

Purpose

To promote a culture of compliance, honesty and ethical behaviour within BASScare.

Target Audience

It applies to all employees, volunteers, directors, and contractors.

Definition

Whistle Blower – includes:

- an employee of the company
- an officer of the company
- an individual who supplies goods or services to the company (whether paid or unpaid)
- an individual who is an “associate” (as defined in the Corporations Act) of the company
- a spouse, child or dependent of any of the above persons
- a former director, officer, employee or contractor of the company

ACNC – Australian Charities for Not-for-Profits Commission

ACQSC – Aged Care Quality and Safety Commission

Policy

BASScare promotes a culture of compliance, honesty and ethical behaviour. All employees, volunteers and directors are encouraged to report any genuine matters of concern that they honestly believe contravene BASScare Code of Ethical Conduct.

A whistleblower will not be discriminated against or disadvantaged for making a report in accordance with this policy.

What concerns should be raised:

All employees, volunteers and directors are encouraged to report any genuine matters of concern that they honestly believe contravene BASScare Code of Ethical Conduct. This will include:

- Conduct or practices which are illegal
- Corrupt activities
- Theft , fraud, misappropriation
- Significant mismanagement of funds or resources
- Abuse of authority
- Serious harm to resident, service user, volunteer or employee safety
- concerns of misconduct, or an improper state of affairs or circumstances, relating to the company
- breaches particular legislation in the corporate, financial and credit sectors
- breaches of any Commonwealth legislation punishable by 12 months or more
- concerns behaviour which represents a danger to the public, or to the financial system
- concerns conduct that may not be in contravention of particular laws but may still be of a serious enough nature to warrant disclosure, for example conduct that may indicate a “systemic issue”

Reporting Wrongdoing:

Depending on the nature of the wrongdoing, the staff member is encouraged to first discuss their concern with their immediate Manager.

Any staff member that submits or receives a report must treat the matter confidentially.

If the staff member does not feel comfortable speaking with their Manager, they can raise a wrongdoing with (in order):

- The Senior Manager
- The CEO
- The Chair of the Risk Committee via email whistleblower@basscare.org.au
- Externally: to ACNC, ACQSC; or any Commonwealth authority prescribed in relation to the organisation

Staff reporting wrongdoing via these channels can be assured they will be protected and that the investigation will be conducted in accordance with the principles of fairness and natural justice.

Investigating Wrongdoing:

Investigations of wrongdoing will be conducted in a manner that is confidential, fair and objective. The investigation processes will vary depending on the nature of the wrongdoing and the amount of information provided.

For a report to be investigated, it must contain sufficient information to form a reasonable basis for investigation. A staff member reporting anonymously via an improvement form should provide as much information as possible so as not to compromise the ability to fully investigate the report.

A whistleblower will always be informed of the outcome of the investigation. If no action is taken, an appropriate explanation will be made to the whistleblower, subject to any privacy and confidentiality rights.

Protection of whistleblowers

A whistleblower will not be discriminated against or disadvantaged for making a report in accordance with this policy. This applies if the matter is proven or not, regardless of whether it is reported to an external authority.

BASScare will not disclose the identity of any person who makes a whistleblower report unless:

- it is required to do so by law
- it is required to assist a police investigation
- the identity of the whistleblower would be self-evident by the nature or location of the report
- it is impossible to investigate the issue without divulging the identity of the whistleblower.

BASScare will ensure the following:

- whistleblowers can make disclosures on an anonymous basis
- whistleblowers are provided with immunity so that the information they disclose will not be admissible in evidence against them
- whistleblowers against victimisation/retaliation will be protected
- it is not engaged in conduct that causes detriment to the whistleblower such as:
 - dismissal
 - harassment
 - discrimination
 - disadvantages in employment, physical and psychological harm

In all instances where the identity of the whistleblower is likely to be disclosed, BASScare will try to give prior notice to the whistleblower.

Reporting & Governance

Reports are provided regularly to the Board Risk Committee (BRC). Matters are referred to the Board Finance & Audit Committee (FAC) by the BRC where relevant, e.g. any matters relating to accounting, internal control or audit concerns.

The procedure is reviewed every five years and whenever there are significant regulatory changes or organisation needs.

A breach of the procedure may, in some circumstances, result in disciplinary action.

Key Legislation, Acts & Standards

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)
Corporations Act 2001 (Cth)
Taxation Administration Act 1953 (Cth)
Privacy Act 1988
Information Privacy Act 2000
Aged Care Act 1997
Retirement Villages Act 1986
Aged Care Quality Standards

References

<http://transparency.org.au/our-work/whistleblowing/>

<https://www.acnc.gov.au/>

<https://www.agedcarequality.gov.au/>

<https://asic.gov.au/regulatory-resources/find-a-document/regulatory-guides/rg-270-whistleblower-policies/>