DAME NELLIE MELBA
KINDERGARTEN
EST 1915

Whistle Blower Policy

Best Practice– Quality Area 7

PURPOSE

This policy is a vital tool to help DNMK identify wrongdoing that may not be uncovered unless there is a safe and secure way to disclose it.

The purpose of this policy is to:

- encourage genuine concerns about possible wrongdoing *(refer to Definitions)* in relation to DNMK to be raised as soon as possible
- provide guidance on how to raise those concerns, how they will be investigated and the support available to individuals raising concerns under this policy
- ensure that any wrongdoing *(refer to Definitions)* is identified and dealt with appropriately
- ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported, and
- comply with the legislative requirements under the Corporations Act and the Taxation Administration Act to ensure statutory protection is afforded to anyone who makes a Protected Report *(refer to Definitions)*.

Nothing in this policy is intended to change or take away any other protections which may be available under law. If there is inconsistency between this policy and the provision of relevant legislation, the provisions of the relevant legislation will apply to the extent of the inconsistency.

POLICY STATEMENT

VALUES

DNMK is committed to a culture of respect and ethical conduct in the way we work and relate to each other. We recognise the value of keeping the laws and standards that apply to us in our work and encourage everyone to 'speak up' and report improper, unethical, or illegal conduct.

SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians and children.

RESPONSIBILITIES	Approved provider and persons with management or control	Whistleblower Protection Officer(s)	Whistleblower Investigators	Staff	Contractors, parents, volunteers and students
R indicates legislation requirement, and should not be deleted					

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Nominating a staff member/s as Whistleblower Protection Officer(s)	√				
Assisting the Whistleblower Protection Officer(s) in the assessment and oversight of whistleblower reports *(refer to Attachment 1)*	√				
Providing advice and support to reporters *(refer to Attachment 1)*	√				
Maintaining a secure and restricted record of all reports made under this Policy	√	√	√		
Arranging role-specific training as and when required	√				
Ensuring staff are made aware of their rights and responsibilities in relation to whistleblowing at induction	√				
Ensuring staff are regularly encouraged to speak up about concerns of wrongdoing *(refer to Definitions)*	√	√			
Receiving whistleblower reports and protecting the interests of reporters *(refer to Attachment 1)*		√			
Determining whether the report falls within the scope of the Policy *(refer to Attachment 1)*		√			
Appointing a Whistleblowing Investigator where an investigation is deemed appropriate	√				
Ensuring investigations are conducted in accordance with this Policy *(refer to Attachment 1)*	√	√			
Ensuring any reports involving the approved provider are reported to the Australian Securities and Investments Commission *(refer to Sources)*		√			
Updating the reporter/s on progress and details of outcomes to the fullest extent possible		√			
Maintaining confidentiality of the identity of and reports received by reporters to the fullest extent possible		√			
Immediately reporting concerns in relation to any detrimental conduct to the approved provider (provided that the concerns do not relate to them)		√			
Determining the appropriate courses of action to remediate or act on the investigation *(refer to Attachment 1)*		√			
Reporting matters to relevant authorities e.g. ASIC or APRA *(refer to Attachment 1)*		√			
Making recommendations to prevent future instances of reportable misconduct		√			
Completing any training mandated by approved provider		√			

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Seeking to ensure the integrity of the Whistleblower Program is maintained		√			
Investigating reports in accordance with this Policy *(refer to Attachment 1)*			√		
Gathering evidence and taking steps to protect or preserve evidence			√		
Making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report			√		
Reporting back to the Whistleblower Protection Officer on the progress of their investigation 7 days after the report and every 14 days thereafter			√		
Complying with the directions of the Whistleblower Protection Officer in relation to any further follow up, and reporting action and requirements, including the implementation of any recommendations			√		
Reporting misconduct or dishonest or illegal activity that has occurred or is suspected within DNMK as quickly as possible, whether anonymously or otherwise				√	√

BACKGROUND AND LEGISLATION

BACKGROUND

Whistleblowers play an important role in identifying and calling out misconduct and harm to consumers and the community. To encourage whistleblowers to come forward with their concerns and protect them when they do, the Corporations Act 2001 gives certain people legal rights and protections as whistleblowers.

From 1 January 2020, some entities in Australia, including companies limited by guarantee, will be required to have a whistleblowing policy that complies with the new section 1317AI of the Corporations Act 2001.

ASIC has announced that public companies that are small not-for-profits or registered charities with annual revenue of less than $1 million will be exempt from the new requirement.

Even if your service is not required to have a whistleblower policy under the law, we encourage you to put in place arrangements for handling whistleblower disclosures. This can help your service comply with the obligation to preserve whistleblowers' confidentiality and protect whistleblowers from detrimental conduct. These arrangements may form part of the governance arrangements.

LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Regulations 2009 (Cth)
- Insurance Act 1973
- Life Insurance Act 1995

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- Public Interest Disclosure Act 2013
- Superannuation Industry (Supervision) Act 1993
- Taxation Administration Act 1953

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms e.g. Approved provider, Nominated supervisor, Notifiable complaints, Serious incidents, Duty of care, etc. refer to Attachment 2 General Policy Definitions

Protected Report: To be eligible for the legal protections outlined in this policy, you must:

- be an eligible whistleblower *(see Definitions)*
- report your concerns to an eligible recipient or certain other persons *(see Definitions)*, and
- have reasonable grounds to suspect wrongdoing *(see Definitions)* in relation to the service.

If your report meets all three of the above these criteria, it is a Protected Report.

Whistleblower: You are an eligible whistleblower if you are currently, or previously have been, either:

- An approved provider of the service
- an employee of the service, including any volunteers and work experience students
- a person who supplies goods or services to the service, whether paid or unpaid, or an employee of such a person, or
- a spouse, relative or dependent of a person referred to above.

Wrongdoing: Generally includes any conduct which an eligible whistleblower has reasonable grounds to suspect:

- is about misconduct or an improper state of affairs or circumstances concerning the service
- indicates that service or any of its approved provider or employees has engaged in conduct that:
    - involves a breach of or is an offence against any of the following Commonwealth laws: the Corporations Act, the ASIC Act, the Banking Act 1959, the Financial Sector (Collection of Data) Act 2001, the Insurance Act 1973, the Life Insurance Act 1995, the National Consumer Credit Protection Act 1973, or the Superannuation Industry (Supervision) Act 1993, or regulations made under those laws
    - is an offence against any other Commonwealth law that is punishable by imprisonment of 12 months or more
    - indicates a significant risk to public safety or the stability of, or confidence in, the financial system, even if it does not involve breach of a particular law
- is indicative of systemic issues, dishonest or unethical behaviour or practices

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- is about misconduct or an improper state of affairs or circumstances in relation to the tax affairs of the service which the whistleblower considers may assist to perform the functions or duties in relation to the tax affairs of the service, or
- involves the deliberate concealment of information tending to show any of the matters listed above.

Examples of the types of matters that may be reportable as Wrongdoing as part of a Protected Report include, but are not limited to:

- Dishonesty, corruption, bribery, fraud, money laundering or misappropriation of funds
- Offering or accepting a bribe
- Covering up fraud in financial reports
- Unsafe work practices
- Not properly responding to a serious safety issue
- Insider trading
- Serious inappropriate or unethical conduct such as gross mismanagement or serious and substantial waste of company resources or repeated breaches of administrative procedures
- Taking or threatening to take detrimental action against a person who has made a disclosure or is suspected to have made, or planning to make a disclosure, and
- Deliberate concealment of information tending to show any of the matters listed above.

Generally, Wrongdoing does not include personal work-related grievances.

SOURCES AND RELATED POLICIES

SOURCES

- Australian Prudential Regulation Authority (APRA): www.apra.gov.au
- Australian Securities and Investments Commission (ASIC): www.asic.gov.au
- Your Call: https://whistleblowing.com.au/
- Not For Profit Law: https://www.nfplaw.org.au/free-resources/how-to-run-the-organisation/whistleblower-protection-laws

RELATED POLICIES

- Code of Conduct
- Compliments and Complaints
- Governance and Management of a Service

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the approved provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness, particularly in relation to identifying and responding to child safety concerns
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required

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- notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk *(Regulation 172 (2))*.

ATTACHMENTS

- Attachment 1. Making a whistleblower report
- Attachment 2. General Policy Definitions

AUTHORISATION

This policy was adopted by the approved provider of DNMK on April 2025

REVIEW DATE: April 2028

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ATTACHMENT 1. MAKING A WHISTLEBLOWER REPORT

1. What reports are protected under this policy?

To be eligible for the legal protections outlined in this policy, you must:

(a) be an eligible whistleblower (see section 2)

(b) report your concerns to an eligible recipient or certain other persons (see section 5), and

(c) have reasonable grounds to suspect Wrongdoing in relation to DNMK (see section 3).

If your report meets all three of the above these criteria, it is a **Protected Report**.

If your report doesn't meet the above criteria, we still encourage you to raise your concerns with us. However, only Protected Reports receive the legal protections outlined in this policy.

2. Who is an eligible whistleblower?

You are an eligible whistleblower if you are currently, or previously have been, either:

(a) an officer of DNMK

(b) an employee of DNMK, including any volunteers and work experience students

(c) a person who supplies goods or services to DNMK, whether paid or unpaid, or an employee of such a person, or

(d) a spouse, relative or dependent of a person referred to above.

(e) a parent or guardian of children enrolled at DNMK in any year

3. What must a Whistleblower report be about?

3.1 What is Wrongdoing?

For the report to be a Protected Report, one of the requirements is that the person making the report has reasonable grounds to suspect Wrongdoing is occurring or has occurred. It is not possible to provide an exhaustive list of the activities which should be reported for the purpose of this policy. Generally, Wrongdoing includes any conduct which an eligible whistleblower has reasonable grounds to suspect:

(a) is about misconduct or an improper state of affairs or circumstances concerning DNMK;

(b) indicates that DNMK or any of its officers or employees has engaged in conduct that:

(i) involves a breach of or is an offence against any of the following Commonwealth laws: the Corporations Act, the ASIC Act, the Banking Act 1959, the Financial Sector (Collection of Data) Act 2001, the Insurance Act 1973, the Life Insurance Act 1995, the National Consumer Credit Protection Act 1973, or the Superannuation Industry (Supervision) Act 1993, or regulations made under those laws,

(ii) is an offence against any other Commonwealth law that is punishable by imprisonment of 12 months or more,

(iii) indicates a significant risk to public safety or the stability of, or confidence in, the financial system, even if it does not involve breach of a particular law, or

(iv) is indicative of systemic issues, dishonest or unethical behaviour or practices;

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(c) is about misconduct or an improper state of affairs or circumstances in relation to the tax affairs of DNMK or an associated company which the whistleblower considers may assist to perform the functions or duties in relation to the tax affairs of DNMK; or

(d) involves the deliberate concealment of information tending to show any of the matters listed above.

These matters are referred to as "**Wrongdoing**" in this policy.

3.2 Examples of conduct that may be reported as Wrongdoing

Examples of the types of matters that may be reportable as Wrongdoing as part of a Protected Report include, but are not limited to: Dishonesty, corruption, bribery, fraud, money laundering or misappropriation of funds

(a) Offering or accepting a bribe

(b) Covering up fraud in financial reports

(c) Unsafe work practices

(d) Not properly responding to a serious safety issue

(e) Insider trading

(f) Serious inappropriate or unethical conduct such as gross mismanagement or serious and substantial waste of company resources or repeated breaches of administrative procedures

(g) Taking or threatening to take detrimental action against a person who has made a disclosure or is suspected to have made, or planning to make a disclosure

(h) Deliberate concealment of information tending to show any of the matters listed above.

(i) Any form of child endangerment as outlined in the Child Safe Policy

Generally, Wrongdoing does not include personal work-related grievances. See section 4.

4. What should I do if I have a personal work-related grievance?

(a) We encourage everyone to speak up about concerns. However, reports that relate solely to personal work-related grievances are not generally considered to be Wrongdoing and are therefore not covered by this policy.

(b) Personal work-related grievances typically relate to an individual's current or former employment arrangements, performance, remuneration outcomes or personal circumstances that do not have significant implications for the organisation (for example an interpersonal conflict between you and another employee).

(c) Personal work-related grievances should be internally raised using the *Compliments and Complaints policy*

(d) There may be some instances where a personal work-related grievance also has significant implications for DNMK, and in these circumstances the grievance will be treated as Wrongdoing in accordance with this policy. For example, a personal work-related grievance may still qualify for protection if it is bundled with a report of illegal activity or if it includes information about Wrongdoing beyond an individual's personal circumstances, demonstrates a systemic issue within DNMK or has significant implications for the organisation. Any report of causing detriment to a person in breach of this policy is also Wrongdoing and will be addressed in accordance with this policy. Section 6.2 provides more information about detriment.

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5. Making a Whistleblower report

5.1 How can a Whistleblower report be made?

[option 1 – prioritise reporting internally in the first instance]

(a) We encourage you to report actual or suspected Wrongdoing to us as soon as you become aware of it.

(b) You are encouraged to make a report to one of our Whistleblower Protection Officer. Our Whistleblower Protection Officer are:

Name	Role	Email	Telephone
Georgi Herrick	Director	georgi@dnmk.com.au	0408506693
Emily Skiba	Committee member	Emily.skiba@outlook.com	

5.2 Can I remain anonymous when making a report?

(a) You can remain anonymous when making a Protected Report. There is no requirement to provide your name or identify yourself at any stage during the reporting or investigation process. You can also decide not to answer questions that you feel may reveal your identity. You can also choose to provide your identity to the person that you are making the report to but not consent to them sharing your identity with anyone else.

(b) We will respect your right not to identify yourself. However, if you choose to remain anonymous, this may affect the ability of DNMK to investigate and properly communicate with you about the report.

(c) DNMK encourages disclosers who would prefer to remain anonymous to maintain ongoing two-way communication with DNMK so that DNMK can ask follow-up questions and provide feedback.

5.3 Disclosure to be made with reasonable grounds

(a) To obtain whistleblower protection under the legislation, the report must be made with reasonable grounds. An eligible whistleblower will have 'reasonable grounds' to suspect that something constitutes or potentially constitutes Wrongdoing if they have some factual basis for their suspicion which, in light of the circumstances and context, provides reasonable grounds for that suspicion. Motive is not relevant to determining whether the disclosure is eligible for protection.

(b) You do not need to prove the allegations, but you are encouraged to provide evidence in support of your disclosure if it is safely available. An eligible whistleblower can still qualify for protection even if their Protected Report turns out to be incorrect or unsubstantiated provided they have a reasonable basis for making the report.

5.4 False reporting

False reporting will be treated seriously. If we find that you have intentionally made a false report (for example, if you know a report is untrue and you report it to harm, annoy, or cause distress to someone), we may take disciplinary action against you, which may include termination of your employment or engagement with us.

6. Protection and support available to Whistleblowers

If you make a Protected Report, you are entitled to the benefit of certain protections in accordance with the Corporations Act or the Taxation Administration Act. These protections do not prevent whistleblowers from being liable for any involvement in the Wrongdoing that is the subject of the Protected Report.

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6.1 Protecting the Whistleblower's identity

(a) If you make a Protected Report, your disclosure will be treated as confidential in accordance with legal requirements.

(b) If you make a Protected Report, it is illegal for a person to disclose your identity or information that is likely to lead to identification of your identity, unless:

(i) you give your consent

(ii) the disclosure is required by law, or

(iii) the disclosure is made to:

(A) a professional legal advisor (including DNMK's legal team) for the purpose of obtaining legal advice or representation, or

(B) authorised regulatory bodies, such as ASIC, APRA or a member of the Australian Federal Police.

(c) However, a person who is dealing with a Protected Report may disclose information that is reasonably necessary for the purposes of investigating the report. If this happens, reasonable steps will be taken to reduce the risk that you will be identified as a result of the report (for example by removing your personal information or other details that are likely to identify you).

(d) To maintain confidentiality of a Whistleblower's identity, DNMK will:

(i) ensure personal information or references to the Whistleblower's identity is redacted in all investigation and reporting documents

(ii) refer to the Whistleblower in gender-neutral terms

(iii) ensure that the information a Whistleblower provide and all materials relevant to a Protected Report are held securely with access limited only to the individuals necessary to investigate your Protected Report, and to support and protect the Whistleblower, and

(iv) take reasonable steps to ensure its personnel understand the requirements of this policy.

(e) You should also be aware that during an investigation, it may be necessary for us to tell the people who are believed to be involved in the Wrongdoing about the alleged Wrongdoing. This is to ensure a fair investigation and provide those people with an opportunity to respond to the allegations. Although we will not tell these people your identity unless you give consent, it is possible that the details of the report may lead them to believe that they know the identity of the Whistleblower.

(f) Any breach of confidentiality will be treated as a serious matter and may be the subject of disciplinary action up to and including dismissal or termination of engagement with DNMK. Breaches of Whistleblower confidentiality are also an offence under the Corporations Act and the Taxation Administration Act and serious penalties apply for both individuals and corporations.

(g) If you believe your confidentiality as a Whistleblower has been breached, you can make a complaint to one of the Disclosure Officers listed in section 5.1. You can also lodge a complaint with ASIC, APRA or the ATO.

6.2 Protection against detrimental conduct

(a) DNMK is committed to protecting the rights of Whistleblowers who have made Protected Reports and will not tolerate any detriment or threats of detriment against them or any other person (e.g. suspected whistleblowers or people who participate in investigations).

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(b) It is an offence under the Corporations Act and the Taxation Administration Act to cause, or threaten to cause, detriment to a person because they or someone else has made, may have made, proposes to make or could make a Protected Report and serious penalties apply for both individuals and corporations. A person who is subject to such detriment may also seek compensation or other remedies from a Court if they have suffered loss, damage or injury because of a Protected Report or because we failed to take reasonable precautions and exercise due diligence to prevent the detriment.

(c) "Detriment" includes dismissal, suspension, demotion, or termination of your employment or engagement with us; changes to your employment, position, or duties to your disadvantage; discrimination; harassment or intimidation; harm or injury (including psychological harm); damage to property, reputation, business or financial position; or any other damage.

(d) The following actions are not considered to be detriment:

(i) reasonable administrative action taken to protect a Whistleblower from detriment (e.g. relocating them to another office to prevent victimisation)

(ii) managing unsatisfactory work performance of a Whistleblower, in line with DNMK usual performance management framework.

(e) DNMK will protect Whistleblowers from detriment arising from making a Protected Report by:

(i) conducting a risk assessment of the disclosure to manage the risk of detriment to the Whistleblower

(ii) where applicable, making such reasonable adjustments as required to allow the Whistleblower to perform their duties at work without being potentially exposed to detriment (eg by changing reporting lines or location).

(f) If you believe you have suffered detriment, you can make a complaint to one of the Disclosure Officers listed in section 5.1. You can also lodge a complaint with ASIC, APRA or the ATO.

6.3 Protection for Whistleblowers against litigation

If you make a Protected Report, you are protected from any of the following legal actions for doing so:

(a) Civil liability (e.g. any legal action against you for breaching an employment contract, a duty of confidentiality or another contractual obligation)

(b) Criminal liability (e.g. legal action against you for unlawfully releasing information, or other use of the Protected Report against you in a criminal proceeding (other than for making a false disclosure)

(c) Administrative liability (e.g. disciplinary action for making the Protected Report).

You are still responsible for your own actions. These protections do not prevent action being taken against you for any Wrongdoing that you are involved in that is revealed in your report.

6.4 Other support available for Whistleblowers

(a) We will support you while your Protected Report is being handled by DNMK.

(b) If necessary, DNMK will appoint a Protection Officer to arrange or coordinate support and protection for Whistleblowers who have made or are in the process of making a Protected Report. A Whistleblower can contact a Discloser Officer to discuss how a Protection Officer may be able to provide support and protection.

(c) The role of the Protection Officer is to:

(i) assess the immediate welfare and protection needs of a Whistleblower

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(ii) safeguard the interests of a Whistleblower in accordance with this policy and the law, and

(iii) address any issues or concerns of detriment.

(d) Employees may also contact our Employee Assistance Program: ELAA

7. How we handle Protected Reports

Any person who receives a Whistleblower report made under this policy must ensure that the report is managed in compliance with this policy and any relevant procedures. This is to ensure that the protections available for the Whistleblower are not compromised and that DNMK meets its legal obligations.

7.1 How do we investigate reports of Wrongdoing?

(a) Reports of alleged Wrongdoing made in accordance with this policy will be treated seriously and where appropriate will be thoroughly investigated by DNMK in accordance with this policy [and management guidelines on handling and investigating Whistleblower reports].

(b) After receiving a report about Wrongdoing we will assess the information provided to determine whether it is a Protected Report, how it will be handled and whether an investigation is required. The precise steps to be taken to investigate a report will differ in individual cases but may include:

(i) appointment of an internal or external investigator (if it has been determined that an investigation is required)

(ii) the investigator or other person asking the Whistleblower whether they consent to their identity being disclosed to investigate the report

(iii) interviewing the Whistleblower and any other relevant person to obtain information about the report

(iv) review of relevant documents and other information in relation to the report

(v) the investigator making findings regarding the conduct reported.

(c) Generally, if the Whistleblower can be contacted, we will confirm receipt of their disclosure within 2 Business Days. The investigation of a Protected Report will commence as soon as reasonably possible from the date we receive it. However, there may be reasons why an investigation may take longer. If we think there might be a delay with the investigation, we will tell the person who made the Protected Report (where possible).

(d) Where possible and assuming that the identity of the Whistleblower is known, the Whistleblower will be kept informed of when the investigation process has begun, while the investigation is in progress and after the investigation has been finalised, subject to confidentiality and privacy considerations.

(e) DNMK may decide to take action in response to any findings which may include, but is not limited to, disciplinary action, reporting the matter to an appropriate regulator, conducting training or addressing procedural and policy deficiencies.

7.2 Treatment of employees who are the subject of a Whistleblower report

DNMK will take all reasonable steps to ensure that any employee who is the subject of a Protected Report is afforded fair treatment and an impartial investigation in accordance with this policy. Generally, when an investigation is conducted, employees who are the subject of a Protected Report may be, within the constraints of confidentiality:

(a) told about the substance of the allegations

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(b) given a fair and reasonable opportunity to respond to the allegations before the investigation is finalised, and

(c) informed about the findings of the investigation and given an opportunity to respond to those conclusions before any action is taken against them (subject to legal, privacy and confidentiality requirements).

8. Reporting to the Committee

The Board [#or to the Audit and Risk Management Committee of the Board] may be provided with details of the Whistleblower report and any findings made to ensure appropriate oversight of reports and investigation of matters reported under this policy.

If the Whistleblower does not provide consent for their identity to be disclosed, those persons within DNMK who are handling the report may disclose information to the Board that is reasonably necessary for the purposes of investigating the report, provided that all reasonable steps are taken to reduce the risk that the Whistleblower will be identified as a result of the report.

The Board will monitor the whistleblower management system to ensure that the broader trends, themes and/or emerging risks highlighted by the disclosures made under this policy are addressed and mitigated as part of DNMK's risk management and corporate governance.

9. Review, Access, Training and Further Information in relation to this policy

(a) This policy will be available to officers and employees of DNMK on the intranet dropbox link A copy will also be available on our website to ensure it is accessible for all eligible whistleblowers.

(b) This policy may be reviewed and amended from time to time and will be reviewed by DNMK at least every two years.

(c) The President of the Committee and Director will be responsible for conducting upfront and ongoing education and training on the whistleblower policy, processes and procedures to all officers and employees.

(d) If you require further information in relation to this policy, or how to make a Protected Report, you can contact Emily Skiba committee member. Emily.skiba@outlook.com

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Term	Definition
ACECQA – Australian Children's Education and Care Quality Authority	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.
Additional needs	The term used for children who require or will benefit from specific considerations or adaptations and who: • are Aboriginal or Torres Strait Islander • are recent arrivals in Australia • have culturally and linguistically diverse backgrounds • live in isolated geographic locations • are experiencing difficult family circumstances or stress • are at risk of abuse or neglect • are experiencing language and communication difficulties • have a diagnosed disability—physical, sensory, intellectual or autism spectrum disorder • have a medical or health condition • demonstrate challenging behaviours and behavioural or psychological disorders • have developmental delays • have learning difficulties • are gifted or have special talents • have other extra support needs. It is important to note that: • additional needs arise from different causes, and that causes require different responses • any child may have additional needs from time to time. Adapted from the Guide to the National Quality Framework, 2020.
Adequate supervision	Supervision entails all children (individuals and groups) in all areas of the service, being in sight and/or hearing of an educator at all times including during toileting, sleep, rest and transition routines. Services are required to comply with the legislative requirements for educator-to-child ratios at all times. Supervision contributes to protecting children from hazards that may emerge in play, including hazards created by the equipment used. Adequate supervision refers to constant, active and diligent supervision of every child at the service. Adequate supervision requires that educators are always in a position to observe each child, respond to individual needs, and immediately intervene if necessary. Variables affecting supervision levels include: • number, age and abilities of children • number and positioning of educators • current activity of each child • areas in which the children are engaged in an activity (visibility and accessibility) • developmental profile of each child and of the group of children • experience, knowledge and skill of each educator

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Term	Definition
	• need for educators to move between areas (effective communication strategies).
Approved first aid qualification	A list of approved first aid qualifications, anaphylaxis management and emergency asthma management training are published on the ACECQA website: www.acecqa.gov.au
Approved provider	The approved provider is the legal entity that is approved to operate an education and care service and is legally responsible for managing the service and holds a provider approval (National Law). A provider approval authorises a person or organisation to apply for one or more service approvals and is valid in all jurisdictions.
Attendance record	Kept by the service to record details of each child attending the service including name, time of arrival and departure, signature of person delivering and collecting the child or of the nominated supervisor or educator *(National Regulation 158(1))*.
Authorised officer	A person authorised to be an authorised officer under Part 9 (National Law). Authorised officers are appointed by the regulatory authority under the provisions of the National Law to carry out the functions of monitoring, assessing and rating licensed approved education and care services in their jurisdiction.
Authorised person	An authorised person means a person who belongs to one of the below groups: • a person who holds a current working with children check or working with children card; or • a parent or family member of a child who is being educated and cared for by the education and care service or the family day care educator; or • an authorised nominee of a parent or family member of a child who is being educated and cared for by the education and care service or the family day care educator; or • in the case of an emergency, medical personnel or emergency service personnel • a person who is permitted under the working with children law of a jurisdiction to remain at the education and care service premises without • holding a working with children check or a working with children card (National Law).
Authorised nominee	A person who has been given written authority by the parent/guardian of a child to collect that child from the education and care service. These details will be on the child's enrolment form. The National Law and National Regulations do not specify a minimum age limit for an authorised nominee. Each service will need to determine if a person under the age of 18 is able to be an authorised nominee and, if so, what constitutes the minimum acceptable age at that service.
Children	Refers to each baby, toddler, three- to five-year-old and school age child and means children as individuals and as members of a group in the education and care setting, unless otherwise stated. It is inclusive of children from all social, cultural and linguistic backgrounds and of their learning styles, abilities, disabilities, gender, family circumstances and geographic locations (adapted from the Early Years Learning Framework, p. 45).

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Term	Definition
Communication plan	A written plan that forms part of the policy outlining how the service will communicate with parents/guardians and staff in relation to the policy. The communication plan also describes how parents/guardians and staff will be informed about risk minimisation plans and emergency procedures to be followed when a child diagnosed as at risk of anaphylaxis is enrolled at a service.
Culture	The values and traditions of groups of people that are passed from one generation to another.
Culturally and linguistically diverse (CALD)	Refers to individuals and groups who are from diverse racial, religious, linguistic and/or ethnic backgrounds.
Curriculum	All interactions, experiences, activities, routines and events, planned and unplanned, that occur in an environment designed to foster children's learning and development (Early Years Learning Framework; adapted from Te Whariki).
Department of Education	A government department in Victoria, responsible for: • granting approvals, including provider approval and service approvals • assessing and rating services against the National Quality Standard • working with ACECQA to promote continuous quality improvement and educating the sector and community about the National Quality Framework.
Diversity	Refers to all characteristics that make individuals different from one another, including race, religion, language, ethnicity, beliefs, age, gender, sexual orientation, level of ability, additional needs, socioeconomic status, educational attainment, personality, marital and/or parental status, family structure, lifestyle and general life/work experience.
Duty of care	A common law concept that refers to your responsibility to adequately protect children in your care from harm. It applies to all staff members within any Victorian early childhood service, and it is usually expressed as a duty to take reasonable steps to protect children from injury that is reasonably foreseeable.
Each child	As defined in the *Guide to the National Quality Framework*, a phrase used in the *National Quality Standard* when an individualised approach is warranted, and educators are required to modify their response to meet the needs of an individual child. An example is 'each child's current knowledge, ideas, culture and interests provide the foundation for the program'.
Early childhood teacher (ECT)	A person with an approved early childhood teaching qualification as listed on the ACECQA website: www.acecqa.gov.au
Education and care service	Any service providing or intended to provide education and care on a regular basis to children under 13 years of age (National Law). See Section 5 of the National Law for services that are excluded from this definition.
Educational leader	The approved provider of an education and care service must designate, in writing, a suitably qualified and experienced educator, coordinator or other individual to lead the development and implementation of education programs at the service *(National Regulation 118)*. This person must have a thorough understanding of the Early Years Learning Framework (or other approved learning framework), be able to guide other educators in their planning and reflection, and mentor colleagues in their implementation practices.
Educational program	A program that *(National Law: Section 168)*:

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Term	Definition
	• is based on an approved learning framework; and • is delivered in a manner that accords with the approved learning framework; and • is based on the developmental needs, interests and experiences of each child; and • is designed to take into account the individual differences of each child
Educator	An individual who is qualified to provide education and care for children as part of an education and care service.
Enrolment record	Contains information on each child, as required under legislation, including contact details; names of authorised nominees; names of persons authorised to consent to medical treatment or to authorise administration of medication; names of persons authorised to take the child outside the service; details of any court orders; personal and health information including specific healthcare needs, medical management plans and dietary restrictions etc.
Emergency	In relation to an education and care service, includes an incident, situation or event where there is an imminent or severe risk to the health, safety and wellbeing of a person at the education and care service premises e.g. flood, fire, a situation that requires the service to be shut down.
Excursion	An outing organised by an education and care service where the child or children leave the education and care service premises in the company of an educator.
Families	The term families used within PolicyWorks is defined as a group of people who are connected by love, support, and commitment to each other, regardless of their biological or legal ties. The National Law defines families as (a) a parent, grandparent, brother, sister, uncle, aunt, or cousin of the child, whether of the whole blood or half-blood and whether that relationship arises by marriage (including a de facto relationship) or by adoption or otherwise; or (b) a relative of the child according to Aboriginal or Torres Strait Islander tradition; or (c) a person with whom the child resides in a family-like relationship; or (d) a person who is recognised in the child's community as having a familial role in respect of the child
Governance	Refers to the systems in place to support effective management and operation of the service, consistent with the service's statement of philosophy. Good governance requires effective management systems and clearly delineated roles and responsibilities to support the effective operation of a quality service.
Guardian	In relation to a child, means the legal guardian of the child *(National Law definition pg. 20)*. Legal guardians have custody of the children and the authority to make decisions concerning the child(ren)'s protection, education, care, etc. Legal guardianship is assigned by a court, such as the family court, according to state laws
In attendance at a centre-based service	An early childhood teacher or suitably qualified person is in attendance at a centre-based service if the teacher or qualified person *(National Regulations 118)*:

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Term	Definition
	(a) is physically present at the service; and (b) carries out education and care activities at the service including one or more of the following: • working directly with children; • planning programs; • mentoring, coaching or supporting educators; • facilitating education and care research; • performing the role of educational leader of the service referred to in
Incident, Injury, Trauma and Illness Record:	Contains details of any incident, injury, trauma or illness that occurs while the child is being educated and cared for by the service. Any incident, injury, trauma or illness must be recorded as soon as is practicable but not later than 24 hours after the occurrence. Details required include the: • name and age of the child • circumstances leading to the incident, injury, trauma or illness (including any symptoms) • time and date • details of action taken by the service including any medication administered, first aid provided or medical personnel contacted • details of any witnesses • names of any person the service notified or attempted to notify, and the time and date of this • signature of the person making the entry, and time and date of this. These details need to be kept for the period of time specified in *National Regulation 183*.
Kindergarten Funding Guide	Provides detailed information from the Department of Education and Training (DET) about the types of kindergarten funding available, eligibility criteria, how to apply for funding and how to comply with operational requirements once funding has been granted.
Learning	A natural process of exploration that children engage in from birth, as they expand their intellectual, physical, social, emotional and creative capacities. Early learning is closely linked to early development.
Medication	Medicine within the meaning of the Therapeutic Goods Act 1989 (Cth). Medicine includes prescription, over-the-counter and complementary medicines. All therapeutic goods in Australia are listed on the Australian Register of Therapeutic Goods, available on the Therapeutic Goods Administration website (tga.gov.au).
Medical attention	Includes a visit to a registered medical practitioner or attendance at a hospital.
Medical emergency	An injury or illness that is acute and poses an immediate risk to a person's life or long-term health.
Medical management plans	A medical management plan must be in place for every child enrolled who has a diagnosed health care need, allergy or relevant medical condition, and kept with the child's enrolment record. It must be followed at all times. The child's medical practitioner must prepare the plan, and the parent must then provide it to the service. It should include:

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Term	Definition
	• details of the diagnosed health care need, allergy or relevant medical condition including the severity of the condition • any current medication prescribed for the child • the response required from the service in relation to the emergence of symptoms • any medication required to be administered in an emergency • the response required if the child does not respond to initial treatment • when to call an ambulance for assistance.
Medication record	Contains details for each child to whom medication is to be administered by the service. This includes the child's name, signed authorisation to administer medication and a record of the medication administered including time, date, dosage, manner of administration, name and signature of person administering the medication and of the person checking the medication, if required *(Regulation 92)*. A sample medication record is available on the ACECQA website.
National Law	Unless otherwise specified, the *Education and Care Services National Law Act 2010*. This applied law system sets a national standard for children's education and care across Australia.
National Quality Agenda IT System	A web-based information system to assist state and territory regulatory authorities and ACECQA to manage the approval, monitoring and quality assessment of children's education and care services. The system also enables services, providers and educators to submit application and notification forms online to regulatory authorities and ACECQA.
National Quality Framework (NQF)	This framework for the early childhood education and care sector helps providers to improve the quality of services in areas that impact on a child's development. The framework includes: • a National Law – the *Education and Care Services National Law Act 2010 National Regulations – the Education and Care Services National Regulations 2011* (please check online to ensure the most current version is being used) the National Quality Standard • an assessment and rating system • a Regulatory Authority in each state and territory with primary responsibility for the approval, monitoring and quality assessment of services in their jurisdiction in accordance with the national legislative framework and in relation to the National Quality Standard • the Australian Children's Education and Care Quality Authority (ACECQA). The national body responsible for providing oversight of the system and ensuring consistency of approach.
National Quality Standard (NQS)	The NQS sets a National benchmark for the quality of children's education and care services. The NQS is comprised of guiding principles, quality areas, standards, and elements. There are seven quality areas which capture aspects critical to the provision of quality education and care.
National Regulations	*The Education and Care Services National Regulations 2011:* the regulations or rules under which education and care services must operate. The regulations are the way in which the law is applied.
Nominated supervisor	A person who has been nominated by the approved provider of the service under Part 3 of the Act can be the nominated supervisor. All services must have a nominated supervisor with responsibility for the service in accordance with the *National*

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Term	Definition
	Regulations. The approved provider must take reasonable steps to ensure the nominated supervisor is a fit and proper person with suitable skills, qualifications and experience. The Regulatory Authority must be notified if the nominated supervisor for the service changes or is no longer employed at the service within 14 days.
Notifiable incident	An incident involving workplace health and safety that is required by law to be reported to WorkSafe Victoria. Notification is required for incidents that result in death or serious injury/illness, or dangerous occurrences. For a complete list of incidents that must be reported to WorkSafe Victoria, refer to the Guide to Incident Notification on the WorkSafe Victoria website. This website also contains online reporting forms: www.worksafe.vic.gov.au
Notifiable complaints	A complaint alleging that a serious incident has occurred while the child is educated and cared for or complaints alleging that the Law has been contravened *(National Law: Section 174(2)(b))*. Any complaint of this nature must be reported by the approved provider to DET *(refer to Definition)* within 24 hours of the complaint being made. The approved provider to notify DET *(refer to Definition)* within the specified timeframes below *(National Law: Section 174(2) (b), National Regulation 176(2) (b))* • serious incidents *(refer to Definition)* in writing within 24 hours of the incident or the time the person becomes aware of the incident • any circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child or children attending the service - Within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant information • any incident where the approved provider reasonably believes that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the service - Within 7 days of the relevant event or within 7 days of the approved provider becoming aware of the relevant information. • any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the service. In addition, approved providers must take reasonable steps to ensure that these incidents and complaints are adequately addressed. Notifications should be made to the regulatory authority (DET) through the NQA IT System. If this is not practicable, the notification can be made initially in whatever way is best in the circumstances.
Parent	In relation to a child, includes: • a guardian of the child • a person who has parental responsibility for the child under a decision or order of a court (National Law).
Person in day-to-day charge	A person is in day-to-day charge of an education and care service if: • the person is placed in day-to-day charge by the approved provider or a nominated supervisor of the service; and • the person consents to the placement in writing *(National Regulations 117A (b))*. There are minimum requirements for the person in day-to-day charge *(National Regulations 117B)*.

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Term	Definition
Person with management or control (PMC)	The persons within or outside the approved provider who are responsible for managing the delivery of the provider's service(s) or who have significant influence over the activities or delivery of the service. A PMC has the same legal responsibility for the safety, health and wellbeing of children at their service as an approved provider. A PMC is a person in an executive or management role of an approved provider entity, including: • an officer of a body corporate (within the meaning of the Corporations Act 2001 of the Commonwealth) • each member of the management committee of an association • each partner of a partnership • a person in a management position of the business, with the authority or responsibility for, or significant influence over, decisions affecting the delivery of children's education and care (such as a state/territory or area manager). A nominated supervisor, person in day-to-day charge of a service, or a person who holds other operational management roles in a service (such as a centre manager) would not meet the PMC definition. People holding these roles will only meet the PMC definition if they also participate in executive or financial decision-making or have authority or responsibility for, or significant influence over, the planning, direction or control of the activities or the delivery of the education and care service.
Policy	A formal statement of principles which provides a framework for decision-making and indicates the course of action to be taken in specific circumstances. Policies provide services with an approved way of operating in relation to particular matters and improve the management of risk. They reflect the values and beliefs of a service, current thinking, national standards and community expectations, and are relevant in terms of current laws and regulations.
Procedures	The steps required to implement and comply with a policy. Procedures specify how to achieve the necessary result by outlining who does what and when. Procedures are succinct, factual and to the point, and are generally expressed as a list.
Program	See Educational curriculum
Regular outing	In relation to an education and care service, means a walk, drive or trip to and from a destination: (a) that the service visits regularly as part of its educational program; and (b) where the circumstances relevant to the risk assessment are the same on each outing.
Responsible person	The responsible person is an individual who is physically present and is responsible for the operation of a centre-based service for an agreed period of time. A responsible person must be present at all times that the approved service operates *(National Law: Section 162 (c))* and can be: • the approved provider or a person with management or control of the service; • a nominated supervisor of the service; or • a person placed in day-to-day charge
Regular transportation	In relation to an education and care service, means the transportation by the service or arranged by the service (other than as part of an excursion) of a child being

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Term	Definition
	educated and cared for by the service, where the circumstances relevant to a risk assessment are the same for each occasion on which the child is transported.
Reportable incidences	Under the *Occupational Health and Safety Act 2004* (OHS Act), employers and self-employed persons must notify WorkSafe immediately after becoming aware an incident has occurred, including those resulting in: • death • a person needing medical treatment within 48 hours of being exposed to a substance • a person needing immediate treatment as an in-patient at a hospital • a person needing immediate medical treatment for one of the following injuries: amputation, serious head injury or serious eye injury, removal of skin (example: de-gloving/ scalping) electric shock, spinal injury, loss of a bodily function, serious lacerations (example: requiring stitching or other medical treatment). Incidents must be reported if they expose a person in the immediate vicinity to an immediate risk to the person's health and safety involving: • registered or licensed plant collapsing, overturning, falling or malfunctioning • collapse or failure of an excavation, or shoring supporting an excavation • collapse of a building structure (or partial collapse) • implosion, explosion, or fire • escape, spillage or leakage of any substance • plant or objects falling from high places.
Risk assessment	A systematic process of evaluating the potential risks that may be involved in a projected activity or undertaking and determining suitable mitigations.
Risk minimisation	The practice of developing and implementing a range of strategies to reduce hazards, for example, for a child at risk of anaphylaxis, by removing, as far as is practicable, major allergen sources from the service.
Risk minimisation plan	A service-specific plan that documents a child's allergy, practical strategies to minimise risk of exposure to allergens at the service and details of the person/s responsible for implementing these strategies. A risk minimisation plan should be developed by the approved provider/nominated supervisor in consultation with the parents/guardians of the child at risk of anaphylaxis and service staff. The plan should be developed upon a child's enrolment or initial diagnosis, and reviewed at least annually and always on re-enrolment

Serious incident	You must notify the DET within 24 hours of becoming aware of a serious incident *(Section 174(2)(a) and Regulation 176(2)(a)*
	
	A serious incident *(National Regulation 12)* is defined as any of the following:
	
	• the death of a child while being educated and cared for at the service or following an incident while being educated and cared for by the service
	• any incident involving serious injury or trauma to a child while the child is being educated and cared for, which:
	  ○ a reasonable person would consider required urgent medical attention from a registered medical practitioner; or
	  ○ the child attended or ought reasonably to have attended a hospital e.g. a broken limb*

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	○ any incident involving serious illness of a child while that child is being educated and cared for by a service for which the child attended, or ought reasonably to have attended, a hospital e.g. severe asthma attack, seizure or anaphylaxis NOTE: In some cases (for example rural and remote locations) a General Practitioner conducts consultation from the hospital site. Only treatment related to serious injury, illness or trauma is required to be notified, not other health matters. • any emergency for which emergency services attended NOTE: This means an incident, situation or event where there is an imminent or severe risk to the health, safety or wellbeing of a person at an education and care service. It does not mean an incident where emergency services attended as a precaution. • a child appears to be missing or cannot be accounted for at the service • a child appears to have been taken or removed from the service in a manner that contravenes the National Regulations • a child was mistakenly locked in or out of the service premises or any part of the premises. Examples of serious incidents include amputation (e.g. removal of fingers), anaphylactic reaction requiring hospitalisation, asthma requiring hospitalisation, broken bone/fractures, bronchiolitis, burns, diarrhoea requiring hospitalisation, epileptic seizures, head injuries, measles, meningococcal infection, sexual assault, witnessing violence or a frightening event. If the approved provider is not aware that the incident was serious until sometime after the incident, they must notify the regulatory authority within 24 hours of becoming aware that the incident was serious. Notifications of serious incidents should be made to the regulatory authority (DET) *(refer to Definition)* through the NQA IT System. If this is not practicable, the notification can be made initially in whatever way is best in the circumstances.
Staff	In relation to an education and care service, means any individual (other than a nominated supervisor or a volunteer) employed, appointed or engaged to work in or as part of an education and care service, whether as a family day care coordinator, educator or otherwise *(National Law definition)*.
Staff record	A record which the approved provider of a centre-based service must keep containing information about the nominated supervisor, staff, volunteers and students at a service, as set out under *Division 9 of the National Regulations*. Staff records must be kept by the service and include details of the nominated supervisors, the educational leader, other staff members, volunteers and the responsible person. The record must include information about qualifications, training and details of the Working with Children Check *(National Regulations 146–149).* A sample staff record is available on the ACECQA website*: www.acecqa.gov.au*
Transportation	Transportation forms part of an education and care service if the service remains responsible for children during the period of transportation. The responsibility for, and duty of care owed to, children applies in scenarios where services are transporting children, or have arranged for the transportation of children, between an

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	education and care service premises and another location, for example their home, school, or a place of excursion. Examples of transport not forming part of a service include: • private transport provided by families and carers (i.e. carers not engaged by/registered with a service) • transport provided and/or arranged by an entity other than the approved provider, e.g. a school bus, and where the children are not under the care of the approved provider • transport where the approved provider is providing the transport service in a capacity other than as the approved provider, e.g. a government department that provides an education and care service, provides school education, and provides a school bus to school students, on which the children who attend the service also • travel for practical reasons (such as in a remote or rural location) • when a disability service picks up children and transports them to school or an activity.
Victorian Institute of Teaching (VIT)	The statutory authority for the regulation and promotion of the teaching profession in Victoria, established as part of the *Victorian Institute of Teaching Act 2001*. All early childhood teachers are required to be registered with the Victorian Institute of Teaching.
Vulnerability	The condition or state of being susceptible to various risks and challenges that may negatively impact children, families, and the broader community. It involves factors that can hinder optimal development, well-being, and equitable access to quality early childhood education and care. Vulnerability can manifest in different forms and may be influenced by various factors, including but not limited to socioeconomic status, cultural background, family dynamics, geographic location, disability or additional needs, and family circumstances.
Working directly with children	Working directly with children is defined as being physically present with children and directly engaged in providing them with education and/or care.
Working with Children (WWC) Check	The check is a legal requirement under the *Worker Screening Act 2020* for those undertaking paid or voluntary child-related work in Victoria. The Department of Justice assesses a person's suitability to work with children by examining relevant serious sexual, physical and drug offences in a person's national criminal history and, where appropriate, their professional history.
Working with Children (WWC) Clearance	A WWC Clearance is granted to a person under Worker Screening legislation if: • they have been assessed as suitable to work with children • there has been no information that, if the person worked with children, they would pose a risk to those children • they are not prohibited from attempting to obtain, undertake or remain in child-related employment.

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