

Policy

Policy Title	Aged Care Whistleblower Policy
Policy Type	Organisational
Document ID	PO-EQC-002
Document Owner	General Manager Quality & Clinical Governance

1. Purpose

This policy relates to disclosures made about services funded and delivered under the Aged Care Act 2024 as distinct to the Corporations Act 2001, which are covered in PO-G02-003 Whistleblower Policy (Organisational).

ADEC is committed to the highest standards of ethical behaviour and integrity in all our operations. ADEC promotes a culture where it is safe to speak up without fear of reprisal.

The purpose of this policy is to:

- Outline disclosures that qualify for protection
- Encourage the reporting of issues or incidents where the aged care law has not been followed either by an individual, or by ADEC as an organisation
- Ensure individuals who report breaches of aged care law can do so safely, securely and with confidence that they will be protected and supported
- Ensure disclosures are dealt with appropriately and on a timely basis; and
- Provide transparency around the framework for receiving, handling and investigating disclosures.

2. Scope

The information contained in this policy is for individuals receiving or delivering services funded under the Aged Care Act 2025. It includes (but not limited to) aged care clients, their representatives, ADEC staff and Board members as well as associated providers and their staff. It includes reports made under the Serious Incident Response Scheme such as abuse and neglect.

3. Policy Statement

ADEC is committed to promoting the quality of care and the safety of clients by having in place a whistleblower system that facilitates certain disclosures of information without fear of persecution, retribution or personal detriment.

ADEC will ensure that the confidentiality of these disclosures is maintained and the anonymity of the person making the disclosure is protected.

ADEC is committed to having a whistleblower system that is fair, transparent, accessible, safe, and culturally safe and is based on a continuous improvement focus.

ADEC encourages and supports clients, staff and other people to raise concerns about the delivery of its aged care services. Concerns can be raised orally or in writing and individuals can raise concerns anonymously.

ADEC will uphold whistleblower protections.

A person making a disclosure can elect to have a disclosure managed as a complaint and forgo parts of their whistleblower protection.

Disclosures are notified to the appropriate agencies as required under relevant law.

ADEC will provide information and training to aged care workers and responsible persons on its whistleblower system.

ADEC will provide regular communication to clients, their representatives as well as aged care staff and members of the Board and executive team that disclosures of misconduct are welcome. This will occur at least monthly.

ADEC will review its aged care whistleblower policy at least annually.

4. Definitions

Aged Care Worker: is defined in the *Aged Care Act 2024* as:

- an individual employed or otherwise engaged (including as a volunteer) by the registered provider to deliver funded aged care services; or
- an individual who:
 - is employed or otherwise engaged (including as a volunteer) by an associated provider of the registered provider; and
 - is engaging in conduct under the associated provider's arrangement with the registered provider relating to the registered provider's delivery of funded aged care services; or
- an individual who is a registered provider.

Client: An individual who ADEC provides services to.

Contemporaneous notes/records: Notes/records that are made at the time (e.g. of an interview being conducted or evidence being reviewed) rather than at a later time.

Disclosure: reporting a wrongdoing or where the law has not been followed. For the purposes of this policy the law is the *Aged Care Act 2024*. This includes reports made under the Serious Incident Response Scheme such as abuse and neglect.

Procedural fairness (ACQSC): The process followed by decision-makers to ensure decisions are fair by providing all interested parties to a complaint or a decision:

- the right to be heard
- the right to be treated without bias
- the right to be informed of and respond to allegations, and
- the right to information regarding the status of the complaint.

Responsible Person: is defined in the *Aged Care Act 2024* as:

- any person who is responsible for the executive decisions of the registered provider;
- any other person who has authority or responsibility for (or significant influence over) planning, directing or controlling the activities of the registered provider;
- any person who has responsibility for overall management of the nursing services delivered by the registered provider, or overall management of the nursing services delivered at an approved residential care home of the registered provider, and who is a registered nurse; and
- any person who is responsible for the day-to-day operations of an approved residential care home or service delivery branch of the registered provider.

Whistleblower: Any person making a disclosure about harmful, dishonest or illegal actions occurring

Whistleblower Protection Officer (WPO): plays a key role in protecting and safeguarding whistleblowers and ensuring the integrity of reporting mechanisms. A WPO is appointed to support, protect and advocate for the whistleblower, where the whistleblower's identity is known, and where the whistleblower agrees to the appointment. Appointed WPO will be independent to the persons affected by the alleged misconduct. The WPO is responsible for performing the following functions:

- support and protect the whistleblower if required;
- provide support and assistance to the accused; and,
- be responsible for the investigation process.

5. Policy Application

5.1 Whistleblower Protections

For a disclosure to qualify for protection it needs to meet the following criteria:

1. The disclosure is made to one of the following:
 - ADEC staff:
 - a member of ADEC's Board or executive team
 - any staff member of ADEC's aged care team
 - any staff member working for an associated provider and delivering funded aged care services;
 - a staff member of the Aged Care Quality and Safety Commission
 - an official of the Commonwealth Department of Health, Disability and Ageing
 - a police officer
 - an independent aged care advocate; **and**
2. The disclosure is made orally or in writing; **and**
3. The discloser has reasonable grounds to suspect that the information indicates that the *Aged Care Act 2025* has not been followed

The following protections will be afforded to anyone who makes a qualifying disclosure:

- The individual is not victimised in any way for making the disclosure.
- All steps will be taken to ensure the anonymity of the discloser, should the individual request this, and that their confidentiality is maintained. There are some circumstances where confidential information may be shared, these include:
 - when consent is provided by the discloser; or
 - to lessen or prevent a serious threat to the safety, health or wellbeing to someone; or
 - the discloser chooses to have their disclosure managed as a complaint; or
 - the information is already in the public domain; or
 - when the confidential information is provided to:
 - an employee of the Aged Care Quality and Safety Commission
 - an official of the Department of Health, Disability and Ageing
 - the Inspector General of Aged Care
 - a police officer
 - a legal practitioner for the purposes of obtaining legal advice

5.2 Receiving Disclosures

A disclosure can be made orally or in writing to:

- ADEC
- A member of ADEC's Board or executive team
- Any staff member of ADEC's aged care team
- Any staff member working for an associated provider and delivering funded aged care services

A disclosure can be made in the following ways:

- When notifying of a serious incident
- In person
- Via the feedback page on ADEC's website: adec.org.au/feedback/
- By phone: (03) 9480 7000 or staff mobile
- By post: PO Box 40, South Morang, 3725
- By email: info@adec.org.au or staff email
- During ongoing activities and conversations

Clients and their representatives will be provided with the email address and mobile number of the staff member who is their main contact at ADEC (e.g. Case Manager, Advocate).

Advocacy and language services can be accessed to support a client make a disclosure.

Disclosures can be raised anonymously via phone, by post or via email. Where a phone number or email is identifiable the person can still request the disclosure to be treated anonymously.

Ensuring the safety of an individual is the first priority when receiving a disclosure and this will be done following the relevant Incident Management Procedure.

In addition to this policy, a brochure will be provided in multiple languages and easy read.

5.3 Handling Disclosures

When a disclosure is received, a Whistleblower Protection Officer (WPO) will be appointed by the Executive Director and/or General Manager of Quality. The WPO will:

- support and protect the whistleblower if required (if their identity is known);
- provide support and assistance to the accused; and,
- be responsible for the investigation process.

Disclosures are treated confidentiality.

5.4 Investigating a disclosure

An investigation will be conducted for all disclosures received based on reasonable grounds.

The investigation will include:

- interviews with all parties including all individuals about whom the report has been made as well as any witnesses identified in the report or during the investigation process; and

- a review of all evidence provided to substantiate the reportable conduct or that is identified during the investigation.

Contemporaneous notes/records will be made and retained of all discussions, phone calls, documents and any other evidence examined.

Procedural fairness will be observed and any individual who has allegations made about them in the investigation will be provided with an opportunity to respond. All allegations and responses will be carefully considered before being included in a report of the findings of the investigation.

5.5 Report of Findings

A report will be prepared when the investigation is complete and will include:

- the allegations of reportable conduct that were made;
- statements of all relevant findings of fact and the evidence that was relied upon in reaching the conclusions and what those conclusions are;
- the damage caused (if any) and the impact of the damage on ADEC and any other affected parties; and
- recommendations based on the conclusions to address any wrongdoing and any other matters that have been identified during the investigation.

5.6 Information to the Whistleblower

If appropriate to do so, the WPO will keep the whistleblower informed of the relevant progress of the investigation and relevant outcome of the investigation, taking into consideration the privacy of those against whom the allegations were made and any confidentiality requirements.

5.7 Staff awareness

This policy is made available to staff at commencement and is also available on ADEC's intranet and on request. Staff will be alerted if changes are made.

Staff are reminded of ADEC's aged care whistleblower policy at least monthly through the staff newsletter and at meetings.

Staff are provided training on ADEC's aged care whistleblower policy:

- At commencement of their employment
- Annually
- When there are changes to the system that impacts their responsibilities
- When there is a change to their role affecting their responsibility in the system

6. Responsibilities

6.1 ADEC Board

ADEC's Board is responsible for:

- Ensuring there is a fair, transparent, accessible, safe, culturally safe and timely whistleblower system in place
- Ensure there are processes in place that support staff to fulfill their responsibilities under this policy

6.2 Executive Team

ADEC's executive team is responsible for:

- Implementing a whistleblower system
- Implementing an incident management process that includes requirements under the Serious Incident Response Scheme (SIRS)
- Making training available to all staff on whistleblower management and the SIRS
- Appointing a Whistleblower Protection Officer
- Reviewing individual and aggregated whistleblower information and incident data
- Ensuring relevant findings from investigations of disclosures feed into the continuous improvement system
- Review of the whistleblower management process

6.3 Whistleblower Protection Officer (WPO)

The WPO is responsible for:

- support and protect the whistleblower if required
- provide support and assistance to the accused
- ensuring the integrity of reporting mechanisms
- be responsible for the investigation process

6.4 All staff

All ADEC staff are responsible for:

- Placing the client at the centre of all disclosures, ensuring they are safe
- When receiving and responding a disclosure take a culturally safe, trauma aware, and healing informed approach
- Be aware of, and understand their role in this policy
- Comply with this policy and associated procedures
- Complete any related training
- Seek support when needed

7. Related Documents & Instruments

- Quality Management Framework
- Complaints and Feedback Management Policy
- Whistleblower Policy (Organisational)
- Incident Management Procedure
- Aged Care Act 2024
- Aged Care Rules 2025

8. Administration

Document Author	Daniyela Rob, General Manager Quality & Clinical Governance
Version	1.0

Approving Committee	Executive Management
Approval Date	14/10/2025
Effective Date	14/10/2025
Next Review Due	1/09/2026
Retirement Date	NA