	SEYMOUR HEALTH Title: **AGED CARE WHISTLEBLOWER FRAMEWORK** Scope: Aged Care Services Approval committee: Executive Primary Rights Holder: Chief Executive Officer

PURPOSE

This framework sets out how Seymour Health (**SH**) supports and complies with its obligations under the *Aged Care Act 2024* (**the Act**) as part of its commitment to upholding transparency and integrity in its practices. This framework is relevant only to services delivered under SH's Aged Care Services.

The purpose of this framework is:

- To promote quality care and safety of individuals to whom SH delivers funded aged care services.
- To ensure individuals who disclose information do so without fear of persecution, retribution and personal detriment.
- To ensure confidentiality of such disclosures is maintained and where relevant, the anonymity of the individual making the disclosure, and any other specified individual is protected.
- To ensure SH whistleblower system acknowledges, assesses, manages and responds to concerns raised in such disclosures in a fair, transparent, accessible, safe, culturally safe and timely manner.
- To ensure the disclosures contribute to the continuous improvement of SH's delivery of care.
- To ensure the aged care workers and any other persons are encouraged and supported to raise concerns about SH and the delivery of care.

POLICY STATEMENT

SH actively pursues excellence in service. This framework must safeguard individuals who report misconduct or breaches of the *Aged Care Act 2024,* by helping to promote a culture of transparency, accountability and safety within SH aged care services.

TARGET AUDIENCE

SH staff, volunteers, contractors, sub-contractors, visiting medical staff, residence of aged care or recipients of care and their families, and nominated supported decision makers.

BACKGROUND

The Australian Royal Commission into Aged Care Quality and Safety concluded in 2021, the Federal Parliament tabled new legislation from these recommendations to form the *Aged Care Act 2024* for which Whistleblower is included.

DEFINITIONS

Aged Care Quality and Safety Commission (ACQSC)	The Aged Care Quality and Safety Commission is Australia's national regulator for aged care services, responsible for protecting the safety and wellbeing of people receiving aged care.

Aged Care Worker	A person employed in aged care service settings, including home and residential care settings. Aged care services are delivered by a range of workforce roles. • Direct care roles may include nurses, support staff, medical practitioners, personal care workers, allied health practitioners and assistants. Non-direct care roles may include, but not limited to, gardeners, cleaners, transport drivers and volunteers.
Associated Providers	The Act defines associated providers as any entity (organisation or individual) that engages in conduct under an arrangement with a registered provider relating to the delivery of funded aged care services. Associated providers do not have to be registered providers under the Act. They can deliver services in aged care as an associated provider that is not registered, or they can be a registered provider who also provides services on behalf of another registered provider.
Responsible Person	Has the same meaning as s12 of the *Aged Care Act 2024* a. any person who is responsible for the executive decisions of the registered provider; b. any other person who has authority or responsibility for (or significant influence over) planning, directing or controlling the activities of the registered provider; c. for any registered provider if the registered provider delivers, or proposes to deliver, a funded aged care service: (i) any person who has responsibility for overall management of the nursing services delivered by the registered provider, or overall management of the nursing services delivered at an approved residential care home of the registered provider, and who is a registered nurse; and (ii) any person who is responsible for the day-to-day operations of an approved residential care home or service delivery branch of the registered provider.
Whistleblower	A person who reports concerns about someone who has not followed the *Aged Care Act 2024*, or more broadly, about an organisation that hasn't followed the *Aged Care Act 2024*, and the report qualifies as a Whistleblower Disclosure under this procedure
Whistleblower Protection Officer (WPO)	The person with responsibility for whistleblower investigation and protection. At SH, this is the CEO

RESPONSIBILITIES

SH WPO	• Monitor and review this procedure to ensure compliance. • Act as SH's Whistleblower Protection Officer • Review the Whistleblower system in place to support whistleblower disclosures, at least annually.
Executive Team	• Establish, implement, monitor and review this procedure. • Guide and assist managers and employees to use the procedure as required.
Aged Care Nurse Unit Manager and Community Services Manager	• Implement this procedure within their area of control including inform aged care employees of their obligations under this procedure. • Comply with the procedure. • Ensure the anonymity and confidentiality of any individual(s) who makes a disclosure under this procedure. • Ensure their staff are regularly reminded and trained in their obligations under this procedure. • Inform Associated Providers of this procedure
SH aged care employees, associated providers and volunteers	• Comply with the requirements in this procedure. • Ensure the identity, or information that could lead to identify any individual(s) who makes a disclosure remains confidential and is not disclosed unless authorised by law. • Ensure no person is victimised for making or intending to make a disclosure under this procedure. • Refer disclosures to the Whistleblower Protection Officer.

WHAT IS A WHISTLEBLOWER DISCLOSURE?

A Whistleblower Disclosure arises when an individual (discloser) makes a disclosure to an eligible recipient in accordance with this procedure and has reasonable grounds to suspect that the information in the disclosure indicates a potential contravention of any provision of the Aged Care Act or the Aged Care Act regulatory framework.

This includes, but is not limited to, concerns about:

- Failure to meet aged care quality and safety standards
- Breach of the Statement of Principles or Statement of Rights
- Non-compliance with regulatory requirements under the Act
- Misconduct or inappropriate behaviour by aged care workers

- Systemic issues affecting the quality or safety of aged care services
- Financial irregularities or misuse of aged care funding
- Any other conduct that may constitute a breach of the *Aged Care Act 2024*

WHAT IS THE DIFFERENCE BETWEEN A WHISTLEBLOWER DISCLOSURE AND A COMPLAINT?

A Whistleblower Disclosure is made to report serious misconduct and expose wrongdoing that may harm other residents, clients, aged care workers or the integrity of SH.

A complaint is made to express dissatisfaction with the quality of care, services or conditions within SH's aged care services. It will address more specific concerns that affect the wellbeing of the older person. Refer to SH's Consumer Feedback policy and/or Staff grievance resolution policy and procedure.

WHO CAN MAKE A WHISTLEBLOWER DISCLOSURE?

This procedure covers and protects the following individuals when making a Whistleblower Disclosure:

- Older people receiving aged care services from SH
- Families, representatives, carers, or advocates of older people receiving our services
- SH staff involved in aged care service delivery, including Board members
- Volunteers of SH
- Associated Providers (contractors and subcontractors) providing services to SH
- Any other persons specified in the *Aged Care Act 2024*

WHO CAN RECEIVE A WHISTLEBLOWER DISCLOSURE?

A disclosure of information qualifies for protection as a Whistleblower Disclosure if:

a) The disclosure is made to one of the following:
   i) an Appointed Commissioner or a member of the staff of the Commission;
   ii) the System Governor, or an official of the Department;
   iii) a registered provider;
   iv) a responsible person of the registered provider;
   v) an aged care worker of a registered provider;
   vi) police officer;
   vii) an independent aged care advocate; and
b) The disclosure is made orally or in writing (and whether made anonymously or not); and
c) The discloser has reasonable grounds to suspect that the information indicates that the aged care provider may have violated a provision of the *Aged Care Act 2024.*

WHAT ARE THE PROTECTIONS FOR A PERSON MAKING A WHISTLEBLOWER DISCLOSURE?

The *Aged Care Act 2024* provides strong legislative protections for individuals making a Whistleblower Disclosure. This is to make sure older people, people who are close to them, and aged care workers can report information without fear that they will be punished or treated unfairly.

SH is committed to applying these protections to Whistleblowers. The protections include:

a) confidentiality – a Whistleblower Discloser's identity is kept confidential unless required

by law to be disclosed;

b) protection from victimisation or retaliation, or threats of victimisation or retaliation, as a result of making the Disclosure;

c) protection from civil liability, criminal liability, and liability arising through administrative processes (including disciplinary action)

d) no contract to which the individual is party may be terminated on the basis of the disclosure, no contractual or other remedy maybe enforced, no contractual or other right may be exercised against the individual on the basis of the disclosure.

If a Whistleblower or anyone associated with the Whistleblower suspects that SH has violated protection provisions (i.e. victimisation, detriment or retaliation) they can escalate their matter to the Aged Care Quality and Safety Commission.

HOW IS A WHISTLEBLOWER DISCLOSURE MADE?

A Whistleblower Disclosure can be made internally or externally, in person, over the phone or in writing. The Whistleblower can identify themselves or choose to remain anonymous.

A Whistleblower Disclosure can be made to any of the following 'eligible recipients' under the *Aged Care Act 2024*:

- the Aged Care Quality and Safety Commission (www.agedcarequality.gov.au or ph:1800 951 822)
- the Department of Health, Disability and Ageing (www.health.gov.au or ph:1800 020 103)
- a registered aged care provider
- a responsible person of SH (as defined above)
- an aged care worker of SH (as defined above)
- police officer
- an independent aged care advocate (eg Older Persons Advocacy Network (OPAN) (www.opan.org.au or ph 1800 700 600)

In addition, a Whistleblower Disclosure can be made to SH by:

- phone: contact reception on (03) 57963100 and ask for the Whistleblower Protection Officer
- email: SHWhistleblower@seymourhealth.org.au (mailbox managed by the WPO)
- submitting a disclosure form available on the SH website

SH can provide access to translation services and information about independent advocates if the Whistleblower requires support in making their disclosure.

HOW SH MANAGES DISCLOSURES

All Whistleblower Disclosures will be treated seriously. A Whistleblower should advise the relevant recipient whether they wish to remain anonymous. When deciding whether to remain anonymous, a Whistleblower should consider whether this may limit SH's ability to investigate the matter reported. Recipients must take reasonable steps to preserve anonymity if requested.

1. If a disclosure is made verbally to an aged care worker, they will refer the individual to the SH Aged Care Whistleblower web page or poster (if nearby) or will notify the WPO of the matter on behalf of the Whistleblower.

2. The Disclosure will be assessed by the WPO to determine whether it qualifies as a Whistleblower Disclosure under the Act, and consider and respond to any perceived or

actual risk of retaliation, detriment or victimisation.

3. If the WPO determines there is insufficient information or evidence to warrant further investigation, the Whistleblower will be informed at the earliest possible opportunity that no further action will be taken.

4. If the WPO determines an investigation needs to occur, they will notify the Whistleblower. The Whistleblower Disclosure will be investigated in compliance with the confidentiality obligations under the Act, the next steps determined and communicated to the Whistleblower. If applicable, a Serious Incident Response (SIRS) matter will be reported to the Aged Care Quality and Safety Commission and investigated accordingly.
5. The WPO will report the outcomes of the investigation to the Whistleblower, where appropriate.

6. If the Whistleblower is dissatisfied with the process or outcomes of SH's investigation, they can escalate their concern to The Aged Care Safety and Quality Commission (www.agedcarequality.gov.au or ph:1800 951 822).

SH will review the Aged Care Whistleblower System on an annual basis, to ensure it is meeting the requirements specified in S165 of the Aged Care Rules 2025.

RESPONSIBILITIES OF STAFF RECEIVING DISCLOSURES

If a staff member receives a complaint or feedback that might amount to a Whistleblower Disclosure, the complaint must be kept confidential while the staff member ascertains if the individual wishes to make a complaint using the feedback and complaints procedure, or through this Whistleblower Disclosure process.

If the individual nominates to have their disclosure treated as a complaint, this procedure does not apply.

Otherwise, the staff member should report the disclosure to the WPO. If the individual consents, their identity can be shared with the WPO. The WPO will provide guidance to staff on further action. If the disclosure meets SIRS reporting requirements, staff will need to report as per the process in Serious Incident Response Scheme (SIRS) for Aged Care Services

COMMITMENT TO CONFIDENTIALITY

In the event that SH becomes aware of a Whistleblower Disclosure made to an external body, SH will, unless required by law:

a) Maintain confidentiality over the existence of, and any information relating to, the Whistleblower Disclosure that comes to its knowledge and attention; and
b) Protect the identity of any person who it knows has made a Whistleblower Disclosure, or any person who is assisting, or has assisted, with an investigation of a Whistleblower Disclosure.

TRAINING AND EDUCATION

SH will ensure all aged care employees, responsible persons, volunteers and associated providers employed by SH are trained on this procedure. Training will occur:

a. on an annual basis;
b. when there is a change to this procedure that affects the roles and responsibilities of the individuals specified above; and
c. when an individual's role changes that affects the individual's roles and responsibilities in the system.

Training content will be in alignment with the Act including:

a. How to handle personal information and data
b. How to recognise and respond to disclosures that qualify for protection
c. Managing relationships and communication with Whistleblowers
d. When and how to escalate Whistleblower Disclosures in accordance with this procedure
e. Their roles and responsibilities in the Whistleblower regime
f. The penalties for violating confidentiality of identity of Whistleblowers

ACCESS TO PROCEDURE

SH is required to make this procedure publicly available.
SH will communicate on a monthly basis that disclosures that qualify for protection under the *Aged Care Act 2024* are welcome. These communications will be made to aged care employees, responsible persons, volunteers and associated providers employed by SH as well as older persons and their representatives receiving aged care services by SH.

These are summarised in Table 1.

Table 1. Monthly communications about Whistleblower Disclosures

Stakeholder Group	Communication Method
Residential Aged Care residents	Monthly newsletters, resident meetings
Support at Home/CHSP participants	Monthly invoice statements
Aged Care Workers (as defined above)	Standard agenda item on team meetings
Governing Body	Patient Feedback report

Gender Impact Assessment

https://forms.office.com/r/tUR4xwKt6U

☐ GIA Completed
☐ Survey Completed but GIA not required. Score:
☐ Not applicable

Key aligned documents

Aged Care Policy
Consumer Feedback policy
Staff grievance resolution policy and procedure

Key Legislation, Acts

Aged Care Act 2024 (Cth)
Aged Care Rules 2025
Privacy Act 1998

Relevant Standard/s

Aged Care Quality and Safety Commission, Strengthen Aged Care Quality Standards:
Standard 2 | The Organisation

References

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Northern Health. (2025). *Public Interest & Whistleblower Disclosures*. PROMPT. Accessed October 2025.

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Reviewed and Approved by

Committee	Date
Executive	29 October 2025