CHILD PROTECTION POLICY

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

Introduction

Normanhurst West Community Preschool is committed to providing an environment that fosters health, development, spirituality, self-respect and dignity, that is free from violence and exploitation. Under the Children and Young Persons (Care and Protection) Act 1998, children and young people must receive the care and protection, necessary to ensure their safety, welfare and wellbeing.

All educators and volunteers of the Preschool are **Mandatory Reporters** and are required to report to the **Child Protection Helpline (Phone: 132 111)** if they have "reasonable grounds" to suspect a child or young person is at risk of significant harm or have current concerns about the safety, welfare or wellbeing of a child or young person where the concerns arise during or from their work. We are committed to ensuring all staff have a full understanding of their responsibilities as a Mandatory Reporter and are supported in fulfilling these.

Goals

- To ensure the safety, welfare and wellbeing of every child in the Preschool.
- To ensure a safe and secure preschool environment for children through employment of approved staff members and procedures are in place for dealing with allegations of inappropriate conduct.

Definitions

- **Mandatory Reporter-** means a person who delivers a service to any child enrolled in a children's service 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. childcare workers, family day carers and home-based carers)
  - Law enforcement (e.g. police)
  - Residential services (e.g. refugee workers and out-of-home care workers)
  - Religious bodies (e.g. a person in religious ministry)
    Ref: https://reporter.childstory.nsw.gov.au/s/article/What-is-Mandatory-Reporting

- **At risk of significant harm (ROSH) -** in relation to a child or young person means that there are current concerns for their safety, welfare or wellbeing because of the presence to a **significant extent** of any one or more of the following circumstances.

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

- The child's or young person's basic physical or psychological needs are not being met or at risk of not being met
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive medical care
- In the case of a child or young person who is required to attend school in accordance with the *Education Act 1990* — the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive and education in accordance with that Act
- The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated
- The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm
- A parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm, or
- The child was the subject of a pre-natal report under section 25 of the *Children and Young Persons Care and Protection Act 1998* and the birth mother of the child did not engage successfully with the support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report. (Children and Young Persons (Care and Protection) Act 1998 No 157, Chapter 3, Part 2, Section 23)

➢ **'Reasonable grounds' -** means that you suspect a child may be at risk of significant harm based on:
- Your observations of the child, young person or family; or
- What the child, young person, parent or another person has told you. You are NOT required to confirm your suspicions or have clear proof before making a report. To do so may interfere with evidence or compromise the work of statutory agencies, for example the Police or Department of Communities and Justice.

Implementation

1. RESPONSIBILITIES FOR MANAGEMENT AND STAFF

The Approved Provider/Nominated Supervisor will:

- The Approved provider will ensure that persons placed in day to day charge of the service have a current qualification in Child Protection https://education.nsw.gov.au/early-childhood-education/working-in-early-childhood-education/child-protection-training-requirements
- Ensure that any adult working or volunteering with children completes a Working with Children Check and does not commence employment without their Working with Children Check verified. Any person whose working with children check has been disqualified as a result of failing to qualify for a working with children check renewal, will not continue employment by the service. This check is verified when renewed; www.ocg.nsw.gov.au/child-safe-organisations/working-with-children-check
- Completion of a Child Protection register in update to date at all times https://education.nsw.gov.au/content/dam/main-education/early-childhood-education/regulation-and-compliance/Register_of_child_protection_concerns_template.docx

- Ensure every adult working with children is made aware of the Children and Young Persons (Care and Protection) Act 1998 and Keep Them Safe: A shared approach to child wellbeing and of their obligations under this law and action plan (Education and Care Services National Regulation, Regulation 84, National Quality Standards QA
- Provide continual child protection training opportunities to ensure that all staff and educators have adequate knowledge of child protection, being able to clearly explain: their obligations as a mandatory reporter: the circumstances which would require them to make a report: how to submit a report.
- The Approved Provider must notify the regulatory authority through the NQA-ITS **within 24 hours** of the following:

    a. Any incident where the any employee reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service;
    b. Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the Law).
    c. The Head of Relevant Entity (HRE) - Approved Provider must give written notice to the Office of the Children's Guardian within 7 days of becoming aware of a reportable allegation. A Final Report must be submitted within 30 days of becoming aware of reportable conduct, upon conducting further investigation. If a final report cannot be provided within 30 calendar days of becoming aware of reportable conduct, the HRE - Approved Provider, must contact the Office of the Children's Guardian and submit an Interim Report.

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

Educators and staff will:

- Develop trusting and secure relationships with all children at the preschool.
- Make reports of current concerns for any child at risk of significant harm to the **Child Protection Helpline for Mandatory Reporters**.

- Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the preschool.
- Comply with other child safety-related policies.
- Ensure they participate in training conversations to deepen their understanding of protection, which will build their understanding of child protection law, in particular their obligations as a mandatory reporter: the circumstances which would require them to make a report: how to submit a report.

2. DOCUMENTATION OF CURRENT CONCERNS

The Approved Provider/Nominated Supervisor will:

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

Educators and staff will:

- Make a record of the indicators observed that have led to the belief that there is a current risk of harm to a child or young person. Complete the NSW Mandatory Reporter Guide and save relevant final decision with the child's details in a safe file. Information on indicators of risk of harm are outlined in the *NSW Mandatory Reporters Guide* which is accessible at https://reporter.childstory.nsw.gov.au/s/mrg
- Discuss any concerns with the Nominated Supervisor of the preschool.
- Advise the Nominated Supervisor of their intention to make a report to the **Child Protection Helpline (132 111)**
- Advise the Nominated Supervisor when a report has been made to the **Child Protection Helpline**. If the report is about the Nominated Supervisor advise the Approved Provider – Management Committee, President.

3. MANDATORY REPORTING

The Approved Provider/Nominated Supervisor will:

- Provide all staff and educators working directly with children with a copy of this Child Protection Policy and access to a copy of the Mandatory Reporters Guide to assist them in their reporting. https://reporter.childstory.nsw.gov.au/s/article/What-is-Mandatory-Reporting
- Provide all staff and educators working directly with children with access to the Child Wellbeing and Child Protection NSW Interagency Guidelines.
- Display the **Child Protection Helpline number (132 111)** on all phone and lists of emergency contact numbers in the interests of timely reporting.

Educators and Staff will:

1. In an emergency, where there are urgent concerns for a child's health or life, it is important to contact the police, using the emergency line **000.**
2. Using the *Mandatory Reporter Guide*, answer the questions relating to concerns about a child or young person. At the end of the process, a decision report will guide as to what action to take. The Nominated Supervisor is available if staff require assistance to use this online tool
3. If the Mandatory Reporter Guide determines that there are grounds to suspect a risk of significant harm to a child or young person, the staff member or educator will either generate an eReport or phone the **Child Protection Helpline number (132 111)**

4. Mandatory reporters should note that the legislation requires that they continue to respond to the needs of the child or young person (within the terms of their work role) even after a report to the **Child Protection Helpline** has been made.
5. If the *Mandatory Reporter Guide* determines that an educator or staff member's concerns do not meet the risk of significant harm threshold they do not need to make a report to the **Family and Community Services Helpline**, however, they should discuss the matter with the Nominated Supervisor to determine whether the child or family would benefit from the assistance of another agency.
6. The staff member or educator should monitor the situation and if they believe there is additional information that could be taken into account, please repeat steps **I to 5** as required.

4. DISCLOSURES OF ABUSE

Educators and staff will:

- React calmly to child making the disclosure
- Listen attentively and later write down the child's **exact words**
  - Provide comfort and care to the child.
  - Follow the steps for reporting as per the Mandatory Reporter Guide.
- Reassure the child or young person that:
  - It is not their fault;
  - It was right to tell;
  - It is not OK for adults to harm children - no matter what;
  - Explain what will happen now - that it is part of your job to tell people who can help the child or young person.

Educators and staff will not:

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

It is important to understand that our role is solely to support the wellbeing of the child at all times,
not to investigate further any disclosure made by the child.
NB: FAIL TO REPORT or FAIL TO PROTECT children is a criminal offence and attracts a 2 year jail sentence.

5. ALLEGATIONS OF ABUSE AGAINST STAFF, EDUCATORS, VOLUNTEERS OR STUDENTS

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

The Approved Provider/Nominated Supervisor will:

- Develop and maintain a system of appropriate record keeping for all allegations to ensure detailed documentation is made and stored as required.
- Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation.

- Contact the Reportable Conduct Scheme on (02) 8219 3800 or at reportableconduct@ocg.nsw.gov.au to clarify information that is unclear before taking any action;
- Assess whether or not a child or young person is 'at risk of significant harm' and, if so, make a report to the **Child Protection Helpline**.
- Determine whether the allegation is a reportable allegation or reportable conviction: https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-fact-sheets
- 7-day notification form will be completed by the HRE - Approved Provider and submitted to the Office of the Children's Guardian within 7 days of becoming aware of reportable allegation, as required under the Children's Guardian Act 2019; https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conductnotification-forms
- Consider whether or not the police need to be informed of the allegation and if so, make a report;
- Ensure confidentiality is maintained at all times and that systems are in place to deal with any breaches of confidentiality.
- Undertake a risk management approach following an allegation to ensure protection and safety of children, staff and visitors at the preschool. Based on this risk assessment, decisions will be made in order to manage the risks that have been identified.
- Develop an investigation plan of the matter. Obtain relevant information from a range of sources. This may include a statement from the person who made the allegation; statements from witnesses and a statement from the person against whom the allegation has been made and any other relevant documentation:
- *If the allegation is being investigated by Family and Community Services or the Police, the Preschool will be guided by their advice as to whether they should independently investigate the allegation.*
- *If the investigation is carried out by the preschool, the information that has been gathered will be assessed and a finding made as to whether the allegation is false, vexatious, misconceived, not reportable conduct, not sustained or sustained. The reasons for the finding will be clearly recorded to ensure that the decision-making has been transparent.*
- The educator, volunteer or student teacher will be advised of the outcome of the investigation in writing. Advice will be provided about the investigation finding and any follow up action that may be required. Advice will also be provided about any rights of appeal and the person will be advised that **the Office of the Children's Guardian** has been notified and the **Joint Child Protection Response (JCPR) Program** also notified of the relevant employment proceeding (if relevant);
- 30-day interim report form or Entity report form (to be provided after the investigation or determination is completed) will be completed by the HRE - Approved Provider and submitted to the Office of the Children's Guardian with 30 calendar days of becoming aware of a reportable allegation, as required under the Children's Guardian Act 2019; https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conductnotification-forms
- Department of Communities and Justice will also be informed of the outcome of the investigation.

6. INFORMING THE EDUCATOR, VOLUNTEER/STUDENT ABOUT ALLEGATIONS

The Approved Provider/Nominated Supervisor will:

- Treat the staff member/educator/volunteer/student with fairness at all times and uphold their employee rights at all times.
- Depending on the nature of the allegation, arrange to inform the person immediately (though be guided by the advice of DCJ or the police).
- Arrange for the person against whom an allegation has been made, to have a support person attend the meeting. This support person must not participate in the discussions throughout the meeting.
- Make accurate documentation of all conversations, and ensure all records are kept confidentially.
- Offer counselling or support to the person subject to the allegation.
- Depending on the nature of the allegation made, the person subject to the allegation may be suspended pending further investigation.
- After all investigations are completed, provide the educator, volunteer or student teacher with verbal and written notification of the outcome of the investigation.

7. RIGHTS OF ALL PARTIES

- The decision making process throughout the investigation will be based on the safety and wellbeing of the child/ren and the educator, volunteer or student teacher and household members.
- Consideration will be taken in relation to actual or potential 'conflicts of interest' that may be held by the investigator.
- All reportable allegations will be notified to the Office of the Children's Guardian. The person, against whom the allegation has been made, will be notified of this and will also be notified of the investigation find and follow up action, including the notification to the Joint Child Protection Response Program;
- The person, against whom the allegation has been made, will be notified of any appeal mechanisms if they are not satisfied with the investigation process or the outcome of the investigation.
- The Approved Provider, Nominated Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest.
- All parties can complain to the Office of the Children's Guardian if they are not satisfied with the conduct of the investigation.

Further information on the Office of the Children's Guardian can be obtained by:

Phone: (02) 8219 3800
Emailing: reportableconduct@ocg.nsw.gov.au
Web: https://ocg.nsw.gov.au

8. CONFIDENTIALITY

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

Evaluation

Management and staff will monitor and review the effectiveness of the Child Protection policy every two years or as required. Updated information will be incorporated as needed. Families will be invited to provide feedback at each review period. This Child Protection Policy will be readily accessible to all staff, families and visitors. A hard copy is located at the sign in desk and a copy is accessible online through the Kinderloop portal and our website www.nwcps.org

References:

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

Related Legislation:

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

Legislative Applications:

- Children and Young Persons (Care and Protection) Act 1998, s.27; s.245A; s.248(1)(b)
- Education and Care Services National Law Act (2010) Part 6 Section 166-167; s.174
- Education and Care Services National Regulations (2011) Part 4.2, R84 Part 4.7, R168, R175 2 (d)(e) and R176 2 (c),
- Children's Guardian Act (2019) Part 4

Related Policies

- Safe and responsible use of digital devices policy
- Supervision Policy
- Providing a Child Safe environment Policy
- Volunteers, Students and Visitor Policy
- Professional Standards ad Ethical Conduct

Review History

Management and staff will monitor and review the effectiveness of the Child Protection policy as needed or every 24 months. Updated information will be incorporated as needed. Families will be invited to provide feedback at each review period.

Last review date	Changes made	Next review date
Oct 2023	Policy rewritten in link with national changes to reporting	Oct 2025
Oct 2025	Updated to meet The National Law changes coming in Sep 2025	Oct 2027
May 2026	Revision for the April legislative amendments	May 2027