

2-P5: Child Safety and Protection Procedure

Responsible	Nominated Supervisor, Centre Team		
Accountable 1	Chief Operating Officer	Accountable 2	Nominated Supervisor
Consulted	Compliance Team, Policy Committee, Safety Committee		
Informed	All staff, students, volunteers, families		

Links to ECSNR 2011 and WA 2012:

R12	R16	R48	R84
R146 d,e	R147 d,e	R168	R269A
R358	R359	S162A	

Links to NQS:

QA 2	QA 7
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Related Forms:

2-F9 Incident/Illness on Arrival Form
2-F10 Incident Report

Related Supporting Documents:

2-D4a Monthly Incident Register
2-D4b Monthly Illness Register

Related Process:

3.3.10 Manage Child Safety and Protection Procedure
3.3.12 Report Serious Incidents and Complaints by Centres
6.3.10 Handle Investigations
8.6.16 Comply with Reportable Conduct Scheme

Policy Statement

The objective of this procedure is to articulate Affinity Education Group's compliance with National Law and Regulations, including Amendment Regulations, from the Education and Care Services National Regulations 2011, including amendments, and the Education and Care Services National Regulations WA 2012. Other state specific legislation is listed below.

The steps outlined in this procedure assist employees, students, volunteers and families to understand and follow legislative requirements in relation to identifying and responding to children and young people at risk of harm, abuse and/or neglect. Affinity Education Group are committed to child safety. Affinity promotes the importance of child safe practices and support the emotional and safety needs of all children, including at risk children and vulnerable children together with Aboriginal and Torres Strait Islander children and their families, children and families from culturally and linguistically diverse backgrounds and children with disabilities.

All children have the fundamental right to be safe and protected. They require 'protection from all forms of violence' and 'sexual exploitation' and be supported through rehabilitation to 'restore health, self-respect and dignity' (UNCRC 1989). Therefore, all employees must 'act in the best interests of all children' (ECA Code of Ethics 2016).

Please note: This procedure must be read in conjunction with 2-P31 Child Safe Organisation Principles and Standards Procedure. This procedure uses the term 'employees' and is taken to mean all AEG employees, students, volunteers and contractors.

Affinity's Commitment to Child Safety

At Affinity Education, we believe that child safety is everyone's responsibility. We are committed to upholding the safety, rights and wellbeing of all children and promote a culture of child safety with a zero-tolerance approach to child abuse and harm.

All employees, students and volunteers must work in line with the Commitment to Safety and be aware of and understand their obligations under child protection law.

Terms used within this procedure

Harm: According to Queensland Child Protection Act 1999, harm is defined as "Any detrimental effect of a significant nature, on the child's physical, psychological or emotional wellbeing."

Abuse: The improper or harmful treatment of a child, or other person; to intentionally harm, misuse or injure.

Indicators: Physical or behavioural signs, symptoms or concerns that may lead one to suspect a child is at risk of abuse or neglect.

Legislation: State or Territory specific laws pertaining to child protection issues.

Reasonable grounds/ reasonable belief: To have sufficient evidence or concern that a child is at risk of abuse or neglect.

Disclosure: The event of a child, or other person, telling you that they have been harmed.

Report/ Reporting: Informing the relevant State or Territory department and Regulatory Authority of concerns that a child may be at risk.

Mandatory reporter: A person mandated by law, legally required, to report suspicions of abuse or neglect.

Employee: In this procedure is taken to mean Affinity employee, student or volunteer.

Procedure Strategies

- Employees, students and volunteers are required to adhere to Family Assistance Law, National Law and Regulations and Child Protection Legislation, including National Principles for Child Safe Organisations/ Child Safe Standards per their state.
- Affinity's commitment to the protection of children means that the company policy declares that all employees are required to report suspicions of harm or risk of harm regardless of jurisdictional requirements.
- Employees will work in ways that protects child safety and maintains children's rights and dignity at all times.
- Disciplinary processes will be enacted when employees do not protect the safety of children as a priority, engage in practice that contradicts child safety and do not follow child safe standards.

COMMUNICATION PLAN

- This procedure and its related practices and strategies will be communicated with employees, students and volunteers, families and other stakeholders regularly.
 - A hardcopy will always be accessible at the centre for all service users.
 - An electronic copy is available for all employees.
 - Updates to the procedures will be available to all service users.
 - All service users are encouraged to provide feedback and input into this procedure.
 - During induction and at regular intervals, child safety and protection must be addressed with all employees in a variety of formats including, but not limited to:
 - Procedure review and discussion
 - Child safety and protection training
 - Promoting information via newsletters, notices, printed articles
 - Review of statement of commitment
 - Reflections on child safe practices

IDENTIFYING AND RESPONDING TO CHILDREN AT RISK

STEP 1 – Knowledge and Confirm Concern

- Employees are to be familiar with types of abuse and indicators of harm and neglect and to monitor the well-being of the children in their care. Types of abuse and examples of possible indicators include:
 - **Physical abuse;** for example, beating, shaking, burning, biting, ingesting substances; resulting in bruises, cuts, fractures, poisoning, fear, withdrawal, aggression
 - **Emotional or psychological abuse;** for example, constant yelling, insults, swearing, criticism, bullying, isolation or deprivation of attention; resulting in fearful or aggressive behaviour, withdrawal, distrust, low self esteem
 - **Neglect;** for example, ongoing failure to provide children with sufficient food, clothing, sleep, hygiene, medical care, leaving children unsupervised or children missing school; resulting in malnutrition, failure to thrive, disconnection
 - **Sexual abuse, grooming or exploitation;** for example, sexual jokes, touching, exposing children to sexual acts or pornography or having sexual intercourse with a child or young person under 16 years of age; resulting in fearful or regressive behaviours, sexually transmitted diseases
 - **Domestic or family violence;** for example, witnessing physical and/or emotional violence in the home; resulting in fear. Withdrawal, aggressive behaviours, attempts to leave/ run away from home
- Employees must have an understanding about triggers for child abuse and neglect and must be aware and remain vigilant about monitoring children, families and employees and observing indicators of abuse.
- Employees must have an understanding as to what constitutes 'at risk' and 'vulnerable' children and families.
- Employees must understand what could be considered typical signs of injury in children from accidental causes (e.g. bruises on shins, grazed knees) and what is atypical.

If a child presents with indicators or discloses an injury or incident, it may be appropriate to ask a question to confirm cause for concern, e.g. *'how did that happen?'*. The child's response, if able, may give the employee some insight into the situation.

Call the Affinity Incident Support Team or the Department responsible for child safety in your state/territory to seek advice.

STEP 2 – Documentation

- Employees are to document any concern or change regarding children's safety and protection using an *Incident Report*. This may include, but not be limited to:
 - physical indicators e.g. bruises, marks, cuts and scratches
 - behavioural indicators e.g. withdrawn, aggressive, sexualised behaviour
 - allegations e.g. parent allegation of child-to-child harm, or employee to child harm
 - disclosure e.g. child informing you of potential harm
 - unusual play e.g. hiding, continually playing out of view
 - unusual interactions between children e.g. removing clothing, targeting children
- Other documentation such as observations or file notes can support the Incident Report. It is advised that this is done in consultation with the Nominated Supervisor or Responsible Person in Charge. Documentation must be recorded in a file note as soon as practically possible after the event or identification of indicators. Documentation must include:
 - Child's name
 - Date, time and location

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- Details of indicators – e.g. detailed descriptions of marks on the body including size, shape, colour and location on the body, explanation of behaviours, quoting exactly what the child said, using the child's actual words, and how the employee responded
- Record only factual information – what was seen or heard rather than opinions or subjective terminology
- Details of siblings and other family information
- Details of other employees involved or witness to the indicators
- Signature and date of those employees involved
- Record any conversation with the family and carefully note their responses to any questions or explanations of injuries or incidents.
- Do **not** take photos of the child unless advised to do so by authorities. This is an invasion of privacy and is intrusive when the child may already feel vulnerable. Detailed descriptions of marks or injuries will be sufficient.

STEP 3 – Decision

- The employee must decide if they have a belief that the child is at risk or is being harmed.
- When deciding to report, it must be noted that abuse does not need to be proven to be occurring, only suspected. Advice can be sought by ringing the relevant State or Territory department responsible for child safety. Refer to the following links:
 - QLD - <https://secure.communities.qld.gov.au/cpguide/engine.aspx>
 - NSW - <https://reporter.childstory.nsw.gov.au/s/mrg>
- The employee may seek the support of the Nominated Supervisor or Incident Support Team.
- A decision will also need to be made as to how to respond to the child immediately. An older child may explain what they would like to do (e.g. stay with a trusted employee, sit quietly by themselves) while a younger child may be able to be redirected to continue playing while reporting is being undertaken.
- **If a child is in immediate danger or in a life-threatening situation, call Police immediately on 000.**

STEP 4 – Report

- Once suspicion is determined, it must be reported to the State or Territory Department responsible for child safety.
- The following links can be used to make a report:
 - Queensland:
<https://secure.communities.qld.gov.au/cbir/home/ChildSafety#>
 - New South Wales:
<https://dcj.nsw.gov.au/service-providers/deliver-services-to-children-and-families/nsw-interagency-guidelines-for-practitioners/reporting-responding-wellbeing-and-safety-concerns.html>
 - Australian Capital Territory:
<https://forms.act.gov.au/smartforms/servlet/SmartForm.html?formCode=1136>
 - Western Australia:
<https://mandatoryreportingweb.communities.wa.gov.au/>
<https://www.dcp.wa.gov.au/ChildProtection/Pages/Ifyouareconcernedaboutachild.aspx>
 - Victoria: (via phone)
<https://services.dhhs.vic.gov.au/reporting-child-abuse>
 - Northern Territory:
<https://nt.gov.au/law/crime/report-child-abuse>
- When making a report, it is important that all details are at hand including those listed in STEP 2. Every person within the centre, regardless of employment status or position held, can make this report.
- When making the report, either over the phone or online, record the report reference number. This will assist you in providing evidence that you made a report and to provide extra information to the department during further investigations, if required.
- The police may also need to be notified depending on the type of abuse. Seek clarification when lodging the initial report.
- In States and Territories where employees are mandated, **all staff involved** who have suspicions must make individual reports.
- Penalties apply to employees who have a belief that a child is at risk and do not report their suspicions.

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The following table is a quick reference guide to the types of harm to be reported:

Jurisdiction	State of mind	Extent or type or harm
ACT	Belief on reasonable grounds	Sexual abuse; or non-accidental physical injury
NSW	Suspects on reasonable grounds that a child is at risk of significant harm	Current concerns exist for the safety, welfare or wellbeing of the child or young person where basic physical or psychological needs are not being met or at risk of not being met; not receiving necessary medical care; not receiving an education in accordance with the <i>Education Act 1990</i> ; physical or sexual abuse or ill-treatment; serious physical or psychological harm as a consequence of domestic violence; serious psychological harm; the child was the subject of a prenatal report under section 25 and the birth mother did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical the risk factors that gave rise to that report
NT	Belief on reasonable grounds	Child suffering harm or exploitation, sexual abuse, any significant detrimental effect caused by any act, omission or circumstance on the physical, psychological or emotional wellbeing or development of the child
QLD	Has a reasonable suspicion	Child has, is, or at risk of suffering harm by physical or sexual abuse and may not have a aren't willing to protect them
VIC	Belief on reasonable grounds	Child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type
WA	Belief on reasonable grounds	Any sexual abuse
Australia	Suspects on reasonable grounds	Any assault or sexual assault; serious psychological harm; serious neglect

Adapted from AIFS <https://aifs.gov.au/resources/resource-sheets/mandatory-reporting-child-abuse-and-neglect>

Reporting to Regulatory Authorities

Suspicions and allegations of:

- Any incident where the approved provider reasonably believes that physical and/or sexual abuse of a child has occurred, or is occurring, while a child is being educated and cared for at an education and care service; or
- An allegation that sexual or physical abuse of a child has occurred, or is occurring, while a child is being educated or cared for at an education and care service.

must be logged on the Compliance, Risk and Safety Portal on ServiceNow as soon as practicable and within 24 hours of becoming aware. The IST will review the situation and report to the Regulatory Authority via the NQAITs according to the below definitions.

If the report involves incidents or allegations of sexual offences, misconduct or physical assault caused by employees, students, volunteers or visitors to the centre (known as Reportable Conduct) or caused by other children, the IST will refer the report to Affinity's Legal Team. The Legal Team will follow Reportable Conduct obligations per state:

- the Ombudsman (ACT within 30 days of becoming aware) also refer to [ACT Senior Practitioner Factsheet](#)
- the Office of Children's Guardian (in NSW within 7 days of becoming aware)
- the Commission for Child and Young People (in VIC within 3 business days of becoming aware)
- the Ombudsman or (WA with 7 days of becoming aware)

An internal investigation may also be required on advice of the authorities. Refer to 8.6.16 Comply with Reportable Conduct Scheme.

Employees

- In the event where an employee suspects a fellow employee or Manager may be responsible for the harm of a child, the previous steps must also be followed. A witness statement may be required.
- Area Manager, Operations Manager, State Manager and People and Culture representative will decide what action is required following the advice of authorities or outcome of investigation. Where serious misconduct has occurred, the employee may be stood down while an outcome is reached.

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STEP 5 – Monitor

- Continue to monitor and support the child and family. Follow any advice given by the State or Territory department in regard to ongoing documentation or referrals to support agencies.
- In the event that a family member had disclosed the incident of abuse, the Nominated Supervisor or Responsible Person, Area Manager or Operations Manager is to follow up with them in the week after the disclosure, to offer further support. If, after disclosure, the child/family does not return to the centre on their next booked day, the Nominated Supervisor or Responsible Person, Area Manager or Operations Manager will follow up with them to ensure their well-being.
- All investigations must be undertaken by the relevant State or Territory Department. Under no circumstances are employees or centre support staff to conduct their own investigations into the alleged abuse.
- Employees involved in reporting of suspected abuse or neglect are encouraged to seek support through EAP.

Responding to disclosure

- Respond calmly and quietly with positive body language and facial expression
- Refrain from expressing shock, anger or disbelief
- Subtly move the child away from busy or noisy areas or where the child may become distracted or interrupted
- Offer physical comfort if the child is comfortable with this
- Allow the child to speak without interruption
- Only ask one open question to clarify what the child has said rather than to lead them, e.g. 'How did this happen?'
- Explain to the child that you can't keep this a secret and you must tell someone who can help them.
- Don't make unrealistic promises to the child, e.g. 'it won't happen again' or 'you won't need to go home'. This is false and out of your control.

Confidentiality

- Collate all documentation relating to the case together in a secure file that can be retrieve at a later date if required. All documentation, reports and conversations regarding the child at risk must remain confidential. Documentation is to be stored in a locked file with authorised access only. Conversations must be undertaken with consideration to privacy.
- Communication about the child and family may be maintained with those staff responsible for education and care of the child.
- In the interests of the child's safety, documentation and reports are not to be discussed with the child's family if they were not involved in the disclosure or reporting themselves.

Relevant Legislation

<ul style="list-style-type: none">• Education and Care Services National Regulations 2011, including amendments• Education and Care Services National Regulations WA 2012• National Quality Framework for Early Childhood Education and Care• United Nations Convention on the Rights of the Child• Early Childhood Australia: Code of Ethics• Children and Young People Act 2008 (ACT)• Children and Young Persons (Care and Protection) Act 1998 (NSW)• Care and Protection of Children Act 2007 (NT)• Child Protection Act 1999 (Qld)• Children, Youth and Families Act 2005 (Vic.)• Senior Practitioners Act 2018	<ul style="list-style-type: none">• Children and Community Services Act 2004 (WA)• Crimes Amendment (Protection of Children) Act 2014 (Vic.)• Victorian Child Safe Standards• Working with Vulnerable People (Background Checking) Act 2011 (ACT)• Child Protection (Working with Children) Act 2012 (NSW)• Care and Protection Act of Children (NT)• Working with Children (Risk Management and Screening) Act 2000 (QLD)• Working with Children Act 2005 (VIC)• Working with Children (Criminal Record Checking) Act 2004 (WA)• Family Assistance Law• Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022
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References

- Education and Care Services National Regulations 2011, including amendments.
- Education and Care Services National Regulations WA 2012
- Aust Government: Aust Institute of Family Studies. 2024. *Mandatory Reporting of Child Abuse and Neglect*. <https://aifs.gov.au/resources/resource-sheets/mandatory-reporting-child-abuse-and-neglect>
- Bravehearts. 2023. *3 Piers to Prevention*. https://bravehearts.org.au/wp-content/uploads/2018/01/Research-Report_The-3-Piers.pdf
- Commission for Children and Young People. 2022. 'The 11 Child Safe Standards'. <https://ccyp.vic.gov.au/child-safe-standards/the-11-child-safe-standards/>
- Aust Government: Dept of Education and Training. <https://www.legislation.gov.au/Details/F2016L01426>
- Office of Children's Guardian: NSW Reportable Conduct Scheme. <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme>
- ACT Ombudsman: ACT Government. *Reportable Conduct Scheme*. <https://www.ombudsman.act.gov.au/accountability-and-oversight/reportable-conduct>
- ACT Senior Practitioner: ACT Government. *ACT Senior Practitioner Fact Sheet*. https://www.act.gov.au/_data/assets/pdf_file/0003/2380926/ACT-Senior-Practitioner-fact-sheet.pdf
- VIC CCYP. *Reporting an Investigating Allegations*. <https://ccyp.vic.gov.au/reportable-conduct-scheme/about-reporting-allegations/>
- WA Ombudsman. *Reportable Conduct*. https://www.ombudsman.wa.gov.au/Reportable_Conduct/Reportable_Conduct.htm

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Resources

The Australian Children's Education & Care Quality Authority: <http://www.acecqa.gov.au/>

In Safe Hands: <http://www.insafehands.net.au/>

Bravehearts: <http://www.bravehearts.org.au>

Australian Institute of Family Studies: <https://aifs.gov.au/resources/resource-sheets/mandatory-reporting-child-abuse-and-neglect>

National Kidsafe: <http://www.kidsafe.com.au/>

NSW - ChildStory: <https://www.facs.nsw.gov.au/families/childstory>

Traffic Lights Brochure: <http://www.wbsass.com.au/themes/default/basemedia/content/files/Traffic-LightsBrochure.pdf>

Version Control	Date	Author	Description of Change
1	Oct 2013	AEG	Update ECSNR
1.2	Dec 2014	AEG	Update ECSNR
V10.15	Oct 2015	AEG	Full revision
V10.16	Oct 2016	AEG	QLD man. rep. advice, Family Assistance Law
V7.17	July 2017	AEG	QLD mand rep introduction
V10.17	Oct 2017	AEG	Amendment to Regulations
V3.18	Mar 2018	AEG	Reporting across AEG
V6.18	Jun 2018	AEG	Ombudsman reporting
V12.18	Dec 2018	AEG	VIC reportable conduct scheme
V2.19	Feb 2019	AEG	Added ref to ChildStory
V2.20	Feb 2020	AEG	Scheduled review
V6.20	June 2020	AEG	NSW reportable conduct scheme
V3.21	Mar 2021	AEG	Updated NSW reporting
V8.21	Aug 2021	AEG	Minor amendment step 2. Removed part Two also found in Child Safe Procedure
V11.21	Nov 2021	AEG	Commitment to Safety
V12.22	Dec 2022	AEG	WA Reportable Conduct Scheme
V10.23	Oct 2023	AEG	Persons specified extended to students and volunteers
V11.23	Nov 2023	AEG	Added factsheet for ACT Senior Practitioner
V11.23	Nov 2023	AEG	Amended RACI table and reference added
V8.24	Aug 2024	AEG	Added decision tree links to step 3. Report through ServiceNow

Responsible = those who are responsible for carrying out the task

Accountable level 1 = the owner and person accountable for the sign off or approval of a task

Accountable level 2 = the person who is accountable for the task being carried out

Consulted = the person to be consulted with and whose input, opinions and feedback are crucial to the task

Informed = the person who should be informed and made aware of the task and any updates

Policy Written by: Fiona Young	Position: Policy, Training and Development Manager	Date: Aug 2024
Approved by: Chief Operating Officer	Approved Date: Aug 2024	Next review date: Aug 2025

Employees to sign: