14. Child Protection

Introduction

Our service is committed to providing an environment that fosters health, development, spirituality, self-respect and dignity, that is 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. 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.

Purpose

It is the role of all educators and volunteers to identify and notify suspected child protection concerns and to use the concept of Risk of Significant Harm as a focus for reporting. 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.

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. child care workers, family day carers and home-based carers)
- Law enforcement (e.g. police) Residential services (e.g. refugee workers and out-of-home care workers)
- Residential services (e.g. refugee workers and out-of-home care workers)
- Religious bodies (e.g. a person in religious ministry)

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 circumstances (any such circumstances may relate to a single act or omission or to a series of acts or omissions).

- 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 and 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.
- 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)

'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.
- 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.

'Indicators of Abuse' – can be found:

https://reporter.childstory.nsw.gov.au/s/article/ka3280000009OWpAAM/Guide-To-Selecting-A-Decision-Tree

Strategies – How will it be done?

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-childhood-education/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 all educators and staff working with children are made aware of the *Children and Young Persons (Care and Protection) Act 1998 and Keep Them Safe: A shared approach to child wellbeing*, the Child Safe Standards and The National Model Code and of their obligations under this law (Education and Care Services National Regulation, Regulation 84, National Quality Standards QA 2).
- Orientate every working and volunteering adult to this child protection policy, Child Story protocols and Mandatory Reporter responsibilities and ensuring their regular review of these.

- Provide all educators and staff working directly with children with a copy of this *Child Protection Policy* including the *Child Protection Procedure* and a copy of or access to the *Mandatory Reporters Guide* to assist them in their reporting.

- Provide all educators and staff working directly with children access to the *Child Wellbeing and Child Protection NSW Interagency Guidelines plus a copy of or access to The Child Safe Standards and The National Model Code.*

- Display the Child Protection Helpline number (132 111) on all phone and lists of emergency contact number in the interests of timely reporting.

- Provide Child Protection Training for all Nominated Supervisors, Persons in day to day charge and staff.

- Support educators and staff through the process of documenting and reporting current concerns of children at risk of significant harm.

- Provide staff with clear guidelines around documentation – *Report Checklist* and *Child Protection Collection Form and Child protection procedure.*
- The Approved Provider must notify the regulatory authority through the NQA-ITS **within 24 hours** of the following
  - Any incident where the any employee reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service;

  - Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the Law).
  - 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.

- In response to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse, approved providers must retain records relating to child sexual abuse that has, or is alleged to have occurred, for at least 45 years (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017). Records must also be clear, objective, and thorough, maintained in an indexed, logical, and secure manner and retained and disposed of in a consistent manner (ACECQA, 2023).
- Similarly, staff records (including volunteers, students and contractors) relating to complaints, child protection reports, reportable allegations, breaches of code of conduct, teacher registration records, working with children check verification records, and performance reviews, will be extended to 45 years of safe storage, to take into account the average delay in disclosing child sexual abuse (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017).
- Enforce and monitor compliance with other child safety related policies.

Educators and Staff will:

- Develop trusting and secure relationships with all children at the service;
- Make reports of current concerns for any child at risk of significant harm to the **Child Protection Helpline for Mandatory Reporters**; and
- Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the service.
- Comply with other child safety-related policies.

Documentation of Current Concerns

Approved Provider/Nominated Supervisor will:

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

Educators and Staff will:

- Make a record of the indicators observed that led to believe that there is a current risk of harm to a child or young person (Child protection Collection Form). Complete the NSW Mandatory Reporter Guide and save relevant final decision with the child's details in a safe file. 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 service.
- Advise the Nominated Supervisor of their intention to make a report to the **Child Protection Helpline (132 111 or via E-report);**
- Advise the Nominated Supervisor when a report has been made to the **Child Protection Helpline.**

Mandatory Reporting

Approved Provider/Nominated Supervisor will:

- Provide all staff and educators working directly with children with a copy of this Child Protection Policy and a link to 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;* and
- 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:

- Make a record of the indicators observed that led to believe that there is a current risk of harm to a child or young person (Child protection Collection Form). Complete the NSW Mandatory Reporter Guide and save relevant final decision with the child's details in a safe file. 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 service.
- Advise the Nominated Supervisor of their intention to make a report to the **Child Protection Helpline (132 111 or via E-report);**
- Ensure a witness is present when making a report.
- Advise the Nominated Supervisor when a report has been made to the **Child Protection Helpline.**

The Following steps should be followed when there is a belief that there is a current risk of significant harm to a child or young person.

1. 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';

2. 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;

3. 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).**

4. 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.

5. 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;

6. The staff member or educator should monitor the situation and if they believe there is additional information that could be taken into account, please repeat steps 1 to 5 as required.

If a Disclosure of abuse is made

Nominated Supervisor/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

Nominated Supervisor/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.

Allegations of Abuse against Staff, Educators, Volunteers or Students

Our service is committed to embedding a child-safe culture and keeping children at the heart of every decision that we make. We welcome the NQF Child Safety Review, and its changes have been implemented promptly, including adhering to the National Model Code for Early Education and Care

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;
- 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**;
- 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;
- 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 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
- Consider whether or not the police need to be informed of the allegation and if so, make a report;
- Notify the regulatory Authority within 24 hours of the incident via the ACECQA NQAITS Portal if the Approved Provider reasonably believes that physical abuse or sexual abuse of a child or children has or is occurring or an allegation of physical abuse or sexual abuse of a child or children in the centre is made.
- If the allegation is raised as a formal complaint submit a *Complaint* to the Regulatory Authority within 24 hours of the incident via the ACECQA NQAITS Portal.
- 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 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.

Informing the Educators, Volunteer or Student of Allegation

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.

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;
- 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 8219 3800**

Email: reportableconduct@ocg.nsw.gov.au

Web: ocg.nsw.gov.au

Confidentiality

- The centre will handle any allegation of child abuse in a **confidential manner** at all times
- In accordance with the recommendations of the Australian Royal Commission into Institutional Responses to Child Sexual Abuse in relation to child abuse-related record keeping, retention of records and information-sharing, this service will keep records of all child abuse and child wellbeing-related reports for 45 years. This service will make these reports available to be shared under the information exchange scheme. These records should be available to employees of this service on a "need to know" basis only. These records will be available to the concerned person upon request. This service will ensure that these records are kept in a secure file (Royal Commission into Institutional Responses to Child Sexual Abuse, 2017).

Related Legislation

- Children and Young Persons (Care and Protection) Act 1998
- Commission for Children and Young People Act 1998
- Children's Guardian Act 2019
- Education and Care Services National Law Act 2010
- The Australian Royal Commission into Institutional Responses to Child Sexual Abuse 2017
- The National Model Code for Early Education and Care 2024

Sources

- NSW Government, Department of Communities and Justice, 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
- The Australian Royal Commission into Institutional Responses to Child Sexual Abuse (2017). Final Report. Record keeping and information sharing. Accessed from: www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_8_recordkeeping_and_information_sharing.pdf
- Australian Children's Education and Care Quality Authority (2023). NQF Review 2019. Updating record keeping requirements to support child protection. Accessed from: www.acecqa.gov.au/sites/default/files/2023-07/Updating%20record%20keeping%20requirements%20to%20support%20child%20protection.pdf
- Australian Children's Education and Care Quality Authority. (2025, June). *Information sheet CS5*. https://www.acecqa.gov.au/sites/default/files/2025-06/InformationSheet_CS5.pdf
- Australian Children's Education and Care Quality Authority. (2024, July). *National model code for taking images or videos of children while providing early childhood education and care*. https://www.acecqa.gov.au/sites/default/files/2024-07/National%20Model%20Code%20Taking%20Images%20and%20Videos.pdf
- Community Early Learning Australia (CELA)

Links to other policies and documents

- Child Protection Collection Form
- Mandatory Reporters Guide
- Child Protection Procedure
- The Child Safe Standards
- The National Model Code
- Safe and Responsible use of digital devices
- Supervision
- Providing a child safe environment
- Participation or volunteers and students

Links to:

Education and Care Services National Regulations (2011):
Part 4.2 R84 Part 4.7 R168, R175 and R176.

National Law Act (2010): Part 6 Section 166-167; s.174

Children's Guardian Act (2019) Part 4

Children and Young Persons (Care and Protection) Act 1998, s.27; s.245A; s.248(1)(b)

Child Protection Procedure for Educators, Educational Leaders and Nominated Supervisors

As an Early Childhood Educator you are a Mandatory Reporter. This means that if you see anything of concern in regards to the protection of a child you are mandated under legislation to document and report these concerns. You are able to make notifications at any time you feel concerned however in the interest of best supporting our educators through the notification process we recommend the following procedure:

- **Step One** – Ask a second person (wherever possible the service N.S, E.L or whomever is the "Person in Day to Day Charge" in their absence to also view your concerns. e.g. You notice a child has a large bruise on their back when changing their t-shirt. You phone the office and ask the N.S to also view the bruise. N.S comes to the room as soon as practically possible and views child's back.

- **Step Two** – Both witnesses separately document their concerns/ observations using Tillys provided templates. If the witness does not feel concerned about the initial educators concerns they still need to document their observations e.g. "Jessica shared concerns regarding suspected bruising on Jack Thomas' back. I viewed the area and noticed a slight discolouration to the skin the approximate size of 6cm in diameter. I am unsure if the discolouration is bruising or could potentially be a birth mark." If the concern is separate to the child's person e.g. blood or hair in a nappy, a disclosure in a drawing, these need to be kept as documentation (e.g. nappy bagged with child name and date and kept in safe place in office and only discarded following advice from helpline, drawing kept along with written documentation in locked file)

- **Step Three** – Both witnesses together complete the Child Story Reporter Mandatory Reporter Guide (MRG) and follow through with its advice. You must print the final decision given by the MRG. If the decision tree advises you to not report but to continue to document and you do not feel comfortable with this you can still proceed to Step Four.

- **Step Four** – If making a report - The service Area Manager **and** Donna the Approved Provider must be notified via email that a notification is intended to be made with details of all documentation attached to email. Your management team will ALWAYS support you in notifying any concerns for a child's safety or wellbeing. For us to best support you and respond to any following related correspondence from families we need to be aware of any concerns and action taken relating to these concerns.

- **Step Five** - Reporting can be done via the Child Story e-report or via phone **(only at the service – not at an educator's home)** on 132 111. Where possible first preference should be online and should be completed together by both witnesses. If e-reporting is not available and a phone call is to be made both witnesses need to gather their documentation and complete the phone notification together. Advise the person who answers the call that you wish to place them on speaker phone as you are making the notification together with another person and that you wish to make notes. The second witness needs to document both sides of the conversation – including questions/comments asked by the helpline representative and the answers given by the notifier. Be specific, clear and legible and only document exact words used by both parties. E.g. "slight redness" not written down as "grazing" as your interpretation of the notifiers meaning or intention. Both witnesses need to **sign, time and date** the notes of the conversation and any other documented evidence. Only give the service contact details and not your personal contact details. Ensure a reference number is recorded for the notification.

- **Step Six** - If the second witness is not the service Nominated Supervisor they must still be informed and review all documentation. All documentation must then be signed and dated by the Nominated Supervisor to show that they have reviewed the documentation.

- **Step Seven** – Documentation of E-report or written records of a phone conversation must be emailed to your service Area Manager **and** Donna the Approved Provider.

Note: Any further correspondence with the helpline or other relative government bodies in relation to the notification via phone or email must only be done with a witness and where possible in writing or on speaker. Politely inform the person on the other end that you just need to gather your documentation file and get a witness/support person as this is our procedure in supporting our educators through the notification process. Often follow up phone calls are where inconsistencies in information given to the service (and potentially shared with families) via the helpline arise.