



**Lifestyle  
Solutions**

# **Whistleblowing Policy and Procedure**

Lifestyle Solutions (Aust) Ltd (A.C.N 097 999 347)



## 1. Purpose

This Policy sets out the framework for **protection** of Whistleblowers who witness, and report suspected Wrongdoing at or by Lifestyle Solutions. This policy sets out Lifestyle Solutions' commitment to protecting Whistleblowers by:

- encouraging the reporting of suspected wrongdoing;
- providing various ways that a person can report suspected wrongdoing, so they can choose a method that they feel most comfortable with; and
- establishing procedures that enable:
  - wide understanding in the organisation of the importance of Whistleblowers and the reports that they make;
  - protection for people that report or witness suspected Wrongdoing;
  - independent internal investigation of disclosures made (with external investigation as required);
  - continued feedback to the Whistleblower of the progress of the investigation, as much as possible; and
  - resolution of the issue(s) identified.

## 2. Scope

Individuals who are covered by the scope of this policy include the following:

- (a) current and former employees and officers of Lifestyle Solutions;
- (b) contractors and suppliers of Lifestyle Solutions (whether paid or unpaid e.g. volunteers) and their employees;
- (c) an individual who is an associate of Lifestyle Solutions; and
- (d) spouses and relatives of any of the above individuals.

This policy details minimum requirements and must be complied with by those persons to whom it applies.

## 3. Policy Statement

The Board, Executives and Senior Management of Lifestyle Solutions are committed to the highest standards of legal, ethical and moral behaviour, and to **protecting people who witness, and report suspected wrongdoing** within the organisation.

People with a connection to Lifestyle Solutions whether current or past as an employee, or contractor, are often the first to realise suspected wrongdoing may have occurred or be occurring. However, they may not wish to speak up if they are worried about appearing disloyal, being victimised, or their job being impacted in some other way. Lifestyle Solutions believes that Whistleblowers are extremely important to ensure suspected Wrongdoing is detected and the organisation is able to investigate and act as necessary.

No person should be personally disadvantaged for **reporting suspected wrongdoing that they have reasonable grounds to suspect is occurring**. Lifestyle Solutions is committed to maintaining an environment where legitimate concerns can be reported without fear of retaliation. Retaliating against someone for reporting suspected Wrongdoing is directly opposed to Lifestyle Solutions' values and will be treated as suspected wrongdoing under this Policy and may lead to disciplinary action, including termination of employment.

### 3.1 What is Wrongdoing?

Wrongdoing is behaviour or actions that could have a negative impact on people or the organisation. It includes, but is not limited to, the following:

- a serious breach of Lifestyle Solutions' policies and procedures;
- unsafe action or activities: an action that is seriously harmful or could be seriously harmful to a person we support, a staff member, or someone else connected to Lifestyle Solutions.
- Examples include deliberately disregarding safe work practices, or not following the medical care plan of a person we support;
- illegal activities: anything that is illegal, such as theft, drug sale or use, violence or threatened violence, harassment, damage to property;
- fraudulent or corrupt activities as defined in the Fraud Control Policy;
- unethical actions including altering company records of any kind, deliberately making false entries in records, engaging in questionable accounting practices, or intentionally breaching Lifestyle Solutions' Code of Conduct and related policies;
- substantial mismanagement of Lifestyle Solutions' resources;
- intentionally hindering or obstructing audit processes or investigation processes (whether they are internal or external);
- an abuse of authority;
- behaving in a way that could damage Lifestyle Solutions' reputation, financial position, or is otherwise seriously opposed to the interests of Lifestyle Solutions;
- disclosure of information concerning misconduct or an improper state of affairs or circumstances;
- disclosure of information that indicates an offence against, or contravention of, certain prescribed Commonwealth laws, including the Corporations Act, or any act that is punishable by imprisonment for a period of 12 months; and/or
- disclosure of information that represent a danger to the public or the financial system; and/or
- concealment of a wrongdoing, or any retaliation against, a Whistleblower.

Sometimes it isn't clear whether someone's actions or behaviour need to be reported. If in doubt, you should make a report anyway. You will never be penalised for raising an issue that you believe is a genuine concern, provided you have reasonable grounds to suspect it is occurring.

If this is personal, for example you feel you are being bullied, you should try to address the issue by following Lifestyle Solutions' Preventing Harassment, Discrimination and Workplace Bullying Policy.

**Note:** Nothing in this policy absolves a person from their personal obligations relating to Mandatory Reporting. You must always report reportable conduct in accordance with law including engaging, where warranted, with external bodies such as the police or other authority.

## 4. Related Legislation

Legislation	Link
Public Interest Disclosure Act 2013 (Cth)	<a href="http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/pida2013295/">http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/pida2013295/</a>
Corporations Act 2001 (Cth)	<a href="http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/">http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/</a>
Public Interest Disclosure Act 2012 (ACT)	<a href="http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/pida2012295/">http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/act/consol_act/pida2012295/</a>
Public Interest Disclosure Act 1994 (NSW)	<a href="http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/nsw/consol_act/pida1994313/">http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/nsw/consol_act/pida1994313/</a>
Public Interest Disclosure Act 2008 (NT)	<a href="http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/nt/num_act/pida200838o2008341/">http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/nt/num_act/pida200838o2008341/</a>
Public Interest Disclosure Act 2010 (QLD)	<a href="http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/qld/consol_act/pida2010295/">http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/qld/consol_act/pida2010295/</a>
Public Interest Disclosure Act 2002 (Tas)	<a href="http://www.austlii.edu.au/cgi-bin/viewdb//au/legis/tas/consol_act/pida2002313/">http://www.austlii.edu.au/cgi-bin/viewdb//au/legis/tas/consol_act/pida2002313/</a>
Protected Disclosure Act 2012 (Vic)	<a href="http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/pda2012233/">http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/pda2012233/</a>
Public Interest Disclosure Act 2003 (WA)	<a href="http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/wa/consol_act/pida2003295/">http://www.austlii.edu.au/cgi-bin/viewdb/au/legis/wa/consol_act/pida2003295/</a>

## 5. Procedure for Reporting

Details of how a can make an anonymous report can be found in **Annexure A – Whistleblowing Procedure** of this Policy.

## 6. Other Related Documents

Document name	Link
“Corporate Governance Principles and Recommendations, 4 <sup>th</sup> Edition	<a href="https://www.asx.com.au/documents/regulation/cgc-principles-and-recommendations-fourth-edn.pdf">https://www.asx.com.au/documents/regulation/cgc-principles-and-recommendations-fourth-edn.pdf</a>
“Whistleblowing at Your Not-for-profit: A Leader’s guide”, Our Community and Your Call, June 2017 ISBN: 978-1-876976-63-7	<a href="https://www.ourcommunity.com.au/files/whistleblowingbook.pdf">https://www.ourcommunity.com.au/files/whistleblowingbook.pdf</a>

## 7. Glossary

<b>Key term</b>	<b>Definition</b>
<b>Mandatory Reporting</b>	Means reporting required under legislation e.g. suspected child abuse and neglect
<b>Whistleblower</b>	A person who reports suspected Wrongdoing. The report may be made openly or anonymously.
<b>Whistleblowing</b>	The reporting by a Whistleblower of actual or suspected Wrongdoing.
<b>Wrongdoing</b>	Wrongdoing is behaviour or actions that could have a negative impact on people or the organisation. A non-exhaustive list of examples of Wrongdoing is set out in clause 3.1.

# Annexure A – Whistleblowing Procedure

## **A Whistleblower can make an anonymous report by:**

» Lodging the details through the Lifestyle Solutions website:

[lifestylesolutions.org.au/contact/Pages/make-a-complaint](https://lifestylesolutions.org.au/contact/Pages/make-a-complaint)

» **Phone the Whistleblower Protection Officer (WPO) on 1800 411 793**

» **Contact Stopline:**

**Email:** [lifestylesolutions@stopline.com.au](mailto:lifestylesolutions@stopline.com.au)

**Website:** [lifestylesolutions.stoplinereport.com](https://lifestylesolutions.stoplinereport.com)

**Phone:** 1300 304 550 (inside Australia)

**Phone:** +61 3 9811 3275 (outside Australia – reverse charges)

## 1. Purpose

Whistleblowers are important to Lifestyle Solutions because their reporting of suspected wrongdoing enables the organisation to act to stop that suspected wrongdoing from happening. Because reports of suspected wrongdoing under the Whistleblowing Policy are serious in nature, Whistleblowers are expected to have reasonable grounds to suspect it is occurring when reporting suspected Wrongdoing.

This procedure provides a framework for reporting suspected wrongdoing and outlines the responsibilities of those involved in making a report, handling an investigation and supporting a positive reporting culture in the organisation.

## 2. Audience

Individuals who are covered by the scope of this procedure include the following:

- (a) current and former employees and officers of Lifestyle Solutions;
- (b) contractors and suppliers of Lifestyle Solutions (whether paid or unpaid e.g. volunteers) and their employees;
- (c) an individual who is an associate of Lifestyle Solutions; and
- (d) spouses and relatives of any of the above individuals.

This procedure details minimum requirements and must be complied with by those persons to whom it applies.

### 3. Overview of Process

No.	Description	Who is responsible?
1	<p>Whistleblower makes a report: The Whistleblower makes their report using one or more of the methods below that they are comfortable with.</p>	Whistleblower
2	<p>Whistleblower Protection Officer (<b>WPO</b>) is notified:  If the report is made to someone other than the WPO, the person who received the report will send the information to the WPO.</p>	Person who received the report
3	<p>WPO acknowledges receipt:</p> <ul style="list-style-type: none"> <li>• The WPO contacts the Whistleblower to confirm that they've received the report.</li> <li>• If the report was made to Stopline (see below – “How to make a report”), the WPO will direct all subsequent communication through them.</li> <li>• If the report was made anonymously directly to Lifestyle Solutions, this step is not applicable.</li> </ul>	WPO
4	<p>CEO and Chairperson of the Board's Audit, Risk and Compliance Committee (<b>ARCC</b>) is notified:</p> <ul style="list-style-type: none"> <li>• The WPO concurrently advises the CEO and the Chairperson of the ARCC that a report has been received, unless: <ul style="list-style-type: none"> <li>– the report involves the CEO in which case the Chairperson of the Board and the Chairperson of the ARCC are advised concurrently</li> </ul> </li> </ul> <p>the report involves the Chairperson of the ARCC in which case the CEO and the Chairperson of the Board are advised concurrently</p>	WPO
5	<p>Investigation:</p> <ul style="list-style-type: none"> <li>• The WPO will conduct a full investigation of the report in accordance with Lifestyle Solutions Investigation Procedure.</li> <li>• In some cases, the WPO may recommend to the CEO and the Chairperson of the ARCC that an external investigation be conducted.</li> </ul> <p>If the WPO cannot conduct the investigation because of a conflict of interest, the CEO and Chairperson of the ARCC will nominate another suitable person or choose to engage an external investigator.</p>	WPO
6	<p>Feedback / outcomes communicated:</p> <ul style="list-style-type: none"> <li>• The Whistleblower will be kept informed of the outcome of the investigation either directly (unless the person reported anonymously) or through Stopline.</li> <li>• The CEO and Chairperson of the ARCC will be advised of the outcome of the investigation.</li> </ul> <p>An explanation will be provided to the Whistleblower if the investigation finds that there was no wrongdoing (subject to any privacy or confidentiality issues).</p>	WPO

## 4. Protected Disclosures

Lifestyle Solutions encourages individuals who have reasonable grounds to suspect wrongdoing to come forward and express those concerns.

Protection is provided under this procedure provided that the disclosure falls within one of the categories of 'protected disclosures' set out in this procedure, and the discloser has reasonable grounds for suspecting the wrongdoing.

### What is a Disclosable Matter?

A reference to a 'disclosable matter' in this procedure means information that falls into one of the following categories:

(a) *Misconduct*

Information that an individual has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances, relating to Lifestyle Solutions.

Misconduct includes but is not limited to, fraud, negligence, default, breach of trust and breach of duty.

(b) *Contravention of a Commonwealth law*

Information that an individual has reasonable grounds to suspect indicates that Lifestyle Solutions, or an officer or employee of Lifestyle Solutions, has engaged in conduct that would:

- (i) constitute an offence against, or a contravention of, any of the following Commonwealth laws:
- the *Corporations Act 2001* (Cth);
  - the *Australian Securities and Investments Commission Act 2001* (Cth);
  - the *Banking Act 1959* (Cth);
  - the *Financial Sector (Collection of Data) Act 2001* (Cth);
  - the *Insurance Act 1973* (Cth);
  - the *Life Insurance Act 1995* (Cth);
  - the *National Consumer Credit Protection Act 2009* (Cth);
  - the *Superannuation Industry (Supervision) Act 1993* (Cth); or
  - an instrument made under an Act referred to in any of paragraphs above; or
- (ii) constitute an offence against a Commonwealth law that is punishable by imprisonment for a period of 12 months or more.

(c) *Danger to the public or financial system*

Information that an individual has reasonable grounds to suspect indicates that Lifestyle Solutions, or an officer or employee of Lifestyle Solutions, has engaged in conduct that would represent a danger to the public or the financial system.

### What is a protected disclosure?

A reference to a 'protected disclosure' in this procedure means a disclosure of information that falls into one of the following categories:

(d) *Protected disclosures to Lifestyle Solutions*

Disclosable matters

It will be a protected disclosure if an individual discloses information about a

disclosable matter to any of the following authorised contacts:

- (i) an officer or senior manager of Lifestyle Solutions;
- (ii) an auditor, or a member of an audit team conducting an audit, of Lifestyle Solutions;
- (iii) an actuary of Lifestyle Solutions;
- (iv) the Whistleblower Protection Officer (the **WPO**); or
- (v) a representative from Stoptline.

#### Tax affairs matters

It will be a protected disclosure if an individual discloses information to any of the following authorised contacts:

- (i) a director, secretary or senior manager of Lifestyle Solutions;
- (ii) an employee or officer of Lifestyle Solutions who has functions or duties that relate to the tax affairs of Lifestyle Solutions;
- (iii) an auditor, or a member of an audit team conducting an audit, of Lifestyle Solutions;
- (iv) the WPO;
- (v) a representative from Stoptline; or
- (vi) a registered tax or BAS agent who provides tax agent or BAS services to Lifestyle Solutions,

and the individual who discloses the information:

- (vii) has reasonable grounds to suspect that the information indicates misconduct, or an improper state of affairs or circumstance, in relation to the tax affairs of Lifestyle Solutions; and
- (viii) considers that the information may assist the Commissioner of Taxation to perform their functions or duties under taxation law in relation to Lifestyle Solutions.

#### *(e) Protected disclosures to Commonwealth authorities*

It will be a protected disclosure if an individual discloses information about a disclosable matter to the following authorities:

- (i) Australian Securities and Investments Commission (**ASIC**);
- (ii) Australian Prudential Regulation Authority (**APRA**); or
- (iii) a Commonwealth authority prescribed under the Corporations Act.

#### *(f) Protected disclosures to legal practitioners*

It will be a protected disclosure if an individual discloses information to a legal practitioner for the purpose of obtaining advice in relation to the operation of the whistleblower protection laws.

#### *(g) Protected disclosures to members of Parliament or journalists*

It will be a protected disclosure if an individual discloses information to a member of Parliament or a journalist about a disclosable matter and all of the following conditions are satisfied:

#### *Public interest disclosure*

- (i) the individual has previously disclosed that same information to ASIC, APRA or a prescribed Commonwealth authority;
- (ii) at least 90 days have passed since the previous disclosure was made to the body;
- (iii) the individual does not have reasonable grounds to believe that action is

- being, or has been, taken to address the matters to which the previous disclosure related;
- (iv) the individual has reasonable grounds to believe that making a further disclosure of the information would be in the public interest;
- (v) the individual has given the body written notification that identifies the previous disclosure and states their intention to make a public interest disclosure to a member of Parliament or a journalist; and
- (vi) the extent of the information disclosed to the member of Parliament or journalist is no greater than is necessary to inform them of the relevant disclosable matter.

*Emergency disclosure*

- (i) the individual has previously disclosed that same information to ASIC, APRA or a prescribed Commonwealth authority;
- (ii) the individual 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;
- (iii) the individual has given the body written notification that identifies the previous disclosure and states their intention to make an emergency disclosure to a member of Parliament or a journalist; and
- (iv) the extent of the information disclosed to the member of Parliament or journalist is no greater than is necessary to inform them of the substantial and imminent danger.

(h) *Protected disclosure to Commissioner of Taxation*

It will be a protected disclosure if an individual discloses information to the Commissioner of Taxation if they consider that the information may assist the Commissioner to perform their functions or duties under taxation law in relation to Lifestyle Solutions.

**What is not a protected disclosure?**

(a) *Personal work-related grievances*

It will not be a protected disclosure if the information disclosed to a Lifestyle Solutions authorised contact or a prescribed Commonwealth authority concerns a personal work-related grievance of the individual.

For the purpose of this procedure, a reference to a 'personal work-related grievance' means information that:

- (i) concerns a grievance about any matter in relation to the individual's employment, or former employment, having (or tending to have) implications for the individual personally;
- (ii) does not have significant implications for Lifestyle Solutions that do not relate to the individual and does not concern conduct, or alleged conduct, about a disclosable matter; and
- (iii) does not concern a grievance that involves detriment caused, or a threat made, to the individual because it is believed or suspected that that individual has made, may have made, proposes to make or could make a protected disclosure and that belief or suspicion is the reason, or part of the reason, for their conduct that causes the detriment.

Examples of personal work-related grievances under paragraph include (without limitation):

- (i) an interpersonal conflict between the individual and another employee;
- (ii) a decision relating to the engagement, transfer or promotion of the individual;
- (iii) decision relating to the terms and conditions of engagement of the individual; and
- (iv) decision to suspend or terminate the engagement of the individual, or otherwise to discipline the individual.

(b) *False and misleading information*

A protected disclosure does not include a disclosure of information that is deliberately false or misleading.

Lifestyle Solutions reserves the right to take disciplinary action against an individual when, after carrying out its internal investigation fairly and reasonably, it believes that the discloser did not have reasonable grounds to suspect that the allegation was a protected disclosure.

An individual making malicious or vexatious allegations may face disciplinary action, particularly if he or she persists in making them when they have been declared, after due process, to be without foundation. A disclosure may be declared malicious or vexatious at any stage during the investigation.

## 5. Making a Protected Disclosure

Lifestyle Solutions will treat all disclosures under this procedure in a confidential and sensitive manner. Concerns raised will always be dealt with seriously and where appropriate investigated thoroughly. Matters will be investigated as speedily as is consistent with a fair and thorough investigation.

### Who can make a protected disclosure?

(e) *Eligible whistleblowers*

The following individuals are eligible to make a protected disclosure:

- (i) current and former employees and officers of Lifestyle Solutions;
- (ii) contractors and suppliers of Lifestyle Solutions (whether paid or unpaid) and their employees;
- (iii) an individual who is an associate of Lifestyle Solutions; and
- (iv) spouses and relatives of any of the above individuals.

(f) *Anonymous disclosures*

Individuals are encouraged to put their name to any disclosure they make as this will assist in the matter being investigated, however, individuals are not required to disclose his or her identity when making a protected disclosure. Lifestyle Solutions will protect the identity of an individual who makes an anonymous protected disclosure in accordance with this procedure and the whistleblower protection laws.

### Procedure for making a protected disclosure

(g) *Before making a protected disclosure*

When making a protected disclosure to Lifestyle Solutions, to ensure protection and the support of management, it is important that individuals follow the appropriate procedures when making a protected disclosure. Before making a

protected disclosure, individuals may seek advice from their:

- (i) line manager;
- (ii) the manager of their line manager; or
- (iii) a member of the Executive Leadership Team.

They will listen and provide appropriate advice regarding:

- (iv) policy and procedural guidelines;
- (v) how and where to make a protected disclosure;
- (vi) the kind of information that is needed when making a protected disclosure; and
- (vii) any other questions about protected disclosures.

Stopline are an independent external agency engaged by Lifestyle Solutions who are available to take reports via phone, email, smartphone app or website (contact details are set out below). They are a specialised service with staff who are trained in investigations and regularly deal with sensitive matters. Stopline can provide independent advice and guidance to individuals in a fair and transparent manner in order to ensure compliance with the principles of natural justice.

Stopline can be contacted as follows:

- Email: [lifestylesolutions@stopline.com.au](mailto:lifestylesolutions@stopline.com.au)
- Website: [lifestylesolutions.stoplinereport.com](http://lifestylesolutions.stoplinereport.com)
- Phone: 1300 304 550 (inside Australia)
- Phone: +61 3 9811 3275 (outside Australia – reverse charges)

*(h) Who to make a protected disclosure to at Lifestyle Solutions?*

An individual can make a protected disclosure to any of the persons or authorities set out above, including to Lifestyle Solutions directly. Reports can be made 24 hours a day, 7 days a week, although depending on the method of reporting it may not be received until the next business day.

Lifestyle Solutions has a responsibility to ensure good governance. The CEO is accountable for this and so any disclosure of Wrongdoing focusing on governance can be made to the CEO who will be responsible for considering such allegations.

Where an individual feels they have good reason for believing that Wrongdoing may have occurred on a scale and type that makes it inappropriate to report this through normal line management structures, then they should report the concern to the CEO, the WPO or Stopline.

If it is appropriate, and an individual has not already done so, they should advise their senior line manager that they are making a protectable disclosure as they are responsible for securing the individual's protection and for supporting the individual through the process.

*(i) What information should be included?*

The focus of a protected disclosure is on the information, events and substantive issues rather than on the discloser. A protected disclosure should be clear and factual about what has happened and include a record of:

- (i) what was seen or heard;

- (ii) when and where it happened (i.e. date, time and place);
- (iii) who was involved: their name, job title, and workplace address; and
- (iv) names of people who may be able to verify the allegation.

It is important to be clear and factual about what has happened. If an individual has not prepared a record of the facts and details, the person they make the disclosure to must record these. They will ask the individual to confirm that their record of the conversation is correct, and that the individual has reasonable grounds to suspect the information concerns Wrongdoing.

Where possible a protected disclosure should be made in a way that avoids unfair damage to a person's reputation. A person is presumed to be innocent of wrongdoing unless found guilty of an offence.

### **Investigation of a protected disclosure**

#### *(a) Assessment*

Lifestyle Solutions will consider the information made available by the discloser and will decide what action to take next. Considerations include, for example, whether there is a prima facie case for an investigation, whether it appears genuine, the seriousness of the matter, the likelihood of a successful investigation and appropriate jurisdictions.

Lifestyle Solutions may ask an independent/external investigator to undertake an initial investigation to establish the relevant facts and to report the findings. The initial investigation will be conducted speedily, ideally reporting within three (3) weeks of receipt of the allegation (noting that this may not occur in every case).

If Lifestyle Solutions considers that there are not grounds for proceeding further, the discloser has the right to remake the case.

If Lifestyle Solutions believes there are grounds for proceeding further, a decision will be made whether an investigation should be conducted and, if so, who should undertake it and what form it should take. The appropriate body to conduct the investigation will depend on the nature of the matter raised and may be:

- (i) an internal investigating committee;
- (ii) the police;
- (iii) an external independent inquiry; or
- (iv) an external Commonwealth authority.

Where the matter is so serious it needs to be referred elsewhere (e.g. to the police or other relevant investigatory body) the responsibility for the investigation will fall to the relevant external agency and Lifestyle Solutions will cooperate fully with their enquiries.

Any decision about the investigation process that will be taken by Lifestyle Solutions will be dependent on the nature of the protected disclosure and any other applicable policies or procedures of Lifestyle Solutions that it has in relation to specific types of investigations or complaints.

#### *(b) Investigation*

Other than in very serious or exceptional circumstances:

- (i) investigations will focus on the complaint and not the person making the complaint;
- (ii) investigations will be handled with sensitivity, objectivity and with due

respect for the rights of both the discloser and the named individual against whom the disclosure is made as is required under the principle of natural justice;

- (iii) the investigation will be conducted by an independent expert (or panel of experts) who will not be connected with the allegation(s) in any way;
- (iv) the discloser will be informed of the nature of the investigation to be undertaken and the likely timeframe;
- (v) the named individual against whom the disclosure is made will be advised of the allegation and the evidence supporting it, and will be allowed to comment before any investigation, or further action is concluded;
- (vi) under this procedure, the discloser and the named person is entitled to be accompanied and/or represented by an appropriate delegate or other person of their choice;
- (vii) confidentiality will be maintained throughout any investigation to the greatest extent consistent with the requirements of a fair investigation; and
- (viii) a written record will be kept of all meetings and investigations.

(c) *Reporting*

Investigators, having considered all the evidence and any representations made, will produce a written report to the CEO outlining its findings, conclusions, reason for the conclusion and recommendations.

(d) *Feedback*

Reasonable information about the action and the outcome will be provided to the discloser within a reasonable timeframe. Before this information is made available, consideration will be given to potential adverse effects on:

- (i) the safety of any individual;
- (ii) the investigation of an offence or possible offence;
- (iii) necessary confidentiality about the discloser's existence or identity; and
- (iv) other employees (e.g. feelings of grief or loss, emotional trauma).

If no further action is recommended because there is no prima facie case to be investigated, or an initial investigation deems the allegation unsubstantiated, the discloser will be informed of the reason and allowed a second and final opportunity to remake the case to an appropriate authority.

(e) *Employee Assistance*

In some circumstances, employees involved in investigations (whether as a discloser or otherwise) may wish to make use of the EAP, which is available to them.

Details of the EAP are as follows:

- 1800 818 728
- Northern Territory - Tennant Creek Only 1800 193 123

(f) *Records*

Records regarding protected disclosures have special protection under this procedure. The CEO will maintain safe and secure records of all disclosures and of any subsequent action for a period of three (3) years. Records must include the name of the discloser (where it has been provided), the information disclosed, and in particular, a written record of how and when the disclosure was made, the type of disclosure and the outcome of the case.

*(g) Named individual in a protected disclosure*

Lifestyle Solutions must be fair to all parties involved and uphold the principles of natural justice. The principles of natural justice are that a decision maker must reach an objective and procedurally fair decision. Where a decision or action could adversely affect a person's interests, that person must have a chance to state his or her point of view before the action or decision is taken. The person also has a right to be made aware of the substance of any allegation made against them and to respond to it.

If someone is being accused of misconduct in a protected disclosure, Lifestyle Solutions must conduct a fair investigation. In any investigation, Lifestyle Solutions will respect any concerns individuals may have about their own safety or career. Whenever an allegation is made as part of this procedure against a named individual, that individual will be told of the allegation and of the evidence supporting it and will be allowed to respond before any investigation, or further action, is concluded. The point at which the individual is informed will depend on the nature of the case.

*(h) Outcomes of Investigation*

Where danger, fraud, or other illegal or unethical conduct is established, Lifestyle Solutions will use its normal disciplinary processes to deal with the situation, in accordance with the conditions of service, with the individuals concerned. It will also take appropriate steps to ensure similar situations do not recur.

Matters previously raised and dealt with via other Lifestyle Solutions procedures will not be reconsidered under this procedure.

*(i) Feedback*

The discloser will usually be informed of the results of any investigation and of any proposed action, as long as doing so does not breach the confidentiality of other individuals.

Lifestyle Solutions is committed to dealing with concerns in a serious manner. It therefore expects the discloser and other parties to show similar respect to conclusions reached.

## 6. Protection of Whistleblowers

### Confidentiality

Lifestyle Solutions is committed to ensuring confidentiality in respect of all matters raised under this procedure. If the individual making the protected disclosure has asked to remain confidential, Lifestyle Solutions will do everything it reasonably can to respect this and their identity will be kept confidential in so far as this is compatible with conducting an effective investigation.

*(j) Protection of identity of whistleblower*

An individual is not required to disclose his or her identity when making a protected disclosure. If an individual makes a protected disclosure, then any person who has obtained information about the individual's identity from that protected disclosure is required to keep confidential:

- (i) the identity of the individual who made the protected disclosure; and

- (ii) information that is likely to lead to the identification of the individual who made the protected disclosure.
- (k) *Exclusions to protection of identity of whistleblower*

Sometimes it may be necessary to reveal certain information in the interests of fairness and/or to meet the requirements of an external agency. The investigation process may have to reveal the source of the information, and the discloser may need to make a statement as part of the evidence required.

The protection of an individual's identity will not apply in the following circumstances:

- (i) where their identity, or information that is likely to lead to the identification of their identity the information, is disclosed to ASIC, APRA, the Australian Federal Police or a legal practitioner for the purpose of obtaining advice in relation to the operation of the whistleblower protection laws;
- (ii) where the individual has consented to the disclosure of their identity or information that is likely to lead to the identification of their identity; or
- (iii) where:
  - (A) the information is not of the identity of the individual who made the protected disclosure;
  - (B) the information is reasonably necessary for the purpose of investigating a disclosable matter to which the protected disclosure relates; and
  - (C) all reasonable steps are taken to reduce the risk that the individual who made the protected disclosure will be identified.

(l) *Penalties*

There are civil and criminal penalties for breaches of the protection of an individual's identity under the applicable whistleblower protection laws.

## **Victimisation**

Lifestyle Solutions is committed to ensuring that those who make a protectable disclosure are treated fairly and do not suffer detriment. Lifestyle Solutions will support concerned individuals and aim to protect them from reprisals or victimisation.

(a) *No civil, criminal or administrative liability for making a protected disclosure*

Lifestyle Solutions will not take any disciplinary action or exercise any contractual or other right against an individual for making a protected disclosure.

(b) *No detriment, or threat of detriment, for making a protected disclosure*

Lifestyle Solutions will not, and will take all reasonable steps to ensure its employees and officers will not, engage in conduct that causes, or threatens to cause, any detriment to an individual where it is believed or suspected that that individual has made, may have made, proposes to make or could make a protected disclosure and that belief or suspicion is the reason, or part of the reason, for their conduct that causes the detriment.

An employee or elected office bearer of Lifestyle Solutions who causes, or threatens to cause, a detriment to an individual for making a protected disclosure will be subject to disciplinary action which may include summary dismissal and/or removal from office.

(c) Penalties

There are civil and criminal penalties for breaches of the protection of an individual from victimisation under the applicable whistleblower protection laws.

**Discouraging an individual from making a protected disclosure**

If anyone tries to discourage an individual from coming forward to express a concern, based on evidence or on reasonable suspicion, that serious wrongdoing may have occurred, Lifestyle Solutions will treat this as a disciplinary offence. In the same way, Lifestyle Solutions will take disciplinary action with anyone who criticizes or victimises an individual after a concern has been expressed.

**Relocation of individual making protected disclosure**

An individual making a protected disclosure has the right to make a request to the CEO to be relocated to remove the danger of reprisals if it is not practicable for matters to be resolved in some other way.

**7. Responsibilities**

Name	Role
<b>Directors, Executives and Senior Managers</b>	The Board of Directors, Executive Leadership Team and Senior Management of Lifestyle Solutions will: <ul style="list-style-type: none"><li>• always encourage and model a positive culture for reporting;</li><li>• protect the identity of Whistleblowers and witnesses as far as reasonably possible (see below "Protection for Whistleblowers");</li><li>• ensure the Whistleblowing Policy and this procedure are communicated to and understood by our people; and</li><li>• enable people to report without fear of retaliation and ensure that this procedure is enforced.</li></ul>
<b>Whistleblower Protection Officer</b>	The WPO is a designated staff member who is appropriately skilled and/or trained in investigations, communication processes and protection protocols. The WPO will usually be responsible for <ul style="list-style-type: none"><li>• any internal investigation;</li><li>• communication with the Whistleblower and the other parties involved;</li><li>• ensuring that as far as reasonably possible, the privacy of the Whistleblower is maintained;</li><li>• ensuring that the investigation is handled fairly; and</li><li>• ensuring any conflicts of interest that arise during the investigation are reported and handled appropriately (including removing themselves from the investigation if they are unable to remain impartial).</li></ul>

Name	Role
<b>Whistleblower</b>	<p>Because reports of suspected Wrongdoing under this procedure are serious in nature, Whistleblowers are expected to have reasonable grounds when making a report.</p> <p>The information they provide is vital to ensuring that a fair investigation can take place. This means that when a Whistleblower is making a report, they must:</p> <ul style="list-style-type: none"> <li>• have reasonable grounds for believing there is something wrong; and</li> <li>• aim to act impartially, it is not their role to decide who is guilty.</li> </ul>
	<p>Any person making a report consistent with the above provisions will be treated fairly.</p> <p>If a Whistleblower does not have reasonable grounds for their suspicion, it is possible they are only making a report because they want to get someone into trouble or damage their reputation. If a report is found to have been made with malicious intentions or knowing that the claims are false, the Whistleblower may be subject to disciplinary action including dismissal, termination of service or cessation of a service or customer relationship.</p> <p>Even though the person making the report may be implicated in the suspected Wrongdoing they are reporting, they must not be subjected to any actual or threatened retaliation or victimisation for reporting suspected Wrongdoing under this procedure. It is important to note, however, that if the person reporting suspected Wrongdoing was involved in the Wrongdoing itself, there may still be consequences for them. A person's liability for their own actions is not affected by their reporting of those actions under this procedure. However active cooperation in the investigation, an admission and remorse are factors that may be taken into account by Lifestyle Solutions when considering disciplinary or other action.</p>

### 7.1 How can an anonymous report be made and what should be included?

A Whistleblower can make an anonymous report by:

- Lodging the details through the Lifestyle Solutions website  
<https://www.lifestylesolutions.org.au/contact-us/make-a-confidential-complaint/>
- Phoning the WPO on 1800 411 793
- Contacting Stopleveline:
  - Email: [lifestylesolutions@stopleveline.com.au](mailto:lifestylesolutions@stopleveline.com.au)
  - Website: [lifestylesolutions.stoplevelinereport.com](https://www.lifestylesolutions.com.au/stoplevelinereport.com)
  - Phone: 1300 304 550 (inside Australia)
  - Phone: +61 3 9811 3275 (outside Australia – reverse charges)

To assist the WPO to investigate, the Whistleblower should provide as much information as possible in their report. The WPO will not be able to seek additional information or provide feedback to the Whistleblower if the report is made anonymously (unless it is made through Stopline and the Whistleblower allows Stopline to know their identity). This means it is important that a report of suspected Wrongdoing includes:

- as much detail about the suspected Wrongdoing as possible (including dates, times, locations etc.);
- the person or people suspected of the Wrongdoing;
- if relevant, names of possible victims and/or witnesses (if they are known);
- what facts the report is based on; and
- any evidence available that proves or supports the claim of suspected wrongdoing.

Where anonymity has been requested, the Whistleblower is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorised persons.

## 8. What Happens During the Investigation?

All reports of alleged or suspected wrongdoing made under this procedure will be properly assessed and, where appropriate, investigated. All suspected Wrongdoing will be investigated confidentially, objectively and without bias, usually by the WPO.

Where possible, interviews will be digitally recorded.

The principles of natural justice will be observed throughout the investigation and reporting process. Where adverse comment about a person is likely to be included in a report, the person affected will be given an opportunity to comment beforehand and any comments will be considered before the report is finalised.

The process for receiving, investigating and closing a report will generally follow the steps outlined above in "Overview of Process".

## 9. How will Lifestyle Solutions Protect Whistleblowers and Witnesses?

Lifestyle Solutions is committed to ensuring Whistleblowers and witnesses are protected from any kind of retaliation resulting from their reporting. The WPO, as well as Senior Management, Executives, the Board and Stopline, will use a number of tools and processes to ensure that the Whistleblower is protected, such as:

1. Keeping the Whistleblower's identity private, unless the Whistleblower consents to their identity being disclosed or it must be disclosed according to law.
2. When a report is investigated only relevant parties will be informed and will only be given the information that is relevant to them (this might include other Lifestyle Solutions staff, external parties involved in the investigation process, and, in appropriate circumstances, law enforcement agencies).
3. All records relating to the report and investigation will be stored securely, and only authorised people will have access (as per the Information Security Policy).
4. A risk assessment may be conducted when a report is received to ensure that possible risks arising from the investigation are mitigated.
5. Although confidentiality is maintained, in some circumstances the source of

the report may be obvious. If this is a concern, the WPO or investigator will consider all reasonably possible options to reduce this risk, or to mitigate possible consequences for the Whistleblower and will discuss this with the Whistleblower at the time.

6. The Whistleblower will be able to report any suspected victimisation or retaliation to the WPO or Stopline at any time, which will be investigated.
7. Information disclosed about the report, the Whistleblower's identity, or information that could give away the identity of the Whistleblower without their permission, will be considered seriously and may result in disciplinary action, which may include dismissal.
8. The Whistleblower and witnesses will have ready access to external support through Lifestyle Solutions' Employee Assistance Program (EAP).
9. The protection of witnesses will be dealt with in the same way as the Whistleblower.

Lifestyle Solutions has a zero-tolerance approach to any retaliation or threats of retaliation against any Whistleblower or witness. This includes any retaliation or threats of retaliation against that person's colleagues, employer (if a contractor or supplier) or relatives.

That person must not be disadvantaged or victimised for reporting suspected Wrongdoing. Examples of ways a person might be victimised include (but are not limited to) the following:

- dismissal or termination of services or supply;
- demotion;
- any form of discrimination or harassment;
- isolation or exclusion from activities;
- current or future bias; or
- threats of any of the above.

If a Whistleblower or witness experiences any such retaliation or victimisation after they have made a report under this procedure it will be treated as a serious matter by Lifestyle Solutions and may result in disciplinary action, which may include dismissal.

## 10. How will Lifestyle Solutions Support the Affected Person or People?

Lifestyle Solutions recognises that individuals who a report is made against must also be supported during the handling and investigation of the suspected wrongdoing.

To ensure that the assessment and investigation are fair to the person or people who are the subject of a report of suspected Wrongdoing, reasonable steps will be taken to minimise the impact on them. The person affected will:

- be informed of the substance of the allegations;
- have access to Lifestyle Solutions' EAP;
- be given reasonable opportunity to answer or respond to the allegations during the investigation process;
- be informed of the substance of any adverse comments that may be included in the investigation report prior to finalisation;
- have their response to the allegations set out fairly in the final investigation

report; and

- be formally advised of the outcome of the investigation.

Where an investigation does not substantiate the report of Wrongdoing, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the report will generally be handled confidentially.

Lifestyle Solutions will provide reasonable support to a person who is the subject of a report of suspected wrongdoing where following proper investigation, the allegations contained in the report are found to be unsubstantiated.

## 11. Findings

Findings will be made on the civil standard of proof, namely the balance of probabilities.

When the investigation is complete the WPO (or external Investigating Officer if engaged) will provide a written report to the CEO and the Chairperson of the ARCC. The report will 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 the basis for these conclusions; and
- recommendations based on those conclusions to address any Wrongdoing identified and any other matters arising during the investigation.
- The Whistleblower will be informed of relevant outcomes of the investigation, subject to confidentiality provisions and considerations of the privacy of those against whom the allegations are made.

## 12. General

### 1.1 Understanding this Procedure

To ensure that our people know about this procedure and the Whistleblowing Policy and are empowered to report suspected Wrongdoing Lifestyle Solutions will ensure that regular communication and education are provided to its people on the contents of these documents. Lifestyle Solutions may from time to time provide training to its staff, especially to managers and the WPO on best practice handling of reports and supporting and protecting Whistleblowers.

### 1.2 Breach of this Procedure

To further demonstrate its commitment to protecting Whistleblowers, Lifestyle Solutions will treat any breach of this procedure seriously. Lifestyle Solutions will take disciplinary action for breaches of this procedure, which may include termination or cessation of relationship (in the cases of Directors, volunteers and contractors).

# Document Control

Revision Date	Nature of Amendments
22 May 2019	Reviewed by Leanne Perry
01 July 2019	Reviewed by Leanne Perry
17 March 2019	Reviewed by Erin McMullen (Company Secretary)