

# INCIDENT REPORTING & REPORTABLE CONDUCT POLICY



## RISK & COMPLIANCE

### PURPOSE

This policy outlines the ECMS approach to reporting, managing and responding to incidents involving children, as well as fulfilling our obligations under the *Education and Care Services National Law Act 2010*, the *Education and Care Services National Law Regulations 2011*, the *Occupational Health and Safety Act 2004 (Vic)*, the *Education and Training Reform Act 2006 (Vic)*, and the Victorian Reportable Conduct Scheme.

This policy operates in alignment with the ECMS organisational frameworks and policies, including the *Child Safety and Wellbeing Policy*, reinforcing our shared commitment to protecting children's safety, dignity and rights.

### SCOPE

This policy applies to:

- The Approved Provider, persons with management or control, Centre Director, Nominated Supervisor, and persons in day-to-day charge.
- Early Childhood teachers, educators, employees, contractors, students, volunteers, parents/guardians, children, and others enrolled and participating in ECMS programs and services, including during offsite excursions and activities.
- All ECMS-operated Early Learning Centres and Kindergarten programs.

### POLICY STATEMENT

ECMS is committed to an anti-bias approach in early childhood. ECMS operates within a framework of social justice and equity - this means we take up the ethical challenge of learning how to live well together and to flourish with difference. We celebrate family and cultural diversity and are committed to creating safe, inclusive and respectful environments where all children, families and communities are valued. We have zero tolerance of racism and zero tolerance of harm and abuse to children. This policy is underpinned by the principles of quality teaching and learning, child safety, respect, responsibility, and inclusion.

### POLICY PRINCIPLES

The following principles underpin all ECMS policies:

- Our policies reflect our purpose
- We use evidence to guide decisions

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- Our policies are clear, accessible and purposeful
- Safety, equity and inclusion are non-negotiable
- We are accountable, transparent and always learning.

## POLICY

### Reporting and Notification Pathways

Internal concerns are raised via the incident management system (1Place) or directly to line managers. The Risk & Compliance Team triages incidents and determines required notifications. External bodies may include:

- **Regulatory Authority (Victorian Early Childhood Regulatory Authority (VECRA)** – Notifiable incidents under Regs 85–87 of the *Education and Care Services National Law Regulations 2011*
- **Child Protection or Victoria Police** – Where a child is at immediate risk and/or criminal activity is suspected or has been identified
- **Social Services Regulator (SSR)** – Allegations of reportable conduct
- **Victorian Institute of Teaching (VIT)** – If the subject is a registered teacher (Section 2.6.30 of the *Education and Training Reform Act 2006*)
- **WorkSafe Victoria** – If the subject is an employee, other persons at work and members of the public (Sections 37–39 of *Occupational Health and Safety Act 2004*)

All concerns must be responded to with urgency, compassion and confidentiality ensuring the dignity and emotional safety of children and reporters.

Failure to report is a breach of professional and legal obligations.

### Supporting Children to Disclose Harm

ECMS is committed to creating environments where children feel safe, heard, empowered to speak up, and share their perspectives. We recognise that children disclose harm in different ways depending on their age, developmental stage, communication needs and cultural background. ECMS educators use the Classroom Assessment Scoring System (CLASS), alongside certified trainers, to reflect on their responsive teaching practices and regard for children's views within their day-to-day practice. Through training programs, such as CLASS, Circle of Security and trauma informed practice, educators develop strong intentional teaching capabilities to observe children's behavioural cues, to use open-ended, non-leading language and respond calmly and appropriately to all forms of disclosure, including verbal, non-verbal and play-based expressions. ECMS actively promote a culture of trust, inclusion and safety through everyday interactions and child-friendly mechanisms for raising concerns.

### Timeframes and Escalation Matrix

Timely action is critical to ensuring the safety, wellbeing and protection of children and to meeting our legal and ethical obligations.

- Within 24 hours: Internal incident report submitted (via 1Place)

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- Within 24 hours: Notifiable incidents to be reported to VECRA
- Immediately: notifiable workplace incidents reported to WorkSafe Victoria (with a written notification within 48 hours).
- Within 3 business days: SSR must be notified of reportable conduct allegations
- Within 30 days: Investigation findings submitted to SSR
- Immediately: notify VIT if the employer takes any action against a registered teacher

### Investigation Process

Investigations will be conducted in line with the ECMS *Incident Investigation Procedure*. All investigations will:

- Prioritise child safety, procedural fairness and trauma-informed approaches that uphold the dignity of all involved.
- Be timely, confidential and trauma-informed.
- Follow the guidance in the *Reportable Matters Handbook* and comply with SSR expectations.

### Confidentiality and Recordkeeping

All reports, notes and investigation records will be securely stored. Access is restricted to authorised personnel. Information will be shared in accordance with the Child Information Sharing Scheme (CISS), Family Violence Information Sharing Scheme (FISS) and privacy legislation, balancing the child’s right to safety with respectful information handling.

### Continuous Improvement and Learnings

Trended Incident data and investigation findings will be analysed regularly to identify systemic risks and inform system, process and practice improvement, training and policy review. This data is also used to inform service-level planning and team development. Insights are used to strengthen and implement preventative strategies through practice and systems, ensuring children remain safe, seen and heard.

### Monitoring, Review and Continuous Improvement

ECMS reviews and assesses this policy for effectiveness, adequacy and relevance every three years, or earlier if legislation, Child Safe Standards, or organisational priorities change. The review and update process will be aligned to legislative and regulatory changes, and interim updates may be made sooner, if significant changes occur, with regard to new regulatory obligations, audit findings, or organisational structure. Feedback from children, families, educators, and leaders informs learning and opportunities for continuous improvement to inform training, practice improvement and policy review. Insights are used to strengthen and implement improvement strategies through practice and systems, ensuring children remain safe, seen and heard.

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## BACKGROUND AND LEGISLATION

### BACKGROUND

Under the *National Law and Regulations*, early childhood services are required to ensure the safety, wellbeing, and protection of children and staff by complying with the *Education and Care Services National Law 2010*, *National Regulations 2011* and Occupational Health and Safety legislation. This includes meeting mandatory child-safety obligations. Services are required to protect privacy obligations and compliance with relevant legislation and standards including Privacy Act 1988, National Quality Standard and Child Safe Standards.

### LEGISLATION AND STANDARDS

Relevant legislation and standards include but are not limited to:

- Education and Care Services National Law Act 2010
- Education and Care Services National Regulations 2011
- Privacy Act 1988 (Cth)
- Child Wellbeing and Safety Act 2005 (Vic)
- Education and Training Reform Act 2006 (Vic)
- Health Records Act 2001 (Vic)
- Information Privacy Act 2000 (Vic)
- Occupational Health and Safety Act 2004 (Vic)
- Public Health and Wellbeing Act 2008 (Vic)
- Public Health and Wellbeing Regulations 2019 (Vic)
- National Quality Standard: QA2, QA3, QA6, QA7
- Child Safe Standards – Standard 2: Child Health and Safety
- Victorian Reportable Conduct Scheme

The most current amendments to listed legislation can be found at:

- **Victorian Legislation** – Victorian Law Today: [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)
- **Commonwealth Legislation** – Federal Register of Legislation: [www.legislation.gov.au](http://www.legislation.gov.au)

## SOURCES AND RELATED POLICIES

### SOURCES

- ACECQA - [Child Safety Guides](#)
- ACECQA - [Managing and Responding to Injury, Trauma, Illness and Incidents](#)
- ACECQA - [Reporting Requirements about Children](#)
- ACECQA - [Updated Guidance on Incident Notifications](#)
- Social Services Regulator - [Reportable Conduct Scheme](#)
- VECRA - [Notifying the Victorian Early Childhood Regulatory Authority about incidents, complaints and other circumstances | vic.gov.au](#)
- Department of Education (Vic) - [Protecting children: Mandatory reporting and other obligations](#)

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- Victorian Institute of Teaching (VIT) – Conduct reporting guide  
<https://www.vit.vic.edu.au/employers/conduct>
- WorkSafe Victoria – [Report health and safety incidents](#)

## ECMS FRAMEWORKS

- Assurance Framework
- Compliance Management Framework
- Policy Governance Framework
- Risk Management Framework

## RELATED POLICIES

- Acceptable Use of IT and Online Safety Policy
- Child Safety and Wellbeing Policy
- Code of Conduct
- Complaints and Feedback Policy
- ECMS Reportable Matters Handbook
- Interactions with Children Policy
- Participation of Students and Volunteers Policy
- Privacy and Confidential Information Policy
- Supervision of Children Policy
- Occupational Health & Safety Policy

## EVALUATION

To assess whether the values and purposes of the policy have been achieved, ECMS will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service’s policy review cycle, or as required
- notify all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedure, unless a lesser period is necessary due to risk (Regulation 172 (2)).

## APPENDICES

- **Appendix 1:** Roles & Responsibilities
- **Appendix 2:** Definitions

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## ATTACHMENTS

### DOCUMENT VERSION HISTORY

Document Version History			
Version	Reason for Amendment	Approved by	Review date
1.0	New policy	ECMS Executive	June 2025
2.0	Reviewed within a year of 2025 rapid review process. No material changes.	ECMS Executive	June 2026

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## APPENDIX 1: ROLES AND RESPONSIBILITIES

This section outlines the key roles and responsibilities required to implement and uphold this policy.

ROLE	RESPONSIBILITIES
Approved Provider/ Executive Team	<ul style="list-style-type: none"> <li>Oversee policy governance, implementation and compliance.</li> <li>Ensure systems are in place to implement this policy consistently across all ECMS services.</li> <li>Provide resources, training, and support to services.</li> </ul>
Risk, Compliance & OHS Business Partners	<ul style="list-style-type: none"> <li>Oversee triage, escalation and coordination with regulators.</li> </ul>
Operational Leaders (Area Managers, Nominated Supervisors & Centre Directors)	<ul style="list-style-type: none"> <li>Must ensure timely notification to internal ECMS Departments or Support Services.</li> <li>Ensure families are notified as soon as practicable.</li> </ul>
Educators, Employees, Staff, Students on Placement, Volunteers	<ul style="list-style-type: none"> <li>Must report suspected harm, abuse or safety risks without delay.</li> <li>Must complete annual Protecting Children - Mandatory Reporting and Other Obligations (PROTECT) training.</li> <li>Create a culture where all children are safe, seen, heard, and valued.</li> </ul>

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## APPENDIX 2: DEFINITIONS

The terms defined in this section relate specifically to this policy. For regularly used terms, refer to the Definitions file of the ECMS Policy Catalogue.

Term	Definition
<b>Approved Provider</b>	The person or entity approved under the <i>Education and Care Services National Law 2010</i> to operate an education and care service.
<b>Incident</b>	An event that results in or poses risk of injury, illness, trauma, or harm to a child.
<b>Notifiable Incident</b>	An incident that must be reported to the Regulatory Authority under Regs 85–87.
<b>Reportable Conduct</b>	Any allegation of sexual offence, sexual misconduct, physical violence, significant neglect, or grooming by an employee, volunteer, or contractor, as defined by the Social Services Regulator (SSR).
<b>Harm</b>	Harm to children may include physical abuse, sexual abuse, emotional or psychological harm, neglect, exposure to family violence, grooming or the cumulative impact of multiple risk factors, including harm that is culturally or spiritually unsafe.

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