

## WHISTLEBLOWER POLICY AND PROCEDURE

Document Identifier:	ID6154	Version No: 1
Approved by:	Chief Executive Officer	Date: Original Date required
<i>The Master Document is controlled electronically. All hard copies are uncontrolled.</i>		

### PURPOSE

---

Montrose Therapy & Respite Services (**Montrose**) is committed to maintaining a culture of honest and ethical behaviour and high standards of corporate governance. This policy is to provide an avenue for any person to report instances of corruption, misconduct or illegal conduct by Montrose, its Board, employees, volunteers, or contractors without fear of retribution. It also ensures that Montrose and its employees act at all times in compliance with all laws and the ethical standards set out in the Montrose Purpose, Values and Code of Conduct.

### SCOPE

---

This policy applies to Montrose employees, board members, students, volunteers and contractors referred to throughout this policy as Montrose workers.

### RESPONSIBILITY

---

- Montrose Chief Executive Officer: final review and approval of this policy
- Director – People & Culture:
  - Maintains this policy, its related procedures and documents;
- Eligible Recipients:
  - Montrose Board;
  - A member of the Northcott Executive Leadership Team,
  - General Manager of Operations
  - KPMG’s FairCall Reporting Service
- Managers & Coordinators
  - Ensure the policy is effectively implemented and that Montrose workers understand the policy, procedure, and have sufficient skills, knowledge and ability to meet the requirements.
  - Ensure workers are made aware of the protection that this policy offers to them.
  - Ensure workers feel supported to report illegal or corrupt conduct under the Whistleblower policy, and that their anonymity is protected if they request it.
- Montrose workers and eligible disclosers
  - Follow the requirements of this policy and procedure
  - Only make reports which they believe, in good faith, meet the terms of this policy.

## RELATED DOCUMENTS

---

- Code of Conduct QS547
- Complaints Policy QS544
- Disciplinary Action Policy & Procedure ID6125
- Personal Grievance Policy & Procedure ID6323
- Northcott Whistleblower Investigation Procedure
- Montrose Whistleblower Flowchart

## REFERENCES

---

- National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 [F2021CO1137]
  - Core Module 2, Provider Governance and Operational Management
    - 2.5 Feedback and Complaints Management
    - 2.9 Continuity of Supports
- Whistleblower protection laws under the Corporations Act 2001 (Cth) and accompanying Corporations Regulations 2001
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Insurance Act 1973
- Life Insurance Act 1995
- Public Interest Disclosure Act 2013
- Superannuation Industry (Supervision) Act 1993
- Taxation Administration Act 1953

## POLICY

---

Montrose and its employees act at all times in compliance with all laws and the ethical standards set out in the Northcott Mission, Values and Code of Conduct.

This Policy provides Whistleblower Protections to any individual who is an Eligible Whistleblower making a qualified Disclosure to an Eligible Recipient.

A whistleblower is a person, usually an employee, who exposes information or activity within a private, public, or government organisation that is deemed illegal, immoral, illicit, unsafe, fraud, or abuse of taxpayer funds. A worker can also expose or report such information via the usual reporting lines through to their manager or People and Culture.

This Policy also applies to an eligible whistleblower making a complaint that is considered 'Reportable Conduct' (as defined below) or of a public interest disclosure or an emergency disclosure, where the requirements of subsections 1317AAD (1) and (2) of the Corporations Act 2001 (Cth) (Corporations Act) are met, respectively, it further includes where complaints were made historically under whistleblower protection.

An individual is not afforded whistleblower protection if their disclosure is not a disclosable matter as per Montrose's policy definition below.

A disclosure is not a disclosable matter if it concerns Personal Work-Related Grievances (as defined in the Corporations Act), unless it concerns a contravention or an alleged contravention of section 1317AC of the Corporations Act (that involves detriment caused to the discloser or a threat made to the discloser, this includes victimisation). For personal work-related grievances, see the **Personal Grievance Policy & Procedure ID6323** (workers). This policy does not include general complaints covered by the Montrose **Complaints Policy QS544**.

Workers can report their concerns freely and without fear of repercussion where the person explicitly claims whistleblower status and the matter reported meets reportable conduct threshold of a disclosable matter.

Montrose services operate to the highest ethical standards by allowing any person to report instances of corrupt, serious misconduct or illegal conduct by Montrose, its Board, management or workers.

Where the whistleblower complaint meets the reportable conduct threshold, the whistleblower will be protected from retribution or victimisation and the complaint will be investigated in accordance with this Policy.

Montrose will not retaliate against:

- any person acting in good faith, who has raised a complaint against a practice of:
  - Montrose
  - another individual involved within Montrose, or
  - an entity that Montrose has a business relationship with on the basis of a reasonable belief that the practice is in violation of the law or Montrose's Code of Conduct.
- any person who discloses or threatens to disclose to a supervisor or a public body – any activity, policy or practice of Montrose that the person reasonably believes is in violation of a law or a clear mandate of public policy concerning the health, safety or welfare of people or protection of the environment.

## PROCEDURE

---

### Who can be a Whistleblower?

An eligible whistleblower maybe a person associated with Montrose who reports or discloses known or reasonably suspected misconduct within the organisation. As an example, a whistleblower can be:

- Current or former worker or their family member;
- Contractors, agents or suppliers (and their employees or volunteers, whether paid or unpaid); or
- A relative or dependent of an above individual.

If someone is to make a disclosure under whistleblower protection, they must have reasonable grounds to suspect serious misconduct by:

- The organisation; or
- An officer or worker of the organisation.

### Reporting Whistleblower complaints?

A report can be made by any person acting in good faith who believes the conduct reported against Montrose, its Board, or its workers falls within the definition of reportable conduct.

### What is a reportable conduct?

Reportable conduct is defined as “misconduct” or an “improper state of affairs,” which are broadly defined but are not limited to the following types of incidents:

- a serious breach of policies and procedures
- unsafe action or activities (an action that is seriously harmful or could be seriously harmful)
- fraudulent or corrupt activities
- unethical actions or intentionally breaching the Code of Conduct
- substantial mismanagement of resources
- intentionally hindering or obstructing of audit or investigation processes
- an abuse of authority
- behaving in a way that could damage the organisations reputation, financial position, or is otherwise seriously opposed to the interests of the organisation
- disclosure of information that indicates an offence against, or contravention of, certain prescribed Commonwealth laws, including the Corporations Act, or any act that is punishable by imprisonment for a period of 12 months
- concealment of a wrongdoing, or any retaliation against, a whistleblower.

### What is not reportable conduct?

All whistleblower reports are assessed by either Northcott’s General Manager People and Culture or Northcott’s General Manager Quality and Risk to determine if the matter being reported meets the reportable conduct threshold.

Reportable conduct is not considered a reasonable management direction, matters relating to individual performance or complaints that would otherwise be regarded as a workplace grievance between two parties.

Grievances such as personal conflicts and workplace bullying disputes should be addressed under the **Personal Grievance Policy & Procedure ID6323**. However, a personal work related grievance may still qualify for whistleblower protection if it is a mixed disclosure, that is, it relates to a grievance and a reportable conduct matter as outlined above.

If a whistleblower complaint does not fall within the definition of reportable conduct the matter can be referred to the appropriate pathway for investigation or resolution. The whistleblower must be advised if the matter is to be reported or investigated outside of the whistleblower investigation framework.

### How can I report a Whistleblower matter?

The report can be an oral or written report to any of the following eligible recipients:

- [whistleblowers@montrose.org.au](mailto:whistleblowers@montrose.org.au)
- The Montrose Board
- A member of the Northcott Executive Leadership Team
- The General Manager of Operations
- KPMG's FairCall Reporting Service
- Complaints of wrongdoing can also be reported to the relevant external regulator.

### Can you report a Whistleblower report anonymously?

Yes, you can choose to stay anonymous during the course of the whistleblower investigation. Sometimes you may not be able to remain anonymous as your identity may be apparent to the organisation from the information you provide. However, if you choose not to identify yourself, all effort will be made to ensure that you remain anonymous. It should be noted that your identity may need to be disclosed in some circumstances, particularly where offences have alleged to have been committed and it is required by law.

If a Whistleblower does not consent to their identity being disclosed, it will still be lawful to disclose their identity to the following:

- ASIC and the Australian Federal Police
- a legal practitioner for the purposes of obtaining legal advice or representation about the disclosure; or
- to a body prescribed by the Corporations Regulations.

The above parties may also disclose the Whistleblower's identity to relevant authorities to assist in the function of the authority. However, all parties must reduce the risk to the Whistleblower's identity by, where possible, redacting of information that may lead to their identity being disclosed, secured record keeping and ensuring confidentiality is maintained by all parties involved in the investigation. Where identity is disclosed additional Whistleblower protections apply under the NDIS Act 2013.

### Protection for Whistleblowers

To encourage Whistleblowers to come forward with their concerns and protect them when they do, the Corporations Act 2001 (Cth) provides certain people legal rights and protections as Whistleblowers. A person who discloses information as a Whistleblower must be genuinely protected from retaliation or victimisation.

It is illegal to terminate, harass or discriminate against a Whistleblower or potential Whistleblower because of the nature of the disclosure. The civil penalties that apply for a breach of a Whistleblowers' confidentiality or victimisation of a Whistleblower include fines of up to \$200,000 for an individual; or \$1 million for a body corporate. It should be noted that if the person disclosing information has participated in any of the conduct that they are reporting, they may still be liable for any misconduct they took part in.

Where a Whistleblower complaint also meets the threshold (reportable incident) that requires a report to the NDIS Quality Safeguards Commission; and the complainant self

identifies or provides consent to disclose their identity to the Commission, additional Whistleblower protections apply under the NDIS Act 2013. The NDIS Act 2013 and the Corporations Act 2001, schemes operate in parallel, and a single disclosure may qualify for protection under both statutes. Where the identity of the Whistleblower is unknown (anonymous), additional protections by the Commission may not be afforded.

The Whistleblower Protection Officer (WPO) is the individual authorised to receive whistleblower complaints and who is responsible for safeguarding the whistleblower's interests and the interests of any supporting witnesses. At Montrose the Northcott General Manager People & Culture, David Long: [David.long@northcott.com.au](mailto:David.long@northcott.com.au).

More information about whistleblower rights can be found here:

<https://asic.gov.au/about-asic/asic-investigations/Col-and-enforcement/whistleblowing/whistleblower-rights-and-protections/>

### False reports or disclosures

Protected disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of a disclosable matter may be subject to Montrose's **Disciplinary Action Policy & Procedure ID6125**.

### Unauthorised Release of Information

- Any information given by the Whistleblower must not be released without authority to any person who is not involved in the investigation or resolution of the matter. For circumstances where the whistleblower's identity is requested by external parties, such as Police, the whistleblower will be advised and informed of the reason their identity is being shared with an external party.
- This includes information that may lead to the identification of the Whistleblower.
- A breach of this policy will be dealt with under Montrose's **Disciplinary Action Policy & Procedure ID6125**.
- All whistleblower complainants will be referred to by a name that does not identify their name or the name of any potential person subject of allegation; this is to ensure the identity of the whistleblower is protected at all times.
- All reporting relating to a whistleblower investigation should be conducted in a manner that does not disclose the investigation as a whistleblower complaint, this includes the file having a case name that does not identify the complainant or their place of work.
- All evidentiary documentation and records should be secured and maintained for record keeping purposes with clear parameters regarding who within the organisation has access to the information

<b>How to report a Whistleblower complaint?</b>	
<b>How do I report?</b>	<p>Montrose has a range of ways in which you can report a whistleblower complaint, these include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• The KPMG FairCall service provides Montrose workers with the option of contacting an independently monitored, external, anonymous service to report their concerns of possible fraudulent or reportable conduct if they are not comfortable contacting an eligible recipient. If the matter does not relate to such issues, please contact Montrose directly either through your line manager or Montrose’s complaints and/or grievance process.</li> <li>• An eligible recipient is a member of the Northcott Executive Leadership Team and the General Manager of Operations. The team are able to confidentially receive your complaint and report the matter on your behalf, with your consent your identity can remain anonymous if you choose to use this avenue of reporting. The investigation is conducted in the same way, it is just reported to Northcott, rather the KPMG FairCall hotline. It is important to articulate at the time of reporting the matter to an eligible recipient that you are reporting the matter under Montrose’s Whistleblower Policy and whether or not you wish to have your identity disclosed to the investigator.</li> </ul>
<b>How do you contact them?</b>	<p><b>KPMG FairCall Hotline</b></p> <ul style="list-style-type: none"> <li>• A toll-free service for the use of Montrose staff, which is monitored by trained and experienced professional personnel.</li> <li>• The phone number is <b>1800 500 965</b>.</li> <li>• Calls will be received by FairCall on recognised business days between 7.00am and 5.00pm (AEST).</li> <li>• Outside these times, calls are diverted to a mobile phone.</li> <li>• In the unlikely event that calls are not answered by the mobile, a voicemail service provides staff with the ability to leave their details or to call back during normal operating hours.</li> </ul> <p><b>KPMG FairCall Hotline Email access</b></p> <ul style="list-style-type: none"> <li>• Montrose staff can report matters using the email address <a href="mailto:faircall@kpmg.com.au">faircall@kpmg.com.au</a></li> <li>• This may restrict the ability of the caller to remain anonymous; however FairCall will ensure all details are kept confidential.</li> </ul>

	<ul style="list-style-type: none"> <li>This facility may also be used to communicate with our operators subsequent to a call.</li> </ul> <p><b>KPMG Mailing Service</b></p> <ul style="list-style-type: none"> <li>Montrose staff are able to mail reports or additional call information to a secure mailbox at the following address:</li> </ul> <p><b>The FairCall Manager</b></p> <p><b>PO Box H67</b></p> <p><b>Australia Square Sydney NSW 1213</b></p>
<p><b>How will my information be kept confidential?</b></p>	<ul style="list-style-type: none"> <li>KPMG will allocate each worker who contacts FairCall with a confidential identification number and will provide Montrose with a call reference number.</li> <li>KPMG will not ask for or record other personal details of the worker, unless the worker expressed that they do require their details to be retained by KPMG or forwarded to Montrose.</li> <li>Where KPMG collects personal information as part of this service, it is provided in accordance with KPMG Australia's Privacy Statement.</li> <li>This statement can be found at <a href="https://home.kpmg.com/au/en/home/misc/privacy.ht_ml">https://home.kpmg.com/au/en/home/misc/privacy.ht_ml</a></li> <li>You can contact an eligible recipient using your work or personal email, or by any other means you feel comfortable. In outlining your complaint please advise your consent for your complaint to be investigated and if you would like to keep your identity confidential or self identify. If you use your work email account, remember your name will be disclosed, however you can request that your name be kept confidential when reporting your complaint, if you wish to do so.</li> <li>Investigators will not disclose your name to another party, unless the matter falls within the reasons outlined above and you will be notified of such, in advance of the disclosure. Your matter will be given a case name and you will be referred to as the complainant, rather than your identity disclosed. There may be some occasions where your identity may be assumed when interviewing other parties, however investigators will attempt at all times to not disclose your identity without your consent.</li> </ul>



<p><b>How is my report investigated?</b></p>	<p>In making a complaint you should (where possible) include as much information about the incident as possible, this will assist the investigator to undertake enquiries related to your complaint. It is helpful to include the following key pieces of information if known:</p> <ul style="list-style-type: none"> <li>•Names of people involved</li> <li>•Names of any witnesses</li> <li>•Date, time, location of the incident</li> <li>•Any customer impact</li> <li>•Details of any evidence you have to support your complaint</li> <li>•Has the incident happened before?</li> <li>•Have you reported the incident to anyone else?</li> </ul> <p>Once a report has been made, your report will be assessed by the GM Quality and Risk and or the GM People and Culture to ensure the nature of the report meets the whistleblower reportable threshold definition.</p> <p>Your complaint will then be allocated to the appropriate investigator who will initiate an investigation of the allegation, taking care to protect the whistleblowers identity and from any repercussion from the organisation or individual workers, such as dismissal, demotion, any form of harassment, discrimination, current or future bias.</p> <p>Depending on the nature of the matter reported, the investigation may be conducted by the GM Quality and Risk, the GM People and Culture, or a person authorised by the GM Quality and Risk and or the GM People and Culture or a qualified external investigator. If the matter is allocated to an external party, the GM People and Culture or GM Quality and Risk will assign the matter and regularly liaise with the investigator.</p> <p>All external investigators are to comply with all Northcott and Montrose Policies and Procedures and relevant Fair Work Act requirements when conducting a workplace investigation. The external person must maintain the strictest confidence, while observing the principles of natural justice in their investigation and will be subject of a Non Disclosure Agreement.</p> <p>When the report is finalised, any recommendations are the responsibility of the GM People and Culture to implement through the relevant business.</p> <p>The person reporting the matter should be provided with feedback on the outcome the investigation and also provided with regular high level summary updates as the investigation reaches significant milestones in the investigation process.</p>
----------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	Where the whistleblower is not satisfied with the outcome of the investigation they have the option of referring the matter to the CEO, the GM Quality and Risk, the GM People and Culture or a Montrose Board member (please see contact information below), or to an external body, such as the QLD Ombudsman or NDIS Quality & Safeguards Commission.
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## CONTACT INFORMATION

ROLE	NAME	EMAIL	PHONE
General Manager People and Culture	David Long	david.long@northcott.com.au	02 9890 0102
General Manager Quality and Risk	Nicole Cook	Nicole.cook@northcott.com.au	02 9890 0100
<b>MONTROSE BOARD</b>			
Northcott CEO	Liz Forsyth	<a href="mailto:Liz.forsyth@northcott.com.au">Liz.forsyth@northcott.com.au</a>	02 9890 0100
Head of Operational Excellence	Pat Buick	Pat.buick@northcott.com.au	02 9890 0157
Chief Operations Officer	Andrew Kew	Andrew.kew@northcott.com.au	02 9890 0120

### DOCUMENT APPROVAL FORM

Document Identifier: ID7000	Version No 1
Approved by: General Manager Corporate Services	Date: 11/07/2008


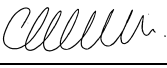
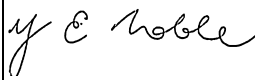
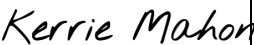
The Master Document is controlled electronically. All hard copies are uncontrolled.

**New Document** 
                                         
 **Revised Document**   
**Routine Review** 
                                         
 **Corrective Action**   
**Renamed Document** 
**Previous Name ..** .....  
**Does this document replace another document?**
                                 
 **Yes**
                                 
 **No**

**If Yes name and path of obsolete document:**  
SharePoint: P&PTEMP>finance – Facilities & Payroll>Administration

Document No	Version No	Document Title	Document Type
ID6154	Version 6	Whistleblower Policy and Procedure	Policy

**Document Path Intranet/** SharePoint: P&PTEMP>finance – Facilities & Payroll>Administration  
**Comment:** This is an updated version of the existing document, consistent with Northcott Policy.

Authorising Staff	Name	Signature	Date	Website Yes/No	Intranet Yes/No
<b>Recommended</b>	Charma Voller		20 / 09 / 2022	Yes	Yes
<b>Endorsed (Manager)</b>	Charma Voller		20 / 09 / 2022	Yes	Yes
<b>Clinical and Continuous Improvement Manager</b>	Yolande Noble		20 / 09 / 2022	Yes	Yes
<b>Approved - CEO</b>	Kerrie Mahon		21 / 09 / 2022	Yes	Yes

***Return the completed form with copies of the original and the revised document to the Executive Assistant – Office Manager***

This section to be completed by the Document Control Officer or an authorised staff member.

	By	Date
Registered on Document Control Register		
Staff advised of new document		
Forwarded to Intranet Controller		
Forwarded to Webmaster for Website (if applicable)		
Archived (if applicable)		

<b>TITLE</b>	Document Control - Whistleblower Policy
<b>FILE NAME</b>	Whistleblow...09_2022.pdf and 1 other
<b>DOCUMENT ID</b>	eb32573f01673cb952152e14812bd393dd9c7220
<b>AUDIT TRAIL DATE FORMAT</b>	DD / MM / YYYY
<b>STATUS</b>	● Signed

## Document History



SENT

**20 / 09 / 2022**

18:05:52 UTC+10

Sent for signature to Yolande Noble (ynoble@montrose.org.au) and Kerrie Mahon (kmahon@montrose.org.au) from cvoller@montrose.org.au  
IP: 124.187.80.134



VIEWED

**20 / 09 / 2022**

18:10:14 UTC+10

Viewed by Yolande Noble (ynoble@montrose.org.au)  
IP: 95.111.215.230



SIGNED

**20 / 09 / 2022**

20:49:06 UTC+10

Signed by Yolande Noble (ynoble@montrose.org.au)  
IP: 1.132.111.45



VIEWED

**21 / 09 / 2022**

05:29:43 UTC+10

Viewed by Kerrie Mahon (kmahon@montrose.org.au)  
IP: 5.57.208.11



SIGNED

**21 / 09 / 2022**

05:30:05 UTC+10

Signed by Kerrie Mahon (kmahon@montrose.org.au)  
IP: 1.128.24.157



COMPLETED

**21 / 09 / 2022**

05:30:05 UTC+10

The document has been completed.