



Child Protection Policy (Early Learning)



1. Purpose

The purpose of this policy is to provide written processes about the care and protection of children, including processes for appropriate conduct, providing a child safe environment, handling disclosures of harm, and reporting harm. These processes satisfy legislative requirements for approval to conduct an Early Childhood Education and Care (ECEC) facility.

2. Scope

This policy applies to all children attending PMSA ELCs, and all of their staff, parents, volunteers, people undertaking work experience or vocational placements, visitors and contractors.

3. Related Legislation and Regulatory Frameworks

- *Child Protection Act (1999) (Qld)*
- *Child Protection Regulation 2023 (Qld)*
- *Education and Care Services National Law (Queensland) Act 2011 (Qld)*
- *Education and Care Services National Regulations*
- *Working with Children (Risk Management and Screening) Act 2000 (Qld)*
- *Working with Children (Risk Management and Screening) Regulation 2020 (Qld)*
- *The Criminal Code Act 1899 (Qld)*
- *National Quality Standard (NQS)*

4. Related Policies

- PMSA Child Protection Policy (applicable to PMSA schools)
- PMSA Blue Card (Working with Children) Policy
- PMSA Child and Youth Risk Management Strategy
- School-based Safeguarding and Wellbeing Policy
- School-based Complaints Processes

5. Definitions

Approved Provider: is the Presbyterian and Methodist Schools Association (PMSA)

Child: is an individual under 18 years

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.

Child Safety: is the department administering the *Child Protection Act 1999 (Qld)*. Currently this is the Department of Families, Seniors, Disability Services and Child Safety.

Early childhood education and care (ECEC) 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) —

- a) an approved provider
- b) a nominated supervisor for an approved education and care service
- c) an educator for an approved education and care service.

Harm¹: to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.

- a) It is immaterial how the harm is caused.
- b) Harm can be caused by—
 - a. physical, psychological or emotional abuse or neglect; or
 - b. sexual abuse or exploitation.
- c) Harm can be caused by—
 - a. a single act, omission or circumstance; or
 - b. a series or combination of acts, omissions or circumstances.

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.

PMSA ELC: Any Early Learning Centre operating as an approved early childhood education and care service under the *Education and Care Services National Law (Queensland)* by the PMSA as the approved provider.

Serious incident²:

- a) the death of a child—
 - i. while that child is being educated and cared for by an education and care service; or
 - ii. following an incident occurring while that child was being educated and cared for by an education and care service;
- b) any incident involving serious injury or trauma to a child occurring while that child is being educated and cared for by an education and care service—
 - i. which a reasonable person would consider required urgent medical attention from a registered medical practitioner; or
 - ii. for which the child attended, or ought reasonably to have attended, a hospital;
(*Example: A broken limb*)
- c) any incident involving serious illness of a child occurring while that child is being educated and cared for by an education and care service for which the child attended, or ought reasonably to have attended, a hospital;
(*Example: Severe asthma attack, seizure or anaphylaxis reaction*)
- d) any emergency for which emergency services attended;
- e) any circumstance where a child being educated and cared for by an education and care service—
 - i. appears to be missing or cannot be accounted for; or
 - ii. appears to have been taken or removed from the education and care service premises in a manner that contravenes the Regulations; or
 - iii. is mistakenly locked in or locked out of the education and care service premises or any part of the premises.

6. Policy Commitment

PMSA ELCs are committed to the safety and wellbeing of all children enrolled at their service and will take appropriate action to help ensure the protection of children from harm.

The approved provider, nominated supervisor and educators of each PMSA ELC are committed to implement this child

¹ *Child Protection Act 1999*, section 9

² *Education and Care Services National Regulations*, section 12

protection policy, aware of their legal responsibilities and ready to act when required to protect any child who they become aware is at risk of harm.

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

PMSA ELCs fully cooperate with State authorities in resolving allegations of harm.

PMSA ELCs will not permit people to work in a position if the service believes, on the basis of all information available that, if allegations against them are wholly or partly true, there would be an unacceptable risk that others might be harmed.

7. Appropriate Conduct

Complementing the PMSA Code of Conduct, the following is prescribed as appropriate conduct for all PMSA ELC staff, parents, volunteers, people undertaking work experience or vocational placements, visitors and contractors:

- **Do** provide a high standard of care in your interactions with children.
- **Do** maintain appropriate physical, emotional, and professional boundaries at all times.
- **Do** avoid being alone with a child and ensure interactions are observable by others.
- **Do** take all reasonable steps to prevent harm to children.
- **Do** put the welfare and best interests of the children as the primary consideration in all interactions and decisions.
- **Do** respond diligently to a report of suspected or actual harm, or risk of harm to a child.
- **Do not**, under any circumstances, abuse a child.
- **Do not** engage in grooming behaviours, including conduct that seeks to build inappropriate trust or secrecy with a child or their family for the purpose of exploitation.
- **Do not** subject a child to any form of corporal punishment, or any discipline that is unreasonable or excessive in the circumstances.
- **Do not** tolerate reprisals against anyone who provides information about harm.

The PMSA has zero tolerance for child abuse or any behaviour that compromises the safety or wellbeing of children. Failure to uphold the standards of appropriate conduct outlined above may result in criminal proceedings and/or disciplinary action, including dismissal, removal from the premises or termination of engagement.

8. Harm (Caused by Physical or Sexual Abuse)

If a doctor, registered nurse, teacher or ECEC professional forms a 'reportable suspicion' (defined below) about a child in the course of their engagement in their profession, they must give a written report to the Chief Executive of Child Safety³.

The obligation to report a reportable suspicion to Child Safety arises **immediately** upon forming the suspicion. The report must therefore be made without delay⁴.

The doctor, registered nurse, teacher, or ECEC professional where appropriate, should confer with the ELC Director in preparing the written report to Child Safety⁵.

Written reports to Child Safety must be made using the online form available through Child Safety's [Child Protection Guide](#). Where safety is a concern or uncertainty about thresholds exists, Child Safety's [Regional Intake Service](#) can support with triage and advice.

A report under this section must include the following particulars⁶:

³ *Child Protection Act 1999*, section 13E

⁴ *Child Protection Act 1999*, section 13I

⁵ *Child Protection Act 1999*, section 13H

⁶ *Child Protection Act 1999*, section 13G

- a) state the basis on which the person has formed the reportable suspicion; and
- b) include the information prescribed by regulation, to the extent of the person's knowledge.

The information prescribed by section 4 of the *Child Protection Regulation 2023* is:

- a) the child's name and sex descriptor;
- 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; and
- f) the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.

To ensure appropriate record keeping, the doctor, registered nurse, teacher or ECEC professional must document the concerns using the PMSA Child Safeguarding Report Form.

After giving the written report to Child Safety, the PMSA ELC must notify the Approved Provider via phone call to 07 3371 0709 and send the completed PMSA Child Safeguarding Report Form via email to ceo@pmsa-schools.edu.au without delay.

Reportable Suspicion

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

- a) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by the physical or sexual abuse; and
- b) may not have a parent able and willing to protect the child from the harm.

Significant Harm Test

'Significant harm' has no legislative definition. Matters to consider, under the *Child Protection Act 1999* s.13C, when considering the significance of harm under mandatory reporting obligations include:

- a) whether there are detrimental effects on the child's body or the child's psychological or emotional state:
 - a. that are evident to the person reporting; or
 - b. that the person considers are likely to become evident in the future; and
- b) in relation to any detrimental effects mentioned in paragraph (c)
 - a. their nature and severity;
 - b. the likelihood that they will continue; and
 - c. the child's age.

The person's consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have.

Reportable Suspicion: Parent Test

For a suspicion to be reportable it must also fulfil the "parent test". The parent test is fulfilled if a child may not have a parent willing and able to protect them from the significant harm. A parent willing and able has no legislative definition, however willing goes to choice and able goes to capacity.

A parent may be willing to protect a child but not have capacity to do so and therefore they are not considered 'able'. This includes situations, for example, where the parent's inability is due to intellectual impairment or ill health. Alternatively, a parent may have the capacity to protect a child (able) but may choose not to do so (not willing). This might include situations where a parent has an ongoing relationship with a person who is abusing their child, and the parent is thus unwilling to protect the child.

A doctor, registered nurse, teacher or early childhood education and care professional is not required to make an

investigation or determination as to whether a parent is willing and able, "reasonably suspecting" that a child may not have a parent willing and able to protect them is sufficient.

To assist ECEC professionals' decision-making in applying the significant harm and parent test, the online [Queensland Child Protection Guide](#) can be utilised.

Conferrals with colleague and related information sharing

Colleagues working in or for the same entity may provide information to each other in complying with the *Child Protection Act 1999*. While the Act permits such conferral, the PMSA strongly encourages that appropriate conferrals should occur to support timely and effective responses to child protection concerns.

For example: An educator under the *Education and Care Services National Law* (Queensland) with a reportable suspicion about a child under section 13E may give information to the nominated supervisor for the approved education and care service, within the meaning of the law, to enable the supervisor to take appropriate action to protect the child or other children from risk of harm. [*Child Protection Act 1999* section 13H].

Investigations

On receiving an allegation of abuse, a PMSA ELC should only ask enough questions to assess the need to report the matter to authorities. The safety of the child is paramount. Unnecessary questions or interviews could cause distress or confusion and interfere with any subsequent investigation undertaken by the authorities.

Following a mandatory report, any further investigation by a PMSA ELC must be authorised by the Principal and CEO and undertaken in close consultation with PMSA legal advisers to ensure the investigation complies with all legal obligations, preserves the integrity of any external inquiries, prioritises the safety and wellbeing of the child and ensures that any legal advice arising from the investigation remains legally privileged.

9. Harm (Not Caused by Physical and Sexual Abuse)

A PMSA ELC employee who becomes aware of, or reasonably suspects, that a child in the ELC has experienced harm (other than harm arising from physical or sexual abuse) must report the concern to the ELC's Director without delay and document the concerns using the PMSA Child Safeguarding Report Form.

Employees should refer to the full definition of 'harm' provided in the definitions section of this policy.

The ELC Director, upon receiving such a report, must respond promptly and take all reasonable steps to minimise further harm.

Where the Director reasonably suspects that the child may be in need of protection (as provided in the definitions section of this policy), they must report the concern to Child Safety immediately and notify the Approved Provider and Principal.

10. Notifications to the Early Childhood Regulatory Authority

All PMSA ELC services will notify the Early Childhood Regulatory Authority as soon as reasonably practical and always within the mandatory timeframes when certain incidents, complaints and changes to information have arisen that require a mandatory notification.

Immediately upon becoming aware of circumstances that require mandatory notifications to the Early Childhood Regulatory Authority, the PMSA ELC must notify the PMSA CEO via phone call to 07 3371 0709 and send relevant information via email to ceo@pmsa-schools.edu.au.

Under the *Education and Care Services National Law (Queensland) Act 2011* Part 6 and the *Education and Care Services National Regulations*, chapter 4, a PMSA ELC will notify the Early Childhood Regulatory Authority within 24 hours of:

- a) 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.⁷
- b) Any serious incident at the PMSA ELC, or any complaints alleging that a serious incident has occurred or is occurring while a child was or is being educated and cared for by the PMSA ELC, or that the National Law has

⁷ *Education and Care Services National Law (Queensland)* section 173(2)(a)

been contravened.⁸

- c) Any incident where the PMSA ELC reasonably believes that physical or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the PMSA ELC.⁹
- d) 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 PMSA ELC.¹⁰
- e) Any circumstances arising at the service that pose a risk to the health, safety or wellbeing of a child attending the service.¹¹

The [National Decision Tree](#) can be used to assist in deciding whether a notification is required.

Notifications to the Regulatory Authority are to be made via the National Quality Agenda IT System ([NQAITS](#)) managed by ACECQA.

All PMSA ELC services will also keep an 'incident, injury, trauma and illness record' in accordance with their Incident, Injury, Trauma and Illness Policy¹² and, where relevant, the PMSA Child Safeguarding Report Form.

11. Other Appropriate Action

If a Principal, after appropriate conferral and deliberation, forms the view that the suspected harm does not meet the threshold for reporting to Child Safety, other action may be appropriate to minimise any likely harm to the extent reasonably possible.

The Principal will consider options including, but not limited to:

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

12. Awareness

All PMSA ELCs 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.

All PMSA ELCs will ensure that all nominated supervisors, staff members, volunteers and students participating in the service 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.¹³

13. Training

All PMSA ELCs will train their employees in processes relating to the health, safety and wellbeing of children and conduct of employees on their induction and will refresh this training annually.

This training includes the PMSA Child Protection Mandatory Training, which is mandatory for all PMSA staff annually.

Volunteers and contractors must also complete this training where deemed necessary, based on their role and level of contact with children.

Nominated supervisors and persons in day-to-day charge must have completed a child protection course approved through a government protocol in Queensland (e.g. CHCPRT025/026 or successor units) and delivered by an RTO. Completion can be either stand-alone or as part of a qualification.

⁸ Education and Care Services National Law (Queensland) section 174(2)

⁹ Education and Care Services National Regulation section 175(2)(d)

¹⁰ Education and Care Services National Regulation section 175(2)(e)

¹¹ Education and Care Services National Regulation section 175(2)(c)

¹² Education and Care Services National Regulation section 87

¹³ Education and Care Services National Regulation section 84

14. Implementation

All PMSA ELCs will ensure they are implementing this policy by auditing compliance with it at least annually.

All PMSA ELCs will ensure that on-going risk assessment and management is built into day-to-day operations to ensure a consistently safe environment.

All PMSA ELCs will ensure appropriate records are kept, stored and retained according to this policy.

All PMSA ELCs 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.

15. Policy Distribution

Copies of this policy are readily accessible and available for inspection by the nominated supervisor, employees and families at each PMSA ELC.

Parents of children enrolled at the PMSA ELC 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.

16. Complaints

Complaints or concerns about non-compliance with the implementation of this policy may be submitted as complaints under the PMSA ELC's policies and procedures dealing with complaints.

17. Amendment register

| Issue No | Approved by | Date of release | Page No | Change history |
|----------|-------------|-------------------|---------|---|
| 1 | PMSA Board | 19 September 2025 | All | Policy separated from PMSA Child Protection Policy (applicable to PMSA schools); ELC-specific requirements included informed by ISQ policy template; new 24-hour reporting obligations added. |