

WHAT is our Policy?

Estia Health is committed to a culture of corporate compliance and high ethical behaviour based on our values which include acting with respect and integrity. Estia Health’s ethical values are set out in our ‘Code of Conduct’

The purpose of this Policy is to;

- To encourage full reporting of Reportable Misconduct;
- To help deter wrongdoing, in line with Estia Health’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 Estia Health’s framework for receiving, handling and investigating disclosures;
- to support Estia Health’s long-term sustainability and reputation; and
- to meet Estia Health’s legal and regulatory obligations.

WHY is this important?

The objectives of this Policy are to ensure that whistleblowers understand:

- that Reportable Misconduct must be reported in accordance with this Policy;
- how to report Reportable Misconduct;
- the protections available to them in reporting Reportable Misconduct in accordance with this Policy; and
- how reports of Reportable Misconduct are investigated and how Estia Health affords fair treatment to individuals reporting such misconduct.

1. WHO DOES THIS POLICY APPLY TO?

This Policy applies to anyone who is or was:

- an employee of Estia Health
- an officer of Estia Health
- an associate of Estia Health
- a supplier or contractor of Estia Health
- a volunteer at Estia Health; or
- a relative or dependant of any of the above

Anyone who falls into any of the categories above is called an ‘**Eligible Discloser**’.

Residents and relatives of residents of Estia Health homes are **not** classified as Eligible Disclosers under the whistleblowing regime. Residents/relatives have a number of channels available to provide feedback/raise issues to Estia Health;

- In person at the home level to the Residential Aged Care Manager;
- Feedback Forms available at each home;
- Regular resident/relative meetings at home level;

- Email to Head Office via feedback@estiahealth.com.au
- Issues can be raised via the Say Something Hotline

Externally, matters can be raised to the Aged Care Quality and Safety Commission online at agedcarequality.gov.au or by calling 1800 951 822

2. WHEN DOES THIS POLICY APPLY?

A disclosure qualifies for protection under this Policy if the following requirements are met:

- The disclosure is made by an Eligible Discloser; and
- The disclosure is made to an Eligible Recipient; and
- The disclosure is about a disclosable matter (referred to as 'Reportable Misconduct') and is **not** a personal work-related grievance; and
- The Eligible Discloser must have reasonable grounds to suspect the information concerns misconduct or an improper state of affairs or circumstances

3. WHAT IS REPORTABLE MISCONDUCT?

For the purpose of this Policy, Reportable Misconduct that must be reported to Estia Health, includes but is not limited to, the following types of misconduct ('**Reportable Misconduct**')

- a breach of the law, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property
- representative of serious clinical wrongdoing;
- unethical (representing a breach of Estia Health's code of conduct, policies or generally other misconduct;
- dishonest;
- fraudulent;
- corrupt;
- an unsafe work practice;
- fraud, money laundering or misappropriation of funds;
- financial irregularities;
- any other conduct which may cause financial or non-financial loss to Estia Health or be otherwise adverse to Estia Health's interests;
- Reportable Misconduct or an improper state of affairs (including tax affairs) or circumstances; or
- engaging 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.

4. HOW DO I MAKE A REPORT?

For the protections under the Whistleblower Protection Scheme to apply, a disclosure must be made directly to an 'Eligible Recipient'. The list of people who are Eligible Recipients is set out below. If you are an Eligible Discloser your disclosure qualifies for protection from the time it is made to an Eligible Recipient, regardless of whether you or the recipient recognises that the disclosure qualifies for protection at that time.

Eligible Recipients are:

- The Say Something Hotline;
- a member of the Executive Team;

- a Regional Manager;
- an internal or external auditor;
- an actuary (mainly relevant for banking, insurance, and superannuation entities); or
- a legal practitioner for the purposes of obtaining legal advice about whistleblowing

We encourage any disclosures to be made internally to Estia Health to an Eligible Recipient or to the Say Something Hotline in the first instance so we are made aware of any misconduct and can commence an investigation as soon as possible.

IMPORTANT INFORMATION

If an Eligible Discloser is aware of actual or Reportable Misconduct and have reasonable grounds to believe it is true, they are encouraged to raise the matter with Estia Health's **Say Something Hotline**.

The Estia Health Say Something Hotline is an independent service run by Stopleveline, which is an avenue for Estia Health employees and other Eligible Disclosers to raise concerns about Reportable Misconduct. Reports to the Say Something Hotline can be made anonymously. For further information on the Hotline please click on the link <https://saysomething.stoplinereport.com/>

Alternatively, a report can be made using one of the following options:

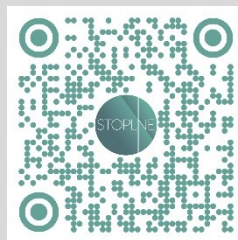
Phone: 1300 304 550

Email: estiahealth@stopline.com.au

Website: <https://saysomething.stoplinereport.com/>

Postal address: Attention: Estia Health, c/o Stopleveline, PO Box 403, Diamond Creek, VIC 3089, Australia

QR Code: Make a report using your smartphone or device via the **QR Code** below



All claims of Reportable Misconduct should provide (to the extent possible) specific information such as dates, places, persons, witnesses, and amounts in order to allow an investigation to be conducted.

If the Eligible Discloser discloses his or her name, this will allow Estia Health to initiate a follow-up meeting and provide feedback on the investigation. Feedback may also be possible for anonymous reports made to the Say Something Hotline.

Nothing in this Policy should be taken as preventing reports from being made to a regulator, such as The Aged Care Quality and Safety Commission (**ACQSC**), Australian Securities and Investments Commission (**ASIC**) at <https://asic.gov.au/> APRA at www.apra.gov.au/ Australian Taxation Office (**ATO**) at <https://www.ato.gov.au/>, or any other person in accordance with any relevant law, regulation or other requirement.

5. WHAT IS NOT COVERED UNDER THIS POLICY?

It is important to note that the following disclosures **do not qualify** for protection under the Whistleblowing legislation. Disclosures that are;

- not about Reportable Misconduct;
- not made by an Eligible Discloser; and
- not made to an Eligible Recipient (or other relevant person/entity referred to above).

Additionally, **personal work-related grievances are not covered under this Policy and should be reported to your line manager or People and Culture representative.** Examples of personal work-related grievances are, inter-personal conflicts between employees, decisions relating to the engagement, transfer or promotion of an employee, decisions to discipline an employee or a decision to suspend or terminate the engagement of an employee. For more information on how to report a work-related grievance or concern see the section below.

Raising a Grievance or Concern

At Estia Health, we are committed to creating a cohesive workplace where our employees, residents and visitors feel safe and supported. Employees are encouraged to raise a concern or grievance without fear of retribution and with confidence that Estia Health will address any workplace issue in a fair, consistent, and timely manner.

Employees are encouraged to engage in self-resolution to resolve issues where they feel comfortable to do so in an open and respectful manner. If you do not feel comfortable addressing your grievance directly, we encourage you to follow the appropriate escalation process detailed in policy [PDF 70-6-Reporting and Resolving a Grievance](#), by speaking to:

- Your manager

If you are not satisfied with your manager's actions or if your matter is sensitive or relating to your manager then you can raise your grievance to any of the following people:

- People and Culture Business Partner
- WHS Business Partner (for Health, Safety or Wellbeing matters)
- Regional Support Manager
- Regional Manager

The above persons, will attempt, where appropriate, to resolve grievances through discussion and negotiation between the relevant parties in a sensitive and confidential manner.

However, there may be some circumstances in which a personal work-related grievance still qualifies for protection and can be reported under this Policy. This would include any conduct that could be considered victimisation of an individual because they have made, may have made or intend to make a report under this Policy or a matter that would have significant implications for any company in the Estia Health Group.

In instances where disclosures do not meet the criteria of being made by an Eligible Discloser or concerning Reportable Misconduct under this Policy, such disclosures will be appropriately triaged. This process involves referring these matters to other relevant departments within Estia Health, such as the Quality Team, People and Culture, or other appropriate avenues. These departments will then undertake investigations or address the issues as deemed appropriate. This ensures that all concerns, even those falling outside the scope of this Policy, are addressed in a manner consistent with Estia Health's commitment to integrity and ethical conduct

6. FALSE REPORTS

If a person knowingly makes a false report of Reportable Misconduct or otherwise fails to act honestly with reasonable belief in respect of a report, disciplinary action (including termination) may be taken for making false, malicious or vexatious allegations. This matter may also be referred to external agencies and law enforcement authorities if applicable.

7. PUBLIC INTEREST DISCLOSURES AND EMERGENCY DISCLOSURES

Estia Health encourages Eligible Disclosers to make disclosures to Estia Health in the first instance, where possible.

Disclosures can be made to a journalist or parliamentarian in certain circumstances and still qualify for protection under the Corporations Act.

A 'public interest disclosure' is the disclosure of information to a journalist or a parliamentarian, where:

- a) at least 90 days have passed since the Eligible Discloser made the disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation;
- b) the Eligible Discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure;
- c) the Eligible Discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest; and
- d) before making the public interest disclosure, the Eligible Discloser has given written notice to the body to which the previous disclosure was made) that:
 - (i) includes sufficient information to identify the previous disclosure; and
 - (ii) states that the Eligible Discloser intends to make a public interest disclosure

An 'emergency disclosure' is the disclosure of information to a journalist or parliamentarian, where:

- a) the Eligible Discloser has previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation;
- b) the Eligible Discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
- c) before making the emergency disclosure, the Eligible Discloser has given written notice to the body to which the previous disclosure was made) that:
 - (i) includes sufficient information to identify the previous disclosure; and
 - (ii) states that the Eligible Discloser intends to make an emergency disclosure; and
- (d) the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

Eligible Disclosers should contact an independent legal adviser for advice before making a public interest disclosure or an emergency disclosure.

8. WHISTLEBLOWER PROTECTION

If an Eligible Discloser makes a report of Reportable Misconduct in accordance with this Policy, Estia Health will make all reasonable efforts to ensure the identity of the Eligible Discloser remains confidential from the time of reporting and through the investigation process. However, when a report is investigated it may be necessary to reveal its substance to people such as other Estia Health personnel, external persons involved in the investigation process and, in appropriate circumstances, regulatory bodies and law enforcement agencies.

Estia Health will not disclose the Eligible Discloser's identity unless:

- the Eligible Discloser consents to the disclosure;
- the disclosure is required or authorised by law;
- the disclosure is necessary for the reporting of the disclosure to a government agency or authority, such as ASIC, APRA or the Australian Federal Police;
- the disclosure is reasonably necessary to further and appropriately investigate the matter; and/or
- the disclosure is necessary to prevent or lessen a serious threat to a person's health or safety.

9. PROTECTIONS UNDER THE LAW

If an Eligible Discloser makes a disclosure that qualifies for protection under the whistleblowing laws:

- they cannot be subject to civil, criminal or administrative liability due to reporting misconduct;
- no contractual or other remedy may be enforced against the person based on the disclosure; and
- information provided as part of a reported misconduct cannot be used as evidence against the Eligible Discloser in a prosecution.

10. ENSURING FAIR TREATMENT OF INDIVIDUALS MENTIONED IN A DISCLOSURE

- 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 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; and
- An employee who is the subject of a Disclosure may contact Estia Health's support services (e.g. counselling or the EAP service)

11. DETRIMENTAL ACTION PROHIBITED

No detrimental action will be taken by Estia Health against an Eligible Discloser in relation to a report of Reportable Misconduct whether substantiated or not substantiated by the subsequent investigation. Detrimental action includes:

- dismissal of an employee;
- injury of an employee in his or her employment;

- alteration of an employee's position or duties to his or her disadvantage;
- discrimination between the Eligible Discloser and other employees;
- 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.

Note that the following actions are not detrimental conduct:

- administrative action that is reasonable for the purpose of protecting an Eligible Discloser from detriment; and
- managing an Eligible Discloser's unsatisfactory work performance, provided the action is consistent with Estia Health's performance management framework.

In order to protect Eligible Disclosers from detrimental conduct, Estia Health will take the following steps (among others as necessary):

- risk assessment of potential detriment to Eligible Disclosers (and others) will commence as soon as possible after receiving a Disclosure;
- implement actions to prevent detriment where identified in a risk assessment;
- offer support services – see the "Support" section below; and
- intervene if detriment has already occurred, e.g. disciplinary action.

12. SUPPORT FOR WHISTLEBLOWERS

Estia Health is committed to ensuring that Eligible Disclosers are protected and supported. All reasonable steps will be taken to ensure that an Eligible Discloser is supported in making a disclosure. Eligible Disclosers can, as an initial step, contact Estia Health's employee assistance provider – Assure Programs on 1800 808 374 or at <https://assureprograms.com.au/book-an-appointment> (EAP)

Employees may also request additional support from the Whistleblower Wellbeing Officer if required.

Please be aware that, although any disclosure of information to the EAP is confidential, EAP is not an 'Eligible Recipient' for the purposes of this Policy or the Act.

13. ROLE OF THE WHISTLEBLOWING WELLBEING OFFICER

A Whistleblower Wellbeing Officer may also be assigned to monitor the welfare of an Eligible Discloser, receive reports of actual or threatened detrimental action and provide feedback on the progress and results of the investigation.

Eligible Disclosers should immediately inform the Whistleblower Wellbeing Officer if they are concerned that:

- they may be, are being, or have been subjected to detrimental conduct; or
- their disclosure has not been dealt with in accordance with this Policy, including any assessment made by the Say Something Hotline.

However, the Whistleblower Wellbeing Officer may not be able to take action if the Eligible Discloser wishes to remain anonymous.

Estia Health's Whistleblowing Wellbeing Officer is Alison De Araugo, Head of Health Safety and Wellbeing. Her contact details are;

Estia Health
1155 Toorak Road
Camberwell, VIC 3124
Mobile: 0413 882 210
Email: Alison.DeAraugo@estiahealth.com.au

14. WHAT HAPPENS ONCE A REPORT IS MADE?

Once a report of Reportable Misconduct has been received, the Disclosure Co-ordinator will send it to the Whistleblower Committee

The Whistleblower Committee has the following members:

- CEO
- Chief People & Culture Officer
- General Counsel and Chief Privacy Officer

In instances of a serious or significant whistleblower disclosure, the CEO has the discretion to escalate the matter to the Audit and Risk Committee Chair or, where suitable, to the Board. However, if a disclosure alleges misconduct by a member of the Executive Team or the CEO, the disclosure will instead be sent directly to the Chair of the Audit and Risk Committee. These disclosures will then be investigated by an independent external investigator.

15. INVESTIGATION PROCESS

Once a report has been received, the Whistleblower Committee will review the report and assign an appropriate individual to be the 'Disclosure Owner' who is primarily responsible for investigating the disclosure. Whilst a Disclosure Owner may delegate some of the investigative procedures relating to the disclosure, they remain responsible for the completion of the investigation into the Disclosure through its entire lifecycle.

Estia Health will consider the following matters when investigating a disclosure;

- the nature and scope of the investigation;
- the person(s) within and/or outside Estia Health should lead the investigation;
- the nature of any technical, financial or legal advice that may be required to support the investigation; and
- the timeframe for the investigation.

Investigation processes will vary depending upon the precise nature of the conduct being investigated but will be conducted promptly, objectively and fairly with due regard to the nature of the allegation, relevant Estia Health policies and the rights of the persons involved in the investigation. Investigations will be independent of the Discloser, the individuals who are the subject of the disclosure and the department or business unit involved.

If necessary, the assistance of an internal or an external party such as an accounting, legal or clinical specialist may be sought. During the investigation, the Disclosure Owner (or delegated investigators) will have access to all relevant materials, documents, and records. The directors, officers, employees

and agents of Estia Health must cooperate fully with the investigation. Estia Health will use all reasonable means to protect the confidentiality of the Eligible Discloser.

At the conclusion of the investigation, the Disclosure Owner will prepare a detailed report on the scope of the investigation and any actions taken along with details of any relevant dates and findings for the Whistleblower Committee. If the final report finds that the misconduct occurred, the Whistleblower Committee will consider:

- any steps to be taken to prevent the misconduct from occurring in the future;
- any action that should be taken to remedy any harm or loss;
- disciplinary proceedings against the person responsible for the conduct; and
- referral of the matter to the appropriate authorities.

The Whistleblower Disclosure Owner will provide a summary report to the Whistleblowing Committee of all whistleblowing allegations made and any investigations conducted under this Policy. The Coordinator is responsible for retaining all records relating to disclosures and for communicating updates to Eligible Disclosers where appropriate.

16. ACCESSIBILITY AND IMPLEMENTATION OF THIS POLICY

This Policy is available to officers and employees of Estia Health on the intranet (One Family) and on the external Estia Health website. This Policy and associated whistleblowing training forms part of the induction pack for new starters. All Estia Health employees are required to complete annual mandatory refresher training on this Policy and the whistleblowing regime.

This Policy does not form part of any terms of employment and Estia Health may change, apply or withdraw this Policy in its discretion.

17. QUESTIONS

Any questions about this Policy should be directed to Estia Health's General Counsel and Chief Privacy Officer

18. RELATIONSHIP TO OTHER POLICIES

This Policy should be read in conjunction with the following Estia Health policies:

- Code of Conduct
- Harassment, Discrimination & Bullying Procedure
- Grievance & Complaints Handling Procedure
- Disciplinary Procedure

19. RESOURCES

For further information on whistleblowing protections and general information on whistleblowing can be obtained from the ASIC website using the links below.

[REP 758 Good practices for handling whistleblower disclosures | ASIC](#)

[Whistleblower rights and protections | ASIC](#)

Australian Securities and Investment Commission Regulatory Guide 270 - Whistleblower Policies

Revision History

Revision No	Date	Initials	Description of Changes
V0	24-Mar-17	-	-
V1	10-Apr-19	S. Watson	Updated the names in “Step 3 Making a Report “to the following: 1. Chief Executive Officer (currently Mr Ian Thorley – ian.thorley@estiahealth.com.au); 2. Chair of the Audit Committee (currently Ms Karen Penrose – karen@karenpenrose.com).
V2	15-Aug-19	S. Watson	Comply with the new Whistleblowing Laws effective 1st of July.
V3	14-Feb-20	S. Watson	Updated Policy
V4	20-May-20	S. Watson	Changing Jane Murray’s name to Ashley Van Winkel
V5	04-Sept-20	S. Watson	Updated Chief People Officer’s name to Lisa Keogh
V6	10-Dec-20	S. Watson	Added new EAP details in paragraph 11.
V7	14-Dec-20	S. Watson	Updated the EAP website and address link.
V8	12-Jan-21	S. Watson	Updated name and contact details for Estia Health’s Whistleblowing Wellbeing Officer to Claire Winter in page 7.
V9	17-Aug-23	S. Watson	Update Whistleblower Committee members
V10	20-Dec-23	S. Watson	Removed reference to ASX Corporate Governance Principles and Recommendations Updated contact details from Deloitte to Stopline Replaced references to ‘Estia’ with ‘Estia Health’ Updated WB Committee Member titles Added in hyperlink under ‘Resources’ to ASIC WB website
V11	08-Jan-24	S. Watson	Changed name and contact details of Estia Health’s Whistleblowing Wellbeing Officer to Alison De Araugo
V12	11-Apr-24	S. Watson	Removed the Chair of the Audit and Risk Committee from the Whistleblowing Committee and amended the escalation process for disclosures.
V13	18-Sept-24	S. Watson	<ul style="list-style-type: none"> Clarified language around the definition of ‘Eligible Recipients’ and minor typographical changes. Added a link to the ASIC webpage on whistleblowing resources.