PROTECTED DISCLOSURES (WHISTLEBLOWER) POLICY

Our Service promotes a culture of transparency and will provide safe, confidential channels for disclosures, investigate fairly and protect disclosures (whistleblowers) from detrimental action.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2.3	Child Safety and Protection	Management, educators and staff are aware of their roles and responsibilities **regarding child safety, including the need** to identify and respond to every child at risk of abuse or neglect.
QUALITY AREA 4: STAFFING ARRANGEMENTS		
4.2.1	Professional collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional standards	Professional standards guide practice, interactions and relationships.
QUALITY AREA 7: GOVERNANCE AND LEADERSHIP		
7.1	Governance	Governance supports the operation of a quality service that is child safe.
7.1.2	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service that is child safe.
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
S.5AA	Meaning of inappropriate conduct
Division 7	Serious detrimental action
84	Awareness of child protection law
168	Education and care services must have policies and procedures
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies or procedures
175	Prescribed information to be notified to the regulatory authority

181	Confidentiality of records kept by approved provider

RELATED LEGISLATION

Public Interest Disclosures Act 2022 (NSW) *Independent Commission Against Corruption Act (1988)* *Anti-Discrimination Act 1977 (NSW)* *Work Health and Safety Act 2011 (NSW)* *Corporations Act 2001 (Cth) (VIC)*

RELATED POLICIES

Bullying, Discrimination and Harassment Policy Child Protection Policy Child Safety and Wellbeing Policy Code of Conduct Policy Dealing with Complaints Policy (Staff) Governance Policy	Interactions with Children, Family and Staff Policy Privacy and Confidentiality Policy Staffing Arrangements Policy Supervision Policy Work Health and Safety Policy

PURPOSE

This policy supports a culture of integrity and accountability by providing a safe and confidential process for reporting wrongdoing, misconduct, or any matter that may risk the safety, welfare, or wellbeing of children within our Service. We believe that children's safety, rights, and best interests are the paramount consideration for all Service operations, decisions and functions. Our Service ensures that child safety, wellbeing and best interests take priority over all other considerations, including financial interests or other obligations of management, and are embedded in our daily practices, policies and procedures.

SCOPE

This policy applies to staff, educators, management, approved provider, nominated supervisor, students, families, children, volunteers and visitors of the Service.

DEFINITIONS

Protected Disclosure/Qualifying Disclosure: A disclosure of information where the reporter (whistleblower) has reasonable grounds to suspect the information concerns:

- conduct that endangers or may endanger the safety, health or wellbeing of children
- misconduct or an improper state of affairs

- illegal activity or breach of law
- inappropriate conduct toward children
- fraudulent activity or corruption
- negligence
- systemic practices posing serious risk to health and safety
- breach of child protection requirements
- failure to comply with the National Law or Regulations

Reasonable grounds to suspect: The discloser's reasons for suspicion must be reasonable when considered objectively. Even if the disclosure proves incorrect, protection applies if reasonable grounds existed.

Detrimental Action: Any disadvantage to a person including:

- dismissal, demotion or suspension
- harassment, intimidation or victimisation
- discrimination or adverse treatment
- damage to reputation, property or financial position
- injury or harm including psychological
- threats of any of the above

Personal work-related grievances: Generally, these do not qualify for whistleblower protection unless they:

- include information about misconduct beyond personal circumstances
- involve breach of employment laws punishable by 12+ months imprisonment
- relate to detrimental action for making a protected disclosure
- represent danger to public safety

Whistleblowing: a whistleblower, also known as a reporter, is a person who provides information and exposes serious wrongdoing within an organisation in the hope of stopping it. Whistleblowing plays a crucial role in managing risk and cultivating an ethical culture and is an effective way of uncovering potential serious wrongdoing including misconduct, fraud and corruption.

IMPLEMENTATION

Our Service promotes a culture of transparency and will provide safe, confidential channels for disclosures, investigate fairly, and protect disclosers from detrimental action. Our Service encourages anyone who suspects illegal, unethical, corrupt, fraudulent, inappropriate conduct or inappropriate discipline to report those concerns.

THE APPROVED PROVIDER/NOMINATED SUPERVISOR/ MANAGEMENT WILL ENSURE:

- that obligations under the Education and Care Services National Law and National Regulations are met and child's safety and wellbeing are prioritised at all times
- educators, staff, students and volunteers have knowledge of and adhere to this policy and are advised on how and where the policy can be accessed
- families are aware of this *Protected Disclosure (Whistleblower) Policy* and are advised on how and where the policy can be accessed
- a safe environment is created where employees and volunteers feel supported reporting any wrongdoing
- a culture of transparency and integrity is promoted within the Service
- regular training and awareness sessions about whistleblower protections and processes are provided to all staff, educators and volunteers
- multiple reporting channels including internal and external options
- appoint eligible recipients to receive disclosures
- any whistleblower reports are promptly investigated
- feedback is provided to whistleblowers on the progress and outcomes of their reports, where appropriate.

EDUCATORS/VOLUNTEERS/STUDENTS WILL:

- immediately report all incidents, allegations and complaints relating to child safety to the approved provider (see: *Child Protection Policy*)
- cooperate with investigations into disclosures
- maintain confidentiality about disclosures and investigations
- support colleagues who make protected disclosures
- not engage in or tolerate detrimental action against whistleblowers
- complete required training on whistleblower protections and procedures.

FAMILIES WILL:

- be informed of their right to make protected disclosures about serious wrongdoing

- have access to information about how to make a disclosure
- be protected if they make a qualifying disclosure
- have confidence that disclosures will be taken seriously and investigated appropriately.

HOW TO MAKE A DISCLOSURE

Disclosures can be made by current and former employees and educators, volunteers, students, contractors, families, persons with management or control at the Service. Disclosures may be made:

- in person
- in writing (letter or email)
- by telephone
- anonymously
- through a legal practitioner

When making a disclosure, the whistleblower should provide:

- description of the conduct or issue
- names of persons involved
- dates, times and locations
- any witnesses
- supporting documentation or evidence
- contact details (unless anonymous)

PROTECTION FOR WHISTLEBLOWERS

Individuals making qualifying disclosures are protected from:

- civil, criminal or administrative liability
- contractual remedies or rights being enforced
- admissibility of disclosed information in proceedings against them
- detrimental actions or threats

FALSE OR MALICIOUS DISCLOSURES

While protection extends to incorrect disclosures made within reasonable grounds, deliberately false or malicious reports will be treated seriously and may result in:

- disciplinary action
- termination of employment
- legal action
- referral to authorities

INTERNAL RECIPIENTS OF A DISCLOSURE

Approved provider: Michael Pernar

Nominated supervisor: Tina Ludvigsen, Anne Marie Forrester & Narelle Price

Designated Whistleblower Protection Officer: Narelle price

EXTERNAL RECIPIENTS OF A DISCLOSURE

If a staff member, volunteer or other person would prefer to make an external protected disclosure outside the Service, they may contact the regulatory authority, Ombudsman or the statutory child protection authority.

VICTORIA
Department of Education- Early Childhood Regulatory Authority ○ 1300 307 415 email: licensed.childrens.services@edumail.vic.gov.au Independent Commission Against Corruption (ICAC) ○ 1800 463 909 www.icac.nsw.gov.au Victorian Ombudsman ○ (03) 96136222

RECEIVING AND MANAGING DISCLOSURES

Our Service is committed to ensuring that all protected disclosures are handled appropriately, fairly, and confidentially. The person managing the disclosure will, on behalf of the Service:

- acknowledge receipt of a disclosure within 5 business days (where the discloser can be contacted)
- assess whether the disclosure qualifies for protection under relevant legislation
- determine appropriate investigation procedures while maintain confidentiality
- take all reasonable steps to protect the discloser from detrimental action
- ensure procedural fairness for any person mentioned in a disclosure
- document all disclosures, investigations and outcomes securely and confidentiality

INVESTIGATING DISCLOSURES

The person managing the disclosure will:

- conduct thorough, fair and impartial investigations into qualifying disclosures
- determine the nature, scope and appropriate investigator (internal or external)
- complete investigations as soon as practicable
- keep the discloser informed of progress where appropriate and lawful
- take corrective action when wrongdoing is substantiated
- report to relevant authorities as required- regulatory authority, Police

PROTECTING WHISTLEBLOWERS

Following a disclosure, the Service will ensure that the discloser is protected from detriment. The person managing the disclosure will:

- maintain strict confidentiality of the discloser's identity (subject to legal exceptions)
- protect disclosers from victimisation, harassment or detrimental action
- provide access to support services including Employee Assistance Programs where available
- monitor and access risks of detriment to disclosers throughout the process
- take disciplinary action against anyone who takes detrimental action against a whistleblower

CONTINUOUS IMPROVEMENT/REFLECTION

The *Protected Disclosures* (*Whistleblower) Policy* will be evaluated and reviewed on an annual basis or earlier if there are changes to legislation, ACECQA guidance or any incident related to our policy. Feedback will be requested from children, families, staff, educators and management and notification of any change to policies will be made to families within 14 days.

SOURCES

Australian Securities & Investments Commission. Whistleblower rights https://www.asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/
Education and Care Services National Law Act 2010. (Amended 2025)
Education and Care Services National Regulations. (Amended 2025)
Justice and Connect. (2025). Whistleblower protection laws for not-for-profit organisations.
NSW Department of Education. (2024). Public interest disclosures procedures
NSW Ombudsman. (2025). Public Interest Disclosures
Work Health and Safety Act 2011 (Cth).

REVIEW

POLICY REVIEWED BY	Krystle Hills	Consultant	07/03/2026
POLICY REVIEWED	March 2026	NEXT REVIEW DATE	March 2027
MODIFICATIONS	• updated nominated Supervisors • updated NQS with legislative changes		
POLICY REVIEWED	PREVIOUS MODIFICATIONS		NEXT REVIEW DATE
December 2025	• new policy		December 2026