

# CHILD PROTECTION POLICY- SOUTH AUSTRALIA

Our 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 Service embeds the National Principles for Child Safe Organisations and promotes a culture of safety and wellbeing to minimise the risk of harm to children and young people whilst promoting children and young people’s sense of security and belonging. We will ensure all educators, staff 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 with the utmost respect and understanding. Our Service fosters a Child Safe culture 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- [Safe Environments for children and young people](#).

## 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.

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EDUCATION AND CARE SERVICES NATIONAL LAW AND REGULATIONS	
S162 (A)	Persons in day-to-day charge and nominated supervisors to have child protection training
S165	Offence to inadequately supervise children
S167	Offence relating to protection of children from harm and hazard
84	Awareness of child protection law
86	Notification to parents of incident, injury, trauma and illness
87	Incident, injury, trauma and illness record
147	Staff records
155	Interactions with children
168	Education and care service must have policies and procedures
175	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority

**LEGISLATION**

<a href="#"><u>Children and Young People (Safety) Act 2017</u></a>	<a href="#"><u>Child Safety (Prohibited Persons) Act 2016</u></a>
<a href="#"><u>Statutes Amendment (Child Sexual Abuse) Act 2021</u></a>	

**RELATED POLICIES**

Child Safe Environment Policy (SA) Code of Conduct Policy Partnerships and Communication with families Policy Health and Safety Policy Interactions with Children, Family and Staff Policy Grievance and complaints Policy Recruitment Policy (SA)	Interactions with Children Policy Supervision Policy Work Health and Safety Policy Delivery and collection of children policy
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**PURPOSE**

All educators, staff and volunteers are committed to identifying harm or risk of harm to children and young people and adhere to our moral and 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 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.

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## SCOPE

This policy applies to management, the approved provider, nominated supervisor, educators, staff, students, families, volunteers, visitors and children of the 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 Safety Act 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 Change of life.

### Reasonable Grounds

Refer to the need to have an objective basis for suspecting 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.

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**Mandatory reporting** Is the legislative requirement under the *Children and Young People (Safety) Act 2017* for certain people to report to the Department of Child Protection if they suspect on reasonable grounds that a child is or may be at risk of harm.

**Mandatory reporters or notifiers** are listed in Section 30 of the *Children and Young People (Safety) Act* 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**

Mandatory notifiers have a duty of care that extends beyond a report to the Child Abuse Report Line (CARL). The needs of a child and their family may be supported through support services who can offer assistance to provide additional support, health services and counselling to families.

According to the *Children and Young People (Safety) Act 2017*, mandated notifiers (including people employed in children’s services and unpaid managers of these services) must make reports if they suspect on *reasonable grounds* a child or young person is, or may be, at risk of harm.

**WORKING WITH CHILDREN CHECK**

Our 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*.

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## INDICATORS OF HARM OR RISK TO CHILDREN AND YOUNG PEOPLE

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

- Sexual abuse 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>)

## 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 Aboriginal, you should also provide the Clan group of the child, if known.

Or if at immediate risk, report to 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 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 and staff have an important role to support children and young people and to identify concerns that may jeopardise their safety, welfare, or wellbeing including:

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- 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 attend approved Child Protection training certified by a registered training organisation. Educators will continue to maintain current knowledge of child protection and Mandatory Reporter requirements by completing Child Protection Awareness Training **annually**.

**THE APPROVED PROVIDER/ NOMINATED SUPERVISOR WILL ENSURE:**

- educators, staff, students and volunteers have knowledge of and adhere to this policy
- families are aware of this *Child Protection Policy*
- any responsible person in day-to-day charge of the Service has successfully completed a course in child protection approved by the Regulatory Authority
- all educators’, staff, volunteers’ and students’ Working with Children Checks are verified (unless the person is under the age of 14) BEFORE the employee begins working with children
- a record is kept and updated of the number of each WWCC check 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* as part of the induction process at the Service
  - supported to foster a Child Safe Culture within the service
  - provided with support to adhere to a zero-tolerance stance against harm or risk of harm to a child
  - 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
- training and development are provided for all educators, staff, and volunteers in child protection on an annual basis
- educators and staff are provided with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers
- 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
- records of harm or risk of harm are kept in line with our *Privacy and Confidentiality Policy*

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- to notify the regulatory authority through the NQA-ITS (within 7 days) of any incident or allegation where it is reasonably believed that physical harm and/or sexual abuse of a child or young person has occurred or is occurring while the child is being educated and cared for by the Service
- 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
- records relating to child sexual abuse that has or is alleged to have occurred are kept for at least 45 years (recommendation not mandatory)

**EDUCATORS/STAFF WILL:**

- contact the police on 000 if there is an immediate risk of harm to a child or young person
- be able to recognise indicators of harm or risk to children and young people
- 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)
- refer families to appropriate agencies where concerns of harm do not meet the threshold of harm
- promote the welfare, safety, and wellbeing of children at the 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 to children
- 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 harm or risk of harm but collect only enough information to substantiate concerns and pass on to the Child Abuse Report Line or police
- participate in Child Protection training as required
- identify and notify any concerns around staff, educator or volunteer behaviour or conduct to management of the Service.

**DOCUMENTING A SUSPICION OF HARM**

If educators or staff have concerns about the safety of a child or young person, they will use the Child

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Protection [notification checklist](#) to record required information before phoning the Child Abuse Report Line.

Educators or staff will:

- record their concerns in a non-judgmental and accurate manner as soon as possible
- record their own observations as well as precise details of any discussion with a parent (who may for example explain a noticeable mark on a child)
- not endeavour to conduct their own investigation
- document as soon as possible so the details are accurate including:
  - full name of child or young person, age, date of birth, address
  - concerns/allegations
  - the child or young person’s current situation
  - cultural background and considerations
  - disability information
  - the location of the child or young person, parent or caregiver and alleged perpetrator
  - when and how did you find out about the allegation of harm or risk of harm.

### 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, THE EDUCATOR/STAFF MEMBER WILL:

- remember the child or young person may be experiencing a crisis
- listen carefully
- control your own expressions of panic or shock
- take what the child or young person says seriously
- use their own vocabulary
- tell the child or young person that this has happened to other children and that some adults do wrong things

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- 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
- explain to the child or young person that you need to tell someone who can help them
- use open ended questions to clarify the situation and gain sufficient information for Child Abuse Report line staff to make an informed assessment.

Our 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.

### 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* allows 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 and confidentiality practice guide 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

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- 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](#).

Mandatory notifiers identify will not be disclosed unless:

- 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 and staff working with children have a duty of care to support and protect children and young people.

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

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- 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 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

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- 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://chidsafe.humanrights.gov.au>

**CONTINUOUS IMPROVEMENT/REFLECTION**

Our *Child Protection Policy* will be reviewed on an annual basis in consultation with children, families, staff, educators and management.

**CHILDCARE CENTRE DESKTOP- RELATED RESOURCES**

Child Protection Notification Procedure	Child Protection Report Form
Child Protection Notification Record	

**SOURCES**

Australian Children’s Education & Care Quality Authority. (2014).  
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**REVIEW**

POLICY REVIEWED	April 2024	NEXT REVIEW DATE	April 2025
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