



STYLES STREET
Children's Community Long Day Care

CHILD PROTECTION

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY

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1. INTRODUCTION

The Centre is committed to providing an environment that fosters health, development, spirituality, self-respect and dignity, free from violence and exploitation. Under the *Children and Young Persons (Care and Protection) Act 1998*, children and young people must receive the care and protection necessary to ensure their safety, welfare and wellbeing.

To help keep children safe, we must create, maintain and improve our child safe reporting practices to ensure they remain effective. Everyone in our Centre must:

- know **what** to report, **who** to report it to and **how** to report it
- report any concerns about the safety or welfare of a child or young person immediately
- feel confident that concerns and allegations will be dealt with honestly and fairly
- feel confident in reporting unacceptable behaviour around children and young people
- ensure the safety and wellbeing of the child is paramount when an allegation is made.

All educators and volunteers of our service are Mandatory Reporters and are required to report to the Child Protection Helpline (Phone: 132 111) if they have reasonable grounds to suspect a child or young person is at risk of significant harm and have current concerns about the safety, welfare or wellbeing of a child or young person where the concerns arise during or from their work. We are committed to ensuring all educators and staff have a full understanding of their responsibilities as a Mandatory Reporter and are supported in fulfilling these.



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2. DEFINITIONS

'Mandatory reporters' means people who deliver the following services, wholly or partly, to children as part of their paid or professional work:

- Health care (e.g., registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)
- Welfare (e.g., psychologists, social workers, caseworkers and youth workers)
- Education (e.g., teachers, counsellors, principals)
- Children's services (e.g., childcare workers, family day carers and home-based carers)
- Residential services (e.g., refuge workers)
- Law enforcement (e.g., police)

Ref: <https://reporter.childstory.nsw.gov.au/s/article/What-is-Mandatory-Reporting>

'At risk of significant harm' - in relation to a child or young person means that there are current concerns for their safety, welfare or wellbeing because of the presence to a significant extent of any one or more of the following circumstances¹.

- The child's or young person's basic physical or psychological needs are not being met or at risk of not being met.
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive medical care.
- In the case of a child or young person who is required to attend school in accordance with the Education Act 1990 - the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act.
- The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated.
- The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm.
- A parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm; or
- The child was the subject of a pre-natal report under section 25 of the Children and Young Persons Care and Protection Act 1998 and the birth mother of the child did not engage successfully with the support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

(Children and Young Persons (Care and Protection) Act 1998 No 157, Chapter 3, Part 2, Section 23)

'Psychological abuse' - Includes bullying, threatening and abusive language, intimidation, shaming and name calling, ignoring and isolating a child, and exposure to domestic and family violence.

¹ Any such circumstances may relate to a single act or omission or to a series of acts or omissions.



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'Physical abuse' - Includes physical punishment such as pushing, shoving, punching, slapping and kicking, resulting in injury, burns, choking or bruising.

'Sexual abuse' - Includes the sexual touching of a child, grooming, and production, distribution or possession of child abuse material (often known as photography).

'Grooming' - The process where a person manipulates a child or group of children, and sometimes those looking after them, including parents, carers, teachers and leaders. They do this to establish a position of trust so they can then later sexually abuse the child.

'Misconduct' - Inappropriate behaviour that may not be as severe as abuse, although could indicate that abuse is occurring and would often be in breach of the Centre's Staff Code of Professional Conduct policy*.

'Lack of appropriate care' - Includes not providing adequate and proper supervision, nourishment, clothing, shelter, education or medical care.

'Reasonable grounds' - means that you suspect a child may be at risk of significant harm based on:

- Your observations of the child, young person or family; or
- What the child, young person, parent or another person has told you. You are NOT required to confirm your suspicions or have clear proof before making a report. To do so may interfere with evidence or compromise the work of statutory agencies, for example the Police or Department of Communities and Justice.

*Please refer to our Staff Code of Professional Conduct policy for a full list of positive child safe behaviours and unacceptable and concerning behaviours that support our service in keeping children safe.

3. STRATEGIES – HOW WILL IT BE DONE?

The Approved Provider/Nominated Supervisor will:

- Ensure that persons placed in day to day charge of the service have a current qualification in Child Protection <https://education.nsw.gov.au/early-childhood-education/working-in-early-childhoodeducation/child-protection-training-requirements>
- Ensure that any adult working or volunteering with children completes a Working with Children Check and does not will commence employment without their Working with Children Check verified. Any person whose working with children check has been disqualified as a result of failing to qualify for a working with children check renewal, will not be continued to be employed by the service. This is check is verified when renewed; www.ocg.nsw.gov.au/child-safe-organisations/working-with-children-check
- Ensure every adult working with children at the service is made aware of this Child Protection Policy, the *Children and Young Persons (Care and Protection) Act 1998* and Keep Them Safe: A shared approach to child wellbeing and of their obligations under this law and action plan (Education and Care Services National Regulation, Regulation 84, National Quality Standards QA 2).
- Ensure that every adult working with child at the service is aware of their 'reportable conduct' obligations under *Part 4 of the Children's Guardian Act 2019*.
- Must notify the regulatory through the NQA-ITS **within 7 days** of the following:



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- Any incident where the approved provider reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service;
- Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the Law).
- The Head of Relevant Entity (HRE)/Approved Provider, must give written notice to The Office of the Children's Guardian within 7 days of becoming aware of a reportable allegation. A Final Report must be submitted within 30 days of becoming aware of a reportable allegation, upon conducting further investigation. If a final report cannot be provided within 30 calendar days of becoming aware of reportable conduct, the HRE - Approved Provider, must contact the Office of the Children's Guardian and submit an Interim Report.
- Orientate every working and volunteering adult to this child protection policy, Keep Them Safe protocols, Mandatory Reporter responsibilities and Reportable Conduct obligations and to ensure their regular review of these.
- Ensure that all employees and executive committee members have signed the Child Protection policy to demonstrate their understanding and compliance of the policy.
- Ensure staff are aware of the incident reporting protocols and review all incident reports involving a child protection concern or a Reportable Conduct allegation within 24 hours of staff reporting an incident.

Educators and staff will:

- Develop trusting and secure relationships with all children at the service.
- All staff, whether working directly or indirectly with children have a responsibility to comply with legislation, service policies and the code of conduct.
- Understand and adhere to the incident reporting protocols.
- Document any child protection concerns, including risk of significant harm or reportable allegations and to notify the nominated supervisors, or in situations where it is not possible or there is a potential conflict of interest, the president of the committee of management, as soon as practicable.
- Make reports of current concerns for any child at risk of significant harm to the **Child Protection Helpline for Mandatory Reporters**.
- Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the service.
- Notify the Nominated Supervisor of any breaches of positive child safe behaviours outlined in our Staff Code of Professional Conduct policy.

4. DOCUMENTATION OF CURRENT CONCERNS

The Approved Provider/Nominated Supervisor will:

- Support staff through the process of documenting and reporting current concerns of children at risk of significant harm.
- Provide all staff and educators with clear guidelines around documentation and a template to support this. This is called the Complaints and allegations record.



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- Site and sign all documentation relating to a child protection concern or reportable conduct allegation in order to meet the Centre's obligations.
- Ensure any concerns including observed incidents, marks on a child's body or disclosures by a child are reported to the Nominated Supervisor and then recorded on the Incident and Injury report. This record is filed in children's digital files to ensure the safety and protection of the children and the staff of the Centre.

Educators and staff will:

- Make a record of the indicators observed that have led to the belief that there is a current risk of harm to a child or young person. Information on indicators of risk of harm are outlined in the NSW Mandatory Reporter Guide which is accessible at <https://reporter.childstory.nsw.gov.au/s/mrg>
- Discuss any concerns with the Nominated Supervisor of the Centre.
- Complete the Complaints and allegations record and notify the nominated supervisor immediately.
- Advise the Nominated Supervisor of their intention to make a report to the Child Protection Helpline (132 111);
- Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline.

5. MAKING A COMPLAINT

All complaints and allegations should be reported. This includes:

- Criminal conduct
- Risk of significant harm
- Disclosures of abuse
- Unacceptable behaviour around children that breaches our [Staff](#) Code of Professional Conduct policy
- Suspicion of harm or abuse to a child
- reportable conduct

Everyone in our service has the right to make a genuine complaint and won't be punished if they do. This includes children, staff members, students and volunteers. Reporting abuse is mandatory and encouraged – it is never obstructed or prevented.

6. MANDATORY REPORTING

The Approved Provider/Nominated Supervisor will:

- Provide all staff and educators working directly with children with a copy of this Child Protection Policy and a copy of the Mandatory Reporter Guide to assist them in their reporting.
- Provide all staff and educators working directly with children with access to the Child Wellbeing and Child Protection NSW Interagency Guidelines.
- Display the **Child Protection Helpline number (132 111)** on all phone and lists of emergency contact number in the interests of timely reporting.

Educators and staff will:

- In an emergency, where there are urgent concerns for a child's health or life, it is important to contact the police, using the emergency line '000'.



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- Using the Mandatory Reporter Guide:
 - Answer the questions relating to concerns about a child or young person. At the end of the process, a decision report will guide as to what action to take. The Nominated Supervisor is available if staff require assistance to use this online tool. The staff member must print the Mandatory Reporter Guide advice for the Centre records.
 - If the Mandatory Reporter Guide determines that there are grounds to suspect a risk of significant harm to a child or young person, the staff member or educator will either generate an eReport or phone the **Child Protection Helpline number (132 111)**. Staff must record the reference number provided by the Helpline.
 - Mandatory reporters should note that the legislation requires that they continue to respond to the needs of the child or young person (within the terms of their work role) even after a report to the **Child Protection Helpline** has been made.
 - If the Mandatory Reporter Guide determines that an educator or staff member's concerns do not meet the risk of significant harm threshold they do not need to make a report to the Child Protection Helpline, however, they should discuss the matter with the Nominated Supervisor to determine whether the child or family would benefit from the assistance of another agency.
 - The staff member or educator should monitor the situation and if they believe there is additional information that was not available at the time of the report, repeat steps 1 to 5 as required.

7. DISCLOSURES OF ABUSE

Educators and staff will:

- React calmly to the child making the disclosure;
- Listen attentively and later write down the child's **exact words**;
 - Provide comfort and care to the child;
 - Follow the steps for reporting as per the Mandatory Reporter Guide;
- Reassure the child or young person that:
 - It is not their fault;
 - It was right to tell;
 - It is not OK for adults to harm children - no matter what;
 - Explain what will happen now - that it is part of your job to tell people who can help the child or young person.

Educators and staff will not:

- Prompt the child for further details or ask leading questions which would make the child feel uncomfortable or has the potential to jeopardise any future legal proceedings that may arise as a result of any investigation.

**It is important to understand that our role is solely
to support the wellbeing of the child at all times,
not to investigate further any disclosure made by the child.**



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8. ALLEGATIONS OF ABUSE AGAINST STAFF, EDUCATORS, VOLUNTEERS OR STUDENTS

The Approved Provider/Nominated Supervisor will:

- Develop and maintain a system of appropriate record keeping for all allegations to ensure detailed documentation is made and stored as required;
- Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation;
- Contact the Reportable Conduct Scheme on (02) 8219 3800 or at reportableconduct@ocg.nsw.gov.au to clarify information that is unclear before taking any action;
- Assess whether or not a child or young person is 'at risk of significant harm' and, if so, make a report to the Child Protection Helpline;
- Determine whether the allegation is a reportable allegation or reportable conviction: <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-fact-sheets>
- 7-day notification form will be completed by the HRE - Approved Provider and submitted to the Office of the Children's Guardian within 7 days of becoming aware of reportable allegation, as required under the Children's Guardian Act 2019; <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-notification-forms>
- Contact NSW Police on 131 444 for anything that could be considered a criminal offence. This includes sexual assault, physical assault, grooming offences, and producing, disseminating or possessing child abuse material. Note: It is a criminal offence for adults not to report to police if they know or believe that a child abuse offence has been committed. In addition, people employed in child-related work may be subject to a criminal offence if they fail to reduce or remove the risk of a child becoming a victim of child abuse. Ensure confidentiality is maintained at all times and that systems are in place to deal with any breaches of confidentiality;
- Undertake a risk management approach following an allegation to ensure the protection and safety of children, staff and visitors to the service. Based on this risk assessment, decisions will be made in order to manage the risks that have been identified;
- Develop an investigation plan of the matter. Obtain relevant information from a range of sources. This may include a statement from the person who made the allegation; statements from witnesses and a statement from the person against whom the allegation has been made and any other relevant documentation;
 - If the allegation is being investigated by Department of Communities and Justice or the Police, the service will be guided by their advice as to whether they should independently investigate the allegation;
 - If the investigation is carried out by the service, the information that has been gathered will be assessed and a finding made as to whether the allegation is false, vexatious, misconceived, not reportable conduct, not sustained or sustained. The reasons for the finding will be clearly recorded to ensure that the decision-making has been transparent;



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- The educator, volunteer or student will be advised of the outcome of the investigation in writing. Advice will be provided about the investigation finding and any follow up action that may be required. Advice will also be provided about any rights of appeal and the person will be advised that the Office of the Children's Guardian has been notified and the Joint Child Protection Response Program (JCPRP) also notified of the relevant employment proceeding (if relevant);
- 30-day interim report form or Entity report form (to be provided after the investigation or determination is completed) will be completed by the HRE - Approved Provider and submitted to the Office of the Children's Guardian with 30 calendar days of becoming aware of a reportable allegation, as required under the Children's Guardian Act 2019; <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-notification-forms>
- Department of Communities and Justice will also be informed of the outcome of the investigation.

9. Informing the Educator, Volunteer/Student

The Approved Provider/Nominated Supervisor will:

- Treat the staff member/educator/volunteer/student with fairness at all times and uphold their employee rights at all times;
- Depending on the nature of the allegation, arrange to inform the person immediately (though be guided by the advice of DCJ or the police);
- Arrange for the person against whom an allegation has been made, to have a support person attend the meeting. This support person must not participate in the discussions throughout the meeting;
- Make accurate documentation of all conversations, and ensure all records are kept confidentially;
- Offer counselling or support to the person subject to the allegation;
- Depending on the nature of the allegation made, the person subject to the allegation may be suspended pending further investigation;
- After all investigations are completed, provide the educator/carer/volunteer with verbal and written notification of the outcome of the investigation.

10. RIGHTS OF ALL PARTIES

- The decision making process throughout the investigation will be based on the safety and wellbeing of the child/ren and the staff/carers/carer's household members;
- Consideration will be taken in relation to actual or potential 'conflicts of interest' that may be held by the investigator;
- All reportable allegations will be notified to the Office of the Children's Guardian. The person, against whom the allegation has been made, will be notified of this and will also be notified of the investigation find and follow up action, including the notification to the Joint Child Protection Response Program;
- The person, against whom the allegation has been made, will be notified of any appeal mechanisms if they are not satisfied with the investigation process or the outcome of the investigation;



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- The Approved Provider, Nominated Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest; and
- All parties can complain to the Office of the Children's Guardian if they are not satisfied with the conduct of the investigation.

FURTHER INFORMATION ON THE OFFICE OF THE CHILDREN'S GUARDIAN CAN BE OBTAINED BY:

Phone: 02 82193800

Email: reportablconduct@kidsguardian.nsw.gov.au

Web: <https://ocg.nsw.gov.au>

11. CONFIDENTIALITY

- The Centre will handle any allegation of child abuse in a confidential manner.
- All staff are required to maintain confidentiality with respect to child protection concerns involving an employee
- If staff become aware that confidentiality in relation to a child protection matter has been breached, they must notify the nominated supervisor as soon as practicable.

12. MONITORING, EVALUATION AND REVIEW

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this Policy annually and after any critical incidents, to ensure continuous improvement of our child safe practices and that we keep up to date with relevant legislation and industry requirements.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

In accordance with R. 172 of the Education and Care Services National Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

13. LEGISLATION AND CONSIDERATIONS

- Commission for Children and Young People Act 1998
- Children's Guardian Act 2019, Part 4



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- Children and Young Persons (Care and Protection) Act 1998, s.27; s.245A; s.248(1)(b)
- Crimes Act 1900
- *Education and Care Services National Law Act (2010)* Part 6 Section 166-167; s.174
- Education and Care Services National Regulations (2011) Part 4.2, R84 Part 4.7, R168, R175 2 (d) (e) and R176 2 (c)
- Privacy Act 1988 (Commonwealth)
- Privacy and Personal Information Protection Act 1998

14. REFERENCES AND OTHER SOURCES

- NSW Government, Department of Family and Community Services, Resources for Mandatory Reporters, accessed from: www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters
- NSW Department of Communities and Justice, Protecting our kids, accessed from: www.facs.nsw.gov.au/families/Protecting-kids
- Community Early Learning Australia (CELA) - www.cela.org.au

IMPORTANT CONTACTS

- Nominated Supervisor (Director): 9560 7847
- Child Protection Helpline (132 111)
- Department of Education, Early Childhood Education Ph: 1800 619 113
- Office of the Children's Guardian, Reportable Conduct Scheme Enquiries Line Ph: (02) 8219 3800 or via email on reportablconduct@kidsguardian.nsw.gov.au

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