

# CHILD PROTECTION AND MANDATORY REPORTING POLICY

**Quality Areas:** NQS 2 – Children’s Health and Safety,

**Policy Owner:** Compliance



## 1.0 Introduction and Purpose

This Policy should be read in conjunction with the **Child Safe Standards Policy**.

We are a Child Safe Organisation. We are strongly committed to the safety, protection, and wellbeing of children. We will uphold each child’s right to be safe and protected. We will build an environment where children are safe, feel safe, and their voices are heard about decisions that affect their lives; an environment that inspires confidence, friendship, security, and happiness.

We are Mandatory Reporters and ensure that all team members understand their responsibilities to meet this most important role.

Where we recognise that a child cannot be protected, we act immediately. We ensure that there are strong systems and processes in place to recognise signs of abuse and neglect and that these are implemented consistently. These embedded practices are built on a culture of training, knowledge of child protection and ensuring that all team members understand their obligations as Mandatory Reporters.

## 2.0 Who does this policy apply to:

All Team Members, Families, Children, Board members, and Contractors

## 3.0 What is our policy:

We have a zero tolerance for any form of abuse and neglect. Our policy framework and practices foster a culture of openness, inclusiveness, and awareness, where children and adults know what to do if they observe or are subject to abuse and inappropriate behaviour.

Particular attention will be paid to the cultural safety of Aboriginal and Torres Strait Islander, children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability.

To ensure this, we:

- we endorse, communicate, and strictly embed our zero tolerance for child abuse and neglect; and
- actively work to listen to and empower children; and
- will take all allegations and concerns seriously and respond to allegations consistently in line with our policies and procedures and Child Protection Law and National Regulations; and
- are committed to engaging the most suitable and appropriate people to work with children; and
- are committed to ensuring that volunteers, team members and staff understand their child protection responsibilities; and
- we embed a culture of child protection best practices that includes ongoing training.

## 3.1 Our Image of The Child



Our *'Image of the Child'* is all children are capable and competent citizens who are holders of rights. The **UN Convention on the Rights of the Child** (UNCRC) documents that all children have the right to an opinion, to be listened to and taken seriously. The meeting of this right challenges situations of violence, abuse, threat, injustice or discrimination.

Adults can act to protect children when information is communicated to them, and they take that information seriously. Children are empowered to voice their concerns, fears and frustrations with any team member or other adult so that it is much easier for violations of rights to be exposed. Team Members and staff will respond to children's concerns with sensitively, truthfully and respectfully to help them feel that their voices are valued and that they are included in decisions that affect their lives.

### 3.2 Mandatory Reporters

All Team Members, both in centre and at support office, are Mandatory Reporters and must report, where they believe on reasonable grounds, that a child is at significant risk of harm or have concerns about their child's safety.

At times, team members may refer to a child protection incident as a *'child harm incident'* for incidents of a physical nature. In some instances, the term *'child protection incident'* for any other types of incidents such as sexual, psychological or emotional allegations or those that are external to the centre.

At times these terms may use interchangeably based on the incident and are all child protection incidents.

Child Protection allegations or observations apply to all adults. This can include parents or other family members, team members or other visitors to the centre. Allegations from all adults will be reported.

Where a child harm allegation relates to a team member it will be managed in accordance with the Child Harm Classification Table and Child Harm Management Process. Failure to report child harm is considered a critical incident and a serious breach of a team members job requirements, and in some states an offence.

### 3.3 Confidentiality

Team members, volunteers and students must maintain confidentiality at all times. This is most relevant when dealing with child protection allegations of abuse and neglect.

Details and the identity of the child and their family are limited to those who are managing the incident. The specific details of the person who reported the allegation will be protected. Additionally, when a team member reports a child protection allegation to their state-based authority permission will be gained from the intake officer as whether the parent/s should be informed. This information will be noted on the Child Protection Observation Tool.

### 3.4 Recruitment

We recruit the most suitable persons to work with our children. Our recruitment processes are robust and screening practices help to reduce the risk of unsuitable persons being appointed.

A thorough review of an applicant's supplied work-history is undertaken, and interviews include questions about their understanding of child protection reporting requirements. Open-ended behavioural-based questioning allows insight into the applicant's values, attitudes and understanding of professional boundaries and accountability.

Reference checks of two person/s are undertaken, and it is a requirement that at least one direct-line manager is provided who can account to their work. Working with Children Check (or state-based equivalent's, e.g. Blue Card's/Working with Vulnerable Persons Card's) must be valid for any person to work at Guardian. In addition, the team member must not be subject to any prohibition notices preventing them from working in the industry or criminal convictions that

### 3.5 Safe Environments

Providing safe environments for vulnerable children has positive, lifelong impacts. Children are valued both as individuals and as part of a group where similarities and differences are celebrated, and stereotypes are challenged. Differences between and within cultures are accepted, respected and welcomed. Team members will ensure children's learning environments are emotionally safe, accessible, inclusive and non-discriminatory.

Our Guardian Curriculum also recognises that children move through different stages of development at their own pace. As part of the curriculum the program will support children to learn about their bodies and how it works, in an age-appropriate way.

Programming includes age-appropriate discussions about child protective behaviours. It is recognised that from the youngest age child protective discussions can occur from asking for consent for a child to have their nappy changed, encouraging children to respect their body and the bodies of others as well as developing trusting relationships where children can communicate their feelings and when they feel unsafe.

Children are empowered to self-regulate their own behaviours and emotions. Supporting children's emotional and social development is central to encouraging them to feel confident to communicate with others and identify when they feel sad, hurt and angry and needing support. Children being able to express themselves confidently is an essential an important protective behaviour. These learnings are embedded throughout our program.

Children, from approximately 3 years of age, start to recognise difference in their bodies and those of their peers. It is not uncommon for children to engage in play where children communicate about body differences. When this does occur team members adjust their programming to ensure that the rights and dignity of others are maintained at all times and that supervision practices highlight more direct supervision.

We will discuss these instances with families and where these are not an isolated incident programming will strengthen direct supervision and focus on age-appropriate discussions about respecting and not touching each other's bodies.

## 4.0 Responsibilities:

### 4.1 The Approved Provider (Guardian) will:

1. Develop and implement systems to ensure that team members are aware of and meet child protection practices, their mandatory reporting requirements and provide information as required.
2. Set out and provide appropriate training and education on child protection to team members based on state-based requirements and best practice.
3. Ensure that there are systems and information in place to capture child protection training records for all Responsible Persons including Nominated Supervisors in accordance with the Responsible Person Policy.
4. Ensure all centres, support office team members, and eligible students, volunteers and team members hold a current Working with Children Check (WWCC) or equivalent. Where a team member is under the age to apply for a WWCC systems will be in place so that staffing supports that they are supervised at all times by a team member holding a WWCC.
5. Ensure the recruitment policy outlines the screening process of all team members to ensure they are suitable.
6. Notify the relevant regulatory authority within the required timeframes.
7. Maintain confidentiality at all times via a Confidentiality and Privacy Framework.
8. Ensure that a Head of Organisation (CEO) is appointed and briefed on all incidents referred to the appropriate Reportable Conduct Schemes (where applicable).
9. Foster cultural safety by sharing knowledge, raising awareness and developing understanding that leads to cultural sensitivity, and finally, cultural competence.
10. Require all Nominated Supervisors and Responsible Persons to complete and maintain an approved child protection training.
11. Ensure clear procedures are in place for reporting suspected child abuse and management of complaints and that these are reviewed and updated in-line with legislation and best practice.
12. Ensure that all centres understand their reporting obligations as outlined in the Notifications Table.

13. Develop and implement the Privacy Policy that outlines the information collection and management sensitive information.
14. Conduct procedurally fair investigations as a result of any or all child harm allegations or observations that includes the complainants right to reply.
15. All records relating to child sexual abuse that has, or is alleged to have occurred, will be kept for for at least 45 years.
16. Records will be kept and maintained in a clear, objective, and thorough manner, maintained in an indexed, logical, and secure manner way. Documents and records will be retained and disposed of in a consistent manner as outlined in the Records Retention and Management Policy.

#### 4.2 Centre Manager/Nominated Supervisors will:

1. Check and maintain current Working with Children Checks or equivalent. Ensure that these are up to date.
2. Child Protection information is stored in the compliance folder. This should include the Child Harm Classification Table, Child Harm Management Process, Zero Tolerance Poster, Child Protection Observation Record, Child Protection Poster (State-based), Notification Reporting Table and a copy of the Supervision Risk Management Plan.
3. Ensure that no child is left alone or out of sight with a contractor, visitor, volunteer, student, or family member (other than their own) at the centre and that all team members are aware of this practice.
4. Maintain confidentiality at all times, this should include that documents are retained and managed in accordance with the Records Retention and Management Policy and that sensitive conversations remain confidential.
5. Ensure that all team members, volunteers, and students understand our policies and complete any relevant child protection and mandatory reporting training required.
6. Where you believe on reasonable grounds, that a child is at significant risk of harm or have concerns about their child's safety. significant concern for a child's safety, ensure that you report to child protection in accordance with this policy and the Child Harm Management Process and Child Protection Poster (State-based)
7. Where there is an allegation of child harm with a team member, you must immediately refer to and undertake the actions in the Child Harm Management Process and Child Harm Classification Table.
8. Ensure all child protection incidents are documented in BeSafe without delay.
9. Ensure that any updates related to Child Safe Standards and Child Protection are reviewed and that this information is made available to the team and that any changes implemented.
10. Offer support to the child and their family, and to team members in response to concerns or reports relating to the health, safety, and wellbeing of a child.
11. Working in cooperatively and transparently with any Government Agencies and Departments including Child Protection, Police, Reportable Conduct Schemes and the Department of Education or other regulatory bodies in the state. Where an agency calls the centre and requires information, a summary of this information will be documented on a Third-Party Contact Form and forwarded to Compliance.
12. Ensure rostering embeds a minimum of two (2) team members opening and closing the centre.
13. Ensure that all team members and staff understand their obligations as a Mandatory Reporter
14. Provide training and updates to team members about reporting requirements and ensure that all team members know how to escalate and manage concerns as outlined in the Child Harm Management Process.
15. Ensure that the centre Supervision Risk Management Plan is updated annually or in response to supervision issues.
16. A Child Support Plan will be developed and implemented where a child requires specific supervision practices.
17. Ongoing occurring incidents that place the children at significant risk will be managed in accordance with the escalation procedure. This includes that where a child is exhibiting harmful sexual behaviours. This will include the development of a risk management plan.
18. Ensure that any allegations, incidents or complaints related to child protection are reported on Be Safe immediately within four hours. If this incident occurs after 4:00pm then this must be entered before 10:00am the next morning. If this timeline cannot be met compliance must be notified. If the information being reported is sensitive contact compliance so that the record can be amended to be a confidential record.
19. Ensure that all allegations and incidents related to Child Protection are reported in accordance with the Notification Table.

20. Educate team members about the Zero Tolerance Poster and ensure that if any team members are observed or reported to have undertaken these behaviours with children that immediate action is taken consistent with the Child Harm Classification Table and performance management requirements.
21. That team members are aware of which families have court orders or other related orders in place that there is a system implemented so team members know who can collect and who cannot.
22. Court orders are regularly checked, and updates are gained from families and changes noted on their Enrolment Form. This should include that court orders are kept up to date.

#### 4.3 Support Office will:

1. Ensure that they hold a current WWCC or equivalent and provide a copy of this check to their manager.
2. Escalate any concerns or allegations related to Child Protection to the Centre Manager or Portfolio Manager immediately.

#### 4.4 Team members will:

1. Maintain their current Working with Children Checks or equivalent state-based check. A copy of the check will be provided to the Centre Manager.
2. Implement the procedures for reporting suspected child abuse and management of complaints in accordance with the Child Harm Classification Table and Child Harm Management Process.
3. Raise any concerns or allegations immediately in accordance with the Child Harm Management Process as soon as concerns, complaints, or allegations become apparent regarding the health, safety and wellbeing of a child.
4. Ensure that all interactions with children are warm, responsive and meet the requirements in the Relationships with Children Policy.
5. Report to you manager when any behaviour is observed that contravenes the Zero Tolerance of Abuse or Neglect Poster.
6. Ensure that all incidents, allegations and complaints are logged on Be Safe within four hours of the incident occurring or before 10am the next morning, if the incident occurs after 4pm. If you have concerns that an incident contains sensitive information alert your Centre Manager/Responsible Person so that the Be Safe Record can be made confidential.
7. Complete the Child Protection Observation Tool to record any child protection observations and notifications. This will be uploaded into the Be Safe Record.
8. Escalate concerns immediately to your next in-line manager, when you feel concerns are not being taken seriously. This may include your Portfolio Manager if this has already been raised with the Centre Manager.
9. Ensure that team members are within sight or sound of each other.
10. Ensure that children are always supervised, and no child is left alone or out of sight with a contractor, visitor, volunteer, student, or family member (other than their own children).
11. Ensure that supervision strategies that outline management of are developed and documented in the Supervision Risk Management Plan.
12. Maintain confidentiality at all times. This includes not sharing sensitive information about families and ensuring that sensitive documents are kept in locked filing cabinets in accordance with the Privacy Policy and Records Retention and Management Policy.
13. Ensure that where a significant concern is held for a child or believe that the child's safety is at risk, these concerns will be reported immediately to the state-based Child Protection Department in accordance with the relevant state-based Child Harm Management Process.
14. Understand their responsibilities as a Mandatory Reporter as outlined in this policy, including how to recognise and respond to signs and symptoms of abuse and neglect.
15. Communicate regularly with families about their child's day that includes information about any incidents or injuries and their involvement in the program.
16. Understand and meet our commitment to being a child safe organisation and work with the team to ensure children are always safe.
17. Ensure that bathrooms and other hard to view areas of the indoor and outdoor play space are noted on the Supervision Risk Management Plan and identify supervision expectations at these times including that children are always in sight and sound.



- 18. Where children have been engaging in sexualised play that supervision strategies will be strengthened particularly in hard to view areas and bathrooms. Incidents related to sexualised play will be discussed with families including strategies identified.
- 19. Ensure that where a family wants to hold a discussion that is confidential it is held away from other team members, children, and families. The care of the children and where you are working directly with children must be considered, which may include another team member relieving to ensure adequate supervision. Where this is not urgent a time where all persons are available can be suggested and arranged.
- 20. Ensure that all children are adequately supervised at all times in accordance with the Adequate Supervision Policy and adjust their supervision practices in accordance with the needs of the children, group and the routines and rhythms of the day.
- 21. Ensure that they are aware of those persons who are allowed to collect a child from care. Where a person enters the centre for any reason and is unknown, that they are stopped asked for identification and why they are in the centre in accordance with the Arrivals and Departure Policy.

**4.5 Families and communities will:**

- 1. Work in partnership with the centre to ensure a child safe environment. This will include updates about my child, relevant to their care will be provided to their team member or Centre Manager.
- 2. Report any child safety concerns to a team member or Centre Manager immediately.
- 3. Any court orders or court related documents relevant to the care of my child are provided to the centre so that these can be met.
- 4. Ensure that when visiting the centre that all doors are closed after entering and exiting and that only allow their child to exit.
- 5. Alert team members on arrival and ensure that they are aware of the arrival of their child and provide any relevant information to support their child’s day.
- 6. Alert the centre if my child has sustained an injury or illness that may impact their care or require attention.
- 7. Ensure that they sign their child in and out each day.

**5.0 State Specific Requirements**

We meet all required legislative requirements to keep children safe including those related to child protection. This is embedded by implementing a policy that reflects legislative requirements as well as best practice initiatives. It is recognised that each state and territory apply its own child protection framework and this policy recognises and documents those differences.

Our Child Protection and Mandatory Reporting Policy framework reinforces the importance of reporting to child protection where a team member holds on reasonable grounds that a child is at significant risk of harm or is unsafe. Where this threshold is met reporting occurs to the relevant state-based child protection authority and in the cases of physical or sexual abuse allegations or incidents via ACECQA to the relevant Regulatory Authority.

From time to time, incidents will meet the threshold for reporting to a Reportable Conduct Scheme or similar (Victoria, New South Wales, ACT). The reporting requirements vary from state to state however are based on an allegation and meeting specific elements of the reporting requirements.

Our Compliance team will review all relevant notifications to ascertain if they meet the reporting threshold. Where these meet the reporting threshold the Head of Organisation (CEO) will be notified, and Compliance will manage notification and investigation requirements.

In addition, some states have legislated additional requirements that need to be met.

| State | Requirement |
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| <b>ACT</b> | <p>The <i>Senior Practitioner Act 2018</i> enshrines the principle that providers should only use restrictive practices in very limited circumstances – as a last resort, in the least restrictive way and for the shortest period possible in the circumstances.</p> <p>Centres must have an approved behaviour support plan including written documentation from the child’s specialist in place and have approval from their Portfolio Manager and Compliance before engaging in any practices that meet these legislative requirements.</p>   |
| <b>VIC</b> | <p>The MARAM Framework is the approved family violence risk assessment and management framework under the Family Violence Protection Act 2008. The Family Violence Information Sharing Scheme (FVIS) enables organisations and services prescribed as Information Sharing Entities (ISEs) to share information related to assessing or managing family violence risk. The FVIS Scheme supports ISEs to keep perpetrators in view and accountable, and to promote the safety of victim survivors of family violence.</p> <p>MARAM, the Child Information Sharing Scheme (CIS Scheme) allows prescribed organisations and professionals who work with children, young people and their families to share information with each other to promote children's wellbeing and safety. Family violence and child wellbeing concerns often co-occur, and in practice, professionals are likely to consider using either or both schemes in combination as appropriate.</p> <p>Where a team member deems that a family is at risk or a request for information has been made from an external body to access information about a child or family, the centre should contact Compliance (<a href="mailto:compliance@guardian.edu.au">compliance@guardian.edu.au</a>) to ascertain if it meets sharing requirements and to support the implementation of the process.</p> |

## 6.0 Tools and Resources

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| <p><b>The most important documents I need are:</b></p> <ul style="list-style-type: none"> <li>Child Safe Standards Policy</li> <li>Family, Visitors and Children’s Complaints Policy</li> <li>Adequate Supervision Policy</li> <li>Code of Conduct</li> <li>Child Harm Classification Table</li> <li>Child Harm Management Process</li> <li>Zero Tolerance Poster</li> </ul> | <p><b>Other supporting documents will include:</b></p> <ul style="list-style-type: none"> <li>Child Protection Observation Record</li> <li>Child Protection Poster (State-based)</li> <li>Notification Reporting Table</li> <li>Responding to Children and Young People’s Disclosure of Abuse.</li> <li>Guardian Curriculum</li> <li>Child Support Plan</li> <li>Supervision Risk Management Plan</li> </ul> |
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## 7.0 Sources

| National  | Australian Capital Territory   | New South Wales   |
|---|--|---|
| <ul style="list-style-type: none"> <li>Education and Care Services Act (2010)</li> <li>Education and Care Services Regulations (2018)</li> <li>Family Violence Protection Act 2008 (FVPA)</li> <li>Child Safe Standards (2017)</li> <li>Guide to the National Quality Framework 2018</li> </ul> | <ul style="list-style-type: none"> <li>Reportable Conduct ACT Ombudsman</li> <li><a href="#">Reportable conduct   ACT Ombudsman</a></li> <li>Senior Practitioner Act 2018 (ACT)</li> <li>Children and Young People Act 2008 (ACT)</li> </ul> | <ul style="list-style-type: none"> <li>Office of Children’s Guardian</li> <li><a href="#">Reportable Conduct Scheme   Office of the Children’s Guardian (nsw.gov.au)</a></li> <li>Children’s Guardian Act 2019 (NSW)</li> </ul> |
| Queensland  | South Australia  | Victoria  |
| <ul style="list-style-type: none"> <li>Child Protection Act 1999 (QLD)</li> </ul>   | <ul style="list-style-type: none"> <li>Children’s Protection Act 2017 (SA)</li> </ul>  | <ul style="list-style-type: none"> <li>Commission of Children and Young Persons</li> </ul>  |

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|  |  | <a href="#">CCYP   Recognising, respecting, and defending the rights of children and young people</a><br>Children, Youth and Families Act 2005 (VIC) |
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## 8.0 Links to the National Law and Regulations

- 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 Section 166
- Offence to use inappropriate discipline
- Regulation 84 Awareness of child protection law
- Regulation 168 Education and care services must have policies and procedures

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