

# CHILD PROTECTION POLICY - VIC

In this policy document, Creative Minds Early Years Pty Ltd is referred to as Creative Minds Early Years.

Creative Minds Early Years is committed to providing a child safe environment where children's safety and wellbeing is supported and children feel respected, valued and encouraged to reach their full potential. Our Service embeds the *Child Safe Standards* (CSS) and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging.

We will ensure all employees and volunteers understand the meaning, importance and benefits of providing a child safe environment and critically, understand their obligations and requirements as mandatory reporters.

Our Service adheres to the [National Model Code](#) and Guidelines for taking images or videos of children.

(legislation is expected to change regarding the banning of personal electronic devices in ECEC services from 26 September 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 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.
	Child Safety and Protection (effective Jan 2026)	Management, educators and staff are aware of their roles and responsibilities regarding child safety, including the need to identify and respond to every child at risk of abuse or neglect

## EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS

S. 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
115	Premises designed to facilitate supervision
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155	Interactions with children
168	Education and care service must have policies and procedures
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## RELATED LEGISLATION

<i>Failure to Protect 2015 (Under Section 327 of the Crimes Act 1958 [Vic])</i>	<i>Crimes Act 1958 (Vic)</i>
<i>Failure to Disclose 2014 (Under Section 327 of the Crimes Act 1958 [Vic])</i>	<i>Family Law Act 1975 (Cth)</i>
<i>Child Wellbeing and Safety Act 2005 (Vic)</i>	<i>Family Violence Protection Act 2008 (Vic.)</i>
<i>Children, Youth and Families Act 2005 (Amended 2014) (Vic)</i>	<i>The Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>
<i>Commission for Children and Young People Act 2012 (Amended 2014) (Vic)</i>	<i>The Worker Screening Act 2020</i>

## RELATED POLICIES

Behaviour Guidance Policy	Reportable Conduct Scheme Policy
Child Safe Environment Policy	Recruitment Policy
Child Safety and Wellbeing Policy	Respect for Children Policy
Code of Conduct Policy	Responsible Person Policy
Dealing with Complaints Policy	Safe Use of Digital Technologies and Online
Family Communication Policy	Environments Policy
Health and Safety Policy	Staffing Arrangements Policy
Interactions with Children, Family and Staff Policy	Student, Volunteer and Visitors Policy
Nappy Change and Toileting Policy	Supervision Policy
Privacy and Confidentiality 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 Service. We comprehend our duty of care responsibilities to protect children from all types of abuse and neglect and will adhere to our moral and legislative obligations at all times. We believe children's safety is the paramount consideration for early childhood professionals and embed child safety 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 Service will act in the best interest of each child, assisting them to develop to their full potential in a secure and child safe environment. We understand our statutory duty of care to comply with both the Child Safe Standards and Reportable Conduct Scheme to build our capacity as an organisation to prevent and respond to allegations of child abuse.

*Keeping children safe: a shared responsibility.*

## SCOPE

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

## 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.

## DEFINITIONS

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

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

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

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

- people in religious ministry.

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

### Reportable conduct

The Reportable Conduct Scheme requires employees in approved education and care services (kindergartens, after school hours care services) and Children's services (occasional care providers) to notify the Commission for Children and Young People (CCYP) and the regulatory authority of any allegation of employee misconduct involving children. There are five types of reportable conduct:

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

### TYPES OF ABUSE AND NEGLECT

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

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

Staff within early childhood services play a vital role in protecting children from harm by responding to and reporting any incidents, disclosure or suspicions. Educators and staff are best placed to identify signs and behaviours that may indicate that a child has been subject to abuse or identify a community member, staff member, contractor or volunteer may be a perpetrator. Understanding the signs of child abuse is critical in supporting children's safety and wellbeing.

Victoria State Government-Child protection in early childhood PROTECT provide definitions and physical indicators: [Identify signs of child abuse](#)

## WORKING WITH CHILDREN CHECK

A Working with Children Check is mandatory for all employees working or volunteering with children within Education and Care Services. [Working with Children Check Screening Unit Victoria](#) will notify organisations in writing if an employee, student or volunteers Working with Children Check has been suspended or revoked. Our Service will not employ or engage a person who does not hold a valid Working with Children Check.

## CHILD SAFE STANDARDS

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

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

## FAILURE TO DISCLOSE AND FAILURE TO PROTECT

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

## FORMING A REASONABLE BELIEF/REASONABLE GROUNDS

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

Reasonable grounds for forming a belief may include where:

- a child states they have been abused
- a child states they know someone who has been, or is being, abused

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

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

## IMPLEMENTATION

Our 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. To ensure best practice, all educators and staff will attend approved child protection training certified by a registered training organisation [recommended- not mandatory]. Educators and staff will continue to maintain current knowledge of child protection law and mandatory reporter requirements by completing Child Protection Awareness Training annually.

## 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

- report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming) to relevant authorities including Victoria Police, DFFH Child Protection, Quality Assessment and Regulatory Division (QARD) and Commission for Children and Young People

- follow the [Four Critical Actions](#) to take to respond to an incident, disclosure or suspicion of child abuse
  - responding to an emergency
  - reporting to authorities
  - contact parents or carers
  - provide ongoing support
- notify QARD via the [National Decision Tree](#) (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
- notify QARD through the NQA-ITS (within 24 hours) of any complaints alleging that a serious incident has occurred or is occurring at the Service
- notify QARD through the NQA-ITS (within 24 hours) of a serious incident, which may include physical or sexual abuse where emergency services attended the Service
- ensure documentation is completed to assist in making reports to relevant authorities including an incident, injury, trauma and illness record
- notify the [Commission](#) within three (3) business days of becoming aware of reportable conduct made against an employee or volunteer and ensure they are investigated, and appropriate action taken
- Services will contact their [local Child Protection intake provider](#) to report concerns

#### EDUCATORS WILL:

- contact the police on **000** if there is an immediate danger to a child and intervene if it is safe to do so
- respect what a child discloses, taking it seriously and follow up on their concerns through the appropriate channels
- be aware of their mandatory reporting obligations and responsibilities to report that a child is at risk of abuse, harm, neglect or ill-treatment to the approved provider or nominated supervisor
- report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming) to relevant authorities including Victoria Police, DFFH Child Protection, Commission for Children and Young People
- follow the [Four Critical Actions](#) to take to respond to an incident, disclosure or suspicion of child abuse



- responding to an emergency
  - reporting to authorities
  - contact parents or carers
  - provide ongoing support
- prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation
- share information with other professionals working with children as part of the information sharing and family violence reform schemes
- understand their legal obligations to report or take action in relation to suspected child abuse under the Reportable Conduct Scheme
- notify the approved provider if there are any allegations of reportable conduct involving a staff member, volunteer or contractor as soon as practicable
- refer families to appropriate agencies where concerns of harm do not meet the threshold of significant harm. These services may be located through [Orange Door](#). Family consent will be sought before making referrals.
- NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on to Child Protection or appropriate authority
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people.

## CONFIDENTIALITY

It is important that any notification to Child Protection or Orange Door 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.

## PROTECTION FOR REPORTERS

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

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

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

### CHILD INFORMATION SHARING SCHEME (CISS) AND FAMILY VIOLENCE INFORMATION SHARING SCHEME (FVISS) AND THE FAMILY VIOLENCE MULTI-AGENCY RISK ASSESSMENT AND MANAGEMENT FRAMEWORK (MARAM)

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

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

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

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

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

Sharing of information may assist the ISE to

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

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

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

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

#### THE APPROVED PROVIDER, MANAGEMENT AND NOMINATED SUPERVISOR WILL ENSURE:

- that obligations under the Education and Care Services National Law and 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)
- information on all employees in the Service who have direct contact with children as part of their usual duties is recorded in the [Workforce Register](#) in Arrival and update this information quarterly

- staff, educators, volunteers, students and visitors adhere to the National Model Code and [Guidelines](#) and not use, or have access to, any personal electronic devices, including mobile phones or smart watches used to take images or videos when educating and caring for children at the Service
- staff and educators only use electronic devices issued by the Service for taking images or videos of children enrolled at the Service
- that the premises, including toilets and nappy change facilities are designed and maintained to facilitate clear supervision of children whilst maintaining their rights and dignity
- students, volunteers and/or visitors are never left alone with a child whilst at the Service under any circumstance
- 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
- 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 Child Safe Standards **(annually- best practice)**
- a thorough recruitment process is implemented to employ people who are committed to children's safety and ensure their views align with the Service's Code of Conduct, Statement of Philosophy and child safety policies and procedures (see *Recruitment Policy*)
- the recruitment process includes pre-employment screening, reference checks
- all prospective applicants are required to complete a prohibition notice declaration to acknowledge they do not hold any prohibition notices that would prevent them from working with children
- all educators', staff, volunteers' and students' Working with Children Checks are validated and checked prior to engagement of work BEFORE the person begins working or interacting with children
- a record is kept and updated of the number of each WWC Check number and expiry date and staff and educators are reminded to renew their WWCC prior to expiry
- to emphasise child safety throughout the Service with regular discussions at team meetings and with children and families (NQF Safe Culture Guide (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*)
- ensure following any critical incident, children, staff and families are provided with access to support they may need- counselling, debriefing, access to community services
- ensure critical reflection on the incident is conducted with staff and educators to inform required changes to policy, procedures, practices (including supervision) and risk assessments
- all employees, volunteers and students are:
  - 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 Child Safe Standards (CSS)
  - provided with support to adhere to a zero-tolerance stance against child abuse
  - provided with regular up-to-date knowledge and training on how to identify, understand, report, and respond to child maltreatment, abuse and harm including the Reportable Conduct Scheme
  - aware that neglecting to report child protection concerns may be deemed a criminal offence
  - provided with training and information are provided to all educators about the Child Information Sharing, Family Violence Reforms and Family Violence Multi-Agency Risk Assessment Management Framework (MARAM)
  - supported and empowered to make a report to (DFFH) Child Protection, Victoria Police or seek a referral to Orange Door by having clear procedures in place
  - 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 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 Service by creating and maintaining child safe environment and adhere to the Child Safe Standards (CSS)
- foster a culture of openness, respect and cultural safety where children and young people feel safe to disclose risk of harm to children or report abuse
- participate in a comprehensive induction and orientation program, including an understanding of child protection law
- provide valid Working with Children (WWC) Check details during their employment and engagement at the Service
- advise the approved provider of any circumstances that may affect their WWC Check or fit and proper status
- not use, or have access to, any personal electronic devices, including mobile phones or smart watches used to take images or video of children at the Service
- participate in regular up-to-date training on how to identify, understand, report, and respond to child maltreatment, abuse and harm through annual child protection training (**best practice**)
- complete online training- Protecting Children: Mandatory Reporting and Other Obligations Training (PROTECT)
- participate in training about the Child Information Sharing, Family Violence Reforms and Family Violence Multi-Agency Risk Assessment Management Framework (MARAM)
- allow children to be part of decision-making processes where appropriate
- provide ongoing monitoring and follow-up for children's health and wellbeing.

### STUDENTS/ VOLUNTEERS/ VISITORS WILL:

- adhere to the Service's policies and procedures
- participate in a comprehensive induction and orientation program, including an understanding of child protection law
- provide valid Working with Children (WWC) Check details during their engagement at the Service
- advise the approved provider of any circumstances that may affect their WWC Check or fit and proper status
- promote the welfare, safety, and wellbeing of children at the Service by creating and maintaining child safe environment and adhere to the Child Safe Standards (CSS)
- participate in child protection training as required
- not use, or have access to, any personal electronic devices, including mobile phones or smart watches used to take images or video of children at the Service.
- report any concern or suspicion that a child is at risk of significant harm, or concerns for the child's wellbeing to the approved provider or nominated supervisor as soon as possible
- identify and report any concerns around staff, educator or volunteer behaviour or conduct to management/approved provider of the Service as soon as practicable
- allow children to be part of decision-making processes where appropriate.

### DOCUMENTING A DISCLOSURE

A disclosure of harm emerges when someone, including a child, tells you about harm that has happened or is likely to happen. When a child discloses that he or she has been abused, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child from the abuse. It is also a chance to help the child connect to professional services that can keep them safe, provide support and facilitate their recovery from trauma. Disclosure is about seeking support and your response can have a great impact on the child or young person's ability to seek further help and recover from the trauma.



### WHEN RECEIVING A DISCLOSURE OF HARM, THE PERSON RECEIVING THE DISCLOSURE WILL:

- give the child or young person their full attention
- remain calm and find a place to talk where you can give the child your full attention (ask child or young person if you can move to a place where you can hear them properly)
- not make promises that can't be kept. For example, never promise that you will not tell anyone else
- honestly tell the child or young person what you plan to do next
- tell the child/person they have done the right thing in revealing the information but that they'll need to tell someone who can help keep the child safe
- only ask enough questions to confirm the need to report the matter because probing questions could cause distress, confusion and interfere with any later enquiries
- let the child or young person take his or her time
- let the child or young person use his or her own words
- tell the child or young person that the abuse of maltreatment is not their fault
- support culturally and linguistically diverse children and children with additional needs to express themselves in the child's preferred way of communicating (NQF Safe Culture Guide)
- not attempt to conduct their own investigation or mediate an outcome between the parties involved
- not confront the perpetrator
- document as soon as possible so the details are accurately captured including:
  - time, date and place of the disclosure
  - 'word for word' what happened and what was said, including anything they (the staff member/educator) said and any actions that have been taken
  - date of report and signature

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

### BREACH OF CHILD PROTECTION POLICY

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



## 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 Child Protection, Commission for Children and Young People (CCYP) and Victoria Police for appropriate processes to ensure chain of evidence is not destroyed or compromised
- not undertaking and investigating the allegation whilst the CCYP or the Police are conducting an investigation
- follow directions from the Child Protection, CCYP and Victoria Police that may include removal of the educator or staff member (who is the subject of allegations) **immediately** from a role with contact with children or young people until authorities conclude their investigation.

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 if required including dismissal of employment
- emphasising the relevant element of the child protection policy and procedure not followed
- providing closer supervision
- providing further education and training
- providing mediation between those involved in the incident (where appropriate)
- reviewing current policies and procedures and developing new policies and procedures if necessary

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

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

The Reportable Conduct Scheme has been designed to ensure that the Commission for Children and Young People (CCYP) will be aware of every allegation of certain types of employee misconduct involving children in relevant organisations, including approved education and care services (kindergartens, after school hours care services) and Children's services (occasional care providers).

[see: *Reportable Conduct Scheme Policy* (Victoria only)- Child Care Centre Desktop]

## EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOUR

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

- about acceptable and unacceptable behaviour in both physical and online environments
- about what is appropriate and inappropriate contact at an age-appropriate level and understanding
- about body safety, using correct names of private body parts to help recognise inappropriate touches and respect for personal space
- about their right to feel safe at all times
- to say 'no' to anything that makes them feel unsafe or uncomfortable
- about how to use their own knowledge and understanding to feel safe
- to identify feelings that they do not feel safe
- help them identify trusted educators, adults and friends
- the difference between 'good' and 'bad' secrets
- that there is no secret or story that cannot be shared with someone they trust
- that educators are available for them if they have any concerns
- to tell educators of any suspicious activities or people
- to recognise and express their feelings verbally and non-verbally
- that they can choose to change the way they are feeling.

## RESOURCES FOR INDICATORS OF ABUSE OR NEGLECT

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

[Kids Helpline](#)

[Lifeline](#)

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

Sexual Assault Services Victoria. [Child sexual assault. Early childhood education and care settings](#)

[The Orange Door](#)

Victoria State Government Education [Protection and prevention of child abuse in early childhood settings](#)

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

Victoria State Government. [Identify signs of child abuse](#)

Victoria State Government. [Understanding your obligations to protect children](#)

## CONTINUOUS IMPROVEMENT/REFLECTION

Our *Child Protection Policy* will be reviewed on an annual basis in consultation with children, 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 Notification Record
Child Protection Notification Procedure	Child Protection Report Form

## SOURCES

ACECQA. (2023). [Embedding the National Child Safe Principles](#)

Australian Children's Education & Care Quality Authority. (2025). [Guide to the National Quality Framework](#)

Australian Children's Education & Care Quality Authority. (2025). [NQF Child Safe Culture Guide.](#)

Australian Government Department of Education. [Belonging, Being and Becoming: The Early Years Learning Framework for Australia. V2.0, 2022](#)

Australian Children's Education & Care Quality Authority. (2024). [Taking Images and Video of Children While Providing Early Childhood Education and Care. Guidelines For The National Model Code](#)

Australian Government Australian Institute of Family Studies. (2022). [Australian child protection legislation](#)

Australian Government: Australian Institute of Family Studies. (2023). [Mandatory reporting of child abuse and neglect](#)

Australian Government: Australian Institute of Family Studies. (2025). [Responding to children and young people's disclosure of abuse.](#)

*Children Youth and Families Act 2005*

*Crimes Act 1958 (Vic)*

Early Childhood Australia Code of Ethics. (2016).

Education and Care Services National Law Act 2010. (Amended 2023).

[Education and Care Services National Regulations.](#) (Amended 2023).

*The Commission for Children and Young People Act 1998*

Victoria State Government Education. [Child Protection in Early Childhood \(PROTECT\)](#)

Victoria State Government Department of Families, Fairness and Housing. [Creating child safe organisations](#)

Victoria State Government. [Child Information Sharing Scheme](#)

Victorian Government. [Multi-Agency Risk Assessment and Management Framework \(MARAM\) practice guides and resources.](#)

Victoria State Government. [Working with Children Check.](#)

Victoria State Government. Commission for Children and Young People. [Reportable Conduct Scheme.](#)

*Working with Children Act 2005 (Vic)*

## AUTHORISATION

This policy was adopted by the approved provider of Creative Minds Early Years on 29 August 2025.

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