



Protected Disclosures Policy

Policy Title	Protected Disclosures
Policy version	V1
Review Cycle	Annually
Last Review Date	
Implementation Date	July 2026
Next Review Date	July 2029

Policy Statement

SHARE is committed to maintaining a child safe, transparent and accountable service culture in which concerns can be raised safely and responded to appropriately. We support the making of protected disclosures about conduct that may breach the Education and Care Services National Law or place a child's safety, health or wellbeing at risk.

SHARE will manage protected disclosures promptly, fairly and as confidentially as possible, in accordance with legislative requirements and procedural fairness. No person will be subjected to detrimental action for making, proposing to make, or being suspected of making a protected disclosure. In all matters arising under this policy, the safety, welfare and wellbeing of children is the paramount consideration.

Definitions

Approved Provider	The entity that holds Provider Approval under the Education and Care Services National Law and has ultimate legal responsibility for the operation and governance of the Service.
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
Manager	A person, however described, who is responsible for controlling or administering the approved provider or approved education and care service, or the staff of the approved provider or approved education and care service.
Nominated Supervisor	A person with day-to-day responsibility for the Service who has been nominated by the Approved Provider and approved by the Regulatory Authority under the National Law.
Personal work-related grievances	A concern or complaint that relates only to a person's employment or former employment and does not have significant implications beyond the matters personally affecting, or tending to personally affect, that individual. A matter may still be considered under this policy if it arises from a decision made in dealing with a previous protected disclosure, or alleged detrimental action relating to a previous protected disclosure.
Protected disclosure	A disclosure of information or provision of documents: a) to the NSW Early Learning Commission in compliance with a request under, or in accordance with, the Education and Care Services National Law (NSW), or b) to the NSW Early Learning Commission or to a manager of an approved provider or approved education and care service, if the person making the disclosure honestly, and on reasonable grounds, believes the disclosure shows or tends to show that: i. an offence against the National Law has been or is being committed, or ii. (ii) the safety, health or wellbeing of a child or children being educated and cared for by an education and care service is at risk.
Reasonable grounds to suspect	A person has reasonable grounds where there is a factual basis for their belief, taking into account the circumstances and context. A person is not required to prove the matter, and a disclosure may still be protected even if it is later found to be

incorrect or unsubstantiated, provided it was made honestly and on reasonable grounds.

Responsible Person

The person in day-to-day charge of the Service in accordance with the National Regulations, including the Nominated Supervisor or a person placed in day-to-day charge.

Serious detrimental action

An act or omission causing, comprising, involving or encouraging detriment to a person, or the threat of detriment to a person, whether express or implied. It does not include lawful action taken to investigate a possible contravention of the Law, prosecuting a person for a criminal offence, referring a matter to the independent arbiter, making a disciplinary agreement or disciplinary order, or giving a disciplinary notice.

Serious wrongdoing

For the purposes of this policy, serious wrongdoing means conduct that may constitute an offence against the Education and Care Services National Law, or otherwise indicate a serious risk to the safety, health or wellbeing of a child or children being educated and cared for by the Service. It does not include ordinary service complaints, minor workplace issues, or personal employment grievances unless the matter also falls within the definition of a protected disclosure. This is a service-defined term drafted to align closely with the NSW protected disclosure framework.

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.
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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.

Legislative And Regulatory References

EDUCATION AND CARE SERVICES NATIONAL LAW	
S.3A	Paramount consideration
S.296	Definitions
S.297	Meaning of “protected disclosure”
S.299	Detrimental action offences
Division 7	Serious detrimental action
S.300	Serious detrimental action—recovery of damages
S.300D	Protections from liability for makers of protected disclosures
S.300E	Requirement for policy about protected disclosures
EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
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
181	Confidentiality of records kept by approved provider

Related Legislation

Public Interest Disclosures Act 2022 (NSW)
Independent Commission Against Corruption Act (1988)
Anti-Discrimination Act 1977 (NSW)
Work Health and Safety Act 2011 (NSW)

Related Policies

- Child Safeguarding and Professional Conduct
- Child Safe Reporting
- Code of Conduct
- Governance and Management
- Interactions with Children
- Management of Complaints
- Privacy and Confidentiality
- Providing a Child Safe Environment
- Staffing

Purpose

This policy sets out how SHARE receives, manages and responds to protected disclosures about conduct that may breach the Education and Care Services National Law, involve serious wrongdoing, or place a child's safety, health or wellbeing at risk. It supports safe reporting, promotes transparency and accountability, and ensures disclosures are handled fairly, confidentially and in a way that protects people from detrimental action. This policy also supports SHARE to meet its legal obligations and reinforces that the safety, welfare and wellbeing of children is the paramount consideration in all actions taken under this policy.

Guiding Principles

SHARE OOSH is guided by the following principles in ensuring protected disclosures:

1. **Child safety and wellbeing are paramount** – In responding to any protected disclosure, SHARE will give paramount consideration to the safety, welfare and wellbeing of children.
2. **Safe reporting is supported** – SHARE encourages concerns to be raised where a person reasonably believes conduct may breach the law, involve serious wrongdoing, or place a child's safety, health or wellbeing at risk.
3. **Disclosures are managed fairly and confidentially** – Protected disclosures will be handled promptly, respectfully, and as confidentially as possible, with procedural fairness provided to affected persons.
4. **People who raise concerns are protected from detriment** – SHARE prohibits detrimental action against a person because they make, may make, or are suspected of making a protected disclosure.

Procedures

1. Making a protected disclosure

A protected disclosure may be made by any person connected with the Service who reasonably believes that conduct may breach the Education and Care Services National Law, involve serious wrongdoing, or place a child's safety, health or wellbeing at risk.

A protected disclosure may be made to the Approved Provider or Nominated Supervisor. Where a disclosure is made to a Responsible Person or other senior staff member, it must be escalated to the Approved Provider or Nominated Supervisor as soon as practicable.

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)

A person may also make a protected disclosure directly to the NSW Regulatory Authority or another appropriate external authority.

To assist the Service to assess and respond to the matter, the discloser should provide as much relevant information as possible, such as the nature of the concern, the people involved, the date, time, location, and any available supporting information.

2. Initial assessment and direction of concerns

On receiving a concern, SHARE will assess whether it may constitute a protected disclosure and whether any immediate action is required to protect a child or other person from harm.

Where a concern raises immediate risks to a child's safety, health or wellbeing, immediate protective action and any required external reporting or notification will take priority.

Ordinary family complaints and general service concerns will generally be managed under the relevant complaints policy. Personal workplace grievances and other employment-related matters will generally be managed under SHARE's internal workplace grievance procedures. A matter will be managed under this policy where it may involve a protected disclosure, including suspected serious wrongdoing, a breach of the Education and Care Services National Law, or a risk to a child's safety, health or wellbeing.

Where a concern also engages another legal, regulatory or policy process, SHARE will manage or refer the matter under the appropriate process or processes, including child protection, reportable conduct, disciplinary or regulatory notification processes.

3. Managing and investigating protected disclosures

Protected disclosures will be managed promptly, fairly and as confidentially as possible. SHARE may make preliminary inquiries, investigate a matter internally, or appoint an external person or agency to investigate where appropriate, having regard to the nature and seriousness of the concern, any actual or perceived conflict of interest, and the need for independence and child-safe decision-making.

In managing and investigating a protected disclosure, SHARE will take all reasonable steps to protect children, preserve confidentiality, and afford procedural fairness to any person who is the subject of the disclosure.

Where concerns are substantiated, or where protective or corrective action is otherwise required, SHARE will take appropriate action and make any required reports, notifications or referrals.

4. Confidentiality, protection and records

SHARE will take all reasonable steps to protect the identity of a person who makes a protected disclosure and to keep information relating to the disclosure confidential, except where disclosure is required or authorised by law, necessary to protect a child or other person, or necessary to manage the matter fairly and appropriately.

SHARE prohibits detrimental action against a person because they make, may make, or are suspected of making a protected disclosure. Any concerns about reprisal, victimisation or other detrimental action must be reported immediately and will be responded to promptly.

A person who makes a protected disclosure does not incur civil liability, criminal liability, or disciplinary liability by reason only of making the disclosure, subject to the limits of the National Law.

Records relating to protected disclosures, assessments, investigations and actions taken will be kept securely, with access limited to authorised persons who require that access to perform their role. Records will be managed in accordance with applicable legal requirements and SHARE's recordkeeping obligations.

Recipients of a Disclosure

Internal Recipients of a Disclosure

Approved Provider: Saxifrage Cucvara – president@shareoosh.com.au

Nominated Supervisor: Lottie Gerber – cm@shareoosh.com.au

External Recipients of a Disclosure

NSW ELC Regulatory Authority:
information@earlylearningcommission.nsw.gov.au | 1800 619 113

Independent Commission Against Corruption (ICAC)
www.icac.nsw.gov.au | 1800 463 909

NSW Ombudsman
www.ombo.nsw.gov.au | 1800 451 524

Roles and Responsibilities

ROLE	RESPONSIBLE FOR
Approved Provider	- ensuring this policy is in place, implemented and reviewed - promoting a culture of transparency and safe reporting - ensuring disclosures are managed appropriately and, where required, investigated or referred - ensuring required reports, notifications or referrals are made to external authorities - ensuring relevant persons receive induction and ongoing training about protected disclosures
Nominated Supervisor	- receiving and escalating protected disclosures in accordance with this policy - supporting the initial assessment and management of concerns - taking reasonable steps to protect confidentiality and support child-safe responses - maintaining secure records relating to disclosures and actions taken - supporting staff awareness of this policy and related reporting obligations
Responsible Persons	- receiving concerns raised at service level and escalating them to the Approved Provider or Nominated Supervisor as soon as practicable - taking immediate action where required to protect a child or other person from harm - maintaining confidentiality in relation to disclosures and related information
Educators	- raising concerns where they reasonably believe conduct may breach the law, involve serious wrongdoing, or place a child's safety, health or wellbeing at risk - cooperating with lawful and appropriate inquiries or investigations - maintaining confidentiality - not engaging in or tolerating detrimental action against a person who makes a protected disclosure
Families	- raising serious concerns through the appropriate channels where relevant - providing truthful and relevant information when making a disclosure - respecting confidentiality and fair process while concerns are being managed
Other Staff	- complying with this policy and raising concerns appropriately - cooperating with lawful and appropriate inquiries or investigations

	• maintaining confidentiality • not engaging in or tolerating detrimental action against a person who makes a protected disclosure
Students/Volunteers	• promptly reporting concerns to the Approved Provider, Nominated Supervisor or Responsible Person • cooperating with lawful and appropriate inquiries or investigations • maintaining confidentiality • completing any required induction or training relevant to their role

Induction and Ongoing Training

Relevant staff, students and volunteers will be informed of this policy during induction, including how to raise a protected disclosure and the protections available to persons who make a protected disclosure. Ongoing training, guidance and reminders will be provided as appropriate to support awareness of reporting obligations, confidentiality, and protection from detrimental action.

Monitoring, Evaluation, and Review Process

Monitoring

SHARE will monitor the implementation of this policy, including whether protected disclosures are being escalated, managed and recorded appropriately, and whether relevant persons are receiving induction and ongoing training.

Evaluation

SHARE will evaluate whether this policy remains effective, legally compliant, and understood by relevant persons, including whether reporting pathways are clear and disclosures are managed fairly, confidentially and in a child safe manner.

Review

This policy will be reviewed annually, or earlier if:

- legislation or regulations change
- there are changes to Service practice
- an issue arises from the operation of the policy

Contact details listed in this policy will be checked as part of each review.