

1 PURPOSE

This policy informs the actions required to support an individual seeking to call out misconduct and harm to consumers and the community by an employee of The District Nurses (TDN). This policy is informed by the Corporations Act 2001.

2 SCOPE

This policy applies to all employees of The District Nurses (TDN)

3 POLICY STATEMENT

The District Nurses recognises the importance as well as ethical value of encouraging and supporting those who are aware of wrongdoing to speak up.

TDN is not legally bound to have a whistleblower policy but is required to manage whistleblowing in accordance with the Corporations Act.

Disclosures that do not meet the criteria of 'disclosable matters' do not qualify for protection under the Corporations Act.

ELIGIBILITY

3.1 To qualify for protection under the Corporations Act, disclosures must

3.1.1 be made by an *eligible whistleblower*

3.1.2 be made to a prescribed authority/*eligible recipient*

3.1.3 be a disclosable matter (not a personal work-related grievance which remains the jurisdiction of the Fair Work Act (Cth)).

3.2 An eligible whistleblower (discloser) is a person who has reasonable grounds to suspect a disclosable matter, i.e. misconduct, an improper state of affairs of circumstances, a breach of the law or a danger to the public or financial system.

3.2.1 The information can be about conduct by the organisation, an officer or employee of the organisation, a related entity, or an officer or employee of the related entity.

3.2.2 A disclosure solely about a personal work-related grievance is not covered by the whistleblower provisions, except in certain circumstances.

3.2.3 be a disclosable matter (not a personal work-related grievance which remains the jurisdiction of the Fair Work Act (Cth)).

3.3 A Senior Manager of TDN is an eligible recipient of a disclosure, in the first instance.

3.3.1 Under the Corporations Act, a 'senior manager' is a person other than a director or company secretary who makes, or participates in making decisions that:

- affect the whole, or a substantial part of, the business of the organisation, or
- have the capacity to significantly affect the organisation's financial standing.

This will generally be senior executives within a company. It may include chief executive officers, chief financial officers, chief operating officers, and chief risk officers, as well as public officers of charities or not-for-profit organisations.

3.3.2 The Quality and Risk Manager, TDN, will be the primary internal eligible recipient.

MAKING A DISCLOSURE

3.4 Confidentiality of all disclosers and disclosures must be maintained.

3.4.1 A disclosure may be made anonymously.

3.4.2 It is illegal to disclose the identity or information that may lead to identification.

3.4.3 The discloser will be able to communicate through an anonymous telephone hotline and anonymised email address; or

3.4.4 The discloser may adopt a pseudonym for the purpose of their disclosure.

PROCESSING A DISCLOSURE

3.5 Disclosures that qualify for protection will be investigated.

3.5.1 The focus of the investigation will be on the substance rather than the motive of the disclosure;

3.5.2 The investigator must maintain accurate and timely records, including the factors considered during the investigation;

3.5.3 The investigator must keep the discloser informed throughout the investigation and on the findings.

3.6 A second 'eligible recipient' will be called upon in the event that a review is required or sought, and guidance from the Board will be sought on this matter.

PROTECTIONS

- 3.7 The protections available to eligible whistleblowers include:
- 3.7.1 Identity protection (confidentiality);
 - 3.7.2 Protection from detrimental acts or omissions;
 - 3.7.3 Compensation and remedies; and
 - 3.7.4 Civil, criminal and administrative liability protection.
- 3.8 The organisation will ensure that employees mentioned in the disclosure, including those who are the subject of the disclosure are treated fairly and in confidence.

ORGANISATIONAL COMMITMENT

- 3.9. The commitment of TDN to the importance of whistleblowing is demonstrated in the across- organisation dissemination of this policy and the availability of the Quality and Risk Manager to advise or arrange training for employees.

4 DEFINITIONS

TERM	DEFINITION
Eligible Whistleblower (Discloser)	Any person who discloses reasonable grounds to suspect misconduct or wrongdoing.
Reasonable grounds to suspect	Is based on the objective reasonableness of the reasons for the discloser’s suspicion. It ensures that a discloser’s motive for making a disclosure, or their personal opinion of the person(s) involved, does not prevent them from qualifying for protection. In practice, a mere allegation with no supporting information is not likely to be considered as having ‘reasonable grounds to suspect’. However, a discloser does not need to prove their allegations.
Eligible Recipient	A Senior manager in the organisation (See 3.3)
Disclosure matters (Disclosure)	Information that concerns ‘misconduct’ or ‘an improper state of affairs’ or circumstances in relation to the organisation or conduct of its officers or employees that constitutes an offence or contravention of various laws, including any law of the Commonwealth punishable by imprisonment for a period of 12

	months or that represents a danger to the public or financial system.
Misconduct	Illegal, unacceptable or undesirable conduct or behaviour (actual or attempted) that is: dishonest, unethical, fraudulent, corrupt, non-compliant or may give rise to questionable accounting or auditing practices, may cause financial loss, or acts inconsistent with the organisation's purpose, values and code of conduct.
Detriment	includes actions or conduct against a (potential) whistleblower to: <ol style="list-style-type: none"> 1. dismiss them from their employment 2. injure them in their employment 3. alter their position or duties as an employee to their disadvantage 4. discriminate between them as an employee and other employees of the same employer 5. harass or intimidate them 6. harm or injure them, including causing them psychological harm 7. damage their property 8. damage their reputation 9. damage their business or financial position

5.0 RELATED DOCUMENTS

This policy is supported by Government policies.

6.0 PERFORMANCE INDICATORS

6.1 Incidents of disclosure

7.0 RELEVANT LEGISLATION AND RESOURCES

NAME	SOURCE
Regulatory Guide 270 Whistleblowers Policy	ASIC, November 2019
Corporations Act	https://www.legislation.gov.au/Details/C2017c00328
Aged Care Standards Quality & Safety Commission	Aged Care Quality & Safety Commission

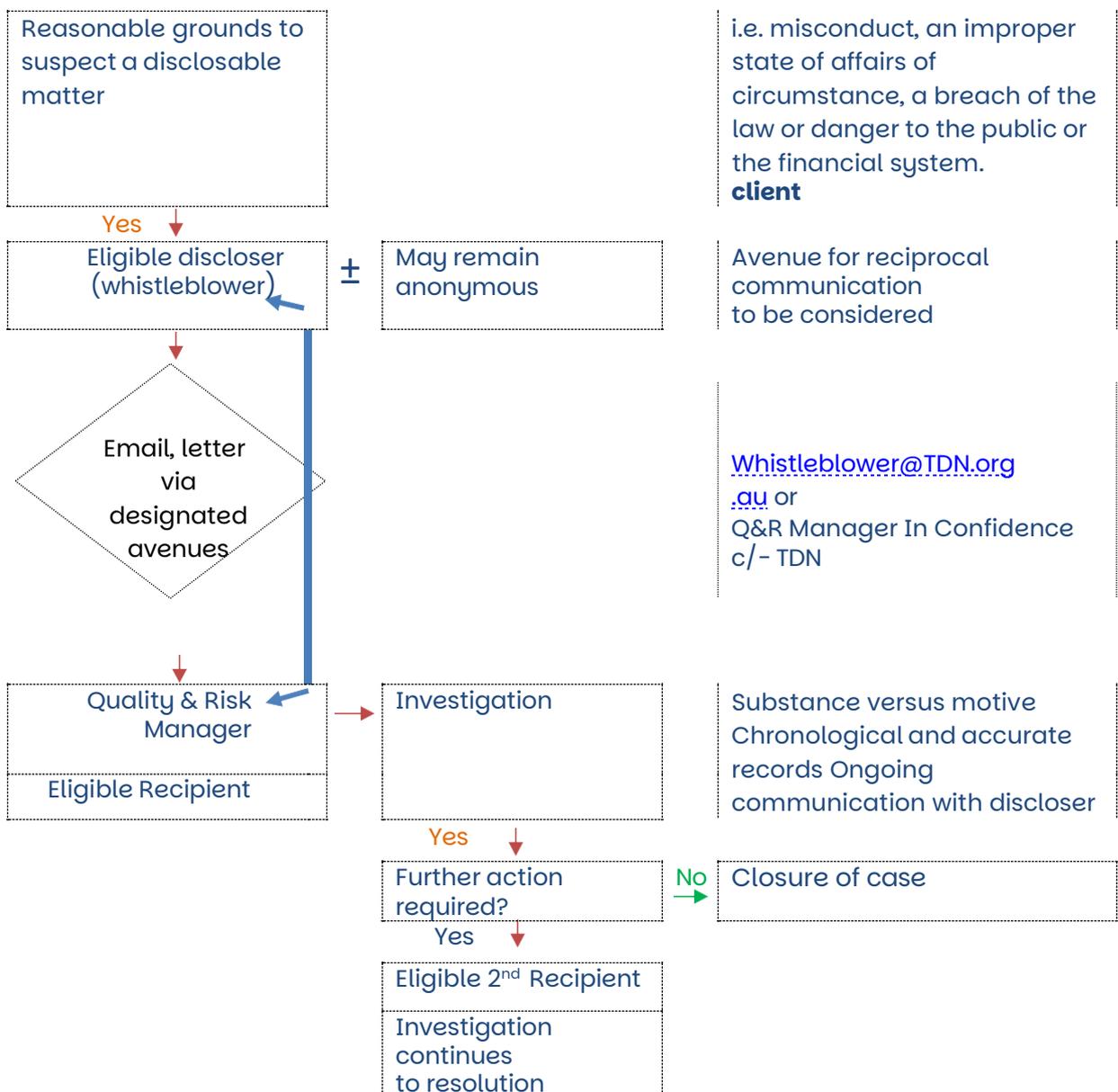
8.0 DOCUMENT HISTORY

This is a new policy

Title	Version	Date	Updates
Nil			1.

9.0 FLOW CHART

WHISTLEBLOWER FLOW CHART





WHISTLEBLOWER POLICY

5 APPROVAL

Document Name:	WHISTLEBLOWER POLICY		
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Signature:		Review date:	31/08/2021