Policy Code POL_R&R/W/V1/2.03.26	CORE SUPPORTS MODULE 1: RIGHTS AND RESPONSIBILITIES

Specific Responsibility:
All staff and Board

Policy: Whistleblower

Standards or other external requirements	National Disability Insurance Scheme Practice Standards NDIS Practice Standards | NDIS Quality and Safeguards Commission (ndiscommission.gov.au) - Core Module Division 1. Rights and Responsibilities Division 2. Provider Governance and Operational Management Division 3. Provision of Supports Division 4. Provision of Supports - Early Intervention Supports - Specialist Behaviour Support National Disability Insurance Scheme (Code of Conduct) Rules 2018 NDIS Code of Conduct (NDIS Providers) | NDIS Quality and Safeguards Commission (ndiscommission.gov.au) https://www.legislation.gov.au/Details/F2018L00629 National Guidelines Best Practice in Early Childhood Intervention https://www.health.gov.au/our-work/national-best-practice-framework-for-early-childhood-interventio…
Legislation or other requirements	National Disability Insurance Scheme Act 2013 https://www.legislation.gov.au/C2013A00020/latest/text State Records Act 1998 https://www.legislation.nsw.gov.au/#/view/act/1998/17 Disability Discrimination Act 1992 https://www.legislation.gov.au/Series/C2004A04426 United Nations Conventions on the Rights of the Child (CRC) https://www.humanrights.gov.au/convention-rights-child Australian Human Rights Commission Act 1986 https://www.legislation.gov.au/Series/C2004A03366 Modern Slavery Act 2018 Australian Privacy Principles National Disability Insurance Scheme Act 2013 https://www.legislation.gov.au/Details/C2016C00934 Australian Privacy Act 1988 Privacy Amendment (Enhancing Privacy Protection) ACT 2012 Health Records and Information Privacy Act 2012 Privacy Amendment (Notifiable Data Breaches) Act 2017 (NDB Act) https://www.legislation.gov.au/Details/C2017A00012 Chapter 16A http://www.community.nsw.gov.au/kts/guidelines/info-exchange/provide-request Child Protection (Working with Children) Regulation 2013

	The Ombudsman Act 1974 (NSW) https://www.legislation.nsw.gov.au/#/view/act/1974/68 • Corporations Act 2001 (Cth) • Fair Work Act 2009 (Cth) • Fair Work Regulations 2009 (Cth) • Insurance Act 1973 • Public Interest Disclosure Act 2013 • Superannuation Industry (Supervision) Act 1993 • Taxation Administration Act 1953
Contractual Obligations	Funding agreements eg NSW Dept of Education and NSW Dept of Communities and Justice Organisational contracts and community grants/fundraising National Disability Insurance Scheme Business Rules

1. Introduction

Note: the term "Disclosures" is used in this policy where possible to ensure clarity and reduce confusion, instead of "Reports" as the phrase Reportable Incidents is used frequently in the disability sector and has specific meaning for National Disability Insurance providers and reporting requirements.

1.1 EarlyEd encourages all worker's, participants and anyone associated with EarlyEd to Speak Up about concerns.

1.2 EarlyEd is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance, child safe and work health and safety practices.

1.3 EarlyEd recognises the value of transparency and accountability in its administrative and management practices and supports the disclosing of improper conduct.

1.4 This Whistleblower Policy and Procedure has been developed so that people can raise concerns regarding situations where they believe that EarlyEd or anybody connected with EarlyEd has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below.

1.5 EarlyEd is likely to also be required to manage disclosures under other legislation and policies ie Child Protection and Restrictive Practices

This policy will be made available to the EarlyEd's officers and employees as part of the pack of EarlyEd policies. Information about the policy will be routinely addressed in communications to workers, participants and stakeholders as part of Feedback and Complaints communications and references. Earlyed will obtain feedback to make sure this policy is accessible and meets the needs of disclosers or potential disclosers.

2. Purpose the policy

This whistleblower policy is an important tool for helping EarlyEd identify wrongdoing that may not be uncovered unless there is a safe and secure means for disclosing wrongdoing.

This Policy aims to:

a) encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct;
b) encourage more disclosures of wrongdoing;
c) help deter wrongdoing, in line with the EarlyEd's risk management and governance framework;
d) support EarlyEd's values, code of conduct and commitment to child safe practices;
e) ensure disclosures are dealt with appropriately and on a timely basis;
f) to provide transparency around the entity's framework for receiving, handling and investigating disclosures;
g) meet EarlyEd's legal and regulatory obligations and align with the ASX Corporate Governance Principles and Recommendations (which applies to listed companies) and relevant standards
h) provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the EarlyEd
i) enable EarlyEd to deal with Disclosures from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information
j) ensure that any Disclosable Conduct is identified and dealt with appropriately
k) ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported, and
l) help to ensure that EarlyEd maintains the highest standards of ethical behaviour and integrity.
m) support the EarlyEd's long-term sustainability and reputation

3. Scope

3.1 This policy applies to:

Employees	**Directors**	**Officers**	**Contractors** (including employees of contractors)	**Volunteers**	**Suppliers**	**Consultants**
✓	✓	✓	✓	✓	✓	✓

Within this policy all of these people are represented by the term "**Workers**".

3.2 any associate, family member or dependant of any person in the above groups of people may also speak up,but are under no obligation to do so in line with EarlyEd's Feedback and Complaints Policy. If they do choose to speak up in line with this Policy, we will extend to them the relevant rights and protections under this Policy.

Participants	Participants' families	Stakeholder
✓	✓	✓

Within this policy all of these people are represented by the term "**Participants**".

4. Principles

4.1 **Higher standard** – This Policy is designed to comply with EarlyEd's legal obligations. If anything in this Policy is inconsistent with any law imposed on EarlyEd, that legal obligation or the "higher standard" will prevail over this Policy.

4.2 **Speak up and report it!** – We encourage Workers and Participants at EarlyEd to Disclose any concerns in line with our policies and procedures.

4.3 **Our expectations of Workers** – EarlyEd expects Workers to act honestly and ethically, and to make any Disclosure on reasonable grounds.

4.4 **Our responsibility to Whistleblowers** – Our obligations to Workers are spelled out in this policy, but in particular in section 6 'Protection'.

4.5 **Confidentiality and consent** - EarlyEd will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While EarlyEd encourages Whistleblowers to identify themsleves to a Whistleblowing Protection Officer, they may opt to report their concerns anonymously.

5. Reportable Conduct

5.1 Who can make a report? Who does the policy applies to?

5.1.1 A Whistleblower is a person who, whether anonymously or not, attempts to report misconduct or dishonest or illegal activity that has occurred in connection with EarlyEd' and wishes to avail themselves of protection against reprisal for having made the report.

5.1.2 A Whistleblower may be a Worker (current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers, volunteers and directors)

- a supplier of services or goods to the entity (whether paid or unpaid), including their employees (e.g. current and former contractors, consultants, service providers and business partners);
- an associate of EarlyEd; and
- a participant or their family supported or receiving services from EarlyEd, volunteer, partner, stakeholder such as a community service, childcare, preschool or school and member.
- a relative, dependant or spouse of an individual in RG 270.43(a)–RG 270.43(c) (e.g. relatives, dependants or spouse of current and former employees, contractors, consultants, service providers, suppliers and business partners).

5.2 What is Reportable Conduct? Reportable incidents, child protection reports, mandatory reporters.

A person may disclose any information that the person has reasonable grounds to suspect concerns of misconduct, or an improper state of affairs or circumstances in relation to EarlyEd;

Reportable Conduct / Disclosable matters

5.2.1 Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:

a) dishonest (default, breach of trust)
b) misconduct (including violence, abuse, neglect, exploitation &/or discrimination and not complying with child safety practices)
c) corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
d) fraudulent;
e) illegal (including theft, drug sale or use, violence or threatened violence, or property damage);
f) in breach of regulation, internal policy or code (such as our Code of Conduct);
g) improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistleblower;
h) a serious impropriety or an improper state of affairs or circumstances;
i) endangering health or safety;
j) damaging or substantially risking damage to the environment;
k) a serious mismanagement of EarlyEd's resources;
l) detrimental to EarlyEd's financial position or reputation;
m) maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive, discriminatory or is based on improper motives);
n) concealing reportable conduct.
o) breach of duty
p) legal or regulatory requirements; and
q) engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.

Disclosable matters also involve information about an entity, if the discloser has reasonable grounds to suspect that the information indicates those entities (including their employees or officers) have engaged in conduct that:

(a). constitutes an offence against, or a contravention of, a provision of any of the following: (i) the Corporations Act;
(ii) the *Australian Securities and Investments Commission Act 2001*;
(iii) the *Banking Act 1959*;
(iv) the *Financial Sector (Collection of Data) Act 2001*;
(v) the *Insurance Act 1973*;
(vi) the *Life Insurance Act 1995*;
(vii) the *National Consumer Credit Protection Act 2009*;
(viii) the SIS Act;
(ix) an instrument made under an Act

(b) constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
(c) represents a danger to the public or the financial system; or
(d) is prescribed by regulation.

5.2.2 Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

5.2.3 Disclosable matters include conduct that may not involve a contravention of a particular law.

5.2.4 Disclosable matters include information that indicates a significant risk to public safety or the stability of, or confidence in, the financial system is also a disclosable matter, even if it does not involve a breach of a particular law.

5.2.5 An entity's policy must state that a discloser can still qualify for protection even if their disclosure turns out to be incorrect.

5.3 What is *not* Reportable Conduct?

5.3.1 While everybody is encouraged to speak up and report any concerns to EarlyEd, not all types of conduct are intended to be covered by this Policy or by the protections under the Corporations Act 2001 (Cth). This Policy does not apply to complaints by participants, their families, stakeholders, partners or other users about a service] or personal work-related grievances (see 5.3.2, 5.3.3 and 5.3.4), unless the grievance includes victimisation due to whistleblowing. Those matters are dealt with under other policies.

5.3.2 Personal work-related grievances are those that relate to the discloser's current or former employment with EarlyEd that might have implications for the discloser personally but do not:

a) Have any other significant implications for EarlyEd (or another entity); or
b) Relate to any conduct or alleged conduct about a disclosable matter (as set out in 5.2.2).

and that do not relate to detriment or threat of detriment to the discloser.

Disclosures that relate solely to personal work-related grievances, and that do not relate to detriment or threat of detriment to the discloser, do not qualify for protection under the Corporations Act:

Note: See s1317AADA(2) of the Corporations Act. Workplace grievances remain the jurisdiction of the Fair Work Act.

5.3.3 5.3.3 Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment. Employees can internally raise personal work-related grievances and other types of issues or concerns that are not covered by the policy through the Feedback and Complaints process and Human Resource Management Processes. They may like to seek legal advice about their rights and protections under employment or contract law, and to resolve their personal work-related grievance. Personal work-related grievances are those that relate to the discloser's current or former employment and have, or tend to have, implications for the discloser personally, but do not:
(a) have any other significant implications for the entity (or another entity); or

(b) relate to any conduct, or alleged conduct, about a disclosable matter

5.3.4 However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

5.4 What information do I need to make a Disclosure?

5.4.1 To make a protected Disclosure you must know of or have reasonable grounds to suspect the Disclosure Conduct.

5.4.2 For a Disclosure to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the Disclosure such as the:
a) date;
b) time;
c) location;
d) name of person(s) involved;
e) possible witnesses to the events; and
f) evidence of the events (e.g. documents, emails).

5.4.3 In your Disclosure, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

5.5 How can I make a Disclosure?

A range of internal and external disclosure options allow for disclosures to be made anonymously and/or confidentially, securely and outside of business hours.

EarlyEd values all disclosures. Employees should not be deterred by barriers such as threat of detriment.

5.5.1 A report must be made to:
a) Whistleblower Protection Officer;
b) The EarlyEd's auditor, or a member of the audit team
c) Via the Whistleblower reporting form (Whistleblower Feedback Form for EarlyEd – Fill in form) on the EarlyEd website

5.5.2 EarlyEd will also protect individuals who have made a Disclosure in connection with EarlyEd:
a) To the Australian Securities and Investments Commission (**ASIC**) or the Australian Prudential Regulation Authority (**APRA**) or another Commonwealth regulatory body prescribed in legislation;
b) To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections; or
c) That qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that you understand the criteria for making a public interest or emergency disclosure and you may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

5.5.3 While EarlyEd encourages you to identify yourself to a Whistleblowing Protection Officer you may opt to Disclose your concerns anonymously such as by adopting a pseudonym.

Anonymous disclosures
Disclosures can be made anonymously and still be protected under the Corporations Act. A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. a discloser can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations. a discloser who wishes to remain anonymous should maintain ongoing two-way communication with the EarlyEd, so they can ask follow-up questions or provide feedback.

Measures and/or mechanisms for protecting anonymity
If a disclosure comes from an email address from which the person's identity cannot be determined, and the discloser does not identify themselves in the email, it will be treated as an anonymous disclosure.

Communication with disclosers can be through anonymous telephone numbers a discloser may adopt a pseudonym for the purpose of their disclosure— this may be also be appropriate in circumstances where the discloser's identity is known to their supervisor, the Whistleblower Protection Officer or equivalent but the discloser prefers not to disclose their identity to others.

6. Protection

6.1 How will I be protected if I speak up about Reportable Conduct?

6.1.1 EarlyEd has legal obligations to protect the confidentiality of a discloser's identity.

6.1.2 It is illegal for a person to identify a discloser or disclose information that is likely to lead to the identification of the discloser.

6.1.3 A person cannot disclose the identity of a discloser or information that is likely to lead to the identification of the discloser (which they have obtained directly or indirectly because the discloser made a disclosure that qualifies for protection).

6.1.4 The exception is if a person discloses the identity of the discloser:
(a) to ASIC, APRA, or a member of the Australian Federal Police (within the meaning of the Australian Federal Police Act 1979);
(b) to a legal practitioner (for the purposes of obtaining legal advice or legal representation about the whistleblower provisions in the Corporations Act);
(c) to a person or body prescribed by regulations; or
(d) with the consent of the discloser.

6.1.5 A person can disclose the information contained in a disclosure with or without the discloser's consent if:
(a) the information does not include the discloser's identity;
(b) the entity has taken all reasonable steps to reduce the risk that the discloser will be identified from the information; and
(c) it is reasonably necessary for investigating the issues raised in the disclosure.

6.1.6 A discloser can lodge a complaint with the entity about a breach of confidentiality and may lodge a complaint with a regulator, such as the NDIS Quality and Safeguards Commission ASIC, APRA or the ATO, for investigation.

6.1.7 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, EarlyEd will support and protect you and anyone else assisting in the investigation.

6.1.8 EarlyEd will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a Disclosure of Reportable Conduct. Examples of a detriment include:
a) retaliation, dismissal, suspension, demotion, or termination of your role;
b) bullying, harassment, threats or intimidation;
c) discrimination, subject to current or future bias, or derogatory treatment;
d) harm or injury;
e) damage or threats to your property, business, financial position or reputation; or
f) revealing your identity as a Whistleblower without your consent or contrary to law;
g) threatening to carry out any of the above actions.

6.1.9 This protection applies regardless of whether any concerns raised in a Disclosure are found to be true, provided that you are acting honestly and ethically and made the Disclosure on reasonable grounds.

6.1.10 This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a Disclosure of Reportable Conduct to an external body under this Policy.

6.1.11 Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.

6.1.12 If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to the Whistleblower Protection Officer, or an external body under this Policy. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.

6.1.13 Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.

6.1.14 You may also be entitled to the following legal protections for making a Disclosure:
a) protection from civil, criminal or administrative legal action;
b) protection from having to give evidence in legal proceedings; and/or
c) compensation or other legal remedy.

These are examples of actions that are not detrimental conduct:

- administrative action that is reasonable for the purpose of protecting a discloser from detriment (e.g. moving a discloser who has made a disclosure about their immediate work area to another office to prevent them from detriment); and
- managing a discloser’s unsatisfactory work performance, if the action is in line with the entity’s performance management framework.

6.2 How will EarlyEd ensure confidentiality?

6.2.1 A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. EarlyEd will do all it can to protect confidentiality.

However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your Disclosure. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation.

6.2.2 You may choose to Disclosure your concerns anonymously. However, if you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:
a) you consent in writing to the disclosure;
b) the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);
c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
d) the disclosure is authorised under the *Corporations Act 2001* (Cth); and/or
e) disclosure is necessary to prevent or lessen a threat to a person’s health, safety or welfare.

6.2.3 All information relating to a Disclosure of Reportable Conduct will be stored securely and access will be limited to authorised staff.

6.2.4 It is illegal for a person to identify a discloser or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. EarlyEd may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

Measures and/or mechanisms for protecting the confidentiality of a discloser's identity (where applicable).

To reduce the risk that the discloser will be identified from the information contained in a disclosure

- all personal information or reference to the discloser witnessing an event will be redacted;
- the discloser will be referred to in a gender-neutral context;
- where possible, the discloser will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them; and
- disclosures will be handled and investigated by qualified staff.

Secure record-keeping and information-sharing processes:

- all paper and electronic documents and other materials relating to disclosures will be stored securely;
- access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser;
- communications and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other staff;
- each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence; and
- meetings will be held at a time or place that maintain confidentiality.

Legal protections for disclosers

Protections under the Corporations Act that are available to disclosers who qualify for protection as a whistleblower and under the Taxation Administration Act.

include

(a) identity protection (confidentiality)

(b) protection from detrimental acts or omissions

(c) compensation and other remedies and

(d) civil, criminal and administrative liability protection

These protections apply not only to internal disclosures, but to disclosures to legal practitioners, regulatory and other external bodies, and public interest and emergency disclosures that are made in accordance with the Corporations Act.

6.3 False reports or disclosures

6.3.1 Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.

6.3.2 The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

6.4 Protection from detrimental acts or omissions

There are legal protections for a discloser, or any other person, from detriment in relation to a disclosure.

A person cannot engage in conduct that causes detriment to a discloser (or another person), in relation to a disclosure, if:

a) the person believes or suspects that the discloser (or another person) made, may have made, proposes to make or could make a disclosure that qualifies for protection; and
b) the belief or suspicion is the reason, or part of the reason, for the conduct.

In addition, a person cannot make a threat to cause detriment to a discloser (or another person) in relation to a disclosure. A threat may be express or implied, or conditional or unconditional. A discloser (or another person) who has been threatened in relation to a disclosure does not have to actually fear that the threat will be carried out.

Examples of detrimental conduct that are prohibited under the law, without deterring employees from making disclosures.

including the following:

a) dismissal of an employee;
b) injury of an employee in his or her employment;
c) alteration of an employee's position or duties to his or her disadvantage;
d) discrimination between an employee and other employees of the same employer;
e) harassment or intimidation of a person;
f) harm or injury to a person, including psychological harm;
g) damage to a person's property;
h) damage to a person's reputation;
i) damage to a person's business or financial position; or
j) any other damage to a person.

From Detrimental Acts - Risks and Mechanisms

Measures and mechanisms for protecting disclosers from detrimental acts or omissions (where applicable) include processes for assessing the risk of detriment against a discloser and other persons (e.g. other staff who might be suspected to have made a disclosure), will commence as soon as possible after receiving a disclosure;

- support services (including counselling or other professional or legal services) will be made available to disclosers;

- strategies will be put in place to help a discloser minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation;
- actions for protecting a discloser from risk of detriment could include allowing the discloser to perform their duties from another location, reassigning the discloser to another role at the same level, making other modifications to the discloser's workplace or the way they perform their work duties, or reassigning or relocating other staff involved in the disclosable matter;
- processes will be established for ensuring that management are aware of their responsibilities to maintain the confidentiality of a disclosure, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a discloser;
- procedures on how a discloser can lodge a complaint if they have suffered detriment, and the actions the EarlyEd may take in response to such complaints (e.g. the complaint could be investigated as a separate matter by an officer who is not involved in dealing with disclosures and the investigation findings will be provided to the board or audit or risk committee); and
- interventions will be established for protecting a discloser if detriment has already occurred—for example, EarlyEd will investigate and address the detrimental conduct, such as by taking disciplinary action, or the EarlyEd could allow the discloser to take extended leave, develop a career development plan for the discloser that includes new training and career opportunities, or offer compensation or other remedies.

Compensation and other remedies

A discloser (or any other employee or person) can seek compensation and other remedies through the courts if:

- they suffer loss, damage or injury because of a disclosure; and
- EarlyEd fails to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

Disclosers are encouraged to seek independent legal advice.

Civil, criminal and administrative liability protection

A discloser is protected from any of the following in relation to their disclosure:

(a) civil liability (e.g. any legal action against the discloser for breach of an employment contract, duty of confidentiality or another contractual obligation);

(b) criminal liability (e.g. attempted prosecution of the discloser for unlawfully releasing information, or other use of the disclosure against the discloser in a prosecution (other than for making a false disclosure)); and

(c) administrative liability (e.g. disciplinary action for making the disclosure).

The protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.

Support and practical protection for disclosers

EarlyEd will support disclosers and protect disclosers from detriment.

EarlyEd's Whistleblower Protection Officer is responsible for discussing the measures to be undertaken for ensuring confidentiality of the discloser's identity.

In practice, people may be able to guess the discloser's identity if:

- the discloser has previously mentioned to other people that they are considering making a disclosure;
- the discloser is one of a very small number of people with access to the information; or
- the disclosure relates to information that a discloser has previously been told privately and in confidence.

Reducing the risk that the discloser will be identified from the information contained in a disclosure

The following measures and/or mechanisms for protecting the confidentiality of a discloser's identity (where applicable) may include:

- all personal information or reference to the discloser witnessing an event will be redacted;
- the discloser will be referred to in a gender-neutral context;
- where possible, the discloser will be contacted to help identify certain aspects of their disclosure that could inadvertently identify them; and
- disclosures will be handled and investigated by qualified staff.

Secure record-keeping and information-sharing processes

The policy may set out that:

- all paper and electronic documents and other materials relating to disclosures will be stored securely;
- access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser;
- communications and documents relating to the investigation of a disclosure will not to be sent to an email address or to a printer that can be accessed by other staff; and
- each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence.

7. Handling and investigating a disclosure

7.1.1 Upon receiving a Protected Disclosure, within 7 days, Whistle Blower Committee will endeavour to assess the disclosure to determine whether:

a) It qualifies for protection; and
b) A formal, in-depth investigation is required.

7.1.2 EarlyEd will endeavour to provide the discloser with regular updates.

7.1.3 EarlyEd may not be able to investigate a disclosure if it is unable to contact the discloser.

7.1.4 EarlyEd will handle and investigate Protected Disclosures in accordance with the Whistleblowing Procedure.

8. Monitoring and reporting on Effectiveness of the policy

8.1 This Policy will be available to all Workers in Microsoft Teams and included in the Working at EarlyEd and Orientation pack.

8.2 To ensure effective protection under the Policy, the Business Team will monitor and review this Policy bi-annually.

EarlyEd has mechanisms in place for monitoring the effectiveness of its whistleblower policy and ensuring compliance with its legal obligations.

EarlyEd's Continuous Improvement approach includes a

- regular review cycle of policies,
- changes based on feedback from policy or procedure use
- changes based on training
- changes based on changes in other policy areas as well as whistle blower legislation
- risk management reviews.

EarlyEd will provide periodic reports to the Board on disclosures.

The reports could include the following information on individual disclosures received under the entity's policy,

when it is not likely to lead to the identification of a discloser:

- the subject matter of each disclosure;
- the status of each disclosure;
- or each disclosure, the type of person who made the disclosure (e.g. employee or supplier) and their status (e.g. whether they are still employed or contracted by the entity);
- the action taken for each disclosure;
- how each disclosure was finalised;
- the timeframe for finalising each disclosure; and
- the outcome of each disclosure.

handling of individual disclosures, including

- the timeframe between receiving a disclosure and responding to a discloser, including the time taken to respond to subsequent messages from a discloser;
- the timeframe between receiving a disclosure and assessing whether a disclosure should be investigated;
- the timeframe between commencing and finalising an investigation;
- how frequently communications are made with a discloser; and

EarlyEd will also report statistics on the total number of reports received, including:

- the number of reports made through each of the different options available for making a disclosure under the entity's policy;
- the types of matters reported; and
- reports provided by line of business, department, country, office or location.

Earlyed will also monitor and measure its employees' understanding of the entity's whistleblower policy, processes and procedures on a periodic basis. This will be mainly done at any Team Meeting sessions and then the outcomes will determine if further support is needed.

9. Roles and responsibilities under a policy

Fostering a whistleblowing culture

EarlyEd recognises the importance of creating a positive and open environment where employees feel they can come forward to make a disclosure and that a positive and open environment may also help eliminate the negative connotations associated with whistleblowing.

EarlyEd's senior leadership team will demonstrate its commitment to its whistleblower policy in practice by ensuring:

- it is part of orientation and regular staff training;
- highlighting its value and outcomes in public news;
- keeping the flow chart available on view in the office;
- disclosures are taken seriously and acted on immediately;
- wrongdoing is addressed promptly;
- disclosers are provided with adequate protections and support; and
- early interventions are made to protect disclosers from detriment.

Even though anyone in EarlyEd's Business Team should be an initial support, if they are applicable, the role that supports an EarlyEd's whistleblower policy is the identified **Whistle Blower Protection Officer** who is a contact point

A. where employees can seek accurate and support and information about the following, without making a disclosure:

- how the entity's whistleblower policy works;
- what the policy covers; and
- how a disclosure might be handled.

B. who receives disclosures directly from disclosers a role responsible for

- protecting or safeguarding disclosers and ensuring the integrity of the reporting mechanism.

Investigating disclosures are undertaken by the **Whistle Blower Committee** formed.

The CEO and Finance and Administration Manager are leads in this committee and add whoever is appropriate including a Board member where possible.

Training, education and communications about the policy is undertaken by the Business Team.

The CEO and Business Coordinator are responsible for periodically reviewing and updating the whistleblower policy, processes and procedures, and for implementing and overseeing any changes;

Depending on current staff available EarlyEd may create new roles, or the responsibilities could be integrated into existing roles. Staff members may hold more than one role, provided that this does not result in conflicts of interest.

The Whistleblower Protection Officer and Whistleblower Committee is enabled to exercise independent judgement and has a mechanism through which they can escalate problems directly to EarlyEd's board.

Ensuring the privacy and security of personal information

EarlyEd recognises that it is essential to have appropriate information technology resources and organisational measures for securing the personal information they receive, handle and record as part of their whistleblower policy as, due to the sensitivity of the information, any leaks or unauthorised disclosure (including from malicious cyber activity) may have adverse consequences for the disclosers, the individuals who are the subject of disclosures and the entity.

All disclosure information will be kept by the Whistleblower Protection Officer initially in a private folder on Teams and once the Whistleblower Committee is formed, information in a separate private folder on Teams. The Whistleblower Protection Officer and the Whistleblower Committee will follow the risk management plan developed with the Discloser and the Whistleblower Protection Officer.

The requirements in EarlyEd's policies related to privacy and confidentially will be followed including actions related to privacy breaches.

Whistleblower Reporting Form

The following form is to be used for whistleblowing purposes:
Whistleblower Feedback Form

ADDITIONAL NOTES

9.1	EarlyEd will provide Workers who are responsible for receiving protected disclosures with training on their rights and responsibilities.
9.2	EarlyEd will provide Workers (and their immediate family members) with access to an Employee Assistance Program (EAP). EAPs provide Workers with free, confidential, short-term support services by qualified professionals, either face to face, over the phone or over the internet.
9.3	EarlyEd will investigate the appropriateness of engaging an independent whistleblower service if needed to meet to the requirements of the policy.