

Commitment

The Creche and Kindergarten Association Ltd (C&K) is committed to the highest standards of conduct and ethical behaviour. This policy sets out C&K's whistleblower commitments and protections in accordance with *The Corporations Act 2001 (Cth)*. C&K provides a process for people to raise concerns they have about unlawful or unethical conduct, that might not otherwise be uncovered, without fear of intimidation or reprisal.

Eligible Whistleblowers

This policy and its protections apply to current and former:

C&K employees, including casual, temporary and relief staff
Board Directors
Contractors, suppliers and service providers, including auditors and their employees
Volunteers
A relative, dependent or spouse of any of the above

You will be **protected** by this policy if:

- you fall into any of the categories above; and
- you have **reasonable grounds to suspect Reportable Conduct** is occurring (see below); and
- you disclose your concerns to an **Eligible Recipient** (see below).

Reasonable grounds to suspect means that another person in similar circumstances with the same information would reasonably suspect that the conduct occurring falls within the definition of Reportable Conduct below.

You will be protected by this policy even if your disclosure is incorrect, provided you had reasonable grounds to suspect and report the conduct.

You will **not** be protected by this policy if you make a deliberate false disclosure about information that you know is untrue. You may be subject to disciplinary action if you make a deliberate false report.

Disclosable Matter / Reportable Conduct

Is conduct that you have **reasonable grounds** to suspect involves misconduct or an improper state of affairs, for example conduct that is:

- Illegal, including theft
- Dishonest
- Corrupt, including bribery
- Fraudulent
- Unethical
- In breach of legal or regulatory requirements
- In breach of C&K's policies
- Endangering health and safety e.g. unsafe work practices or violent behaviour
- Mismanaging or wasting C&K's resources
- Posing a risk to public safety
- Detrimental against a person who has made, is suspected to have made, or is planning to make, a disclosure. This includes actual and threatened conduct.

A disclosable matter does **not** include a personal work-related grievance, for example a conflict between you and another employee that does not involve any of the Reportable Conduct set out above. Please raise any such grievances with your Manager or the People & Culture team in accordance with the relevant policy (for example the Employee Grievance Policy).

Reporting to Eligible Recipients

To be protected under this policy you must disclose Reportable Conduct to one the following:

A member of the Executive Management Group
A Board Director
The Whistleblower Protection Officer (General Counsel & Company Secretary)
A member of the Legal, Risk and Governance Team
C&K's Auditors
The Australian Securities & Investment Commission (ASIC)
An external lawyer (if you are obtaining legal advice about the Reportable Conduct)
C&K's independent, external Whistleblower service. This service is confidential and available 24 hours a day, seven days a week.

Service	Grapevine Whistleblower Hotline
Telephone	1300 933 977
Website	https://creche.grapevineonline.com.au
Postal	PO Box 119, Carlton South, VIC 3053

You may also make a **public interest disclosure** or **emergency disclosure** to a journalist or parliamentarian if the disclosure is in the public interest or relates to information that poses a substantial and imminent danger to people or the environment.

Section 1317AAD of the Corporations Act sets out the specific requirements, to which you should refer, before making such a disclosure. You are also encouraged to seek legal advice.

C&K wishes to identify and address any suspected wrongdoing as soon as possible. You are encouraged to disclose any Reportable Conduct to an Eligible Recipient within C&K in the first instance.

However, if you do not feel comfortable doing so, you may disclose the Reportable Conduct to any of people or external bodies listed above.

How to make a disclosure

You can make a disclosure to any of the Eligible Recipients listed above.

Your report should contain as much information as possible. Useful information includes:

- Date, time and location of concerns / events
- Names of people involved
- Possible witnesses to the events
- Supporting evidence (documents, emails etc)
- Any steps you have already taken to report or resolve the concerns

You can make your disclosure by telephone, email or any other means.

Anonymity

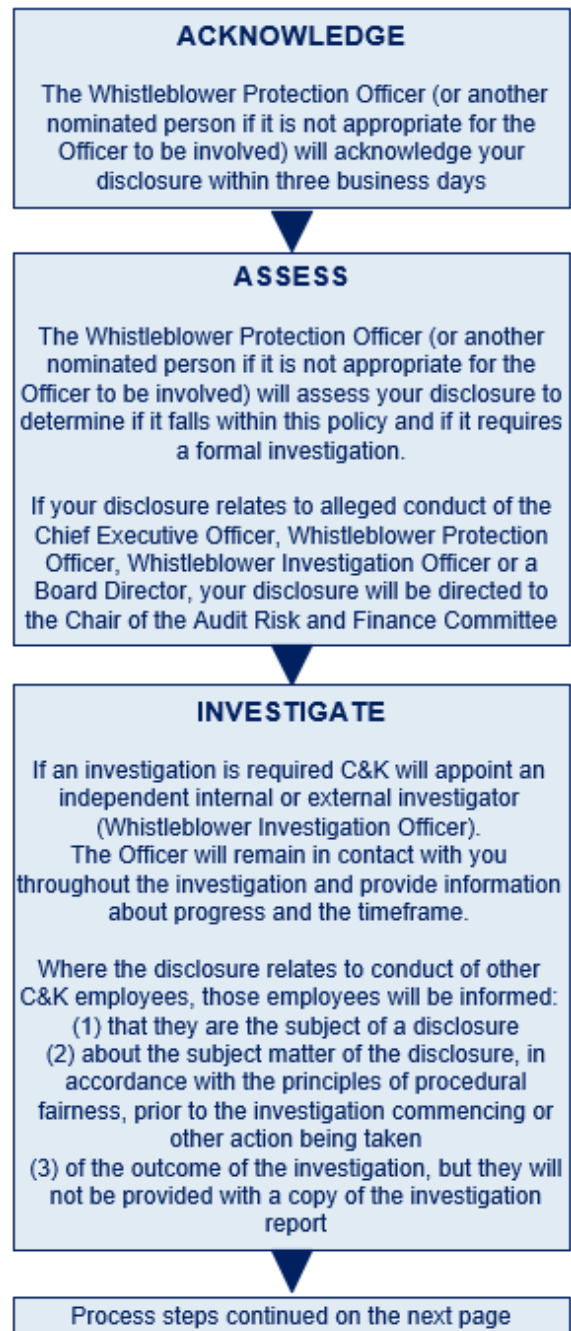
You can identify yourself when making a disclosure or you may do it anonymously or using a false name or pseudonym.

If you wish to remain anonymous you are encouraged to maintain ongoing, anonymous contact, so that the Whistleblower Investigation Officer can ask follow-up questions and provide feedback. You may do this through an anonymous phone number, email address or any other suitable means. If we are not able to contact you to ask further questions it may limit the scope of the investigation.

You may refuse to answer questions during the investigation if you wish to remain anonymous and feel that your identity may be revealed.

Investigation and Follow Up

When you make a disclosure C&K will follow the process below:



Process steps continue from previous page

OUTCOME

You will be informed of the outcome of the investigation. The investigation report and recommendations will also be provided to the Audit Risk and Finance Committee (after appropriate steps are taken to protect your identity) or to appropriate Board members (if the outcome implicates Audit Risk and Finance Committee members)

REVIEW

If you are not satisfied with the outcome of the investigation you may request a review of the investigation findings.

An independent person who was not involved in handling and investigating the disclosure will conduct the review. C&K is not obliged to reopen an investigation if the review finds that the investigation was properly conducted or there is no new information that would change the investigation findings.

The Audit Risk and Finance Committee will receive the review findings (unless it is not appropriate, in which case it will be provided to appropriate Board Directors).

If you are not satisfied with the outcome of the investigation you may lodge a complaint with an external body, such as the Australian Securities and Investment Commission.

ACTION

C&K will determine the appropriate action to take regarding the investigation findings and recommendations.

Protecting your identity (confidentiality)

If you make a protected disclosure, it is **illegal** for C&K, the Eligible Recipient and any other person involved in the investigation to disclose your identity, or any information that could be used to identify you unless:

- You consent to your identity being disclosed
- It is disclosed, in accordance with *The Corporations Act*, to:
 - the Australian Securities & Investment Commission
 - a member of the Australian Federal Police
 - a legal practitioner for the purpose of obtaining legal advice or representation relating to whistleblowing
 - a body or person authorised by law.

Information contained in your disclosure may be disclosed without your consent if:

- the information does not include your identity
- all reasonable steps have been taken to reduce the risk that you can be identified from the information
- it is reasonably necessary for investigating the issues you have raised.

C&K will protect your confidentiality by:

- securely storing all documents related to the disclosure and investigation
- only allowing the people who are directly involved in managing and investigating the disclosure to access the relevant information
- restricting the number of people who are directly involved in handling and investigating the disclosure, who are made aware of your identity or information that could be used to identify you
- using secure, protected email addresses and printers that cannot be accessed by other staff members when handling the information
- requiring each person involved in handling and investigating a disclosure to acknowledge their obligation to keep your identity and information confidential, and that an unauthorised disclosure of that identity may be a criminal offence.

Protections provided under this policy

If you are eligible under this policy (please see the criteria set out in the 'Eligible Whistleblowers' section) you will be protected under The Corporations Act as set out below.

These protections **do not grant immunity** for any misconduct in which you have engaged that is revealed in your disclosure.

Protection from detrimental acts or omissions

It is illegal for C&K and any person to:

- Make any sort of threat against you
- Engage in conduct against you, because they suspect that you have or might make a disclosure, that could cause you detriment such as:
 - Harassing, intimidating or discriminating against you
 - Terminating your employment

- Altering your employment to your disadvantage
- Causing you harm or damage, including psychological harm
- Damaging your reputation, business, financial position or property
- Damaging another person close to you

Conduct will not be detrimental if C&K:

- Is taking steps to protect you from detriment, for example removing you from your immediate work area if the disclosure relates to that area
- Is taking reasonable management actions that are in accordance with C&K's policies

Compensation and other remedies

You may seek compensation and other remedies through the courts if:

- You suffer loss, damage or injury because of a disclosure; and
- C&K failed to prevent a person from causing you detriment.

You are encouraged to seek independent legal advice to support you to take such action.

Civil, Criminal and Administrative Liability Protection

You are protected from the following actions relating to your disclosure:

- Civil liability (for example, any legal action against you for breach of your employment contract, duty of confidentiality or other contractual obligation)
- Criminal liability (for example prosecution for unlawfully releasing information, unless the disclosure was deliberately false)
- Administrative liability (for example disciplinary action for making the disclosure)

Fair treatment of individuals mentioned in a Whistleblower Disclosure

C&K will ensure the fair treatment of its employees who are mentioned in a protected disclosure, including those who may be the subject of the disclosure. These actions are based on the principles of procedural fairness and natural justice, including:

- Confidential handling of disclosures in accordance with this policy
- Assessing each disclosure, which may be the subject of an investigation
- Conducting an objective, fair and independent investigation to determine whether there is sufficient evidence to support or reject the matters disclosed
- Preparing a written report outlining the investigation findings.

- Advising the subject of a disclosure to the implicated employee at a time considered appropriate, depending on the nature of the allegations, but prior to any adverse finding being made against the employee; and
- Connecting the employee with access to the Employee Assistance program (EAP).

Accessibility of this Policy

This Policy is available to all current employees on the C&K Intranet Policies and Procedures site. Other Eligible Whistleblowers can access this Policy on the C&K external website.

Breaches of this Policy

Non-compliance is a serious matter and will result in disciplinary action. Actual or threatened detrimental conduct that relates to whistleblowing and confidentiality breaches is unlawful and will likely result in dismissal. Additionally, significant civil and criminal penalties apply for both C&K and individuals, including fines and imprisonment.

Amending this policy

We may change this policy at any time without prior notice. When we do make changes, we will notify you of them by posting an updated version of the policy on our website.

Therese Mulherin, C&K Board Chair