

CHILD PROTECTION POLICY - NSW

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 OSHC Service embeds the [NSW Child Safe Standards](#) 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 adheres to the [National Model Code](#) and the Education and Care Services (Supply, Authorisation and Use of Devices) Order 2025 for taking images or videos of children. **[Mandatory from 6 November 2025].**

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 [NSW] AND NATIONAL REGULATIONS	
S. 3A	Paramount consideration [NSW]
S. 4	How functions to be exercised
S.5	Meaning of serious incident
S.5AA	Meaning of inappropriate conduct [NSW]
S. 162A	Child protection training [NSW] Offence relating to child protection training [NSW]
S. 162B	Child safety training [due to commence 2026]
S. 165	Offence to inadequately supervise children
S. 166	Offence to use inappropriate discipline

S.166A	Offence to subject child to inappropriate conduct [NSW]
S. 167	Offence relating to protection of children from harm and hazard
S. 174	Offence to fail to notify certain information to Regulatory Authority
S. 174AA	Educators and other staff members of education and care service to notify certain information [NSW]
S. 174AB	Approved provider must notify Regulatory Authority of event under section 174AA [NSW]
S. 175	Offence relating to requirement to keep enrolment and other documents
S. 188A	False or misleading information about certain notices [NSW]
S. 269B	National Early Childhood Worker Register (commencing 2026)
S. 269E	Approved provider must give information to the National Authority for the National Early Childhood Worker Register (commencing 2026)
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
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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

LEGISLATION

<u>Children's Guardian Act 2019</u>	<u>Children and Young Persons (Care and Protection) Act 1998 (The Care Act)</u>
<u>Child Protection (Working with Children) Act 2012</u>	<u>Crimes Act 1900</u>

RELATED POLICIES

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

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*.

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 report suspected child abuse and neglect to government authorities.

Mandatory reporters are listed in the *Children and Young Persons (Care and Protection) Act 1998 (The Care Act)* and include people who deliver:

- 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)
- Education (e.g., teachers, counsellors, principals)
- Children’s services (e.g., childcare workers, family day carers and home-based carers)

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 of a child or young person are 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. Mandatory reporters should report their concern to the Child Protection Helpline within 24 hours.

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.

Immediate Risk of Significant Harm (IROSH) is a term used in the Mandatory Reporter Guide to tell reporters that they must report *immediately* to Department of Communities & Justice and NSW Police.

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

- Firsthand 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

WHAT IS CHILD ABUSE?

The World Health Organisation ([WHO], 2006, p. 9) defines child abuse and neglect as:

“All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.” (Australian Government, Australian Institute of Family Studies)

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. NSW Communities and Justice identify different forms of child abuse which include- neglect, sexual, physical and emotional abuse or psychological harm.

TYPES OF ABUSE AND NEGLECT

The NSW Government- Department of Communities and Justice (DCJ) identifies the following types of abuse and neglect:

- neglect
- sexual abuse
- physical abuse
- emotional abuse or psychological harm
- circumcision, including female circumcision
- domestic and family violence
- forced marriage and underage forced marriage

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.

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. The DCJ provides further definitions and indicators for [Recognising Child Abuse](#).

WORKING WITH CHILDREN CHECK

All people working or volunteering with children in New South Wales must, by law, have a Working with Children Check (WWCC). Our OSHC Service ensures that no person is permitted to commence work or volunteer in any capacity unless they hold a valid WWCC check and the approved provider has verified the WWCC check. The [Office of the Children’s Guardian](#) provides checks of workers and volunteers to organisations, contributing to creating safe environments for children and other vulnerable people.

A WWCC Check is an assessment of whether a person poses an unacceptable risk to children. As part of the process, the Office of the Children’s Guardian will complete a National Police Check and a review of reportable workplace misconduct. Working with Children Checks are valid for five years.

Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked. If new information about a person means they pose a risk to children's safety, that person’s check will be re-assessed and, ~~if necessary~~, they will be immediately prohibited from working with children in accordance with directions from the Office of the Children’s Guardian.

The Office of the Children’s Guardian will inform both the person affected and any organisations they're linked to about the change in status. Staff, volunteers and students must notify the approved provider within 72 hours of the event, or within 24 hours of becoming aware of the event, of any changes to their WWCC status, changes to their teacher registration or fit and proper status. The approved provider must notify the regulatory authority within 24 hours of becoming aware of the event, of becoming aware of changes to a staff/educator WWCC status including negative notices or changes to teacher accreditation or registration.

[The National Continuous Checking Capability (NCCC) to monitor the criminal history of WWCC holders across Australia is scheduled to begin in 2026]

CHILDSTORY REPORTER COMMUNITY

If a child is at immediate risk and police or medical assistance is required, educators/staff must contact emergency services immediately on 000. The [Child Story Reporter Community](#) is available for staff and educators when responding to and reporting risk of abuse and neglect. Mandatory reporters in NSW should use the online [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. Our OSHC Service will ensure all educators and staff have access to the MRG and reporting decision tree via Service-supplied electronic devices. [see: *NSW Child Protection MRG Support Guide- Child Care Centre Desktop*]

Our OSHC Service will develop a *Child Protection Concerns Register* for recording child protection concerns. The register will include information to record all concerns, disclosures, or suspicions of child abuse or neglect. The register ensures concerns are documented, monitored, and followed up in line with National Law, NSW Regulations, and child protection legislation. The register is kept confidential, stored securely, and accessible only to authorised personnel.

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 Service promotes a culture of child safety and wellbeing within the Service. 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](#) (effective February 2026). This applies to any person working in the Service whether or not they work directly with children.

The approved provider will ensure each nominated supervisor and each person in day-to-day charge of the OSHC Service has completed approved child protection training. This will be expanded in 2026 (date to be advised) to include: all staff members, students and volunteers. The approved provider will need to ensure prescribed child protection training is completed within the timeframes prescribed in the National Regulations.

Educators, staff and volunteers will continue to maintain current knowledge of child protection law and mandatory reporter requirements by completing refresher Child Protection Awareness Training **annually**.

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.

MAKING A REPORT/NOTIFICATIONS

THE APPROVED PROVIDER/NOMINATED SUPERVISOR WILL:

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

- follow the NSW Department of Education guide to [Responding to incidents, disclosures and suspicions of child abuse](#)
- report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming) to NSW Police
- notify the Department of Communities and Justice (DCJ) if a child is at risk of significant harm to the Child Protection Helpline 132111 or make online eReport through [ChildStory Reporter website](#) within 24 hours
- notify the NSW Early Learning Commission through 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
 - of any complaints alleging that a serious incident has occurred or is occurring at the Service
 - of a serious incident, which may include:
 - physical or sexual abuse where emergency services attended the Service or
 - where a child appears to have been involved in a sexual offence or sexual misconduct
 - of any circumstances that may affect an educator or staff members WWCC or fit and proper status, including changes to teacher accreditation or registration (if applicable), within 24 hours of becoming aware of the event
 - any sexual offence or sexual misconduct committed by an employee, volunteer or student

- ensure documentation is completed to assist in making reports to relevant authorities including an incident, injury, trauma and illness record
- comply with legislation for Reportable Conduct Scheme and ensure the Office of the Children’s Guardian is notified within 7 business 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. (see Reportable Conduct Scheme section)
- notify the NSW Early Learning Commission through the NQA-ITS, NSW Department of Communities and Justice (DCJ), NSW Office of the Children’s Guardian (OCG) and NSW Police of any allegation (observed or suspected or disclosures) that a staff member or volunteer is engaging or has engaged in appropriate conduct to a child within 24 hours
- 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
- report all incidents, allegations and complaints relating to child safety to the approved provider
- report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming) to NSW Police
- follow the NSW Department of Education guide to [Responding to incidents, disclosures and suspicions of child abuse](#)
- comprehend their mandatory reporting obligations and responsibilities to report suspected risk or significant risk of harm to the NSW Department of Communities and Justice (Child Protection Helpline) 132111 or make online eReport through [ChildStory Reporter website](#) within 24 hours
- 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
- 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
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people

- identify and report any concerns and allegations of reportable conduct involving a staff member, volunteer or contractor to the approved provider (reports may be made to the NSW Office of the Children’s Guardian if they are concerned the approved provider has not fulfilled their reporting duty, as part of mandatory requirements under the Reportable Conduct Scheme)
- 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 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 CWU (Child Wellbeing Units) or/and FRS ([Family Referral Services](#)). Family consent will be sought before making referrals.

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) 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 and Young Persons (Care and Protection) Act 1998 effective 1 March 2020. 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:

- the report will not breach standards of professional conduct
- the report cannot lead to defamation and civil and criminal liability
- 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*.

Additional protections apply under the Education and Care Services National Law (Amendment Bill 2025 [NSW]). It is an offence to take or threaten any detrimental action, such as intimidation, bullying, discrimination, or adverse treatment, against a person who has made or may make a protected disclosure. 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.

SHARING OF INFORMATION

Chapter 16A of the [NSW Children and Young Person \(Care and Protection\) Act 1998](#) provides for the exchange of information and cooperation between prescribed bodies, if the information relates to the safety, welfare or wellbeing of a child or young person.

Sharing personal information about children and their families must be lawful, which means either gaining consent or working within relevant legislation. Information sharing by consent, where possible, is important to meaningful work with families to facilitate change. Consent may be obtained verbally or in writing; however, you should not seek consent if doing so might compromise the safety of a child or any other person.

Information can only be shared between prescribed bodies. Prescribed bodies or organisations include:

- NSW Police
- public service agencies or public authorities
- private and public schools, and TAFE establishments
- health care providers
- OSHC providers
- organisations that have direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services or law enforcement, wholly or partly to children or their parent/s.

To provide or request information it must relate to the safety, welfare or wellbeing of a particular child or class of children. The information must be for the purposes of assisting a prescribed body to:

- make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety and welfare of the child or class of children, or
- manage any risk to the child or class of children that might arise in the prescribed body’s capacity as an employer or designated agency.

THE APPROVED PROVIDER/ MANAGEMENT/NOMINATED SUPERVISOR WILL ENSURE:

- that obligations under the Education and Care Services National Law [NSW] and 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 Service are adequately supervised (Sec. 165)
- they do not subject a child to inappropriate conduct and ensure that no child being educated and cared for by the OSHC 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 have knowledge of and adhere to the National Model Code and [Education and Care Services \(Supply, Authorisation and Use of Devices\) Order 2025](#) relating 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 supplied by the OSHC 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 Service under any circumstance
- 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 NSW Child Safe Standards
- any nominated supervisor and responsible person in day-to-day charge of the Service has successfully completed a course in child protection approved by the regulatory authority
- 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 and reference 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
- the OSHC Service registers with Office of the Children's Guardian and validates all staff, educator, volunteers and students Working with Children Checks (WWCC) in accordance with the *Child Protection (Working with Children) Act 2012* BEFORE the person begins working or interacting with children

- a record is kept and updated of the number of each WWCC number and expiry date and staff and educators are reminded to renew their WWCC prior to expiry
- staff, student and volunteer records are maintained as per the *Record Keeping and Retention Policy* and entered into the National Early Childhood Worker Register (**mandatory from 2026**)
- staff, volunteers and students notify the approved provider, in writing, within 72 hours of any changes to their WWCC status, or within 24 hours of becoming aware of the event, changes to their teacher registration or fit and proper status (including show cause notice, suspension notice, supervision notice, disciplinary notices/orders or prohibition notices)
- 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)
- 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
- registration for the Service is completed for eReporting through the *ChildStory Reporting Community*
- to emphasise child safety throughout the OSHC Service with regular discussions at team meetings and with children and families (NQF Safe Culture Guide (2025))
- to regularly check if staff understand child safety policies and procedures via quizzes/surveys (NQF Safe Culture Guide 2025)
- 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 (**recommendation not mandatory**)
- 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*)
- following any critical incident, children, staff and families are provided with access to support they may need- counselling, debriefing, access to community services
- 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:

- 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*
- required to participate in a comprehensive induction and orientation program, including an understanding of child protection law
- provided with access to all relevant legislations, regulations, standards and other resources to help meet their mandatory reporting obligations
- supported to foster a child safe culture within the Service by complying with the NSW Child Safe Standards
- provided with support to adhere to a zero-tolerance stance against child abuse
- required to complete online training to understand the child protection reporting process and use of the [Mandatory Reporter Guide \(MRG\)](#), including when and how to submit a child protection report
- required to complete mandatory child safety training on how to identify, understand, report, and respond to child maltreatment, abuse and harm through annual child protection training (effective February 2026)
- provided with current information and reporting procedures for the Reportable Conduct Scheme (Office of Children’s Guardian)
- aware of their mandatory reporting obligations and responsibilities
- aware that neglecting to report child protection concerns may be deemed a criminal offence under the Crimes Act 1900
- 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)
- provided with regular training and resources about trauma-informed care, effective supervision and monitoring, appropriate and inappropriate discipline and online abuse
- required to participate in regular performance reviews
- 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)
- 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

- 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 NSW Early Learning Commission and nominated supervisor within 24 hours
- 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 Service's policies and procedures
- promote the welfare, safety, and wellbeing of children at the OSHC Service by creating and maintaining child safe environment and adhere to the [NSW Child Safe Standards](#)
- 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 that includes an understanding of child protection law and their obligations
- provide valid Working with Children Check (WWCC) details during their employment and engagement at the 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 of becoming aware of the event
- 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
- participate in mandatory child safety training on how to identify, understand, report, and respond to child maltreatment, abuse and harm through annual child protection training (effective February 2026)
- 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 NSW Early Learning Commission 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 a child safe environment for all children
- ensure no child is subjected to inappropriate conduct or discipline
- provide valid Working with Children Check (WWCC) details during their engagement at the 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 72 hours of the event or within 24 hours of becoming aware of the event
- promote the welfare, safety, and wellbeing of children at the Service, fostering a child safe culture
- participate in mandatory child safety training (from February 2026)
- 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 abuse, harm, neglect or ill-treatment to the approved provider or nominated supervisor as soon as possible
- report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming) to NSW Police and the nominated supervisor within 24 hours
- identify and report any concerns around staff, educator or volunteer behaviour or inappropriate conduct to management/approved provider of the Service as soon as practicable but within 24 hours
- 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 and that you will need inform 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 1900* 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 Department of Communities and Justice (DCJ), NSW Police and Office of Children's Guardian for appropriate processes to ensure chain of evidence is not destroyed or compromised
- not undertaking and investigating the allegation whilst the Child Protection Police or Office of Children's Guardian are conducting an investigation
- following directions from the DCJ and NSW 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 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, including dismissal of employment, if required
- 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 EDUCATORS AND OTHER EMPLOYEES, VOLUNTEERS or STUDENTS (or contractors)

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

The approved provider has the legislative obligation under the *Reportable Conduct Scheme* to notify the *Office of the Children's Guardian* (OCG) of reportable allegations and convictions against their employees (including volunteers and contractors), investigate the allegation with procedural fairness and advise the Office of the outcome.

All educators and staff members of our OSHC Service have an obligation to report relevant allegations of a child protection nature as part of the Reportable Conduct Scheme to the approved provider (reports may be made to the NSW Office of the Children's Guardian if they are concerned the approved provider has not fulfilled their reporting duty). This reportable conduct may have occurred either within work hours or outside work hours. A child is anyone under the age of 18 at the time of the alleged conduct occurred.

In addition, the approved provider must take appropriate action to prevent reportable conduct by employees. The *Children's Guardian Act 2019*, effective 1 March 2020, defines the head of an organisation as a 'relevant entity'. An approved education and care service is listed at Schedule 1 of the Act as an 'entity'.

The approved provider must notify the OCG within seven (7) business days and conduct an investigation into the allegations. [7-day notification form Reportable Conduct Directorate: \(02\) 8219 3800. \(Monday – Friday\)](#). A final report of the investigation must be ready to submit within 30 calendar days or provide information about the progress of the investigation to the OCG [30 Day interim report form](#).

The approved provider must send a report to the OCG that enables the OCG to determine whether the investigation was completed satisfactorily and whether appropriate action was or can be taken.

The approved provider must ensure an appropriate level of confidentiality of information relating to the reportable allegations as per the Act or other legislation. The heads of relevant entities have obligations under section 57 of the Act to disclose 'relevant information' to the following persons unless they are satisfied that the disclosure is not in the public interest:

- a child to whom the information relates
- a parent of the child
- if the child is in out-of-home care- an authorised carer that provides out-of-home care to the child.

[See: [Office of the Children's Guardian](#) for further information.]

The OCG will monitor the entity's response and may conduct their own investigation. The Children's Guardian Act 2019 defines reportable conduct as:

- a sexual offence has been committed against, with or in the presence of a child
- sexual misconduct with, towards or in the presence of a child
- ill-treatment of a child
- neglect of a child
- an assault against a child
- an offence under S.43B (failure to protect) or S.316A (failure to report) of the Crimes Act 1900; *and*
- behaviour that causes significant emotional or psychological harm to the child

Employees are aware mandatory reporting procedures including notification to the Child Protection Helpline operate alongside, and does not replace, the Report Conduct Scheme.

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 AND NEGLECT

[Child Safe Organisations](#)

[Kids Helpline](#)

[Lifeline](#)

NAPCAN- [Prevent Child Abuse & Neglect](#)

NSW Department of Education- [Child safety](#)

NSW Health [Fact Sheets](#) regarding sharing of information relating to Child Protection with other professionals.

NSW Government Communities and Justice [ChildStory Reporter Community](#)

Office of the Children’s Guardian [Child Safe Standards training and resources](#)

Raising children. [Safeguarding children and child sexual abuse.](#)

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Child Protection Policy* will be updated and reviewed annually in consultation with families, staff, educators and management. 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 Service.

CHILDCARE CENTRE DESKTOP- RELATED RESOURCES

Child Protection Educational Program Risk Assessment	Child Protection Concerns Register
Child Protection MRG Support Guide NSW	Child Protection Risk Assessment
Child Protection Notification Record	Inappropriate Conduct Risk Assessment
Child Protection Notification Record	Management of Inappropriate Conduct
Child Protection Report Form	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 \(Education and Care Services\) National Law \(NSW\)](#)

Child Protection (Working with Children) Act 2012

Children and Young Persons (Care and Protection) Act 1998

Early Childhood Australia Code of Ethics. (2016).

[Education and Care Services National Regulations.](#) (Amended 2025)

NSW Government Communities & Justice. (2019). [Mandatory reporters: What to report and when](#)

NSW Government Department of Education. (2025). [Responding to incidents, disclosures and suspicions of child abuse.](#)

NSW Government. Department of Health. Child Protection and Wellbeing. [Information exchange for safety, welfare and wellbeing of children and young people](#)

NSW Government. (2025). [Education and Care Services \(Supply, Authorisation and Use of Devices\) Order 2025.](#)

NSW Government Legislation [Children’s Guardian Act 2019](#)

NSW Government Legislation [The Commission for Children and Young People Act 1998](#)

NSW [Office of the Children’s Guardian](#)

Ombudsman Act 2001.

REVIEW

POLICY REVIEWED BY	TRACEY RYAN	DIRECTOR	31JAN2026
POLICY REVIEWED	JANUARY 2026/ NOVEMBER /AUGUST 2025	NEXT REVIEW DATE	AUGUST 2026
VERSION	V16a.11.25		
MODIFICATIONS	<p>JANUARY</p> <ul style="list-style-type: none"> Further edits to strengthen child safety requirements Mandatory Child Safety Training added <p>NOVEMBER</p> <ul style="list-style-type: none"> updated policy to include amendments to Children (Education and Care Services) National Law (NSW) included additional points to strengthen child safe practices 		

	<ul style="list-style-type: none"> added Ministerial directions- Education and Care Services (Supply, Authorisation and Use of Digital Devices) Order 2025 <p>AUGUST</p> <ul style="list-style-type: none"> 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) mandatory implementation of National Model Code (effective 1.9.25) sources checked for currency and updated as required 	
POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE
AUGUST 2024	<ul style="list-style-type: none"> major review of policy- indicators of abuse removed from body of policy- link to Communities and Justice added updated regulations and law records for Working with Children Check details or students and volunteers added (Reg. 149) additional section for notifications by AP/NS removed the documenting suspicion of harm-merged additional section for volunteers and students added (Reg. 84) sources checked for currency and updated as required 	AUGUST 2025