

1. Policy Statement

St Nicholas Early Education provide a safe and confidential process for reporting wrongdoing, misconduct, or any matter that may put the safety, welfare or wellbeing of a child or children at risk within our services.

We are committed to supporting and building a culture of integrity and accountability by encouraging the reporting of wrongdoing or suspected wrongdoing and will ensure that anyone making a report can do so without fear of detrimental action.

The integrity of St Nicholas relies upon service leaders, educators, staff, volunteers, contractors and subcontractors, as well as parents and guardians speaking up when they become aware of wrongdoing.

St Nicholas will not tolerate or condone the taking of any negative action or detrimental action against anyone who intends to disclose or has disclosed wrongdoing.

2. Purpose

The purpose of this Policy and Procedure is to ensure:

- All St Nicholas services know how to deal with protected disclosures made under the Children (Education and Care Services) National Law (NSW) (the National Law)
- There are clear processes about who to contact if you want to make a report and how to make a report
- That protections are available to anyone who makes a protected disclosure under the National Law.

3. Procedure Direction

Step	Detail
Reporting within a St Nicholas service	<p>Staff should report:</p> <ul style="list-style-type: none"> • As soon as you become aware of a matter, report it as soon as possible • Report to the Centre Director, OOSH Coordinator or Responsible Person on duty • You can also report to any Operations Manager or Leadership Manager • If you do not feel comfortable making a report within St Nicholas, make a report to the NSW Early Learning Commission, as the regulatory authority in NSW • Your report can be anonymous

	<p>How to make a protected disclosure report:</p> <ul style="list-style-type: none"> • In writing by email or letter • Via private discussion, either face-to-face or via teams • Anonymously either in writing or via phone call, and withholding you details. Note: an anonymous report will make it difficult to investigate the matter. <p>What to include in your report:</p> <ul style="list-style-type: none"> • Any relevant dates, times and key locations • Names of any people involved in the suspected wrongdoing, their role, title and how they are involved • Your description of the matter you are disclosing • Possible witnesses to what you are disclosing • Other information you might have that supports your report
<p>Honest and reasonable grounds for disclosure</p>	<p>Reports should:</p> <ul style="list-style-type: none"> • Be honest and reasonable. You must believe that the disclosure shows or tends to show that an offence has been or is being committed under the national law, or that a child is at risk • Have a factual basis • Have some evidence to support the report
<p>I am unsure if my report is a protected disclosure</p>	<p>You should report all wrongdoing that you become aware of, even if you are not sure whether it qualifies as a protected disclosure. Reporting plays a crucial role in managing risk and ensuring the safety and integrity of St Nicholas.</p> <p>It is important for all St Nicholas services to understand what may be occurring as this helps uncover potential wrongdoing including misconduct.</p> <p>Once a report is made, St Nicholas have a responsibility for handling the matter appropriately and in accordance with our obligations under the National Law. If the report does not qualify as a protected disclosure, it may be managed under other internal policies such as St Nicholas or CDMN procedures for dealing with reports, allegations or complaints.</p>
<p>Protections and remedies for reporters</p>	<p>Protection from detrimental action</p> <p>When you make a protected disclosure, you are entitled to protections under the National Law.</p> <p>St Nicholas are committed to taking all reasonable steps to protect you from detriment as a result of making a protected disclosure or being suspected of making a protected disclosure. We are also</p>

committed to maintaining your confidentiality as much as possible while the protected disclosure is being dealt with.

CDMN and St Nicholas will not tolerate any type of detrimental action in response to a protected disclosure.

Detriment may include

- injury, damage or loss
- damage caused to property
- damage to reputation
- intimidation, bullying or harassment
- unfavourable treatment in relation to employment, career or profession discrimination, prejudice, or adverse treatment
- disciplinary action or proceedings

Preventing harmful actions

A person must not take detrimental action against another person because they know, suspect or believe that the person has made or is considering making a protected disclosure.

Once St Nicholas become aware that a protected disclosure has been made, a risk assessment and take steps to reduce the risk of detrimental action occurring will be undertaken.

Taking serious detrimental action in response to a protected disclosure is a criminal offence under the National Law.

It is not a defence to prosecution for a detrimental action offence that the suspicion or belief was mistaken.

A person accused of taking detrimental action must demonstrate the action was not influenced by any suspicion, belief or awareness that a protected disclosure had been or may be made.

A person who makes a protected disclosure may still be subject to reasonable management action, such as ordinary performance reviews or performance management, provided this action is not taken because of the protected disclosure.

Recovery of damages

A person may seek damages for injury, damage or loss suffered as a result of serious detrimental action.

Liability for these damages is not affected by whether the suspicion or belief behind the action was mistaken.

St Nicholas	Name of policy: Protected Disclosures	Page 3
Issue Date: May 2026	Review Date: May 2027	Document Owner: Executive Director, St Nicholas

In proceedings to recover damages, the defendant must prove that they did not have the suspicion, belief or awareness, or that it was not a contributing factor to the detrimental action.

A person can apply for damages even if no criminal prosecution has been brought, or if the person has been acquitted of a serious detrimental action offence on the same, or substantially similar facts.

Ability to seek an injunction

A person who believes serious detrimental action has been taken against them or may be taken against them can apply to the Supreme Court for an injunction to prevent the action or stop it from continuing.

The terms of the injunction may (a) restrain a person from engaging in behaviour that would constitute serious detrimental action, or (b) require a person to do a thing or an act to remedy the conduct that constitutes serious detrimental action.

An injunction may-

- restrain a person from engaging in behaviour that would constitute serious detrimental action
- require a person to do a thing or an act to remedy the conduct that constitutes serious detrimental action.

Examples of what an injunction may include:

- requiring a formal apology to be made
- preventing an attempt to terminate a person's employment
- reinstating a person to the same or substantially similar role.

The Supreme Court may grant an interim injunction pending determination of the application.

Immunity from costs, civil or criminal liability

A person who makes an application for damages under the National Law, will not be liable to pay costs incurred by another party to the proceedings unless:

- the person instituted the proceedings vexatiously or without reasonable cause, or
- the person's unreasonable act or omission caused the other party to incur the costs.

A person who applies for an injunction under the National Law will not be liable to pay the other party's legal costs, unless:

St Nicholas	Name of policy: Protected Disclosures	Page 4
Issue Date: May 2026	Review Date: May 2027	Document Owner: Executive Director, St Nicholas

	<ul style="list-style-type: none"> • the proceedings were brought vexatiously or without reasonable cause, or • the person's unreasonable act or omission caused the other party to incur the costs. <p>Some people are subject to a duty of confidentiality that prevents them from disclosing certain information obtained at work. To make a protected disclosure, it may be necessary to override or disregard these confidentiality duties. In such cases, a person who makes a protected disclosure cannot be disciplined, sued or criminally charged for breaching confidentiality.</p>
Confidentiality	<p>St Nicholas are committed to maintaining the confidentiality of anyone who makes a protected disclosure as far as possible while the matter is being addressed.</p> <p>All information received from a person making a protected disclosure will be treated sensitively and confidentially.</p> <p>We understand that people who make a protected disclosure may wish their identity, and the fact that they have made a report to remain confidential.</p> <p>We are committed to maintaining confidentiality as far as possible while the protected disclosure is being managed.</p> <p>The identity of a person making a protected disclosure will be kept confidential unless any of the following apply:</p> <ul style="list-style-type: none"> • They consent to this information being disclosed • Where it is generally known that the person is the maker of the protected disclosure because of their voluntary self-identification as the maker • Where the person who has received the protected disclosure reasonably considers it necessary to disclose the information to protect a person from detriment • It is reasonably necessary to disclose the information during an investigation to ensure procedural fairness. In these cases, all reasonable steps will be taken to protect their identity • St Nicholas is required or permitted to disclose this by law • It is otherwise in the public interest to disclose the identifying information <p>St Nicholas will take practical steps to avoid unnecessarily revealing information that could identify the person making the protected disclosure by:</p> <ul style="list-style-type: none"> • Limiting the number of people who are aware of the identity of the person making the report

	<ul style="list-style-type: none"> • Ensure anyone who knows the identity of the reported is aware of the confidential nature of the matter • Ensure only authorised persons have access to emails, correspondence and documents related to the matter • Undertake a risk assessment to determine is anyone who knows the identity of the reported may have motive to cause detrimental action towards the reported • Advise the reporter of the protected disclosure to maintain confidentiality and not discuss the matter with any other staff <p>If confidentiality cannot be maintained support will be provided to the reporter and strategies will be implemented to minimise access to information and the risk of detrimental actions occurring.</p>
<p>Reporting detrimental action</p>	<p>If you experience detrimental action as a result of your report, including bullying, intimidation, harassment, or other adverse treatment, you should report this immediately.</p> <p>Reports can be made to:</p> <ul style="list-style-type: none"> • Centre Directors, OOSH Coordinators • Responsible Persons • Operations Managers • Senior Leadership • Any other St Nicholas staff member • The NSW Early Learning Commission <p>Reports can be made via:</p> <ul style="list-style-type: none"> • Face-to-face conversations • Emails • Phone calls • CDMN Whistleblower disclosure service: 1300 989 183 • CDMN Whistleblower report link
<p>How St Nicholas will deal with a protected disclosure</p>	<p>After receiving a report, St Nicholas will assess the information to determine whether it is a protected disclosure, how it is to be handled, and whether an investigation is required.</p> <p>The person who made the report will receive an acknowledgment that the report has been received. This acknowledgement will:</p> <ul style="list-style-type: none"> • Confirm the report will be assessed to identify whether it qualifies as a protected disclosure • Advise that the National Law applies to how the report is managed • Provide clear information on how to access this protected disclosure policy

	<ul style="list-style-type: none"> • Include details of a contact person and available support options. <p>If the report is a protected disclosure</p> <p>If the report is determined to be a protected disclosure, St Nicholas will inform the person who made it how the report will be managed. This will happen as soon as possible after the report has been assessed.</p> <p>St Nicholas managers will liaise with Diocesan teams as necessary.</p> <p>Ways we may deal with a protected disclosure include:</p> <ul style="list-style-type: none"> • investigating the wrongdoing internally • referring the report to a third party such as the NSW Early Learning Commission or other relevant agency. Depending on the circumstances, we may provide the person who made the disclosure with details of the referral. • deciding to take no action on the report (i.e. not investigate it or refer it). If this occurs, we will explain the reasons for this decision to the person who made the disclosure. <p>If we investigate the wrongdoing, we will provide updates to the person making the protected disclosure at key stages including:</p> <ul style="list-style-type: none"> • when the investigation begins • while the investigation is in progress • when the investigation has been finalised. <p>Once the investigation is complete, we may provide the person who made the disclosure with additional information. Subject to privacy and confidentiality requirements this information may include:</p> <ul style="list-style-type: none"> • A summary of the investigation results, including whether any wrongdoing was found • Information about any action taken as a result of the investigation. <p>Some details of the findings or actions may need to remain confidential to comply with legal obligations. We will always balance the right of a person making the disclosure to know the outcome with our other legal obligations.</p> <p>If a disclosure is made anonymously it may not be possible to provide updates or outcomes to the reporter.</p>
<p>Assessing and minimising serious detrimental action risk</p>	<p>Where appropriate, we will consider the risks to:</p> <ul style="list-style-type: none"> • The person who made the protected disclosure • The person who is subject of the protected disclosure • Investigators

	<ul style="list-style-type: none"> • Witnesses. <p>Where appropriate, we will:</p> <ul style="list-style-type: none"> • Consult with these individuals any concerns they may have • Identify and implement strategies to reduce the risk of detrimental action • Provide a secure and confidential way for them to communicate with St Nicholas • Offer access to a support person or other available supports.
Dealing with allegations of detrimental action	<p>If St Nicholas becomes aware of an allegation that a detrimental action has occurred or may occur, we will take all reasonable steps to address the action and protect those affected.</p> <p>This may include</p> <ul style="list-style-type: none"> • Taking immediate action to stop or prevent the detrimental action • Implementing measures to protect the person or persons affected • Taking appropriate disciplinary action against anyone that has taken detrimental action • Referring any evidence of detrimental action to the NSW Early Learning Commission.

4. Roles and Responsibilities

Role	Responsibility
Approved Provider Nominated Supervisor	<ul style="list-style-type: none"> • Ensure that obligations under the National Law and National Regulations are met, with child safety and wellbeing prioritised at all times • Foster a workplace culture where reporting is encouraged and integrity is promoted within the service. • Ensure there are systems in place for receiving disclosures • Ensure managers understand their responsibilities in relation to protected disclosures • Ensure protected disclosures are handled in accordance with the National Law and this policy. • Ensure educators, staff, students and volunteers are aware of and comply with this policy and know how to access it. • Ensure regular training and awareness sessions are provided about the importance of persons making protected disclosures and the protections available to persons making protected disclosures.

	<ul style="list-style-type: none"> • Ensure risk assessments are conducted as soon as a report is received to identify and manage any potential harm. • Ensure obligations under the National Law and National Regulations are met with child safety and wellbeing are prioritised at all times • Foster a workplace culture where reporting is encouraged and integrity is promoted within the service. • understand and comply with their responsibilities in relation to protected disclosures under the National Law • Ensure protected disclosures are handled in accordance with the National Law and this policy. • Ensure that educators, staff, students and volunteers are aware of and comply with this policy and know how to access it.
<p>Educators</p> <p>Students</p>	<p>Immediately report all incidents, allegations and complaints relating to child safety and any breaches or suspected breaches of the National Law.</p> <ul style="list-style-type: none"> • Cooperate with any assessment or investigation of a protected disclosure • Maintain confidentiality in relation to protected disclosures and investigations • Support colleagues who make protected disclosures • Complete required training and awareness sessions on the importance of making protected disclosures and the protections available to persons making protected disclosures.
<p>Parents</p> <p>Guardians</p>	<ul style="list-style-type: none"> • Be informed of their right to make a protected disclosure • have access to information on how to make a protected disclosure • be protected when making a protected disclosure • have confidence that disclosures will be taken seriously and investigated appropriately.
<p>Training and Awareness</p>	<p>St Nicholas will provide training and awareness sessions for managers and staff on protected disclosures:</p> <ul style="list-style-type: none"> • as part of induction and onboarding • every 12-24 months • when there is a change to the Law in relation to protected disclosures • where there is a change to how protected disclosures are handled within St Nicholas of CDMN

5. Related Documents

Policies and Procedures

St Nicholas	Name of policy: Protected Disclosures	Page 9
Issue Date: May 2026	Review Date: May 2027	Document Owner: Executive Director, St Nicholas

- Code of Conduct
- Child Safe Policy and Procedure
- CDMN Whistleblower Policy
- CDMN Whistleblower Procedure
- CDMN Privacy Policy

Legislation

- [Education and Care Services National Regulations \(2011 SI 653\) - NSW Legislation](#)
- [Children \(Education and Care Services\) National Law \(NSW\) No 104a of 2010 - NSW Legislation](#)
Sections: 300E

Other References

Model Policy for early childhood education and care services for use as part of your organisation's policy on protected disclosures. NSW Early Learning Commission. April 2026

National Quality Standard

QA7.1 Governance

6. Definitions

Term	Definition
Staff	A St Nicholas team member whose primary role is not working directly with children, including cooks, support office team members, administration team members, support workers, volunteers
Early Education	St Nicholas service providing education and care to children aged 0 – 5 years
OOSH	St Nicholas service providing education and care to school aged children
Detriment	To a person, means disadvantage to the person including the following: <ol style="list-style-type: none"> Injury, damage or loss caused to the person Damage caused to the person's property Damage caused to the person's reputation Intimidation, bullying or harassment Unfavourable treatment in relation to the person's career, profession, employment or trade Discrimination, prejudice or adverse treatment, whether in relation to employment or otherwise Disciplinary proceedings or disciplinary action
Protected disclosure	A disclosure of information or provision of documents: <ol style="list-style-type: none"> a) to the Regulatory Authority in compliance with a request under, or otherwise in accordance with, this Law; or

St Nicholas	Name of policy: Protected Disclosures	Page 10
Issue Date: May 2026	Review Date: May 2027	Document Owner: Executive Director, St Nicholas

	<p>b) to the Regulatory Authority 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:</p> <ul style="list-style-type: none"> i) an offence against this Law has been or is being committed; or 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 <p>2. A disclosure is not a protected disclosure if the information disclosed or documents provided:</p> <ul style="list-style-type: none"> a) relate only to a grievance about a matter relating to the employment or former employment of the individual; and b) do not have significant implications beyond matters personally affecting or tending to personally affecting or tending to personally affect the individual <p>However, subsection 2 does not apply if the grievance arises from:</p> <ul style="list-style-type: none"> a) A decision made by an approved provider or approved education and care service in dealing with a previous protected disclosures; or b) alleged detrimental action relating to a previous protected disclosure <p>Examples of a protected disclosure may include:</p> <ul style="list-style-type: none"> • conduct that endangers or may endanger the safety, health or wellbeing of children • unsafe work practices • illegal activity or a breach of the law • inappropriate conduct towards children • inappropriate discipline of a child • breach of child protection requirements • failure to comply with the National Law of Regulations • taking or threatening to take detrimental action against a person who has made a disclosure, is suspected to have made or is planning to make a disclosure <p>What is not a protected disclosure?</p> <ul style="list-style-type: none"> • Performance concerns • Employment related decisions that do not involve a breach of workplace laws • Concerns relating to engagement, remuneration or promotion • Interpersonal conflict between employees • Disciplinary actions, including suspension or termination that are unrelated to a protected disclosure
<p>Serious detrimental action</p>	<p>Serious detrimental action against a person means an act or omission causing, comprising, involving or encouraging-</p> <ul style="list-style-type: none"> a) detriment to the person; or b) the threat of detriment to the person, whether

	<p>express or implied.</p> <p>The Following actions are not serious detrimental action-</p> <ul style="list-style-type: none"> a) lawful action taken by a person or a body to investigate a possible contravention of the National Law b) prosecuting a person for a criminal offence; c) referring a matter about a person to the independent arbiter; d) making a disciplinary agreement or disciplinary order in relation to a person; e) giving a disciplinary notice to a person.
--	--

7. Document Review

- 7.1. This Policy will be reviewed when there is a legislative change, organisational change, delegations change, technology change or at least every 3 years to ensure it continues to be current and effective.

St Nicholas	Name of policy: Protected Disclosures	Page 12
Issue Date: May 2026	Review Date: May 2027	Document Owner: Executive Director, St Nicholas