

MANAGEMENT OF INAPPROPRIATE CONDUCT PROCEDURE

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 towards 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 discipline and details the processes for responding to and reporting any allegations, suspicions, or concerns.

Education and Care Services National Law and National Regulations (S. 2A, 3A, 5AA [NSW], 166A, 167, 174, 175. R. 155, 168, 170, 175, 176, 181) QA5 Relationships with Children
Related Policies: *Interactions with Children, Families and Staff Policy*, *Child Protection Policy* and *Child Safe Environment Policy*

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 and individual needs, including 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 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	

INAPPROPRIATE CONDUCT PREVENTION AND AWARENESS

The approved provider and nominated supervisor will:

1	review the Service's child safe policies including, <i>Child Safe Environment Policy</i> and <i>Child Protection Policy</i> 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 <i>Child Protection Policy</i> and <i>Child Safe Environment Policy</i>	
3	inform all staff and educators of 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 are 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	offer support, such as counselling, to children, families and staff following an incident involving inappropriate conduct, where required	

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	
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	• 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 humour 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/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	

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 NSW Early Learning Commission 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 within 24 hours to the relevant authorities listed below: - regulatory authority NSW Early Learning Commission through the NQA ITS portal - NSW Department of Communities and Justice (DCJ) via the Child Protection Helpline or NSW Mandatory Reporter Guide - NSW Office of the Children's Guardian (OCG) - NSW 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	Notification 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 or NQA ITS) • supporting documents • any response or guidance received by the relevant authority	
6	A <i>Reportable Conduct Report Form</i> 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.	
7	All reports regarding inappropriate behaviour or reportable conduct must be documented in the Service's <i>Child Protection Concerns Register</i> 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 or 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 director@eastlismorepreschool.com and/or committee@eastlismorepreschool.com	
10	The approved provider and nominated supervisor will actively ensure educators, staff, volunteers and visitors are aware of the <i>Protected Disclosures (Whistleblower) Policy</i> 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) employed at our Service are mandatory reporters under the following legislation: • Children and Young Persons (Care and Protection) Act 1998 (NSW) • Children (Education and Care Services National Law Application) Act 2010 (NSW)	

	Reportable Conduct Scheme – Children’s Guardian Act 2019 (NSW)	
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 <i>Privacy and Confidentiality Policy</i> .	
13	The approved provider and nominated supervisor will cooperate with all requests from relevant agencies following a report, including requests of further information or documentation	

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 <i>Reportable Conduct Report Form</i> 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 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.	

FOLLOWING AN INVESTIGATIONS 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 <i>Performance Management Policy</i> - 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 affected persons involved in the incident (without breaching confidentiality)	
3	The approved provider and nominated supervisor will follow and comply with all direction and instructions provided by authorities, including: - regulatory authority NSW Early Learning Commission - NSW Department of Communities and Justice (DCJ) - NSW Office of the Children's Guardian (OCG) - NSW 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 <i>Reportable Conduct Report Form</i> , including action taken before, during and after the investigation	
6	The approved provider will ensure a review of the incident, investigation and outcomes will be completed, including updating of relevant policies, procedures and risk assessments where required	

REVIEW OF PROCEDURE			
Date procedure created	2.10/2026	To be reviewed	OCTOBER 2027
Approved by	Michelle Donadel	Signature	
Location of procedure	Dropbox/Policy folder		
Procedure reviewed date	Modifications/Changes		
April 2026	Slight edits to provide clarification of where to record incidents involving inappropriate conduct. New <i>Reportable Conduct Form</i> included into procedure		
January 2026	New procedure developed following National Child Safety Reforms (In force now for NSW Services and commencing 2026 for other states/territories) of S. 5AA [NSW only] and S. 166A		

INAPPROPRIATE CONDUCT RESOURCES		
NAME OF RESOURCE	RESOURCE DESCRIPTION	DESKTOP LIBRARY LOCATION
Interactions with Children, Staff and Families Policy	Under the Education and Care Services National Law and National Regulations, approved Services must have a policy regarding the interactions with children that aligns with legislative requirements to promote children's dignity, wellbeing and development, and to support respectful and positive relationships between children and staff.	QA5 Policy Library
Behaviour Guidance Policy	The <i>Behaviour Guidance Policy</i> provides a clear, consistent and child-centred approach to supporting children's behaviour in ways that promote wellbeing, inclusion and positive development.	QA5 Policy Library
Management of Inappropriate Conduct Procedure	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 discipline and details the processes for responding to and reporting any allegations, suspicions, or concerns.	Resources > Procedures
Inappropriate Conduct Risk Assessment	This risk assessment is used to identify, assess and minimise the risk of inappropriate conduct occurring within the Service by staff, educators, volunteers and visitors, with children's safety and wellbeing as the highest priority.	Resources > Forms
Child Protection Concerns Register	This register provides a secure and confidential record of all child protection concerns, disclosures, or suspicions of child abuse or neglect, including all reports made to relevant authorities.	Resources > Forms
Reportable Conduct Report Form	This reporting tool is designed to support the mandatory notification and management of alleged reportable conduct or inappropriate conduct by employees of the Service. It records any incidents and assists in formal notification processes, in line with state/territory Reportable Conduct Scheme requirements.	Resources > Forms