

WHAT is our Policy?

Estia is committed to a culture of corporate compliance and high ethical behaviour based on our values which include acting with respect and integrity. Estia's ethical values are set out in our 'Code of Conduct'

The purpose of this Policy is to;

- To encourage full reporting of suspected misconduct;
- To help deter wrongdoing, in line with Estia's risk management and governance framework;
- To ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- To ensure disclosures are dealt with appropriately and on a timely basis;
- To provide transparency around Estia's framework for receiving, handling and investigating disclosures;
- to support Estia's long-term sustainability and reputation;
- to meet Estia's legal and regulatory obligations; and
- to align with the ASX Corporate Governance Principles and Recommendations (which applies to listed companies) and relevant standards.

WHY is this important?

The objectives of this Policy are to ensure that whistleblowers understand:

- that suspected misconduct must be reported in accordance with this Policy;
- how to report suspected misconduct;
- the protections available to them in reporting suspected misconduct in accordance with this Policy; and
- how reports of suspected misconduct are investigated and how Estia affords fair treatment to employees reporting such misconduct.

1. WHO DOES THIS POLICY APPLY TO?

This Policy applies to anyone who is or was:

- an employee;
- an officer;
- an associate of Estia;
- a supplier or contractor;
- a volunteer;
- a relative or dependant of any of the above ('**Eligible person**').

Residents and relatives of residents of Estia homes are **not** classified as Eligible persons under the whistleblowing regime. Residents/relatives have a number of channels available to provide feedback/raise issues to Estia;

- In person at the home level to the Executive Director;
- Feedback Forms available at each home;
- Regular resident/relative meetings at home level;
- Email to Head Office via feedback@estiahealth.com.au
- Issues can be raised via the Say Something Hotline

Externally, matters can be raised to the Aged Care Quality and Safety Commission online at agedcarequality.gov.au or by calling 1800 951 822

2. WHEN DOES THIS POLICY APPLY?

A disclosure qualifies for protection under this Policy if the following requirements are met:

- The disclosure is made by an eligible whistleblower
- The disclosure is made to an eligible recipient
- The disclosure is about a disclosable matter and is not a personal work-related grievance
- The whistle-blower must have reasonable grounds to suspect the information concerns misconduct or an improper state of affairs or circumstances

3. WHAT IS REPORTABLE MISCONDUCT?

For the purpose of this Policy, suspected misconduct that must be reported to Estia, includes but is not limited to, is the following types of misconduct:

- a breach of the law, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property
- representative of serious clinical wrongdoing;
- unethical (representing a breach of Estia's code of conduct, policies or generally other misconduct;
- dishonest;
- fraudulent;
- corrupt;
- an unsafe work practice;
- fraud, money laundering or misappropriation of funds;
- financial irregularities;
- any other conduct which may cause financial or non-financial loss to Estia or be otherwise adverse to Estia's interests;
- suspected misconduct or an improper state of affairs (including tax affairs) or circumstances; or
- engaging 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.

4. WHAT IS NOT COVERED UNDER THIS POLICY?

It is important to note that the following disclosures do not qualify for protection under the Whistleblowing legislation. Disclosures that are;

- not about reportable conduct;
- not made by an eligible person; and
- not made to an eligible recipient (or other relevant person/entity referred to above).

Additionally, personal work-related grievances are not covered under this Policy and should be reported to your line manager or People and Culture representative. Examples of personal work-related grievance are, inter-personal conflicts between employees, decisions relating to the engagement, transfer or promotion of an employee, decisions to discipline an employee or a decision to suspend or terminate the engagement of an employee.

However, there may be some circumstances in which a personal work-related grievance still qualifies for protection and can be reported under this Policy. This would include any conduct that could be considered victimisation of an individual because they have made, may have made or intend to make a report under this Policy or a matter that would have significant implications for any company in the Estia Group.

HOW DO I MAKE A REPORT?

We encourage any disclosures to be made internally to Estia to an Eligible Recipient or to the Say Something Hotline in the first instance so we are made aware of any misconduct and can commence an investigation as soon as possible.

IMPORTANT INFORMATION

If a whistleblower is aware of actual or suspected misconduct and have reasonable grounds to believe it is true, they are encouraged to raise the matter with the following;

Estia's **Say Something Hotline** using one of the following options:

Phone: 1800 870 385

Email: estiahealth@deloitte.com.au

Website: www.estiahealth.deloitte.com.au

The Estia Say Something Hotline is an independent service run by Deloitte, which is an avenue for Estia employees and other eligible persons to raise concerns of suspected misconduct. Reports to the Say Something Hotline can be made anonymously. For further information on the Hotline please click [here](#).

Whistleblowers can also raise the matter with certain other people, for a full list, see below.

This Policy applies when whistleblowers make a report of reportable misconduct to;

- The Say Something Hotline;
- a member of the Executive Team;
- a Regional Manager;
- an internal or external auditor (including a member of an audit team conducting an audit) of Estia (or conducting an audit of Estia); or
- a legal practitioner for the purposes of obtaining legal advice/ representation in relation to the whistleblower provisions in the Corporations Act (even if the legal practitioner concludes that a disclosure does not relate to a 'disclosable matter').

All claims of suspected misconduct should provide (to the extent possible) specific information such as dates, places, persons, witnesses, and amounts in order to allow an investigation to be conducted.

If the whistleblower discloses his or her name, this will allow Estia to initiate a follow-up meeting and provide feedback on the investigation. Feedback may also be possible for anonymous reports made to the Say Something Hotline.

Nothing in this Policy should be taken as restricting reports to a regulator, such as Australian Securities and Investments Commission (ASIC) at <https://asic.gov.au/> APRA at www.apra.gov.au/ Australian Taxation Office (ATO) at <https://www.ato.gov.au/>, or any other person in accordance with any relevant law, regulation or other requirement.

5. FALSE REPORTS

If a person knowingly makes a false report of reportable misconduct or otherwise fails to act honestly with reasonable belief in respect of a report, disciplinary action (including termination) may be taken for making false, malicious or vexatious allegations. This matter may also be referred to external agencies and law enforcement authorities if applicable.

6. PUBLIC INTEREST DISCLOSURES AND EMERGENCY DISCLOSURES

Estia encourages whistleblowers to make disclosures to Estia in the first instance, where possible.

Disclosures can be made to a journalist or parliamentarian in certain circumstances and still qualify for protection under the Corporations Act.

A 'public interest disclosure' is the disclosure of information to a journalist or a parliamentarian, where:

- a) at least 90 days have passed since the whistleblower made the disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation;
- b) the whistleblower does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure;
- c) the whistleblower has reasonable grounds to believe that making a further disclosure of the information is in the public interest; and
- d) before making the public interest disclosure, the whistleblower has given written notice to the body to which the previous disclosure was made) that:
 - (i) includes sufficient information to identify the previous disclosure; and
 - (ii) states that the whistleblower intends to make a public interest disclosure

An 'emergency disclosure' is the disclosure of information to a journalist or parliamentarian, where:

- a) the whistleblower has previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation;
- b) the whistleblower 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;
- c) before making the emergency disclosure, the whistleblower has given written notice to the body to which the previous disclosure was made) that:
 - (i) includes sufficient information to identify the previous disclosure; and
 - (ii) states that the whistleblower intends to make an emergency disclosure; and

(d) the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

Whistleblowers should contact an independent legal adviser before making a public interest disclosure or an emergency disclosure.

7. WHISTLEBLOWER PROTECTION

If a person makes a report of suspected misconduct in accordance with this Policy, Estia will make all reasonable efforts to ensure the identity of a whistleblower remains confidential from the time of reporting and through the investigation process. However, when a report is investigated it may be necessary to reveal its substance to people such as other Estia personnel, external persons involved in the investigation process and, in appropriate circumstances, regulatory bodies and law enforcement agencies.

Estia will not disclose the whistleblower's identity unless:

- the whistleblower consents to the disclosure;
- the disclosure is required or authorised by law;
- the disclosure is necessary for the reporting of the disclosure to a government agency or authority, such as ASIC, APRA or the Australian Federal Police;
- the disclosure is reasonably necessary to further and appropriately investigate the matter; and/or
- the disclosure is necessary to prevent or lessen a serious threat to a person's health or safety.

8. PROTECTIONS UNDER THE LAW

If a person makes a disclosure that qualifies for protection under the whistleblowing laws:

- they cannot be subject to civil, criminal or administrative liability due to reporting misconduct;
 - no contractual or other remedy may be enforced against the person based on the disclosure; and
- information provided as part of a reported misconduct cannot be used as evidence against the person in a prosecution.

9. ENSURING FAIR TREATMENT OF INDIVIDUALS MENTIONED IN A DISCLOSURE

- Disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;
- Each disclosure will be assessed and may be the subject of an investigation;
- The objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported;
- When an investigation needs to be undertaken, the process will be objective, fair and independent;
- An employee who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and prior to any actions being taken – for example, if the disclosure will be the subject of an investigation; and
- An employee who is the subject of a disclosure may contact Estia's support services (e.g. counselling)

10. DETRIMENTAL ACTION PROHIBITED

No detrimental action will be taken by Estia against a whistleblower in relation to a report of suspected misconduct whether substantiated or not substantiated by the subsequent investigation. Detrimental action includes:

- dismissal of an employee;
- injury of an employee in his or her employment;
- alteration of an employee's position or duties to his or her disadvantage;
- discrimination between the whistleblower and other employees;

- harassment or intimidation of a person;
- harm or injury to a person, including psychological harm;
- damage to a person's property;
- damage to a person's reputation;
- damage to a person's business or financial position; OR
- any other damage to a person.

Note that the following actions are not detrimental conduct:

- administrative action that is reasonable for the purpose of protecting a whistleblower from detriment; and
- managing a whistleblower's unsatisfactory work performance, provided the action is consistent with Estia's performance management framework.

In order to protect whistleblowers from detrimental conduct, Estia will take the following steps (among others as necessary):

- risk assessment of potential detriment to whistleblowers (and others) will commence as soon as possible after receiving a whistleblower disclosure;
- implement actions to prevent detriment where identified in a risk assessment;
- offer support services – see the "Support" section below;
- intervene if detriment has already occurred, e.g. disciplinary action.

11. SUPPORT FOR WHISTLEBLOWERS

Estia is committed to ensuring that whistleblowers are protected and supported. All reasonable steps will be taken to ensure that a whistleblower is supported in making a disclosure. Employees can, as an initial step, contact Estia's employee assistance provider – Assure Programs on 1800 808 374 or at <https://assureprograms.com.au/book-an-appointment> (EAP)

Employees may also request additional support from the Whistleblower Wellbeing Officer if required.

Please be aware that, although any disclosure of information to the EAP is confidential, EAP is not an 'eligible recipient' for the purposes of this Policy or the Act.

12. ROLE OF THE WHISTLEBLOWING WELLBEING OFFICER

A Whistleblower Wellbeing Officer may also be assigned to monitor the welfare of a whistleblower, receive reports of actual or threatened detrimental action and provide feedback on the progress and results of the investigation.

Whistleblowers should immediately inform the Whistleblower Wellbeing Officer if they are concerned that:

- they may be, are being, or have been subjected to detrimental conduct; or
- their disclosure has not been dealt with in accordance with this Policy, including any assessment made by the Say Something Hotline.

The Whistleblower Wellbeing Officer will consider the concerns raised by the whistleblower and, if appropriate, may take such action as the Whistleblower Wellbeing Officer considers appropriate. Although, the Whistleblower Wellbeing Officer may not be able to take action if the whistleblower wishes to remain anonymous.

Estia's Whistleblowing Wellbeing Officer is Claire Winter. Her contact details are;

Estia Health, Level 9 227 Elizabeth Street, Sydney, NSW 2000

T 03 9811 9777 M 0407 227 879

E claire.winter@estiahealth.com.au

13. WHAT HAPPENS ONCE A REPORT IS MADE?

Once a report of suspected misconduct has been received, the Disclosure Co-ordinator will send it to the Whistleblower Committee with a copy to the Chair of the Audit Committee.

The Whistleblower Committee has the following members:

- Ian Thorley - CEO
- Mark Brandon - Chief Policy and Quality Officer
- Lisa Keogh - Chief People Officer
- Sean Bilton -COO (alternate member)

Estia's General Counsel acts as an advisor to the Whistleblower Committee

14. INVESTIGATION PROCESS

Once a report has been received, the Whistleblower Committee will review the report and assign an appropriate individual to be the 'Disclosure Owner' who is primarily responsible for investigating the disclosure. Whilst a Disclosure Owner may delegate some of the investigative procedures relating to the disclosure, they remain responsible for the completion of the investigation into the disclosure through its entire lifecycle.

However, if a disclosure alleges misconduct by a member of the Executive Team, the disclosure will instead be sent directly to the Chair of the Audit Committee. These disclosures will be investigated by an independent external investigator.

Estia will consider the following matters when investigating a disclosure;

- the nature and scope of the investigation;
- the person(s) within and/or outside Estia that should lead the investigation;
- the nature of any technical, financial or legal advice that may be required to support the investigation; and
- the timeframe for the investigation.

Investigation processes will vary depending upon the precise nature of the conduct being investigated but will be conducted promptly, objectively and fairly with due regard to the nature of the allegation, relevant Estia policies and the rights of the persons involved in the investigation. Investigations will be independent of the discloser, the individuals who are the subject of the disclosure and the department or business unit involved.

If necessary, the assistance of an internal or an external party such as an accounting, legal or clinical specialist may be sought. During the investigation, the Disclosure Owner (or delegated investigators) will have access to all relevant materials, documents, and records. The directors, officers, employees and agents of Estia must cooperate fully with the investigation. Estia will use all reasonable means to protect the confidentiality of the whistleblower.

At the conclusion of the investigation, the Disclosure Owner will prepare a detailed report on the scope of the investigation and any actions taken along with details of any relevant dates and findings for the Whistleblower Committee, Estia's General Counsel and the Chair of the Audit Committee. If the final report finds that the misconduct occurred, the Whistleblower Committee in conjunction with Estia's General Counsel, will consider:

- any steps to be taken to prevent the misconduct from occurring in the future;
- any action that should be taken to remedy any harm or loss;
- disciplinary proceedings against the person responsible for the conduct; and
- referral of the matter to the appropriate authorities.

The Whistleblower Coordinator will provide a summary report to the Chair of the Audit Committee of all whistleblowing allegations made and any investigations conducted under this Policy. The Coordinator is additionally responsible for retaining all records relating to disclosures and for communicating updates to whistleblowers where appropriate.

15. ACCESSIBILITY AND IMPLEMENTATION OF THIS POLICY

This Policy is available to officers and employees of Estia on the intranet (One Family) and on the website. This Policy and associated whistleblowing training forms part of the induction pack for new starters. All Estia employees are required to complete annual mandatory refresher training on this Policy and the whistleblowing regime.

This Policy does not form part of any terms of employment and Estia may change, apply or withdraw this Policy in its discretion.

16. QUESTIONS

Any questions about this Policy should be directed to Estia's General Counsel.

17. RELATIONSHIP TO OTHER POLICIES

This Policy should be read in conjunction with the following Estia Policies:

- Code of Conduct
- Harassment, Discrimination & Bullying Procedure
- Grievance & Complaints Handling Procedure
- Disciplinary Procedure

18. RESOURCES

Australian Securities and Investment Commission Regulatory Guide 270 - Whistleblower Policies

Treasury Laws Amendments (Enhancing Whistleblower Protections) Act 2019 (Cth)

Corporations Act 2001 (Cth) Pt 9.4AAA, s9, 45A, 1311(1), 1317AA, 1317AAA, 1317AAC, 1317AAD, 1317AADA, 1317AAE, 1317AB (1), 1317AC, 1317AD, 1317ADA, 1317AE(3)(b), 1317AI, 1317AJ

Taxation Administration Act 1953 (Cth)

Revision History

Revision No	Date	Initials	Description of Changes
V0	24-Mar-17	-	-
V1	10-Apr-19	S. Watson	Updated the names in “Step 3 Making a Report “to the following: 1. Chief Executive Officer (currently Mr Ian Thorley – ian.thorley@estiahealth.com.au); 2. Chair of the Audit Committee (currently Ms Karen Penrose – karen@karenpenrose.com).
V2	15-Aug-19	S. Watson	Comply with the new Whistleblowing Laws effective 1st of July.
V3	14-Feb-20	S. Watson	Updated Policy
V4	20-May-20	S. Watson	Changing Jane Murray’s name to Ashley Van Winkel
V5	04-Sept-20	S. Watson	Updated Chief People Officer’s name to Lisa Keogh
V6	10-Dec-20	S. Watson	Added new EAP details in paragraph 11.
V7	14-Dec-20	S. Watson	Updated the EAP website and address link.
V8	12-Jan-21	S. Watson	Updated name and contact details for Estia’s Whistleblowing Wellbeing Officer to Claire Winter in page 7.