

ONCALL

ONCALL¹'s vision is to be nationally recognised as the leading integrated community service provider, empowering people to live their best lives. ONCALL is steadfastly focused on quality service that puts the client at the centre, is enabled through technology transformation, and delivered by people who are committed.

Quality and compliance are embedded into our daily actions and behaviours. ONCALL's policies and procedures provide the foundation and framework for our work and actions to ensure we provide best practice service quality and compliance. All staff are required to know and apply ONCALL policies and procedures that apply to their work.

Policy purpose

The purpose of this policy is to:

- encourage the disclosure of wrongdoing by providing an environment in which people feel able to raise issues of legitimate concern
- support ONCALL's values and code of conduct in delivering services ethically and with integrity
- ensure whistleblowers can make a disclosure safely, securely and with confidence that they will be protected and supported
- provide a clear, transparent process for the disclosure, handling, and investigation of whistleblower disclosures
- meet ONCALL's legal and regulatory requirements under applicable Commonwealth legislation, specifically:
 - Corporations Act 2001 (Cth)
 - Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019

Policy scope

This policy describes the protections available to whistleblowers under the Corporations Act, what matters are disclosable, how you can disclose your concerns without fear of detriment, and how ONCALL will support and protect you.

Who the policy applies to

This policy applies to any person who is a current or former employee, director, officer, associate, contractor (including sub-contractor and employees of contractors), supplier (including employees of suppliers), consultant, auditor, or student. It also applies to relatives, dependents or spouses of any of these people.

What the policy applies to

This policy applies to disclosures by those nominated above that meet the requirements of the Corporations Act as defined by ASIC²:

- misconduct
- an improper state of affairs or circumstances, or
- a breach of the law by the company or organisation or an officer or employee of the company or organisation.

¹ ONCALL Group Australia

Types of matters include, but are not limited to, improper or misleading accounting or financial reporting practices, fraudulent, corrupt, or illegal activity, failure to comply with legal or regulatory requirements, or practices that pose a significant risk to the public or ONCALL.

This policy also applies to any conduct that would be considered victimisation of an individual because they have made, may have made, or propose to make, a disclosure under this policy.

If you are unsure if the policy applies to a particular circumstance you should speak with:

- the ONCALL Whistleblower Protection Officer (WPO),
- the General Manager, Corporate and Commercial Services,
- Australian Securities and Investments Commission (ASIC) or
- a lawyer.

Exclusions - What is not covered under the policy

Personal work-related grievances (as defined by ASIC³²) or complaints (as defined in the ONCALL Feedback and Complaints Policy) are excluded from this policy. These matters will be handled under the relevant ONCALL policies including the Work Health and Safety Policy, and Feedback and Complaints Policy.

ONCALL clients, their families and carers are not covered under the protections of the ONCALL Whistleblower Policy or the Corporations Act. Options to raise concerns are available under ONCALL's Feedback and Complaints Policy.

A disclosure that is not about a 'disclosable matter' as defined by ASIC does not qualify for protection under this policy or the Corporations Act.

Policy statement

ONCALL will:

- provide clear procedures for disclosing and investigating matters under this policy
- ensure access to a confidential whistleblower disclosure contact including but not limited to, a whistleblower Protection Officer
- take all disclosures of potential or actual wrongdoing seriously
- treat all disclosures confidentially
- provide appropriate protections to eligible whistleblowers, including their right to be safe from any form of detrimental conduct, resulting from a disclosure under this policy
- keep appropriate records of all disclosures, any inquiries, investigations and their outcomes, and any decisions or recommendations made, ensuring appropriate security is maintained.

The following steps in Making a disclosure, Review and investigation, and Protections and supports should be read in conjunction with ONCALL's Whistleblower Procedures.

Making a disclosure

As each circumstance is unique, ONCALL encourages anyone who is aware of potential wrongdoing to raise their concern, even if they are unsure whether or not this policy specifically applies.

Matters that may be operational in nature may also be able to be resolved through your manager, staff feedback or complaints, incident reporting, or by contacting Human Resources.

If raising a potential disclosure, you should speak with the Whistleblower Protection Officer (WPO) as an eligible recipient, ASIC or an independent legal adviser noting that the matter is a disclosure under this policy.

³ Australian Securities and Investments Commission (ASIC) Regulatory Guide 270 Whistleblower policies, November 2019
<https://download.asic.gov.au/media/5702691/rq270-published-13-november-2019-20200727.pdf>

Who to disclose to

To qualify for whistleblower protections under the Corporations Act, you must disclose your concerns to one of the following eligible recipients:

- ONCALL Whistleblower Protection Officer (WPO), the General Manager, Corporate and Commercial Services
- a director, officer, senior manager, auditor, or actuary of ONCALL (as detailed in ONCALL Whistleblower Procedure)
- ASIC on 1 300 300 630
- a lawyer, for the purpose of obtaining legal advice or legal representation about the whistleblower protections.

A disclosure can also be made to a journalist or member of state or federal parliament **IF** the matter is a public interest disclosure or emergency disclosure as defined by the Corporations Act and ASIC². Due to ASIC's specific requirements for this disclosure approach, and the privacy and sensitivity of ONCALL's client services and corporate information, confidential advice should be sought before making a disclosure to these eligible recipients.

A person making a disclosure (the discloser) must first inform the eligible recipient that they wish to make a disclosure under this policy.

Whistleblowers can access the legal rights and protections under this policy and the Corporations Act from when they disclose a disclosable matter to any of the eligible recipients.

If you wish to seek additional information before making a disclosure, you can obtain additional information from the ONCALL WPO, ASIC or from an independent legal adviser of your choice.

What should be disclosed

Matters that can reasonably be considered as misconduct, an improper state of affairs or circumstances, or is in breach of the law may be subject to whistleblower protections and should be disclosed.

The following are types of matters, but are not specific nor exhaustive:

- improper or misleading accounting or financial reporting practices
- unethical behaviour including anything that would breach the ONCALL Code of Conduct and/or cause harm to a child, young person, or person with disability
- dishonest behaviour
- fraudulent or corrupt activity
- failure to comply with legal or regulatory requirements
- practices that pose a significant risk to the public or ONCALL
- any detrimental action taken against a whistleblower as defined by this policy

How to disclose

A disclosure can be made verbally in person or by telephone or in writing, by letter or email. A disclosure should include as much information as possible, including the details of the misconduct, people involved, dates, locations, and any evidence available.

A disclosure can be made anonymously. Disclosers should note that maintenance of anonymity may make it less more difficult to substantiate an alleged breach in any subsequent investigation.

Individuals who intentionally make a false disclosure may be subject to disciplinary action as per ONCALL's Disciplinary Action Policy. There may also be legal consequences for anyone knowingly making a false report.

Review and investigation

The ONCALL WPO will review all matters disclosed under this policy as soon as practicable after the matter has been disclosed. If the disclosure is deemed unreasonable or out of scope of the policy the disclosure may be dismissed.

If the WPO deems a formal investigation is required it will be referred to ONCALL's Whistleblowing Investigations Officer (WIO), the Executive Manager People and Culture. The WIO may appoint an external expert to assist with the investigation, and/or an external investigator to assist with or conduct the investigation.

Where a formal investigation is deemed necessary, the WPO will notify the Chair of the Audit, Compliance and Risk Management Committee or CEO of the report while maintaining the protections outlined in the Whistleblower Policy and Procedures.

ONCALL will conduct all investigations in a fair, independent, objective, confidential and timely manner.

If the disclosure is not anonymous, ONCALL will keep the Whistleblower informed the progress and expected timeframes of any investigation subject to privacy and confidentiality requirements.

Any person against whom any allegations have been made will also be informed of the concerns and will be provided with an opportunity to respond unless there are any restrictions or other reasonable basis for not doing so.

ONCALL's WPO will ensure an investigation report is completed and provided to the Audit, Compliance and Risk Management Committee or CEO.

ONCALL will keep appropriate records of all disclosures, any inquiries, investigations and their outcomes, and any decisions or recommendations, ensuring appropriate security is maintained

To the extent permitted by privacy principles (Ref ONCALL's Privacy Policy) and the protections in the Whistleblower Policy, the WPO will inform the person making the disclosure (and any person against whom allegations have been made) of the findings. The formal report will remain the property of ONCALL and will not be provided to discloser or others implicated in the disclosure.

Protections and support

ONCALL is committed to providing all appropriate protections and supports to whistleblowers and those affected by disclosures. These include:

Anonymity

Whistleblowers may provide an anonymous disclosure.

Information about a discloser's identity may be disclosed in the following circumstances where:

- the discloser consents
- information is disclosed to ASIC or the Australian Federal Police
- the information is disclosed to a legal practitioner for the purpose of obtaining legal advice in relation to the operation of applicable whistleblowing protection laws

Privacy and confidentiality

ONCALL will not disclose the identity of a whistleblower (unless required or permitted by law). ONCALL will manage all identifiable personal information including records of all disclosures, any inquiries, investigations and their outcomes, and any decisions or recommendations made, confidentially and securely and will permit access by authorised persons only as per ONCALL's Privacy Policy.

No detriment

ONCALL strictly prohibits all forms of detrimental conduct against any person who has made, or proposes to make, a disclosure in good faith in accordance with this policy. Detrimental conduct may

include, but is not limited to, actual or threats of victimization, bullying, harassment, unlawful discrimination, demotion, or the failure to be fairly considered for a promotion, or unfair dismissal.

ONCALL will take all necessary action where such detrimental conduct is identified and confirmed, up to and inclusive of termination of employment or engagement. In some circumstances, such as when these acts breach the whistleblower legislation, this may also be a criminal offence punishable by imprisonment.

If a discloser believes detrimental action has occurred or been threatened, or otherwise has concerns, they should immediately inform the WPO. If detrimental action concerns a WPO they can contact the Executive Manager People and Culture.

A whistleblower will not be subject to any civil, criminal or disciplinary action for making a disclosure that is covered by this policy and/or for participating in any investigation. However, protections do not necessarily absolve the discloser from the consequences of any involvement on their own part in the wrongdoing.

Whistleblower support

ONCALL will provide supports to the Whistleblower including, but not necessarily limited to:

- access to the Employee Assistance Program (EAP)
- offer of an independent support person from the Human Resources team (if willing for the matter to be disclosed for that purpose)
- connecting the person with third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636)

Support for a person implicated

No action will be taken against person who is implicated in a disclosure under this policy until an investigation has determined whether any allegation against them is substantiated. However, an employee or officer who is implicated may be temporarily stood down on full pay whilst an investigation is in process, or may be temporarily transferred to another office, department or workplace, if appropriate in the circumstances. Any such stand-down or temporary transfer may only continue for the duration of the investigation. If the investigation determines that the allegation is not substantiated, the employee or officer will be immediately reinstated to full duties.

ONCALL will ensure that any disclosure that implicates an employee or officer will be kept confidential and will only be disclosed to those persons who have a need to know the information for the proper performance of their functions under this policy, or for the proper investigation of the disclosure.

ONCALL will inform an employee who is implicated in a disclosure of the allegations against them as far as is appropriate to do so considering the law and the discloser's right to privacy and anonymity if requested. ONCALL will provide the employee or officer with an opportunity to respond to an allegation and provide additional information if relevant, in the course of an investigation into the allegation (subject to law and the right to anonymity).

Support available for persons implicated in a disclosure under this policy includes:

- access to the Employee Assistance Program (EAP)
- offer of an independent support person from the Human Resources team to deal with any ongoing concerns they may have (if willing for the matter to be disclosed for that purpose)
- connecting the person with third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636)

False or misleading disclosures

A discloser will not be subject to a penalty if the information provided in good faith, turns out to be incorrect. A disclosure that is known to be untrue or is misleading is in breach of this policy and will be considered a serious matter that may result in disciplinary action. There may also be legal consequences to a discloser knowingly making a false report.

Breach of policy

It is a condition of any employment or engagement by ONCALL that all in scope of this policy must comply at all times with this policy. However, this policy does not form part of any agreement between any person and any ONCALL, nor does it constitute terms and conditions of any person's employment or engagement with an ONCALL.

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

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.

Definitions

Where defined by ASIC in the *Australian Securities and Investments Commission (ASIC) Regulatory Guide 270 Whistleblower policies, November 2019*, these definitions are applied. If there is any difference the definitions in this policy, those of ASIC and the Corporations Act apply.

ASIC	Australian Securities & Investments Commission
Complaint	An expression of dissatisfaction with the quality of an action taken, decision made, or service provided by an organisation or its contractor; or a delay or failure in providing a service, taking an action, or making a decision by an organisation or its contractor.
Detrimental conduct	Conduct, or a threat to engage in conduct, that causes detriment to a discloser (ASIC). This may include, but is not limited to, actual or threats of victimization, bullying, harassment, unlawful discrimination, demotion, or the failure to be fairly considered for a promotion, or unfair dismissal.
Disclosable matter	Information to which the whistleblower protections apply (ASIC)
Disclosure	A disclosure of information relating to wrongdoing or a disclosable matter to which the whistleblower protections (ASIC)
Discloser	An individual who discloses wrongdoing or an eligible whistleblower (ASIC)
Eligible recipient	An individual who can receive a disclosure (ASIC)
Eligible whistleblower	An individual; to whom the Whistleblower protections apply (ASIC)
Protection Officer (WPO)	The role under an entity's whistleblower policy that is responsible for protecting or safeguarding disclosers and ensuring the integrity of the reporting mechanism (ASIC)

Related documents

The following ONCALL documents may have applications relevant to the implementation of this policy:

ONCALL documents

Policy

Child Safety Risks and Concerns Policy

Code of Conduct

Disciplinary Action Policy

Feedback and Complaints Policy

Grievance Policy

Privacy Policy

Procedure

Whistleblower Policy

Whistleblower Procedures

External documents

- Australian Securities and Investments Commission (ASIC) Regulatory Guide 270 whistleblower policies, November 2019 <https://download.asic.gov.au/media/5702691/rg270-published-13-november-2019-20200727.pdf>

Document access and feedback

This policy will be made available to all staff on the ONCALL intranet (SharePoint) and ONCALL database (OCP), and to directors in the ONCALL Board orientation.

Users should provide comments and feedback on the accuracy, currency, and useability of the policy document to AskQuality@oncall.com.au.