

Whistleblower Policy

1 Purpose

Consistent with our values of hospitality, healing, stewardship and respect, Calvary is committed to encouraging the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving Calvary's businesses and to providing protections and measures so that people who make a report can do so confidentially and without fear of intimidation, disadvantage or reprisal.

Calvary is committed to the highest standards of integrity and conduct.

Calvary is committed to fostering a culture where everyone feels safe and are encouraged to speak out on matters or conduct of concern. This could be anything from serious misconduct to observing something that does not feel quite right.

Calvary will support those who raise a concern through the *Speak Out* Program and will not tolerate any form of retaliation or victimisation as a result of speaking out in accordance with this policy.

This policy aims to provide clarity on how Calvary supports those who wish to raise a concern so that they:

- are encouraged to express their concerns;
- know how to express their concerns;
- know what will happen when they express concerns; and
- feel safe in expressing their concerns.

All disclosures of *Reportable Matters* must be protected, assessed, investigated and reported in accordance with the requirements of this policy. Retaliation or victimisation of Whistleblowers will not be tolerated. Calvary encourage the disclosure of any actual or suspected wrongdoing and will support those who do.

2 Application of the Policy

2.1 Who does this policy apply to?

This policy applies to *Protected Whistleblowers*.

You are a *Protected Whistleblower* and entitled to protection if:

- you are an *Eligible Whistleblower*; and
- you have disclosed (or intend to disclose) a *Reportable Matter* to an *Eligible Recipient* or to the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA) or another entity prescribed under the *Corporations Act 2001* (Cth) (Corporations Act).

Reportable Matters are defined below and are different from the compulsory reporting requirements under the *Aged Care Act 1997* (Cth).

You will also be entitled to protection as a *Protected Whistleblower* if you get advice from a legal practitioner on the operation of whistleblowing protection laws.

Also, in more specific and limited circumstances where a matter is of public interest or there is an emergency, a report may be protected if it is made to a journalist or a Member of Parliament. It is important that you understand the criteria for making a public interest or an emergency disclosure to be covered by the whistleblower protections. Calvary recommends that you contact an independent legal adviser before making a public interest or an emergency disclosure.

2.2 What does this policy apply to?

This policy applies to *Reportable Matters*. Disclosures that do not relate to a *Reportable Matter* will not be protected under this policy.

Personal work-related grievances that do not involve a detriment caused to you as a *Protected Whistleblower* (or a threat of detriment) are not a *Reportable Matter* and are not protected under this policy.

A personal work-related grievance is one that relates to your current or former employment that has implications for you personally but does not have significant implications for Calvary.

An example of a work-related grievance that is not protected by law and this policy could include if you believe you have missed out on a promotion that you deserve or if you do not like the managerial style of your supervisor.

However, a work-related grievance may still qualify for protection under this policy if (for example):

- it is a mixed report that includes information about a *Reportable Matter* (as well as a work-related grievance);
- Calvary has broken employment or other laws which are punishable by imprisonment for 12 months or more or acted in a way that is a threat to public safety;
- the disclosure relates to information that suggests misconduct that goes further than the whistleblower's personal circumstances; or
- the whistleblower suffers from or is threatened with detriment for making a disclosure.

3 Responsibilities

All *Protected Whistleblowers* are encouraged to report any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving Calvary.

4 Policy

4.1 How do I make a report and who do I report to?

Calvary has several channels for making a report if you become aware of a *Reportable Matter*. Reports can be made in person or by telephone, post or email. Reports can be made within business hours or outside business hours.

If, at any time, you are not sure about whether to make a protected disclosure, you can get independent legal advice. Any discussions you have with a lawyer will be protected under this policy and under law.

4.1.1 Eligible Recipient of Reportable Matters

A protected disclosure of a *Reportable Matter* can be made using any of the channels below (each is an *Eligible Recipient of Reportable Matters*):

- **Kris Salisbury, National Director Clinical Governance**

phone: (02) 9258 1726

email: Kris.Salisbury@calvarycare.org.au

- **Katrina Cunningham, General Counsel**

phone: (02) 9258 1788

email: Katrina.Cunningham@calvarycare.org.au

- **Mark Green, National Director - People & Mission**

phone: (02) 9258 1733

email: Mark.Green@calvarycare.org.au

- **David Allison, National Chief Financial Officer**

phone: 0410 584 485

email: David.Allison@calvarycare.org.au

Reports can also be posted to Little Company of Mary Health Care Limited, Level 15, 345 George Street, Sydney NSW 2000 (marked to the attention of one of the above *Eligible Recipients of Reportable Matters*).

4.1.2 Other Recipients of Reportable Matters

While it is Calvary's preference that you raise reports with one of the above *Eligible Recipients of Reportable Matters*, it is important to note that disclosures of a *Reportable Matter* may also be protected when made to:

- An officer, director or senior manager of Calvary. These are defined in the Corporations Act as "a director, or a senior manager in the company who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the company, or who has the capacity to affect significantly the company's financial standing;"
- ASIC;

- APRA;
- Commissioner of Taxation; or
- any other Commonwealth authority prescribed by law.

4.1.3 Speak Out Hotline

Additionally, a report may also be made via the Speak Out Hotline, a free external hotline and reporting service which provides a confidential 24/7 service. This hotline is operated by Calvary's Whistleblower Provider, LifeWorks.

The Speak Out hotline can be accessed by dialling **1800 582 551**.

LifeWorks will provide the details of your disclosure to an *Eligible Recipient of Reportable Matters* as set out under section 4.1.1 above. Reports may be made anonymously, but if you provide your contact details to the LifeWorks, those contact details will only be provided to an *Eligible Recipient of Reportable Matters* set out under section 4.1.1 above if you consent.

LifeWorks as a provider acts solely as a conduit for recording and reporting on information received. It is not involved in carrying out investigations or making decisions in relation to the *Reportable Matter*.

4.2 False reports

A *Protected Whistleblower* will still qualify for protection for a disclosure even if their disclosure turns out to be incorrect. However, anyone who knowingly makes a false report of a *Reportable Matter*, or who otherwise fails to act honestly with reasonable belief in respect of the report may be subject to disciplinary action, including dismissal.

4.3 Anonymity when reporting

You may choose to remain anonymous when disclosing a *Reportable Matter*, over the course of the investigation and after the investigation is finalised. While you are encouraged to share your identity when making a disclosure, as it may make it easier for Calvary to address your disclosure of a *Reportable Matter* and for Calvary to communicate with you, you are not required to share your identity. If you do not share your identity, Calvary will assess your disclosure in the same way as if you had revealed your identity. However, there may be some practical limitations in conducting the investigation if you do not share your identity.

4.4 Protections for Protected Whistleblowers

4.4.1 Confidentiality

Disclosures from *Protected Whistleblowers* will be treated confidentially and sensitively. Once a report is received, the *Eligible Recipient* will make sure immediate steps are taken to protect the identity of the *Protected Whistleblower*. This will include redacting the name and position of the *Protected*

Whistleblower from any written record of the report, and making sure appropriate document security is implemented.

It is illegal for a person to identify *Protected Whistleblowers* or disclose information that is likely to lead to their identification. If you are a *Protected Whistleblower*, your identity and position (or any other information which would be likely to identify you) will only be shared if:

- you consent to the information being shared;
- the disclosure is to a recipient permitted by law such as the Commissioner of Taxation or Australian Federal Police; or
- the disclosure is otherwise allowed or required by law (for example, disclosure to a lawyer of Calvary to receive legal advice relating to the law on whistleblowing).

In addition, information likely to identify an *Eligible Whistleblower*, may be shared if it is reasonably necessary for the purposes of an investigation. In this circumstance all reasonable steps will be taken to reduce the risk that the *Eligible Whistleblower* will be identified.

4.4.2 Protection against detrimental treatment

It is illegal for a person to engage in conduct that causes (or threatens) detrimental treatment to a *Protected Whistleblower* in the belief or suspicion that a person has made, may make, proposes to make or could make a report of a *Reportable Matter* and where that belief or suspicion is a reason for the conduct.

Detrimental treatment could include dismissal, demotion, harassment, damage to your reputation, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a disclosure as a *Protected Whistleblower*.

Calvary will seek to ensure that *Protected Whistleblowers* are not subjected to *detrimental treatment* as a result of making (or intending to make) a disclosure under this policy. To protect *Protected Whistleblowers* from *detrimental treatment*, Calvary will:

- make an assessment of the risk of detriment against a *Protected Whistleblower* as soon as possible after receiving a disclosure of a *Reportable Matter*;
- make sure Calvary management are aware of their responsibilities to maintain the confidentiality of a *Protected Whistleblower*, address the risks of detriment and ensure fairness when managing the performance of, or taking other management action relating to, a *Protected Whistleblower*; and

- take practical action, as necessary, to protect a *Protected Whistleblower* from the risk of detriment and intervene if detriment has already occurred.

Calvary will take reasonable precautions to store any records relating to disclosures from *Protected Whistleblowers* securely and to restrict access to authorised persons only.

If a *Protected Whistleblower* believes that they

- may be, are being, or have been subjected to *detrimental treatment*; or
- their disclosure has not been dealt with in accordance with this policy,

they should inform an *Eligible Recipient* immediately. The *Eligible Recipient* will consider the concerns raised and may take such action as the *Eligible Recipient* considers appropriate. However, the *Eligible Recipient* may not be able to take action if the *Protected Whistleblower* wishes to remain anonymous.

4.4.3 Other protections for *Protected Whistleblowers*

Protected Whistleblowers are protected from civil, criminal or administrative liability (including disciplinary action) for making reports of *Reportable Matters*. No contractual right (including under an employment contract) can be exercised against a *Protected Whistleblower* to stop them from disclosing a *Reportable Matter*.

If you are a *Protected Whistleblower* and the disclosure is to an *Eligible Recipient* or other designated body as set out above or is a public interest disclosure or emergency disclosure, the information you disclose can also not be used against you in criminal proceedings or in proceedings for the imposition of a penalty (except if the proceedings are in respect of the falsity of the information).

Eligible Whistleblowers may also be entitled to seek compensation and other remedies through the courts if Calvary fails to protect the *Eligible Whistleblower* from detriment and the *Eligible Whistleblower* suffers loss or damage.

4.5 How will we investigate disclosures?

Once a report of a *Reportable Matter* has been received by an *Eligible Whistleblower*, who has provided reasonable grounds for their belief that the *Reportable Matter* has occurred, an investigation of those allegations will begin as soon as practicable after the report has been received.

If Calvary determines that the information disclosed does not amount to a *Reportable Matter*, the *Eligible Whistleblower* will be, if practicable, informed of that decision. In some instances, reports may not be able to be responded to, for example, because they are anonymous reports.

Not all *Reportable Matters* will necessarily lead to an investigation. They will all however, be assessed and a decision made as to whether they should be investigated. For example, Calvary may decide that a

new investigation will not be undertaken on the basis that the Allegations have been investigated previously.

If an investigation is conducted, it will:

- follow a fair process;
- be conducted in as timely a manner as the circumstances allow; and
- be independent of the person(s) about whom an allegation has been made.

Provided there are no restrictions or other reasonable bases for doing so, people against whom an allegation has been made will be informed of the allegation and will have an opportunity to respond to any allegation. That is, Calvary will take steps to ensure fair treatment of any person who is the subject of the Reportable Matter report as well as the Protected Whistleblower.

Investigations will be conducted promptly and fairly with due regard for the nature of the allegation and the rights of the people involved in the investigation. Calvary recognises the importance of balancing the rights of the Eligible Whistleblower and the rights of people against whom a report is made in ensuring fairness.

4.6 Communications with the Protected Whistleblower

Calvary will ensure that, provided the claim was not submitted anonymously, the Protected Whistleblower is kept informed of the outcomes of the investigation of their allegations. This will be subject to the considerations of privacy of those against whom allegations are made and considerations of confidentiality affecting Calvary.

If the Protected Whistleblower is not an employee of Calvary, the Protected Whistleblower will be kept informed of the investigative outcomes (subject to privacy considerations as above), once the Protected Whistleblower has agreed in writing to maintain confidentiality in relation to any information provided to them regarding a report made by them.

4.7 How is this policy made available?

Calvary will seek to ensure that employees (including new employees) are informed about and understand this policy. Each employee will have access to this policy and there will be an online training module on whistleblowing legislation available on Calvary eLearning. Training will also be provided to individuals who receive whistleblowing disclosures or otherwise have a role under this policy, including in relation to how to respond to disclosures. In addition, a copy of this policy will be available on Calvary's website.

5 Related Calvary Documents

This policy should be read in conjunction with Calvary's other relevant policies including:

- Calvary Speak Out Procedure,
- Workplace Behaviour Policy and Procedure,
- Calvary Code of Conduct,
- Calvary Grievance Management Policy and Procedure,
- Calvary Managing Misconduct Policy and Procedure, and
- Calvary Managing Under performance Policy

6 Definitions

- *Detrimental treatment* has the meaning set out in section 4.4.2
- *Eligible Recipient* has the meaning set out in sections 4.1.1, 4.1.2 and 4.1.3.
- *Eligible Whistleblower* means is a person who is, or has been, any of the following:
 - an officer or employee of Calvary (this includes current and former employees who are permanent, part-time, fixed-term or temporary, unpaid, interns, secondees, managers and directors);
 - a person who supplies goods or services to Calvary or an employee of a person who supplies goods or services to Calvary (whether paid or unpaid) - this could include current and former volunteers, Visiting Medical Officers, contractors, consultants, service providers, students on placement, researchers and business partners;
 - a person who is an associate of Calvary - for example, a director or company secretary of Calvary or a related body corporate of Calvary; or
 - a relative, dependent or dependent of the spouse of any person referred to in this definition of Eligible Whistleblower.
- *Protected Whistleblower* has the meaning set out in section 1.1.
- *Reportable Matter* means if an *Eligible Whistleblower* has reasonable grounds to suspect that the information being disclosed is about:
 - misconduct (including fraud, negligence, default, breach of trust and breach of duty);
 - an improper state of affairs or circumstances;
 - behaviour that represents a danger to the public or the financial system;
 - a breach of the Corporations Act; or

- a breach of the *Taxation Administration Act 1953* (Cth) or improper conduct in relation to the tax affairs,

in relation to Calvary or a related body corporate of Calvary.

7 References

Corporations Act 2001 (Cth), Part 9.4AAA (“Protection for Whistleblowers”) and Sect 1317

ASIC Regulatory Guide 270 Whistleblower policies

Fair Work Act 2009 (Cth)