CatholicCare
DIOCESE OF BROKEN BAY

Children's Services Protected Disclosure Policy

Version: 1.0
Approved: 20 June 2026
Review due: June 2029
Document ID: 12011-078

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Introduction

This policy is to be read in conjunction with the CatholicCare *Public Interest Disclosure Policy* and *Whistleblowing Policy*.

What do we believe?

At CatholicCare Diocese of Broken Bay (CatholicCare), we are committed to the safety and wellbeing of children and hold this at the centre of our decision making and practice. We believe in the principle of paramountcy of the safety of children. This means that the safety, wellbeing, and best interests of the child are the primary consideration in all decisions, actions, and practices. Where there is a conflict between the interests of a child and those of adults or the organisation, the child's safety and wellbeing will always come first.

We are committed to creating and maintaining a child safe culture where children are respected, listened to and supported to express their views, and where their voices are taken seriously in matters that affect them.

We believe that safeguarding children is a shared responsibility. All staff, volunteers, families and community members play a critical role in identifying, raising and responding to concerns about child safety, wellbeing and conduct.

We are committed to fostering a culture of integrity, transparency and accountability, where people feel safe, supported and empowered to speak up about concerns without fear of reprisal. We recognise that raising concerns early is essential to preventing harm and strengthening our practices.

We believe that all disclosures and concerns must be taken seriously, managed confidentially, and responded to in a fair, timely and child-focused manner, ensuring the safety of children is prioritised at all times.

We are committed to upholding our legal and ethical obligations, including mandatory reporting and whistleblower protections, and ensuring that our systems, leadership and practices actively support a safe environment for children and those who advocate for them.

We believe in continuous improvement and reflective practice, using information from disclosures and concerns to strengthen our systems, build capability and enhance outcomes for children and families.

What are we going to do?

Under Section 300E of the National Law (NSW), every approved provider and service is required to:

- Have a protected disclosures policy that clearly explains how disclosures are managed
- Provide regular training to staff on the importance of protected disclosures and the protections available to those who make them.

This reform will help staff understand their responsibilities and feel supported to raise concerns safely.

"Protected disclosures" is a reform requiring action by services and providers, designed to ensure concerns about child safety or misconduct can be raised without fear of reprisal, including termination, demotion, harassment, pay reduction, denial of promotion or creating a hostile work environment

This Protected Disclosure Policy supports a child-safe, ethical and accountable service culture by providing clear, safe and confidential mechanisms for raising concerns about misconduct, breaches of law, or risks to children.

This policy has been developed to:

- Meet current and upcoming NSW legislative requirements, including reforms commencing 24 April 2026
- Comply with whistleblower protection laws under the Corporations Act 2001 (Cth)
- Support the paramountcy of children's safety and wellbeing in governance, leadership and practice
- Promote a culture of integrity, accountability and transparency, where all stakeholders feel safe and supported to speak up about wrongdoing

A protected disclosure occurs when a person connected with the service reports information, they have reasonable grounds to suspect shows:

- Misconduct
- Breaches of the National Law
- Failures in child-safety systems or mandatory reporting
- Conduct that may endanger children
- Unsafe practices, inappropriate conduct towards children, or failure to comply with regulatory obligations

A disclosure plays an essential role in identifying harm early and supporting effective governance in services working with children.

An eligible whistleblower may be a current or former:

- Approved Provider
- Nominated Supervisor or educator
- Employee, contractor, consultant or volunteer
- Student or trainee
- Spouse, relative or dependant of any of the above
- Parent, carer or community member connected to the service (where relevant to service operations).
- Child attending the service

Definition of a protected disclosure

A disclosure to these people qualifies as a protected disclosure if you honestly and reasonably believe it shows:

- A breach of the Education and Care Services National Law
- A risk to the safety, health or well-being of children
- Conduct that indicates wrongdoing, misconduct, or systemic failure within the service that may impact children's safety or regulatory compliance.

What is not a protected disclosure

A protected disclosure does not generally include personal work-related grievances that relate only to an individual's employment (e.g. interpersonal conflict, dissatisfaction with pay or promotion), unless the matter has broader implications for child safety, compliance or involves detrimental action relating to a protected disclosure.

Important note: mandatory reporting

Note: This policy does not replace mandatory reporting obligations.

- Educators and staff must report suspected Risk of Significant Harm directly to NSW child-protection authorities.
- Making a mandatory report is lawful and protected.
- Protected disclosure protections apply in addition to, not instead of, child-protection reporting requirements.
- Mandatory reporting must occur immediately and must not be delayed while a disclosure is assessed or managed internally.
- Under the Children and Young Persons (Care and Protection) Act (NSW), the person who makes a report
    a) Does not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct, and
    b) No liability for defamation is incurred because of the report, and
    c) The making of the report does not constitute a ground for civil or criminal liability against the person making the report.

How will it be done?

Where a disclosure is made via the CatholicCare whistleblower protocols, the whistle-blower procedures will be implemented in accordance with *Whistleblowing Policy.*

Making a protected disclosure

Disclosures made outside the scope of the *Whistleblowing Policy*, may be made verbally or in writing and may be anonymous.

When making a protected disclosure:

- Clearly identify the wrongdoing with factual details, including dates, locations and individuals involved.
- Explain why the disclosure is required
- Provide supporting evidence
- Act promptly
- Include dates, times, locations, individuals involved and any witnesses where possible to support effective assessment and response.

To attract legal protection, disclosures should be made to an authorised recipient, such as

- The approved provider
- The nominated supervisor (if authorised)
- General Manager of Children Services
- Practice Manager's
- Or directly to the Regulatory Authority where appropriate or where the person does not feel safe reporting internally.

Service obligations

The service must:

- Keep the identity confidential of the person making the disclosure
- Take all reasonable steps to prevent victimisation
- Ensure disclosures are investigated appropriately.
- Ensure disclosures are assessed, managed and responded to in accordance with the National Law and this policy, including determining whether the matter is a protected disclosure or should be managed under another process (e.g. complaints or grievance procedures).
- Acknowledge receipt of disclosures and provide information about next steps, where practicable.
- Ensure children and young people are supported, where appropriate, to raise concerns or disclose information in a safe, age-appropriate and supported manner.

Breaches of confidentiality or retaliatory conduct may attract civil or criminal penalties.

Protected disclosure management

Step 1: Triage

Identify the concern and ensure immediate child safety. Document all actions taken at this stage, including immediate risk controls implemented to ensure child safety.

In NSW ECEC, the first and overriding question is always: Is a child's safety, health or wellbeing at risk right now?

- If there is immediate danger, emergency responses apply
- If the concern involves abuse, neglect, grooming or serious harm, report to the relevant external authorities, regardless of internal processes.

This child-safety obligation exists alongside whistleblower protections and cannot be delayed while a complaint is "worked through internally.

Step 2: Decide if it is a protected disclosure

Determine whether it constitutes a *protected disclosure* rather than a routine grievance.

In NSW, a disclosure is protected if the person honestly and reasonably believes it shows:

- A breach of the Education and Care Services National Law or Regulations; or
- A risk to the safety, health or well-being of children.

It does not usually qualify if it is only a personal employment grievance with no broader child-safety or compliance implications. If not a protected disclosure, the matter must still be managed under the service's relevant policies (e.g. complaints, grievance, misconduct procedures).

If a matter does not meet the threshold of a protected disclosure, it will be managed under the service's complaints, grievance or misconduct procedures in line with the Child Safe Policy. Where a disclosure relates to reportable conduct, it will also be managed in accordance with the organisation's Reportable Conduct procedures and safeguarding frameworks.

Step 3: Internal reporting pathways

If it is safe to do so, the disclosure can be raised internally with:

- CatholicCare Whistleblower Officer
    a) Executive Manager Quality Safeguarding Risk and Compliance
    b) Executive Manager People and Culture
    c) Chief Financial Officer

    (See page 7 of the CatholicCare Whistleblowing Policy)

- The Safeguarding team
- The approved provider
- The nominated supervisor or service director
- General manager
- Practice manager

Step 4: External reporting pathways

Disclosures can be made to external bodies including at any time

- NSW Early Learning Commission (the Regulatory Authority).:
- Relevant authorities outlined in the *CatholicCare Public Interest Disclosure Policy*

(See pages 4 and 5 of the Public Interest Disclosure Policy)

Step 5: Confidentiality and protection

Once a protected disclosure is made:

- The identity of the discloser must be kept confidential.
- Information that could reasonably identify them must be carefully controlled.
- Limit the number of people aware of the disclosure and ensure secure handling of all documentation and communication.

This is especially important in ECEC settings, where small teams and specific roles can facilitate identification. Confidentiality applies to managers, providers, and anyone involved in handling the disclosure.

At the same time, the law prohibits detrimental action or victimisation, such as dismissal, bullying, reduced shifts, intimidation or reputational harm against a person because they made (or were suspected of making) a protected disclosure.

Step 6: Risk assessment

The service or regulator must conduct a documented risk assessment to identify the seriousness of the allegations and risks to:

- Children
- The discloser (e.g. Retaliation or isolation)
- Staff and witnesses
- The integrity of the investigation.

This may include deciding whether the matter must be notified to bodies such as:

- The Regulatory Authority
- Police
- The Department of Communities and Justice - NSW specific
- The Office of the Children's Guardian (for reportable conduct) – NSW specific

Multiple notifications may be required for the same issue, and one does not replace another.

Step 7: Communication with the discloser

Where it is safe and appropriate:

- the discloser should be told how the matter will be handled
- any limits on confidentiality should be explained

provide updates at key stages where possible, including acknowledgement, investigation progress and outcomes (subject to confidentiality). Consent should be sought if revealing information is necessary to the investigation.

Step 8: Action

Action does not always mean a formal investigation, but it must be meaningful. This may include:

- Investigation by the Regulatory Authority.
- Changes to supervision, staffing or practices.
- Training, policy changes, or system improvements.
- Internal investigation.
- Referral to external authorities.
- Formal disciplinary or enforcement action where required.

What matters is that the concern is taken seriously and addressed, not ignored or minimised.

Step 9: Ongoing protection and oversight

After action is taken:

- The service or regulator must continue to protect the discloser from victimisation.

- Risks should be reviewed over time.
- Records must be kept securely and confidentially.

Ongoing monitoring must include review of potential retaliation risks and implementation of additional safeguards where required.

Who is responsible?

Roles	Responsibilities
Approved Provider	• Ensuring that this policy is available and accessible at the service at all times • Ensure this policy is developed, implemented, and reviewed • Maintain systems for protected disclosures • Ensure systems and processes are in place to protect disclosers from victimisation • Ensure compliance with NSW reforms and whistleblower laws; • Promote a child-safe, transparent culture • Provide ongoing and regular training opportunities • Receive disclosures, and when a protected disclosure is received, follow the processes outlined in the protected disclosure policy • Ensuring that the name and telephone number of the person to whom protective disclosures can be made are accessible • Ensure systems are in place for receiving, recording and managing protected disclosures • Ensure all disclosures are handled in accordance with National Law and this policy • Ensure risk assessments are undertaken and appropriate action is taken • Ensure training is provided at induction and regularly (every 12–24 months) • Ensure accessibility of this policy to staff, families and stakeholders.
Practice Manager	• Ensure training is provided at induction and regularly (every 12–24 months) • Maintain policy • Ensure confidentiality • Ensure staff understand the importance of information from protective disclosures in the ongoing process of protecting children
Nominated Supervisor	• Ensure training is provided at induction and regularly (every 12–24 months) • Manage systems to ensure training is ongoing and recorded • Maintain policy and communicate changes • Ensure policy is followed • Support staff to understand the reporting obligations; • Take immediate steps to manage child safety risks; • Ensure confidentiality • Ensure staff understand the importance of information from protective disclosures in the ongoing process of protecting children • Escalate any disclosure in accordance with the protected disclosure policy • Working co-operatively in any investigations • Support implementation of protected disclosure processes and ensure staff understand reporting pathways • Ensure records are maintained securely and confidentially.
Educators / Volunteer / Student	• Act in children's best interests • Comply with mandatory reporting obligations • Report all wrongdoing, misconduct or risks to children as soon as practicable. Raise concerns honestly and on reasonable grounds • Maintain confidentiality • Cooperate with an investigation • Participate in training on protected disclosures and child safety obligations.
Parents / Guardians	Families play an important role in supporting a child-safe environment and are encouraged to: • Raise concerns about child safety or misconduct • Access information about how to make a protected disclosure

Roles	Responsibilities
	• Have confidence that disclosures will be handled appropriately, confidentially, and in accordance with this policy.

National Quality Standards (NQS)

Quality Area 2: Children's health and safety		
2.2.3	Child Safety and Protection	Management, educators and staff are aware of their roles and responsibilities regarding the child safety, including the need to identify and respond to every child at risk of abuse or neglect.
Quality Area 4: Staffing Arrangements		
4.2.1	Professional Collaboration	Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.
4.2.2	Professional Standards	Professional standards guide practice, interactions and relationships
Quality Area 7: Governance and leadership		
7.1	Governance	Governance supports the operation of a quality service that is child safe.
7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service that is child safe.
7.2	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community.

Education and Care Services National Law and National Regulations	
S.2A	Paramount Consideration – Safety, rights and best interests of children
S.3A	Paramount Consideration
S.5AA	Meaning of inappropriate conduct
S.162A	Child Protection Training Offence relating to child protection training
S.166A	Offences relating to inappropriate conduct Offence to subject a child to inappropriate conduct
S.177AA	Educators and other staff members of education and care service to notify certain information
Division 7	Serious detrimental action
S.300 E	Requirement for policy about protected disclosures
84	Awareness of child protection law
168	Education and care services must have policies and procedures
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies or procedures
175	Prescribed information to be notified to the regulatory authority
181	Confidentiality of records kept by approved provider

Related documents

CatholicCare policy

- *Public Interest Disclosure Policy*
- *Whistleblowing Policy*

Resources

External

- *Education and Care Services National Regulations*
- *Education and Care Services National Law Act*
- *Guide to the Child Safe Standards*

Glossary

ACECQA – Australian Children's Education and Care Quality Authorities

The independent national authority that works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources and services to support the sector to improve outcomes for children.

Active Supervision

An educator can respond immediately, particularly when a child is distressed or in a hazardous situation. Knowing where children are at all times and monitoring their activities actively and diligently.

Approved First Aid Qualifications

A qualification that includes training in the matters set out below, which relates to and is appropriate to children, and has been approved by ACECQA and published on the list of ACECQA's approved first aid qualifications and training.

Matters are likely to include emergency life support and cardio- pulmonary resuscitation; convulsions; poisoning; respiratory difficulties; management of severe bleeding; injury and basic wound care; and administration of an auto-immune adrenalin device.

Confidentiality

Confidentiality is keeping information private and only sharing it with the right people when needed.

Disclosure

When a child shares information about harm, risk, or something significant affecting their wellbeing.

OSHC

Out of School Hours Care

Practice Manager

A practice manager oversees and supports a cluster of services within a local area. They work with the Nominated supervisor to ensure services operate safely, meet legal and quality requirements, and follow organisational policies. They do not work directly with children day to day.

Risk Assessment

A systematic process of evaluating the potential likelihood and consequences of risks that may be involved in a projected activity or undertaking.

Triage

Triage is deciding what needs to be dealt with first based on how urgent or serious it is.

Sign off and review

This document remains valid until it is either superseded by a new version or officially revoked.

CatholicCare values your input and welcomes feedback on this policy. Your suggestions help us improve and better support your work. Please send any feedback to policy.updates@catholiccaredbb.org.au.

Version	Authorised by	Approved date	Review cycle	Review due
1.0	General Manager Children's Services	20 June 2026	3 years	June 2029

Revision history

Version	Description	Author	Amendment date
1.0	Policy	Practice Manager – Quality, Compliance and Business Development	20 June 2026