

POLICY/PROCEDURE NAME & REVIEW PROCESS	WHISTLEBLOWER POLICY This policy and procedure has been created to provide all stakeholders with clear guidelines and transparency to our practices and procedures. We welcome feedback and input from all stakeholders at any time and this policy is subject to review based on feedback or due date of annual review.
NATIONAL QUALITY STANDARD	QUALITY AREA 7 GOVERNANCE AND LEADERSHIP 7.1 GOVERNANCE 7.1.2 Management systems. 7.1.3 Roles and responsibilities.
NATIONAL LAW AND REGULATIONS	170-Policies and procedures to be followed 171-Policies and procedures to be kept available 172- Notification of change to policies or procedures
RELATED POLICIES and RECORDS	<ul style="list-style-type: none"> Code of conduct policy Dealing with complaints policy Privacy and confidentiality policy Staff handbook
SCOPE OF POLICY	This policy applies to all children, educators, families, management, students, volunteers, and visitors at our service.
AIM OF POLICY	To ensure that our employees have strong guidelines, procedures, and practices in place regarding what to do in regard to whistleblowing and the process of an investigation. Our aim is to provide a clear policy, implement the policy, support practices relating to the policy, train staff regarding the policy and maintain and update the compliance of the policy for all our stakeholders.
SERVICE IMPLEMENTATION	<p>Australian whistleblower legislation has been amended by The Treasury Laws Amendment (Enhancing whistleblower Protections) Act 2019 (CTH) (the Act). The purpose of the Act is to amend the Corporations Act 2001 (Corporations Act) (CTH) to broaden the whistleblower protection regime.</p> <p>The Corporations Act 2001 provides protections for certain types of persons that make a disclosure of Reportable Conduct.</p> <p>This policy is in place to advise and guide employees to understand the following:</p> <ul style="list-style-type: none"> The ways in which a whistleblower can make a disclosure of information. The protections which arise under whistleblower laws. <p>This services process for handling and investigating disclosures and ensuring the fair treatment of the individuals involved and how whistleblowers will be supported and protected by the service.</p> <p>Who is a whistleblower?</p> <p>The protections in this policy apply to disclosers, which means anyone who is, or has been, any of the following with respect to the employer:</p> <ul style="list-style-type: none"> Employee Director Officer Contractor (including employees of a contractor) Supplier (including employees of suppliers) Associate Consultant, or A relative, dependant, spouse, or dependant of a spouse of any of the above. <p>The protections in this policy will also apply to any person who has made a disclosure of information relating to the employer to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to whistleblowing protection laws.</p> <p>Who must have a whistleblower policy?</p> <p>This policy has been put in place to ensure employees and other disclosers can raise concerns regarding any misconduct or improper state of affairs or circumstances of the employer (including any related entities of the employer) without being subject to victimisation, harassment, or discriminatory treatment.</p> <p>The organisation your disclosure is about must fall into the below categories:</p> <ul style="list-style-type: none"> A company A bank. A provider of general insurance or life insurance. A superannuation entity or a superannuation trustee, or

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- An incorporated association or other body corporate that is a trading or financial corporation. This includes not for-profit organisations that trade in goods or services, lend or borrow money, or provide other financial services, and their trading or financial activities make up a sufficiently significant proportion of their overall activities. Not all not-for-profit organisations are subject to the whistleblower protections.

Reportable Conduct

- Dishonest behaviour.
- Illegal behaviour such as theft, violence, harassment or intimidation, criminal damage to property, breach of competition and consumer law, breach of privacy law or other breaches of state or federal law.
- Fraudulent activity.
- Unlawful, corrupt, or unethical use of company funds or practices.
- Improper or misleading accounting or financial reporting practices.
- Behaviour that is oppressive, discriminatory, or grossly negligent.
- Unsafe work practices.
- A serious risk to the health and safety of any person at the workplace.
- A serious risk to public health, public safety, or the environment.
- Behaviour which may cause financial loss to the employer, damage its reputation or be otherwise detrimental to the employer's interests.

Non reportable conduct

- Personal work-related grievances about matters such as an interpersonal conflict with the Discloser and another employee or a business decision relating to an engagement, transfer, promotion, terms and conditions, suspension or termination of the Discloser's employment typically fall outside this policy and should be raised in accordance with the **Dealing with Complaints Policy**.
- An exception to this is where a personal work-related grievance is related to detrimental treatment taken against the Discloser because the Discloser has made (or is suspected of making) a disclosure under this policy, or because the Discloser proposes to (or could) make a disclosure under this policy.

The service relies on its employees and disclosers to maintain its culture of honest and ethical behaviour. To this end, it is expected that any Discloser who becomes aware of reportable conduct will make a formal report.

You can report the allegation directly to the designated Whistleblower Protection Officer.

This person should fall under the following criteria:

- A director, company secretary, company officer, or senior manager of the company or organisation, or a related company or organisation.
- An auditor, or a member of the audit team, of the company or organisation, or a related company or organisation.
- An actuary of the company or organisation, or a related company or organisation.
- A person authorised by the company or organisation to receive whistleblower disclosures- Whistleblower Protection Officer.
- Asic or the Australian prudential regulation authority (APRA), or your lawyer.

The Whistleblower Protection Officers may appoint an external Whistleblower Protection Officer if it is deemed necessary due to the nature of the issue.

You may choose to remain anonymous when making a disclosure. However, it should be noted that it may be more difficult for the alleged wrongdoing to be fully investigated if further information cannot be sought from the whistleblower.

Investigation of reportable conduct

Upon receiving a report, the Whistleblower Protection Officer will determine if the report relates to Reportable Conduct and, if so, the report will be investigated as appropriate.

- The investigation may be conducted internally or via an externally appointed investigator.
- The investigation process and enquiries will be determined by the nature and substance of the report.
- All investigations will be conducted in an objective and fair manner and will be reasonable and appropriate having regard to the nature of the Reportable Conduct and the circumstances.
- Where a Discloser wishes to remain anonymous, the Discloser's identity will not be disclosed to the investigator or to any other person.

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	<ul style="list-style-type: none"> Information that is likely to lead to the identification of the Discloser can be disclosed without the Discloser's consent, provided that: <ul style="list-style-type: none"> The disclosure of the confidential information is necessary for the purposes of investigating the conduct disclosed by the discloser. All reasonable steps are taken to reduce the risk that the discloser will be identified. <p>Where appropriate, the eligible recipient or appointed investigator will provide feedback to the discloser regarding the investigation's progress and/or outcome. This will be subject to privacy and confidentiality considerations.</p> <p>Confidentiality of whistleblowers identity and whistleblowing reports</p> <p>If a person makes a report of alleged or suspected wrongdoing, the service will protect your identity from disclosure.</p> <p>The service will not disclose your identity unless:</p> <ul style="list-style-type: none"> You consent to the disclosure, and/or The disclosure is required or authorised by law. <p>Where permissible at law, it may also become necessary to disclose the fact and the substance of a report to the person who is subject to the report. There may be circumstances if your identity could be readily identifiable as a result of disclosure, where a report cannot be fully investigated unless you provide consent to the disclosure of your identity.</p> <p>Protection of whistleblowers</p> <ul style="list-style-type: none"> The service is committed to protecting and respecting your rights in good faith. The service does not tolerate any retaliatory action or detrimental conduct against you or any person who is believed to have made a report of wrongdoing, or against your colleagues or relatives. Any retaliatory action or victimisation in reprisal for a report being made under this policy will be treated as serious misconduct and will result in disciplinary action. If after making a report, you believe retaliatory action has occurred or been threatened, you have the right to make a submission to the appointed Whistleblower Protection Officer. You will not be subject to any civil, criminal, administrative liability, enforcement of any contractual or other remedy for making a disclosure under this policy. It should be noted that if you have been involved in the wrongdoing that you are reporting, making a report will not necessarily shield you from consequences of those actions. Your liability for your own conduct is not affected by reporting that conduct under this policy and any disclosure will not be admissible in any proceedings, except in the respect of falsity of the information. <p>False or misleading disclosures</p> <p>When making a disclosure, you will be expected to have reasonable grounds to suspect the information you are disclosing is true, but you will not be subject to a penalty if the information turns out to be incorrect.</p> <p>However, you must not make a report that you know is not true or is misleading. This may be considered a serious matter that may result in disciplinary action. There may also be legal consequences if you make a knowingly false report.</p> <p>The investigation process.</p> <p>While the particular circumstances of each Whistleblower Report may require different investigation steps, all investigations will:</p> <ul style="list-style-type: none"> Follow a fair process. Be conducted as quickly and efficiently as the circumstances permit. Determine whether there is enough evidence to substantiate the matters reported. Be independent of the person(s) concerned with the allegations. <p>After an investigation</p> <p>Whistleblower Protection Officer will notify you once an investigation has been completed but please be aware that the service may be unable to disclose particular details or the outcome of the investigation.</p>
REGULATION IMPLEMENTATION	The following procedures outline and support all stakeholders to understand and implement the regulatory guidelines of this policy.
In regard to regulation 170- Policies and	<p>Approved Provider will</p> <ul style="list-style-type: none"> Ensure that all staff and volunteers are made aware of Regulatory policies and procedures by ensuring that this forms a part of the induction process.

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procedures to be followed.	<ul style="list-style-type: none"> Ensure probationary reviews will be conducted once new staff are appointed at the 3- month and 6-month mark to ensure that they are following policy and procedure and to review and revise regulatory policies. Ensure staff meetings will be conducted on a regular basis to allow for review of policy and procedure and further training and revision of procedural practices in relation to policy and procedure. Ensure annual review and revision of policies and procedures will be conducted, and all educators will be given the opportunity for input.
In regard to Regulation 171- Policies and procedures to be kept available.	Approved Provider will <ul style="list-style-type: none"> Ensure that policies and procedures are available to all staff and the location and availability will form a part of the induction process. Ensure policies will be available on request for all staff members to have access when required. Ensure policies will be available when required for staff members to download copies and/or print out if required in order to complete assignments or to form part of their research and/ or update their knowledge. Ensure policies will be available for all stakeholders when requested and when updating.
In regard to Regulation 172- Notification of change to policies or procedures	Approved Provider will <ul style="list-style-type: none"> Ensure staff meetings will be conducted on a regular basis to allow for review of policy and procedure, provide further training and allow for input if required in relation to policy and procedure. Ensure stakeholders will be invited to provide feedback for policies and procedures at any time, not just on annual review but will also be invited to add feedback at review time or after an event that may require change to policy or procedure. Ensure policies and procedures will be emailed or put on display in the foyer for stakeholders to have the ability to provide feedback. Ensure feedback will be considered from stakeholders and educators and may result in a change in policy. Ensure policy and procedure may be changed at any time if there has been an incident in the service that has required a change to be implemented for the safety and health of children and or educators. Ensure in the event of a change to a policy after feedback or a situation that occurs, we will provide 14 days' notice to all stakeholders before the change takes effect.
KEY TERMS	<ul style="list-style-type: none"> Discloser - Discloser means the party providing confidential information. Discloser means a Participant that discloses confidential Information to a receiving party. Stakeholder - a person or group of people who have an interest in a business, a person such as an employee or customer. They have a sense of responsibility toward it and an interest in its success.
WE GRATEFULLY ACKNOWLEDGE THE FOLLOWING SOURCES	<ul style="list-style-type: none"> Australian Children's Education & Care Quality Authority. ACECQA ASIC Australian Securities and Investments Commission Whistleblower rights and protections ASIC - Australian Securities and Investments Commission Australian Government Federal Register of Legislation Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (legislation.gov.au) Code of Ethics Education and Care Services National Regulations. Education and Care Services National Law Act 2010. Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. Guide to the National Quality Framework. National Quality Standard.

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