

# Scope Group Whistleblower Policy

## PURPOSE

Scope is committed to operating ethically at all times, in accordance with relevant legislation and regulation, in accordance with internal policies, protocols and procedures.

The key purposes of this Whistleblower Policy are to support Scope's values by:

- helping to deter wrongdoing, in line with Scope's *Risk Management Framework*,
- encouraging disclosures of wrongdoing,
- ensuring that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported, and
- meeting Scope's legal and regulatory obligations.

## APPLICATION

The key purposes of this Whistleblower Policy are to support Scope's values by:

- helping to deter wrongdoing, in line with Scope's Risk Management Framework;
- encouraging disclosures of wrongdoing;
- ensuring that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported; and
- meeting Scope's legal and regulatory obligations.

## RESPONSIBILITY

<b>Accountable Executive (or delegate)</b>	Is responsible for: a) ensuring the effective implementation of this Policy; and b) ensuring it remains current and accurate in line with business, contractual, legal or regulatory requirements in alignment with the Policy Governance Framework.
<b>Managers</b>	Are responsible for ensuring that this Policy is being adhered to.
<b>Employees, Contractors, Students and Volunteers</b>	Are responsible for adhering to this Policy and ensuring the requirements within the Policy are applied within their daily work.

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Title	Scope Group Whistleblower Policy	Document Number	SCOAU-1410786552-619
Owner	Chief Executive Officer	Version	2.3
Policy Area	Governance	Effective Date	22/06/2023
Approved by	Risk & Audit Committee	Review Date	16/01/2025

## POLICY

### 1. Who is a Whistleblower?

- a. Only certain classes of people qualify for protections as whistleblowers under the Corporations Act 2001 (Corporations Act). These are people who are classified as eligible whistleblowers and who disclose information in the circumstances outlined in the legislation.
- b. You could be an eligible whistleblower if you are one of the following in relation to one of the Scope Group entities:
  - a current or former officer or employee, including directors, managers, employees who are permanent, part-time, fixed-term, casual or temporary, secondees and interns.
  - a supplier of goods or services, whether paid or unpaid, including current or former contractors, consultants, service providers and business partners.
  - an associate, including a director or company secretary.
  - a relative, dependent or spouse of an individual who is an eligible whistleblower as described above, such as the parent of a former employee, or the brother of a contractor.
- c. In order to be protected, your disclosure must also be made in the following circumstances:
  - The disclosure is about a disclosable matter (see section 2 below) and made directly to an eligible recipient (see section 4 below) or to the Australian Securities & Investments Commission (ASIC) or where relevant to the Australian Prudential Regulation Authority (APRA) OR
  - The disclosure is made to a legal practitioner for the purpose of obtaining legal advice or representation in relation to the whistleblower provisions of the Corporations Act OR
  - The disclosure is an emergency disclosure or a public interest disclosure (see section 5 below)
- d. You may also be protected as a whistleblower under the Tax Administration Act 1953 (TAA) if your disclosure is about tax matters. Disclosures qualifying for protection can be made to the Australian Tax Office (ATO), an eligible recipient or a legal practitioner.

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## 2. Disclosures covered by this Policy

- a. This Policy does not cover all types of wrongdoing which may occur, only *disclosable matters* as defined in the Corporations Act.
- b. *Disclosable matters* involve information that the discloser has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances, in relation to an organisation. Misconduct includes fraud, negligence, breach of trust and breach of duty.
- c. Allegations are more likely to be considered reasonable if you can back them up with some objective supporting information, such as emails, file notes or receipts.
- d. Improper states of affairs or circumstances include matters which may be legal, but which could indicate a systemic issue the regulator should know about, or that could cause harm to customers.
- e. The Corporations Act also lists specific legislation which, if contravened, the contravention may be a *disclosable matter*. The list includes the Corporations Act itself and the National Consumer Credit Protection Act 2009.
- f. Conduct that constitutes an offence against any other Commonwealth law that is punishable by 12 months' imprisonment, or that represents a danger to the public or the financial system, is also a disclosable matter.

## 3. Disclosures not covered by this Policy

- a. If any issues and concerns are not *disclosable matters* under the Corporations Act, they may fall under other legislation which offers separate protection for disclosure or reporting.
- b. For example, Scope's processes for addressing child safety issues are set out in the Child Safe Policy. Other issues and concerns may be addressed by other Scope policies, such as the Bullying, Harassment and Unlawful Discrimination Prevention and Management Policy or Privacy Policy.
- c. It is important to note that this Policy does not apply to personal work-related grievances, such as concerns over pay, shift allocation, interpersonal issues or performance evaluations. This is because the Corporations Act does not offer protections in relation to disclosures that:
  - only concern personal grievances but have no other significant implications for the organisation;
  - do not relate to conduct or alleged conduct about a 'disclosable matter' and

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- do not relate to detriment or threat of detriment to the discloser.
- d. Nevertheless, your disclosure about a personal work-related grievance might still qualify for whistleblower protection if:
- the report is mixed, containing some information about misconduct and some about a personal grievance,
  - Scope has breached employment or other laws punishable by 12 months or more imprisonment, or engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond your own personal circumstances,
  - you are threatened with or suffer detriment for making a disclosure, or
  - you seek legal advice or representation about the operation of the whistleblower provisions of the Corporations Act.
- e. You can talk to People & Culture or to your Manager about personal work-related grievances. You may also wish to obtain your own legal advice about your rights and protections under employment or contract law, and to resolve your personal work-related grievances.

#### 4. Who can receive a Whistleblower disclosure?

- a. In order to make sure your disclosure is protected by law, you must make your disclosure only to the categories of people specified in the legislation. These are called eligible recipients.
- b. Within the Scope Group, eligible recipients are:
- Officers or senior managers, including directors, company secretaries, or a senior executive involved in significant decision-making affecting the organisation.
  - Internal or external auditors or actuaries, including audit team members. A person authorised to receive disclosures that may qualify for protection.
- c. The Scope Group’s **Chief Executive Officer** and **General Counsel** have been authorised to receive disclosures on Scope Group's behalf. Scope’s General Counsel has been appointed as the Whistleblower Protection Officer.
- d. If the disclosure is about or relates to CEO or General Counsel, disclosures can be made instead to the appointed alternative officer, who is the **Chair of the Risk and Audit Committee** (RAC) of the Scope (Aust) Ltd Board of Directors.

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- e. Scope has also authorised a free and independent external whistleblowing service, Your-Call, to receive information from whistleblowers. Your-Call is Scope’s preferred first point of contact for matters that may be disclosable. Contact with Your-Call helps Scope to identify and address wrongdoing as soon as possible.
- f. Legal practitioners can also receive disclosures that will be protected if the purpose of the disclosure was obtaining advice or legal representation in relation to whistleblowing under the Corporations Act. The disclosure is protected even if the lawyer concludes that the disclosure was not about a disclosable matter, for example, that it concerns a personal grievance.
- g. Certain Regulatory bodies and other external parties can also receive disclosures that will be protected. These include ASIC and APRA (for banking, insurance and superannuation entities), and the ATO under the TAA.

## 5. Public interest disclosures and emergency disclosures

- a. In certain limited circumstances you can make a disclosure of information to a journalist or a parliamentarian and still qualify for protection.
- b. Protection may be lost if you don’t meet all the criteria for making these kinds of disclosures, so it is important that you fully understand the criteria, and seek legal advice before making a public interest or emergency disclosure.

## 6. How to make a disclosure

- a. The Scope Group’s whistleblower arrangements aim to provide both internal and external disclosure options that remove barriers to disclosure for both employees and external disclosers such as suppliers.
- b. Contact details of all the Scope Groups eligible recipients can be obtained on request from Scope’s General Counsel, who is the Whistleblower Protection Officer.
- c. Contact details for key Scope personnel and services as well as for relevant regulators, are provided at section 16 below.

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## 7. Anonymous disclosures

- a. You do not need to identify yourself in order for your disclosure to be protected. You can choose to remain anonymous when making the disclosure, during its investigation and after its conclusion. You may choose to adopt a pseudonym, or refuse to answer questions that could identify you, such as job title or gender on a small work site. The Your-Call website offers additional practical advice about how to preserve your anonymity.
- b. While anonymity has advantages such as shielding you from possible curiosity or reprisals, it can be difficult to maintain. Remember that the email address and telephone number you use can enable recipients to identify you.
- c. Anonymous disclosure has other drawbacks. For example, it could mean you don't receive follow up questions that could assist the investigation, or feedback on its outcome. For these reasons, you should maintain ongoing two-way communication after you disclose.

## 8. Legal protections for Whistleblowers

- a. Under the Corporations Act there are four key kinds of legal protection available to disclosers who qualify for protection as a whistleblower.

### 8.1 Identity protection (Confidentiality)

- a. Some of the ways in which you can protect your own identity were outlined above in 5 How to make a disclosure. Generally, if you have asked Scope to keep your identity confidential, it cannot disclose your identity without your consent. However, it may report the information to ASIC, APRA, or the Australian Federal Police, or to a lawyer for advice about the whistleblower protections. If you believe your identity has been revealed outside of these circumstances, ASIC can investigate.
- b. When a report is investigated, organisations including the Scope Group must also take all reasonable steps to ensure that information likely to lead to your identification is not disclosed without your consent, although it will be difficult to investigate unless you consent to some use of the information.
- c. Scope Group has a number of measures in place to protect your identity, including the following:
  - Only the Group CEO and Whistleblower Protection Officer have access to communications between Your-Call and Scope. The Chair RAC will have access to matters in which they are acting as alternative officer.

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- We will brief our officers and senior managers who may receive disclosures about their obligation to protect your identity.
- We will seek disclosers’ prior consent to convey information about disclosures to others for the purpose of investigation, unless permitted or required by law.
- Any investigators who we engage will have strict confidentiality obligations.
- We will also maintain disclosers’ confidentiality by de-identifying disclosers as necessary in internal written and verbal management reports.
- We store all records relating to whistleblower disclosures securely, with access limited only to the Group CEO and General Counsel (Whistleblower Protection Officer).

## 9. Protection from detrimental acts or omissions

- Nobody is permitted to take actions that cause detriment to a person known or suspected to be a whistleblower who qualifies for protection, or anyone else in relation to a disclosure. It is also illegal to threaten to cause detriment in relation to a disclosure.
- Scope Group is committed to ensuring that whistleblowers who qualify for protection are not harmed. However, disclosers should recognise that some actions that Scope Group may need to take are not detrimental conduct of this kind. For example, we may move someone to a different work location if their report was about their immediate work area, to protect them from detriment.
- Where an employee discloser also has an unsatisfactory work performance, Scope Group will continue to manage that performance in line with its performance management framework

## 10. Compensation and other remedies

- If you think you or any other person has suffered loss, damage or injury because of a disclosure and that Scope Group failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct, you can seek compensation and other legal remedies through the courts. You should obtain your own legal advice about this issue.

## 11. Civil, criminal and administrative liability protection

- A final important legal protection for qualified disclosers is protection from civil, criminal and administrative liability in relation to their disclosure. For example, action cannot be taken against disclosers for breaching an employment contract, and they cannot be prosecuted for unlawfully releasing information.

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- b. However, these protections do not grant immunity to whistleblowers who were themselves involved in the misconduct.

## 12. Support and practical protection for disclosers

- a. Scope Group is committed to ensuring confidentiality in respect of all matters raised under this policy, and to making sure that those who make a report are treated fairly and do not suffer detriment.
- b. Scope Group’s commitment to protection of identity and confidentiality is demonstrated by the practical measures detailed above in section 8.2, as well as others such as secure log-ins for printing and photocopying that provide an audit trail.
- c. Whistleblowers are assured that a release of information in breach of this policy will be regarded as a serious matter and will be dealt with under the relevant disciplinary procedure.
- d. If, as a result of making a report under this policy, you are subjected to the kinds of conduct set out in 8.1-8.2 above, you should report it via external service provider Your-Call, or directly to Scope Group’s Whistleblower Protection Officer.
- e. Any staff member found to be causing detrimental action will be subject to disciplinary action up to and including termination of employment dismissal.

## 13. Handling and investigating a disclosure

- a. Scope Group will attend to all disclosures reported to it as soon as practicable. Each reported disclosure must be assessed to determine whether it qualifies for protection and whether a formal in-depth investigation is required. Scope will provide updates to disclosers who can be contacted.
- b. If a formal investigation is required, Scope Group’s Whistleblower Protection Officer will appoint an investigator. The scope of each investigation will vary according to factors including:
  - the nature of the wrongdoing alleged,
  - supporting evidence provided and
  - whether the discloser wishes to remain anonymous or consents only to limited disclosure to other persons who could assist the investigation.

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- c. Scope Group cannot disclose information that is likely to lead to your identification as part of the investigation process without your consent. When reasonably necessary for the purpose of the investigation, it can disclose information that does not include your identity or identifying details, such as employee number, position title or email address.
- d. If a formal investigation is conducted, the investigator will deliver a written report to Scope. If wrongdoing has been found, Scope Group’s Whistleblower Protection Officer will make a formal recommendation to the Chief Executive Officer concerning appropriate follow-up actions. The Chief Executive Officer will then advise the Board. Follow-up actions may include commencement of internal disciplinary proceedings against individuals or referral of the matter to one or more appropriate external bodies.
- e. The circumstances of an individual investigation may mean that it would not be appropriate for Scope Group to provide details of the outcome to the discloser, for example, where to do so could put other individuals’ privacy at risk.
- f. You should be aware that if your disclosure has been made to a regulator, that regulator will follow its own investigation procedure. For example, ASIC’s procedure is set out in its Information Sheet INFO 239 ‘How ASIC Handles whistleblower reports’ — see section 16.4 below for contact details.

## 14. Ensuring fair treatment of individuals mentioned in a disclosure

- a. Scope Group takes active measures to ensure the fair treatment of its employees who are mentioned in a protected disclosure, including those who may be the subject of the disclosure. These measures are based on the principles of procedural fairness and natural justice.
- b. Measures adopted include the following:
  - Confidential handling of disclosures, when it is practical and appropriate in the circumstances.
  - Assessment of each disclosure, which may be the subject of an investigation
  - Conduct of investigations to determine whether there is enough evidence to support or reject the matters reported.
  - Where there is enough supportive evidence, conduct of the investigative process in an objective, fair and independent manner.
  - Preparation by the investigators of a written report of their findings.

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- Advice about the subject of a disclosure to any employee at a time considered appropriate, depending on the nature of the allegations, but prior to any adverse finding being made against the employee
- Access to the Employee Counselling Assistance program,
  - **Scope and Home@Scope:** Contact Converge International (telephone 1800 337 068), for any employee who is the subject of a disclosure.
  - **DSA: Contact AccessEAP** (telephone 1800 818 728) for any employee who is the subject of a disclosure.
- c. If an investigation finds that wrongdoing has occurred, the Whistleblower Protection Officer will make recommendations and action will be taken as set out at 13d above.

## 15. Ensuring the policy is easily accessible

- a. The Scope Group Whistleblower Policy is published on its external website at <https://www.scopeaust.org.au/>. The policy is also available on the intranet and from People & Culture.
- b. Scope Group will conduct briefing sessions and regular training regarding the policy, processes and procedures for all staff.

## 16. Key Contact Details

### 16.1 Scope

Name	Title	Contact details
Kate Jungwirth	General Counsel/ Whistleblower Protection Officer	1300 472 673 kjungwirth@scopeaust.org.au
Kate MacRae	Chief Executive Officer	03 9843 2080 kmacrae@scopeaust.org.au
Brendan Earle	Chair, Risk & Audit Committee	bearle@scopeaust.org.au

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## 16.2 Your-Call, Scope's external whistleblower service

Service	Contact details	Contactable
Online	<a href="https://whistleblowing.com.au">https://whistleblowing.com.au</a> Enter secure ID: SCOP1948	Anytime 24/7
Telephone Hotline	1300 798 101	6pm to 12am Monday to Friday (except public holidays)
Email	scope@your-call.com.au	Anytime 24/7

## 16.3 ASIC

Service	Contact details	Contactable
Online	<a href="https://www.asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/">https://www.asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/</a>	Anytime 24/7
Telephone Hotline	1300 300 630 or 1300 935 075 (Melbourne office)	Business hours
Melbourne street address	Level 7, 120 Collins Street, Melbourne, VIC 3000	Business hours
Sydney street address	Level 5/100 Market Street, Sydney NSW 2000	Business hours
Mail address	GPO Box 9827, Brisbane, QLD 4001	Anytime

**See also:** Information Sheet 238 Whistleblower rights and protections (INFO 238), Information Sheet 239 How ASIC handles whistleblower reports (INFO 239)

## 16.4 ATO

Service	Contact details	Contactable
Online	<a href="https://www.ato.gov.au/tipoffform/#LandingPage">https://www.ato.gov.au/tipoffform/#LandingPage</a>	Anytime 24/7
Telephone Hotline	1800 060 062 (tax practitioners 13 72 86)	Business hours
Mail address	Australian Taxation Office Tax Integrity Centre Locked Bag 6050 Dandenong, VIC 3175 Mark all letters 'in confidence'.	Anytime

**See also:** <https://www.ato.gov.au/General/Gen/Whistleblowers/>

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## RELATED POLICY, INSTRUCTIONS AND ADVICE

### Supporting Information

<b>Legislative and Regulatory Compliance</b>	<p>This Policy supports Scope Group’s compliance with the following legislation and/or Standards:</p> <ul style="list-style-type: none"> <li>• Corporations Act 2001 (Cth)</li> <li>• National Consumer Credit Protection Act 2009</li> <li>• Tax Administration Act 1953 (TAA)</li> </ul>
<b>Parent Document (Policy and Protocol)</b>	NIL
<b>Supporting Documents</b>	NIL
<b>Related Documents</b>	NIL

### Definitions and Acronyms

<b>Detrimental conduct</b>	<p>As defined in the Corporations Act:</p> <ul style="list-style-type: none"> <li>• Dismissal of an employee</li> <li>• Injury of an employee in his or her employment</li> <li>• Alteration of an employee’s position or duties to his/her disadvantage</li> <li>• Discrimination between an employee and other employees of the same employer</li> <li>• Harassment or intimidation of a person</li> <li>• Harm or injury to a person, including psychological harm</li> <li>• Damage to a person’s property or reputation</li> <li>• Damage to a person’s business or financial position.</li> </ul>
<b>Scope Group</b>	Means Scope (Aust) Ltd, Home@Scope Pty Ltd, Disability Services Australia Ltd and any other subsidiaries of Scope (Aust) Ltd.

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