

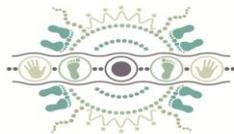
P4-13: Protected Disclosures (Whistleblower) Policy

QDPA promotes a culture of transparency and will provide safe, confidential channels for disclosures to be investigated fairly. This policy outlines how protected disclosures can be made, how they are managed, and the protections available to whistleblowers.

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 [NSW]
S.5AA	Meaning of inappropriate conduct
S. 162A	Offence relating to child protection training [NSW]
S. 166A	Offence to subject child to inappropriate conduct [NSW]
S. 174AA	Educators and other staff members of education and care service to notify certain information [NSW]
Division 7	Serious detrimental action
S. 300E	Requirement for policy about protected disclosures [NSW]



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

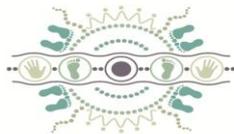
<i>Public Interest Disclosures Act 2022 (NSW)</i> <i>Independent Commission Against Corruption Act (1988)</i> <i>Anti-Discrimination Act 1977 (NSW)</i> <i>Work Health and Safety Act 2011 (NSW)</i> <i>Corporations Act 2001 (Cth) (VIC)</i>

RELATED POLICIES

Child Protection Policy Child Safe Environment Policy Code of Conduct Dealing with Complaints Policy Governance Policy Health and Safety Handbook	Interactions with Children, Family and Staff Policy Privacy and Confidentiality Policy Staffing Arrangements Policy Supervision Policy
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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 organisation. We believe that children’s safety, rights, and best interests are the paramount consideration for all QDPA operations, decisions and functions. QDPA 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 of the Service.

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.

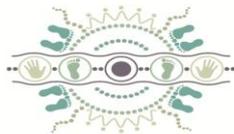
Detrimental Action: Any disadvantage to a person, including dismissal, demotion, harassment, discrimination, reputational damage, psychological harm, or threats of such actions.

Personal work-related grievances: Personal work-related grievances do not qualify for whistleblower protection except in circumstances outlined in this policy.

Definition: A personal work-related grievance is a formal complaint made by an employee about an issue that affects them individually in their employment (e.g., interpersonal conflicts, performance concerns, workload complaints).

Personal work-related grievances are excluded unless they:

- include information about misconduct beyond the employee's personal circumstances
- involve breaches of workplace laws punishable by 12+ months imprisonment
- relate to detrimental action taken against a person for making a protected disclosure
- present a danger to public health or 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

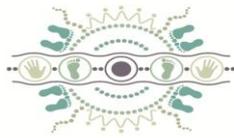
QDPA promotes a culture of transparency and will provide safe, confidential channels for disclosures, investigate fairly, and protect disclosers from detrimental action. QDPA encourages anyone who suspects illegal, unethical, corrupt, fraudulent, inappropriate conduct or inappropriate discipline to report those concerns.

THE APPROVED PROVIDER/NOMINATED SUPERVISOR/ MANAGEMENT WILL ENSURE:

- that obligations under the Education and Care Services National Law 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 within the Service
- 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 approved provider (see: *Child Protection Policy*)
- 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

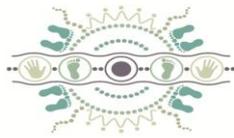
When making a disclosure, the whistleblower should provide:

- 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

Whistleblowers are protected from detriment related to a qualifying disclosure, including protection from:

- civil, criminal or administrative liability
- contractual remedies or rights being enforced
- the disclosed information being used against them in proceedings



- victimisation, retaliation, or threats of detrimental action

Important clarification – no immunity for personal misconduct: These protections do not grant immunity for any misconduct the whistleblower has engaged in and which is revealed as part of the disclosure. This ensures alignment with ASIC guidance.

FALSE OR MALICIOUS DISCLOSURES

Deliberately false or malicious disclosures may result in disciplinary or legal action.

INTERNAL RECIPIENTS OF A DISCLOSURE

A disclosure can be made to any of the following internal recipients:

- **Approved Provider:** Management Committee & Executive Officer
- **Nominated Supervisor:** Preschool Directors at each service location
- **Designated Whistleblower Protection Officer:** Executive Officer

EXTERNAL RECIPIENTS OF A DISCLOSURE

Whistleblowers may also make a protected disclosure to the following external bodies:

NEW SOUTH WALES	
NSW ECEC Regulatory Authority	
○ 1800 619 113	email: ececd@det.nsw.edu.au
Independent Commission Against Corruption (ICAC)	
○ 1800 463 909	www.icac.nsw.gov.au
NSW Ombudsman	
○ 1800 451 524	www.ombo.nsw.gov.au

RECEIVING AND MANAGING DISCLOSURES

The person managing the disclosure will:

- acknowledge receipt within 5 business days (where possible)
- assess whether it qualifies for protection
- ensure confidentiality and procedural fairness
- protect the whistleblower from detrimental action
- document all actions securely



INVESTIGATING DISCLOSURES

Investigations will be conducted fairly, promptly and impartially. Appropriate internal or external investigators may be engaged. Corrective action will be taken where wrongdoing is substantiated.

PROTECTING WHISTLEBLOWERS

QDPA will:

- maintain confidentiality of the whistleblower's identity
- monitor risks of detriment and respond to concerns immediately
- take disciplinary action against anyone who engages in detrimental conduct
- provide access to support services such as EAP (where available)

CONTINUOUS IMPROVEMENT/REFLECTION

The *Protected Disclosures (Whistleblower) Policy* will be evaluated and reviewed on an annual basis or earlier if there are changes to legislation, ACECQA guidance or any incident related to our policy. Feedback will be requested from children, families, staff, educators and management and notification of any change to policies will be made to families within 14 days.

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

Version Control	Date	Author	Description of Change
1.0	November 2025	QDPA	New policy drafted to comply with legislation