ROBE CHILD CARE ON WHEELS SERVICE

MANAGEMENT OF INAPPROPRIATE CONDUCT PROCEDURE

Responsible Officer:	*Manager Childcare Services*
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Relevant Regulations:	EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS S. 2A Paramount consideration—safety, rights and best interests of children S. 166A Offences relating to inappropriate conduct S. 167 Offence relating to protection of children from harm and hazards S. 174 Offence to fail to notify certain information to Regulatory Authority S. 174(2)(a) Notification of serious incident S. 175 Offence relating to requirement to keep enrolment and other documents 155 Interactions with children 168 Education and care service must have policies and procedures 170 Policies and procedures must be followed 175 Prescribed information to be notified to regulatory authority 176 Time to notify certain information to Regulatory Authority 181Confidentiality of records kept by approved provider
National Quality Standards (NQS):	QUALITY AREA 5: RELATIONSHIPS WITH CHILDREN 5.1.1Positive educator to child interactions-Responsive and meaningful interactions build trusting relationships which engage and support each child to feel secure, confident and included.

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	5.1.2 Dignity and rights of the child- The dignity and rights of every child are maintained 5.2 Relationships between children- Each child is supported to build and maintain sensitive and responsive relationships 5.2.1 Collaborative learning- Children are supported to collaborate, learn from and help each other 5.2.2 Self-Regulation- Each child is supported to regulate their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts

Our Service 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. Our Service maintains a zero-tolerance approach to inappropriate conduct involving children. All interactions must protect each child's dignity, emotional wellbeing and safety. Our Service upholds a strong reporting culture to safeguard children in our care. All educators and staff play a vital role in protecting children from harm by responding to and reporting any incidents, disclosures or suspicions of abuse, harm, neglect or ill-treatment.

Working in conjunction with the *Interactions with Children, Families and Staff Policy*, *Child Protection Policy and Child Safe Environment Policy* this procedure provides guidance for educators and management in fostering a child safe environment within the Service. It outlines how to identify inappropriate conduct and provides guidance on the processes for responding to and reporting allegations, suspicions or concerns.

If a child is at immediate risk and police or medical assistance is required, educators/staff must contact emergency services immediately on 000.		
LEGISLATIVE REQUIREMENTS		
1	National Law defines inappropriate conduct as "*conduct a reasonable person would consider to be inappropriate in an education and care Service*"	
2	When determining whether conduct is inappropriate, the approved provider and nominated supervisor will consider: • whether the conduct aligns with expected practice in the delivery of education and care, including behaviour guidance, supervision, personal care routines, and interactions with children • the child's age, stage of development, abilities, individual needs, and cultural and family context	

	• whether the conduct is likely to cause emotional, psychological or physical harm, distress, injury or discomfort to a child • the intention and purpose of the conduct, including whether it could reasonably be perceived as sexualised, aggressive, violent, exploitative, demeaning or unsafe in the context in which it occurs	
3	When assessing whether conduct is inappropriate, the approved provider or nominated supervisor must note that the following are irrelevant to the assessment: • a child's consent • any belief by an adult that the child has consented • the child's relationship to the alleged offender, including where the child is related	
4	Inappropriate conduct may occur: • directly in person, including actions directed at, or occurring around, a child that the child witnesses • through verbal or electronic communication, including messages, calls, livestreams, or any communication occurring in real time or near-real time • through digital capture, such as images, videos or sharing images/videos without authorisation • through a pattern of behaviour over time, including grooming behaviours, repeated boundary crossing, or escalating interactions that create risk to a child's safety or wellbeing	
5	Filming, recording, photographing or otherwise capturing an image or audio of a child is considered subjecting a child to inappropriate conduct and must be assessed and managed	
6	Inappropriate conduct may include: • a single act or incident • repeated acts or incidents occurring over a period of time • behaviour that forms part of an ongoing pattern	
7	Inappropriate conduct includes both: • an action; and • a failure to act where an action was required.	
8	The approved provider will provide regular training and professional development for all staff, educators and volunteers to recognise, prevent and report inappropriate conduct as part of mandatory child safety training	
9	The approved provider will ensure all educators, staff and volunteers understand their obligations as mandatory reporters and are trained to recognise, prevent and respond to inappropriate conduct	

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INAPPROPRIATE CONDUCT PREVENTION AND AWARENESS		
The approved provider and nominated supervisor will:		
1	review the Service's child-safe policies, including *Child Safe Environment Policy* and *Child Protection Policy,* annually in collaboration with children, educators and families	
2	ensure all staff, educators and families are aware of this procedure in alignment with Child Safe policies such as the *Child Protection Policy and Child Safe Environment Policy*	
3	inform all staff and educators about the procedure and their responsibilities to ensure that no child is subjected to inappropriate conduct	
4	provide regular training and professional development for all staff and educators to recognise, prevent and report inappropriate conduct	
5	ensure all staff, educators, volunteers, students and visitors adhere to the Service's expectations for professional conduct, child-safe practices and legislative requirements, and ensure that no child is exposed to inappropriate conduct in any form at any time	
6	provide guidance for staff and educators regarding how and when to report any concerns regarding inappropriate conduct or interactions	
7	actively demonstrate and uphold behaviours that promote a child safe culture, ensuring that inappropriate conduct is never tolerated in the Service	
8	implement recruitment practices that include appropriate screening, suitability checks and referee verification to reduce the risk of inappropriate conduct and ensure only suitable persons are engaged to work with children	
9	conduct a risk assessment to manage risks associated with inappropriate conduct	
10	review the inappropriate conduct risk assessment annually	
11	ensure educators remain within sight and sound of another educator at all times to reduce opportunities for inappropriate behaviours, including when changing nappies or assisting children with toileting or sleeping	
12	conduct a review of practices following an incident involving inappropriate conduct at the Service, including an assessment of areas for improvement	
13	where required, offer support, such as counselling, to children, families and staff following an incident involving inappropriate conduct	

EXAMPLES OF INAPPROPRIATE CONDUCT		
These examples are not exhaustive and provide a general overview of behaviours that may constitute inappropriate conduct.		
1	Behaviour that breaches professional boundaries: • developing personal or overly familiar relationships with children or families • sharing personal contact details with children or using private messaging platforms to communicate with children • giving special treatment or gifts to particular children • socialising with families in ways that compromise professionalism or objectivity • favouritism or exclusion of particular children or staff	
2	Inappropriate physical conduct: • using physical force to discipline (smacking, pinching, pushing, shaking) • rough handling during routines (nappy changing, pushing or forcing a child to sit or lie on a bed during rest time) • physical contact that is not necessary or respectful of the child's comfort or autonomy, including physical closeness that is not age-appropriate or required based on the needs or abilities of the child (example sitting on an educator's lap for an extended period of time) • stopping a child from moving, physically restraining a child • touching children in ways that are sexualised, intrusive, or violating privacy, such as tickling, wrestling, prolonged or unnecessary hugging, laying with a child on the ground, spooning a child, kissing children on the cheek, massages	
3	Inappropriate verbal or emotional conduct: • yelling, threatening or intimidating tone • belittling, shaming, mocking or humiliating a child • making fun of a child • using sarcasm, cruel humor or language children cannot reasonably understand • making discriminatory or derogatory comments about children, families, or colleagues, including negative labels	
4	Breaches in supervision or duty of care: • leaving children unsupervised or out of sight or hearing range • ignoring signs of distress, injury or unsafe behaviour • using personal devices while supervising children • not maintaining required ratios or group size considerations	

5	Misuse of discipline or behaviour guidance: • using punishment such as isolation, withdrawal of food, forced sleep or shame-based tactics • physical or verbal abuse • using consequences intended to frighten, threaten or control rather than teach • failing to use positive guidance practices as required under the NQF	
6	Boundary issues involving technology: • taking images or videos of children on personal devices • taking illegal or inappropriate images or videos of children, including sexualised images or videos • posting content involving children or the Service on social media • sharing images or videos of children enrolled at the Service • sharing confidential information without authorisation • inappropriate online behaviour or digital communication	
7	Conduct that raises child safety concerns: • grooming behaviours (secrets, special privileges, private interactions, set up of physical spaces (e.g. placing posters on windows to limit visual supervision, sheets to build forts)) • encouraging dependency or inappropriate attachment • sexualised comments, jokes or exposure to inappropriate content • failure to report concerns, suspicions or allegations of harm	
8	Unprofessional conduct with colleagues or families: • gossiping or sharing confidential information • bullying, harassment or discrimination • aggressive behaviour during conflict • undermining other staff in front of children or families	

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REPORTING CONCERNS		
1	Educators, family members or visitors who witness, suspect or are informed of any inappropriate conduct by a staff member or volunteer must notify • the regulatory authority, the Education Standards Board (ESB), within 24 hours, and • the approved provider within 24 hours, notifications must be made in writing to document the report	
2	Following an observation or a report regarding an allegation, concern or suspicion that a child has been subjected to inappropriate conduct, the approved provider must ensure that all required notifications are submitted to the relevant authorities listed below within 24 hours: • regulatory authority Education Standards Board (ESB) • Child Protection Helpline • SA Police	
3	Notifications are to be lodged within 24 hours of the incident, prioritising the safety and wellbeing of children at all times, including outside regular operations, for example weekends or public holidays	
4	Reports must include the following details: • date, time and location of incident • persons involved or witnesses • description of behaviour and incident • any immediate action taken • supporting documents • details of the person receiving the report	
5	Notifications made to relevant authorities must be recorded and include the following details: • details of the report as outlined above • date and time of notification • details of person making the notification • details of the agency the report is being notified to • details of how the notification was made (for example via email, contact form) • supporting documents • any response or guidance received by the relevant authority	
6	A *Reportable Conduct Report Form* must be completed as soon as practicable when an allegation, suspicion or incident of reportable or inappropriate conduct is identified or disclosed. This form is used to support notification to the appropriate authorities and to ensure all mandatory and relevant information is accurately documented prior to making a report.	

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7	All reports regarding inappropriate behaviour or reportable conduct must be documented in the Service's *Child Protection Concerns Register* to support ongoing monitoring, investigation and follow-up. This register must be securely stored and accessible only to authorised personnel.	
8	All supporting documentation must accompany the report and notification record. This may include: • staff rosters • staff, educator, parent or child statements • child attendance records • behaviour or incident logs • emails or messages relating to the incident • previous investigations, warnings or performance management records for the employee • professional development or training attended by the employee • staff acknowledgement of policies and procedures • CCTV footage	
9	Educators, families and visitors are advised that reports of inappropriate conduct must be made in writing and can be directed to the approved provider or nominated supervisor via email CEO@robe.sa.gov.au.	
10	The approved provider and nominated supervisor will actively ensure educators, staff, volunteers and visitors are aware of the *Protected Disclosures (Whistleblower) Policy* and are supported to report any child safety concerns in a safe and confidential manner	
11	Educators, staff and Persons with Management or Control (approved provider) at our Service are mandatory reporters under the following legislation: • Children and Young People (Safety) Act 2017 • Children and Young People (Safety) Regulations	
12	All reports and notifications must be treated as confidential. Records are to be securely stored and accessible only to authorised personnel, in accordance with the *Privacy and Confidentiality Policy*.	
13	The approved provider and nominated supervisor will cooperate with all requests from relevant agencies following a report, including requests for further information or documentation	

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RESPONDING TO CONCERNS		
1	If a child is in immediate danger, contact police or emergency services on 000	
2	Following a report made to the approved provider or nominated supervisor regarding inappropriate conduct, an investigation may be conducted provided that it does not interfere with investigations carried out by relevant agencies	
3	The approved provider or nominated supervisor will use the *Reportable Conduct Report Form* to help guide notifications to the relevant authorities and to ensure that all mandatory reporting details and notification processes are documented and managed in accordance with legislative requirements	
4	The approved provider will ensure the parent/guardian of the child is notified of any serious incident involving their child within 24 hours, including allegations, suspicions or incidents involving child safety or inappropriate conduct	
5	The approved provider will notify parents/guardians of any investigation regarding child safety, including inappropriate conduct, involving their child, including information about the investigation process support resources, contact details for further enquiries, expected timeframe for investigation and will provide regular updates during the investigation	
6	Investigations will be conducted in a confidential and timely manner, with only authorised personnel involved in the investigation	
7	Interviews regarding witnesses or involved educators or staff will be conducted separately	
8	All supporting documentation, including any CCTV footage and witness statements, will be considered during the investigation.	
9	The approved provider will take immediate action to ensure the safety of all children within the Service. The educator or staff member may be stood down, and prohibited from working directly with children, while an investigation is undertaken.	

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FOLLOWING AN INVESTIGATION OR REPORT INTO INAPPROPRIATE CONDUCT		
1	At the conclusion of the investigation, the following actions may be undertaken: • counselling or support services offered to families, children or educators affected • additional professional development or training regarding child safety • performance management, in accordance with our *Performance Management Policy* • increased supervision or mentoring of educator or staff member involved • disciplinary action, including termination of employment • critical review and update of policies and procedures	
2	A post-investigation meeting will be conducted with all people affected by the incident (without breaching confidentiality)	
3	The approved provider and nominated supervisor will comply with all directions and instructions provided by authorities, including: • regulatory authority Education Standards Board • Department for Child Protection • SA Police	
4	The approved provider will ensure all directions from the regulatory authority will be followed, including any suspension or supervision notices under National Law	
5	All steps of the investigation will be recorded and documented in the *Reportable Conduct Report Form*, including action taken before, during and after the investigation	
6	The approved provider will ensure a review of the incident, investigation and outcomes is completed, including updating of relevant policies, procedures and risk assessments where required	

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