

PROTECTED DISCLOSURE (WHISTLEBLOWER) POLICY



Policy Statement

The safety, rights and best interest of every child are the paramount consideration in all decisions, actions and practices within the service, and therefore underpins all policies, procedures and daily practices. All individuals involved in the operation and delivery of the education and care service, including volunteers, students and visitors are expected to apply consideration in all of their decision making, professional conduct and interactions with children.

Our service is committed to the highest standard of conduct and supports a culture of honesty, ethical behaviour, compliance and governance.

This policy ensures that individuals who disclose service wrongdoing relating to the conduct of staff, contractors, or others engaged by our service can do so safely and with confidence that they will be supported and protected from detriment.

Strategies and Practices

This policy:

1. Establishes a reporting system to receive reports of serious wrongdoing.
2. Clarifies what constitutes a matter that may be reported under this policy.
3. Sets out the protections for persons making a report so that disclosures are made without fear of dismissal, victimisation, or other detriment.
4. Establishes procedures for independent assessment and investigation of relevant whistleblower disclosures.
5. Promotes a culture of integrity, openness, and accountability within the service.

Note: This policy does not replace mandatory reporting obligations.

Educators and staff must report suspected Risk of Significant Harm directly to NSW child-protection authorities. Mandatory reporting must occur immediately and must not be delayed while a disclosure is assessed or managed internally.

Reporting Serious Wrongdoing

How to Report

Reports can be made confidentially to:

- Approved Provider / Director / Nominated Supervisor;
- External authorities, such as:
 - Australian Securities and Investments Commission (ASIC);
 - Fair Work Ombudsman;
 - The Regulatory Authority.

Reports may be made:

- In writing (email or letter);
- Verbally (meeting or phone call);
- Anonymously (if preferred).

When making a protected disclosure:

- Clearly identify the wrongdoing with factual details, including dates, locations and individuals involved;
- Explain why the disclosure is required;
- Provide supporting evidence;

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- Act promptly;
- Include dates, times, locations, individuals involved and any witnesses where possible to support effective assessment and response.

Whistleblower Process

Step 1: Receipt of Disclosure

The Nominated Supervisor or other designated officer will:

- Record the disclosure;
- Acknowledge receipt (where possible);
- Explain next steps, and provisions and protections regarding confidentiality and victimisation;
- Limit the number of people aware of the disclosure and ensure secure handling of all documentation and communication.

Step 2: Preliminary Assessment

Document all actions taken, including immediate risk controls implemented to ensure child safety.

- If there is immediate danger, emergency responses apply;
- If the concern involves abuse, neglect, grooming or serious harm, report to the relevant external authorities, regardless of internal processes.

An initial review will determine whether it constitutes a protected disclosure rather than a routine grievance.

Step 3: Investigation

The investigator will maintain confidentiality and ensure procedural fairness.

The investigation does not always mean a formal investigation, but it must be meaningful. It may;

- Be conducted internally or by an external investigator, such as the Regulatory Authority
- Include interviews, document reviews, and fact-finding steps
- Be completed in a timely and fair manner

The service or regulator must conduct a documented risk assessment to identify the seriousness of the allegations and risks to:

- Children;
- The discloser (e.g. retaliation or isolation);
- Staff and witnesses;
- The integrity of the investigation.

This may include deciding whether the matter must be notified to bodies such as:

- The Regulatory Authority;
- Police;
- The Department of Communities and Justice;
- The Office of the Children's Guardian (for reportable conduct).

Multiple notifications may be required for the same issue, and one does not replace another.

Step 4: Findings and Outcome

When safe and appropriate to do so, the service will:

- Determine corrective or disciplinary action if wrongdoing is substantiated;
- Inform the whistleblower of the outcome (within confidentiality limits);

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- Implement systemic improvements, if necessary, e.g. changes to supervision, staffing or practices, training, policy changes, or system improvements, referral to external authorities, formal disciplinary or enforcement action where required.

After action is taken:

- The service or regulator must continue to protect the discloser from victimisation;
- Risks should be reviewed over time;
- Records must be kept securely and confidentially.

Ongoing monitoring must include review of potential retaliation risks and implementation of additional safeguards where required.

Step 5: Recordkeeping

All whistleblower reports and investigations will be securely stored and accessible only to authorised personnel.

Protection for Whistleblowers

Under the Corporations Act 2001, a person making an eligible disclosure is protected by law. The service will ensure:

- Confidentiality of identity and information
- Protection from detrimental conduct, including dismissal, demotion, or harassment
- Immunity from civil, criminal, or administrative liability for making a protected disclosure
- Support and welfare, including access to counselling or EAP (if applicable)

Breaches of confidentiality or victimisation will be treated as serious misconduct and may result in disciplinary or legal action.

Role	Responsibility
Approved Provider	Maintain policy compliance, ensure independence and integrity of investigations, Promote a child-safe, transparent culture.
Nominated Supervisor	Act in children's best interests, Receive and manage disclosures, ensure confidentiality, support whistleblowers, ensure training is provided at induction and regularly, take immediate steps to manage child safety risks, ensure records are maintained securely and confidentially.
Educators	Act in children's best interests, comply with mandatory reporting obligations, Report all wrongdoing, misconduct or risks to children as soon as practicable. Raise concerns honestly and on reasonable grounds. Maintain confidentiality, cooperate with an investigation, Participate in training on protected disclosures and child safety obligations.
Families, Employees and Contractors	Raise concerns about child safety or misconduct, report serious wrongdoing in good faith, cooperate with investigations.
Investigators (internal or external)	Conduct impartial investigations and provide factual findings.

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Definitions

Whistleblower

An eligible whistleblower is any person who makes a disclosure of information under this policy in good faith and with reasonable grounds to suspect wrongdoing.

Eligible Disclosure

A disclosure of information that the whistleblower has reasonable grounds to suspect indicates misconduct or an improper state of affairs or circumstances in relation to:

A breach of the Education and Care Services National Law or Regulations

A breach of Australian laws (e.g., Corporations Act, Fair Work Act)

A serious wrongdoing, such as fraud, corruption, endangerment of children or staff, or systemic non-compliance such as failures in child safety systems or mandatory reporting

Behaviour that is dishonest, unethical, or unsafe

Personal grievances that relate solely to interpersonal conflicts or employment terms are not covered by this policy unless they involve reprisal for whistleblowing or a broader systemic issue.

Victimisation

Victimisation refers to any act that causes harm, disadvantage, or adverse treatment to a person because they have made, or intend to make, a whistleblower disclosure.

This policy applies to all staff, contractors, volunteers, management, and stakeholders associated with the service.

It applies to disclosures regarding:

- Misconduct, breach of policy, or unethical behaviour by staff or management;
- Financial malpractice, theft, or fraud;
- Breach of child safety or duty of care;
- Serious breaches of legal or regulatory obligations;
- Cover-ups of any of the above.

References

Children (Education and Care Services) National Law NSW

Education and Care Services National Regulations

Children's Guardian Act 2019 (NSW)

Crimes Act 1900 (NSW)

Protected Disclosures (Whistleblower) Policy, CELA, 2026

Whistle Blower Policy, DJMIR Advisory Services, 2026

NSW Early Learning Commission, Protected Disclosures Policy; Model Policy for early childhood education and care services, April 2026