

## Purpose

This policy will provide clear guidelines to:

- i. ensure all children in the care of the *Organisation* are protected from harm during the period of care; and
- ii. provide staff with a practical guide to ensure incidents or suspected incidents of abuse affecting children attending services are reported.

## Policy statement

### General

The *Organisation* will create an environment where *children* are respected, protected, empowered and supported to learn protective behaviours. The *Organisation* aims to train and employ staff that are skilled, confident and well supported to meet their *child protection* obligations. Staff will be supported to express concerns about the welfare of any *child* or person at the *service*, whether mandated or not. Staff will act in good faith to protect the health and safety of *children* and people attending our *services*.

The *Organisation* complies with the *child* safety and mandatory reporting obligations of each state and territory, including the Child Safe Standards and Reportable Conduct Scheme. The *Organisation* will deliver this policy in adherence with all existing regulation and legislation, and with consideration to the *Organisation's* core values and beliefs.

This policy forms part of a framework developed to mitigate risks to the health of *children*, families and staff at *services*. Parents, carers and other interested persons can request a copy of this policy at any time.

The United Nations Convention on the Rights of the Child (1989), the Commonwealth National Framework for Protection of Australian Children and Australian state and territory legislation (refer to **QM-SS-001 Regulations and Legislation Spreadsheet**) provides the foundation for this policy.

*Child Protection* is the responsibility of each Australian state and territory government (see the section 'Relevant authorities'). Relevant authorities and the police may undertake an investigation to determine if a *child* needs protection.

### Child abuse and neglect

*Child abuse* and neglect are broadly described within five categories:

- physical harm,

- sexual harm or exploitation,
- emotional harm,
- psychological, and/or
- neglect.

Staff should refer to the relevant guide provided by each state and territory.

## Reporting child abuse and neglect

The *Organisation* will to report immediately any forms of suspected abuse to the relevant state authorities in line with the *Organisation's* **SER-POL-036 Incident, Injury, Trauma, Illness and Notifiable Matter Policy**, **SER-POL-032 Mandatory Reporting Policy**, and relevant state or territory **Mandatory Reporting Procedure**.

The *Organisation* will comply with the National Child Safe Standards and the state relevant *Reportable Conduct Scheme* (where applicable) by investigating and reporting allegations of *abuse* and/or *neglect* in accordance with the state relevant *Mandatory Reporting Procedure*.

Please refer to **SER-POL-023 Mandatory Reporting Policy** and relevant state or territory **Mandatory Reporting Procedure** for further information on the *Reportable Conduct Scheme* and **National Child Safe Standards**

The *Organisation* follows the national standards which are best practice for the protection of children:

Standard 1: Child safety is embedded in organisational leadership, governance and culture

Standard 2: Children participate in decisions affecting them and are taken seriously

Standard 3: Families and communities are informed and involved

Standard 4: Equity is upheld, and diverse needs considered

Standard 5: People working with children are suitable and supported

Standard 6: Processes to respond to complaints of child sexual abuse are child focused

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

Standard 8: Physical and online environments minimise the opportunity for abuse to occur

Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved

Standard 10: Policies and procedures document how the organisation is child safe

## Legislation compliance

Refer to **QM-SS-001 Regulations and Legislation Register**.

## Implementation

The *Organisation* will:

- make this policy available to all staff and ensure staff work in accordance within this policy and industry standards;
- ensure that *Organisation* staff, volunteers and stakeholders in child-related roles are hold an approved clearance (provided by the relevant authority for their state or territory) demonstrating they do not have any convictions that would prohibit them from being able to work with *children* (e.g. in Western Australia the clearance required is a Working with Children check).
- review this policy at least annually;
- ensure all staff are aware of this policy and have confirmed understanding of their responsibilities;
- support staff to recognise signs of *child abuse* and *neglect*;
- ensure staff have access to the *Organisation's Protective Behaviours* educational materials;
- ensure staff have access to the *Organisation's Mandatory Reporting* educational materials;
- refer to state-relevant section in the **SER-POL-032 Mandatory Reporting Policy** and state-relevant **Mandatory Reporting Procedure** when making mandatory reports;
- maintain an objective position during any *mandatory reporting* process;
- develop and maintain policies and procedures to safeguard *children* and families;
- adhere to confidentiality and non-discrimination policies;
- ensure all staff have access to the Commonwealth National Framework for Protection of Australian Children (2009-2020);
- In NSW, adhere to the Reportable Conduct Scheme obligations set out by the Office of the Children's Guardian by:
  - notifying the Office of the Children's Guardian within seven business days of becoming aware of an allegation of abuse against a staff member;
  - conduct an investigation into the allegations; and
  - submit a report within 30 calendar days.

- In Victoria, adhere to the *Reportable Conduct Scheme* obligations as set out by the Commission for Children and Young People (CCYP) and the Child Wellbeing and Safety Act (2015) by:
  - notifying the Commission within three (3) business days of becoming aware of a reportable allegation against a staff member;
  - investigating an allegation, including advising the Commission on who is conducting the investigation and managing the risks to *children*;
  - providing the Commission detailed information about the reportable allegation and any action taken within 30 business days; and
  - notifying the Commission of the investigation findings and any disciplinary action taken (or the reason no action was taken).
- In the ACT, adhere to the *Reportable Conduct Scheme* obligations as set out by the state Ombudsman by:
  - notifying the Commission within thirty (30) business days of becoming aware of a reportable allegation against a staff member by completing the section in the 17G notification form;
  - providing details of the allegation or conviction;
  - providing the *organisation's* intended response, including an investigation plan and risk assessment; and
  - reporting to appropriate organisations. These may include state Policing, Child Youth Protection Services and Access Canberra.

The manager, director or responsible person will:

- implement this policy at their *service*, ensuring all staff are aware of this policy and have confirmed understanding of their responsibilities ;
- ensure staff have access to the *Organisation's Protective Behaviours* educational materials;
- ensure staff have access to the *Organisation's Mandatory Reporting* educational materials;
- maintain an environment in which *children* are confident and able to communicate their need for assistance;
- allow children a voice and make sure their voices are heard;
- advocate for children's rights;
- ensure all staff have access to the Commonwealth National Framework for Protection of Australian Children (2009-2020);

- build and maintain relationships with *child protection* agencies, family support agencies and other relevant *organisations* and refer families when appropriate;
- refer to the state relevant section in the **SER-POL-032 Mandatory Reporting Policy**, state relevant **Mandatory Reporting Procedure** and **SER-POL-036 Incident, Injury, Trauma, Illness and Notifiable Matter Policy** when making mandatory reports;
- advise the Executive Director or CEO if an allegation is made that requires reporting under the *Reportable Conduct Scheme*;
- support and assist staff at their *service* in making reports;
- adhere to confidentiality requirements and maintain an objective position during *mandatory reporting*;
- identify staff training needs and ensure that these needs are addressed by escalating training requirements as necessary;
- check the welfare of children with unexplained absences by contacting the family at 9.30am on the day of booked attendance;
- ensure that staff are appropriately trained in their relevant state child protection training and that this is updated annually at a minimum;
- in NSW, ensure that all staff complete Child Protection Awareness Training;
- in Victoria, ensure that staff complete training at the Department of Education and Training ELMO Online Learning Management System;
- involve and inform families wherever possible;
- alert their line manager if they believe their training requirements have not been met; and
- attend relevant child safety related meetings and report where applicable.

Staff will:

- report to and consult with their *line manager* or above immediately in accordance with the *Organisation's* **SER-POL-036 Incident, Injury, Trauma, Illness and Notifiable Matter Policy**, **SER-POL-032 Mandatory Reporting Policy**, and relevant state or territory **Mandatory Reporting Procedure** when reporting *child abuse or neglect*.
- adhere to confidentiality requirements and maintain a non-judgmental position during any *mandatory reporting* process;
- remain vigilant and aware of signs of child abuse;
- alert their manager, director or responsible person if they believe their training requirements have not been met;
- be advocates for *children* and their rights;
- keep their knowledge regarding *child* protection and *children's* safety current;

- check QK kiosk by 9.30am and complete any missing sign-ins; and
- advise the manager, director or responsible person of any unexplained absences at 9.30am.

Parents and carers of children enrolled at services will:

- cooperate with the *Organisation's* staff in the best interest of their *child* and/or *children* at the *service*;
- obtain a WWC clearance before undertaking any volunteer work in the service;
- always adhere to confidentiality requirements; and
- advise the service if their child will be absent.

## Related policies, forms and checklists

HR-POL-015 Working with Children Clearances Policy  
 SER-POL-032 Mandatory Reporting Policy  
 SER-POL-036 Incident, Injury, Trauma, Illness and Notifiable Matter Policy  
 SER-POL-014 Access to Service Policy  
 SER-PRO-021 Child Collection and Drop off Procedure  
 SER-PRO-023 Western Australian Mandatory Reporting Procedure  
 SER-PRO-034 Australian Capital Territory Mandatory Reporting Procedure  
 SER-PRO-035 New South Wales Mandatory Reporting Procedure  
 SER-PRO-036 Northern Territory Mandatory Reporting Procedure  
 SER-PRO-037 Victorian Mandatory Reporting Procedure  
 SER-PRO-038 Queensland Mandatory Reporting Procedure  
 SER-POL-035 Authorised Persons Policy

## Definitions

**Child or children:** Any person under 18 years of age. In the Northern Territory the definition of a 'child'; a person apparently less than 18 years of age if the person's age cannot be proved. In Western Australia the definition of a 'child'; in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.

**Child abuse:** Physical, sexual, emotional or psychological abuse and/or neglect which has resulted in or is likely to result in harm to the child's wellbeing. May involve ongoing, repeated or persistent abuse, or arise from a single incident. Accidental injury is not abuse.

**Child neglect:** Inactions or inability of people with a parental responsibility (duties, powers, responsibilities and authority which, by law, parents have in relation to children).

**Child protection:** Actions, enabled by legislation that relevant state or territory authority and police take to protect a child.

**Line manager:** A staff member appointed to director, manager level, or above.

**Mandatory reporting:** The legal requirement to report suspected child abuse to the relevant authority. Mandatory reporting requirements vary in each state and territory.

**National Child Safe Standards:** A set of ten national standards that all services should strive for in order to protect children.

**Nominated supervisor:** The most senior staff member at a childcare service. The nominated supervisor will have primary management and control of a service in the absence of the approved provider.

**Organisation:** One Tree Community Services Incorporated.

**Service:** Service and services refer primarily to the early education and care or community services but also includes excursions and any other site, event or entity under the authority of the Organisation.

**Reportable conduct scheme:** Is a set of obligations set out by the Commission for Children and Young People and the Child Wellbeing and Safety Act (2015). The scheme requires the mandatory reporting and investigation of allegations of child abuse, neglect and child-related misconduct.

Appendix 1 – State Specific Reporting Requirements

Child Protection in Australian Capital Territory

The *Organisation* must report allegations or convictions concerning child abuse and child related misconduct by an employee to the ACT Ombudsman as soon as possible upon learning of an allegation of conviction or reportable conduct (<https://www.ombudsman.act.gov.au/improving-the-act/reportable-conduct>)

In ACT teachers and childcare workers are mandatory reporters and must report any belief, on reasonable grounds, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury.

REPORTING AUTHORITIES	CONTACT DETAILS
Child and Youth Protection Services (CYPS)  <a href="https://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services">https://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services</a>	Mandated Reporters  Ph. 1300 556 728  <a href="mailto:childprotection@act.gov.au">childprotection@act.gov.au</a>  <a href="mailto:cyf@act.gov.au">cyf@act.gov.au</a>  Onelink: 1800 176 468

Child Protection in New South Wales

All Staff and Volunteers are mandatory reporters in NSW and are to call the Child Protection Helpline on 132 111 if they suspect a child or young person is at risk of significant harm and have current concerns about the safety, wellbeing or welfare of a child or young person should the concerns arise during or from their work.

Alternatively, mandatory reporters can report to The Office of Children’s Guardian. They will need to need to first register then log on at the [ChildStory Reporter Community](https://reporter.childstory.nsw.gov.au/s/mrg) website and use the Mandatory Reporter Guide (MRG) <https://reporter.childstory.nsw.gov.au/s/mrg>. The MRG assists mandatory reporters to decide whether to report their concerns of possible abuse or neglect through a set of ‘decision trees’ and definitions. At the end of each decision tree process, a decision report guides mandatory reporters as to what action to take.

Once complete mandatory reporters can then create and submit eReports if the MRG outcome is "Report to Dept of Communities and Justice".

Staff and volunteers can also access NSW Interagency Guidelines: <https://www.facs.nsw.gov.au/providers/children-families/interagency-guidelines>



Under the NSW Reportable Conduct Scheme, all allegations of abuse against staff members must be reported to the Office of the Children’s Guardian within seven business days and conduct a full investigation.

REPORTING AUTHORITIES	CONTACT DETAILS
The Office of Children’s Guardian	<p>Child Protection Helpline on 132 111 (available 24 hours/7 days a week).</p> <p>Reportable conduct directorate: 02 8219 3800</p> <p>Child safe directorate: 02 8219 3600</p>

### Child Protection in the Northern Territory (NT)

Territory Families is responsible for overseeing and upholding child protection under the NT Care and Protection of Children Act (2007). All individuals in the NT are mandatory reporters and required to report child abuse and neglect and cases.

In addition to reporting obligations information sharing provisions apply as OTCS is an Information Sharing Authority (ISA). Authorised staff may be required to provide information to other ISA’s and can also request information from other ISA’s to inform their work with a child and their family. This is prescribed in section 293c of the Care and Protection Act (2007). The Information Sharing Authority prescribed persons within the act ensures that OTCS staff can engage with relevant agencies for the purpose of enacting the Family Safety Framework.

[The Professional Reporting Guide](#) will support the notification of suspected child protection and the obligations of the individual. You do not need proof of harm or abuse to report your concerns but a reasonable belief that a child has been harmed or is likely to be harmed.

REPORTING AUTHORITIES	CONTACT DETAILS
Territory Families	<p>Child Protection Hotline</p> <p>Ph. 1800 700 250 (24hours)</p> <p>Crime Stoppers</p> <p>1800 333 000</p>

### Child Protection in Queensland (QLD)

Early childhood education and care professionals are mandated by law to report child safety concerns to the Department of Child Safety, Youth and Women or QLD Police Service 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.

Staff are to use the Child Protection Guide (CPG) when making assessments and reports.

REPORTING AUTHORITIES	CONTACT DETAILS
Department of Child Safety, Youth and Women	To locate the nearest Child Safety Service Centre Ph. 1800 811 810 Child Protection Guide
Department of Communities Child Safety and Disability Services	1300 382 254 (Brisbane) 1300 706 147 (North QLD)  After hours/weekends: Child Safety After Hours Service Centre 1800 177 135
Queensland Police Services (QPS)	131 444

Child Protection in Western Australia (WA)

In WA, all Mandatory Reporters must report to Department of Communities Child Protection and Family Support if they have reasonable grounds to believe that a child needs protection. Penalties may apply to mandated reporters who fail to report suspected abuse.

REPORTING REQUIRMETNS	CONTACT DETAILS
Department of Communities- Child Protection and Family Support	Ph. 08 9222 2555

Victorian Child Protection

All Early Childhood Teachers are mandatory reporters in Victoria and must report belief on reasonable grounds that a child is in need of protection. All early childhood services operating in Victoria are required to comply with the Child Safe Standards.

OTCS will work to embed or improve the culture of child safety and ensure leaders, staff and volunteers understand child safety, and can raise and respond to allegations of abuse.

In cases of allegations of abuse against employees, the Commission for Children and Young People (CCYP) will be contacted and the Reportable Conduct Scheme followed

REPORTING REQUIRMENTS	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)

## Appendix 2 - Relevant authorities

Child protection is the responsibility of each Australian state and territory government. The following lists the relevant Act in each state, screening requirements for people Working with Children and central intake contact for reporting child abuse and neglect (including suspected abuse or neglect).

STATE	DEPARTMENT	ACT	REQUIREMENTS
NT	Territory Families	Care and Protection of Children Act 2007 (NT)	Individuals are required to apply for a Working with Children check, known as an "Ochre Card". The Ochre Card, which is also known as a clearance notice is valid for two years and applies to employees and volunteers in child-related employment settings.
VIC	Department of Health and Human Services	Working with Children Act 2005 (Vic.)	Individuals are required to apply for a Working with Children check. Valid for five years, the check entitles individuals to engage in child-related occupations/volunteering and practical training.
WA	Department of Communities: Child Protection and Family Support	Working with Children (Criminal Record Checking) Act 2004 (WA)	Individuals are required to apply for a Working with Children check. Valid for three years, the check entitles individuals to engage in child-related occupations or volunteering.
ACT	Minister for Community Services and Facilities - Community Services Directorate	Working with Vulnerable People (Background Checking) Act 2011	People who have contact with vulnerable people in the course of engaging in certain regulated activities or services require registration with a Statutory Screening Unit (Background Screening Unit).
NSW	Department of Communities and Justice	Commission for Children and Young People Act 1998 (NSW)	The NSW Working with Children Check is an employer driven 'point-in-time' system entailing background checks of employees and the exclusion of prohibited persons from child-related occupations. It is valid for five years.
QLD	Minister for Child Safety, Youth and Women	Commission for Children and Young People and Child Guardian Act (2000) QLD	Individuals are required to apply for a Working with Children Check, known as a Blue card, in Queensland. It is valid for two years and entitles individuals to engage in child-related occupations/volunteering. Organisations providing child related services must also have policies and procedures in place to identify and minimise risk of harm to

STATE	DEPARTMENT	ACT	REQUIREMENTS
			children, which are monitored by the Commissions for Children and Young People and Child Guardian.

#### Change submission and approval details

☐ Urgent approval required

☒ No changes made at this review

Submitted by Risa Ristanovich/Services (Inclusion)

Date 1/06/2020

Approved by S-MT Keryn Lewis

Date 01/06/2020

Approved by QMT Referred to CEO's delegate

Date 29/07/2020

Approved by CEO Judith Reen (CEO's delegate)

Date 14/08/2020