NSW Child Protection Policy

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY

Policy statement

This policy is guided by the paramount consideration that children's safety, rights and best interests are upheld above all other considerations in all decisions, actions and practices.

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.

Educators, staff members and persons in management positions who provide or supervise children's services as part of their professional work or paid employment are mandatory reporters under section 27 of the Children and Young Persons (Care and Protection) Act 1998. Volunteers and students must immediately report child protection concerns in accordance with this policy and may also have individual reporting obligations depending on their professional role.

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)
- 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.

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

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

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

- Your observations of the child, young person or family; or
- information provided by the child, young person, parent, family member or another person.
- A mandatory reporter is not required to confirm the concern or obtain proof before making a report. Attempting to investigate the concern may interfere with evidence or compromise the work of the Police, the Department of Communities and Justice or another statutory agency.

Inappropriate conduct

Inappropriate conduct means conduct in relation to a child that a reasonable person would consider inappropriate in an education and care service. In determining whether conduct is inappropriate, consideration must be given to whether the conduct is expected professional practice, the child's age and stage of development, whether the child is likely to suffer emotional, psychological or physical harm, and the purpose of the conduct, including whether it could be considered sexual or violent.

A child may be subjected to inappropriate conduct directly or indirectly, including by witnessing conduct. It may occur verbally, physically or electronically, through photography or recording, or through a pattern of behaviour. A child's consent, or an adult's belief that the child consented, does not make the conduct appropriate.

'Inappropriate discipline' includes corporal punishment and any discipline that is unreasonable in the circumstances. It may include physical punishment, rough handling, yelling, threatening, humiliating, shaming, frightening, intimidating, isolating or using unreasonable restraint against a child. Inappropriate discipline is a separate offence under section 166 of the National Law.

'Reportable allegation' has the meaning given in Part 4 of the Children's Guardian Act 2019 and means an allegation that an employee has engaged in conduct that may be reportable conduct. Proof that the alleged conduct occurred is not required at the allegation stage.

Goals / what are we going to do?

Our service will maintain a child-safe culture in which children's rights, safety and best interests are paramount. We will identify, respond to, document and report concerns about abuse, neglect, inappropriate conduct, inappropriate discipline and reportable conduct promptly and in accordance with applicable legislation. All concerns will be managed through immediate protective action, appropriate external reporting, procedural fairness, risk management and confidential record-keeping

Strategies / How will it be done?

Allegations of Abuse, Inappropriate Conduct or Inappropriate Discipline Against Staff, Educators, Volunteers, Students or Contractors

All allegations, disclosures, observations and suspicions will be taken seriously. The immediate safety and wellbeing of the child will take priority over operational, employment, financial or reputational considerations.

The Approved Provider/Nominated Supervisor will:

- Develop and maintain a system of appropriate record keeping for all allegations to ensure detailed documentation is made and stored as required;
- Act immediately to protect the child and obtain urgent medical or Police assistance where required. The Office of the Children's Guardian may be contacted for guidance; however, seeking guidance must not delay protective action or any required report to Police, DCJ, the Child Protection Helpline or the NSW Early Learning Commission;
- Take every allegation, disclosure, observation or suspicion seriously and make an accurate, factual and objective record of the information received. Only open and non-leading questions necessary to clarify the immediate safety concern may be asked. Staff must not investigate the matter or attempt to obtain proof

- Assess whether a child or young person is 'at risk of significant harm' and, if so, make a report to the **Child Protection Helpline;**
- Determine whether the allegation is a reportable allegation or reportable conviction: https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-fact-sheets
- Consider whether or not the police need to be informed of the allegation and if so, make a report;
- Complete and submit the Office of the Children's Guardian 7-day notification form within 7 business days of the Head of Relevant Entity becoming aware of a reportable allegation or reportable conviction.
- 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 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 investigation is conducted by the service, the evidence will be assessed on the balance of probabilities. A finding will be made for each allegation using the applicable Office of the Children's Guardian finding categories. The evidence relied upon, reasons for the finding and relevant mandatory considerations will be clearly documented.
- If the allegation is being investigated by the Department of Communities and Justice or Police, the service will seek and follow their advice about whether to commence, continue or suspend its own investigation;
- The person subject to the allegation will be advised in writing of the investigation outcome, findings, any follow-up action and any available review or appeal mechanisms. They will also be advised that the Office of the Children's Guardian and any other relevant external authorities have been notified where required;
- Ensure nominated supervisors, persons in day-to-day charge and other prescribed persons have completed current approved NSW child protection training. All staff, volunteers and students must also complete mandatory national child safety training within the required timeframes. Training completion and renewal details will be recorded and monitored.
- Within 30 calendar days of the Children's Services Manager at Presbyterian Children's Services (Jericho Road) becoming aware of a reportable allegation or reportable conviction, the Children's Services Manager will submit either an Entity Report, where the investigation and determination are complete, or a 30-day Interim Report, where the matter has not been completed. Where an Interim Report is submitted, an Entity Report will be submitted once the investigation and determination are finalised.

Informing the Person Subject to the Allegation

The Approved Provider/Nominated Supervisor will:

- Treat the person subject to the allegation fairly and uphold their employment and procedural rights;
- Depending on the nature of the allegation, arrange to inform the person immediately (though be guided by the advice of DCJ or the police);
- A documented risk assessment will determine whether the person should be suspended, temporarily removed from direct contact with children, assigned alternative duties, provided with additional supervision or managed through another appropriate measure. Interim risk-management action is not a disciplinary finding;
- 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;
- After the investigation is completed, provide the person subject to the allegation with written notification of the outcome, subject to any lawful restriction or direction from Police, DCJ or the Office of the Children's Guardian.

Rights of All Parties

- Consideration will be taken in relation to actual or potential 'conflicts of interest' that may be held by the investigator;
- The safety, rights and best interests of the child will remain paramount throughout the investigation, while procedural fairness and appropriate support will be provided to all parties;
- 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;
- 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 informed of the notification, the investigation finding, any follow-up action and any available review or appeal mechanisms, subject to any directions from Police, DCJ or the Office of the Children's Guardian;
- Unless satisfied that disclosure is not in the public interest, the Children's Services Manager or investigator will provide the child to whom the information relates and a parent of the child with relevant information about the nature of the allegation, the progress of the investigation, the findings and any action taken in response to the findings. Any disclosure will take account of the child's safety, welfare and best interests and any directions or clearance required from Police or the Department of Communities and Justice;
- 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 service will handle any allegation of child abuse in a **confidential manner**.

Records relating to child sexual abuse that has occurred or is alleged to have occurred will be retained for at least 45 years from the date the record was created. These records will be clear, objective, thorough, indexed and securely stored. Other child protection, reportable conduct, employment and service records will be retained in accordance with applicable legislative requirements and the service's record-retention schedule. Records will only be accessed, disclosed or shared where authorised or required by law.

Roles and responsibilities

Role	Authority/responsibility for
Approved provider	• Ensures the child protection policy is current and reporting systems are in place • Ensures that the nominated supervisor, staff members, volunteers, and students at the services who work with children maintain up-to-date knowledge and understand child protection law (regulation 84 • Assess the currency of child protection awareness and understanding of every staff member working with children at the start of their employment and during staff appraisal • Ensure staff undertake child protection refresher training every12-24 months an whenever significant changes are made to the child protection law or reporting requirements • Ensure opportunities to generate staff discussions and revise practices within the service • Ensure The National Early Childhood Worker Register is maintained and updated • Ensure the nominated supervisor, every person in day-to-day charge and every family day care co-ordinator - has evidence of successful completion of approved child protection training and is aware of current child protection law (regulation 84 - can explain their obligations to apply child protection law within the services (regulation 84(3)

Role	Authority/responsibility for
	- is aware of their obligations under the Law, such as the responsibilities of a mandatory reporter (Regulation 84) • The Approved Provider will ensure that nominated supervisors, persons in day-to-day charge and family day care coordinators have completed approved NSW child protection training required under section 162A. • All persons with management or control, nominated supervisors, persons in day-to-day charge, family day care educators, other staff members, volunteers and students must complete the mandatory national child safety Foundation training. The Foundation training modules must be completed by 27 August 2026. From 28 August 2026, newly employed, engaged or appointed persons must complete the Foundation modules within 14 days or before they begin working directly with children, whichever occurs first. Foundation training must be recompleted every two years. Any prescribed Advanced training must be completed by the persons and within the timeframes specified in current regulatory guidance. • Ensure that every person who is legally required to hold a Working with Children Check has a current clearance verified before commencing child-related work. Clearance status will be monitored and reverified when renewed or changed. A person must not continue in child-related work if they no longer hold the required clearance. • Ensure educators and staff notify the Approved Provider in writing if they receive a negative Working with Children Check notice or if there is a change to their teacher accreditation or registration. Notice must be provided within 72 hours of the event occurring or within 24 hours of becoming aware of the change. The Approved Provider must notify the NSW Early Learning Commission within 24 hours of becoming aware. • Unless satisfied that disclosure is not in the public interest, the Head of Relevant Entity or investigator will provide the child to whom the information relates and a parent of the child with relevant information about the nature of the allegation, the progress of the investigation, the findings and any action taken in response to the findings. Any disclosure will take account of the child's safety, welfare and best interests and any directions or clearance required from Police or the Department of Communities and Justice; • Maintain the service's Child Protection Register accurately and keep it up to date at all times. • The Approved Provider must notify the NSW Early Learning Commission through NQA ITS as soon as practicable and within 24 hours of becoming aware of: - any incident where the Approved Provider reasonably believes that physical or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the service; - any allegation that physical or sexual abuse of a child has occurred or is occurring

Role	Authority/responsibility for
	while the child is being educated and cared for by the service; or - any incident, suspicion, allegation or disclosure involving possible inappropriate conduct towards a child. • The Approved Provider must notify the NSW Early Learning Commission within seven days of any other circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child. • The Head of Relevant Entity must notify the Office of the Children's Guardian within 7 business days of becoming aware of a reportable allegation or reportable conviction. Within 30 calendar days, the Head of Relevant Entity must submit either an Entity Report, where the investigation and determination are complete, or a 30-day Interim Report, where the matter has not yet been completed. An Entity Report must be submitted once the investigation and determination are finalised. • Orient every staff member, volunteer and student to this Child Protection Policy and their individual reporting responsibilities, and ensure they regularly review the policy; • Enforce and monitor compliance with other child safety-related policies. • Ensure educators and staff notify the Approved Provider in writing if they receive a negative Working with Children Check notice or if there is a change to their teacher accreditation or registration. Notice must be provided within 72 hours of the event occurring or within 24 hours of becoming aware of the change. The Approved Provider must notify the NSW Early Learning Commission within 24 hours of becoming aware. • Ensure the Responding to incidents, disclosures and suspicions of child abuse is on display for educators to access Responding to incidents, disclosures and suspicions of child abuse
Nominated supervisor / Responsible person	• Ensures staff follow and enact the Child Protection policy • Ensures all staff members who work with children have been advised of and understand - The existence and application of the current child protection law (Section 162A) - The application of the Government's Protocol in NSW - Any obligations that they may have under the law (Regulation 84(3)) • Immediately respond to and notify the Approved Provider of any incident or allegation that physical or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the service; and any incident, allegation, disclosure or reasonable suspicion that a child has been subjected to inappropriate conduct, corporal punishment or inappropriate discipline.

Role	Authority/responsibility for
	• 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. • Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline. • Make a factual and objective record of the indicators that led to the concern that a child may be at risk of significant harm. Complete the NSW Mandatory Reporter Guide and securely retain the final decision and relevant records in accordance with the service's confidentiality and record-retention requirements; • Support educators, staff, volunteers and students to meet their reporting obligations. Internal reporting to the Nominated Supervisor or Approved Provider must not replace or delay any required report to the Child Protection Helpline, Police or another authority. • Include opportunities to generate staff discussions and revise practices within the service
Early childhood educators	• Follow and enact the Child Protection policy • Develop trusting and secure relationships with all children at the service; • 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. • Where they are a mandatory reporter, make a report to the Child Protection Helpline when they have reasonable grounds to suspect that a child is at risk of significant harm and have current concerns about the child's safety, welfare or wellbeing; • Ensure they participate in training conversations to deepen their understanding of protection, which will build their understanding of child protection law, in particular their obligations as a mandatory reporter: the circumstances which would require them to make a report: how to submit a report. ## Inappropriate Conduct and Inappropriate Discipline All approved providers, nominated supervisors, educators, staff members, volunteers, students and contractors must ensure that no child is subjected to inappropriate conduct, corporal punishment or discipline that is unreasonable in the circumstances. Concerns may include grooming or boundary violations, favouritism or inappropriate gifts, private or secret communications, intrusive or unnecessary physical contact, sexualised contact, rough

Role	Authority/responsibility for
	handling, yelling, threats, humiliation, isolation, unreasonable restraint, unauthorised photography or recording, inappropriate electronic communication, or other conduct likely to cause emotional, psychological or physical harm. This list is not exhaustive. Any person who observes, suspects, receives an allegation or disclosure, or otherwise becomes aware of possible inappropriate conduct or inappropriate discipline must: • act immediately to protect the child and obtain urgent medical or police assistance where required; • report the concern immediately to the Approved Provider or Nominated Supervisor; • Understand that Internal reporting does not replace or delay any obligation to report directly to the Child Protection Helpline, Police, the NSW Early Learning Commission or another authority. • make a clear, factual and objective record of what was observed, heard or disclosed, including the child's exact words where applicable; • not investigate the allegation, ask leading questions, confront the person subject to the allegation or delay reporting while attempting to obtain proof; and • preserve relevant records, communications, images, recordings, devices or other potential evidence. • Make a factual and objective record of the indicators that led to the concern that a child may be at risk of significant harm. Complete the NSW Mandatory Reporter Guide and securely retain the final decision and relevant records in accordance with the service's confidentiality and record-retention requirements; • 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);** • Advise the Nominated Supervisor when a report has been made to the **Child Protection Helpline.** ## Disclosures of Abuse ### Educators and staff will: • React calmly to the child making the disclosure; • Listen attentively and, as soon as practicable, make a factual record using the child's exact words; • Provide comfort and care to the child.

Role	Authority/responsibility for
	• Follow the steps for reporting as per the Mandatory Reporter Guide. • Reassure the child or young person that: It is not their fault; It was right to tell; • It is not OK for adults to harm children - no matter what. • Explain what will happen now - that it is part of your job to tell people who can help the child or young person. **Educators and staff will not:** • Promise to keep the disclosure secret; • Prompt the child for further details, ask leading questions, repeatedly question the child or take any action that may cause distress or compromise a future investigation or legal proceeding.
Families	• Provide accurate and current information relevant to their child's safety and wellbeing; • Inform the service of court orders, safety plans or other arrangements affecting the child; • Immediately raise child safety concerns with the Nominated Supervisor, Approved Provider or an external authority where appropriate; • Respect confidentiality and avoid confronting a child, family member or person who is the subject of an allegation; and • Cooperate with lawful child protection, regulatory and investigative processes. • Subject to the safety and best interests of the child, confidentiality requirements and any directions from Police, DCJ or another authority, the Head of Relevant Entity will provide the affected child and their parent or carer with appropriate information about the allegation, the progress of the investigation, the findings and any action taken.

Monitoring, evaluation and review

This policy will be reviewed at least annually and earlier following a child protection incident, reportable allegation, regulatory direction, identified procedural gap or change to legislation or official guidance. The review will consider feedback from children where appropriate, families, educators, staff and relevant authorities. Changes will be communicated to all staff, volunteers, students and families, and training will be provided where required.

Related Guidelines, Standards, Frameworks

National Quality Standard – Quality Area 2: Children's Health and Safety

- **NSW Child Safe Standards**
- **Guide to the National Quality Framework**
- **NSW Mandatory Reporter Guide**

NECWR-operational-policy-guide.pdf

- **National Model Code for Taking Images or Videos of Children while Providing Early Childhood Education and Care**
- **Australian Royal Commission into Institutional Responses to Child Sexual Abuse – Final Report**

Related legislation

- Children and Young Persons (Care and Protection) Act 1998 Education Act 1990
- Children (Education and Care Services National Law Application) Act 2010
- Children (Education and Care Services) National Law (NSW): sections 5AA, 162A, 162B, 166, 166A, 167 and 174.
- Education and Care Services National Regulations: regulations 12, 84, 155, 156, 168, 175 and 176.
- Children's Guardian Act 2019: Part 4.
- Child Protection (Working with Children) Act 2012
- Children's Guardian Regulation 2022

Sources

- NSW Department of Communities and Justice – ChildStory Reporter Community and Mandatory Reporter Guide
- NSW Early Learning Commission – Child Safety Reforms
- NSW Early Learning Commission – Inappropriate Conduct to a Child
- NSW Early Learning Commission – Reporting Incidents and Concerns
- NSW Early Learning Commission – Child Protection and Child Safety Training Requirements
- NSW Office of the Children's Guardian – Reportable Conduct Scheme
- Australian Children's Education and Care Quality Authority – Guide to the National Quality Framework
- Responding to incidents, disclosures and suspicions of child abuse
- National Early Childhood Worker Register | ACECQA
- NECWR-brochure.pdf

Related Policies

- Safe Use of Digital Technologies and Online Environments
- Supervision
- Child Safe Environment Policy
- Volunteers and Student Policy
- Code of Conduct Policy
- Staffing Arrangements Policy

Last review date	Changes made	Next review date
23/04/2024	Policy re-written	23/07/2025
07/07/2025	Updates to the NQF review and National Regulations coming into effect from 01/09/2025.	07/07/2026
1/12/2025	Revision for November legislative amendments	1/12/2026
24/04/2026	Revision for the April legislative amendments	April 2027
9/10/2026	Updated to incorporate the NSW child safety reforms commencing 27 February and 24 April 2026, including paramountcy, inappropriate conduct, mandatory national child safety training and strengthened reporting requirements. Clarified reportable conduct procedures, notification timeframes, investigation requirements and record keeping.	October 2027