

Quality Area 2: Children's Health and Safety

Child Protection



Introduction

Kootingal and District Preschool 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**) and police on 000 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.

Goals – What are we going to do?

Our goal is to ensure that every reasonable precaution is taken to protect children being educated and cared for at our service from harm. Our service (educators, staff, management, and volunteers) has a responsibility to defend children's right to care and protection to ensure their safety, welfare and wellbeing, and a responsibility to report any children at significant risk of harm. We aim to ensure the children's safety, rights and best interests are the paramount consideration for all service operations, decisions and functions. Our service ensures that child safety, wellbeing and best interests take priority over all other considerations, including financial interests or other obligations of management and are embedded in our daily practices, policies and procedures.

Definitions

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

- Health care (eg. 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 (eg. psychologists, social workers, caseworkers, and youth workers)
- Education (eg. teachers, counsellors, principals)
- Children's services (eg. childcare workers, family day carers and home-based carers)
- Law enforcement (eg. police)
- Residential services (eg. refugee workers and out-of-home care workers)
- Religious bodies (eg. a person in religious ministry)

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 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, consequently, 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.

Reasonable grounds: 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. It does not mean that you are required to confirm your suspicions or have clear proof before making a report. Doing so may interfere with evidence or compromise the work of statutory agencies, for example the Police or Department of Communities and Justice.

Immediate Risk of Significant Harm (IROSH): is a term used in the Mandatory Reporter Guide to tell reporters that they must report immediately to the Department of Communities & Justice and NSW Police.

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.

Strategies – To achieve our goals

Roles and Responsibilities

Role	Authority/Responsibility for:
Approved Provider/ Nominated Supervisor	<ul style="list-style-type: none"> ➤ that obligations under the Education and Care Services National Law [NSW] and National Regulations [NSW] are met and child’s safety and wellbeing are prioritised at all times. ➤ educators, staff, students and volunteers have knowledge of and adhere to this policy and associated procedure and are advised on how and where the policy can be accessed ➤ all staff are aware of and have access to the NSW Early Learning Commission Reporting Guide, the Reporting Guide will be displayed in a prominent location within the Staff Room and provided to new staff, students and volunteers during induction. ➤ families are aware of this Child Protection Policy and procedure and are advised on how and where the policy can be accessed ➤ all children being educated and care for by the Service are adequately supervised (Sec. 165)

- They do not subject a child to inappropriate conduct and ensure that no child being educated and cared for by the Service is subjected to inappropriate conduct by any staff member, educator or volunteer.
- any allegations, concerns or suspicions of inappropriate conduct are investigated and reported to the regulatory authority in accordance with the Management of Inappropriate Conduct Procedure, within the appropriate time frame which is 24 hours.
- staff, educators, volunteers, students and visitors have knowledge of and adhere to the Education and Care Services (Supply, Authorisation and Use of Devices) Order 2025 and not use, or have access to, any personal electronic devices, including mobile phones or smart watches used to take images or videos when educating and caring for children at the Service
- staff and educators only use service issued electronic devices for taking images or videos of children enrolled at the Service
- Service issued devices are logged on device register.
- that the premises, including toilets and nappy change facilities are designed and maintained to facilitate clear supervision of children whilst maintaining their rights and dignity
- students, volunteers and/or visitors are never left alone with a child whilst at the Service under any circumstance.
- Educators and staff are provided with training and ongoing supervision to promote a child safe culture and ensure they understand that child safety is everyone's responsibility, and they adhere to the NSW Child Safe Standards. Educators complete Gecko training upon starting at the service and when updates are required.
- any nominated supervisor and responsible person in day-to-day charge of the Service has successfully completed a course in child protection approved by the regulatory authority.
- All training completed by staff, students, volunteers and persons with management or control is recorded on the Training Register.
- a thorough recruitment process is implemented to employ people who are committed to children's safety and ensure their views align with the Service's Code of Conduct, Statement of Philosophy and child safety policies and procedures (see Recruitment Policy)
- The recruitment process includes pre-employment screening and reference checks.
- All prospective applicants are required to complete a prohibition notice declaration to acknowledge they do not hold any prohibition notices or negative notices that would prevent them from working with children.
- Before educators are employed at the service, personal details will be checked on NQAITs prohibited person and will record findings.
- 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 and staff and educators are reminded to renew their WWCC prior to expiry.

- staff, student and volunteer records are maintained as per the Record Keeping and Retention Policy and entered into the National Early Childhood Worker Register within 14 days of commencement (mandatory from 2026)
- staff, volunteers and students notify the approved provider, in writing, within 72 hours of any changes to their WWCC status, or within 24 hours of becoming aware of the event, changes to their teacher registration or fit and proper status (including show cause notice, suspension notice, supervision notice, disciplinary notices/orders or prohibition notices)
- a Child Protection Risk Assessment is completed and reviewed annually or as required after a serious incident.
- a Child Protection Concerns Register is completed to record child protection concerns
- A range of strategies are used to provide effective supervision, including using attendance records to ensure children are accounted for (head counts).
- to cooperate with the regulatory authority and comply with any directions or orders issued by the regulatory authority regarding a show cause, suspension or supervision notice provided to a student, volunteer or visitor, including removing the person from engagement with children immediately.
- registration for the Service is completed for eReporting through the ChildStory Reporting Community.
- to emphasise child safety throughout the Service with regular discussions at team meetings and with children and families (NQF Safe Culture Guide (2025)
- to regularly check if staff understand child safety policies and procedures via quizzes/surveys (NQF Safe Culture Guide 2025)
- Educators are provided with a reporting procedure and 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)
- 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)
- following any critical incident, children, staff and families are provided with access to support they may need- counselling, debriefing, access to community services
- critical reflection on the incident is conducted with staff and educators to inform required changes to policy, procedures, practices (including supervision) and risk assessments.
- Provide staff with regular training and resources 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)
- Provide staff with regular training and resources about trauma-informed care, effective supervision and monitoring, appropriate and inappropriate discipline and online abuse.

	<ul style="list-style-type: none"> ➤ Provide staff with a copy of the current Child Protection, Child Safe Environment, Code of Conduct and Safe Use of Digital Technologies and Online Environments Policies. ➤ Provide staff with access to all relevant legislations, regulations, standards and other resources to help meet their mandatory reporting obligations. ➤ support to foster a child safe culture within the Service by complying with the NSW Child Safe Standards ➤ provide staff with support to adhere to a zero-tolerance stance against child abuse ➤ provide staff with current information and reporting procedures for the Reportable Conduct Scheme (Office of Children’s Guardian) ➤
Early Childhood Educators	<ul style="list-style-type: none"> ➤ required to participate in a comprehensive induction and orientation program, including an understanding of child protection law. ➤ required to complete online training including mandatory Gecko training to understand the child protection reporting process and use of the Mandatory Reporter Guide (MRG), including when and how to submit a child protection report. ➤ required to complete mandatory child safety training on how to identify, understand, report, and respond to child maltreatment, abuse and harm ➤ aware of their mandatory reporting obligations and responsibilities ➤ aware that neglecting to report child protection concerns may be deemed a criminal offence under the Crimes Act 1900 ➤ required to participate in regular performance reviews. ➤ aware of appropriate positive and consistent approaches to guide behaviour and ensure no child is subjected to any form of corporal punishment or discipline that is unreasonable in the circumstances (Sec. 166) ➤ aware that it is an offence to subject a child to inappropriate conduct which includes <ul style="list-style-type: none"> ○ behaviour that is inconsistent with professional standards; is likely to cause emotional, psychological or physical harm to children or have violent or sexual connotations ➤ aware that if they observe, suspect or receive any allegations or disclosures that a staff member, or volunteer is engaging or has engaged in inappropriate conduct, they must notify the NSW Early Learning Commission, approved provider and nominated supervisor within 24 hours ➤ aware of our Service policy and associated procedures for the Safe use of Digital Technologies and Online Environments. ➤ adhere to the Service’s policies and procedures ➤ promote the welfare, safety, and wellbeing of children at the Service by creating and maintaining child safe environment and adhering to the NSW Child Safe Standards ➤ foster a culture of openness, respect and cultural safety where children and young people feel safe to disclose risk of harm to children or report abuse ➤ 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

	<ul style="list-style-type: none"> ➤ advise the approved provider of any circumstances that may affect their WWCC or fit and proper status, including changes to teacher accreditation or registration (if applicable), in writing, within 72 hours of the event or within 24 hours of becoming aware of the event. ➤ not use, or have access to, any personal electronic devices, including mobile phones or smart watches used to take images or video of children while working with the children. These include any devices that are able to store, transfer or take images ➤ participate in mandatory national child safety training (Gecko) on how to identify, understand, report, and respond to child maltreatment, abuse and harm. Nominated Supervisors and people in day-to-day charge (RPs) complete approved child protection training ➤ implement consistent, appropriate interactions with children. ➤ ensure no child is subjected to inappropriate conduct or discipline ➤ understand their legal responsibilities to report any allegations or disclosures that a staff member or volunteer is engaging or has engaged in inappropriate conduct to notify the NSW Early Learning Commission and nominated supervisor within 24 hours ➤ allow children to be part of decision-making processes where appropriate ➤ provide ongoing monitoring and follow-up for children's health and wellbeing. ➤ report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming) or inappropriate conduct by a staff member or other volunteer to NSW Police and the approved provider or nominated supervisor within 24 hours. ➤ identify and report any concerns around staff, educator or volunteer behaviour or inappropriate conduct to management/approved provider of the Service as soon as practicable but within 24 hours
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Documentation of current concerns:

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 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.

Role	Authority/Responsibility For
Approved Provider/ Nominated Supervisor	<ul style="list-style-type: none"> ➤ 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.
Early Childhood Educators	<ul style="list-style-type: none"> ➤ 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 <i>NSW Mandatory Reporter Guide</i> ➤ 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 childstory website utilizing the e-

	<p>reporting section. Nominated supervisor will provide help/assistance if required or requested by Educator</p> <ul style="list-style-type: none"> ➤ Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline.
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Mandatory Reporting:

Role	Authority/Responsibility For
Approved Provider/ Nominated Supervisor	<ul style="list-style-type: none"> ➤ Provide all staff and educators working directly with children with a copy of this Child Protection Policy and a copy of the <i>Mandatory Reporter Guide</i> to assist them in their reporting, also show them where reporting information is displayed within the service. ➤ Provide all staff and educators working directly with children with access to the <i>Child Wellbeing and Child Protection NSW Interagency Guidelines</i> ➤ Display the Child Protection Helpline number (132 111) on all phones and lists of emergency contact number in the interests of timely reporting.
Early Childhood Educators	<p>Educators and staff will:</p> <ol style="list-style-type: none"> 1. In an emergency, where there are urgent concerns about a child’s health or life, it is important to contact the police, using the emergency line ‘000’ 2. Using the <i>Mandatory Reporter Guide</i>, answer 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 or Committee 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 via the childstory website 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 or e-report via Childstory Website has been made 5. If the <i>Mandatory Reporter Guide</i> 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.

Disclosure of abuse

Role	Authority/Responsibility For
Early Childhood Educators	<ul style="list-style-type: none"> ➤ React calmly to the child making the disclosure ➤ Listen attentively and later write down the child’s exact words <ul style="list-style-type: none"> ○ Provide comfort and care for the child. ○ Follow the steps for reporting as per the Mandatory Reporter Guide. ➤ Reassure the child or young person that:

	<ul style="list-style-type: none"> ○ 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. <ul style="list-style-type: none"> ➤ Educators and staff WILL NOT prompt the child for further details or ask leading questions which would make the child feel uncomfortable or have 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 always support the wellbeing of the child, not to investigate further any disclosure made by the child.
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Allegations of abuse against staff, educators, volunteers or students:

Role	Authority/Responsibility For
Approved Provider/ Nominated Supervisor	<ul style="list-style-type: none"> ➤ Develop and maintain a system of appropriate record keeping for allegations against staff, educators, or volunteers 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 and the Office of Children’s Guardian within the 24 hours ➤ Determine whether or not the allegation is a reportable allegation or reportable conviction. ➤ The approved provider must notify the NSW Early Learning Commission through the NQA-ITS, NSW Department of Communities and Justice (DCJ), NSW Office of the Children’s Guardian (OCG) and NSW Police of any allegation (observed or suspected or disclosures) that a staff member or volunteer is engaging or has engaged in inappropriate conduct to a child within 24 hours <ul style="list-style-type: none"> •In the absence of the nominated supervisor, educators will report to the responsible person if comfortable or they will contact the nominated supervisor directly via phone. If the responsible person is notified they will then contact the nominated supervisor directly to ensure that any report is made to the approved provider or nominated supervisor. If the report is then deemed notifiable to the regulatory authority, it will be submitted within the required 24-hour timeframe, including when incidents occur, or are reported, outside of operational hours (e.g. weekends or public holidays). ➤ Consider whether the police need to be informed of the allegation and if so, make a report ➤ Ensure confidentiality is always maintained 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 to manage the risks that have been identified.

	<ul style="list-style-type: none"> ➤ 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: <ul style="list-style-type: none"> ○ 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 findings will be clearly recorded to ensure that the decision-making has been transparent ➤ The educator, volunteer or student will be advised of the outcome of the investigation in writing. Advice will be provided about the investigation 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 [JCPR] Program also notified of the relevant employment proceeding (if relevant) ➤ Department of Communities and Justice will also be informed of the outcome of the investigation.
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Informing the educator, volunteer/student

Role	Authority/Responsibility For
Approved Provider/ Nominated Supervisor	<ul style="list-style-type: none"> ➤ Treat the staff member/educator/volunteer/student with fairness 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. ➤ Utilise the Child Safe Standards in all aspects of the service

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
- 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@kidsguardian.nsw.gov.au

Web: www.kidsguardian.nsw.gov.au

Confidentiality

- The service will handle any allegation of child abuse in a **confidential manner**.

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) nor attempt to investigate any allegation themselves. This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements by the appropriate authorities. 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.

Additional protections apply under the Education and Care Services National Law (Amendment Bill 2025 [NSW]). It is an offence to take or threaten any detrimental action, such as intimidation, bullying, discrimination, or adverse treatment, against a person who has made or may make a protected disclosure. These protections are outlined within our Protected Disclosures (Whistleblower) Policy, which supports and protects individuals who report concerns in good faith about child safety, breaches of the National Law, or Service operations.

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.

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
- OSHC 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

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. All educators, students, volunteers and staff working with children are mandatory reporters under the Crimes Act 1900 and have a duty of care to support and protect children. The rights and best interests of children are paramount, and breaches will be treated as serious.

Any allegations of criminal offences against children must be reported to the Police immediately. Failure to report child sexual abuse to the police is a criminal offence. Any person who reports a breach or concern in good faith will be protected against retaliation under the Protected Disclosures (Whistle Blower) Policy.

All breaches will be recorded, and outcomes documented, in accordance with record-keeping requirements. A breach may include (but is not limited to):

- failure to report suspected child abuse, neglect, or risk of harm
- engaging in or failing to prevent inappropriate conduct or inappropriate discipline to a child
- breaching confidentiality about a child protection matter
- failing to maintain a valid Working with Children Check (WWCC)
- not following the Service's Code of Conduct, supervision or reporting procedures
- any action or inaction that places a child at risk of harm.

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 the Department of Communities and Justice (DCJ), NSW Police and Office of Children's Guardian for appropriate processes to ensure chain of evidence is not destroyed or compromised
- not undertaking and investigating the allegation whilst the Child Protection, Police or Office of Children's Guardian are conducting an investigation
- following directions from the DCJ and NSW Police that may include removal of the educator or staff member (who is the subject of allegations) immediately from a role with contact with children or young people until authorities conclude their investigation
- displaying the Service's compliance history and any compliance actions that are the subject of review by the regulatory authority for families to view.

Management may undertake an investigation if Child Protection 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:

- disciplinary procedures, including dismissal of employment, if required
- emphasising the relevant element of the child protection policy and procedure not followed
- providing closer supervision
- providing further education and training
- providing mediation between those involved in the incident (where appropriate)
- reviewing current policies and procedures and developing new policies and procedures if necessary
- external regulatory action- including compliance history, fines, suspension of rating or Service closure.

Monitoring, Review and Evaluation

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.

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

In accordance with Regulation 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.

Links to other polices:

Code of Conduct for Staff Members

Child Safe Code of Conduct

Supervision

Interactions with Children

Parents and Guardians Code of Conduct

Participation of Volunteers and Students

Complies with:

NQS

Quality Area 2		Children's health and safety
Standard	2.2	<i>Each child is respected</i>
Standard	2.2.1	<i>At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.</i>
Standard	2.2.2	<i>Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.</i>
Standard	2.2.3	<i>Management, educators and staff are aware of their roles and responsibilities regarding child safety, including the need to identify and respond to every child at risk of abuse or neglect</i>
Quality Area 4		Staffing arrangements
Standard	4.2	<i>Professionalism</i>
Quality Area 7		Governance and leadership
Standard	7.1	<i>Governance</i>
Element	7.1.3	<i>Roles and responsibility</i>

National Regulations

Reg	84	Awareness of child protection Law
Reg	166	Children are not to be alone with visitors
Reg	167	Record of service's compliance
Reg	168	Education and care service must have policies and procedures
Reg	174	Time to notify certain circumstances to Regulatory Authority
Reg	175	Prescribed information to be notified to Regulatory Authority
Reg	176	Time to notify certain information to Regulatory Authority

Links

to:

- Children and Young Persons (Care and Protection) Act 1998
- Education and Care Services National Law Act (2010)
- Children's Guardian Act (2019) Part 4
- Education and Care Services National Regulations (2011)
- Children's Guardian Act (2019)
- NSW Government, Department of Family and Community Services, Resources for Mandatory Reporters - www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters
- NSW Department of Communities and Justice, Protecting our kids - www.facs.nsw.gov.au/families/Protecting-kids
- National Quality Standards

- Office of the Children’s Guardian – Child Safe Standards

Developed: 2015

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