Child Protection Policy

Birra-Li is committed to providing a child safe environment where children's safety and wellbeing is supported and children feel respected, valued and encouraged to reach their full potential. Birra-Li embeds the National Principles for Child Safe Organisations WA and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging. We will ensure all employees and volunteers understand the meaning, importance and benefits of providing a child safe environment and critically, understand their obligations and requirements as mandatory reporters. Birra-Li adheres to the National Model Code and Guidelines for taking images or videos of children released by ACECQA.

National Quality Standards (NQS):

Quality Area 2: Children's Health and Safety		
2.2	Safety	Each child is respected.
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
2.2.3	Child Safety and Protection	Management, educators and staff are aware of their roles and responsibilities regarding child safety, including the need to identify and respond to every child at risk of abuse or neglect.

Education and Care Services National Law and Regulations:

S.2A	Paramount consideration – safety, rights and best interests of children
S. 162A	Persons in day-to-day charge and nominated supervisors to have child protection training
S.165	Offence to inadequately supervise children
S. 165A	Offence relating to children leaving the education and care service premises unauthorised
S. 166	Offence to use inappropriate discipline
S.167	Offence relating to protection of children from harm and hazard

S. 174	Offence to fail to notify certain information to Regulatory Authority
S. 175	Offence relating to requirement to keep enrolment and other documents
84	Awareness of child protection law
86	Notification to parents of incident, injury, trauma and illness
87	Incident, injury, trauma and illness record
115	Premises designed to facilitate supervision
145	Staff records
149	Volunteers and students
155	Interactions with children
168	Education and care service must have policies and procedures
170	Policies and procedures to be followed
175	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority

Purpose:

All educators, staff, visitors and volunteers are committed to identifying possible and significant risk of harm to children at our Service. We understand our duty of care responsibilities to protect children from all types of abuse, and adhere to our legislative obligations at all times. Birra-Li believes considering the best interest of the child in everything we do is paramount and embeds child safety in our daily practices, policies and procedures.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. We will perform proficiently and act in the best interest of each child, assisting them to develop to their full potential in a secure and child safe environment.

Scope:

This policy applies to children, families, staff, educators, management, nominated supervisor, students, volunteers and regular visitors (including contractors) of the Service.

Implementation:

Birra-Li strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. Educators have an important role to support children and to identify concerns that may jeopardise their safety, welfare, or wellbeing including:

- A duty of care to ensure that reasonable steps are taken to prevent harm to children.
- Obligations are met under child protection legislation.
- Obligations are met under work, health and safety legislation.

Birra-Li promotes a culture of child safety and wellbeing within the Service. To ensure best practice, all educators and staff will complete approved child protection training annually, mandatory reporting training every 2 years and the National Child Safety training as per legislative requirements, along with maintaining current knowledge of child protection law and mandatory reporter requirements.

Definitions:

Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. In Western Australia (WA), mandatory reporting is regulated by the *Children and Community Services Act 2004.*

Reportable Conduct Scheme compels heads of organisations that exercise care, supervision or authority over children to notify allegations of, or convictions for, child abuse by their employees to the Ombudsman and then investigate these allegations.

What is child abuse?

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological or emotional health or development. Child abuse can be a single incident or can be a number of different incidents that take place over time.

Working with children (WWC) check:

The Working with Children Check is a compulsory screening strategy for people engaging in child-related work in Western Australia. The Working with Children (WWC) Screening Unit provides checks for workers and volunteers in child-related work. Records must be kept of all individuals in child-related work, including their WWC application number and expiry date.

A WWC Check is an assessment of whether a person poses an unacceptable risk to children.

Working with Children Checks will be validated before any person is permitted to work directly with the children or be involved in the management of the service. (This includes, students, volunteers, regular visitors, support staff, regular maintenance workers and the management committee) Working with Children Check Cards will be checked for validation every 3 months thereafter.

The Working with Children Screening unit register will be completed and updated regularly to reflect those who require a Working with Children Check at Birra-Li Child Care Centre.

Documenting a disclosure:

A disclosure of harm emerges when someone, including a child, tells you about harm that has happened or is likely to happen. When a child discloses that he or she has been abused, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child from the abuse. It is also a chance to help the child connect to professional services that can keep them safe, provide support and facilitate their recovery from trauma. Disclosure is about seeking support and a person's response can have a great impact on the child's ability to seek further help and recover from the trauma.

When receiving a disclosure of harm, the person will:

- Remain calm and find a place to talk where you can give the child your full attention.
- Not make promises that can't be kept. Eg, never promise that you will not tell anyone else.
- Honestly tell the child what you plan to do next.
- Accept the child will disclose only what is comfortable and recognise the bravery/strength of the child for talking about something that is difficult.

- Tell the child they have done the right thing in revealing the information but that they will need to tell someone who can help keep the child safe.
- Only ask enough questions to confirm the need to report the matter.
- Let the child or young person take their time and use their own words.
- Tell the child that the abuse of maltreatment is not their fault.
- Support culturally and linguistically diverse children and children with additional needs to express themselves in the child's preferred way of communicating.
- Not attempt to conduct their own investigation or mediate an outcome between the parties involved.
- Not confront the perpetrator.
- Document as soon as possible so the details are accurately captured including:
    - Time, date and place of the disclosure.
    - 'W*ord for word*' what happened and what was said, including anything they (the staff member/educator) said and any actions that have been taken. If the exact wording cannot be remembered, educators should clearly indicate this by using wording such as 'It was something along these lines' before recording what was disclosed.
    - Date of report and signature.

Mandatory Reporting (Sexual Abuse):

Making a report:

If a child is at immediate risk and Police or medical assistance is required, dial **000**.

***It is the sole responsibility of the individual as a Mandatory Reporter to make a report to the Department of Communities in the case of sexual abuse.** The individual must inform the Nominated Supervisor within 24 hours.

***All concerns about a child's wellbeing in regards to **sexual abuse** must be reported to the **Department of Communities (Child Protection and Family Support Mandatory Reporting Service on 1800 708 704). A written report must also be lodged using the Department's secure Mandatory Reporting Web System (MRWeb).**

Making a report/notifications

The Nominated Supervisor will:

- Follow the Department of Communities guide for Mandatory Reporting.
- Report all instances (alleged or witnessed) of child abuse to WA Police.
- Report to the Department of Communities if they form a belief, on reasonable grounds, that a child has been a subject of sexual abuse or is the subject of ongoing sexual abuse within 24 hours.
- Notify the Education and Care Unit (ECRU) (within 24 hours) of any incident or allegation where it is reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service.
- Notify the Education and Care Unit (within 24 hours) of any complaints alleging that a serious incident has occurred or is occurring at the Service.
- Notify the Education and Care Unit (within 24 hours) of a serious incident, which may include physical or sexual abuse where emergency services attended the Service.
- Ensure documentation is completed to assist in making reports to the relevant authorities.
- Provide written notice to the Teacher Registration Board of Western Australia (TRBWA) within 7 days where the employer has reasonable grounds to suspect that a registered teacher may have engaged in serious misconduct or may have taught with serious incompetence in circumstances where the teacher is dismissed or suspended from teaching or has resigned or has ceased teaching at the Service.
- Comply with legislation for Reportable Conduct Scheme and ensure the Ombudsman is notified within 7 business days of becoming aware of any allegations and/or convictions of abuse or neglect of a child made against an employee or volunteer and ensure they are investigated, and appropriate action taken (see *Reportable Conduct Scheme* section).

Educators and staff will:

- Respect what a child discloses, taking it seriously and follow up on their concerns.
- Be aware of the requirement to report concern or have a suspicion that a child is at risk of abuse, harm, neglect or ill-treatment to the nominated supervisor within 24 hours.
- Report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming) to WA Police within 24 hours.

- Understand their obligations as mandatory reporters and their requirement to report any situation where they have reasonable beliefs that a child has been sexually abused, or is the subject of sexual abuse.
- Understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people.

When making a report to the Department of Communities- Child Protection and Support Mandatory Reporting Service, have the following information available:

- Details about the child/young person and family.
- The reasons you are concerned.
- The immediate risk to the child.
- Whether or not the child or family has support.
- What may need to happen to make the child safe.
- Your contact details, so that the officer can call you to obtain further information if required or to provide feedback.

Failure to make a report can result in a fine of up to $6,000. A person can be prosecuted within three (3) years after failing to make a report. After that, any action will be at the Attorney General's discretion.

Reportable Conduct Scheme

Reportable conduct scheme-allegations against employees, volunteers or students (or contractors):

Report to 000 if you have immediate concerns for a child's safety.

The Nominated Supervisor has the legislative obligation under the Reportable Conduct Scheme to notify the Ombudsman of reportable allegations and convictions against their employees (including volunteers and contractors), investigate the allegation with procedural fairness and advise the Ombudsman of the outcome of the investigation. The Nominated Supervisor will notify the Ombudsman within 7 days of becoming aware of a reportable allegation. The Nominated Supervisor will notify relevant authorities if required (WA Police and Department of Communities).

Reportable allegation: Information where an employee, student or volunteer has engaged in reportable conduct.

Reportable conviction: A conviction for an offence of a sexual nature committed against, with, or in the presence of a child or other prescribed offences.

Types of reportable conduct:

- Sexual offences
- Sexual misconduct
- Physical assault
- Significant neglect of a child
- Any behaviour that causes significant emotional or psychological harm to a child

Management will ensure all staff, employees, families and visitors are aware of the Reportable Conduct Scheme and understand types of reportable conduct and procedures for reporting reportable conduct allegations or reportable convictions to the Ombudsman. Employees are aware that mandatory reporting procedures including notification to the Department of Communities operate alongside, and does not replace, the Reportable Conduct Scheme.

The Nominated Supervisor/management will ensure:

- That obligations under the Education and Care Services National Law and National Regulations are met and child's safety and wellbeing are prioritised at all times.
- Educators, staff, students and volunteers have knowledge of and adhere to this policy and associated procedure.
- Families are aware of this *Child Protection Policy* and procedure and are advised on how and where it can be accessed.
- All children being educated and cared for by the Service are adequately supervised.
- The National Model Code and Guidelines is adhered to by educators, staff, volunteers and students.
- The premises, including toilets and nappy change facilities are designed and maintained to facilitate clear supervision of children whilst maintaining their rights and dignity.
- Students, volunteers and visitors are never left alone with a child under any circumstance.

- All management, educators and staff at Birra-Li have successfully completed a course in child protection approved by the Regulatory Authority and will maintain their knowledge of child protection and mandatory requirements by completing Child Protection Training annually.
- Educators and staff are provided with supervision training every 2 years.
- A thorough recruitment process is implemented.
- Working with Children Checks are validated unless the person meets the criteria for exemption from a WWC Check (records should include WWC Check number and expiry date) BEFORE the employee begins working or interacting with children and every 3 months thereafter.
- WWC Checks for visitors who come into direct contact with children are validated and recorded.
- A record is kept and updated of the number of each WWC Check and expiry date.
- Regularly check if staff understand child safety policies and procedures via quizzes/surveys.
- Records of abuse or suspected abuse are kept in line with our *Privacy and Confidentiality Policy.*
- Ensure our complaint handling processes are child-focused providing support and guidance for children (s*ee Dealing with Complaints Policy*).
- Following any critical incident, children, staff and families are provided with access to the support they may need.
- Critical reflection on an incident that may occur is conducted to inform required changes to policies, procedures, practices (including supervision) and risk assessment.
- Educators are provided with regular training and resources.
- Educators are aware of appropriate and consistent approaches to guide behaviour.
- Educators are provided with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers.
- To notify the regulatory authority through the NQA-ITS (within 24 hours) of any incident where it is reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service.

- To notify the regulatory authority through the NQA-ITS (within 24 hours) of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service.
- Educators, staff, volunteers and students are supported to create and maintain a child safe culture by complying with the National Principles for Child Safe Organisations.
- Regular up to date knowledge and training is given to educators on how to identify, understand, report and respond to child maltreatment, abuse and harm including the Reportable Conduct Scheme.

Educators, staff, students and volunteers will:

- Adhere to the Services policies and procedures.
- Participate in a comprehensive induction and orientation program, including an understanding of child protection law before their commencement date.
- Promote the welfare, safety, and wellbeing of children at the Service.
- Provide a child safe environment for all children.
- Provide valid Working with Children (WWC).
- Foster a culture of openness, respect and cultural safety where children feel safe to disclose risk of harm to children or report abuse.
- Provide valid Working with Children Check details during their employment at the Service.
- Follow the National Model Code and Guidelines.
- Participate in child protection training as required.
- Complete the relevant Geccko Child Safety Training prior to employment or as per legislation guidelines once employed.
- Be able to recognise indicators of abuse.
- Respect what a child discloses, taking it seriously and follow up on their concerns through the appropriate channels.
- Be aware of their reporting obligations and responsibilities.
- Provide accurate records.

- Understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people.
- NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on to the Child Protection Helpline or appropriate authority.
- Report any concern or suspicion that a child is at risk of abuse, harm, neglect or ill-treatment to the Nominated Supervisor within 24 hours.
- Report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse to WA Police within 24 hours.
- Identify and report any concerns around staff, educator or volunteer behaviour or conduct to the nominated supervisor/management as soon as practicable.

Confidentiality:

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the complaint should not inform the suspected perpetrator (If known). This ensures the matter can be investigated without prior knowledge and contamination of evidence or pre- rehearsed statements. It also minimises the risk of retaliation on the child for disclosing.

Birra-Li is committed to providing support to children, families, educators or staff who have made a report regarding child protection, with a focus on upholding strict confidentiality throughout the process. Our primary concern is the well-being and safety of the child, and we will work closely with relevant authorities, professionals, and support networks to ensure that the child's best interests are met throughout the process. Our dedicated support system will assist educators and staff in navigating this challenging process while safeguarding their privacy and professional well-being.

Protection for reporters:

All reporters are protected against retribution for making or proposing to make a report under amendments to the *Children and Community Services Act 2004*. The identity of the reporter is protected by law from being disclosed, except in certain exceptional circumstances. Provided the report is made in good faith:

- The report will not breach standards of professional conduct.

- The report cannot lead to defamation and civil and criminal liability.
- The report is not admissible in any proceedings as evidence against the person who made the report.
- A person cannot be compelled by a court to provide the report or disclose its contents.
- The identity of the person making the report is protected.

A report is also an exempt document under the *Freedom of Information Act 1992.*

Sharing of information:

The Western Australian Government recognises that for agencies and services working with children and families there will be times when it is necessary to share information to protect their safety and wellbeing. The Children and Community Services Act 2004 (CCS Act) is the legislative basis for child protection responses in Western Australia. It enables information sharing between agencies to protect the wellbeing of children. The Department of Communities provides further support for sharing information, professional referrals and child protection frameworks.

There may be situations where educators are required to share information about a child without consent. The circumstances when this may apply include:

- A child may be placed at further risk or harm.
- The child poses a risk to themselves or is a risk to others.
- Reasonable efforts to obtain consent have failed.
- You are unable to contact the parent/s.
- There may or would be a risk to your safety if consent was sought.
- It is clear from previous contact that consent would not be given.

Breach of child protection policy:

A breach is any action or inaction by any individual within the Service, that fails to comply with any part of the policy. All educators are mandatory reporters and have a duty of care to support and protect children. Any allegations of criminal offences against children must be reported to the Police immediately. Failure to report child sexual abuse to the police is a criminal offence.

Managing a breach in child protection policy:

Management will investigate any breaches to this policy in a fair, unbiased and supportive manner by:

- Liaising with the Department of Communities for appropriate processes to ensure chain of evidence is not destroyed or compromised.
- Not undertaking and investigating whilst the Department of Communities or the Police are conducting an investigation.
- Follow directions from the Department of Communities and WA Police that may include removal of the educator or staff member (who is subject of allegations) immediately from a role with contact with children until authorities conclude their investigation.

Management may undertake an investigation if the Department of Communities or the Police are not conducting their own investigation or if action has concluded. Management will:

- Discuss the breach with all people concerned and advise all parties of the process.
- Give the educator/staff member the opportunity to provide their version of events.
- Document the details of the breach, including the versions of all parties.
- Record the outcome clearly and without bias.
- Ensure the matters in relation to the breach are kept confidential.
- Reach a decision based on discussion and consideration of all evidence.

Outcome of a breach in child protection policy:

Staff members or educators who fail to adhere to this policy may be in breach of their terms of employment. Visitors or volunteers who fail to comply to this policy may face termination of their engagement. Depending on the nature of the breach outcomes may include:

- Disciplinary procedures, including dismissal of employment, if required
- Emphasising the relevant element of the child protection policy and procedure not followed
- Providing closer supervision
- Providing further education and training
- Providing mediation between those involved in the incident (where appropriate)
- Reviewing current policies and procedures and developing new policies and procedures if necessary.

Embedding the Paramount Consideration by Educating children about protective behaviour:

Birra-Li will educate and support children to learn about their rights and encourage them to express their views and feelings. Children will learn:

- About acceptable and unacceptable behaviour.
- About what is appropriate and inappropriate contact at an age-appropriate level and understanding.
- About body safety, using correct names of private body parts to help recognise inappropriate touches and respect for personal space.
- About their right to feel safe at all times.
- To say '*no*' to anything that makes them feel unsafe or uncomfortable.
- About how to use their own knowledge and understanding to feel safe.
- To identify feelings that make them uncomfortable.
- Help them identify trusted educators, adults and friends.
- That there is no secret or story that cannot be shared with someone they trust.
- That educators are available for them if they have any concerns.
- To tell educators of any suspicious activities or people.
- To recognise and express their feelings verbally and non-verbally.

Continuous improvement:

Our *Child Protection Policy* will be reviewed every 18 months in consultation with children, families, staff, educators and management. Our policy and practices will be critically reflected upon regularly to ensure ongoing improvement to maintain and foster a child safe environment and child safe culture within our Service.

Sources:

ACECQA. (2023). Embedding the National Child Safe Principles

Australian Children's Education & Care Quality Authority. (2025). *Guide to the National Quality Framework*

Australian Children's Education & Care Quality Authority. (2025). NQF Child Safe Culture Guide.

Australian Government Department of Education. Belonging, Being and Becoming: The Early Years Learning Framework for Australia.V2.0, 2022

Australian Government Australian Institute of Family Studies. (2022). Australian child protection legislation
Australian Government: Australian Institute of Family Studies. (2023). Mandatory reporting of child abuse and neglect
Children and Community Services Act 2004
Early Childhood Australia Code of Ethics. (2016).
Education and Care Services National Law Act 2010. (Amended 2023).
Education and Care Services National Regulations. (Amended 2023).
Freedom of Information Act 1992
Government of Western Australia. Department of Communities, Child Protection and Family Support. (2025). Mandatory reporting of Child Sexual Abuse in WA
Government of Western Australia. (2024). Department of Communities. Mandatory Reporting Guide: Western Australia.
Government of Western Australia. Working with Children Check
Ombudsman Western Australia. (2022). Reportable Conduct Scheme (the Scheme).
Western Australian Legislation Education and Care Services National Law (WA) Act 2012
Western Australian Legislation Education and Care Services National Regulations (WA) Act 2012
Working with Children (Criminal Record Checking)– Amendment Act 2022 (Amendment Act)

Review

Date Reviewed	Modifications	Next Policy Review Date
October 2025	Major review of Policy. Continuous improvement section added. Additional information added within policy to adhere to NQF child safety changes and National Model Code. Removal of the types and indicators for abuse sections.	**April 2027**
October 2026	Additional information, paramount consideration. Full review and format of policy.	**March 2028**