

Child Protection Policy and Procedures

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EYLF	Principle 1: Secure, respectful and reciprocal relationships

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Policy Statement

The wellbeing of children in our community is understood by Heritage Early Childhood Centre (Heritage) to be a 'shared responsibility'. A strong healthy community can be measured by the way in which its most vulnerable members are protected from harm. Heritage understands that all children are active, competent learners, rich in potential, however they are vulnerable and depend on adults to keep them safe. It is every child's right to be safe, loved, and protected from all forms of abuse and neglect and it is the legal and moral obligation of all adults responsible for children to ensure their safety and wellbeing. In the education and care setting, families have the right to expect that their children will be protected from harm including all forms of abuse and neglect while at the Heritage service. Heritage is a child safe organization that is committed to protecting children. A comprehensive risk management plan is in place to ensure children are provided with a child safe environment.¹

Child abuse and neglect are broad terms for actions that endanger a child's physical and/or emotional health and can be any or a combination of physical, sexual or emotional abuse and neglect. It usually involves a pattern of behaviour over time but may be a single incident. There is growing evidence that young children are facing the potential of abuse in our society. Early intervention can prevent serious harm as child abuse and neglect may lead to long term harm to the physical or emotional wellbeing and development of a child or young person. There is no simple explanation for why child abuse and neglect occur, rather, there are a number of interacting factors that increase the risk of a child or young person being abused or neglected, such as family circumstances impacting on a parent's ability to parent. Heritage educators are in daily contact with children and their families and are well placed to observe when a child appears to be at risk of harm arising from abuse or neglect.

Heritage understands the requirements under the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations 2011*, to ensure that every reasonable precaution is taken at the service to protect children from harm and hazards (National Law Section 167); that is an offence to use inappropriate discipline (National Law Section 166); that policies and procedures must be developed in relation to providing a child safe environment (Regulation 168); and that all staff must be familiar with current child protection policies and procedures including state and territory legislative responsibilities and their obligations under these laws (Regulation 84).

In addition, Heritage understands the *Working with Vulnerable People (Background Checking) Act 2011* requires people over 16 who work or volunteer with children in early childhood services, or other vulnerable people to be registered with Access Canberra. All Heritage educators, other staff, students on practicum and Committee Office Holders must have current Working with Vulnerable Persons (WWVP) cards. Family members who volunteer to help with the daily program of activities or on excursions are exempt from the need to have a WWVP card provided they do not volunteer for more than a total of 3 days in any 4-week period or 7 days in any 12-month period. However, they are required to sign a Family Helper Declaration Form.

Heritage management ensures all educators are provided with training and resources to ensure they are able to make informed judgements regarding age-appropriate child behaviour, including sexual behaviour, and to identify indicators of child abuse/neglect. They are trained to understand their moral, professional and legal obligation, as Mandated Persons in the community under the *Children and Young People Act 2008*, to act immediately to protect the wellbeing of children in their care. Suspected child abuse/neglect must be reported without delay to Child and Youth Protection Services (CYPS), and to the police if in imminent danger. Initially it is preferred, though not compulsory, that educators inform the Director. Alternatively, educators may report directly to CYPS. CYPS, within The Office of Children, Youth and Family Support, is the statutory child protection agency in the ACT with legislative responsibility under the *Children and Young People Act 2008* for coordinating services across government for the protection of children and young people believed to be at risk of harm.

¹ Refer to: Appendix 2: Child Protection Risk Assessment; Work Health and Safety Policy - Risk Assessment

The Management Committee understands its legal obligation to report to the ACT Regulatory Authority (Children's Education and Care Assurance - CECA) within 7 days of becoming aware of an incident or allegations of sexual/physical abuse occurring/having occurred to a child while being educated and cared for at the service. In addition, the Committee understands its' obligation under the ACT Reportable Conduct scheme to report to the ACT Ombudsman on becoming aware that a Heritage employee (including volunteers and others providing Heritage services to children) has engaged in child abuse (allegations, offences or convictions). The scheme, introduced in 2017 to oversee how organisations respond to allegations of child abuse/misconduct by employees, covers a broader range of conduct compared to the abuse which must be mandatorily reported to CYPS and CECA. ²

Following any allegation against an employee of child abuse or misconduct, Heritage management understands it is responsible for assessing the risk that employee poses to a child or group of children. This responsibility also applies during any investigation and following any final decision regarding the action to be taken. Heritage understands this risk assessment must be provided to the ACT Ombudsman as required.

Child protection is a sensitive and highly emotional issue and educators, families and children require support both during and after the reporting of child abuse issues. It is important that privacy and confidentiality principles are upheld and that children are not labelled and/or persons assumed to be guilty before the matter is properly and appropriately investigated. While the perpetrator is often someone the child knows, given other children/educators may be accused of being perpetrators, Heritage understands it is crucial that procedures and guidelines in this policy are followed.

Scope

It is understood that there is a shared responsibility between the Heritage service and all its stakeholders, including management, the Management Committee, educators and other staff, families, students, volunteers and all visitors to the services premises and during off-site excursions/activities, to implement the Child Protection Policy and Procedures as a matter of high priority, due to the potentially serious consequences to the health and wellbeing of children by not doing so.

Policy Aims

The Heritage Child Protection Policy has been developed to:

- Support the rights of all children to feel and be safe at all times and to promote their wellbeing and learning.
- Support a service culture in which children feel valued, respected and cared for.
- Encourage active participation by families at Heritage to ensure service practice is based on a collaborative partnership approach with shared responsibility for children's safety, wellbeing and development.
- Ensure all reasonable precautions are taken at all times to ensure children are protected from foreseeable harm or hazard while maximising their learning and development.
- Promote awareness that child abuse and neglect exist in our society and to define the forms it may take.
- Ensure that Heritage management and educators are provided with training, resources, information and guidance in relation to child protection matters, including child protection law and their duty of care in relation to the protection of children under the law.
- Ensure Heritage management and educators are aware of their roles and responsibilities in relation to identifying, intervening and responding to every child at risk of abuse and neglect in a timely and effective manner.
- Set out clear procedures for managing concerns and incidents related to suspected child abuse and neglect.

² Refer to: Section on Reporting Obligations - Identifying Reportable Conduct Factsheet; Code of Conduct Policy

Rationale

Heritage recognises it has a duty of care to take all reasonable practicable steps to provide the Heritage community with a safe and healthy environment that supports the emotional and physical wellbeing of all employees and children (*Work Health and Safety Act, 2011*). In addition, this policy has been developed to comply with the:

- *Education and Care Services National Law Act 2010 (ACT)*
- *Education and Care Services National Regulations 2011 (ACT)*.³
- *National Quality Standard for Early Childhood Education and Care 2012*⁴
- *Children and Young People Act 2008 (ACT)*
<http://www.legislation.act.gov.au/a/2008-19/current/pdf/2008-19.pdf> (republished 2018)
- *Working with Vulnerable People (Background Checking) Act 2011 (ACT)*.
- *Working with Vulnerable People (Background Checking) Regulation 2012 (ACT)*
- *Reportable Conduct and Information Sharing Legislation Amendment Act 2016*
- *Human Rights Act 2004 (ACT)*
- *Human Rights Commission Act 2005 (ACT)*
- The Heritage Philosophy Statement; Heritage Code of Ethics.

Definitions

- **Child or Young Person:** The *Children and Young People Act 2008 (ACT)* defines a child, for the purpose of mandatory or voluntary reporting, as a person who is under 12 years old, and a young person as a person who is 12 years old or older, but not yet 18 years old.
- **Child Abuse:** Child abuse is the term used for different types of maltreatment that endangers a child or young person's safety, wellbeing, and development. Child abuse can be a single incident or a chronic pattern of behaviour over time and may be intentional or unintentional.⁵
- **Neglect:** Neglect refers to a failure to provide a child/young person with the basic needs for his/her physical, emotional/psychological and intellectual development. It may be chronic or episodic.⁶
- **Bullying:** A person is deliberately and often repeatedly physically/emotionally hurt by a more powerful person or group of people. Bullying can involve name calling or teasing, verbal threats and rumours, or deliberately excluding a child from an activity. It may also involve the child being hit or pushed around by another child/group of children or the child's property being taken away or damaged.
- **Reportable Conduct:** Child-related misconduct (whether allegations or convictions), engaged in by an employee of Heritage (including volunteers and others engaged to provide services to children) of Heritage, whether or not in the course of employment with Heritage and regardless of a child's consent.⁷
- **Duty of Care:** A common law concept that refers to the responsibilities of organisations to provide people with an adequate level of protection against harm and all reasonable foreseeable risk of injury. In the context of this policy, duty of care refers to the responsibility of education and care services to provide children with an adequate level of care and protection against foreseeable harm and injury.
- **Mandatory Reporting:** The legal obligation of certain professionals in the community to report suspected child abuse or neglect.
- **Mandated Person:** A Mandated Person is a professional in the community required to report suspected child abuse or neglect to child protection authorities. In the ACT this includes "a person who is caring for a child at a childcare centre".

³ Refer to: Appendix 1: Relevant National Law, Regulations and Quality Standards

⁴ Refer to: Appendix 1: Relevant National Law, Regulations and Quality Standards

⁵ Refer to: Recognising Child Abuse and Neglect

⁶ Refer to: Recognising Child Abuse and Neglect

⁷ Refer to: Section on Reporting Obligations

Recognising Child Abuse/Neglect

- Heritage educators are trained to recognise Child Abuse and Neglect using the guidelines published by the ACT Government’s Office for Children, Youth and Family Support in ‘Keeping Children & Young People Safe: a shared community responsibility’ (updated November 2017) and summarised in the table over-page.
- The guide is published to assist Mandatory Reporters when considering whether to make a Child Concern Report to Child and Youth Protection Services (CYPS).
- Each kind of abuse has a range of possible warning signs, or indicators, and just one sign on its own may not suggest abuse is happening.
- Circumstances which may not meet the threshold for reporting to CYPS, may warrant referrals to family support agencies ⁸ For example:
 - Significant parenting problems that may be affecting the child’s development.
 - Families under pressure, due to a family member’s physical or mental illness, substance misuse, disability or bereavement.
 - Young, isolated and/or unsupported families.

Recognising Child Abuse and Neglect in Children and Young People	
Physical Abuse	<p>Physical abuse is the non-accidental injury of a child by an adult. An injury can be caused by a single act or repeated acts. Examples include hitting, shaking, burning, excessive physical discipline, attempted suffocation.</p> <p>Indicators of possible physical abuse may include but are not limited to:</p> <ul style="list-style-type: none"> • Seeming to be accident prone – broken bones, dislocations, or unexplained bruises or injuries. • Bruising or marks that show the shape of an object • Multiple scars of different sizes or ages • Explanation for injury seems unlikely or is inconsistent with the injury type • Not wanting to go home, or somewhere else. • Flinching when approached by adults • Frozen watchfulness • Family use of different doctors or delay in seeking treatment • Parents absent, or undisturbed by the injury when the child presents for treatment • Reluctance to give information on previous injuries • Children provided with alcohol or non-prescribed drugs.
Sexual Abuse	<p>Sexual abuse is any sexual act or threat impacting on a child, including unwanted sexual acts on a child over the age of consent (16 years old).</p> <ul style="list-style-type: none"> • Sexual abuse includes comments, physical contact, exposure to adult sexual activity and exposure to or involvement in sexual imagery. • Sexual abuse is difficult to detect because it is often surrounded by secrecy. Children are threatened or coerced into remaining silent and are frightened of what might happen if they tell someone about what has happened. Children who do tell someone often deny the abuse later on because of fear or because of how the person they told reacted.⁹ • There may be no physical signs to indicate sexual abuse. Instead, signs are likely to be emotional or behavioural. • Child and Youth Protection Services becomes involved when a parent or carer are implicated in the abuse or are failing to adequately protect the child. Most cases of sexual abuse by a stranger or non-family member are responded to appropriately by parents and therefore do not need to be reported to CYPS. The Police, however, should always be informed.¹⁰

⁸ Refer to: References; Reporting Obligations – Forming a Professional Judgement

⁹ Refer to: Procedures Table: Responding to a child who discloses abuse or neglect

¹⁰ Refer to: Reporting Obligations

	<p>Indicators of possible sexual abuse may include but are not limited to:</p> <ul style="list-style-type: none"> • Direct or indirect disclosures • Inappropriate sexual knowledge or behaviour for their age and development • Sudden and unexplained changes in mood or behaviour • Anxious unwillingness to remove clothes – such as for sport events • Difficulty sleeping, nightmares or sudden unexplained fears • Not wanting to go home, or somewhere else • Self-destructive behaviour, such as eating disorders • Substance abuse, self-mutilation, suicide attempts • Suicidal thoughts • Pain, bleeding or swelling in genital or anal area • Having a sexually transmitted disease • Is pregnant
<p>Emotional Abuse</p>	<ul style="list-style-type: none"> • Emotional abuse is when a child repeatedly experiences events that cause significant harm to their wellbeing or development. Constant yelling, belittling, ignoring and ridiculing are some examples. • Emotional abuse also occurs when a child has been or is being exposed to family violence and that exposure has, is, or would cause them significant harm (see also ‘Family violence’ below). • Emotional abuse can be difficult to recognise as the signs are usually behavioural rather than physical. It is also possible that emotional abuse is a sign that other forms of abuse are occurring in the child’s life. In recognising emotional abuse, it is important to consider the behaviour of the child’s parents or carers as there can be many reasons why a child may be struggling emotionally that are not related to any form of abuse or neglect. <p>Indicators of possible emotional abuse may include but are not limited to:</p> <ul style="list-style-type: none"> • Extremes of behaviour – very aggressive to very passive • Developmental delays • Abnormal attachments with parents – trying too hard to please or failure to connect • Scapegoating • Low self-esteem and confidence, or fearful of doing something wrong • Frozen watchfulness or often anxious or distressed • Being withdrawn or having difficulty relating to others • Feels worthless, unloved or unwanted.
<p>Family Violence</p>	<p>Emotional abuse also occurs when a child has been or is being exposed to family violence and that exposure has, is or would cause them significant harm. This exposure includes:</p> <ul style="list-style-type: none"> • Seeing the violence • Hearing the violence • Seeing the consequences of family violence such as property damage, injuries to those involved including the emotional impact on the victim, or Police visiting the home. <p>Indicators of possible exposure to family violence include:</p> <ul style="list-style-type: none"> • Many of those described for other forms of abuse and neglect. <p>Other examples include but are not limited to:</p> <ul style="list-style-type: none"> • Hypervigilance – overly aware surroundings due to anxiety or extreme fear • Concentration problems • Clinginess • Defiant behaviour and rebelliousness • Withdrawal, loss of interest in social activities, depression • Distrust of adults.

Neglect	<ul style="list-style-type: none"> • Neglect happens when a parent, carer or person with parental responsibility fails to provide a child with life’s basic necessities causing significant harm to the child’s wellbeing or development. • Examples include failure to provide food, shelter, clothing or health care. Neglect can be episodic and related to a particular event in a family’s life, or it can be persistent where the parent repeatedly fails to meet their child’s needs and protect them from harm. • Neglect can have serious, detrimental effects on the child’s social, psychological, educational and physical development. • Evidence of neglect is built-up over time and covers different aspects of parenting. <p>Indicators of possible neglect may include but are not limited to:</p> <ul style="list-style-type: none"> • Malnutrition, frequent hunger or stealing food • Inappropriate clothing for weather conditions (particularly in winter) • Frequent illness, sores that don’t seem to heal, medical problems that don’t seem to be addressed • Children frequently appearing lethargic, disinterested, detached, unresponsive, with no underlying medical issue • Poor hygiene (body odour, matted hair or dirty skin) • Children not meeting developmental milestones when there is no underlying medical issue • Comments that nobody is at home or that they do things by themselves • Being left unsupervised for long periods of time • Being left with adults who are intoxicated or violent • Frequent absence or being late to school • Children thriving away from their home environment.
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Source: *Keeping Children & Young People Safe: A Shared Community Responsibility*, (November 2017). *The Office for Children, Youth and Family Support (ACT)*

Risk Management - Prevention Strategies and Practices

Heritage management identifies, evaluates and plans strategies to minimise the risk of children coming into harm, being abused or neglected by a parent, employee, volunteer, visitor or another child. ¹¹

Service Culture, Philosophy, Code of Ethics and Policies

- Heritage is committed to maintaining a child safe environment and creating a service culture in which children feel valued, respected and cared for at all times.
- The Heritage Philosophy Statement is updated annually to reflect current legislative requirements and best practice in early education and care.
- The Heritage Code of Ethics has been developed to maintain respectful relationships and procedural fairness in all circumstances. Educators are responsible for assessing their personal behaviour and that of their co-workers in order to maintain a professional, responsible approach to families and children at all times throughout the service.
- The Creating Inclusion and Equity Policy has been developed to ensure educators use respectful and inclusive language and practices at all times. In addition, they are aware of cultural practices that may be mis-interpreted as signs of neglect, eg, not cutting hair or nails. Educators are sensitive to these practices but may not ignore them if they believe they endanger the health of the child or other enrolled children.
- Practices related to ensuring a child safe environment and child protection are embedded in the Heritage service and program, informed by on-going critical reflection, and shaped by regular meaningful engagement with families and the community. ¹²

¹¹ Refer to: Appendix 2: Child Protection Risk Assessment; Appendix 3: Child Protection Review Checklist

¹² Refer to: Appendix 2: Child Protection Risk Assessment; Appendix 3: Child Protection Review Checklist; Work Health and Safety Policy – Risk Assessment; Curriculum and Program Planning Policy; Communication and Family Involvement Policy.

- This Child Protection Policy and related procedures and practices are regularly updated to ensure management and educators are aware of indicators of child abuse and neglect and their obligations under child protection law and any changes to these obligations.
- Management and educators must strictly adhere to the procedures in this policy and be vigilant about observing and responding to signs or indicators of child abuse and neglect.

Recruiting and Screening Educators and other Staff, Students and Volunteers

- Heritage carefully selects its employees and develops best practice policies and procedures regarding staff recruitment and screening processes.¹³ These include checking each applicant's identity, background, referees and qualifications and undertaking comprehensive interviews. Interview questions are based on key selection criteria including relationships with children, professional boundaries, resilience and motivation, teamwork, accountability and ethics.
- Heritage ensures all educators, other staff, students on practicum and Office Holders on the Management Committee have current Working with Vulnerable Persons (WWVP) cards prior to allowing them to commence their duties, whether they are in direct or indirect contact with children.
 - **Note:** Family members who volunteer to help with the daily program of activities or on excursions are exempt from the need to have a WWVP card provided they do not volunteer for more than a total of 3 days in any 4-week period and 7 days in any 12-month period. However, they are required to sign a Family Helper Declaration Form.
- Duty Statements are provided to new educators and staff and clearly describe expectations and accountability including in relation to child safety and wellbeing.
- Educators are made aware that child mistreatment is deemed to be Serious Misconduct that warrants instant dismissal of the employee. Forms of mistreatment are detailed in the Behaviour Guidance Policy and Staff Underperformance and Misconduct Policy.
- Annual educator performance reviews are used as an opportunity to identify educators' attitudes, expectations and values in the workplace.
- The Management Committee handover process following the election of each new Committee at the AGM is comprehensive and all new office holders are provided with the Heritage Constitution and a Committee Handbook outlining their responsibilities.¹⁴
- New/relief educators and other staff members are made aware of their responsibilities in relation to child protection and the protection needs of individual children in the service.

Training and Availability of Resources

- National Law 162A requires *'the Approved Provider of an education and care service to 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'*. While there is no specific training requirement in the ACT under *Children and Young People ACT 2008*, Heritage is committed to professional development, ongoing training, and continually updating its resources in child protection to ensure the Heritage community has up to date skills and knowledge.
- All new educators, other staff and families are required to familiarise themselves with Heritage Philosophy and Code of Ethics and abide by all Heritage policies and procedures.¹⁵
- All Heritage educators are fully informed during the induction procedure and through the Educator and Relief Educator Handbooks of their legal rights, responsibilities and procedures in relation to child protection and their responsibility in relation to Mandatory Reporting of known or suspected child abuse/neglect.
- All new educators must sign and acknowledge that they have read the Heritage Code of Ethics and Child Protection Policy during their induction and before they begin work.
- All new educators understand their responsibilities and obligations under the Heritage Work Health and Safety Policy to risk management and providing a child safe environment.

¹³ Refer to: Employment and Staffing Policies; Committee Handbook.

¹⁴ Refer to: Members' Section on Heritage website.

¹⁵ Refer to: Heritage website; Heritage Handbook; Policy Handbook; Educator and Relief Educator Handbooks.

- The Heritage community is able to readily access this Child Protection Policy and there is a clear and accessible complaints procedure.¹⁶
- This policy is regularly reviewed to ensure Heritage management and educators are up to date with current child protection law and any obligations that they may have under that law (Regulation 84).
- Educators are trained to provide protective behaviour programs as part of the educational program to the children, so they learn self-protection behaviours.
- Educators are trained in the early detection of child abuse/neglect¹⁷ and are able to observe for signs of child abuse/neglect and to report promptly to the Director.
- Information about child protection procedures and expectations is regularly discussed at staff meetings and is on the agenda at Management Committee meetings under Work, Health and Safety.
- A Child Protection Folder is available at all times. Copies are kept in the Staff Programming Room/Library and the Main Office and contain contact telephone numbers for reporting suspected child abuse, a copy of the policy and procedures, and a list of reading resources.
- The resource: ***Keeping Children and Young People Safe: A guide to reporting child abuse and neglect in the ACT (November 2017)*** is available to all educators in the Staff Programming Room/Library.¹⁸
- **True Organisation's Traffic Lights Framework (TLF)** resources are available to all educators in the Staff Programming Room/Library and are also available as an App. The TLF provides child protection training and information to meet the National Quality Framework Quality Area 2: Children's health and safety. It describes healthy sexual behaviours (green), concerning behaviours (orange) and harmful behaviours (red) for children and gives possible reasons for specific behaviours to support educators to make informed judgements regarding age-appropriate sexualised behaviour while protecting children from inappropriate/problem sexualised behaviour.¹⁹
- A current list of community services that provide support for children, families and educators in relation to children at risk of abuse/neglect is available at the service.
- Support mechanisms are in place for educators and other staff members who identify children at risk of child abuse/neglect.

Supervision of Children (including on Excursions), Authorised Persons and Visitors

- Active supervision by educators at all times is required by Heritage and essential for a child safe environment.²⁰
- Heritage maintains educator-to-child ratios that meet or exceed the National Quality Standard in order to support active supervision and positive interactions between educators and each child.
- At least 2 educators are on the premises at all times with vision of each other and children.
- All children can be viewed by educators in all indoor and outdoor areas.
- All nappy change areas are visible.
- As far as practicable, no educator is to be left alone with a child at the service.
- Strict procedures are in place for signing children in and out of Heritage and releasing them only to persons authorised to collect them.²¹
- Visitors must sign the visitor book on arrival/departure and not be left alone with children.
- When a parent is delayed at the end of the day, educators must follow the procedures in the Late and Non-Collection of Children Policy and never take a child to their home.
- Parents and family volunteers who accompany the children on excursions must be in view at all times and never allowed to be alone with any child or group of children, unless they are the parent of the child/ren.

¹⁶ Refer to: Heritage Handbook and Policy Handbook on Heritage website; Educator and Relief Educator Handbooks

¹⁷ Refer to: Table: Recognising Child Abuse and Neglect

¹⁸ Refer to: <http://www.communityservices.act.gov.au/ocys/publications/keeping-children-and-young-people-safe>

¹⁹ The TLF link is available on the ACECQA website (although not officially endorsed by/associated with ACECQA). Refer to: <https://www.true.org.au>

²⁰ Refer to: Supervision and Water Safety Policy; Excursions Policy.

²¹ Refer to: Delivery and Collection of Children Policy

- If a child indicates the need to use the toilet or requires a nappy change in an excursion, parents and family volunteers must inform an educator. The educator will carry out the toileting or nappy change unless the volunteer is the child's parent or guardian.
- Students and family volunteers must:
 - Be informed of the supervision and safety requirements;
 - Be under the supervision of a qualified staff member;
 - Not be left alone with children unless they are the parent of the child/ren.

Sleeping and Resting

- There is one age appropriate bed or cot for each child at rest times.
- Each cot room has a window and educators who are settling children can be viewed at all times.²²

Toileting

- Bathrooms are always supervised when children are using them, and educator must strictly follow the procedures for toileting²³, including the numbers allowed in bathrooms at a time as set out in the Hygiene and Infection Control (including Toileting) Policy.
- The bathrooms and nappy change areas must always be open and visible to other staff.
- Volunteers on excursions must indicate to a staff member if a child requires the toilet or a nappy change. Toileting and nappy change procedures must be carried out by a member of staff, not volunteers unless they are the child's parent or guardian.
- Children aged 2-4 generally require some assistance when dressing and undressing, especially when toilet training, however educators must be aware and sensitive to the fact that children have a right to privacy when dressing and undressing. Families are informed of Toileting Procedures.

Behaviour Support, Meeting Individual Needs and Respectful Interactions with Children

- Heritage educators understand there is a difference in power between a child and an adult and their role to protect all enrolled children.
- Heritage educators understand that under the National Law (Section 166), it is an offence to use inappropriate discipline including any form of corporal punishment and any discipline that is unreasonable in the circumstances.
- Heritage educators understand that when children feel comfortable around their caregivers, and their caregivers are warm, responsive and approachable, a powerful message is sent to children that these adults will keep them safe and help them if they have a problem. Children can sense when adults are preoccupied and may withdraw or end a conversation when they believe the adult is not listening.
- Positive and meaningful interactions between children and educators at Heritage are encouraged at all times and negativity is minimised.
- Educators treat enrolled children as individuals at Heritage and listen to each child to understand their stage of development, interests, needs, culture and strengths.
- Educators respond appropriately to and support children with additional needs, including disabilities.
- The Heritage Interactions with Children Policy and the Behaviour Management Policy clearly set out the appropriate ways in which educators may interact with each child and appropriately guide a child's behaviour in an age-appropriate and respectful way.
- Educators inform children if physical contact is required for any purpose and ask them if they are comfortable with this interaction.
- Educators listen to children's views and take them into consideration in decision-making.
- Educators understand that children with additional needs may require more physical contact and guidance than other children and work with parents to develop Additional Needs Management Plans.²⁴
- Educators must notify the Director of any difficulty they are experiencing as soon as they are aware of them and must acknowledge their own stress levels and personal levels of

²² Refer to: Sleep, Rest and Relaxation Policy

²³ Refer to: Hygiene and Infection Control (incl. Toileting) Policy; Supervision and Water Safety Policy; Excursions Policy

²⁴ Refer to: Individual and Additional Needs Policy

tolerance and take regular breaks. For example, there may be some children that are more difficult for them to relate to than others. These issues must be discussed honestly to enable strategies to be developed to assist educators manage the situation.

- Educators and management are required to communicate with each other in ways that demonstrate respect, empathy and acceptance. Children learn through example and role modelling by educators at Heritage is an important strategy in teaching children about protective behaviours. When adults shout or use threats and behaviour guidance strategies that frighten or humiliate children, they are sending a negative message that reinforces how to exercise power and control.

Curriculum and Program Planning ²⁵

- Educators are required to keep up to date records on all children and support each other in identifying each child's stage of development and individual needs so that challenges can be identified and do not create unnecessary stress and frustration.
- Educators are trained to take the time to observe children individually and actively listen to their comments about their day and the events occurring in their lives. Attention is also given to children's non-verbal communication, their body language, facial expressions, creative expressions and play behaviours with other children as these things can reveal how children are feeling and what they understand.
- The curriculum is carefully planned in light of observations and it is understood that unrealistic challenges in the program can create unnecessary stresses for children and educators.
- Management and educators listen and are responsive to families' comments about their day-to-day observations of their child and the events occurring in their lives.

Protective Behaviours

- Educators involve children in discussing appropriate behaviour as part of the educational program. For example, educators discuss bullying with children - how it feels to be bullied and strategies they can use if they witness bullying or are bullied. A clear message is given to children that informing an adult when bullying happens is not "telling tales" but an important way of helping people stay safe.
- Children are taught through the program to be empowered and encouraged to speak out or disclose information and discuss with adults what is 'safe' and who may be a 'safe' person to talk to. They are taught to develop strategies to manage these situations in a way that preserves their physical and emotional safety. These strategies are introduced over time, adding more detail as children grow older. For example, educators may:
 - Discuss with children what it means to feel safe. Talking about road and water safety provides a sound introduction to discussing other types of safety, eg, personal safety.
 - Help children to identify their feelings, eg, the difference between feeling scared at the top of a big slide and scared when they think someone might hurt them. Educators may also talk about when it is not appropriate to keep a secret.
 - Introduce the subject of assertiveness by reading appropriate picture books.
 - Play, "what if..." scenarios which model for children how they might react in potentially unsafe situations.
 - Help children to identify trusted adults that they can talk to if they are feeling unsafe or worried.
 - Explain to older children how they can access the **Kids Helpline (1800 55 1800)**.

Support Agencies

- Management and educators collaborate with authorities, other professionals and community services to support children who have specific protection needs.
- Heritage management seeks support, guidance and educational opportunities from support agencies in the development of child protection policies and practices.

²⁵ Refer to: Curriculum and Program Planning Policy

Communication

The Child Protection Policy, protective behaviours and practices and child safe environments are communicated to the Heritage community through:

- The Heritage Philosophy and Code of Ethics.
- Thorough induction and orientation procedures for new employees, families and Committee Office Holders.
- The Heritage Handbook, Educator/Relief Educator Handbook, Policy Handbook and Committee Handbook.
- The Enrolment Form, Heritage website, newsletters, noticeboards and excursion permission forms.
- A Child Protection Folder which is available at all times. Copies are kept in the Programming Room and Main Office and contain contact telephone numbers for reporting suspected child abuse, a copy of this policy and procedures, and reading resources.

Privacy and Confidentiality

- Heritage complies at all times with privacy and confidentiality legislation ²⁶ and only provides information where required to by law, and on a need-to-know basis to relevant parties and authorities.
- Heritage educators and management ensure that the confidentiality of a child suspected of being at risk of harm is maintained at Heritage. This is to reduce the chances of the child being put at further risk of abuse or intimidated to change their story.
- Adults suspected of abuse are ensured privacy so a wrongly accused adult does not suffer damage to their reputation or livelihood.
- Educators maintain and keep confidential any observational records of children and any conversations with families/educators.

Child Protection Procedures

See: Table over-page

²⁶ Refer to: Privacy and Confidentiality Policy; Section on: Mandatory Reporting Safeguards

Child Protection Procedures Table

General Procedures
<ul style="list-style-type: none"> • The best interests of the child must always be the primary consideration of the Heritage community, while due regard must also be given regarding confidentiality and fairness to the persons against whom allegations are made. • Children must be encouraged and taught as part of the educational program to approach any person in the service to express concerns about their treatment and empowered to feel confident that they will be taken seriously. • Educators and families at the service must be aware of the need to report serious matters involving child protection to external authorities and that permission is not required from parents/guardians of a child where abuse is suspected, and parents/guardians do not need to be notified that a report has been made. • Instances of physical and sexual abuse of children are crimes and must be reported without delay to both the police and relevant child protection authorities. • Initially it is preferred, though not compulsory, that staff inform the Director * if they have concerns regarding suspected child abuse/neglect. Alternatively, educators, as Mandated Reporters, may report directly to Child and Youth Protection Services. ²⁷ • Following any allegation of child abuse or misconduct against an employee, an assessment of the risk that the employee poses to a child or group of children must be undertaken. This responsibility also applies during any investigation and following any final decision regarding the action to be taken. • Records must be kept regarding any child protection related complaint/grievance/incident and stored in accordance with the Privacy and Confidentiality Policy. • Any investigation undertaken by the service must ensure procedural fairness and natural justice for a person suspected of abusing a child. • Privacy and confidentiality must be maintained, and information must only be disclosed as required by law and on a need-to-know basis to relevant parties and authorities.
If a Child Reports Abuse or Neglect to an Educator
<p>Educator will:</p> <ul style="list-style-type: none"> • Listen attentively to the child and control expressions of emotions such as shock, sadness, anger or disbelief. • Understand it takes an enormous amount of courage for children who are being abused to talk to someone about what is happening to them and is a clear message they want it to stop. They may often disclose only small amounts of information at a time and if a child's concerns are brushed aside they may not bring them up again. • Find a quiet, private place to talk and gently allow the child to tell their story using their own words about how they are feeling and what is bothering them. Do not prompt the child or family for further details or ask any specific questions as this is considered contamination of evidence. (Seeking specific information from children about abuse and neglect is the role of the Police and CYPS). • Support and reassure the child they have done the right thing, you believe them, and they are not to blame, eg, "I am pleased you have told me about this". • Let them know you are there for them and they can trust you. If it is not possible to answer a question they have, tell them you don't know but will talk with the right people to get them help. • Not make promises to the child you cannot keep. • Complete an Incident Report immediately, noting the child's exact words, the time and place the allegation was made and anyone else that was present. • Not judge the child or family. • Report to Director. * (See: General Procedures).

²⁷ Refer to: Section on: Reporting Obligations

Director will

- Report to Police and Child and Youth Protection Services immediately.
- Inform Committee Chairperson that notifications have been made and their obligation to inform CECA and ACT Ombudsman as appropriate in required timeframes. ²⁸
- Document the notification dates, time, name of person spoken to and any action taken.
- Support educator and follow up with CYPS and other authorities regarding action taken and document the notification outcomes.

If an Educator Suspects Abuse or Neglect by a Family Member/Visitor

- Discuss concerns with Director. * (see: General Procedures).
- Director to notify Child and Youth Protection Services who will advise whether to make a formal notification or to further observe the affected child.
- Director to document all discussions and reasons for decision as to whether there are reasonable grounds to make a formal notification.
- Director to store documents securely.
- If advised to make further observations, the Director and educator will make confidential notes on the child over a period of two weeks, or less depending on the severity of the symptoms.
- After the observation period, if abuse is still suspected, the Director will formally notify the Police and Child and Youth Protection Services immediately.
- Director must document the notification date, time, name of Child and Youth Protection Services Officer spoken to and any action taken.
- Director to inform Management Committee Chairperson that notifications have been made and discuss their obligation to inform CECA as appropriate in required timeframes. ²⁹
- Director to support educator and follow up with Child and Youth Protection Services regarding action taken and document the notification outcomes.

Parent Makes a Complaint Against Educator/Visitor of Abuse/Neglect

- Listen carefully to the parent’s complaint and record it as accurately as possible on the relevant complaints/grievance form.
- Prepare an Incident Report and verbally advise the Director immediately. *
- Director to follow the guidelines in the Complaints and Grievance Management (non-Staff) Policy and investigate the complaint.
- Director to assess the risk the educator/visitor poses to a child or children and notify the Management Committee.
- Director to notify the Police and Child and Youth Protection Services immediately.
- Management Committee to inform CECA and the ACT Ombudsman as appropriate and within the required timeframe. ³⁰
- Director to advise the parent that assistance and advice will be sought from the relevant authorities.
- Respond according to advice given.

²⁸ Refer to: Reporting Obligations

²⁹ Refer to: Reporting Obligations

³⁰ Refer to: Reporting Obligations

Educator Suspects Another Educator of Abuse/Neglect

- Child mistreatment is deemed to be Serious Misconduct that warrants instant dismissal of the employee. Forms of mistreatment are detailed in the Behaviour Guidance Policy and Staff Underperformance and Misconduct Policy.
- Educators who witness other educators mistreating a child must:
 - Immediately report to the Director. * (See: General Procedures)
 - Complete an Incident Report within the hour.

The Director will:

- Respond sensitively and without delay, document the issue clearly, collect statements from the educator making the allegation, any witnesses and the educator who is the subject of the allegation and follow guidelines in the Staff Complaints and Grievance Management Policy – **Formal Staff Grievance Procedure**.
- Assess the risk the educator poses to a child or children and notify the Management Committee.
- Consider if there are reasonable grounds for reporting the incident/grievance as suspected child abuse or neglect to the police and Child and Youth Protection Services.
- Consider if there are reasonable grounds for reporting the incident to CECA and the ACT Ombudsman.
 - Provide all information and a recommended a course of action without delay to the Management Committee to make a final decision on reporting obligations. ³¹ (Where a decision is made that there are not sufficient grounds for making a report to the police and Child and Youth Protection Services, the educator may make an independent report, if they wish, to CYPS. If doubt exists, they may consult Child and Youth Protection Services prior to making the report.
 - Where the decision is made to make a formal report to CYPS, the report must be accompanied by all documents supporting the decision.
- Inform the parent/guardian of the alleged victim and the accused educator in writing of the outcome of the decisions and the process of dealing with the relevant authorities.
- Document all discussions including the initial disclosure and advice given to persons involved.
- Arrange to interview the employee and advise of dismissal in accordance with the serious misconduct procedure, if required. ³²
- Where allegations are sustained, and disciplinary procedures are complete, notification of the employee's name and particulars must be made to the ACT Commissioner for Children and Young People. ³³

If an educator has suspicions about another educator but have not witnessed any abuse, then the following procedures should occur:

- Raise the matter in confidence with the Director. * (See General Procedures).
- Director to observe the educator over a period of two weeks and make confidential notes.
- At the end of two weeks, if mistreatment is occurring, the Director must follow the guidelines above.

³¹ Refer to: Reporting Obligations

³² Refer to: Staff Underperformance and Misconduct Policy.

³³ Refer to: <http://hrc.act.gov.au/childreynyoungpeople/>

Procedures for Supporting Educators who are Subject to Allegations

Educators who are subject to allegations of Child Abuse and Neglect will be:

- Informed of the substance of the allegations within a reasonable time frame.
- Informed of the substance of any adverse comment included in any documents arising out of the allegation.
- Advised of the right to representation or the presence of a support person at any interview conducted by the employer.
- Given a reasonable opportunity to put their case, orally or in writing, to the persons carrying out preliminary investigations before any final decisions or reports are made. ³⁴
- Advised of the right to make a complaint to the Director-General (Community Services Directorate) if the employee is not satisfied with the handling of the allegations.

Procedures for Supporting an Educator after a False Allegation

- If an allegation has been investigated and proven to be false, the educator involved will require support from the Director and Management Committee, such as mentoring or a phased return to work and a letter being sent to all persons involved that the allegations were unsubstantiated or clearly wrong.
- The Director may also need to manage interactions between the accused and the notifier if they are on the premises at the same time.

Responding to Bullying

- Educators must promptly respond to bullying behaviour when it is observed and insist it stop.
- Educators must be prepared to take decisive action by confronting the bully and insisting that the behaviour stop.
- If educators hesitate to take action, they may be inadvertently sending a message that they accept or condone the behaviour. ³⁵

Supporting Children through Difficult Situations

When a child, family, educator or the Heritage service as a whole, experiences a traumatic event, Heritage educators provide appropriate support to aid their recovery. ³⁶ Our educators understand that children react in different ways depending on their nature, stage of development and how the individuals around them react and may:

- Have physical symptoms such as stomach aches or headaches
- Become anxious and have separation anxiety
- Suffer sleep problems or have nightmares
- Re-live the experience through drawing or play
- Lose interest in activities, lose confidence and show regressive behaviours.

Educators may use the following strategies:

- Reassure the child they are safe, but only if they really are.
- Talk through the situation with the child honestly, without going into frightening detail.
- Ensure the child has not jumped to wrong conclusions, eg, that they are responsible.
- Let the child have their say and talk about how their feelings are normal and how everyone reacts differently.

Families may use the following strategies:

³⁴ Refer to: Staff Complaints and Grievance Management Policy – Formal Grievance Procedure.

³⁵ Refer to: Behaviour Guidance Policy' Complaints and Grievance Management Policy (Staff or Non-Staff).

³⁶ Refer to: Meeting Individual and Additional Needs Policy.

- Give children a sense of control of their environment and allow them to make minor decisions such as what to wear/eat/play with.
- Allow children plenty of time to play and do physical exercise to burn off stress hormones and promote sleep.
- Encourage relaxation through story times and cuddles.
- Limit stimulants such as sugar.
- Talk through the situation, be understanding, provide emotional support and model coping strategies and seek help for themselves if necessary.

Reporting Obligations

Heritage management and educators understand their moral, professional and legal obligations to report child abuse and neglect to relevant authorities effectively and in a timely manner.

Police

- Police must be contacted on 000 if it is believed a child is in immediate danger.
- Instances of physical and sexual abuse of children are crimes and must be reported to ACT Policing without delay. For example:
 - All allegations involving a child in a sexual activity that he or she does not fully comprehend, is unable to give informed consent to or that violates the law should be reported to police.
 - Physical punishment is a crime when it falls outside the bounds of “reasonable chastisement”.

Child and Youth Protection Services (CYPS) – Mandated Reporting

It is a legal requirement, under the *Children and Young People Act 2008*, for an education and care professional (Mandated Person)³⁷ who believes or suspects a child is being abused (physical, sexual, emotional, exposure to family violence) or neglected³⁸, or at risk of being so, to report it **without delay** to Child and Youth Protection Services (CYPS).

A Mandated Person has Reasonable Grounds to Report Suspected Abuse if:

- A child discloses that he/she has suffered/is suffering abuse or neglect;
- Someone advises that a child has suffered or is suffering abuse or neglect;
- Personal observation that a child has suffered or is suffering abuse or neglect.

Educator Procedures

- Initially it is preferred, though not compulsory, that educators inform the Director if they suspect child abuse/neglect.³⁹
- If there is an issue between an educator and the Director, and the educator has reasonable grounds to suspect that a child is at risk of harm, the educator is legally required to report directly to:

Child and Youth Protection Services:

Mandated Persons Line (24 hrs): 1300 556 729

Mandated Persons Fax Line (24 hrs): 6205 0641

Email address: childprotection@act.gov.au

Online Child Concern Report: <https://form.act.gov.au/smartforms/csd/child-concern-report/>

Police (if life threatening situation) on 0-000 (internal line) or 000 (external line).

Source: *Keeping Children and Young People Safe. A guide to reporting child abuse and neglect in the ACT. (November 2017).*

³⁷ Refer to: Definitions

³⁸ Refer to: Table: Recognising Child Abuse and Neglect

³⁹ Refer to: Procedures Table – General Procedures

Forming a Professional Judgement

Forming an objective and professional judgement on whether to report to CYPS is based on:

- Indicators of harm or potential harm, that have been observed or inferred.
- Knowledge of child development.
- Knowledge of cultural backgrounds.
- Knowledge of any difficulties experienced or support currently being received by a family.
- Consultation with colleagues and other professionals.
- Professional obligations, duty of care responsibilities and legal requirements, such as Mandatory Reporting.
- Knowledge of service procedures.

Making a Report to Child and Youth Protection Services

A report to CYPS should be considered if, after taking into account all of the available information, a staff member forms a view that the child is in need of protection because:

- The harm or risk of harm has a serious impact on the child's immediate safety, stability and/or development.
- The harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability and/or development.
- The child's parents/guardians are unwilling or unable to protect the child or young person from harm.

NOTE: Mandatory reporting does not apply if someone else has made a report for the same reasons, the abuse is caused by another child, or a person with parental responsibility is willing to protect the injured person from further injury.

What Should not be Reported to CYPS

Examples of situations where a Child Concern Report is unlikely to proceed include:

- Normal sexualised child play
- Children who are self-harming
- Children who have been fighting in the playground
- Children who are upset after a verbal fight with a friend or parent
- Children who are upset because their parents are separating or getting a divorce
- Low-level disruptive behaviour
- The type of food provided by a parent for their child's lunch.

A caring conversation between an educator and the child and/or their parent may be more appropriate, or a relevant referral to community services. ⁴⁰

Mandatory Reporting Safeguards

If a Mandated Person reports suspected abuse they are protected by law (*Children and Young People Act 2008*) in the following ways:

- It is not the responsibility of educators to prove that abuse or neglect has occurred or who is responsible, only that there is reasonable concern that abuse, or neglect has occurred.
- Permission is not required from the parents/carers to make a report, and parents do not need to be informed.
- If a report is made in good faith, notifiers cannot be held legally liable, regardless of the outcome of the report. However:
 - It is an offence to knowingly make a false or misleading report.
 - Penalties may apply to mandated persons who fail to report suspected abuse or who make a report that contains information or allegations that are false or misleading.
- The notification will not be held to be a breach of professional conduct and no liability for defamation can be incurred.
- No agency may disclose to a parent or any other person, except in exceptional circumstances, the identity of a notifier.
 - Information that identifies people who have made a Child Concern Report and the contents of the reports and subsequent investigations are exempt from release under the *Freedom of Information Act 1989*.

⁴⁰ Refer to: References

The Mandatory Reporting Process

- Mandated Reporters are required to provide clear reasons and information to CYPS to support their belief or suspicion that abuse, or neglect is occurring.
- When CYPS receives a Child Concern Report, they are legally required to find out more about the child's situation to determine if they may be 'in need of care and protection'. A 'Child Concern Assessment' will be carried out to analyse the child's exposure to risk, their potential needs and if the behaviour meets the criteria of abuse or neglect as required by the *Children and Young People Act 2008*.
- Where the assessment indicates there is a reasonable suspicion of abuse or neglect, CYPS then considers whether there is a parent who is willing and able to protect the child.
- After conducting the assessment CYPS will determine if:
 - A more detailed investigation should happen – an Appraisal
 - A support intervention is more appropriate
 - No action is needed.
- Mandated reporters may also receive a letter from CYPS stating the outcome of the report.

ACT Regulatory Authority (Children's Education and Care Assurance - CECA)

- The *Education and Care Service National Regulations 2011 (ACT)*, October 2017 update, requires the Heritage Management Committee to report to CECA any incident or allegations where the Committee reasonably believes that physical or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the Heritage. (Regulation 175 (2)(e)).
- The report must be made **within 7 days** of the incident or the service becoming aware of the incident.

ACT Ombudsman - Reportable Conduct Scheme

On 1 July 2017, the ACT Government introduced the Reportable Conduct Scheme to oversee how organisations prevent and respond to allegations of child abuse and misconduct. The scheme focuses on the behaviour of employees. It does not focus on child protection matters that occur within a family (unless the parent is also a teacher, doctor, childcare worker or any other profession covered under the scheme).

The Heritage Committee must notify the ACT Ombudsman **as soon as possible, and within at least 30 days**, of becoming aware that an employee (including volunteers and others engaged to provide services to children) has engaged in conduct (allegations, offences or convictions) relating to any of the following:

- Sexual offences and convictions where a child is a victim or is present.
- Offences against the person, including physical offences and convictions, where a child is a victim or is present.
- Conviction, or finding of guilt, under a territory law or a state or Commonwealth law, involving reportable conduct.
- Offences against the *Education and Care Service National Law* (inappropriate discipline or offences relating to protecting children from harm).⁴¹
- Ill-treatment of a child (including emotional abuse, hostile use of force/physical contact, neglect and restrictive intervention).
- Psychological harm.
- Misconduct of a sexual nature.

It does not matter whether or not the employee engaged in the conduct in the course of employment or whether a child consents to the conduct as long as the person was an employee at the time the employer became aware of the allegation.⁴²

Planning and Conducting an Investigation into an Allegation of Reportable Conduct

- Where an allegation of Reportable Conduct has been made against an employee, a thorough

⁴¹ Refer to: Appendix 1: National Law Sections 166 and 167

⁴² Refer to: Identifying Reportable Conduct Factsheet at: http://www.ombudsman.act.gov.au/_data/assets/pdf_file/0009/81000/No.-2-Identifying-Reportable-Conduct.pdf

⁴² Refer to: Complaints and Grievance Management Policy (Staff or non-staff), The following template may be used in conjunction with the aforementioned policy: <http://www.ombudsman.act.gov.au/reportable-conduct-scheme/resource-kit>

investigation must be undertaken. The Director in consultation with the Management Committee must decide on the action to take, and a final report and risk assessment must be submitted to the ACT Ombudsman. ⁴³

Risk Assessment following an Allegation of Reportable Conduct

- The Director, in consultation with the Management Committee is responsible for assessing the risk that an employee poses to a child or group of children once an allegation is made.
- The risk must be assessed during the response to, or during the investigation of, the allegation.
- When a final decision is made regarding what action, if any, to take, the risk must be assessed again.⁴⁴

Agreement with the ACT Regulatory Authority - CECA

- Where a mandatory notification to CECA covers the same information as required by the ACT Ombudsman, the CECA notification may be forwarded to the Ombudsman’s office.
- The ACT Ombudsman will work with the Committee to address any issues and will include CECA in those discussions, with the consent of the Committee.
- Where CECA investigate a Reportable Conduct matter, Heritage may decide not to investigate internally and may rely on the investigation conducted by CECA.

The Reportable Conduct Scheme **does not** change reporting obligations to CYPS or the Police.

Reporting Obligations Summary

The Director, in consultation with the Committee must determine whether there are reasonable grounds to suspect Child abuse/Neglect



Criminal Conduct by Parent/Carer/Employee/Visitor Occurs while at Heritage Service By an Employee



Report to the Police first
(000 if in imminent danger)



Report to CYPS without delay



Report to CECA within 7 days



Report to ACT Ombudsman as soon as possible and within 30 days

Contacts:

<https://www.police.act.gov.au/> <https://www.ombudsman.act.gov.au/improving-the-act/reportable-conduct>
<https://form.act.gov.au/smartforms/csd/child-concern-report/>

NOTE: From 1 September 2019: New child sexual abuse reporting laws come into effect.

- Anyone in Canberra over 18 years old who reasonably believes a sexual offence has been committed against a child must make a report to Police. If there is an immediate risk of harm, call 000, otherwise call ACT Policing on 131 444 to make a report. **Mandated Reporters only have to have a report to CYPS, and not an additional report to Police.**

⁴³ Refer to: s17J Final Report template on ACT Ombudsman website

⁴⁴ Refer to: Risk Assessment Template at: http://www.ombudsman.act.gov.au/_data/assets/pdf_file/0010/81001/No.-3-Risk-management-following-an-allegation-of-reportable-conduct-against-an-employee.pdf

Summary of Responsibilities

	Responsible for:
<p>Management Committee</p>	<ul style="list-style-type: none"> • Abiding by the Heritage Constitution, Philosophy, Code of Conduct/Ethics and procedures set out in this policy at all times. • Protecting the rights of children and families and encouraging their participation in decision-making through participation in committee meetings and Parent-Educator conferences. ⁴⁵ • Ensuring procedural fairness and natural justice is followed in all circumstances. • Identifying the potential for and signs of child abuse and neglect at the Heritage service and developing and implementing effective prevention strategies in consultation with the Director and educators. ⁴⁶ • Ensuring there are procedures in place for maintaining educator-to-child ratios at all times and the adequate supervision of children. ⁴⁷ • Ensuring procedures are in place for conducting risk assessments for excursions. ⁴⁸ • Ensuring the Director and educators are aware of current child protection legislation, its application, and the obligations that they have under that law (Regulation 84). ⁴⁹ • Endorsing educator participation in up-to-date child protection training, including recognising the indicators of child abuse/neglect, knowing how to respond, and understanding processes for reporting and managing concerns/ incidents/complaints and grievances. ⁵⁰ • Providing appropriate information and resources to the Heritage community to implement this policy. ⁵¹ • Ensuring recruitment and induction processes for educators, other staff, students and volunteers are rigorous and in line this policy and the Employment and Staffing policies, including for Students and Volunteers. • Ensuring procedures are in place to ensure all educators, other staff, Management Committee volunteers and students have up to date Working with Vulnerable Persons (WWVP) cards. ⁵² • Ensuring procedures are in place so family members who volunteer to help with the daily program of activities or on excursions and volunteer for more than a total of 3 days in any 4-week period or 7 days in any 12-month period have WWVP cards. Where they volunteer for less than this, they sign a Family Helper Declaration Form. ⁵³ • Ensuring the Director and educators are aware that it is an offence to subject a child to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances. ⁵⁴ • Ensuring procedures are in place so that as far as practicable no adult is left alone on the premises or on excursions with a child or children unless the adult is the parent of the child/ren.⁵⁵ • Ensuring there are appropriate procedures in place for the safe delivery and collection of children and that unauthorised persons do not have access to children while being cared for by the Heritage service, including where the

⁴⁵ Refer to: Communication and Family Involvement Policy

⁴⁶ Refer to: Prevention Strategies and Practices; Appendices 2: Child Protection Risk Assessment; Appendix 3: Child Protection Review Checklist

⁴⁷ Refer to: Employment and Staffing Policy; Supervision and Water Safety Policy

⁴⁸ Refer to: Excursions Policy

⁴⁹ Refer to: Section on: Reporting Obligations

⁵⁰ Refer to: Recognising Child Abuse and Neglect; Procedures Table and Reporting Obligations).

⁵¹ Refer to: Training and Availability of Resources

⁵² Refer to: Employment and Staffing policies

⁵³ Refer to: Participation of Students and Volunteers Policy

⁵⁴ Refer to: Behaviour Guidance Policy; Interactions with Children Policy

⁵⁵ Refer to: Supervision and Water Safety Policy; Excursions Policy

	<p>service has been notified of a court order prohibiting an adult from contacting an enrolled child.⁵⁶</p> <ul style="list-style-type: none"> • Ensuring procedures are in place for managing complaints/ grievances. ⁵⁷ • Providing support to the Director, educators and all other members of the Heritage community in implementing this Child Protection Policy and related procedures. • Respecting privacy and confidentiality when managing child protection issues, releasing information only on a need to know basis and to relevant authorities as required by legislation. ⁵⁸ • Ensuring collaborative relationships with relevant community support services/ professionals are developed in the best interests of enrolled children and their families. ⁵⁹ • Notifying the appropriate authorities in the required timeframe on becoming aware of an incident, concern, complaint/grievance in relation to child protection issues. ⁶⁰ • Working with the Director to assess the risk that an employee poses to a child or group of children following an allegation of child abuse/neglect or misconduct. This responsibility also applies during any investigation and following any final decision regarding the action to be taken. ⁶¹ • Implementing and reviewing this policy regularly in consultation with the Director, educators and parents/guardians to ensure it reflects current legislative requirements and best practice guidelines. • Ensuring the Director, educators, other staff, students, volunteers and visitors are kept informed of any relevant changes in legislation and practices in relation to this policy.
Director	<ul style="list-style-type: none"> • Abiding by the Heritage Constitution, Philosophy, Code of Conduct/Ethics and all procedures and practices set out in this policy. • Protecting the rights of children and families and encouraging their participation in decision-making at Heritage through participation in committee meetings and Parent-Educator conferences. ⁶² • Ensuring procedural fairness and natural justice is followed in all circumstances. • Identifying the potential for child abuse/neglect at the Heritage service and developing and implementing effective prevention strategies in consultation with the Management Committee and staff. ⁶³ • Ensuring all educators, students and Management Committee volunteers are recruited and screened according to the Employment and Recruitment Policy and Procedures and have a current Working with Vulnerable Persons (WWVP) card before starting work. • Ensuring family members who volunteer to help with the daily program or on excursions and volunteer for more than a total of 3 days in any 4-week period or 7 days in any 12-month period have WWVP cards. Or where they volunteer for less time, sign a Family Helper Declaration Form. ⁶⁴ • Ensuring that all children are adequately supervised at all times and that educator-to-child ratios are maintained at all times.

⁵⁶ Refer to: Delivery and Collection of Children Policy

⁵⁷ Refer to: Complaints and Grievance Management Policies – Staff and Non-Staff

⁵⁸ Refer to: Privacy and Confidentiality Policy

⁵⁹ Refer to: Meeting Individual and Additional Needs Policy

⁶⁰ Refer to: Section on Reporting Obligations

⁶¹ Refer to: Reporting Obligations – ACT Reportable Conduct Scheme.

⁶² Refer to: Communication and Family Involvement Policy

⁶³ Refer to: Appendix 2: Child Protection Risk Assessment; Appendix 3: Child Protection Review Checklist

⁶⁴ Refer to: Participation of Students and Volunteers Policy



- Ensuring that visitors sign into the Visitor’s Book.
- Ensuring procedures are followed for the safe delivery and collection of children and parents/guardians have completed the Enrolment Form including details of Authorised Nominees. ⁶⁵
- Implementing a consistent behaviour management policy in consultation with the Management Committee, staff and enrolled families and ensuring that all educators are aware that it is an offence to subject a child to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances.
- Ensuring this policy is easily accessible by the Heritage community. ⁶⁶
- Ensuring educators are aware of current child protection legislation, its application and obligations they have under that law. ⁶⁷
- Arranging appropriate training and education for educators in relation to child protection, including recognising the signs and symptoms of child abuse/neglect, knowing how to respond, and understanding processes for reporting and managing concerns/incidents. ⁶⁸
- Ensuring child protection procedures are regularly discussed at Staff Meetings.
- Providing education and up to date resources and information to families and family volunteers in relation to the Child Protection Policy and protective behaviours.
- Ensuring privacy and confidentiality in relation to child protection issues, releasing information on a need-to-know basis or to relevant authorities as required by legislation.
- Guiding and supporting educators following the reporting of an incident.
- Notifying the Management Committee immediately when child abuse/neglect concerns/allegations have been raised and report any preliminary findings and outcomes to the Committee.
- Notifying the relevant authorities within the required timeframes, including the Police and Child and Youth Protection Services, CECA and the ACT Ombudsman when child abuse/neglect allegations have been raised.
- Ensuring all complaints, grievances and disciplinary procedures relating to child abuse/neglect issues are followed and documented according to Heritage policies and procedures. ⁶⁹
- Ensuring that where the service has been notified of a court order prohibiting an adult from contacting an enrolled child, such contact does not occur while the child is on the service premises. ⁷⁰
- Co-operating with other services and/or professionals to support enrolled children and their families and ensuring families are made aware of support services available to them. ⁷¹
- Ensuring procedures are followed so that as far as practicable no adult is left alone on the premises or on excursions with a child or children unless the adult is the parent of the child/ren. ⁷²
- Ensuring educators, staff, students and family volunteers are informed of any relevant changes in legislation and practices in relation to this policy.
- Implementing the procedures for reporting suspected child abuse/neglect and management of complaints/grievances. ⁷³
- Notifying the Management Committee immediately on becoming aware of an incident, concern, complaint or allegation regarding child abuse/neglect in relation to an enrolled child.

⁶⁵ Refer to: Enrolment Policy; Delivery and Collection of Children Policy

⁶⁶ Refer to: Heritage website; Educator Handbooks; Policy Handbook

⁶⁷ Refer to: Reporting Obligations

⁶⁸ Refer to: Procedures in this Policy

⁶⁹ Refer to: Complaints and Grievance Management Policies – Staff and non-Staff; Staff Underperformance and Misconduct Policy

⁷⁰ Refer to: Delivery and Collection of Children Policy

⁷¹ Refer to: Meeting Individual and Additional Needs Policy; References

⁷² Refer to: Supervision and Water Safety Policy; Excursions Policy

⁷³ Refer to: Complaints and Grievance Management Policies (Staff and non-Staff)

	<ul style="list-style-type: none"> • In consultation with the Management Committee, notifying the appropriate authorities in the required timeframe on becoming aware of an incident, concern, complaint/grievance in relation to child protection issues. ⁷⁴ • Assessing the risk that an employee poses to a child or group of children following an allegation of child abuse/neglect or misconduct. This responsibility also applies during any investigation and following any final decision regarding the action to be taken. ⁷⁵ • Offering support to the child and family, and to staff in response to any incident, concern or allegation related to child abuse/neglect at Heritage • Implementing and reviewing this policy in consultation with the Management Committee, staff and enrolled families. • Ensuring educators, staff, students and family volunteers are informed of relevant changes in legislation and practices in relation to this policy.
<p>Educators</p>	<ul style="list-style-type: none"> • Abiding by the Heritage Philosophy, Code of Ethics and procedures set out in this document. • Protecting the rights of enrolled children and families and encourage their participation in decision-making through collaborative partnerships. • Having a current Working with Vulnerable People (WWVP) Card before commencing a position at Heritage. • Agreeing to undertake training in child protection including recognising the indicators of abuse and Mandatory Reporting requirements. • Being familiar with, complying with and keeping up to date with relevant changes in legislation and practices in this policy. • Actively supervising and respectfully interacting with children at all times.⁷⁶ • Ensuring that no child is left alone (or out of sight) with an adult at the service, unless that adult is the child’s parent. • Educating and empowering children to talk about events and situations that make them feel uncomfortable. ⁷⁷ • Following procedures for the safe delivery and collection of children and dealing with unauthorised persons. ⁷⁸ • Ensuring that enrolled children are not subjected to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances. ⁷⁹ • Ensuring that where the service has been notified of a court order prohibiting an adult from contacting an enrolled child, such contact does not occur while the child is on the service premises. ⁸⁰ • Implementing the strategies outlined in this policy to support child protection at Heritage. • Co-operating with other services and/or professionals in the best interests of children and their families. • Informing families of support services available to them and of the assistance these services can provide. • Providing appropriate information to families and visitors in relation to this policy. • Understanding that each indicator of possible child abuse and neglect must be considered in the context of each child’s individual circumstances. • Being familiar with physical appearance of children and noting changes. • Noting changes in a child’s behaviour or family circumstances which may be of concern.

⁷⁴ Refer to: Reporting Obligations

⁷⁵ Refer to: Section on Reporting Obligations - ACT Reportable Conduct Scheme

⁷⁶ Refer to: Supervision and Water Safety Policy; Behaviour Guidance Policy; Interactions with Children Policy)

⁷⁷ Refer to: Curriculum and Program Planning Policy

⁷⁸ Refer to: Delivery and Collection of Children Policy

⁷⁹ Refer to: Behaviour Guidance Policy

⁸⁰ Refer to: Delivery and Collection of Children Policy

	<ul style="list-style-type: none"> • Being aware that children with a disability are at higher risk of abuse and neglect. • Understanding the diversity in society and take this into account but not see culture as an excuse for mistreatment. • Implementing the procedures for reporting suspected child abuse/neglect as set out in this policy. • Reporting to the Director/Management Committee or directly to Child and Youth Protection Services any incident, concerns, complaints or allegations regarding child protection issues at Heritage including: <ul style="list-style-type: none"> ○ Concerns about physical appearance of condition of child ○ Concerns about child’s behaviour or family circumstances ○ Concerns about interactions (adult to adult; adult to child; child to child); and/or ○ Conversations about an incident or fears of an incident in relation to child abuse/neglect. • Never attempting to question, prove or judge the information as this can be considered contamination of evidence. • Not interviewing children about suspected abuse/neglect. • Not notifying parents/guardians. • Keeping confidential all information relating to the reporting of suspected abuse and neglect. • Offering support to the child and their family, and to other staff in response incident, concerns, complaints or allegations regarding child protection issues at Heritage. • Contributing to the regular review this policy in consultation with the Management Committee, other staff and enrolled families.
<p>Students, Family Volunteers and Parents/Guardians</p>	<p>Volunteers and students, while at the service, are responsible for following this policy and its procedures and:</p> <ul style="list-style-type: none"> • Abiding by the Heritage Philosophy and Code of Conduct/Ethics. • Interact respectfully with children at all times. ⁸¹ • Having a current Working with Vulnerable People (WWVP) Card before commencing a position or volunteering at Heritage or on excursions etc. <ul style="list-style-type: none"> ○ Note: Family volunteers who volunteer to help with the daily program of activities or on excursions and volunteer for more than a total of 3 days in any 4-week period or 7 days in any 12-month period have WWVP cards. They must however sign a Family Helper Declaration Form). • Being aware of supervision and safety requirements while on the Heritage premises or excursions. • Being under the supervision of a qualified educator. • Not being alone with children. • (Volunteers only) Inform a staff member if a child needs to use to toilet or have a nappy changed and not carry out toileting and nappy changing unless they are the child’s parent/guardian). • (Parents/Guardians only) Completing the Enrolment Form and advising the service of persons authorised and not authorised to collect children. • Reporting any concerns regarding child abuse/neglect to the Director, Management Committee or directly to Child Protection Services.

⁸¹ Refer to: Interactions with Children Policy and Behaviour Guidance Policy

Non-Compliance and Evaluation

All persons agree on joining the Heritage community to abide by the Heritage Child Protection Policy.⁸² To assess whether the values and purposes of the policy have been achieved, the Committee will:

- Regularly seek feedback from everyone affected by the policy regarding its effectiveness, particularly in relation to identifying and responding to child safety concerns
- Monitor implementation, compliance, complaints and incidents in relation to this policy.
- Keep the policy up to date with current legislation, research, policy and best practice.
- Revise the policy and procedures as part of the service’s policy review cycle, or as required.
- Notify parents/guardians at least 14 days before making any changes to this policy or its procedures (Regulation 172(2)).

Related Policies and Documents

Name	Location
Behaviour Support Policy	
Complaints and Grievance Management Policy (non-Staff)	
Creating Inclusion and Equity Policy	
Curriculum and Program Planning Policy	Policy and Procedures
Delivery and Collection of Children Policy	Manuals in Foyer, Main Office, and Staff
Emergency and Evacuation Policy	Programming Room/Library
Employment and Recruitment Policy	
Enrolment and Graduating Rooms Policy and Procedures	
Excursions and Incursions Policy	Heritage Handbook and Policy Handbook available on Website.
First Aid for Incidents, Accidents, Illness and Trauma Policy	
Heritage Code of Conduct/Ethics	
Heritage Philosophy	
Hygiene and Infection Control (incl. Toileting) Policy	Educator and Relief Educator Handbooks
Interactions with Children Policy	
Non-Compliance Policy	
Students and Volunteers Policy	
Privacy and Confidentiality Policy	
Responsible Person in Charge Policy	
Reportable Conduct Policy	
Staff Complaints and Grievance Management Policy	
Staff Underperformance and Misconduct Policy	
Supervision and Water Safety Policy	
Work Health and Safety Policy	

References and Further Reading

Australian Children’s Education and Care Quality Authority (ACECQA). (2020). *Guide to the National Quality Framework.* <https://www.acecqa.gov.au/sites/default/files/2020-09/Guide-to-the-NQF-September-2020.pdf>

Education and Care Services National Law Act 2011 (ACT). *Effective: 1 February 2018* <http://www.legislation.act.gov.au/a/2011-42/current/pdf/2011-42.pdf>

Education and Care Services National Regulations 2011 (ACT). *(Current Version 1 Oct 2020)* <https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2011-0653>

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⁸² Refer to: Non-Compliance Policy and Procedures

Children and Young People Safe. A Guide to Reporting Child Abuse and Neglect in the ACT.
<https://www.communityservices.act.gov.au/ocyfs/keeping-children-and-young-people-safe>
ACT Government - The Office for Children, Youth and Family Support (n.d.). *ACT Reportable Conduct Scheme.*
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https://www.communityservices.act.gov.au/_data/assets/pdf_file/0008/798785/CSD_CYPC_A4_web.pdf
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http://www.ombudsman.act.gov.au/_data/assets/pdf_file/0009/81000/No.-2-Identifying-Reportable-Conduct.pdf
Australian Government - Australian Institute of Family Studies. (2018). *What is child abuse and neglect.* <http://www.aifs.gov.au/cfca/pubs/factsheets/a142091/index.html>
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Children’s Education and Care Assurance – CECA. (n.d.). *ACT Regulatory Authority.*
<https://www.education.act.gov.au/early-childhood/resources-and-contacts>
Children and Young People Act (Effective January 2018).
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<https://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services/report-child-abuse-and-neglect>
True Organisation. (2019). *Traffic Light Booklet - Sexual Behaviours in Children and Young*
<https://www.true.org.au/Resources/shop#!/Traffic-Lights%C2%AE-Booklet-FREE-SHIPPING-anywhere-in-Australia/p/57318729>
National Childcare Accreditation Council (closed) (2010). *Sample Child Protection Policy.*
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National Childcare Accreditation Council (closed) (2008). *Educator Fact Sheet – Child*
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University of Melbourne Early Learning Centre. (2016). *Child Safe Environment Policy.*
University Preschool and Childcare Centre. (2016). *Child Protection Policy.*
<https://www.upccc.com.au/wp-content/uploads/2017/01/Policy-child-protection-9-09-16.pdf>
UNICEF. (2014). *Summary of Convention on the Rights of the Child.*
<https://www.unicef.org.au/upload/unicef/media/unicef-simplified-convention-child-rights.pdf>

Useful Websites

ACT Assistance: <https://www.act.gov.au/assistance>

OneLink: www.onelink.org.au 1800 176 468

Child and Family Centres:

<http://www.communityservices.act.gov.au/ocyfs/children/childandfamilycentres>

ParentLink: <https://www.parentlink.act.gov.au/>

Childwise: www.childwise.net

National Child Abuse Helpline from 9am-5pm AEST, Monday-Friday, **1800 99 10 99**

Kids Helpline: www.kidshelp.com.au - **1800 55 1800**. “Any Reason, Any Time”

National Association for Prevention of Child Abuse and Neglect (NAPCAN): www.napcan.org.au

Raising Children Network: www.raisingchildren.net.au

True: <https://www.true.org.au/>

Related Children’s Books

Everyone Has Got a Bottom – For 3 years and up

Version Control and Change History

Version Number	Approval Date	Approved by	Author and Amendments
1	September 2001	Management Committee	
2	April 2010	Management Committee	Author: Julia Charters. Rewrite of Heritage Child Protection Policy based on National Childcare Accreditation Council’s Child Protection Policy Template and other references.
3	May 2013	Management Committee	Author: Julia Charters. Updated Rationale and References sections. Expanded definitions. Added sections on Students and Family Volunteers; Toileting Procedures. Expanded procedures for when an educator suspects another educator of child abuse/neglect.
4	17 July 2018	Management Committee	Author: Julia Charters. Added Contents Page. Updated References. Updated tables and procedures to reflect latest references and updated legislation. Added requirement to conduct a risk assessment of an employee accused of child abuse/neglect/misconduct (Reportable Conduct). Updated Training and Access to Resources section to include the True Organisation’s Traffic Light Framework. Added Reporting Obligations sections - updated procedures for Mandatory Reporting to CYPS. Added new obligations to report to CECA, and the ACT Ombudsman under ACT Reportable Conduct Scheme. Expanded Summary of Responsibilities. Updated Appendix 1: Relevant Legislation. Added Appendix 2: Child Protection Checklist Added Appendix 3: Child Protection Risk Assessment
5	13 Sept 2019	Director	Added procedure under section on Behaviour Guidance, Meeting Individual Needs and Respectful Interactions with Children: Educators inform children if physical contact is required for any purpose and ask them if they are comfortable with this interaction. Note: Child protection laws updated on 1 September 2019: Adults who reasonably believe that a sexual offence has been committed against a child must make a report to police, failure to do so is an offence. Contact ACT Policing on 131 444. Mandatory Reports are exempt from making a duplicate report to police. In addition, ministers of religion, religious leaders and members of the clergy of a church or religious denomination will be Mandated Reporters.
6	January 2021	Director	Checked procedures and updated all links including ACT Ombudsman.

Appendix 1: Relevant National Law, Regulations and Quality Standards

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.

Note: Not required in the ACT. Not specified in Children and Young People ACT 2008.

National Law Section 166: Offence to use inappropriate discipline

- (1) The approved provider of an education and care service must ensure that no child being educated and cared for by the service is subjected to-
 - (a) Any form of corporal punishment; or
 - (b) Any discipline that is unreasonable in the circumstances.
- (2) The nominated supervisor of an education and care service must ensure that no child being educated and cared for by the service is subjected to-
 - (a) Any form of corporal punishment; or
 - (b) Any discipline that is unreasonable in the circumstances.
- (3) A staff member of, or a volunteer at, an education and care service must not subject any child being educated and cared for by the service to-
 - (a) Any form of corporal punishment; or
 - (b) Any discipline that is unreasonable in the circumstances.

National Law Section 167: Offence relating to protection of children from harm and hazards

- (1) The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.
- (2) A nominated supervisor of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm and from any hazard likely to cause injury.

Regulation 168: Education and care service must have policies and procedures

- (1) The approved provider of an education and care service must ensure that the service has in place policies and procedures in relation to the matters set out in sub-regulation (2).
- (2) Policies and procedures are required in relation to the following:
 - (f) delivery of children to, and collection of children from, education and care service premises, including procedures complying with regulation 99;
 - (g) excursions, including procedures complying with regulations 100 to 102;
 - (b) incident, injury, trauma and illness procedures complying with regulation 85.
 - (h) providing a child safe environment.**
 - (o) dealing with complaints.
 - (i) staffing, including—
 - (i) a code of conduct for staff members; and
 - (ii) determining the responsible person present at the service; and
 - (iii) the participation of volunteers and students on practicum placements;
 - (j) interactions with children, including the matters set out in regulations 155 and 156;
 - (l) governance and management of the service, including confidentiality of records;
 - (m) the acceptance and refusal of authorisations;
 - (o) dealing with complaints.

Regulation 84: Awareness of Child Protection Law

The approved provider of an education and care service must ensure that the nominated supervisor 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.

Regulation 85: Incident, injury, trauma and illness policies and procedures

The incident, injury, trauma and illness policies and procedures of an education and care service required under regulation 168 must include procedures to be followed by nominated supervisors and staff members of, and volunteers at, the service in the event that a child—

- (a) is injured; or (b) becomes ill; or (c) suffers a trauma.

Regulation 86: Notification to parents of incident, injury, trauma and illness

The approved provider of an education and care service must ensure that a parent of a child being educated and cared for by the service is notified as soon as practicable, but not later than 24 hours after the occurrence, if the child is involved in any incident, injury, trauma or illness while the child is being educated and cared for by the education and care service.

Regulation 87: Incident, injury, trauma and illness record

- (1) The approved provider of an education and care service must ensure that an incident, injury, trauma and illness record is kept in accordance with this regulation.
- (3) The incident, injury, trauma and illness record must include—
- (a) details of any incident in relation to a child or injury received by a child or trauma to which a child has been subjected while being educated and cared for by the education and care service or the family day care educator, including—
 - (i) the name and age of the child; and
 - (ii) the circumstances leading to the incident, injury or trauma; and
 - (iii) the time and date the incident occurred, the injury was received or the child was subjected to the trauma;
 - (c) details of the action taken by the education and care service in relation to any incident, injury, trauma or illness which a child has suffered while being educated and cared for by the education and care service or family day care educator, including—
 - (i) any medication administered or first aid provided; and
 - (ii) any medical personnel contacted;
 - (d) details of any person who witnessed the incident, injury or trauma;
 - (e) the name of any person—
 - (i) whom the education and care service notified or attempted to notify, of any incident, injury, trauma or illness which a child has suffered while being educated and cared for by the education and care service or family day care educator; and
 - (ii) the time and date of the notifications or attempted notifications;
 - (f) the name and signature of the person making an entry in the record, and the time and date that the entry was made.
- (4) The information referred to in subregulation (3) must be included in the incident, injury, trauma and illness record as soon as practicable, but not later than 24 hours after the incident, injury or trauma, or the onset of the illness.

Regulation 177: Prescribed enrolment and other documents to be kept by approved provider

- (1) For the purposes of section 175(1) of the Law, the following documents are prescribed in relation to each education and care service operated by the approved provider—
- (b) an incident, injury, trauma and illness record as set out in regulation 87;
 - (e) in the case of a centre-based service, a staff record as set out in regulation 145;
 - (f) a record of volunteers and students as set out in regulation 149;
 - (g) the records of the responsible person at the service as set out in regulation 150;
 - (h) in the case of a centre-based service, a record of educators working directly with children as set out in regulation 151;
 - (i) a record of access to early childhood teachers as set out in regulation 152;
 - (k) a children's attendance record as set out in regulation 158;
 - (l) child enrolment records as set out in regulation 160;
 - (m) a record of the service's compliance with the Law as set out in regulation 167;
 - (n) a record of each nominated supervisor and any person in day-to-day charge of the education and care service under section 162 of the Law.



Regulation 175: Prescribed information to be notified to Regulatory Authority

- (2) For the purposes of section 174(2)(c) of the Law, the following matters are prescribed-
- (d) any incident where the approved provider 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;
 - (e) 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).

Regulation 99: Children leaving the education and care services premises

- (1) The approved provider of an education and care service must ensure that a child who is being educated and cared for by the education and care service does not leave the education and care service premises except in accordance with subregulation (4).
- (2) The nominated supervisor of an education and care service must ensure that a child who is being educated and cared for by the education and care service does not leave the education and care service premises except in accordance with subregulation (4).
- (4) The child may only leave the relevant premises if the child—
- (a) is given into the care of—
 - (i) a parent of the child; or
 - (ii) an authorised nominee named in the child’s enrolment record; or
 - (iii) a person authorised by a parent or authorised nominee named in the child’s enrolment record to collect the child from the premises; or
 - (b) leaves the premises in accordance with the written authorisation of the child’s parent or authorised nominee named in the child’s enrolment record; or
 - (c) is taken on an excursion in accordance with this Division; or
 - (d) is given into the care of a person or taken outside the premises—
 - (i) because the child requires medical, hospital or ambulance care or treatment;
 - or (ii) because of another emergency.
- (5) In this regulation parent does not include a parent who is prohibited by a court order from having contact with the child.

Regulation 102: Authorisation for Excursions

- (1) The approved provider of an education and care service must ensure that a child being educated and cared for by the service is not taken outside the education and care service premises on an excursion unless written authorisation has been provided under subregulation (4).
- (2) The nominated supervisor of an education and care service must ensure that a child being educated and cared for by the service is not taken outside the education and care service premises on an excursion unless written authorisation has been provided under subregulation (4).

Regulation 115: Premises designed to facilitate supervision

The approved provider of a centre-based service must ensure that the education and care service premises (including toilets and nappy change facilities) are designed and maintained in a way that facilitates supervision of children at all times that they are being educated and cared for by the service, having regard to the need to maintain the rights and dignity of the children.

Regulation 155: Interactions with children

An approved provider must take reasonable steps to ensure that the education and care service provides education and care to children in a way that—

- (c) maintains at all times the dignity and rights of each child.

National Quality Standard

Quality Area 2: Children's Health and Safety

Standard 2.2 Concept: Safety. Descriptor: Each child is protected.

Element 2.2.1 Concept: Supervision. Descriptor: At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.

Standard 2.3 Concept: Child protection. Descriptor: Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse and neglect.

Quality Area 4: Staffing Arrangements

Standard 4.2: Concept: Professionalism. Descriptor: Management, educators and staff are collaborative, respectful and ethical.

Element 4.2.2: Concept: Professional standards. Descriptor: Professional standards guide practice, interactions and relationships.

Quality Area 5: Relationships with Children

Standard 5.1: Concept: Relationships between educators and children. Descriptor: Respectful and equitable relationships are maintained with each child.

Element 5.1.1: Concept: Positive educator to child interactions. Descriptor: Responsive and meaningful interactions build trusting relationships which engage and support each child to feel secure, confident and included.

Element 5.1.2: Concept: Dignity and rights of the child. Descriptor: The dignity and rights of every child are maintained.

Quality Area 7: Governance and Leadership

Standard 7.1: Concept: Governance. Descriptor: Governance supports the operation of a quality service.

Element 7.1.1: Concept: Service philosophy and purpose. Descriptor: A statement of philosophy guides all aspects of the service's operations.

Element 7.1.2: Concept: Management Systems. Descriptor: Systems are in place to manage risk and enable the effective management and operation of a quality service.

Element 7.1.3: Concept: Roles and responsibilities. Descriptor: Roles and responsibilities are clearly defined, and understood, and support effective decision making and operation of the service.

Standard 7.2: Concept: Leadership. Descriptor: Effective leadership builds and promotes a positive organisational culture and professional learning community.

Element 7.2.3: Concept: Development of professionals. Descriptor: Educators, co-ordinators and staff members' performance is regularly evaluated, and individual plans are in place to support learning and development.

Appendix 2: Child Protection Risk Assessment

A child protection risk assessment process helps in the identification of the potential for child abuse in the service and enables appropriate strategies to be developed to minimise risk. It is important to create awareness among employees, contractors, visitors and volunteers of possible risks to children from abuse, and how to implement a range of strategies to protect children from these risks.

Risk Matrix							
		Consequence					
		Insignificant	Minor	Moderate	Major	Catastrophic	
Likelihood	Almost certain	Moderate	High	High	Extreme	Extreme	
	Likely	Moderate	Moderate	High	Extreme	Extreme	
	Possible	Low	Moderate	High	High	Extreme	
	Unlikely	Low	Low	Moderate	High	High	
	Rare	Low	Low	Low	Moderate	High	

Risk Factors	Risk without Mitigation	Policies in place to Mitigate Risk	Risk with Mitigation	Evaluation
Opportunities for a child to be isolated within the program/premises	Extreme	Supervision and Water Safety Policy.	Low	Active supervision at all times. No child left out of sight alone with adult. Nappy change and toileting areas within sight of other educators. Educator:Child ratios meet or exceed NQS Two staff members on site at all times.
Close physical contact with an adult other than a staff member	High	Supervision and Water Safety Policy. Behaviour Guidance Policy Child Protection Policy Interactions with Children Policy	Low	Active supervision and respectful interactions with children at all times especially when visitors or family volunteers or students are on site.
High Staff Turnover	High	Employment Policy	Low	All staff well supported through relevant professional

				development and staff roster and relief staff management.
Unauthorised access by other people to the service (such as strangers or non-custodial parents)	High	Supervision and Water Safety Policy Delivery and Collection of Children Policy Work Health and Safety Policy	Low	Active supervision at all times, especially when visitor, family volunteers, students or contractors are on site. Security gates and fencing in good order. Staff awareness of and procedures for authorised/ unauthorised persons as given on Enrolment form. Visitor Book. Authorisation to Collect Child Form. Shared knowledge of Child protection orders
Staff not recognising signs of abusive /neglectful behaviour	High	Child Protection Policy Interactions with Children Policy	Low	Staff are trained to engage in respectful interactions with children at all times and trained to recognise signs of abuse/neglect.
Low levels of awareness of child protection law, issues and reporting procedures.	High	Child Protection Policy	Low	Staff issued with Child Protection Policy on induction and trained in reporting procedures. Procedures also reviewed at staff meetings and available at all times in Policy and Educator Handbooks

Appendix 3: Child Protection Review Checklist

This checklist has been developed to assist Heritage management to identify risks and issues in relation to child protection and the service policy and practices, including training and support for staff meet or exceed legislative requirements.

	Child Protection Standard Question	Yes, describe how	No or only partly - describe what needs to be done	Person responsible for any action required	Timeline and review date
Clear and public commitment to child protection	Do all staff, students and family volunteers recognise that children are vulnerable?	Yes Philosophy outlines duty of care to nurture children. Policies are in place to ensure respectful interactions, adequate supervision, provide a safe environment and identify and manage risks.			
	Are all children and families are welcomed, consulted and respected at the service?	Yes Communication and Family Involvement Policy; Inclusion and Equity Policy Individual and Additional Needs Policy; Curriculum & Program Planning Policy; Interactions with Children Policy			
	Is there a specific child protection policy for the service?	Yes			
	Have employees read and understood the Child Protection Policy? Have contractors and volunteers been informed of their responsibilities regarding Child Protection?	Policy Handbook Staff Handbooks Policy Folder in Programming Room. Contractors informed when show WWVP check card on entry.	Family Volunteers sign Volunteer Declaration.		
	Are parents/ guardians made aware of this policy on enrolment of their child at the service?	Yes Policy Handbook access.			
Employment of staff and volunteers	Are there adequate screening and induction procedures for staff, contractors,	Yes WWVP Check cards required and detailed recruitment and induction processes.			

	volunteers and students on placement	Detailed Duty Statements. ANU contractors have a WWVP card and must show it on entry			
	Is Staff Development offered to educators in the area of child protection?	Yes. Resources and information provided in this policy and specific staff development courses as required in child protection and also child development, risk management and safety.			
Support for Staff and Volunteers	Is there a code of conduct policy that explains the acceptable and unacceptable behaviours of parents/guardians, volunteers and students at the service?	Yes Code of Conduct/Ethics for Staff and Families. Employment and Recruitment Policy. Staff Underperformance and Misconduct Policy. Complaints and Grievances Policies			
	Are employees aware of the risk of child abuse/neglect, the different types and indicators?	Yes. This policy provides definitions and indicators.			
Reporting a Child Abuse/Neglect Concern	Do staff understand and feel confident about the process for reporting and acting on concerns about child abuse/neglect?	Yes. Refer to this policy and procedures table.			
	Do staff understand the additional support, assistance and resources available to support them in abiding by duty of care to protect children?	Yes, Refer to Training and Availability of Resources section in this policy			

Based on a checklist created by the Victorian Office of the Child Safety Commissioner (OCSC).