



# Policy: Whistle-blower

Platinum Certification AQA Pty Ltd is committed to operating legally, properly and ethically. It is committed to fostering a culture of honesty, integrity and ethical conduct in daily operations. This culture promotes reporting unethical, illegal or seriously wrongful acts.

All workers (including employees, volunteers and contractors) of Platinum Certification AQA Pty Ltd are expected to cooperate with Platinum Certification AQA Pty Ltd in maintaining legal, proper, and ethical operations, if necessary, by reporting non-conformant actions by others.

This policy provides a framework to help in identifying and reporting suspected or actual unethical or unlawful behaviour, known as “Disclosable Matters,” which relate directly to alleged abuse or harm in respect of NDIS Providers which Platinum Certification has certified.

The Whistle-blower Policy is applicable to:

- all employees (including volunteers) of Platinum Certification AQA Pty Ltd.
- Customers, suppliers, contractors and subcontractors
- Auditors
- NDIS Participants
- Guardians, relatives and dependents of any persons mentioned above

The Whistle-blower Policy is NOT applicable to:

- Personal employment grievances
- Disclosures not qualifying for protection under the Corporations Act
- A decision that does not involve a breach of workplace laws;
- A decision about the engagement, transfer, or promotion of the discloser;
- A decision about the terms and conditions of engagement of the discloser; or
- A decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

Examples include interpersonal conflicts, non-breach decisions, engagement terms, and disciplinary actions



## Definitions

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**Disclosable Matters** include information that the discloser has reasonable grounds to suspect concerns, misconduct or an improper situation or circumstances in relation to:

- Alleged abuse or harm in respect of NDIS providers that Platinum Certification has certified;
- Dishonest, corrupt, or unethical behaviour;
- Theft, fraud, negligence, misappropriation of funds, or money laundering;
- Systemic, wilful, or serious breach of the law as it relates to Platinum Certification, or its internal policies or processes;
- Offering or accepting a bribe from any person;
- Illegal activities (e.g., illicit drug sale or use, violence or threatened violence, and criminal property damage);
- Significant or serious threat to the health and safety of workers;
- Serious mismanagement of Platinum Certification’s resources;
- Victimization of someone for reporting a Disclosable Matter;
- Any instruction to cover up or attempt to cover up serious wrongdoing;
- Interference with any impending internal or external audit processes;
- Serious risk to the reputation or financial well-being of Platinum Certification.

**Whistle-blower:** An individual reporting illegal or improper conduct affecting themselves or others, often outside usual reporting lines.

**Conflict of Interest:** Incompatibility of different parties’ concerns or a person’s potential to benefit personally from official actions.

**Abuse:** Violation of human or civil rights causing psychological or physical suffering, including various forms like physical, sexual, psychological, financial, and chemical abuse, or abuse through denial of access.

**Harm:** Adverse physical or mental effects, including witnessing such effects on others.

**Whistle-blower Protection Officer:** A designated and trained Platinum Certification employee responsible for supporting whistle-blowers, assisting the accused, and managing the investigation process.

## Reporting a “Disclosable Matter”

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A disclosure can be made to Platinum Certification AQA Pty Ltd by the following:

- Contacting the CEO or Director of Platinum Certification AQA Pty Ltd
- Making an anonymous disclosure through Platinum Certification AQA’s website.
- Reporting directly to the Whistle-blower Protection Officer.



The following entities outside of Platinum Certification can receive a disclosure that qualifies for protection:

- The Joint Accreditation System of Australia and New Zealand (JAS ANZ).
- The National Disability Insurance Scheme Commission (NDIS Commission).
- ASIC.
- Statutory and Regulatory Bodies.
- Legal practitioners.

## Protection for Whistle-blowers

All reasonable steps will be taken by Platinum Certification AQA to ensure that the Whistle-blower is not subject to any form of victimisation, discrimination, harassment, demotion, dismissal, or prejudice from making a disclosure. This will include:

- Confidential and anonymous reporting
- Immunity from civil, criminal, administrative, or disciplinary action
- Protection against enforcement of contractual remedies and victimization
- Anonymity measures during investigations
- Protection against victimising conduct (such as dismissal, demotion, discrimination, or similar).

Whistle-blowers are entitled to retain anonymity. However, the information does not need to remain confidential, as long as it can be demonstrated that:

- The information requires investigation.
- Reasonable steps have been taken to maintain the anonymity of the Whistle-blower in conducting such an investigation.
- Platinum Certification AQA will ensure that it reduces the risk of the Whistle-blower being identified from the information contained in a disclosure, by:
  - Redacting all personal information or reference to the discloser witnessing an event;
  - Referring to the discloser in a gender-neutral context;
  - Contacting the discloser, where possible, to help identify certain aspects of their disclosure that could inadvertently identify them; and
  - Handling and investigating disclosures by qualified staff.



## Handling Disclosures

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### Initial Actions:

- Receipt of disclosure
- Immediate notification to the NDIS Commission
- Determination of protection qualification and required protections
- Presumption of innocence for the accused
- Notification to relevant Executive Management Team at Platinum Certification AQA Pty Ltd
- Decision on formal investigation necessity

### Investigation Process:

- Determine the nature and scope of the investigation.
- Identify the person(s) within and/or outside of Platinum Certification AQA that should lead the investigation.
- Identify the nature of any technical, financial, or legal advice that may be required to support the investigation.
- Establish the timeframe for the investigation.
- Assess whether the investigation can be conducted internally or externally.
- Conduct the investigation following the requirements of procedural fairness, including:
  - Statement from the Whistle-blower.
  - Supporting evidence provided by the Whistle-blower.
  - Consideration of the need for a factual investigation.
  - Protection of the Whistle-blower.
  - Presumption of innocence for the accused.
  - Response from the accused to the disclosure.
  - Collection of additional evidence and advice.
  - Response from the Whistle-blower (as required).
  - Response from the accused (as required).
- Final Report.
- Disclosure of all conflicts of interest as part of the investigation process.
- Communication of findings to the Executive Management Team



## Outcome:

- Upon review of the Investigation Report, the Director or CEO will determine what, if any, action is to be taken;
- Communication of the findings and action to be taken will be made to the relevant stakeholders;
- The Investigation Report and related actions will be communicated to the Executive Management Team and the Impartiality Committee for further operational consideration and risk assessment to the Organisation

## Communication:

- The Discloser will be informed and kept up to date during the proceedings including the outcome of the investigation;
- The Executive Management Team may at its discretion, decide to make a Public Statement (where relevant)

## Vexatious Disclosures:

- The protections under the Whistleblower Policy will not extend to vexatious or deliberately false complaints. If any investigation of a disclosure demonstrates that it was not made on objectively reasonable grounds, it will not be protected and the individual making such claims will be subject to disciplinary action.

## Record Keeping

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- Secure storage of all documents and materials related to disclosures
- Limited access to information; only those directly involved in handling and investigating a disclosure will be made aware of the identity or any information that may likely identify the Discloser.
- Confidential handling and restricted communication
- Reminder of confidentiality requirements and criminal offense implications for unauthorized identity disclosure
- Indefinite retention of records