



WHISTLE BLOWER POLICY

(Required Policy)

Policy Statement

Our service is committed to ensuring best practice in responding to all forms of complaints in respect of the service and care and education provided in accordance with the Education and Care Regulations and National Law. 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.

It is designed to comply with:

- The Education and Care Services National Law and Regulations
- The Corporations Act 2001 (Cth), Part 9.4AAA – Protection for Whistleblowers
- The Fair Work Act 2009 (Cth) (in relation to adverse action)
- The service's Complaints and Grievances Policy, Code of Conduct, and Child Safe Standards

Procedures

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.

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. This includes:

- Employees (full-time, part-time, casual)
- Volunteers and students
- Contractors and suppliers (and their employees)
- Committee members or directors
- Parents or guardians (in certain circumstances)
- Former employees or contractors of the service

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
- 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

Reporting Serious Wrongdoing

How to Report

Reports can be made confidentially to:

- Approved Provider / Director / Nominated Supervisor
- Regulatory Authority (if relevant to National Law breaches)
- External authorities, such as:
 - Australian Securities and Investments Commission (ASIC)
 - Australian Charities and Not-for-profits Commission (ACNC)
 - Fair Work Ombudsman
 - Department of Education – Early Childhood Education Directorate

Reports may be made:

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

All disclosures will be treated confidentially and sensitively.

Whistleblower Process

1. Receipt of Disclosure

The Nominated Supervisor or other designated officer will:

- Record the disclosure
- Acknowledge receipt (where possible)
- Explain next steps, protections, and confidentiality provisions

2. Preliminary Assessment

An initial review will determine whether:

- The matter qualifies as a whistleblower disclosure
- The issue falls within the scope of another policy (e.g., grievance, child protection)
- Immediate protective action is required

3. Investigation

If the matter qualifies, an independent investigation will be undertaken.

The investigation may:

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

The investigator will maintain confidentiality and ensure procedural fairness.

4. Findings and Outcome

The service will:

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

5. Recordkeeping

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

Protections 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 / Management Committee	Maintain policy compliance, ensure independence and integrity of investigations
Nominated Supervisor	Receive and manage disclosures, ensure confidentiality, support whistleblowers

Role	Responsibility
Employees and Contractors	Report serious wrongdoing in good faith, cooperate with investigations
Investigators (internal or external)	Conduct impartial investigations and provide factual findings

Considerations

Name	Reference
Education and Care Services National Regulations	168, 232, 233, 234, 235, 236
National Quality Standard	7
Other NLDOOSH policies/ documentation	Confidentiality Policy Complaints Policy Governance and Management Policy Staffing Policy Staff Expectations and Employment Procedures Providing a Child Safe Environment Policy Child Protection Policy
Other	Privacy Act 1988 Code of Ethics Work Health and Safety Fair Work Act 2009 Public Interest Disclosure Act 2013 NSW Government Children and Young Persons Act 2023

Policy status

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