

CHILD SAFETY, INAPPROPRIATE CONDUCT & PROTECTED DISCLOSURES POLICY (NSW)



Review Date: 21/05/2028

Overview

At Evans Head Preschool Association (the Service) we are committed to creating and maintaining a child safe organisation where children are safe, respected and heard.

We implement child safe systems, policies and processes consistent with the NSW Child Safe Scheme and NSW Child Safe Standards, and meet our obligations under the Education and Care Services National Law and National Regulations as applied in NSW.

PURPOSE

The purpose of this Policy is to:

- embed a child safe culture and clear standards of behaviour for all child-related workers and visitors;
- clearly prohibit inappropriate conduct towards children and other harmful conduct;
- support timely reporting of concerns, allegations and incidents (including to the head of the relevant entity where applicable);
- support fair, timely and trauma-informed responses and investigations;
- provide pathways for protected disclosures (whistleblowing) and protection from detrimental treatment for people who speak up in good faith; and
- ensure compliance with applicable child safety, child protection and regulatory obligations in NSW.

The Service applies the **paramountcy principle**: the safety, wellbeing, rights and best interests of children are the **paramount consideration** in the operation of the Service and in every decision affecting children.

This Policy is provided to all educators, staff members, students, volunteers and contractors on commencement and is reviewed regularly. It is also made available to families and visitors on request and via the Service's usual communication channels.

Evans Head Preschool Association provides induction and ongoing child safety training, including training about child protection law, professional boundaries, and recognising, preventing and responding to **inappropriate conduct towards children**.

This Policy should be read together with the Service's Child Safe Code of Conduct, Child Protection/Reportable Conduct procedures (where applicable), Incident Management, Dealing with complaints, and Staffing/Recruitment policies.

Evans Head Preschool Association promotes a culture where concerns are raised early and taken seriously, and where people can make a report in good faith without fear of reprisal.

Where required, Evans Head Preschool Association will comply with NSW notification, recordkeeping and reporting requirements, including obligations to notify relevant regulators and authorities.

SCOPE

This Policy applies to all people engaged by or connected with the Service, including:

- Approved Provider/Provider representative;
- Nominated Supervisor and Responsible Person in day-to-day charge;
- Educators and other staff members (including relief/casual staff);
- Students on placement, volunteers, and any contractors, consultants, suppliers or visitors who may have contact with children at the Service.

This Policy also guides interactions with families, carers and community members while they are participating in Service activities, excursions or events.

This Policy applies at all times children are being educated and cared for by the Service, including during excursions, routines, transitions, and any online/digital engagement connected to the Service.

KEY TERMS

Child means a person under 18 years.

Inappropriate conduct towards children is conduct towards a child that a reasonable person would consider to be inappropriate in an education and care service. Whether conduct is inappropriate depends on the circumstances and may include consideration of accepted education and care practice, the child's age and developmental stage, whether the conduct is likely to cause harm (including emotional, psychological or physical harm) or injury, and whether the conduct is sexual, aggressive or violent.

Paramount consideration (paramountcy principle) means the safety, wellbeing, rights and best interests of children are the paramount consideration in the operation of the Service and in decision-making affecting children.

Protected disclosure means a disclosure made in good faith through the reporting pathways in this Policy (or as otherwise permitted by law) about child safety concerns, breaches of child safety obligations or other serious wrongdoing, where the person making the disclosure is protected from detrimental treatment.

Detrimental treatment includes dismissal, demotion, discrimination, harassment, bullying, intimidation, adverse changes to duties/roster, threats, or any other harm or reprisal because a person raised a concern or made a report.

REPORTABLE MATTERS

You must raise a concern or make a report under this Policy if you have reasonable grounds to believe a person connected with the Service has engaged in, witnessed or become aware of conduct that may impact child safety or wellbeing, including:

- **inappropriate conduct towards children;**
- physical assault or use of unreasonable force; inappropriate discipline;
- sexual offences, sexual misconduct, grooming behaviours, or any sexualised comments, actions or exposure;
- neglect, including inadequate supervision or unsafe practices that place a child at risk;
- behaviour causing significant emotional or psychological harm (including humiliation, intimidation, threats, persistent yelling, shaming or isolation beyond accepted practice);

- breaches of professional boundaries (for example, gifts, favouritism, secret communication, or unnecessary one-on-one contact without transparency);
- unauthorised use of personal devices, taking/sharing images or videos of children contrary to Service procedures, or any misuse of digital communication channels;
- failure to report, record or respond to a serious incident or child safety concern, or falsification of records;
- detrimental treatment of a person who raises a child safety concern or participates in an investigation.

If you are unsure whether something is a reportable matter, you should still raise it. The Service will assess the information, take risk management action, and make any required notifications to relevant authorities.

Concerns about rostering, performance management, interpersonal conflict or other employment matters should generally be managed under the Service's grievance procedures.

However, if a matter involves child safety, suspected harm, **inappropriate conduct towards children**, or retaliation for speaking up, it must be reported under this Policy.

MAKING A REPORT / PROTECTED DISCLOSURE

Everyone connected with the Service has a responsibility to speak up about child safety. If you observe, suspect, or receive information about a reportable matter, you must act and report it as soon as possible.

If a child is in immediate danger, call **000**. You should also notify the Nominated Supervisor/Responsible Person immediately so protective action can be taken (for example, ensuring a child is supervised and safe, separating parties where appropriate, and preserving evidence).

INTERNAL REPORTING

You may report any concern (including as a protected disclosure) to one of the following:

- **Nominated Supervisor:** [Name] | [Phone] | [Email]
- **Approved Provider/Provider Representative:** [Name] | [Phone] | [Email]
- **Child Safety Lead (if appointed):** [Name] | [Phone] | [Email]
- **Educational Leader:** [Name] | [Phone] | [Email]

You can make a report outside of business hours by emailing the Approved Provider/Provider Representative or Nominated Supervisor using the details above.

You may seek advice before making a report. The Service will listen respectfully, explain next steps, and prioritise the safety and wellbeing of children.

If you are not comfortable using the above contacts, you may report to any Responsible Person in day-to-day charge or a member of the Service leadership team, who must escalate the matter to the Approved Provider without delay.

The person receiving the report will take it seriously, act to manage any immediate risks, maintain confidentiality where possible, and ensure the matter is escalated and responded to in line with this Policy and legal obligations.

EXTERNAL REPORTING

You can also report certain matters directly to external authorities. Depending on the nature of the concern, this may include:

- **NSW Police / Emergency:** call **000** (or **131 444** for non-urgent police assistance).
- **NSW Department of Communities and Justice (DCJ) Child Protection Helpline:** **132 111** (mandatory reporter line where applicable).
- **Office of the Children's Guardian (OCG):** where the Service is a relevant entity under the **NSW Reportable Conduct Scheme**, the head of entity must notify and report in accordance with the Children's Guardian Act 2019.
- **NSW Regulatory Authority for ECEC (NSW Department of Education – Early Childhood Education):** notifications about serious incidents and other regulatory matters must be made in line with National Law/Regulations requirements and NSW directions.

INFORMATION HANDLING

Evans Head Preschool Association will handle information sensitively and in accordance with privacy, child protection and regulatory requirements. We will not promise absolute confidentiality where sharing is necessary to protect children or comply with the law.

Where appropriate, we will communicate with the person who raised the concern about progress and outcomes, noting that some information may be limited due to privacy, natural justice and ongoing investigations.

ANONYMITY AND CONFIDENTIALITY

You may make a report anonymously. The Service will assess and respond to anonymous reports as far as practicable; however, anonymity can limit our ability to clarify information and provide feedback.

The Service will keep reports confidential to the extent possible and will only share information on a need-to-know basis, or where required to protect children or comply with the law.

RESPONSE AND INVESTIGATION

Evans Head Preschool Association will respond to all reports as soon as practicable. This includes immediate child safety risk management (for example, increased supervision, changes to duties, or separation of parties where appropriate), required notifications to authorities, and an investigation process that is fair, timely and documented.

Investigations may be led by Evans Head Preschool Association's Approved Provider/Nominated Supervisor, or an independent external investigator, depending on the seriousness and any conflicts of interest. Evans Head Preschool Association will cooperate with police, the regulator and other agencies where required.

Where a report is anonymous, the Service will investigate based on the information available and may be limited in its ability to obtain further details.

The Service will take a child-centred and trauma-informed approach. The person who raised the concern will be informed of progress where possible. Any person subject to an allegation will be afforded procedural fairness, including an opportunity to respond, unless this would compromise child safety or a criminal/regulatory process.

The Service will keep appropriate records of reports, actions taken, decisions and outcomes, and will review systems and supervision to prevent recurrence. Outcomes may include training, increased supervision, performance management, disciplinary action, reporting to authorities, and/or improvements to child safe systems.

PROTECTION FROM DETRIMENTAL TREATMENT

Evans Head Preschool Association is committed to ensuring that any person who raises a child safety concern or makes a protected disclosure in good faith is treated fairly, supported, and not subjected to detrimental treatment or reprisal.

Non-retaliation

The Service will not tolerate retaliation against anyone who raises a concern, makes a report, participates in an investigation, or supports a child or colleague in doing so.

If you experience or observe detrimental treatment, report it immediately to the Approved Provider/Provider Representative. The Service will take action, which may include disciplinary action.

What is detrimental treatment?

Detrimental treatment may include (without limitation):

- dismissal, suspension, demotion or other disciplinary action;
- unreasonable changes to duties, shifts, location or conditions;
- discrimination, bullying, harassment or intimidation;
- threats, adverse treatment, reputational harm or any other reprisal.

The Service will also protect people involved in an investigation (including witnesses) from detrimental treatment because of their involvement.

Where appropriate, the Service may implement practical measures to reduce risk of reprisal or further harm (for example, changes to reporting lines, additional supervision, or altered duties) while maintaining child safety as the paramount consideration.

If you feel unsafe or pressured not to report, or believe retaliation is occurring, notify the Approved Provider/Provider Representative immediately.

CONFIDENTIALITY AND PRIVACY

Evans Head Preschool Association will treat information received under this Policy confidentially and sensitively.

Information will be shared only with people who need to know in order to respond, manage risk and meet legal obligations, and with external authorities where required or appropriate (for example, police, DCJ, the NSW ECEC Regulatory Authority and/or the Office of the Children's Guardian).

We will take reasonable steps to de-identify information where possible and lawful, and to reduce the risk of a reporter being identified.

The Service may need to disclose information (including identity) where:

- you consent; and/or
- disclosure is required or permitted by law (including child protection, regulatory or information sharing requirements); and/or
- disclosure is necessary to protect children, to manage serious risks, or to enable an effective investigation.

Where sharing information may identify a reporter, the Service will take reasonable steps to minimise that risk (for example, limiting details in communications, secure storage, and restricting access to information).

Evans Head Preschool Association will also take the following measures to protect confidentiality:

- All paper and electronic documents and other materials relating to disclosures will be stored securely;
- Access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- Only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of your identity (subject to your consent) or information that is likely to lead to your identification;
- Communications and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other staff; and
- Each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of your identity may be a criminal offence.

If you are concerned that your identity has been disclosed without your consent, you should inform the Approved Provider/Provider Representative or Nominated Supervisor immediately.

SUPPORT AVAILABLE

Any staff member who makes a report under this Policy, or who is involved in a report, may access support through Evans Head Preschool Association, including a nominated support person (where appropriate) and external support services.

Where appropriate, Evans Head Preschool Association may appoint an independent support person to assist a reporter or staff member involved in an investigation.

You may also access third party support providers such as Lifeline (**13 11 14**) and Beyond Blue (**1300 224 636**) for support.

OTHER MATTERS

Any breach of this Policy will be taken seriously and may result in disciplinary action, up to and including termination of employment (where applicable) or removal from the Service (for volunteers/contractors/visitors).

This Policy does not form part of any individual contract of employment.

Evans Head Preschool Association may introduce, vary, remove or replace this Policy from time to time. Educators, staff and volunteers are encouraged to read this Policy in conjunction with other relevant Service policies and procedures.

Statutory Legislation & Considerations

Education and Care Services National Regulations 2011: 84, 117A, 117B, 117C, 161, 168, 170, 171, 172, 181, 183.

National Education and Care Services National Law Act 2011: 161, 161A, 162, 162A, 165, 167.

Links

Link to National Quality Standard - Elements:

2.2, 2.2.3
7.0

Related Policies

- Staff Code of Conduct
- Child Safe Standards
- National Model Code for Early Child Education & Care (ACECQA)

Children's Guardian Act 2019 (NSW), including:

- NSW Child Safe Scheme / NSW Child Safe Standards
- NSW Reportable Conduct Scheme

Policy Availability

The Child Safety, Inappropriate Conduct & Protected Disclosures Policy will be readily accessible to all staff, families and visitors, and ongoing feedback on this policy will be invited.

President's Name: ...Ashleigh Mitchell.....

President's Signature:

Date: ...21...../.....05...../...2026.....

REVIEW DATE:21.../...05.../...2028...

| Policy Dated | Adopted by | Review Date |
|--------------|-------------------|-------------|
| 21/05/2026 | Ashleigh Mitchell | 21/05/2028 |
| | | |
| | | |
| | | |
| | | |

