

QA7 - Governance and Leadership

# WHISTLEBLOWER POLICY

*SHEL upholds the paramountcy principle, whereby the safety, welfare, and best interests of children take precedence over all other considerations.*

## Our Vision

To be the leading childcare operator in Australia providing our children the best possible start in life and providing our team a fulfilling and rewarding career.



Integrity



Connectedness



Respect



Commitment



Safety



Innovation



Celebration

## NATIONAL QUALITY STANDARDS (NQS)

### QUALITY AREA 7 GOVERNANCE and LEADERSHIP

7.1.2	Management Systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
7.1.3	Roles and Responsibilities	Roles and responsibilities are clearly defined and understood and support effective decision-making and operation of the service.

## EDUCATION AND CARE SERVICES NATIONAL REGULATIONS AND LAW

168	Education and care service 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.
300E	Protected Disclosures

### AIM OF POLICY

Story House's process for handling and investigating disclosures and ensuring the fair treatment of the individuals involved and how whistleblowers will be supported and protected by Story House.

The aim of this policy is to:

- ensure eligible whistleblowers understand how to make a disclosure of reportable conduct;
- outline the protections available to whistleblowers under the Corporations Act 2001 (Cth);
- explain how Story House will investigate disclosures in a fair, objective and confidential manner;
- ensure individuals involved in disclosures are treated fairly;
- support a child safe culture where concerns can be raised without fear of retaliation; and
- promote a culture of integrity, accountability and ethical behaviour.

### RELATED POLICIES AND RECORDS

Code of Conduct Policy
Complaints Policy
Complaints Procedure

### SCOPE

Australian whistleblower legislation was strengthened through the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth). This legislation amended the Corporations Act 2001 (Cth) to broaden and strengthen the whistleblower protection regime in Australia.

In NSW, the Education and Care Services National Law and associated regulatory requirements also require approved providers to maintain appropriate protected disclosure procedures and promote a child safe culture that supports the reporting of concerns relating to the safety, welfare and wellbeing of children.

The Corporations Act 2001 (Cth) provides legal protections for certain individuals who make disclosures about misconduct or an improper state of affairs or circumstances in relation to an organisation.

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This policy has been established to ensure that team members and other eligible disclosers can raise concerns about misconduct, unethical behaviour, or other reportable matters relating to Story House Early Learning or its related entities without fear of victimisation, harassment, or discriminatory treatment.

Under the Corporations Act 2001 (Cth), certain individuals are eligible to receive legal protections when making a disclosure (Eligible Whistleblowers), these include:

- current or former employee/team member
- 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.

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.

## IMPLEMENTATION

Story House will establish clear procedures for reporting, investigating and resolving concerns relating to unethical or unlawful conduct.

Story House will:

- provide confidential reporting channels for whistleblowers
- appoint authorised recipients to receive disclosures
- ensure disclosures are assessed and investigated in a timely and impartial manner
- protect the identity and confidentiality of whistleblowers in accordance with the Corporations Act
- take reasonable steps to protect whistleblowers from detrimental conduct
- ensure fair treatment of individuals mentioned in disclosures
- provide appropriate support to whistleblowers during and after investigations.

Training and awareness information will be made available to team members to ensure they understand their rights and protections under whistleblower legislation.

## REPORTABLE CONDUCT

Reportable Conduct refers to misconduct or an improper state of affairs or circumstances in relation to Story House or its related entities. Note, Reportable Conduct generally relates to systemic issues, serious misconduct, or unlawful behaviour, rather than individual employment matters.

Reportable Conduct may include:

- dishonest or fraudulent behaviour;
- unlawful, corrupt, or unethical conduct;
- misuse of company funds, assets, or resources;
- improper, misleading, or deceptive accounting or financial reporting practices;
- conduct that represents a serious breach of law, unethical conduct, or a significant risk to the organisation or the public;
- conduct that represents a serious breach of law or regulatory obligations;
- behaviour that is oppressive, discriminatory, or grossly negligent;
- behaviour that may cause significant financial loss to Story House, damage its reputation, or otherwise be detrimental to the organisation's interests;

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- unsafe work practices or serious breaches of workplace health and safety obligations;
- inappropriate conduct toward a child;
- conduct that may place the safety, wellbeing or welfare of children at risk;
- failure to comply with child protection, reportable conduct, safeguarding or child safe obligations;
- conduct that poses a serious risk to the health and safety of any person in the workplace; or
- conduct that poses a serious risk to public health, public safety, or the environment.

## WHAT IS NOT REPORTABLE CONDUCT

Personal work-related grievances are generally not covered by this policy.

A personal work-related grievance is a concern about a matter that relates to a person’s employment and has implications only for that individual. Examples include:

- interpersonal conflicts between team members;
- decisions relating to recruitment, promotion, or transfer;
- decisions relating to performance management;
- decisions relating to terms and conditions of employment; and/or
- disciplinary action, suspension, or termination of employment.

These matters should be raised through the Complaints Policy or other relevant workplace procedures.

## RESPONSIBILITY TO REPORT

Story House encourages employees and other eligible persons to report concerns about misconduct or improper conduct so that issues can be addressed appropriately.

## HOW TO REPORT

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

**Chief People Officer- [Kate.ludwig@shel.edu.au](mailto:kate.ludwig@shel.edu.au) or Ph: 0419 920 320**

If the alleged or suspected wrongdoing involves the company’s senior management, you can report the matter to the internal whistleblower Protection Officer above or the board appointed whistleblower Protection Officer:

**John Murphy – Board Member - [john.murphy@rocp.com](mailto:john.murphy@rocp.com) or 0431 608 746**

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

A disclosure may also be made to:

- the Australian Securities and Investments Commission (ASIC);
- the Australian Prudential Regulation Authority (APRA);
- In NSW to the NSW Early Learning Commission (1800 619 113 or [information@ealrlylearningcommission.nsw.gov.au](mailto:information@ealrlylearningcommission.nsw.gov.au))
- In Victoria to Victorian Early Childhood Regulatory Authority (1300 307 415 or [vecra@education.vic.gov.au](mailto:vecra@education.vic.gov.au))
- In Queensland to the Queensland Early Childhood Regulatory Authority (137 468 or [ecec@ged.qld.gov.au](mailto:ecec@ged.qld.gov.au)) where relevant to reportable conduct matters; or
- a legal practitioner for the purpose of obtaining legal advice.

Disclosures may be made anonymously. A whistleblower may choose to remain anonymous during the investigation and after the investigation is complete.

## INVESTIGATION OF REPORTABLE CONDUCT

Upon receiving a disclosure, the Whistleblower Protection Officer will assess whether the report relates to Reportable Conduct under this policy. If the matter falls within the scope of this policy, it will be investigated as appropriate.

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Investigations may be conducted internally or by an appropriately qualified external investigator, depending on the nature and seriousness of the disclosure.

The investigation process will be determined by the nature and substance of the concerns raised. Investigations will be conducted in a timely, objective and fair manner and will be reasonable and proportionate having regard to the circumstances.

Story House will take reasonable steps to ensure that any person who is the subject of a disclosure is treated fairly throughout the investigation process. This includes maintaining confidentiality where appropriate and ensuring procedural fairness.

Where a discloser chooses to remain anonymous, SHEL will take reasonable steps to ensure that the discloser's identity is not disclosed to the investigator or any other person.

Information that is likely to identify the discloser may be shared without the discloser's consent where this is reasonably necessary to investigate the disclosure, provided that all reasonable steps are taken to reduce the risk that the discloser will be identified.

Where appropriate, the Whistleblower Protection Officer or investigator may provide the discloser with updates regarding the progress or outcome of the investigation. Any information provided will be limited by privacy, confidentiality and legal considerations.

## WHAT IS THE INVESTIGATION PROCESS?

While the circumstances of each Whistleblower Report may require different investigation steps, all investigations will:

- 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; and
- be independent of the person(s) concerned with the allegations.

Investigations may be conducted internally or by an independent external investigator where appropriate.

## WHAT HAPPENS AFTER AN INVESTIGATION?

The Whistleblower Protection Officer will notify you once an investigation has been completed but please be aware that Story House may be unable to disclose details or the outcome of the investigation.

## CONFIDENTIALITY OF WHISTLEBLOWERS IDENTITY AND WHISTLEBLOWING REPORTS

If a person makes a disclosure under this policy, Story House will take all reasonable steps to protect the confidentiality of the whistleblower's identity.

In accordance with the Corporations Act 2001 (Cth), the identity of a whistleblower, or information likely to identify the whistleblower, will not be disclosed unless:

- the whistleblower consents to the disclosure; or
- the disclosure is permitted or required by law.

Where information relating to a disclosure is shared for the purpose of investigating the matter, Story House will take all reasonable steps to reduce the risk that the whistleblower will be identified.

In some circumstances it may be necessary to disclose the substance of a report to the person who is the subject of the disclosure in order to conduct a fair investigation. In doing so, Story House will take reasonable steps to ensure the whistleblower's identity is not revealed.

Where the identity of a whistleblower may be readily identifiable due to the nature of the information disclosed, it may be necessary to seek the whistleblower's consent before progressing aspects of the investigation.

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## PROTECTION OF WHISTLEBLOWERS

Story House is committed to supporting and protecting individuals who make disclosures in good faith under this policy.

Story House does not tolerate retaliation, victimisation or detrimental conduct against a person because they have made, or are suspected of making, a whistleblower disclosure. This protection extends to individuals associated with the whistleblower, including colleagues, relatives or dependants.

Detrimental conduct may include dismissal, injury in employment, alteration of duties or position, discrimination, harassment, intimidation, or any other conduct that causes harm or disadvantage.

Any person who engages in retaliatory or detrimental conduct in response to a disclosure will be subject to disciplinary action, which may include termination of employment.

A person who makes a disclosure that qualifies for protection under the Corporations Act will not be subject to civil, criminal or administrative liability for making the disclosure. However, the protections under whistleblower legislation do not prevent action being taken in relation to the whistleblower's own misconduct where that conduct is revealed as part of the disclosure.

## FALSE OR MISLEADING DISCLOSURES

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.

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.

## HOW IS THIS POLICY MADE AVAILABLE?

This policy will be available on the Book Store and via HumanforceHR which is accessible to all team members. This policy is also on the company website.

Managers and Responsible Persons may also discuss this policy during induction, training sessions, team meetings or other compliance communications to support ongoing awareness and understanding.

## SOURCE

- ASIC Australian Securities and Investments Commission [Whistle blower rights and protections | ASIC - Australian Securities and Investments Commission](#)
- Australian Government Federal Register of Legislation [Treasury Laws Amendment \(Enhancing Whistleblower Protections\) Act 2019 \(legislation.gov.au\)](#)

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