

Whistleblower

POLICY STATEMENT

SwanCare is committed to enabling the reporting of wrongdoing within the organisation and supports this through the promotion of a workplace free of unacceptable behaviour and serious misconduct. We are committed to addressing and investigating reported misconduct and rectifying proven wrongdoing.

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1 PURPOSE

To provide guidance in the reporting of wrongdoing within the organisation.

2 SCOPE

All employees, volunteers, students, contractors, subcontractors, and Board Members

3 OVERVIEW

This policy is endorsed by the Executive Leadership Team and the Board following consultation with workers to ensure it supports simple and clear reporting and appropriate resolution processes in response to the identification of illegal, inappropriate or unethical conduct.

A version of the summary appropriate for consumers is also included in the Consumer Handbook.

This procedure covers whistleblower protections under:

- The Aged Care Act 2024, and
- The Corporations Act 2001.¹

Each Act provides different protections, including who is considered a whistleblower, what matters can be reported, and the conditions under which reports must be made to qualify for protection.

4 WHY HAVE A WHISTLEBLOWER POLICY?

We have a whistleblower policy to:

- Encourage disclosures of wrongdoing
- Help deter wrongdoing, in line with our risk management and governance framework
- Ensure individuals who disclose wrongdoing (whistleblower) can do so safely, securely and with confidence that they will be protected and supported
- Ensure whistleblower's reports (disclosures) are dealt with appropriately and in a timely manner
- Provide transparency around our process for receiving, handling and investigating disclosures
- Support our values and code of conduct
- Support our long-term sustainability and reputation and
- Meet our legal and regulatory obligations.

If we are to achieve this purpose it is important that all employees (and non-employees) who are aware of possible wrongdoing have the confidence to speak up knowing that they are fully supported by SwanCare and the whistleblower legislation.

¹ Australian Government ASIC Media Release [19-308MR ASIC gives guidance on companies' whistleblower policies and relief to small not-for-profits](#) Website Accessed November 2025. ASIC is providing relief to not for profits or charities with annual revenue of less than \$1 million from the requirement to have a written whistleblower policy. They are, however; still bound by the whistleblower protections legislation (See above link to 19-308 Media Release).

5 WHO CAN BE A WHISTLEBLOWER?²

5.1 AGED CARE ACT 2024³

Protection for whistleblower under the Aged Care Act 2024 protects **any** individual who makes a disclosure if the following conditions are met:

- The disclosure is made to an 'eligible recipient' (See Who can a Whistleblower Report to below)
- The disclosure is made orally or in writing (whether made anonymously or not) and
- The discloser has reasonable grounds to suspect that the information indicates that an entity⁴ may have contravened a provision of the Aged Care Act 2024.

5.2 CORPORATIONS ACT 2001⁵

Under the Corporations Act 2001 anyone who is or has been any of the following in SwanCare can be a whistleblower:

- An officer or employee (e.g. current and former employees who are permanent, part-time, fixed-term or temporary, interns, managers, and board members/directors)
- A supplier of services or goods (whether paid or unpaid), including their employees (e.g. current and former contractors, consultants, service providers and business partners)
- An associate⁶ of SwanCare and
- A relative, dependent or spouse of current and former employees, contractors and associates.

A person qualifies for protection as a whistleblower under the Corporations Act if they are an eligible whistleblower, as per the above, and:

- They have made a report relating to a 'disclosable matter' directly to an 'eligible recipient' (See below Who Can a Whistleblower Report to?) or to ASIC, APRA or another Commonwealth body prescribed by regulation
- They have made a report to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act, or
- They have made an 'emergency disclosure' or 'public interest disclosure'.

6 WHAT CAN BE REPORTED BY A WHISTLEBLOWER?

The following types of wrongdoing can be reported:

- Physical, psychological or other abuse of a consumer of our service
- Receiving gifts or monies from a consumer of our service without the permission of a senior manager
- 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

² Australian Government Federal Register of Legislation [Aged Care Act 2024](#) Part 5—Whistleblower protections

³ Australian Government Federal Register of Legislation [Aged Care Act 2024](#) Part 5—Whistleblower protections

⁴ Note under the Act: an entity means any of the following: (a) an individual; (b) a body corporate; (c) a body politic; (d) a partnership; (e) any other unincorporated association that has a governing body

⁵ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.41 to RG270.46

⁶ See Federal Register of Legislation Corporations Act 2001 50AAA Meaning of associated entity

- Failure to comply with or a breach of legal or regulatory requirements
- 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.

A whistleblower can still qualify for protection even if their disclosure turns out to be incorrect, except for deliberate false reporting.

6.1 AGED CARE ACT 2024

Whistleblower reports under the Aged Care Act 2024 can be made when a discloser has reasonable grounds to suspect that individuals or organisations have not complied with the Aged Care Act 2024.⁷

6.2 CORPORATIONS ACT 2001⁸

Disclosable matters under the Corporations Act 2001 apply when a discloser has reasonable grounds to suspect that entities, including their employees or officers, have engaged in misconduct related to their business operations and practices. This includes offences against the Corporations Act, ASIC Act, Insurance Act 1973, and other prescribed financial legislation, as well as any offence against a Commonwealth law punishable by 12 months or more imprisonment.⁹

Disclosable matters are not limited to breaches of law, they may include significant risks to public safety even if no legal breach has occurred.

6.3 WHAT CANNOT BE REPORTED?

Worker grievances are not included as part of the whistleblower procedure as these are managed through our grievance procedure (See Workforce Development).

General consumer complaints about service delivery are managed through our consumer complaints process (See Complaints and Feedback). However, complaints that raise concerns about a possible breach of the Aged Care Act 2024 may qualify as a whistleblower disclosure. These will be assessed, and the individual may choose to have the matter treated as a protected disclosure under the whistleblower provisions or managed through our regular Complaints and Feedback process. This choice determines which requirements under the Act and associated rules apply.

Complainants are not entitled to the same legal protections as whistleblower under the Aged Care Act 2024.

7 WHO CAN A WHISTLEBLOWER REPORT TO?

A whistleblower needs to report concerns to one of the eligible recipients below to qualify for protection as a whistleblower.

7.1 AGED CARE ACT 2024

Under the Aged Care Act 2024 disclosures must be made to one of the following:

- An Appointed Commissioner or a member of the staff of the Commission
- The System Governor, or an official of the Department of Health, Disability and Ageing

⁷ Australian Government Federal Register of Legislation [Aged Care Act 2024](#) Part 5—Whistleblower protections 547 Disclosures qualifying for protection

⁸ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.41 to RG270.57

⁹ Ibid RG 270.54

- A registered provider
- A responsible person of the registered provider
- An aged care worker of a registered provider
- A police officer
- An independent aged care advocate.

If whistleblower wish to report directly to SwanCare, they are encouraged to contact a member of senior management (such as the CEO or Executive Management Team).

Workers who receive a disclosure are advised to report it to a senior management member, with the discloser's permission, or to support the whistleblower to report it to senior management. However, disclosures made under the Aged Care Act can be reported to any aged care worker and, must be accepted by the worker who receives it if the discloser is unwilling to report it directly to senior management.

Note: Any eligible recipient who is implicated in a disclosure cannot be involved in any aspect of receiving, handling or investigating the disclosure.

If a disclosure relates to the conduct of the CEO or Board Members, SwanCare remains committed to transparency and accountability. While we are equipped to manage such disclosures internally, we recognise the importance of impartiality in such cases. We therefore advise whistleblower to consider reporting directly to the Aged Care Quality and Safety Commission or other eligible external recipient.

7.2 CORPORATIONS ACT 2001¹⁰

7.2.1 INTERNAL DISCLOSURE RECIPIENTS

Whistleblower may choose to seek advice from the EAP or report directly to senior management (e.g. the CEO or Executive) or the Board Chair. If a disclosure is made to senior management, they will confirm whether the whistleblower would like to engage the EAP, which has specialised knowledge to support whistleblower throughout the process. Senior management may also seek assistance from the EAP to help manage the disclosure appropriately.

Note: Any eligible recipient who is implicated in a disclosure cannot be involved in any aspect of receiving, handling or investigating the disclosure except as per the below Working with the EAP.

7.2.2 EXTERNAL DISCLOSURE RECIPIENTS

Whistleblower can report to:

- Regulatory bodies or law enforcers relevant to the report. For example, ASIC (Australian Securities and Investment Commission) for breaches of company law. The ATO (Australian Taxation Office) for breaches of tax law, AHPRA (Australian Health Practitioner Regulation Agency) for clinical breaches and to APRA (Australian Prudential Regulation Authority) for breaches of financial requirements.
- Legal practitioners.
- Journalists or members of Commonwealth, State or Territory parliaments for public interest or emergency disclosures.¹¹

Whistleblower can also report other misconduct to ASIC and if not in their remit, ASIC may refer the whistleblower to another regulator or law enforcer.

¹⁰ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.64 to 270.78

¹¹ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.79 to 270.86

8 HOW TO MAKE A DISCLOSURE

A whistleblower can report a disclosure to any eligible recipient in person, by telephone, email or letter at any time.

8.1 SEEKING ADVICE BEFORE A DISCLOSURE

- Consumers or their registered supporters/substitute decision makers are assisted to understand how the whistleblower system works, both upon request and as part of service commencement. This includes access to translated materials, advocacy services, and tailored support where needed. (See Ensuring this Policy is Accessible to All Stakeholders below and Complaints and Feedback)
 - **Note:** While individuals may seek advice from SwanCare before making a disclosure, employees are required to act on any information that suggests that a Serious Incident Response Scheme (SIRS) reportable incident may have occurred, even if the individual did not intend to make a formal disclosure.
- Consumers, their families, or others who wish to seek advice before making a disclosure are encouraged to contact an independent aged care advocate. These advocates are recognised recipients under the Act and can provide free, confidential support and assistance.
- When a discloser is a current or former employees or Board member, they can access counselling and support through our Employee Assistance Program (EAP). (See also Workforce Development.)

Seeking advice from the EAP does not compromise anonymity - disclosures can still be made anonymously and without reporting directly to anyone at SwanCare. Alternatively, whistleblower may seek advice from any other eligible disclosure recipient.¹²

However, where the disclosure relates solely to matters covered by the Corporations Act 2001, the EAP has been authorised by SwanCare to receive such disclosures. In these cases, disclosures made to the EAP may be eligible for protection only under the Corporations Act 2001.

In cases where both Acts may apply, the EAP may advise whistleblower to make disclosures to recipients who are recognised recipients under both Acts.

8.2 ANONYMOUS DISCLOSURES

Disclosures can be made anonymously if the individual making a whistleblower allegation requests that they, or any other individual named in the request, remain anonymous.

- **Fully Anonymous Disclosure:** Making a fully anonymous disclosure (e.g. an anonymous letter or email) where the whistleblower withholds their name and identifying information entirely. In this case no one, including the recipient, knows the identity of the discloser
- **Identity hidden from SwanCare:** Reporting to an external recipient and requesting anonymity. In this case, the recipient knows the identity of the whistleblower but takes all reasonable steps to protect it from others, including disclosing it to SwanCare.
- **Anonymity for Other Individuals Named:** A whistleblower reporting a disclosure to an eligible recipient may request that the identity of any other individual named in the disclosure be kept confidential. SwanCare will make every effort to preserve the identity and confidentiality of both the whistleblower and any other individuals named in the disclosure, in accordance with our legal obligations.

There are specific circumstances where the disclosure of the whistleblower identity may be authorised or required by law. See:

¹² Note for disclosures under the Aged Care Act 2024 our EAP can only provide advice to help make a disclosure, as it is not an 'eligible recipient'.

- Section '550 Confidentiality of identity of disclosers' of the Aged Care Act 2024¹³ (See also Protections Under the Aged Care Act 2024 below)
- Section '1317AAE Confidentiality of whistleblower's identity' of the Corporations Act 2001¹⁴

Whistleblower who remain anonymous are still protected under whistleblower legislation. They may continue to withhold their identity during the disclosure, throughout any investigation, and after the investigation concludes. They are not required to answer questions that may reveal their identity.

SwanCare encourages anonymous disclosers to maintain ongoing two-way communication (such as via an advocate, or an anonymous email) so we can seek clarification or provide updates. At no time will an anonymous whistleblower be pressured to reveal their identity.

9 PROTECTIONS FOR WHISTLEBLOWER

9.1 PROTECTIONS UNDER THE AGED CARE ACT 2024¹⁵

Protections include:

- Civil, criminal and administrative liability protection, whereby a whistleblower is protected from any of the following in relation to their disclosure:
 - civil liability (e.g. any legal action against the whistleblower for breach of an employment contract, duty of confidentiality or another contractual obligation)
 - criminal liability (e.g. attempted prosecution of the whistleblower for unlawfully releasing information, or other use of the disclosure against the whistleblower in a prosecution, other than for making a false disclosure) and
 - administrative liability (e.g. disciplinary action for making the disclosure). Note that the protections do not grant immunity for any misconduct a whistleblower has engaged in that is revealed in their disclosure.
- Contractual or other remedies cannot be enforced, and contractual or other rights cannot be exercised against the whistleblower on the basis of the disclosure
- A contract to which the whistleblower is a party cannot be terminated on the basis that the disclosure constitutes a breach of the contract
- Protection Against Victimisation
 - Prohibition from Detriment: It is unlawful to take any action that causes harm or disadvantage (known as "detriment") to a whistleblower or to an individual or organisation associated with the whistleblower, if that action is motivated by a belief or suspicion that the person has made, may make, or intends to make a protected disclosure.
 - Examples of detrimental actions include:
 - Dismissal or demotion
 - Harassment or intimidation
 - Disciplinary action
 - Damage to reputation or career prospects

¹³ Australian Government Federal Register of Legislation [Aged Care Act 2024](#) Section 550 Confidentiality of identity of disclosers p. 500

¹⁴ Australian Government Federal Register of Legislation [Corporations Act 2001](#) Volume 6 Section 1317AAE Confidentiality of whistleblower's identity p. 95

¹⁵ Australian Government Federal Register of Legislation [Aged Care Act 2024](#) Chapter 7, Part 5 - Whistleblower protections 548 Protections

- Prohibition from Threats: It is unlawful to threaten to cause detriment, whether the threat is express or implied, conditional or unconditional. This applies even if the whistleblower has not yet made a disclosure, and regardless of whether the individual actually fears the threat will be carried out.
- Note: Some exceptions apply where reasonable administrative action may be taken to protect a whistleblower. For example, SwanCare may implement measures to support and safeguard whistleblower from potential harm. This could include adjusting work arrangements, re-locating staff, or introducing other steps to ensure their safety and wellbeing.

These actions should only be taken when they are reasonable, necessary, and proportionate to the circumstances. SwanCare is responsible for demonstrating that any action taken was fair, justified, and not punitive in nature.

- SwanCare is committed to ensuring, (as far as reasonably practicable), compliance with protections against victimisation. This includes safeguarding individuals who make disclosures from adverse treatment by others within our organisation. We actively promote a culture of safety and accountability, reinforcing that any form of retaliation or victimisation is unacceptable and subject to appropriate action. See Workforce Training and Protection from Detrimental Acts or Omissions below.¹⁶
- Where the disclosure qualifies for whistleblower protection and the whistleblower requests that they, or any other individual named in the request, remain anonymous; the recipient must take such steps as are reasonable in the circumstances, to preserve the anonymity of individuals named in the request
 - For example, if disclosing the name of 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 the first-mentioned individual may be reasonable in the circumstances. However, if the serious threat could be lessened without naming the individual, then disclosing the name is unlikely to be reasonable in the circumstances¹⁷
- SwanCare may not disclose any of the following the confidential information without the consent of the discloser:
 - The identity of the whistleblower
 - Information that is likely to lead to the identification of the whistleblower
 - Confidential information that is information SwanCare obtained directly or indirectly because of the qualifying disclosure

Written consent from the individual (or substitute decision maker) will be recorded before any disclosure is made

- SwanCare must take all reasonable steps to reduce the risk that the whistleblower will be identified as a result of the disclosure of the confidential information. However, there are specific circumstances where the disclosure of the whistleblower identity and/or confidential information may be authorised or required by law, such as to:
 - The Commission
 - A police officer
 - A legal practitioner for the purpose of seeking legal advice

SwanCare can share confidential information (but not the person's identity) if:

- The information is needed to properly deal with the issue raised in the disclosure, and

¹⁶ Ibid. 553 Registered providers' obligations in relation to disclosers

¹⁷ Ibid, 550 Confidentiality of identity of disclosers

- All reasonable steps to make sure the whistleblower's identity isn't revealed as a result of sharing that information.¹⁸

The Act imposes civil penalties for unauthorised disclosure of a whistleblower's identity.

9.2 PROTECTIONS UNDER THE CORPORATIONS ACT 2001¹⁹

Protections include:

- Identity protection whereby SwanCare cannot disclose the identity of a whistleblower or information that is likely to lead to their identity. This means no person can engage in actions or make a threat towards a whistleblower because of their disclosure or planned disclosure
- Protection from detriment, whereby the following are prohibited under law:
 - dismissal of an employee
 - injury of an employee in their employment
 - changes to an employee's position or duties that disadvantage them
 - discrimination between an employee and other employees of the same employer
 - harassment or intimidation of a person
 - harm or injury to a person, including psychological harm
 - damage to a person's property
 - damage to a person's reputation
 - damage to a person's business or financial position or
 - any other damage to a person
- Compensation and other remedies, whereby a whistleblower can seek compensation and other remedies through the courts if:
 - they suffer loss, damage or injury because of a disclosure and
 - SwanCare failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct
- Civil, criminal and administrative liability protection, whereby a whistleblower is protected from any of the following in relation to their disclosure:
 - civil liability (e.g. any legal action against the whistleblower for breach of an employment contract, duty of confidentiality or another contractual obligation)
 - criminal liability (e.g. attempted prosecution of the whistleblower for unlawfully releasing information, or other use of the disclosure against the whistleblower in a prosecution, other than for making a false disclosure) and
 - administrative liability (e.g. disciplinary action for making the disclosure). Note that the protections do not grant immunity for any misconduct a whistleblower has engaged in that is revealed in their disclosure.

¹⁸ Ibid, 550 Confidentiality of identity of disclosers

¹⁹ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.87 to 270.105

9.3 SUPPORT AND PRACTICAL PROTECTION FOR DISCLOSERS²⁰

9.3.1 IDENTITY PROTECTION (CONFIDENTIALITY)

SwanCare has the following measures and/or mechanisms for protecting the confidentiality of a discloser's identity (where applicable).

- To reduce the risk that the discloser will be identified from the information contained in a disclosure, we:
 - Redact all personal information or reference to the discloser witnessing an event
 - The discloser is 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 and
 - Disclosures are handled and investigated by qualified staff.
- Securing record-keeping and information-sharing processes
 - All paper and electronic documents and other materials relating to disclosures will be stored securely
 - Access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure
 - 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
 - Communications and documents relating to the investigation of a disclosure will not to be sent to an email address or to a printer that can be accessed by other staff and
 - 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 civil or criminal offence.²¹

Whilst SwanCare does endeavour to protect the confidentiality of a discloser's identity, in practice, people may be able to guess the discloser's identity if:

- The discloser has previously mentioned to other people that they are considering making a disclosure
- The discloser is one of the very small number of people with access to the information or who witnessed an incident
- The disclosure relates to information that a discloser has previously been told privately and in confidence.

Workers Receiving Disclosures

In accordance with Section 547 of the Aged Care Act 2024, SwanCare takes all reasonable measures to ensure that any individual who receives a protected disclosure, including our aged care workers and responsible persons, does not reveal the identity of the discloser, except as authorised under the Act. This obligation is reinforced through worker training, and strict internal protocols. All workers involved in receiving or managing disclosures are reminded of their legal duty to maintain confidentiality and are made aware that unauthorised disclosure of a discloser's identity may constitute a civil offence. These

²⁰ ASIC [Regulatory Guide 270: Whistleblower Policies](#) 2019 RG 270.106 to 207.110 (Information can be applied to disclosures made under the Aged Care Act 2024 to help demonstrate that we take "all reasonable steps to reduce the risk that the discloser will be identified as a result of the disclosure of the confidential information")

²¹ Under the Aged Care Act 2024 unauthorised disclosure of a whistleblower's identity may result in civil penalties, not criminal charges. Under the Corporations Act 2001 unauthorised disclosure of a whistleblower's identity can attract both civil and criminal penalties.

protections operate alongside our broader confidentiality mechanisms to uphold the integrity of the disclosure process and safeguard individuals from potential harm or reprisal.

9.3.2 PROTECTION FROM DETRIMENTAL ACTS OR OMISSIONS

SwanCare will work closely with a discloser to protect them from detriment. This includes:

- Assessing the risk of detriment through our risk management process
- Linking the discloser to available support services that they may wish to access including services provide by our EAP or an aged care advocacy service
- Identifying strategies to help a discloser minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation
- Taking action to protect a discloser from risk of detriment - for example, allowing the discloser to perform their duties from another location, reassign the discloser to another role at the same level, make other modifications to the discloser's workplace or the way they perform their work duties, or reassign or relocate other staff involved in the disclosable matter
- Ensuring that the Board and responsible persons are aware of their responsibilities to maintain the confidentiality of a disclosure, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a discloser
- A complaint from a discloser that they have suffered detriment will be investigated as a separate matter by an officer who is not involved in dealing with disclosures and the investigation findings will be provided to the Senior Management Team and the Board informed of any action to be taken. Action could include taking disciplinary action, allowing the discloser to take extended leave, developing a career development plan for the discloser that includes new training and career opportunities, or offering compensation or other remedies

9.4 WHEN PROTECTIONS ARE BREACHED²²

If a whistleblower feels that their protections are not being adequately upheld, they are encouraged to speak with SwanCare in the first instance. Workers may seek support through our Employee Assistance Program (EAP), and consumers or their supporters²³ may contact an independent aged care advocate. Alternatively, whistleblower may report their concerns to any of the external whistleblower recipients. Whistleblower may choose to seek independent legal advice at their own discretion and expense.

For breaches related to the Corporations Act 2001 a discloser may lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation.²⁴

10 HANDLING AND INVESTIGATING A DISCLOSURE²⁵

10.1 HANDLING A DISCLOSURE

When SwanCare receives a disclosure, either directly from the whistleblower or via another authorised recipient, the following key steps will apply. When handling a disclosure, the above points related to legal

²² Australian Government Federal Register of Legislation [Aged Care Rules 2025](#) Chapter 4, Part 10, Division 2, Subdivision E- Managing disclosures that qualify for protection under section 547 of the Act. 165-60 Requirements for managing disclosures (viii)

²³ Supporters is used inclusively to refer to registered supporters, substitute decision-makers, advocates and other persons supporting the consumer. See [Consent, Substitute Decision Makers and Advance Care Planning](#) and [Communicating for Safety and Quality](#) regarding the roles of supporters in care planning

²⁴ ASIC [Regulatory Guide 270: Whistleblower Policies](#) 2019 RG 270.94

²⁵ ASIC [Regulatory Guide 270: Whistleblower Policies](#) 2019 RG 270.111 to 207.124 - General information can be applied as good practice for disclosures made under the Aged Care Act 2024

protections for disclosers and support and practical protection for disclosers are meticulously adhered to.

Preserving anonymity and confidentiality:

- The person receiving the disclosure will de-identify any information that could lead to the identification of the whistleblower or any other individual that they have requested remain anonymous and will remove any confidential details before discussing the matter with any other party. (See Identity Protection (Confidentiality) above)
- While SwanCare may disclose certain confidential information where reasonably necessary to investigate or address the matter, the recipient will not disclose the whistleblower's identity (even to other employees, management, or board members) without the whistleblower's explicit permission, unless such disclosure is permitted or required by law.

Initial response and subcommittee formation:

- A subcommittee of the Leadership Team, comprising two to three trained members, including, where appropriate, the person who received the disclosure, will be formed to review, assess, investigate, and take appropriate action on the disclosure.
- Where necessary the person receiving the disclosure may need to request permission from the whistleblower to provide certain confidential details to the subcommittee
- The timing and nature of the response will vary depending on the seriousness and urgency of the disclosure. SwanCare will take appropriate action in accordance with the Aged Care Act 2024 /Corporations Act 2001 as soon as practicable after a disclosure is made.
- Any Leadership Team members or workers potentially implicated in the alleged misconduct will be excluded from the management and investigation of the disclosure. If required, an impartial person from outside the organisation will be appointed to ensure objectivity.

Preliminary assessment:

- The subcommittee will be convened to review and assess the disclosure. This will occur as soon as practicable, with consideration given to the nature and complexity of the matter.
- The subcommittee will determine:
 - Whether the disclosure qualifies for protection under relevant legislation
 - Is the disclosure a SIRS incident – See SIRS Management
 - Whether a formal, in-depth investigation is required
 - What immediate or interim actions may be necessary to protect individuals or address risks
 - What immediate notifications are required.

Immediate protective measures and support:²⁶

- SwanCare will take steps to support the individual who made the disclosure, as well as any other individual or entity associated with them who may be at risk of detriment due to the disclosure
- Offer culturally appropriate support and assistance (including access to advocates and language services) that respect the privacy and confidentiality of both the whistleblower and any consumers involved
- Support may include adjustments to work arrangements, access to counselling or advocacy services, and assurance of confidentiality and protection from victimisation

²⁶ Australian Government Federal Register of Legislation [Aged Care Rules 2025](#) Chapter 4, Part 10, Division 2, Subdivision E- Managing disclosures that qualify for protection under section 547 of the Act. 165-60 Requirements for managing disclosures

- In investigating disclosures, we ensure procedural fairness to all parties involved²⁷ including fair treatment of any aged care worker or responsible person mentioned in the disclosure or to whom the disclosure relates. This includes access to procedural fairness, support throughout any investigation, and counselling through our Employee Assistance Program (EAP). (See Ensuring Fair Treatment of Individuals Mentioned in a Disclosure below)

Meeting with the discloser:

- Where possible (i.e. in non-anonymous cases), the discloser will be invited to meet with the subcommittee to discuss the matter in person, at a time and place they feel comfortable with. The invitation will also confirm their right to bring a support person, advocate, or representative (legal or otherwise), if they wish. Alternatively, a conference or video call with the discloser or their representative may be arranged.
- The focus of the discussion is on the substance of a disclosure, rather than what the subcommittee believe to be the discloser's motive for reporting. It is also important for the subcommittee not to assume that disclosures about conduct or behaviour that appear to have had a personal impact on a discloser are somehow less serious. The discloser's experience may indicate a larger or systemic issue.
- Where there is uncertainty around the status of the disclosure, specialist legal advice may be sought.
- The discloser is advised as soon as practicable after the review/meeting whether the disclosure:
 - qualifies for protection and
 - if a formal, in-depth investigation is required.

10.2 INVESTIGATING A DISCLOSURE

When investigating a disclosure, the subcommittee endeavours to complete the investigation as quickly as possible and within one month of commencing the investigation, while acknowledging that the process may vary depending on the nature of the disclosure.

The subcommittee will not disclose information that is likely to lead to the identification of the discloser during the investigation process, unless:

- All identifying details (such as the discloser's name, position title, other personal information or any other information that is likely to lead to the identification of the discloser) have been removed
- The remaining information cannot reasonably be used to identify the discloser; and
- Disclosure of the information is reasonably necessary to investigate or address the issues raised.

10.2.1 KEEPING THE DISCLOSER INFORMED

The subcommittee will provide regular updates to a discloser during the key stages, including:

- When the investigation process has begun
- While the investigation is in progress and
- After the investigation has been finalised.

²⁷ Australian Government Federal Register of Legislation [Aged Care Rules 2025](#) 164-15 1(m). See also Aged Care Quality and Safety Commission [Effective serious incident investigations guidance for providers](#) Published 3 October 2022. Section 4 Providing support and fairness to people during an investigation

10.2.2 INVESTIGATION FINDINGS

How the investigation findings will be documented, reported internally and communicated to the discloser

The method for documenting and reporting the findings will depend on the nature of the disclosure noting that there may be circumstances where it may not be appropriate to provide details of the outcome to the discloser.

Generally, the findings will be documented by the subcommittee and forwarded to the CEO or other relevant senior staff person who will review them and the processes to ensure SwanCare processes and procedures had been adhered to. If necessary, additional actions may be taken.

Once the findings are confirmed they are forwarded to the Board for review.

The findings are then provided to the discloser and any other people involved in the report.

Review of findings

The discloser can request a review of the findings and/or the process. If the review proceeds it will be conducted by an officer who is not involved in handling and investigating the disclosure. The review findings are provided to the subcommittee, the CEO and the Board.

SwanCare is not obliged to reopen an investigation and it can conclude a review if it finds that the investigation was conducted properly, or new information is either not available or would not change the findings of the investigation.

The discloser is advised that they may lodge a complaint with a regulator, such as the [ACQSC Complaints Commissioner](#), ASIC, APRA or the ATO, if they are not satisfied with the outcome of the investigation.

10.2.3 ENSURING FAIR TREATMENT OF INDIVIDUALS MENTIONED IN A DISCLOSURE²⁸

SwanCare ensures the fair treatment of its employees who are mentioned in a disclosure that qualifies for protection, including those who are the subject of a disclosure. Measures and/or mechanisms for ensuring fair treatment include the following:

- Disclosures will be handled confidentially, when it is practical and appropriate in the circumstances
- Each disclosure will be assessed and may be the subject of an investigation
- The objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported
- When an investigation needs to be undertaken, the process will be objective, fair and independent
- An employee who is the subject of a disclosure:
 - is entitled to the presumption of innocence until proven otherwise and is offered support by an EAP representative (the EAP representative is not the same person supporting the discloser)
 - will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and prior to any actions being taken, for example, if the disclosure will be the subject of an investigation
 - may contact other available support services (e.g. counselling).

²⁸ ASIC [Regulatory Guide 270: Whistleblower Policies](#) 2019 RG 270.125 to 207.127 (Information can be applied as good practice to disclosures made under the Aged Care Act 2024)

The subcommittee will determine the most appropriate time to inform the individual who is the subject of a disclosure about the investigation, prior to making any adverse finding against them. In some circumstances, informing the individual at an early stage of an investigation may compromise the effectiveness of the investigation, such as when there may be concerns that the individual may destroy information or the disclosure needs to be referred to the Commission, ASIC, APRA, the ATO or the Police or other relevant agency.

11 ENSURING THIS POLICY IS ACCESSIBLE TO ALL STAKEHOLDERS²⁹

SwanCare ensures all workers and other stakeholders are aware of and have access to our whistleblower policy through:

- Holding team briefing sessions
- Discussing the policy in team meetings
- Posting the policy on the intranet
- Providing a printout through reception on request
- Posting information on employee noticeboards
- Including the policy as mandatory training
- Including the policy in Consumer Handbook and Service Commencement Meeting and where necessary, translating the policy into other languages or presenting it in alternative formats to ensure accessibility for consumers and their supporters
- Giving the policy freely to anyone who requests it
- Incorporating the policy in employee orientation information and training for new workers
- Promotion of the policy by senior management in meetings with workers and communications to workers.

11.1 PROMOTING AWARENESS OF WHISTLEBLOWER PROTECTIONS³⁰

In accordance with the Aged Care Rules 2025, SwanCare is required to “**communicate regularly, and at least monthly**” that disclosures qualifying for whistleblower protection under the Act are welcome.

In addition to the strategies mentioned above, we maintain ongoing awareness of whistleblower rights and protections by:

- Including reminders in internal communications such as letters and emails
- Featuring information in regular newsletters to workers, consumers, and their supporters.

12 EDUCATION AND TRAINING

SwanCare provides the following education and training to all workers and senior management to ensure they are aware of our whistleblower policy and that all levels of management, particularly line managers, receive appropriate training in how to effectively deal with disclosures.

We provide workers and board members/responsible persons with information on:

- The Whistleblower process

²⁹ ASIC [Regulatory Guide 270: whistleblower policies](#) 2019 RG 270.128 to 207.139 (Information can be applied as good practice to disclosures made under the Aged Care Act 2024)

³⁰ Australian Government Federal Register of Legislation [Aged Care Rules 2025](#) 165-55 Requirements for registered providers—whistleblower policy. Providers must communicate regularly, and at least monthly that disclosures that qualify for whistleblower protection under the Act are welcome.

- How to handle personal information and data
- How to recognise and respond to disclosures that qualify for protection under section 547 of the Act
- Managing relationships and clearly communicating with people making disclosures
- When and how to escalate disclosures
- Their roles and responsibilities in our complaints and feedback process and
- The penalties for contravening subsection 550(1) of the Act (confidentiality of identity of disclosers).³¹

This information is provided to workers and board members on induction, annually and when the worker's role changes. Workers are informed of any changes to our complaints and feedback processes on an ongoing basis.

The management team from which our whistleblower subcommittee is selected, receive additional training in the processes and procedures for receiving and handling disclosures, including training relating to confidentiality and the prohibitions against detrimental conduct.

13 MONITORING, REPORTING, AND CONTINUOUS IMPROVEMENT FOLLOWING DISCLOSURES

A report is provided to the Board on every disclosure and includes:

- The subject matter of the disclosure
- The current status, including the status of any ongoing investigations or actions by external authorities (e.g. regulators, law enforcement, or other relevant bodies)
- Whether legal advice was obtained, and a summary of any identified legal risks or liabilities (where applicable)
- The type of person who made the disclosure (e.g. consumer, employee or supplier) and their status (e.g. whether they are still employed or contracted), or whether the disclosure was made anonymously
- The action taken
- How the disclosure was managed or resolved, if finalised
- The timeframe for finalising the disclosure
- The outcome of the disclosure
- Any issues encountered during the process
- Any improvements identified as a result of the disclosure.

In reviewing the report, the Board considers whether the whistleblower system has acknowledged, assessed, managed, and responded to concerns raised in a fair, transparent, accessible, safe, culturally safe, and timely manner.³²

The whistleblower policy is reviewed and updated (if necessary) following completion of a disclosure, when there are legislative changes related to whistleblower requirements and when improvements are identified.

Reviews and updates are conducted through our continuous improvement process (See Continuous Improvement).

³¹ Australian Government Federal Register of Legislation [Aged Care Rules 2025](#) 165-50

³² Ibid, 165-40 (c)

Changes to legislative requirements are managed through our regulatory compliance process (See Regulatory Compliance).