

CHILD PROTECTION POLICY - ACT

Kaleen Cubbyhouse 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. Kaleen Cubbyhouse embeds the [ACT Child Safe Standards](#) and promotes a culture of safety and wellbeing to minimise the risk of child abuse, neglect or significant harm, while promoting children's sense of security and belonging.

We will ensure all employees, students and volunteers understand the meaning, importance and benefits of providing a child safe environment and, critically, understand their reporting obligations and requirements. Kaleen Cubbyhouse adheres to and aligns with legislative requirements related to taking images or videos of children.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2	Safety	Each child is protected.
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, practised 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 NATIONAL REGULATIONS	
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S. 5	Definitions: "serious incident"
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S. 165	Offence to inadequately supervise children
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S. 174	Offence to fail to notify certain information to Regulatory Authority
Part 6A	Devices in education and care services
S. 188	Offence to engage person to whom prohibition notice applies
S. 188A	Offence to give false or misleading information to approved provider about prohibition notice
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176C	Approved providers must notify Regulatory Authority of changes
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RELATED LEGISLATION

<u>Children and Young People Act 2008</u>	<u>Working with Vulnerable People (Background Checking) Act 2011</u>
<u>Crimes Act 1900</u>	<u>Ombudsman Act 1989</u> (for the ACT Reportable Conduct Scheme)

PURPOSE

All educators, staff, visitors and volunteers are committed to identifying possible risks and indicators of harm to children and young people at Kaleen Cubbyhouse. We understand our duty of care to protect children from abuse and neglect and will adhere to our moral and legislative obligations at all times. We believe that children's safety, rights, and best interests are the paramount consideration in all Cubby operations, decisions and functions. Cubby ensures that child safety, wellbeing and best interests take priority over all other considerations, including financial interests or other obligations of management, and are embedded in our daily practices, policies and procedures.

We implement effective strategies to ensure the safety and wellbeing of all children. Kaleen Cubbyhouse will act in the best interest of each child, supporting them to develop to their full potential in a secure and child safe environment.

Keeping children safe: a shared responsibility.

SCOPE

This policy applies to children, families, staff, educators, management, approved provider, nominated supervisor, students, volunteers and visitors of Kaleen Cubbyhouse.

DEFINITIONS

For additional definitions and key terms used within this policy, refer to *Key Terms – Policies and Procedures*.

ACT Child Safe Standards: is a legislative framework of 10 standards that organisations that work with or provide services to children and young people must implement to help create and maintain environments that are safe, inclusive and supportive. Implementing the ACT Child Safe Standards is equivalent to implementing the National Principles for Child Safe Organisations.

Child/children refers to both children and young people under the age of 18 years.

Child abuse is any act, or failure to act, that harms or places a child or young person at risk of harm to their physical, psychological or emotional health, wellbeing or development. Child abuse may occur as a single incident or as a

pattern of incidents over time and can occur within organisations as well as within families, particularly where power, authority, isolation or poor supervision increase risk to children.

Child abuse, neglect and harm: The ACT Government identifies the following as abuse, neglect and harm:

- sexual abuse
- physical abuse
- emotional abuse
- unmet basic needs
- family violence
- self-harm

There are common physical and behavioural signs that may indicate abuse or neglect, known as indicators. The presence of a single indicator does not necessarily mean abuse or neglect has occurred; however, a single indicator can be as significant as the presence of several indicators. Each indicator should be considered in the context of other indicators and the child's individual circumstances.

A child's behaviour is likely to be affected when they are experiencing stress, and there can be many causes of stress unrelated to abuse or neglect. Educators and staff should seek to understand the specific cause of any change in a child's behaviour rather than assuming abuse or neglect, while remaining alert to their obligations under this policy. Further definitions and indicators are available through the Children, Youth and Families (CYF) guidance on [Keeping children and young people safe](#).

Concerning or harmful sexual behaviours displayed by a child: Children's sexual development includes curiosity about their bodies and sexual identity. While some behaviours may be part of normal, age-appropriate development, other behaviours may be outside typical developmental expectations and require an immediate response in line with child protection and mandatory reporting obligations. For further information, see pages 56-57 of the [NQF Child Safe Culture Guide](#) (ACECQA, 2025).

Inappropriate conduct to a child: is any behaviour that a reasonable person would consider to be inappropriate in an education and care service, taking into account the child's age, development, safety, wellbeing and the context of the interaction.

Mandatory reporting: is the legislative requirement under the [Children and Young People Act 2008](#) for certain professionals to provide information to the Child and Youth Protection Services (CYPS) if, through the course of their work (paid or unpaid), they believe on reasonable grounds a child is at risk of significant harm:

- being or has been sexually abused, or
- experiencing or has experienced non-accidental physical injury (physical abuse)

All adults in our community must report to the ACT Police if they believe child sexual abuse has occurred.

Mandatory reporters: Mandatory reporters in the ACT include:

- teacher (including a paid teacher's assistant)
- school counsellor
- person authorised to inspect education programs, materials or other records used for home education
- childcare worker
- person monitoring home-based care for a family day care provider
- person who, in the course of their employment, has contact with or provides services to children, young people and their families and is prescribed by regulation. More information on mandatory reporters can be found here:

[Reporting child abuse: the law.](#)

Reportable conduct: The ACT Reportable Conduct Scheme is an employment-based child protection measure that requires designated entities, including education and care services and children's services, to notify the ACT Ombudsman of allegations that an employee has engaged in conduct involving a child that results in:

- ill-treatment, neglect, psychological harm, misconduct of a sexual nature,
- or where the employee has committed a criminal offence involving a child.

The definition of an employee includes volunteers and other persons engaged to provide services to children.

Designated entities must investigate and respond to allegations in accordance with the Scheme and take appropriate action to protect children and promote their safety and wellbeing.

Risk of significant harm: A child or young person is considered to be at risk of significant harm (ROSH) when there are concerns that their safety, wellbeing or development may be seriously impacted. Examples of circumstances that may indicate a risk of significant harm include:

- concerns about sexual abuse, grooming or exploitation
- physical or emotional abuse
- a child's essential needs for care, safety, health, development or emotional support not being adequately met
- family violence.

WORKING WITH VULNERABLE PEOPLE

The ACT Working with Vulnerable People (WWVP) Scheme is administered through [Access Canberra](#) and requires people undertaking regulated activities with vulnerable people, including children, to hold a valid WWVP registration. Employees are required to carry their WWVP cards or registration records when working. Education and care services

are required to check an employee's or person's WWVP registration before the employee or person begins working or interacting with children.

Cubby will email [Access Canberra](#) and verify the WWVP registration status of all staff, educators, students, volunteers and other persons engaged by the Service before they commence work or engage in activities with children in accordance with the *Working with Vulnerable People (Background Checking) Act 2011*. Our Service will not employ or engage a person who does not hold a valid WWVP registration where required by law.

Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the WWVP registration being revoked. If new information about a person means they pose a risk to children's safety, that person's check will be re-assessed and they will be immediately prohibited from working with children, in accordance with directions from Access Canberra compliance officers.

All staff, volunteers and students must notify the approved provider in writing of any changes to their WWVP status, their teacher registration or fit and proper status within 24 hours of becoming aware of the change. The approved provider must notify the Children's Education and Care Assurance (CECA) within 24 hours of becoming aware of any changes, including negative notices or changes to teacher registration.

The National Continuous Checking Capability (NCCC) will be used to support real-time monitoring of worker criminal history across all jurisdictions. [scheduled to begin in 2026]

IMPLEMENTATION

Kaleen Cubbyhouse has zero tolerance for any abuse, neglect or harm against a child and endorses high quality practices in relation to protecting children. Educators have an important role in supporting children and young people and identifying any concerns that may jeopardise their safety, welfare, or wellbeing, guided by child safety principles and the best interests of the child as the paramount consideration, 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.

TRAINING AND AWARENESS

Our Service promotes a culture of child safety and wellbeing within the Service. The approved provider will ensure all prescribed personnel, i.e., all persons with management or control, nominated supervisors, persons in day-to-day charge, other staff, volunteers, and students:

- complete [national child safety training](#) (before or within 14 days of commencing work at the Service or working directly with children, including the foundation training and advanced training (where applicable), and renew training every 2 years
- are aware of the current child protection law
- understand how to apply child protection law within our Service, and can demonstrate that understanding
- are aware of their obligations, including their responsibilities as mandatory reporters
- are aware that neglecting to report child protection concerns may be deemed a criminal offence.

In addition, the approved provider will ensure that each person who works or volunteers with children in our Service:

- successfully completes approved child protection training, i.e., [Training to respond to child abuse and neglect](#), within the required timeframes and renews this training every 2 years
- provides evidence of the completion of approved child protection training.

Kaleen Cubbyhouse will refer to the current Australian Children's Education and Care Quality Authority (ACECQA) approved [child safety and protection training requirements](#) to ensure compliance with the applicable state or territory requirements.

The approved provider will ensure all records relating to child safety and child protection training, including date of completion and renewal date, are recorded via the *Training Register*. Records will be kept for 3 years after a person's engagement with the Service ends.

REPORTING AND NOTIFICATION REQUIREMENTS

THE APPROVED PROVIDER/MANAGEMENT/NOMINATED SUPERVISOR WILL:

Dial **000** if a child is at immediate risk and ACT Police or medical assistance is required.

- report allegations, disclosures or concerns of child abuse, neglect, harm or inappropriate conduct to relevant authorities, including ACT Police (131 444), CECA, and CYF where required
- report risk of significant harm (where it is from someone within the child's family environment) via an online [e-Report](#) to CYF or contact 1300 556 729 within 24 hours or if the abuse is by someone outside of the family environment, contact ACT Police (131 444)
- notify CECA through the [NQA IT System](#) (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
 - any complaints alleging that a serious incident has occurred or is occurring at the Service
 - any serious incident, including (but not limited to):
 - physical or sexual abuse of a child where emergency services attended the Service

- any circumstances that pose a risk to the health, safety or wellbeing of a child, including:
 - harmful behaviour of a child that poses a risk to other people while being educated and cared for by Kaleen Cubbyhouse
 - any incident or allegation of conduct by an approved provider, nominated supervisor, staff member or volunteer that a reasonable person would consider to be inappropriate at the Service, including inappropriate conduct towards a child or between adults in the presence of a child
- any change to a person's WWVP or any relevant risk information related to child safety
- report any suspected cases of online abuse to the relevant authorities, including the eSafety Commissioner and ACT Police, in accordance with legal requirements and child protection obligations
- ensure documentation is completed to assist in making reports to relevant authorities, including the *Incident, Injury, Trauma and Illness Record* in the first instance, and any other records required by relevant authorities
- comply with legislation for the Reportable Conduct Scheme and ensure the [ACT Ombudsman](#) is notified within 30 business days of becoming aware of any allegations and/or convictions of child abuse and misconduct toward children by an employee or volunteer. The Service will investigate all allegations and take appropriate action to ensure children's safety and wellbeing (see Reportable Conduct Scheme section below).
- develop a 24-hour reporting procedure to ensure that any matter notifiable to the CECA is reported within the required timeframe, including incidents that occur or are reported outside operational hours (e.g., weekends or public holidays).

EDUCATORS WILL:

- contact the ACT Police on **000** if there is an immediate danger to a child, where it is safe to do so, and take reasonable steps to protect the child until emergency services arrive
- understand their mandatory reporting obligations and to report any situation where they believe, on reasonable grounds, that a child or young person is experiencing abuse or neglect, or if they wish to discuss concerns about a child or young person, contact CYF
- listen to and acknowledge a child's disclosure, taking their concerns seriously and engaging the appropriate authorities
- report concerns directly to ACT Police where there is an immediate threat to a child's safety or where a crime is suspected, including allegations of assault, sexual abuse or grooming
- be aware of the requirement to report a concern or if they have a suspicion that a child is at risk of abuse, harm, neglect or ill-treatment to the approved provider or nominated supervisor and CYF via an online [e-Report](#) or contact 1300 556 729
- report all child safety concerns, incidents, allegations and complaints to the approved provider or nominated supervisor

- prepare accurate, objective and timely records, recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to support any investigation
- NOT investigate allegations or suspicions of abuse or neglect, but collect only enough information to clarify concerns and make a report to ACT Police, CYF or other appropriate authority
- understand that allegations or concerns relating to their own conduct will be managed in the same way as allegations made against any other people
- identify and report any concerns, allegations, suspicions, observations or disclosures of reportable conduct, including conduct by a staff member, volunteer, contractor or student that may place a child at risk of harm, to the approved provider in accordance with Service procedures
- refer families to appropriate support agencies when there are no significant reasons to believe a child is being abused or neglected. Referral pathways may include [FIRST Canberra](#) or other relevant services. Family consent will be sought (where appropriate) before making referrals
- seek appropriate support for their own wellbeing following child protection concerns, disclosures, allegations or reports, while maintaining confidentiality and professional responsibilities.

CONFIDENTIALITY

It is important that all allegations and notifications remain confidential until investigated by the appropriate authorities. The individual who makes the notification should not inform the suspected perpetrator (if known) nor attempt to investigate any allegation themselves. This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements by the appropriate authorities.

PROTECTION FOR REPORTERS

All reporters are protected against liability and detrimental action for making or proposing to make a report under amendments to the *Children and Young People Act 2008*. Provided the report is made in good faith and on reasonable grounds:

- the report does not breach standards of professional conduct
- the report cannot result in defamation, civil or 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 by law from being disclosed, except in certain exceptional circumstances.

These protections are outlined within our *Protected Disclosures (Whistleblower) Policy*, which supports

and protects individuals who report concerns in good faith about child safety, compliance with the National Law, or Service operations. Child protection reports are generally exempt from release because they contain confidential and protected information.

SHARING OF INFORMATION

The *Children and Young People Act 2008* provides guidance about why, when and how information obtained under the Act may be shared in a legal, professional and appropriate way. All information received as an Information Holder may be protected information and some protected information received will be sensitive information. The person's consent does not necessarily allow another person to share sensitive information unless it is in the best interests of a child or young person to do so.

Personal information, other than sensitive information, may be shared with the consent of the person whom the information is about. Such consent, where possible, should be obtained in writing or a record should be made of the consent provided. Information that would identify a reporter or would allow the identity of a reporter of a child protection report to be determined is sensitive information that must not be shared unless authorised by law or ordered by the Court. Records must be kept of information requested and shared.

THE APPROVED PROVIDER/MANAGEMENT/NOMINATED SUPERVISOR WILL ENSURE:

Governance, Child Safety and Compliance

- that obligations under the Education and Care Services National Law and Education and Care Services National Regulations are met, and children's safety, rights and best interests are prioritised at all times
- families are aware of this *Child Protection Policy* and relevant procedures and are advised on how and where the policy can be accessed
- all children being educated and cared for by the Service are adequately supervised
- a range of strategies are used to provide effective supervision, including using attendance records to ensure children are accounted for (e.g., head counts)
- that they do not subject a child to inappropriate conduct or inappropriate discipline and ensure that no child being educated and cared for by the Service is subjected to inappropriate conduct or inappropriate discipline by any staff member, student or volunteer
- any allegations, concerns or suspicions of inappropriate conduct are investigated and reported to CECA in accordance with the *Management of Inappropriate Conduct Procedure*
- that the premises, including toilets and nappy change facilities, are designed and maintained to facilitate clear supervision of children while maintaining their rights and dignity
- all training completed by staff, students, volunteers and persons with management or control is recorded on the *Training Register*.

All employees, volunteers, students and visitors: (where applicable):

- have knowledge of and adhere to child safety policies, including the *Child Protection, Child Safe Environment, Code of Conduct and Safe Use of Digital Technologies and Online Environments Policies*
- not use, or have access to, any personal electronic devices, including mobile phones or smart watches used to take images or videos when educating and caring for children at the Service
- only use electronic devices supplied by the Service for taking images or videos of children enrolled at the Service
- are never left alone with a child while at the Service under any circumstances (best practice for staff and educators, mandatory for volunteers, students and visitors).
- are required to participate in a comprehensive induction, training and ongoing supervision to promote and foster a child safe culture and ensure they understand that child safety is everyone's responsibility, and they adhere to the ACT Child Safe Standards
- are provided with support to adhere to a zero-tolerance stance against child abuse
- are provided with current information and reporting procedures for the Reportable Conduct Scheme
- are supported and empowered to make a report to CYF or ACT Police
- are provided with regular training and resources about the different ways children may express concerns, distress and disclose harm, as well as the process for responding to disclosures from children, including a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child
- are provided with regular training and resources about trauma-informed care, effective supervision and monitoring, appropriate and inappropriate discipline and online abuse
- are informed of appropriate positive and consistent approaches to guide behaviour and ensure no child is subjected to any form of corporal punishment or discipline that is unreasonable in the circumstances
- are advised that it is an offence to subject a child to inappropriate conduct which includes behaviour that is inconsistent with professional standards; is likely to cause emotional, psychological or physical harm to children or has violent or sexual connotations
- are informed that if they observe, suspect or receive any allegations or disclosures that a staff member or volunteer is engaging in or has engaged in inappropriate conduct, they must notify CECA, approved provider and nominated supervisor as soon as practicable, and no later than within 24 hours
- are provided with access to all relevant legislation, regulations, standards and other resources to help meet their mandatory reporting obligations
- are required to participate in regular performance reviews.

Recruitment, Screening and Workforce Requirements

- a thorough recruitment process is implemented to employ people who are committed to children's safety and ensure applicants demonstrate behaviours and values consistent with the Service's Code of Conduct, Statement of Philosophy and child safety policies and procedures (see *Recruitment Policy*)
- the recruitment process includes pre-employment screening, background checks, reference checks and prohibition checks
- all prospective applicants are required to complete a prohibition notice declaration to acknowledge they do not hold any prohibition notices or negative notices that would prevent them from working with children
- all staff, volunteers' and students' WWVP registrations are validated and checked prior to their employment or engagement
- WWVP registrations for visitors who come into direct contact with children are validated and recorded (records should include WWVP registration number and expiry date [best practice])
- a record is kept and updated with the number of each WWVP registration and expiry date, and staff and educators are reminded to renew their WWVP registration at least 3 months prior to expiry, see *WWCC Register*
- staff, student and volunteer records are maintained as per the *Record Keeping and Retention Policy* and entered into the National Early Childhood Worker Register
- staff, students and volunteers notify the approved provider in writing within 24 hours of becoming aware of any changes to their WWVP registration, their teacher registration or fit and proper status (including show cause notices, suspension notices, supervision notices, disciplinary notices/orders or prohibition notices)
- staff, students and volunteers are advised that it is an offence to provide false or misleading information in relation to their identity, qualifications, WWVP registration, or any matter relevant to their suitability to work with children.

Reporting, Records and Continuous Improvement

- a *Child Protection Risk Assessment* is completed and reviewed annually
- a *Child Protection Concerns Register* is completed to record child protection concerns, disclosures, or suspicions of child abuse or neglect [best practice]
- Kaleen Cubbyhouse cooperates and complies with any directions or orders issued by CECA regarding a show cause, suspension or supervision notice provided to a student, volunteer or visitor, including immediately preventing the person from engagement with children
- child safety is emphasised throughout the Service with regular discussions at team meetings and with children and families
- regular assessment of staff understanding of child safety policies and procedures through quizzes/surveys
- educators are provided with reporting procedures and professional standards to safeguard children and protect the integrity of educators, staff and volunteers

- records of abuse or suspected abuse are kept confidential, stored securely, and accessible only to authorised personnel, in line with our *Privacy and Confidentiality Policy*
- records relating to child sexual abuse that has occurred or is alleged to have occurred are kept for at least 45 years [best practice]
- complaint handling processes are child-focused and provide support and guidance for children to identify who they can talk to if they are feeling unsafe (*See Dealing with Complaints Policy*)
- following any critical incident, children, staff and families are provided with access to appropriate support services they may need, including counselling, debriefing and community services
- critical reflection is undertaken with staff and educators following any critical incident to inform changes to policies, procedures, practices (including supervision arrangements), and risk assessments.

STAFF, EDUCATORS, VOLUNTEERS, STUDENTS AND VISITORS WILL: (where applicable)

- comply with and understand *Child Protection, Child Safe Environment, Code of Conduct, and Safe Use of Digital Technologies and Online Environments Policies* and relevant procedures
- participate in a comprehensive induction and orientation program, including an understanding of child protection legislation and reporting obligations
- support and promote a child safe culture within the Service by complying with the ACT Child Safe Standards
- adhere to the Service's zero-tolerance stance against child abuse
- complete approved child protection training, i.e., [Training to respond to child abuse and neglect](#), within the required timeframes and renew it every 2 years
- complete mandatory national child safety training within the required timeframes and renew it every 2 years
- understand their mandatory reporting obligations and responsibilities, and be aware that neglecting to report child protection concerns may be deemed a criminal offence
- participate in regular training on child protection, including recognising and responding to children's expressions of concern, distress and disclosures of harm, indicators of abuse or neglect, grooming behaviours, child sexual abuse prevention, and harmful sexual behaviours displayed by young children, including the Traffic Lights Framework. Training should also include the process for responding to disclosures from children, including a complaint that alleges a child is exhibiting sexual behaviours that may be harmful to the child or another child (refer to guidance below) [best practice].
- participate in regular training about trauma-informed care, effective supervision and monitoring, appropriate and inappropriate discipline and online abuse
- not use any personal electronic devices, including mobile phones or smart watches used to take images or video of children at the Service
- implement consistent, appropriate interactions with children
- foster a culture of openness, respect and cultural safety where children and young people feel secure and valued

- allow children to be part of decision-making processes where appropriate
- provide ongoing monitoring and follow-up for children's health and wellbeing
- use appropriate, positive and consistent approaches to guide behaviour and ensure no child is subjected to any form of corporal punishment, inappropriate conduct or inappropriate discipline
- notify the approved provider and nominated supervisor as soon as practicable, and no later than 24 hours, if they observe, suspect or receive an allegation or disclosure that a staff member or volunteer is engaging in or has engaged in inappropriate conduct.

DOCUMENTING A DISCLOSURE / A DISCLOSURE OF HARM (GENERAL)

A disclosure of harm emerges when someone, including a child, tells you about harm that has happened or is likely to happen. Disclosures may be received from a child, family, staff member, volunteer or another person.

WHEN RECEIVING A DISCLOSURE FROM A CHILD, THE PERSON RECEIVING THE DISCLOSURE WILL:

- give the child or young person their full attention
- remain calm and find a suitable place to talk where the child feels comfortable and can be heard
- not make promises that cannot be kept. For example, never promise confidentiality or that the information will not be shared.
- explain to the child or young person what you plan to do next and what is required
- reassure the child or young person that they have done the right thing in revealing the information or speaking up, and that it will be necessary to tell those who can help keep them safe
- let the child or young person take their time and use their own words
- only ask enough questions to clarify the information required to make a report, as further questioning could cause distress, confusion or interfere with any later enquiries
- tell the child or young person that the abuse or harm is not their fault
- support culturally and linguistically diverse children and children with additional needs to express themselves in their preferred way
- not attempt to investigate or mediate an outcome between the parties involved
- not confront the alleged perpetrator
- document the disclosure as soon as possible so the details are accurately captured, including:
 - time, date and place of the disclosure
 - 'word for word' record of what was said and what happened, including anything they (the staff member/educator) said, and any actions taken
 - date of record and signature.

Adapted from: Australian Institute of Family Studies (2025), *Responding to children and young people's disclosures of abuse*.

CONCERNING OR HARMFUL SEXUAL BEHAVIOURS DISPLAYED BY A CHILD

Children's sexual development includes curiosity about their bodies and sexual identity. While some behaviours may be age and developmentally appropriate, behaviours that are harmful, coercive, persistent, exploitative or outside typical developmental expectations will be responded to immediately

in accordance with supervision, child protection and mandatory reporting obligations.

Educators and staff will:

- engage in professional learning to promote a consistent and appropriate approach to identifying and responding to harmful sexual behaviours in children. This may include consideration of:
 - age and developmental capacity of the child/children
 - reasons why a child may display harmful sexual behaviours
 - behavioural history of the child
 - how the behaviour impacts other children
 - risk the behaviour poses to others
 - vulnerability of the child displaying harmful sexual behaviours, including whether they have experienced abuse or trauma, have been exposed to sexually explicit material, have attachment difficulties, or have developmental delays that may affect their understanding of appropriate boundaries and consent.
- respond to concerns about any sexual behaviour that may be harmful to the child or another child promptly (see *Child Protection Notification Procedure*)
- recognise that a child displaying harmful sexual behaviour may themselves be a victim of abuse, and respond to all such behaviour with this possibility in mind, ensuring the child's needs are assessed and addressed alongside any necessary notification
- follow guidance from the Traffic Lights Framework [or similar program] to manage the concern or complaint
 - **RED** - signals sexual behaviours which indicate immediate intervention and action
 - **ORANGE** - signals sexual behaviours that may be concerning and for educators to take notice and gather information and assess appropriate action
 - **GREEN** - signals sexual behaviours that are expected and age-appropriate for children's development
- provide appropriate supervision and take immediate action to ensure children's safety and wellbeing
- respond to any child displaying harmful or problem sexual behaviours in a manner that is respectful, trauma-informed and appropriate to the child's age and developmental stage
- work in partnership with families and relevant agencies where required
- support all children involved in a respectful and non-stigmatising manner
- document and report all concerns in accordance with child protection and mandatory reporting obligations
- conduct an environmental audit to identify any indoor or outdoor areas that may not offer clear lines of sight for supervision, including enclosed spaces such as cubby houses, play corners and bathroom areas.

EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOURS

Our educational program will support children to learn about their rights, develop protective behaviours, and encourage them to express their views, feelings and concerns. A risk assessment will be conducted prior to the delivery of any child protection education program to ensure it is age-appropriate and supports children's wellbeing. Children will be supported to learn:

- about safe and unsafe behaviour in both physical and online environments
- about appropriate and inappropriate contact in an age-appropriate and developmentally appropriate way
- about body safety, including using correct names for private body parts, recognising inappropriate touch and respecting personal space and boundaries
- appropriate interactions with other children, including respecting personal space, body boundaries, consent, privacy and the right of others to feel safe and comfortable
- that no other child is allowed to touch your private body parts and you are not allowed to touch another child's private parts
- what to do if another child asks them to engage in sexual behaviour or touches them without consent
- about their right to feel safe and respected at all times
- to say 'no' to anything that makes them feel unsafe or uncomfortable, and seek help from trusted adults
- strategies to help them recognise and respond to situations that may make them feel unsafe or uncomfortable
- to identify and express feelings when they feel safe, unsafe, worried or uncomfortable
- identify trusted educators, adults and friends who can support them
- the difference between 'safe and unsafe secrets', and that there is no secret that cannot be shared with a trusted adult
- that educators are available to listen and support them if they have any concerns
- to tell a trusted adult about any behaviour, activity or person that makes them feel unsafe or worried
- to recognise and express their feelings verbally and non-verbally
- strategies to help them regulate emotions and seek support when needed.

BREACH OF THE CHILD PROTECTION POLICY

A breach is any action or inaction by an individual within the Service, including staff, educators, students, volunteers and visitors who fail to comply with any part of this policy. The rights and best interests of children are paramount, and breaches will be treated seriously.

Any allegations of criminal offences against children, including sexual offences, must be reported to the ACT Police and relevant authorities immediately. Any person who reports a breach or concern in good faith will be protected against retaliation under the *Protected Disclosures (Whistleblower) Policy*.

All breaches will be recorded and outcomes documented in accordance with record keeping requirements. A breach may include (but is not limited to):

- failure to report suspected child abuse, neglect, or risk of harm
- engaging in or failing to prevent inappropriate conduct or inappropriate discipline towards a child
- breaching confidentiality about a child protection matter
- failing to maintain a valid WWVP registration, where required
- not following the Service's *Code of Conduct Policy*, supervision or reporting procedures
- any action or inaction that places a child at risk of harm.

MANAGING A BREACH OF THE CHILD PROTECTION POLICY

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

- liaising with CYF, CECA and ACT Police, as appropriate, to ensure evidence is not destroyed or compromised
- not conducting an internal investigation while external agencies such as CYF, CECA, ACT Police and/or the ACT Ombudsman are conducting an investigation
- following directions from external agencies such as CYF, CECA and ACT Police, which may include immediately preventing the educator or staff member who is the subject of allegations from working with children or young people until authorities conclude their investigation
- complying with all CECA requirements regarding notifications and compliance actions
- displaying the Service's compliance history and any compliance actions under review by CECA for families to view

Management may undertake an internal investigation if CYF, CECA, the ACT Ombudsman and/or the ACT Police are **not** conducting their own investigation or if their action has concluded. Management will:

- give the educator, staff member, student or volunteer the opportunity to provide their version of events and respond to the concerns
- document the details of the breach, including the information provided by all parties
- record the outcome clearly, factually and without bias
- maintain confidentiality in accordance with Service policy and legal obligations
- reach a decision based on fair consideration of all evidence and available information.

OUTCOME OF A BREACH OF THE CHILD PROTECTION POLICY

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

- disciplinary procedures, including termination of employment, if required
- reinforcing the relevant requirements of the *Child Protection Policy* or procedure that were not followed
- providing closer supervision

- providing further education and training
- restorative processes where appropriate and consistent with legal obligations
- reviewing current policies and procedures and developing new policies and procedures if necessary
- external regulatory or enforcement action, including compliance actions, fines, conditions placed on service approval, changes to the quality rating or a suspension of rating or other measures, including Service closure.

REPORTABLE CONDUCT SCHEME – OVERVIEW OF RESPONSIBILITIES

In an emergency where there are immediate concerns for a child's safety, emergency services must be contacted on 000.

The approved provider has the legislative obligation under the *Ombudsman Act 1989* to notify the [ACT Ombudsman](#) of reportable allegations, offences and convictions against their employees (including volunteers, contractors and students), investigate the allegation and advise the ACT Ombudsman of the outcome.

All educators and staff members have an obligation to report relevant allegations of reportable conduct to the approved provider. Where appropriate, concerns may also be reported directly to the ACT Ombudsman if there is a concern that the approved provider has not met their reporting duty.

This reportable conduct may have occurred either within work hours or outside work hours. A child is anyone under the age of 18 at the time the alleged conduct occurred.

The approved provider must ensure systems, policies and procedures are in place for recording and responding to or investigating allegations or convictions against employees.

The approved provider must notify the Ombudsman about any reportable allegations or convictions as soon as possible, but no later than 30 days after becoming aware of the reportable conduct and provide information regarding investigations being undertaken, including documentation (including interview records, copies of reports and evidence gathered). The approved provider must send a report to the Ombudsman to determine whether the investigation was completed satisfactorily and whether appropriate action was or can be taken. The approved provider must ensure an appropriate level of confidentiality of information relating to the reportable allegations as per the Act or other legislation.

The ACT Ombudsman provides guidelines for designated entities to request and share information where it is relevant to the safety, welfare and wellbeing of children under the Reportable Conduct Scheme. A request for information may occur in the course of an inquiry into an allegation of reportable conduct about an employee. Information must be shared, where required or authorised under the Act,

unless there is a lawful reason to refuse. The heads of relevant entities have obligations under section 17L of the Ombudsman Act 1989 to disclose 'investigation information' to the following persons unless they are satisfied that the disclosure is not in the public interest:

- a child to whom the information relates
- a parent of the child
- if the child is in out-of-home care- an authorised carer that provides out-of-home care to the child.

The ACT Ombudsman will monitor the entity's response to the allegation and may conduct their own investigation.

(See: [ACT Ombudsman](#))

SUPPORT FOR EDUCATORS AND STAFF

The approved provider, management and nominated supervisor will ensure:

- educators and staff who are involved in making a mandatory report, responding to a disclosure of abuse or neglect, or managing a notification involving concerning or harmful sexual behaviours displayed by a child are offered timely and appropriate support
- a confidential debrief is provided to any educator or staff member following their involvement in a child protection notification
- educators and staff are provided with access to professional support, including the Service's Employee Assistance Program (EAP), where needed
- the wellbeing of educators and staff involved in child protection matters is monitored on an ongoing basis following a notification
- educators and staff feel safe and supported to raise concerns about their own wellbeing without fear of judgement or reprisal
- the support provided to educators and staff involved in child protection matters remains confidential.

CHILD PROTECTION RESOURCES

ACT Government. [Report risk of significant harm to a child](#).

ACT Government Children, Youth and Families (CYF). [Keeping children and young people safe](#).

Australian Human Rights Commission. [Child safe organisations](#)

Emerging Minds. [Supporting children who have experienced trauma](#)

[Kids Helpline](#)

[Lifeline](#)

NAPCAN - [Prevent Child Abuse & Neglect](#)

Raising Children Network. [Safeguarding children and child sexual abuse](#)

Stop It Now! [A child or young person's sexual behaviour](#)

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Child Protection Policy* will be evaluated and reviewed on an annual basis or earlier if there are changes to legislation, ACECQA guidance or any incident related to our policy. Feedback will be requested from children, families,

staff, educators and management. All families will be notified 14 days before any policy change that may have a significant impact on the provision of education and care to any child enrolled at the Service or the family's ability to utilise Kaleen Cubbyhouse.

SOURCES

ACT Government. [Reporting child abuse and neglect](#)

ACT Government. [Working with Vulnerable People](#)

ACT Ombudsman. [Reportable conduct](#)

Australian Children's Education & Care Quality Authority. (2026). [Guide to the National Quality Framework](#)

Australian Children's Education & Care Quality Authority. (2025). [Embedding the National Child Safe Principles](#)

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

Australian Children's Education & Care Quality Authority. (n.d.). [Reporting requirements about children](#)

Australian Children's Education & Care Quality Authority. (2026). [Safe use of devices in education and care services](#)

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

Australian Institute of Family Studies. (2023). [Mandatory reporting of child abuse and neglect](#)

Australian Institute of Family Studies. (2025). [Responding to children and young people's disclosures of abuse](#)

Australian Institute of Family Studies. (2023). [What is child abuse and neglect?](#)

Commission for Children and Young People. [Reportable Conduct Scheme](#).

Early Childhood Australia. (2016). [Code of Ethics](#).

[Education and Care Services National Law Act 2010](#)

[Education and Care Services National Regulations 2011](#)

REVIEW

POLICY REVIEWED BY	Ana Stokic	Director	
POLICY REVIEWED	AUGUST 2026	NEXT REVIEW DATE	AUGUST 2027
MODIFICATIONS	• annual policy review • revised roles, responsibilities and legislative obligations • introduced and improved headings and the overall structure – reorganising points as needed • removed duplicated and outdated content • added new sections, including ○ concerning or harmful sexual behaviours displayed by a child ○ support for educators and staff • updated content for accuracy, clarity and consistency • all references and sources checked for currency and updated as required		
PREVIOUS MODIFICATIONS			
FEBRUARY 2026	• policy reviewed out of scope due to changes in Education and Care Services National Law to include child safety reforms National child safety training, inappropriate conduct offences • additional definitions added to policy • sources checked for currency and updated as required		