



Protected Disclosures (Whistleblower) Policy

POLICY STATEMENT

Lake Mac Newy OOSH is committed to maintaining a child safe culture where educators, staff, volunteers, students, contractors, families and visitors are encouraged and supported to speak up about wrongdoing, misconduct, breaches of the law, unsafe practices or any matter that may place the safety, health or wellbeing of a child or children at risk.

Children's safety, rights and best interests are the paramount consideration in all decisions and actions of the Service. Where there is any conflict between the interests of the Service or approved provider and the rights and best interests of a child or children, the rights and best interests of the child or children will prevail.

The Service promotes a culture of integrity, transparency, and accountability, and recognises that reporting concerns is an essential part of creating and maintaining a child-safe organisation.

The Service will:

- Comply with the Education and Care Services National Law and Regulations at all times
- Provide safe and confidential pathways for making protected disclosures
- Ensure all concerns relating to child safety, misconduct or breaches of law are taken seriously and responded to appropriately
- Protect people who make protected disclosures from detrimental action
- Maintain confidentiality as far as reasonably practicable
- Investigate or otherwise respond to disclosures fairly and promptly
- Support educators, staff and families to understand their rights and responsibilities in relation to protected disclosures; and
- Promote a workplace culture where concerns can be raised without fear of victimisation, intimidation or retaliation.

The Service will not tolerate detrimental action, victimisation, bullying, harassment, intimidation or adverse treatment against any person because they have made, intend to make, may make, or are suspected of making a protected disclosure.

(National Quality Standard 2.2, 4.2 and 7.1)



PROCEDURES:

WHAT IS A PROTECTED DISCLOSURE?

This policy applies to protected disclosures under the Children (Education and Care Services) National Law (NSW).

A protected disclosure is a disclosure of information or provision of documents made:

- To the NSW Early Learning Commission in compliance with a request under, or otherwise in accordance with, the National Law; or
- To the NSW Early Learning Commission or to a manager of an approved provider or approved education and care service, where the person making the disclosure honestly and on reasonable grounds believes the disclosure shows or tends to show:
- An offence against National Law has been or is being committed; or
- the safety, health or wellbeing of a child or children being educated and cared for by an education and care service is at risk.

Examples of matters that may constitute a protected disclosure include concerns about:

- Conduct that endangers or may endanger the safety, health or well-being of children
- Unsafe supervision or staffing practices
- Inappropriate conduct towards children
- Inappropriate discipline of a child
- Breaches of child protection obligations
- Failure to report child safety concerns
- Breaches of the National Law or Regulations
- Fraud, corruption or unlawful conduct
- Unsafe environments or practices
- Medication, incident or attendance breaches
- Serious breaches of Service policies
- Conduct inconsistent with the Child Safe Standards
- Victimisation or detrimental action against a person making a protected disclosure.

A person making a disclosure is not required to prove the allegation for the disclosure to be protected, provided the disclosure was made honestly and on reasonable grounds.

Nothing within this policy limits a person's mandatory reporting obligations under child protection legislation.



WHAT IS NOT A PROTECTED DISCLOSURE?

The service encourages all concerns to be raised. However, not every concern will be protected by disclosure under the National Law.

Examples of matters that are not generally protected disclosures include:

- Interpersonal conflict between employees
- Dissatisfaction regarding rostering or shifts
- Performance concerns that do not involve wrongdoing or child safety risk or breach of law
- Ordinary employment grievances
- Disagreements regarding promotions or remuneration
- Disciplinary action unrelated to a protected disclosure.

However, a personal work-related grievance may still qualify as a protected disclosure if:

- It involves broader misconduct or child safety concerns
- It relates to a detrimental action connected to a previous disclosure
- It involves unlawful conduct or significant breaches of legislation.

Where a concern does not qualify as a protected disclosure, it may still be managed under another Service policy or procedure.

REPORTING

Making a Protected Disclosure Report

If you become aware of a matter that may be a protected disclosure, the Service encourages all educators, staff, families, volunteers, contractors and visitors to report concerns as soon as practicable.

Disclosures may be made:

- Verbally
- In writing
- By email
- By telephone
- Anonymously
- Through a legal representative.

When making a disclosure, where possible, the following information should be provided:

- Description of the concern or conduct
- Dates, times and locations
- Names and roles of persons involved



- Names of witnesses
- Supporting evidence or documentation
- Details of any immediate risks to children or others.

Anonymous disclosures will still be taken seriously and assessed appropriately, however anonymity may impact the Service's ability to investigate or provide updates.

A person may bypass ordinary reporting lines where they reasonably believe the concern involves that person or where they do not feel safe reporting through usual channels.

Internal Reporting Contact

Protected disclosures may be made to:

- the Nominated Supervisor
- the Responsible Person or person in day-to-day charge where urgent
- the Operations Manager • the Approved Provider
- Another delegated manager responsible for administering the Service.

If a person does not feel comfortable reporting internally, they may report directly to the NSW Early Learning Commission or another relevant authority.

External Reporting Contacts

NSW Early Learning Commission

Phone: 1800 619 113

Email: information@earlylearningcommission.nsw.gov.au

PROTECTION FOR PERSONS MAKING PROTECTED DISCLOSURES

The Service will take all reasonable steps to protect a person from detrimental action as a result of making, intending to make, or being suspected of making a protected disclosure.

Detrimental action may include:

- Bullying or harassment
- Intimidation or victimisation
- Discrimination or adverse treatment
- Disciplinary action connected to the disclosure
- Threats or intimidation • reputational damage
- Psychological harm
- Damage to employment, trade or profession.

Reasonable management action, including lawful performance management processes, may still occur where unrelated to the protected disclosure.



Serious detrimental action connected to a protected disclosure may constitute a criminal offence under the National Law.

The Service may:

- Implement risk management strategies
- Adjust reporting lines or supervision arrangements
- Provide welfare support or wellbeing check-ins
- Restrict access to information
- Take disciplinary action against persons engaging in detrimental action
- Refer matters to external authorities.

Confidentiality

The Service understands that confidentiality is critical when managing protected disclosures.

The identity of a person making a disclosure will be kept confidential as far as reasonably practicable unless:

- The person consents to disclosure
- Disclosure is required by law
- Disclosure is necessary to protect a person from harm
- Disclosure is reasonably necessary for procedural fairness or investigation purposes.

The Service will:

- Restrict access to records and information
- Securely store all documents and files
- Use de-identified information where possible
- Limit disclosure to persons with a legitimate need to know
- Remind persons involved of confidentiality obligations.

Records relating to protected disclosures will not ordinarily be placed on personnel files unless required for lawful employment or disciplinary processes.



Assessing and Managing Disclosures

All disclosures will be assessed promptly and appropriately.

The Service will:

- Acknowledge receipt of disclosures where possible
- Assess whether the matter may qualify as a protected disclosure
- Assess any immediate risks to children or others
- Determine whether investigation, referral or immediate action is required
- Determine whether mandatory reporting or regulatory notifications are required
- Ensure procedural fairness and natural justice for persons subject to allegations.

A disclosure may be managed by:

- Internal investigation
- Referral to the NSW Early Learning Commission
- Referral to another authority
- Immediate child safety action
- Risk management strategies
- Policy or procedural review
- Staff supervision or training
- Disciplinary action where appropriate.

The Service recognises that a concern may simultaneously involve:

- Child protection obligations
- Reportable conduct obligations
- Mandatory notifications
- Complaints handling
- Misconduct procedures
- Work Health and Safety processes.

Risk Assessment and Prevention of Detrimental Action

Upon becoming aware of a protected disclosure, the Service will conduct a risk assessment to identify and minimise the risk of detrimental action.

The assessment may consider risks to:

- The person making the disclosure
- The person subject to the disclosure



- Children and families
- Witnesses
- Educators and staff
- The integrity of the investigation process.

Risk management strategies may include:

- Increased management oversight
- Modified communication arrangements
- Restricted access to records
- Support persons
- Welfare monitoring
- Temporary changes to duties or reporting lines where appropriate.

False or Malicious Reports

The Service recognises that disclosures made honestly and on reasonable grounds are protected even if they are later found to be incorrect or unsubstantiated.

However, deliberately false, malicious or vexatious reports may result in:

- Disciplinary action
- Performance management
- Termination of employment or engagement
- Referral to external authorities where appropriate.

RECORD KEEPING

All records relating to protected disclosures will be maintained securely and confidentially.

Records may include:

- Disclosure reports
- Investigation notes
- Risk assessments
- Correspondence
- Referrals
- Actions taken
- Investigation outcomes
- Review documentation.



Records will be retained in accordance with:

- Privacy obligations
- Confidentiality requirements
- Record retention legislation
- Governance and Management procedures
- Record Keeping and Retention procedures.

TRAINING AND AWARENESS

The Service will provide regular training and awareness regarding:

- Child safe reporting culture
- Whistleblower protections
- Mandatory reporting obligations
- Child protection responsibilities
- Protected disclosure procedures
- Confidentiality requirements.

Training will occur:

- During induction
- At least every 12–24 months
- Following legislative or procedural changes
- Through meetings, refreshers, professional learning or other training methods.

The Service will maintain records of training participation and completion.

RESPONSIBILITIES:

THE APPROVED PROVIDER / NOMINATED SUPERVISOR / MANAGEMENT WILL ENSURE:

- Obligations under the National Law and Regulations are met at all times
- Children's safety, well-being, and best interests remain the paramount consideration
- This policy remains current and reflects legislative requirements
- Educators, staff, volunteers and families are aware of this policy
- Reporting pathways are accessible and understood
- Disclosures are managed confidentially and appropriately
- Risk assessments are conducted where required



- Procedural fairness is maintained
- Records are securely maintained
- Appropriate action is taken where wrongdoing or child safety concerns are identified
- Regular training and awareness are provided.

MANAGERS WILL:

- Promote a child-safe and transparent culture
- Support persons making disclosures
- Escalate concerns appropriately
- Maintain confidentiality
- Respond promptly to risks to children
- Cooperate with investigations and regulatory processes
- Monitor for detrimental action.

EDUCATORS, STAFF, VOLUNTEERS AND STUDENTS WILL:

- Report child safety concerns, misconduct and breaches of law
- Cooperate with investigations • maintain confidentiality
- Not engage in detrimental action
- Complete required training
- Continue to follow mandatory reporting and child protection obligations.

FAMILIES WILL:

- Be informed of their right to raise concerns
- Have access to reporting information
- Be encouraged to raise concerns regarding child safety or misconduct
- Be supported when making protected disclosures.

VISITORS, CONTRACTORS AND EXTERNAL PROVIDERS WILL:

- Comply with this policy while engaged with the Service
- Report concerns regarding child safety or misconduct
- Maintain confidentiality



- Cooperate with investigations
- Not engage in detrimental action.

CONSIDERATIONS

Education and Care Services National Law / Regulations	National Quality Standard & Elements	Links to Other Service Policies/Documentation	Other Documentation/ Evidence
Children (Education and Care Services) National Law (NSW): • Section 3 and 4 - objectives, guiding principles and paramountcy • Sections 162A, 166, 166A, 174 as relevant to child safety, reporting and notifications • Part 14, Division 4A - Protected disclosures, including Sections 300A-300E Education and Care Services National Regulations: • R 84, R 168, R 170-172, R 174-176, R 181-184 as relevant to child protection, policies, records, complaints and notifications	QA2: 2.2.1, 2.2.2, 2.2.3 QA4: 4.2.1, 4.2.2 QA5: 5.1.1, 5.1.2 QA7: 7.1.1, 7.1.2, 7.2.1, 7.2.2, 7.2.3 NSW Child Safe Standards: 1-10	• Child Protection Policy • Providing a Child Safe Environment Policy • Bullying, Discrimination and Harassment Policy • Code of Conduct Policy • Dealing with Complaints Policy • Governance and Management Policy • Record Keeping and Retention Policy • Confidentiality Policy • Staffing Arrangements / Induction and Training Policy • Incident, Injury, Trauma and Illness Policy • Supervision Policy • Grievance, misconduct and performance management procedures • Child Protection Concerns Register • Protected Disclosure Register / secure case file	• NSW Early Learning Commission Protected Disclosures Model Policy, April 2026 • NSW Early Learning Commission Reporting Guide • Guide to the National Quality Framework • National Principles for Child Safe Organisations • NSW Office of the Children's Guardian Child Safe Standards • Reportable Conduct Scheme guidance • Privacy Act 1988 and Australian Privacy Principles, where applicable • Staff induction and training records • Risk assessments and investigation records • Work Health and Safety • Record keeping and Retention procedures • Reportable Conduct procedures

ENDORSEMENT BY THE SERVICE:

Approval date: May 2026

Date for Review: May 2027

Approved By: The Approved Provider

Recommended sign-off: Approved Provider, Nominated Supervisor and delegated management representative where applicable