

## 1. Purpose

The purpose of this Whistleblower Protection Policy (**the Policy**) is to support the highest standards of ethical and compliant behaviour within Anglican Care. As part of that support, there must be a framework to:

- effectively allow anyone to make a disclosure under this policy if they have Reasonable Grounds to suspect potential misconduct, an improper state of affairs or circumstances, or breach of law;
- ensure that whistleblowers feel confident that in disclosing such matters, they are protected from reprisals and their disclosures remain confidential; and
- ensure the proper investigation of disclosures under this policy.

Disclosures under this policy can relate to wrongdoing that is not illegal, however may be unethical or unsafe, and potentially indicates systemic issues that need to be addressed.

The Policy is intended to comply with the *Aged Care Act 2024* (Cth) and the Aged Care Quality Standards.

Further, whilst Anglican Care is not incorporated under the Corporations Act 2001 (Cth) (**the Act**), it is the intention of the Diocese to ensure that the Policy also aligns with Part 9.4AAA of the Act and Regulatory Guide 270.

The Policy reflects the values of the Diocese.

## 2. Scope

This policy applies to the following Newcastle Anglican agency:

|               |
|---------------|
| Anglican Care |
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The policy is intended to protect the Protected Persons to make Protected Disclosures.

## 3. Principles

Anglican Care, as part of the Anglican Diocese of Newcastle (the Diocese), promotes a culture of ethical behaviour and encourages the reporting of wrongdoing through a range of policies and procedures that ensure integrity and the effective management and resolution of issues or concerns that arise for all persons identified in clause 2 above.

The Bishop and leadership of Anglican Care and the Diocese encourage all those persons to disclose any matters that they reasonably consider to be wrongdoing.

Everyone should feel confident about reporting wrongdoing without fear of reprisal. The Bishop and leadership of Anglican Care and the Diocese are committed to protecting and supporting whistleblowers where they have reasonable grounds to suspect that disclosed information concerns wrongdoing.

The Bishop and leadership of Anglican Care provide an undertaking to all whistleblowers disclosing wrongdoing under this policy that there will be no intention to take adverse action against them and the right to anonymity will be protected.

All whistleblower reports will be kept confidential and secure.

All whistleblower disclosures can be made anonymously. It is illegal for any person to reveal the identity of a whistleblower, or information likely to lead to the identification of whistle-blower without their consent. Such breaches will be investigated and may result in disciplinary action or other legal consequences.

This policy will be published on the Diocesan website and provided for sharing with Anglican Care.

#### 4. Definitions

| Term                   | Meaning                                                                                                                                                                                                                                                                                                                |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aged Care Worker       | means a person who is:<br>(a) employed, engaged or contracted by Anglican Care (including as a volunteer); or<br>(b) employed by an associated provider of Anglican Care under associated provider's arrangements with the Anglican Care as a Registered Provider.                                                     |
| Appointed Commissioner | means the Commissioner of the Commission                                                                                                                                                                                                                                                                               |
| Commission             | means the Aged Care Quality and Safety Commission                                                                                                                                                                                                                                                                      |
| Department             | means the Commonwealth Department of Health, Disability and Ageing                                                                                                                                                                                                                                                     |
| Discloser              | means a Protected Person seeking to make a Protected Disclosure                                                                                                                                                                                                                                                        |
| Disclosure             | means a disclosure made under this policy by a Protected Person                                                                                                                                                                                                                                                        |
| Eligible Disclosure    | means a disclosure made under Part 5 of this Policy                                                                                                                                                                                                                                                                    |
| Eligible Recipient     | means:<br>(a) the Commission;<br>(b) the Department or an official of the Department;<br>(c) Anglican Care as a registered provider of aged care services;<br>(d) a Responsible Person of Anglican Care;<br>(e) an Aged Care Worker;<br>(f) the Diocese's Director of Professional Standards;<br>(g) a Police officer; |

|                                |                                                                                                                                                                                                                                                                                                                                        |
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|                                | (h) an Independent Aged Care Advocate;                                                                                                                                                                                                                                                                                                 |
| Entity                         | means:<br>(a) an individual;<br>(b) a body corporate;<br>(c) a body politic;<br>(d) a partnership; or<br>(e) any other unincorporated association that has a governing body.                                                                                                                                                           |
| Independent Aged Care Advocate | means an advocate who is independent from the Commission, the Department and Anglican Care.                                                                                                                                                                                                                                            |
| Police Officer                 | means:<br>(a) a member or special member of the Australian Federal Police; or<br>(b) a member of the NSW Police Force.                                                                                                                                                                                                                 |
| Protected Disclosures          | means a disclosure within the meaning set out in Part 6 of this Policy                                                                                                                                                                                                                                                                 |
| Protected Person               | means:<br>(a) Aged Care Workers;<br>(b) aged care residents, aged care recipients, their families, carers, advocates and other representatives;<br>(c) Registered Supporters;<br>(d) volunteers;<br>(e) contractors and their employees;<br>(f) all other Diocesan staff, management and clergy; and<br>(g) Directors of Anglican Care |
| Reasonable Grounds             | means the grounds within the meaning set out in Part 5 of this Policy                                                                                                                                                                                                                                                                  |
| Responsible Person             | means either:<br>(a) a person who is a registered nurse and has responsibility for managing the nursing services;<br>(b) any person who is responsible for the day-to-day operations of a residential care home or service delivery branch;                                                                                            |

|                      |                                                                                                                                                                                                                                                                    |
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|                      | (c) a person who is responsible for the executive decisions of the Registered Provider; and<br><br>(d) a person who has authority and responsibility, or significant influence, over planning, directing or controlling the activities of the Registered Provider. |
| Registered Provider  | means a registered provider of residential aged care, or any other category under the Aged Care Act.                                                                                                                                                               |
| Registered Supporter | means a person registered to support an aged care recipient in accordance with the Aged Care Act.                                                                                                                                                                  |

## 5. Eligible Disclosures

For a disclosure to be protected by the Aged Care Act, it must be made by a Protected Person:

- (a) to an Eligible Recipient;
- (b) on Reasonable Grounds; and
- (c) in either oral or written form.

### 5.1 Eligible Recipient

Protected Disclosures must be made to an Eligible Recipient.

### 5.2 Types of Eligible Disclosures

The types of Eligible Disclosures shall include:

- (a) abuse, neglect or mistreatment of residents/clients;
- (b) unsafe, unhygienic or non-compliant care practices;
- (c) misconduct, workplace conflict or unethical behaviour;
- (d) cover-ups or failure to act on risks or complaints;
- (e) serious issues with the quality of services; and/or
- (f) fraud, corruption or illegal activity at Anglican Care

### 5.3 Reasonable Grounds

A Discloser must have *reasonable grounds* to suspect that when objectively considering the information/facts that relate to the disclosure, the average, prudent person would believe the information/facts are more likely to be true than not.

### 5.4 Oral or Written Disclosures within Anglican Care

All Protected Disclosures must be either oral or written; a Discloser can also contact any Eligible Recipient personally.

Protected Disclosures may also be made anonymously if the Discloser wishes.

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## Contact Details

### Newcastle Anglican Professional Standards

- Telephone: 1800 774 945
- email: [dps@newcastleanglican.com.au](mailto:dps@newcastleanglican.com.au)
- Post: The Director of Professional Standards, Anglican Diocese of Newcastle, PO Box 494  
NEWCASTLE NSW 2300

## 5.5 Anonymous disclosures

If the Discloser wishes for their name or the name of another person in the disclosure to remain anonymous, the Eligible Recipient will take reasonable steps to ensure that the anonymity of the individuals in the request.

If disclosing the names of the individuals would lessen or prevent serious threat to the health, safety or well-being of another individual, it will be seen as reasonable to disclose the names of the individuals.

If a Discloser wishes to disclose anonymously, the discloser should provide sufficient information to allow the matter to be properly investigated, and Anglican Care encourages the discloser to provide an anonymous email address through which additional questions can be asked and information provided if required.

## 5.6 External disclosures

A Discloser can make a disclosure to an external regulatory body which may also qualify as a Protected Disclosure if it is made to the Commission, the Department, an Independent Aged Care Advocate or the Commission.

The contact details for those bodies are as follows:

### Aged Care Quality and Safety Commission

A Discloser can contact the Commission by:

- Telephone: 1800 951 822
- Online: [Make a complaint | Aged Care Quality and Safety Commission](#)
- Post: Aged Care Quality and Safety Commission
- GPO Box 9819, Sydney

### Department of Health, Disability and Ageing

A Discloser can contact the Department by:

- Telephone: 1800 020 103
- Email: [enquiries@health.gov.au](mailto:enquiries@health.gov.au)

### Australian Federal Police

A Discloser can contact the AFP by:

- Telephone: 131 237

- Email: [hotline@nationalsecurity.gov.au](mailto:hotline@nationalsecurity.gov.au)

Independent Aged Care Advocate (via OPAN)

A Discloser can contact an Independent Aged Care Advocate by:

- Telephone: 1800 700 600
- Email: [enquiries@opan.org.au](mailto:enquiries@opan.org.au)

Where an External Disclosure is referred to the Diocese to be dealt with, it shall be referred to the Director of Professional Standards to be managed in accordance with this Policy.

### 5.7 Disclosers can access the Diocese's Employee Assistance Program

A Discloser is entitled to seek health and wellbeing support from the Employee Assistance Program operated by Anglican Care and the Diocese.

This service can be accessed via:

People Sense

[hello@peoplesense.au](mailto:hello@peoplesense.au)

1300 307 912

## 6. Receiving and Investigating a Protected Disclosure

### 6.1 Receiving Disclosures

All Eligible Recipients must immediately, or at the least within two business days, provide any Disclosure received by them under this Policy to the Director of Professional Standards (**the Director**), unless the matter relates to the Director of Professional Standards, in which case the Eligible Recipient will inform the Bishop.

Email address for the Director:

[dps@newcastleanglican.org.au](mailto:dps@newcastleanglican.org.au)

and for the Bishop:

[bishopsecretary@newcastleanglican.org.au](mailto:bishopsecretary@newcastleanglican.org.au)

### 6.2 Assessing Disclosures

The Director (or the Bishop as the case may be) will receive the Disclosure and determine whether it should be referred to:

- (a) the whistleblower stream to proceed as a Protected Disclosure;
- (b) The Risk and Assurance team if the disclosure relates to a service issue that is not, or is not likely to become, a Protected Disclosure; or
- (c) The People and Culture team if it relates to a workplace conflict, unfair treatment or employee rights issue that is not, or is not likely to become, a Protected Disclosure.

In making this determination, the Director shall have regard for any preference that may be expressed by the Protected Person in the making of the Protected Disclosure.

When the Director makes the determination, the Protected Person shall be notified:

- (a) of the Director's decision within seven (7) days;
- (b) that they can contact the Aged Care Complaints Commissioner if they are not satisfied with the determination; and
- (c) in the case of a matter being referred to the whistleblower stream, of the relevant contact details for investigator and the estimate of timeframe for the investigation.

As part of the Diocesan accountability processes, the Director of Professional Standards may advise the Chair of the Professional Standards Committee, the Bishop and/or the Diocesan Chief Executive about investigations under this policy unless there is a conflict of interest created by providing that advice.

### 6.3 Investigating a Protected Disclosure

Any Protected Disclosure that the Director determines is to be considered under the whistleblower stream shall be investigated using the Professional Standards Protocol of the Diocese as a guide to the investigation process.

Where a matter is referred to Risk and Assurance team, that team shall be responsible for investigating the disclosure and reporting to the Protected Person.

Where a matter is referred to Anglican Care's People and Culture team, the matter will be dealt with in accordance with Anglican Care's workplace policies and procedures.

The investigation process is set out in the attached flow chart.

### 6.4 Confidentiality and records

The identity of the Discloser of a Protected Disclosure and information which is likely to lead to the identification of the Discloser must be kept confidential.

Confidentiality must be observed in relation to handling and storing records relating to a Protected Disclosure.

Exceptions to confidentiality of Protected Disclosures are limited to:

- (a) disclosures to an appointed Commissioner or a member of the staff of the Commission;
- (b) disclosures to the Department, or an official of the Department;
- (c) disclosures to the Inspector-General of Aged Care;
- (d) where a legal practitioner is engaged for the purpose of obtaining advice about the application of the Discloser protections;
- (e) disclosures to a Police Officer;
- (f) where the law requires the disclosure of the identity of the Discloser;

- (g) where the Discloser consents;
- (h) disclosures to a court, tribunal or a Royal Commission;
- (i) disclosures necessary to lessen or prevent a serious threat to the safety, health or wellbeing of one of more individuals;
- (j) the Discloser elects to have the disclosure to be managed or dealt with as a complaint or feedback under the Act; and
- (k) the confidential information was already in the public domain before the disclosure and it being in the public domain was not due to a breach of this section.

It is also permissible to disclose confidential information if the disclosure is reasonably necessary for the purpose of investigating the matter, provided that all reasonable steps are taken to reduce the risk that the discloser will be identified as a result of the information being disclosed.

Breach of these confidentiality protections regarding the Discloser's identity and information likely to lead to the identification of the discloser may result in civil penalties and/or disciplinary action.

## 6.5 Outcomes of investigation of Protected Disclosure

Following the completion of any investigation of a Protected Disclosure undertaken by the Director (or the Bishop as the case may be):

- (a) if there is potential criminal conduct, the matter will be referred to the Police and the Regulator;
- (b) if there is potential breach of regulation or investigation, the matter will be referred to the Regulator;
- (c) if there are other matters that may relate to the operations of Anglican Care, they may be referred to the Bishop and/or the Diocesan Chief Executive.

## 7. Discloser protections under this Policy

Disclosers making a Protected Disclosure are protected by the requirement that their identity, and information that may lead to their identification, should be kept confidential, subject to relevant exceptions as set out above under the heading "Confidentiality".

### 7.1 Immunities

Disclosers making a Protected Disclosure cannot be subject to any civil or criminal liability or disciplinary action for making the Protected Disclosure. No contractual or other remedy or right may be enforced or exercised against the person due to a Protected Disclosure.

These immunities do not prevent a Discloser being subject to criminal, civil or other liability for conduct that is revealed by the disclosure.

### 7.2 No victimisation or detriment for Disclosers

Disclosers are protected from victimisation and shall not suffer any detriment by reason of the making of a Protected Disclosure.

It is unlawful for an Entity to engage in conduct that causes, or may cause, detriment to a Discloser, person or Entity associated with the Discloser, because the Entity believes or suspects that the Discloser has made, or will make, a Protected Disclosure.

Further, it is also prohibited for an Entity, to intentionally or recklessly, threaten to cause detriment to a Discloser or to another person or Entity associated with the Discloser, because they believe or suspect a Protected Disclosure will be, or has been, made.

There are significant civil penalties for failing to comply with confidentiality obligations and these victimisation provisions, which shall include disciplinary action.

A court may also order remedies for being subjected to detriment, these may include:

- compensation
- injunctions
- reinstatement
- exemplary damages

If a Discloser believes they are being subjected to a detriment or a threat of detriment, this should immediately be reported in writing or via email to the Diocesan Chief Executive or, if the threat has been made by the Diocesan Chief Executive, to the Bishop.

### 7.3 Unsubstantiated Allegations

Should any person make a false disclosure, or if a disclosure is made maliciously or is knowingly false, such a matter will be taken seriously and may be considered serious and wilful misconduct.

The making of unsubstantiated allegations shall, where appropriate, be dealt with under the Diocese's disciplinary processes.

## 8. Commitment to Training in relation to the Policy

### 8.1 Training is compulsory

Training about this policy is compulsory for all Aged Care Workers and Responsible Persons.

The training shall address how to recognise Protected Disclosures, handle personal information and data, understand escalation pathways and appreciate the penalties for breaching confidentiality.

### 8.2 Regular communication

In the interests of promoting a culture of openness and safety, Anglican Care shall communicate regularly, at least monthly, to all Protected Persons (as reasonably practicable) that:

- (a) they qualify for protection under this Policy; and
- (b) protected disclosures are encouraged and supported.

## 9. Reporting

On an annual basis, the Board will receive a report which provides the total number of all whistleblower disclosures received and the analysis of the final total number post-triage process.

## 10. Information and Assistance

For further information and assistance about this Policy, please contact the Bishop at:

bishopsecretary@newcastleanglican.org.au

## 11. Policy Effectiveness Review

This policy shall be reviewed annually to ensure that the policy is operating effectively and in accordance with the Act and Rules.

## 12. Legal and Policy Framework

### 12.1 Legislation

[Aged Care Act 2024 \(Cth\)](#)

[Aged Care Rules 2025 \(Cth\)](#)

[Corporations Act 2001 \(Cth\)](#)

### 12.2 Policy

Professional Standards Protocol

## 13. Document Governance

|                       |                                                  |
|-----------------------|--------------------------------------------------|
| Tier                  | 1                                                |
| Process Owner         | Executive Director Transformation and Operations |
| Policy Owner          | The Diocesan Council                             |
| Policy Approver       | The Diocesan Council                             |
| Approval Date         | August 2026                                      |
| Version               | 1.0                                              |
| Effective Date        | August 2026                                      |
| Previous review dates | Not applicable                                   |
| Next review date      | August 2028                                      |
| Published externally  | Yes. As per Section 3 – On the Diocesan website  |

Anglican Care Whistleblower Policy Flowchart

\*all references to days means Business Days

