speak up knowing that they are fully supported by Sabine's Home Care Services and the whistleblower legislation.

5 WHO CAN BE A WHISTLEBLOWER?⁴

Anyone who is or has been any of the following in Sabine's Home Care Services can be a whistleblower:

- An officer or employee (e.g. current and former employees who are permanent, part-time, fixed-term or temporary, interns, managers, and board members/directors)
- A supplier of services or goods (whether paid or unpaid), including their employees (e.g. current and former contractors, consultants, service providers and business partners)
- An associate of Sabine's Home Care Services and
- A relative, dependent or spouse of current and former employees, contractors and associates.

A person qualifies for protection as a whistleblower under the Corporations Act if they are an eligible whistleblower, as per the above, and:

- They have made a report relating to a 'disclosable matter' directly to an 'eligible recipient' (See below Who Can a Whistleblower Report to?) or to ASIC, APRA or another Commonwealth body prescribed by regulation

² Information on whistleblowers is taken from: Australian Government Australian Securities and Investment Commission (ASIC) [Regulatory Guide 270: whistleblower policies](#) (A copy is included in Forms/Resources)

³ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.39 to 270.40

⁴ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.41 to RG270.46

- They have made a report to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act, or
- They have made an 'emergency disclosure' or 'public interest disclosure'.

6 WHAT CAN BE REPORTED BY A WHISTLEBLOWER?⁵

The following types of wrongdoing can be reported:

- Physical, psychological or other abuse of a consumer of our service
- Receiving gifts or monies from a consumer of our service without the permission of a senior manager
- Illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property
- Fraud, money laundering or misappropriation of funds
- Offering or accepting a bribe
- Financial irregularities
- Failure to comply with or a breach of legal or regulatory requirements
- Engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.

Disclosable matters include conduct that may not involve a contravention of a particular law. Information that indicates a significant risk to public safety or the stability of, or confidence in, the financial system is also a disclosable matter, even if it does not involve a breach of a particular law.

A whistleblower can still qualify for protection even if their disclosure turns out to be incorrect, except for deliberate false reporting.

6.1 WHAT CANNOT BE REPORTED?

Worker grievances are not included as part of the whistleblower procedure as these are managed through the grievance procedure (See [Workforce Development](#)).

Consumer complaints about service delivery are also excluded and are managed through the consumer complaints process (See [Complaints and Feedback](#)).

7 WHO CAN A WHISTLEBLOWER REPORT TO?⁶

A whistleblower needs to report concerns to one of the eligible recipients below to qualify for protection as a whistleblower.

If a whistleblower would like to access advice before lodging a report, they can seek advice from any of the internal or external disclosure recipients.

7.1 INTERNAL DISCLOSURE RECIPIENTS

If a whistleblower wishes to report to an external organisation they can do so without reporting to any other person in Sabine's Home Care Services.

⁵ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.47 to RG270.63

⁶ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.64 to 270.78

Alternatively, whistleblowers can report to the Director or Quality, Risk and Compliance Manager who will confirm with the whistleblower whether they would like to work with them, another member of the Management team or an external organisation. If the whistleblower chooses to report to either the Director, Quality, Risk and Compliance Manager or the Management team, they can request support from Ageing Australia or Peninsula to assist them to manage the disclosure.

Note: Any eligible recipient who is implicated in a disclosure cannot be involved in any aspect of receiving, handling or investigating the disclosure.

7.2 EXTERNAL DISCLOSURE RECIPIENTS

Whistleblowers can report to:

- Regulatory bodies or law enforcers relevant to the report. For example, ASIC (Australian Securities and Investment Commission) for breaches of company law. The ATO (Australian Taxation Office) for breaches of tax law and to APRA (Australian Prudential Regulation Authority) for breaches of financial requirements.
- Legal practitioners.
- Journalists or members of Commonwealth, State or Territory parliaments for public interest or emergency disclosures.⁷

Whistleblowers can also report other misconduct to ASIC and if not in their remit, ASIC may refer the whistleblower to another regulator or law enforcer.

8 HOW TO MAKE A DISCLOSURE⁸

A whistleblower can report a disclosure to any eligible recipient in person, by telephone, email or letter at any time. Team members who receive a disclosure are advised to report it to a Management team member with the discloser's permission, or to advise the whistleblower to report it to a Management team member.

Contact details of eligible recipients in Sabine's Home Care Services are included in the Internal Telephone Directory and in the Worker's Handbook.

8.1 ANONYMOUS DISCLOSURES

If a whistleblower wishes to report an issue anonymously, they can appoint an independent representative or work with the Aged Care Quality and Safety Commission advise the Management team who will advise a nominated person within Sabine's Home Care Services without identifying the whistleblower. People making anonymous disclosures are still protected by whistleblower legislation.

A whistleblower can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. A whistleblower can refuse to answer questions that they feel could reveal their identity, including during follow-up conversations.

Where a person wishes to remain anonymous, Sabine's Home Care Services would appreciate it if they maintained ongoing two-way anonymous communication so we can ask follow-up questions or provide feedback. At no time will we pressure an anonymous whistleblower to reveal their identity.

⁷ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.79 to 270.86

⁸ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.79 to 270.86

9 PROTECTIONS FOR WHISTLEBLOWERS⁹

Protections include:

- Identity protection whereby Sabine's Home Care Services cannot disclose the identity of a whistleblower or information that is likely to lead to their identity. This means no person can engage in actions or make a threat towards a whistleblower because of their disclosure or planned disclosure
- Protection from detriment, whereby the following are prohibited under law:
 - dismissal of an employee
 - injury of an employee in his or her employment
 - changes to an employee's position or duties that disadvantage them
 - discrimination between an employee and other employees of the same employer
 - harassment or intimidation of a person
 - harm or injury to a person, including psychological harm
 - damage to a person's property
 - damage to a person's reputation
 - damage to a person's business or financial position or
 - any other damage to a person
- Compensation and other remedies, whereby a whistleblower can seek compensation and other remedies through the courts if:
 - they suffer loss, damage or injury because of a disclosure and
 - Sabine's Home Care Services failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct
- Civil, criminal and administrative liability protection, whereby a whistleblower is protected from any of the following in relation to their disclosure:
 - civil liability (e.g. any legal action against the whistleblower for breach of an employment contract, duty of confidentiality or another contractual obligation)
 - criminal liability (e.g. attempted prosecution of the whistleblower for unlawfully releasing information, or other use of the disclosure against the whistleblower in a prosecution, other than for making a false disclosure) and
 - administrative liability (e.g. disciplinary action for making the disclosure). Note that the protections do not grant immunity for any misconduct a whistleblower has engaged in that is revealed in their disclosure.

10 WORKING WITH THE EMPLOYEE ASSISTANCE PROGRAM (EAP)

Where the whistleblower has reported a disclosure to the EAP, or senior management have requested the EAP to assist with a disclosure, the EAP is responsible for ensuring the whistleblower and senior management are fully informed about the whistleblower process including:

- Who can be a whistleblower?
- What can be reported by a whistleblower?
- Who can a whistleblower report to?

⁹ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.87 to 270.105

- How to make a disclosure
- Protections and support for whistleblowers
- Handling and investigating a disclosure
- Fair treatment of individuals mentioned in a disclosure
- Keeping a whistleblower informed
- Documenting and reporting findings and
- Review of findings.

If senior management decide not to use the services of the EAP or any other external resource, they will need to follow the process of investigation detailed in the Whistleblower Act.¹⁰

11 ENSURING THIS POLICY IS ACCESSIBLE TO ALL STAKEHOLDERS¹¹

Sabine's Home Care Services ensures all workers and other stakeholders are aware of and have access to our whistleblower policy through:

- Discussing the policy in team meetings
- Posting the policy on the intranet
- Providing a printout through reception on request
- Posting information on noticeboards
- Including the policy as mandatory training
- Including the policy in the employee handbook
- Incorporating the policy in employee orientation information and training for new workers
- Providing workers with a copy of the completed and signed Worker Orientation Checklist, which includes references to ASIC information on whistle blowing, and providing printed copies of ASIC information and this policy on request
- Promotion of the policy by senior management in meetings with workers and communications to workers.

12 EDUCATION AND TRAINING

Sabine's Home Care Services provides the following education and training to all workers to ensure they are aware of our whistleblower policy and that all receive appropriate training in how to effectively deal with disclosures.

Training includes:

- Key arrangements of our whistleblower policy, processes and procedures, including:
 - practical examples of disclosable matters
 - practical information on how to make a disclosure and
 - advice on how whistleblowers can seek further information about the policy if required
- Information related to protecting and supporting whistleblowers, including:

¹⁰ Note also: Certain companies are required to have a detailed whistleblower policy for handling and investigation, particularly those meeting specific criteria as outlined in the Corporations Act 2001, including Public Companies and Large Proprietary Companies.

¹¹ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.128 to 207.139

- the measures the entity has in place for protecting and supporting whistleblowers
 - practical working examples of conduct that may cause detriment to a whistleblower and
 - the consequences of engaging in detrimental conduct towards the whistleblower
- Information about matters that are not covered by this policy, including
 - practical examples of personal work-related grievances
 - information on other policies (e.g. on bullying and – harassment, workplace health and safety, grievances and code of conduct matters)
 - information on how and where employees can report general employee feedback or personal work-related grievances and
 - practical examples of circumstances where disclosure has led to positive outcomes for Sabine's Home Care Services and the whistleblower.

Board members are aware of Sabine's Home Care Services commitment and obligations to protecting whistleblowers and the processes to be followed

Whistleblowers outside of Sabine's Home Care Services can access our whistleblower policy (minus names and positions) through our website, www.shcservices.com.au.

13 MONITORING AND REPORTING ON THE EFFECTIVENESS OF THE POLICY

A report is provided to the Board on every disclosure and includes:

- The subject matter of the disclosure
- The status
- The type of person who made the disclosure (e.g. employee or supplier) and their status (e.g. whether they are still employed or contracted)
- The action taken
- How the disclosure was finalised
- The timeframe for finalising the disclosure
- The outcome of the disclosure
- Issues with the process and
- Identified improvements.

The whistleblower policy is reviewed and updated (if necessary) following completion of a disclosure, when there are legislative changes related to whistleblower requirements and when improvements are identified.

Reviews and updates are conducted through our continuous improvement process (See [Continuous Improvement](#)).

Changes to legislative requirements are managed through our regulatory compliance process (See [Regulatory Compliance](#)).

DOCUMENT INFORMATION

Owner**	Quality, Risk and Compliance Manager
Date Approved	2 June 2025
Review History	Developed: 1 August 2024
Date of review and summary of changes	22 January 2025 Reviewed and edited to align with SHC Services operational requirements by D. Kavnoudias (QRC Manager)
Date of review and summary of changes	2 June 2025 Reviewed and edited to align with SHC Services operational requirements by S. Brindley (Director) and D. Kavnoudias (QRC Manager)
Date of review and summary of changes	

**The person responsible for ensuring the Procedure is appropriate, followed and maintained up to date.