CHILD PROTECTION POLICY – VIC

Our Out of School Hours Care (OSHC) Service is committed to providing a child safe environment where children's safety and wellbeing is supported and children feel respected, valued and encouraged to reach their full potential. Our Service embeds the *Child Safe Standards* (CSS) and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging. We will ensure all employees and volunteers understand the meaning, importance and benefits of providing a child safe environment and critically, understand their obligations and requirements as mandatory reporters.

Our OSHC Service adheres to and aligns with legislative requirements related to taking images or videos of children.

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 Safety and Protection	Management, educators and staff are aware of their roles and responsibilities regarding child safety, including the need to identify and respond to every child at risk of abuse or neglect

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
S. 2A	Paramount consideration
S. 4	How functions to be exercised
S. 5	Meaning of serious incident
S. 51	Conditions on service approval
S. 162A	Child protection training
S. 162B	Child safety training
S.165	Offence to inadequately supervise children
S. 166	Offence to use inappropriate discipline

S.166A	Offence relating to inappropriate conduct
S.167	Offence relating to protection of children from harm and hazard
S.172	Offence to fail to display prescribed information
S. 174	Offence to fail to notify certain information to Regulatory Authority
S. 174B	Offence for approved provider to fail to notify Regulatory Authority of any reportable sexual conduct committed by relevant staff members
S. 175	Offence relating to requirement to keep enrolment and other documents
PART 6A	Devices in education and care services
S. 188	Offence to engage person to whom prohibition notice applies
S. 269E	Approved provider must give information to the National Authority for the National Early Childhood Worker Register
12	Meaning of serious incident
84	Awareness of child protection law
86	Notification to parents of incident, injury, trauma and illness
87	Incident, injury, trauma and illness record
115	Premises designed to facilitate supervision
145	Staff records
149	Volunteers and students
155	Interactions with children
168	Education and care service must have policies and procedures
170	Policies and procedures to be followed
175	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority
181	Confidentiality of records kept by approved provider
358	Working with children check to be read

RELATED LEGISLATION

Failure to Disclose 2014 (Under Section 327 of the Crimes Act 1958 [Vic])	*Children's Services Act 1996*

Failure to Protect 2015 (Under Section 327 of the Crimes Act 1958 [Vic])	*Family Law Act 1975 (Cth)*
Child Wellbeing and Safety Act 2005	*Family Violence Protection Act 2008*
Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015	*Children Services Regulations 2020*
Children, Youth and Families Act 2005 (Amended 2014) (Vic)	*Reportable Conduct Scheme*
Commission for Children and Young People Act 2012	*The Worker Screening Act 2020*

RELATED POLICIES

Behaviour Guidance Policy Child Safety and Wellbeing Policy Code of Conduct Policy Dealing with Complaints Policy Family Communication Policy Health and Safety Policy Interactions with Children, Family and Staff Policy Privacy and Confidentiality Policy Protected Disclosures (Whistleblower) Policy	Recruitment Policy Respect for Children Policy Responsible Person Policy Safe Use of Digital Technologies and Online Environment Policy Staffing Arrangements Policy Student and Volunteer and Visitors Policy Supervision Policy Work Health and Safety Policy

PURPOSE

All educators, staff, visitors and volunteers are committed to identifying possible risk and significant risk of harm to children and young people at the OSHC Service. We comprehend our duty of care responsibilities to protect children from all types of abuse and adhere to our legislative obligations at all times. We believe that children's safety, rights, and best interests are the paramount consideration for all Service operations, decisions and functions. Our Service ensures that child safety, wellbeing and best interests take priority over all other considerations, including financial interests or other obligations of management, and are embedded in our daily practices, policies and procedures.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Our OSHC Service will act in the best interest of each child, assisting them to develop to their full potential in a secure and child safe environment. We understand our statutory duty of care to comply with both the Child Safe Standards (CCS) and Reportable Conduct Scheme to build our capacity as an organisation to prevent and respond to allegations of child abuse.

Keeping children safe: a shared responsibility.

SCOPE

This policy applies to children, families, staff, educators, approved provider, nominated supervisor, students, volunteers and visitors of the OSHC Service.

DEFINITIONS for additional definitions and key terms used within this policy, refer to *Key Terms – Policies and Procedures*.

Child/Children refers to both children and young people under the age of 18 years.

Child Abuse Child abuse is any act, omission or circumstance that harms, or places a child or young person at risk of harm, to their physical, sexual, emotional or psychological health, safety or development. Child abuse may occur as a single incident or as a pattern of behaviour over time.

Child Safe Standards

The Child Safe Standards (the Standards) are a compulsory framework that support organisations to promote the safety of children, prevent, respond to and report allegations of child abuse and harm. There are 11 Child Safe Standards.

Duty of care refers to your legal responsibility to adequately protect children in care from harm. This common law concept applies to all staff members within any Victorian early childhood service and is usually expressed as "*a duty to take reasonable steps to protect children from injury that is reasonably foreseeable.*" Victoria State Government (2021).

Failure to disclose and failure to protect Failure to disclose or take action in relation to suspected child sexual abuse can constitute a criminal offence. The law requires any adult who holds a reasonable belief that a sexual offence has been committed in Victoria, by an adult against a child (aged under 16) disclosed this information to police.

Forming a reasonable belief/reasonable grounds A person forms a reasonable belief that a child is in need of protection, or their safety or wellbeing is at risk when they are more likely to accept rather than reject their suspicion and the belief is formed through disclosures, observations or other information. Proof is not required to support your claim.

Reasonable grounds for forming a belief may include where:

- a child states they have been abused

- a child states they know someone who has been, or is being, abused
- someone who knows the child states that the child has been abused, is being abused, or is at risk
  of abuse
- you observe a child's behaviour, actions or injuries that may place them at risk of harm or abuse
- you are aware of persistence violence, parental substance misuse, disability that is impacting on the child's safety, stability or development
- you observe signs or indicators of abuse.

Staff should make sufficient enquiries to form a belief; however, it is not the role of staff to conduct an investigation into child protection concerns or criminal offences. (DFFH) Child Protection or Victoria Police will determine what is to be investigated.

Inappropriate conduct to a child: any behaviour that a reasonable person would consider to be inappropriate in an education and care service, taking into account the child's age, development, safety, wellbeing and the context of the interaction.

Mandatory reporting is the legislative requirement for selected classes of people to make a report to the Department of Families, Fairness and Housing (DFFH) Child Protection and/or Victoria Police where they form a reasonable belief, that a child has been or is at risk of significant harm, as a result of physical or sexual abuse, and the child's parents have not protected or are unlikely to protect the child from that abuse. It is a criminal offence to fail to report in these circumstances. In Victoria (VIC) mandatory reporting is regulated by the *Children Youth and Families Act 2005.*

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

- registered medical practitioners
- nurses, including midwives
- Victorian police officers
- registered teachers and school principals
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- registered psychologists

- school counsellors
- people in religious ministry.

https://providers.dffh.vic.gov.au/child-protection

Reportable conduct The Reportable Conduct Scheme requires employees in approved education and care services (kindergartens, after school hours care services) and children's services (occasional care providers) to notify the Social Services Regulator and the regulatory authority of any allegation of employee misconduct involving children.

There are five types of reportable conduct:

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child

Types of abuse and neglect

The VIC Government identifies the following types of abuse and neglect:

- physical child abuse
- child sexual abuse
- grooming
- emotional child abuse
- neglect
- family violence
- children exhibiting inappropriate sexual behaviour

Staff within school aged care services play a vital role in protecting children from harm by responding to and reporting any incidents, disclosure or suspicions. Educators and staff are best placed to identify signs and behaviours that may indicate that a child has been subject to abuse or identify a community member, staff member, contractor or volunteer may be a perpetrator. Understanding the signs of child abuse is critical in supporting children's safety and wellbeing. Victoria State Government-Child protection in early childhood PROTECT provide definitions and physical indicators: Identify signs of child abuse

IMPLEMENTATION

Our OSHC 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 including:

- a duty of care to ensure that reasonable steps are taken to prevent harm to children
- obligations are met under child protection legislation
- obligations are met under work, health and safety legislation.

Our OSHC Service promotes a culture of child safety and wellbeing within the Service. To ensure best practice, all educators and staff will attend approved child protection training certified by a registered training organisation. Educators and staff will continue to maintain current knowledge of child protection law and mandatory reporter requirements by completing Child Protection Awareness Training annually.

The approved provider, staff, educators, volunteers and students will be required to complete mandatory National Child Safety Training for the Early Childhood Education and Care Sector. This applies to any person working in the Service whether or not they work directly with children.

Child Safety Training will be recorded on the *Training Register*. Staff, educators, students and volunteers must demonstrate an understanding of the role of mandatory reporter, including when a report must be made and how to make a report.

CHILD SAFE STANDARDS

Our OSHC Service is committed to keeping children and young people safe and are compliant with the Child Safe Standards (CCS) and principles and the Reportable Conduct Scheme. (See: *Child Safety and Wellbeing Policy*).

Our OSHC Service has policies and practices in place that include robust screening of all educators and staff members prior to employment, supervision, training and other human resources practices to reduce the risk of child abuse for new and existing staff members, processes for responding to and reporting suspected child abuse, strategies to identify and reduce or remove risks of child abuse and strategies to promote the participation and empowerment of children.

WORKING WITH CHILDREN CHECK

All staff, volunteers and students must hold a current and valid Working with Children Check (WWCC)

before commencing work at any approved education and care service. The WWCC must be verified and the WWCC number, expiry date and name matched to official identification recorded in a WWCC register.

Any interstate worker must hold a WWCC that is recognised under the national mutual recognition arrangements. The National Continuous Checking Capability (NCCC) will be used to support real-time monitoring of worker criminal history across all jurisdictions.

MAKING A REPORT/ NOTIFICATIONS

THE APPROVED PROVIDER/ MANAGEMENT/NOMINATED SUPERVISOR WILL:

Dial 000 if a child is at immediate risk and Police or medical assistance is required

- report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming) to relevant authorities including Victoria Police, DFFH Child Protection, the regulatory authority (Victorian Early Childhood Regulatory Authority- VECRA) and Social Services Regulator
- follow the Four Critical Actions to take to respond to an incident, disclosure or suspicion of child abuse
    - responding to an emergency
    - reporting to authorities
    - contact parents or carers
    - provide ongoing support
- notify VECRA via the NQA ITS (within 24 hours) of:
    - any incident or allegation 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
    - any complaints alleging that a serious incident has occurred or is occurring at the Service
    - a serious incident, which may include physical or sexual abuse where emergency services attended the Service
    - any reportable sexual conduct by a nominated supervisor, educator, staff member, student or volunteer against, with or in the presence of, a child
- ensure documentation is completed to assist in making reports to relevant authorities including an incident, injury, trauma and illness record

- notify the Social Services Regulator within three (3) business days of becoming aware of reportable conduct made against an employee or volunteer and ensure they are investigated, and appropriate action taken
- Services will contact their local Child Protection intake provider to report concerns
- develop a 24 hour reporting procedure to ensure that any report made to the approved provider or nominated supervisor, which is deemed notifiable to the regulatory authority, is submitted within the required 24 hour timeframe, including when incidents occur, or are reported, outside of operational hours (e.g. weekends or public holidays).

EDUCATORS WILL:

- contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do so
- respect what a child discloses, taking it seriously and follow up on their concerns through the appropriate channels
- be aware of their mandatory reporting obligations and responsibilities to report that a child is at risk of abuse, harm, neglect or ill-treatment to the approved provider or nominated supervisor
- report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming) to relevant authorities including Victoria Police, DFFH Child Protection, Social Services Regulator and the VECRA in accordance with the Education and Care Services National Law
- follow the Four Critical Actions to take to respond to an incident, disclosure or suspicion of child abuse
    - responding to an emergency
    - reporting to authorities
    - contact parents or carers
    - provide ongoing support
- 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
- share information with other professionals working with children as part of the information sharing and family violence reform schemes
- understand their legal obligations to report or take action in relation to suspected child abuse under the Reportable Conduct Scheme

- notify the approved provider if there are any allegations of reportable conduct involving a staff member, volunteer or contractor as soon as practicable
- identify and report any concerns and allegations of inappropriate conduct (observed or suspected or disclosures) by other staff members, volunteers or students to the approved provider and VECRA within 24 hours
- refer families to appropriate agencies where concerns of harm do not meet the threshold of significant harm. These services may be located through Orange Door. Family consent will be sought before making referrals.
- NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on to Child Protection or appropriate authority
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people.

CONFIDENTIALITY

It is important that any notification to Child Protection 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) nor attempt to investigate any allegation themselves. This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements by the appropriate authorities. It also minimises the risk of retaliation on the child for disclosing.

PROTECTION FOR REPORTERS

All reporters are protected against retribution for making or proposing to make a report under amendments to the *Children Youth and Families Act 2005 and Crimes Act 1958* effective April 2021. The identity of the reporter is protected by law from being disclosed, except in certain exceptional circumstances. Provided the report is made in good faith:

- does not breach standards of professional conduct or ethics
- cannot lead to defamation and civil and criminal liability

A report is also an exempt document under the *Freedom of Information Act 1982.*

These protections are outlined within our *Protected Disclosures (Whistleblower) Policy,* which supports and protects individuals who report concerns in good faith about child safety, breaches of the National Law, or Service operations.

CHILD INFORMATION SHARING SCHEME (CISS) AND FAMILY VIOLENCE INFORMATION SHARING SCHEME

(FVISS) AND THE FAMILY VIOLENCE MULTI-AGENCY RISK ASSESSMENT AND MANAGEMENT FRAMEWORK (MARAM)

Our OSHC Service will align with the MARAM Framework to assist in identifying, assessing and responding to family violence risk. This includes ensuring our educators and staff:

- have a shared understanding of and consistent response to family violence
- work collaboratively to provide coordinated and effective risk assessment and management responses to identify family violence
- share information relevant to family violence risk with other services
- promote continuous improvement in risk assessment and management practice, information sharing and enhanced collaboration with other services.

The Child Information Sharing Scheme (CISS) allows professionals working with children (from birth to 18 years of age) to gain a complete view of the children they work with, making it easier to identify wellbeing or safety needs earlier, and to act on them sooner. Victorian education and care services can share, request and use information about child wellbeing or safety through the scheme with other professionals provided certain requirements for sharing are met.

Educators within the Service need to have sufficient information in order to be able to support a child who has been impacted (or is suspected to have been impacted) by child abuse. Therefore, it is legally allowable for educators to share certain information about a child with other staff members of the Service without the consent of a parent/carer and without breaching privacy laws. Data security requirements that apply to the Service must be followed when sharing any information.

Under CISS, information sharing entities (IESs) can share confidential information with other ISEs for the purpose of promoting the wellbeing or safety of a child or group of children or sharing information to inform action.

Sharing of information may assist the ISE to

- access and engage with supportive services
- access resources for learning and development
- make a decision, assessment or plan
- start or conduct an investigation
- provide a service relating to a child/children
- manage any risk to a child/children

Under the Family Violence Information Sharing Scheme (FVISS) relevant information can be shared for two main purposes:

- Family violence assessment purpose-to establish or assess the risk of a person committing family violence or being the subject of family violence
- Family violence protection purpose- manage the risk to the victim survivor. This includes information sharing to support ongoing risk assessment.

Risk Assessment Entities (RAEs) can request and receive information for a family violence assessment. RAEs include DFFH Child Protection, Victoria Police, family violence services and some Orange Door services. Our Service will respond to all requests for information in a timely manner. The approved provider or licensee should maintain contact with Victoria Police and DFFH Child Protection as necessary to protect the safety and wellbeing of the children involved. Disclosure of information to an RAE does not constitute unprofessional conduct or a breach of professional ethics.

THE APPROVED PROVIDER, MANAGEMENT AND NOMINATED SUPERVISOR WILL ENSURE:

- that obligations under the Education and Care Services National Law and Education and Care Services National Regulations are met and child's safety and wellbeing are prioritised at all times
- educators, staff, students and volunteers have knowledge of and adhere to this policy and associated procedure and are advised on how and where the policy can be accessed
- families are aware of this *Child Protection Policy* and procedure and are advised on how and where the policy can be accessed
- all children being educated and care for by the OSHC Service are adequately supervised (Sec. 165)
- staff, student and volunteer records are maintained as per the *Record Keeping and Retention Policy* and entered into the National Early Childhood Worker Register
- to cooperate with the regulatory authority and comply with any directions or orders issued by the regulatory authority regarding a show cause, suspension or supervision notice provided to a student, volunteer or visitor, including removing the person from engagement with children immediately
- notify the regulatory authority of any reportable sexual offence or misconduct committed by staff, students or volunteers
- a *Child Protection Risk Assessment* is completed and reviewed annually
- a *Child Protection Concerns Register* is completed to record child protection concerns

- a range of strategies are used to provide effective supervision, including using attendance records to ensure children are accounted for (head counts)
- they do not subject a child to inappropriate conduct and ensure that no child being educated and cared for by the Service is subjected to inappropriate conduct by any staff member, educator or volunteer
- any allegations, concerns or suspicions of inappropriate conduct are investigated and reported to the regulatory authority in accordance with the *Management of Inappropriate Conduct Procedure*
- staff, educators, volunteers, students and visitors adhere to legislative requirements and not use, or have access to, any personal electronic devices, including mobile phones or smart watches used to take images or videos when educating and caring for children at the Service
- staff and educators only use electronic devices issued by the Service for taking images or videos of children enrolled at the Service
- that the premises, including toilets ~~and nappy change~~ facilities are designed and maintained to facilitate clear supervision of children whilst maintaining their rights and dignity
- students, volunteers and/or visitors are never left alone with a child whilst at the OSHC Service under any circumstance
- all staff, educators, students and visitors have completed mandatory national child safety training
- educators and staff are provided with training and ongoing supervision to promote a child safe culture and ensure they understand that *child safety is everyone's responsibility*, and they adhere to the Victorian Child Safe Standards
- a thorough recruitment process is implemented to employ people who are committed to children's safety and ensure their views align with the Service's Code of Conduct, Statement of Philosophy and child safety policies and procedures (see *Recruitment Policy*)
- the recruitment process includes pre-employment screening, reference checks and prohibition checks
- all prospective applicants are required to complete a prohibition notice declaration to acknowledge they do not hold any prohibition notices that would prevent them from working with children
- all educators', staff, volunteers' and students' WWCC are validated and checked prior to engagement of work BEFORE the person begins working or interacting with children
- a record is kept and updated of the number of each WWC Check number and expiry date and staff and educators are reminded to renew their WWCC prior to expiry
- to emphasise child safety throughout the Service with regular discussions at team meetings and with children and families (NQF Safe Culture Guide)

- to regularly check if staff understand child safety policies and procedures via quizzes/surveys (NQF Safe Culture Guide)
- educators are provided with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers
- records of abuse or suspected abuse are kept in line with our *Privacy and Confidentiality Policy*
- records relating to child sexual abuse that has or is alleged to have occurred are kept for at least 45 years
- ensure our complaint handling processes are child-focused providing support and guidance for children to know who to talk to if they are feeling unsafe (*See Dealing with Complaints Policy*)
- ensure following any critical incident, children, staff and families are provided with access to support they may need- counselling, debriefing, access to community services
- ensure critical reflection on the incident is conducted with staff and educators to inform required changes to policy, procedures, practices (including supervision) and risk assessments

All employees, volunteers and students are:

- ***o*** provided with a copy of the current *Child Protection, Child Safe Environment, Code of Conduct and Safe Use of Digital Technologies and Online Environments Policies*
- ***o*** required to participate in a comprehensive induction and orientation program, including an understanding of child protection law
- o provided with access to all relevant legislations, regulations, standards and other resources to help meet their mandatory reporting obligations
- ***o*** supported to a foster a child safe culture within the Service by complying with Child Safe Standards (CSS)
- o provided with support to adhere to a zero-tolerance stance against child abuse
- ***o*** provided with current information and reporting procedures for the Reportable Conduct Scheme
- o aware of their mandatory reporting obligations and responsibilities
- o aware that neglecting to report child protection concerns may be deemed a criminal offence
- o provided with training and information about the Child Information Sharing, Family Violence Reforms and Family Violence Multi-Agency Risk Assessment Management Framework (MARAM)
- o supported and empowered to make a report to (DFFH) Child Protection, Victoria Police or seek a referral to Orange Door by having clear procedures in place

- o provided with regular training and resources about the different ways children may express concerns, distress and disclose harm as well as the process for responding to disclosures from children- including a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child (ACECQA 2023)
- ***o*** provided with regular training and resources about trauma-informed care, effective supervision and monitoring, appropriate and inappropriate discipline and online abuse
- o required to participate in regular performance reviews
- ***o*** aware of appropriate positive and consistent approaches to guide behaviour and ensure no child is subjected to any form of corporal punishment or discipline that is unreasonable in the circumstances (Sec. 166)
- ***o*** aware that it is an offence to subject a child to inappropriate conduct which includes behaviour that is inconsistent with professional standards; is likely to cause emotional, psychological or physical harm to children or has violent or sexual connotations
- ***o*** aware that if they observe, suspect or receive any allegations or disclosures that a staff member, or volunteer is engaging or has engaged in inappropriate conduct, they must notify the regulatory authority, approved provider and nominated supervisor within 24 hours
- ***o*** aware of our Service policy and associated procedures for the safe use of digital technologies and online environments.

EDUCATORS AND STAFF WILL:

- adhere to the OSHC Service's policies and procedures
- promote the welfare, safety, and wellbeing of children at the Service by creating and maintaining child safe environment and adhere to the Child Safe Standards (CSS)
- foster a culture of openness, respect and cultural safety where children and young people feel safe to disclose risk of harm to children or report abuse
- participate in a comprehensive induction and orientation program, including an understanding of child protection law
- provide valid Working with Children (WWC) Check details during their employment and engagement at the OSHC Service
- advise the approved provider of any circumstances that may affect their WWC Check or fit and proper status including changes to teacher accreditation or registration (if applicable), in writing, within 24 hours

- not use, or have access to, any personal electronic devices, including mobile phones or smart watches used to take images or video of children at the Service
- complete online training- Protecting Children: Mandatory Reporting and Other Obligations Training (PROTECT)
- participate in training about the Child Information Sharing, Family Violence Reforms and Family Violence Multi-Agency Risk Assessment Management Framework (MARAM)
- complete mandatory national child safety training
- implement consistent, appropriate interactions with children
- ensure no child is subjected to inappropriate conduct or discipline
- understand their legal responsibilities to report any allegations or disclosures that a staff member or volunteer is engaging or has engaged in inappropriate conduct to notify the VECRA and nominated supervisor within 24 hours
- allow children to be part of decision-making processes where appropriate
- provide ongoing monitoring and follow-up for children's health and wellbeing.

STUDENTS/ VOLUNTEERS/ VISITORS WILL:

- adhere to the Service's policies and procedures
- participate in a comprehensive induction and orientation program, including an understanding of child protection law
- provide valid Working with Children Check (WWCC) details during their engagement at the OSHC Service
- advise the approved provider of any circumstances that may affect their WWCC or fit and proper status including changes to teacher accreditation or registration (if applicable), in writing, within 24 hours
- complete mandatory national child safety training
- promote the welfare, safety, and wellbeing of children at the Service by creating and maintaining child safe environment and adhere to the Child Safe Standards (CSS)
- not use, or have access to, any personal electronic devices, including mobile phones or smart watches used to take images or video of children at the OSHC Service
- report any concern or suspicion that a child is at risk of significant harm, or concerns for the child's wellbeing to the approved provider or nominated supervisor as soon as possible within 24 hours

- report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming) or inappropriate conduct by a staff member or other volunteer to Police and the approved provider or nominated supervisor within 24 hours
- identify and report any concerns around staff, educator or volunteer behaviour or inappropriate conduct to management or the approved provider of the OSHC Service as soon as practicable
- allow children to be part of decision-making processes where appropriate.

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 PERSON RECEIVING THE DISCLOSURE WILL:

- give the child or young person their full attention
- remain calm and find a place to talk where you can give the child your full attention (ask child or young person if you can move to a place where you can hear them properly)
- not 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
- 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
- let the child or young person take his or her time
- let the child or young person use his or her own words
- tell the child or young person that the abuse of maltreatment is not their fault
- support culturally and linguistically diverse children and children with additional needs to express themselves in the child's preferred way of communicating (NQF Safe Culture Guide)
- not attempt to conduct their own investigation or mediate an outcome between the parties involved
- not confront the perpetrator
- 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

Source: *Responding to children and young people’s disclosures of* abuse (2025). Australian Institute of Family Studies

BREACH OF CHILD PROTECTION POLICY

A breach is any action or inaction by any individual within the Service, including children and young people, that fails to comply with any part of the policy. All educators, students, volunteers and staff working with children are mandatory reporters under the *Crimes Act 1958 (Vic)* and have a duty of care to support and protect children. The rights and best interests of children are paramount and breaches will be treated as serious.

Any allegations of criminal offences against children must be reported to the Police immediately. Failure to report child sexual abuse to the police is a criminal offence. Any person who reports a breach or concern in good faith, will be protected against retaliation under the *Protected Disclosures (Whistle Blower) Policy.*

All breaches will be recorded, and outcomes documented, in accordance with record-keeping requirements. A breach may include (but is not limited to):

- failure to report suspected child abuse, neglect, or risk of harm
- engaging in or failing to prevent inappropriate conduct or inappropriate discipline to a child
- breaching confidentiality about a child protection matter
- failing to maintain a valid Working with Children Check (WWCC)
- not following the Service’s Code of Conduct, supervision or reporting procedures
- any action or inaction that places a child at risk of harm.

MANAGING A BREACH IN CHILD PROTECTION POLICY

Management will investigate any breaches to this policy in a fair, unbiased and supportive manner by:

- liaising with the DFFH Child Protection, Social Services Regulator, Victoria Police and the VECRA as required, for appropriate processes to ensure chain of evidence is not destroyed or compromised
- not undertaking and investigating the allegation whilst the Social Services Regulator or the Police are conducting an investigation
- following directions from the DFFH Child Protection, VECRA, Social Services Regulator and Victoria Police that may include removal of the educator or staff member (who is the subject of allegations)

immediately from a role with contact with children or young people until authorities conclude their investigation

- displaying the Service's compliance history and any compliance actions that are the subject of review by the regulatory authority for families to view.

Management may undertake an investigation if DFFH Child Protection or the Police are not conducting their own investigation or if their action has concluded. Management will:

- give the educator, staff member, student or volunteer the opportunity to provide their version of events
- document the details of the breach, including the versions of all parties
- record the outcome clearly and without bias
- ensure 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

Staff members or educators who fail to adhere to this policy may be in breach of their terms of employment. Visitors or volunteers who fail to comply to this policy may face termination of their engagement. Depending on the nature of the breach outcomes may include:

- disciplinary procedures if required including dismissal of employment
- emphasising the relevant element of the child protection policy and procedure not followed
- providing closer supervision
- providing further education and training
- providing mediation between those involved in the incident (where appropriate)
- reviewing current policies and procedures and developing new policies and procedures if necessary
- external regulatory action- including compliance history, fines, suspension of rating or Service closure.

REPORTABLE CONDUCT SCHEME-ALLEGATIONS AGAINST EMPLOYEES, VOLUNTEERS OR STUDENTS (OR CONTRACTORS)

Report to 000 if you have immediate concerns for a child's safety.

The Reportable Conduct Scheme has been designed to ensure that the Social Services Regulator will be aware of every allegation of certain types of employee misconduct involving children in relevant organisations, including approved education and care services (kindergartens, after school hours care

services) and Children's services (occasional care providers). [see: *Reportable Conduct Scheme Policy* (Victoria only)- Child Care Centre Desktop]

EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOUR

Our program will educate and support children to learn about their rights and encourage them to express their views and feelings. Children will learn:

- about acceptable and unacceptable behaviour in both physical and online environments
- about what is appropriate and inappropriate contact at an age-appropriate level and understanding
- about body safety, using correct names of private body parts to help recognise inappropriate touches and respect for personal space
- 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
- help them identify trusted educators, adults and friends
- 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.

RESOURCES FOR INDICATORS OF ABUSE OR NEGLECT

Child Safe Organisations

Commission for Children and Young People. (2021). Victoria's new Child Safe Standards

Kids Helpline

Lifeline

NAPCAN- Prevent Child Abuse & Neglect

Sexual Assault Services Victoria. Child sexual assault. Early childhood education and care settings

The Orange Door

Victoria State Government Education Protection and prevention of child abuse in early childhood settings

Victoria State Government. (2021). Family Violence Information Sharing and Child Information Sharing

Victoria State Government. Identify signs of child abuse

Victoria State Government. Understanding your obligations to protect children

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Child Protection Policy* will be reviewed on an annual basis or earlier if there are changes to legislation, ACECQA guidance or any incident related to our policy. Feedback will be requested from children, families, staff, educators and management, and notification of any change to policies will be made to families within 14 days. Our policy, procedures and practices will be critically examined regularly to ensure ongoing improvement to maintain and foster a child safe environment and child safe culture within our OSHC Service.

CHILDCARE CENTRE DESKTOP- RELATED RESOURCES

Child Protection Educational Program Risk Assessment Child Protection Notification Procedure Child Protection Notification Record Child Protection Report Form	Child Protection Concerns Register Child Protection Risk Assessment Inappropriate Conduct Risk Assessment Management of Inappropriate Conduct Procedure

SOURCES

Australian Children's Education & Care Quality Authority. (2025). *Embedding the National Child Safe Principles*
Australian Children's Education & Care Quality Authority. (2026). *Guide to the National Quality Framework*
Australian Children's Education & Care Quality Authority. (2025). *NQF Child Safe Culture Guide.*
Australian Government Department of Education. *My Time, Our Place- Framework for School Age Care in Australia.V2.0, 2022*
Australian Children's Education & Care Quality Authority. (2024). *Taking Images and Video of Children While Providing Early Childhood Education and Care. Guidelines For The National Model Code*
Australian Government Australian Institute of Family Studies. (2022). *Australian child protection legislation*
Australian Government: Australian Institute of Family Studies. (2023). *Mandatory reporting of child abuse and neglect*
Australian Government: Australian Institute of Family Studies. (2025). *Responding to children and young people's disclosure of abuse.*
Children Youth and Families Act 2005
Crimes Act 1958 (Vic)
Early Childhood Australia. (2016). *Code of Ethics*
Education and Care Services National Law Act 2010
Education and Care Services National Regulations 2011
The Commission for Children and Young People Act 1998
Victoria State Government Education. *Child Protection in Early Childhood (PROTECT)*
Victoria State Government Department of Families, Fairness and Housing. *Creating child safe organisations*
Victoria State Government. *Child Information Sharing Scheme*

Victorian Government. *Multi-Agency Risk Assessment and Management Framework (MARAM) practice guides and resources*.
Victoria State Government. *Working with Children Check.*
Victoria State Government. Commission for Children and Young People. *Reportable Conduct Scheme*.
Working with Children Act 2005 (Vic)

REVIEW

POLICY REVIEWED BY	Simone Riley	OSHC Admin	22/05/2026
POLICY REVIEWED	FEBRUARY 2026	NEXT REVIEW DATE	AUGUST 2026
VERSION NUMBER	V7a.02.26		
MODIFICATIONS	• updated policy to include child safety reforms for Education and Care Services National Law- WWCC requirements strengthened, mandatory National child safety training, inappropriate conduct offences, additional requirements for approved providers to notify regulatory authority • updated policy to reflect changes to the new Social Services Regulator replacing the Commission for Children and Young People (CCYP) • sources checked for currency and updated as required		
POLICY REVIEWED	PREVIOUS MODIFICATIONS		NEXT REVIEW DATE
AUGUST 2025	• annual policy review • reporting/notification actions moved within policy to ensure critical importance and consistency • additional information added within policy to adhere to NQF child safety changes (effective 1 September 2025-NQF Guide to Child Safety) and National Model Code • sources checked for currency and updated as required		AUGUST 2026