

CHILD PROTECTION POLICY AND PROCEDURE (ACT)

NQS 2- Children's Health and Safety

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 embeds the National Principles for Child Safe Organisations and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging. We will ensure all employees and volunteers understand the meaning, importance and benefits of providing a child safe environment and critically, understand their obligations and requirements as mandatory reporters. Our Service follows the National Model Code and Guidelines for taking images or videos of children released by ACECQA 1 July 2024.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY						
2.2	Safety	Each child is respected.				
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.				
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.				
2.2.3	Child Protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.				

EDUCATION AND CARE SERVICES NATIONAL LAW AND NATIONAL REGULATIONS			
S. 162A	Child protection training		
S. 165	Offence to inadequately supervise children		
S. 166	Offence to use inappropriate discipline		
S. 167	Offence relating to protection of children from harm and hazard		
S. 174	Offence to fail to notify certain information to Regulatory Authority		
S. 175	Offence relating to requirement to keep enrolment and other documents		
84	Awareness of child protection law		
86	Notification to parents of incident, injury, trauma and illness		
87	Incident, injury, trauma and illness record		
145	Staff records		
149	Volunteers and students		
155	Interactions with children		
168	Education and care service must have policies and procedures		



170)	Policies and procedures to be followed
175		Prescribed information to be notified to Regulatory Authority
176 Time to notify certain information to Regulatory Authority		

LEGISLATION

Children and Young People Act 2008	Working with Vulnerable People (Background
Children and Young People Act 2006	Checking) Act 2011

RELATED POLICIES

Child Safe Environment Policy	Recruitment Policy	
Code of Conduct Policy	Respect for Children Policy	
Dealing with Complaints Policy	Responsible Person Policy	
Family Communication Policy	Staffing Arrangements Policy	
Health and Safety Policy	Student, Volunteer and Visitors Policy	
Interactions with Children, Family and Staff Policy	Supervision Policy	
Privacy and Confidentiality Policy	Work Health and Safety Policy	

PURPOSE

All educators, staff, visitors and volunteers are committed to identifying possible risk and significant risk of harm to children and young people at the Service. We comprehend our duty of care responsibilities to protect children from all types of abuse and neglect and will adhere to our moral and legislative obligations at all times.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Our Service will act in the best interest of each child, assisting them to develop to their full potential in a secure and child safe environment.

Keeping children safe: a shared responsibility.

SCOPE

This policy applies to children, families, staff, educators, management, approved provider, nominated supervisor, students, volunteers and visitors of the Service.

DEFINITIONS

Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. In the ACT, mandatory reporting is regulated by the Children and Young People Act 2008.

Mandatory reporters

Mandatory reporters in the ACT include:

- psychologists
- teacher (including a paid teacher's assistant)
- school counsellor
- person authorised to inspect education programs, materials or other records used for home education
- childcare centre worker that cares for a child (including a paid childcare assistant or aide)
- · person coordinating or monitoring home-based care for a family day scheme provider



• person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation.

If a person suspects or believes on reasonable grounds that a child or young person is experiencing abuse or neglect or they wish to discuss concerns about a child or young person, they should contact Child and Youth Protection Services (CYPS) as soon as possible.

WHAT IS CHILD ABUSE?

The World Health Organisation ([WHO], 2006, p. 9) defines child abuse and neglect as: "All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power."

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological or emotional health or development. Child abuse can be a single incident or can be a number of different incidents that take place over time.

TYPES OF ABUSE AND NEGLECT

The ACT Government identifies the following types of abuse and neglect:

- physical abuse
- sexual abuse
- emotional abuse
- family violence
- neglect

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Behavioural or physical signs which assist in recognising harm to children are known as indicators.

One indicator on its own may not imply abuse or neglect. However, a single indicator can be as important as the presence of several indicators. Each indicator needs to be deliberated in the perspective of other indicators and the child's circumstances. A child's behaviour is likely to be affected if he/she is under stress. There can be many causes of stress and it is important to find out specifically what is causing the stress. Abuse and neglect can be single incidents or ongoing and may be intentional or unintentional.

The CYPS provide definitions and physical indicators in: Keeping children and young people safe

WORKING WITH VULNERABLE PEOPLE

ACT's Working with Vulnerable People (WWVP) is administered by the Working with Vulnerable People Scheme through Access Canberra. All employees working or volunteering with vulnerable people, including children, are required to register with the Working with Vulnerable People Scheme. Employees are required to carry their Working with Vulnerable People cards when working. Education and care services are required to check an employees' or person's Working with Vulnerable People registration before the employee or person begins working or interacting with children. Our Service will register with the Access Canberra and verify all staff, educator, students and volunteer Working with Vulnerable People registration in accordance with the Working with Vulnerable People (Background Checking) Act 2011. Our Service will not employ or engage a person who does not hold a valid Working with Vulnerable People registration.



If the WWVP registration application has not yet been approved the employee can work while the application is underway as long as:

- employer agrees
- are supervised at all times
- have NOT been issued with an interim bar or negative notice.

IMPLEMENTATION

Our Service strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. Educators have an important role to support children and young people and to identify concerns that may jeopardise their safety, welfare, or wellbeing including:

- A duty of care to ensure that reasonable steps are taken to prevent harm to children
- Obligations are met under child protection legislation
- Obligations are met under work, health and safety legislation.

To ensure best practice, all educators will attend approved child protection training certified by a registered training organisation. Educators will continue to maintain current knowledge of child protection and mandatory reporter requirements by completing Child Protection Awareness Training annually.

THE APPROVED PROVIDER/ NOMINATED SUPERVISOR WILL ENSURE:

- that obligations under the Education and Care Services National Law and National Regulations are met
- educators, staff, students and volunteers have knowledge of and adhere to this policy and associated procedure
- families are aware of this *Child Protection Policy*
- any responsible person in day-to-day charge of the Service has successfully completed a course in child protection approved by the regulatory authority
- the Service registers with the Access Canberra and verifies all staff, educator, students and volunteer Working with Vulnerable People registration in accordance with the Working with Vulnerable People (Background Checking) Act 2011 BEFORE the person begins working or interacting with children
- a record is kept and updated of the number of each WWVP registration and expiry date
- all employees, volunteers and students hold a validated WWVP registration before coming into contact directly with children
- all employees, volunteers and students are:
 - o provided with a copy of the current *Child Protection* and *Child Safe Environment Policies*
 - o required to participate in a comprehensive induction and orientation program, including an understanding of child protection law
 - supported to a foster a Child Safe Culture within the service by complying with National Principles for Child Safe Organisations (Child Safe Standards)
 - o provided with support to adhere to a zero-tolerance stance against child abuse
 - o aware of their mandatory reporting obligations and responsibilities to report suspected risk or significant risk of harm to the Child and Youth Protection Services
 - o aware of indicators showing a child may be at risk of harm or significant risk of harm
 - aware of mandatory reporting obligations in relation to the Reportable Conduct Scheme, including reporting to the approved provider or any allegations of reportable conduct or convictions
 - aware that neglecting to report child protection concerns may be deemed a criminal offence
- training and development are provided for all educators, staff, and volunteers in child protection on an annual basis



- educators are provided with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers
- educators are provided with training and ongoing supervision to ensure they understand that child safety is everyone's responsibility, and they adhere to the Child Safe Standards
- access is provided to all staff regarding relevant legislations, regulations, standards and other resources to help educators, staff, and volunteers meet their obligations
- · records of abuse or suspected abuse are kept in line with our Privacy and Confidentiality Policy
- records relating to child sexual abuse that has or is alleged to have occurred are kept for at least 45 years
- educators, staff, volunteers and students are well informed about the different ways children
 may express concerns, distress and disclose harm as well as the process for responding to
 disclosures from children- including a complaint that alleges a child is exhibiting sexual
 behaviours that may be harmful to the child or another child. (ACECQA 2023)
- ensure our complaint handling processes are child-focused providing support and guidance for children to know who to talk to if they are feeling unsafe (*See Dealing with Complaints Policy*).

EDUCATORS WILL:

- contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do so
- participate in a comprehensive induction and orientation program, including an understanding of child protection law
- provide valid Working Vulnerable People (WWVP) registration details during their employment or engagement at the Service
- advise the approved provider of any circumstances that may affect their WWVP registration or fit and proper status
- be able to recognise indicators of abuse or neglect to children and young people through participation in annual child protection training
- respect what a child discloses, taking it seriously and follow up on their concerns through the appropriate channels
- comprehend their obligations as mandatory reporters and their requirement to report any situation
 where they believe, on reasonable grounds that a child or young person is experiencing abuse or
 neglect or if they wish to discuss concerns about a child or young person, contact Child and Youth
 Protection Services (CYPS) as soon as possible:
 - o Mandated reporters' line (available 24 hours): 1300 556 729
 - o Online: Report Child Abuse and Neglect
- refer families to appropriate support agencies when there are no significant reasons to believe a child is being abused or neglected. These support services may be accessed by contacting OneLink, www.onelink.org.au. Family consent will be sought before making referrals
- promote the welfare, safety, and wellbeing of children at the Service by creating and maintaining child safe environment
- allow children to be part of decision-making processes where appropriate
- foster a culture of openness and respect where children and young people feel safe to disclose risk of harm to children
- prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people
- NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on to the Care and Protection Service or appropriate authority
- report any allegations of reportable conduct to the approved provider
- identify and notify any concerns around staff, educator or volunteer behaviour or conduct to management of the Service.



STUDENTS/ VOLUNTEERS/ VISITORS WILL:

- contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do
- participate in a comprehensive induction and orientation program, including an understanding of child protection law
- provide valid Working with Vulnerable People (WWVP) registration during their engagement at the Service unless exempt
- advise the approved provider of any circumstances that may affect their WWVP check or fit and proper status
- promote the welfare, safety, and wellbeing of children at the Service, fostering a child safe culture
- participate in child protection training as required
- provide a child safe environment for all children
- allow children to be part of decision-making processes where appropriate
- prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people
- NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on to the approved provider/ Child and Youth Protection Services
- report any allegations of reportable conduct to the approved provider or Ombudsman
- identify and notify any concerns around staff, educator or volunteer behaviour or conduct to management of the Service.

DOCUMENTING A DISCLOSURE

A disclosure of harm emerges when someone, including a child, tells you about harm that has happened or is likely to happen. When a child discloses that he or she has been abused, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child from the abuse. It is also a chance to help the child connect to professional services that can keep them safe, provide support and facilitate their recovery from trauma. Disclosure is about seeking support and your response can have a great impact on the child or young person's ability to seek further help and recover from the trauma.

WHEN RECEIVING A DISCLOSURE OF HARM, THE PERSON RECEIVING THE DISCLOSURE WILL:

- give the child or young person their full attention
- remain calm and find a private place to talk
- not make promises that can't be kept. For example, never promise that you will not tell anyone else
- honestly tell the child or young person what you plan to do next
- tell the child/person they have done the right thing in revealing the information but that they'll need to tell someone who can help keep the child safe
- only ask enough questions to confirm the need to report the matter because probing questions could cause distress, confusion and interfere with any later enquiries
- let the child or young person take his or her time
- let the child or young person use his or her own words
- not attempt to conduct their own investigation or mediate an outcome between the parties involved
- not confront the perpetrator
- document as soon as possible so the details are accurately captured including:
 - o time, date and place of the disclosure
 - 'word for word' what happened and what was said, including anything they (the staff member/educator) said and any actions that have been taken



o date of report and signature.

MAKING A REPORT

If a child is at immediate risk and Police or medical assistance is required, dial 000.

Mandated reporters must make a Child Concern Report to Child and Youth Protection Services (CYPS).

If you suspect a child is at risk of abuse or neglect:

- use the online form to report your concerns, or
- call 1300 556 729 if they believe on reasonable grounds, based on information obtain during the course of (or because of) their work, that a child or young person has experienced, or is experiencing:
- sexual abuse, or
- non-accidental physical injury

When making a Child Concern Report, ensure you provide the following information:

- name and date of birth of the child or young person
- the home address of the child or young person and any known previous addresses of the family
- the current whereabouts of the child or young person
- name of parents, or their aliases, and contact details
- names of known siblings
- the nature of the abuse and neglect
- if you know of any supports being provided to the child, young person and family including extended family
- details about when and how you became aware of the information.

NOTIFICATIONS

THE APPROVED PROVIDER/NOMINATED SUPERVISOR WILL:

- notify the regulatory authority through the NQA-ITS (within 7 days) of any incident where it is
 reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while
 the child is being educated and cared for by the Service
- notify the regulatory authority through the NQA-ITS (within 7 days) of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service
- notify the regulatory authority through the NQA-ITS (within 24 hours) of any complaints alleging that a serious incident has occurred or is occurring at the Service
- notify the regulatory authority through the NQA-ITS (within 24 hours) of a serious incident,
 which may include physical or sexual abuse where emergency services attended the Service
- notify the ACT Ombudsman of reportable conduct or conviction following becoming aware of an allegation against an employee, student or volunteer and ensure they are investigated, and appropriate action taken-https://www.ombudsman.act.gov.au/accountability-andoversight/reportable-conduct

CONFIDENTIALITY

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the notification should not inform the suspected perpetrator (if known). This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements. It also minimises the risk of retaliation on the child for disclosing.



PROTECTION FOR REPORTERS

All reporters are protected against retribution for making or proposing to make a report under amendments to the *Children and Young People Act 2008* effective 9 April 2021. The identity of the reporter is protected by law from being disclosed, except in certain exceptional circumstances. Provided the report is made in good faith:

- the report will not breach standards of professional conduct
- the report cannot lead to defamation and civil and criminal liability
- the report is not admissible in any proceedings as evidence against the person who made the report
- · a person cannot be compelled by a court to provide the report or disclose its contents
- the identity of the person making the report is protected.

A report is also an exempt document under the Freedom of Information Act 1989.

SHARING OF INFORMATION

The *Children and Young People Act 2008* provides clarification about why, when and how to share information legally, professionally and appropriately when obtained. All information received as an Information Holder is protected information, some protected information received will be sensitive information. The person's consent does not allow you to share sensitive information unless it is in the best interests of a child or young person to do so.

Personal information, other than sensitive information, may be shared with the consent of the person whom the information is about. Such consent, where possible, should be obtained in writing or a record made of the consent provided.

Information that would identify a reporter or would allow the identity of a reporter of a child protection report to be worked out is sensitive information that is not to be shared unless ordered by the Court. Records must be kept of information requested and shared.

BREACH OF CHILD PROTECTION POLICY

All educators, students, volunteers and staff working with children have a duty of care to support and protect children. A breach of our *Child Protection Policy* may include if a person:

- does something that a reasonable person in that person's position would not do in a particular situation
- fails to do something that a reasonable person in that person's position would do in the circumstances or
- acts or fails to act in a way that causes harm to someone the person owes a duty of care. A breach is any action or inaction by any individual within the Service, including children and young people, that fails to comply with any part of the policy.

MANAGING A BREACH IN CHILD PROTECTION POLICY

Management will investigate the any breaches to this policy in a fair, unbiased and supportive manner by:

- liaising with Child and Youth Protection Services (CYPS), for appropriate processes to ensure chain of evidence is not destroyed or compromised
- not undertaking and investigating the allegation whilst the ACT Ombudsman or the Police are conducting an investigation
- removal of the educator or staff member from a role with contact with children or young people until authorities conclude their investigation

Management may undertake an investigation if the ACT Ombudsman or the Police are not conducting their own investigation or if their action has concluded.

Child Protection Policy And Procedure (ACT) V2025.01



Management will:

- give the educator, staff member, student or volunteer the opportunity to provide their version of events
- document the details of the breach, including the versions of all parties
- record the outcome clearly and without bias
- ensure the matters in relation to the breach are kept confidential
- reach a decision based on discussion and consideration of all evidence.

OUTCOME OF A BREACH IN CHILD PROTECTION POLICY

Staff members or educators who fail to adhere to this policy may be in breach of their terms of employment. Visitors or volunteers who fail to comply to this policy may face termination of their engagement. Depending on the nature of the breach outcomes may include:

- · emphasising the relevant element of the child protection policy and procedure
- providing closer supervision
- further education and training
- providing mediation between those involved in the incident (where appropriate)
- disciplinary procedures if required, including dismissal of employment
- reviewing current policies and procedures and developing new policies and procedures if necessary

REPORTABLE CONDUCT SCHEME-ALLEGATIONS AGAINST EMPLOYEES, VOLUNTEERS or STUDENTS (or contractors)

Report to 000 if you have immediate concerns for a child's safety.

The approved provider has the legislative obligation under the *Ombudsman Act 1989* to notify the ACT Ombudsman of reportable allegations, offences and convictions against their employees (including volunteers and contractors), investigate the allegation and advise the ACT Ombudsman of the outcome. All staff members have an obligation to report relevant allegations of a child protection nature as part of the Reportable Conduct Scheme to the approved provider or ACT Ombudsman. This reportable conduct may have occurred either within work hours or outside work hours. A child is anyone under the age of 18 at the time of the alleged conduct occurred.

The approved provider must ensure systems, policies and procedures are in place for recording and responding to or investigating allegations or convictions against employees.

The Reportable Conduct Scheme includes allegations, offences or convictions relating to child abuse or misconduct, including:

- ill-treatment of a child (including emotional abuse and inappropriate use of force or physical restraint)
- neglect
- psychological harm
- misconduct of a sexual nature
- sexual or physical offences and convictions where a child is a victim or is present
- inappropriate discipline or offences relating to protecting children from harm in accordance with the Education and Care Services National Law (ACT) Act 2011.

The approved provider must notify the Ombudsman about any reportable allegations or convictions as soon as possible, but no later than 30 days after becoming aware of the reportable conduct and provide information regarding investigations being undertaken, including documentation (including interview records, copies of reports and evidence gathered)

The approved provider must send a report to the Ombudsman to determine whether the investigation was completed satisfactorily and whether appropriate action was or can be taken. The approved



provider must ensure an appropriate level of confidentiality of information relating to the reportable allegations as per the Act or other legislation.

The ACT Ombudsman provides guidelines for designated entities to request and share information where it is relevant to the safety, welfare and wellbeing of children under the Reportable Conduct Scheme. A request of information includes in the course of an inquiry into an allegation of reportable conduct about an employee. Information must be shared, when a request has been made, unless there is a specific reason to refuse. The heads of relevant entities have obligations under section 17L of the Ombudsman Act to disclose 'relevant information' to the following persons unless they are satisfied that the disclosure is not in the public interest:

- a child to whom the information relates
- a parent of the child
- if the child is in out-of-home care- an authorised carer that provides out-of-home care to the child.

The ACT Ombudsman will monitor the entity's response of the allegation and may conduct their own investigation. [See: Organisation-related child protection.]

EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOUR

Our program will educate children

- about acceptable and unacceptable behaviour, and what is appropriate and inappropriate contact at an age-appropriate level and understanding
- · about their right to feel safe at all times
- to say 'no' to anything that makes them feel unsafe or uncomfortable
- about how to use their own knowledge and understanding to feel safe
- · to identify feelings that they do not feel safe
- the difference between 'good' and 'bad' secrets
- that there is no secret or story that cannot be shared with someone they trust
- · that educators are available for them if they have any concerns
- to tell educators of any suspicious activities or people
- to recognise and express their feelings verbally and non-verbally
- that they can choose to change the way they are feeling.

RESOURCES FOR INDICATORS OF ABUSE OR NEGLECT

Child and Youth Protection Services (CYPS) provide a guide to reporting child abuse and neglect in the ACT. Child and Youth Protection Services

Child Safe Organisations https://childsafe.humanrights.gov.au

NAPCAN- Prevent Child Abuse & Neglect https://www.napcan.org.gu/napcan-brochures/

OneLink - https://www.onelink.org.au/

Access Canberra - Reporting child abuse and neglect https://www.act.gov.au/community/child-protection-and-youth-justice/report-child-abuse-or-neglect

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Child Protection Policy* will be reviewed on an annual basis in consultation with children, families, staff, educators and management.



SOURCES

ACECQA. (2023). Embedding the National Child Safe Principles

ACT Government. Community Services. https://www.communityservices.act.gov.au/

ACT Government. *Keeping Children and Young People Safe* https://www.act.gov.au/open/keeping-children-and-young-people-safe

ACT Government. Access Canberra. Reporting child abuse and neglect

https://www.act.gov.au/community/child-protection-and-youth-justice/report-child-abuse-or-neglect

ACT Government. Access Canberra. Working with Vulnerable People

https://www.accesscanberra.act.gov.au/business-and-work/working-with-vulnerable-people

ACT Ombudsman. *Reportable conduct* https://www.ombudsman.act.gov.au/accountability-and-oversight/reportable-conduct

ACT Ombudsman. *Reportable conduct. Practice Guide No. 8 Information Sharing and Reportable Conduct* https://www.ombudsman.act.gov.au/__data/assets/pdf_file/0032/298760/No.-8-Information-Sharing-and-Reportable-Conduct.pdf

Australian Children's Education & Care Quality Authority. (2024). <u>Guide to the National Quality Eramework.</u>

Australian Government Department of Education <u>Belonging</u>, <u>Being and Becoming</u>: <u>The Early Years</u> <u>Learning Framework for Australia</u>, *V2.0*, 2022

Australian Government Australian Institute of Family Studies. (2018). <u>Australian child protection</u> legislation

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Early Childhood Australia Code of Ethics. (2016).

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Ombudsman Act 1989.

REVIEW

1/2 4/2 4					
CATEGORY:	Children's Health and Safety	VERSION:	V2025.01		
EFFECTIVE FROM:	January 2025	NEXT REVIEW:	January 2026		
POLICY REVIEWED	June 2024	Policy reviewed as part of review cycle			
POLICY REVIEWED	OLICY REVIEWED PREVIOUS MODIFICATIONS				
V2025.01 October 2024	, , , , , , , , , , , , , , , , , , , ,				
April 2024	 policy maintenance merged sections-red updated definitions and neglect in the A hyperlinks checked 	 policy maintenance merged sections-receiving a disclosure of harm/in addition updated definitions of abuse from Guide to reporting child abuse and neglect in the ACT (Dec. 2022) hyperlinks checked and repaired as required 			