



Child Protection and Child Safe Reporting Policy

POLICY STATEMENT:

Our service is committed to providing a child safe environment where children's safety and wellbeing is supported and children feel respected, valued and encouraged to reach their full potential. Our service embeds the National Principles for Child Safe Organisations and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging. We will ensure all employees and volunteers understand the meaning, importance and benefits of providing a child safe environment and critically, understand their obligations and requirements as mandatory reporters. Our service follows the National Model Code and Guidelines for taking images or videos of children released by ACECQA

All educators, staff, visitors and volunteers are committed to identifying possible risk and significant risk of harm to children and young people at the service. We comprehend our duty of care responsibilities to protect children from all types of abuse and adhere to our legislative obligations at all times.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Our service will act in the best interest of each child, assisting them to develop to their full potential in a secure and child safe environment.

DEFINITIONS

Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities.

Mandatory reporters are listed in the *Children and Young Persons (Care and Protection) Act 1998 (The Care Act)* and include people who deliver:

- 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)
- Education (e.g., teachers, counsellors, principals)
- Children's services (e.g., childcare workers, family day carers and home-based carers)

Maltreatment refers to non-accidental behaviour towards another person, which is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm. Behaviours may be intentional or unintentional and include acts of omission and commission. Specifically abuse refers to acts of commission and neglects acts of omission. Note that in practice, the terms child abuse and child neglect are used more frequently than the term child maltreatment.



Risk of Significant Harm (ROSH) refers to circumstances causing concern for the safety, welfare and wellbeing a child or young person present to a significant extent. This means it is sufficiently serious to warrant a response by a statutory authority irrespective of the family's consent. Mandatory reporters should report their concern to the Child Protection Helpline within 24 hours.

What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare, or wellbeing. In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.

Immediate Risk of Significant Harm (IROSH) is a term used in the Mandatory Report Guide to tell reporters that they must report *immediately* to Communities & Justice.

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

- Firsthand observation of the child or family
- What the child, parent or other person has disclosed
- What can reasonably be indirect based on observation, professional training and/ or experience

WHAT IS CHILD ABUSE?

The World Health Organisation ([WHO], 2006, p. 9) defines child abuse and neglect as:

“All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.”

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological, or emotional health or development. Child abuse can be a single incident or can be a number of different incidents that take place over time. NSW Communities and Justice identify different forms of child abuse which include- neglect, sexual, physical and emotional abuse or psychological harm.

TYPES OF ABUSE AND NEGLECT

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

- neglect
- sexual abuse
- physical abuse
- emotional abuse or psychological harm
- circumcision, including female circumcision
- domestic and family violence
- forced marriage and underage forced marriage

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean



abuse or neglect. Behavioural or physical signs which assist in recognising harm to children are known as indicators.

One indicator on its own may not imply abuse or neglect. However, a single indicator can be as important as the presence of several indicators. Each indicator needs to be deliberated in the perspective of other indicators and the child's circumstances. A child's behaviour is likely to be affected if he/she is under stress. There can be many causes of stress and it is important to find out specifically what is causing the stress. Abuse and neglect can be single incidents or ongoing and may be intentional or unintentional.

The Department of Communities and Justice provides further definitions and indicators for Recognising Child Abuse

WORKING WITH CHILDREN CHECK

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

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

CHILDSTORY REPORTER COMMUNITY

If a child is at immediate risk and police or medical assistance is required, educators/staff must contact emergency services immediately on 000.

Child Story Reporter – Responding to and Reporting Risk of Abuse and neglect.

Mandatory reporters in NSW should use the online **Mandatory Reporter Guide** (MRG) if they have concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused. The MRG assists in providing mandatory reporters with the most appropriate reporting decision. It is not designed to determine whether the matter constitutes risk of significant harm (ROSH). This is done at the Child Protection Helpline through the Screening and Response Priority (SCRPT) tool.

The MRG supports mandatory reporters to:

- determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child (including unborn) or young person



- identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system

It is recommended that mandatory reporters complete the MRG on each occasion they have risk concerns, regardless of their level of experience or expertise. Each circumstance is different, and every child and young person is unique.

[see: *NSW Child Protection MRG Support Guide- Child Care Centre Desktop*]

IMPLEMENTATION

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

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

To ensure best practice, all educators will attend approved child protection training certified by a registered training organisation. Educators will continue to maintain current knowledge of child protection and mandatory reporter requirements by completing Child Protection Awareness Training.

THE APPROVED PROVIDER/ MANAGEMENT/NOMINATED SUPERVISOR WILL ENSURE:

- that obligations under the Education and Care Services National Law and National Regulations are met
- educators, staff, students and volunteers have knowledge of and adhere to this policy
- families are aware of this *Child Protection Policy*
- any responsible person in day-to-day charge of the Service has successfully completed a course in child protection approved by the regulatory authority
- the service registers with Office of the Children's Guardian and validates all staff, educator, volunteers and students Working with Children Checks (WWCC) in accordance with the *Child Protection (Working with Children) Act 2012* BEFORE the person begins working or interacting with children
- a record is kept and updated of the number of each WWCC number and expiry date
- all employees, volunteers and students are:
 - provided with a copy of the current *Child Protection* and *Child Safe Environment Policies* as part of the induction process at the Service
 - required to participate in a comprehensive induction and orientation program, including an understanding of child protection law
 - supported to foster a Child Safe Culture within the Service by complying with National Principles for Child Safe Organisations (Child Safe Standards)



Coowarra Out of School Hours Care Service

- provided with support to adhere to a zero-tolerance stance against child abuse
- aware of their mandatory reporting obligations and responsibilities to report suspected risk or significant risk of harm to the NSW Child Protection Helpline on 132 111
- aware of indicators showing a child may be at risk of harm or significant risk of harm
- aware of mandatory reporting obligations in relation to the Reportable Conduct Scheme, including reporting to the approved provider or Office of the Children's Guardian any allegations of reportable conduct or convictions
- aware that neglecting to report child protection concerns may be deemed a criminal offence
- registration for the Service is completed for eReporting through the *ChildStory Reporting Community*
- educators are provided with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers
- educators are provided with training and ongoing supervision to ensure they understand that child safety is everyone's responsibility, and they adhere to the Child Safe Standards
- access is provided to all staff regarding relevant legislations, regulations, professional standards to safeguard children and protect the integrity of educators, staff and volunteers
- records of abuse or suspected abuse are kept in line with our *Privacy and Confidentiality Policy*
- records relating to child sexual abuse that has or is alleged to have occurred are kept for at least 45 years (recommendation not mandatory)
- educators, staff, volunteers and students are well informed about the different ways children may express concerns, distress and disclose harm as well as the process for responding to disclosures from children- including a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child. (ACECQA 2023)
- ensure our complaint handling processes are child-focused providing support and guidance for children to know who to talk to if they are feeling unsafe (*See Dealing with Complaints Policy*).

EDUCATORS WILL:

- contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do so.
- participate in a comprehensive induction and orientation program that includes an understanding of child protection law and their obligations
- provide valid Working with Children Check (WWCC) details during their employment and engagement at the service
- advise the approved provider of any circumstances that may affect their WWCC or fit and proper status
- be able to recognise indicators of abuse to children and young people through participation in child protection training
- respect what a child discloses, taking it seriously and following up on their concerns through the appropriate channels
- comprehend they are mandatory reporters under the legislation and their requirement to report any situation where they believe on reasonable



grounds that a child is at risk of significant harm to the Child Protection Helpline on 132 111 (available 24 hours/7 days a week)

- have completed online training to understand the child protection reporting process and use of the Mandatory Reporter Guide (MRG)
<https://reporter.childstory.nsw.gov.au/s/mrg>
- complete the MRG on each occasion they have concerns about a child's safety or wellbeing
- follow the advice provided by the MRG outcome and submit an eReport through ChildStory Reporter website if required see: [Responding to incidents, disclosures and suspicions of child abuse or harm NSW](#)
- refer families to appropriate agencies where concerns of harm do not meet the threshold of significant harm. These services may be located through CWU (Child Wellbeing Units) or/and FRS (Family Referral Services) at <https://www.familyconnectsupport.dcj.nsw.gov.au/> Family consent will be sought before making referrals.
- promote the welfare, safety, and wellbeing of children at the Service, fostering a Child Safe Culture
- provide a child safe environment for all children
- allow children to be part of decision-making processes where appropriate
- foster a culture of openness and respect where children and young people feel safe to disclose risk of harm to children
- prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people
- NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on to the Child Protection Helpline or appropriate authority
- report any allegations of reportable conduct to the approved provider or Office of the Children's Guardian
- identify and notify any concerns around staff, educator or volunteer behaviour or conduct to management of the service.

STUDENTS/ VOLUNTEERS/ VISITORS WILL:

- contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do so
- participate in a comprehensive induction and orientation program, includes an understanding of child protection law
- provide valid Working with Children Check (WWCC) details during their engagement at the service
- advise the approved provider of any circumstances that may affect their WWCC or fit and proper status
- promote the welfare, safety, and wellbeing of children at the Service, fostering a child safe culture
- participate in child protection training as required
- provide a child safe environment for all children
- allow children to be part of decision-making processes where appropriate



- prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people
- NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on to the Child Protection Helpline or appropriate authority
- report any allegations of reportable conduct to the approved provider or Ombudsman
- identify and notify any concerns around staff, educator or volunteer behaviour or conduct to management of the OSHC Service.

DOCUMENTING A DISCLOSURE

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

WHEN RECEIVING A DISCLOSURE OF HARM, THE PERSON RECEIVING THE DISCLOSURE WILL:

- give the child or young person their full attention
- remain calm and find a private place to talk
- not make promises that can't be kept. For example, never promise that you will not tell anyone else
- honestly tell the child or young person what you plan to do next
- tell the child/person they have done the right thing in revealing the information and that you will need inform someone who can help keep the child safe
- only ask enough questions to confirm the need to report the matter because probing questions could cause distress, confusion and interfere with any later enquiries
- let the child or young person take his or her time
- let the child or young person use his or her own words
- not attempt to conduct their own investigation or mediate an outcome between the parties involved
- not confront the perpetrator
- document as soon as possible so the details are accurately captured including:
 - time, date and place of the disclosure
 - 'word for word' what happened and what was said, including anything they (the staff member/educator) said and any actions that have been taken
 - date of report and signature.

NOTIFICATIONS

THE APPROVED PROVIDER/NOMINATED SUPERVISOR WILL:



- notify the regulatory authority through the NQA-ITS (within 7 days) of any incident where it is reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the OSHC Service
- notify the regulatory authority through the NQA-ITS (within 7 days) of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the OSHC Service
- notify the regulatory authority through the NQA-ITS (within 24 hours) of any complaints alleging that a serious incident has occurred or is occurring at the OSHC Service
- notify the regulatory authority through the NQA-ITS (within 24 hours) of a serious incident, which may include physical or sexual abuse where emergency services attended the OSHC Service
- comply with legislation for Reportable Conduct Scheme and ensure the Office of the Children's Guardian is notified within 7 business days of becoming aware of any allegations and/or convictions of abuse or neglect of a child made against an employee or volunteer and ensure they are investigated, and appropriate action taken.

CONFIDENTIALITY

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the notification should not inform the suspected perpetrator (if known). This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements. It also minimises the risk of retaliation on the child for disclosing.

PROTECTION FOR REPORTERS

All reporters are protected against retribution for making or proposing to make a report under amendments to the Children and Young Persons (Care and Protection) Act 1998 effective 1 March 2020. The identity of the reporter is protected by law from being disclosed, except in certain exceptional circumstances. Provided the report is made in good faith:

- the report will not breach standards of professional conduct
- the report cannot lead to defamation and civil and criminal liability
- the report is not admissible in any proceedings as evidence against the person who made the report
- a person cannot be compelled by a court to provide the report or disclose its contents
- the identity of the person making the report is protected.

A report is also an exempt document under the *Freedom of Information Act 1989*.

SHARING OF INFORMATION

Chapter 16A of the [*NSW Children and Young Person \(Care and Protection\) Act 1998*](#) provides for the exchange of information and cooperation between prescribed bodies, if the information relates to the safety, welfare or wellbeing of a child or young person.



Coowarra Out of School Hours Care Service

Sharing personal information about children and their families must be lawful, which means either gaining consent, or working within relevant legislation. Information sharing by consent, where possible, is important to meaningful work with families to facilitate change. Consent may be obtained verbally or in writing; however, you should not seek consent if doing so might compromise the safety of a child or any other person.

Information can only be shared between prescribed bodies. Prescribed bodies or organisations include:

- NSW Police
- public service agencies or public authorities
- private and public schools, and TAFE establishments
- health care providers
- OOSH providers
- organisations that have direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement, wholly or partly to children or their parent/s.

To provide or request information it must relate to the safety, welfare or wellbeing of a particular child or class of children. The information must be for the purposes of assisting a prescribed body to:

- make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety and welfare of the child or class of children, or
- manage any risk to the child or class of children that might arise in the prescribed body's capacity as an employer or designated agency.

BREACH OF CHILD PROTECTION POLICY

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

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

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

MANAGING A BREACH IN CHILD PROTECTION POLICY

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

- liaising with NSW Government Communities and Justice-Child Protection Services for appropriate processes to ensure chain of evidence is not destroyed or compromised
- not undertaking and investigating the allegation whilst the Child Protection Helpline or the Police are conducting an investigation
- removal of the educator or staff member from a role with contact with children or young people until authorities conclude their investigation



Management may undertake an investigation if the Child Protection Helpline or the Police are not conducting their own investigation or if their action has concluded. Management will:

- give the educator, staff member, student or volunteer the opportunity to provide their version of events
- document the details of the breach, including the versions of all parties
- record the outcome clearly and without bias
- ensure the matters in relation to the breach are kept confidential
- reach a decision based on discussion and consideration of all evidence.

OUTCOME OF A BREACH IN CHILD PROTECTION POLICY

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

- emphasising the relevant element of the child protection policy and procedure
- providing closer supervision
- further education and training
- providing mediation between those involved in the incident (where appropriate)
- disciplinary procedures, including dismissal of employment, if required
- reviewing current policies and procedures and developing new policies and procedures if necessary

REPORTABLE CONDUCT SCHEME- ALLEGATIONS AGAINST EDUCATORS AND OTHER EMPLOYEES, VOLUNTEERS or STUDENTS (or contractors)

Report to 000 if you have immediate concerns for a child's safety.

The approved provider has the legislative obligation under the *Reportable Conduct Scheme* to notify the Office of the Children's Guardian of reportable allegations and convictions against their employees (including volunteers and contractors), investigate the allegation with procedural fairness and advise the Office of the outcome. In addition, the approved provider must take appropriate action to prevent reportable conduct by employees.

All educators and staff members of our service have an obligation to report relevant allegations of a child protection nature as part of the Reportable Conduct Scheme to the approved provider or OCG. This reportable conduct may have occurred either within work hours or outside work hours. A child is anyone under the age of 18 at the time of the alleged conduct occurred. In addition, the approved provider must take appropriate action to prevent reportable conduct by employees. The *Children's Guardian Act 2019*, effective 1 March 2020, defines the head of an organisation as a 'relevant entity'. An approved education and care service is listed at Schedule 1 of the Act as an 'entity'.



The approved provider must notify the Children's Guardian within seven (7) business days and conduct an investigation into the allegations. A final report of the investigation must be ready to submit within 30 calendar days or provide information about the progress of the investigation to the Children's Guardian.

The approved provider must send a report to the *Office of the Children's Guardian* that enables the Office of the Children's Guardian to determine whether the investigation was completed satisfactorily and whether appropriate action was or can be taken. The approved provider must ensure an appropriate level of confidentiality of information relating to the reportable allegations as per the Act or other legislation. The heads of relevant entities have obligations under section 57 of the Act to disclose 'relevant information' to the following persons unless they are satisfied that the disclosure is not in the public interest:

- a child to whom the information relates
- a parent of the child
- if the child is in out-of-home care- an authorised carer that provides out-of-home care to the child.

The Children's Guardian will monitor the entity's response and may conduct their own investigation. The Children's Guardian Act 2019 defines reportable conduct as:

- a sexual offence has been committed against, with or in the presence of a child
- sexual misconduct with, towards or in the presence of a child
- ill-treatment of a child
- neglect of a child
- an assault against a child
- behaviour that cause significant emotional or psychological harm to the child

Employees are aware mandatory reporting procedures including notification to the Child Protection Helpline operate alongside, and does not replace, the Report Conduct Scheme.

EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOUR

Our program will educate children

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



Considerations

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2	Safety	Each child is respected.
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
2.2.3	Child Protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
S. 162A	Child protection training
S. 165	Offence to inadequately supervise children
S. 166	Offence to use inappropriate discipline
S. 167	Offence relating to protection of children from harm and hazard
S. 174	Offence to fail to notify certain information to Regulatory Authority
S. 175	Offence relating to requirement to keep enrolment and other documents
84	Awareness of child protection law
86	Notification to parents of incident, injury, trauma and illness
87	Incident, injury, trauma and illness record
145	Staff records
149	Volunteers and students
155	Interactions with children
168	Education and care service must have policies and procedures
170	Policies and procedures to be followed
175	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority



LEGISLATION

<u>Children's Guardian Act 2019</u>	<u>Children and Young Persons (Care and Protection) Act 1998 (The Care Act)</u>
<u>Child Protection (Working with Children) Act 2012</u>	Crimes Act 1900

RELATED POLICIES

Child Safe Environment Policy Code of Conduct Policy Dealing with Complaints Policy Communication Policy Health and Safety Policy Interactions with Children, Family and Staff Policy Confidentiality Policy	Recruitment Policy Responsible Person Policy Student, Volunteer and Visitors Policy Supervision Policy
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UPDATED AND ENDORSED: September 2025

DATE FOR REVIEW AND EVALUATION: February 2027