

Whistleblower Protection Policy and Procedure	Approved	Governance Board
	Author	Head of Human Resources (HR)
	This review date	March 2026
	Next review date	March 2030
	Version	2.0

Purpose	This policy is an important tool for helping our organisation to identify any wrongdoing that may not be discovered unless there is a safe and confidential means for disclosing suspected or actual misconduct or wrongdoing. Our policy intends to address the following aims: • encourage more disclosures of wrongdoing; • help deter wrongdoing, in line with our organisation's risk management and governance framework; • ensure individuals who disclose wrongdoing 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; • provide transparency around our organisation's framework for receiving, handling and investigating disclosures; • support our organisation's long-term sustainability and reputation; and • meet our organisation's legal and regulatory obligations.
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Scope	This policy applies to Board members, employees, volunteers, contractors, consultants and suppliers of goods and services; and service users, their supporters, representatives, family members, carers and independent advocates
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Introduction	Whistleblowing can be an effective way of uncovering fraud and other misconduct which may not be identified by internal or external controls within an organisation. Manor Court is committed to the principles of transparency and accountability and views whistleblowing as an opportunity to reflect upon organisational procedures and promote an ethical culture. Where a Board member, director, employee, contractor, consultant, supplier, volunteer or service user (including their family, supporters and carers) of the organisation believes, on reasonable grounds, that another person or persons associated with the organisation has been involved in illegal, improper or unethical conduct, they are encouraged and supported to report the conduct without reprisal or consequence.
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Manor Court will treat all disclosures made under its whistleblower policy in the same way, regardless of whether the matter qualifies for protection under Australia's whistleblower laws.

Contact	For any queries relating to this Policy and Procedure, contact The Manor Court Board Secretary by email: secretary@manorcourt.org.au .
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Policy

Development and Review

This policy is established in consultation with management, employees, volunteers and, where appropriate, service users and their representatives, including consideration of their views on reporting mechanisms and protections.

The Board is responsible for implementing this policy, fostering a culture of 'speaking up', and evaluating and improving its effectiveness.

This policy will be formally reviewed at least every 12 months, and immediately following any regulatory changes to whistleblower requirements or based on recommendations made by investigation reports.

Any amendments will be approved by the governing body and communicated to all staff, volunteers, contractors and where relevant, service users, their families and advocates.

Awareness and Education

Manor Court will

- ensure that all people associated with the organisation, including employees, contractors, volunteers, Board members, service users, their supporters, representatives and advocates, are informed of their rights and responsibilities under this Whistleblower Protection Policy.
 - communicate regularly, and at least monthly, to workers, Board members and other responsible persons, and service users, that Qualifying Disclosures are welcome.
 - provide mandatory training for all staff, contractors and volunteers on how to recognise and report misconduct or breaches, how to access internal and external reporting channels, and the protections and support available to whistleblowers;
 - include policy information in onboarding materials for new staff and volunteers and provide refreshers at least annually;
 - make this policy accessible; and
 - train managers and designated Whistleblower Protection Officers (WPOs) in handling disclosures, maintaining confidentiality and supporting both whistleblowers and individuals named in Qualifying Disclosure.
 - review training content and delivery methods as part of its annual policy review to ensure ongoing compliance.
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Whistleblower protection officer (WPO)

The Company Secretary is Manor Court's WPO. Their responsibilities include:

- implementing and overseeing Manor Court's whistleblower protection policy;
 - providing an initial response to an accusation of wrongdoing;
 - ensuring the protection and/or anonymity/confidentiality of the discloser, where possible;
 - conducting or assisting in investigations into alleged wrongdoings;
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	• assessing and managing risk of detriment; • monitoring for retaliation during and after any investigation • informing the discloser of the progress and outcomes of investigations; • ensuring that disclosers do not suffer any retaliation or negative consequences; and • providing support and referrals for both disclosers and those accused of wrongdoing. Manor Court will ensure that all people associated with the organisation know who the designated WPO is and their contact details.
Who can blow the whistle? - Corporations Act 2021	Under this policy, an “eligible whistleblower” is an individual who is, or has been, any of the following in relation to Manor Court: 1. an officer or employee (eg current and former employees, managers, and directors); 2. a supplier of services or goods to the organisation (whether paid or unpaid), including their employees (eg current and former contractors, consultants and service providers); and 3. a relative, dependant or spouse of an individual listed in (1) and (2). A discloser will qualify for protection as a whistleblower under the <i>Corporations Act 2001</i> if they are an eligible whistleblower in relation to Manor Court, <i>and</i>: 1. they have made a disclosure of information relating to a ‘disclosable matter’ directly to an ‘eligible recipient’ or to ASIC, APRA or another Commonwealth body prescribed by regulation (more information is available by accessing the ASIC Information Sheet 239 How ASIC handles whistleblower reports); 2. they have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the <i>Corporations Act 2001</i>; or 3. they have made an ‘emergency disclosure’ or ‘public interest disclosure’.
Who can blow the whistle? – Aged Care Act 2024; and NDIS Act 2013	The following people: • employees (permanent, part-time, casual, fixed term and agency staff); • contractors, consultants and suppliers of goods and services; • volunteers and students; • governing body members; and • service users, their supporters, representatives, family members, carers and independent advocates.
Disclosable matters – Corporations Act 2001	Matters that qualify for protection <i>under the Corporations Act 2001</i> involve information that the discloser has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances, in relation to Manor Court.

Manor Court considers the following to be disclosable matters:

- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- fraud, money laundering or misappropriation of funds;
- offering or accepting a bribe;
- financial irregularities;
- failure to comply with, or breach of, legal or regulatory requirements; and
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.

Information that indicates a significant risk to public safety or the stability of/confidence in Manor Court's financial system is also a disclosable matter.

A discloser can still qualify for protection even if their disclosure turns out to be incorrect.

Disclosable matters – Aged Care Act 2024

A disclosure qualifies for protection if the discloser has reasonable grounds to suspect a contravention of the *Aged Care Act 2024*, and the disclosure is made orally or in writing, including anonymously – to any of the following:

- an Appointed Commissioner or member of the Department of Health and Aged Care Quality and Safety Commission;
- the System Governor or an official of the Department of Health and Aged Care;
- an aged care worker of Manor Court;
- a police officer; or
- an independent aged-care advocate.

Disclosable matters – NDIS Act 2013

A disclosure qualifies for protection if the discloser has reasonable grounds to suspect a contravention of the *NDIS Act* and the disclosure is made in good faith to any of the following:

- the Commissioner of the NDIS Quality and Safeguards Commission;
- the National Disability Insurance Agency; or
- Manor Court's Whistleblower Protection Officer (WPO)

Personal work-related grievances

Disclosures that relate solely to personal work-related grievances, and that do not concern a contravention, or an alleged contravention of the Corporations do not qualify for protection under this policy.

Examples of a personal work-related grievance include:

1. an interpersonal conflict between the discloser and another employee;
 2. a decision about the engagement, performance management or promotion of the discloser;
 3. a decision about the terms and conditions of engagement of the discloser; or
 4. a decision to suspend or terminate the engagement of the discloser.
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However, a personal work-related grievance may still qualify for protection if:

1. it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report);
2. the organisation has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances; or
3. the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act 2001.

Employees of Manor Court can internally raise work-related grievances and other types of issues or concerns not covered by this policy, through the Grievances and Complaints Procedure.

Principles of conducting investigations

Investigations will be undertaken applying fair and ethical principles, and as such:

- Any person accused of wrongdoing will have the presumption of innocence;
- All investigations will be conducted without bias;
- Persons accused of wrongdoing will be supported throughout the process and referred to external support services if necessary;
- Investigations will follow the procedures of natural justice;
- In circumstances where the Whistleblower is unable to remain anonymous, they must remain free from any retaliatory action;
- During and after the investigation the WPO should monitor for any detriment or threats towards the Whistleblower from any member of the organisation; and
- All disciplinary action will be proportionate to the seriousness of the breach.

False reporting

If it is discovered that the Whistleblower knowingly and intentionally fabricated an accusation against an employee or associate of the organisation, for their own personal gain or with malicious intent, they may be subject to disciplinary action which may include dismissal, termination of services or cancellation of client relationship

Protections and support for disclosers

Introduction

Protections apply not only to internal disclosures, but to disclosures to legal practitioners, regulatory and other external bodies, and public interest and emergency disclosures that are made in accordance with the *Corporations Act 2001*.

**Identity
protection –
confidentiality**

Manor Court has a legal obligation to protect the confidentiality of a discloser's identity.

A person cannot disclose the identity of a discloser or information that is likely to lead to the identification of the discloser (which they have obtained directly or indirectly because the discloser made a disclosure that qualifies for protection).

An exception to this confidentiality obligation is if a person discloses the identity of the discloser:

- a) to ASIC, APRA, or a member of the Australian Federal Police (within the meaning of the *Australian Federal Police Act 1979*);
- b) to a legal practitioner (for the purposes of obtaining legal advice or legal representation about the whistleblower provisions in the *Corporations Act 2001*);
- c) to a person or body prescribed by regulations; or
- d) with the consent of the discloser.

A person can disclose the information contained in a disclosure with or without the discloser's consent if:

- a) the information does not include the discloser's identity;
- b) the organisation has taken all reasonable steps to reduce the risk that the discloser will be identified from the information (eg removing the discloser's name, position title and other identifying details); and
- c) it is reasonably necessary for investigating the issues raised in the disclosure.

It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser, outside the exceptions detailed above.

Manor Court will implement the following measures and mechanisms to protect the confidentiality of a discloser's identity:

- the discloser will be referred to in a gender-neutral context;
 - where possible, the discloser will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them;
 - disclosures will be handled and investigated by a trained practitioner;
 - only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser;
 - each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence;
 - communications and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other staff;
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- communication with disclosers will be through anonymised email addresses; and
 - a discloser may adopt a pseudonym for the purpose of their disclosure— this may be appropriate in circumstances where the discloser’s identity is known to their supervisor, the WPO, or equivalent, but the discloser prefers not to disclose their identity to others.
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Protection from detrimental acts or omissions

Manor Court or any individual cannot engage in conduct that causes detriment to a discloser (or another person), in relation to a disclosure, if:

- a) they believe or suspect that the discloser (or another person) made, may have made, proposes to make or could make a disclosure that qualifies for protection; and
- b) the belief or suspicion is the reason, or part of the reason, for the conduct.

In addition, Manor Court (or any individual) cannot make a threat to cause detriment to a discloser (or another person) in relation to a disclosure. A threat may be express or implied, or conditional or unconditional. A discloser (or another person) who has been threatened in relation to a disclosure does not have to actually fear that the threat will be carried out.

Examples of detrimental conduct that are prohibited include the following list.:

1. dismissal or demotion;
2. alteration of position or duties to their disadvantage;
3. discrimination, harassment or intimidation;
4. victimisation of any kind
5. current or future bias; or
6. damage to reputation;

Examples of actions *that are not* detrimental conduct include the following:

- administrative action that is reasonable for the purpose of protecting a discloser from detriment; and
- managing a discloser’s unsatisfactory work performance, if the action is in line with Manor Court’s performance management framework.

Manor Court will strive to ensure that a discloser understands the reason for any administrative or management action.

Manor Court will implement the following measures and mechanisms to assess and control the risk of detriment to whistleblowers:

- actions for protecting a discloser from risk of detriment - for example, making modifications to the discloser’s working arrangements;
 - a discloser can lodge a complaint if they have suffered detriment in accordance with the Grievances and Complaints Procedure. The complaint would be investigated as a separate matter by a trained practitioner who is not involved in dealing with the disclosures.
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	• A discloser may seek independent legal advice or contact regulatory bodies, such as ASIC, APRA or the ATO, if they believe they have suffered detriment. • No contractual or other remedy or right can be exercised against the Whistleblower for their Qualifying Disclosure; The WPO will be responsible for ensuring that the Whistleblower is not subject to any form of negative consequence as a result of reporting.
Support for whistleblowers	Manor Court is committed to supporting anyone who makes a Qualifying Disclosure under this Policy. Whistleblowers found to have made Qualifying Disclosures in good faith, according to organisational procedures and based on reasonable grounds will have the following options available: • support services, including counselling, that are available to disclosers; • strategies to help a discloser minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation; • to elect for their Qualifying Disclosure to be handled as a complaint or feedback and can withdraw their Qualifying Disclosure at any time; • be able to request an interpreter or other translation aids for reporting their Qualifying Disclosure and obtaining appropriate support; The WPO will be responsible for ensuring that the Whistleblower receives any necessary support and referrals.
Compensation and other remedies	A discloser (or any other employee or person) can seek compensation and other remedies through the courts if: 1. they suffer loss, damage or injury because of a disclosure; and 2. Manor Court failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct. Disclosers should seek independent legal advice in relation to compensation and other remedies.
Civil, criminal and administrative liability protection	A discloser is protected from any of the following in relation to their disclosure: 1. civil liability (eg any legal action against the discloser for breach of an employment contract, duty of confidentiality or another contractual obligation); 2. criminal liability (eg attempted prosecution of the discloser for unlawfully releasing information, or other use of the disclosure against the discloser in a prosecution (other than for making a false disclosure)); and 3. administrative liability (eg disciplinary action for making the disclosure). These protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure

Ensuring fair treatment of employees mentioned in a disclosure

Manor Court will ensure the fair treatment of our employees, who are mentioned in a disclosure that qualifies for protection, including those who are the subject of a disclosure.

Manor Court will implement the following measures and mechanisms to ensure the fair treatment of employees mentioned in a disclosure that qualifies for protection:

- Inform the person/s accused of the allegations made against them, with as much detail as possible;
 - Provide the person/s accused with a reasonable opportunity to put their case, either in writing, at an interview or otherwise;
 - Make reasonable inquiries or investigations before making a decision;
 - Consider all relevant evidence, including evidence that supports and does not support the allegations;
 - Ensure that investigators do not have a conflict of interest;
 - Act fairly and without bias; and
 - Conduct an investigation without undue delay.
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Procedure

How to make a disclosure Whistleblowers can:

- contact the WPO at: secretary@manorcourt.org.au, or
- if they believe that the WPO is involved in the breach, they may report to Chair of the Governing Board

If the Whistleblower believes that

- all of the above persons are involved in the breach or;
- all internal measures have been taken to try to get the issue addressed; or
- the issue is significant and poses dangers to health or safety; or
- the whistleblower is a person external to Manor Court;

they may report the complaint to an external agency such as the Aged Care Quality and Safety Commission, Department of Health and Aged Care, an independent aged care advocate or in cases of serious illegal conduct, the police should be contacted.

A disclosure may also be made to an eligible recipient.

Anonymous disclosures

Disclosures can be made anonymously and still be protected.

The WPO will receive and seriously consider anonymous Qualifying Disclosures and ensure the anonymity of the Whistleblower as far as is possible. Anonymous Whistleblowers should be made aware that anonymous reporting may affect the outcome of the investigation, as evidence may be more difficult to substantiate.

Where a Discloser requests anonymity, the recipient of the Qualifying Disclosure must take all reasonable steps to protect the identity of the Discloser and any other person named in the request. It is a contravention of the *Aged Care Act 2024* to disclose the identity of a Discloser, or information likely to lead to the identification of a Discloser, if that information was obtained directly or indirectly because of a Qualifying Disclosure, unless an authorised exception applies.

Authorised exceptions occur when the Discloser consents in writing, or the Qualifying Disclosure is made to one of the persons listed above (Commissioner, System Governor, registered provider, police officer or an independent aged-care advocate).

Where disclosure of non-identifying information is reasonably necessary to investigate the matter, Manor Court will take all reasonable steps to minimise the risk of identifying the Discloser.

A Whistleblower can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. A Whistleblower can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations.

A Whistleblower who wishes to remain anonymous should maintain ongoing two-way communication with Manor Court, so Manor Court can ask follow-up questions or provide feedback.

If a disclosure comes from an email address from which the person's identity cannot be determined, and the discloser does not identify themselves in the email, Manor Court will treat it as an anonymous disclosure.

Handling a disclosure

- Manor Court will take the following key steps after it receives a disclosure:
- an internal investigation of the facts of the case will be conducted by the WPO to verify the allegations made and take further action if necessary;
 - an internal investigation will be undertaken if the matter does not necessitate a police investigation; and
 - when a report is received, the WPO will use their discretion to decide whether legal advice is required.

Manor Court will assess each disclosure to determine whether:

1. it qualifies for protection; and
2. if a formal investigation is required.

If the WPO is implicated, the matter will be referred to Chair of the Governing Board or an independent investigator.

Investigating a disclosure

The WPO will take the following steps:

Stage	Description
1	Acknowledge the disclosure and if necessary, clarify details of the disclosure with the discloser to determine the allegations to progress
2	Notify the CEO or Chair of the Board of any alleged misconduct
3	In consultation with relevant people, prepare an investigation plan including the terms of reference and required resources
3	Notify the person/s accused of the allegations and the investigation process
4	Conduct the investigation or appoint an investigator, in consultation with the CEO or the Chair of the Board.
5	Provide an investigation report which will include: • the terms of reference • the allegations; • a statement of facts and evidence; • conclusions reached by the investigation; • recommendations to avoid future wrongdoing. The method for documenting the findings will depend on the nature of the disclosure.
7	Advise the discloser of the outcome of their disclosure, as appropriate. There may be circumstances in which it may not be appropriate to provide details of the outcome to the discloser.

At all stages, the WPO will keep the discloser informed of progress.

Manor Court may not be able to undertake an investigation if it is not able to contact the discloser.

Definitions

Term	Definition
Anonymity	Is when one's identity is unknown. In the case of an anonymous Whistleblower, their identity is not known by anyone, including those who receive and investigate the Qualifying Disclosure
Confidentiality	When a person's identity is protected to prevent harm. In the case of a whistleblower, their identity may be known to those receiving and investigating the report, but is protected from the broader organisation and public
Detrimental conduct	Any disadvantage, harm or adverse treatment including dismissal, demotion, discrimination, harassment, intimidation, injury, property damage, reputational harm, or threats of these
Disclosable matter/ Qualifying Disclosure	Matters that qualify for protection under this policy
Discloser/ Whistleblower	An individual who discloses wrongdoing or an eligible Whistleblower Any person who makes a Qualifying Disclosure about a suspected contravention or misconduct in the provision of aged care
Disclosure	A disclosure of information relating to wrongdoing or a disclosable matter
Disclosures qualifying for protection	Disclosures made orally or in writing for which the whistleblower protections apply
Eligible recipient	An individual who can receive a disclosure under the Corporations Act 2001 or the Tax Administration Act 1953 includes: 1. a board member or senior manager; 2. the external auditor (including a member of an audit team conducting an audit); and 3. the WPO
Eligible whistleblower	An individual to whom the whistleblower protections apply
Emergency disclosure	The disclosure of information to a journalist or parliamentarian, where: 1. the discloser has previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation; 2. the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment; 3. before making the emergency disclosure, the discloser has given written notice to the body to which the previous disclosure was made that: a. includes sufficient information to identify the previous

	disclosure; and b. states that the discloser intends to make an emergency disclosure; and 4. the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.
Personal information	Information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether: • true or not; and • recorded in a material form or not.
Personal work-related grievance	A disclosure that relates to the discloser's current or former employment, which has implications for the discloser personally, but does not: • have any other significant implications for the organisation (or another organisation); or • relate to conduct, or alleged conduct, about a disclosable matter
Public interest disclosure	The disclosure of information to a journalist or a parliamentarian, where: 1. at least 90 days have passed since the discloser made the disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation; 2. the discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure; 3. the discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest; and 4. before making the public interest disclosure, the discloser has given written notice to the body to which the previous disclosure was made that: a. includes sufficient information to identify the previous disclosure; and b. states that the discloser intends to make a public interest disclosure.
Qualifying Disclosure/ Disclosable matter	Matters that qualify for protection under this policy
Responsible person	Member of the governing body or any person in a role designated as a responsible person by Manor Court
Whistleblower/ Discloser	A discloser who has made a disclosure that qualifies for protection under the <i>Corporations Act 2001</i> or the <i>Aged Care Act 2024</i>
Whistleblower protection officer (WPO)	A designated senior role responsible for implementing this Policy, receiving and triaging disclosures, safeguarding disclosers, coordinating investigations and system improvements

Related documents and information

Related documents	Grievances and Complaints Procedure
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Related legislation	• The Corporations Act 2001 • The Tax Administration Act 1953 • The Aged Care Act 2024 Sections 547-554 • The Aged Care Rules Sections 165-40, 165-45, 165-50, 165-55 and 165-60 • The National Disability Insurance Scheme Act 2013 Section 73ZA-D (NDIS)
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Record keeping	All documents relating to whistleblowing reports and investigations will be kept securely and confidentially, and access to documents granted only when necessary.
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Version Control	Version no.	Issue Date	Nature of Amendment
	1.0	April 2024	Inaugural version
	2.0	May 2025	Significant changes to align with current legislative requirements and ensure clarity with regard to personal work-related grievances.
	3.0	March 2026	Updated to align with the Aged Care Act and NDIS Act.
