

CHILD PROTECTION POLICY

Our service is committed to supporting the safety and wellbeing of all children and young people. Management, staff and volunteers will treat all children with the utmost respect and understanding.

Our service believes that:

- Children are capable of the same range of emotions as adults.
- Children’s emotions are real and need to be accepted by adults.
- A reaction given to a child from an adult in a child’s early stages of emotional development can be positive or detrimental depending on the adult’s behaviour.
- Children, who preserve, enhance and better understand their body’s response to an emotion is more able to predict the outcome from a situation and evade them or ask for help.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN’S HEALTH AND SAFETY		
2.2	Safety	Each child is respected.
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
2.2.3	Child Protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
84	Awareness of child protection law
273	Course in child protection

RELATED POLICIES

Code of Conduct Policy Family Communication Policy Health & Safety Policy Interactions with Children, Families & Staff Policy Privacy & Confidentiality Policy Respect for Children Policy	Responsible Person Policy Staffing Arrangements Policy Student & Volunteer Policy Supervision Policy Work Health & Safety Policy
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PURPOSE

All educators, staff and volunteers are committed to identifying possible risk and significant risk of harm to children and young people at the service. We comprehend our duty of care responsibilities to protect children from all types of abuse and neglect and will adhere to our moral and legislative obligations at all times.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Our service will act in the best interest of each child, assisting them to develop to their full potential in a secure and caring environment.

SCOPE

This policy applies to management, staff, visitors, families, and children of the service.

WHAT IS ABUSE?

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological or emotional health or development. Child abuse can be a single incident or can be a number of different incidents that take place over time.

In NSW there are eight types of abuse, some of which are further divided into more specific categories:

1. Physical abuse
2. Neglect, incorporates;
 - a. Supervision
 - b. Shelter/environment
 - c. Food
 - d. Hygiene/clothing
 - e. Medical care
 - f. Mental health care
 - g. Education – not enrolled / habitual absence
3. Sexual abuse, incorporates;
 - a. Abuse of a child
 - b. Abuse of a young person
 - c. Problematic sexual behaviour toward others

4. Psychological harm
5. Danger to self or others
6. Relinquishing care
7. Carer concern, incorporates:
 - a. Substance abuse
 - b. Mental health
 - c. Domestic violence
8. Unborn child

DEFINITIONS

Maltreatment refers to non-accidental behaviour towards another person, which is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm. Behaviours may be intentional or **unintentional** and include acts of omission and commission. Specifically abuse refers to acts of commission and neglects acts of omission. Note that in practice, the terms child abuse and child neglect are used more frequently than the term child maltreatment.

Risk of Significant Harm (ROSH) refers to circumstances causing concern for the safety, welfare and wellbeing a child or young person present to a significant extent. This means it is sufficiently serious to warrant a response by a statutory authority irrespective of the family's consent.

What is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare, or wellbeing.

In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.

Reasonable grounds refers to the need to have an objective basis for suspecting that a child may be at risk of abuse and neglect based on:

- First hand observation of the child or family
- What the child, parent or other person has disclosed
- What can reasonably be indirect based on observation, professional training and/ or experience

Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. In NSW, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998 (The Care Act).

Mandatory reporters

Mandatory reporters are people who deliver the following services, wholly or partly, to children as part of their paid or professional work:

- Health care (e.g. registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)
- Welfare (e.g. psychologists, social workers, caseworkers and youth workers)
- Education (e.g. teachers, counsellors, principals)
- Children's services (e.g. child care workers, family day carers and home-based carers)
- Residential services (e.g. refuge workers)
- Law enforcement (e.g. police)

All staff have a responsibility to recognise and respond to concerns for safety, welfare and the wellbeing of children and young people, and to report these concerns to management. According to the *Children and Young Persons (Care and Protection) Act 1998* mandated reporters (including people employed in children's services and unpaid managers of these services) must make reports if they suspect on reasonable grounds a child is at risk of significant harm because:

- the child's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for a school age child to receive an education
- the child has been, or is at risk of being physically or sexually abused or ill-treated
- the child is living in a household where there have been incidents of domestic violence and they are at risk of serious physical or psychological harm
- the parent's or other caregiver's behaviour means the child has suffered or is at risk of suffering serious psychological harm

CHILD STORY REPORTER

Mandatory reporters in **NSW** should use the Mandatory Reporter Guide (MRG) if they have concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused. The MRG assists in providing mandatory reporters with the most appropriate reporting decision. It is not designed to determine whether the matter constitutes risk of significant harm (ROSH). This is done at the Child Protection Helpline through the Screening and Response Priority (SCRPT) tool.

The MRG supports mandatory reporters to:

- determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child (including unborn) or young person
- identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system

It is recommended that mandatory reporters complete the MRG on each occasion they have risk concerns, regardless of their level of experience or expertise. Each circumstance is different and every child and young person is unique.

Helpline caseworkers will make determinations on reports received from mandatory reporters using SCRPT in conjunction with additional information which may not be available to mandatory reporters.

For more information on Child Story Reporter, refer to: <https://reporter.childstory.nsw.gov.au/s/>

NOTE: The reporter is not required to prove that abuse has occurred.

INDICATORS OF ABUSE

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Behavioural or physical signs which assist in recognising harm to children are known as indicators. The following is a guide only. One indicator on its own may not imply abuse or neglect. However, a single indicator can be as important as the presence of several indicators. Each indicator needs to be deliberated in the perspective of other indicators and the child's circumstances. A child's behaviour is likely to be affected if he/she is under stress. There can be many causes of stress and it is important to find out specifically what is causing the stress. Abuse and neglect can be single incidents or ongoing, and may be intentional or unintentional.

General indicators of abuse and neglect may include:

- Marked delay between injury and seeking medical assistance
- History of injury
- The child gives some indication that the injury did not occur as stated
- The child tells you someone has hurt him/her
- The child tells you about someone he/she knows who has been hurt
- Someone (relative, friend, acquaintance, and sibling) tells you that the child may have been abused

NEGLECT

Child neglect is the continuous failure by a parent or caregiver to provide a child with the basic requirements needed for their growth and development, such as food, clothing, shelter, medical and dental care, and adequate supervision. Some examples are:

- Inability to respond emotionally to the child
- Child abandonment
- Depriving or withholding physical contact
- Failure to provide psychological nurturing
- Treating one child differently to the others

Indicators of Neglect in children

- Poor standard of hygiene leading to social isolation
- Scavenging or stealing food
- Extreme longing for adult affection
- Lacking a sense of genuine interaction with others
- Acute separation anxiety
- Self-comforting behaviours, e.g. rocking, sucking
- Delay in development milestones
- Untreated physical problems

PHYSICAL ABUSE

Physical abuse is when a child has suffered, or is at risk of suffering, non-accidental trauma or injury, caused by a parent, caregiver or other person. Educators will be particularly aware of looking for possible physical abuse if parents or caregivers:

- Make direct admissions from parents about fear of hurting their children
- Have a family history of violence
- Have a history of their own maltreatment as a child
- Make repeated visits for medical assistance

Indicators of Physical Abuse

- Facial, head and neck bruising
- Lacerations and welts
- Explanations are not consistent with injury
- Bruising or marks that may show the shape of an object
- Bite marks or scratches
- Multiple injuries or bruises
- Ingestion of poisonous substances, alcohol or drugs
- Sprains, twists, dislocations
- Bone fractures
- Burns and scalds

PSYCHOLOGICAL ABUSE

Psychological harm occurs where the behaviour of the parent or caregiver damages the confidence and self-esteem of the child, resulting in serious emotional deficiency or trauma. In general, it is the frequency and duration of this behaviour that causes harm. Some examples are:

- Constant or excessive criticism, condescending, teasing of a child or ignoring or withholding admiration and affection
- Excessive or unreasonable demands
- Persistent hostility, severe verbal abuse, and rejection
- Belief that a specific child is bad or 'evil'
- Using inappropriate physical or social isolation as punishment
- Exposure to domestic violence
- Intimidating or threatening behaviour.

Indicators of psychological abuse

- Feeling of worthlessness about them
- Inability to value others
- Lack of trust in people and expectations
- Lack of 'people skills' necessary for daily functioning
- Extreme attention seeking behaviours
- Extremely eager to please or obey adults
- May take extreme risks, is markedly disruptive, bullying, or aggressive
- Other behavioural disorders (disruptiveness, aggressiveness, bullying)
- Suicide threats (in young people)
- Running away from home.

SEXUAL ABUSE

Sexual abuse is when someone involves a child in a sexual activity by using their authority over them or takes advantage of their trust. Children are often bribed or threatened physically and psychologically to make them participate in the activity. Sexual abuse includes:

- Exposing the child to the sexual behaviours of others
- Coercing the child to engage in sexual behaviour with other children or adults
- Verbal threats of sexual abuse
- Exposing the child to pornography

Indicators of Sexual Abuse

- The child describes sexual acts
- Direct or indirect disclosures
- Age inappropriate behaviour and/or persistent sexual behaviour
- Self-destructive behaviour
- Regression in developmental achievements
- Child being in contact with a suspected or known perpetrator of sexual assault
- Bleeding from the vagina or anus
- Injuries such as tears to the genitalia

DOMESTIC VIOLENCE

Domestic violence, or intimate partner violence, is a violation of human rights. It involves violent, abusive or intimidating behaviour carried out by an adult against a partner or former partner to control and dominate that person.

Domestic violence causes fear, physical, and/or psychological harm. It is most often violent, abusive, or intimidating behaviour by a man against a woman, but can also be these behaviours by a woman against a man. Living with domestic violence has a profound effect upon children and young people and therefore constitutes a form of child abuse. (*The NSW Domestic and Family Violence Action Plan*, June 2010)

Indicators of Domestic Violence

Child may:

- Demonstrate aggressive behaviour
- Develop phobias & insomnia
- Experience anxiety
- Show signs of depression
- Have diminished self esteem
- Demonstrate poor academic performance and problem-solving skills
- Have reduced social skills including low levels of empathy
- Show emotional distress
- Have physical complaints

NOTE THAT ONLY THE FREQUENTLY REQUIRED CATEGORIES HAVE BEEN INCLUDED HERE. FOR FURTHER INFORMATION ON INDICATORS PLEASE REFER TO THE RESOURCES FOR INDICATORS OF ABUSE AND NEGLECT SECTION OF THIS POLICY.

LEGISLATIVE CHANGES

In October 2016, the NSW Government introduced reforms to strengthen the regulatory powers of the Office of the Children's Guardian. New amendments also tightened provisions for appealing against decisions to bar unsuitable Working with Children Check applicants from working with children. Also, under the Working with Children Check, it is now an offence to make a false or misleading statement, punishable by financial penalties.

These changes are included in the *Child Protection (Working with Children) and Other Child Protection Legislation Amendment Act 2016*, making amendments to the following Acts:

- *Child Protection (Working with Children) Act 2012*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Teaching Service Act 1980*
- *Education (School Administrative and Support Staff) Act 1987*

Amendments to the Teaching and Education Staff Acts provide for suspension from duty (instead of dismissal) for a person who's 'Working with Children Check' is cancelled because of a pending charge for a serious offence under the Working with Children legislation.

In children's employment, the amendments give the Office of the Children's Guardian new powers to enter and inspect premises where they reasonably suspect a person is illegally employing a child, as well as the ability to serve on-the-spot penalty notices for breaches of children's employment legislation.

IMPLEMENTATION

Our service strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. Educators have an important role to support children and young people and to identify concerns that may jeopardise their safety, welfare, or wellbeing. To ensure best practice, all educators will attend approved Child Protection training certified by a registered training organisation. Educators will continue to maintain current knowledge of child protection and Mandatory Reporter requirements, by completing Child Protection Awareness Training annually.

Management/Nominated Supervisor will ensure:

- Any certified supervisor in day-to-day charge of the service has successfully completed a course in child protection approved by the Regulatory Authority.
- All employees and volunteers are:
 - Clear about their roles and responsibilities regarding child protection.
 - Aware of their responsibility to immediately report cases where they believe a child is at risk of significant harm to their immediate supervisor.
 - Aware of their responsibility to report cases where they believe a child is at risk of significant harm to the Child Protection Helpline if they are aware that their immediate supervisor has not done so.
 - Aware of indicators showing a child may be at risk of harm or significant risk of harm.

- Aware of their mandatory reporting obligations to report suspected risk or significant risk of harm.
- Training and development are provided for all educators, staff, and volunteers in child protection.
- Educators are provided with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff, and volunteers.
- All educators', staff, and volunteers' Working with Children Checks are validated unless the person meets the criteria for exemption from a WWCC. See exemption factsheet at <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/apply>
- To provide access to relevant acts, regulations, standards and other resources to help educators, staff, and volunteers meet their obligations.
- Records of abuse or suspected abuse are kept in line with our Privacy & Confidentiality Policy.
- To notify the NSW Ombudsman within 30 days of becoming aware of any allegations and/or convictions of abuse or neglect of a child made against an employee or volunteer and ensure they are investigated, and appropriate action taken.
- To notify the Commission for Children and Young People of details of employees against whom relevant disciplinary proceedings have been completed or people whose employment has been rejected because of a risk identified in employment screening processes.
- To notify the regulatory authority (within 7 days) of any incident where it is reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the service.
- To notify the regulatory authority (within 7 days) of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the service.

ACCUSATIONS AGAINST EDUCATORS

Accusations of abuse or suspected abuse against educators, staff members, and volunteers, the Nominated Supervisor or Approved Provider are treated in the same way as allegations against other people. Reports will be made to the Child Protection Helpline where a child is at risk of significant harm by a person at the service. If the Supervisor is involved in the abuse then the Approved Provider or most senior educator will assist in notifying the Child Protection Helpline.

Educators will:

- Be able to recognise indicators of abuse.
- Respect what a child discloses, taking it seriously and following up on their concerns through the appropriate channels.
- Allow children to be part of decision-making processes where appropriate.
- Comprehend they are mandatory reporters under the legislation and are required to report any situation where they believe on reasonable grounds that a child is at risk of significant harm to the Child Protection Helpline on **132 111** (available 24 hours/7 days a week).
- Be able to use the Mandatory Reporter Guide (MRG) which is available at <https://reporter.childstory.nsw.gov.au/s/mrg>
- Be able to contact Child Wellbeing Units (CWUs) (as applicable to the service) who are able to assist mandatory reporters identify the level of risk to a child and whether to report the risk to the Child Protection Helpline.
- Contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do so.
- Refer families to appropriate agencies where concerns of harm do not meet the threshold of significant harm. These services may be located through CWU (Child Wellbeing Units) or/and FRS (Family Referral Services) at <http://www.keepthemsafe.nsw.gov.au> Family consent will be sought before making referrals.
- Promote the welfare, safety, and wellbeing of children at the Service.
- Prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation.
- Understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people.
- NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on to the Child Protection Helpline or appropriate authority.

DOCUMENTING A SUSPICION OF HARM

If educators have concerns about the safety of a child they will:

- Record their concerns in a non-judgmental and accurate manner as soon as possible.
- Record their own observations as well as precise details of any discussion with a parent (who may for example explain a noticeable mark on a child).
- Not endeavour to conduct their own investigation.

- Document as soon as possible so the details are accurate, including:
 - Time, date and place of the suspicion
 - Full details of the suspected abuse
 - Date of report and signature

DOCUMENTING A DISCLOSURE

A disclosure of harm emerges when someone, including a child, tells you about harm that has happened or is likely to happen. When a child discloses that he or she has been abused, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child from the abuse. It is also a chance to help the child connect to professional services that can keep them safe, provide support and facilitate their recovery from trauma. Disclosure is about seeking support and your response can have a great impact on the child or young person's ability to seek further help and recover from the trauma.

When receiving a disclosure of harm, the service will:

- Remain calm and find a private place to talk.
- Not promise to keep a secret.
- Tell the child/person they have done the right thing in revealing the information but that they'll need to tell someone who can help keep the child safe.
- Only ask enough questions to confirm the need to report the matter because probing questions could cause distress, confusion and interfere with any later enquiries.
- Not attempt to conduct their own investigation or mediate an outcome between the parties involved.
- Document as soon as possible so the details are accurately captured including:
 - Time, date and place of the disclosure
 - 'Word for word' what happened and what was said, including anything they (the staff member/educator) said and any actions that have been taken
 - Date of report and signature.

In addition, an educator receiving a disclosure from a child will:

- Give the child or young person their full attention.
- Maintain a calm appearance.
- Reassure the child or young person it is right to tell.

- Accept the child or young person will disclose only what is comfortable and recognise the bravery/strength of the child for talking about something that is difficult.
- Let the child or young person take his or her time.
- Let the child or young person use his or her own words.
- Don't make promises that can't be kept. For example, never promise that you will not tell anyone else.
- Honestly tell the child or young person what you plan to do next.
- Do not confront the perpetrator.

CONFIDENTIALITY

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the notification should not inform the suspected perpetrator (if known). This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements. It also minimises the risk of retaliation on the child for disclosing.

Protection for reporters

Reports made to Community Services are kept confidential. However, a law enforcement agency may access the identity of the reporter if this is needed in connection with the investigation of an alleged serious offence against a child. Under the *Children and Young Persons (Care and Protection) Act 1998* if the report is made in good faith:

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

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

BREACH OF CHILD PROTECTION POLICY

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

- Does something that a reasonable person in that person's position would not do in a particular situation.
- Fails to do something that a reasonable person in that person's position would do in the circumstances.
- Acts or fails to act in a way that causes harm to someone the person owes a duty of care.

MANAGING A BREACH IN CHILD PROTECTION POLICY

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

- Discussing the breach with all people concerned and advising all parties of the process.
- Giving the educator/staff member the opportunity to provide their version of events.
- Documenting the details of the breach, including the versions of all parties.
- Recording the outcome clearly and without bias.
- Ensuring the matters in relation to the breach are kept confidential.
- Reach a decision based on discussion and consideration of all evidence.

OUTCOME OF A BREACH IN CHILD PROTECTION POLICY

Depending on the nature of the breach outcomes may include:

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

EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOUR

Our program will educate children:

- About acceptable and unacceptable behaviour, and what is appropriate and inappropriate contact at an age appropriate level and understanding.
- About their right to feel safe at all times.
- To say 'no' to anything that makes them feel unsafe or uncomfortable.
- About how to use their own knowledge and understanding to feel safe.
- To identify feelings that they do not feel safe.
- The difference between 'good' and 'bad' secrets.

- That there is no secret or story that cannot be shared with someone they trust.
- That educators are available for them if they have any concerns.
- To tell educators of any suspicious activities or people.
- To recognise and express their feelings verbally and non-verbally.
- That they can choose to change the way they are feeling.

State specifications (excluding NSW) are available on the following pages:

QUEENSLAND SPECIFICATIONS

In Queensland under the Child Protection Act 1999 (Qld) there are four different types of child abuse:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect

Child abuse can be a single incident, or can be a number of different incidents that take place over time. Under the Act, it does not matter how much the child is harmed but whether a child:

- Has suffered harm, is suffering harm, or is at risk of suffering harm
- Does not have a parent able or willing to protect them from harm.

Mandatory Reporting requirements are outlined in the Child Protection Act 1999. Mandatory Reporters include:

- Teachers
- Doctors
- Registered Nurses
- Police officers
- Early childhood education and care professionals (including teacher aides employed in approved early childhood education and care programs)
- A person performing advocate function under the Public Guardian Act 2014

Early childhood education and care (ECEC) professionals are mandated by law to report child safety concerns to the Department of Child Safety, Youth and Women or Queensland Police Service (QPS) where there is a reasonable suspicion that the child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse, and there is not a parent willing and able to protect the child from harm.

ECEC professionals include staff from family day care, kindergarten, limited-hours care, long day care and after-school hours care. Individuals who are volunteers or under 18 years of age are not mandatory reporters.

ECEC professionals are not approved bodies and cannot refer families to Family and Child Connect or an intensive family support service without their consent. If concerns about a family do not meet the legislative threshold for reporting to the department, ECEC professionals are encouraged to refer families to support services, with their consent.

Working with Children Check- Queensland Blue Card system

Paid employees who work with children and young people must hold a blue card to comply with Working with Children (Risk Management and Screening) Act 2000 and the Education and Care Services Act 2013. <https://www.bluecard.qld.gov.au/index.html>

REPORTING AUTHORITY	CONTACT DETAILS
Department of Child Safety, Youth and Women 07 3235 999 Queensland Police Services (QPS) 131 444	To locate the nearest Child Safety Service Centre Ph. 1800 811 810 Child Protection Guide

ACT SPECIFICATIONS

Mandatory Reporting requirements are outlined in the Children and Young People Act 2008 (ACT). From September 1 2019, Ministers of Religion will be included in the list of mandated reporters include:

- Minister of religion
- Doctors
- Dentist
- Nurses
- Enrolled Nurse
- Midwife
- Teachers at school (inclusive of teachers’ aides and assistants in paid employment)
- A person authorised to inspect education programs, materials or other records used for home education of a child or young person under the Education Act 2004
- Police Officer
- A person employed to counsel children or young people at school
- A person caring for a child at a child care centre (including assistances and aides in paid employment at the service)
- A person coordinating or monitoring home-based care for a family day care scheme proprietor
- A public servant who, in the course of employment as a public servant, works with or provides services personally to, children and young people or families
- Public advocates
- Official visitor
- A person who in the course of the person’s employment has contact with or provides services to children, young people and their families and is prescribed by regulation

Mandatory reporting is a legal requirement under the Act. Mandated reporters must make a Child Concern Report to CYPS if through the course of your work, you believe on reasonable grounds a child is experiencing:

- Sexual abuse
- Experiencing or has experienced non-accidental physical injury (physical abuse)
- Emotional abuse (including exposure to family violence)
- Neglect

Failing to report as soon as practicable after forming a belief of child abuse is an offence under the Act. Early childhood educators may form beliefs on reasonable grounds that someone has already made a report if:

- A report was made about the same child or young person in relation to the same abuse or neglect with the same reasons given for their belief as you have for your belief
- Someone tells you
- You read a file note
- You sight the reporting documentation

Mandatory Reporters are not required to prove the abuse has occurred

Reportable Conduct Scheme

Organisations must report allegations or convictions concerning child abuse and child related misconduct by an employee to the ACT Ombudsman within 30 days after the organisation becoming aware of the conduct. (<http://www.ombudsman.act.gov.au/reportable-conduct-scheme>)

Designated entities include: childcare services and education and care service providers, including after school care.

All employees under contract of employment with a designated entity are included in the scheme, including employees who do not work directly with children.

Working with Vulnerable People

The Working with Vulnerable People (Background checking) Act 2011 requires those who work or volunteer with vulnerable people to have a background check and be registered. All staff and educators within an early childhood education and care service must undergo a background check and become registered before they are permitted to work with children.

https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804

REPORTING AUTHORITY	CONTACT DETAILS
Child and Youth Protection Services (CYPS)	Mandated Reporters Ph. 1300 556 728 cyf@act.gov.au https://www.communityservices.act.gov.au/ocyps Onelink 1800 176 468

NORTHERN TERRITORY SPECIFICATIONS

In the Northern Territory under the Care and Protection of Children Act 2007 (NT) a child is a person under 18 years of age. Child abuse refers to significant harm or injury to a child that is not caused by an accident. Harm can be one or more of the following:

- Physical harm
- Sexual harm
- Emotional harm
- Neglect
- Exposing a child to violence

The Department of Health and Families is responsible for overseeing and upholding child protection in the Northern Territory. The acts that help govern and guide the process of child protection in the Northern Territory include:

- Child Protection (Offender Registration and Reporting) Act 2016
- Care and Protection of Children Act 2007

Mandatory Reporting requirements are outlined in the Care and Protection of Children Act 2007 which impose a legal responsibility on EVERY PERSON in the Northern Territory to report child abuse and neglect and cases where children have been or are likely to be a victim of sexual offence.

A person is guilty of an offence if the person believes, on reasonable grounds, any of the following:

- A child has suffered or is likely to suffer harm or exploitation
- A child aged less than 14 years has been or is likely to be a victim of a sexual offence
- A child has been or is likely to be a victim of an offence against section 128 of the criminal code and does not as soon as possible after forming this belief, report (orally or in writing) to relevant authorities.

Working with children clearance

All people working or volunteering in early childhood education and care services must hold a working with children clearance, also called an Ochre Card.

REPORTING AUTHORITY	CONTACT DETAILS
Territory Families	Child Protection Hotline Ph. 1800 700 250 (24hours) Crime Stoppers 1800 333 000

SOUTH AUSTRALIA SPECIFICATIONS

In South Australia, under the Children's Protection Act 1993 (SA) child abuse may be:

- Physical
- Sexual
- Emotional
- neglectful

All education and child development staff are considered mandated notifiers under the Children's Protection Act 1993.

There is a legal obligation for mandated notifiers to notify the Department for Child Protection of all suspected cases of child abuse and neglect within their professional context. Staff also have an ethical responsibility to report experiences outside of their professional context.

Mandated notifiers include:

- Teachers employed in a school, pre-school or kindergarten
- Family day care educators and staff
- Early childhood workers
- Ancillary staff
- Medical Practitioner
- Pharmacists
- Police Officers
- Registered and enrolled nurses
- Community Correction Officers
- Social Workers
- Minister of religion
- A person who is an employee of, or volunteer in an organisation formed for religious or spiritual purposes
- Volunteers working in education or childcare
- Managers responsible for the above staff

Mandated reporters must report abuse when they have a suspicion on reasonable grounds. Proof that the abuse actually occurred is not required. Notifiers may have suspicion on reasonable grounds if:

- the child tells you they have been abused
- observations of a particular child's behaviour or knowledge of the child leads you to suspect that abuse is occurring
- a child tells you that he/she knows someone who has been abused
- Someone reliable such as relative, friend, neighbour or sibling tells you of the abuse to a child.

Failure to report suspicion of child abuse or neglect can result in being penalised as outlined in section 11 of the Children's Protection Act 1993.

Working with children check (WWCC)

From July 2019, all people who work in a ‘prescribed position’ working with children, need a working with children check.

Registered teachers who have a current, valid DHS/DCSI child related employment screening, can still use this until it expires. A valid working with children check must be obtained before teacher registration can be renewed. Applications can be made through Department of Human Services. WWCC are valid for 5 years.

REPORTING AUTHORITY	CONTACT DETAILS
Department for Child Protection	Child Abuse Report Line (CARL): Ph. 13 14 78 Online reporting system (only to be used to report less serious concerns) www.reportchildabuse.families.sa.gov.au After hours crisis Ph. 13 16 11

TASMANIA SPECIFICATIONS

In Tasmania, under the Children, Young Persons and their Families Act 1997 (Tas.) a child is a person under 18 years of age. Child abuse is generally recognized as falling into four categories:

- sexual abuse
- physical abuse
- emotional abuse
- neglect

Every adult who knows, or believes or suspects on reasonable grounds, that a child is suffering, has suffered or is likely to suffer abuse or neglect has a responsibility to take steps to prevent the occurrence or further occurrence of the abuse or neglect.

Prescribed persons (who are often called 'mandatory reporters') have a special duty to inform the Child Safety Service if they believe, suspect or know that a child has been or is being abused or neglected. Mandatory reporters may face penalties if they fail to inform Child Protection Services or a Gateway Service of their knowledge, belief or suspicions.

According to the Children, Young Persons and Their Families Act 1997 mandatory reporters include:

- registered medical practitioners
- registered and enrolled nurses
- a person who is registered as a dentist, dental therapist or dental hygienist
- registered psychologists
- police officers
- probation officers
- principals and teachers in any educational institution (including a kindergarten)
- a person who provides child care, or a child care service, for fee or reward
- a person concerned in the management of a licensed child care service
- any other person who is employed or engaged as an employee for, of or in, or who is a volunteer in:
 - a Government Agency that provides health, welfare, education, child care or residential services wholly or partly for children,
 - an organisation that receives any funding from the Crown for the provision of such services, and
 - Any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.

Section 14 of the Act provides that if a mandatory reporter –

“in carrying out official duties or in the course of his or her work (whether paid or voluntary), believes, or suspects, on reasonable grounds, or knows –

(a) that a child has been or is being abused or neglected or is an affected child within the meaning of the Family Violence Act 2004 (which defines “an affected child” as “a child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence”), or (b) that there is a

reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides; or

(c) while a woman is pregnant, that there is a likelihood that after the birth of the child –

i. the child will suffer abuse or neglect, or may be killed by a person with whom the child is likely to reside; or

ii. the child will require medical treatment or other intervention as a result of the behaviour of the woman, or another person with whom the woman resides or is likely to reside, before the birth of the child

If a mandatory reporter fails to inform Child Safety Service of a reasonable belief, suspicion or knowledge of a child suffering abuse or is at risk of abuse, they may be charged with an offence under the Act. Educators may not be guilty of an offence where they honestly and reasonably believed that the Secretary or a Community-Based Intake Service had been informed of the reasonable grounds on which your suspicion or knowledge was based by another person.

Working with vulnerable people check

Registration is required for all people who work or volunteer with children. This includes all administration staff, educators, volunteers within early education and care services, family day care, out of school hours care. <https://www.cbos.tas.gov.au/topics/licensing-and-registration/registrations>

REPORTING AUTHORITY	CONTACT DETAILS
Department of Health and Human Services Ph. 1300 135 513	24 hour contact Ph. 1800 000 123 If a child is at immediate risk or medical assistance is required- dial 000

VICTORIA SPECIFICATIONS

In Victoria, under the Children, Youth and Families Act 2005 (Vic.) types of child abuse include:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect
- Medical neglect
- Family violence
- Human trafficking (including forced marriage)
- Sexual exploitation (including pornography and prostitution)

The Children Youth and Families Act 2005 section 182 (1) and 184 states that where the following mandated reporters form the belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type must make a report to Child Protection Services as soon as practicable. Changes to mandatory reporting requirements for each childhood providers and staff are in effect as of 1 March 2019.

- Registered teachers and school principals
- Early childhood providers and staff
- Registered medical practitioners
- Nurses including midwives
- Victorian Police officers
- Out of home care workers (excluding voluntary foster and kinship carers)
- Youth justice workers
- Registered psychologists

In addition, any person who believes on reasonable grounds that a child needs protection, can make a report the Department of Health and Human Services (DHHS). It is the Child Protection worker's job to assess and, where necessary, further investigate if a child or young person is at risk of harm ensuring a child safe environment is maintained.

All early childhood services and schools operating in Victoria are required to comply with the Child Safe Standards. The initial focus will be on raising awareness and building capacity for organisations to create and maintain a child safe environment. The Child Safe Standards have been introduced to keep children safe from harm and abuse. The Standards are designed to drive cultural change in organisations, so that protecting children from abuse is embedded in the everyday thinking and practice of leaders, staff and volunteers.

This will assist organisations to:

- Promote the safety of children
- Prevent child abuse
- Ensure effective processes are in place to respond to and report allegations of child abuse.
- Create and maintain a child safe environment under the standards

Services working to embed or improve the culture of child safety in their organisation should ensure leaders, staff and volunteers know and understand the organisation's commitment to child safety, and can raise and respond to allegations of abuse.

Services must have:

- a code of conduct which outlines clear expectations for how all staff and volunteers interact with children
- a policy or statement of commitment to child safety
- Processes for responding to and reporting allegations of child abuse.

All Services should review recruitment, screening and induction processes to ensure staff and volunteers are aware of relevant policies and are trained to minimise the risk of child abuse. Simple and accessible processes will assist services to promote the participation and empowerment of all children, especially aboriginal children, children from culturally and or linguistically diverse

backgrounds and children with a disability. All staff and volunteers need to have an awareness of children’s rights and adults’ responsibilities regarding child abuse.

To create and maintain a child safe environment, Services must implement 7 standards.

Standard 1: Strategies to embed a culture of child safety through effective leadership arrangements

Standard 2: A Child safe policy or statement of commitment to child safety highlighting the services’ zero tolerance of child abuse.

Standards 3: A code of conduct that establishes clear expectations for appropriate behaviour with children

Standard 4: Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing staff

Standard 5: Processes for responding to and reporting suspected child abuse

Standard 6: Strategies to identify and reduce or remove risks of child abuse

Standard 7: Strategies to promote the participation and empowerment of children

In applying each standard, Services must reflect and embed the following 3 key principles

- Cultural safety of Aboriginal children
- Cultural safety of children from culturally and linguistically diverse backgrounds
- Safety of children with disabilities

Reportable conduct scheme

The Reportable Conduct Scheme seeks to improve organisations’ responses to allegations of child abuse and neglect by their workers and volunteers. An allegation of ‘reportable conduct’ could include: sexual abuse; grooming; sexting; inappropriate physical contact or sexualised behaviour with a child. As of January 2019, approved education and care services and children’s services including Family Day Care and Out of School Hours Care services are identified organisations under this scheme.

Commission for Children and Young People (CCYP) <https://ccyp.vic.gov.au>

Working with children check Victoria

All adults engaged in paid or voluntary child-related work require a Working with Children Check. This includes: childcare services, family day care, occasional care and outside school hours care.

Teachers and volunteers currently registered as teachers with the Victorian Institute of Teaching (VIT), they are exempt from the Working with Children Check (unless they have been given a Negative Notice). If they have suspended or cancelled their registration, the exemption no longer applies.

REPORTING AUTHORITY	CONTACT DETAILS
Department of Health and Human Services North Division Intake- 1300 664 977 South Division Intake- 1300 655 795 East Division Intake- 1300 360 391 West Division Intake- 1300 664 977	Child Protection Emergency Service (After Hours) Ph. 13 12 78 National Child Abuse Helpline: Ph. 1800 99 10 99 (9am-5pm AEST)

WESTERN AUSTRALIA SPECIFICATIONS

In Western Australia, under the Children and Community Services Act 2004, a child is any person under the age of 18 years. There are generally five types of child abuse and neglect, which may co-exist:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Psychological abuse
- Child neglect

Mandatory reporting describes the legal obligation of certain professionals and community members to report incidences of child sexual abuse. Mandatory Reporter MUST report to Child Protection Services if they believe on reasonable grounds that a child is in need of protection. Penalties may apply to mandated reporters who fail to report suspected abuse

It is a legal requirement in Western Australia for

- Doctors
- Nurses
- Midwives
- Teachers
- Police officers and
- Boarding supervisors to report all reasonable beliefs of child sexual abuse to the Department for Child Protection and Family Support.

On 1 January 2009, the legislation that governs mandatory reporting of child sexual abuse became part of the *Children and Community Services Act 2004*. The legislation requires mandatory reporters to report a belief of child sexual abuse, if they form this belief, based on reasonable grounds, in the course of their paid or unpaid work, to the Department for Child Protection and Family Support.

This legislation focuses on child sexual abuse. Other forms of abuse (physical, emotional and neglect) should continue to be reported, but there is no penalty if a report is not made.

Mandatory reporters must lodge a written report either using the online tool or PDF mandatory reporting template.

[Mandatory Reporting Information System](#)

[Mandatory Report- Sexual Abuse PDF](#)

Working with Children Check

A WWCC is required by a person if they engage in paid or unpaid work with children.

Child care services (means a child care service as defined in the Child Care Services Act 2007 s4 or an education and care service as defined in the Education and Care Services National Law (Western Australia) s 5 (1). This includes: managerial officers, family day care educators, educators, gardeners, cleaners, cooks whose employment is at the child care centre during centre hours and whose usual duties involve contact with children, students on placement over 18 years of age, self-employed dance or art instructors who attend the service.

https://workingwithchildren.wa.gov.au/about/categories-of-child-related-work	
REPORTING AUTHORITY	CONTACT DETAILS
Department for Child Protection and Family Support Ph. 08 9222 2555 FAX: 9223 1190 Post: PO Box 8146 Perth BC WA 6849	Mandatory Reporters: Ph. 1800 708 704

RESOURCES FOR INDICATORS OF ABUSE OR NEGLECT

- <https://www.childprotection.sa.gov.au/reporting-child-abuse/indicators-abuse-or-neglect>
- <https://www.communities.qld.gov.au/disability/preventing-responding-abuse-neglect-exploitation/identifying-abuse-neglect-exploitation/indicators-signs>
- <http://det.wa.edu.au/childprotection/detcms/inclusiveeducation/child-protection/public/recognising-abuse/indicators-of-abuse.en?cat-id=1337568>
- <https://education.nsw.gov.au/student-wellbeing/child-protection/child-protection-policy-guidelines/resources>
- https://www.dhhs.tas.gov.au/children/child_protection_services/information_sheets_and_resources
- <https://www.vit.vic.edu.au/news/news/2017/the-child-safe-standards-and-mandatory-reporting>
- NAPCAN <https://www.napcan.org.au/napcan-brochures/>
- CHILD SAFE ORGANISATION <https://chilsafe.humanrights.gov.au>

Sources

Australian Children’s Education & Care Quality Authority (2014)

Australian Government Australian Institute of Family Studies (2005) National comparison of child protection systems: <https://aifs.gov.au/cfca/publications/national-comparison-child-protection-systems>

Australian Government Australian Institute of Family Studies (2018) Australian child protection legislation: <https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>

Australian Government: Australian Institute of Family Studies (2017) Mandatory reporting of child abuse and neglect: <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>

Belonging, Being and Becoming: The Early Years Learning Framework for Australia (2009)

Child Protection (Working with Children) Act 2012

Children and Young Persons (Care and Protection) Act 1998

ChildStory Reporter: <https://reporter.childstory.nsw.gov.au/s/>

Early Childhood Australia Code of Ethics (2016)

Government of Western Australia Department of Communities, Child Protection and Family Support. (2019). About mandatory reporting legislation:

<https://mandatoryreporting.dcp.wa.gov.au/Pages/Aboutmandatoryreportinglegislation.aspx>

Guide to the Education and Care Services National Law and the Education and Care Services National Regulations (2017)

Guide to the National Quality Standard (2017)

NSW Government Family & Community Services (2019) Mandatory reporters: What to report and when:

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

NSW Office of the Children’s Guardian: <https://www.kidsguardian.nsw.gov.au/>

Ombudsman Act 2001

Revised National Quality Standard (2018)

The Commission for Children and Young People Act 1998

Victoria State Government Education and Training (2018) Obligations to protect children in early childhood services:

<https://www.education.vic.gov.au/childhood/providers/regulation/Pages/protectionprotocol.aspx>

Victoria State Government Health and Human Services. Child safe standards:

<https://providers.dhhs.vic.gov.au/child-safe-standards>

Victoria State Government Health and Human Services. Creating child safe organisations:

<https://providers.dhhs.vic.gov.au/creating-child-safe-organisations>

REVIEW

POLICY REVIEWED	AUGUST 2019	NEXT REVIEW DATE	AUGUST 2020
MODIFICATIONS	<ul style="list-style-type: none"> • Sentences reworded/refined • Additional information added to points • All information researched to check for currency & accuracy • Rearranged the order of points for better flow • ‘types of abuse’ updated • Combined ‘emotional abuse’ & ‘psychological abuse’ sections • Points added • Resources section added for further ‘indicator’ information • Related policies alphabetised • Sources (all deleted and new list created) and checked for currency • Unnecessary/unrelated references deleted 		
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE	
AUGUST 2018	Included Reference to Victorian Child Protection Obligations	AUGUST 2019	
NOVEMBER 2017	Included references and sources to the Child Safe Standards VIC	AUGUST 2018	
OCTOBER 2017	Updated the references to comply with revised National Quality Standard	AUGUST 2018	
JULY 2017	Significant changes made to the policy, including the inclusion of legislative changes and Mandatory Reporting Guide changes with the introduction of Childstory Updated to meet the National Law and/or National Regulations in respect of a serious incidents and /or allegations of sexual abuse and notification purposes	DECEMBER 2018	
AUGUST 2017			
MAY 2017	Updated policy to include specifications for all states in Australia regarding mandatory reporting requirements	AUGUST 2017	
APRIL 2017	Updated policy to include Queensland changes to mandatory reporting requirements	AUGUST 2017	
MAY 2017	New Format created and policy created	APRIL 2017	