
Child Protection and Child Safe Policy and Procedure NSW

Changes since last review are highlighted yellow

Category:	Health, Hygiene and Safety	Version:	V2024.4
Effective From:	July 2024	Next Review:	March 2025

Policy Statement

Our service is committed to ensuring educators and other adults working with children have an awareness of child protection law and are able to act to protect children from harm. It is our commitment to ensure that children are protected from harm and hazard and that child abuse is not tolerated.

Background and Guiding Principles

As early educators we have a moral obligation to protect all children and young persons. As a service we have a requirement to inform educators and other adults working with children of their obligation under the Law. This policy outlines the practices to follow in the event of suspicion or disclosure of harm and steps to take to prevent harm from occurring.

Protecting children is about more than managing disclosure or suspicion of harm, it includes preventative and early intervention strategies. There are 3 ways the services can protect children Response – this is usually after harm has occurred and is the most critical and least effective, it will only prevent further occurrences.

Early Intervention – Identifies families and children at risk, it is a targeted approach working with families and children to preventing abuse and is moderately effective.

Prevention – this is a whole of population approach to prevent harm before it occurs, it is the most effective but requires a change to whole of community. It is like the “Life be in it” campaign of the 80’s.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS

“84 Awareness of child protection law

The approved provider of an education and care service must ensure that nominated supervisors and staff members at the service who work with children are advised of—

- (a) the existence and application of the current child protection law; and*
- (b) any obligations that they may have under that law.”¹*

Education and Care Services National Law:

“162A Persons in day-to-day charge and nominated supervisors to have child protection training

The approved provider of an education and care service must ensure that each nominated supervisor and each person in day-to-day charge of the service has successfully completed the child protection training (if any) required by or under the law of this jurisdiction, a Government protocol applying to the approved provider in this jurisdiction or otherwise required by this jurisdiction.

Quality Area 2 – National Quality Standards, Element 2.2.3

“Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.

What Element 2.2.3 aims to achieve

¹ Education and Care Services National Regulations (version May 2024)

Management, educators, family day care educator assistants and other staff members must be aware of current child protection policy and procedures, including their legal responsibilities, and be able to act when required to protect any child who is at risk of abuse or neglect.

National Law and National Regulations underpinning Element 2.2.3

- Section 51(1)(a) Conditions on service approval (safety, health and wellbeing of children)
- Section 162A Persons in day-to-day charge and nominated supervisors to have child protection training
- Regulation 84 Awareness of child protection law

Additional state/territory requirements

In addition to complying with the National Quality Framework, approved providers, educators and other staff may be required to report on incidents or suspected incidents involving children under other state and territory laws including child protection legislation.

Notifying physical or sexual abuse to the Regulatory Authority

The following guidance is for notifying physical and sexual abuse to the regulatory authority as required by the NQF. In addition to reporting an incident to the regulatory authority, it may be appropriate to report the matter under reportable conduct (e.g. Ombudsman), to child protection agencies or to the police. This is to meet other reporting requirements for approved providers, educators and service staff under different state and territory laws. For example, child protection laws or child safe standards may apply in your jurisdiction, in addition to your obligations under the National Quality Framework.

National Regulation 175(2)(d) and (e) require the approved provider to notify the regulatory authority of any allegations or incidents where they reasonably believe physical or sexual abuse of a child or children is occurring, while they are at or being cared for by an education and care service. The intent of the National Regulation is to ensure incidents and allegations of physical or sexual abuse by a staff member or other adult at the service are reported.

Incidents that occur between children may be notifiable, such as cases where one child has power over the other because of physical stature or an age difference.

Regulation 175(2)(d) and (e) do not relate to incidents and allegations of physical or sexual abuse of a child or children when they are not being cared for by an education and care service.”²

Notifications:

Type of Notification	Responsible	Timeframe	Reference
Any incident where the provider reasonably believes that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service	Approved provider	Within 7 days	Section 174(2)(c) Regulation 175(2)(d)
Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child or children are being educated and cared for by the service	Approved provider	Within 7 days	Section 174(2)(c) Regulation 175(2)(e)

² “Guide to the National Quality Framework” Australian Children’s Education & Care Quality Authority Feb 2024

Updated Record Keeping Requirements to Support Child Protection

"From 1 October 2023, there will be new record keeping requirements under the Education and Care Services National Law and National Regulations.

Good record keeping – good record keeping is important in identifying and responding to the risks and incidents of child sexual abuse, it can help to avoid additional distress and trauma for survivors who may be seeking and documenting information about their abuse while in the care of child-centred organisations. It is recommended that records identified as relevant to child safety and wellbeing (including child sexual abuse) be:

- *kept for 45 years*
- *clear, objective, and thorough*
- *maintained in an indexed, logical, and secure manner*
- *retained and disposed of in a consistent manner.*

In accordance with the findings of the Royal Commission into Institutional Responses to Child Sexual Abuse, approved providers should retain records relating to child sexual abuse that has or is alleged to have occurred, for at least 45 years from the date the record was created. ”³

Regulatory Changes from October 2023

Approved providers and services must review and update existing policies to comply with new requirements under Education and Care Services National Regulations (regulations 84, 149 and 168).

Approved providers must ensure:

- *volunteers and students are advised of the existence and application of the current child protection law in the relevant state or territory and understand any obligations held under that law*
- *working with vulnerable people/ children check details are included on volunteer and student staff records*
- *services’ child safe environment policies and procedures include matters relating to the promotion of a culture of child safety and wellbeing and the safe use of online environments*
- *services’ complaint handling policies and procedures include the provision of a complaint handling system at the service that is child focused*
- *services’ complaint handling policies also include matters relating to the management of a complaint that alleges a child is exhibiting harmful sexual behaviours.”⁴*

A range of policies and procedures at our service guide the protection of children.

MANDATORY REPORTING

Who are mandatory reporters?

"Mandatory reporters are required by law to report suspected child abuse and neglect to government authorities. Mandatory reporters are people who deliver the following services, wholly or partly, to children as part of their professional work or other paid employment, and those in management positions in these services:

³ "Updated Record Keeping Requirements to Support Child Protection" NQF Review Information Sheet ACECQA July 2023 (accessed on-line Feb 2024) <https://www.acecqa.gov.au/sites/default/files/2023-07/Updating%20record%20keeping%20requirements%20to%20support%20child%20protection.pdf>

⁴ "Embedding the National Child Safe Principles" NQF Review Information Sheet (accessed on-line Feb 2024) https://www.acecqa.gov.au/sites/default/files/2023-08/InfoSheet_EmbeddingTheNationalChildSafePrinciples_1.pdf

- **Health care** — registered medical practitioners, specialists, enrolled and registered nurses, registered midwives, occupational therapists, speech pathologists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices.
- **Welfare** — registered psychologists, social workers, caseworkers and youth workers.
- **Education** — teachers, counsellors, principals.
- **Children's services** — child care workers, family day carers and home-based carers.
- **Residential services** — refuge workers, community housing providers.
- **Law enforcement** — police.
- **Disability services** — disability support workers and personal care workers.

On 1 March 2020, mandatory reporter groups in NSW expanded to also include:

- A person in **religious ministry** or a person providing religion based activities to children (e.g. minister of religion, priest, deacon, pastor, rabbi, Salvation Army officer, church elder, religious brother or sister)
- **Registered psychologists** providing a professional service as a psychologist to adults

In NSW, mandatory reporting is regulated by the [Children and Young Persons \(Care and Protection\) Act 1998](#) (the Care Act) and mandatory reporters are guided by the NSW [Mandatory Reporter Guide](#). Professional judgement should be used in deciding whether concerns about the safety, welfare or wellbeing of an unborn child or a young person warrant a report to the [Child Protection Helpline](#). Legislation requires mandatory reporters 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 (s.29A of the [Care Act](#))⁵

Mandatory Reporting

“There are two ways mandatory reporters can make a child protection report:

1. by eReport through the ChildStory Reporter website
2. by calling the Child Protection Helpline on 132 111

Mandatory reporters can call the Child Protection Helpline on 132 111. It is open 24 hours a day, 7 days a week. Reading [Mandatory reporters: What to report and when](#) may help you to decide whether you should call or not.

Mandatory reporters need to register to submit eReports. Once registered, mandatory reporters:

- can create and submit eReports after using the Mandatory Reporter Guide (MRG), if the MRG outcome is “Report to DVJ” or “Refer to CWU”
- will be notified by email when there is a change of status for a report
- can log into the ChildStory Reporter Community website to see the status of any previous reports that have been submitted.”⁶

Deciding to make a report and using the MRG

You must make a report to Community and Justice (DCJ) when you have current concerns about the safety, welfare and wellbeing of a child for any of the following reasons:

- the basic physical or psychological needs of the child or young person are not being met (neglect)

⁵ “Who are Mandatory Reports?” Communities & Justice NSW Government (accessed on-line Feb 2024)

<https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/about>

⁶ “Mandatory Reporters: How to make a child protection report” Communities & Justice NSW Government (accessed on-line Feb 2024) <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/how-to>

- *the parents or caregivers have not arranged necessary medical care for the child or young person (unwilling or unable to do so)*
- *the parents or caregivers have not arranged for the child or young person to receive an education in accordance with the Education Act 1990 (unwilling or unable to do so)*
- *risk of physical or sexual abuse or ill-treatment*
- *parent or caregiver's behaviour towards the child causes or risks serious psychological harm (emotional abuse)*
- *incidents of domestic violence and as a consequence a child or young person is at risk of serious physical or psychological harm (domestic or family violence)*
- *the child was the subject in a prenatal report and the birth mother did not engage successfully with support services.*

It's mandatory to make a report if the child is 0-15 years and at risk of significant harm.

It's not mandatory to make a report if it is an unborn child, or a young person aged 16-17.”⁷

“ChildStory Reporter is an online tool that supports mandatory reporters to decide how to respond to events and access the Mandatory Reporter Guide (MRG), if needed. Reporter guides you through the reporting process, suggesting appropriate actions and linking you to more resources. You can also view your report history to check status, outcomes and updates. Visit ChildStory Reporter:

<https://reporter.childstory.nsw.gov.au/s/>”⁸

Call 000 in a life threatening or emergency situation

CHILD ABUSE

“What is child abuse and neglect?

There are different forms of child abuse. These include neglect, sexual, physical and emotional abuse.

- ***Neglect*** - *Child neglect is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.*
- ***Sexual abuse*** - *Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust.*
- *Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.*
- ***Physical abuse*** - *Physical abuse is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation. Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punishing a child (in a non-trivial way) is a crime.*
- ***Psychological abuse or harm*** - *Serious psychological harm can occur where the behaviour of their parent or caregiver damages the confidence and self esteem of the child or young person, resulting in serious emotional deprivation or trauma. Although it is possible for ‘one-off’ incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child. This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.*

⁷ “Mandatory Reporters” Communities & Justice NSW Government (accessed on-line Feb 2024)

<https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/what-when-to-report>

⁸ “ChildStory Reporter” Communities & Justice NSW Government (accessed on-line Feb 2024)

<https://www.facs.nsw.gov.au/families/childstory/childstory-reporter>

Possible signs of abuse

The listed below provided by NSW Family and Community Services signs below are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been or is, occurring.

“Possible signs of neglect

Signs in children	Signs in parents or caregivers
<ul style="list-style-type: none"> • low weight for age and/or failure to thrive and develop • untreated physical problems e.g. sores, serious nappy rash and urine scalds, significant dental decay • poor standards of hygiene i.e. child consistently unwashed • poor complexion and hair texture • child not adequately supervised for their age • scavenging or stealing food and focus on basic survival • extended stays at school, public places, other homes • longs for or indiscriminately seeks adult affection • rocking, sucking, head-banging • poor school attendance 	<ul style="list-style-type: none"> • unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions • leaving the child without appropriate supervision • abandons the child • withholding physical contact or stimulation for prolonged periods • unable or unwilling to provide psychological nurturing • has limited understanding of the child's needs • has unrealistic expectations of the child

Possible signs of physical abuse

Signs in children	Signs in parents and caregivers
<ul style="list-style-type: none"> • bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it e.g. belt buckle, handprint • lacerations and welts • drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury • adult bite marks and scratches • fractures of bones, especially in children under three years old • dislocations, sprains, twisting • burns and scalds (including cigarette burns) • multiple injuries or bruises • explanation of injury offered by the child is not consistent with the injury • abdominal pain caused by ruptured internal organs, without a history of major trauma • swallowing of poisonous substances, alcohol or other harmful drugs • general indicators of female genital mutilation e.g. having a 'special operation' 	<ul style="list-style-type: none"> • frequent visits with their child or children to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or with internal complaints • explanation of injury offered by the parent is not consistent with the injury • family history of violence • history of their own maltreatment as a child • fears injuring their child • uses excessive discipline

Possible signs of sexual abuse

Signs in children	Signs in parents or caregivers
<ul style="list-style-type: none"> • bruising or bleeding in the genital area • sexually transmitted diseases • bruising to breasts, buttocks, lower abdomen or thighs • child or child's friend telling you about it, directly or indirectly • describing sexual acts • sexual knowledge or behaviour inappropriate for the child's age • going to bed fully clothed • regressive behaviour e.g. sudden return to bed-wetting or soiling • self-destructive behaviour e.g. drug dependency, suicide attempts, self-mutilation 	<ul style="list-style-type: none"> • exposing a child to prostitution or pornography or using a child for pornographic purposes • intentional exposure of a child to sexual behaviour of others • previous conviction or suspicion of child sexual abuse • coercing a child to engage in sexual behaviour with other children • verbal threats of sexual abuse

<ul style="list-style-type: none"> • child being in contact with a known or suspected paedophile • anorexia or over-eating • adolescent pregnancy • unexplained accumulation of money and gifts • persistent running away from home • risk taking behaviours - self harm, suicide attempts 	<ul style="list-style-type: none"> • denial of adolescent's pregnancy by family
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Possible signs of psychological abuse

All types of abuse and neglect harm children psychologically, but the term 'psychological harm' or 'emotional abuse' applies to behaviour which damages the confidence and self-esteem of a child or young person, resulting in serious emotional deprivation or trauma.

Signs in children	Signs in parents or caregivers
<ul style="list-style-type: none"> • constant feelings of worthlessness about life and themselves • unable to value others • lack of trust in people • lack of people skills necessary for daily functioning • extreme attention-seeking behaviour • is obsessively eager to please or obey adults • takes extreme risks, is markedly disruptive, bullying or aggressive • is highly self-critical, depressed or anxious • suicide threats or attempts • persistent running away from home. 	<ul style="list-style-type: none"> • constant criticism, belittling, teasing of a child, or ignoring or withholding praise and attention • excessive or unreasonable demands • persistent hostility and severe verbal abuse, rejection and scapegoating • belief that a particular child is bad or 'evil' • using inappropriate physical or social isolation as punishment • domestic violence.

Remember, the above are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been, or is, occurring.”⁹

ALLEGATIONS OF HARM BY AN EMPLOYEE

The Reportable Conduct Scheme is governed by the [Children's Guardian Act 2019](#) and is administered by the Office of the Children's Guardian. Heads of entities, including early education and care services are required to notify the Office of the Children's Guardian of reportable allegations and convictions against their employees. They must investigate the allegation, advise of the outcome and take appropriate action to prevent reportable conduct by employees.

The following are extracts from factsheets on Reportable Conduct from the NSW Office of the Children's Guardian <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-fact-sheets>

What is a reportable allegation or conviction?

- A reportable allegation is an allegation that an employee has engaged in conduct that may be reportable conduct.
- A reportable conviction means a conviction (including a finding of guilt without the court

The Children's Guardian Act 2019 defines reportable conduct as being:

- a sexual offence
- sexual misconduct
- ill-treatment of a child,
- neglect of a child,
- an assault against a child,

⁹ "Child at Risk of Harm or Neglect" Communities & Justice NSW Government (accessed on-line Feb 2024) <https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect/chapters/signs-of-abuse>

- any offence under section 43B or 316A of the Crimes Act 1900, whether or not, with the consent of the child; and
- behaviour that causes significant emotional or psychological harm to a child

The Reportable Conduct Scheme is an allegation-based scheme. The threshold for making a notification to the Office of the Children’s Guardian is that a reportable allegation has been made – that is, there is an allegation that an employee has engaged in conduct that may be reportable conduct or that they are the subject of a conviction that is considered a reportable conviction.

When any employment-related child protection concern is raised about an employee, the head of entity (or delegate) should consider whether it constitutes a reportable allegation or a reportable conviction. For guidance, see Fact Sheet 1 Identifying Reportable Conduct.

The head of an entity (or their delegate) is required to:

- ensure specified systems are in place for preventing, detecting and responding to reportable allegations or convictions;
- make a notification to the Office of the Children’s Guardian within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity;
- as soon as practicable after receiving the reportable allegation/conviction, arrange for it to be investigated/determined;
- complete the investigation within a reasonable time, having regard to the principles of procedural fairness and the mandatory considerations outlined in Division 6 of the Act;
- provide information about the allegation, the progress of the investigation and the finding and action taken to the alleged victim and their parent/carer unless the head of the relevant entity considers that it is not in the public interest to do so;
- by 30 calendar days after the head of the entity becomes aware of the reportable allegation, provide either a finalised entity report or an update (an interim report, reasons the investigation has not been completed and an estimated timeframe for completion);
- make a finding of reportable conduct if satisfied, on the balance of probabilities, that the case against the employee the subject of the reportable allegation has been proved;
- provide information to the Children’s Guardian that the Guardian requires under relevant provisions of the Act, which may include information about a reportable allegation, the relevant entity’s response to a reportable allegation, and systems for preventing and responding to reportable allegations;
- ensure an appropriate level of confidentiality of information relating to reportable allegations and only disclose information about the allegations in circumstances permitted by the Act or other legislation; At the end of the investigation of a reportable allegation, the head of agency must send a report to the Office of the Children’s Guardian that enables the Office of the Children’s Guardian to determine whether the investigation was carried out in a satisfactory manner and whether appropriate action was or can be taken.

Contact Details

Communities & Justice NSW

- **Child Protection Helpline on 132 111 (24 hours/7 days)**
- **eReport [ChildStory Reporter website. https://reporter.childstory.nsw.gov.au/s/article/How-do-I-get-access-to-the-Reporter-Community](https://reporter.childstory.nsw.gov.au/s/article/How-do-I-get-access-to-the-Reporter-Community)**

Members of the general public should call 132 111 (24 hours/7 days)

Mandatory Reporting Guide <https://reporter.childstory.nsw.gov.au/s/mrg>

Working With Children Check - Office of the Children's Guardian

Phone: 02 8219 3777 **Web:** www.kidsguardian.nsw.gov.au/check

Reportable Conduct Scheme – Office of the Children's Guardian

Staff from the Reportable Conduct Directorate are available on (02) 8219 3600 or email reportableconduct@kidsguardian.nsw.gov.au

Protecting Digital Images and Videos of Children in Early Education and Care

Our service adopts and incorporates the recommended National Model Code for Taking Images or Videos of Children. Key elements include:

- Only using service-issued devices for taking images and videos.
- Personal electronic devices capable of taking images or recording video are not permitted to be in the possession of adults working or volunteering with children unless there is written authorisation for health and/or family needs or in the event of an emergency.
- Strict controls for storage and retention of images of children are in place including identifying authorisation levels for taking, accessing and storing images.

Further information and role-specific responsibilities are outlined in the "Information Technology and Social Media Policy and Procedure".

WORKING WITH CHILDREN CHECK

Who needs a Check?

"Employers and organisations need to decide who engages in child-related work and requires a Working with Children Check, or if any roles fall under an exemption.

The Check lasts for five years even if you move jobs – the new employer needs to be given your Check number and details to verify you.

Child related work (including voluntary work is:

- *providing services for under 18's*
- *where the work normally involves being face to face with children*
- *where contact with children is more than incidental to the work*

The Regulations include exemptions to requiring a Working with Children Check. Employers should check the legislation for any exemptions that apply to their situation. Exemptions include:

- *Under 18s*
- *Visiting NSW for a short time*
- *Parents and close relatives volunteering at their children's usual school and extra-curricular activities. There are three specific instances when close relatives **do** need a Check when they are volunteering at school or activities:*
 - *providing personal care for a child with disability*
 - *participating in a formal mentoring program*
 - *at an overnight camp for kids.*"¹⁰

Role of an employer

"Employers have legal obligations around working with children. It is against the law to engage anyone in child related work without a Working with Children Check. If a worker or volunteer requires a Check, there are actions the employer must take. Employers must:

- **REGISTER** the organisation by filing in an online form which creates an online profile with the Office of the Children's Guardian. Employers nominated a username and password so they can log into the system and verify workers

¹⁰ "Who needs a Check" Office of the Children's Guardian NSW Government (accessed on-line Feb 2024))
<https://ocg.nsw.gov.au/working-children-check/who-needs-check>

- **IDENTIFY ROLES** – decide who undertakes child-related work and need a Working with Children Check and which roles are not child-related or fall under an exemption
- **VERIFY** workers' Working with Children Check numbers online including:
 - New workers or volunteers firstly using their Application (APP) number and then their WWCC clearance number (except those working in the Education sector where a Clearance number is required)
 - A renewed check, updated after five years
 - People in charge of verifying WWCC numbers must make sure their own check (if required) is verified online by an appropriate person in the organisation. Employers cannot self-verify.
- **KEEP RECORDS** - keep records for each worker, including:
 1. Full name
 2. Date of birth
 3. WWC number
 4. Verification date
 5. Verification outcome
 6. Expiry date
 7. Whether the worker is in paid or volunteer work
- **MONITOR AND ACT** –
 - Keep details up to date
 - nominate two people who are authorised to receive confidential information
 - Remind employees to renew which they can do up to three months before their Check expires
 - Remove anyone who's Check status is barred, interim barred, whose check cannot be found or has expired for child-related work. You can only employ people who have an Application number of Check clearance in child-related work.”¹¹

APPROVED COURSE IN CHILD PROTECTION

“In NSW, nominated supervisors and persons in day-to-day charge are required to have completed the child protection courses approved by the NSW Regulatory Authority (s162A Education and Care Services National Law). In-house training is not sufficient.

Approved courses

- CHCPRT002 – Support the rights and safety of children and young people
- CHCPRT025 – Identify and report children and young people at risk
- CHCPRT026 – Support the rights and safety of children and young people

Previously approved courses:

The list of previously approved courses below have been superseded. However, if these courses have previously been undertaken and completed by a Nominated Supervisor and persons in day to day charge, they will be accepted as the appropriate qualifications required to fulfil s162A

- CHCPRT001 - Identify and respond to children and young people at risk CHCCHILD401A - Identify and respond to children and young people at risk.
- CHCCHILD401A – Identify and respond to children and young people at risk
- CHCCHILD401B - Identify and respond to children and young people at risk.

¹¹ “Role of an Employer with the Working with Children Check” Office of the Children’s Guardian NSW Government (accessed on-line Feb 2024) <https://ocg.nsw.gov.au/working-children-check/wwcc-information-organisations/role-employer-working-children-check#:~:text=Organisations%20must%20verify%20Working%20with,Check%2C%20updated%20after%205%20years.>

- *CHCCHILD404A- Support the rights and safety of children and young people.*
- *CHCCHILD404B- Support the rights and safety of children and young people.*
- *CHCCHILD1B or CHCCHILD1 C - Identify and respond to children and young people at risk of harm - delivered by a TAFE or other RTO*
- *CHCCHILD2 support the rights and safety of children within duty of care requirements (TAFE NSW only)*
- *CHCCHILD2A support the rights and safety of children within duty of care requirements- delivered by a TAFE or other RTO*
- *Identify and respond to children and young people at risk (3294G identify and respond to risk of harm)- delivered by TAFE NSW only*
- *Identify and respond to children and young people at risk (combination of 3290K legislative and ethical requirements and 3292P child protection) delivered by TAFE NSW only*

Ongoing requirement to maintain awareness of child protection responsibilities

Services have ongoing responsibilities to ensure that the nominated supervisor and staff members at the service who work with children maintain up-to-date knowledge of child protection law (Reg 84). While s162A does not mandate an expiry period on child protection training courses or issued certificates, Reg 84 specifies that the approved provider must ensure that nominated supervisors and staff members (including educators) working with children are advised of the existence and application of the current child protection law; and any obligations that they may have under that law.

To ensure child protection awareness is current and up-to-date, approved providers should consider:

- *assessing the currency of child protection awareness of every staff member working with children at the start of their employment and during staff appraisals*
- *staff undertaking child protection 'refresher' training every 12 – 24 months, and whenever significant changes are made to the child protection law or reporting requirements*
- *regularly generating staff discussions and revising practices within the service.*

Summary of child protection training and awareness requirements

The Approved Provider should:

- (1) Ensure that every nominated supervisor and every person in day-to-day charge has:*
 - *successfully completed approved child protection training (S162A)*
 - *has evidence of the successful completion of approved child protection training*
 - *is aware of current child protection law (R84)*
 - *understands how to apply child protection law within their service (R84)*
 - *is aware of their obligations under that Law, such as the responsibilities of a mandatory reporter. (R84)*
- (2) Ensure that all staff members who work with children have been advised of:*
 - *the existence and application of the current child protection law (R84)*
 - *any obligations that they may have under the law (R84).*
- (3) Ensure that the service has:*
 - *policies and procedures in place relating to the provision a child safe environment (R168(2)(h))."¹²*

¹² "Child Protection Training Requirements" NSW Department of Education (accessed on-line Feb 2024) <https://education.nsw.gov.au/early-childhood-education/working-in-early-childhood-education/child-protection-training-requirements>

The Children's Guardian Act 2019 came into force on 1 March 2020. Powers and functions of the Children's Guardian from the Children and Young Persons (Care and Protection) Act 1998 and Adoption Act 2000 are now consolidated into the new Act.

RESPONDING TO DISCLOSURES OF ABUSE

The role of educators is to LISTEN, REASSURE AND RESPECT:

"LISTEN

- *Move to a suitable environment, free of distractions.*
- *Be calm and patient—allow for the child or young person to be heard.*
- *Let the child or young person use their own words—avoid asking leading questions.*
- *Avoid "quizzing" the child or young person about details of the abuse.*
- *Don't be afraid of saying the "wrong" thing. Listening supportively is more important than what you say.*

REASSURE

- *Reassure the child or young person that it is OK that they have told you what's been happening.*
- *Address any concerns about the child or young person's safety.*
- *Reassure the child or young person that he or she is not at fault, and not the cause of any distress you may feel.*

RESPECT

- *Respect that the child or young person may only reveal some details.*
- *Acknowledge the child or young person's bravery and strength.*
- *Avoid making promises you can't keep—manage the child or young person's expectations.*
- *Explain to the child or young person that in order for them to be safe you will need to report their experience to someone else."¹³*

Refer to the Child and Youth Risk Management Strategy NSW for more details on the overarching strategies.

PLEASE NOTE THAT YOU HAVE A DUTY OF CARE UNTIL YOU ARE HAPPY WITH THE RESPONSE TAKEN IN REGARD TO EACH SITUATION. IF YOU ARE NOT HAPPY WITH THE STEPS TAKEN BY YOUR SUPERVISOR IN RELATION TO SUSPECTED OR POTENTIAL HARM TO A CHILD YOU MUST ACT. FOLLOW THE GRIEVANCE PROCEDURE TO SEEK FURTHER ASSISTANCE.

CHILD SAFE STANDARDS

"The Child Safe Standards recommended by the Royal Commission provide a framework for making organisations safer for children. They have been accepted by the NSW government.

A child safe culture is a set of values and practices that guide the attitudes and behaviour of all staff. Good leaders champion these values and embed them in organisational governance. The following values should be at the heart of any approach that prioritises children's safety:

- *The best interests of children and their protection from harm is paramount.*
- *Child abuse is not tolerated and must not happen.*
- *Children's rights are understood and respected.*
- *Concerns about child safety raised by children and their parents and carers are acted on.*
- *Reporting abuse is not obstructed or prevented.*

¹³ "Responding to children and young people's disclosures of abuse" Australian institute of family studies, child family community Australia, (accessed on-line Feb 2024) <https://aifs.gov.au/resources/practice-guides/responding-children-and-young-peoples-disclosures-abuse>

The Child Safe Standards provide a framework for enhancing the safety of children in services. They consist of 10 Standards designed to drive cultural change in improving and maintaining child safe practices. Services are required to align their practice with the requirements of the Child Safe Standards and use the Standards through their systems, policies and processes. It encourages ongoing improvement rather than occasional leaps in progress.”¹⁴

The Child Safe Standards



Child Safe Standards at our service are met in a combination of ways:

1. **Child safety is embedded in organisational leadership, governance and culture:**
 - a. Involving families, children and staff in creating a child safe culture.

¹⁴ “Guide to the Child Safe Standards” NSW Office of the Children’s Guardian (accessed on-line Feb 2024)
https://ocg.nsw.gov.au/sites/default/files/2021-12/g_CSS_GuidetotheStandards.pdf

- b. Identifying harm or possible harm and taking steps to prevent risks to children.
 - c. Ensuring staff and volunteers understand their obligations in protecting children.
 - d. Ensuring educators are aware of and comply with the:
 - i. Interactions with Children Policy,
 - ii. Positive Behaviour Guidance Policy,
 - iii. Code of Conduct.
 - e. Keeping accurate records in a confidential manner.
- 2. Children participate in decisions affecting them and are taken seriously:**
- a. Children are encouraged to express their views and their concerns are taken seriously.
 - b. Learning programs include child safety messages.
 - c. Staff and volunteers are respectful and listen to and respond to the voices of children.
- 3. Families and communities are informed and involved:**
- a. Providing this policy to educators upon employment and offer opportunities to ask questions.
 - b. Displaying the Child Safe Standards at the service and sharing with educators and families.
 - c. Maintaining open, two-way communication with families and follow the Collaborative Partnerships Policy.
 - d. Using events such as Child Protection Week to highlight the importance of child safety being everybody's responsibility.
 - e. Providing families, staff and community members the opportunity to review and comment on policies and practices.
 - f. Sharing Governance and management structure with families and educators.
 - g. Displaying contact details and steps for managing grievances.
- 4. Equity is upheld and diversity is taken into account:**
- a. Ensuring educators are aware of and comply with the:
 - i. Inclusion Diversity Equity Policy,
 - ii. Supporting Children's Individual Needs Policy.
 - b. Leadership and educators work with families and external agencies to support children with diverse and/or additional needs.
 - c. Ensuring Recruitment, Selection and Employment policies are upheld.
 - d. Sharing the Grievance Resolution Policy with families and educators and responding to concerns raised promptly and professionally.
 - e. Supporting the needs of all children and families and paying particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.
- 5. People working with children are suitable and supported:**
- a. The Recruitment, Selection and Employment Policy is followed and ensures all reasonable steps are taken to engage appropriate staff including independent referee checks, WWCC checks and probation periods.
 - b. Staff induction is conducted upon commencement and annually and has a focus on child safety and child protection responsibilities.
 - c. Nominated Supervisors and Responsible Persons hold approved qualifications in Child Protection and all staff undertake annual refreshers in child protection responsibilities.
 - d. All staff and volunteers WWCC are verified prior to engagement.
 - e. Regular appraisals are conducted with team members.
- 6. Processes to respond to complaints of child abuse are child focused:**
- a. The Child Protection and Child Safe Policy, Discipline and Procedures policy and Grievance Resolution provide guidance and responsibilities for addressing concerns.
 - b. Concerns raised are taken seriously and handled promptly, professionally and with the child as the focus.

- c. Reporting procedures as Mandatory Reporters are clearly outlined and shared with staff at least annually. Performance management is taken where child protection practices are not complied with.
 - d. Privacy and confidentiality is maintained and respect is shown to those involved in child protection matters.
- 7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training:**
- a. Staff induction is conducted upon commencement and annually and has a focus on child safety and child protection responsibilities.
 - b. Nominated Supervisors and Responsible Persons hold approved qualifications in Child Protection and all staff undertake annual refreshers in child protection responsibilities.
 - c. This policy provides information on signs of possible abuse to support staff in identifying concerns promptly.
- 8. Physical and online environments minimise the opportunity for abuse to occur:**
- a. There is minimal opportunity for child access to online environments, use of digital technology is closely monitored where used at the service with children.
 - b. The service has policies that support safe physical and online environments for staff, students, volunteers, families and children, including but not limited to:
 - i. Positive Behaviour Guidance Policy
 - ii. Educator Code of Conduct Policy
 - iii. Harassment and Discrimination Prevention Policy
 - iv. Information Technology and Social Media Policy
 - v. Cyberbullying Policy
 - vi. Child Protection and Child Safe Policy
 - vii. Child and Youth Risk Management Strategy.
- 9. Implementation of the Child Safe Standards is continuously reviewed and improved:**
- a. Conduct regular reviews of the child safe practices and policies.
 - b. Undertaking a child safe self-assessment regularly.
 - c. Modifying policies, practices and training where an incident, concern or complaint identifies an area for improvement.
- 10. Policies and Procedures document how the organisation is child safe:**
- a. A range of Policies and Procedures guide child safe practices.
 - b. Policies are reviewed annually or when a need arises – refer to the Policy Review Policy and Procedure.
 - c. Families, educators and community are encouraged to participate in policy reviews.
 - d. Families and educators have access to policies and they are laid out in a way that is easy to understand responsibilities and legislative requirements.
 - e. Staff are provided with induction in key policies which protect children upon commencement and annually.

Procedures and Responsibilities

Protecting children and each other is a team approach.

Leadership and Management Responsibilities, including Approved Providers, Nominated Supervisors and Responsible Persons will:

- Positively and clearly communicate all aspects of the policy and take a zero-tolerance approach to compliance.
- Understand and comply with all aspects of this policy and related legislation and support team members to do the same.
- Lead a culture of reflection and regular review of policies, seeking feedback from educators, families, children and other community agencies and professionals as appropriate.
- Conduct training and provide information on child protection laws upon employment and at

least annually to all staff.

- Ensure this policy is provided upon employment.
- Maintain a record of all training provided.
- Have available for all staff, current information from recognised authorities.
- Participate in events which raise awareness of child protection issues in the community.
- Ensure volunteers and students are aware of their responsibilities in relation to Child Protection and Child Safety and reporting requirements upon commencement, providing this policy as a minimum.
- Work collaboratively with external agencies to provide support for families and children.
- Ensure that all Nominated Supervisors and Responsible Person's in day to day charge have the required knowledge of this policy and their requirements under child protection laws and have completed an Approved Child Protection Course.
- Ensure all staff know that they are mandatory reporters under the law and ensure they are aware of their responsibilities.
- Support families in their parenting roles by providing information on a range of parenting topics and access to support services where needed.
- Provide targeted support for families where there are known stressors, this may include accessing local support agencies, providing support contact details or considering eligibility for Additional Child Care Subsidy.
- Maintain a current list of local support services and contact details for external support agencies.
- Retain records relating to child sexual abuse that has or is alleged to have occurred, for at least 45 years from the date the record was created. Ensure records are:
 - clear, objective, and thorough
 - maintained in an indexed, logical, and secure manner
 - retained and disposed of in a consistent manner.
- Uphold the Child Safe Standards.
- Keep informed through the OCG website and participate in eLearning modules <https://ocg.nsw.gov.au/training-and-resources/elearning>
- **Approved Providers** are able to log into NQAITs to search the Register of Prohibited Persons & Suspended Educators upon employment. **This can be recorded** on the WWCC Record Keeping Form.
- **Ensure the responsibilities set out in the "Information Technology and Social Media Policy and Procedure" are adhered to in relation to taking, accessing and storing of images and videos of children including only using service-supplied devices.**

Working with Children Check

- Take all reasonable steps to ensure that a staff member, student or volunteers does not commence work without a current working with children check or application.
- Take all reasonable steps to ensure persons employed are suitable to work with children including conducting referee checks. Refer to the Recruitment, Selection and Employment Policy and Procedure.
- Confirm a person's identity using photo ID and keep a record in their personnel file.
- Validate all cards on-line prior to commencement and at intervals no greater than every 6mths.
- Keep records of child-related workers which include:
 - Full name
 - Date of birth
 - Working with Children Check number
 - Verification date
 - Verification outcome
 - Expiry date.
 - Whether the worker is in paid or volunteer work

- Keep a current register of all working with children checks (WWCC) for staff, students and volunteers using the Staff Schedule and the WWCC Record Keeping Form, there is also a sample record keeping template available at https://ocg.nsw.gov.au/resources?combine=&field_published_date_value=&field_topic_target_id%5B36%5D=36
- Ensure that the Approved Provider, or a representative of the Approved Provider confirms the WWCC for the Nominated Supervisor using the Nominated Supervisor Working with Children Check Confirmation Form.
- Ensure that a worker is not employed (paid or unpaid) if the outcome of their on-line verification is:
 - Barred
 - Interim barred
 - Not found
- If the service receives a letter advising that a current employee or volunteer has become barred (or has an interim bar) they must be immediately removed from child-related work. Nominated Supervisors need to consider steps including:
- Stand down from duties and show cause for employment continuation – termination may be required if the employee is required to have a WWCC and does not
- Suspend them from child-related work pending the outcome of an appeal.
- Access resources, factsheets and checklists to check their compliance – https://ocg.nsw.gov.au/resources?combine=&field_published_date_value=&field_topic_target_id%5B36%5D=36

WWCC for those conducting maintenance and repairs at the service

It is recommended that persons conducting maintenance or repairs at the service during operational hours hold a current WWCC if:

- the company has a contract to do work on a regular basis at one or more child care centres
 - they regularly do gardening, handyman work etc
- Where the repair is not regular, for example an emergency plumbing issue, and work is carried out during operational hours it is not essential that the person conducting the work has a WWCC however this is preferred when the option is available.
- Nominated Supervisors must add contractors to the WWCC Register and valid their card on-line to link to the organisation.
- Those conducting maintenance and repairs must never be in a situation where they are left alone with children and educators must take extra precautions when work is being conducted including supervising bathroom areas.

Suspected or alleged harm/abuse and reporting

- Report suspicions, disclosures or witness of harm regardless of who is responsible and where the harm occurred. Understand that you have a duty of care to report harm that occurs within the service as well as outside.
- **Where there are concerns for the well-being of a child or young person the Nominated Supervisor should consult with the Approved Provider.**
- Use the Mandatory Reporter Guide (MRG) to guide their decision making, such as whether or not to report.
- Where there is even the slightest cause for suspicion or concern the Nominated Supervisor must report either by:
 - calling the Child Protection Helpline on 132 111.
 - By eReport through the ChildStory Reporter Website
- If urgent call the Child Protection Helpline as a priority and if the child is at immediate risk of harm contact police on 000

- Refer to the guide: [Mandatory reporters: What to report and when](#) may help you to decide whether you should call or not.
- Where a child or young person discloses harm, you should LISTEN, REASSURE AND RESPECT – see background for details.
- The Approved Provider and Nominated Supervisor must report any incident or allegation of physical or sexual abuse of a child or children which has occurred while the child was being cared for at the service to the Regulatory Authority within 7 days.

Allegations of harm within the service

If the suspected harm has occurred at the service and involves an educator or other adult working with children, the following must be followed by the Nominated Supervisor after collaboration with the Approved Provider:

- Respond to the person raising the concern that all abuse allegations are taken very seriously and that you will respond.
- Ask about the wellbeing of the child.
- Allow the person disclosing their concern to talk through the incident in their own words.
- Advise them that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others, such as the organisation's management or Child Safety Officer, the police or child protection.
- Do not make promises at this early stage, except that you will do your best to keep the child safe and find out further information.
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately, and that the record is stored securely.
- Advise the team member, volunteer or student of the allegation and allow them the opportunity to respond. Follow the Discipline and Procedure Policy and Procedure.
- Ensure procedural fairness and natural justice is followed:
 - the right to be heard fairly
 - the right to an unbiased decision made by an objective decision maker
 - the right to have the decision based on relevant evidence.
- It may be appropriate to ask that educator to stand down from duties with children while the investigation is conducted and may be asked to "show cause". If this occurs the team member should remain on full pay and may be relocated to another suitable position. The team member must be considered innocent of allegations until an investigation is concluded.
- The Approved Provider, or a person nominated by the Approved Provider must notify the family of the child involved and advise of the prompt action being taken and seek their assistance in any aspects which may be required, for example, any questioning of a child.
- The Approved Provider must **notify the Office of the Children's Guardian within seven business days and conduct an investigation into the allegations** <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme>
- The Approved Provider, Nominated Supervisor and other persons involved in the investigation must make a finding about the reportable allegation (see FS8 Making a Finding of reportable conduct) and submit a final entity report within 30 calendar days. If the final entity report is not completed within 30 calendar days, an interim report with information about the progress of the investigation and an expected timeframe for completion must be submitted.
- The Approved Provider and Nominated Supervisor must report any incident or allegation of physical or sexual abuse of a child or children which has occurred while the child was being cared for at the service to the Regulatory Authority within 7 days.
- The Approved Provider and Nominated Supervisor must notify the regulatory authority within **24 hours** of any complaint alleging that a serious incident has occurred while the child is educated and cared for or complaints alleging that the Law has been contravened.

Documents confidentially and securely maintained:

- The initial allegation (an accurate and as close to verbatim account as possible of what has been said and by whom).
- The initial response to the person making the allegation, the alleged victim(s) and the employee who is the subject of the allegation.
- A plan detailing how the investigation is to be carried out, including whether any organisations require notifying.
- All interviews, including details of the questions and responses. This should also include the location of the interview, who was present and the start and finish times of the interview. Where possible, records should be verbatim, verified, signed and dated by all involved.
- Any decisions made, both during and at the conclusion of the investigation, including their rationale, the position and name of the person making the decision and the date the decision was made.
- Any personal contact, discussions or emails with anyone about the matter. This should include the date, details of the discussions, questions, advice and outcome, the name of the person making the contact, details of their position and where appropriate, the reason for the contact.
- A summary report that details the allegation, the investigation process, the findings in relation to each allegation (including the rationale for the finding), the final assessment (which includes any final decision about the employee and the factors that have been considered) and any subsequent action that is to be or has been taken.
- Documents relating to notifications and reporting to external organisations.
- An initial risk assessment on receipt of a reportable allegation based on all relevant information known at the time. Reviewed throughout process if information received requires this.
- A final risk assessment at the end of the investigation to minimise future instances.

Risk Assessments should:

- identify and plan to avoid or minimise the risks to:
 - the child(ren) who are the subject of the allegation
 - other children with whom the employee may have contact
 - the employee against whom the allegation has been made
 - the employing entity
 - other parties to the alleged incident (such as witnesses or reporters); and
 - the proper investigation of the allegation.
- take into consideration the needs of the employee against whom the allegation is made
- where possible, ensure the child's daily circumstances remain unchanged (except where further risk may occur)
- consider support which may need to be provided the employee or other employees

Where an allegation is reported the Nominated Supervisor should refer in full to the following factsheets for guidance in conducting an investigation including conducting risk assessments, planning and conducting an investigation and record keeping

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme/fact-sheets>

When deciding what information should be shared the Nominated Supervisor should consult with the involved entities and refer to "The NSW Reportable Conduct Scheme – Fact Sheet 7 – Disclosing

Information to Children, Parents and Carers” this can be found at

<https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-fact-sheets>

Child Safe Standards

- Display Child Safe Standards posters in visible locations at the service and communicate to families and staff.
- Complete the Child Safe Self-Assessment
https://cssa.ocg.nsw.gov.au/?mc_cid=8ae7705fba&mc_eid=ce735b88e3
- Implement steps as outlined above to ensure a commitment to a child safe environment is shared and upheld.
- Follow the service policies and procedures and be an advocate for children, support families and engage with community agencies.
- Promote a culture of child safety and wellbeing and the safe use of online environments.

Educators and Other Team Members will:

- Be proactive in fulfilling the requirements of this service policy and related legislative requirements.
- Seek further guidance where required to fulfil your requirements.
- Report any concerns or non-compliance immediately to the Nominated Supervisor or Approved Provider.
- Participate in the review of documents and provide constructive feedback to the Nominated Supervisor or Approved Provider.
- Be proactive in understanding your obligations as a mandatory reporter, ensure you are clear of your responsibilities under child protection laws and this policy.
- Complete injury on intake forms where there are injuries noticed upon arrival at care.
- Participate in training at least annually and ensure that you are aware of your responsibilities under the child protection laws. Read information provided and ask questions to clarify any questions.
- Follow the service policies and procedures and be an advocate for children, support families and engage with community agencies.
- Be aware of and follow all responsibilities set out in the “*Information Technology and Social Media Policy and Procedure*” in relation to taking, accessing and storing of images and videos of children including only using service-supplied devices.

Working with Children Check

- Maintain a current NSW Working with Children Check and provide details and copies to the Nominated Supervisor prior to commencing employment and at any time requested.
- Ensure your relevant working with children check is renewed in advance of the expiry date.
- Understand that you will not be able to work unless you have a current card.
- Update any change to personal details, including any name or address changes, within three months for their WWCC with the Office of Children’s Guardian. Penalties now apply for people who don’t update.
- Immediately notify the Nominated Supervisor of any changes to your working with children check.

Suspicion and Disclosure

- Understand you must report if you have ‘reasonable grounds’ to suspect harm, this may include:
 - A child tells you they have been harmed.
 - Someone else, for example another child, a parent or a staff member, tells you that harm has occurred or is likely to occur.
 - A child tells you they know someone who has been harmed (it is possible that they may

- be referring to themselves).
- You are concerned at significant changes in the behaviour of a child or the presence of new unexplained injuries.
- You see the harm happening.
- Take all reasonable steps where you suspect that a child has been harmed, or is at risk of being harmed, including:
 - being alert to any warning signs that a child is experiencing.
 - observing the child and making written notes as soon as you begin to have concerns - pay attention to changes in their behaviour, ideas, feelings and the words they use.
 - having gentle, non-judgemental discussions with the child - expressing your concern that a child looks sad or unwell can result in disclosures.
 - not pressuring the child to respond.
 - not asking questions that put words into a child's mouth.
 - using only open-ended questions.
 - assure the child that they can come and talk to you when they need to, and listen to them when they do.
- Where a child or young person discloses harm, you should LISTEN, REASSURE AND RESPECT – see background for details.
- Immediately ask to be relived and write word for word what you were told, what you said/asked, where you were and who else was present.
- Discuss with the Nominated Supervisor and complete any further details required.
- Do not discuss with any other person at the service or the family.

Reporting

- Report suspicions, disclosures or witness of harm regardless of who is responsible and where the harm occurred. Understand that you have a duty of care to report harm that occurs within the service as well as outside.
- Immediately and confidentially report any concerns for a child's safety to the Nominated Supervisor or Responsible Person in day-to-day charge responsible for the service who will use the Mandatory Reporter Guide (MRG) to guide their decision making, such as whether or not to report.
- Not discuss any suspicions, disclosures or concerns with any person other than the Nominated Supervisor or Responsible Person in day-to-day charge responsible for the service.
- Understand that, as a mandatory reporter, you must report any reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse or any other type of abuse or neglect.
- While the first contact should be with the Nominated Supervisor, you are also able to report directly to child safety:
 - Use the Mandatory Reporter Guide (MRG) to guide their decision making, such as whether or not to report.
 - Where there is even the slightest cause for suspicion or concern the Nominated Supervisor must report either by:
 - calling the Child Protection Helpline on 132 111.
 - By eReport through the ChildStory Reporter Website.
 - If urgent, call the Child Protection Helpline as a priority and if the child is at immediate risk of harm contact police on 000.
- In the event that the Nominated Supervisor is unable to be reached the Responsible Person who has been placed in day-to-day charge of the service must follow the above steps.
- Refer to the guide: [Mandatory reporters: What to report and when](#) may help you to decide whether you should call or not.

- **NOTE: you have a duty of care to follow through until you are happy with the process and response.**

Education and Learning Programs

- Include learning experiences which support early intervention including for example:
 - Teaching children to trust their “feelings”.
 - Encouraging children to look after their friends/buddy .
 - Building and maintaining open communication and trust with children so they feel they can communicate important messages to you.
 - Activities designed to identify people children can trust or talk to.
 - Privacy and body parts (consult with the Nominated Supervisor and families were discussing sensitive content such as correct body part names).
 - Involving families in activities around child safety.
 - Access child suitable resources for teaching about child safety and emotions.
- Use the SAFE Series resources to support children’s safety learning
https://ocg.nsw.gov.au/resources?combine=&field_published_date_value=&field_topic_target_id%5B173%5D=173
- Promote a culture of child safety and wellbeing and the safe use of online environments.

Students and Volunteers are asked to:

- Fulfil responsibilities under this policy and related legislative requirements.
- Understand that the service must take steps as required under legislative requirements and follow advice from recognised authorities.
- Participate in the review of documents and provide constructive feedback to the Nominated Supervisor or Approved Provider.
- Discuss any questions with the Nominated Supervisor or Responsible Person in charge.
- Report to the Nominated Supervisor or Responsible Person in charge immediately any concerns for a child’s welfare, including any suspicions, disclosures or any harm witnessed regardless of who was responsible.
- If a child starts to disclose information which concerns, you ask a staff member to come over and join the conversation so they can take the lead.
- Where required, maintain a current WWCC and provide to the Nominated Supervisor.
- Update any change to personal details, including any name or address changes, within three months for their WWCC with the Office of Children’s Guardian. Penalties now apply for people who don’t update.
- Immediately notify the Nominated Supervisor of any changes to your working with children check.
- Follow the service policies and procedures and be an advocate for children, support families and engage with community agencies.
- Promote a culture of child safety and wellbeing and the safe use of online environments.
- Be aware of and follow all responsibilities set out in the “*Information Technology and Social Media Policy and Procedure*” in relation to taking, accessing and storing of images and videos of children including only using service-supplied devices.

Communication

- Educators and families will have access to this policy at all times.
- Information will be included in induction for new educator and be included in service handbooks
- Educators and families will be provided with opportunities to be involved in the review of this policy.

- Educators and families will be provided with information from this policy at the time of employment and orientation.
- Changes to this policy and procedure document will be shared with families and educators.

Enforcement

The failure of any person to comply with this policy in its entirety may lead to:

- Termination or modification of child enrolment
- Restriction of access to the service
- Performance management of an employee which may lead to termination

Related Policies and Forms

- Recruitment, Selection and Employment Policy and Procedure
- Discipline and Procedures Policy and Procedure
- **Information Technology and Social Media Policy and Procedure**
- WWCC Record Keeping Form (renamed)
- Staff Schedule
- Staff Personal Details Form
- Determining Suitability for Responsible Person in Charge
- Student and Volunteer Record Form
- Relief Staff, Student and Volunteer Induction
- Staff Induction Form
- Student, Volunteer and Visitor Policy and Procedure
- Injury on Intake Form
- Nominated Supervisor Working with Children Confirmation Form
- Child and Youth Risk Management Strategy
- Child Safe Policy and Procedures
- Mandatory Reporting Guide
- NSW WWCC Record Keeping Template
https://ocg.nsw.gov.au/resources?combine=&field_published_date_value=&field_topic_target_id%5B36%5D=36

Legislation, Recognised Authorities and Sources

- “Updated Record Keeping Requirements to Support Child Protection” NQF Review Information Sheet ACECQA July 2023 (accessed on-line Feb 2024)
<https://www.acecqa.gov.au/sites/default/files/2023-07/Updating%20record%20keeping%20requirements%20to%20support%20child%20protection.pdf>
- “Embedding the National Child Safe Principles” NQF Review Information Sheet (accessed on-line Feb 2024) https://www.acecqa.gov.au/sites/default/files/2023-08/InfoSheet_EmbeddingTheNationalChildSafePrinciples_1.pdf
- “Child Protection Training Requirements” NSW Department of Education (accessed on-line Feb 2024) <https://education.nsw.gov.au/early-childhood-education/working-in-early-childhood-education/child-protection-training-requirements>
- “Who are Mandatory Reports?” Communities & Justice NSW Government (accessed on-line Feb 2024) <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/about>
- “Mandatory Reporters: How to make a child protection report” Communities & Justice NSW Government (accessed on-line Feb 2024) <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/how-to>

- “Mandatory Reporters” Communities & Justice NSW Government (accessed on-line Feb 2024) <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/what-when-to-report>
- “What is Mandatory Reporting?” ChildStory Reporter (accessed on-line Feb 2024) <https://reporter.childstory.nsw.gov.au/s/article/ka42800000057L8AAI/What-is-Mandatory-Reporting>
- “ChildStory Reporter” Communities & Justice NSW Government (accessed on-line Feb 2024) <https://www.facs.nsw.gov.au/families/childstory/childstory-reporter>
- “Child at risk of harm or neglect” Communities & Justice NSW Government (accessed on-line Feb 2024) <https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect/chapters/signs-of-abuse>
- “The NSW Reportable Conduct Scheme – Fact Sheet 10 – Information for Employers” Office of the Children’s Guardian NSW Government (accessed on-line Feb 2024) <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-fact-sheets>
- “The NSW Reportable Conduct Scheme – Fact Sheet 1 “Identifying Reportable Allegations” Office of the Children’s Guardian NSW Government (accessed on-line Feb 2024) <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-fact-sheets>
- “The NSW Reportable Conduct Scheme – Fact Sheet 2 – Heads of entities and reportable conduct responsibilities” Office of the Children’s Guardian NSW Government (accessed on-line Feb 2024) <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-fact-sheets>
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- “National Model Code for Early Childhood Education and Care – Images or Videos of Children While Providing Early Education and Care” ACECQA (accessed on-line July 2024) <https://www.acecqa.gov.au/sites/default/files/2024-07/National%20Model%20Code%20Taking%20Images%20and%20Videos.pdf>
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- “Guide to the National Quality Framework” Australian Children’s Education & Care Quality Authority Feb 2024

- *Education and Care Services National Law Act 2010 (version Nov 2023)*
 - 162A Persons in day-to-day charge and nominated supervisors to have child protection training
- *Education and Care Services National Regulations (version May 2024)*
 - 84 Awareness of child protection law
 - 149 Volunteers and Students
 - 168 Education and care service must have policies and procedures
 - 170 Policies and procedures to be followed
 - 171 Policies and procedures to be kept available
 - 172 Notification of change in policies or procedures affecting ability of family to utilise service
- National Quality Standards
 - 2.2.3 Child Protection
 - 7.1.2 Management systems

Review Information

Dates of Revisions:

March 2020, May 2021, March 2022, March 2023, September 2023, Feb 2024, April 2024, May 2024, July 2024

Changes in this revision:

- Clarity that it is only Approved Providers who are able to log into NQAITS to search the Register of Prohibited Persons & Suspended Educators upon employment.
- Included information on the adoption of the recommended National Model Code for Taking Images or Videos of Children and to refer to the "Information Technology and Social Media Policy and Procedure" for role-specific responsibilities.
- Regulation version updated to May 2024

I _____ have been provided with this policy and the opportunity to ask questions. I have read and understand my responsibilities under this policy and procedure. I will ensure I ask questions if I am unsure. I also understand the importance of supporting other educators and families in fulfilling their responsibilities. I will seek support from my supervisor if needed to comply.

Signed: _____

Date: _____