



# Whistleblower provisions under the Aged Care Act Policy

## 1. Purpose

WACHS is committed to fostering a culture of integrity, accountability, and transparency across all aspects of aged care service delivery.

This policy addresses legislative requirements and sets out how WACHS enables, receives, protects and responds to disclosures (whistleblowing) in aged care services.

In particular, this policy:

- operationalises the requirements of the [Aged Care Act 2024](#) (Cth) and [Aged Care Rules 2025](#) to maintain a whistleblower system and published policy
- explains how disclosures can be made and to whom
- sets out protections and confidentiality
- describes how WACHS investigates disclosures and communicates outcomes.

This policy is to be read in conjunction with:

- [Consumer and Carer Feedback Management Policy](#)
- [Serious Incident Response Scheme for Aged Care Policy](#)
- MP 0124/19 [Code of Conduct Policy](#)
- [Public Interest Disclosure Act 2003](#) (WA).

The following are out of scope of this policy:

- personal employment-related grievances that do not involve a contravention of the [Aged Care Act 2024](#) (Cth).

## 2. Policy

This policy establishes a framework for making, handling and protecting disclosures under the [Aged Care Act 2024](#) (Cth) Chapter 7 (as supplemented by the [Aged Care Rules 2025](#)).

Whistleblower provisions under the [Aged Care Act 2024](#) (Cth) apply to the following Commonwealth funded aged care services delivered by WACHS:

- residential aged care services including Multi-Purpose Service (MPS) sites and Karlarra House
- in home or community based aged care services including Support at Home, Commonwealth Home Support Program (CHSP), flexible care in the home, community delivered through the MPS Program, and Transition Care Program (TCP).

### 2.1. What is a Whistleblower disclosure?

A whistleblower disclosure (also called a “qualifying disclosure”) is information shared by a person who has reasonable grounds to suspect that an organisation or person providing aged care services may have contravened a provision of the [Aged Care Act 2024](#) (Cth).

Disclosures may be made anonymously and either orally or in writing. A disclosure qualifies for protection when it is made to an eligible recipient (see [section 2.4](#)) and otherwise meets the requirements of the [Aged Care Act 2024](#) (Cth).

A person raising an issue may choose to have the issue managed through WACHS' feedback and complaints processes. The main difference between progressing a qualifying disclosure under the [Aged Care Act 2024](#) (Cth) is the application of whistleblower protections and potential involvement of the [Aged Care Quality and Safety Commission](#) (ACQSC).

Issues not qualifying as a disclosure, or where the person chooses not to progress as a qualifying disclosure, will still be managed sensitively and fairly under the [Consumer and Carer Feedback Management Policy](#) and MP 0124/19 [Code of Conduct Policy](#). Please note, these issues may still require involvement of the ACQSC depending on the reporting requirements.

Cultural safety is essential to responding to and learning from disclosures in aged care. WACHS understands and respects that only a consumer or their nominated representative can determine if they have received culturally safe care.

A disclosure may relate to:

- aged care services delivered by or on behalf of WACHS
- aged care services delivered by an external organisation where the aged care services are not related to or delivered on behalf of WACHS.

Where WACHS receives a whistleblower disclosure related to services delivered by or on behalf of WACHS (including those delivered by an Associate Provider), staff should

- follow the directions set out in this policy
- consider the requirements of other feedback and reporting pathways such as the [Consumer and Carer Feedback Management Policy](#) and related processes.

## 2.2. Disclosures pertaining to an external provider

Where WACHS receives a whistleblower disclosure related to the conduct of another aged care provider, responsible person or aged care worker outside WACHS – where the aged care services are not being delivered on behalf of WACHS:

- staff should escalate the disclosure to their line manager in the first instance
- the disclosure is to be received and managed in accordance with the whistleblower protections of the [Aged Care Act 2024](#) (Cth)
- the identity of the discloser will be protected in accordance with legislative requirements
- WACHS will not investigate or assess the conduct of the external organisation
- the discloser should be informed of appropriate external reporting options, such as the [ACQSC](#) or [Older Persons Advocacy Network](#) (OPAN) and supported to make a direct disclosure if they wish.
- with the consent of the discloser, or in de-identified form where appropriate, the disclosure may be referred to the [ACQSC](#).

### 2.3. Who can make a disclosure?

Anyone may make a disclosure, including aged care workers, volunteers, contractors, consumers, family members/carers, advocates, and members of the public who reasonably suspect a contravention.

### 2.4. Who can receive a disclosure?

Disclosures that qualify for Whistleblower protection under the [Aged Care Act 2024](#) (Cth) may be made to any of the following:

- WACHS as the registered provider
- a 'responsible person' of WACHS
- any aged care worker of WACHS (including employees, contractors and volunteers)
- the Aged Care Quality and Safety Commissioner or Complaints Commissioner
- the Department of Health, Disability and Ageing (the System Governor) or an official of the Department
- an independent aged care advocate
- a police officer.

For disclosures involving an Aboriginal person (if known):

- Staff should engage Aboriginal Liaison Officers (ALOs), Aboriginal Health Workers (AHWs), or equivalent, early to support communication, advocacy and cultural safety. Local Aboriginal community context and priorities should be considered to ensure disclosures are reported in a culturally safe manner. Engagement with ALOs or AHWs should occur with the consent of the person raising the concern, acknowledging that confidentiality, safety and individual circumstance may influence how and when cultural supports are involved.
- Ensure communication with families and kinship networks is culturally appropriate. In Aboriginal communities decision-making is often shared, so staff should involve the right family members in discussions, if relevant.
- Be mindful of social and cultural factors that may affect how people engage. Some individuals and families may feel shame or mistrust because of past experiences with institutions. The ongoing impacts of colonialisation, systemic racism and historic institutional harm may influence how Aboriginal people engage with this system and their confidence in raising concerns.
- Staff should respond with compassion, respect and a person-centred, trauma informed approach.

Refer to the [WA Aboriginal Health and Wellbeing Framework 2015-2030](#) and [WACHS Cultural Governance Framework](#) for further guidance.

### 2.5. Protections available to Whistleblowers

Under the [Aged Care Act 2024](#) (Cth), persons making a qualifying disclosure will have whistleblower protections, which include:

- protection from victimisation, detriment, discrimination or adverse treatment because a disclosure was made, is proposed, or is believed to have been made
- confidentiality of the discloser's identity except where permitted by law or with consent

- immunity from civil, criminal or administrative liability for making the disclosure (note: this does not protect against liability for the person's own misconduct)
- reasonable steps to preserve anonymity where requested, including in communications and records.

Victimisation and threats of victimisation will not be tolerated and any Whistleblowers who have reasonable belief that they are being victimised as a result of any disclosure (or the belief or suspicion of a disclosure) should report this behaviour to a receiving party as per [section 2.4](#) of this policy.

## **2.6. How we will Investigate following a whistleblower disclosure**

All disclosures will be assessed promptly for immediate safety issues and potential serious incident response scheme (SIRS) reportability. Matters will be investigated accordingly with the appropriate pathway, and related policy documents for that pathway.

WACHS will:

- acknowledge receipt to the discloser (if contactable) and explain next steps
- respond with compassion, respect and a person-centred, trauma informed approach
- assess appropriate reporting pathway and requirements
- consider SIRS and other statutory reporting duties
- protect confidentiality and monitor for detriment throughout
- conduct inquiries and/or an investigation
- provide de-identified outcome information to the discloser where feasible
- integrate learnings into service improvement.

## **2.7. Confidentiality and secure records**

WACHS will:

- restrict access to disclosure records to those directly involved in handling the matter
- store records securely, and
- avoid identity-revealing details unless necessary and authorised.

Where anonymity is requested, WACHS will take reasonable steps to preserve it.

This will be managed in accordance with the MP 0130/20 [Complaints Management Policy](#) and [Consumer and Carer Feedback Management Policy](#), where relevant.

WACHS may, otherwise, use any information disclosed by a Whistleblower (but not the identity of the discloser) which is reasonably necessary to deal with the allegations or claims made under the disclosure, provided that all reasonable steps are taken to reduce the risk that the Whistleblower will be identified.

## **2.8. Support and fair treatment**

WACHS will assess and mitigate risks of detriment to the discloser and provide appropriate support.

Persons named in disclosures will be treated fairly and afforded procedural fairness, noting confidentiality constraints.

## 2.9. Other obligations

WACHS will:

- Publication and accessibility – make the policy available to workers, responsible persons, consumers and supporters upon request; provide translation/alternative formats where required; help people understand the system.
- Monthly communications – issue monthly messages to aged care workers and responsible persons encouraging protected disclosures and explaining how to access the policy.
- Training – provide training covering: recognising protected disclosures; confidentiality; escalation; roles; penalties for breaches.

## 3. Roles and Responsibilities

The **WACHS Chief Executive** is responsible for:

- oversight of the [Aged Care Act 2024](#) (Cth) whistleblower system, disclosures and outcomes.

**District Directors** are responsible for:

- ensuring effective whistleblower processes are embedded to encourage consumers to provide feedback, meet policy requirements, and demonstrate a commitment to improving services in response to feedback via active monitoring of implementation and evaluation of service improvement actions
- receiving escalations for significant findings or where a conflict exists.

**Line Managers** are responsible for:

- providing awareness of whistleblower protections, training and support of staff, and ensuring SIRS integration and quality improvement actions
- provide regular communication (at least monthly) to staff and clients receiving aged care services, that WACHS welcomes qualifying disclosures under the [Aged Care Act 2024](#) (Cth).

All **Aged Care Workers and Responsible Persons** are responsible for:

- receiving and managing disclosures respectfully and in accordance with this policy and associated procedures
- embedding Aboriginal cultural considerations in disclosure reporting, response and follow up
- escalating disclosures to the appropriate parties where required, in line with this policy and the [Consumer and Carer Feedback Management Policy](#)
- maintaining an awareness of whistleblower and consumer feedback management processes available to consumers of WACHS services delivered under the [Aged Care Act 2024](#) (Cth), and promoting access to these.

**WACHS Integrity Unit** is responsible for:

- providing assistance in conducting assessments and disciplinary investigations related to suspected misconduct or breach of the MP 0124/19 [Code of Conduct Policy](#).

**Human Resources** is responsible for:

- providing advice on the identification, reporting and management of alleged misconduct.
- management of the discipline processes through the setting of relevant policies, providing information to staff and receiving reports of staff misconduct.

**WACHS Safety and Quality Program** is responsible for:

- maintaining the [Consumer and Carer Feedback Management Policy](#) and supporting resources to ensure the delivery of an effective consumer feedback management system.

**WACHS Aged Care Program** is responsible for:

- acting as the Whistleblower Manager for the purposes outlined under the [Aged Care Act 2024](#) (Cth) (delegated to the Director Aged Care)
- maintaining the WACHS Aged Care Whistleblower Policy and supporting resources to ensure the delivery of an effective whistleblower system in line with obligations under the [Aged Care Act 2024](#) (Cth).

The **WACHS Older Adult Program Committee** is responsible for:

- collating incident data and reviewing trends and patterns of reported incidents
- escalating issues to the Safety and Quality Executive Sub Committee as required.

**All staff** are required to comply with the directions in WACHS policies and procedures as per their roles and responsibilities. If staff are unsure which policies procedures and guidelines apply to their role or scope of practice, and/or are unsure of the application of directions they should consult their manager in the first instance.

## 4. Monitoring and Evaluation

De-identified consumer feedback data is to be provided on a minimum quarterly basis to the WACHS Older Adult Program Committee.

The effectiveness of this policy and associated supporting resources will be assessed at a minimum every three years by the WACHS Director Aged Care to ensure that the objectives of the policy are aligned with the [Aged Care Act 2024](#) (Cth), and other relevant legislation and policy frameworks.

## 5. References

- Australian Government Department of Health, Disability and Ageing. [Aged Care Whistleblower Protections](#). Accessed 9 November 2025.
- Aged Care Quality and Safety Commission. [Protection for Whistleblowers](#). Accessed 9 January 2026.
- Aged Care Quality and Safety Commission. [The Serious Incident Response Scheme](#). Accessed 9 February 2026.
- Australian Government Department of Health, Disability and Ageing. [Serious Incident Response Scheme \(SIRS\)](#). Accessed 7 November 2025.

- Government of Western Australia. [Public interest disclosures in WA public authorities](#). Accessed 9 February 2026.

## 6. Definitions

| Term                                           | Definition                                                                                                                                                                                                                                 |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Aged care worker</b>                        | An individual employed or otherwise engaged (including as a volunteer) by WACHS to deliver funded aged care services; or an individual engaged by an associated provider under an arrangement with WACHS to deliver such services.         |
| <b>Associate Provider</b>                      | An organisation or individual that delivers services on behalf of a Registered Provider, often as a subcontractor.                                                                                                                         |
| <b>Eligible recipient</b>                      | The ACQSC (including Complaints Commissioner and staff); the Department (System Governor) or officials; the registered provider; a responsible person; any aged care worker; a police officer; an independent aged care advocate.          |
| <b>Registered Provider</b>                     | An entity registered under the Aged Care Act 2024 (Cth) in one or more provider registration categories (e.g., residential care) as prescribed by the Rules.                                                                               |
| <b>Responsible person</b>                      | A person responsible for the executive decisions of the registered provider, or who has authority or responsibility for planning, directing or controlling the activities of the provider (including specified clinical governance roles). |
| <b>Serious Incident Response Scheme (SIRS)</b> | The Serious Incident Response Scheme administered by the ACQSC, requiring incident management and reporting of reportable incidents in aged care.                                                                                          |
| <b>System Governor</b>                         | Means the Secretary of the Department of Health and Aged Care.                                                                                                                                                                             |
| <b>Whistleblower</b>                           | A whistleblower under the Aged Care Act refers to individuals, such as older Australians, their families, and aged care workers, who report concerns about non-compliance with aged care laws.                                             |
| <b>Whistleblower Manager (WACHS)</b>           | The position responsible for oversight of whistleblower disclosures in accordance with other WACHS feedback management processes and related policies. The Whistleblower Manager for WACHS is the Director Aged Care Program.              |

## 7. Document Summary

|                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Coverage</b>                                                                     | WACHS wide                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Audience</b>                                                                     | All WACHS employees, contractors, volunteers, students; consumers and supporters of WACHS aged care services                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Records Management</b>                                                           | <ul style="list-style-type: none"> <li>• <a href="#">Corporate Recordkeeping Compliance Policy</a></li> <li>• <a href="#">Health Record Management Policy</a></li> </ul>                                                                                                                                                                                                                                                                                                        |
| <b>Related Legislation</b>                                                          | <ul style="list-style-type: none"> <li>• <a href="#">Aged Care Act 2024</a> (Cth)</li> <li>• <a href="#">Aged Care Rules 2025</a></li> <li>• <a href="#">Health Services Act 2016</a> (WA)</li> <li>• <a href="#">Public Interest Disclosure Act 2003</a> (WA)</li> </ul>                                                                                                                                                                                                       |
| <b>Related Mandatory Policies / Frameworks</b>                                      | <ul style="list-style-type: none"> <li>• MP 0124/19 <a href="#">Code of Conduct Policy</a></li> <li>• MP 0130/20 <a href="#">Complaints Management Policy</a></li> <li>• MP 0127/20 <a href="#">Discipline Policy</a></li> <li>• MP 0118/19 <a href="#">Equal Opportunity, Discrimination and Harassment Policy</a></li> <li>• MP 0114/19 <a href="#">Integrity Governance Policy</a></li> <li>• MP 0125/19 <a href="#">Notifiable and Reportable Conduct Policy</a></li> </ul> |
| <b>Related WACHS Policy Documents</b>                                               | <ul style="list-style-type: none"> <li>• <a href="#">Consumer and Carer Feedback Management Policy</a></li> <li>• <a href="#">Open Disclosure Policy</a></li> <li>• <a href="#">Serious Incident Response Scheme for Aged Care Policy</a></li> </ul>                                                                                                                                                                                                                            |
| <b>Other Related Documents</b>                                                      | <ul style="list-style-type: none"> <li>• WACHS <a href="#">Integrity Governance Arrangements</a></li> </ul>                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Related Forms</b>                                                                | Nil                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Related Training</b>                                                             | Nil                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Aboriginal Health Impact Statement Declaration (ISD)</b>                         | ISD Record ID: 5408                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b><a href="#">National Safety and Quality Health Service (NSQHS) Standards</a></b> | 1-2                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b><a href="#">Aged Care Quality Standards</a></b>                                  | 1-7                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b><a href="#">Chief Psychiatrist's Standards for Clinical Care</a></b>             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Other Standards (please specify and include link)</b>                            | <a href="#">Integrated Health and Aged Care Services (IHACS) Module</a> Items 1-14                                                                                                                                                                                                                                                                                                                                                                                              |

## 8. Document Control

| Version | Published date | Current from | Summary of changes |
|---------|----------------|--------------|--------------------|
| 1.00    | 28 July 2026   | 28 July 2026 | New policy         |

## 9. Approval

|                                                                                                                                                                                                                                                                                                                                                                                                            |                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <b>Policy Owner</b>                                                                                                                                                                                                                                                                                                                                                                                        | Chief Operating Officer – Rural Services |
| <b>Co-approver</b>                                                                                                                                                                                                                                                                                                                                                                                         | Nil                                      |
| <b>Contact</b>                                                                                                                                                                                                                                                                                                                                                                                             | Senior Program Manager                   |
| <b>Business Unit</b>                                                                                                                                                                                                                                                                                                                                                                                       | Aged Care                                |
| <b>EDRMS #</b>                                                                                                                                                                                                                                                                                                                                                                                             | ED-WA-26-376398                          |
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**This document can be made available in alternative formats on request.**

## Appendix A: Decision Flow Chart

### Step 1. Start

An issue is raised with you (verbally, email, form, anonymously, via any staff member).

Always treat as a potential protected disclosure until triaged:

- Aged Care Act 2024 allows anyone to make a disclosure, including anonymously and orally/writing.
- A disclosure to any aged care worker is protected.

### Step 2. WACHS-related or other

Is the issue related to services delivery by WACHS, or by another provider on behalf of WACHS.

If Yes → proceed to Step 3.

If No → then:

- escalate the disclosure to your line manager
- inform the person of appropriate external reporting options such as the Aged Care Quality and Safety Commission (ACQSC) or Older Persons Advocacy Network (OPAN)
- with consent from the person, report the disclosure to the Aged Care Quality and Safety Commission.

Ask yourself immediately:

### Step 3. Is anyone at immediate risk?

**If YES** → Take safety actions (clinical response, secure environment, prevent further harm).

**THEN** → proceed to Step 4.

### Step 4. SIRS triage (mandatory)

#### Does the concern meet SIRS reportable definitions?

Check whether the matter meets SIRS reportable incident categories (e.g., unreasonable use of force, neglect, emotional abuse, unlawful sexual contact, unexpected death, financial coercion, restrictive practices, unexplained absence).

The [SIRS decision support tool](#) provides general guidance to help decide whether an incident should be notified to the Commission.

**If YES** → SIRS pathway:

- Follow SIRS reporting process per WACHS SIRS Policy.
- Continue assessing whether this is also a whistleblower disclosure (whistleblower protections may apply concurrently).

If **NO** → proceed to Step 5.

### Step 5. Determine whether this is a whistleblower disclosure

A disclosure is a qualifying whistleblower disclosure if all apply:

1. Information suggests reasonable grounds that WACHS (as registered provider) or a person has contravened the Aged Care Act.
2. It is given to an eligible recipient – any aged care worker, responsible person, WACHS, ACQSC, Department, police, independent advocate.
3. May be anonymous, oral, or written.

### Step 6. Ask (if contactable):

“Would you like this handled as a protected whistleblower disclosure under the Aged Care Act, or as feedback or a complaint under WACHS feedback management processes?”

### Explain the difference.

Whistleblower pathway:

- Follows legislative requirements, whistleblower protections and process under the Act to safeguard reporting individual.
- Aligns with WACHS Carer and Consumer Feedback Management Policy and process (where appropriate).
- May involve Aged Care Safety and Quality Commission.

Feedback / Complaint pathway:

- Follows process per WACHS Carer and Consumer Feedback Management Policy.
- Also includes provisions to safeguard reporting individual under WA health Code of Conduct and related policy.

Under the Act, the individual has a dual pathway right.

- **If they choose Whistleblower** → Whistleblower stream.
- **If they choose Feedback/Complaint** → Datix CFM stream (SAM assessment).
- **If anonymous and no election possible** → choose the most protective route (whistleblower) unless obviously general feedback.

### Step 7. Complaints involving a breach of discipline, professional misconduct or unsatisfactory professional performance

Complaints involving a breach of discipline, professional misconduct or unsatisfactory professional performance, must be reported to in accordance with MP 0125/19 Notifiable and Reportable Conduct Policy and local processes outlined on the Integrity Unit SharePoint page.

**If it meets criteria or you are unsure** → Refer to WACHS Integrity Unit SharePoint page for further information on reporting.

## STREAM HANDLING

## A. Whistleblower stream – Aged Care Act 2024

Use when the person elects to use whistleblower protection under the Act, and the matter meets the required criteria.

### Immediately:

- Notify WACHS Whistleblower Reporting Manager (i.e. WACHS Director Aged Care), and escalate via line manager (if appropriate) or local complaints management pathway.
- Maintain strict confidentiality; identity disclosure penalties apply.
- Monitor risk of victimisation (must be prevented).

### Manager actions:

1. Manage per WACHS Aged Care Act Whistleblower Policy for specific whistleblower requirements.
2. For disclosures involving an Aboriginal person (if known), consider cultural, social and trauma informed factors when supporting the person making the disclosure.
3. Notify Whistleblower Reporting manager, and senior manager (if appropriate).
4. Manage per WACHS Consumer and Carer Feedback Management Policy for reporting/escalation process (where appropriate) to record complaint or feedback.

## B. Feedback / Complaint stream – Datix CFM

Use when the person elects not to use whistleblower protections under the Act, or the matter does not meet whistleblower criteria.

### Manager actions:

1. Manage per WACHS Consumer and Carer Feedback Management Policy (acknowledgement, investigation, response).

**If at any point the matter qualifies as a whistleblower disclosure** → switch to whistleblower stream.

## C. SIRS STREAM

Use when incident meets reportable incident criteria.

### Manager actions:

1. Manage per WACHS SIRS Policy.
2. Also assess if Whistleblower protections apply → if yes, notify Whistleblower Reporting Manager also.

### KEY ACTIONS

1. When in doubt → treat as whistleblower disclosure until determined otherwise.
2. Always check if feedback meets SIRS requirements.
3. Always check if reporting individual wants feedback escalated via whistleblower or general feedback pathway.

4. Refer misconduct or professional wrongdoing type matters to WACHS Integrity Unit.
5. If unsure of process, speak with your manager (if appropriate to do so), or WACHS Whistleblower Reporting Manager.