



CHILD SAFETY & PROTECTION: PROVIDING CHILD A SAFE ENVIRONMENT

PURPOSE

This policy outlines Essential Early Learning's commitment to providing a child safe environment where children are protected from abuse and harm, their rights are upheld, and their voices are heard and valued. We recognise that the safety and wellbeing of children is paramount and that all children have the right to feel safe and be safe.

Our service will:

- Promote the safety, wellbeing and inclusion of all children
 - Prevent child abuse and harm through proactive strategies and education
 - Foster a culture of child safety and child-centred practice
 - Implement robust recruitment, screening and supervision processes
 - Respond appropriately to all allegations and concerns about child safety
 - Ensure all educators and staff understand their mandatory reporting obligations
 - Partner with families to keep children safe
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SCOPE

This policy applies to:

- All children enrolled at the service
 - The approved provider, nominated supervisor, educators and staff
 - Students on placement, volunteers, contractors and visitors
 - Parents, guardians and families
 - All aspects of service operations, programs and environments
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LEGISLATIVE REQUIREMENTS

This policy is based on the following legislation and standards:

Education and Care Services National Law Act 2010

- Section 162A: Approved child protection training (NSW requirement)
- Section 165: Offence to inadequately supervise children
- Section 166: Offence to use inappropriate discipline
- Section 167: Offence relating to protection of children from harm and hazards
- Section 170: Offence relating to unauthorised persons on premises

Education and Care Services National Regulations 2011

- Regulation 84: Awareness of child protection law
- Regulation 155: Interactions with children
- Regulation 156: Relationships in groups
- Regulation 168: Education and care service must have policies and procedures
- Regulation 176: Time to notify certain circumstances to Regulatory Authority



National Quality Standard

- Quality Area 2: Children's Health and Safety
- Element 2.2.1: At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard
- Quality Area 5: Relationships with Children
- Element 5.1.1: Responsive and meaningful interactions build trusting relationships which engage and support each child to feel secure, confident and included
- Element 5.2.2: The dignity and rights of every child are maintained

NSW-Specific Legislation:

- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Children's Guardian Act 2019 (NSW)
- Crimes Act 1900 (NSW)
- Work Health and Safety Act 2011 (NSW)
- Privacy Act 1988
- United Nations Convention on the Rights of the Child

KEY DEFINITIONS

Child Abuse: Any non-accidental behaviour by an adult, adolescent or child towards a child that causes physical, emotional or sexual harm or places the child at serious risk of harm. This includes physical abuse, sexual abuse, emotional/psychological abuse, and neglect.

Child Safe Environment: An environment where children's safety and wellbeing is at the centre of all decision-making, policies, practices and cultures, and where all reasonable steps are taken to protect children from harm.

Mandatory Reporter: In NSW, persons who work in certain roles are required by law to report suspected child abuse or neglect to the Child Protection Helpline. This includes all persons working in child care services.

Risk of Significant Harm (ROSH): A child or young person is at risk of significant harm if there are current concerns for their safety, welfare or wellbeing because of abuse or neglect, and the circumstances giving rise to the concern are serious enough to warrant a response by a statutory authority.

Working with Children Check (WWCC): A screening process for people who work or volunteer with children in NSW. It involves a national criminal history check and a review of findings from workplace misconduct.

Code of Conduct: A set of standards and expectations that outline appropriate and inappropriate behaviour when working with children.

NSW CHILD SAFE STANDARDS

In accordance with the Children's Guardian Act 2019 and the NSW Child Safe Scheme (commenced 1 February 2022), Essential Early Learning is committed to implementing and maintaining the 10 Child



Safe Standards. The Office of the Children's Guardian (OCG) regulates and monitors our compliance with these standards.

The 10 Child Safe Standards are:

1. Children's safety and wellbeing is embedded in organisational leadership, governance and culture

- Child safety is a shared responsibility at all levels
- Leadership promotes a culture where child safety is paramount
- Policies and procedures prioritise child safety

2. Children participate in decisions affecting them and are taken seriously

- Children's voices are heard and respected
- Children are supported to express their views and concerns
- Children are informed about their rights

3. Families and communities are informed and involved

- Families are partners in protecting children
- Information about child safety is shared openly
- Families are informed about their rights and responsibilities

4. Equity is upheld and diverse needs are respected

- All children have equal access to protection
- Cultural safety is promoted
- Children with additional needs are supported

5. People working with children are suitable and supported

- Robust recruitment and screening processes are in place
- All staff understand their child protection responsibilities
- Ongoing training and support is provided

6. Processes to respond to complaints and concerns are child-focused

- Processes are accessible and easy to understand
- Concerns are taken seriously and responded to promptly
- Children and families are supported throughout the process

7. Staff are equipped with knowledge, skills and awareness

- Induction and ongoing training is provided
- Staff understand indicators of abuse and harm
- Staff know how to respond to concerns

8. Physical and online environments promote safety and wellbeing

- Environments are designed with child safety in mind
- Risks are identified and managed
- Online safety practices are implemented

9. Implementation is regularly reviewed and improved

- Policies and practices are monitored and evaluated
- Feedback is sought and acted upon
- Continuous improvement is prioritised

10. Policies and procedures document how to keep children safe

- Clear, accessible policies guide practice
- Procedures are understood and followed
- Documentation supports accountability

POLICY PROCEDURES

1. Working with Children Checks and Screening

Working with Children Check Requirements:

In accordance with the Child Protection (Working with Children) Act 2012 (NSW), all persons in the following roles must have a current Working with Children Check (WWCC):

- All educators and staff
- Approved provider (if individual)
- Nominated supervisor
- Students on placement
- Volunteers (including parent helpers on excursions)
- Contractors who have direct contact with children

Verification Process:

- WWCC must be verified through the NSW Government online verification system
- Verification must occur before a person commences work or volunteers
- Records of verification will be kept
- WWCC will be reverified every 3 months to check for any changes in clearance status

Persons Without WWCC:

- Persons without a current WWCC may only be on the premises if they remain under direct supervision of an educator or staff member
- This includes parents visiting, contractors completing brief work, and delivery persons
- Direct supervision means the person is within sight and hearing of an educator at all times

2. Recruitment and Employment Practices

Recruitment:

The service will implement robust recruitment practices including:

- Position descriptions that clearly outline child safety responsibilities
- Comprehensive advertising and application processes
- Detailed interviews including child safety questions
- Reference checks with at least two professional referees
- Verification of qualifications and credentials
- Working with Children Check verification
- National Police Check (if required)
- Identity verification (100 point check)

Probation and Performance Management:

- All new employees will have a probation period
- Performance reviews will include assessment of child safety practices



- Ongoing supervision and support will be provided

3. Code of Conduct

All educators, staff, students, volunteers and contractors must comply with the service's Code of Conduct. This includes:

Expected Behaviours:

- Treat all children with respect and dignity
- Use positive guidance and interactions
- Maintain professional boundaries
- Respect children's privacy and dignity during intimate care
- Actively supervise children at all times
- Report all child safety concerns
- Model appropriate behaviour
- Follow all policies and procedures

Prohibited Behaviours:

- Physical punishment or corporal punishment of any kind
- Any form of physical, sexual, emotional or psychological abuse
- Humiliation, ridicule or belittlement of children
- Inappropriate physical contact
- Use of inappropriate language or behaviour
- Discrimination or bias
- Ignoring or failing to respond to child safety concerns
- Being alone with a child in an unobservable space
- Taking photographs of children for personal use
- Developing relationships with children or families outside of professional context

4. Mandatory Reporting

Mandatory Reporting Requirements in NSW:

Under the Children and Young Persons (Care and Protection) Act 1998 (NSW), all persons working in child care services are mandatory reporters. This means they must report to the Child Protection Helpline if they have reasonable grounds to suspect:

- A child is at risk of significant harm (ROSH)
- A child has been physically or sexually abused
- A child is at risk of abuse or neglect

What to Report:

Reports should be made when there are concerns about:

- Physical abuse: Non-accidental injury or pattern of injuries
- Sexual abuse: Any sexual act or behaviour with a child
- Emotional/psychological abuse: Repeated rejection, isolation, threats
- Neglect: Failure to provide basic physical, emotional, educational or medical needs
- Exposure to domestic violence

How to Report:



- Contact the Child Protection Helpline: 132 111 (available 24/7)
- Provide as much information as possible about the child and the concerns
- Document the report including date, time, and reference number
- Inform the nominated supervisor after making the report (unless they are implicated)
- Maintain confidentiality - do not discuss the report with families or others

Protection for Reporters:

- Reports made in good faith are protected by law
- Reporters cannot be sued for defamation
- Reporter identity is protected (unless court orders disclosure)
- It is an offence to fail to report when required

5. Reportable Conduct Scheme

Overview:

The Reportable Conduct Scheme is governed by the Children's Guardian Act 2019 and administered by the Office of the Children's Guardian. This scheme keeps children safe by monitoring how organisations investigate and report allegations of misconduct against employees who work with children.

Approved education and care services, including family day care, are 'relevant entities' under the scheme.

What is Reportable Conduct:

Reportable conduct includes the following types of conduct by an employee towards a child:

- Sexual offences
- Sexual misconduct
- Ill-treatment of a child (unreasonable and seriously inappropriate conduct)
- Neglect of a child (significant failure to provide adequate care)
- Assault against a child (application of physical force without lawful justification)
- Behaviour that causes significant emotional or psychological harm

Reportable Allegation vs Reportable Conviction:

- A reportable allegation is an allegation that an employee has engaged in conduct that may be reportable conduct
- At the allegation stage, there does not need to be proof that the conduct occurred
- A reportable conviction is a conviction for an offence involving reportable conduct

Head of Relevant Entity Responsibilities:

The head of relevant entity (approved provider or nominated supervisor) must:

- Notify the Office of the Children's Guardian within 7 business days of becoming aware of a reportable allegation or reportable conviction
- Conduct an investigation into the allegation
- Assess and manage risks to children, the employee, and others
- Provide updates to OCG within required timeframes
- Complete a final investigation report
- Ensure systems are in place for preventing, detecting, and dealing with reportable conduct



How to Report to OCG:

- Use the Reportable Conduct notification forms available on the OCG website
- Email: reportableconduct@ocg.nsw.gov.au
- Submit within 7 business days of becoming aware

Important Note - Different Reporting Obligations:

The Reportable Conduct Scheme is separate from mandatory reporting to the Child Protection Helpline. Both may apply to the same situation:

- Mandatory reporting to Child Protection Helpline (132 111) is about concerns for a child's safety from any source
- Reportable Conduct to OCG is about allegations against employees of the service
- Both reports may be required in some circumstances
- Police (000 or 131 444) must be contacted if criminal conduct is suspected

6. Child Protection Training

NSW-Specific Requirements:

In NSW, nominated supervisors, persons in day-to-day charge and family day care coordinators must complete an approved child protection course as required by Section 162A of the Education and Care Services National Law.

Approved Child Protection Training Courses:

- CHCPRT002 - Support the rights and safety of children and young people
- CHCPRT025 - Identify and report children and young people at risk
- CHCPRT026 - Support the rights and safety of children and young people

All Staff Training:

All educators and staff will:

- Be advised of current child protection law and their obligations (Regulation 84)
- Receive induction training on this policy and mandatory reporting
- Participate in child protection refresher training every 12-24 months
- Understand indicators of abuse and neglect
- Know how to respond to disclosures and concerns

7. Supervision of Children

Active supervision strategies include:

- Positioning: Educators position themselves to see all children
- Scanning: Regularly scanning the environment
- Listening: Being attuned to children's voices and sounds
- Anticipating: Predicting what might happen next
- Engaging: Interacting meaningfully with children
- Educator-to-child ratios maintained at all times
- Children remain within sight and/or hearing
- Visibility maintained in all areas including toilets and sleep rooms



8. Office of the Children's Guardian - Monitoring and Compliance

OCG's Role:

The Office of the Children's Guardian (OCG) is responsible for regulating organisations that must comply with the Child Safe Scheme. From 1 February 2023, OCG has the power to take action to ensure organisations legally comply with the 10 Child Safe Standards.

Monitoring Activities:

OCG may monitor our compliance through:

- Requesting information about our child safe systems, policies and processes
- Inspecting our premises
- Directing us to complete the Child Safe Self-Assessment tool
- Investigating concerns about our compliance
- Sectoral monitoring programs

Enforcement Powers:

If we are not meeting the Child Safe Standards, OCG may:

- Issue a compliance notice requiring specific actions to improve child safe systems
- Accept an enforceable undertaking (written agreement to take specific actions)
- Issue fines for failing to follow compliance notices or enforceable undertakings
- Publish compliance notices and enforceable undertakings on the OCG website

Child Safe Self-Assessment:

- OCG provides a free Child Safe Self-Assessment tool available at: <https://cssa.ocg.nsw.gov.au>
- We will complete this self-assessment regularly to evaluate our child safe practices
- The self-assessment helps identify areas for improvement

Collaboration with NSW Regulatory Authority:

- OCG has a Memorandum of Understanding with the NSW Regulatory Authority (Department of Education) for better collaboration on child safety
- Information sharing between agencies improves child safety and wellbeing in early childhood services

9. Responding to Allegations and Concerns

If an Allegation is Made Against a Staff Member:

- Ensure the immediate safety of all children
- Report to the Child Protection Helpline (132 111)
- Report to the Office of the Children's Guardian
- Contact Police if a criminal offence is suspected (000 or 131 444)
- Notify the Regulatory Authority (ACECQA)
- Consider suspending the staff member pending investigation
- Do not discuss allegations with the accused person before seeking advice
- Support the child and family
- Document all actions taken
- Maintain confidentiality



EDUCATOR AND STAFF RESPONSIBILITIES

Approved Provider:

- Ensure child safety is embedded in organisational culture
- Ensure all policies support child safety
- Ensure robust recruitment and screening processes
- Respond appropriately to allegations and complaints
- Ensure adequate resources and training

Nominated Supervisor/Person in Day-to-Day Charge:

- Complete approved child protection training (Section 162A requirement)
- Ensure all staff understand their child protection obligations
- Maintain Working with Children Check records
- Respond to child safety concerns appropriately
- Support staff in making reports
- Ensure supervision strategies are implemented

All Educators and Staff:

- Maintain current Working with Children Check
- Comply with the Code of Conduct
- Report suspicions of abuse or neglect to Child Protection Helpline
- Actively supervise children at all times
- Treat all children with respect and dignity
- Participate in child protection training
- Report any concerns about staff behaviour

FAMILY RESPONSIBILITIES

Families are responsible for:

- Reading and understanding this policy
- Supporting the service's child safety practices
- Reporting any concerns about their child's safety
- Communicating openly with educators
- Respecting confidentiality
- Obtaining Working with Children Check if volunteering

RELATED POLICIES AND PROCEDURES

- Interactions with Children Policy
 - Supervision of Children Policy
 - Delivery and Collection of Children Policy
 - Privacy and Confidentiality Policy
 - Complaints and Grievances Policy
 - Incident, Injury, Trauma and Illness Policy
 - Staffing Policy
 - Code of Conduct
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REFERENCES AND RESOURCES

NSW Office of the Children's Guardian:

- Office of the Children's Guardian website: www.ocg.nsw.gov.au
- OCG General Enquiries: (02) 8219 3600
- Reportable Conduct email: reportableconduct@ocg.nsw.gov.au
- Child Safe Self-Assessment tool: <https://cssa.ocg.nsw.gov.au>
- Guide to the Child Safe Standards (OCG publication)
- Reportable Conduct Scheme Fact Sheets (OCG)
- Free Child Safe eLearning: www.ocg.nsw.gov.au/training-and-resources/elearning
- OCG Training Events: www.ocg.nsw.gov.au/events

Child Protection Reporting:

- NSW Child Protection Helpline: 132 111 (24/7)
- NSW Police (Emergency): 000
- NSW Police (Non-emergency): 131 444

Working with Children Check:

- Apply for WWCC: <https://wwccheck.ocg.nsw.gov.au/Apply>
- Renew WWCC: www.service.nsw.gov.au
- Employer login and verify: <https://wwccemployer.ocg.nsw.gov.au>

National and Other Resources:

- ACECQA: Guide to the National Quality Framework
- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- National Quality Standard
- Australian Children's Education and Care Quality Authority (ACECQA) website: www.acecqa.gov.au
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Children's Guardian Act 2019 (NSW)
- Royal Commission into Institutional Responses to Child Sexual Abuse - Final Report
- United Nations Convention on the Rights of the Child

POLICY REVIEW

This policy will be reviewed every two years or more frequently if required due to:

- Legislative changes
- Changes in best practice or child protection standards
- Following a child protection incident or concern
- Feedback from families, educators, staff or external agencies
- Following regulatory assessment and rating
- Updates from the Office of the Children's Guardian



Date policy was last reviewed: 11/01/2026

Date for next review: 11/01/2028

Reviewed by: Director and Staff