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CHILD PROTECTION POLICY - SA

Our Out of School Hours Care (OSHC) Service is committed to providing a child safe environment where children and young people's safety and wellbeing is supported and children feel respected, valued and encouraged to reach their full potential. Our OSHC Service embeds the National Principles for Child Safe Organisations and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children and young people whilst promoting children and young people'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 notifiers. All education and child development staff are considered mandated notifiers under the *Children and Young People (Safety) Act 2017.*

At all times, management, staff, educators and volunteers will treat children and young people with the utmost respect and understanding. Our OSHC Service fosters cultures of openness so that:

- children and young people know what to do if they believe they have been subject to inappropriate behaviour, placed at risk of have experienced harm
- staff, educators, and volunteers can identify children and young people suspected to be at risk
- management, staff, educators, and volunteers are aware of their duty to report children and young people suspected to be at risk to the Child Abuse Report Line and take other measures to establish, promote and ensure child safe environments.

(Department of Human Services).

Our OSHC Service recognises that the Education and Care Services National Law (National Law) requires the safety, rights and best interests of children to be the paramount consideration for all individuals involved in the operation and delivery of children's education and care.

PURPOSE

All educators, staff, visitors and volunteers are committed to identifying harm or risk of harm to children and young people at the OSHC Service. We comprehend our duty of care responsibilities to protect children and young people from all types of abuse and adhere to our legislative obligations at all times.

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

SCOPE

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

DEFINITIONS

Children and young people at risk

A child or young person will be 'at risk' if:

- they have suffered harm (being harm of a kind against which a child or young person is ordinarily protected); or
- there is a likelihood they will suffer harm; or
- there is a likelihood that the child or young person will be removed from the State (whether by their parent or guardian or by some other person)

- the parents or guardians are unable or unwilling to care for them, have abandoned them, cannot be found or are dead
- they are of compulsory school age and are persistently absent from school without explanation
- they are homeless or of no fixed address

MEANING OF HARM

Section 17 of the *Children and Young People (Safety) Act 2017* defines 'harm' to mean physical or psychological harm (either caused by an act or omission), including harm caused by sexual, physical, mental or emotional abuse or neglect.

Psychological harm does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.

REASONABLE GROUNDS

In the context of child protection, reasonable grounds to suspect that a child or young person is, or may be at risk of harm include:

- when your own observations of a particular child's behaviour and/or injuries lead you to suspect a child is, or may be, at risk of harm, or harm is occurring
- when a child or young person tells you, they are at risk of harm or have been harmed
- when a child or young person tells you that they know of someone who has been harmed (they may possibly be referring to themselves)
- when you hear about risk or harm to a child or young person from someone who is in a position to provide reliable information, perhaps a relative or friend, neighbour or sibling of a child who is at risk.
- You see the harm happening.

ROLE OF MANDATED REPORTER OR NOTIFIER

Under the *Children and Young People (Safety) Act 2017*, a mandated reporter or notifier must report or notify the Department of Child Protection if they suspect on reasonable grounds that a child is, or may be, at risk of harm when suspicion is formed in the course of their employment (whether paid or voluntary).

MANDATORY REPORTERS OR NOTIFIERS

Are listed in Section 30 of the *Children and Young People (Safety) Act 2017* and include-

- teachers employed as such in a school (within the meaning of the *Education and Early Childhood Services (Registration and Standards) Act 2011*) or a pre-school or kindergarten
- employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children and young people, being a person who:
    - provides such services directly to children or young people, or
    - holds a management position in the organisation the duties of which include responsibility for, or direct supervision of, the provision of those services for children and young people.
- officer or employee of a prescribed organisation (as per section 114) who holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services to children.

DUTY OF CARE

It is a legal requirement for a mandated reporter / notifier to report or notify their suspicions to the Child Abuse Report Line (13 14 78) as soon as is reasonably practicable after forming the suspicion. However, section 30(2) of the *Children and Young People (Safety) Act 2017* recognises that making a report / notification does not necessarily exhaust a mandated reporter / notifier's duty of care to a child or young person and their family.

A mandated reporter / notifier's duty of care continues once they make a report / notification to the Child Abuse Report Line. A mandated reporter / notifier should consider how they can continue to support the family within their professional capacity and explore other support services for children, young people and families that may be able to help address the concerns.

INDICATORS OF HARM OR RISK TO CHILDREN AND YOUNG PEOPLE

Types of risk and harm against children and young people are:

- sexual harm and grooming
- physical harm
- domestic and family violence
- emotional harm
- neglect
- substance use and/or mental health or social and emotional wellbeing that impacts the safety and wellbeing of the child or young person

(See: https://www.childprotection.sa.gov.au/reporting-child-abuse/indicators-abuse-or-neglect)

WORKING WITH CHILDREN CHECK

People working or volunteering with children in South Australia must, by law, have a Working with Children Check. Our OSHC Service will register with the Department of Human Services (DHS) Screening Unit and verify all staff, educator, students and volunteer Working with Children Checks in accordance with the *Child Safety (Prohibited Persons) Act 2016*.

CHILD ABUSE REPORT LINE (CARL)

Mandatory notifiers in SA have a legal obligation to report or notify the Department for Child Protection if they suspect a child or young person is, or may be at, risk of harm. Notification must be made to the Child Abuse Report Line (CARL): 13 14 78. All concerns must be reported/notified where a child or young person is suspected to be in imminent danger of:

- harm
- injury
- chronic neglect
- or when the concerns are for an infant under 12 months old
- or when the concerns are for a child or young person who is in care of the department.

If the child is Indigenous, you should also provide the Clan group of the child, if known.

If a child is at IMMEDIATE RISK, then a report should be made to the South Australia Police (SAPOL) on 000. The person who identifies the harm is the person to make the report.

Under the Statutes Amendment (Child Sexual Abuse) Act 2021, failure to report child sexual abuse or failure to protect a child from sexual abuse are regarded as criminal offences and may result in a penalty of imprisonment.

IMPLEMENTATION

Our OSHC Service aims to protect children and young people from harm or risk of harm 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

To ensure best practice, all educators will have current Child Safety Training being ***Child Safe Environments Responding to Risks of Harm, Abuse and Neglect – Education and Care (RRHAN-EC Fundamentals and Masterclass)*** and the ***National Child Safety Training (Geccko – Australian Government Department of Education). Foundation and Advanced Training*** (Course 1, 2, 3, 4, and 5 - which is dependent upon your role within the service).

Educators will continue to maintain current knowledge of child protection and mandatory reporter requirements by completing Child Protection Awareness Training as required.

THE RESPONSIBLE PERSON / MANAGEMENT WILL ENSURE:

- that obligations under the *Education and Care Services National Law and National Regulations* are met
- educators, staff, students and volunteers have knowledge of and adhere to this policy
- families are aware of the *Child Protection Policy - SA*
- any responsible person in day-to-day charge of the OSHC Service has successfully completed the required courses in relation to child protection as approved by the regulatory authority
- the Service registers with the Department of Human Services (DHS) Screening Unit and verifies all staff, educator, volunteers and students Working with Children Checks in accordance with the *Child Safety (Prohibited Persons) Act 2016* BEFORE the person begins working or interacting with children
- a record is kept and updated of each person's WWCC number and expiry date
- they meet all requirements as mandatory reporting obligations and responsibilities to report suspected risk of harm to the SA Child Abuse Report Line (CARL) 13 14 78 or if at immediate risk of harm report to South Australia Police (SAPOL) on 000
- all employees, volunteers and students are:
    - provided with a copy of the current *Child Protection Policy* and *Child Safe Environment Policy (SA)*
    - required to participate in a comprehensive induction and orientation program, including an understanding of child protection law
    - supported to a create and maintain a Child Safe Culture within the OSHC Service
    - provided with support to adhere to a zero-tolerance stance against harm or risk of harm to a child
    - aware of their mandatory reporting obligations and responsibilities to report suspected risk of harm to the SA Child abuse report line (CARL)
    - aware of indicators showing a child or young person is, or may be at risk of harm
    - aware that neglecting to report child protection concerns may be deemed a criminal offence
- educators and staff are provided with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers
- educators, staff, students and volunteers are provided with child protection training and ongoing supervision to ensure they understand that child safety is everyone's responsibility, and they adhere to the Child Safe Standards
- access is provided to all educators and staff regarding relevant legislations, regulations, standards and other resources to help educators, staff, and volunteers meet their obligations
- any records of harm or risk of harm 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
- all allegations of harm and/or sexual abuse are managed with confidentiality and according to the *Children and Young People (Safety) Act 2017*
- educators or staff report any concerns they may have about inappropriate actions of any other employee that involves children or young people to management
- educators, staff, volunteers and students are well informed 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)

- 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*).
- refer families to appropriate agencies where concerns of harm do not meet the threshold of harm

EDUCATORS/STAFF WILL:

- contact the police on 000 if there is an immediate risk of harm to a child or young person and intervene if it is safe to do so
- participate in a comprehensive induction and orientation program, including an understanding of child protection law
- provide valid Working with Children (WWCC) Check details during their employment and engagement at the OSHC Service
- advise the Director / Approved Provider of any circumstances that may affect their WWCC Check or fit and proper status
- be able to recognise indicators of harm or risk to children and young people through participation in child protection training
- respect what a child or young person discloses, taking it seriously and follow up on their concerns through the appropriate channels
- comprehend their obligations as mandatory reporters and their requirement to report any situation where they believe, on reasonable grounds, that a child is at risk of harm to the Child Abuse Report Line 13 14 78 (available 24 hours/7 days a week).
- promote the welfare, safety, and wellbeing of children at the OSHC Service, fostering a Child Safe culture
- allow children to be part of decision-making processes where appropriate
- foster a culture of openness and respect where children and young people feel safe to disclose risk of harm
- prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people
- NOT investigate suspicion of harm or risk of harm but collect only enough information to substantiate concerns and pass on to the Child Abuse Report Line or police
- identify and notify any concerns around staff, educator or volunteer behaviour or conduct to management of the OSHC Service.

STUDENTS/ VOLUNTEERS/ VISITORS WILL:

- contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do so
- 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 Service
- advise the approved provider of any circumstances that may affect their WWCC Check or fit and proper status
- promote the welfare, safety, and wellbeing of children at the Service, fostering a child safe culture
- participate in child protection training as required
- provide a child safe environment for all children
- allow children to be part of decision-making processes where appropriate
- prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people
- NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on to the approved provider and/or SA Child Abuse Report Line (CARL)
- identify and notify any concerns around staff, educator or volunteer behaviour or conduct to management of the Service.

DOCUMENTING A DISCLOSURE

A disclosure of harm emerges when someone, including a child or young person, tells you about harm that has happened or is likely to happen. When a child or young person discloses that he or she has experienced harm or are at risk of harm, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child or young person.

It is also a chance to help the child or young person 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:

If educators or staff have concerns about the safety of a child or young person, they will use the Child Protection notification checklist to record required information before phoning the Child Abuse Report Line.

- remember the child or young person may be experiencing a crisis, let the child or young person take their time
- give the child or young person your full attention and listen carefully
- control your own expressions of panic or shock, remain calm and find a private place to talk
- take what the child or young person says seriously
- let the child or young person use their own vocabulary
- use open ended questions to clarify the situation and gain sufficient information for Child Abuse Report line staff to make an informed assessment.
- 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
- tell the child or young person that this has happened to other children and that some adults do wrong things
- reassure the child or young person that they have done the right thing by telling you
- tell the child or young person you will do your best to support them but do not make promises you may not be able to keep
- honestly tell the child or young person what you plan to do next, explain to the child or young person that you need to tell someone who can help them
- DO NOT attempt to conduct your own investigation or mediate an outcome between the parties involved
- DO 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.

Our OSHC Service is committed to providing support to children, young people, families, educators or staff who have made a report regarding child protection, with a focus on upholding strict confidentiality throughout the process. Our primary concern is the well-being and safety of the child or young person, and we will work closely with relevant authorities, professionals, and support networks to ensure that the child or young person's best interests are met throughout the process. Our dedicated support system will assist educators and staff in navigating this challenging process while safeguarding their privacy and professional well-being.

NOTIFICATIONS

THE RESPONSIBLE PERSON / MANAGEMENT WILL:

- notify the regulatory authority through the NQA-ITS (within 7 days) of any incident where it is reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the OSHC Service

- notify the regulatory authority through the NQA-ITS (within 7 days) of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the OSHC Service
- notify the regulatory authority through the NQA-ITS (within 24 hours) of any complaints alleging that a serious incident has occurred or is occurring at the OSHC Service
- notify the regulatory authority through the NQA-ITS (within 24 hours) of a serious incident, which may include physical or sexual abuse where emergency services attended the OSHC Service.

CONFIDENTIALITY

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

SHARING OF INFORMATION

The *Children and Young People (Safety) Act 2017 Act* allow information to be shared with certain persons or bodies to perform functions related to providing services and support to children and young people, when the information relates to health, safety or wellbeing of children and young people, or if it is necessary to manage risks to children and young people.

The Information sharing guidelines | Department for Child Protection supports staff and educators to:

- share information and collaborate with others to promote the safety and wellbeing of children, young people, families and carers
- know when information must be shared, may be shared or should not be shared
- understand the interconnection between the *Children and Young People (Safety) Act 2017* and the Information Sharing Guidelines for Promoting Safety and Wellbeing (ISG) and how together, they provide a strong framework for appropriate information sharing
- understand the process and decision-making steps that must be followed when sharing information; and
- ensure children and young people's right to safety is paramount in decisions to share information and is not overridden by other considerations such as privacy or confidentiality.

PROTECTION FOR REPORTERS

All reporters are protected against retribution for making or proposing to make a report under section 163 of the Children and Young People (Safety) Act 2017 | South Australian Legislation.

A Mandated notifier's identity will not be disclosed unless it:

- is made with the consent of the person who gave the notification, or
- is required or authorised by the Chief Executive or under the Act, or
- is made by way of evidence and the court or tribunal is satisfied the disclosure is of critical importance in the proceedings and failure to admit it would prejudice the proper administration of justice
- is reasonably necessary for the performance of the person's official functions and duties, or the functions and duties of a state authority relating to the protection of children and young people from harm, or
- is reasonably necessary to prevent harm, or further harm, being caused to a child or young person to whom the information relates.

BREACH OF CHILD PROTECTION POLICY

All educators, students, volunteers and staff working with children have a duty of care to support and protect children and young people: A breach of our *Child Protection Policy* may include if a person:

- does something that a reasonable person in that person's position would not do in a particular situation

- fails to do something that a reasonable person in that person's position would do in the circumstances, or
- acts or fails to act in a way that causes harm to someone the person owes a duty of care.

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. Educators and staff must ensure they take all reasonable steps to ensure children are protected from harm and hazard at all times education and care is provided at the service. Educators, staff and families are encouraged to discuss with management any concerns regarding situations that may compromise or breach professional boundaries that may place children 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 Department of Child Protection (DCP) for appropriate processes to ensure chain of evidence is not destroyed or compromised
- not investigating the allegation whilst the Child Abuse Report Line or the Police are conducting an investigation
- removal of any educator or staff member (who is the subject of allegations) from a role with contact with children or young people until authorities conclude their investigation

Management may undertake an investigation if the Child Abuse Report Line 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:

- emphasising the relevant element of the child protection policy and procedure
- providing closer supervision
- further education and training
- providing mediation between those involved in the incident (where appropriate)
- disciplinary procedures, including dismissal of employment, if required
- reviewing current policies and procedures and developing new policies and procedures if necessary.

EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOUR

Our program will educate children and young people:

- about acceptable and unacceptable behaviour, and what is appropriate and inappropriate contact at an age-appropriate level and understanding
- about their right to feel safe at all times
- to say 'no' to anything that makes them feel unsafe or uncomfortable
- about how to use their own knowledge and understanding to feel safe
- to identify feelings that they do not feel safe
- the difference between 'good' and 'bad' secrets
- that there is no secret or story that cannot be shared with someone they trust
- that educators are available for them if they have any concerns

- to tell educators of any suspicious activities or people
- to recognise and express their feelings verbally and non-verbally
- that they can choose to change the way they are feeling.

RESOURCES FOR INDICATORS OF HARM OR RISK TO CHILDREN AND YOUNG PEOPLE

Government of South Australia Department of Child Protection
https://www.childprotection.sa.gov.au/reporting-child-abuse/indicators-abuse-or-neglect
NAPCAN- https://www.napcan.org.au/napcan-brochures/
Child Safe Organisations- https://childsafe.humanrights.gov.au

CONTINUOUS IMPROVEMENT/REFLECTION

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

CHILDCARE CENTRE DESKTOP- RELATED RESOURCES

Child Protection Educational Program Risk Assessment Child Protection Notification Procedure	Child Protection Notification Record Child Protection Report Form

SOURCES

Australian Children's Education & Care Quality Authority. (2024). Guide to the National Quality Framework.
Australian Government Department of Education. My Time, Our Place- Framework for School Age Care in Australia.V2.0, 2022
Australian Government Australian Institute of Family Studies. (2018). Australian child protection legislation: https://aifs.gov.au/cfca/publications/australian-child-protection-legislation
Australian Government: Australian Institute of Family Studies. (2023). Mandatory reporting of child abuse and neglect: https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect
Children and Young People (Safety) Act 2017
Child Safety (Prohibited Persons) Act 2016
Early Childhood Australia Code of Ethics. (2016).
Education and Care Services National Law Act 2010. (Amended 2023).
Education and Care Services National Regulations. (Amended 2023).
Government of South Australia. Department for Child Protection https://www.childprotection.sa.gov.au/
Government of South Australia. Department of Child Protection. *Information sharing guidelines.*
Government of South Australia. Department of Human Services. Screening Unit. https://screening.sa.gov.au/home

NATIONAL QUALITY STANDARD (NQS)

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

QUALITY AREA 5: RELATIONSHIPS WITH CHILDREN		
5.1.1	Positive educator to child interactions	Responsive and meaningful interactions build trusting relationships which engage and support each child to feel secure, confident and included.

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS	
Section 2A	Paramount Consideration – Safety, Rights and best interests of children
S. 162A	Child protection training
S.165	Offence to inadequately supervise children
S. 166	Offence to use inappropriate discipline
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. 175	Offence relating to requirement to keep enrolment and other documents
84	Awareness of child protection law
86	Notification to parents of incident, injury, trauma and illness
87	Incident, injury, trauma and illness record
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

LEGISLATION

Children and Young People (Safety) Act 2017	Child Safety (Prohibited Persons) Act 2016
Statutes Amendment (Child Sexual Abuse) Act 2021	

RELATED POLICIES

Child Safe Environment Policy (SA) Code of Conduct Policy Dealing with Complaints Policy Interactions with Children, Families and Staff Policy Privacy and Confidentiality Policy Recruitment Policy (SA)	Responsible Person Policy Staffing Policy Student, Volunteer and Visitor Policy Supervision Policy and Procedures Work Health and Safety Policy

REVIEW

POLICY REVIEWED BY	Jason Sheehy	Position	Principal
POLICY REVIEW DATE	22/10/2026	NEXT REVIEW DATE	22/10/2027
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