



BOURKE AND DISTRICT CHILDREN'S SERVICES

QUALITY AREA 2: CHILDREN'S HEALTH & SAFETY

POLICY NAME: CHILD PROTECTION

POLICY STATEMENT

Our organisation is committed to providing a child safe environment where children's safety and wellbeing is supported and children feel respected, valued and encouraged to reach their full potential. We embed the National Principles for Child Safe Organisations and promote a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging. We ensure all staff members, students and volunteers understand the meaning, importance and benefits of providing a child safe environment and critically, understand their obligations and requirements as Mandatory Reporters.

BACKGROUND

The Education and Care Services National Regulations requires Approved Providers to ensure that all staff, volunteers, and students at their service have an awareness of Child Protection Law. Our goal is to ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm. It is our responsibility to defend children's right to care and protection to ensure their safety, welfare and wellbeing, and a responsibility to report any children at significant risk of harm.

At all times, our service will treat children with the utmost respect and understanding. We believe that:

- Children are capable of the same range of emotions as adults
- Children's emotions are real and need to be accepted by adults
- A reaction given to a child from an adult in a child's early stages of emotional development can be positive or detrimental depending on the adult's behaviour
- Children who enhance their understanding of their body's response to a situation are more able to predict the outcome and ask for help or evade a negative situation

OVERALL STRATEGIES / HOW WILL IT BE DONE?

Our service strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. Staff members/students/volunteers have an important role to support children and young people and to identify concerns that may jeopardise their safety, welfare, or wellbeing including:

- A duty of care to ensure that reasonable steps are taken to prevent harm to children
- Obligations are met under child protection legislation
- Obligations are met under work, health and safety legislation

All staff members, students and volunteers at BDCS will:

- Be aware of the existence and application of the current child protection law and any obligations they have under that law
- Understand how to apply child protection law within their service
- Be aware of their obligations under that law, such as the responsibilities of a mandatory reporter

In addition to the above, the General Manager, all Nominated Supervisors and all persons in day-to-day charge of a service will:

Successfully complete approved child protection training and complete refresher training every 12-24 months.

All members of the BDCS committee will be offered Child Protection training (including refresher training), and at least one member will always maintain up-to-date certification.

WORKING WITH CHILDREN CHECK (WWCC)

People working or volunteering with children in New South Wales must, by law, have a Working with Children Check (WWCC). The Office of the Children's Guardian provides checks of workers and volunteers to organisations, contributing to creating safe environments for children and other vulnerable people. A WWCC Check is an assessment of whether a person poses an unacceptable risk to children. As part of the process, the Office of the Children's Guardian will look at criminal history, child protection information and other information.

Working with Children Checks are valid for five years. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked. If new information about a person means they pose a risk to children's safety, that person's check will be re-assessed and, if necessary, they will be prohibited from working with children. The Office of the Children's Guardian will inform both the person affected and any organisations they're linked to about the change in status.

Organisations need to be registered with the Office of the Children's Guardian to verify an employee's WWCC. WWCC's must be verified BEFORE the employee begins working with children.

CHILD SAFE REPORTING AND COMPLAINT HANDLING

This policy includes details regarding our organisation's policy on child safe reporting. Everyone in our organisation must:

- Know **what** to report, **who** to report to and **how** to report
- Report any concerns about the safety or welfare of a child or young person immediately
- Ensure the safety and wellbeing of the child is paramount when responding to a disclosure or allegation about a child being harmed or at risk

Our reporting practices will be regularly reviewed and updated to make sure they remain effective and comply with legislation. Further information regarding complaints can also be found in our Complaints Handling policy.

WHAT IS CHILD ABUSE AND NEGLECT

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological, or emotional health or development. Child abuse can be a single incident or can be a number of different incidents that take place over time.

TYPES OF ABUSE AND NEGLECT

The NSW Government identifies the following types of abuse and neglect:

- Neglect
- Sexual abuse
- Physical abuse
- Emotional abuse or psychological harm
- Circumcision, including female circumcision (i.e. Genital Mutilation)
- Domestic and family violence
- Forced marriage and underage forced marriage

INDICATORS OF ABUSE

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Behavioural or physical signs which assist in recognising harm to children are known as indicators. One indicator on its own may not imply abuse or neglect however, a single indicator can be as important as the presence of several indicators. Each indicator needs to be deliberated in the perspective of other indicators and the child's circumstances. A child's behaviour is likely to be affected if he/she is under stress. There can be many causes of stress and it is important to find out specifically what is causing the stress. Abuse and neglect can be single incidents or ongoing and may be intentional or unintentional. The Department of Communities and Justice provides further definitions and indicators for Recognising Child Abuse.

REPORTING CHILD SAFETY COMPLAINTS

All child safety complaints should be reported. This includes:

- Criminal conduct
- Disclosures or reports of abuse
- Risk Of Significant Harm (ROSH)
- Reportable allegations (an allegation that an employee has engaged in conduct that may be reportable conduct)
- Unacceptable behaviour around children and young people that breaches our Code of Conduct (see Code of Conduct policy)

WHO MUST MAKE AN EXTERNAL REPORT

It can be a criminal offence for adults not to report to police if they know, believe or ought reasonably believe that a child abuse offence has been committed. In addition, it can be a criminal offence for people employed in an organisation that provides child-related services if they fail to reduce or remove the risk of a child becoming a victim of child abuse.

REASONABLE GROUNDS

This refers to the need to have an objective basis for suspecting that a child may be at risk of abuse and neglect based on:

- Your observations of the child, young person, or family
- What the child, young person, parent, or another person has told you
- What can reasonably be indirect based on observation, professional training and/ or experience

(You are NOT required to confirm your suspicions or have clear proof before making a report)

REPORTING RISK OF SIGNIFICANT HARM (ROSH)

Any person in the community who has reasonable grounds to believe that a child or young person is at risk of significant harm (ROSH) can report to the Department of Communities and Justice (DCJ) on 132 111 (this is a 24-hour service). Definitions of ROSH are set out in the legislation or on p.46 of the OCG's Reporting Obligations and Processes handbook.

MANDATORY REPORTING

Mandatory reporting is the requirement by law for selected classes of people to report suspected child abuse and neglect to government authorities. In NSW, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998 (the Care Act). The NSW Mandatory Reporter Guide lists concerns that are reportable for Mandatory Reporters and is designed to guide you through the process of mandatory reporting. All staff, students and volunteers at BDCS are mandatory reporters and must report to DCJ if they have reasonable grounds to suspect ROSH for a child.

The Mandatory Reporting – Reporting Risk of Significant Harm procedure section further in this policy, details the steps that Mandatory Reporters should take.

SECTOR-SPECIFIC REPORTING OBLIGATIONS

As BDCS is an Early Childhood Education and Care service there are also additional reporting requirements, this includes reporting incidents to the NSW ECEC Regulatory Authority. In addition, children and young people, their families or advocates and members of the community who may interact with our services are encouraged to disclose and report to our organisation and will be supported when doing so.

REPORTING CRIMINAL CONDUCT TO THE POLICE

It is of the utmost importance that criminal allegations be reported to police at the earliest opportunity and that entities obtain guidance from police before taking any action that could compromise a criminal response.

Sometimes, it will be very clear that a report to police is required. For example, if you receive a report about sexual assault of a child, or a serious physical assault. At other times, it may be less clear. The NSWPF encourages all matters to be reported. It is critical that criminal allegations be reported immediately to police, as taking risk management action or commencing investigative steps before consulting with police may jeopardise a police investigation.

It is important to note that some failures to report criminal allegations to police will constitute a criminal offence. For example, s316A of the Crimes Act 1900 sets out an offence for concealing child abuse in relation to a failure to report a child abuse offence to Police. A failure to report allegations of criminal abuse of a child may also constitute reportable conduct in some circumstances.

Contact Bourke Police on 02 6870 0899 for anything you consider could be a criminal offence. This includes sexual assault, physical assault, grooming offences, and producing, disseminating or possessing child abuse material. For general enquiries, please contact NSW Police on 131 444. For more information on concurrent investigations, consult the OCG website for, 'Reportable conduct investigations and the NSW Police Force' resource.

REPORTABLE ALLEGATIONS AND REPORTABLE CONVICTIONS UNDER THE REPORTABLE CONDUCT SCHEME

The Reportable Conduct Scheme is an allegation-based scheme. The threshold for making a notification to the Office of the Children's Guardian is that a reportable allegation has been made.

A reportable allegation is an allegation that an employee has engaged in conduct that may be reportable conduct or that the employee is the subject of a conviction that is considered a reportable conviction. Reportable Conduct includes sexual offences, sexual misconduct, ill-treatment of a child, neglect of a child, an assault against a child, failure to protect a child or failure to report if a child has been harmed, as well as any behaviour that causes significant psychological harm to a child (see full definitions of reportable conduct above).

Reportable allegations and reportable convictions must be reported to the Office of the Children's Guardian (OCG) within 7 days of the Head of Relevant Entity becoming aware of them. This can be done using the 7 Day Notification form on the OCG's website.

The approved provider has the legislative obligation under the Reportable Conduct Scheme to notify the Office of the Children's Guardian (OCG) of reportable allegations and convictions against their employees (including volunteers and contractors), investigate the allegation with procedural fairness and advise the Office of the outcome (The Reportable Allegations and Reportable Convictions under the Reportable Conduct Scheme procedure section further in this policy, details the steps that should be taken). Mandatory reporting procedures including notification to the Child Protection Helpline operate alongside, and does not replace, the Report Conduct Scheme.

All staff members have an obligation to report relevant allegations of a child protection nature as part of the Reportable Conduct Scheme to the approved provider or OCG. This reportable conduct may have occurred either within work hours or outside work hours.

WHO MUST MAKE AN INTERNAL REPORT

Everyone engaged to work or volunteer at BDCS must make an internal report about any child abuse or misconduct concerns they either observe or are told about. The person making the internal report will not be penalised. A failure to report, or preventing another person from reporting, will be considered misconduct.

- Internal reporting by employees, contractors and volunteers:
All staff, students, volunteers and contractors must make a report (including breaches of the Code of Conduct and any disclosures) to their Direct Supervisor. If this isn't appropriate, then they must direct their report to the General Manager.
- Internal reporting by children and young people or their families or advocates, and other members of the community:
All children and young people or their families or advocates, and other members of the community must make their report to the Director of the service which their concern relates to. If this isn't appropriate, then they must direct their report to the General Manager.

OVERVIEW OF THE COMPLAINTS HANDLING PROCESS

Once an allegation or complaint has been made, use this step-by-step process to make sure it is appropriately followed up:

- Steps are taken to identify and address any risks
- The incident is recorded
- Reporting obligations are met, if necessary
- An investigation is conducted, keeping everyone involved up to date with what is happening
- Ongoing support is offered to the child or young person as needed
- The incident is reviewed and our child safe documents are updated, if necessary. This includes reviewing our risk management plan

It is the responsibility of the Service Director to conduct a risk assessment after receiving an allegation, to ensure the safety of all people involved and maintain the integrity of any potential investigation.

DISCLOSURE OF HARM/ABUSE

A disclosure of harm/abuse emerges when someone, including a child, tells you about harm that has happened or is likely to happen. When a child discloses that he or she has been abused, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child from the abuse. It is also a chance to help the child connect to professional services that can keep them safe, provide support and facilitate their recovery from trauma. Disclosure is about seeking support and your response can have a great impact on the child or young person's ability to seek further help and recover from the trauma.

IF A CHILD DISCLOSES TO A STAFF MEMBER/STUDENT/VOLUNTEER THAT THEY HAVE BEEN HARMED/ABUSED, ALL STAFF MEMBERS/STUDENTS/VOLUNTEERS MUST FOLLOW THE BELOW STEPS:

- React calmly to the child making the disclosure and find a private place to talk
- **Do not** promise to keep the disclosure a secret or make any other promises to the child
- Listen attentively and later write down the child's exact words
- Accept the child will disclose only what they are comfortable with and recognise the bravery/strength of the child for talking about something that is difficult
- Let the child take his or her time
- Let the child use his or her own words
- **Do not** prompt the child for further details or ask leading questions which could make the child feel uncomfortable or has the potential to jeopardise any future legal proceedings that may arise as a result of any investigation
- Provide comfort and care to the child
- Reassure the child that:
 - It is not their fault
 - It was right to tell
 - It is not OK for adults to harm children - no matter what
- Explain what will happen now - that it is part of your job to tell people who can help the child.
- **Do not** attempt to conduct your own investigation or mediate an outcome between the parties involved
- Document:
 - Time, date and place of the disclosure
 - 'Word for word' what happened and what was said, including anything that you said
 - Date of report and signature

Follow the steps for Mandatory Reporting (see below)

MANDATORY REPORTING – RISK OF SIGNIFICANT HARM (ROSH)

MANDATORY REPORTING

This is the requirement by law for selected classes of people to report suspected child abuse and neglect to government authorities. In NSW, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998 (the Care Act).

MANDATORY REPORTERS

These are listed in the Children and Young Persons (Care and Protection) Act 1998 (The Care Act) and include people who deliver: wholly or partly, to children as part of their paid or professional work. All staff, students and volunteers at BDCS are Mandatory Reporters. The NSW Mandatory Reporter Guide lists concerns that are reportable for Mandatory Reporters and is designed to guide you through the process of mandatory reporting.

The MRG supports mandatory reporters to:

- Determine whether a report to the Child Protection Helpline (Phone: 132 111) is needed for concerns about possible abuse or neglect of a child (including unborn) or young person
- Identify alternative ways to support vulnerable children, young people, and their families where a mandatory reporter's response is better served outside the statutory child protection system

Mandatory Reporters must complete the MRG on each occasion they have risk concerns, regardless of their level of experience or expertise as each circumstance is different, and every child and young person is unique.

RISK OF SIGNIFICANT HARM (ROSH)

This refers to circumstances causing concern for the safety, welfare and wellbeing a child or young person present to a significant extent. This means it is sufficiently serious to warrant a response by a statutory authority irrespective of the family's consent. Mandatory reporters should report their concern to the Child Protection Helpline within 24 hours. What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare, or wellbeing. In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.

IMMEDIATE RISK OF SIGNIFICANT HARM (IROSH)

This is a term used in the Mandatory Report Guide to tell reporters that they must report immediately to Communities & Justice.

MANDATORY REPORTING – RISK OF SIGNIFICANT HARM PROCEDURE

If a child has made a disclosure of harm or abuse or you have concerns that a child may have been subjected to harm or abuse, the below steps must be followed by all staff members/students/volunteers:

- **In an emergency, where a child is at immediate risk and police or medical assistance is required, contact emergency services immediately on 000.**
- Document the disclosure (see details required above) or make a record of the indicators observed that have led to the belief that there is a current risk of harm to the child, this includes:
 - Recording concerns in a non-judgmental and accurate manner as soon as possible
 - Recording own observations as well as precise details of any discussion with a family member (who may for example explain a noticeable mark on a child)
 - Time, date and place of the suspicion
 - Full details of the suspected abuse
 - Date of report and signature

Information on indicators of risk of harm are outlined in the [NSW Mandatory Reporter Guide](#) (MRG).

Document this in the confidential notes section of the child's Xplor profile (ask for the Nominated Supervisor to do this if a student or volunteer).

- Report the disclosure/concerns to the Nominated Supervisor/Responsible Person and advise them of your intention to use the MRG to create an eReport which will include details regarding, whether a report to the Child Protection Helpline (Phone: 132 111) should be made
- For students/volunteers, the Nominated Supervisor/Responsible Person may take over the reporting process and complete the MRG based on the student/volunteers responses, alternatively students/volunteers can continue this process independently
- After completing the MRG, generate an eReport and complete the actions stated in the report and provide this information to the Nominated Supervisor/Responsible Person
- Should a report be required to the Child Protection Helpline the following information must be prepared in advance:
 - Details which identify the child such as the child's name, date of birth, address, phone number, cultural identity or Aboriginality, language barriers, disabilities

- Details of the parents, carers or other household members such as name, date of birth or age, address, phone numbers, cultural identity or Aboriginality, language barriers, disabilities
- Details of the staff member and service such as name, address, phone and email details
- Information regarding the significant risk of harm
- The Nominated Supervisor/Responsible Person will upload the report to the child's Xplor profile.
- Mandatory Reporters should note that the legislation requires that they continue to respond to the needs of the child (within the terms of their work role) even after a report to the Child Protection Helpline has been made
- If the Mandatory Reporter Guide determines that the concerns do not meet the risk of significant harm threshold, they do not need to make a report to the Child Protection Helpline, however, they should discuss the matter with the Nominated Supervisor to determine whether the child or family would benefit from the assistance of another agency

The staff member and Nominated Supervisor/Responsible Person should monitor the situation and if they believe there is additional information that could be considered, repeat the above steps as required.

REPORTABLE CONDUCT SCHEME - ALLEGATIONS OF ABUSE AGAINST STAFF MEMBERS, VOLUNTEERS OR STUDENTS

The Children's Guardian Act 2019 defines reportable conduct as:

- A sexual offence has been committed against, with, or in the presence of a child
- Sexual misconduct with, towards, or in the presence of a child
- Ill-treatment of a child
- Neglect of a child
- An assault against a child
- An offence under s43b (failure to protect) or s 316a (failure to report) of the crimes act 1900
- Behaviour that causes significant emotional or psychological harm to the child

(The approved provider must take appropriate action to prevent reportable conduct by employees)

The definitions of harm and abuse listed below are based on those in part 4, section 20 of the Children's Guardian Act 2019.

SEXUAL OFFENCE

A sexual offence is an offence of a sexual nature under a law of NSW, another state/territory, or the Commonwealth committed against, with or in the presence of a child, such as:

- Sexual touching of a child
- A child grooming offence
- Production, dissemination or possession of child abuse material

An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of a sexual offence.

SEXUAL MISCONDUCT

Sexual misconduct of a child means any conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence). The following are examples of sexual misconduct:

- Descriptions of sexual acts without a legitimate reason to provide the descriptions
- Sexual comments, conversations or communications
- Comments to a child that express a desire to act in a sexual manner towards the child, or another child

ILL-TREATMENT

Ill treatment of a child means conduct towards a child that is:

- Unreasonable, and
- Seriously inappropriate, improper, inhumane or cruel

Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.

NEGLECT

Neglect of a child means a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child that causes or is likely to cause harm to the child, by:

- A person with parental responsibility for the child
- An authorised carer or an employee if the child is in the employee's care

Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child's physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child or where there is the potential for significant harm to a child. Examples of neglect include failing to protect a child from abuse or exposing a child to a harmful environment.

ASSAULT

An assault can occur when a person intentionally or recklessly:

- Applies physical force against a child without lawful justification or excuse - such as hitting, striking, kicking, punching or dragging a child, or
- Causes a child to apprehend the immediate and unlawful use of physical force against them, such as threatening to physically harm a child through words and/or gestures

BEHAVIOUR THAT CAUSES EMOTIONAL OR PSYCHOLOGICAL HARM TO A CHILD

Behaviour that causes significant psychological or emotional harm is conduct that is intentional or reckless (without reasonable excuse), obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child.

For a reportable allegation involving psychological harm, the following elements must be present:

- An obviously or very clearly unreasonable or serious act or series of acts that the employee knew or ought to have known was unacceptable, and
- Evidence of psychological harm to the child that is more than transient, including displaying patterns of 'out of character behaviour', regression in behaviour, distress, anxiety, physical symptoms or self-harm, and
- An alleged causal link between the employee's conduct and the significant emotional or psychological harm to the child

REPORTABLE ALLEGATIONS AND REPORTABLE CONVICTIONS UNDER THE REPORTABLE CONDUCT SCHEME PROCEDURE

Should any allegation of abuse be made against any staff member, student or volunteer, the below steps will be followed by the Approved Provider/Nominated Supervisor:

- Develop and maintain a system of appropriate and accurate record keeping for all allegations to ensure detailed documentation is made and stored as required and confidentially
- Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation
- Assess whether a child is at risk of significant harm and, if so, use the MRG to create an eReport which will include details regarding; whether a report to the Child Protection Helpline (Phone: 132 111) should be made
- Determine whether the allegation is considered to be reportable conduct
- Treat the staff member/volunteer/student with fairness at all times and uphold their employee rights at all times
- Depending on the nature of the allegation, arrange to inform the person immediately (though be guided by the advice of DCJ or the police)
- Depending on the nature of the allegation made, the Approved Provider/Nominated Supervisor, may decide to suspend the person subject to the allegation pending further investigation
- Arrange for the person against whom an allegation has been made, to have a support person attend any meetings. This support person must not participate in the discussions throughout the meeting
- Offer counselling or support to the person subject to the allegation through the Employee Assistance Program (EAP). Appointments can be made by phoning 1300 360 364 or online or alternatively call the support line for First Nations people on 1800 816 152
- Consider whether or not the police need to be informed of the allegation and if so, make a report
- Notify the Regulatory Authority via the [NQA-ITS](#) within 24 hours of the following:
 - Any incident where any employee reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is, or the children are being educated and cared for by the education and care service
 - Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is, or the children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the Law).
- Submit a notification to the Office of the Children's Guardian (OCG) within 7 days of becoming aware of reportable allegation, as required under the Children's Guardian Act 2019 [OCG Reportable Conduct Scheme](#)
- Ensure confidentiality is maintained at all times and that systems are in place to deal with any breaches of confidentiality
- Undertake a risk management approach following an allegation to ensure the protection and safety of children, staff, and visitors to the service. Based on this risk assessment, decisions will be made in order to manage the risks that have been identified
- Develop an investigation plan of the matter. Obtain relevant information from a range of sources. This may include a statement from the person who made the allegation; statements from witnesses and a statement from the person against whom the allegation has been made and any other relevant documentation
- Ensure that whoever conducts the investigation, acts without bias, without delay and without conflict of interest
 - If the allegation is being investigated by Department of Communities and Justice or the Police, the service will be guided by their advice as to whether they should independently investigate the allegation

- If the investigation is carried out by the service, the information that has been gathered will be assessed and a finding made as to whether the allegation is false, vexatious, misconceived, not reportable conduct, not sustained or sustained. The reasons for the finding will be clearly recorded to ensure that the decision-making has been transparent
- Ensure the decision-making process throughout the investigation is based on the safety and wellbeing of the child/ren and the staff/carers/carer's household members
- After all investigations are completed, provide all parties with verbal and written notification of the outcome of the investigation. Provide advice about the investigation finding and any follow up action that may be required
- Advice will also be provided about any rights of appeal if any party is not satisfied with the investigation process or the outcome of the investigation. (All parties can complain to the Office of the Children's Guardian if they are not satisfied with the conduct of the investigation)
- Advise the person against whom the allegation has been made, that the Office of the Children's Guardian has been notified and the Joint Child Protection Response (JCPR) Program also notified of the relevant employment proceeding (if relevant)
- Submit a Final Report regarding the investigation to the Office of the Children's Guardian with 30 calendar days of becoming aware of a reportable allegation, as required under the Children's Guardian Act 2019. If a final report cannot be provided within 30 calendar days, then contact the Office of the Children's Guardian, and submit an Interim Report
- The Office of the Children's Guardian will determine whether the investigation was completed satisfactorily and whether appropriate action was or can be taken. The Children's Guardian may conduct their own investigation.

Inform the Department of Communities and Justice of the outcome of the investigation

UNACCEPTABLE BEHAVIOURS UNDER OUR CODE OF CONDUCT POLICY

Our Code of Conduct policy provides details regarding unacceptable behaviours around children and young people that breach our Code of Conduct. Many of these behaviours may not meet the threshold of 'reportable allegations' under the Reportable Conduct Scheme but may indicate a pattern of concerning behaviour.

PROCEDURAL FAIRNESS, INCLUDING PRIVACY AND CONFIDENTIALITY

Our organisation maintains the privacy of those involved in accordance with our obligations under the privacy and personal information protection act 1998. It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the notification should not inform the suspected perpetrator (if known). This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements. It also minimises the risk of retaliation on the child for disclosing.

Any allegation of abuse must be treated in a fair, transparent and timely manner. Workers subject to an allegation will be notified when a disciplinary hearing is to take place and what will occur at the hearing. We follow the obligations defined under the Privacy Act 1988 (Commonwealth). Any relevant reportable conduct investigations are conducted with the OCG's Reportable Conduct Directorate. If an incident is found to be substantiated, likely outcomes or responses will be determined from advice given by relevant authorities (Police, DCJ or OCG)

PROTECTION FOR REPORTERS

All reporters are protected against retribution for making or proposing to make a report under amendments to the Children and Young Persons (Care and Protection) Act 1998. The identity of the reporter is protected by law from being disclosed, except in certain exceptional circumstances.

SHARING OF INFORMATION

Information may be exchanged under chapter 16a of the child and young persons (care and protection) act 1998, with other agencies who have responsibilities relating to the safety, welfare or wellbeing of children or young people. Sharing personal information about children and their families must be lawful, which means either gaining consent, or working within relevant legislation. Information sharing by consent, where possible, is important to meaningful work with families to facilitate change. Consent may be obtained verbally or in writing; however, you should not seek consent if doing so might compromise the safety of a child or any other person.

RECORD KEEPING

Good record keeping is important in identifying and responding to the risks and incidents of child sexual abuse, it can help to avoid additional distress and trauma for survivors who may be seeking and documenting information about their abuse while in the care of child-centred organisations.

- All documentation for complaints and allegations are stored securely and only accessed by those in the organisation with responsibility for oversight of the investigation
- Incident, Injury, Trauma, and Illness records are kept until the child is 25 years old
- Records related to child sexual abuse that has or is alleged to have occurred are:

- Kept for 45 years from the date the record was created (including incident, injury, trauma, and illness records relating to child sexual abuse)
- Clear, objective, and thorough
- Maintained in an indexed, logical, and secure manner
- Retained and disposed of in a consistent manner

BREACH OF CHILD PROTECTION POLICY

All staff, students and volunteers working with children have a duty of care to support and protect children. A breach of our Child Protection Policy may include if a person:

- Does something that a reasonable person in that person's position would not do in a particular situation
- Fails to do something that a reasonable person in that person's position would do in the circumstances
- Acts or fails to act in a way that causes harm to someone the person owes a duty of care

A breach is any action or inaction by any individual within the service, including children and young people, that fails to comply with any part of the policy.

MANAGING A BREACH IN CHILD PROTECTION POLICY

Management will investigate any breaches to this policy in a fair, unbiased and supportive manner by:

- Liaising with NSW Government Communities and Justice-Child Protection Services for appropriate processes to ensure chain of evidence is not destroyed or compromised
- Not undertaking and investigating the allegation whilst the Child Protection Helpline or the Police are conducting an investigation
- Removal of the staff member from a role with contact with children or young people until authorities conclude their investigation
- Discussing the breach with all people concerned and advising all parties of the process

Management will:

- Give the staff member, student or volunteer the opportunity to provide their version of events
- Document the details of the breach, including the versions of all parties
- Record the outcome clearly and without bias
- Ensure the matters in relation to the breach are kept confidential
- Reach a decision based on discussion and consideration of all evidence

OUTCOME OF A BREACH IN CHILD PROTECTION POLICY

Staff members who fail to adhere to this policy may be in breach of their terms of employment. Visitors or volunteers who fail to comply to this policy may face termination of their engagement. Depending on the nature of the breach outcomes may include:

- Emphasising the relevant element of the child protection policy and procedure
- Providing closer supervision
- Further education and training
- Providing mediation between those involved in the incident (where appropriate)
- Disciplinary procedures, including dismissal of employment, if required
- Reviewing current policies and procedures and developing new policies and procedures if necessary

EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOUR

In an age appropriate and sensitive way, our program will educate children:

- About acceptable and unacceptable behaviour, and what is appropriate and inappropriate contact.
- About their right to feel safe at all times.
- To say 'no' to anything that makes them feel unsafe or uncomfortable.
- About how to use their own knowledge and understanding to feel safe.
- To identify feelings that they do not feel safe.
- The difference between 'good' and 'bad' secrets.
- That there is no secret or story that cannot be shared with someone they trust.
- That educators are available for them if they have any concerns.
- To tell educators of any suspicious activities or people.
- To recognise and express their feelings verbally and non-verbally.
- That they can choose to change the way they are feeling.

USEFUL RESOURCES

Child Safe Organisations: <https://childsafeforhumanrights.gov.au>

NAPCAN- Prevent Child Abuse & Neglect: <https://www.napcan.org.au/napcan-brochures/>

NSW Department of Education Child Protection- Responding to harm: <https://education.nsw.gov.au/student-wellbeing/child-protection/child-protection-policy-guidelines/resources>

NSW Health [Fact Sheets](#) regarding sharing of information relating to Child Protection with other professionals.

NSW Government Communities & Justice: [ChildStory Reporter Community](#)

Office of the Children's Guardian: <https://ocg.nsw.gov.au/training-and-resources>

eSafety Commissioner: <https://www.esafety.gov.au>

NSW Police: <https://www.police.nsw.gov.au> or phone 000

Kids Helpline: <https://kidshelpline.com.au> or phone 1800 55 1800

Parent Line: <https://www.parentline.org.au> or phone 1300 1300 52

ROLES AND RESPONSIBILITIES

THE APPROVED PROVIDER/NOMINATED SUPERVISORS WILL:

- Ensure that obligations under the Education and Care Services National Law and National Regulations are met.
- Ensure all staff (including casual staff) receive information and induction training to fulfil their roles effectively, including being made aware of the Child Protection Policy, their responsibilities in implementing it, and any changes that are made over time.
- Ensure students, visitors and volunteers have knowledge of and adhere to this policy.
- Ensure all staff members, students and volunteers have a thorough understanding of Child Protection Law and their Mandatory Reporter responsibilities and ensuring their regular review of these.
- Ensure all staff, students and volunteers working directly with children can access this Child Protection Policy and the Mandatory Reporter Guide to assist them in their reporting.
- Ensure all staff, students and volunteers working directly with children have access to the Child Wellbeing and Child Protection NSW Interagency Guidelines.
- Ensure all staff members, students and volunteers are aware of the Children and Young Persons (Care and Protection) Act 1998 and of their obligations under this law.
- Ensure any allegation or suspicion of child abuse or a disclosure will be dealt with in a professional and confidential manner.
- Support staff, educators, and volunteers through the process of documenting and reporting current concerns of children at risk of significant harm.
- Display the Child Protection Helpline number (Phone: 132 111) in prominent positions around the centre.
- Ensure that persons placed in day-to-day charge of the service have a current qualification in Child Protection.
- Ensure that any adult working or volunteering with children completes a Working with Children Check (WWCC) and does not commence employment without having their WWCC verified. Any person whose WWCC has been disqualified as a result of failing to qualify for a WWCC renewal, will not be continued to be employed by the service. This check is verified when renewed as defined by the Office of Children's Guardian Working with Children Check.
- Ensure the staff record includes the staff member/student/volunteers; full name, address, date of birth and WWCC details (identity number and expiry date).
- Ensure the below records are kept according to this policy:
 - Incident, Injury, Trauma, and Illness records.
 - Records related to child sexual abuse that has or is alleged to have occurred.
- Know what steps to take if an allegation of abuse is made against a staff member, student or volunteer.
- Refer families to appropriate agencies where concerns of harm do not meet the threshold of significant harm.
- Notify the Regulatory Authority via the [NQA-ITS](#) within 7 days of the following:
 - Any incident where any employee reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is, or the children are being educated and cared for by the education and care service
 - Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is, or the children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the Law)
 - Any complaints alleging that a serious incident has occurred or is occurring at the service
 - A serious incident, which may include physical or sexual abuse where emergency services attended the service
- Comply with legislation for Reportable Conduct Scheme and ensure the Office of the Children's Guardian is notified within 7 business days of becoming aware of any allegations and/or convictions of abuse or neglect of a child made against an employee or volunteer and ensure they are investigated, and appropriate action taken.
- Ensure the complaint handling processes is child-focused, providing support and guidance for children to know who to talk to if they are feeling unsafe (See Complaints Handling Policy).

ALL STAFF MEMBERS, STUDENTS AND VOLUNTEERS WILL:

- Provide a child safe environment for all children.
- Develop trusting and secure relationships with all children at the service.
- Have a thorough understanding of Child Protection Law.
- Inform their Nominated Supervisor if there is any part of the Child protection policy which they do not understand.

- Ensure they comprehend their obligations as mandatory reporters, to be able to use the MRG and their requirement to report any situation where they believe, on reasonable grounds, that a child is at risk of significant harm to the child protection helpline.
- Be able to recognise indicators of neglect and abuse.
- Understand and be able to report any current concerns for any child at risk of significant harm.
- Respect what a child discloses, taking it seriously and follow up on their concerns by following all steps listed in this policy.
- Prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation.
- Understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people.
- Maintain confidentiality at all times but also understand when appropriate information can be shared.
- Implement child safe messages into the program to teach children about protective behaviours.
- Participate in a comprehensive induction program, which includes ensuring a good understanding of Child Protection Law and their obligations.
- Provide valid Working with Children Check (WWCC) details during their employment and engagement at the service.
- Advise their Direct Supervisor of any circumstances that may affect their WWCC or fit and proper status.
- Foster a Child Safe Culture within the service by complying with National Principles for Child Safe Organisations (Child Safe Standards).
- Have a zero-tolerance stance against child abuse.
- Foster a culture of openness and respect where children and young people feel safe to disclose a risk of harm.
- Be aware of mandatory reporting obligations in relation to the Reportable Conduct Scheme, including reporting to the Approved Provider or Office of the Children's Guardian any concerns around staff or volunteer behaviour.
- Be aware that neglecting to report child protection concerns may be deemed a criminal offence.

CONTINUOUS IMPROVEMENT/REFLECTION

Our Child Protection Policy will be reviewed annually, or earlier if there are changes to legislation, ACECQA guidance, or any incidents related to the policy. This allows us to make sure our child safe reporting practices are continually improved and that we keep up to date with relevant legislation and sector requirements. This review will be conducted in consultation with children, families, and staff.

CHILD SAFE STANDARDS

Standard 1	Child safety is embedded in organisational leadership, governance, and culture
Standard 2	Children participate in decisions affecting them and are taken seriously
Standard 3	Families and communities are informed and involved
Standard 4	Equity is upheld and diverse needs are taken into account
Standard 5	People working with children are suitable and supported
Standard 7	Staff are equipped with the knowledge, skills, and awareness to keep children safe through continual education and training
Standard 8	Physical and online environments minimise the opportunity for abuse to occur
Standard 9	Implementation of the child safe standards is continually reviewed and improved
Standard 10	Policies and procedures document how the organisation is child safe

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY

2.2	Safety	Each child is respected.
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
2.2.3	Child Protection	Management, educators, and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS AND NATIONAL LAW

Sec. 162(a)	Persons in day-to-day charge and nominated supervisors to have child protection training
Sec. 165	Offence to inadequately supervise children
Sec. 166	Offence to use inappropriate discipline
Sec. 167	Offence relating to protection of children from harm and hazard
Sec. 174	Offence to fail to notify certain information to Regulatory Authority
Sec. 175	Offence relating to requirement to keep enrolment and other documents
84	Awareness of child protection law

86	Notification to parents of incidents, injury, trauma, and illness
87	Incident, injury, trauma, and illness record
145	Staff records
149	Volunteers and students
155	Interactions with children
168	Education and care service must have policies and procedures
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies or procedures
175	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority

STATUTORY LEGISLATION & CONSIDERATIONS

[Children and Young Persons \(Care and Protection\) Act 1998 \(The Care Act\)](#)

[Children's Guardian Act 2019](#)

[Child Protection \(Working with Children\) Act 2012](#)

[Crimes Act 1900](#)

[Privacy Act 1988](#)

[Privacy and Personal Information Protection Act 1998](#)

SOURCES

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Early Childhood Australia Code of Ethics. (2016).

Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017). (Amended 2023).

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NSW Government Communities & Justice. Child Protection Reporting: [Overview of legislative amendments](#).

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NSW Government Communities & Justice. [Mandatory reporters: What to report and when](#).

NSW Government. Department of Health. Child Protection and Wellbeing. [Information exchange for safety, welfare and wellbeing of children and young people](#).

NSW Government Legislation [Children's Guardian Act 2019](#).

NSW Government Legislation [The Commission for Children and Young People Act 1998](#).

NSW [Office of the Children's Guardian](#).

Revised National Quality Standard. (Amended 2025).

RELATED POLICIES

- | | |
|---|---|
| <ul style="list-style-type: none"> • Code of Conduct Policy • Complaints Handling Policy • Employee Induction Policy • Family Participation and Communication Policy • Interactions with Children Policy | <ul style="list-style-type: none"> • Privacy and Confidentiality Policy • Providing a Child Safe Environment Policy • Responsible Person Policy • Student, Volunteer and Visitor Policy • Supervision Policy |
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RELATED DOCUMENTS

- | | |
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| <ul style="list-style-type: none"> • Incident, Injury, Trauma and Illness Record | <ul style="list-style-type: none"> • NSW Child Protection MRG Support Guide |
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POLICY REVIEWED	NEXT REVIEW DATE	POLICY REVIEWED BY
OCTOBER 2025	OCTOBER 2026	Charlotte Parnaby
MODIFICATIONS	<ul style="list-style-type: none"> • Updated BDCS committee Child Protection training requirements 	

POLICY REVIEWED	PREVIOUS MODIFICATIONS	POLICY REVIEWED BY
AUGUST 2025	<ul style="list-style-type: none"> • Major update as per ACECQA recommendations and to comply with Child Safe Standards Reporting Policy guidelines. • Additional information added: <ul style="list-style-type: none"> ○ Child safe reporting and complaint handling ○ Types of abuse and neglect as identified by NSW Government ○ Reporting child safety complaints ○ Additional information added to Reportable Conduct Scheme ○ Unacceptable behaviours under our Code of Conduct Policy ○ Breach of Child Protection Policy ○ Useful resources ○ Additional roles and responsibilities for all staff members, students and volunteers • Indicators of abuse removed from body of policy and replaced with link to Department of Communities and Justice added • Notification timeframe for allegations or incidents of physical and sexual abuse reduced from 7 days to 24 hours • Updated legislation and other links where necessary 	Prue Ritchie
JUNE 2024	<ul style="list-style-type: none"> • New policy format • Child Safe Standards added • Regulation amendments incorporated • Additional information added to definitions and confidentiality section • Additional sections added: <ul style="list-style-type: none"> ○ What is child abuse ○ Record keeping ○ Educating children about protective behaviour 	Prue Ritchie
JANUARY 2021		Prue Ritchie