



# CHILD PROTECTION POLICY P4.0309.3

---

---

# CHILD PROTECTION POLICY

**DIVISION:** Sport, Community and Activation

**BRANCH:** Community Outcomes - Family Day Care

**CATEGORY:** 3

---

## PART 1 - INTRODUCTION

### 1. BACKGROUND

- 1.1 The protection of children from abuse and neglect is a shared community responsibility. Everyone who works with children and their families has an obligation to take action to protect children from significant risk of harm.
- 1.2 Camden Council is a Child Safe Organisation and Camden Council Family Day Care (FDC) is committed to better preventing and responding to child abuse by embedding the Child Safe Standards within our policy, planning and everyday practice.
- 1.3 All educators, staff, students and volunteers associated with Camden Council FDC are Mandatory Reporters and are required to report to the Child Protection Helpline if they have reasonable grounds to suspect a child or young person is at risk of significant harm and have current concerns about the safety, welfare or wellbeing of a child or young person where the concerns arise during or from their work.
- 1.4 Under the Reportable Conduct Scheme, organisations must have systems in place for preventing, detecting and dealing with reportable conduct and reportable convictions. These systems aim to keep children safe and ensure that employees are treated fairly when an allegation is investigated. As a public authority, Camden Council must apply the Reportable Conduct Scheme to any person that is required to have a Working With Children Check (WWCC), which for Camden Council FDC includes staff, educators, students, volunteers and residents.

### 2. OBJECTIVE

- 2.1 Our priority as education and care professionals is to provide a safe environment for children that nurtures and protects their welfare and wellbeing. We are committed to implementing Child Safe Standards throughout our policies, procedures, and everyday practice.
- 2.2 We are committed to ensuring educators, residents and staff understand child protection principles and the signs of abuse and what to do when it is identified or suspected that a child is being abused or at significant risk of harm.
- 2.3 Educators and staff will have a full understanding of their responsibilities as a Mandatory Reporter and are supported in fulfilling this role.

- 2.4 We are committed to being proactive in preventative measures, by supporting families who may be experiencing crisis or hardship and connecting them via referral with the most appropriate community support.

### 3. SCOPE

3.1 This policy applies to:

- Camden Council FDC Service
- Staff
- Educators
- Children enrolled in an FDC Service and their families
- Residents
- Students
- Volunteers
- Visitors.

### 4. DEFINITIONS

- 4.1 **Approved Provider** means a person who holds a provider approval (*Children (Education and Care) Services National Law*). A provider approval authorises a person to apply for one or more education and care service approvals and is valid in all jurisdictions. The Approved Provider for the purposes of this policy is Camden Council.
- 4.2 **Australian Children's Education and Care Quality Authority (ACECQA)** means the independent national authority that assists governments in administering the National Quality Framework including the provision of guidance, resources, and services to support the sector to improve outcomes for children.
- 4.3 **Child** means under the *Children and Young Persons (Care and Protection) Act 1998*, a person under the age of 16 years.
- 4.4 **Child Abuse and Neglect** means 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.
- 4.5 **Child Safe Standards** means a framework for creating child safe organisations. They are designed to drive cultural change to create, maintain and improve child safe practices. When organisations implement the Standards, they build a culture where abuse of children is prevented, responded to and reported.
- 4.6 **Co-ordination Unit** means the Camden Council FDC principal office and main faculty for running the Service from which staff work.

- 4.7 **Educator** means an individual suitably qualified and registered by Camden Council FDC to provide education and care and refers to the educator as the business owner, educator assistant or relief educator.
- 4.8 **Family Day Care (FDC)** means a type of education and care service that is run from the educator's own residence or an approved venue for the purpose of educating and caring for small groups of children aged 0-12 years.
- 4.9 **FDC Service** means the FDC education and care business of each individual educator or refers to Camden Council FDC service.
- 4.10 **Mandatory Reporter** means a person who has a legal obligation to report children whom they suspect may be at risk of significant harm. For a FDC education and care service this includes staff, educators and students.
- 4.11 **Mandatory Reporter Guide** means the tool available in the Department of Communities and Justice ChildStory website for mandatory reporters to use to help them decide whether it is necessary to make a report of significant risk of harm, and is the tool used to officially make the report.
- 4.12 **Nominated Supervisor** means a person appointed by the Approved Provider and who has given consent to be appointed to be in day-to-day charge of a service and must be contactable during the hours educators are providing education and care.
- 4.13 **Regulatory Authority** means the agency or department in each state or territory who administers the National Quality Framework (NQF). They are responsible for granting approvals, including provider approval and service approvals, assessing and rating services against the National Quality Standard and working with ACECQA to promote continuous quality improvement and educate the sector and community about the NQF.
- 4.14 **Reportable Allegation** means an allegation that an employee has engaged in conduct that may be reportable conduct.
- 4.15 **Reportable Conduct** is defined under the *Children's Guardian Act 2019* as being:
- a sexual offence committed against, with or in the presence of a child,
  - sexual misconduct with, towards or in the presence of a child,
  - ill-treatment of a child,
  - neglect of a child,
  - an assault against a child,
  - behaviour that causes significant emotional or psychological harm to a child,
  - any offence under section 43B or 316A of the *Crimes Act 1900*, whether or not with the consent of the child.
- 4.16 **Reportable Conviction** means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.
- 4.17 **Resident** means any person aged 18 years or over who resides, or intends to reside permanently, or temporarily resides for more than three weeks, at the educator's FDC Residence.

- 4.18 **Risk of Significant Harm** means a concern that is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing, or in the case of an unborn child, after the child's birth.
- 4.19 **Staff** means employees of Camden Council FDC.
- 4.20 **Working with Children Check (WWCC)** means a notice, certificate or other document granted to, or with respect to, a person under a working with children law to the effect that the person has been assessed as suitable to work with children, or there has been no information that if the person worked with children the person would pose a risk to the children, or the person is not prohibited from attempting to obtain, undertake or remain in child-related employment.
- 4.21 **Young Person** means under the *Children and Young Persons (Care and Protection) Act 1998*, a person aged 16 years or above but who is under the age of 18 years.

## **PART 2 - POLICY STATEMENT**

### **5. PRINCIPLES**

- 5.1 We will ensure that consideration for the safety, welfare and wellbeing of all children is at the center of everything we do. It is a collective responsibility to keep children safe and protect them from risk of harm.
- 5.2 The Child Safe Standards are promoted to staff and educators and embedded in service provision.
- 5.3 The Nominated Supervisor, co-ordinators and educators are required to hold and keep up to date an ACECQA approved Child Protection qualification and are required to refresh their professional development in this area at least every two years.
- 5.4 Staff, educators, residents, students and volunteers will be informed of and provided with this policy and will be made aware of their obligations under Child Protection legislation including the Reportable Conduct Scheme. They will understand how to appropriately behave and engage with children.
- 5.5 Staff and educators will have a clear understanding of what child abuse and neglect is, including the signs a child or young person may be at significant risk of harm. They will also understand their role as Mandatory reporters and what to do in relation to reporting child protection matters to the ChildStory Website using the Mandatory Reporter Guide (MRG).
- 5.6 Comprehensive procedures are in place for the recruitment of staff and engagement, registration and re-registration of educators that ensure they are assessed and determined to be 'fit and proper' persons to be working with children.
- 5.7 All residents, students and volunteers must have a valid WWCC that is kept up to date. Educators are responsible for ensuring this information is provided to the co-ordination unit.

- 5.8 Police criminal history checks are required for staff, all educators and for residents of educators registered on or after 2019.
- 5.9 Educators will limit the number of visitors to their home whilst they are providing education and care. Some visitors, such as those engaged to provide a service, may require a volunteer WWCC. Educators will ensure adequate supervision of children at all times and never leave children alone in the presence of visitors. A visitor register is kept.
- 5.10 Protocols are in place for staff and educators to respond quickly and effectively to disclosures of abuse.
- 5.11 Procedures are developed for reporting to relevant authorities and documenting incidents so that educators and staff have a clear process to follow when required to make a report.
- 5.12 Educators and staff will understand and practice strategies for positively guiding children's behaviour, including the evaluation of environments and resources to support positive outcomes for children. Educators will be provided with additional support as required, such as when dealing with difficult behaviours.
- 5.13 All educators will participate in the Office of the Children's Guardian 'SAFE series' training about protective behaviours and will plan to include the protective behaviours messages for children within their educational program.

## **6. CONSIDERATIONS**

- 6.1 Considerations for assessment, training, support and supervision of persons working with children and/or engaging with children at the FDC service:
  - 6.1.1 All staff, educators and residents will be required to have a WWCC that is validated by the Co-ordination Unit and kept up to date.
  - 6.1.2 A recent (completed within the last six months) Police Criminal History Check is required for the following persons:
    - Staff.
    - Educators as a requirement of registration.
    - Residents as a requirement of each educator's registration (if registered on or after 2019).
  - 6.1.3 Staff and educators are required to have current ACECQA approved Child Protection Training and will refresh their knowledge at least every two years.
  - 6.1.4 Induction processes for new educators and staff will include training on this policy and procedures and ensure individuals understand their role and responsibilities as Mandatory Reporters.
  - 6.1.5 Information will be provided to residents about child protection and expectations of behaviour around children.

- 6.1.6 Staff, educators and residents will be made aware of their role and responsibilities in relation to child protection legislation and their obligations under this law.
- 6.1.7 The Nominated Supervisor will ensure that child protection information is distributed to staff and educators and that this forms part of an ongoing cycle of reflection for the Service.
- 6.2 Considerations for allegations of reportable conduct against staff, educators, residents or volunteers:
- 6.2.1 All incidents and allegations will be taken seriously and dealt with sensitively and in accordance with the services procedures for reportable conduct.
- 6.3 Other considerations:
- 6.3.1 Child protection matters will be handled in accordance with privacy and confidentiality laws.
- 6.3.2 Children will be given opportunities to provide feedback or raise concerns. Children's views will be heard and respected and they will be involved in making decisions, especially about matters that will directly affect them.
- 6.3.3 Support services may be of assistance for people affected by child protection matters and the contact details of local support services will be made available to those involved in child protection matters.

## 7. ROLES AND RESPONSIBILITIES

### 7.1 Approved Provider

- Ensure that all obligations under the National Quality Framework and child protection legislation are met.
- Ensure this policy and procedures are in place and reviewed every three years and as changes occur.
- Ensure that the Nominated Supervisor, staff, educators and other persons working with children are made aware of the *Children and Young Persons (Care and Protection) Act 1998* and of their obligations under this law and action plan.
- Ensure the FDC service is supported in the implementation of the Child Safe Standards.
- Ensure processes are in place for assessing whether the Nominated Supervisor, responsible persons, staff, educators and adult residents are 'Fit and Proper' persons to be in the presence of and working with children.
- Ensure that the Nominated Supervisor, responsible persons, co-ordinators and educators have a current ACECQA approved Child Protection qualification.

- Ensure that any adult working or volunteering with children completes a WWCC and that these checks are verified and remain current. For Camden Council FDC this includes staff, educators, residents, students, volunteers and visitors to a FDC service to participate in the program or provide a service.
- Ensure that relevant staff and all educators, as part of the registration process, provide a Police Criminal History Check clearance obtained no more than six months prior to the start/registration date.
- Ensure a Police Criminal History Check is provided for residents (of educators registered from 2019) and for all educator's new residents and young people residing when they turn 18.
- Ensure the regulatory authority is notified through the National Quality Agenda Information Technology System (NQA ITS) within seven days of any incident or allegation relating to child abuse and/or neglect.
- Must provide written notice to the Office of the Children's Guardian within seven days of becoming aware of a reportable allegation. A Final Report must be submitted within 30 days of becoming aware of a reportable allegation, upon conducting further investigation. Where it is not possible to submit a final report within the 30 days, the Approved provider must contact the Office of the Children's Guardian and submit an Interim Report.
- Ensure procedures are in place for induction that inform staff, educators, students and volunteers about this policy, Keep Them Safe / ChildStory protocols and Mandatory Reporter responsibilities and ensure these procedures are regularly reviewed.
- Notify families at least 14 days before changing the policy or procedures if the changes will affect the fees and charges and/or significantly impact the service's education and care of children or the family's ability to utilise the service.

## 7.2 Nominated Supervisor

- Complete responsibilities as delegated by the approved provider
- Ensure this policy and related procedures are implemented within the Co-ordination unit and all FDC services registered with Camden Council FDC.
- Ensure that staff, educators and other persons working with children are made aware of the *Children and Young Persons (Care and Protection) Act 1998* and of their obligations under this law and action plan.
- Inform staff, educators, residents, students and volunteers of this policy and their obligations under Child Protection legislation, including the Reportable Conduct Scheme. Ensure they have been given a copy of the policy and/or know where to access it.
- Take reasonable steps to ensure that staff and educators follow the policy and procedures.



- Take reasonable steps to ensure that residents are informed about child protection and are aware of what is expected of them whilst the FDC service is operational in their home.
- Ensure the Child Safe Standards are promoted to staff and educators and that the service has clear direction for embedding each standard into everyday practice.
- If resources allow, engage with other areas of Camden Council and work together with them on initiatives for being a child safe organisation.
- Ensure processes are in place for assessing whether staff and educators are 'Fit and Proper' persons to be working with children.
- Ensure the co-ordination unit has processes in place for collecting, verifying and keeping up to date WWCC information for all staff, educators, residents, students and volunteers.
- Ensure they themselves, Co-ordinators and educators have completed and keep up to date ACECQA approved Child Protection training and that they complete a child protection refresher at least every two years.
- Ensure that co-ordination unit staff, all educators and residents (of educators registered from 2019), as part of the registration process, provide a Police Criminal History Check clearance obtained no more than six months prior to their start/registration date.
- Ensure the service has comprehensive procedures in place for the engagement and registration of new educators. These should include information for residents about child protection and appropriate behaviours in the presence of children.
- Ensure procedures are developed and implemented for induction and training of staff, educators, students and volunteers about child protection, including information about their obligations as Mandatory Reporters.
- Ensure procedures are in place for the re-registration of educators and the continued monitoring of compliance, including requirements for updated WWCC and police checks for new residents.
- Investigate incidents and allegations of risk of significant harm to children and young persons.
- Assist the Approved Provider to report to the Regulatory Authority and Office of the Children's Guardian for all child protection incidents or allegations.
- Ensure educators are supported in making reports through the ChildStory website MRG.
- Ensure educators are supported with strategies for positively guiding children's behaviour.
- Ensure educators are monitored and supported in relation to child protection and keeping children safe.

- Ensure all educators have participated in the 'Safe Series' child protection training or equivalent on protective behaviours.
- Adhere to privacy and confidentiality laws when dealing with matters of child protection.
- Respect and advocate for the rights of all children.

### **7.3 Coordination Unit Staff**

- Ensure they follow Camden FDC policy and procedures and implement and maintain all requirements under these and as directed by the nominated supervisor.
- Be aware of and understand the *Children and Young Persons (Care and Protection) Act 1998* and of their obligations under this law and action plan, including their responsibility as a mandatory reporter.
- Complete and provide to the Nominated Supervisor a WWCC and ensure it is kept up to date.
- If required, provide the Nominated Supervisor with a Police Criminal History Check that is no more than six months old.
- Complete ACECQA approved child protection training, keep this qualification current and participate in refresher training at least every two years.
- Be familiar with the Child Safe Standards and how these inform practice.
- Assist with engagement, assessment, registration and induction processes for educators.
- Monitor and ensure educators practices align with this policy and procedures.
- When visiting FDC services monitor interactions that occur between others and the children to ensure they are appropriate.
- Assist educators with strategies to positively guide children's behaviour.
- Engage in discussions with educators about child protection and help them reflect on how the Child Safe Standards are implemented and embedded in their service.
- Support educators to understand protective behaviours in children and how they can talk to children about keeping safe.
- Collect and verify WWCC information, and communicate with educators about keeping these up to date.
- Collect and file police criminal history checks and educator Child Protection training, and ensure training meets ACECQA approved standards.
- Report incidents, allegations or suspected risk of significant harm to the Nominated Supervisor and make a report through the ChildStory website MRG.

- Assist the Nominated Supervisor or staff with investigations of child protection issues.
- Adhere to privacy and confidentiality laws when dealing with matters of child protection.
- Respect and advocate for the rights of all children.

#### **7.4 Educators**

- Implement this policy and procedures.
- Be aware of and understand the *Children and Young Persons (Care and Protection) Act 1998* and of their obligations under this law and action plan, including their responsibility as a mandatory reporter.
- Understand and implement the Child Safe Standards within their FDC service.
- Ensure they have and keep up to date an ACECQA approved Child Protection qualification and complete child protection refresher training at least every two years.
- Ensure they and their residents have a current WWCC. Notify the co-ordination unit of changes to residents, including new residents or visitors residing for three weeks or more and young people residing turning 18.
- Ensure volunteers and visitors that attend during FDC hours of operation have a current volunteer WWCC.
- For all educators, as part of the registration process, provide a current (no more than six months old) police criminal history check for themselves.
- For new educators (registered on or after 2019), as part of the registration process, provide a current (no more than six months old) police criminal history check for all adult residents.
- Do not leave any child alone with residents, students, volunteers or visitors, maintain direct supervision of children at all times in the presence of others.
- Ensure residents are aware of what is expected of them, including appropriate behaviour whilst the service is operating in their home.
- Be familiar with the procedure for how to make a report through the ChildStory website MRG.
- Be familiar with what to do when a child discloses an incident of abuse/neglect.
- Report incidents, allegations or suspected risk of significant harm to children and young people to the Nominated Supervisor and make a report to the MRG.
- Assist the Nominated Supervisor or staff with investigations of child protection issues.

- Ensure that conversations with families are professional and ethical and conducted at a suitable time to ensure confidentiality is maintained.
- Respect and advocate for the rights of children.
- Participate in 'Safe Series' training or equivalent about protective behaviours and implement through the educational program opportunities for discussions with children about how to keep safe.
- Engage in discussions with families about child protection indicators and how to keep children safe, and provide information about protective behaviours.
- Adhere to privacy and confidentiality laws when dealing with matters of child protection.

## **7.5 Families**

- Communicate respectfully with their child's educator and other children and families in the service.
- Be aware of indicators of abuse and neglect.
- Be aware of protective behaviours in children and young people.
- Report to the educator, co-ordination unit staff or Nominated Supervisor any incidents or suspected incidents that may cause significant risk of harm to children whilst in the FDC service.
- Keep information about the children and FDC service confidential. Child protection matters should be handled by the educator and/or co-ordination unit.
- Respect and advocate for the rights of all children.

## **8. INDUCTION AND ONGOING TRAINING**

8.1 Induction and ongoing professional development will be implemented for all educators and staff, focusing on this policy and related procedures, child protection legislation and their roles and responsibilities as mandatory reporters.

## **9. MONITORING, EVALUATION AND REVIEW**

9.1 This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the service will review this policy every three years.

9.2 Families, educators and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

9.3 In accordance with regulation 172 of the *Education and Care Services National Regulations*, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

## 10. SOURCES AND RESOURCES

- [ACECQA Guide to the National Quality Framework](#)
- [ACECQA Quality Area 2 Health and Safety Resources](#)
- [AIFS Australian Child Protection Legislation](#)
- [Child Family Community Australia \(aifs.gov.au\)](#)
- Child Protection Helpline Phone: 13 2111
- [Child Safe Scheme Office of the Children's Guardian](#)
- [Guide to the Child Safe Standards](#)
- Kids Helpline Phone: 1800 551 800
- [Mandatory Reporters | Family & Community Services](#)
- [Mandatory Reporters Guide ChildStory Reporter Community](#)
- [What is Child Abuse and Neglect \(AIFS\)](#)

□ \* \* \*

**RELEVANT LEGISLATIVE INSTRUMENTS:** *Children and Young Persons (Care and Protection) Act 1998*  
*Child Protection (Working with Children) Act 2012*  
*Children (Education and Care Services) National Law (NSW)*  
*Children’s Guardian Act 2019*  
*Education and Care Services National Regulations*  
*National Quality Standard | Australian Children’s Education and Care Quality Authority (ACECQA)*  
*Privacy Act 1988*

**RELATED POLICIES, PLANS AND PROCEDURES:** Allegations of abuse against staff, educators, volunteers or students procedure  
Assessment of FDC educators and residents policy  
Disclosure of abuse procedure  
Documenting current concerns procedure  
Engagement or registration of FDC educators and educator assistants policy  
Interactions with children policy  
Keeping a register of FDC educators, coordinators and educator assistants policy  
Mandatory reporting procedure  
Monitoring support and supervision of FDC educators policy  
Notifications of abuse procedure  
Providing a child safe environment policy

**RESPONSIBLE DIRECTOR:** Director Sport, Community and Activation

**APPROVAL:** General Manager through the Executive Leadership Group.

**HISTORY:**

| Version | Approved by | Changes made   | Date       | EDMS Number |
|---------|-------------|--|------------|-------------|
| 1       |             | New  | Sept 2005  |             |
| 2       |             | Reviewed   | Feb 2020   |             |
| 3       | ELG         | Major changes. This policy now combines the previous Child Protection and Child Safe policies. | 23/06/2022 | 22/308985   |

