

## Maridahdi Kindergarten Child Protection Policy

<b>Purpose:</b>	<p>The purpose of this policy is to provide written processes about-</p> <ul style="list-style-type: none"> <li>(a) how the Maridahdi Early Childhood Community Kindergarten ("Maridahdi Kindergarten") will report suspicion of harm to a child; and</li> <li>(b) providing a child safe environment</li> </ul> <p>to comply with requirements for approval to conduct an early education and child care facility.</p>	
<b>Scope:</b>	<p>Children attending the service, parents and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements at Maridahdi Kindergarten and covers information about the reporting of harm and abuse.</p>	
<b>Status:</b>	Approved	<b>Supersedes:</b> Previous Policy
<b>Authorised by:</b>	Approved Provider (Maridahdi Early Childhood Community)	<b>Date of Authorisation:</b> 15/02/2023
<b>References:</b>	<ul style="list-style-type: none"> <li>• <u><i>Child Protection Act 1999</i></u></li> <li>• <u><i>Education and Care Services National Law (Queensland) 2011</i></u></li> <li>• <u><i>Education and Care Services National Regulations</i></u></li> <li>• <u><i>National Quality Standard</i></u></li> <li>• <u><i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i></u></li> <li>• <u><i>Working with Children (Risk Management and Screening) Regulations 2021 (Qld)</i></u></li> <li>• <u><i>Criminal Code Act 1899 (Qld)</i></u></li> <li>• Maridahdi Early Childhood Community Kindergarten Child Risk Management Strategy</li> <li>• Maridahdi Early Childhood Community Kindergarten Child Safe Environment Policy</li> <li>• Maridahdi Early Childhood Community Complaints Handling Policy</li> <li>• Maridahdi Early Childhood Community Complaints Handling Procedure</li> <li>• Maridahdi Early Childhood Community Work Health and Safety Policy</li> </ul>	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> 15/02/2024
<b>Policy Owner:</b>	Approved Provider	

## Definitions

**Child:** an individual under 18 years<sup>1</sup>

**Child in need of protection:** is a child who —

- a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm
- b) does not have a parent able and willing to protect the child from the harm.<sup>2</sup>

**Child Safety:** is the Department administering the *Child Protection Act 1999* (Qld). Currently this is the Department of Child Safety, Youth and Women.

**Early childhood education and care professional:** in respect of mandatory reporting responsibilities, means an individual, other than a volunteer or an individual under the age of 18, who is any of the following under the Education and Care Services National Law (Queensland)—

- (i) an approved provider
- (ii) a nominated supervisor for an approved education and care service
- (iii) an educator for an approved education and care service<sup>3</sup>

**Harm:** defined in the Child Protection Act 1999 (s9):

- (1) **Harm**, to a child, is any detrimental effect of a significant nature on the child’s physical, psychological or emotional wellbeing.
- (2) It is immaterial how the harm is caused.
- (3) Harm can be caused by—
  - a) physical, psychological or emotional abuse or neglect; or
  - b) sexual abuse or exploitation.
- (4) Harm can be caused by—
  - a) a single act, omission or circumstance; or
  - b) a series or combination of acts, omissions or circumstances.<sup>4</sup>

**Parent:** of a child is the child’s mother, father or someone else having or exercising parental responsibility for the child. However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child. A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child. A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child<sup>5</sup>.

## Policy Statement

Maridahdi Early Childhood Community Kindergarten (“Maridahdi Kindergarten”) is committed to the safety and wellbeing of children enrolled at the service and will take appropriate action to help ensure the protection of children at risk of harm caused by abuse or neglect.

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<sup>1</sup> *Child Protection Act 1999* s.8

<sup>2</sup> *Child Protection Act 1999* s.10

<sup>3</sup> *Child Protection Act 1999* s.13E

<sup>4</sup> *Child Protection Act 1999* s.9

<sup>5</sup> *Child Protection Act 1999* s.11

The approved provider, nominated supervisor and educators will be responsive to current child protection policy and procedures, aware of their legal responsibilities and be able to act when required to protect any child who they become aware is at risk of abuse or neglect<sup>6</sup>.

Early childhood education and care professionals will respond to their responsibilities as mandatory reporters for physical and sexual abuse as required by the *Child Protection Act 1999*.

All employees at Maridahdi Kindergarten will ensure their behaviour towards and relationships with children, reflect proper standards of care for children. Employees will take all reasonable precautions so as not to cause harm to children. Employees will not subject a child to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances. The Maridahdi Kindergarten Employee Code of Conduct should be read in conjunction with this Policy.

When the service receives any information alleging harm to a child it will deal with the situation compassionately and fairly so as to minimise any likely harm to the extent as far as is reasonably possible.

### **What to Report**

If, during the course of their employment at Maridahdi Kindergarten, an employee forms a suspicion about harm to a child, they will immediately report it to the Maridahdi Early Childhood Community and the Nominated Supervisor.

The harm may be caused by physical, psychological or emotional abuse, neglect or sexual abuse or exploitation. Employees should refer to the full definition of harm provided in the Definitions Section of this Policy.

### **Physical or Sexual Abuse**

Under Section 13E (3) of the *Child Protection Act 1999*, if a doctor, registered nurse, teacher or early childhood education and care professional as defined by the Act forms a 'reportable suspicion' about a child in the course of their engagement in their profession, they will make a written report to the Chief Executive of Child Safety. The professional will provide a copy of their report to Maridahdi Kindergarten.

A **reportable suspicion** about a child is a reasonable suspicion that the child: -

- a) the child's name and sex;
- b) the child's age;
- c) details of how to contact the child;
- d) details of the harm to which the reportable suspicion relates;
- e) particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;
- f) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.

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<sup>6</sup> Guide to the National Quality Framework, 3. National Quality Assessment and Rating, Element 2.2.3 Child Protection, p.170

## How to Report

Once an employee has formed a suspicion about harm, they will use Maridahdi Kindergarten's prescribed form for reporting suspected harm. A 'reportable suspicion' relating to physical or sexual abuse is reported to the chief executive in accordance with the previous section of this policy.

The completed form must be immediately provided to the Maridahdi Early Childhood Community /Nominated Supervisor.

The Maridahdi Early Childhood Community Board/Nominated Supervisor will then confer with the reporter, manage and report the suspicion as appropriate, in accordance with this Policy.

In assessing whether a student is in need of protection, employees may utilise Child Safety's [Child Protection Guide resource](#).

Employees will refer to Maridahdi Kindergarten's Child Protection Procedure and may utilise Independent Schools Queensland's Child Protection Decision Support Tree for guidance on the process for reporting harm.

In the case of an emergency, the Nominated Supervisor or employees will notify the Police.

If an employee believes that the Maridahdi Early Childhood Community or Nominated Supervisor is in any way complicit in the harm, they must immediately report it to Child Safety themselves. For more information on reporting to Child Safety, see the section of the Policy below.

When making a report to Child Safety, early childhood education and care professionals will utilise the information in Maridahdi Kindergarten's prescribed report of suspected harm form. Reports to Child Safety will be made to the appropriate [Child Safety Services' Regional Intake Service](#).

## Other Appropriate Action

If an employee or Nominated Supervisor forms the view that that the suspected harm does not meet the threshold for reporting to Child Safety, other action may be appropriate so as to minimise any likely harm, to the extent reasonably possible.

The Nominated Supervisor or educator will consider options including, but not limited to:

- Discuss with the family a referral, with consent, to Family and Child Connect
- Discuss with the family ways in which the service may be able to directly support them
- Monitor the child and keeping appropriate records.

## Reporting to the ECEC Service Regulatory Authority

In accordance with the *Education and Care Services National Law (Queensland) Act 2011 Part 6* and the *Education and Care Services National Regulations*, chapter 4, Maridahdi Kindergarten will notify the Regulatory Authority, within 7 days of:

- Receiving notification of the suspension or cancellation of a working with children card or teacher registration of, or disciplinary proceedings under an education law of a participating jurisdiction in respect of, a nominated supervisor engaged by the service <sup>7</sup>

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<sup>7</sup> Education and Care Services National Law (Queensland) s.173(2)(a)

- Any incident where Maridahdi Early Childhood Community reasonably believes that physical or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for at Maridahdi Kindergarten.<sup>8</sup>
- Any allegations that physical or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for at the Maridahdi Kindergarten<sup>9</sup>.
- Circumstances arising at the service that pose a risk to the health, safety or wellbeing of a child.<sup>10</sup>

The service will also keep an 'incident, injury and trauma record' in accordance with the Maridahdi Kindergarten Incident, Injury and Trauma Policy<sup>11</sup>.

## **Awareness**

The service will inform employees and parents/carers of its processes relating to health, safety and wellbeing of its children and conduct of employees, in communications to them and it will publish these processes on its website.

Maridahdi Kindergarten will ensure that nominated supervisors and staff members at the service who work with children are advised of-

- (a) The existence and application of the current child protection law; and
- (b) Any obligations that they may have under that law.<sup>12</sup>

Awareness will include:

- Discussion at Parent Connection meetings
- Staff Professional Development days
- Staff Meetings
- Publication of updates to the Website in the Newsletter

## **Training**

The service will train its employees in processes relating to the health, safety and wellbeing of its children and conduct of employees on their induction and will refresh training annually.

Employee training will be recorded in the Maridahdi Staff Register and will occur at Induction and throughout the year at Staff Meetings and Staff professional Development Days.

All staff will be required to complete ISQ's Child Protection modules at the beginning of every calendar year and provide their completion certificate of same.

## **Implementing the Processes**

The service will ensure it is implementing processes relating to the health, safety and wellbeing of its children and conduct of employees by auditing compliance with the processes annually.

The service will ensure on-going risk assessment and management is built into day to day operations

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<sup>8</sup> Education and Care Services National Regulation reg.175(2)(d)

<sup>9</sup> Education and Care Services National Regulation reg.175(2)(e)

<sup>10</sup> Education and Care Services National Regulation reg.175(2)(c)

<sup>11</sup> Education and Care Services National Regulation reg.87

<sup>12</sup> Education and Care Services National Regulation reg.84

to ensure a consistently safe environment.

The service will ensure appropriate records suspicions of harm to children are kept, stored and retained according to this Policy and the Maridahdi Kindergarten's Privacy and Record Retention Policies.

The service will ensure appropriate records of complaints or circumstances at the service relating to a risk to the health, safety or wellbeing of a child are kept, stored and retained according to this Policy and the Maridahdi Kindergarten's Privacy, Record Retention and Incident, Injury and Trauma Policies.

### **Accessibility of Processes**

Copies of this policy and any related procedures are readily accessible and available for inspection by the Nominated Supervisor, employees and families.

Parents of children enrolled at the service will be notified at least 14 days before the service makes any change to a policy or procedure that may have a significant impact on the service's provision of education and care to any child enrolled at the service, or the family's ability to utilise the service.

### **Complaints Procedure**

Suggestions of non-compliance with the service's processes may be submitted as complaints under Maridahdi Early Childhood Community Complaints Handling Policy.

Complaints alleging that a serious incident has occurred or is occurring while a child was or is being educated and cared for at the service or that the National Law has been contravened, will be reported to the regulatory authority within the specified time frame.<sup>13</sup>

**Note:** Reporting under this policy fulfills the obligations for reporting a child sexual offence that is being or has been committed against a child by an adult under the *Criminal Code Act 1899* s.229BC<sup>14</sup>.

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<sup>13</sup> *Education and Care Services National Law (Queensland)* s.174(2)(b)

<sup>14</sup> *Criminal Code Act 1899 (Qld)* s.229BC(4)(b)