



NAME OF POLICY: Aged Care Whistleblower Protocol

POLICY MANUAL: Governance

1. Introduction and Purpose

- 1.1 The City of Norwood Payneham & St Peters (the Council) is committed to fostering a culture of integrity, accountability, and transparency in the delivery of aged care services.
- 1.2 The Council will provide reasonable Assistance to enable disclosures to be made by people with disability, cognitive impairment, communication difficulties or language barriers.
- 1.3 Some of the services provided by the Council (as a Registered Provider) are funded through the Commonwealth Government Support Program (CHSP) which provides entry-level support services and programs to assist older people to remain living independently in their own homes.
- 1.4 These CHSP services are subject to the requirements of the *Australian Aged Care Act 2024* (the Act) which includes the requirement to implement a Whistleblower Protocol to ensure safe, transparent and accountable aged care services.
- 1.5 This Protocol is established in accordance with Part 5, Chapter 7 of the Aged Care Act and relevant provisions of the [Commonwealth Aged Care Rules](#) (the Rules), which outline protections for individuals making disclosures about serious non-compliance.

2. Definitions

- 2.1 *Whistleblower* - An individual who makes a disclosure because they reasonably suspect that a person or organisation is not complying with the Aged Care Act.
- 2.2 *Disclosure* – A disclosure is information provided by a person who reasonably suspects that a registered provider, responsible person or aged care worker has contravened, is contravening, or may contravene the Aged Care Act 2024, the Rules, or other aged care law.

A disclosure may relate to conduct including, but not limited to:

- abuse, neglect or mistreatment of an individual receiving funded aged care services;
 - failure to comply with obligations under aged care legislation; •
 - misuse of Australian Government funding; •
 - serious risks to the safety, health or wellbeing of individuals receiving funded aged care services;
 - conduct that compromises the quality or safety of aged care services; or
 - conduct that may otherwise constitute non-compliance with aged care law.
- 2.3 *Protected Information* – a disclosure that meets the requirements of section 547 of the Australian Aged Care Act 2024 and is therefore entitled to the protections provided under Part 5 of Chapter 7 of the Act.

- 2.4 *Responsible Person* - someone who is in charge of, or has a significant influence over the work of, a Registered Provider of Aged Care services. It also includes someone who has day-to-day responsibility for the provider's operations. A Responsible Person has their own legal obligations under the Aged Care Act.
- 2.5 *Whistleblower Responsible Officer* – the person appointed by the Council's Chief Executive Officer to be responsible for receiving and managing Whistleblower Disclosures.

3. What is the difference between a complaint and a whistleblower disclosure?

- 3.1 A Whistleblower Disclosure is a report made when someone reasonably suspects that a person or organisation is not complying with the Aged Care Act. Such disclosures typically relate to serious or suspected misconduct, including abuse, neglect, fraud, or other significant wrongdoing. Whistleblowers are protected by law and are entitled to immunity from liability, protection from victimisation, and confidentiality of identity.
- 3.2 A complaint is a report or expression of dissatisfaction about a service, experience, or conduct. General protections may apply, but not specific Whistleblower protections.

4. Who can make a whistleblower disclosure?

- 4.1 The following people can make a Whistleblower Disclosure:
- 4.1.1 Someone receiving funded aged care services.
 - 4.1.2 A supporter of someone receiving funded aged care services.
 - 4.1.3 A Responsible Person.
 - 4.1.4 An Aged Care Worker.
 - 4.1.5 An independent advocate.
 - 4.1.6 Anyone who becomes aware of information which constitutes as a disclosure under the Aged Care Act.

5. Responsible Officers

- 5.1 The Council's responsible officers are:

General Manager, Governance & Civic Affairs

Telephone: 8366 4549

Email: agedcarewhistleblower@npsa.gov.au

Manager, Governance

Telephone 8366 4593

Email: agedcarewhistleblower@npsa.gov.au

6. Submitting a Whistleblower Disclosure

- 6.1 A person can make a Whistleblower Disclosure directly to the Council anonymously or by disclosing their name via any one of the following methods:
- Email: agedcarewhistleblower@npsa.gov.au.
 - Post: Confidential - Whistleblower Responsible Officer, PO Box 204, Kent Town SA 5071
 - Phone either of the Responsible Officers nominated in 5.1
 - In person: Meet with the Whistleblower Responsible Officer at the Council 175 The Parade, Norwood SA 5067.
 - Speak directly with an Aged Care Worker or staff member.

6.2 Whistleblower Disclosures can also be made to the following organisations/people:

6.2.1 Aged Care Quality Safety Commission 1800 951 822.

6.2.2 Department of Health, Disability and Ageing 1800 020 103.

6.2.3 Police Officer 131 444.

6.2.4 Independent advocate from the Aged Rights Advocacy Service (ARAS)
1800 700 600.

7. Whistleblower Protections under the Aged Care Act 2024 (Part 5 of the Act)

7.1 Victimisation

7.1.1 Under the Aged Care Act, it is prohibited to victimise, or threaten to victimise, individuals who make a whistleblower disclosure.

7.1.2 The Council prohibits any form of retaliation, discrimination, or disadvantage against individuals who make a whistleblower disclosure. This includes changes to employment conditions, denial of services, or reputational harm.

7.1.3 Any instance of victimisation (whether actual or suspected) arising from a Whistleblower Disclosure, or the belief that a disclosure has been or may be made, must be reported to the Whistleblower Responsible Officer. This obligation applies to the Whistleblower themselves or any other individual who becomes aware of the victimisation.

7.1.4 Individuals who engage in victimisation or make threats of victimisation may be subject to disciplinary Action. Such conduct may also constitute a breach of the Aged Care Act and attract regulatory penalties.

7.2 Confidentiality

7.2.1 The Council will take all reasonable steps to maintain the confidentiality of a Whistleblower's identity and the information that is likely to lead to the identification of the discloser.

7.2.2 The Council will securely store all records relating to Disclosures and restrict access to authorised persons on a need-to-know basis. Information likely to identify a Whistleblower will only be disclosed where authorised by law.

7.2.3 The Aged Care Act outlines specific circumstances in which the identity of a Whistleblower, or information likely to lead to their identification, may be lawfully disclosed. Disclosure of Protected Information is authorised in the following situations:

- the disclosure is made to an Appointed Commissioner or a member of the staff of the Aged Care Quality Safety Commission (the Commission);
- the disclosure is made to the System Governor, or an official of the Commonwealth Department of Health, Disability and Ageing;
- the disclosure is made to the Inspector-General of Aged Care;
- the disclosure is made to a Police Officer;
- the disclosure is made to a legal practitioner for the purpose of obtaining legal advice or legal representation;
- the Whistleblower consents to the disclosure;

- the disclosure is necessary to lessen or prevent a serious threat to the safety, health or wellbeing of one or more individuals;
- the disclosure is made to a court, tribunal or a Royal Commission;
- the Whistleblower elects to have the disclosure managed or dealt with as a complaint or feedback;
- the confidential information is already in the public domain before the disclosure is made; or
- in certain circumstances, it may be necessary for Council to share information related to a Whistleblower Disclosure to investigate or resolve the matter. However, the identity of the Whistleblower will not be disclosed. Where information must be shared, Council will take all reasonable steps to protect the Whistleblower's identity and minimise the risk of identification.

7.3 Legal Protections

7.3.1 Under the Aged Care Act, Whistleblowers are protected from:

- civil, criminal or administrative liability (including disciplinary action) for making a Disclosure; and
- any contractual or other rights or remedies enforced against them solely because they made a Disclosure. This includes, for example, being terminated on the grounds that the Disclosure constitutes a breach of contract.

7.3.2 Whistleblowers may still be liable for any unlawful conduct revealed in the disclosure.

7.3.3 The Council will comply with all obligations imposed on registered providers under section 553 of the Act.

8. What happens when a Whistleblower Disclosure is made?

- 8.1 The Whistleblower Responsible Officer receives the Disclosure and will record all information regarding the disclosure while ensuring confidentiality. Information is only shared with the Council's Chief Executive Officer, the Whistleblower Responsible Officer and the Investigator.
- 8.2 The Whistleblower Responsible Officer will acknowledge receipt of the Disclosure within three (3) business days.
- 8.3 Upon receipt, the disclosure will be assessed as soon as reasonably practicable to determine how it should be managed and whether it may qualify for protection under the Act.
- 8.4 The Whistleblower Responsible Officer will assist the Whistleblower to access support (eg the Council's Employee Assistance Program, advocacy eg Aged Rights Advocacy Service, counselling, psychological support) as required.
- 8.5 The Whistleblower Responsible Officer will appoint an Investigator, either internal or external, which will be determined based on the nature and complexity of the Disclosure.
- 8.6 The investigation will be conducted in a fair, impartial, and timely manner, with adherence to procedural fairness principles. Evidence is gathered through interviews, document reviews, and other relevant methods.
- 8.7 The Whistleblower Responsible Officer will keep the Whistleblower informed of progress at regular intervals.

- 8.8 If a disclosure involves suspected criminal conduct or regulatory breaches, the Council will escalate the matter to the appropriate authority, such as the SA Police or the Aged Care Quality and Safety Commission as required under the Aged Care Act.
- 8.9 A written report outlining the findings, conclusions, and recommended actions will be completed and submitted to the Council's Chief Executive officer within 90 days of receiving the Disclosure, where practicable.
- 8.10 If an extension beyond the 90-day timeframe is required, the Whistleblower will be notified in writing, including the reasons for the delay and an updated expected timeframe.
- 8.11 The Whistleblower will be advised of the key findings and any actions taken, subject to confidentiality obligations and legal constraints.
- 8.12 Following the completion of an investigation, the Council is committed to ensuring that the recommended actions to address outcomes are implemented effectively and that the wellbeing of the Whistleblower is safeguarded. To assist with this commitment the Council will:
 - 8.12.1 monitor the implementation of any corrective or remedial actions arising from the investigation findings;
 - 8.12.2 periodically review the whistleblower's wellbeing and safety to ensure they remain protected from any form of retaliation or disadvantage;
 - 8.12.3 identify and document any lessons learned during the investigation process; and
 - 8.12.4 use insights to inform continuous improvement, including updates to policies, procedures, and staff training where appropriate.

9. Interaction with the Aged Care Quality and Safety Commission

- 9.1 The Council acknowledges the authority of the Commission and will fully cooperate with any investigation or inquiry initiated by the Commission in relation to a whistleblower disclosure. This includes:
 - 9.1.1 Promptly referring disclosures to the Commission where appropriate or required to do so by law.
 - 9.1.2 Providing access to relevant documentation, records, and personnel to support the Commission's investigation.
 - 9.1.3 Ensuring that any actions taken by the Council do not interfere with or compromise the Commission's investigative process.
 - 9.1.4 Maintaining confidentiality and protecting the identity of the Whistleblower throughout the referral and investigation process.
- 9.2 Council also recognises that the Commission may:
 - 9.2.1 Conduct independent investigations into matters raised through Whistleblower Disclosures.
 - 9.2.2 Issue directions or recommendations for corrective action.
 - 9.2.3 Refer matters to other regulatory or enforcement bodies, including the Department of Health, Disability and Ageing or law enforcement agencies.

- 9.3 The Council will act in good faith and with transparency in all interactions with the Commission and will implement any required actions or improvements resulting from Commission findings or recommendations.
- 9.4 This cooperative approach ensures that disclosures are handled with the seriousness they deserve and contributes to a culture of accountability and continuous improvement in aged care service delivery.

10. False Reports

- 10.1 Vexatious, malicious or knowingly false disclosures will not be tolerated. Whistleblower protections will not apply to any such disclosures.
- 10.2 Disciplinary action may be taken against individuals who make vexatious, malicious or knowingly false Disclosures.

11. Training

- 11.1 The Council will ensure that all Community Care Staff and Responsible Persons are trained to understand how the Whistleblower Protocol is applied, including:
 - 11.1.1 How to handle personal information and data.
 - 11.1.2 How to recognise and respond to Protected Disclosures.
 - 11.1.3 How to manage relationships and communicate with disclosers.
 - 11.1.4 When and how to escalate Disclosures.
 - 11.1.5 Roles and responsibilities, including individual obligations as recipients of Disclosures and positive duties to ensure disclosers are not victimised or identified.
 - 11.1.6 Penalties for breaching confidentiality.
- 11.2 Information regarding whistleblower protections and reporting pathways will be made available through induction programs, client information materials, Council's website, staff communications and other appropriate channels.

12. Information

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's Manager, Community Services, telephone 8366 4600.

13. Adoption and Review

The Council will review these Protocols every three (3) years or more frequently if legislation, relevant standards or organisational needs change.

This Policy was adopted by the Council on 7 July 2026 and it will be reviewed in June 2029, or earlier as needed.