

POLICY: Whistleblower

Purpose:	To describe Mosaic's approach to receiving and responding to disclosures of wrongdoing and to ensure that individuals who disclose can do so with confidence that they will be protected and supported.
Scope:	Applies to the Board of Directors, all employees and any other individual who meets the definition of "Eligible Whistleblower", as described in this policy.
Definitions:	<p>Whistleblower means a person who informs on a person or organisation as engaging in an unlawful or immoral activity. Also known as the person 'speaking up'.</p> <p>Eligible Whistleblower means a person who is or has been an officer, employee, associate, or supplier of Mosaic or who is a relative, dependant or spouse of a person in any of these roles.</p> <p>Reasonable Grounds to Suspect means that whilst a whistleblower does not need to prove their allegations, they need to have a reasonable basis for their suspicions. A mere allegation with no supporting information is not likely to be considered as having 'reasonable grounds to suspect'.</p> <p>Detriment is loss or harm to a person or their property. For example, a person may cause detriment to a whistleblower by:</p> <ol style="list-style-type: none"> 1. Employment dismissal. 2. Altering their position or duties to their disadvantage. 3. Discriminating between them and other employees. 4. Harassing or intimidating them. 5. Harming or injuring them, including causing psychological harm. 6. Property, reputation, business or financial position damage. <p>Reportable Wrongdoing (also known as a <i>disclosable matter</i>) is where the whistleblower has <i>reasonable grounds to suspect</i> misconduct or an improper state of affairs in relation to a standard or compliance requirement or moral obligation, including:</p> <ol style="list-style-type: none"> 1. Breach of legislation or regulatory requirements. 2. Illegal activities. 3. Unethical treatment of clients, other persons/organisations. 4. Endangering health or safety. 5. Dishonest or corrupt behaviour. 6. Improper financial accounting or fraudulent activity.

	<ol style="list-style-type: none"> 7. Impeding audit processes. 8. Serious impropriety. 9. Substantial mismanagement of Mosaic's resources. 10. Concealment of wrongdoing. 11. Engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure. <p>Personal work-related grievances are those that relate to your current or former employment and only have implications for you personally, with no other significant implications for Mosaic or other matters of misconduct beyond your personal circumstances.</p>
Context:	<p>Whistleblowers play an important role in identifying and calling out misconduct and harm to consumers and the community. To encourage whistleblowers to come forward with their concerns and protect them when they do, the Corporations Act 2001 (Corporations Act) gives certain people legal rights and protections as whistleblowers.</p> <p>Almost all companies in Australia must comply with the whistleblower protections.</p> <p>Not-for-profit incorporated organisations that meet ASIC's definition of a trading or financial corporation must comply with the whistleblower protection regime detailed in Part 9.4AAA of the Corporations Act 2001, even though the Corporations Act does not bind them in any other way.</p> <p>This means that Mosaic must comply with the whistleblower protections in the Corporations Act.</p> <p>From 01 January 2020 Incorporated Associations (like Mosaic) are not required under law to have a whistleblower policy. However, Mosaic has chosen to retain its Whistleblower Policy for purposes of good governance and to ensure employees are aware of their rights in relation to whistleblower protections.</p>
Policy:	<ol style="list-style-type: none"> 1. In alignment with our values, Mosaic is committed to legal, honest, and ethical behaviour, empowering employees to be courageous in their actions, authentic and transparent. 2. Mosaic respects the laws related to whistleblowing and through application of these seeks to create a positive and open environment that enables a safe whistleblowing culture. 3. To support knowledge of Mosaic's approach to any potential

whistleblower, this policy is available on Mosaic's website.

4. Making a Disclosure

- a) Mosaic encourages any person who has *reasonable grounds to suspect a reportable wrongdoing* to raise this matter promptly by contacting the Executive Manager of Quality and Safeguarding through Mosaic's Head Office number (08 9314 8900), or via email on quality@mosaic.org.au or by writing to Mosaic Community Care, 2 Sabre Crescent, Jandakot WA 6164.
- b) Dependent on the nature of the disclosure being disclosed if the whistleblower does not feel comfortable reporting to the designated roles above, they can alternatively report directly to the Chief Executive Officer or Board Chair as appropriate. Contact can be written to via this same postal address or contacted through the Mosaic Head Office number.
- c) Prior to making a disclosure of wrongdoing, a whistleblower can discuss the matter to obtain more information by contacting the Executive Manager of Quality and Safeguarding via Mosaic's Head Office number (08 9314 8900) or on quality@mosaic.org.au. Alternatively, information can be obtained through the Australian Securities and Investment Commission.
- d) While Mosaic encourages the whistleblowers to report disclosable matters to Mosaic, it also recognises that reports can be made to an external party including:
 - i. An Auditor or a regulatory body such as the NDIS Quality and Safeguards Commission, the Australian Tax Office, or a professional accounting body.
 - ii. A legal practitioner.
 - iii. In some circumstance [as defined by the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019] a journalist.
- e) Mosaic understands that to raise matters of wrongdoing, whistleblowers need to feel safe in doing so. Mosaic requires employees to protect and support the dignity, wellbeing, career and good name of a person they know or suspects to have reported or be intending to report a wrongdoing.
- f) Mosaic abides by the law and provides protection to *eligible whistleblowers* (as described in the definitions of this policy) even if their allegations turn out to be incorrect. These protections are:
 - i. Identity protection (confidentiality).
 - ii. Protection from detrimental acts or omissions.

- iii. Compensation and remedies; and
- iv. Civil, criminal, and administrative liability protection.

5. Confidentiality

- a) Mosaic will protect confidentiality by restricting knowledge of the whistleblower's identity to the executive team and Board Chair, storing records related to the disclosure in a secure format, and removing the whistleblower's name or other references that obviously disclose their identity from information that needs to be discussed with other parties as part of the investigation.
- b) The privacy rights of any person named in the disclosure will likewise be respected by Mosaic to the extent possible in investigating the disclosure and dealing with the outcome of the investigation.
- c) Disclosures can be reported anonymously. Any anonymous disclosure will be investigated to the extent possible based on the information provided. For a disclosure to be investigated, it must contain sufficient information to form a reasonable basis for investigation.

6. Detriment, Compensation and Protection


- a) Mosaic commits not to cause or threaten detriment to any eligible whistleblower and to investigate (or cooperate with any externally instigated investigation of) any allegation that an employee or Board Director has caused or threatened detriment to an eligible whistleblower.
- b) Mosaic respects an eligible whistleblower's right to seek compensation and other remedies through court if they suffer any detriment for making a disclosure.

7. Response to Disclosures

- a) In responding to a disclosure, Mosaic will:
 - i. Acknowledge receipt of the disclosure and establish an acceptable manner in which the whistleblower will be kept informed of progress in responding to the disclosure.
 - ii. Ensure that privacy and fair treatment of the eligible whistleblower as well as employees, clients or other parties who are mentioned or the subject of the disclosure.
 - iii. Investigate the disclosure in a confidential, fair, and objective manner, engaging an external investigator where circumstances warrant this. The investigation process will be guided by the nature of the wrongdoing and the amount and type of information

	<p>provided in the disclosure.</p> <ul style="list-style-type: none"> iv. Inform the whistleblower of the outcome of the investigation, including providing an appropriate explanation where the allegation is not substantiated, subject any privacy and confidentiality rights. v. Keep secure records about the disclosure, its investigation, and the investigation outcome. <p>8. False Disclosures</p> <ul style="list-style-type: none"> a) Mosaic discourages deliberate false reporting where the whistleblower knows their disclosure to be untrue. An employee who deliberately raises a fraudulent or unnecessary concern may face disciplinary action or termination of employment where appropriate. <p>9. Personal Work-Related Grievances</p> <ul style="list-style-type: none"> a) Disclosures that relate solely to personal work-related grievances, and do not relate to detriment or threat of detriment to the person speaking up, are not covered by whistleblower protections. b) However, if the personal work-related grievance includes information about a potential misconduct, or suggests misconduct beyond your personal circumstances, the personal work-related grievance may qualify for whistleblower protections. Examples of a personal work-related grievance mixed with a potential misconduct include: <ul style="list-style-type: none"> i. Where there is a breach of employment or other laws punishable by imprisonment for a period of 12 months or more. ii. Engaging in conduct that represents a danger to the public; or you suffer from or are threatened with detriment for making a disclosure.
Legislation Regulations:	<p>Corporations Act 2001(Cth)</p> <p>Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)</p> <p>National Disability Insurance Scheme (NDIS) Act 2013 (Cth)</p> <p>NDIS (Provider Registration and Practice Standards) Rules 2018</p> <p>NDIS Practice Standards</p> <p>National Standards for Disability Services 6 – Service Management</p>
Related Documents:	<p>Nil</p>
Responsibilities:	<p>Board: Approval of this policy.</p> <p>CEO: Oversight of this policy.</p>

	<p>Executive Manager Quality & Safeguarding: Maintaining this policy.</p> <p>Executive Managers: Implementing and monitoring compliance with this policy.</p> <p>Employees, Contractors & Volunteers: Complying with this policy.</p>
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Approved by Board Chair	Signed	Date Approved	Next Revision
Virginia Miltrup		16/02/2023	02/2025