

WHISTLEBLOWER POLICY

FINNCARE BOARD

Policy Number: BD 15

Approved by The Board:

September 2021

Scheduled Review Date:

September 2022

INTRODUCTION

The Board of Finncare is committed to conducting business with honesty, fairness and integrity. Employees are expected to cooperate by maintaining legal and ethical business operations, if necessary by reporting non-compliant actions by other people.

POLICY AIM

The aim of this policy is to:

- a) encourage the reporting of matters (or suspected matters) that may cause harm to individuals or financial or non-financial loss to Finncare Inc, or damage to its reputation;
- b) enable Finncare Inc to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower;
- c) establish procedures for protecting whistleblowers against reprisal by any person internal or external to the entity;
- d) provide guidance on how to raise a concern and explain how concerns will be investigated and reassure anyone who raises a concern that they can do so without fear of retaliation or penalization; and
- e) ensure Finncare maintains the highest standards of ethical behaviour and integrity.

POLICY

Finncare's Whistleblower Policy is an important element in detecting corrupt, illegal or other undesirable conduct. Finncare encourages you to speak up if you suspect or witness any matters of concern. Finncare will take all reports made under this Policy seriously.

This Policy describes the protections available to whistleblowers, what matters are reportable, how you can report your concerns without fear of Detriment, and how Finncare will support and protect you.

WHO IS WHISTLEBLOWER:

A Whistleblower is someone who discloses Reportable Conduct under this Policy.

A Whistleblower can be a director, employee, resident, supplier of goods or services to Finncare (such as a contractor and consultant) or a volunteer. It also applies to relatives, dependents or spouses of any of these people.

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DOING THE RIGHT THING

We expect everyone who works for Finncare to comply with our Code of Conduct, our policies and procedures, professional standards, laws and regulations.

You also have a responsibility to speak up using one of the many channels available within the organisation when you suspect something does not look or feel right. We would rather hear your concerns directly so that we can resolve them directly.

If you make a Whistleblower Report pursuant to this Policy, we have a responsibility to protect you, including not disclosing your identity (unless required or permitted by law) and making sure you are not subject to Detrimental Conduct.

WHAT IS A REPORTABLE CONDUCT

Reportable conduct is defined as any activity or behavior that is considered to be:

- Illegal or a breach of any law, regulation, internal policy or code (such as the Code of Conduct);
- Corrupt (including soliciting, accepting or offering a bribe);
- Fraudulent or dishonest;
- Maladministration (an act or omission of a serious nature that is negligent, discriminatory or improper);
- Serious or significant mismanagement of Finncares' funds and resources;
- Detrimental to Finncares' financial position or reputation, including improper accounting, compliance or internal control; and
- Any practice that endangers the health or safety of employees or the environment.

Examples of Reportable Conduct include but are not limited to:

- illegal conduct, such as theft, violence or threatened violence, and criminal damage against property;
- fraud, money laundering or misappropriation of funds;
- offering or accepting a bribe;
- financial irregularities;
- failure to comply with, or breach of, legal or regulatory requirements; and
- engaging in 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.

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Reportable Conduct **excludes** personal work-related complaints as described below.

PERSONAL WORK RELATED COMPLAINTS

A personal work-related complaint is a report of behavior that has implications for the discloser personally and does not have significant implications for Finncare (that do not relate to you). Examples include:

- an interpersonal conflict between you and another Employee, or
- a decision relating to your employment or engagement, such as a transfer, promotion, or disciplinary action.

Personal work-related complaints do not qualify for protection under the Whistleblower Laws or this Policy. Personal work-related complaints must be raised in accordance to Finncare Complaints Policy.

MONITORING AND REVIEW OF POLICY

The Policy will be periodically reviewed by Finncare Board.

WHISTLEBLOWER REPORTS

Where a person believes in good faith, and on reasonable grounds that any other employee, resident, contractor, volunteer or visitor has engaged in unethical, illegal or improper behavior, that employee must report their concern to:

- **General Manager**
generalmanager@finncare.org.au

- **President of the Board**
president@finncare.org.au

- **ASIC**

Online report form can be located on the following website:

<https://asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/>

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If you are making a disclosure concerning the General Manager or Board of Finncare, you may report as follows:

Role	Contact
General Manager	President of the Board
Board Member	President of the Board
President of the Board	Vice President of the Board

There are other ways you can make disclosures in limited circumstances, including to ASIC.

Before you make any such disclosure you should seek independent legal advice to understand the criteria for making such a disclosure.

All investigations shall observe the rules and the provisions of procedural fairness.

Disclosures may be made anonymously, and this anonymity shall as far as possible be preserved by the company.

WHAT TO INCLUDE IN THE REPORT

Please provide as much detailed information as possible so that your report can be investigated.

Some useful details include:

- date, time and location;
- names of person(s) involved, roles;
- your relationship with the person(s) involved;
- the general nature of your concern;
- how you became aware of the issue;
- possible witnesses; and
- other information that you have to support your report.

ANONYMOUS WHISTLEBLOWER REPORT

You can choose to make your disclosure anonymously and if so, you will still be protected under the Whistleblower Laws. However, requiring complete anonymity may

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practically make it more difficult for us to investigate the issue or take the action we would like to take.

By letting us know who you are, we can contact you directly to discuss your concerns which will help us investigate the complaint more quickly and efficiently.

IDENTITY PROTECTION

Where you make a disclosure, your identity (or any information which could identify you) will only be shared where:

- you provide consent; or
- Finncare is permitted, or otherwise required, by law.

However, you should be aware that in certain circumstances the Finncare does not need your consent to share your disclosure if:

- the information does not include your identity;
- we have taken all reasonable steps to reduce the risk that you will be identified from the information; and
- it is reasonably necessary for investigating the issues raised in the Whistleblower Report.

WHISTLEBLOWER PROTECTION

A Whistleblower must make a Whistleblower Report directly to an Eligible Recipient as listed prior to qualify for protections under the Whistleblower Laws and this Policy. These protections include:

Identity protection

- Protection from Detriment
- Compensation and remedies; and
- Civil, criminal and administrative liability protection.

We are committed to taking all reasonable steps to protect you from Detriment as a result of making a report under this Policy and the Whistleblower Laws.

Finncare does not tolerate any form of Detrimental Conduct taken by any person against the Whistleblower or any people who are involved in an investigation of a Whistleblower Report.

Finncare takes all allegations of Detrimental Conduct very seriously. If you believe that you are suffering Detriment you should report it to us and we will take appropriate steps in accordance with this and the organisation's other policies.

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FALSE OR MISLEADING DISCLOSURES

When making a disclosure, you will be expected to have reasonable grounds to suspect the information you are disclosing is true, but you will not be subject to a penalty if the information turns out to be incorrect. However, you must not make a report that you know is not true or is misleading. This may be a breach of our Code of Conduct and will be considered a serious matter that may result in disciplinary action. There may also be legal consequences if you make a knowingly false report.

HOW WILL THE REPORT BE REVIEWED

All Whistleblower Reports will be taken seriously by Finncare. They will all be assessed carefully to determine whether an investigation is required. The outcomes of the investigation are reported to the Board. The Board will review the outcome and determine appropriate actions to respond to the matter.

INVESTIGATION PROCESS

While the particular circumstances of each Whistleblower Report may require different investigation steps, all investigations will:

- follow a fair process;
- be conducted as quickly and efficiently as the circumstances permit;
- determine whether there is enough evidence to substantiate the matters reported; and
- be independent of the person(s) concerned with the allegations.

We will provide you with feedback, as appropriate on the progress and expected timeframes of the investigation.

INDIVIDUALS MENTIONED IN THE WHISTLEBLOWER REPORT

The investigation process outlined in this Policy is also designed to allow fair treatment of any individuals mentioned in the disclosure; including:

- Disclosures will be handled confidentially;
- Matters reported will be assessed and may be subject to an investigation;
- There will be a presumption of innocence until the outcome of the investigation is determined; and
- The purpose of the investigation is to determine whether there is enough evidence to substantiate the matters reported.

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WHAT HAPPENS AFTER AN INVESTIGATION?

A report will be prepared when the investigation is complete. The report will not be disclosed to anyone that is not actively involved in investigating the matter.

A copy of the final report will be provided to the Board for review and include:

- the allegations;
- a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions;
- the conclusions reached (including the damage caused, if any, and the impact on the organisation and other affected parties) and their basis; and
- recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation, including any appropriate disciplinary action.

Where appropriate, feedback regarding the investigation's outcome will be provided to the person making the allegation.