



# 7-P19 Whistleblower Policy

Version Control	Date	Author	Description of Change	Links to ECSNR 2011 and WA 2012:  Links to NQS: QA 7  Related Forms:  Related Supporting Documents: 4-F70 Witness Statement
1.0	April 2014	AEG	New policy / procedure	
1.1	April 2015	AEG	Minor amendments	
1.2	May 2016	AEG	Revision	
1.3	Dec 2016	AEG	Revision	
1.4	Jun 2017	AEG	Reformatting	
7.19	July 2019	AEG	Legislation changes	
5.20	May 2020	AEG	Contact details updated	
6.21	Jun 2021	AEG	Revised role names, added Modern Slavery Statement	
11.21	Nov 2021	AEG	Updated roles and Board details	
8.22	Aug 2022	AEG	Significant update	
10.22	Oct 2022	AEG	Updated QPE director names	
01.23	Jan 2023	AEG	Removed External Whistleblower contact	

## 1.0 Definitions

For the purposes of this policy, a **Whistleblower** is an AEG current or former director or employee, their relative or dependant, or a volunteer, contractor or consultant, who reports actual or suspected serious wrongdoing within AEG relating to fraud, corruption, illegal activities, gross mismanagement or malpractice in accordance with this policy.

**Reportable conduct** includes dishonesty, fraud, corrupt conduct, illegal conduct, unethical behaviours against Modern Slavery, misconduct (negligence, breach of trust), improper state of affairs or circumstances, conduct that represents a danger to the public or financial system, conduct that constitutes an offence under a law of the Commonwealth punishable by a term of imprisonment of 12 months or more and serious or substantial waste of public money.

**Eligible Recipients** are the people to whom the Whistleblower can report their reportable conduct concerns to and these include:

- A member of the Senior Executive Team
- External bodies – ASIC, APRA, police Member of Parliament
- Authorised hotlines

## 2.0 Policy Statement

The purpose of this policy is to set out the processes adopted by Affinity Education Group Limited and its related entities (collectively, **AEG**) in responding to reports by Whistleblowers, and how AEG will support and protect those who make such reports.

AEG is committed to:

- the highest standards of legal, ethical and moral behaviour, and to investigating reports made in accordance with this policy which are not trivial, vexatious, malicious or false;
- providing a supportive environment in which Whistleblowers are encouraged to report potential or actual serious wrongdoing they believe is occurring within AEG without fear of victimisation or reprisal; and
- supporting and protecting Whistleblowers; no Whistleblower should be personally disadvantaged for making a report where they have reasonable grounds to suspect that potential or actual serious wrongdoing has taken place.

## 3.0 Scope and Application

This policy applies to Whistleblowers. Other persons to whom this policy does not apply and who wish to report potential or actual serious wrongdoing within AEG are encouraged to contact AEG's **Chief Executive Officer on 07 3513 7700** in the first instance.



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Current and former directors and employees, their relatives and dependants, and AEG's volunteers, contractors and consultants, who have concerns generally relating to their employment or engagement, or otherwise in respect of matters that are not serious wrongdoing within AEG relating to fraud, corruption, illegal activities, gross mismanagement and malpractice should raise those concerns in accordance with AEG's grievance procedures and other internal processes, which generally involve discussing the matter with the relevant manager or AEG representative in the first instance.

## 4.0 Roles and Responsibilities

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The AEG whistleblower governance team consists of:

- **Whistleblower Program Manager**
- **Whistleblower Protection Officer** – appointed by the Whistleblower Program Manager to assist the Whistleblower, in most cases the CEO
- **Investigator** – in most cases the Chief People Officer and CFO

A Whistleblower Program Manager has the following responsibilities in respect of reports made to them under this policy:

- Assess whether the report satisfies the requirements of this policy, is not trivial, vexatious, malicious or false, and warrants investigation; and
- If so:
  - Appoint a Whistleblower Protection Officer to provide support to the Whistleblower
  - Appoint an investigator to investigate the report
  - Take reasonable steps to ensure retaliatory action will not be taken against the Whistleblower
  - Notify the CEO (or alternately the Board, as may be appropriate) of the report and the investigation of it

The Whistleblower Program Manager may seek assistance from external financial, legal and operational advisers as required. The Whistleblower Program Manager reports directly to the CEO (or alternately the Board, as may be appropriate).

A Whistleblower Protection Officer is responsible for the following during the investigation process:

- providing support to the Whistleblower in respect of their report; and
- keeping the Whistleblower informed of the progress and outcomes of the investigation as reported by the investigator, as appropriate in the circumstances.

An investigator will be appointed by the Whistleblower Program Manager and may be internal or external to AEG. An investigator is responsible for ensuring the proper investigation of the report and for keeping the Whistleblower Program Manager and the Whistleblower Protection Officer informed of progress.

An internal investigator must not be a person who is the subject of the investigations or has inappropriate links or connections (actual or perceived) to the persons/practices which are under investigation. Ordinarily an internal investigator will be the Chief People Officer or CFO.

The Whistleblower Program Manager may authorise an investigator to seek assistance from internal or external financial, legal and operational advisers as required.

### Whistleblower

A Whistleblower must have reasonable grounds for suspecting there has been wrongdoing in making their report and cooperate in the investigation process, including providing further information and particulars sought by the investigator.

## 5.0 Strategies and Practices

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### Reporting

Whistleblowers are encouraged to report suspected or actual wrongdoing to an internal AEG Eligible Recipient in the first instance.

Eligible Recipients within AEG are members of the Senior Executive Team:

- **Chief Financial Officer 07 3513 7700**
- **General Counsel 07 3513 7700**
- **Chief People Officer 07 3513 7700**



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If the report contains allegations against these people, or the Whistleblower otherwise considers it inappropriate to make their report to any of these people, the Whistleblower is encouraged to report their reasonable suspicion to the Chief Executive Officer, who will assume the role of Whistleblower Protection Officer for the purposes of this policy:

- **Chief Executive Officer 07 3513 7700**

If the report contains allegations against the internal Eligible Recipients, or the Whistleblower otherwise considers it inappropriate to make their report to the CEO, the Whistleblower is encouraged to report their reasonable suspicion to AEG's external Whistleblower Protection Officer, who will assume the role of Whistleblower Program Manager for the purposes of this policy.

The external Whistleblower Protection Officer will report any allegations directly to the AEG Board. The contact details for the AEG Board are:

- **Quadrant Private Equity**  
**Directors: Chris Coates, Taseen Rahman**  
**Ph: 02 9221 3044**

## **Anonymous reporting**

Anonymous reports are accepted under this policy. However, anonymous reports have significant limitations. These limitations may include the inability to gather additional particulars to assist the investigation and provide specific protection for Whistleblowers.

## **6.0 Protection of Whistleblowers**

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### **Confidentiality**

AEG will take reasonable steps to keep the Whistleblower's identity confidential. AEG must obtain written consent from the Whistleblower prior to sharing any information such as their name or information that may disclose their identity unless disclosure is authorised or required by law. AEG must disclose to the Whistleblower to whom their identity or information will be shared with and why. AEG may also disclose information where the disclosure is necessary to further investigation of the report.

When a report is investigated it may be necessary to reveal its substance to:

- AEG directors and the Board, employees, volunteers, contractors or consultants;
- external persons involved in the investigation process; and
- law enforcement agencies.

To ensure procedural fairness, it may be necessary to disclose the fact and/or substance of a report to any person who may be the subject of the report and allow them an opportunity to respond.

AEG will take reasonable precautions to securely store records relating to any report and its investigation, and to permit access by authorised persons only. Any unauthorised disclosure of information relating to a report or its investigation, or the identity of a Whistleblower will be regarded seriously and may result in disciplinary action (including termination of employment or engagement).

### **Disclosures to lawyers and regulatory bodies**

AEG will take reasonable steps to keep a Whistleblower's identity confidential and reduce the risk of disclosure in the course of an investigation if:

- the concern is raised with a lawyer for the purpose of obtaining legal advice or representation; or
- the concern is reported to the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA), or any other government body prescribed under Part9.4AAA of the *Corporations Act 2001* (Cth).

### **Public interest disclosures**

A Whistleblower may make a 'public interest disclosure' or an 'emergency disclosure' to a journalist or a parliamentarian under certain circumstances and qualify for protection. It is recommended that the Whistleblower seek independent legal advice before making such a disclosure.



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## Retaliation

AEG will not tolerate any retaliatory action or threats of retaliatory action against any Whistleblower who has reasonable grounds to suspect wrongdoing was taking place.

A Whistleblower must not be disadvantaged or victimised for having made a report. Any detrimental conduct toward the Whistleblower in reprisal for a report being made under this policy may result in disciplinary action, including termination of employment or engagement.

Detrimental conduct may include:

- dismissal of an employee;
- alteration of an employee's position or duties to his or her disadvantage;
- harassment or intimidation of a person;
- harm or injury to a person, including psychological harm;
- damage to a person's reputation; or
- threats of any of the above.

Detrimental conduct does not include:

- administrative action that is reasonable for the purpose of protecting a Whistleblower from detriment (e.g. moving the Whistleblower who has made a disclosure about their immediate work area to another office to prevent them from detriment); or
- managing a Whistleblower's unsatisfactory work performance, if the action is in line with the entity's performance management framework.

If it is found that a Whistleblower has engaged in wrongdoing that is the subject of their report, or otherwise, the fact that the Whistleblower has made the report will not protect the Whistleblower from potential disciplinary action and any such disciplinary action will not be considered retaliation or victimisation. However, cooperation in an investigation, an admission and/or genuine remorse may be considered when determining disciplinary action.

If a Whistleblower believes they have been the subject of actual or threatened victimisation or other retaliatory action, they are encouraged to report the matter to their Whistleblower Protection Officer.

## 7.0 Inappropriate Reports

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Whistleblowers must only make reports under this policy if they have reasonable grounds to suspect wrongdoing and must not make reports that are trivial, vexatious, malicious or false. Such reports will not be investigated.

Making a report that is found to be trivial, vexatious, malicious or false will be regarded seriously and may result in disciplinary action, including termination of employment or engagement.

## 8.0 Policy Consultation and Communication

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This policy is available to all current directors and employees via Promapp. This policy is included in mandatory pre-employment training.

This policy is available to all former directors and employees, their relatives and dependants, and AEG's contractors, suppliers, volunteers and consultants on the AEG website.

All current directors and employees are able to provide input and feedback on this policy and contribute to its annual review. All current directors and employees will be notified of any updates to this policy. Members of the Senior Executive Team will review this policy regularly.



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## 9.0 Authority

This Policy is approved by the Senior Executive Leadership Team and reviewed by the Board.

## 10.0 Related Policies and Procedures

- Grievance and Conflict Resolution Procedure
- Code of Conduct Policy
- Performance Management Procedure
- Corrective Action and Discipline Procedure
- Family Complaints Procedure
- Allegations Handling Procedure
- Bullying and Harassment Procedure
- Equal Employment and Anti-Discrimination Policy

## 11.0 Contacts

Chief People Officer Ph: 07 3513 7700	Internal Whistleblower Governance Officers: <ul style="list-style-type: none"> <li>• Chief Financial Officer Ph: 07 3513 7700</li> <li>• General Counsel Ph: 07 3513 7700</li> </ul>
Chief Executive Officer 07 3513 7700	
External Whistleblower Governance Officer:	Directors of the AEG Board: Quadrant Private Equity Ph: 02 9221 3044 <ul style="list-style-type: none"> <li>• Chris Coates</li> <li>• Taseen Rahman</li> </ul>

## 12.0 References

ASIC. 2022. *Whistleblowing*. Accessed July 2022

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>

Aust. Govt. Modern Slavery Act 2018 <https://www.legislation.gov.au/Details/C2018A00153>

ASIC. 2020. RG 270 *Whistleblower Policies*. Accessed 2022

<https://download.asic.gov.au/media/5702691/rg270-published-13-november-2019-20200727.pdf>

Policy Written by: Affinity Education Group	Position: Affinity Education Group	Date: Jan 2023
Approved by: Affinity Education Group	Approved Date: Jan 2023	Next review date: July 2023



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## APPENDIX A

### **Modern Slavery Statement**

#### **What is Modern Slavery?**

The *Modern Slavery Act 2018* (Cth) (Act) came into effect on 1 January 2019. The Act requires organisations based or operating in Australia with an annual consolidated revenue of \$100 million or more, to report annually on the actions they are taking to avoid or eliminate Modern Slavery in their operations and supply chains.

The Australian Government describes Modern Slavery as circumstances where offenders use coercion, threats or deception to exploit victims and undermine their freedom. Modern Slavery can occur in every industry and presents itself in many ways including human trafficking, slavery and forced labour.

Modern Slavery distorts global markets, promotes cost cutting techniques and poses significant legal and reputational risks to entities. Affinity Education Group Limited (Affinity) is dedicated to ensuring we are limiting our impact as much as possible and working with our suppliers to ensure that our supply chain is ethically and responsibly sourced.

#### **What does this mean to us?**

Being aware of Modern Slavery means utilising the best quality and ethically sourced resources and services to ensure that we are not contributing to an issue of global harm. This Modern Slavery Statement outlines the steps Affinity has taken to identify, manage and mitigate specific risks of Modern Slavery within our operations and supply chain.

Affinity is a proprietary company based in Queensland and is a subsidiary of a broader group. Affinity currently provides childcare services to over 15,000 children across over 185 centres Australia wide and has over 4000 employees nationwide.

#### **Operations**

Affinity promotes the following operational activities in support of its business objectives:

- delivering quality care and education to children within our centres;
- directly sourcing our employees;
- providing educational pathways for development to our educators; and
- acquiring childcare centres that are ethically built and compliant with legislation.

#### **Supply Chain**

Affinity's supply chains include various services which assist with the delivery of childcare services to our centres as well as suppliers who work with us ensure that the centres are compliant and managed appropriately. Affinity seeks to engage with suppliers who prefer and prioritise products sourced ethically and from Australia.

These include:

- food suppliers;
- professional service providers such as auditors, brokers, debt collectors and lawyers;
- contractors including building works, cleaners, IT, marketing services and HR services;
- resources including play equipment, educational resources, and furniture; and
- educational program suppliers including excursion and incursion providers, language lessons, music classes, maths and English programs.

Affinity will:

- report on its actions to assess and address Modern Slavery risks associated with its operations, including its employment practices and providing training for workers;
- discuss steps it has taken to assess and address Modern Slavery risks associated with the activities of Affinity; and
- provide information on how it is assessing and addressing Modern Slavery risks in its supply chains.



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## **Risk of Modern Slavery Statements**

Affinity recognises that there may be risks attributable to its current supply chain arising from the operations of its contractors or their sub-contractors. This may include risks that contractors are not using ethically sourced material or supplies, providing inadequate training or conducting insufficient enquiries into labour being utilised to ensure that Modern Slavery does not take place within their operational structures and risks relating to expedited time frames for completing various projects.

## **Action and Due Diligence**

Affinity has been working to address these risks by undertaking due diligence on its current suppliers and new suppliers in order to continuously implement practices to support the principles of Modern Slavery.

Affinity recognises that without sufficient due diligence on its contractors and suppliers, its contribution to Modern Slavery will increase. These risks are mitigated by the implementation of supplier onboarding procedures (including dispute mechanism processes) to ensure they meet the legislative requirements to be working within Affinity's centres and to ensure all contracted suppliers operate in accordance with our values.

Affinity carries out the following procedures when onboarding new suppliers:

- request information from direct suppliers about its sub-suppliers;
- having open and honest conversations with its key suppliers to ensure that they are addressing their own Modern Slavery risks;
- updating supplier agreements to address Modern Slavery risks and obligations;
- completing annual reviews on its policies relating to suppliers; and
- using existing traceability processes to improve information about the source of products.

Affinity continually reviews its internal policies including its Whistleblower Policy to enable its employees and contractors to speak up and notify it of any issues that may be occurring or contributing to Modern Slavery.

## **Assessing Effectiveness**

Affinity continually strives to ensure that it is managing Modern Slavery risks within its organisation. In order to assess the effectiveness of strategies to reduce and eliminate any risks relating to Modern Slavery, Affinity will:

- include Modern Slavery discussions in our Safety Committee Meeting agenda. This meeting is attended by senior management and considers emerging or existing risks within the organisation and how to best address these risks. This includes tracking and providing updates on any projects undertaken by the broader business to prevent Modern Slavery risks;
- complete annual reviews of all policies and procedures with relevant internal departments to ensure policies and procedures accurately reflect the business's objectives. This includes reviewing the risk assessment procedures within Affinity's operations and those provided by suppliers;
- promote training and education among staff to ensure they are aware of their obligations to uphold applicable laws, regulations, codes and standards which is included in our critical policies module so all employees are made aware; and
- commence review of key suppliers assessed as having an elevated risk of human rights violations.

## **Brands and Trading Names**

This Modern Slavery Statement applies to all childcare centres owned and operated by Affinity Education Group under the following brands:

