



## **Child Protection Reporting Overview 2024**

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### **Notifications of harm, abuse or neglect**

**If you believe a child is in immediate danger, contact the Police now by calling 000**

**If any member of the community, including mandatory reporters, has formed a reasonable belief that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect, contact the Child Protection Helpline on 132111 (24 hours, 7 days week)**

**Or make an e-report if notification is not urgent**

**<https://reporter.childstory.nsw.gov.au/s/>**

**Notify the Early Childhood Education Directorate, NSW Department of Education, of suspected/alleged abuse at service, including physical or sexual abuse.**

**If employees/volunteers are involved, notify the Office of the Children's Guardian of any notifiable offence under the Reportable Conduct Scheme.**

# Child Protection Policy and Procedures/ Child Safe

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## National Quality Standard

Element	1.1.2	Child centred- each child current knowledge, strengths, ideas, culture , abilities and interests are the foundation of the program.
	1.2.3	Child directed learning – each child agency is promoted, enabling them to make choices and decisions that influence events and their world.
	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.
	3.2.1	Inclusive environment -outdoor and indoor spaces are organised and adapted to support every child participation and to engage every child in quality experiences in both built and natural environments.
	5.1.1	Positive educator to child interactions - Responsive and meaningful interactions build trusting relationships which engage and support each child to feel secure, confident and included
	5.1.2	Dignity and rights of the child - The dignity and rights of every child are maintained
	5.2.2	Self-regulation - Each child is supported to regulate their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts
	7.1.2	Management Systems - Systems are in place to manage risk and enable the effective management and operation of a quality service
	7.1.3	Roles and responsibilities - Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service
	7.2.1	Continuous improvement - There is an effective self-assessment and quality improvement process in place
	7.2.3	Development of professionals - Educators, co-ordinators and staff members' performance is regularly evaluated and individual plans are in place to support learning and development

## National Laws

Section	162A	Child protection training
	165	Offence to inadequately supervise children
	166	Offence to use inappropriate discipline
	167	Offence relating to protection of children from harm and hazards
	170	Offence relating to unauthorised persons on education and care service premises
	173	Offence to fail to notify certain circumstances to regulatory authority
	174	Offence to fail to notify certain information to Regulatory Authority
	175	Offence relating to requirement to keep enrolment and other documents

## National Regulations

Regs	82	Tobacco, drug and alcohol-free environment
	12	Meaning of serious incident
	84	Awareness of child protection law
	87	Incident, injury, trauma and illness record
	115	Premises designed to facilitate supervision
	100	Risk assessment must be conducted before excursion
	102B	Transport risk assessment must be conducted before service transports child
	120	Educators who are under 18 to be supervised

123	Educator to child ratios—centre-based services
145	Staff record
146	Nominated supervisor
149	Volunteers and Students
168(2)(h)	Education and care services must have policies and procedures in relation to providing a child safe environment, including matters relating to (i) the promotion of a culture of child safety and wellbeing within the service and (ii) the safe use of inline environments at the service.
168(2)(o)	Education and care services must have policies and procedures in relation to dealing with complaints, including matters relating to the management of a complaint that alleges a child is exhibiting harmful sexual behaviours and the provision of a complaint handling system at the service that is child focused.
170	Policies and procedures to be followed
171	Policies and procedures to be kept available
172	Notification of change to policies and procedures
175(d)(e)	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority

## Aim

The *Child Protection Policy and Procedures* sets out our service's obligations, plans and procedures to protect children from any type of harm, abuse or neglect. It expresses our commitment to, and processes for, maintaining a child safe culture and environment (online and physical). It provides guidance about how our service will identify, manage and respond to risks, and suspected or actual cases, of harm, abuse or neglect - including when and how to report to the Police and other authorities.

## Intersection with other policies

Additional Needs Policy  
CCTV Policy  
Child Safe Policy  
Educator and Management Policy  
Emergency Management and Evacuation Policy and Procedure  
Excursion Policy  
Governance Policy  
Grievance Policy  
Incident, Injury, Trauma and Illness Policy  
Parental Interaction and Involvement in the Service Policy  
Policy and Procedure Review Policy  
Photography Policy  
Privacy and Confidentiality Policy  
Record Keeping and Retention Policy  
Relationships with Children Policy  
Social Media Policy  
Staffing Arrangements Policy  
Technology Usage Policy  
Tobacco, Drug and Alcohol Policy

## Definitions

*“Abuse of a child”* - is maltreatment that endangers a child’s safety, wellbeing and development and includes physical or sexual abuse, or emotional abuse which causes significant harm to their wellbeing or development including abuse as a result of domestic violence. Source: Children and Young People Act 2008

*“Complaint”* - expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required. Source: ANZ Standard Guidelines for complaint management in organisations – AS/NZS 10002:2014

*“Complaints handling”* - effective resolution of problem before it becomes worse; and providing a remedy. Source: Commonwealth Ombudsman – Better practice complaint handling guide.

*“Exploitation of a child”* - includes sexual abuse and any other forms of exploitation (such as using a child for financial gain, labour or personal advantage). It also includes involving a child as a participant or spectator in sexual acts. Source: State/territory based child protection legislation

*“Grievance”* - see “Complaint” definition

*“Grooming”* - generally refers to behaviour that makes it easier for a perpetrator to procure a child for sexual activity. For example, a perpetrator might build a relationship of trust with the child, and then seek to sexualise that relationship (for example, by encouraging romantic feelings or exposing the child to sexual concepts through pornography). Grooming is a subtle and gradual process used by perpetrators, who could be adults or children themselves. Note: grooming is a criminal offence in most states and territories. Source: Recognising signs of child abuse – Australian Government’s Royal Commission into Institutional Responses to Child Abuse

*“Harm”* - physical or mental injury; hurt. Source: ACECQA Policy Guidelines: Emergency and Evacuation

*“Harmful sexual behaviours”* - a general term to describe behaviour in children under 18 years that fall across a spectrum of sexual behaviour problems, including those that are problematic to the child’s own development, as well as those that are coercive, sexually aggressive and predatory towards others. The term ‘harmful sexual behaviours’ recognises the seriousness of these behaviours and the significant impact they have on victims, but is not contingent on the age or capacity of a child. Source: Final Report – Royal Commission into Institutional Responses to Child Abuse

*“Hazard”* - a danger or risk, even though often foreseeable. Source: ACECQA Policy Guidelines: Emergency and Evacuation

*“Investigation”* - A formal and systematic inquiry to establish facts about a complaint by collecting, documenting, examining and evaluating evidence. An investigation is not an end in itself. Throughout an investigation, the investigator should keep an open mind about the possible outcomes of the investigation, such as education, compliance action, or a decision not to pursue the matter. Source: Guide to the NQF - Regulatory Authority Powers – Monitoring, compliance and enforcement

*“Mandatory reporting”* - the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. Source: State/territory based child protection legislation

*“Neglect”* - is a failure to provide the child with the necessities of life, e.g., the basic needs for his or her physical, emotional/psychological and intellectual development. Source: [Children and Young People Act 2008](#)

*“Online grooming”* occurs when adults make contact with children and adolescents online, with the intention of building a trusting relationship for the purpose of sexually abusing or exploiting them. Source: [Recognising signs of child abuse – Australian Government’s Royal Commission into Institutional Responses to Child Abuse](#)

*“Personal information”* - information or an opinion about an identified individual, or an individual who is reasonably identifiable: (a) whether the information or opinion is true or not; and (b) whether the information or opinion is recorded in a material form or not. Source: [Privacy Act 1988 \(Cth\)](#)

*“Reasonably believes”* - believes on grounds that are reasonable in the circumstances. You have a “reasonable belief” if a reasonable person in the same circumstances as you would believe something for the same reasons you believed it. See also “reasonable grounds”. Source: [Schedule 3, Child Protection Act 1999 \(Queensland\)](#)

*“Reasonable grounds”* - suspect that a child may be at risk of significant harm based on your observations of the child or family; what has been reported to you about a child or family; or what can reasonably be inferred based on observation, professional training and/or experience Source: [State/territory based child protection legislation](#)

*“Reasonably suspects”* - suspects on grounds that are reasonable in the circumstances. Source: [Schedule 3, Child Protection Act 1999 \(Queensland\)](#)

*“Reportable conduct”* - certain organisations or entities have legal obligations under Reportable Conduct Schemes. Under these Schemes, certain organisations or entities are required to notify and investigate certain allegations (reportable allegations) of abuse involving a child, when the allegation is against someone they employ, engage or contract in circumstances outlined by the legislation. Source: [State/territory based child protection legislation](#)

*“Risk of significant harm”* - means circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person to a significant extent which means the concern is sufficiently serious to warrant a response by a statutory authority irrespective of a family’s consent. What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person’s safety, welfare or wellbeing. The significance can result from a single act or omission or an accumulation of these. Source: [State/territory based child protection legislation](#)

*“Risk”* - exposure to the chance of injury or loss; a hazard or dangerous chance. Source: [ACECQA Policy Guidelines: Emergency and Evacuation](#)

*“Risk assessment”* - assessing the risk means working out how likely it is that a hazard will harm someone and how serious the harm could be. Source: [ACECQA Risk assessment template: Excursions](#)

*“Sexual abuse of a child”* - any act that exposes a child or young person to, or involve a child or young person in, sexual activities that: they do not understand; they do not or cannot consent to; are not accepted by the community; are unlawful.

*“Well-being”*- sound wellbeing results from the satisfaction of basic needs – the need for tenderness and affection; security and clarity; social recognition; to feel competent; physical needs and for meaning in life. It includes happiness and satisfaction, effective social functioning and the dispositions of optimism, openness, curiosity, and resilience. Source: [ACECQA Guide to the NQF](#)

“Working directly with children” - a person is working directly with children at a given time if at that time the person is: physically present with the children; and is directly engaged in providing education and care to the children. Source: [National Regulations](#)

“Working with children / Working with vulnerable people check (WWCC/WWVP)” - a notice, certificate or other document granted to, or with respect to, a person under a working with children law to the effect that: the person has been assessed as suitable to work with children; or there has been no information that if the person worked with children; the person would pose a risk to the children; or the person is not prohibited from attempting to obtain, undertake or remain in child-related employment. Source: [National Law](#)

## Implementation

All managers, staff and volunteers are committed to implanting the NSW Child Safe Standards. The safety, health and well-being of children is a shared responsibility and is the number one priority for all staff, students and volunteers at our service. We have zero tolerance for any form of harm or abuse to children and are committed to acting in children’s best interests, and in accordance with laws and regulations.

Child safety is relevant to most of our service’s operations and program and, therefore, it is embedded in most of our policies and procedures. In particular, this *Child Protection Policy and Procedures* should be understood and used alongside our *Child Safe Policy*, which explains how our operations, policies and procedures meet the *NSW Child Safe Standards*. Our leaders and managers regularly review staff and volunteer practices and understanding , prioritising training or taking other relevant action if required.

This *Child Protection Policy and Procedures* covers the following areas:

- The Code of Conduct
- Risk assessments (Risk assessment template at **Appendix H**)
- Indicators of harm, abuse and neglect (list of indicators at **Appendix A**)
- Child Protection procedures:
  - Child Safe Recruitment Procedure (at **Appendix F**)
  - Procedures for managing and recording incidents, disclosures and suspicions of harm, abuse or neglect (at **Appendix B** and forms at **Appendix C**)
  - Procedures for managing harmful sexual behaviour in children (at **Appendix B**)
  - Procedure for making a report (at **Appendix D** – covers our legal obligations in relation to child protection)
- Exchanging information
- Confidentiality, record keeping, safeguards for reporters and support
- Information sharing, training and monitoring (with a Breach of Policy incident form at **Appendix E**)
- Roles and responsibilities
- Complaints and allegations record (**Appendix I**)

## Code of Conduct

Our service upholds the *Code of Conduct* (located our *Educator and Management Policy*) for employers, educators, volunteers, students, families and children to ensure the safety and wellbeing of children.

The *Code of Conduct* describes what is acceptable behaviour towards children. We expect a high level of professionalism, ethical behaviour and standards at our service, and we will act upon any behaviour that does not meet our expectations.

## Risk assessments

**(Note - certain activities may have specific regulatory requirements for risk assessments, so other policies and procedures should be implemented alongside this one, e.g., *Excursion Policy and Procedure, Safe Arrival of Children Policy and Procedure, Transport Policy and Procedure*).**

The approved provider must ensure that regular risk assessments are conducted to identify risks of any activity or environment (physical and online) that could result in harm, neglect or abuse (including grooming and sexual abuse) of children. Our service will collaborate with staff and, where possible, families on risk assessments. We may seek feedback via newsletters or survey forms, or during parent information sessions.

### Risk Assessment areas to consider

#### *Situational risk*

- The physical and online environment of the service itself, for example:
  - Whether it allows for adults to be alone with children, unseen by others
  - Whether educators have a 'line of sight'
  - Location/layout of children's toilets and nappy changing areas
  - Location/layout of sleep and rest areas
  - Playgrounds and play equipment
  - Temporary renovations
  - Photography, phone, tablet and social media usage
  - Heavy furniture, windows, stairs, outdoor environment
- Specific activities (e.g., nappy changing, using the toilet, rest and sleep, special events with visitors, transitions, travelling to other care and education services, use of dangerous equipment, outdoor vs indoor play, excursions, managing medications, managing illness and injury, emergencies)
- The type of contact between an adult and a child during an activity (e.g., does it involve physical contact as in changing a nappy or comforting a child, could the interaction result in an emotional dependence on adults?)
- Supervision arrangements (e.g., ratios, during different activities, natural lines of sight – note, this should be balanced with a child's right to privacy and their need for risky play which allows them to temporarily 'disappear').

#### *Vulnerability risk*

- Children who, in general, are more vulnerable to the risk of harm or abuse are:
  - From Aboriginal backgrounds
  - With disability
  - Newly arrived in Australia
  - From culturally and linguistically diverse backgrounds
  - Identifying as LGBTIQ/non-binary/gender diverse/unsure of sexuality or gender
  - From trauma, abuse or neglect backgrounds
  - Living out of home, including in foster care
  - Experiencing poor mental or physical health.

#### *Propensity risk*

- The profile of adults who are involved with children at our service
- Types of people who are attracted to working in the care and education sector
- How inappropriate behaviour is dealt with
- The attitudes of adults towards children in our service.

#### *Institutional risk*

- Internal structures that may lead to abuse or harm (e.g., strong hierarchical structure, authoritarian management, close-knit relationships – deep friendships or families)
- Culture (e.g., attitudes towards children, valuing reputation above the safety of children, inclusive or discriminatory)
- Attitudes about whose job it is to be responsible for child safety.

See **Appendix H** for a Risk Assessment template.

## Indicators of harm, abuse and neglect and children

Behavioural or physical signs which assist in recognising harm to children are known as indicators. A list of indicators of harm, abuse (including sexual abuse and grooming) and neglect are at **Appendix A**. The list is meant as a guide only. 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 considered in the context of other indicators and the child's circumstances.

Remember, also, that 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. Harm, abuse and neglect can be single incidents or ongoing, and may be intentional or unintentional.

## Child Protection procedures

### **Child Safe Recruitment Procedure**

See **Appendix F** for our detailed Child Safe Recruitment Procedure.

We do not rely solely on clear/not prohibited Working with Children Checks. Our human resource practices support the recruitment and ongoing management of employees who implement strong child safe practices every day. For example:

- Our employment advertising includes a statement of commitment to child safety
- Job descriptions set clear expectations about child safety, and we implement probationary periods
- Interview questions establish the suitability of staff and their attitudes / practices / experience regarding child safety
- Referees are contacted and asked about applicants' history of child safe practice
- Our induction process requires all staff to review and acknowledge in writing our *Child Protection Policy and Procedures, Child Safe Policy and Code of Conduct*
- We provide ongoing and regular child protection training
- We conduct a Working With Children Check for paid staff, volunteers and students
- We maintain a Working With Children Check register (template at **Appendix G**)
- Individual staff, volunteers and students records include their full name, address and date of birth, and the identifying number of their current Working With Children Check and the expiry date of the Check (as required under the *Regulations*)



See also our *Staffing Arrangements Policy*, which contains qualification requirements, including the relevant state/territory requirements for Working With Children Checks, and supervision procedures with a child safety focus.

### **Procedures for responding and recording incidents, disclosures and suspicions of harm, abuse or neglect**

Harm, abuse or neglect can be:

- Witnessed
- Disclosed by a child, parent, staff member or community member. A disclosure of harm, abuse or neglect occurs when someone tells you about harm, abuse or neglect that has happened, is happening, or is likely to happen to a child. A disclosure can also be about a child harming or abusing another child
- Suspected - a suspicion of harm, abuse or neglect is when someone has a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering harm, or abuse or neglect. A suspicion can also be about a child harming or abusing another child.

If harm, abuse (including sexual abuse and grooming), neglect of a child is witnessed, disclosed by someone or reasonably suspected, the nominated supervisor and other staff will:

- Give protection if a child is in immediate danger and contact 000
- Follow the *Procedures for disclosures and suspicions of harm, abuse or neglect* at **Appendix B**
- Record incidents using the form available in our *Incident, Injury, Trauma and Illness Policy*
- Record disclosures and suspicions using the templates at **Appendix C**
- Follow the *Procedure for making a report* at **Appendix D**
- Manage risks to children/adults at our service such pending the outcome of any investigations, e.g.,:
  - Stand down the subject of an allegation or conviction
  - Restricting the subject's access to children or only allowing them to have supervised access
  - Restricting their access to sensitive computer systems, files or facilities.

### **Procedure for managing harmful sexual behaviour in children**

Some children may exhibit harmful sexual behaviour while they are in our care. This behaviour can be self-directed and/or directed at other children and adults. It can extend to sexually abusing other children. Our service is required by law to have policies and procedure in place for dealing with children exhibiting harmful sexual behaviour.

“Harmful sexual behaviours in children” is a broad term that is used to describe a range of concerning and serious sexual behaviour displayed by children and young people. The behaviour may be:

- Coercive or involve bribery and/or aggression
- Clandestine and/or aggressive/predatory
- Abnormal for the child's age/developmental stage
- Compulsive, excessive and/or degrading
- Present when it involves another child that is significantly different in age/developmental to the individual
- Self-directed or directed at others

Children and young people display a range of sexual behaviours. Most of the time these are age-appropriate, and generally consistent with the child's developmental stage and the context in which they are growing up (e.g., living in a society where they are regularly exposed to sexualised imagery used in popular culture or in marketing, online material, and the influences of a child's religious/cultural backgrounds etc). Along the spectrum of behaviours are those that are concerning and those that are serious. Examples of behaviours across the spectrum is available in the South Australian Government's [Guide to problem sexual behaviour in children and young people](#).

Allegations of harmful sexual behaviour in children require an immediate response.

If a child is exhibiting harmful sexual behaviour, and/or if the child is suspected of sexually abusing another child, the nominated supervisor and other staff will:

- Give protection to any child in immediate danger and contact 000
- Follow the *Procedures for managing harmful sexual behaviour in children* at **Appendix B**
- Record incidents using the form available in our *Incident, Injury, Trauma and Illness Policy*
- Record disclosures and suspicions using the templates at **Appendix C**
- Follow the *Procedure for making a report* at **Appendix D**
- Manage risks to children/adults at our service such pending the outcome of any investigations, e.g.,:
  - Suspend/exclude the child from the service
  - Restricting the child's contact with other children or only allow them to have supervised contact
  - Restricting their access to sensitive computer systems, files or facilities (if applicable).

### **Procedure for making a report**

Childrens' services have obligations under the law to act and report in relation to child protection matters. The Procedure for making a report at **Appendix D** describes our obligations and the steps we must take when we report to the relevant authorities. It covers:

- Mandatory Reporting to the child protection authority
- Reporting to Police
- Making a referral to family services or exchange of information
- Making a report to the regulatory authority
- Making a report under the Reportable Conduct Scheme
- Additional actions for dealing with allegations against service personnel

Unless they are inconsistent with our obligations under the law, reports and investigations must be conducted in line with our service's policies and procedures. For example: all child safe policies/procedures; *Privacy and Confidentiality Policy*; *Record Keeping and Retention Policy*; *Staffing Arrangements Policy* and *Educator and Management Policy*; *Grievance Policy and Procedure*.

## **Exchanging information**

Chapter 16A of the *Children's and Young Person's (Care and Protection) Act 1998* enables children's services to exchange information they reasonably believe may help other specified persons or entities to: ensure the safety, welfare or wellbeing of children; and help the persons or entities make decisions, conduct investigations, provide services or manage risks to a child.

Relevant information is allowed to be shared with persons and entities including other children's services, NSW Police, state government departments or public authorities, schools, public health organisations, private health facilities, nurses, doctors, midwives, psychologists, occupational therapists, speech pathologists and bodies like family referral services. This aims to ensure children receive the help they may need.

Information sharing applies whether or not concerns of harm meet the mandatory reporting threshold of significant harm, and would only be declined if this may endanger a person's life or physical safety, prejudice an investigation, not be in the public interest etc.

We do not need to have the consent of the people involved but should make sure that families and employees understand there is a possibility we will need to share confidential and private information about them in these circumstances. Where possible, it is best practice to obtain the consent of children and families before sharing information that relates to them. However, do not try to obtain consent if doing so could jeopardise safety and wellbeing of someone, put someone at the risk of harm, is otherwise impracticable or not in the best interests of a child.

We must only use the information we receive for the purpose for which it was given and we must always store confidential records in accordance with our policies and procedures.

Because this is such a sensitive and complex matter, in the event we need to share information, we should consult the NSW Department of Communities and Justice for further guidance (see their [website](#) for more information).

## **Confidentiality, record keeping, safeguards for reporters and support**

### **Confidentiality**

See also our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy* for further guidance.

Any information our service gathers during - records, identities and reports – should be kept confidential and only be disclosed if required by law or when it is required to ensure the safety and well-being of a child (see information above about exchanging information). Staff must follow directions from Police and child protection authorities and ensure they comply with all relevant legislation, including the *Privacy Act 1988 (Cth)*.

Staff should not promise absolute confidentiality to anyone involved in a disclosure or suspicion of harm, abuse or neglect (including children) as we may have disclose personal information in certain circumstances.

### **Record keeping**

We are committed to keeping full and accurate records about any incidents, responses and decisions that relate to child safety and well-being, including sexual abuse. We all support individuals' rights to

access, amend and annotate their own records, except if in doing so they are breaking the law or breaching one of our other policies.

It is common for children to delay reporting or pursuing cases of abuse or harm. Therefore, all records that relate to child safety and well-being – e.g., suspicions, disclosures, allegations, convictions, reports, complaints, grievances, investigations, complaints handling, breaches, disciplinary actions, referrals, exchanges of information, risk assessments, policies and procedures - will be kept, maintained and stored for the best practice period of a minimum of 45 years (and longer if possible) and in line with our *Record Keeping and Retention Policy*.

Online records will be stored password protected file and physical records in a secure cabinet. Access will only be granted on a 'need to know' basis and in line with our other relevant policies.

### **Safeguards for reporters**

There are protections against retribution related to reportable allegations in the Children's Guardian Act. Failure to make a report could be a reportable allegation of neglect against an employee and/or a criminal offence under the Crimes Act in addition to misconduct for not following service policies and procedures. Records kept by the Office of the Children's Guardian in relation to reportable conduct notifications are not publicly accessible under the Government Information (Public Access) Act 2009 and cannot be requested or subpoenaed for the majority of proceedings as evidence in a court or tribunal.

Under the Children and Young Persons (Care and Protection) Act 1998, reports made in good faith to Child Protection do not breach professional etiquette or incur liability for defamation or constitute grounds for civil or criminal liability. There are also protections against detrimental actions for people making child protection reports.

### **Support after disclosure**

Our service will help all parties affected by a disclosure of harm or abuse to access appropriate support and counselling services. We will apply procedural fairness principles to investigations (see also *Grievance Policy and Procedure*).

## **Information sharing, training and monitoring**

Sharing information, training and checking compliance are key factors in ensuring our service has a child safe culture.

### **Educating children about protective behaviour**

Our service promotes a culture of participation and inclusion, viewing all children as active participants and decision makers as they seek to include the interests, ideas, strengths, culture, abilities of each child (see also our *Child Safe Policy*). Educators regularly empower children to take part in discussions about their safety and decisions that affect them, and value their ideas, suggestions and feedback. Educators are attuned to babies' and younger children's non-verbal cues to plan curriculum and respond in ways that empowers them. We also refer to and abide by the child safe standards see appendix G.

Educators will educate children about protective behaviour and include child protection issues in the curriculum. For example, they will intentionally teach children:

- About acceptable/unacceptable behaviour, and appropriate/inappropriate contact in a manner suitable to their age and level of understanding
- That they have a right to feel safe at all times
- To say 'no' to anything that makes them feel unsafe
- The difference between 'fun' scared that is appropriate risk taking and dangerous scared that is not ok
- To use their own skills to feel safe
- To recognise signs that they do not feel safe and need to be alert and think clearly
- That there is no secret too awful, no story too terrible, that they can't share 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.

Educators 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
- An adult's response to a child during their early emotional development can be hugely positive or detrimental depending on the adult's reaction
- Children are very in touch with their bodies' reactions to their emotions
- Children who better understand their body's response to an emotion are more able to foresee the outcome of a situation and avoid them or ask for help.

### **Sharing information with children, families and the community**

Educators constantly build partnerships with families and community members, which provides many opportunities for discussion and feedback about safety practices. Staff encourage families to contribute to decisions about our practices and their child's learning through a range of ways, including questionnaires, information nights, face to face conversations and an 'Open Door' policy. Families know they can locate service policies and procedures in the foyer or online, and are asked for feedback on a particular policy every week as part of our weekly professional development activities OR are asked for feedback when we review our policies.

Child safe information is written in plain language. Where appropriate – for example, in the case of our *Grievance Policy and Procedure* – we provide versions for children and people from all backgrounds and abilities (e.g., pictures, diagrams, displays, audio, in different languages where needed). Child safety is discussed in more detail with families (at least every 6 months) via service newsletters, emails and information evenings. Our child safe policies and procedures (including this one) and our Code of Conduct are included in our family enrolment/information packs. We may also include what we aim to teach children about protective behaviour.

Our response to child safety, including in cases of harm, suspected harm or complaints, is culturally sensitive. We engage with families and community members to improve our understanding of cultural practices and inform our responses.

We consider and protect children's safety in the online environment in an age-appropriate way. Educators may discuss with children, for example, how there is no way to be sure who they are interacting with online. If needed, families are provided with relevant information about online risks to children to support their parenting and children's wellbeing (see also our *Social Media Policy* and *Technology Usage Policy*).

Staff, volunteers and family can access any of the risk assessments we conduct.

### **Staff and volunteer training**

We include the *Child Protection Policy and Procedures* (and all other associated policies and procedures) in staff, student and volunteer inductions (and in the Staff Handbook) and ensure all relevant staff receive practical training in relation to the requirements, including about how to identify and manage risks.

Staff, volunteers and students who work directly with children regularly learn about child protection laws and their obligations under them, as well as our service's practices. The nominated supervisor and staff who are in day-to-day charge are required by law to have successfully completed child protection training. The nominated supervisor or responsible person implements an ongoing training program tailored to each staff member's needs and goals, which are identified through regular performance reviews. The training is trauma-informed and includes:

- Information about Child Protection laws and each person's legal obligations under them
- Information about staff/volunteer's roles and responsibilities to protect children from harm
- Understanding the signs of child abuse and harm, including sexual abuse and grooming
- Knowing how to respond and support a child or person who is disclosing
- Internal reporting procedures and external reporting obligations
- Record keeping, confidentiality and privacy laws and procedures
- How to empower and include children in decisions about their own safety
- How to contribute to a culturally safe environment
- If needed, online risks to children, and families are provided with relevant information to support their parenting and children's wellbeing

Educators and staff review one or two of our policies every week as part of their weekly professional development. We also regularly discuss (at least every 6 months) the reasons for, and components of, our *Child Protection Policy and Procedures* in staff meetings.

### **Monitoring compliance and managing breaches**

The approved provider and nominated supervisor will monitor staff to ensure they are following our policies and procedures for child protection and safety. They will act quickly to fix any issues and will give staff any extra support or training they need to comply. Volunteers and students are also required to comply with all service policies and procedures and the Code of Conduct.

Staff, volunteers and students at our service have a duty of care and must support and protect children. Their duty of care is breached if a person:

- Does something that a reasonable person wouldn't do in a particular situation
- Fails to do something that a reasonable person would do in the circumstances
- Acts or fails to act in a way that causes harm to someone owed a duty of care.

A breach of duty of care also includes any action or inaction by an employee, volunteer or student that fails to comply with this *Child Protection Policy and Procedures*.

Breaches should be reported to the approved provider or nominated supervisor, who will manage an investigation in a fair, unbiased and supportive manner in line with our *Grievance Policy and Procedure* (see Report Breach Template at **Appendix E**). For example:

- Those involved in the breach will be able to provide their version of events
- Matters discussed in relation to the breach will be kept confidential
- An appropriate outcome will be decided
- Everyone affected will receive a clear written statement (letter, email or SMS) of the outcome
- Records will be kept about the details of the breach, including the versions of all parties and the outcome of the breach

Depending on the nature of the breach outcomes may include:

- Emphasising the relevant component of the *Child Protection Policy and Procedures*, for example, the Code of Conduct
- Providing closer supervision
- Professional development and training
- Mediating between those involved in the incident (where appropriate)
- Disciplinary procedures if necessary
- Reviewing current policies and procedures and developing new policies and procedures if necessary
- Termination of employment

## Roles and responsibilities

All staff, volunteers, students and families must understand our *Child Protection Policy and Procedures* and their role and responsibilities in keeping children safe and cared for.

Responsibilities	Role
Ensure our service meets its obligations under the <i>Education and Care Services National Law and Regulations</i> , including to take every reasonable precaution to protect children from harm and hazards likely to cause injury, and to ensure that children are adequately supervised at all times they are in our care.	Approved Provider Nominated Supervisor
Ensure that no child in our care is subjected to any form of corporal punishment or any discipline that is unreasonable	Approved Provider Nominated Supervisor
Ensure that the nominated supervisor/s and staff who are in day-to-day charge and anyone working directly with children at the service have successfully completed child protection training.	Approved Provider
Ensure that nominated supervisors, staff who work directly with children, volunteers and students are aware of child protection laws, how they apply and any obligations they have under them.	Approved Provider
Keep staff records in accordance with the <i>Regulations</i> , including evidence of child protection training and evidence of current working with children/vulnerable people checks.	Approved Provider
Not allow anyone who is an unauthorised to be at our service unless they are being directly supervised by an educator or another staff member.	Approved Provider Nominated Supervisor
Not allow educators who are under 18 years old to work alone and ensure that they are adequately supervised by an educator who is over 18 years old.	Approved Provider
Ensure that our service has policies and procedures in place for a child safe environment that address specific areas set out in <i>the National Regulations</i> - i.e., among	Approved Provider

<p>other relevant policies and procedures, this <i>Child Protection Policy and Procedures</i> and the <i>Child Safe Policy</i> need to be in place.</p> <p>Ensure our service's operations, practices, policies and procedures comply with <i>NSW Child Safe Standards</i></p>	
<p>Take reasonable steps to ensure that nominated supervisors, staff and volunteers follow, and can easily access, the <i>Child Protection Policy and Procedures</i>, including by:</p> <ul style="list-style-type: none"> <li>• Providing information, training and other resources and support</li> <li>• Providing this <i>Policy and Procedures</i> at induction</li> <li>• Clearly defining and communicating roles and responsibilities for implementing this <i>Policy and Procedures</i></li> <li>• Communicating changes to routines and policies</li> <li>• Monitoring and auditing of staff practices (including through spot checks) and addressing non-compliance quickly</li> <li>• Regularly reviewing this <i>Policy and Procedures</i></li> </ul> <p>The <i>Policy and Procedures</i> must also be available for inspection.</p>	<p>Approved Provider (ultimate responsibility)</p> <p>Nominated Supervisor</p>
<p>Notify families at least 14 days before changing this <i>Child Protection Policy and Procedures</i> if the changes will:</p> <ul style="list-style-type: none"> <li>• Affect the fees the charged or the way they are collected; or</li> <li>• Significantly impact the service's education and care of children; or</li> <li>• Significantly impact the family's ability to utilise the service.</li> </ul>	<p>Approved Provider</p>
<p>Ensure all incident, injury, trauma and illness records are confidentially stored until the child is 25 years old, in accordance with our <i>Record Keeping and Retention Policy</i>. Records relating to child abuse should be stored for at least 45 years from the date the record was created.</p>	<p>Approved Provider (ultimate responsibility)</p> <p>Nominated Supervisor</p>
<p>Implement the <i>Child Protection Policy and Procedures</i>.</p>	<p>Nominated Supervisor</p>
<p>Be aware of legal obligations, and understand and follow the <i>Child Protection Policy and Procedures</i>.</p>	<p>Educators</p> <p>Volunteers</p>
<ul style="list-style-type: none"> <li>• Ensure risk assessments are conducted in line with this <i>Policy and Procedures</i>, other relevant policies and procedures and <i>Regulations</i>. Risks of harm, abuse and neglect must be identified and minimised or eliminated.</li> <li>• Ensure staff are aware of and can access/use the risk assessments to manage risks and ensure the safety of children.</li> <li>• Keep a record of all risk assessments conducted.</li> </ul>	<p>Approved Provider (ultimate responsibility)</p> <p>Nominated Supervisor</p>
<p>Ensure that procedures are appropriate in practice to our service, identify risks and hazards, and any potential improvements to make to the <i>Child Protection Policy and Procedures</i>. Report any issues to the appropriate staff member (either approved provider, nominated supervisor, or educators).</p>	<p>Approved Provider</p> <p>Nominated Supervisor</p> <p>Educators and Other Staff</p> <p>Families</p>
<ul style="list-style-type: none"> <li>• Ensure our service's premises, furniture and equipment are safe, clean and in good repair.</li> <li>• Ensure all equipment and furniture meets relevant Australian Standards and other product safety standards and guidelines, and remain up-to-date on product recall notices (see <a href="http://productsafety.gov.au">productsafety.gov.au</a>).</li> <li>• Ensure that the indoor environment is hygienic and comfortable (not limited to being well ventilated and free from cigarette/tobacco smoke, with adequate natural light, and appropriately heated/cooled).</li> </ul>	<p>Approved Provider (ultimate responsibility)</p> <p>Nominated Supervisor</p>
<p>Ensure that the layout/design of the premises allows for supervision but with regard to rights and dignity of children in our care.</p>	<p>Approved Provider</p>
<p>Ensure our service responds in accordance with regulations, and our policies and procedures, if any incidents occur (see also our <i>Incident, Injury, Trauma and Illness Policy</i>).</p> <p>Ensure our service meets its reporting obligations under state/territory/national laws and regulations (see 'Procedure for making a report' section in this <i>Policy</i>)</p>	<p>Approved Provider (ultimate responsibility)</p> <p>Nominated Supervisor</p>
<p>Be aware of requirements, and follow our policies and procedures, if any incidents (see also our <i>Incident, Injury, Trauma and Illness Policy</i>).</p>	<p>Nominated Supervisor</p> <p>Educators and Other Staff</p> <p>Families</p>



## Sources

Children's Guardian Act 2019 including standards  
Child Protection (Working with Children) Act 2012  
Children and Young Persons (Care and Protection) Act 1998  
ChildStory Reporter website NSW Government (includes Mandatory Reporting Guide)  
Education and Care Services National Law and Regulations  
Keeping Children and Young People Safe -: a shared community responsibility: ACT Community Services  
UN Convention on the rights of the child  
Early Years Learning Framework 2.0  
National Quality Standard  
QLD Blue Card Services: Child and Youth Risk Management Strategy Toolkit  
Complaint Handling Guide: Upholding the rights of children and young people, Australian Government, National Office for Child Safety  
National Child Safe Standards- office of the children's guardian  
Implementing the Child Safe standards: a guide for early childhood education NSW Department of Education  
South Australian Government's [Guide to problem sexual behaviour in children and young people](#)

## Review

The *Child Protection Policy and Procedures* will be reviewed annually and when there are changes that may affect child safety, including after any responses to disclosures or suspicions of harm. The review will include checks to ensure the *Policy and Procedures* reflects current legislation, continues to be effective, or whether any changes and additional training are required. The review will be conducted by approved provider, nominated supervisor/s, employees, families and committee members.

### Indicators of harm, abuse and neglect

There are many indicators of harm, abuse and neglect of children, and harmful sexual behaviour in children. Behavioural or physical signs which assist in recognising harm to children are known as indicators. The following is a guide only. 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 considered in the context 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.

#### General indicators of harm, abuse and neglect

- Marked delay between injury and seeking medical assistance
- History of injury
- The child gives some indication that the injury did not occur as stated
- The child tells you someone has hurt him/her
- The child tells you about someone he/she knows who has been hurt
- Someone (relative, friend, acquaintance, sibling) tells you that the child may have been abused

#### Indicators of neglect in children

- Poor hygiene: matted hair, dirty skin or strong body odour
- Loss of 'skin bloom' and poor hair texture
- Untreated physical or medical problems
- Frequent illness and low-grade infections
- Persistently untreated head lice
- Hungry – scavenging, stealing or hoarding food
- Constantly tired and listless
- Delay in developmental milestones
- Low weight for age and/or failure to thrive for no medical reason
- A flat and superficial way of relating
- Anxiety about being dropped or abandoned
- Self-comforting behaviour, e.g., rocking and/or sucking
- Inadequate clothing in winter
- Frequent lateness to or absence from the service
- Child or young person states that no one is home to provide care
- Longing for adult affection
- Child or young person avoids going home

#### Indicators of neglect in parents and caregivers

- Dirty unhygienic environment, e.g., house over-run with pets, faeces not cleaned up etc
- Nowhere for child or young person to sleep
- Unable or unwilling to provide adequate food and/or clothing
- Leaving the child or young person inappropriately without supervision
- Abandoning the child or young person

- Unable to respond emotionally to the child or young person
- Depriving of or withholding physical contact or stimulation for prolonged periods
- Overwhelmed with other problems, e.g., substance abuse
- Showing no concern for the child or young person's wellbeing when it would be reasonably expected
- Family is isolated from relatives, other adults or social supports
- Greeting the child or young person with indifference
- An extremely chaotic life
- Family home is very chaotic and unkempt

#### **Indicators of physical abuse in children**

- Facial, head and neck bruising
- Other bruising and marks which show the shape of the object used (e.g, a hand print, belt buckle) Multiple bruises or injuries
- Lacerations and welts
- Bite marks
- Dislocations
- Fractures of bones, especially in children under three years old
- Burns and scalds – a burn with a clear outline may be suspicious
- A large number of scars of different sizes or ages, or on different parts of the body
- Verbal disclosure by the child or young person
- Explanation offered by the child or young person is not consistent with the injury
- Flinching when approached by adults
- Frozen watchfulness

#### **Indicators of physical abuse in parents**

- Direct admissions by parents or caregivers that they have injured the child or young person
- Direct expressions by parents or caregivers that they may injure the child or young person
- Family history of violence, including previous harm to children and young people
- Repeated presentations of the child or young person to health or other services with injuries, swallowing of non-food substances or minor complaints
- Marked delay between injury and presentation for medical assistance
- Story of injury which is inconsistent with the physical findings
- History of injury which is vague or variable
- Showing little concern about the welfare of a child or young person or the treatment and care of an injury
- Isolating a child or young person from contact with school, services etc in order to hide injuries or prevent disclosure.

#### **Indicators of emotional abuse in children**

- Over compliant, withdrawn, passive and/or tearful
- Displaying age-inappropriate behaviours, e.g. overly adult (parenting other children) or overly infantile (thumb sucking, rocking, wetting or soiling)
- Lack expectations and trust in people
- Fearful of parent(s) and/or caregiver(s)
- Indiscriminate attachment
- Disruptive or aggressive behaviour towards others
- Hyper-vigilance, particularly in pre-school children

- Exhibiting extreme attention seeking or risk-taking behaviour
- Withdrawn or seen as a 'loner' – difficulty relating to others
- Highly anxious
- Developmental delay

#### **Indicators of emotional abuse in parents and caregivers**

- Excessive or unreasonable demands
- Unrealistic expectations of the child or young person
- Persistent hostility and severe verbal abuse
- Rejection, ridiculing and scape-goating
- Exposure to domestic violence
- Constant criticism, belittling, teasing and withholding of affection and praise
- Belief that a particular child or young person is intrinsically 'bad', 'naughty' or 'evil'
- Using inappropriate social or physical isolation as punishment

#### **Indicators of sexual abuse in children**

- Direct or indirect disclosures
- Describes sexual acts, e.g. 'he hurts my wee-wee'
- Sexually explicit behaviour, play or conversation inappropriate to the child or young person's age
- Self-destructive behaviour including eating disorders, substance misuse, self-mutilation and suicide attempts
- An anxious unwillingness to remove clothes, e.g. for sporting events
- Persistent running away from home
- Sudden and unexplained changes in mood or behaviour
- Regression in developmental achievements in younger children
- Unexplained accumulation of money and gifts
- Pain, itching or bleeding in genital or anal area
- Bruising to buttocks, breasts, abdomen and thighs
- Sexually transmitted infection
- Difficulty sleeping and nightmares

#### **Indicators of sexual abuse in parents, siblings, caregivers, relatives, strangers or acquaintances**

- Exposing a child or young person to pornography or using a child or young person for pornographic purposes
- Intentional exposure of child or young person to sexual behaviour in others
- Previously committed or suspected of child sexual assaults
- Inappropriate curtailing or jealousy regarding age-appropriate development of independence from the family
- Coercing the child or young person to engage in sexual behaviour with other children
- Verbal threats of sexual abuse
- Exploitation or corruption of children or young people

#### **Indicators of grooming in children**

- Undue attention paid to a child by an adult- including gifts or special outings together
- Inappropriate touching such as tickling and back rubbing
- Inappropriate joke telling, sexual in nature

- Emotional or behavioural changes- including the abrupt onset of mood swings, secretive behaviour or
- Withdrawal

#### **Indictors of grooming in older children and teens**

- Perpetrator allows or encourages rule breaking such as smoking, drinking, staying out late
- Perpetrator identifies with the adolescent and appears to be someone who 'understands'
- Perpetrator communicates with adolescent outside normal role (i .e. coach or teacher).
- The effects of grooming can often be mistaken for normal 'teenage' behaviour such as aggressive or secretive behaviour, unexplained gifts or money, a marked change in behaviour and increased permissiveness

### Procedures for managing and recording incidents, disclosures and suspicions of harm, abuse or neglect

The nominated supervisor will implement, and other staff, volunteers and students will always follow, the *Procedures for Disclosures and Suspicions of Harm, Abuse or Neglect* to ensure the safety and wellbeing of children and ensure our service's compliance with all laws and regulations.

#### Managing and recording an *incident* of harm, abuse or neglect

*If an incident is witnessed:*

- Immediately intervene to protect the victim. If necessary, call 000
- Make a report in line with our *Procedure for making a report (Appendix D)*. For example, it may involve contacting Police/Child Protection Helpline depending on incident
- Follow instructions from Police/Child Protection Helpline and do not investigate the incident unless allowed
- Keep the victim supervised and supported. Reassure them and respond to their needs
- The first responder should not try to interview any children. Interviews should only be conducted by the nominated supervisor/approved provider and under instruction from the Police/Child Protection Helpline. Interviews can be traumatising for a child so we must try to limit them
- When talking or interviewing people involved, the nominated supervisor/approved provider will:
  - Reassure the child or adult
  - Find a private place to talk
  - Remain calm and listen in an attentive, active and non-judgemental way
  - Encourage the person (including a child) to talk in their own words
  - Take anything a child says seriously
  - Allow children to be part of decision-making processes where appropriate
  - Ask just enough open-ended questions to act protectively without asking any leading questions which suggest an answer and could compromise later investigations
  - Tell the person they have done the right thing in revealing the information and they'll need to tell someone who can help keep the suspected victim safe
- Contact the victim's parents and the parents of any other child who has been impacted
- Keep the child who has been harmed supervised and supported
- Immediately secure evidence such as CCTV footage, emails, computers
- Document the incident using the template in our *Incident, Injury, Trauma and Illness Policy* as soon as possible so the details are accurately captured, including:
  - Time, date, location and who was present
  - Full details of the behaviour/incident
  - Staff/volunteers' actions in response
- Manage risks to children/adults at our service such pending the outcome of any investigations, e.g.:
  - Stand down the subject of an allegation or conviction
  - Restricting the subject's access to children or only allowing them to have supervised access
  - Restricting their access to sensitive computer systems, files or facilities.
- Provide ongoing support children, staff and families

- Ensure the management and storage of records complies with our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy*

### **Managing and recording a disclosure of harm, abuse or neglect**

A disclosure of harm, abuse or neglect occurs when someone, including a child, tells you about harm, abuse or neglect that has happened, is happening, or is likely to happen to a child. A disclosure can also be about a child harming or abusing another child.

*Disclosures may start with:*

- I think I saw...||
- Somebody told me that...||
- Just think you should know...||
- I'm not sure what I want you to do, but...||

*If a disclosure is made:*

- Find a private place to talk
- Remain calm and listen in an attentive, active and non-judgemental way
- Encourage the person (including a child) to talk in their own words
- Take anything a child says seriously
- Allow children to be part of decision-making processes where appropriate
- Ask just enough open-ended questions to act protectively without asking any leading questions which suggest an answer and could compromise later investigations
- Tell the person they have done the right thing in revealing the information and they'll need to tell someone who can help keep the suspected victim safe
- Not try to investigate or mediate the matter yourself.
- If further interviews are needed after the initial disclosure, they should only be conducted by the nominated supervisor/approved provider and under instruction from the Police or Child Protection Helpline. Interviews can be traumatising for a child so we must try to limit them
- Record your own observations as well as accurate details of any conversation with a parent (who may for example explain a noticeable mark on a child)
- Document the disclosure using the template at **Appendix C** as soon as possible so the details are accurately captured, including:
  - Time, date, location and who was present
  - Full details of the (suspected) abuse
  - Exactly what the person said using "I said", "they said," statements
  - The questions staff/volunteers/students asked
  - Any comments educators made
  - Staff/volunteers/students' actions following the disclosure
- Ensure the management and storage of records complies with our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy*
- Follow our *Procedure for making a report* at **Appendix D**
- Wait for Police/ Child Protection Helpline advice before continuing with investigations

- Manage risks to children/adults at our service such pending the outcome of any investigations, e.g.:
  - Stand down the subject of an allegation or conviction
  - Restricting the subject's access to children or only allowing them to have supervised access
  - Restricting their access to sensitive computer systems, files or facilities.

### **Managing and recording a suspicion of harm, abuse or neglect**

A suspicion of harm, abuse or neglect is when someone has a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering significant harm, or abuse or neglect. A suspicion can also be about a child harming or abusing another child.

*Harm, abuse or neglect may be suspected if, for example:*

- A child says they have been harmed, abused or neglect
- Someone else, for example another child, a parent, or an employee, says harm, abuse or neglect has occurred or is likely to occur
- A child says they know someone who has been harmed, abused or neglected (it is possible that they may be referring to themselves)
- There are significant changes in the behaviour of a child, or the presence of new unexplained and suspicious injuries
- Harm, abuse or neglect is witnessed

*If there is a suspicion:*

- Remain alert to any warning signs or indicators (see **Appendix A** for a list)
- Pay close attention to changes in the child's behaviour, ideas, feelings and words
- Make written notes of observations in a non-judgemental and accurate manner, and manage in line with our *Privacy and Confidentiality Policy*
- Record details of any conversation with other people (e.g., a parent who explains why a noticeable mark is on a child)
- Assure a child that they can come to talk when they need to, and listen to them and believe them when they do
- Document the suspicion using the template at **Appendix C** as soon as possible so the details are accurately captured
- Not try to investigate or mediate the matter yourself
- Interviews should only be conducted by the nominated supervisor/approved provider and under instruction from the Police or Child Protection Helpline. Interviews can be traumatising for a child so we must try to limit them
- Follow our *Procedure for making a report* at **Appendix D**
- Ensure the management and storage of records complies with our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy*
- Wait for Police/Child Protection Helpline advice before continuing with investigations



- Manage risks to children/adults at our service such pending the outcome of any investigations, e.g.:
  - Stand down the subject of an allegation or conviction
  - Restricting the subject's access to children or only allowing them to have supervised access
  - Restricting their access to sensitive computer systems, files or facilities.

*Threshold for disclosures or suspicions of harm, abuse or neglect*

There may be circumstances where there is concern for a child's welfare, but it does not reach the threshold to be considered a disclosure or suspicion of harm, abuse or neglect.

In these cases, and if the family consents, educators will connect families to external support services (see *Procedure for making a report* at **Appendix D**)

## Procedures for managing harmful sexual behaviour in children

Harmful sexual behaviours is a broad term that is used to describe a range of serious sexual behaviours displayed by children and young people. The behaviour may be:

- Coercive or involve bribery and/or aggression
- Clandestine and/or aggressive/predatory
- Abnormal for the child's age/developmental stage
- Compulsive, excessive and/or degrading
- Present when it involves another child that is significantly different in age/developmental to the individual
- Self-directed or directed at others

Examples of behaviours across the spectrum – ranging from age appropriate to concerning and serious - is available in the South Australian Government's [Guide to problem sexual behaviour in children and young people](#). **Harmful sexual behaviours in children always requires a response.**

*If a child exhibits serious harmful sexual behaviours:*

- Immediately intervene to protect victim/s. If necessary, call 000
- If a child directs harmful sexual behaviour towards an adult at the service, the adult must immediately physically distance themselves from the child and tell the child that the behaviour must stop. This should be done in a sensitive and respectful manner
- Make a report in line with our *Procedure for making a report* (**Appendix D**). For example, it may involve contacting police/ Child Protection Helpline, depending on the behaviour

- Follow instructions from police/ Child Protection Helpline and do not investigate the incident unless allowed
- The first responder should not try to interview any children. Interviews should only be conducted by the nominated supervisor/approved provider and under instruction from the Police/ Child Protection Helpline. Interviews can be traumatising for a child so we must try to limit them
- Keep the child supervised and supported
- Keep the victim supervised and supported. Reassure them and respond to their needs
- When talking or interviewing people involved, the nominated supervisor/approved provider will:
  - Reassure the child or adult
  - Find a private place to talk
  - Remain calm and listen in an attentive, active and non-judgemental way
  - Encourage the person (including a child) to talk in their own words
  - Take anything a child says seriously
  - Allow children to be part of decision-making processes where appropriate
  - Ask just enough open-ended questions to act protectively without asking any leading questions which suggest an answer and could compromise later investigations
  - Tell the person they have done the right thing in revealing the information and they'll need to tell someone who can help keep the suspected victim safe
- Contact the parents of the child and any other child who has been impacted
- Immediately secure evidence such as CCTV footage, emails, computers (where applicable)
- Document the incident using the template in our *Incident, Injury, Trauma and Illness Policy* as soon as possible so the details are accurately captured, including:
  - Time, date, location and who was present
  - Full details of the behaviour/incident
  - Staff/volunteers/students' actions in response
- Manage risks to children/adults at our service such pending the outcome of any investigations. Responses should be appropriate to the risk posed. E.g.:
  - Suspending/excluding the child from the service
  - Restricting the child's contact with other children or only allow them to have supervised contact
  - Restricting access to sensitive computer systems, files or facilities (if applicable).
- If the child remains at the service, establish a behaviour support plan in consultation with family services/child's parents/professionals
- Ensure the management and storage of records complies with our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy*

*If a child exhibits concerning harmful sexual behaviours:*

- Intervene to protect other children
- If a child directs harmful sexual behaviour towards an adult at the service, the adult must immediately physically distance themselves from the child and tell the child that the behaviour must stop. This should be done in a sensitive and respectful manner
- Contact parents of the child
- Discuss with the child why the behaviour is unacceptable
- Depending on the situation and how serious the behaviour is, consider:
  - Creating restricted areas/activities for the child

- How the child will be monitored and supervised
- Suspending/excluding the child from the service
- Document the behaviour using the template in our *Incident, Injury, Trauma and Illness Policy* as soon as possible so the details are accurately captured, including:
  - Time, date, location and who was present
  - Full details of the behaviour/incident
  - Staff/volunteers/students' actions in response
- Manage risks to children/adults at our service such pending the outcome of any investigations. Responses should be appropriate to the risk posed. E.g.:
  - Suspending/excluding the child from the service
  - Restricting the child's contact with other children or only allow them to have supervised contact
  - Restricting access to sensitive computer systems, files or facilities (if applicable)
- Confirm with the police/welfare authority that our proposed actions are appropriate
- Exchange information with other relevant agencies/professionals if appropriate and permitted
- Arrange a meeting with parents of the child to discuss any immediate responses and ongoing options for support for the child/family, such as a behaviour support plan
- Ensure the management and storage of records complies with our *Privacy and Confidentiality Policy* and *Record Keeping and Retention Policy*

*Supporting children, staff and families who have been impacted by another child's harmful sexual behaviour:*

- Assess and respond to the needs of anyone who has been impacted
- Inform other parents that their child was/may have been impacted by the harmful sexual behaviour or witnessed the behaviour; and that accounts of the behaviour might be circulating amongst other parents. **Do not** disclose the name of the children involved
- Remain calm and listen in an attentive, active and non-judgemental way
- Take anything a child says seriously
- If the child has reported the behaviour to a staff or family member, tell they have done the right thing
- Help children to know how to respond to questions that other children ask about the incident and which staff member will be supporting them
- Allow children and families to be part of decision-making processes where appropriate
- Communicate to children and parents what action is being taken and what they can expect to happen next, including timeframes
- Where applicable, advise parents that the police or welfare authority may need to interview their child
- Provide referrals to support agencies/counselling services
- Arrange a meeting with the parents to discuss implementing a safety plan for children at the service

## Disclosure of harm, abuse or neglect

A disclosure of harm, abuse or neglect occurs when someone, including a child, tells you about harm, abuse or neglect that has happened, is happening, or is likely to happen to a child. Disclosures of harm may start with:

- I think I saw...||
- Somebody told me that...||
- Just think you should know...||
- I'm not sure what I want you to do, but...||

Child's name \_\_\_\_\_

Name of the person who made the disclosure \_\_\_\_\_

Are they related to the child? Yes No

If yes, what is the relationship? \_\_\_\_\_

What did the person disclose? Try to use the exact words they used. Use "I said" "they said" statements, include any questions you asked and comments you made

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What date did the person make the disclosure? \_\_\_\_\_ What time \_\_\_\_\_ AM/PM

Where did the disclosure occur? \_\_\_\_\_

Was anyone else present during the disclosure? Yes No

If yes what is/are their name, role and employer?

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Have you followed the procedure in the Child Protection Policy and Procedure for making a report?

Yes No

Describe the actions you have taken following the disclosure

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Name of person completing form \_\_\_\_\_

Signature of person completing form \_\_\_\_\_

Date \_\_\_\_\_

Time \_\_\_\_\_ AM/PM

## Suspicion of harm, abuse or neglect

Staff, volunteers and students may suspect harm, abuse or neglect if:

- a child says they have been harmed, abused or neglected
- someone else, for example another child, a parent, or an employee, says harm, abuse or neglect has occurred or is likely to occur
- a child says they know someone who has been harmed, abused or neglected (it is possible that they may be referring to themselves)
- they are concerned at significant changes in the behaviour of a child, or the presence of new unexplained and suspicious injuries
- they see the harm, abuse or neglect happening.

Child's name \_\_\_\_\_

Why do you suspect harm, abuse or neglect? Try to use the exact words a child or someone else uses if relevant. Provide as much detail as possible

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If relevant, what date did the person say something? \_\_\_\_\_ What time \_\_\_\_\_ AM/PM

Have you followed the procedure in the *Child Protection Policy and Procedure for making a report*?

Yes                      No

Describe the actions you have taken because of your suspicion

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\_\_\_\_\_  
Name of person completing form

Date \_\_\_\_\_

\_\_\_\_\_  
Signature of person completing form

Time \_\_\_\_\_ AM/PM

### Procedure for making a report

Childrens services have obligations under the law to act and report in relation to child protection matters. The *Procedure for making a report* here describe these and the steps we must take when we report to the relevant authorities.

Unless they are inconsistent with our obligations under the law, reports and investigations must be conducted in line with our service's policies and procedures. For example: all child safe policies/procedures; *Privacy and Confidentiality Policy*; *Record Keeping and Retention Policy*; *Staffing Arrangements Policy and Educator and Management Policy*; *Grievance Policy and Procedure*.

#### Call 000 if there is an immediate risk of harm to a child

#### Mandatory Reporting to the Child Protection Helpline (NSW Department of Communities & Justice)

1. Consider whether we need to make a report to the Child Protection Helpline:
  - In NSW, paid staff (but not unpaid volunteers) at our service are 'mandated reporters' and, by law, **must make a report** to the Child Protection Helpline (NSW Department of Communities and Justice) **when they have reasonable grounds** (see definitions) **to suspect that a child or young person is at Risk of Significant Harm** (see definitions) **and those grounds arise in the course of, or from their work or role**
  - It is our service's policy to extend the legal definition of 'mandated reporters' to also include any volunteers or students who are engaged by our service
  - **Risk of Significant Harm is present in the following circumstances:**
    - the child's basic physical or psychological needs are not being met or are at risk of not being met
    - the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care
    - the parents or other caregivers have not arranged and are unable or unwilling to arrange for a school age child to receive an education
    - the child has been, or is at risk of being physically or sexually abused or ill-treated
    - the child is living in a household where there have been incidents of domestic violence and they are at risk of serious physical or psychological harm
    - the parent's or other caregiver's behaviour means the child has suffered or is at risk of suffering serious psychological harm.
  - Use the online Mandatory Reporter Guide, which is available on the [ChildStory Reporter](#) website, to help make decisions about whether there is a Risk of Significant Harm. The Guide covers physical abuse, neglect (supervision, physical shelter/environment, food, medical care, mental health care, education), sexual abuse, problematic sexual behaviour, psychological harm, relinquishing care and carer concerns to do with substance abuse, mental health, and domestic violence)

2. Make a report by phone to the Child Protection Hotline on 132 111 (available 24 hours/7 days a week). E-Reporting is available for non-urgent notifications on the [ChildStory Reporter](#) website
3. Make the report as soon as practicable and with the assistance or support of the approved provider and/or nominated supervisor. Although, if they do not follow through and make the report, employees and volunteers will make the report
4. If reporting by phone, record name of person taking report and ask them for a written confirmation that the report has been made
5. Get clear guidance from the Child Protection Hotline about what the next steps in the process are, including with whom information about the report should/can be shared with.

### **Reporting to Police procedure**

1. Consider whether we need to make a report to the Police:
  - Mandated reporters at our service only need to report to the Child Protection Helpline – no additional report to the Police is needed. However, we do need to confirm with the Child Protection Helpline that they will pass on the report to Police
  - Contact the Police where the child has been or may be the victim of a criminal offence (including where a child is at risk of significant harm outside the family)
  - In NSW, it is a **criminal offence for adults not to report to information to Police if they know, believe or reasonably ought to know that a child has been abused; or know, believe or reasonably ought to know that they have information that might materially assist in securing the apprehension, prosecution or conviction of the offender** (known as ‘failure to report’)
  - It is also a **criminal offence for an adult working in an organisation that engages workers in child-related work if they know that an adult worker engaged by the organisation in child related work poses a serious risk of abusing a child (under 18 years), and they have, the power or responsibility to reduce or remove the risk, and they negligently fail to reduce or remove that risk** (known as ‘failure to protect’)
2. To report an offence, contact the local police station or Crime Stoppers on 1800 333 000
3. Make the report with the assistance or support of the approved provider and/or nominated supervisor. Although, if they do not follow through and make the report, employees and volunteers will make the report
4. If reporting by phone, record name of person taking report and ask them for a written confirmation that the report has been made
5. Get clear guidance from the Police about what the next steps in the process are, including with whom information about the report should/can be shared with.

### **Making a referral to family services or exchange of information procedure**

1. Consider whether we need to make a referral to family services:
  - E.g., in cases where a report is not made to the Police/Child Protection Helpline but families could benefit from parenting support
2. Use the resources section of the [ChildStory Reporter](#) website to determine suitable family referral services

3. Consider whether we need to exchange information with other allowable individuals/entities:
  - ☐ Child care services can share confidential and personal information in certain circumstances if they reasonably believe this may help other specified organisations/people to ensure the safety, welfare or wellbeing of children
  - ☐ See heading '*Exchanging Information*' in this Policy for an overview of exchanging information law
4. Follow the guidelines for exchanging information as set out by the NSW Department of Communities and Justice (see their [website](#) for more information).
5. If it safe, practical and possible to do so, obtain family consent before making referrals or exchanging information. Advise families that relevant information about the child and family will be provided, and they may provide feedback or complaints about the care they are receiving or the disclosure of information. Document discussions and outcomes with families, and keep them informed
6. Referrals and exchanges of information must be approved and managed by the approved provider/nominated supervisor (unless the people in these roles are subjects in the information exchange)
7. Record details in line with our legal obligations and our *Privacy and Confidentiality* and *Record Keeping and Retention Policy*.

#### **Making a report to NSW Office of the Children's Guardian procedure**

1. Consider whether we must report to the NSW Office of the Children's Guardian:
  - In NSW, child-care services, and education and care service providers, including after school care, are **legally obligated to report to the NSW Office of the Children's Guardian *allegations and convictions* of 'reportable conduct' of any individuals engaged directly or indirectly by our service** (including employees, volunteers, and in some circumstances, contractors) irrespective of whether this relates to their employment or activities at the service
  - 'Reportable conduct' is a sexual offence; sexual misconduct; ill-treatment of a child; neglect of a child; an assault of a child; failure to protect and failure to report - offences under the Crimes Act 1900; a behaviour that causes significant emotional or psychological harm to a child
2. The report to the Office of the Children's Guardian must be made by the head of the organisation within 7 business days of receiving a report or otherwise becoming aware of reportable allegations/convictions.
3. Staff, volunteers and students must report allegations and convictions of reportable conduct (including any made against them) as soon as practicable to the approved provider
4. Make the report using the '7-day notification form' that is available on the Office of the Children's Guardian [website](#) and **take action to protect children**
5. Consult with Police or Department of Communities and Justice after making report so as not prejudice any concurrent police investigation or court proceedings
6. If the allegation is being assessed or investigated by the Police or the Department of Communities and Justice, our obligation to investigate is suspended. Otherwise, we must promptly proceed with an investigation and provide a final report to the Scheme.



7. Follow the instructions and guidelines set by the Office of the Children’s Guardian in their [‘Reportable Conduct Factsheets’](#):
  - Our responsibilities under the Scheme
  - Identifying and managing risk
  - Planning and conducting the investigation
  - Recognising and managing conflicts of interest
  - Keeping records
  - Disclosing information to children, parents and carers
  - Making a finding of reportable conduct

### **Making a report to the regulatory authority procedure**

1. Consider whether we must report to the Early Childhood Education Directorate (ECED)
  - Under the *National Laws*, the approved provider must notify ECED of:
    - **any serious incident at the service; and any complaints alleging that a serious incident has occurred or is occurring while a child was/is being cared for by our service** (notify in writing, within 24 hours)
    - **circumstances at the service which pose a risk to the health, safety or wellbeing of children** (notify in writing, within 7 days)
    - **any incident or allegation that physical or sexual abuse of a child or children has occurred or is occurring while the child or children are being educated and cared for by the service** (notify in writing, within 7 days)
    - **if there has been a change relevant to whether the approved provider is a fit and proper person to be involved in our service** (notify in writing, within 7 days)
    - **suspension or cancellation of a working with children card (including blue card) or teacher registration of a nominated supervisor, or disciplinary proceedings of a nominated supervisor under an education law** (notify in writing, within 14 days)
2. Notify ECED in writing within the prescribed time period
3. Record details in line with our legal obligations and our *Privacy and Confidentiality* and *Record Keeping and Retention Policy*.

### **Additional actions for dealing with allegations against service personnel procedure**

Where there are allegations of harm against the approved provider, nominated supervisor, employees or volunteers, the approved provider or nominated supervisor will make all the necessary reports to the relevant authorities and also:

1. Complete an *Incident, Injury, Trauma and Illness Record* and notify ECED within 24 hours of making the report
2. Follow employment law and privacy law
3. Pending the outcome of investigations, suspend any volunteers and contractors who are the subject of allegations, and review the duties of employees who are subjects of allegations, including whether it is appropriate to restrict their access to children
4. Ensure employees subject to allegations are supervised at all times. Seek legal advice, if relevant, about restricting a person’s duties or putting them on leave with/without pay

5. Provide appropriate support for any employee/volunteer who has an allegation made against them
6. Protect the identity of employees/volunteers in relation to unproven complaints
7. Help the subject of the allegations access appropriate support/counselling, provide support to alleged child victims and their families, and any others involved in reportable incidents, if appropriate.

**CHILD PROTECTION POLICY AND PROCEDURE BREACH  
INCIDENT REPORT FORM**

Date breach occurred \_\_\_\_\_ Time breach occurred \_\_\_\_\_

Location of breach \_\_\_\_\_

Name of person(s) involved in the breach

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Description of the breach**

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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
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**Immediate action taken**

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\_\_\_\_\_

**If no action taken – reason**

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Name of person completing form

Date \_\_\_\_\_

Time \_\_\_\_\_ AM/PM

\_\_\_\_\_  
Signature of person completing form

\_\_\_\_\_  
Authority breach reported to (if relevant)

\_\_\_\_\_  
Name of person reported to

### Child Safe Recruitment Procedure

The approved provider/nominated supervisor will oversee and approve the recruitment process:

- ensuring there is a documented position description for the vacant position that is accurate and current
- arranging for the position to be advertised
- ensuring there is a standard list of interview questions for all applicants
- reviewing the applications that have been received and making a short list of applicants
- arranging suitable interview times with the shortlisted applicants
- contacting referees for the most suitable candidate(s)
- making an offer of employment in writing which the applicant must sign as an acceptance of the offer. The applicant must sign a contract of employment containing the specific terms and conditions of employment. A base Employment Contract is attached.
- notifying unsuccessful applicants by letter, telephone or email.

Recruitment and selection decisions will be made by the approved provider/nominated supervisor.

#### Job Description

Every position must have a position description which:

- summarises the job and describes the tasks and responsibilities
- details the skills, qualifications and experience required to perform the job and whether these are essential or desirable criteria.
- clearly describes the expectations and responsibilities for educators/staff members to provide a safe and supportive environment for children.

#### Advertising

- positions may, at the discretion of the approved provider/nominated supervisor and where relevant, be initially advertised internally via email. This process gives current employees the chance to be considered for a transfer or nominate a suitable contact as a potential candidate.
- external advertising will occur when a suitable internal candidate (including employee contact) is unavailable, or may occur concurrently with the internal advertising where the approved provider/nominated supervisor believes it is in the service's best interests to source additional candidates.

#### The Job Advertisement

The job advertisement will be written in clear, concise and non-discriminatory language and will contain:

- state that our service is committed to child safety and well-being
- the title of the position
- a summary of the role and conditions of employment
- the essential and desirable criteria for candidates, including what qualifications and skills are required
- information about what applicants should provide with their applications
- clear, concise details about our service and our safe, supportive work practices
- advice that the successful applicant will need to undergo a successful Working With Children/Vulnerable People Check, referee checks and identification, and that candidates

will be asked to disclose any information relevant to their eligibility to engage in activities involving children

- the name of a contact person
- the closing date for receipt of applications
- a statement that the Service is an Equal Opportunity Employer.

### **Interviews**

The approved provider/nominated supervisor will conduct the interview. The format of the interview will be:

- advise the applicant about the position and the service
- discuss the applicant's skills and experience as they relate to the position
- discuss the applicant's understanding of child safety and child protection
- answer any questions the applicant may have
- advise the applicant about the next steps in the selection process
- obtain permission to contact the applicant's nominated referees.

### **Selection of Candidates and Reference Checks**

Following the interviews, we will check the work histories and references of the most suitable candidates(s) after obtaining their permission. We will include the following questions in those asked of referees:

- would you employ the person again?
- have you directly supervised the applicant and directly observed their work with children?
- do you have any concerns about the applicant working directly with children?
- can you give an example of a time when you observed the applicant managing a child with challenging behaviours?

### **Offer of Employment**

- if a decision is made to employ the most suitable candidate, we will make a written offer of employment
- the successful applicant must sign a contract of employment containing the specific terms and conditions of their employment
- induction must reference child safety and protection, supervision, compliance with National Law and Regulations, NQS, Code of Conduct, policies and procedures.

### **Exit Interviews**

If an employee resigns, management will undertake an exit interview with the person to:

- gather information about the effectiveness of the recruitment process
- identify possible areas for improvement in organisational processes, management, job design, remuneration or career planning and development
- receive positive feedback on what is working well.

## Child Safe Standards

The Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse provide a framework so organisations can create cultures and adopt strategies to keep children safe from harm. Our service commits to an environment and practices which are consistent with the NSW child safe standards.

Below we discuss our services approach to the ten Child safe standards, and outline service policies which support them ( Standard 10 Policies and procedures document how the organisation is child safe). Our contracts of employment require all employees to comply with service policies and procedures.

They:

- help drive cultural change in organisations
- are principle-based and outcome-focused
- are flexible enough that they can be adapted by organisations of varying sizes and characteristics
- avoid placing undue burden on organisations
- help organisations address multiple risks
- balance caution and caring
- are a benchmark against which organisations can assess their child safe capability and set performance targets
- are of equal importance and are interrelated

## **STANDARD 1: Child safety is embedded in organisational leadership, governance and culture.**

A child safe organisational culture drives the way things are done and how issues and risks are managed. Strong, transparent and accountable leadership can deter perpetrators of abuse, and ensure employees understand and comply with their obligations to report suspicions or disclosures of abuse.

### **Service policies which support this standard include our:**

- **CCTV Policy** which promotes a child safe environment while complying with the Australian Privacy Principles
- **Educator and Management policy** which includes our Code of Conduct and Management Responsibilities.  
The Code includes clear expectations of appropriate interactions with children, and examples of appropriate and inappropriate interactions, and the requirement for compliance with all Service policies and procedures. The Code also guides the behaviour of families and visitors, indicating they will not have physical contact with other children at the service unless a staff member is present.  
Management responsibilities include ensuring staff meet qualification requirements, mandated educator to child ratios are maintained, all staff understand their responsibilities under the National Law, Regulations and NQS, all staff, visitors and volunteers comply with the Code of Conduct, organising or providing appropriate staff training and performance reviews, and regularly implementing documented staff meetings
- **Governance Policy** which includes the Governance Principle “recognise and manage risk to children.” This Principle is evident in the regular risk assessments completed by educators and staff as they assess and manage the potential risk of harm to children during activities and events, and in the regular formal and informal training educators and staff receive to refresh their skills and understanding of practices that ensure the safety of children including but not limited to child protection and child safe practices such as adequate supervision, managing incidents and complaints, privacy requirements, implementing risk assessments, and safe excursion and transport practices
  - **Grievance Policy** which includes our complaints handling procedures and guidelines, including potential outcomes.
- **Staffing arrangements policy** which includes procedures for supervising children to ensure their safety and remove any potential for child abuse, and requirements for clear Working With Children Checks.
- **Incident, Injury, Trauma and Illness Policy** which requires staff maintain records that enable us to monitor, review and report incidents as required under the national Law(see also Standard 6).
- **Relationships with Children Policy** which covers positive interactions with children by educators, staff and other children ( in case of bullying for example)

Our Child Safe Policy is available to all families in our policy folder, as part of our regular policy review program, and as part of our enrolment pack.

## **STANDARD 2: Children participate in decisions affecting them and are taken seriously.**

Educators promote a culture of participation and inclusion, viewing all children as active participants and decision makers as they seek to include the interests, ideas, strengths, culture, abilities etc of each child. They understand this is an essential part of effectively implementing the NQS and the Early Years Learning Framework (EYLF) which promote each child's agency, perspective and participation, and require that educators are responsive to each child's ideas, interests and needs. See for example NQS Elements 1.1.2 Child-centred, 1.2.3 Child directed learning and 5.2.1 Collaborative learning (where children are supported to learn from and help each other), EYLF Principle 'Secure, respectful and reciprocal relationships' and EYLF Practice 'Responsiveness to Children' which promote respectful and reciprocal relationships with children based on deep understanding of their interests, community and culture.

As part of this process, educators regularly empower children to take part in discussions about their safety and decisions that affect them, and value their ideas, suggestions and feedback. Educators are attuned to babies' and younger children's non-verbal cues to plan curriculum and respond in ways that empowers them. Our Educational Leader regularly reviews educators' practices and supports them to continually improve.

Service policies which support this Standard include our:

- **Child Protection Policy** which requires educators, as part of the 'Strategies for Communication and Support' component of the Child Protection Risk Management Strategy, to regularly include age appropriate learning about the way adults should behave from a child safety perspective, including their right to make decisions about their body and privacy, that they have a right to feel safe at all times, how to keep themselves safe, and what to do if they feel unsafe
- **Education, Curriculum and Learning Policy** which outlines practices which implement the EYLF, including regularly involving children in decision making about their learning and environment as part of the assessment and planning cycle
- **Relationships with Children Policy** which contains detailed guidelines and examples about children's inclusion, agency and peer support. The Policy also contains information and example of appropriate Behaviour Guidance strategies which support children to express and meet their needs.

We also display the United Nations Convention on the Rights of the Child.



As part of this process, educators regularly empower children to take part in discussions about their safety and decisions that affect them, and value their ideas, suggestions and feedback. Educators are attuned to babies' and younger children's non-verbal cues to plan curriculum and respond in ways that empowers them. Our Educational Leader regularly reviews educators' practices and supports them to continually improve.

**Service policies which support this Standard include our:**

- **Education, Curriculum and Learning Policy** which outlines practices which implement the EYLF, including regularly involving children in decision making about their learning and environment as part of the assessment and planning cycle
- **Relationships with Children Policy** which contains detailed guidelines and examples about children's inclusion, agency and peer support. The Policy also contains information and example of appropriate Behaviour Guidance strategies which support children to express and meet their needs.

We also display the United Nations Convention on the Rights of the Child.

**STANDARD 3: Families and communities are informed and involved.**

Educators constantly build partnerships with families and community members, which provides many opportunities for discussion and feedback about safety practices. Educators and staff regularly encourage families to contribute to decisions about service practices as well as their child's learning through questionnaires, information nights, face to face conversations and our 'Open Door Policy'. For example, families know where to find policies in the foyer and are updated with policies that are updated in the newsletter and can give feedback through emailing [info@erinakindergarten.com.au](mailto:info@erinakindergarten.com.au) and are asked for feedback on a particular Policy every week as part of our weekly professional development activities or asked for feedback when we review our policies. Providing information about service operations is also a requirement under NQS Element 6.1.3 'Families are supported.'

Child safe information is provided to families in various formats including displays and brochures and is noted in newsletters when our educators undertake child protection training and during child protection week. It is discussed in more detail with families the week our professional development covers element 2.2.3 Child Protection. Several Policies and our Code of Conduct are also included in our family enrolment/information pack. We note this is consistent with our obligations under the guiding principles in the nation Law section 3(3) to respect and support the role of parents and families.

Our response to child safety, including cases of harm, suspected harm or complaints, is also culturally sensitive. For example, we engage with families and/or community members to improve our understanding of cultural behaviours and inform our responses.

**Service policies which support this standard include; this policy;**

- **Educator and management policy** which includes our Code of Conduct as discussed above
- **Governance policy** which includes our Service structure and identified the people in leadership and management positions
- **Grievance policy** which includes our complaint guidelines and the name of our Complaints Officer. We include this Policy in our enrolment/information packs
- **Parental interaction and involvement in the service policy** which highlights our 'Open Door' approach to facilitating transparent, two-way communication
- **Policy and procedure review policy** which outlines how and when families will be encouraged to provide feedback on policies and procedures

**STANDARD 4: Equity is upheld and diverse needs are taken into account.**

Educators regularly plan and implement learning which promotes the benefits of cultural diversity, and the unique abilities and strengths each person has regardless of any additional needs. Educators also focus on ensuring each child can reach their potential in an inclusive environment which supports their participation identity, connection to their world and sense of wellbeing. These practices underpin the NQS and the EYLF which promote equity, diversity and inclusion. Educators also use the indicators under the EYLF learning outcomes to help identify children with vulnerabilities and an additional need e.g NQS element 3.2.1 Inclusive environment and standard 5.1 respectful and equitable relationships are maintained with each child as well as EYLF principle "Equity, Inclusion and High Expectations" and EYLF Practice, "Cultural Responsiveness" In addition, where possible our staff profile reflects the diversity at our centre and in the local community, as this assists in building relationships with children and families, and in building the cultural competence of all educators and staff.

**Service policies which support this standard include this policy and :**

- **Additional Needs Policy** which discusses how we design or adapt the environment to ensure each child can participate and achieve meaningful learning outcomes, and how we work with external professionals, families and children to help achieve this outcome
- **Education, Curriculum and Learning Policy** which outlines additional strategies educators use to promote each child's inclusion and participation, including establishing links with local cultural groups and using intentional teaching strategies to promote cultural customs, stories, traditions, history, inviting families and community members to visit and complete activities with children
- **Relationships with Children Policy** which covers inclusive practices as outlined in Standard 2 and also outlines practices to help support children through traumatic events

**STANDARD 5: People working with children are suitable and supported.**

Our management does not solely rely on clear working with children checks. Our management practices support the recruitment and ongoing management of employees who implement strong child safe practices everyday. For example our employment advertising includes a Statement of Commitment to Child Safety, interview questions establish the suitability of staff, referees are contacted, our Induction process requires all staff to review and acknowledge in writing our Child Protection policy and Code of Conduct, job descriptions set clear expectation about child safety, and we implement probationary periods. The Nominated Supervisor also implements an ongoing training program tailored to each staff members' needs and goals which are identified through regular performance reviews.

Our employee and volunteer induction processes include reviewing child safe policies, procedures and expectations, and educators and staff review one or two Service policies every week as part of their weekly professional development. Volunteers are required to comply with all service policies and procedures and code of conduct.

**Service policies which support this Standard include this policy and our:**

- **Educator and Management Policy** which, in line with NQS Element 7.2.3 Development of professionals, requires the performance of educators and staff to be regularly evaluated against their position description, and training plans devised and implemented where there is an identified need, including for example in child safe practices. Training may occur through a recognised face to face or on-line training course, mentoring and at staff meetings. The Nominated Supervisor must include training funds in the annual budget.  
The Policy also outlines orientation practices to ensure new or returning staff are aware of current service policies and procedures, including those ensuring they meet their child protection obligations.
- **Recruitment Procedure** which contains screening processes, use of position description and interviews.
- **Staffing Arrangements Policy** which contains qualification requirements, including those consistent with the Child protection (Working With Children) Act 2018, and Supervision procedures with a child safety focus
- **Tobacco, Drug and Alcohol Policy** which clearly states educators and staff must not drink alcohol or take drugs at the Service, and must not attend if adversely affected by alcohol or drugs, including prescription medication.

**STANDARD 6: Processes to respond to complaints of child abuse (or other concerns) are child focused.**

Complaints are taken very seriously at our centre, and children's safety and wellbeing is always our number one priority. Our child safety practices emphasise a child focus rather than focusing on adult intent and as mentioned under Standard 3, we engage with families and/or community members to respond in culturally sensitive ways where appropriate.

**Service policies which support this standard include this policy and our:**

- **Grievance policy** which contains clear and transparent investigation guidelines including time frames, review processes, privacy and confidentiality requirements and potential outcomes of complaints including disciplinary action. The Policy clearly requires educators and staff support children to access the complaints process for all complaints alleging their safety or wellbeing is or could be harmed, if not already implementing the procedures in the Child Protection Policy. In line with the Policy and guidelines we also maintain a Complaint Register and regularly review the types, content and outcome of complaints to identify any patterns and underlying issues

- **Incident, injury, trauma and illness policy** which includes requirements under the National Law and Regulations to document and promptly notify the Regulatory Authority any 'Serious Incidents,' complaints alleging a Serious Incident has occurred, complaints that the National Law or Regulations have been breached, any circumstances arising at the Service that pose a risk to the health, safety and wellbeing of a child, and of any incident, complaint or allegation that physical or sexual abuse of a child has occurred.

**STANDARD 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.**

Our service is committed to a culture of ongoing learning and continuous improvement. This includes a commitment to ensuring all educators and staff know how to identify and respond to all forms of child abuse, and are aware of new child safe knowledge and practices. Management ensures they and all educators and staff participate in annual refresher training on their child safe obligations, the importance of taking a child focused approach, the indicators of abuse and patterns of behaviour that indicate a risk to children, record keeping and reporting procedures, and service child safe practices, policies and resources. Training may be provided in house, or by external providers where appropriate. Child safety is also included on staff meeting agendas. Child safe training always includes case studies and examples to support the development of practical skills and 'real life' child safe responses.

**Service policies which support this standard include this policy and our :**

**Educator and management policy** (see standard 5)

**STANDARD 8: Physical and online environments minimise the opportunity for abuse to occur.**

We comply with child safety requirements under the National Education and Care Law and Regulations (refer those listed at the front of this policy). For example, Law section 165 'Offence relating to protection of children from harm and hazards' requires all employees and volunteers to take a risk management approach to safety, and Regulation 168(2)(h) requires services to have Policies relating to providing a child safe environment. ACECQA has indicated in its draft Child Safe Policy Guideline this covers supervision, staffing, child protection and the physical environment. Employees and volunteers regularly complete risk assessments prior to implementing activities or events that could potentially expose children to harm from a child protection and

environmental perspective. Risk assessments always involve identifying and assessing risks, implementing measures to eliminate risks or to reduce them to acceptable levels, and ongoing monitoring. There are also the notification requirements outlined in our Incident, Injury, Trauma and Illness Policy to promptly notify the Regulatory Authority of child safety issues which we discussed under Standard 6.

Management and educators understand the physical environment can provide opportunities for abuse to occur and implement supervision practices that reduce this risk. Where possible, physical environments are altered to increase natural lines of sight while respecting a child's right to privacy, and their need for risky play which allows them to temporarily "disappear". There is an increased focus on higher risk locations including nappy change areas, and during events, transitions and excursions. This is reflected in our risk assessments, including those required under the national regulations prior to conducting excursions or transporting children. We also consider and protect children's safety in the online environment in an age-appropriate way. If needed staff are provide with information on online risks to children and families are provide with information to support their parenting and children's wellbeing in line with NQS Element 6.1.3. Educator may discuss with younger children for example, how there's no way to be sure who they're interacting with online. With older children educators may cover risks like sharing initiate images, cyberbullying and meeting in person with online contacts.

**Service policies which support this standard include this policy and :**

- **CCTV Policy** as discussed under Standard 1
- **Educator and Management Policy** which includes our Code of Conduct and the requirements when visitors attend the service. These include ensuring visitors are never left alone with children, and have a child protection clearance (unless exempt)
- **Incident, Injury, Trauma and Illness Policy** as discussed under Standard 6
- **Photography Policy** which promotes children's privacy and safety by requiring parents to consent before photos/videos are taken of their child, and before these are posted on any social media platforms, websites or used in service publications
- **Social Media Policy** which also promotes children's privacy and safety by banning educators and staff from using personal cameras or phones to take photos/video at the service, and from posting children's private information, photos or videos to their personal social media accounts.
- **Staffing Arrangements Policy** which discusses issues affecting the adequacy of supervision (these include the visibility and accessibility of areas where children are playing), supervision practices including the need for educators to position themselves to see as much of the play area as possible and to follow any playground supervision plans, particular activities that require focused supervision (including in bathrooms/toilets and higher risk activities). Other practices which support Regulation requirements include ensuring educator to child ratios are always met and educators under 18 are always supervised

- **Technology Usage Policy** which requires devices only be used to support children's learning, only age-appropriate websites are accessed, and that educators directly supervise children when they're on-line.

**STANDARD 9: Implementation of the Child Safe Standards is continuously reviewed and improved.**

As previously discussed, we are committed to a culture of continuous improvement and we strive to reach or maintain an Exceeding rating under the NQS. We continually review our child safe practices and policies, and review any incidents and complaints to identify causes which we address where possible. Regular training to embed child safety practices and identify emerging trends and knowledge is a priority and where relevant we seek external support. To support our continuous improvement management and educators also regularly engage in documented critical reflection of service practices and policies, interactions with children and families, and children's learning and development. This involves considering issues from multiple perspectives including those of children, families, fellow educator's and theorists considering social justice and power imbalances, and often implementing changes in practice as a result. As part of our regular reviews, we may review the Child Safe resources available on the Office of the Children's Guardian website.

**Service policies which support this standard include this policy and our;**

- **Policy and Procedure Review Policy** which requires all Service policies and procedures to be regularly reviewed and updated in a scheduled, documented process. Regulatory authorities implementing the Education and Care Services National Law and Regulations require all policies be reviewed at least annually
- **Relationships with Children Policy** which contains extensive guidelines and examples to support positive interactions with children and behaviour management guidance. The Policy also clearly states staff must not isolate or intimidate children, or use corporal punishment to guide behaviour.

**STANDARD 10: Policies and procedures document how the organisation is child safe.**

As discussed above we have many policies and procedures that support our child safe focus. These are accessible to employees and families in a hard copy and electronic versions where possible bilingual staff discuss relevant policies with families in their home language or we obtain support. They are also on our website for all to access.

Our employee induction processes include reviewing child safe policies, procedures and expectations and educator review policies weekly as a part of their professional development when updated from centre support.

Management implement a robust performance management procedure where non-compliance with the national law, regulations or service policies and procedures is identified for example through reporting and feedback arrangements between room leaders, the educational leader and the nominated supervisor or through the complaint handling process.

Any questions about child safety or this policy may be directed to a responsible person at the service or the approved provider or nominated supervisor or person in charge day to day. If employees, volunteers and families have concerns about the approved provider or nominated supervisor's ability to provide or maintain a child safe environment, they should first discuss their concerns with another responsible person who will investigate and if substantiated contact the child protection hotline on 132 111, the NSW regulatory authority on 1800 619 113, the police on 000 or the children's guardian on 82193600 for advice. Employees, volunteers and families may contact these organisations if they believe the responsible person has not taken appropriate action.



## Appendix H

### Child Protection – Risk Assessment Template



Management

STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
<p><b>Describe the activity/environment</b>  <i>Identify all elements of the space or event from beginning to end eg activity, objectives, location, participants</i></p>	<p><b>Identify Risks</b>  <i>Something that could happen that results in harm – also consider physical, emotional, sexual and cultural risks from children, adults, visitors, employees, volunteers</i></p>	<p><b>Analyse the Risk</b>  <i>How likely is the risk, what would happen if the risk did occur?</i></p>	<p><b>Evaluate the Risk</b>  <i>Likelihood/Consequences                      Risk of harm or abuse to children should always be considered severe or catastrophic</i></p>	<p><b>Manage the Risk</b>  <i>Assess the options to reduce the risk</i></p>	<p><b>Review</b>  <i>Nominate who will review after the event/activity</i></p>

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Determine **likelihood** of the risk by using the left hand column of the **Risk Analysis Matrix** (below). Use the impact information to determine the **consequences** level. Combine the Consequence and Likelihood ratings to arrive at the **Risk Level** (i.e. *Low, Medium, High or Critical*). **CONSEQUENCES**

LIKELIHOOD	Insignificant	Minor	Moderate	Major	Extreme
<b>Very likely</b> Expected to occur in most circumstances	Medium	Medium	High	Critical	Critical
<b>Likely</b> Will probably occur in most circumstances	Low	Medium	High	High	Critical
<b>Possible</b> Might occur at some time	Low	Medium	Medium	High	High
<b>Unlikely</b> Not expected to occur	Low	Low	Medium	Medium	High
<b>Rare</b> Occurs in exceptional circumstances only	Low	Low	Low	Medium	Medium

*Amendment History*

Version	Amendment	Short Description
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This policy will be updated to ensure compliance with all relevant legal requirements every year. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with Regulation 172 of the *Education and Care Services National Regulation*, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.

Date: 9<sup>th</sup> March 2024

Version: 115

Last Amended By: Veronica Klumper-Peters

Next Review: 9<sup>th</sup> March 2025

Position: Approved Provider/Managing Director

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# Complaints and allegations record

This form should be used to record a suspicion, allegation or disclosure of child abuse, or a complaint of unacceptable behaviour.

<b>Your name and position</b>	
<b>Name of the child or young person involved</b>	
<b>Name of person making complaint</b>	
<b>Name of person who the complaint was made against</b>	

Nature of the complaint: include time, date, location, what happened and who was involved (this can include observations of the child's behaviour).

Details of any injuries and if the child received medical attention.

Accurately record what the child said when describing what happened – use their exact words – or record why you suspect abuse due to an indirect disclosure, such as a drawing or observed behaviour.

(In the case of an allegation of abuse, formal investigations and interviews will be carried out by DCJ and/or NSW Police. You must record what the child has said but unless it is your role to investigate, you should not interview the child.)

Details of anyone who saw what happened.

Does this complaint indicate the possibility of child abuse, such as physical abuse, psychological or emotional abuse, sexual abuse or neglect?

- Yes  No

Who did you make a report to?

- NSW Police  
 DCJ via ChildStory  
 DCJ via 132 111  
 OCG Reportable Conduct Directorate  
 Internal reporting obligations (name the relevant department or person)  
 Other (name them)

People spoken to in relation to the matter (describe who was spoken to and why they were spoken to about the matter – include police officers, DCJ staff, OCG staff and anyone else you spoke to).

Date(s):

This template was developed by the NSW Office of the Children's Guardian.  
For more free child safe templates and other resources, please go to [ocg.nsw.gov.au/our-resources](https://ocg.nsw.gov.au/our-resources)