

WHISTLEBLOWING POLICY

Quality Areas: NQS 7 – Leadership and Governance

Policy Owner: General Counsel

Why this is
important

1.0 Introduction and Purpose

Guardian is committed to fostering a culture of child safety, compliance, ethical behaviour and good corporate governance. Guardian recognises the value of transparency and accountability in its management practices and supports the reporting of misconduct or improper state of affairs or circumstances (including concerns, misconduct and child protection breaches, and any unethical, illegal, corrupt or other inappropriate conduct) in accordance with the following principles:

- a) supporting and protecting whistleblowers from reprisals that arise from the making of a disclosure;
- b) treating all disclosures submitted on a confidential basis, subject to any regulatory or legislative requirements; and
- c) conducting investigations in an objective, independent and confidential manner.

The purpose of this policy is to promote and support an open working environment which: a) encourages persons to report an issue if they reasonably believe someone has engaged in serious wrongdoing; b) outline the protections available to persons who make a whistleblowing report; and c) outline how Guardian will deal with whistleblowing reports.

2.0 Who does this policy apply to:

This policy applies to anyone who is, or has been, any of the following with respect to all entities within the Guardian Group ("a Discloser"):

- a) employee (whether casual, permanent, part time, full time or fixed term);
- b) directors and officers;
- c) contractors (including employees of those contractors);
- d) suppliers of goods or services (including employees of those suppliers);
- e) associates;
- f) consultants;
- g) a relative, dependant, spouse, or dependant of a spouse, of any of the above persons.

3.0 What is our policy:

At Guardian, we're committed to ensuring we provide a workplace that is focused on the highest standards of child and adult safety, that adheres to the highest ethical standards and has a culture that actively reflects our four required mindsets – to be positive, to be brave, to be thoughtful and to be professional at all times.

To ensure that we deliver on this we have a Whistleblowing Policy. The Policy is designed to provide team members with a way of reporting any matter that they have reasonable grounds to believe is serious misconduct or an improper state of affairs or is in breach of the law.

Types of matters that may fall into the Policy include any criminal breaches, such as theft or fraud, any unethical or unlawful conduct, and any allegations of inappropriate or abusive conduct towards children. Types of matters that are not covered in this Policy include interpersonal conflicts and workplace grievances that have an impact personally as these matters should be addressed with your line manager directly or with People & Culture

3.1 Reportable matters

Any matter that a Discloser has reasonable grounds to believe is misconduct or an improper state of affairs or circumstances, is in breach of the law, should be reported in accordance with this Policy.

Reportable matters include any conduct that involves:

- a) dishonest or corrupt or illegal activities;
- b) theft, fraud, money laundering or misappropriation;
- c) inappropriate or unethical conduct or conflict of interest;
- d) improper or misleading accounting or financial reporting practices;
- e) allegations of inappropriate or abusive conduct towards children;
- f) a breach of any legislation relating to Guardian's operations, including the Corporations Act 2001 (Cth) and the Education and Care Services National Law and Regulations;
- g) behaviour that is oppressive, discriminatory or grossly negligent;
- h) any instruction to cover up or attempt to cover up serious wrongdoing;
- i) a serious breach of Guardian's policies and procedures;
- j) damage/sabotage, drug and alcohol abuse, violence or threatened violence;
- k) any behaviour that poses a serious risk to the health and safety of any person at the workplace;
- l) a serious risk to public health, public safety or the environment; or
- m) any other conduct which may cause financial or non-financial loss to Guardian or otherwise be detrimental to the interests of the business.

3.2 Non-reportable matters (i.e. personal work-related grievances)

Personal work-related grievances are not covered under this Policy and should be reported to your manager or a representative of the People and Culture Team in accordance with the Grievance and Complaints Policy.

A personal work-related grievance means a grievance about any matter in relation to the Discloser's employment or engagement (or former employment or engagement), having (or tending to have) implications for the Discloser personally. For example, the following would be personal work-related grievances which are not covered under this Policy:

- a) an interpersonal conflict between the Discloser and another employee;
- b) a decision relating to the engagement, transfer or promotion of the Discloser;
- c) a decision relating to the terms and conditions of engagement of the Discloser; and
- d) a decision to suspend or terminate the engagement of the Discloser, or otherwise to discipline the Discloser.

However, a personal work-related grievance shall not include any conduct that would be considered: 1) victimising someone for reporting, or proposing to report, misconduct or an improper state of affairs or circumstances under this Policy; or 2) retaliation against someone because they participated in an investigation under this Policy.



3.3 Internal reporting for employees

Employees are encouraged to report any matters of concern verbally or in writing to their managers in the first instance.

Where the employee proposing to make a report reasonably believes that Guardian's internal processes are not appropriate, or the employee does not feel comfortable making the report internally, or the employee has previously made an internal report but no action has been taken within a reasonable time, the relevant employee may make a report using the external reporting methods set out in the section below.

3.4 External reporting

A Discloser who is not an employee (or an employee who reasonably believes that Guardian's internal processes are not appropriate, or an employee who does not feel comfortable making the report internally, or an employee that has previously made an internal report but not action has been taken within a reasonable time) may report matters of actual or suspected misconduct or improper state of affairs or circumstances verbally or in writing directly to the Whistleblower Protection Officer.

Guardian's Whistleblower Protection Officer can be contacted as follows:

Phone: 1300 352 919

Email: whistleblowerofficer@guardian.edu.au

3.5 Reporting to Eligible Recipients

If a Discloser is unable to use any of the above reporting methods, a disclosure can be made to an eligible recipient within Guardian. For the purpose of this Policy, an "Eligible Recipient" means:

- a) directors;
- b) officers;
- c) senior managers;
- d) an auditor, or a member of an audit team conducting an audit; and
- e) actuaries.

3.6 Anonymous reporting

A Discloser may make a report anonymously. Except as listed below, any person who receives a report under this Policy must not, and Guardian must use all reasonable efforts to ensure that any person who receives a report under this Policy does not, disclose the identity of a Discloser or any information that is likely to lead to the identification of the Discloser.

The identity of a Discloser may however be authorised if it is made:

- a) to the Australian Securities & Investments Commission (ASIC); or
- b) to the Australian Prudential Regulation Authority (APRA); or
- c) to the Australian Federal Police; or
- d) to a legal practitioner for the purpose of obtaining legal advice or legal representations in relation to the operation of the whistleblowing protection regime; or
- e) with the consent of the Discloser.

If a report is received anonymously, the person to whom the report is made must not disclose the identity of the Discloser but shall only disclose such information as is reasonable necessary to investigate a matter referred to in the



disclosure, including taking all reasonable steps to reduce the risk that the Discloser will be identified as a result of the disclosure.

Whilst it is possible to make a report anonymously, it may be difficult for Guardian to properly investigate or take other action to address the matters disclosed in anonymous reports.

3.7 Confidentiality

Any person who receives a report under this Policy must not disclose the contents of that report to anyone other than to a Whistleblowing Protection Officer or to the Chair of the Audit and Risk Committee.

All disclosure reports made under this Policy are to be treated as being submitted on a strictly confidential basis, subject to any regulatory or legislative requirements.

3.8 Support and Protection for Disclosers

Support for Disclosers Guardian will offer the following support services for Disclosers:

- a) access to the Employee Assistance Program (EAP);
- b) appointing an independent support person from the People and Culture Team to support and deal with any ongoing concerns the Discloser may have; and
- c) connection to a third-party support provider, where required.

3.9 Protection for Disclosers

Guardian promotes a culture that encourages the reporting of actual or suspected misconduct or improper state of affairs or circumstances and that any person who makes a report under this Policy shall be protected from retaliation or discriminatory action where it has authority to do so.

A Discloser will not:

- a) be subject to civil, criminal or disciplinary action; or
 - b) have any contractual or other remedy enforced or exercised against them,
- for making a report that is covered by this Policy, or for participating in any subsequent investigation.

3.10 No detriment to Disclosers

No employee, director, officer or contractor shall cause detriment or threaten to cause detriment to a Discloser who has made or proposes to make a report in accordance with this Policy, because of such report or proposed report.

Guardian shall take all reasonable steps to ensure that a Discloser is not subject to any form of actual or threatened detriment because they have made or propose to make a report, which shall include:

- a) dismissal of an employee;
- b) injury of an employee in his or her employment;
- c) alteration of an employee's position or duties to his or her disadvantage;
- d) discrimination between an employee and other employees of the same employer;
- e) harassment or intimidation of a person; f) harm or injury to a person, including psychological harm;
- g) damage to a person's property; h) damage to a person's reputation;
- i) damage to a person's business or financial position; or
- j) any other damage to a person.



This Policy will not protect a Discloser if the Discloser is also involved in or connected to the actual or suspected misconduct or improper state of affairs or circumstances that is the subject of a report under this Policy.

3.11 Reports concerning the CEO or a Whistleblower Protection Officer

If a report relates to a matter of actual or suspected misconduct or improper state of affairs or circumstances that involve the CEO or a WPO, such report is to be directed to the Chair of the Audit and Risk Committee for investigation and further action. The Chair of the Audit and Risk Committee and their respective contact details are as follows:

Brian Schwartz, Chair of the Audit and Risk Committee

Email: bschwartz@scentregroup.com

3.12 Investigation

Any report received under this Policy must be referred to the Whistleblowing Protection Officer, or if inappropriate, to the Chair of the Audit and Risk Committee, for further consideration. The person who received the report, shall otherwise take no further action and must keep the identity of the Discloser and the contents of the report confidential.

At a minimum, the following information should be provided to the Whistleblowing Protection Officer (or the Chair of the Audit and Risk Committee, where appropriate):

- the date the Discloser made the report;
- the substance of the report;
- the identity and level of severity of the alleged wrongdoers; and •
- the level of the risk associated with the alleged wrongdoing.

All reports made under this Policy will ultimately be reported to the Audit and Risk Committee as a standalone agenda item in circumstances where the Whistleblowing Protection Officer sees that it is warranted.

The Whistleblower Protection Officer (or the Chair of the Audit and Risk Committee, where appropriate) will determine whether enough information exists for the report to be investigated, whether an investigation is required and, if so, determine the appropriate investigation process, including:

- the nature and scope of the investigation;
- who will conduct the investigation;
- the nature of any technical, financial or legal advice that may be required; and
- a timeframe for the investigation.

Where possible, and providing that the Discloser's identity is known, the Discloser will be kept informed of the progress and the outcome of the investigation, subject to any legislative requirements and not compromising the investigation or any other investigation.

3.13 Support for persons involved in a report

No action will be taken against an employee or officer who is involved in a report under this Policy until an investigation has determined whether or not any allegations against them are substantiated. However, the relevant employee or officer may be temporarily stood down on full pay whilst any investigation is in process (as appropriate).

An employee or officer who is involved in a report under this Policy has a right to be informed of the allegations against him or her and must be given an opportunity to respond and provide additional information during the course of an investigation (subject to the Discloser's identity not being disclosed). Guardian will offer the following support services for persons involved in a report under this Policy:

- a) access to the Employee Assistance Program (EAP);



b) appointing an independent support person from the People and Culture Team to support and deal with any ongoing concerns the person may have; and

c) connection to a third-party support provider, where required.

Consequences of making a false report

An employee, officer or director who knowingly makes a false report under this Policy, or who otherwise fails to act honestly with reasonable belief in respect of the making of a report under this Policy, may be subject to disciplinary action, including summary dismissal.

Any breach of this Policy will be taken seriously and may result in further action.

3.14 Penalties for contravention

A person that contravenes any of the following may be subject to criminal proceedings or civil penalties:

a) failure to keep the identity of a Discloser confidential; and

b) actually causing, or threatening to cause, detriment to a Discloser for making or proposing to make a report.

3.15 Responsibility and Decision-Making

The Board of Guardian, through the Audit and Risk Committee, governs and is responsible for the ultimate decision-making power regarding reports and investigations under this Policy.

Guardian has appointed a “Whistleblower Protection Officer” in a designated position which is responsible for:

a) safeguarding the interests of a Discloser;

b) assessing the immediate welfare and protection needs of a Discloser and, where the Discloser is an employee, seeking to foster a supportive work environment; and

c) responding, as appropriate and necessary, to any concerns or reports of victimisation suffered by a Discloser as a result of making a report under this Policy.

There may be more than one Whistleblower Protection Officer in place from time to time.

3.16 General

It is a condition of any employment or engagement by Guardian that all employees, officers, contractors and consultants must at all times comply with this Policy. However, this Policy does not form part of any agreement between any person and any Guardian Group company, nor does it constitute terms and conditions of any person's employment or engagement with a Guardian Group company.

This Policy will be made available to all employees, directors and officers by making it available on the internal intranet ‘The Guardian Way’. This Policy will be made available to external persons during their engagement process with Guardian.

3.17 Review of the policy

This Policy will be reviewed every two years to ensure it remains compliant with legislative requirements and consistent with the nature of Guardian's business operations. This Policy may be amended, withdrawn or replaced from time to time at the sole discretion of Guardian's Audit and Risk Committee.

3.18 Additional Information

Reports can be made anonymously and confidentially by contacting Guardian's assigned Whistleblower Protection Officer on 1300 352 919 or whistleblowerofficer@guardian.edu.au.

4.0 Definitions

Whistleblowing: A person with a connection to a company or organisation who may be in a position to observe or be affected by misconduct and may face reprisals for reporting it. The Fair Work (Registered Organisations) Act 2009 (also referred to as the RO Act) has protections related to making protected disclosures (also known as whistleblowing).

5.0 Sources

[Whistleblower rights and protections | ASIC](#)

Policy owner	General Counsel		Content author	General Counsel	
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