

Whistleblower Policy

Background

The Aged Care Act 2024 requires that registered providers implement and maintain a whistleblower policy and manage any disclosures that qualify for protections in accordance with the act. Alwyndor is committed to upholding the highest standard of integrity, consistent with our purpose and values. This Policy outlines how the organisation supports and protects whistleblowers in accordance with the *Aged Care Act 2024*.

Definitions

Responsible Persons - "responsible persons" are individuals with significant influence over a provider's operations. They are legally accountable for compliance, governance, and financial integrity, ensuring high-quality care and adherence to the [Aged Care Code of Conduct](#).

The responsible persons at Alwyndor are:

- the Executive Management Team
- the Governing Body (Board)

Governing Body - a governing body of a registered provider refers to the group of people responsible for the executive decisions of the provider.

- Under the Aged Care Act 2024, providers must make sure their governing body has:
 - a majority of independent non-executive members
 - at least one member with experience in providing clinical care

Whistleblower - Any person who discloses or reports actual or suspected breaches of the Aged Care Act.

Disclosable matters - Any concern or reasonable suspicion that someone has breached, is breaching, or about to breach a provision of the Aged Care Act.

Disclosures qualifying for protection - A disclosure of information by an individual qualifies for protection if: the disclosure is made to one of the following:

- an Appointed Commissioner or a member of the staff of the Commission
- the System Governor, or an official of the Department
- a registered provider of funded aged care services
- a responsible person of the registered provider
- an aged care worker of a registered provider
- a police officer
- an independent aged care advocate
- the disclosure is made either verbally or in writing and is submitted anonymously or not.
- the individual has reasonable grounds to suspect that the information concerns conduct that may breach a provision of the Aged Care Act.

Workers - refers to all employees, associated providers, students and volunteers of the organisation.

Doc Ref: Governance-Whistleblower Policy	Approved By: Executive Management Team	Approval Date: 21/08/2026
Version 10	Executive Management	Review Date: 21/08/2029

Applicability

This policy applies to providers of aged care services:

- All employees
- Governing body
- All volunteers and students on placement
- Associated providers
- Responsible persons

Standard 2 expectation statement for older people:

The organisation is well run. I can contribute to improvements to care and services. My provider and aged care workers listen and respond to my feedback and concerns. I receive funded aged care services from aged care workers who are knowledgeable, competent, capable and caring.

Outcome Statement 2.6a: Complaints and feedback management for aged care workers

The provider must encourage and support aged care workers to make complaints and give feedback about the provider's delivery of funded aged care services, without reprisal.

The provider must acknowledge and transparently manage all complaints and feedback and use complaints and feedback to contribute to the continuous improvement of funded aged care services.

Policy Commitment

Alwyndor is committed to supporting whistleblowers to report any misconduct or wrongdoing and protecting them from any adverse consequences following disclosure by:

- ensuring employees, older people and all stakeholders feel safe and supported to raise concerns by actively promoting a "speak up" culture, emphasising protections and the organisations commitment to addressing concerns without reprisal.
- maintaining a structured and transparent system that enables individuals to make disclosures safely and appropriately by:
 - o clearly defined policies and procedures
 - o providing multiple secure and accessible reporting channels that enable individuals to make disclosures including:
 - internally and externally
 - face to face
 - over the phone
 - in writing (e.g. feedback boxes, emails etc.)
 - o assessing disclosures to ensure it qualifies for whistleblower protections
 - o providing up to date information about how disclosures can be made, what disclosures qualify for protection and who eligible recipients' disclosures can be made to
- informing the individual against whom a matter has been raised as soon as practicable, to ensure they are given a fair opportunity to respond.
- reporting to external bodies as required (i.e. Aged Care Quality Safety Commission).
- ensuring all disclosures will be investigated in a fair, objective, confidential and transparent manner in line with the principles of natural justice including:
 - o acknowledging and responding to disclosures in a timely manner

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- o adopting a positive, blame-free approach that focuses on the process and avoids any negative repercussions for the individual providing disclosure
- o ensuring investigations are conducted by appropriate and impartial person (e.g. a relevant manager or delegated investigator)
- o evaluating each disclosure thoroughly, with outcomes documented and communicated to relevant parties where appropriate and permissible
- o collecting evidence to substantiate or refute claims
- o taking appropriate corrective action as warranted by the investigation
- investigating all disclosures, including those made anonymously noting that where a disclosure was made anonymously, that there may be limitations to being able to respond to the discloser.
- providing regular feedback to those involved in the disclosure, including throughout and after the investigation.
- preparing a comprehensive report outlining the findings, evidence and outcomes of the investigation.
- supporting potential whistleblowers to access appropriate information through the People and Culture Department or seeking independent legal advice.
- taking all reasonable steps to support whistleblowers and any other person or entity that is associated with them following disclosure, during and after the investigation by:
 - o facilitating access to counselling services or other appropriate supports
 - o offering temporary or permanent relocation or reassignment of duties, where necessary, to protect the well-being and safety of the individual (if agreed to and as long as this does not include victimisation)
 - o ensuring no disciplinary action is taken against a whistleblower when the disclosure was made with a genuine or reasonable belief regarding the misconduct, even when that allegation is incorrect
 - o protecting their identity or identifying information, to the fullest extent possible (with some exceptions such as where it is necessary to share information with the Aged Care Quality and Safety Commission or a lawyer to prevent a serious threat to a person or people)
 - o not tolerating any threats, acts or omissions designed to cause detriment to a whistleblower (or another person) in relation to a disclosure. This includes dismissal or termination, demotion, reputational damage or injury or damage to person or property
- ensuring the whistleblower policy is easily accessible to all workers, made available to older people, their supporters and other stakeholders on request in a format that the individual can understand.
- providing education and training to workers on:
 - o the whistleblower policy and process
 - o how to report misconduct and any personal work-related grievances
 - o how to handle personal information and data (within their scope)
 - o how to recognise and respond to disclosers that qualify for protection
 - o when and how to escalate disclosures
 - o their roles and responsibilities in the system
 - o supporting individuals with specific needs and diverse backgrounds to make disclosures
- providing training regularly, at least annually and when:
 - o the person becomes an aged care worker or responsible person for our organisation
 - o there is a change to the person's role that affects the person's roles and responsibilities in the system

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- o there is a change to how the system works that affects the person's roles and responsibilities in the system
- keeping confidential and secure records that protect the anonymity or confidentiality of all people involved in the disclosure by:
 - o storing all paper and electronic documents and other materials of disclosures safely and securely
 - o limiting access to information related to disclosers to those directly involved in managing and investigating disclosures
- keeping all documentation and records for 7 years.
- reviewing Alwyndor's system at least annually and implementing improvements as required.

Roles and Responsibilities

Governing Body

The Governing Body has ultimate responsibility for Alwyndor's accountability and management of disclosures under its risk management and compliance responsibilities including ensuring matters contained in this policy are endorsed and clearly communicated. The Governing Body ensures systems and processes for effectively managing disclosures are maintained and effective in driving continuous quality improvement. The Governing Body is responsible for building an open and transparent culture where older people, their supporters, employees and visitors are encouraged, supported and feel safe to make disclosures.

Management

Management is responsible ensuring all employees and stakeholders are aware of this policy and understand how to report concerns. Management are responsible for fostering a culture where disclosures are encouraged, reported and investigated. This includes ensuring workers have the required skills to recognise and response to disclosers that qualify for protection and when and how to escalate disclosures. They are also responsible for monitoring compliance of this policy and related processes and identifying opportunities for improvement such as by reviewing and auditing records, training records and older people's documentation.

Management is responsible for reporting disclosures to the Executive Team/Senior Management and Governing Body and where required, to external agencies.

All employees, including associated providers, volunteers and students

All employees, including associated providers, volunteers and students are required to comply with this Policy and act within their delegated level of authority.

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References

Name	Source
Aged Care Act 2024	Commonwealth of Australia
Aged Care Rules 2025	Australian Government Department of Health, Disability and Ageing
Managing Whistleblower Disclosures Policy v1.0	Aged Care Quality and Safety Commission
Privacy Act 1988	Commonwealth of Australia

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