

Child Protection

POLICY

Sustainable Play Preschool is committed to providing a child safe environment where children's safety and wellbeing is supported and children feel respected, valued and encouraged to reach their full potential.

Our service embeds the National Child Safe Principles and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging.

We will ensure all employees and volunteers understand the meaning, importance and benefits of providing a child safe environment and critically, understand their obligations and requirements as Mandatory Reporters.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children.

PROCEDURE

1.0 Child Protection Training

- 1.1 Sustainable Play Preschool has 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.

The following are the approved Child Protection training courses required by Government protocol:

- 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
- NSW Department of Education's Child Protection Awareness Training *
 - * NSW Department of Education staff can complete this course instead of CHCPRT002. This is an approved course for department staff only as it:
 - complements the department's policies and procedures which staff must adhere
 - is designed for the context of department-run preschools located within primary schools.

The list of previously approved courses below has been superseded.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 162A.

- CHCPRT001 - 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.
- CHCCHILD404A- Support the rights and safety of children and young people.
- CHCCHILD404B- Support the rights and safety of children and young people.



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- 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

To ensure child protection awareness is current and up-to-date, Sustainable Play Preschool will:

- assess 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, or whenever significant changes are made to the child protection law or reporting requirements;
- regularly generate staff discussions and revise practices within the service.

For further information refer to [education](#)

2.0 Working with Children Checks (WWCC)

- 2.1 Working in conjunction with the Child Protection Act and National Regulations, the safety, welfare and wellbeing of children is paramount within our service and community.

A Working with Children Check (WWCC) is a requirement for people who work in child-related work.

The result of a Working with Children Check is either a clearance to work with children and is valid for five years, or a bar against working with children.

Management is responsible for the periodic review and maintenance of up to date records of all educators, staff, students and volunteers of Sustainable Play Preschool.

Working with Children Check, includes the Working with Children Check number and the date on which each clearance expires. Once an employee provides their WWCC clearance, management will verify the clearance to ensure that it is valid and current.

Working with Children Check (WWCC) is required for all educators, staff, students, and volunteers of Sustainable Play Preschool.

The WWCC will be placed in the individual's file on OWINA and google drive storage and will be updated as required.



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3.0 Risk factors

The following risk factors (either singularly or in combination) are associated with increased risk of harm for children and young people:

- social or geographic isolation of the child, young person or family, including lack of access to extended family
- previous abuse or neglect of a brother or sister
- family history of violence including domestic violence
- physical or mental health issues for the parent or caregiver which affects their ability to care for the child or young person in their care
- the parent or caregivers' abuse of alcohol or other drugs that affects their ability to care for the child or young person in their care.

4.0 Indicators/Signs of Abuse

The 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. The child or young person's circumstances and their age or other vulnerabilities, for example disability or chronic illness, also need to be taken into consideration.

If you have concerns then you should report them to Community Services.

4.1 Possible signs of neglect

Signs in children or young people

- low weight for age and failure to thrive and develop
- untreated physical problems, such as sores, serious nappy rash and urine scalds, dental decay
- poor standards of hygiene, for example child or young person 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.

4.2 Possible signs of sexual abuse

Signs in children or young people

- bruising or bleeding in the genital area
- sexually transmitted diseases
- bruising to breasts, buttocks, lower abdomen or thighs
- child or young person or their friend telling you about it, directly or indirectly
- describing sexual acts



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- sexual knowledge or behaviour inappropriate for the child's age
- going to bed fully clothed
- regressive behaviour, such as sudden return to bed-wetting or soiling
- self-destructive behaviour, such as drug dependency, suicide attempts, self-mutilation
- child being in contact with a known or suspected paedophile
- anorexia or overeating
- adolescent pregnancy
- unexplained accumulation of money and gifts
- persistent running away from home
- risk taking behaviours, such as self harm, suicide attempts.

4.3 Possible signs of physical abuse

Signs in children

- bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it eg belt buckle, hand print
- 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 or young person is not consistent with their 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, such as having a 'special operation'.

4.4 Possible signs of emotional abuse

Signs in children

- 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.

5.0 Definitions

- 5.1 **Risk of Significant Harm (ROSH)** refers to circumstances causing concern for the safety, welfare and wellbeing of a child or young person present to a significant extent.



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5.2 **Mandatory reporters** -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 educators, family day care educators and home-based educators)
- Law enforcement (e.g. police)
- Residential services (e.g. refugee workers and out-of-home care workers)
- Religious bodies (eg. a person in religious ministry)

6.0 Disclosure of Abuse or Formed Reasonable Belief

6.1 Educators and staff will:

- React calmly to the child making the disclosure;
- Listen attentively and later write down the child's exact words;
- Provide comfort and care to the child
- Follow the steps for reporting as per the Mandatory Reporting 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 to the child or young person what will happen now - that it is part of your job to tell people who can help the child or young person.

6.2 Educators and staff will not:

- Prompt the child for further details or ask leading questions which would make the child feel uncomfortable or has the potential to jeopardise any future legal proceedings that may arise as a result of any investigation.

6.3 Once a Sustainable Play Preschool Educator receives a disclosure or formed a reasonable belief that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect, the educator must input the details in the [NSW Mandatory Reporters Guide - MRG](#) to determine whether a report to the Child Protection Helpline is needed, and follow the suggested prompts.

The possible MRG final decisions outcomes are:

- Consult with a Professional/Service
- Immediate Report to Child Protection Helpline
- Report to the Child Protection Helpline
- Refer to Child Wellbeing Unit (CWU)
- Referral
- No action required for this Decision Tree
- Contact your education peak-body association
- Document and continue relationship / monitor



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- Inform Local Department of Education
- Inform the school where the child/ young person is enrolled and collaborate
- Consult Education Child Wellbeing Unit (CWU)
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If the MRG final decision is "Immediate Report to Child Protection Helpline", "Report to the Child Protection Helpline" or "Refer to Child Wellbeing Unit (CWU)", you will have the option of creating an eReport. An eReport cannot be generated if the MRG final decision is anything other than the three above.

If the report is regarding a life threatening or emergency situation, the Educator will call 000 immediately.

The Preschool Director (nominated supervisor) will ensure that the reporting procedures are carried out and will provide appropriate feedback to the person who raised the concern that action has been taken.

The allegation is not to be discussed with the alleged perpetrator or any other person outside the reporting structure.

Sustainable Play Preschool Educators will document the disclosure, observation and concerns accurately and objectively, using Sustainable Play Preschool's 'Risk of Significant Harm Record' which will be kept in line with our 'Confidentiality and Privacy Policy'. The Educator will not discuss or take visual images of the child in question or investigate the suspicion themselves.

Informal discussion of any concerns should always occur with the Child Protection Helpline, as family or other reports may have been received by DCJ and the current concerns need to be documented to add to their evidence.

7.0 Confidentiality

- 7.1 It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated.

The individual who makes the complaint should not inform the person they have made the complaint about. This ensures the matter can be investigated without prior knowledge and contamination of evidence.

8.0 Protection for Reporters

- 8.1 Reports made to Community Services are kept confidential. However, a law enforcement agency may access the identity of the reporter if this is needed in connection with the investigation of an alleged serious offence against a child.

Under the Children and Young Persons (Care and Protection) Act 1998 if the report is made in good faith:

- the report will not breach standards of professional conduct
- the report can't lead to defamation proceedings



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- the report is not admissible in any proceedings as evidence against the person who made the report
- a person cannot be compelled by a court to provide the report or disclose its contents
- The identity of the person making the report is protected.

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

9.0 Exchange of information

9.1 Exchange of Information is a key part of ensuring that vulnerable children are protected and supported. The Children and Young Persons (Care and Protection Act) 1998 sets out principles as below:

- A. agencies that have responsibilities relating to the safety, welfare or well-being of children or young persons should be able to provide and receive information that promotes the safety, welfare or well-being of children or young persons,
- B. those agencies should work collaboratively in a way that respects each other's functions and expertise,
- C. each such agency should be able to communicate with each other agency so as to facilitate the provision of services to children and young persons and their families (including, where applicable, prioritised access to services to children and young persons at risk of significant harm and to their families),
- D. because the safety, welfare and well-being of children and young persons are paramount—
 - (i) the need to provide services relating to the care and protection of children and young persons, and
 - (ii) the needs and interests of children and young persons, and of their families, in receiving those services,

take precedence over the protection of confidentiality or of an individual's privacy.

Sharing information about a family with the right service enables a comprehensive assessment, informs decision making and leads to better outcomes that ensure the child's safety. Sharing information can also facilitate a coordinated multi-agency response to families with multiple or complex needs.

Where possible, you should obtain a family's consent to share information, however you do not need consent to share information.

Sharing information takes precedence over a parent's right to confidentiality or privacy because the safety, welfare and wellbeing of the child is paramount.

10.0 Breach of Child Protection Policy

10.1 All educators and staff working with children have a duty of care to support and protect children. A duty of care is breached if a person:

- does something that a reasonable person in that person's position would not do in a particular
- situation
- fails to do something that a reasonable person in that person's position would do in the



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- circumstances
- Acts or fails to act in a way that causes harm to someone the person owes a duty of care.

11.0 Managing a Breach in Child Protection Policy

11.1 Management will investigate the breaches in a fair, unbiased and supportive manner by:

- Discussing the breach with all people concerned will be advised of the process
- Giving the educator the opportunity to provide their version of events
- Documenting the details of the breach, including the versions of all parties and the outcome will be recorded
- Ensuring the matters in relation to the breach are kept confidential
- Approaching an appropriate outcome which will be decided based on evidence and discussion

12.0 Outcome of a Breach in Child Protection Policy

12.1 Depending on the nature of the breach outcomes may include:

- Emphasising the relevant element of the child protection policy and procedure
- Providing closer supervision
- Further education and training
- Facilitating between those involved in the incident (where appropriate)
- Disciplinary procedures if required
- Reviewing current policies and procedures and developing new policies and procedures if necessary.

13.0 Reportable Conduct Scheme- Allegations against educators or other employees, volunteers or students/contractors

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

The Children's Guardian Act 2019, effective 1 March 2020, defines the head of an organisation as a 'relevant entity'. An approved education and care service is listed at Schedule 1 of the Act as an 'entity'.

All staff members have an obligation to report relevant allegations of a child protection nature as part of the Reportable Conduct Scheme to the Approved Provider or OCG. This reportable conduct may have occurred either within work hours or outside work hours. A child is anyone under the age of 18 at the time of the alleged conduct occurred.

The Approved Provider must notify the Children's Guardian within seven (7) business days and conduct an investigation into the allegations. [7-day notification form](#)



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A final report of the investigation must be ready to submit within 30 calendar days or provide information about the progress of the investigation to the Children's Guardian. [30 Day interim report form](#)

The Approved Provider must send a report to the Office of the Children's Guardian that enables the Office of the Children's Guardian to determine whether the investigation was completed satisfactorily and whether appropriate action was or can be taken.

The Approved Provider must ensure an appropriate level of confidentiality of information relating to the reportable allegations as per the Act or other legislation. The heads of relevant entities have obligations under section 57 of the Act to disclose 'relevant information' to the following persons unless they are satisfied that the disclosure is not in the public interest:

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

The Children's Guardian will monitor the entity's response and may conduct their own investigation.

Refer to [Reportable Conduct Scheme](#) for further information.

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

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

14.0 Educating Children about Protective Behaviour

14.1 Our program will educate children

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



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15.0 Record Keeping

- 15.1 There are new record keeping requirements under the National Law and National Regulations in response to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

It is recommended that records identified as relevant to child safety and wellbeing (including child sexual abuse) be:

- kept for 45 years from the date the record was created.
- clear, objective, and thorough
- maintained in an indexed, logical, and secure manner
- retained and disposed of in a consistent manner.

RESPONSIBILITIES

This requirement is to be implemented by: All educators, staff, students, volunteers and families of Sustainable Play Preschool

Resources

Relevant Legislations

Early Childhood Australia Code of Ethics.
Education and Care Services National Law Act 2010.
Education and Care Services National Regulations.
Federal Register of Legislation Privacy Act 1988.
Guide to the National Quality Framework. (2017).
Children's Guardian Act 2019
Children and Young Persons (Care and Protection) Act 1998
Reportable Conduct Scheme- Office of Children's Guardian
NSW Department of Education
NSW Department of Communities and Justice (Child Protection Helpline)

Review

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National Quality Standards

QA2 Children's Health and Safety
2.2 Safety Each child is respected.
2.2.1 Supervision At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2 Incident and emergency management
Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
2.2.3 Child Protection Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.

Regulation

84 Awareness of child protection law
155 Interactions with children
175 Prescribed information to be notified to Regulatory Authority
176 Time to notify certain information to Regulatory Authority
S162 (A) Persons in day to day charge and nominated supervisors to have child protection training

Policies and Procedures:

Supervision Policy
Incident Management Policy
Confidentiality and Privacy Policy
Risk of Significant Harm Record



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Child Safe Environment Policy

Responding to incidents, disclosures and suspicions of child abuse

NSW Department of Education

Responding to incidents, disclosures and suspicions of child abuse

As a staff member in an early childhood education and care and outside school hours care (ECEC) service, you must talk to someone if you are concerned or have a suspicion that a child is at risk of abuse, harm, neglect or ill-treatment. You must make a report if you believe a child may be at risk, even if you have not seen the abuse occur.

This resource should be used as a guide, in conjunction with your service's policies and procedures.

1 Responding to an emergency

If there is no risk of immediate harm, go to Action 2.

If you are concerned that a child's immediate health or safety is compromised, **contact 000 for urgent medical or police assistance.**

Ensure the child feels safe and follow advice from emergency services.

2 Reporting to the relevant authorities

As soon as immediate health and safety concerns are addressed, you must report all incidents, allegations and complaints. Failure to report assault or child sexual abuse may amount to a criminal offence under the *Crimes Act 1900*. Depending on the circumstances, reports to multiple authorities may be required. Reporting requirements can differ based on where the alleged abuse occurred:

At an ECEC service

Report to management

You must report to your approved provider.

NSW Police

You must report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming).

NSW Department of Communities and Justice (Child Protection Helpline)

As a mandatory reporter*, you must report if a child is considered to be at risk of significant harm - reporter.childstory.nsw.gov.au/

NSW Department of Education

Services must report incidents, allegations or complaints to the department through NOA ITS** at acecqa.gov.au/national-quality-agenda-it-system

NSW Office of the Children's Guardian (Reportable Conduct Scheme)

Any reportable allegation or conviction involving a staff member, volunteer or contractor must be reported within 7 business days.

At home or in the community

NSW Police

All adults in NSW are required to report information to police if they know, believe or reasonably ought to know that a child has been physically or sexually abused (including grooming) to NSW Police.

NSW Department of Communities and Justice (Child Protection Helpline)

As a mandatory reporter*, you must report if a child known to you is considered to be at risk of significant harm.

Report to management

If the child attends the ECEC service at which you work, you should notify the approved provider so your service can consider any follow up actions or relevant supports as needed.

*Educators working in early childhood education and care and outside school hours care services are 'mandatory reporters' under NSW child protection law. Mandatory reporters must make a report when they have concerns about the safety, welfare or wellbeing of a child. The Mandatory Reporter Guide should be used on each occasion where there are concerns for a child, as every circumstance is unique.

**Mobile and occasional care services should use the notification forms found at https://education.nsw.gov.au/early-childhood-education/investigation-feedback-and-complaints/regulation-assessment-and-rating/approvals-process#sidenavigation_auto

3 Contacting parents/carers

Always consult with the relevant authorities to understand what information can be shared and when, as this can impact any ongoing investigations.

You may be advised to:

- not contact the parent or carer (for example, in situations where they are alleged to have engaged in abuse); or
- to contact the parent or carer and provide agreed information as soon as possible.

4 Providing ongoing support

Often support will be required for children, families and staff following an incident.

Support might include counselling, access to community services or more information.

Scan the QR code for information on some available counselling and support organisations.



Contact

NSW Police

- Contact Triple Zero (000) in an emergency
- If not an emergency, make a report by calling or attending your local Police station
- For general enquiries, call the Police Assistance Line on 131 444
- If you are unsure if it is a criminal matter, speak with your supervisor. If in doubt, report the matter to your local Police

NSW Department of Communities and Justice (Child Protection)

- Use the NSW Mandatory Reporter Guide at reporter.childstory.nsw.gov.au/mrg
- Call the Child Protection Helpline on 132 111

NSW Department of Education

- Make a report at acecqa.gov.au/national-quality-agenda-it-system
- If unsure call 1800 619 113 or email ececd@det.nsw.edu.au

NSW Office of the Children's Guardian (Reportable Conduct Scheme)

- Call (02) 8219 3800 or email reportableconduct@kidsguardian.nsw.gov.au

5 Debrief and critical reflection

After every critical incident, you should ensure staff are provided the support they need.

Critically reflecting on the incident in a manner that respects the privacy and confidentiality of the incident is recommended to inform required changes to policies, procedures, practices and risk assessments.

Disclaimer: this resource has been adapted from the [Four Critical Actions](#) resource developed by the Victorian Department of Education and Training.