

 McLean Care®	POLICY		
	WHISTLE-BLOWER CP-PY-003		

Applies to	Division:	McLean Care Ltd	Category:	Corporate
	Scope	All current and past employees, managers, directors, volunteers, contractors, suppliers and their relatives, spouses or dependents		

Policy Statement

McLean Care:

- Encourages and supports all individuals to report, in good faith, any suspected wrongdoing or misconduct;
- Ensures all disclosures are handled confidentially, respectfully, and in accordance with natural justice;
- Will not tolerate any form of victimisation or retaliation against a person who makes, or is believed to have made, a disclosure;
- Will ensure disclosures are investigated promptly, fairly, and independently; and
- Will act on substantiated findings to prevent recurrence and strengthen systems of care, governance, and accountability.

Purpose

The purpose of this policy is to ensure McLean Care provides a safe, transparent, and accountable process for individuals to raise genuine concerns about suspected misconduct or breaches of the Aged Care Act 2024 (Cth), Aged Care Rules 2025, or other serious wrongdoing.

This policy supports McLean Care's commitment to:

- Upholding the rights, safety, and wellbeing of older people, consistent with the Statement of Rights;
- Promoting a culture of openness, integrity, and accountability;
- Protecting individuals who speak up from reprisal or victimisation; and
- Ensuring compliance with provider registration requirements under the Aged Care Act 2024 and, where applicable, the Corporations Act 2001.

Definition

A whistleblowing is the disclosure by staff members (former or current) or other stakeholder associated with McLean Care (relative, consumer or representative) of illegal, immoral or illegitimate practices occurring in the workplace either by other staff or the organisation.

One of the most effective ways that McLean Care Ltd can discover misconduct is through tip offs from employees.

We want our employees and other stakeholders to know that:

- we encourage you to speak up when you become aware of wrongdoing;
- we will investigate disclosures of wrongdoing in a timely way; and
- we will protect and support you if you disclose wrongdoing..

1.0 Application of Policy

It may apply to you if you are a whistle-blower, are named in a whistle-blower disclosure, receive a whistle-blower disclosure, investigate a whistle-blower disclosure, or make a decision or recommendations as a result of the disclosure.

You will be entitled to the protections outlined in section 9 of this policy, and under the whistle-blower provisions of the Corporations Act and the Aged Care Act 2024 if you:

- are a whistle-blower (see section 2.0), and
- make a whistle-blower disclosure (see section 3.0), and
- make your disclosure to an eligible whistle-blower recipient (see section 4.0).

If your disclosure does not fall into these categories, then you may want to consider making a disclosure under the following alternative policies:

- Disclosures about issues in the workplace can be made under our Grievance Policy HR-PY-19
- Disclosures about our services can be made under our Disclosure Policy and Procedure CR-PR-20.

2.0 Who can make a Whistle-blower disclosure?

You can make a disclosure if you are:

- a) accessing funded aged care services;
- b) a supporter of someone accessing funded aged care services;
- c) a responsible person;
- d) an aged care worker;
- e) an individual who becomes aware of information the disclosure of which would be protected under the Aged Care Act can make a disclosure.

3.0 What is a Whistle-blower disclosure?

You can make a whistle-blower disclosure about Misconduct or an improper state of affairs or circumstances. This includes conduct that:

- is dishonest, unethical, fraudulent, negligent or corrupt;
- is a breach of trust or breach of duty;
- is a breach of our code of conduct; or
- may cause harm to other people.
- An offence against the Corporations Act, Aged Care Act 2024 or against another Commonwealth law that is punishable by imprisonment for a period of 12 months or more.
- Conduct that represents a danger to the public

For example, you can make a whistle-blower disclosure about:

- illegal conduct, such as theft, dealing in or use of illicit drugs, or criminal damage against property;
- violence, abuse, neglect or unsafe clinical practices;
- fraud, money laundering or misappropriation of funds
- financial irregularities
- breach of legal or regulatory requirements
- actual or threatened retaliation against a whistle-blower
- someone who has not followed the aged care law, or more broadly, about a concern that the organisation hasn't followed the aged care law.

You should have a reasonable basis for making a whistle-blower disclosure. This does not mean you need to be completely certain of the misconduct or collect evidence before you make a disclosure. You can report a suspicion, but you should be able to explain the basis for your suspicion. You don't need to prove the allegation. Also, if an investigation does not validate the allegation there is no penalty toward you.

Your disclosure will **not** be a whistle-blower disclosure if it solely relates to a personal work-related grievance. This is something that relates to your current or former employment but does not relate to broader systemic or pattern of misconduct in the organisation.

A personal work related grievance includes a disclosure about:

- an interpersonal conflict between you and another employee;
- a decision relating to your promotion, transfer, discipline, suspension or dismissal; or
- a decision relating to the terms and conditions of your employment (for example, your hours of work, your duties or your entitlements).

It is possible for a personal work-related grievance to be a whistle-blower disclosure if it has significant implications for McLean Care Ltd, or is related to a genuine whistle-blower disclosure

For example, the following “mixed” disclosures could still be whistle-blower disclosures even though they involve a personal grievance:

- systemic underpayments that affect you and other employees
- an amendment to the roster or a work practice that affects you personally but that also could have a significant impact on clinical care
- fraudulent or illegal conduct by a colleague you have previously made disclosures about; or victimisation (detriment) by a manager in relation to a whistle-blower disclosure you have already made, or that the manager thinks you are about to make.

4.0 Who can I make a Whistle-blower disclosure to?

To be eligible for the protections outlined in this policy and in the Corporations Act, whistle-blower disclosures must be made to the following people:

- A director, company secretary, or senior manager including the CEO;
- The organisation’s auditor (Bentleys Brisbane);
- The Australian Securities & Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA), and any other Commonwealth body that is named in the whistle-blower provisions of the Corporations Act;
- A lawyer who you see for the purpose of obtaining legal advice about your rights under the whistle-blower provisions of the Corporations Act;
- McLean Care Ltd’s Whistleblower Officer who is authorised to receive whistle-blower disclosures. This person is the Director of Clinical Governance, Quality & Risk.
- Police Officer
- a responsible person of a registered provider
- an aged care worker of a registered provider
- Independent aged care advocate
- ‘Your Call’ via email, telephone, locked mail or website

In addition, the Aged Care Act 2024, affords protections to Whistleblowers who make a disclosure in line with the provisions of the Act.

People can make a report to:

- [the Aged Care Quality and Safety Commission](#)
- the [Department of Health and Aged Care, or an official of the department](#)
- a registered provider
- a responsible person of a registered provider
- an aged care worker of a registered provider
- police officer
- an independent aged care advocate.

If you feel comfortable doing so, McLean Care Ltd encourages you to make known your whistle-blower disclosure internally in the first instance. This will help us to identify and address wrongdoing as early as possible. If you would like more information before formally making a whistle-blower disclosure, you can contact the Whistle-blower Officer.

5.0 Key Contact Details

CEO	Sue Thomson	67 Killean Street Inverell NSW 2360	sue.thomson@mcleancare.org.au	02 6721 7300
Auditor	Bentleys Brisbane (Audit) Pty Ltd	Level 9, 123 Albert St (GPO Box 740) Brisbane QLD 4000		07 3222 9777
ASIC	Online: https://asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/		Australian Securities and Investments Commission GPO Box 9827 Brisbane QLD 4001	

APRA	info@apra.gov.au	Australian Prudential Regulation Authority GPO Box 9836 SYDNEY NSW 2001		
Aged Care Quality & Safety Commission	https://www.agedcarequality.gov.au/contact-us/disclosures-concerns/what-do-if-you-have-disclosure	enquiries@health.gov.au 1800 020 103		
Department of Health & Aged Care	https://www.health.gov.au/about-us/contact-us/disclosures	1800 951 822		
Whistle-blower Officer	Ella Turner	67 Killean Street Inverell NSW 2360	ella.turner@mcleancare.org.au	02 6721 7300

6.0 External Reporting Process Contact 'Your Call'

If you are not comfortable or able to report misconduct internally, you may report it to the McLean Care external and independent whistleblowing service provider. McLean Care has contracted Your Call Whistleblowing Solutions ("Your Call") to receive and manage your report with impartiality and confidentiality.

This option allows you to:

- remain completely anonymous
- identify yourself to Your Call only
- identify yourself to both Your Call and McLean Care

The Your Call reporting options include:

- Website <https://www.yourcall.com.au/report> 24/7
- Telephone 1300 790 228
- 9am and 12am, recognised business days, AEST

Online reports can be made via the website address listed above. You will be required to enter McLean Care unique identifier code MCL001.

Your Call remains the intermediary at all times, receiving and forwarding communication between all parties. The McLean Care Officers who will have access to your reports include:

- A. The Director of Clinical Governance; Quality and Risk
- B. The Director of People and Culture
- C. The Chief Executive Officer

Your Call can circumvent any of the above Officers upon your request.

You are able to securely upload any relevant documentation and/or material relevant to your disclosure.

After making a disclosure, you will be provided with a unique Disclosure Identification Number (DIN) and access to a secure online Message Board.

The Message Board allows ongoing anonymous communication with Your Call and/or McLean Care. Your Call remains the intermediary at all times, receiving and forwarding communication between all parties. The Message Board can be used to receive updates, share further information/evidence and request support or report retaliation. If you cannot access the Message Board, you can contact Your Call via phone (above) for verbal updates.

Languages other than English

If you have difficulty speaking or understanding English, contact through the Translating and Interpreting Service (TIS) 131 450 and ask for Your Call on 1300 790 228

National Relay Service

If you are deaf, or have a hearing or speech impairment, you can contact Your Call online or through the National Relay Service. Simply choose your contact method at www.relayservice.gov.au and request Your Call's hotline 1300 790 228.

7.0 How can I make a Whistle-blower disclosure to McLean Care?

You can report your whistle-blower disclosure by post, email or telephone or website (<https://www.yourcall.com.au/report>).

You can report your disclosure outside of business hours. Whatever method you choose, please make sure your report is clearly addressed to one of the authorised persons described in section 5.0.

Please provide us with as much information as possible about your concerns. If you can provide dates, times, locations, the names of individuals involved, other witnesses to the conduct, or point us to relevant documents, this will help us in our investigation of your disclosure. Please also tell us if you have any fears for your wellbeing or safety as a result of making a whistle-blower disclosure.

When you make a whistle-blower disclosure you can choose to share your identity or remain anonymous. You will be entitled to the protections in this policy either way. You can choose to remain anonymous while making a disclosure, over the course of the investigation, and after the investigation is finalised.

If you want to share your identity:

- We will only disclose your identity, or information that could be used to work out your identity, with your consent to those people who need to be involved in investigating or addressing your concern.

If you want to remain anonymous:

- We will treat your disclosure as anonymous if you do not provide your name or any identifying information.
- Please consider providing us with a way of contacting you so that we can ask questions about your disclosure and keep you informed of our investigations. For example, you may wish to use an anonymous email address.
- You can choose not to provide information or answer questions that might reveal your identity.
- In some circumstances, it may be difficult for us to investigate your disclosure if we are unable to contact you, or if you do not agree to share your identity or information that may reveal your identity.

There are certain circumstances in which we can disclose your name, or information that could identify you, including to our lawyer, to ASIC or APRA, or otherwise in accordance with the law.

8.0 How will we investigate following a whistleblowing disclosure?

- a) Any individual receiving a disclosure under this process must ensure that the disclosure is managed in accordance with this process. This is to ensure that the protections available for Whistleblowers are not compromised and that we can meet our obligations under the Aged Care Act and Corporations Act.
- b) All disclosures will be treated seriously and, where appropriate, will be thoroughly investigated in accordance with this process. Investigations will be conducted in accordance with the table in paragraph **Error! Reference source not found..**
- c) All disclosures made to us will be treated seriously and appropriate action will be taken as soon as practicable after the disclosure is made. Where appropriate, this will include an investigation by the Whistleblower Reporting Manager.
- d) The objective of such an investigation will be to locate evidence in relation to the claims and allegations in any disclosure and to determine the veracity of such claims.

8.1 Steps to protect confidentiality

In conducting all investigations, we will take steps to reduce the risk of the Whistleblower being identified, including:

- a) redacting, as appropriate, personal information or references to the Whistleblower witnessing an event;
- b) referring to a Whistleblower in a gender-neutral context;
- c) where possible, contacting the Whistleblower (if known) to help identify certain aspects of their disclosure that could inadvertently identify them; and
- d) having investigations and handling of disclosures being handled by qualified and appropriate staff.

8.2 Secure record-keeping

We will take steps to ensure secure record-keeping and information sharing processes, including:

- a) storing all paper and electronic documents and other materials relating to disclosures securely;
- b) limiting access to information relating to a disclosure to those directly involved in managing and investigating the disclosure;
- c) limiting knowledge of the Whistleblower's identity, or information likely to lead to the identification of the Whistleblower, to those involved in handling the investigation;
- d) communications and documents relating to the investigation of a disclosure will not be sent to an email address or a printer that can be accessed by other staff; and
- e) employees involved in investigating a disclosure will have knowledge of our requirements in dealing with Whistleblowers and disclosures.

9.0 Steps to support Whistleblowers and ensure fair treatment of Whistleblowers and individuals the subject of disclosures

- (a) We will support all Whistleblowers while a disclosure is being investigated, including by:
 - (i) assessing the immediate welfare and protection needs of any Whistleblower;
 - (ii) safeguarding the interests of a Whistleblower in accordance with this process and our obligations under the Aged Care Act and Corporations Act; and
 - (iii) addressing any issues or concerns of Victimisation, Threats of Victimisation or Detriment.
- (b) In accordance with paragraph 1.2, Victimisation and Threats of Victimisation will not be tolerated and any Whistleblowers who have a reasonable belief that they are being Victimised as a result of any disclosure (or the belief or suspicion of a disclosure) must report this behaviour to the Whistleblower Reporting Manager.
- (c) Recipients of disclosures will receive education and training to ensure that they can identify Victimisation and so that they do not engage in Victimisation.
- (d) Individuals the subject of disclosures will not be subject to Victimisation.
- (e) Where, as a result of investigating a disclosure, evidence is found which confirms any claims or allegations of misconduct or contravention of the Aged Care Act or Corporations Act on the part of an individual identified in a disclosure, action may then be taken against that individual.

10.0 What protections are available to Whistleblowers?

1.2 Victimisation

- (a) Under both the Aged Care Act and Corporations Act, Victimisation of any Whistleblower, or Threats of Victimisation directed towards Whistleblowers, are prohibited.
- (b) We will not engage in, or tolerate, any Victimisation, or Threats of Victimisation, where such behaviour is due to the belief or suspicion that an individual has, may have or intends to make, a disclosure.
- (c) Where an individual is victimised because of a disclosure (or the belief or suspicion of a disclosure) this must be reported to the Whistleblower Reporting Manager by the Whistleblower or any other individual who becomes aware of the Victimisation.
- (d) Individuals who engage in Victimisation may be subject to disciplinary action. Victimisation may also be deemed a contravention of the Aged Care Act or Corporations Act resulting in penalties.
- (e) Under the whistleblowing provisions of the Aged Care Act, we may engage in reasonable administrative action that is reasonable to protect a Whistleblower.

1.3 Confidentiality

- (a) We will not reveal the identity of any Whistleblower where we obtain information relating to the identity of a Whistleblower by way of a disclosure.
- (b) There are a number of exceptions under which we may reveal the identity of a Whistleblower, including where we notify:

- (i) under the Aged Care Act:
 - (A) the Commissioner or a member of the staff of the Commission;
 - (B) the System Governor, or an official of the Department;
 - (C) a police officer;
 - (D) a legal practitioner for the purpose of obtaining legal advice or legal representation;
 - (E) any other individual, with the consent of the discloser.
- (ii) under the Corporations Act:
 - (A) ASIC;
 - (B) APRA;
 - (C) a member of the Australian Federal Police;
 - (D) a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the disclosure; or
 - (E) any other individual, with the consent of the discloser.
- (c) We may otherwise use any information disclosed by a Whistleblower (but not the identity of the discloser) which is reasonably necessary to deal with the allegations or claims made under the disclosure provided that we take all reasonable steps to reduce the risk that the Whistleblower will be identified.

1.4 Anonymity – Aged Care Act

- (a) Under the Aged Care Act, a Whistleblower may request that they, or any individual named in the disclosure, remain anonymous. If so, we must take such steps as reasonable to preserve the anonymity of such individuals.
- (b) Where a Whistleblower chooses to remain anonymous, this may affect our ability to investigate and properly communicate with the Whistleblower about the disclosure.
- (c) Where disclosure of the name of the discloser or an individual is necessary to lessen or prevent a serious threat to the health, safety or well-being of another individual, disclosing the identity of Whistleblowers or other individuals named in the disclosure may be reasonable but not where the threat can be lessened without naming them.

1.5 Protection from liability

- (a) Under both the Aged Care Act and Corporations Act, Whistleblowers are protected from:
 - (i) any civil, criminal or administrative liability (including disciplinary action) for making a disclosure; and
 - (ii) any contractual or other kind of remedy being enforced or exercised against the Whistleblower on the basis of the disclosure, including termination on the basis that disclosure constitutes breach of the contract.
- (b) The Whistleblower may still be subject to civil or criminal liability for any conduct revealed by the disclosure.
- (c) The Corporations Act contains an additional protection so that information in a disclosure is not admissible as evidence against the Whistleblower in criminal proceedings or in proceedings for the imposition of a penalty (other than where the proceedings relate to the falsity of the information).

11.0 What to do if you have not been protected under this policy as a whistleblower

Any whistleblowers who have a reasonable belief:

- a) that they are being victimised or threatened with victimisation as a result of any disclosure (or the belief or suspicion of a disclosure);
- b) that their confidentiality or anonymity has been breached under this policy; or
- c) that they have not been afforded any of the protections under this policy,

must report this behaviour to the Director of Clinical Governance, Quality & Risk.

12.0 Public Interest Disclosures – Corporations Act

- a) In certain public interest or emergency circumstances a disclosure may be made to a member of Parliament or journalist. This may only be done for disclosures under the Corporations Act (paragraph 4.2).
- b) A discloser may wish to contact a legal practitioner to obtain assistance in understanding the criteria for making a public interest or emergency disclosure.

Public Disclosure

Public interest disclosures may only be made where:

- a) the Whistleblower has already made a disclosure to us that qualifies for protection under the Corporations Act;
- b) at least 90 days have passed since the disclosure;
- c) the Whistleblower does not have reasonable grounds to believe that action is being, or has been, taken to address the matters in the disclosure;
- d) the Whistleblower has reasonable grounds to believe that making a further disclosure of the information would be in the public interest; and
- e) after the 90 day period elapses, the Whistleblower provides written notice to us that includes information to identify the previous disclosure and states their intention to make a public interest disclosure.

Emergency Disclosure

Emergency disclosures may only be made where:

- a) the Whistleblower has already made a disclosure that qualifies for protection under the Corporations Act;
- b) the Whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more individuals or to the natural environment; and
- c) the Whistleblower provides written notice to us that includes information to identify the previous disclosure and states their intention to make a public interest disclosure.

13.0 Publication and circulation of Whistle-blower policy

This policy will be provided to our Aged Care Workers and Responsible Persons and so that they understand their roles and responsibilities in the whistleblower system.

Our Whistleblower policy will be accessible by and provided to:

- a) Aged Care Workers;
- b) Responsible Persons;
- c) Eligible Recipients;
- d) individuals to whom we deliver FACS;
- e) Supporters of individuals to whom we deliver FACS who request a copy of our Whistleblower policy;
- f) any individual who requests our Whistleblower policy.

Where required to enable individuals to understand our Whistleblower policy and:

- a) we must arrange to translate our Whistleblower policy into another language or present our Whistleblower policy in an alternative appropriate format for that individual; and
- b) we must help individuals to understand how the Whistleblower system and our Whistleblower policy works.

14.0 Education & Training

Appropriate training will be provided to our Aged Care Workers, Responsible Persons, Eligible Whistleblowers and Eligible Recipients on how the Whistleblower system operates, including:

- a) how to handle personal information and data;
- b) how to recognise and respond to disclosures that qualify for protection under the Aged Care Act;
- c) managing relationships and communicating with disclosers;
- d) when and how to escalate disclosures;
- e) their roles and responsibilities in the system;
- f) the penalties for contravening the Aged Care Act and Corporations Act in relation to the confidentiality of identity of disclosers.

Training must be provided to Responsible Persons, Aged Care Workers and Eligible Recipients at regular intervals, which must be provided at least annually and:

- a) when an individual becomes an Aged Care Worker, Responsible Person or Eligible Recipient;
- b) when there is a change in the Whistleblower system or this process which affects an individual's roles and responsibilities under our Whistleblower system;
- c) when there is a change in the individual's role that affects their roles and responsibilities.

Governance			
Evaluation	Random, Compliance register audits checks		
Associated documentation	Grievance Policy HR-PY-19		
Document custodian	Chief Executive Officer Company Secretary		
Relationship and alignment to Standards	Aged Care Quality Standards NDIS Practice Standards – Standard 2: Provider Governance and Operational Management		
Legislation	Aged Care Act 1997 Aged Care Act 2024 Corporations Act 2001 Treasury Laws Amendment (Enhancing Whistle-blower Protections) Act 2019 Tax Administration Act 1953		
Referenced / Guidance material	The Aged Care Act, particularly Chapter 7, Part 5; The Aged Care Rules, particularly Chapter 4, Part 10, Division 2, Subdivision D; The Corporations Act, particularly Volume 6, Chapter 9, Part 9.4AAA; The Revised Explanatory Memorandum relating to the Aged Care Act; Information Sheet 238 released by ASIC.		
Risk Rating	☐ High (review due yearly)		☒ Low (review due 3 years)

18.0 Document Version History					
Revision No	Description of Changes	Author Role	Approved by	Approval Date	Review Due Date
1	Implementation	CEO	Board	Dec 2019	Dec 2022
2	Updated to reflect staff changes and external contract provider	CEO	Board	May 2021	May 2024
3	Updated to reflect staff changes	DoCGQR	CEO Board	June 2022	June 2025
4	Updated to reflect EAP changes	DoCGQR	CEO Board	April 2025	April 2028
5	Updated to reflect new Aged Care Act 2024	DoPC	CEO / Board	May 2025	May 2028
	Updated terminology and additional protections aligned with Aged Care Act 2024, Aged Care Rules 2025.	DoCGQR	CEO Board	October 2025	October 2028