

Whistleblower Policy

Purpose

Early Childhood Management Services (ECMS) is committed to the highest standard of conduct and supports a culture of honesty, ethical behaviour and good corporate governance.

ECMS encourages the reporting of any instance of suspected unethical, illegal, fraudulent or undesirable conduct involving any part of ECMS' business, and provides protections and support so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage or reprisal.

Scope

This policy applies to all current and past ECMS employees, officers, contractors, suppliers and volunteers.

Eligible Whistleblowers

- A. A whistleblower is a current or former officer or employee of ECMS. This will include:
 - i. a current or former employee or officer of ECMS including board members and the secretary if the secretary is not a board member;
 - ii. an individual who currently supplies or has previously supplied services or goods to the ECMS (whether paid or unpaid). This includes contractors, suppliers and volunteers, and includes employees of those who supply services or goods; or
 - iii. a spouse, relative or dependent of any of the above.

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Definition of Whistleblowing for this Policy

Whistleblowing means the disclosure of information from a person who has reasonable grounds to suspect that the information concerns wrongdoing which:

- A. is dishonest, fraudulent or corrupt, including bribery;
- B. is an illegal activity (such as violence, harassment or intimidation, discrimination, victimisation or bullying, theft, criminal damage to property or other breaches of state or federal law);
- C. is an offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- D. is unethical or in breach of ECMS policies (such as dishonestly altering company records or data, adopting questionable accounting practices or willfully breaching ECMS' Code of Conduct or other policies or procedures);
- E. is potentially damaging to ECMS, an ECMS employee or a third party, such as unsafe work practices, environmental damage, health risks or abuse of ECMS property or resources;
- F. may cause financial loss to ECMS, damage its reputation or be otherwise detrimental to ECMS' interests; and
- G. involves any other kind of misconduct or an improper state of affairs or circumstances.

What is NOT Whistleblowing

Whistleblowing protections do not extend to **customers** of the service including families. ECMS welcomes families raising concerns, including allegations of misconduct or improper behaviour, with these matters to be raised using the ECMS complaints policy and procedure.

Any disclosure of information that concerns a **personal work-related grievance** of an employee is not a whistleblowing matter under this policy. Personal work-related grievances should be dealt with through ECMS' Grievance Policy.

Duties of Board Members, Employees and Others in Relation to Disclosures

It is expected that any ECMS Board member, employee or others who becomes aware of actual, or suspect on reasonable grounds, potential cases of wrongdoing will make a report under this policy.

Where the allegation relates to a child or children's safety, ECMS' Child Safe Policy and Procedure, including the Reportable Conduct Policy, must also be followed.

Making a Report

I prove their suspicions.

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Eligible Recipients

Eligible recipients are those who can receive disclosures about reportable behaviors from eligible whistleblowers. Eligible Recipients must protect the identity of the eligible whistleblower, the matters raised confidential and not disclose information that is likely to lead to the identification of the eligible discloser (except in limited circumstances) without their consent.

If the alleged or suspected wrongdoing involves ECMS' senior management you can report the matter to the Internal Whistleblower Protection Officers or the Board-appointed Whistleblower Protection Officer (see Appendix A).

The Whistleblower Protection Officers may appoint an external Whistleblower Protection Officer if it is deemed necessary due to the nature of the issue. While it is ECMS' preference that you raise reports with a Whistleblower Protection Officer, eligible recipients are any member of the Executive Team or the ECMS Board.

Whistleblower Protection Officers

The Whistleblower Protection Officer must ensure that the Whistleblower is kept informed of the outcome of the inquiry or investigation, subject to the considerations of privacy of the Whistleblower themselves and those against whom the allegations are made. Subject to the Whistleblower's consent, the Whistleblower Protection Officer may appoint a person to assist in the investigation or appoint an external investigator if it is deemed necessary due to the nature of the issue.

Nothing in this policy prevents ECMS from managing a person's unsatisfactory work performance in line with ECMS's performance management framework

Protection of Whistleblowers

ECMS is committed to ensuring confidentiality in respect of all matters raised under this policy, and that those who make a report are treated fairly and do not suffer detriment.

A. Protection against detrimental conduct.

Detrimental treatment includes dismissal, demotion, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected to making a report.

If you are subjected to detrimental treatment as a result of making a report under this policy, you should inform a Whistleblower Protection Officer.

B. Protection of your identity and confidentiality.

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Subject to compliance with legal requirements, upon receiving a report under this policy, ECMS will only share your identity as a whistleblower or information likely to reveal your identity if:

- i. you consent; and/or
- ii. the disclosure is required or authorised by law.

If ECMS needs to investigate a report, it may only do so to the extent that it can protect your identity.

C. Protection of files and records.

All files and records created from an investigation will be retained securely.

Unauthorised release of information to someone not involved in the investigation (other than senior managers or Board members who need to know to take appropriate action, or for corporate governance purposes) without your consent as a whistleblower will be in breach of this policy.

Whistleblowers are assured that a release of information in breach of this policy will be regarded as a serious matter and will be dealt with under ECMS' Disciplinary Policy.

The *Corporations Act 2001*, and *Taxation Administration Act 1953 (Cth)* give special protection to disclosures about breaches to the legislation provided certain conditions are met. Please refer to the applicable legislation if relevant.

Public Interest Disclosure

A Public Interest Disclosure is a disclosure to a member of the Commonwealth or a State or Territory Parliament or legislature, or a journalist of a whistleblowing disclosure previously disclosed.

If you have made a disclosure under this policy that qualifies for protection under applicable laws, and

- A. 90 days has passed since you made the disclosure to ASIC, APRA or another Commonwealth body prescribed by legislation;
- B. you have reasonable grounds to believe that action is not being or has not been taken to address the matter;
- C. you have reasonable grounds to believe that further disclosure would be in the public interest;

you may make a Public Interest Disclosure.

Prior to making a Public Interest Disclosure you must notify ECMS in writing providing details of the previous disclosure and stating that you intend on making a Public Interest Disclosure.

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Emergency Disclosures

- A. A whistleblower may make an emergency disclosure to a journalist or a member of parliament. These conditions include:
- i. the disclosure concerns information that the whistleblower has reasonable grounds to believe concerns a matter of substantial and imminent danger to the health and safety of a person or to the environment;
 - ii. the discloser has already made a disclosure to ASIC, APRA or another Commonwealth body prescribed by legislation; and
 - iii. the discloser has given ECMS written notice of his or her intention to make an emergency disclosure.
- B. That the information concerns a substantial and imminent danger to the health or safety of one or more persons or the natural environment.

Anonymous Disclosures

Anonymous disclosures can be made by submitting information via email to ECMS' Internal and Board-appointed Whistleblower Protection Officers (Appendix A).

A person choosing to make an anonymous or de-identified disclosure must be aware that:

- The nature of the information provided may reveal the identity of the whistleblower;
- It may be difficult to fully investigate an anonymous complaint;
- ECMS, its officers and employees will not be liable if the identity of an anonymous or de-identified whistleblower is, or becomes, ascertainable as a consequence of any investigation, or through the actions of the whistleblower.

Administration

The Whistleblower Policy will be made available to all ECMS employees as part of the ECMS Orientation program and available to external parties via the ECMS website.

Training will be provided across the organisation and, in particular, to the nominated positions delegated to receive disclosures.

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Appendix A

Internal Whistleblower Protection Officers

- Stu Braganza-Travis – Director, People and Strategy, Mob: 0410 950 007, Email: sbraganza-travis@ecms.org.au

Board-appointed Whistleblower Protection Officer

- Vanda Fortunato – Board Chair,
- Mob: 0448 819 227

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