

1. PURPOSE

cape group Australia (cape) is committed to upholding the highest standards of integrity, transparency, and accountability and the safety and wellbeing of people with a disability.

This purpose of this policy is to provide a safe, confidential and legally compliant framework for reporting misconduct, unethical behaviour, or breaches of legal, regulatory, or governance obligations—without fear of retaliation, victimisation or any form of disadvantage.

The policy aims to:

- Encourage people to speak up about wrongdoing and systemic issues
- Protect whistleblowers from harm
- Support ethical conduct and strong governance
- Ensure compliance with Australian whistleblower protection laws

This policy operates alongside and does not replace cape’s Incident Management and Mandatory Reporting Frameworks, Code of Conduct, Worker Health & Safety systems

2. GOVERNANCE & COMPLIANCE ALIGNMENT

This policy supports and aligns with the following governance, regulatory, and safeguarding frameworks:

- ACNC Governance Standard 5 – Duty to act honestly, fairly, and in the best interests of the charity
- NDIS Practice Standards – Upholding participant rights, safety, and provider accountability
- Disability Service Safeguards Act 2018 (Vic) – Ensuring safe, ethical conduct by disability workers
- Corporations Act 2001 (Cth) – Legal protections for whistleblowers and obligations for NFPs
- AICD Governance Principles – Ethical and responsible decision-making, transparency, and accountability
- The Public Interest Disclosures Act 2012 (Vic) (formerly Protected Disclosure Act)
- Occupational Health and Safety Act 2004 (Vic)
- Occupational Health and Safety (Psychological Health) Regulations 2025 (Vic)

3. SCOPE

This policy applies to any person who has a relationship with cape including:

- Current and former employees
- Volunteers
- Contractors, consultants, suppliers and their employees
- Board members and committee members
- Participants, carers, and family members
- Any other person eligible to make a disclosure under applicable whistleblower laws

Document Title	Whistleblower Policy (POL 2.01)	Next Review	11.03.2029	Page 1 of 7
Status	Approved 11.03.2026	Doc ID	POL 2.01	
Document Owner	Executive Manager, Quality, Safeguards & Practice	Authorised By	Nominations & Governance Committee	
Supersedes	Whistleblower Procedure (PRO 2.04) dated 05.05.2020	Version No	2.0	

Who This Policy Does Not Apply To

This policy does *not* apply to:

- NDIS Participants
- Carers or family members
- Members of the general public

These individuals should raise concerns through cape’s Complaints Management System or relevant external safeguarding bodies.

4. DEFINITIONS

Term	Meaning
Eligible Whistleblower	A person defined under the Corporations Act, including current or former employees, officers, Board members, contractors, suppliers (and their employees), associates, and their relatives or dependants
Eligible Recipient	A person authorised to receive whistleblower disclosures under this policy
Disclosable Matter	Information the whistleblower reasonably believes concerns serious wrongdoing or an improper state of affairs
Personal Work-Related Grievance	A grievance relating to an individual’s employment that does not have significant systemic or organisational implications
Detriment	Any harm, threat, disadvantage, or retaliation because a disclosure was made or may be made

5. WHAT CAN BE REPORTED

Whistleblower disclosures may include but is not limited to:

- Fraud, theft, or financial mismanagement
- Serious breaches of law or regulation
- Serious breaches of Cape policy, including the Code of Conduct or Governance Charter
- Conflicts of interest, improper influence, corrupt conduct, or misuse of position
- Misuse of public, grant, or donor funds
- Serious breaches of privacy, confidentiality, or data protection obligations
- Abuse, neglect, exploitation, or unsafe practice impacting people with disability
- Breaches of NDIS Practice Standards or participant safeguarding obligations
- Breaches of the Disability Service Safeguards Act 2018 (Vic), including notifiable conduct or misconduct by disability workers
- Retaliation or threats made against whistleblowers
- Systemic governance failures or significant organisational risk

Reasonable grounds: A disclosure may still be protected even if it is not substantiated, provided it was made with reasonable grounds.

Document Title	Whistleblower Policy (POL 2.01)	Next Review	11.03.2029	Page 2 of 7
Status	Approved 11.03.2026	Doc ID	POL 2.01	
Document Owner	Executive Manager, Quality, Safeguards & Practice	Authorised By	Nominations & Governance Committee	
Supersedes	Whistleblower Procedure (PRO 2.04) dated 05.05.2020	Version No	2.0	

5.1. Psychosocial hazards and psychological health risks

Disclosures may also include **psychosocial hazards** or **psychological health risks** where they meet the threshold of a **disclosable matter** (e.g., serious or systemic risk, misconduct, or an improper state of affairs), including:

- Excessive or sustained workloads
- Role ambiguity or unsafe job design
- Bullying, harassment, intimidation
- Occupational violence or aggression
- Inadequate supervision, resourcing, or support

Matters that do not meet the whistleblower threshold will be managed through cape's **Work Health & Safety** and/or **People and Culture** processes.

5.2. Personal work-related grievances (what is usually out of scope)

Personal work-related grievances are **not generally** covered under this policy (e.g., interpersonal conflict, performance management, rostering, or workplace disagreements) and are managed through People and Culture or grievance resolution processes.

However, a personal grievance may still qualify for whistleblower protection where it:

- Is part of, or connected to, a disclosable matter
- Raises serious or systemic issues, serious misconduct, or an improper state of affairs beyond the individual's personal circumstances
- Relates to detriment or victimisation because a disclosure was (or may be) made
- Involves seeking legal advice/representation about whistleblower protections

Where a disclosure contains both whistleblower and grievance elements, cape will:

- Manage the whistleblower component under this policy; and
- Manage any remaining grievance component through People and Culture and/or grievance resolution processes.

6. PROTECTIONS FOR WHISTLEBLOWERS

6.1. Non-retaliation and prohibited conduct

cape strictly prohibits any form of detriment, including:

- Victimisation or retaliation
- Harassment, intimidation, or threats
- Disadvantage, discrimination, or adverse treatment

Any person who engages in such conduct may face disciplinary action up to and including termination of employment or engagement.

6.2. Confidentiality and anonymity

cape will take all reasonable steps to:

- Protect the whistleblower's identity
- Protect information that is likely to identify the whistleblower
- Prevent unauthorised access or disclosure

Document Title	Whistleblower Policy (POL 2.01)	Next Review	11.03.2029	Page 3 of 7
Status	Approved 11.03.2026	Doc ID	POL 2.01	
Document Owner	Executive Manager, Quality, Safeguards & Practice	Authorised By	Nominations & Governance Committee	
Supersedes	Whistleblower Procedure (PRO 2.04) dated 05.05.2020	Version No	2.0	

Whistleblowers may remain anonymous at all stages. Providing contact details can assist with follow-up and resolution but is not required.

6.3. Legal protections and immunity

Where a disclosure is protected under the Corporations Act 2001 (Cth), the whistleblower is entitled to protections including:

- Protection from civil, criminal, or administrative liability for making the disclosure
- Protection from contractual or other remedies being enforced because of the disclosure
- Protection from termination or adverse changes to employment/engagement because of the disclosure

These protections apply even if the disclosure is not substantiated, provided it was made on reasonable grounds.

Nothing in this policy prevents cape from taking action in relation to separate misconduct by a whistleblower identified through an investigation.

7. HOW TO MAKE A DISCLOSURE (REPORTING CHANNELS)

7.1. Internal eligible recipients

Disclosures may be made to:

Whistleblower Protection Officer (WPO):

- Executive Manager – Quality, Safeguards & Practice
- General Manager People & Culture
- Chief Executive Officer (CEO)
- Chair of the Board (where the CEO is implicated)

7.2. Reporting methods

Disclosures can be made to Stopline an independent organisation to cape to enable any issue that may adversely affect cape or its people and reputation. The option to make report anonymously is provided:

- **Email:** makeareport@stopline.com.au
- **URL:** <https://makeareport.stopline.com.au/portal/landing/cape>
- **Phone:** 1300 30 45 50
- **In writing:** cape c/o Stopline PO Box 403, Diamond Creek VIC 3089 marked “**Confidential – Whistleblower Disclosure**”
- **In person:** to a Whistleblower Protection Officer

7.3. External reporting options

A whistleblower may also report to appropriate external bodies, including:

- NDIS Quality and Safeguards Commission
- Victorian Disability Worker Commission (notifiable conduct)
- Australian Charities and Not-for-profits Commission (ACNC)
- Australian Securities and Investments Commission (ASIC)

Document Title	Whistleblower Policy (POL 2.01)	Next Review	11.03.2029	Page 4 of 7
Status	Approved 11.03.2026	Doc ID	POL 2.01	
Document Owner	Executive Manager, Quality, Safeguards & Practice	Authorised By	Nominations & Governance Committee	
Supersedes	Whistleblower Procedure (PRO 2.04) dated 05.05.2020	Version No	2.0	

- Australian Human Rights Commission
- WorkSafe Victoria
- Police (where criminal conduct is suspected)

8. ASSESSMENT AND INVESTIGATION

8.1. Investigation principles

cape will manage disclosures promptly, fairly, and impartially. In doing so, cape will:

- Conduct an initial assessment to confirm eligibility and whether the matter is disclosable
- Manage conflicts of interest
- Use internal investigators or independent external investigators where appropriate
- Maintain confidentiality and procedural fairness
- Report findings to the appropriate decision-maker (CEO/Board Chair/Board)
- Implement corrective action where wrongdoing is substantiated

8.2. Investigation process (overview)

Upon receiving a disclosure:

- The WPO acknowledges receipt where possible (unless anonymous)
- The WPO conducts an initial assessment and determines next steps
- An investigation is commenced (internal or external, as appropriate)
- Findings are reported to the CEO and/or Board (as appropriate)
- Corrective actions are implemented where required
- The whistleblower is updated where appropriate and lawful

8.3. Psychosocial hazard disclosures

Where a disclosure relates to psychosocial hazards, cape will ensure the response includes:

- A psychosocial risk assessment
- Identification and implementation of suitable control measures (e.g., workload adjustments, supervision/support changes, environmental controls)
- Consultation, including with Health and Safety Representatives where required

9. ROLES & RESPONSIBILITIES

- **Board of Directors:** Oversight of whistleblower framework, culture, and outcomes
- **Board Chair:** Receives escalations where the CEO is implicated; ensures appropriate governance response
- **CEO:** Promotes ethical culture; receives and acts on disclosures where appropriate
- **Whistleblower Protection Officer (WPO):** Receives disclosures, protects identity, coordinates assessment, escalation, and investigation
- **People & Culture:** Provides support to involved parties and advice on workplace processes (does not own whistleblower investigations)
- **Managers:** Promote awareness, cooperate with investigations, prevent retaliation

Document Title	Whistleblower Policy (POL 2.01)	Next Review	11.03.2029	Page 5 of 7
Status	Approved 11.03.2026	Doc ID	POL 2.01	
Document Owner	Executive Manager, Quality, Safeguards & Practice	Authorised By	Nominations & Governance Committee	
Supersedes	Whistleblower Procedure (PRO 2.04) dated 05.05.2020	Version No	2.0	

10. ESCALATION AND DECISION PATHWAYS

10.1. Escalation decision matrix

Disclosure Involves	Escalation Path
Operational staff	WPO → CEO
Senior executive	WPO → CEO / Board Chair
CEO	WPO → Board Chair
Board member	WPO → Full Board (excluding conflicted member)
Participant safety risk	Parallel mandatory reporting + Board
Suspected criminal conduct	External regulator / law enforcement

All escalation decisions are coordinated by the WPO.

10.2. High-level whistleblower pathway

Concern Identified

Eligible Whistleblower?

(Employee, Officer, Contractor, Supplier, Associate)

YES



Disclosure Lodged

(WPO / CEO / Board Chair)



Initial Assessment (WPO)

- Whistleblower eligibility
- Disclosable matter
- Risk and urgency



Escalation Decision

- CEO
- Board Chair
- Board
- Regulator / Law Enforcement



Investigation

(Independent, Confidential, Impartial)



Findings and Action

- Disciplinary action
- Systemic improvement
- Regulator notification (if required)



Whistleblower Update and Protection



Closure and Review

NO



Redirect to Complaints / Incident Management

Document Title	Whistleblower Policy (POL 2.01)	Next Review	11.03.2029	Page 6 of 7
Status	Approved 11.03.2026	Doc ID	POL 2.01	
Document Owner	Executive Manager, Quality, Safeguards & Practice	Authorised By	Nominations & Governance Committee	
Supersedes	Whistleblower Procedure (PRO 2.04) dated 05.05.2020	Version No	2.0	

11. RECORD KEEPING

cape will ensure whistleblower records are:

- Stored securely
- Accessed only on a strict need-to-know basis
- Retained in line with legal, regulatory, and organisational requirements

12. REVIEW & CONTINUOUS IMPROVEMENT

This policy will be reviewed every **24 months**, or earlier where required by:

- Legislative or regulatory change
- Sector developments
- Organisational learning, incidents, or outcomes

Feedback from whistleblowers and relevant stakeholders will inform improvements.

Document Title	Whistleblower Policy (POL 2.01)	Next Review	11.03.2029	Page 7 of 7
Status	Approved 11.03.2026	Doc ID	POL 2.01	
Document Owner	Executive Manager, Quality, Safeguards & Practice	Authorised By	Nominations & Governance Committee	
Supersedes	Whistleblower Procedure (PRO 2.04) dated 05.05.2020	Version No	2.0	