

Child Protection and Safety

Education and Care Services National Law

- 162A- Person in day-to-day charge and Nominated Supervisors to have child protection training.
- 166- Offence to use inappropriate discipline.
- 167- Offence relating to protecting children from harm and hazards.

Education and Care Services National Regulations

- 84- Awareness of child protection law
- 170- Policies and Procedures to be followed
- 171- Policies are to be kept available
- 172- Notification of change to policies and procedures
- 175(2)(d, e)- Prescribed information to be notified to Regulatory Authority

National Quality Framework:

- 2.2.3 – Child Protection
- 5.1 – Relationships between educators and children
- 7.1.2 – Management Systems
- 7.1.3 – Roles and responsibilities

Working with Children (Risk Management and Screening) Act 2000

Child Protection Act 1999

Policy Link:

- Acceptance and Refusal of Authorisations
- Child Safe Environments
- Complaints and Grievances
- Delivery and Collection of Children
- Emergency and Evacuation
- Interactions with Children
- Medical Conditions
- Orientation and Enrolment
- Records and Record Keeping
- Connecting with Culture
- Diversity and Equity
- Documentation of the Educational Program
- Educators Qualifications/Study
- Internet and Social Networking Usage
- Privacy and Confidentiality

- Code of Conduct
- Commitment Statement to Children and Young People
- Educator Handbook
- Parent Handbook

Definitions

Term	Meaning	Source
ACECQA- Australian Children's Education and	The independent national authority that works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources, and services to support the sector to improve outcomes for children.	acecqa.gov.au
Child	A person under the age of 16 years.	
Child protection	Child protection is part of the safeguarding process. It focuses on protecting individual children identified as suffering or likely to suffer significant harm. This includes child protection procedures that detail how to respond to concerns about a child.	
Prohibited person	Any person convicted of a serious sex offence will not be permitted to work or seek work in employment that primarily involves direct contact with children where that contact is unsupervised (in either a paid or unpaid role).	

Policy Statement

Our service is committed to the protection of all children in our care by providing child-safe environments. Just like adults, children have human rights across the full spectrum of civil, cultural, economic, political, and social rights.

Goals / What are we going to do?

- Ensure educators are provided with Child Protection training.
- Ensure every educator has a positive working with children check.
- Ensure that educators use the Intranet system to check and recheck their understanding of the child protection legislation.

Procedures / How will we do this?

The Australian Human Rights Commission states-

Children also have special rights because of their vulnerability, such as the right to protection from exploitation and abuse, the right to be cared for and have a home, and the right to have a say in decisions which affect them.

The international human rights treaty on children's rights is the [Convention on the Rights of the Child \(CRC\)](#), which Australia ratified in December 1990. The Convention incorporates all the general rights set out in other treaties that apply to everyone and the special rights that apply to children.

The four Guiding Principles of the CRC are-

- Respect for the best interests of the child as a primary consideration
- The right to survival and development
- The right of all children to express their views freely on all matters affecting them.
- The right of all children to enjoy all the rights of the Convention without discrimination.

A child is any person aged from birth to eighteen years (UNICEF). The service is committed to children being safe and supported. In making this commitment, our goals for every child are-

- To feel safe and protected from harm.
- To be heard and listened to.
- To feel respected and have input into activities and their environment.
- Have their human interests protected and upheld.

The service acknowledges that to maintain a safe and nurturing environment, a strong commitment must be made to the training and development of management, educators and volunteers. To this end, we will ensure that our learning focuses around:

Our Commitment – statement of commitment, code of conduct.

Our Capability – Recruitment, training and management processes.

Our Concerns – Policies for handling disclosures, breaches and risk management.

Our Consistency – Compliance against policies and communication strategies.

Operations Manager Julie Watts will be responsible for developing and updating the Child protection policy. Area Managers and service Directors will implement the child and youth risk management strategy.

Child Protection

A Child in need of protection

- Has suffered significant harm, is suffering significant harm, or is at an unacceptable risk of suffering significant harm and
- Does not have a parent able and willing to protect the child from harm.

Harm

The Child Protection Act 1999 states

- Harm to a child is any detrimental effect of a significant nature on the child's physical, psychological or emotional well-being.
- It is immaterial how the harm is caused.

Harm can be caused by

- Physical, psychological, or emotional abuse or neglect.
- Sexual abuse or exploitation.

From 1 July 2017, early childhood education and care (ECEC) professionals are mandated by law to report child safety concerns to the department where there is a reasonable suspicion that the child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse.

ECEC professionals are not prescribed entities and cannot refer families to [Family and Child Connect](#) or an intensive family support service without their consent. If concerns about a family do not meet the legislative threshold for reporting to the department, ECEC professionals are encouraged to refer families to support services with their consent.

[The Child Protection Guide](#)

The child protection guide is a tool that the service and educators will use collaboratively in deciding where to refer or report concerns about a child's safety and well-being. Where child protection concerns do not meet the threshold for a report to child safety, the guide assists professionals in determining other referral pathways to ensure at-risk families access the support they need.

The Possible Effects and Indicators of Harm or Child Abuse

- Bruising
- Broken bones

- Anxiety or low self-esteem
- May become abusive.
- Malnutrition or poor weight gain
- Insufficient medical care
- Begging or stealing money due to hunger
- Missing a substantial amount of school
- Physical or intellectual delays
- Lack of hygiene and clothing appropriate to the weather and the occasion
- Change in behaviours.
- Change in attitude/interest toward activities, e.g. violent depiction in drawings or paintings.
- Engaging in destructive behaviour
- Eating disorders

Child Abuse is anything that comes under the following headings:

Physical Abuse

Includes beating, shaking, burning, biting, or grabbing hard enough to leave a mark, throwing a child or strangulation to the effect that there are lasting physical effects. The administration of illegal or inappropriate drugs and incorrect dosages of medications may also be a form of harm. The fact that an injury is inflicted determines the existence of harm and the need for intervention. Practices such as giving extra tasks to children as a 'punishment' can be dangerous to their health, especially if they are tired.

Emotional Abuse

Includes constant criticism, belittling, teasing, withholding praise and affection and constant yelling. Drawing attention to a child's shortcomings or failures or demeaning their performance in front of others is inappropriate and can constitute emotional abuse. It can also be caused by a failure to provide the psychological nurturing necessary for a child or young person's physical and emotional growth and development.

Neglect

This includes the ongoing failure to provide a child with the necessities of life and adequate supervision for optimal growth and development. It also includes a failure to use available resources to seek medical treatment to meet the child or young person's needs. In an extreme form, this could involve abandonment of the child or young person.

Sexual Abuse

Sexual activity is a criminal offence even if the child has, or appears to have, consented. It may take many forms, from sexual jokes or innuendo in conversation to showing pornographic images to a child. It can also include exposure, fondling, voyeurism, inappropriate touching, sexual intercourse, involvement in child pornography and child prostitution. This can occur between a child and a

young person who is older or have power, authority, or control over a child. This authority allows the older person to use force, trickery, emotional bribery, blackmail, or other emotional pressure. It is important to note that children under 16 cannot legally consent to sexual acts.

Receiving and reporting a disclosure of harm from a parent or child

When confronted with disclosures of harm to children, educators and the service respond professionally and in the best interests of the child or young person subjected to the alleged harm. Any disclosure must be acted upon.

Disclosures may sound like

- "I think I saw."
- "Somebody told me."
- "I think you should know."
- "I'm not sure what I want you to do, but."

How to determine if there is significant harm?

Section 13c Child Protection Act 1999 provides guidance when forming a reasonable suspicion about whether a child has suffered significant harm, is suffering significant harm or is at an unacceptable risk of suffering harm. The matters that a person may consider include:

- Whether there are detrimental effects on the child's body or the psychological or emotional state:
 - That is evident to the person.
 - That the person considers are likely to become evident in the future, and
- In relation to any detrimental effects on the child, the reporter may consider the following:
 - The nature and severity, and
 - The likelihood that it will continue, and
- The child's age.

What to do when a disclosure or an observation of harm may have been identified?

All educators are expected to communicate with service management, work through the child protection guide, answer questions about their concerns and reach a 'decision point' Should a report to child safety be recommended. The referral will be made online at <https://secure.communities.qld.gov.au/cbir/home/ChildSafety>.

Child Safety Service's Regional Intake Services

Brisbane	1300 682 254
South East Qld	1300 679 849
South West Qld	1300 683 390
Central Qld	1300 703 762
North Coast	1300 703 921
North Qld	1300 706 147
Far North Qld	1300 684 062

After-hours number (Monday –Friday, 9 am-5 pm)
1800-177-135 or 3235 9999

What to do if you are an Educator and suspect harm to a child

- If you have a reason to suspect a child in Queensland is experiencing harm or is at risk of experiencing harm or being neglected, speak with your service director and talk to them about your concerns.
- Document your concerns on a service Accident Incident and Injury Form. Children's injuries should be documented but not specifically photographed – their dignity and rights need to be respected, and this takes precedence over photos that may damage a child's right to feel safe.
- It may be appropriate to phone a parent or custodian to clarify details. With strong relationships established with families, a phone call is appropriate to explain marks, bruises, or bumps. E.g. you notice a round mark on a child, and educators believe it is a cigarette burn. Consideration should be given to cultural practices such as cupping therapy. Cupping usually leaves bruises on the skin, and a quick call to the parent avoids embarrassing misinterpretations.
- A referral to child safety is **mandatory** if you suspect harm. Discuss with your centre manager who will make this call. It may be appropriate to do this together. However, educators do not need to wait for their manager or have a manager's consent – the educator themselves can make a report to child safety.
- Educators should support all parties, including the person making the disclosure.

Receiving a disclosure from an older child-

1. Find a place to talk; control your expressions of shock or panic.
2. Reassure the person that they have done the right thing by talking but don't promise to keep secrets. Explain that you will have to tell someone else who can help.
3. Do not ask leading questions, e.g. "That looks like a cigarette burn. Did mum and Dad do that to you?" A more appropriate question would be: "That looks sore; what happened?"
4. Record word for word what happened and what was said, including anything you said.
5. Report to your service manager and make a referral to child safety.

What to do if you are the Responsible Person and suspect harm to a child

If the alleged perpetrator is an employee.

1. Suspend the employee from their duties until the matter is resolved and investigated.

2. Complete a workplace investigation as per the services employment handbook. The operations manager will determine who will investigate, and it may be appropriate for an external agency to investigate the allegation.
3. A copy of the documentation will be scanned and uploaded to the service computer.
4. Confidentiality will be maintained.

If the allegation is proven – terminate employment.

If the allegation is not proven- activate the grievance procedures following the guidance in the employee handbook.

If the alleged perpetrator is a parent.

1. Support managers and educators as they work with the relevant departments.
2. Document all proceedings, scan and upload all documentation to management's computer.

Time Frames

If the child is deemed in immediate danger OR a crime has just been committed or is about to be committed, OR the child has just caused harm to themselves OR is about to cause harm, first call 000 and ask for the appropriate service to respond.

When the immediate situation is under control, please get in touch with your service Manager immediately and determine with them how you will proceed. The Child Protection Guide provides comprehensive information about whether to report to child safety.

Reporting Information to the Regulatory Authority

The approved provider must notify the regulatory authority within seven days of any child protection incident. The legislation states-

"Any incident where the approved provider reasonably believes that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service." Regulation 175(2)(d)

Strategies to minimise harm.

The service is committed to developing partnerships with parents and carers of children and young people. Management and educators have developed systems whereby:

- They know who has parental responsibility for each child or young person in their care
- Have a record of the name, address and contact numbers of the parent or carer as well as those of an additional person in the event of an emergency
- Know how to contact the parent or carer as quickly as possible
- They inform parents, carers, children and young people about what they can do if they are unhappy about anything within the service.

Participation and Empowerment of Children

All forms of abuse or harm are a symbolic representation of 'power' and of the offender's need to control. Promoting child-safe strategies and policies is a beneficial step in creating safe environments for all children. Children can be taught simple rules to ensure their safety, including:

"We all have the right to feel safe with people."

"It's okay to say 'NO' if you feel unsafe or unsure."

"Nothing is so yucky that you can't tell someone about it".

Inclusive and Empowering Language

The service acknowledges everyday speech, which may assist educators when developing inclusive strategies with children. School-age children often use words out of context, which may confuse the adult listening to children's conversations. For example, 'sexing' can be used by some school-age children to mean 'kissing'; thus, the sentence 'he was sexing me' could be interpreted by an educator/carer as a sexual act when the intent of the sentence was 'he was kissing me'. Educators should determine the social and cultural context of children's language remembering to be mindful of leading questions.

Custodial Parent Procedure

The service cannot legally prevent a mother or father, if they are known to educators and can present appropriate identification, from collecting their child unless a copy of a court order is held on file. All parents must follow the service's code of conduct, or they will be asked to leave the premises. Where the service has a copy of a court order, the following shall apply:

- The non-custodial parent is informed that the service has a copy of the court order and that the child **cannot** go with the parent named on the court document.
- Should the non-custodial parent attempt to take the child or cause a disturbance, the local police station will be contacted immediately.
- The custodial parent will be contacted and informed of the situation.
- If after this procedure has been followed, it is no longer possible to prevent the child from being taken without risk to other children or staff, then regretfully, the service will allow the parent to take the child.

If Federal Police arrive with a warrant to collect a child, the educators must carefully check the warrant, take a copy, and ensure it states that the child is to be taken. The QFP will then take responsibility for informing the custodial parents.

Blue Cards

From 31st August 2020, you must have a valid Blue Card to work in an Early Childhood Setting.

Employees seeking employment in the industry may apply for a Blue Card before commencing at a service. The Blue Card does not need to be linked or signed by the service.

Employees who renew their current Blue Card by the time it expires will be allowed to continue their employment once a new card is issued.



Renewing a Blue Card

You must follow three simple steps to renew your blue or exemption card.

1. Have a [customer reference number](#) (your driver's licence number) from the Queensland Department of Transport and Main Roads (TMR)
2. [Register for an online account](#). This is how we verify your identity and obtain the photo for your card.
3. Apply for your blue or exemption card using the [online applicant portal](#) or download the paper form.

Employees must register for a Blue Card Services online account **before** they can apply to renew their blue or exemption card. An account only needs to be registered once. Once an employee has registered for an online account, they can log in to the online applicant portal. This can be returned later to log in and apply to renew a card.

What is a Blue Card Check?

The Working with Children Check is a detailed national criminal history check including-

- Any charge or conviction for an offence, whether a conviction is recorded
- Whether a person is a respondent or subject to an application for a child protection prohibition order.
- Reporting obligations under the *Child Protection (Offender Reporting) Act 2004* or *Dangerous Prisoners (Sexual Offenders) Act 2003*
- Disciplinary information held by specific professional organisations, including teachers, child care licensees, foster carers, nurses, midwives, and certain health practitioners.
- Police investigations into allegations of serious child-related sexual offences, even if no charges were laid.

Blue Card Services also places obligations on individual applicants and cardholders. Failure to comply with these

obligations may attract penalties. You must advise Blue Card Services:

- If you change your postal address
- If you change your contact number, or
- If you change your name, or
- If you cease child-related employment.

Blue Card Suspensions

The service has specific obligations if you become aware that an employee/volunteer:

- has been issued with a negative notice.
- is a known disqualified person, or
- has had their blue card or exemption card cancelled or suspended.

The service must:

- Ensure the employee/volunteer **does not** continue to undertake regulated, child-related work within your organisation.

If an employee's Blue Card is suspended or cancelled, you must

- Notify your employer/director.
- Not apply for, start or continue in regulated child-related work.
- Not apply for, start or continue to carry on a regulated child-related business.
- Return your notification letter and blue card to Blue Card Services immediately.
- Once the charge has been finalised, the employer will be notified of the outcomes of the reassessment.

Professional Boundaries

Educators rely on fostering positive relationships between adults and children within the early childhood setting. The vast impact educators have on shaping the lives of the children in our care should not be taken for granted. Educators must understand how to foster a positive relationship with children in ways that do not compromise children's welfare.

Violations of Professional Boundaries

Any violations of professional boundaries by an educator represent a breach of trust, a failure to meet a duty of care to children and a failure to follow the job description in the company employment documents. When this occurs, educators risk:

- Harmful consequences to children
- Seriously undermining the learning process
- Seriously undermining our profession and community confidence.
- Disciplinary action will occur and may result in the termination of employment.

If you have concerns about the breach of a professional relationship as an educator, then you have a duty of care to report immediately to your manager.

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Examples of communication breaches include-

- Yelling at a child, constant badgering, or verbal belittling in a harsh tone.
- Inappropriate comments about a child, including excessive flattering comments.
- Inappropriate conversations or enquiries of a sexual nature, e.g. questions about a child's sexuality.
- Distrustful or discriminatory treatment of or manner towards young people based on their perceived or actual sexual orientation.
- Use of inappropriate pet names.
- Vilification or humiliation.
- Jokes or innuendo of a sexual nature.
- Obscene gestures/language.
- Facilitating access to pornographic or sexually graphic material.
- Failing to intervene in sexual harassment of children.
- Correspondence of a personal nature via any medium (e.g. phone, text messages, letters, emails, internet postings)
- Discussing personal lifestyle details of self, unless directly relevant to the learning topic and with the other individual's consent.
- The more visible, public, and busy the location-the better.

Examples of physical contact breaches include-

- Hitting, pushing, kicking, flicking, snatching from.
- Withholding food or forcing a child to eat food.
- Unwarranted or unwanted touching of a child or young person personally or with objects.
- Corporal punishment.
- Initiating, permitting or requesting inappropriate or unnecessary physical contact with a child (e.g. Massage, kisses or tickling games) or facilitating situations that unnecessarily result in close physical contact with a child.
- Inappropriate use of physical restraint (e.g. holding a child on a bed)
- Unnecessary examination of a child's genital area.

Examples of appropriate physical contact include-

Educators will sometimes be required to give practical assistance to a child or young person who is hurt or needs

help or encouragement. Examples of appropriate physical contact are:

- Administration of first aid
- Supporting children and young people who have hurt themselves.
- Assisting with the toileting and personal care needs of a disabled child or young person.
- Non-intrusive gestures to comfort a child or young person who is experiencing grief and loss, or distress, such as
- A hand on the upper arm or upper back
- Non-intrusive touch (e.g. congratulating a child or young person by shaking hands or a pat on the upper arm or back). Educators should remember the importance of accompanying such touch with positive and encouraging words.

Examples of inappropriate places to be with children include-

- *Inviting /allowing/encouraging children to attend the staff member's home.
- Allowing children to use a staff member's personal social media/internet.
- Being alone with a child or young person outside a staff member's responsibilities.
- Entering change rooms or toilets occupied by children or young people when not required.

(* without authorised consent –from a parent)

Examples of targeting individual children include-

- Giving personal gifts or special favours
- Singling the same children and young people out for special duties or responsibilities.
- Offering care outside the centre without approval from the service knowledge and consent from a parent.

Examples of inappropriate use of an educator's role include-

- Adopting an ongoing welfare role is beyond the scope of the position or is the responsibility of another staff member, e.g. counsellor.
- Photographing, audio recording or filming children via any medium when not authorised by the service manager or parent.
- Using personal rather than centre equipment for activities unless authorised. E.g. using your mobile phone for photos.

Examples of inappropriate use of technology include-

- Correspondence or communication (via any medium) to or from children where it is apparent it is unessential and inappropriate.
- Still or moving images or audio recordings of children on personal equipment, kept in personal locations without authorisation.

- Uploading or publishing still or moving images or audio recordings of children to any location without authorisation-this includes video conferencing or live streaming of children.

Good physical practices with children

Educators in care settings must toilet children, change their clothes, and comfort them for various normal distresses. In providing such care, staff should be aware of the following good practice:

When children indicate they want comfort, make it public, make it timely and authorised- (consent from the child).

- Signs of discomfort in children, such as stiffening, pulling away or walking away, must be respected. In these situations, the child must continue to be observed/ monitored until their distress is managed.
- Children must not be left in high distress for long periods. Parents need to be contacted under these circumstances.
- Educators should follow the site's toileting and nappy changing policy and individual toileting plans where these have been documented with parents.



Good practice with school-age children

Seek children and young people's permission to touch (keeping in mind that a highly distressed child or young person may be incapable of expressing their wishes).

- Avoid being with a child or young person in a one-to-one, out-of-sight situation, and never touch a child or young person in such a situation.
- Announce entry to change rooms or toilet areas.
- Do not presume that physical contact is acceptable to a particular child or young person. Even non-intrusive touch may be inappropriate if a child or young person indicates they do not wish to be touched.
- Respect and respond to signs that a child or young person is uncomfortable with touch.

Non-physical intervention in managing behaviour.

Non-physical intervention is the recognised means of managing the behaviour of children and young people.

Where a problem with a child or young person's behaviour becomes apparent, non-physical interventions include:

- Directing other children and young people to move away from the situation
- Talking with the individual child or young person (asking the child or young person to stop the behaviour and telling the child or young person what will happen if they do not stop)
- Directing the child or young person to a safe place
- Directing other children and young people to a safe place
- Sending assistance from other staff or, in extreme cases, the police.

The use of verbal directions is always preferred to physical intervention. It is not appropriate to make physical contact with a child or young person (e.g. pushing, grabbing, poking, pulling, blocking) to ensure they comply with directions. Educators must not hold children against their will (e.g. on their laps, legs, or floor) to ensure attention at group time. Under no circumstances should staff engage in any form of conduct which might cause physical or emotional harm to children and young people.

Physical Intervention in managing behaviour.

Staff may make legitimate use of physical restraint if all non-physical interventions have been exhausted or are impossible in the circumstances and a child or young person is:

- Attacking another child or young person, or adult
- Posing an immediate danger to themselves or others.

Staff are to use physical restraint only as a last resort and not as a response to:

- Property destruction.
- Disruption to the education or care activity.
- Refusal to comply.
- Verbal threats.
- Leaving the group.
- A need to maintain good order unless someone's safety is threatened.

Physical restraint where a child is at high risk.

Use of appropriate physical force may be permitted to ensure that the employer's duty of care to protect children, young people, and staff from foreseeable risks of injury is met. Common law defences such as self-defence and defence of others remain legitimate reasons for using physical restraint. All people have the right to defend themselves against an attack if they do not use disproportionate force to do so.

It may be a valid decision for staff not to use physical restraint in a situation involving several children and young people or a physically larger child or young person, where educators believe that doing so would increase the likelihood of injury to themselves. In such cases, the staff member should shepherd other children and young

people away from danger and seek immediate help from other staff, a child's parents or the police.

Staff are not expected to place their safety at risk in responding to violence or aggression in others and are supported by Workplace Health and Safety legislation in making this judgment.

If the decision to restrain a child is the only option, the restraint must be reasonable in the circumstances and proportion to the circumstances of the incident. It must always be the minimum force needed to achieve the desired result and consider the age, stature, disability, understanding and gender of the child or young person.

Temporary physical restraint of a child or young person - involves restricting the child or young person's freedom of physical movement to ensure their immediate safety or the safety of others. Physical restraint is the holding of any body part. It should only continue so long as it is necessary for the child or young person to no longer be at risk of significant immediate harm to themselves or others.

Parents should be informed immediately.

Prohibited practices.

Prohibited practices are responses to a child or young person's behaviour that interfere with fundamental human rights. Any action contrary to section 122 of the Child Protection Act 1999 because it frightens, threatens, or humiliates a child or young person is prohibited. Unlawful and unethical practices are not permitted, as are practices that cause a high level of discomfort and trauma. The following is a non-exhaustive list of prohibited practices:

- **Confinement:** Containment or seclusion where a child or young person is detained or forced to remain in a room or place they cannot leave. It does not include steps taken by an educator to give a child time to calm down or taken aside to communicate with an educator or problem-solve with a group of children, which are reasonable in all the circumstances surrounding the child's behaviour, and which do not frighten, threaten, or humiliate the child. For example, the use of short periods of "time away" type strategies consistent with accepted parenting practices (such as the Triple P program) is permitted
- **Aversive punishment:** The application of painful or noxious conditions (e.g. unwanted cold or hot bath, application of chilli powder on food or body parts, unwanted squirting of liquid) on a child's face or body parts.
- **Mechanical restraint:** The use of devices to intentionally restrict a child's movement. This does not include age- and developmentally-appropriate functional devices used to assist and support involuntary movements, such as a wheelchair or age- and developmentally-appropriate aids and support devices used to prevent injury, such as a high chair, cot, harness, or car seat. However, such devices are prohibited

where they are used as a punishment, for a lengthy period or where they are developmentally inappropriate.

- **Chemical restraint:** The intentional use of medication, without the prescription of a registered medical practitioner, to control behaviour or sedate for convenience's sake or disciplinary purposes. It also includes the misuse of medication prescribed by a registered medical practitioner, where it is used contrary to the instructions.
- **Corporal punishment:** Corporal or physical punishment is the use of physical force intended to cause some degree of pain or discomfort for discipline, correction, control, changing behaviour or in the belief of educating the child. For example, hitting, slapping, whipping, caning, kicking, pinching, punching, pushing, or shoving.
- **Unethical practices:** For example, rewarding children or young people with gifts, or deprivation of meals, sleep, clothes, shelter, or personal hygiene.

Working in Communities

Educators working in country or local communities face additional challenges in managing professional boundaries. They are more likely to have social relationships with the parents of the children and young people they work with and are, therefore, more likely to share social and sporting events or membership in various community clubs or associations.

This means they will have legitimate reasons, on occasion, to attend social events with the children and young people with whom they work, to visit their homes or to be visited by them in the company of their parents. These social engagements are essential to community life and positively contribute to the well-being of staff working in country and local communities. Following the advice below will assist educators in enjoying these social engagements without compromising their professional responsibilities.

The guiding principles in managing these situations are:

- Social contact should be generated via the relationship the educator has with the parents of children and young people or by an event (such as a sporting event)
- Educators should avoid being alone with children and young people in these situations.
- Educators should conduct themselves in a way that will not give others a reason to question their suitability for working with children and young people and that will not create discomfort for children and young people in their learning relationship with them.
- Consuming alcohol in these situations may lessen a staff member's capacity to judge when a professional boundary is at risk

- Educators should politely refuse to discuss matters relating to the workplace and should not discuss children and young people's learning or social progress other than at times specifically set aside for that purpose

Using Social Media Sites

Educators in education and care settings are expected to model responsible and respectful conduct to the children and young people they work with. Educators must consider the electronic social environments they utilise as part of this community and employer expectation.

The internet does not provide the privacy or control assumed by many users. Educators must appreciate that no matter what protections they place around access to their sites, their digital postings are still at risk of reaching an unintended audience and being used in ways that could complicate or threaten their employment. Educators should be aware of the following expectations in considering their use of social networking sites:

- They have considered the information and images of them available on their sites and are confident that these represent them in a light acceptable to their role in working with children and young people
- They do not have children or young people in their education community as 'friends' on their personal/private sites
- Comments on their site about their workplace, work colleagues or children or young people, if published, would not cause hurt or embarrassment to others, risk claims of libel, or harm the reputation of the workplace, their colleagues or children and young people.

Privacy Expectations

Children and young people will often assume a high level of confidentiality when disclosing serious issues of a personal nature or reporting harassment or bullying. For these reasons, we need to find a careful balance between, on the one hand, respecting the sensitive and private nature of counselling or service provision and, on the other hand, the professional's duty of care obligations for the safety and well-being of the child or young person. Good practice in managing these circumstances is the following:

- Health/physical care should be provided with respect for the child or young person's dignity and in a manner approved by the child or young person and their parents
- Conversations should be provided in unlocked rooms with part-glass doors (where possible) near staff traffic areas.
- Ensure notes are documented and stored securely.
- Educators will use professional judgement with information that is shared with others. For example, it would be appropriate to share with other educators about custody arrangements;

however not acceptable to discuss with other families of the service.

Cultural considerations

Diverse cultures have different attitudes and traditions surrounding the concept of appropriate touch. Staff are responsible for becoming as familiar as possible with the values of the various cultural groups enrolled in an education or care site. Many culturally based community organisations are keen to address staff about the importance of their culture to establish optimum understanding and respect between parents, their children, and staff at the site. Staff must appreciate culturally specific expectations regarding touch so that embarrassment or offence can be avoided for everyone, particularly for children and young people.

Many children and young people attending education and care sites recently arrived in Australia. Some have severe trauma backgrounds, ranging from the observation of extreme physical violence and abuse to being victims of such violence and abuse. The needs of these children and young people and their families are acute, and the issue of establishing what will be received as an appropriate, helpful touch is, therefore, more essential. Staff need to employ considerable diplomacy, care, and effort in their interactions with children, young people, and families that are known or suspected to have escaped traumatic circumstances.

Experiences

When planning experiences within the service, it is essential to be aware of the child and youth-friendly policies that the service implements. A necessary part of ensuring everyone's safety is assessing actual and potential risks. This can be done by conducting a risk assessment.

When doing a risk assessment and planning activities, we may consider the following;

- The number of people.
- The age group of the children.
- The type of activity.
- The environment where the activity is to take place.
- The needs of individual participants.
- The policies and procedures of the service.

In addition, there are a few basic principles to consider when planning an activity;

- Ensure your activity supports the interests and well-being of the service
- Ensure educators know where the children in their group are.
- Provide constant supervision of children playing on equipment that may pose a danger or a hazard that are age appropriate and as per risk management strategy.
- Ensure no dangerous behaviour is entered into.



Links to Theory / Pedagogy

Vygotsky and Sociocultural Theory-

The sociocultural theory grew from the work of psychologist [Lev Vygotsky](#), who believed that parents, caregivers, peers, and the culture at large were responsible for developing higher-order functions.

According to Vygotsky, learning has its basis in interacting with other people.

As a service, we often overlook our powerful role in family culture. Children learn from families and communities. Educators, communities, families and governments also evolve with learnings, events and sometimes shortcomings. It happens slowly, with time and with trust.

How have our views on child protection changed and evolved in the past decade or two?

The *Australian Institute of Family Studies* documents our shift in our approaches to child protection-

In the late 1990s, statutory child protection services within Australian States/Territories, like those of other western countries, struggled to cope with ever-increasing reports of suspected child maltreatment and fewer resources (Tomison, 1996e).

In Queensland, the 2014 [Child Protection Reform Amendment](#) served to;

- a) Reduce red tape.
- b) Encourage everyone to take responsibility for child protection.
- c) Drive a fundamental shift in how agencies deal with families.
- d) Encourage families to engage with support services rather than complete investigations.

In 2017, Masons Law was enacted to include childcare educators as mandatory reporters after Mason Parker died at the hands of his stepfather, aged 16 months, just days after the childcare service had photographed bruises to his back and bottom.

Aboriginal and Torres Strait Islander Children

Child protection for Aboriginal and Torres Strait Islander children also has seen targeted changes in our nation's child protection policy. The Australian Institute of Family Studies writes-

Aboriginal and Torres Strait Islander children are over-represented in child protection and out-of-home care services compared to non-Indigenous children. The reasons for this are complex and are connected to past policies and the legacy of colonisation. Poverty, assimilation policies, intergenerational trauma and discrimination and forced child removals have all contributed to the over-representation of Aboriginal and Torres Strait Islander children in care, as has a lack of understanding of the cultural differences in child-rearing practices and family structure.

In its Introduction (p.4), *Belonging, Being and Becoming* outlines the framework alignment with The Council of Australian Governments (COAG) commitment to closing the gap between indigenous and non-indigenous Australians. "Early Childhood Education has a critical role to play in delivering this outcome", "...and in case you didn't get that, I will repeat.... We have a role to play.

As educators, we can contribute to these child protection community reforms. And as such, we should not underestimate the strength we provide to families- some days unknowingly.

Early Childhood Australia Code of Ethics

In relation to children, I will:

"Act in the best interests of all children."

"Create and maintain safe, healthy, inclusive environments that support children's agency and enhance their learning."

"Safeguard the security of information and documentation about children, particularly when shared on digital platforms."

In relation to families, I will:

"Respect family's right to privacy and maintain confidentiality".

In relation to colleagues, I will:

"Encourage others to adopt and act in accordance with this Code, and take action in the presence of unethical behaviours."

In relation to the profession, I will:

"Work within the scope of my professional role and void misrepresentation of my professional competence and qualifications."

In relation to community and society, I will:

"Advocate for developing and implementing laws and policies that promote the rights and best interests of children and families."

National Quality Framework – Children's health and safety

2.2.3. Management, educators, and staff know their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.

National Quality Framework – Relationships with children

5.1. Respectful and honest relationships are maintained with each child.

National Quality Framework – Governance and leadership

7.1.2. Systems are in place to manage risk and enable effective management and operation of a quality service.

7.1.3. Roles and responsibilities are clearly defined and understood and support effective decision-making and operation of the service.

Belonging, Being and Becoming – Principles

5. Ongoing learning and reflective practice.

Belonging, Being and Becoming – Children are connected with and contribute to their world.

2.2. Children respond to diversity with respect.

Reflective Questions

How do we remain vigilant about observing and responding to signs or indicators of child neglect or abuse?

How do we continue to be aware of changes to child protection laws?

How do new educators get informed about issues of child protection and the rights of children?

How does the service support educators who have identified children at risk or experienced the trauma of working with a child who may have been involved in child protection incidents?

How does the service support educators interviewed by police and child safety officers about a child in care?

How do educators promote a greater understanding of Aboriginal and Torres Strait Islander ways?

What challenges us?

When answering the reflective questions, did you have areas identified for improvement:

If change is required:

- Discuss the proposed changes to the child protection procedures with educators.
- Discuss with the service area manager how the changes may impact the service or families.
- Document the changes and rationale.

To implement the changes effectively:

- Trial the changes
- Set a timeframe for review.
- Seek feedback and consult.

A review of change is an important step:

- Evaluate the changes made and discuss if further changes are required.

Roles and Responsibilities in child protection

Approved Providers / Nominated Supervisors

- Complete yearly child protection training.
- Regularly review state legislation and amend policies and procedures where necessary.
- Ensure that all educators and staff are given an induction and ongoing training and information about mandatory reporting, Child protection law and any obligations under the legislation.
- Ensure that all educators have a positive working with children check.
- Take reasonable steps to ensure educators and volunteers follow the policies and procedures
- Ensure copies of policies and procedures are readily accessible for educators, staff and volunteers and are available for inspection.

Responsible person

- Complete yearly child protection training.
- Include child protection as a topic within the team meetings.
- Ensure educators are provided with a Code of Conduct and child protection training upon employment.
- Ensure that the child protection training is reviewed and updated regularly in meetings or staff memos.
- Ensure educators use the service Intranet system to check to understand and gain new information.
- Take reasonable steps to ensure educators and volunteers follow the policies and procedures
- Ensure copies of policies and procedures are readily accessible for educators, staff and volunteers and are available for inspection.

Educators

- Complete yearly child protection training.
- Ensure that the child protection training is adhered to.
- Ensure that you understand the concepts of mandatory reporting.
- Ensure that their BlueCard remains current.
- Ensure BlueCard services are notified of any changes to your BlueCard information.
- Contribute to the review of the child protection policy.

Families

- Become familiar with the child protection policy.

Support Agencies

Useful advice can be found at www.qld.gov.au.

Queensland Police service at www.police.qld.gov.au

[Family and Child Connect 13FAMILY or 13 32 64.](#)
[Department of Communities](#)

Sources and Further Reading

[Child Protection Act 1999](#)

[Blue Card System](#)

[Brave Hearts Queensland.](#)

[Department of Children, Youth Justice and Multicultural Affairs](#)

The Structured Decision making Guide 2015 [Queensland Child Protection Guide](#): Qld Gov

Human Rights and Equal Opportunity Commission [HREOC], 1997; SNAICC, 2016a; Titterton, 2017



