



CHILD PROTECTION POLICY



TEAMKIDS STANDS AGAIN CHILD ABUSE

TeamKids has zero tolerance for child abuse and is committed to protecting and advocating for the child's right to safety. TeamKids stands against all forms of child abuse, including but not limited to any form of sexual, physical, serious emotional or psychological abuse and/or serious neglect.

ASPECTS OF CHILD ABUSE AND MALTREATMENT MAY INCLUDE:

PHYSICAL HARM

This involves any non-accidental injury to a child or young person by a parent or caregiver. The injury may take the form of bruises, cuts, burns, fractures, bites, shaking and throwing.

SEXUAL HARM

This occurs when an adult or someone bigger and/or older than the child uses power or authority over the child or young person to involve the child in sexual activity. Physical force is sometimes involved, and often intimidation, threats and engaging a child in "keeping secrets is used as a way of preventing a child from disclosing the abuse. Child sexual abuse involves a wide range of sexual activity. It may include fondling of the child's genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, or exposure of the child to pornography.

EMOTIONAL/ PSYCHOLOGICAL HARM

This occurs when a child or young person is repeatedly rejected, frightened by threats or exposed to domestic violence. This may involve a severe lack of appropriate nurturing, scapegoating or verbal abuse such as name calling or being put down by the parent or caregiver to the extent that it affects the child's physical, emotional and intellectual growth and development.

ENVIRONMENT/ NEGLECT

This is a failure to provide the child with the basic necessities of life, such as food, clothing, shelter and supervision, to the extent that the child's physical health and development are placed at risk.

POLICY RATIONALE

This policy applies to all staff, students on placement, volunteers and parents/guardians whose child/ren are attending or who wish to enrol child/ren in TeamKids services.

TeamKids has a moral and legal responsibility to ensure that all children are safe in their care and will provide resources, information and guidance for providing a child-safe environment for children enrolled in and attending the service.

TEAMKIDS BELIEVE THAT:

- People caring for children must act in the best interests of the child and take all reasonable steps to ensure the child's safety and wellbeing.
- All children have the right to feel safe and are safe at all times.
- Practice will be based on a partnership approach and shared responsibility for children's safety, wellbeing and development.
- All children will be given the opportunity to reach their full potential and participate in society irrespective of their family circumstances and background.

POLICY OBJECTIVES

- To ensure a safe environment and minimise the risk of abuse of children enrolled at TeamKids.
- For the reporting of child abuse or suspicion of child abuse.
- Establish, maintain and strengthen a child-safe environment.
- Develop and maintain an open and aware culture in which children feel valued, respected and cared for.
- Support the rights of the child.
- Fulfil duty of care by protecting children from any reasonable, foreseeable risk of injury or harm.
- Promote children's development and wellbeing.

PROCEDURES

MANAGEMENT IS RESPONSIBLE FOR:

- Supporting educators in identifying the potential risks of child abuse at TeamKids.
- Developing and implementing effective strategies to prevent child abuse.
- Ensuring staff recruitment and induction supports the implementation of this policy.
- Ensuring appropriate training and education for educators and staff in recognising child abuse, symptoms of child abuse, what to do and how to respond. This includes the mandatory requirement that all person in day-to-day charge of a service have completed formal training in Child Protection., have completed formal training in Child Protection.
- Ensuring clear procedures are in place for reporting suspicions of child abuse and management of complaints (refer to the Complaints and grievances policy).
- Regularly involving parents/guardians, staff, educators, and children to develop a child- safe environment.
- Protecting the rights of children and families and, to the greatest extent possible, encouraging their participation in any decision-making.
- Offering support to the child, family, educators and staff in response to concerns or reports relating to the safety and wellbeing of a child in a TeamKids service.
- Implementing and reviewing this policy in consultation with parents/guardians, educators and staff.
- Responsible Person (person in day-to-day charge) and Nominated supervisor will hold approved child protection training. All educators must know their roles and responsibilities in relation to child protection, which is highlighted in the educator induction procedure.

THE NATIONAL QUALITY & COMPLIANCE MANAGER IS RESPONSIBLE FOR:

- Supporting Management, educators and staff to implement the guidelines in this policy
- Responding to any concerns or reports given to them regarding suspected or discovered harm to a child in an appropriate manner.
- Collecting information from Educators, Area Managers or other staff, to form and submit the report to the appropriate regulatory authority / Child Protection agency promptly and liaising further as required or directed.

EDUCATORS ARE RESPONSIBLE FOR:

- Maintaining a professional role with children, with clear boundaries that protect everyone from misunderstandings, perceptions or a violation of the professional relationship.
- Undertaking training on child protection awareness, including processes for reporting and managing concerns and/or incidents. This includes mandatory child protection awareness training in some states.
- Being aware of the signs and symptoms of abuse to a child (refer to 'Incident/concern management and reporting guidelines').
- As soon as practicable, reporting any concerns of suspected or discovered harm to a child to the Service Area Manager on the day that the concerns or child disclosures are noted. Service Area Manager and/or Quality & Compliance Manager on the day that the concerns or child disclosures are noted.
- Cooperating with other services or professionals to work in the interests of the child and family.
- Ensuring that families are made aware of the support services available to them and the benefits these services can provide, especially to families in most need assistance. The service Community Information Folder and the TeamKids website may provide relevant support resources and agencies, including those in their local area.
- Acknowledging and respecting children's identity, right to privacy, circumstances and cultural identity, and being responsive to the child's particular needs.
- Educating and empowering children to talk about events and situations that make them feel uncomfortable.
- Maintaining confidentiality.
- Reduce the circumstances where a child may be alone with one educator, where possible.
- Complying with the Interactions with children policy of the service.

THE PARENTS/GUARDIANS ARE RESPONSIBLE FOR:

- Reporting observations and/or concerns about potential situations of child abuse or neglect to the service Direct/Coordinator.
- Abide by the TeamKids parent code of conduct.

TO ASSESS WHETHER THE POLICY HAS ACHIEVED THE VALUES AND PURPOSES, MANAGEMENT WILL:

- Take into account feedback from educators, staff, parents/guardians and committee regarding the policy.
- Monitor compliance with the expectations and procedures set out in the policy
- Monitor complaints and incidents regarding child protection.

CHILD SAFE ORGANISATIONS

To assess risk within a TeamKids service means identifying the potential for child abuse within in your service and taking steps to reduce the possibility of it occurring.

It is important to create awareness among educators, staff and volunteers of possible risks to children from abuse, and how to implement a range of strategies to protect them from those risks and abuse.

This table provides some examples of practices (there will be a range of others) that may be implemented to support the principles of a child safe organisation.

CHILD SAFE PRINCIPLE	EVIDENCE
The organisation welcomes children and their families/guardians	<ul style="list-style-type: none"> • Staff readily interact with children in an age appropriate and respectful way • Children are treated as individuals; staff and volunteers strive to understand each child's particular interests and needs • Staff and volunteers listen to children and encourage their participation • Children are supported and comforted appropriately, consistent with the child's wishes
The organisation recognises that children are vulnerable	<ul style="list-style-type: none"> • Staff and volunteers accept it is their role to protect children involved with their service • Staff and volunteers accept there is a difference in power between a child and an adult • The service maintains appropriate educator to child ratios • Policies are in place to minimise the risk involved in one-to-one situations with a child • Equipment and activities appear appropriate for the activity and age of the children • Information about children is treated confidentially
The organisation recognises and responds to children with special needs, including a disability	<ul style="list-style-type: none"> • The service is accessible to all children • Staff and volunteers relate to all children in a respectful and developmentally appropriate manner • Policies are in place to guide the physical and psychological care requirements of all children

The organisation actively encourages the participation of Aboriginal children

- Staff, volunteers and other children acknowledge and show respect for Aboriginal culture, encouraging positive cultural identity (in particular of the local area in which the service is located)
- Program planning includes regular experiences that encourage diversity for all children and consideration of the cultural heritage of others
- Families are encouraged to identify their Aboriginal or Torres Strait Islander heritage at enrolment, through a question on the child's enrolment record or at the specific service in which their child/ren is attending

The organisation recognises and responds to the particular needs of children from diverse cultural, linguistic and religious backgrounds

- Cultural diversity is welcomed and celebrated
- Activities offered are representative of the cultural and religious mix of the local community
- Staff, volunteers and other children acknowledge and show respect for the diversity
- Families are encouraged to identify their cultural heritage at enrolment, through a question on the child's enrolment record or at the specific service in which their child/ren is attending

SIGNS OR INDICATORS OF HARM

- Physical signs of physical, sexual, emotional abuse or neglect may include but are not limited to: bruises, burns, sprains, bites, cuts, fractures, frequent hunger, malnutrition, poor hygiene and inappropriate clothing.
- Behavioural signs of physical, sexual, emotional abuse or neglect may include but are not limited to: wariness or distrust of adults, fear of parents and going home, fearful when other children cry or shout, excessively friendly to strangers, very passive and compliant, headaches or stomach pains, displaying sexual behaviour that is unusual for the child's age, frequent rocking, sucking and biting, difficulty sleeping, withdrawn, aggressive and demanding, highly anxious, delayed speech, acting like a much younger child, often being tired and falling asleep.
- Disclosures by the child or others.
- Reporting made by other associated agencies (i.e. the school in which the service is located)

IMPORTANT NOTES

- You do not have to prove that abuse has taken place, only reasonable grounds for your belief.
- You do not need permission from parents or caregivers to make a notification, nor do they need to be informed that a notification is being made.
- If you make a notification in good faith, you cannot be held legally liable—regardless of the notification outcome.
- The identity of the notifier will remain confidential unless the notifier chooses to inform the child and/or family, or if the notifier consents in writing to it being disclosed or the court decides it requires that information.

INCIDENT/CONCERN MANAGEMENT AND REPORTING GUIDELINES

When determining if a concern should be reported to the relevant authorities, the educator and management representative should consider:

- The child's best interests are always the primary consideration, with due regard to confidentiality and fairness to the person against whom the allegation is made.
- Children are encouraged to approach any educator in the service to express concerns about their treatment and be confident that they will be taken seriously.
- Employees and volunteers are clear about whom they can approach to express concerns.
- Any investigation by the relevant authority will ensure procedural fairness and natural justice for a person suspected of abusing a child.
- Records are kept about any child safety complaint and stored per the Record Keeping (including the confidentiality of these records) Policy.
- Records contain information about the action taken, any internal investigation, and reports made to statutory authorities or professional bodies.
- All educators and staff are aware of the need to report serious matters involving child protection to external authorities. Privacy is maintained, and the information is only reported to appropriate persons.
- The physical and sexual abuse of children are crimes and are reported to the police.
- A report can be made, even if they do not have all the necessary information.
- Permission is not required from the parents, and they do not need to be notified that a report has been made.
- In New South Wales, educators must use the Mandatory Reporter Guide (MRG) and the e-report - Child Story Reporter to guide them in their decision - <https://reporter.childstory.nsw.gov.au/s/mrg> The service Area Manager and the Quality & Compliance Team, will guide educators through this process and then follow up with direct notification if required/ directed by the MRG.

FORMING A PROFESSIONAL JUDGEMENT

Making objective observations and forming a professional judgement are based on:

- Warning signs (or indicators) of harm or potential harm that have been observed or inferred for information
- Knowledge of child development
- Details of a child disclosure
- Knowledge of any support currently being received by the family
- Consultation with colleagues and other professionals
- Professional obligations and duty-of-care responsibilities
- Established protocols
- Individual service processes
- Legal requirements, such as mandatory reporting.

GATHERING INFORMATION

VERBAL DISCLOSURE OR OBVIOUS SIGNS	SUSPECTED BUT UNSURE
<p>Educators will:</p> <ul style="list-style-type: none"> • Support the child, listen carefully, and reassure the child that they have done the right thing in telling them. • Write down what the child has said. • Not be accusatory about anyone, including the alleged perpetrator. • Discuss with the Responsible Person of Service, who will determine the next step. This may be in consultation with the Area Manager and escalated to the National Quality & Compliance Manager. • Take whatever immediate action is necessary for the protection of the child. • If the child is suffering from an injury which appears to warrant immediate medical attention, Educators will ensure that the child receives the appropriate medical treatment. 	<p>The Quality & Compliance Manager may:</p> <ul style="list-style-type: none"> • Share concerns with the family in a sensitive and tactful manner, provided that this will not increase the risk to the child. The parents' explanations will be carefully noted, and they will be encouraged to seek appropriate help. <i>(This is not an appropriate step with regard to sexual or other serious abuse which should be reported to the regulatory authority immediately; TeamKids is mandated to report under legislation)</i> • Monitor the situation. Records will be kept including when and under what circumstances including disturbing or encouraging physical and emotional changes occur, and exact quotes from the family or child that may seem relevant to the issue • The Area Manager, the Responsible Person of Service and where appropriate the team member concerned will meet to decide whether it is necessary to discuss the concerns with the relevant regulatory authority

ACTION	DETAILS
Take notes	Record what you observe and date and sign the entry
Continue to observe	Record what you observe and date and sign the entry
Consult colleagues, Area Manager and/or Management	Access support and advice from your colleagues, compare notes and brainstorm possible strategies
Develop action plans based on procedures	Understand TeamKids policies and procedures about what to do
Talk to other agencies about helping the family	Collaborate with or engage community health services, local government services, regional Department of Health and Human Services/Child Protection contacts, disability services—you may want to call a case meeting
Talk to the child	Do this with respect for the child or young person's need for privacy and confidentiality
Talk to the parents/guardians	Only do this when it does not jeopardise the safety of the child or educators

HOW TO MAKE A NOTIFICATION

- Educators will discuss any observation/disclosure with the Responsible Person who will then notify the service Area Manager. The National Quality & Compliance Manager will then be notified.
- The National Quality & Compliance Manager will then contact the regional Child Protection office as soon as possible.
- An educator can notify at any time, however, must notify TeamKids to allow the company to meet their own obligations.
- In an emergency, outreach crisis response, the Child Protection unit operates twenty-four hours. See contact details provided for individual states and territories.

PROVIDE THE FOLLOWING INFORMATION:

- › The child's name, date of birth and address.
- › The parent's name, date of birth, address and telephone number.
- › The reason for believing that the injury or behaviour is the result of abuse or neglect
- › The reason why the call is being made at this point
- › An assessment of immediate danger to the child/ren (information may be sought on the whereabouts of the alleged abuser/s)
- › A description of the injury or behaviour observed
- › The current whereabouts of the child or young child
- › Knowledge of other services involved with the family
- › Any other information about the family, such as siblings/others living in the home
- › Any specific cultural background, language barriers or disability circumstances.
- A notification record is to be maintained for TeamKids records of this information
- A notification should still be made, even if the notifier does not have all the necessary information
- A child protection worker will determine whether the child or young person's described circumstances fall within the legal definition of 'a child in need of protection'.
- A decision will be made as to the urgency of the situation.
- The notifier will be informed as to the progress of the investigation as soon as possible
- The police will become involved in cases of sexual or physical abuse allegations.
- The notifier may have an ongoing role, including:
 - › Acting as a support person in interviews with the child or young person
 - › Attending a case conference
 - › Participating in case-planning meetings
 - › Continuing to monitor the child's behaviour
 - › Observing/monitoring the conditions on a protective court order that may relate to access or contact with a parent/guardian
 - › Liaising with other professionals and child protection workers in relation to a child or young person's wellbeing
 - › Providing written reports for case-planning meetings or court proceedings in relation to the child's wellbeing or progress.

AUSTRALIAN CAPITAL TERRITORY (ACT)

Department of Community Services (Office for Children, Youth Protection Services)

<http://www.communityservices.act.gov.au/ocyfs> Mandated Reporters: 1 300 556 728 (child concern report)

After Hours Crisis Services: 1 300 556 729

NEW SOUTH WALES

Department of Communities and Justice NSW

There are 2 ways to make a child protection report:

1. By e-report through Childstory Reporter website or directly to the MRG
2. By calling the Child Protection Helpline on 132 111

<https://reporter.childstory.nsw.gov.au/s/>

<https://reporter.childstory.nsw.gov.au/s/mrg>

NORTHERN TERRITORY

Department of Children and Families

http://childrenandfamilies.nt.gov.au/Child_Protection/index.aspx

QUEENSLAND

Department of Communities, Child Safety and Disabilities (Child Safety, Youth & Women)

Child Safety Services

<https://www.csyw.qld.gov.au/child-family/protecting-children/reporting-child-abuse>

Phone: 1800 177 135

SOUTH AUSTRALIA

Department of Education and Child Development (Families SA)

<http://www.families.sa.gov.au>

Phone: 131 478

TASMANIA

Department of Health and Human Services

http://www.dhhs.tas.gov.au/children/child_protection_services

VICTORIA

Department of Health and Human Services

<https://services.dhhs.vic.gov.au/child-protection-contacts>

Phone: Business hours as per website – subject to regional location

131 278 (After Hours)

WESTERN AUSTRALIA

Department of Child Protection and Family Support

<http://www.dcp.wa.gov.au/ChildProtection/Pages/ChildProtection.aspx>

Phone: 1800 622 258

After Hours: 1800 199 008

GUIDELINES FOR THE RECRUITMENT OF STAFF, EDUCATORS, AND VOLUNTEERS

RELEVANT POLICIES

- Behaviour guidance
- Code of conduct
- Communication
- Complaints and grievances
- Inclusion
- Guidelines for the recruitment of staff, educators and volunteers, including qualified staff
- Information technology and use
- Privacy
- Programming
- Supervision

CHILD SAFETY SCREENING OF TEAM MEMBERS

All Team Members, including students and volunteers, will need to adhere to child safety screening laws pertaining to the jurisdiction they will be engaged in.

There are different requirements for child safety screening documentation and evidence, including exemptions, across all Australian states and territories.

For information pertaining to a particular state or territory, visit the relevant authority online:

- Australian Capital Territory
http://www.ors.act.gov.au/community/working_with_vulnerable_people_wvvp
- New South Wales
<http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check>

- Northern Territory
<http://www.workingwithchildren.nt.gov.au/>
- Queensland
<http://www.bluecard.qld.gov.au/volunteers/index.html>
- South Australia
<http://www.families.sa.gov.au/pages/protectingchildren/ExemptionsCrimHist/>
- Victoria
<http://www.workingwithchildren.vic.gov.au/>
- Western Australia
<http://www.checkwwc.wa.gov.au/checkwwc>

INDIVIDUAL STATE REQUIREMENTS & CONTACT DETAILS

AUSTRALIAN CAPITAL TERRITORY (ACT)

The relevant ACT for this territory is: Children and Young People Act 2008 (Australian Capital Territory)

<https://www.legislation.act.gov.au/a/2008-19/>

The Keeping Children and Young People Safe Guide is the reference document for the ACT in relation to child protection matters of reporting. This includes a child protection online training course for all educators.

This guide will inform educators of:

- the role of CYPS in responding to child abuse and neglect that happens within families
- the important role and responsibilities of mandated reporters and the broader community
- what should and should not be reported to CYPS
- how to report concerns of child abuse or neglect to CYPS
- what happens after a report is made
- other forms of support for children and families
- how to respond to a child who tells you they have been abused.

Child Protection Training Module: <https://www.communityservices.act.gov.au/ocyfs/keeping-children-and-young-people-safe> (this link also includes the Keeping Children and Young People Safe Guide)

Contact details: Department of Community Services (Office for Children, Youth Protection Services)

<http://www.communityservices.act.gov.au/ocyfs>

Mandated Reporters: 1 300 556 728 (child concern report)

After Hours Crisis Services: 1 300 556 729

NEW SOUTH WALES (NSW)

The relevant ACT for this state is: Children and Young Persons (Care and Protection) Act 1998 (New South Wales) <https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157>

- All educators are to ensure they refer to the Mandatory Reporter Guide (Child Story Reporter) for support and guidance. Educators are to understand that all educators in NSW are mandated reporters. <https://reporter.childstory.nsw.gov.au/s/mrg>
- Mandatory reporters should use the Mandatory reporter Guide (MRG) to help decide whether a child is suspected to be at risk of significant harm (ROSH) and a report to the Child Protection Helpline on 132111 should be made.
- <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/what-when-to-report/chapters/mandatory-reporter-guide>
- The Child Wellbeing Unit can be contacted for advice and support: <https://education.nsw.gov.au/student-wellbeing/child-protection/child-protection-policy-guidelines/contacting-the-child-wellbeing-unit>

Contact Details:

Department of Family and Community Services NSW
Child Protection Helpline - Phone: 132 111

QUEENSLAND

The relevant ACT for this state is:

Child Protection Act 1999 (Queensland)

<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/C/ChildProtectA99.pdf>

Contact details:

Department of Communities, Child Safety and Disabilities (Child Safety, Youth & Women)
Child Safety Services

<https://www.csyw.qld.gov.au/child-family/protecting-children/reporting-child-abuse>

Phone: 1800 177 135

VICTORIA (VIC)

The relevant ACT for this state is: Children, Youth and Families Act 2005 (Victoria) (CYFA)

http://www.austlii.edu.au/au/legis/vic/consol_act/cyafa2005252/

- Under the CYFA (s. 182), doctors, nurses, midwives, teachers (including early childhood teachers), principals, police, out of home care workers (excluding voluntary foster and kinship carers) early childhood workers, youth justice workers and registered psychologists are mandatory reporters. These are the only groups currently mandated under the CYFA

- The Child Protection Manual will assist educators and clarify reporting requirements
- Child Protection Training Module:
<https://www.education.vic.gov.au/childhood/professionals/health/childprotection/Pages/econlinelearning.aspx>

Contact details:

Department of Health and Human Services

<https://services.dhhs.vic.gov.au/child-protection-contacts>

Phone: Business hours as per website – subject to regional location
131 278 (After Hours)

NORTHERN TERRITORY

The relevant ACT for this territory is:

Care and Protection of Children Act 2007(Northern Territory)

http://www.austlii.edu.au/au/legis/nt/num_act/capoca200737o2007315/

Contact details:

Department of Children and Families

http://childrenandfamilies.nt.gov.au/Child_Protection/index.aspx

SOUTH AUSTRALIA

The relevant ACT for this state is:

Children's Protection Act 1993(South Australia)

http://www.austlii.edu.au/au/legis/sa/consol_act/cpa1993229/

Child Protection Training required:

- Staff and volunteers will receive training that explains their responsibilities for children's safety and wellbeing and outlines how those responsibilities should be met with sensitivity and purpose. The training will cover the obligations underpinning a child safe environment and will include the role of a mandated notifier under Sections 30 and 31 of the Children and Young People (Safety) Act 2017.
- Staff will undertake and follow the approved full day child protection training program as a condition of employment and receive approved three yearly update programs thereafter.
- <https://www.shinesa.org.au/keeping-safe-child-protection-curriculum-professional-learning/>

Contact details:

Department of Education and Child Development (Families SA)

<http://www.families.sa.gov.au>

Phone: 131 478

TASMANIA

The relevant ACT for this state is:

Children, Young Persons and their Families Act 1997 (Tasmania)

http://www.austlii.edu.au/au/legis/tas/consol_act/cypatfa1997399/

Department of Health and Human Services

http://www.dhhs.tas.gov.au/children/child_protection_services

WESTERN AUSTRALIA

The relevant ACT for this state is:

Children and Community Services Act 2004 (Western Australia)

http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/

Contact details:

Department of Child Protection and Family Support

<http://www.dcp.wa.gov.au/ChildProtection/Pages/ChildProtection.aspx>

Phone: 1800 622 258

After Hours: 1800 199 008

BACKGROUND AND LEGISLATION

The protection of children, who are one of the most vulnerable groups in society, is a shared responsibility between the family, the general community, police, government and professionals working with children. It involves making sure that all children are safe, their needs are met and minimising the possibility of child abuse. Each adult has a significant role to play to ensure the safety and wellbeing of children and young people at all times, including making an appropriate response when an allegation has been made.

Each state in Australia may provide individual information about managing reports and suspicions of child abuse in early childhood education and care service. On a National Level, all persons in day to day charge of an early childhood service, are required to have some form of child protection training (individual State requirements apply). All other educators are required to have knowledge of their roles and responsibilities in relation to child protection reporting. This includes the existence and application of the current child protection laws and any obligations they may have under the law.

In **Victoria**, the Community Care Division of the Victorian Government's Department of Health and Human Services refers to a publication known as, Protocol Between Child Protection and Children's Services (2004). This directs educators to numerous resources for the reporting processes, including the PROTECT guide.

In **Queensland**, the Child Protection Act 1999 provides direction in relation to the Child Protection (Mandatory Reporting – Mason's Law) Amendment Bill 2016. This includes the requirement from 1 July 2017, for all early childhood education and care professionals to be mandated to report child safety concerns to the Department of Child Safety, Youth and Women.

In **Australian Capital Territory (ACT)** Child and Youth Protection Services (CYPS) is the statutory child protection agency which services the ACT region. CYPS has legislative responsibility under the Children and Young People Act 2008 for facilitating and coordinating services across government for the care and protection of children and young people believed to be at risk of harm. This involves assessing risk and working with families and other professionals to resolve issues that compromise the safety and wellbeing of children and young people. CYPS provides a continuum of service delivery to children and young people considered 'at risk' of serious abuse and harm. This region uses the Keeping Children and Young People Safe Guide as a reference document.

In **New South Wales**, all nominated supervisors and person in day-to-day charge are required to complete approved training in Child Protection. This state supports the 'Child Story' program which is a shared approach to child wellbeing provides the framework for parents, communities, government and non-government agencies to work together to support children and families. This supports the use of the Mandatory Reporters Guide (MRG).

REPORTABLE CONDUCT SCHEME

TeamKids have committed to their participation in the Reportable Conduct Scheme on a National Level. It may be known under different unit titles in each state.

In New South Wales, this is through the Office of the Children's Guardian.

In Victoria, this is through the Commission for Children and Young People.

In Australian Capital Territory, this is through the ACT Ombudsman.

Relevant legislation may include but is not limited to:

- Education and Care Services National Law Act (2010)
- Education and Care Services National Regulations (2011)
- Children's Guardian Act 2019
- Children, Youth and Families Act 2005
- Child Protection Act 1999 (QLD) - Child Protection (Mandatory Reporting – Mason's Law) Amendment Bill 2016
- Child Wellbeing and Safety Act 2005 (Amended 2017)
- Working with Children Act 2005
- The Charter of Human Rights and Responsibilities Act 2006
- Family Law Act 1975.
- Protecting the Safety and Wellbeing of Children and Young People (2010)
- The Victorian Child Safe Standards
- The Commission for Children and Young People – Reportable Conduct Scheme

DEFINITIONS

Abuser, offender and perpetrator: Words used to describe a person who abuses a child or young person.

Abuse, neglect and maltreatment: Any non-accidental injury to a child.

Bullying: Act of intimidating weaker people to make them do something; act of intentionally causing harm to others through verbal harassment, physical assault or other more subtle methods of coercion.

Child: 'A child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier' (Convention on the Rights of the Child, United Nations, Article 1). The Child and Young Persons Act 1989 describes a child or young person as a person under seventeen years.

Child abuse: Act or omission by an adult that endangers or impairs a child's physical or emotional health and development. Children can be harmed both physically and emotionally. It can be a single incident but usually takes place over time. Abuse, neglect and maltreatment are generic terms used to describe situations in which a child may need protection.

Abuse includes any and all of the following:

- **Physical:** When a child suffers or is likely to suffer significant harm from an injury inflicted by a parent/caregiver or other adults. The injury may be inflicted intentionally, or it may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. Physical injury and significant harm to a child may also result from neglect by a parent/caregiver or another adult. The injury may take the form of bruises, cuts, burns or fractures, poisoning, internal injuries, shaking injuries or strangulation.
- **Sexual:** 'Utilisation of a child for sexual gratification by an adult or older child in a position of power, or permitting another person to do so'. This occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent/caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity, from inappropriate touching or fondling of a child, exposing a child to pornography to having sex with a child (OCSC).
- **Emotional and psychological:** 'Chronic failure by the parent/caregiver to provide support and affection necessary to develop a sound and healthy personality.' This may include repeated rejection, use of threats to frighten the child, name calling, putdowns or continual coldness. This may include repeated rejection, use of threats to frighten the child, name calling, putdowns or continual coldness.
- **Racial, cultural and religious:** Conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion (OCSC).
- **Neglect:** The failure to provide the child with the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed (Department of Human Services).
- **Exposure to domestic violence:** When children and young people witness or experience the chronic domination, coercion, intimidation and victimisation of one person by another by physical, sexual or emotional means within intimate relationships (adapted from the Australian Medical Association definition).

Child sex offender: Someone who sexually abuses children and may or may not have been convicted.

child protection (lower case): The term used to describe the whole community's approach to the prevention of harm to children. It includes strategic action for early intervention, for the protection of those considered most vulnerable and for responses to all forms of abuse. Child Protection Service: The Child Protection Service of the Department of Human Services has statutory responsibilities under the Children and Young Persons Act 1989 for ensuring a child's safety. It is also referred to as Child Protection.

Code of conduct: List behaviours that are acceptable and those that are unacceptable, including professional boundaries, ethical behaviour and acceptable and unacceptable relationships.

Disclosure: The statement that the child or young person makes to another person that describes or reveals abuse.

Domestic/family violence: The repeated use of violent, threatening, coercive or controlling behaviour by an individual against a family member(s) or someone with whom they have or have had an intimate relationship, including carers.

Duty of care: A common law concept that refers to the responsibilities of organisations to provide children with an adequate level of protection against harm and all reasonable foreseeable risk of injury.

Grooming is a dual process of:

- Building a trusting relationship with the child and his/her carers
- Isolating the child in order to abuse them.
- Grooming occurs before the sex offence to access the child and after the offence to:
- Maintain access to the child
- Ensure the child's silence and the carer'/adults' continued trust.

Negligence:

When someone is able to establish that:

- The organisation or individual owed a duty of care to the person
- The standard of care was breached
- The alleged act occurred
- This breach has caused the person to suffer some form of damage.

Mandatory reporting:

Describes the legal obligation of certain professionals and community members to report incidences of child sexual abuse. If the mandated reporters fail to report, they may be fined and/or incarcerated.

In **Victoria**, this is in relation to Section 64(1C) of the Children and Young Persons Act 1989 lists the following people as mandated to report:

- Legally qualified medical practitioners
- Registered nurses
- Members of the Victorian police force
- Primary and secondary school teachers and principals (and those holding a VIT)

In **New South Wales**, this is informed by the [Children and Young Persons \(Care and Protection\) Act 1998](#)

Mandatory reporters are:

- Health care (e.g. registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)
- Welfare (e.g. psychologists, social workers, caseworkers and youth workers)
- Education (e.g. teachers, counsellors, principals)
- Children's services (e.g. child care workers, family day carers and home-based carers)

- Residential services (e.g. refuge workers)
- Law enforcement (e.g. police)

In **Queensland**, this is informed by the Child Protection Act 1999 (QLD) and the Education (General Provisions) Act 2006 (QLD)

Mandatory reporters are:

- An authorised officer
- a public service employee employed in the department
- a person employed in a departmental care service or licensed care service
- Relevant persons: doctors; registered nurses; teachers; a police officer who, under a direction given by the commissioner of the police service under the Police Service Administration Act 1990, is responsible for reporting under this section
- a person engaged to perform a child advocate function under the Public Guardian Act 2014; early childhood education and care professionals.
- School staff

Office of the Child Safety Commissioner (OCSC): An organisation that makes children a priority. The commissioner provides advice to government on issues impacting on the lives of children, in particular vulnerable children.

Violent behaviour: Includes not only physical assaults but also an array of power and control tactics used along a continuum in concert with one another, including direct or indirect threats, sexual assault, emotional and psychological torment, economic control, property damage, social isolation and behaviour that causes a person to live in fear.

Voluntary (non-mandated) notification: Is a notification to the Child Protection Service by someone who believes a child is in need of protection. Section 64(1) of the Children and Young Persons Act 1989 (Victoria) allows that any person who believes, on reasonable grounds, that a child is in need of protection may notify a protective intervener of that belief and of the reasonable grounds for it. Under this part of the Act, notifications are made for moral reasons, rather than because the law has compelled someone to do so. The person making the notification is not expected to prove the abuse, and the law protects the anonymity of the person making the notification.

REFERENCES:

- Australian Childhood Foundation: www.childhood.org.au
- Choose with Care (Building Child Safe Organisations), an information and training program: www.childwise.net.au
- Office of the Child Safety Commissioner: www.ocsc.vic.gov.au
- Protocol between Child Protection and Children's Services 2004, Community Care Division Victorian Government Department of Human Services
- The United Nations Convention on the Rights of the Child
- Victorian Child Safe Standards
- Safe from Harm, the role of professionals in protecting children and young people: www.education.vic.gov.au
- Responding to Child Abuse, DHHS Children, Youth & Families publication
- Working with children: www.justice.vic.gov.au/workingwithchildren

- Children and Young Persons (Care and Protection) Act 1998
- ACECQA National Quality Framework Resource Kit (2012)
- Quality Area 1 – Educational Program and Practice.
- Quality Area 2 – Children’s health and safety
- Education and Care Services National Law Act (2010), Section 167
- Education and Care Services National Regulations (2011), Regulation 84
- Child Protection Act 1999 (QLD)
- Education (General Provisions) Act 2006 (QLD)

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