

## 2.14 Child Protection and Mandatory Reporting

### Policy Statement

In addition to the service providing all children with a safe and suitable environment, it has an obligation to report reasonable suspicion of significant harm or at risk of significant harm. The service recognises that the service's educators and staff are uniquely positioned to identify concerns about a child's safety and wellbeing in settings beyond OSHC.

The Child Protection Act 1999 (section 13E) outlines education and care professionals and mandatory reporters. In the event that an educator (or the Approved Provider) forms a reasonable suspicion that a child has been harmed, is being harmed or is at risk of being harmed and may not have a parent willing and able to protect, they are required to respond to ensure that this information (a reasonable suspicion) is appropriately managed and is reported to Child Safety.

As Queensland has a relevant child protection law that requires educators to report reasonable suspicions, the Approved Provider has a duty to advise educators of the Child Protection Act and their obligations for mandatory reporting (Regulation 84). The service's procedures ensure this information is covered through induction and complemented by additional periodic training.

While the primary purpose of this policy is to address the requirements of mandatory reporting and support educator's judgements in assessing observations and insights, the policy also sets out the role of reporting relevant harmful incidents that may have come about within the service.

The service recognises that there are various types of abuse and harm a child may be exposed to including—

- **Physical abuse** – non accidental injury including beating, shaking, burning, biting, causing bruise or fractures by inappropriate discipline, giving children alcohol, drugs or inappropriate medication;
- **Emotional or psychological abuse** – hostile parenting, constant yelling, insults, swearing, criticism, bullying, scapegoating, exposure to domestic violence
- **Neglect** – failure to provide basic needs including food, clothing, enough sleep, hygiene, medical care, and supervision
- **Sexual abuse** - exploitation, penetration, sexual touching, sexual talk/conversations and/or exposing children to pornography.

### Roles and Responsibilities

Approved Provider	<ul style="list-style-type: none"><li>• Ensure staff receive appropriate training and induction to be able to identify and respond to indicators of significant harm.</li><li>• Consult, support and plan appropriate courses of action when suspicions of abuse and harm arise.</li><li>• Seek advice, guidance and resources to support decision-making.</li></ul>
Nominated Supervisor	<ul style="list-style-type: none"><li>• Respond to concerns and issues raised by staff.</li><li>• Direct serious concerns and possible suspicions to an appointed officer of the Approved Provider for consideration.</li><li>• Document concerns and ensure these records are handled with privacy.</li><li>• Where appropriate, collaborate with parents to identify preventative supports.</li></ul>
All Staff	<ul style="list-style-type: none"><li>• Be equipped to respond to indicators of harm and disclosures.</li><li>• Listen and observe children with sensitivity and empathic understanding.</li><li>• Share your concern with the Nominated Supervisor, or where relevant, other professionals.</li></ul>

### Key Tasks and Responsibilities

Child Protection Training	The Approved Provider must ensure relevant materials and resources are available for the Nominated Supervisor to instruct educators of the awareness of child protection law and mandatory reporting duties.
Supervising Educator conduct	The Approved Provider and Nominated Supervisor play the primary role in supervising the behaviour of people in care of children are meeting the expectations set out in policy. Should concerns be raised, the Approved Provider is responsible to ensure appropriate management action is carried out. The Nominated Supervisor should communicate concerns to the Approved Provider to ensure they are aware,
Observing children's wellbeing and experiences	All educators are responsible for observing and looking for signs a child may be in need of protection. They are to report their concerns to the Nominated Supervisor (or other relevant leader) to ensure action is taken to assess reporting requirements or other supports.
Reporting harm	Any educator can report suspicions of harm, however, the typical process should be via the Nominated Supervisor to ensure incidents are documented and handled appropriately.

## Procedures

### Responding to Harm Occurring at OSHC

The service is committed to ensuring safeguarding the protection and wellbeing of children. All educators will be expected to follow the instruction and procedures to ensure children's safety and wellbeing. The service has zero tolerance for conduct that risks or otherwise harms children attending OSHC, with significant disciplinary action as a consequence of any substantiated incidents.

In circumstances where an OSHC employee or volunteer is alleged to have harmed a child (in any nature), the following will occur—

any educator being aware or holding suspicion will immediately report to the Nominated Supervisor (or responsible person), who will notify the Operations Manager.

1. Where any educator/representative believes or is otherwise made aware of an educator (or service representative) possibly having harmed a child in any way, the person being aware or holding suspicion will immediately report to the Nominated Supervisor (or Responsible Person), who will immediately notify the [Primary Contact for the AP e.g. P&C President].
2. The educator accused or suspected to have harmed a child will be immediately relieved of their duty and be suspended with pay following a workplace investigation.
3. The parent and Regulatory Authority will be notified at the earliest convenience, following the procedures set out in [7.7 Managing Notifications](#). Likewise, recording the incident as set out in [2.4 Incidents, Illness, Injury or Trauma](#) will be carried out.
4. The workplace investigation will be carried out by a suitably experienced and qualified person, ensuring relevant lawful requirements are followed.
5. Subject to the information available, service leaders will consider any duties for additional reporting (e.g. police).
6. Where the allegation of harmful conduct is substantiated, significant disciplinary action – almost certainly termination - will occur.

### Child in Need of Protection - Mandatory Reporting

#### Informed of Child Protection Law and Mandatory Reporting (Regulation 84)

1. The Nominated Supervisor is responsible for the management of induction tasks. The induction materials of the service provides instruction for each educator to understand the existence of the Child Protection and their responsibilities to notify any reasonable suspicion of harm.
2. The service complements initial guiding material with more robust training opportunities to better equip educators with relevant skills and knowledge to identify and respond to indicators of abuse and harm.
3. The Nominated Supervisor is to lead a supportive culture that ensures educators can seek out support and guidance from the service's leaders where questions, concerns or suspicions arise.

4. At all times educators will have access to the service's policies and procedures manual to refer their responsibilities or required actions.

### Responding to Disclosures

Where a child discusses information relating to their experience of trauma and harm with an educator (a disclosure); educators are guided to respond using the following principles:

- a. **Listen** – try to be in a suitable environment, be calm and patient, let the child use their own words and avoid quizzing. Don't be afraid of saying the 'wrong thing'. Listening supportively is more important than the words you use.
- b. **Reassure** – address the concern about the child's safety and reassure the child it's okay that they have told you what's been happening. Reassure the child it is not their fault for any distress.
- c. **Respect** – the child may only reveal some details. Acknowledge bravery and strength. Explain in order to keep them safe you'll have to tell someone and avoid making promises you can't keep.

### Developing a Reasonable Suspicion

1. An educator or any relevant staff member may develop concerns about a child's wellbeing and safety from a variety of sources – observations, discussions, the child's presentation, behaviour, or interactions with the parents etc.
2. A reasonable suspicion might not develop from one single event but rather a series of indicators combining to result in a concern developing about a child's safety and wellbeing.
3. The key features for a suspicion to signal a child is in need of protection is —
  - a. a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm, and
  - b. may not have a parent able and willing to protect the child from the harm.
4. While the Child Protection Act emphasises physical and sexual abuse for mandatory reporting requirement, educators can also report a child is in need of protection caused by any form of abuse or neglect.
5. Regardless of a concern reaching the threshold of serious harm, educators (or any other staff) are to promptly advise the Nominated Supervisor (or Responsible Person) of any substantial concerns or circumstances relating to a child's safety or wellbeing.

A **reportable suspicion** about a child is a reasonable suspicion that the child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and may not have a parent able and willing to protect the child from the harm.  
Mandatory reporters should also report to Child Safety a reasonable suspicion that a child is in need of protection caused by any other form of abuse or neglect.

### Consultation and Decision-Making

1. Indications of significant harm are not always clear. All staff should be prepared to discuss their suspicions openly (with the appropriate people) to ensure a child is supported and reporting obligations are met.
2. Educators are free from liability and do not breach privacy when sharing confidential information, if they are acting honestly and if their actions in sharing information are consistent with protecting children from harm.
3. The Nominated Supervisor, in either being told of or themselves developing concerns relating to a child's safety or wellbeing are to advise the Approved Provider (e.g. the preferred contact being the P&C President, other members of the executive will be called when the P&C President is unavailable).
4. The Nominated Supervisor and Approved Provider will consult on a plan of action, which could include:
  - a. discussing concerns with parent/s
  - b. seeking further advice and support from:
    - i. Child Safety.
    - ii. Child Protection Guide [online tool]  
<https://secure.communities.qld.gov.au/cpguide/engine.aspx>
    - iii. the school Principal/relevant other professional

- c. directly report notification to Child Safety.

## Documenting and Recording Information

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1. The Nominated Supervisor is to ensure that the reports and documentation of a disclosure/suspicion is written and recorded by the staff/educator involved as soon as practical. The report should include:
  - a. any relevant background information
  - b. a factual description of the events/observation/incident
  - c. statements of the child (or others)
  - d. educator/service response to events
  - e. any parent involvement or discussion
  - f. any other matters considered relevant
2. These reports or other documentation will be stored by the Nominated Supervisor in a password-protected file on the service's computer (consistent with [7.6 Privacy and Confidentiality of Records](#))

### Non-Reportable Concerns

1. Where advice has been received that the suspicion does not meet a threshold for reporting to Child Safety, the relevant person should follow and document any recommendations (e.g. talking to parents about access to support services)
2. However, the following matters should also be considered and if necessary actioned:
  - a. Does the circumstance meet the definition of a serious incident - notifiable to the Regulatory Authority? - see [2.4 Incidents, Illness, Injury or Trauma](#)
  - b. How are parents best notified and supported?
  - c. What action should be taken to support the child or safety care for children? – see [7.18 Managing Concerns of Harmful Sexual Behaviours](#)

### Reporting Reasonable Suspicions

1. Where a report to Child Safety is necessary, the following communication methods can be used—
  - If the child is in immediate Danger – **QLD Police Service** – 000
  - During business hours – **Child Safety Regional Intake Service** – [phone number]
  - After Hours – **Child Safety After Hours** – 1800 177 135
  - Online Reporting Form via Child Protection Guide - <https://secure.communities.qld.gov.au/cpguide/engine.aspx>
2. While Mandatory Reporters are required to make a written report. If the initial notification is made via phone, the corresponding report can be guided by Child Safety's instructions.

### Documentation and Records

1. Any record relating to suspicions of significant harm are to be kept separate from general incident reports, due to the highly sensitive nature. All records containing child protection concerns will be filed within the password protected location as set out in [7.6 Privacy and Confidentiality of Records](#).
2. In circumstances where it is consistent with protecting a child from significant harm, relevant information can be shared with the school Principal. The preference is the Approved Provider will inform this decision-making, however, in extenuating circumstances the Nominated Supervisor will have delegation to decide.
3. All persons involved in a case of suspected child abuse will be treated with sensitivity and respect, and all information to the case will remain confidential unless sharing information is required to protect a child from harm [see Policy [7.6 Privacy and Confidentiality of Records](#)].

All staff including the Approved Provider, Nominated Supervisor and educators are free from liability or breaching Privacy Principles when sharing confidential information, if they are acting honestly and if their actions in doing so are consistent with the purpose of information sharing under the *Child Protection Act 1999 (Qld)*.

## Legal and Regulatory Foundation

In preparing and implementing this policy, the Approved Provider recognises the obligations and requirements related to –

**National Quality Framework**

- **Education and Care Services National Law:**
  - s.167 Offence relating to protection of children from harm and hazards
- **Education and Care Services National Regulations:**
  - R.12 Meaning of serious incident
  - R.84 Awareness of child protection law
  - R.85 Incident, injury, trauma and illness policies and procedures
  - R.86 Notification to parents of incident, injury, trauma and illness
  - R.168 Education and care service must have policies and procedures
  - R.170 Policies and procedures to be followed
  - R.171 Policies and procedures to be kept available
  - R.174A Prescribed information to accompany notice
  - R.175 Prescribed information to be notified to Regulatory Authority
- **National Quality Standard:**
  - QA2 – Children’s health and safety
  - QA4 – Staffing arrangements
  - QA5 – Relationships with children
  - QA6 – Collaborative partnerships with families and communities.

**Additional Regulatory Context and Guidance**

- Child Protection Act 1999 (Qld)
- Working with Children (Risk Management and Screening) Act 2000 (Qld)
- Criminal Code Act 1899 (Qld)

**Related Policies and Procedures**

- [2.1 Providing a Child Safe Environment](#)
- [2.4 Incident, Illness, Injury or Trauma](#)
- [5.5 Promoting Protective Behaviours](#)
- [6.5 Interactions and Communication with Families](#)
- [7.1 Nominated Supervisor](#)
- [7.4 Leading Compliance and Quality Assurance](#)
- [7.5 Privacy and Confidentiality of Records](#)

**Appendices and Forms**

[Information Sheet for Mandatory Reporting by Education and Care Service Professionals](#)

Policy 2.14 Child Protection and Mandatory Reporting				
Endorsed By: Jamboree Heights P&C Executive Committee				
Version and reason for change	Date endorsed	Date implemented	Date families notified	Date of next review
V2023.5 – Name change - Combined previous policy 2.5, 2.10 - Updated format and enhanced procedures	25.03.2024	25.03.2024	25.03.2024	February 2025