



Child Protection

Policy Statement

Educators, staff and management aim to ensure each child is educated, cared for and protected. The service will follow national government guidelines in relation to child abuse/neglect to maintain the safety and wellbeing of children. The Children and Young People Act 2008 provides general and specific care and protection principles to guide all decisions and actions made or taken under the Act.

Implementation

- NBCA will ensure the premises are safe and secure. Security measures are in place which limit access to, and protect children.
- NBCA is guided by professional advice in regards to the protection of each child.
- As advocates for children, and to maintain their dignity and rights, restrictive practices can only be used if there is a risk to safety at that time. Restrictive practice is the last option and should only be used for the shortest possible time.
- Daily checklists are completed to ensure the grounds, buildings and equipment are safe and in good working order.
- All risks and hazards are assessed and eliminated or minimised to ensure children's safety. Any ongoing risk is documented on the Risk Register.
- NBCA services will have Risk Assessments in place.
- Inappropriate interactions will not be permitted. Inappropriate interactions are those that make anyone involved or a witness to the interaction feel uncomfortable. Continued inappropriate behaviour may result in exclusion from the service.

Mandatory Reporting

- Mandated reporters are defined in section 356 of the *Children and Young People Act 2008*, which states "A person caring for a child at a child care centre" and "A person who, in the course of the person's employment, has contact with or provides services to children, young people and their families".
- Section 354 of the *Children and Young People Act 2008* states:
 - If a person believes or suspects that a child or young person is:
 - a) being abused;
 - b) being neglected; and/or
 - c) at risk of abuse or neglect.The person is required to report the belief or suspicion and the reasons for the belief.
- NBCA staff are mandated and therefore are required to report a situation they believe or suspect a child or young person is being abused or neglected, or is at risk of abuse or neglect.



- The service will ensure staff have the appropriate knowledge and training about their responsibilities under the legislation and the associated offence against the Act if they do not report.
- Formal Mandatory Reports must be lodged to the relevant authorities.

General Mandatory Reporting Principles

Section 9 requires a decision maker to apply the following principles, except when it would be contrary to the best interests of a child or young person:

- a) the child's or young person's sense of racial, ethnic, religious, individual or cultural identity should be preserved and enhanced;
- b) the child's or young person's education, training or lawful employment should be encouraged and continued without unnecessary interruption;
- c) the child's or young person's age, maturity, developmental capacity, sex, background and other relevant characteristics should be considered; and
- d) Delay in decision-making processes under the Act should be avoided because delay is likely to prejudice the child's or young person's wellbeing.

Aboriginal and Torres Strait Islander Children and Young People Principle

This principle (section 10) states the decision maker must take into account the following:

- a) the need for the child or young person to maintain a connection with the lifestyle, culture and traditions of the child's or young person's Aboriginal or Torres Strait Islander community;
- b) submissions about the child or young person made by or on behalf of any Aboriginal or Torres Strait Islander people or organisations identified by the Director-General as providing ongoing support services to the child or young person or the child's or young person's family; and
- c) Aboriginal and Torres Strait Islander traditions and cultural values (including kinship rules) as identified by reference to the child's or young person's family and kinship relationships and the community with which the child or young person has the strongest affiliation.

Procedure for making a Mandatory Report

- ACT Care and Protection Services will be notified by staff completing the online form: <https://form.act.gov.au/smartforms/csd/child-concern-report/>
- Once ACT Care and Protection Services are notified staff will follow their recommendations.
- Directors are not under any obligation to inform families when a report has been made.
- When a report has been made, staff involved may be called to provide evidence.

ACT Reportable Conduct Scheme

- The reportable conduct scheme addresses employment-related child protection. '*Reportable Conduct*' covers allegations or convictions of child abuse or neglect towards children.
- Early childhood education and care services are covered by the scheme and are required to report directly to the ACT Ombudsman.
- NBCA must report allegations, offences or convictions relating to child related misconduct by an employee to the Ombudsman, regardless of whether 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 NBCA became aware of the allegation.



- Reportable conduct includes:
 - 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);
 - 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.
- According to the legislation, reportable conduct **does not include** behaviour that is:
 - Reasonable discipline, management or care of a child taking into account the characteristic of the child and any relevant code of conduct or professional standard that at the time applied to the discipline, management or care of the child;
 - Held to be trivial or negligible conduct after being investigated and recorded as part of workplace procedures;
 - Prescribed by regulation.
- Conduct occurring in either a professional or personal capacity is reportable for anyone defined as an employee under the scheme.
- NBCA employees under a contract of employment are included under the scheme. Volunteers and contractors are also considered as employees but only if engaged to provide services to children.
- NBCA will notify the Ombudsman and any other relevant bodies of any reportable conduct allegations or convictions as soon as possible and no greater than thirty (30) days after becoming aware of the conduct.
- The director and/or Management Committee will investigate any allegations of reportable conduct and provide final report of findings to the Ombudsman.
- NBCA employees are required to inform the director of any allegations or convictions of a child protection nature against an employee of which they become aware of immediately.
- In some circumstances, the Ombudsman may require NBCA to either not commence an investigation or to suspend an investigation while the Ombudsman investigation progresses.
- When the Ombudsman concludes the investigation, or requests NBCA to resume the investigation, NBCA will receive written notification the investigation has ceased. A report will be issued by the Ombudsman which may include recommendations for NBCA or any person or body as a result of the investigation.
- After consideration of the material provided by NBCA, the Ombudsman will decide if the reportable allegation, offence or conviction was properly investigated and if appropriate action was taken as a result of the investigation, including consideration to whether the investigation was procedurally fair.
- Written acknowledgement will be issued by the Ombudsman to confirm the matter is completed.

Contacts for making a Mandatory Report

- Child and Youth Protection Services Centralised Intake Services
 - Mandated Persons Line (24 hours) – 1300 556 728
 - Email Address: childprotection@act.gov.au
 - Website: <https://form.act.gov.au/smartforms/csd/child-concern-report/>



Protective Behaviours

- Protective behaviours will be integrated into children’s everyday learning, with current strategies and resources recommended by relevant authorities.
- All efforts will be made to protect children from neglect, aggressive or abusive behaviour from others.

Supervision

- In education and care services there must be sufficient primary contact educators deployed throughout the premises to ensure no child is left without adequate supervision.
- Lawful and adequate child to educator ratios will be maintained at all times.
- The service will ensure there is a responsible person in charge of the service who has undergone training in a compliant First Aid course within the service at all times.
- Monitor people entering and leaving the service in areas where children are present.

Policy Links

Policies:

- Arrival and Pickup of Children
- Authorisations and Access
- Behaviour Guidance and Self-Regulation
- Code of Conduct
- Confidentiality and Privacy
- Duty of Care
- Employment
- Exclusion
- Health, Hygiene and Infection Control
- Interactions with Children, Families and Staff
- Supervision
- Workplace Health and Safety

NQS: 1.1, 2.2, 5.1, 5.2 and 7.1

Regulations: 74, 82 – 84, 97 – 102, 155, 156 and 168

Sources:

- ACT Ombudsman
- Children and Young People Act 2021
- Child and Youth Protection Services
- Early Childhood Australia Code of Ethics, 2016
- Keeping Children and Young People Safe Handbook
- National Quality Framework
- Staying Healthy: Preventing infectious diseases in early childhood education and care services (5th edition) 2013

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