

## PROTECTED DISCLOSURE (WHISTLEBLOWER) POLICY

Activity Centres Inc (ACI) 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.3A	Paramount consideration
S.5AA	Meaning of inappropriate conduct
S. 162A	Offence relating to child protection training
S. 166A	Offence to subject child to inappropriate conduct
S. 174AA	Educators and other staff members of education and care service to notify certain information
Division 7	Serious detrimental action
S. 300E	Requirement for policy about protected disclosures
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

<p><i>Public Interest Disclosures Act 2022 (NSW)</i>  <i>Independent Commission Against Corruption Act (1988)</i>  <i>Anti-Discrimination Act 1977 (NSW)</i>  <i>Work Health and Safety Act 2011 (NSW)</i>  <i>Corporations Act 2001 (Cth) (VIC)</i></p>
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Related Child Safety Standards	
1	Child Safety is embedded in organisational leadership, governance and culture.
4	Equity is upheld and diversity is taken into account.
5	People working with children are suitable and supported.
7	Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
10	Policies and Procedures document how the organisation is Child Safe

## RELATED POLICIES

<p>Anti-Bullying Policy – Children          Anti-Bullying Policy - Workplace          Child Protection Policy          Child Safe Environment Policy          Code of Conduct Policy          Grievance and Complaints Management Policy</p>	<p>Interactions with Children, Family and Staff Policy          Management Committee Policy          Privacy and Confidentiality Policy          Staffing Arrangements Policy          Supervision Policy          Work Health and Safety Policy</p>
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## 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. ACI 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.

## 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

ACI promotes a culture of transparency and will provide safe, confidential channels for disclosures, investigate fairly, and protect disclosers from detrimental action. ACI 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 [NSW] 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.
- 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 Nominated Supervisor/ Coordinator and Management.
- 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

If making an Internal Protected Disclosure, i.e. within the organisation, a Whistleblower can contact the Approved provider/Committee Chairperson and/or the Nominated Supervisor. The name and contact information for these individuals can be found on display near the sign in area at the service.

## 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, NSW Ombudsman OR Office of the Children's Guardian.

### NEW SOUTH WALES

- NSW ECEC Regulatory Authority  
1800 619 113  
Email: [ececd@det.nsw.edu.au](mailto:ececd@det.nsw.edu.au)
- Independent Commission Against Corruption (ICAC)  
1800 463 909  
[www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)
- NSW Ombudsman  
1800 451 524  
[www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)
- Office of the Children's Guardian  
<http://ocg.nsw.gov.au>  
[reportableconduct@ocg.nsw.gov.au](mailto:reportableconduct@ocg.nsw.gov.au)

## RECEIVING AND MANAGING DISCLOSURES

ACI 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, Office of Children’s Guardian (NSW)

## PROTECTING WHISTLEBLOWERS

Following a disclosure, ACI 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 as needed
- monitor and access risks of detriment to disclosers throughout the process.
- take disciplinary action against anyone who takes detrimental action against a whistleblower.

## 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

<b>POLICY REVIEWED BY</b>	Jessie McCulloch, Rachael Bajo & Natasha Foenander	Role: Head office team	Date: 22/4/2026
<b>ENDORSED BY 2 PARENT COMMITTEE MEMBERS (initial/date)</b>	K.K & G.M (28/4/26)	<b>UPDATES/MODIFICATIONS</b>	-New policy to ensure compliance with updated Law and Regulations
<b>NEXT REVIEW DATE:</b> April 2027			