

Aged Care Whistleblower Policy

Procedure Author	Senior Manager Ageing & Inclusion
Date of next review	June 2030

1. Statement of Intent

As a registered provider of funded aged care services, the City of Playford is committed to ethical, lawful and culturally appropriate conduct in the delivery of those services.

The City of Playford recognises that speaking up about concerns is an essential part of delivering safe, high-quality care to older people and upholding their rights under the *Aged Care Act 2024* (the Act).

The Act, together with the Aged Care Rules 2025 (the Rules), establishes a comprehensive whistleblower framework that protects any person who discloses information they reasonably suspect indicates a contravention of the Act.

It is a condition of the City of Playford's registration as a provider that a whistleblower system and policy are implemented and maintained in accordance with Part 5 of Chapter 7 of the Act, and Subdivision D of Division 2, Part 10, Chapter 4 of the Rules.

The City of Playford is committed to fostering a culture where disclosures are welcomed, encouraged and acted upon promptly and fairly.

This Policy establishes the framework for the making, receipt, protection and management of whistleblower disclosures in accordance with legislative requirements.

This Policy establishes how the Council will:

- enable and encourage protected disclosures from all eligible persons
- clearly explain what disclosures qualify for protection under Part 5 of Chapter 7 of the Act
- identify who may make and receive protected disclosures
- describe internal and external channels for making disclosures
- protect whistleblowers from victimisation, detriment and threats
- manage confidentiality and support anonymity
- investigate disclosures promptly, fairly and with procedural integrity;
- ensure fair treatment of all persons named in a disclosure; and
- explain escalation options and access to independent advocacy.

1.1 Protected disclosures

Part 5 of Chapter 7 of the Act provides whistleblower protections to any individual who makes a qualifying disclosure. A disclosure qualifies for protection when all of the following conditions are met:

- Made to an eligible recipient: the disclosure is made to a person or body listed in Section 1.3 of this Policy;

- Made orally or in writing: the disclosure may be in person, by telephone or in writing, including anonymously; and
- Reasonable grounds: The person making the disclosure has reasonable grounds to suspect that the information indicated that a registered provider, responsible person or aged care worker may have contravened a provision of the Act.

Disclosures may be made anonymously. Anonymity does not disqualify a discloser from protection. A disclosure may also be made by or on behalf of an older person, their family member, carer, supporter, advocate or any other individual with relevant information.

1.2 Disclosures and complaints – dual pathway

A discloser may elect to have a matter treated as a complaint or feedback under the *Aged Care Act 2024*; rather than as a whistleblower disclosure.

The Council operates a dual pathway system for addressing concerns, comprising of the whistleblower protection framework and the NDIS and Aged Care Services Complaints and Feedback Functionally Focused Procedure.

A discloser may elect to have a matter treated as a complaint or feedback rather than as a protected disclosure.

The City of Playford will support disclosers to understand the difference between the whistleblower and complaints pathways and what each means for their protections before any election is made.

Where a discloser elects to have a matter treated as a complaint, the statutory protections under the Act will not apply.

1.3 Who may make and receive a disclosure?

1.3.1 Any individual may make a disclosure, including:

- Aged care workers (including employees, contractors, volunteers and agency staff) of the Council or any associated provider;
- responsible persons of the City of Playford;
- individuals accessing funded aged care services delivered by the Council;
- supporters, family members, carers and advocates of individuals accessing services;
- former workers or clients of the Council; and
- any other person who has information they reasonably suspect indicates a contravention of the Act.

1.3.2 Eligible recipients – internal (Council channels)

A disclosure may be made to the following persons within the City of Playford, each of whom is an eligible recipient under the Act:

- any responsible person of the Council (including the Senior Manager Ageing & Inclusion, Manager Positive Ageing, and members of the Aged Care and NDIS Board); and
- any aged care worker of the City of Playford (including employees, contractors, volunteers and agency staff).

Council aged care workers and responsible persons who receive a disclosure must treat it in accordance with this Policy and refer it promptly to the Senior Manager Ageing & Inclusion.

Council's internal reporting channels:

- In writing via email to: Playford@playford.sa.gov.au

- By phone: 08 8256 0333
- In person at any Council service delivery site

Workers who receive a disclosure are not expected to investigate the matter themselves. Their obligation is to acknowledge receipt, maintain confidentiality and refer the disclosure to the Senior Manager Ageing & Inclusion as soon as practicable.

Workers must not discourage a person from making a disclosure or suggest that a disclosure does not qualify for protection.

1.3.3 Eligible recipients – external

A disclosure also qualifies for protection when made to any of the following external recipients:

- the Aged Care Quality and Safety Commissioner, the Complaints Commissioner, or any staff member of the Aged Care Quality and Safety Commission (ACQSC);
- the System Governor (Secretary of the Department of Health, Disability and Ageing) or any official of the Department;
- a Police Officer; or
- an Independent Aged Care Advocate.

1.4 Whistleblower protection

Part 5 of Chapter 7 of the Act provides the following protections to any person who makes a qualifying disclosure. The City of Playford is committed to upholding these protections in full.

Immunity from liability

A whistleblower is protected from civil, criminal or administrative liability (including disciplinary action), termination of employment or engagement, and performance management) for making a qualifying disclosure. Contractual remedies cannot be enforced against a whistleblower for making a qualifying disclosure. These protections apply regardless of whether the information disclosed proves to be correct, provided the discloser had reasonable grounds for their suspicion at the time of disclosure.

Note: A whistleblower remains liable for their own conduct that may be revealed as a result of the disclosure. Immunity covers the act of the disclosure only, not the underlying conduct.

Protection from victimisation

The Act prohibits victimisation of a person because they have made or are suspected of having made or intending to make, a qualifying disclosure. Victimisation includes any conduct that causes harm or detriment, or the threat or such conduct, including but not limited to:

- dismissal, demotion or adverse change to the terms of employment or engagement
- harassment, bullying or intimidation
- discrimination or unfavourable treatment
- damage to reputation, property, financial position or wellbeing; or
- threats of any of the above.

Protection from liability – persons named in a disclosure

The Act's protections do not remove the right of a person who is the subject of a disclosure from being treated fairly. The Council is committed to procedural fairness for all parties. A person named in a disclosure will:

- have their identity kept confidential to the extent consistent with a fair investigation

- be informed of the nature of the allegations against them at an appropriate stage of the investigation, having regard to the risks of the matter
- be given an opportunity to respond to allegations before any adverse finding is made; and
- have access to support, including access to Council's Employee Assistance Program (where applicable).

The Council will ensure procedural fairness is applied in the management of disclosures.

1.5 Confidentiality and anonymity

The City of Playford will not reveal the identity of a whistleblower obtained via disclosure, except in the following circumstances permitted under the *Aged Care Act 2024*:

- where the disclosure of the identity is necessary to deal with the alleged contravention of the Act and cannot be reasonably addressed without identifying the discloser;
- where necessary to prevent or lessen a serious threat to the life, health, safety or wellbeing of any person, and the threat cannot reasonably be addressed without identifying the discloser;
- where required by or under a law of the Commonwealth, a State or Territory; or
- with the discloser's express consent.

Information derived from a disclosure (excluding identity information) may be used to address the allegations raised, with all reasonable steps taken to minimise the risk that the discloser's identity can be inferred.

A whistleblower may request that their disclosure be treated anonymously. The City of Playford will take all reasonable steps to preserve anonymity. Where an investigation cannot practicably proceed without identifying the discloser, and the discloser wishes to remain anonymous, the City of Playford will advise the discloser of this and seek their instructions before proceeding.

Any person named in a disclosure is also entitled to have their identity protected to the extent reasonably practicable, having regard to the requirements of a fair and thorough investigation.

1.6 Investigation of disclosures

The City of Playford will treat all disclosures seriously and investigate them promptly, thoroughly and fairly. All investigations will uphold confidentiality, procedural integrity and the wellbeing of all parties involved.

The Council will acknowledge receipt of a disclosure as soon as practicable.

Investigations will be completed within a reasonable timeframe having regard to the complexity of the matter, and the discloser will be kept informed of progress and the outcome to the extent consistent with confidentiality obligations.

Where a disclosure raises matters requiring immediate action, including mandatory reporting obligations, the City of Playford will act accordingly and make any required reports to the ACQSC or another body in accordance with its legal obligations.

1.7 Escalation and external reporting

If a discloser is not satisfied with how their disclosure has been handled, or believes the Act has been breached in relation to their disclosure (including through victimisation or breach of confidentiality), they may escalate the matter through the following external channels:

Body	Contact
Aged Care Quality and Safety Commission (ACQSC) – Complaints Commissioner	1800 951 822 www.agedcarequality.gov.au
Older Persons Advocacy Network (OPAN) – Independent Aged Care Advocacy	1800 700 600 www.opan.org.au
Department of Health, Disability and Ageing	GPO Box 9848, Canberra ACT 2601 www.health.gov.au
South Australia Police	131 444 (non-emergency) or nearest police station

A discloser may make a disclosure directly to an external eligible recipient at any time, they are not required to first raise the matter internally. The City of Playford will not penalise any person for making a disclosure externally.

Independent aged care advocates through OPAN can provide free, confidential support to any person wishing to make a disclosure or complaint, including older people, their families and workers.

1.8 Secure record keeping

All records relating to disclosures will be stored securely in Council's corporate records management system. Records will include details of disclosures received, actions taken and outcomes.

1.9 Training and education

The City of Playford will provide compulsory training to all workers and responsible persons to ensure they can effectively recognise protected disclosures, manage personal information and data, and understand available escalation pathways and the potential penalties for breaching confidentiality.

This training will be delivered to all new workers during their induction and to existing workers at least annually, or more frequently should changes to the whistleblower system or an individual's role impact their responsibilities.

1.10 Communication and engagement

The City of Playford is committed to a culture of transparency and will communicate to aged care workers, responsible persons, and individuals who qualify for protection that the making of protected disclosures is welcome and encouraged. Such communication will occur at regular monthly intervals.

1.11 Review and accessibility

The whistleblower system and this Policy will be reviewed at least annually to ensure ongoing effectiveness and compliance with legislative requirements.

This Policy will be maintained in accessible formats, including translated versions and alternative formats as required. The City of Playford will ensure the Policy is distributed to all individuals accessing funded aged care services and their supporters and remains available to any person upon request.

2. Scope

This Policy applies to all individuals who may make or receive a disclosure in relation to funded aged care services delivered by or on behalf of the City of Playford, and to all persons responsible for managing the whistleblower system. This includes all aged care workers, responsible persons, volunteers, contractors and associated providers.

3. Legislation and References

The Aged Care Services Whistleblower Policy should be read in conjunction with the NDIS and Aged Care Services Policy.

Related documents include:

- *Aged Care Act 2024* – Chapter 7, Part 5
- *Aged Care Rules 2025* Chapter 4, Part 10, Division 2, Subdivision D
- *Carer Recognition Act 2010* (Cth)
- *Carers Recognition Act 2005*
- *Disability Discrimination Act 1992*
- *Disability Inclusion Act 2018*
- *Equal Opportunity Act 1984*
- *Freedom of Information Act 1991*
- *Privacy Act 1988*
- Aged Care Code of Conduct
- Aged Care Quality Standards
- Aged Care Statement of Rights
- Commonwealth Home Support Program Manual
- Strengthened Aged Care Quality Standards
- NDIS and Aged Care Services Complaints and Feedback Functionally Focused Procedure
- NDIS and Aged Care Services Conflict of Interest Functionally Focused Procedure
- NDIS and Aged Care Services Emergency and Disaster Management Functionally Focused Procedure
- NDIS and Aged Care Services Incident and Risk Management Functionally Focused Procedure
- NDIS and Aged Care Services Support Access and Provision Functionally Focused Procedure
- City of Playford Children and Vulnerable Persons Policy and Procedure
- City of Playford Complaints Handling Policy and Procedure
- City of Playford Worker Code of Conduct

- City of Playford Global Glossary

This Policy should not be considered as the only document that may relate to whistleblower obligations or the contravention of the *Aged Care Act 2024*. Other tiers of government, agencies or organisations may have legislation or policies that also apply.

4. Application

Aged Care and NDIS Board	Ensure the Aged Care Services Whistleblower Policy is endorsed and subject to annual evaluation and review.
City of Playford Responsible Persons	<p>Act as eligible recipients for disclosures made under the <i>Aged Care Act 2024</i>.</p> <p>Uphold their obligations under the Act for managing whistleblower disclosures within the City of Playford.</p> <p>Refer disclosures received to the Senior Manager Ageing & Inclusion.</p>
Senior Manager Ageing & Inclusion	<p>Provide oversight of the whistleblower system and the management of disclosures.</p> <p>Assess disclosures received and determine the appropriate investigation approach.</p> <p>Maintain secure systems for receiving, recording and managing disclosures.</p> <p>Ensure mandatory reporting obligations are met where required.</p> <p>Report on the operation of the whistleblower system to the Aged Care and NDIS Board.</p> <p>Ensure this Policy is implemented, monitored, and reviewed as required (and at least annually) to ensure continues to meet the requirements of the <i>Aged Care Act 2024</i>.</p>
Manager Positive Ageing	<p>Ensure workers understand, acknowledge and comply with this Policy.</p> <p>Ensure workers receive training on this Policy and their obligations.</p> <p>Maintain the confidentiality, anonymity, and rights of all parties.</p> <p>Ensure clients, their families and supporters are informed of and supported to exercise their rights in relation to whistleblower disclosures.</p>
Aged Care Workers	<p>Act as eligible recipients for disclosures made in accordance with this Policy.</p> <p>Maintain the confidentiality, anonymity and rights of all parties.</p> <p>Ensure clients, their families and supporters are informed of and supported to exercise their rights in relation to whistleblower disclosures.</p>

Organisational Development	Allocate resources for worker training for whistleblower protection.
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5. Relevance to Risk Appetite Statement

5.1 Reputation

The City of Playford has a **LOW** appetite for negative perceptions that compromise its credibility and reputation.

This Policy supports a culture of transparency and accountability in the delivery of aged care services.

5.2 Regulatory Compliance

The City of Playford has **ZERO TOLERANCE** for non-compliance with statutory requirements. It is a condition of the Council's registration as a provider that a compliant whistleblower system and policy are maintained.

This Policy sets out the minimum standards required under the Act and the Rules that must be adhered to.

5.3 Financial

The City of Playford has a **LOW** appetite for short-term financial risk that adversely impacts the Council's income.

Non-compliance with whistleblower obligations may result in civil penalties, compensation orders and adverse regulatory action that carries significant financial consequences.

5.4 Service Delivery

The City of Playford has **ZERO TOLERANCE** for non-compliance with service delivery principles.

Maintaining a safe, effective whistleblower system is fundamental to delivering high-quality, rights-based aged care services in accordance with the Act and the Aged Care Quality Standards.

5.5 Work Health & Safety

The City of Playford has **ZERO TOLERANCE** for risks that jeopardise compliance with Work Health and Safety (WHS) laws that put the physical or mental health of people at risk.

Protection from victimisation and a speak-up culture directly supports the safety and wellbeing of all employees, contractors, volunteers, customers and members of the public.

6. Feedback

Your feedback on this policy is invited and can be directed to the Manager Governance via email to governance@playford.sa.gov.au or by calling the Customer Contact Team on 8256 0333.

Administration use only

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Version no. 1

Policy link	Aged Care Services Whistleblower Policy
Procedure author	Senior Manager Ageing & Inclusion
Endorsed by	City of Playford NDIS and Aged Care Board
Legal requirement	<i>Aged Care Act 2024</i>
Review schedule	4 years
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Date of next review	June 2030

Version history

Version no.	Approval date	Approval by	Change
1	09 June 2026	NDIS and Aged Care Board	New Policy to comply with the <i>Aged Care Act 2024</i> , Aged Care Rules 2025, CHSP 2025–27 Manual, Statement of Rights and Aged Care Code of Conduct.
