



Policy 32

**Protected disclosures (whistleblower)**

**Policy Statement**

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

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.

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

**Links to Education and Care Services National Regulations and National Quality Standard**

Quality area 2: children's health and safety		
2.2	Safety	Each Child is protected.
2.2.3	Child Protection	Child Safety and Protection Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect
Quality area 4: staffing arrangements		
4.2	Professionalism	Management, educators and staff are collaborative, respectful and ethical.
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.

<b>EDUCATION AND CARE SERVICES NATIONAL REGULATIONS</b>	
S.5AA	Meaning of inappropriate conduct
Division 7	Serious detrimental action
84	Awareness of child protection law
168	Education and care service must have policies and procedures
170	Policies and procedures to be followed
172	Notification of change to policies or procedures
171	Policies and procedures to be kept available
175	Prescribed information to be notified to the regulatory authority
181	Confidentiality of records kept by approved provider

**Procedure**

**1. The approved provider/nominated supervisor/ management will ensure:**

- 1.1 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
- 1.2 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
- 1.3 Families are aware of this Protected Disclosure (Whistleblower) Policy and are advised on how and where the policy can be accessed
- 1.4 A safe environment is created where employees and volunteers feel supported reporting any wrongdoing
- 1.5 A culture of transparency and integrity is promoted within the Service



- 1.6 Regular training and awareness sessions about whistleblower protections and Processes are provided to all staff, educators and volunteers
- 1.7 Multiple reporting channels including internal and external options
- 1.8 Appoint eligible recipients to receive disclosures
- 1.9 Any whistleblower reports are promptly investigated
- 1.10 Feedback is provided to whistleblowers on the progress and outcomes of their reports, where appropriate.

## **2. Educators/volunteers/students will:**

- 2.1 Immediately report all incidents, allegations and complaints relating to child safety to the approved provider (see: Child Protection Policy).
- 2.2 Cooperate with investigations into disclosures
- 2.3 Maintain confidentiality about disclosures and investigations
- 2.4 Follow Policies and Procedures
- 2.5 Support colleagues who make protected disclosures
- 2.6 Not engage in or tolerate detrimental action against whistleblowers
- 2.7 Complete required training on whistleblower protections and procedures.

## **3. Families will:**

- 3.1 Be informed of their right to make protected disclosures about serious wrongdoing
- 3.2 Have access to information about how to make a disclosure
- 3.3 Be protected if they make a qualifying disclosure
- 3.4 Have confidence that disclosures will be taken seriously and investigated appropriately.

## **4. How to make a disclosure**

- 4.1 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
- 4.2 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)

## **5. Protection for whistleblowers**

- 5.1 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

## **6. False or malicious disclosures**

- 6.1 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

## **7. Internal recipients of a disclosure**

- Approved provider email - [wooshcpandc@gmail.com](mailto:wooshcpandc@gmail.com)
- Nominated supervisor email - [wooshcmanager@gmail.com](mailto:wooshcmanager@gmail.com)



## **8. External recipients of a disclosure**

8.1 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.

NSW -

- Early Childhood Education and Care Directorate NSW Department of Education and Communities Ph 1800 619 113 email: [eced@det.nsw.edu.au](mailto:eced@det.nsw.edu.au) website <https://education.nsw.gov.au/early-childhood-education>
- Child Protection Helpline Phone (NSW): 13 21 11
- NSW government communities and justice <https://reporter.childstory.nsw.gov.au/s/mrg>
- Independent Commission Against Corruption (ICAC) 1800 463 909 [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)
- New South Wales Ombudsman Phone 1800 451 524 <https://www.ombo.nsw.gov.au/welcome-to-the-complaints-portal>

## **9. 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

## **10. 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

## **11. 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

## **Sources, further reading and useful websites**

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- Australian Children's Education & Care Quality Authority.
- Early Childhood Australia Code of Ethics.
- Frith, J., Kambouris, N., & O'Grady, O. (2003). Health & safety in children's centres: Model policies & practices (2nd ed).
- Guide to the National Quality Standard.
- Revised National Quality Standard. (2018).
- Quality Area 4– Protected Disclosures (Whistleblower) Policy
- Australian Securities & Investments Commission. Whistleblower rights <https://www.asic.gov.au/about-asic/asicinvestigations-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).

### **Policy review information -**

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The Service encourages staff and parents to be actively involved in the annual review of each of its Policies and Procedures. In addition, the Service will accommodate any new legislative changes as they occur, and any issues identified as part the Service's commitment to quality improvement. The Service consults with relevant recognised authorities as part of the annual review to ensure the policy contents are consistent with current research and maintain the highest standards of child safety and practice.

Review Date	Date completed	By Whom	Collaborated	Comment
Apr 2026		Brandi (Manager)	Staff Committee Parents	