

## Governance – Whistleblowing - Policy

### Introduction

Ability Options is committed to the highest standards of transparency, probity and accountability. Our Whistleblower protection arrangements form a core pillar of our corporate governance framework. Whistleblower reports aim to uncover corrupt, illegal and other improper or malfeasant behaviour that may otherwise go undetected. We encourage all stakeholders to report concerns about improper conduct within Ability Options and we will support and protect people who make a Whistleblower disclosure on objectively reasonable grounds and will appropriately investigate the reported information.

### Applicability

<b>When</b>	
<ul style="list-style-type: none"> <li>all documents published on myLibrary are mandatory and must be adhered to always.</li> </ul>	
<b>Who</b>	
<ul style="list-style-type: none"> <li>applies to directors, employees, former employees, officers, volunteers, residents, participants, vendors or contractors as well as their spouses, dependants, and other relatives, and anonymous disclosers who wish to make a report in connection with misconduct and avail themselves of the protections offered in this Policy.</li> </ul>	
<b>Document custodian</b>	Chief Audit and Risk Officer

### Definitions

Term	Description
Whistleblowing	The reporting by an individual who has reasonable grounds to suspect of reportable conduct that is within Ability Options’ ability to control.
Eligible Whistleblower	Board members, employees, former employees, officers, volunteers, residents, clients, vendors or contractors as well as their spouses, dependants, and other relatives, and anonymous disclosers who wish to make a report in connection with misconduct and avail themselves of the protections offered in this policy.
Eligible Recipient	The person to whom a report under this policy is made. Ability Option’s eligible recipients are: <ul style="list-style-type: none"> <li>Chair of the Audit, Risk and Finance Committee</li> </ul>

	<ul style="list-style-type: none"> <li>• Chair of the Quality and Outcomes Committee</li> <li>• Chief Corporate Services Officer</li> <li>• Chief Quality, Practice and Outcomes Officer</li> <li>• Chief Audit and Risk Officer</li> <li>• External auditors appointed by Ability Options</li> </ul>
Misconduct	<ul style="list-style-type: none"> <li>• Dishonest, corrupt, illegal or fraudulent conduct.</li> <li>• Conduct in breach of an Ability Options Policy</li> <li>• Legal or regulatory non-compliance.</li> <li>• Substantial mismanagement of Ability Options' resources.</li> <li>• Substantial mismanagement that involves a significant risk to health, safety or the environment.</li> </ul>
Whistleblower Protection Officer (WPO)	<p>The person who has the responsibility to safeguard the interests of the Whistleblower. To maintain independence from Ability Options' operations, the WPOs include two Board members to whom complaints may be made, in addition to three Executives. Ability Options' WPOs are:</p> <ul style="list-style-type: none"> <li>• Chair of the Audit, Risk and Finance Committee</li> <li>• Chair of the Quality and Outcomes Committee</li> <li>• Chief Corporate Services Officer</li> <li>• Chief Quality, Practice and Outcomes Officer</li> <li>• Chief Audit and Risk Officer</li> </ul>
Whistleblower Investigation Officer (WIO)	<p>The person responsible for the investigation of a report made under this Policy, investigating the substance of the report and determining where there is evidence in support of the matters raised. The WIO will be appointed by the WPO at their discretion and may be an investigator external to Ability Options depending on the nature of the allegations made and the person or persons against whom they are made.</p>

## **Purpose**

This policy addresses the following aims:

- to encourage disclosures of wrongdoing;
- to help deter wrongdoing, in line with our organisation's risk management and governance framework;
- to ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- to ensure disclosures are dealt with appropriately and on a timely basis;
- to provide transparency around our organisation's framework for receiving, handling and investigating disclosures;
- to support our organisation's values, code of conduct and/or ethics policy;
- to support our organisation's long-term sustainability and reputation; and
- to meet our organisation's legal and regulatory obligations.

This policy should be read in conjunction with the Ability Options Code of Conduct.

## **Types of matters that can be disclosed**

This policy extends to any matters you may have about conduct or circumstances which have the potential to seriously impact Ability Options and its reputation, including potential or real

- Misconduct;
- An offence or a breach of law, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- Commonwealth offences punishable by imprisonment of 12 months or more;
- A miscarriage of justice;
- Damage to the environment;
- Unauthorised use of Ability Options funds;
- Fraud, corruption or misappropriation of funds;
- Failure to comply with, or breach of, legal or regulatory requirements.

Whistleblower reports do not replace other feedback or complaint mechanisms. Rather, they provide an avenue for discreetly reporting serious wrongdoing. A report solely about a personal work-related

grievance is not covered by the protections. For other types of reporting see Quality - Management and Investigation of Incidents (and other Tickit Reports) - Policy.

### **Making a report**

If the nature of the matter is such that it is not appropriate to report through normal channels, or if the reporter has a reasonable concern about doing so, or if the matter has been previously reported under normal channels but the reporter believes no appropriate action has been taken, then a Whistleblower report is encouraged.

Whistleblower reports may be made anonymously, and anonymous disclosures will be protected, however Ability Option's preference is for the information to be provided where possible, to ensure a prompt investigation.

Ability Options will only share a whistleblower's identify or information likely to reveal the whistleblower's identity if:

- The whistleblower consents to the disclosure
- The disclosure is to a Commonwealth entity
- The disclosure is to a lawyer, with the purpose of obtaining legal advice
- Disclosures otherwise permitted by law, under the Corporations Act.

### **Conducting an investigation**

All reports made under this policy will be investigated with the objective of obtaining evidence that either substantiates or refutes the claims made by the Whistleblower.

The investigation will be conducted without bias and any person against whom an allegation has been made will be given the opportunity to respond.

The Whistleblower, the person who is the subject of the allegation and others as required, will be updated on the progress of the investigation and its outcomes in line with the **Quality - Management of Investigations - Process**.

## **Protecting whistleblowers**

If a Whistleblower makes a report under this policy, then provided he/she has not been involved in the conduct reported, the Whistleblower will not be penalised or disadvantaged because they have reported a matter. Protections for disclosures include

- Identity protection (confidentiality)
- Protection from detrimental acts, omissions or victimisation
- Compensation and remedies
- Civil, criminal and administrative liability protection.

## **Protecting people who are the subject of whistleblower report**

Ability Options is committed to the support and protection of our employees and will provide assistance and appropriate supports for those accused throughout the investigation process.

This may include, but is not limited to:

- The presumption of innocence.
- The appointment of a support person.
- An employee against whom a Whistleblower report has been made may be stood down or assigned other duties pending the outcome of the investigation. A letter will be issued by Human Resources outlining the allegation and the process to be followed including the potential outcomes of the investigation.

A person subject to a whistleblower report will receive a comprehensive briefing on the outcome.

## **Supports available to whistleblowers and people who are the subject of a whistleblower report**

Ability Options will ensure that supports are available for the whistleblower and the person subject to a whistleblower report, such as access to the Employee Assistance Program (EAP).

## **Breach of Policy**

Any breach of this policy may be regarded as misconduct and may result in disciplinary action.

A breach of this policy may also amount to a civil or criminal contravention under the Australian Whistleblower Protection Laws, giving rise to significant penalties.