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Protected Disclosures Policy

Policy Introduction

At South Turramurra OOSH (OOSH/Service), we are committed to maintaining a culture of integrity, accountability, transparency and child safety.

The safety, welfare and wellbeing of children is paramount in all decisions, actions and practices undertaken by the service. We encourage all workers and members of our service community to speak up when they become aware of conduct that may constitute serious wrongdoing, misconduct, unlawful behaviour or a risk to child safety.

We recognise that educators are often the first to become aware of concerns within an organisation and that concerns are more likely to be reported when individuals feel safe, supported and protected from detrimental action.

South Turramurra OOSH is committed to:

- encouraging the reporting of wrongdoing.
- ensuring reports are taken seriously and managed appropriately.
- protecting people who make protected disclosures from reprisal.
- maintaining confidentiality where possible.
- responding fairly and promptly to reports.
- fostering a culture of openness, accountability and continuous improvement.
- ensuring concerns relating to child safety are acted upon immediately.

This policy has been developed in accordance with the Children (Education and Care Services) National Law (NSW), the Protected Disclosures Act 2022 (NSW), and the NSW Early Learning Commission Model Protected Disclosures Policy.

Legislative Requirements

Children (Education and Care Services) National Law (NSW): Section 300E

Education and Care Services National Regulations 2011: 168, 170, 171, 172

Protected Disclosures Act 2022 (NSW)

Children and Young Persons (Care and Protection) Act 1998

Child Protection (Working with Children) Act 2012

Children's Guardian Act 2019

Work Health and Safety Act 2011

Privacy and Personal Information Protection Act 1998

Government Information (Public Access) Act 2009

National Quality Framework, Quality Areas 2, 4, 7

Definitions

Protected Disclosure

- A protected disclosure is a report made by a person who honestly and reasonably believes that serious wrongdoing has occurred, is occurring or is likely to occur. A disclosure may be made verbally or in writing and may be made anonymously.

Serious Wrongdoing

Serious wrongdoing includes conduct that may involve:

Child Safety Concerns

- conduct which places a child at risk
- failure to protect children
- failure to comply with child protection requirements
- reportable conduct
- grooming behaviours
- breaches of child safe standards

Corrupt Conduct

- fraud
- theft
- misuse of funds
- bribery
- conflicts of interest (improperly managed)

Serious Maladministration

- serious failures in governance
- significant misuse of authority
- improper decision making

Serious Misconduct

- deliberate breaches of policies
- serious breaches of professional standards
- abusive, threatening or inappropriate conduct

Unlawful Conduct

- breaches of legislation
- criminal activity
- failure to comply with lawful obligations

Serious Waste of Public or Organisational Resources

- misuse of finances
- deliberate wastage of assets
- inappropriate expenditure

Detrimental Action

- bullying
- victimisation
- harassment
- intimidation
- discrimination
- adverse employment consequences arising because a disclosure was made

Discloser

A discloser is a person who makes a protected disclosure.

This may include:

- current employees
- former employees
- volunteers
- students
- contractors
- subcontractors
- committee members
- responsible persons
- consultants
- families
- members of the community connected with the service

What is not a Protected Disclosure?

The following do not usually constitute protected disclosures unless serious wrongdoing is involved:

- interpersonal disagreements
- performance management matters
- promotion disputes
- salary concerns
- rostering issues
- workplace grievances unrelated to serious wrongdoing

These matters should be managed through the relevant grievance, complaint or human resources processes.

Implementation Strategies – how will it be done?

The Approved Provider will:

- Establish and maintain a ***Protected Disclosures Policy***.
- Create a culture where **concerns can be raised safely**.
- Ensure **children's safety remains paramount**.
- **Receive and assess disclosures**.
- **Determine** whether disclosures may constitute **serious wrongdoing**.
- Maintain appropriate **records**.
- Ensure **confidentiality** is maintained.
- **Protect reporters** from detrimental action.
- Provide **training and awareness** opportunities.
- Review **systems and practices** following disclosures.
- **Notify external agencies** where required.
- Ensure disclosures relating to child protection are managed in accordance with **legislative obligations**.

The Nominated Supervisor will:

- **promote awareness** of this policy.
- **receive disclosures**.
- **support persons** making disclosures.
- maintain **confidentiality**.
- **document disclosures** appropriately.
- **escalate matters to the Approved Provider** when required.
- monitor **workplace wellbeing** where a disclosure has been made.
- implement **interim safety measures** where necessary.

Educators And Staff will:

- **act honestly and ethically**.
- **report** suspected serious wrongdoing.
- maintain **confidentiality**.
- **cooperate with investigations**.
- **refrain from victimising** or retaliating against any person who has made a disclosure.
- **prioritise child safety and wellbeing**.

Procedures

Reporting A Protected Disclosure

A disclosure may be made:

Internally to:

- Approved Provider
- Committee President

- Nominated Supervisor
- Responsible Person in Charge

Externally to:

- NSW Early Learning Commission
- NSW Office of the Children's Guardian
- NSW Police
- NSW Department of Communities and Justice
- Independent Commission Against Corruption (ICAC)
- NSW Ombudsman
- SafeWork NSW

Depending upon the nature of the concern and if it meets the definition of serious wrongdoing.

Making A Disclosure

A disclosure may be:

- verbal
- written
- anonymous
- made via email
- made via letter

The disclosure should include where possible:

- details of the concern
- dates and times
- people involved
- witnesses
- supporting documentation

A person is not required to prove wrongdoing before making a report.

Anonymous Disclosures

Anonymous reports will be accepted and considered.

However, anonymity may restrict our ability to:

- investigate thoroughly
- seek clarification
- provide updates

Individuals are encouraged to provide contact details where safe to do so.

Confidentiality

South Turrumurra OOSH will take all reasonable steps to maintain confidentiality.

Information will only be disclosed:

- where legally required.
- where necessary for investigation.
- where child safety requires disclosure.
- where required by regulators or law enforcement agencies.

All parties involved in a disclosure process are expected to maintain confidentiality.

Assessment Of Disclosures

Upon receiving a disclosure, the Approved Provider will:

1. Acknowledge receipt where possible.
2. Assess immediate risks.
3. Determine whether the disclosure appears to involve serious wrongdoing.
4. Determine whether external notification is required.
5. Determine whether an internal investigation is appropriate.
6. Implement interim risk management measures.

Child Safety Disclosures

Where a disclosure relates to child safety:

- **child safety takes priority** over all other considerations.
- **mandatory reporting** obligations continue to apply.
- **reportable conduct** obligations continue to apply.
- **notifications to regulatory authorities** will be made where required.
- **immediate safeguarding** actions will occur.

This policy operates alongside the *Child Protection Policy* and *Providing a Child Safe Environment Policy*.

Investigations

Investigations will be:

- fair
- timely
- impartial
- proportionate
- free from conflicts of interest

The investigator may:

- interview relevant persons
- review records
- obtain written statements
- gather supporting evidence

Findings may determine that allegations are:

- substantiated
- partly substantiated
- not substantiated
- mistaken

Protections For Disclosers

- A person who makes a disclosure honestly and on reasonable grounds will be protected from detrimental action.
- No person may intimidate, threaten, harass, discriminate against, victimise or disadvantage another person because they made a protected disclosure. Any retaliation will be treated as serious misconduct.

False Or Misleading Reports

Individuals are expected to act honestly. Knowingly making false, malicious or misleading allegations may result in:

- disciplinary action
- termination of engagement
- referral to relevant authorities

This provision does not apply where a person genuinely believes their concerns are valid.

Record Keeping

The Approved Provider will maintain secure records relating to:

- disclosures received
- assessments undertaken
- investigations
- risk management actions
- outcomes
- corrective actions

Records will be stored securely and access restricted to authorised persons.

Training And Awareness

South Turrumurra OOSH will:

- provide induction training regarding protected disclosures.
- provide regular refresher training.
- include protected disclosures within child safety training.
- ensure staff understand reporting pathways.
- promote a speak-up culture.
- maintain training records.

Monitoring And Review

The Approved Provider will:

- review disclosures to identify trends.
- implement continuous improvement strategies.
- evaluate effectiveness of reporting pathways.
- conduct annual policy reviews.
- undertake additional reviews following significant incidents.

References

- NSW Early Learning Commission Protected Disclosures Model Policy.
- Protected Disclosures Act 2022 (NSW).
- Children (Education and Care Services) National Law (NSW).
- Children's Guardian Act 2019.
- Children and Young Persons (Care and Protection) Act 1998.
- NSW Ombudsman.
- NSW Independent Commission Against Corruption.
- NSW Office of the Children's Guardian.
- NSW Early Learning Commission.

Related Policies and Procedures

- Child Protection Policy
- Providing a Child Safe Environment Policy
- Governance and Management Policy
- Staffing Policy
- Interactions with Children Policy
- Managing Complaints Policy
- Turramurra OOSH Code of Conduct
- Safe Use of Digital Technologies and Online Environments Policy
- Incident, Injury, Trauma and Illness Policy

Approval And Revision History

Review Date	Reviewed By	Approved By	Next Review
27.07.2026	Scott Everard	Amy Kitto	July 2027