



Child Protection Policy

Policy Statement:

At Pennant Hills Before and After School Care Service, we believe that every child has the right to be safe and protected from all forms of abuse, violence, or exploitation. It is the legal and moral obligation of all adults working within our service to ensure the safety and well-being of every child in our care. This duty of care extends to all educators, including casual staff, volunteers, and students, to safeguard the children accessing our facilities and programs.

The safety, rights and best interests of the children must be the paramount consideration for all individuals involved in the operation and delivery of care. As Mandatory Reporters, educators and centre management have a legal responsibility to take action to protect and support children who may be at risk of significant harm. Our service will fulfill the responsibilities of Mandatory Reporters as mandated by legislation, following procedures outlined by Community Services and The Children's Guardian (NSW Commission for Children and Young People).

Considerations:

- NSW Children and Young Persons (Care and Protection) Act 1998
- Commission for Children and Young People Act 1998
- Child Protection (Prohibited Employment) Act 1998
- Ombudsman Act 1974 (including relevant Child Protection Amendments)
- Corporations Act 2001
- Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13
- NSW Department of Community Services Mandatory Reporting Guidelines
- Department of Family & Community Services Mandatory Reporting Guidelines
- NSW Child Protection Interagency Guidelines (2006)
- NSW Government 'Keep Them Safe' Shared Approach to Child Wellbeing
- Education and Care Services National Law:
 - Section 162(a): Offence relating to the presence of prohibited persons on the premises
 - Section 165: Offence to inadequately supervise children
 - Section 166: Offence to use inappropriate discipline
 - Section 166a: Offence to use inappropriate conduct
 - Section 5AA: Prohibits conduct a reasonable person would consider unsuitable
 - Section 167: Offence relating to protection from harm and hazards
 - Section 170: Offence relating to staff members not meeting prescribed requirements
 - Section 174: Offence relating to failure to notify certain information to Regulatory Authority
 - Section 178: Offence relating to false or misleading information
 - Amendment Act 2025

- Education and Care Services National Regulations:
 - Regulation 84: Awareness of child protection law
 - Regulation 155: Interactions with children
 - Regulation 170: Policies and procedures to be followed
 - Regulation 174: Prescribed information to be notified to Regulatory Authority
 - Regulation 175: Prescribed information to be kept by approved provider
 - Regulation 176: Timeframes for notification of information to Regulatory Authority
- National Quality Standard - Quality Area 2: Children's Health and Safety
 - 2.2.1: Reasonable precautions and adequate supervision protect children from harm and hazard
 - 2.2.2: Incident and emergency plans are developed, practiced and implemented
 - 2.2.3: Staff are aware of their roles in identifying and responding to children at risk
- My Time, Our Place Framework
- Office of the Children's Guardian Principles for Child Safe Organisations (2017)
- Office of the Children's Guardian Child Safe Standards (2017)
- Child Safe Standards

Definitions:

Duty of Care - Legal obligation to protect children from harm through reasonable actions.

Mandatory Reporting - Legal requirement to report suspected child abuse or neglect to authorities.

Mandatory Reporter - Anyone working directly with children who must report concerns of harm.

Risk of Significant Harm (ROSH) - Serious threat to a child's safety due to abuse, neglect, or violence.

Types of Abuse -

- Physical - Injury from hitting, slapping, or other force.
- Sexual - Inappropriate sexual contact or exploitation.
- Emotional - Bullying, intimidation, or exposure to violence.
- Neglect - Failure to meet basic needs.
- Family Violence - Harm from witnessing domestic abuse.

Signs of Harm - Indicators such as poor development, multiple injuries, self-harm, or feelings of worthlessness.

Confidentiality - Reports are protected by law; the identities of reporters are kept private.

Information Exchange (Chapter 16A) - Legal sharing of child safety info between agencies to support wellbeing.

MRG Tool - Online guide to assess if concerns meet the threshold for mandatory reporting.

Reportable Conduct - Allegations of harm by staff or visitors that must be reported to the Office of the Children's Guardian (OCG).

Inappropriate Conduct - Conduct a reasonable person would consider to be inappropriate in an Education and Care Service.

Policy:

Child-Safe Principles and Philosophy:

At Pennant Hills BASC, we are dedicated to ensuring the safety and well-being of all children in our care. We fully implement all recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse. The Royal Commission has identified 10 Child Safe Standards that our service is guided by.

Our service is committed to the following child-safe principles and standards:

1. Child safety is embedded in institutional leadership, governance, and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld, and diverse needs are considered.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child sexual abuse are child focused.
7. Staff are equipped with the knowledge, skills, and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the organization is child safe.

At Pennant Hills BASC, we believe that building positive connections with children and their families is the foundation for providing an environment where children feel safe, secure, and supported. We aim to help children develop a positive sense of agency and a strong sense of belonging.

Educators and centre management uphold their duty of care for the children at Pennant Hills BASC to the highest standard and aim to maintain this above all else. Our commitment to child protection is unwavering, and we strive to create a community where every child is valued, respected, and protected.

What is Duty of Care?

- Duty of Care is a legal responsibility to take reasonable care to keep children from harm. It is both the provider and educator's legal obligation to ensure the care and protection of children in their service as regulated by the Children and Young Persons (Care and Protection) Act 1998.

- If an educator has reasonable grounds to suspect that a child is at risk of significant harm it is their duty of care to report their concerns to their Director/Nominated Supervisor and to determine if the concern meets the threshold for risk of significant harm.

Mandatory Reporting:

What is Mandatory Reporting?

- In New South Wales, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1988.
- Mandatory reporting is the legislative requirement for people that deliver direct services to children to report suspected child abuse and neglect to government authorities.

Who are Mandatory Reporters?

A Mandatory Reporter is anybody who delivers services to children as part of their paid or professional work. In OSHC services, mandatory reporters include educators who deliver services to children and centre management, whether paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services.

Educators are mandated to report to Community Services if they have current concerns about the safety or welfare of a child, as outlined in Section 23 of the NSW Children and Young Persons (Care and Protection) Act 1998. This mandate ensures that all individuals responsible for the care and supervision of children are vigilant and proactive in protecting the well-being of the children in their care.

Signs that a Child is at Risk of Significant Harm:

In New South Wales (NSW), it is mandatory to report all five recognized types of abuse and neglect:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect
- Exposure to family violence.

All jurisdictions specify the level of abuse that must be reported (i.e., significant, serious, detrimental), however, individuals, whether mandated reporters or not, may also refer child abuse and neglect that falls below statutory thresholds for mandatory reporting to child and family welfare agencies. Child sexual abuse is always considered a risk for significant harm and must always be reported.

Examples of risk of significant harm include neglect, where basic physical or psychological needs are not being met or are at risk of not being met, and situations where parents or carers are unwilling or unable to provide necessary medical care or arrange for the child or young person to receive an education. Physical and sexual abuse, domestic violence, serious psychological harm, and prenatal concerns are also considered risks of significant harm and must be reported accordingly.

There can be common signs of harm or neglect, however, the presence of these signs does not always mean that harm or neglect is occurring.

The following are some possible signs of harm or neglect:

- Failure to thrive or develop
- Multiple injuries or bruises
- Risk-taking behaviours such as self-harm
- Constant feelings of worthlessness about life

Confidentiality:

- In NSW, approved providers must ensure the confidentiality of records are kept in accordance with National Law and Regulations. Reports should be treated with strict confidentiality.
- Child protection reports made through the Mandatory Reporting Guidance tool, or the Community Services helpline are confidential, and the reporter's identity is protected by law.
- Child Protection information can only be exchanged under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998.

Information Exchange:

To provide effective support and referral, it may be necessary to exchange information with other prescribed bodies, including government agencies or non-government organisations and services. The NSW Children and Young Persons (Care and Protection) Act 1998 was amended in 2009 to include Chapter 16A on Information Exchange. Chapter 16A requires prescribed bodies to take reasonable steps to coordinate decision-making and the delivery of services regarding children and young people.

Under Chapter 16A of the NSW Children and Young Persons (Care and Protection) Act 1998, educators can exchange information related to a child or young person's safety, welfare, or wellbeing, regardless of whether the child or young person is known to Community Services or whether the child or young person consents to the information exchange.

The information requested or provided must pertain to the safety, welfare, or wellbeing of the child. This information includes a child or young person's history or circumstances, details about a parent or other family member, significant or relevant relationships, and the agency's work now and in the past.

When information is provided in good faith and in accordance with legal provisions under Section 29 and Section 245(g) of the NSW Children and Young Persons (Care and Protection) Act 1998, reporters cannot be seen as breaching professional etiquette or ethics or as violating professional standards. There can be no liability for court action in such cases.

Responding and Reporting:

Any educator who forms a belief based on reasonable grounds that a child is at risk of harm should record the details of the report in a clear and objective format. These reports should be treated with strict confidentiality in adherence to the service's Confidentiality Policy.

Educators should discuss their concerns with their Director/Nominated Supervisor, as the Director may have additional information that the educator is not aware of. The Director/Nominated Supervisor will then assist educators in using the online NSW Mandatory Reporter Guide (MRG) tool to determine whether the report meets the threshold for risk of significant harm.

If the Centre Director does not deem the situation as reportable, it is important to note that staff members can still report via the Child Protection Helpline or by using the ChildStory website access the MRG Tool and determine the next course of action. Staff members do not need the centre's permission to report if they believe the child is at risk of significant harm.

Mandatory Reporter Guide (MRG) Tool:

A Mandatory Reporter Guide (MRG) tool has been developed to help frontline mandatory reporters, including OSHC workers, determine whether the risk to a child or young person meets the statutory threshold of 'risk of significant harm'. The MRG tool will guide the reporter on what action should be taken. It is an interactive tool and is available online at the ChildStory website.

If an educator is still in doubt, the Child Protection Helpline will provide feedback about whether the report meets the threshold for statutory intervention. If new information arises concerning the child or young person, the MRG tool should be run again. Where concerns do not meet the significant harm threshold, the MRG tool may guide you to 'Document and continue the relationship,' requiring the service to continue to support, provide services, and coordinate assistance and referral for the child and their family.

Educators should report their concerns to the Child Protection Helpline if directed by the MRG to report to Community Services. Regardless of whether someone is considered a mandatory reporter, they can phone 132 111 (Child Protection Helpline). When reporting to the Helpline, it is important to have as much information as possible available, including the child's information, family information, reporter details, and outcomes of the MRG. If an educator has been advised to report to Community Services, they are legally responsible for doing so. Once a report is made to the Child Protection Helpline, no further report is needed unless new information comes to light.

The report page from the MRG should be printed and placed in the child/family file for future reference, regardless of whether further action is recommended. For assistance with referral information refer to the Family and Community Services website or the crisis numbers on the NSW Department of Communities and Justice website.

Child Safe Risk Management:

All staff and Parent Management Committee members are considered mandatory reporters. This means that any staff member who forms a belief on reasonable grounds that a child is being abused, neglected, and/or is at risk of significant harm must notify the Centre Director or the responsible person in charge if the Centre Director is absent.

To ensure the safety of the children, all candidates for staffing positions, including centre management, full-time/part-time/casual educators, volunteers and students over 18 years of age, will undergo a Working with Children Check carried out by the Office of the Children's Guardian. Written approval from the prospective employee will be sought before this check is carried out.

This Working with Children Check will be verified and the candidate will be checked in the portal of the NQAITs Register of Prohibited Persons.

Additionally, all visitors to the Centre will not be left alone with any children.

Staff will undergo training in child protection, including the indicators of risk of harm, reporting procedures, relevant laws, and what happens after a report is made. Training is also provided on Protected Disclosures. This training is part of the training budget and is conducted in accordance with the National Law and Regulations. All educators will also be provided with the Health & Safety: Providing a Child-Safe Environment Policy and the Code of Conduct for all staff members.

As of 27th February 2026, National Reforms dictate all employees and volunteers undergo Mandatory Child Safety training.

Foundation training consists of two courses:

- understanding child safety.
- understanding and identifying child abuse and neglect.

Staff must complete both courses to complete foundation training. It is estimated to take approximately two hours to complete, although this will vary from learner to learner.

All existing staff must complete foundation training by 27th August 2026. Staff entering the sector from 14th August 2026 must complete the foundation training by whichever occurs earlier:

- 27th August 2026, or
- 14 days from when they are employed by the service, or
- before they work directly with children.

Ongoing, staff must complete foundation training once every 2 years.

Training is completed through Geccko, the Australian Government's official training platform for the sector. Child safety training delivered through other platforms or providers does not meet the mandatory requirement.

From March 2026, all staff's details must be added into the National Early Childhood Worker Register.

When the service engages a self-employed individual to provide services, the provider is required to provide a paid Working With Children Check (WWCC). This check verifies that the person employed is not legally banned from working with children. The WWCC is issued through the Office of the Children's Guardian, and application forms and instructions are available on their website.

Risk assessments will be carried out both within the service and for excursions to ensure that every reasonable precaution is taken to protect children from harm, in accordance with the National Law and Regulations.

Regular reviews of the Child Safe Risk Management Plan will be undertaken.

Allegations & Suspected Breaches:

Allegation made about an educator or someone in the service:

If an incident occurs where a child is put at risk of harm by an educator, volunteer, trainee, or visitor to the service, it is considered 'reportable conduct.' Such conduct must be reported to the Office of the Children’s Guardian within seven (7) working days.

When an allegation is made, the details must be recorded in writing using an Incident Report. This report should include the dates, times, names of persons involved, the name of the person making the allegation, and the name of the person making the report. This report should be kept on record and treated with strict confidentiality.

If the allegation involves the Director or Nominated Supervisor, the Parent Management Committee must be informed immediately. The relevant forms, along with information and assistance, are available online at the Office of the Children’s Guardian website.

The person making the report should follow the advice provided by the Ombudsman’s Departmental Officers. Throughout the process, the matter will be handled with strict confidentiality.

For the protection of both the children and the staff member involved, the staff member should be encouraged to take special leave or be removed from duties involving direct care and contact with children until the situation is resolved. Support, such as counselling or referral to an appropriate agency, should be provided to all parties involved to help them cope with the situation.

Managing an allegation or breach:

As part of the service's ongoing risk management plan, appropriate support will be provided to all affected parties. This includes the children who are the alleged victims of the conduct, the employee who is the subject of the allegation, and other relevant parties such as parents, carers, or witnesses.

A final assessment of risk should be undertaken, to address all identified risks, regardless of the outcome of the allegation or breach.

Version	Action	Date
V.1	Last policy update	15 th October 2020
V.2	Major update Version control added	8 th August 2024
V.2.1	Definitions added Reformatted	10 th November 2025

V.2.1	PMC Approved	1 st December 2025
V.3	New National Reforms added which include staff completing the Child Safety training and the addition of the National Early Childhood Register	27 th February 2026
V.3	Approval by PMC	30 th March 2026
V.4	New reforms added which include inappropriate conduct, NQAITS check and protected disclosure training	5 th May 2026
V.4	Approval by PMC	20 th May 2026