



Child Safe Action Plan 2023–2026

Our commitment to ensure children accessing early childhood education and care services, including outside school hours care, in NSW are kept safe from harm.



Acknowledgement of Country

The NSW Department of Education recognises the Ongoing Custodians of the lands and waterways where we work and live. We pay respect to Elders past and present as ongoing teachers of knowledge, songlines and stories.

We strive to ensure every Aboriginal and Torres Strait Islander learner in NSW achieves their potential through education.



Message from the Executive Director

I am pleased to share our Child Safe Action Plan, which outlines our commitment to ensure children accessing early childhood education and care (ECEC) services, including outside school hours care (OSHC), in NSW are kept safe from harm.

The NSW Department of Education is the NSW Regulatory Authority for the ECEC sector and regulates over 6,000 services providing education and care to approximately half a million children across the state. The important oversight function of the NSW Regulatory Authority assures parents, families and communities of the safety and quality in education and care services for the benefit of all children, no matter where they live in NSW.

Regulatory functions are lawfully delegated under the National Quality Framework (NQF). These functions prioritise the safety and quality of ECEC services so that every child can thrive and have the best experience early childhood education and care has to offer.

Keeping children safe in education and care services is a shared responsibility, and we acknowledge the interaction evident between the requirements of the NQF and Child Safe Scheme. With the perspective of our unique regulatory function in mind, it is our priority to ensure that every child attending an ECEC service in NSW is safe from harm.

This Child Safe Action Plan demonstrates our role and commitment to child safety by outlining the planned strategies and actions that will be undertaken by the NSW Regulatory Authority to support awareness raising, capability building and implementation of the Child Safe Standards in ECEC services across NSW.

We look forward to ongoing collaboration with ECEC services, providers and educators to ensure child safe cultures are embedded, and act to reduce risks of harm to children.



Shane Snibson

Relieving Executive Director
NSW ECEC Regulatory Authority

Regulation of early childhood education and care in NSW

The early childhood education and care (ECEC¹) sector in NSW includes over 6,000 services, including preschools, long day care, mobile and occasional care services, family day care and outside school hours care services.

The role of the NSW Regulatory Authority

Regulation of NSW ECEC providers and services is administered by the NSW Regulatory Authority within the NSW Department of Education. The role of the NSW Regulatory Authority is to provide effective regulatory oversight of ECEC providers and services in accordance with the National Quality Framework (NQF) to ensure the delivery of high-quality education and care for children. Building confidence and trust in the regulation of NSW ECEC providers and services is paramount in assuring parents, families and communities of service safety and quality so that every child can thrive.

The National Quality Framework

The NQF provides a national approach to the regulation, assessment and quality improvement of the ECEC sector. The framework aims to improve the educational and developmental outcomes for children attending ECEC services, and promote continuous improvement in service quality. The functions carried out by the NSW Regulatory Authority are delegated under the NQF, including determinations on new applications for ECEC providers and services, ongoing monitoring and enforcement of compliance with the National Law and Regulations, quality assessment and rating of services, and leading investigations arising out of complaints or incidents.

Guiding principles

The NSW Regulatory Authority has a [set of overarching principles](#) for implementing its functions under the NQF. The objective of the guiding principles is to ensure the NSW Regulatory Authority exercises its regulatory powers in a consistent manner that enhances the intended outcomes of the National Law and NSW's state-based framework.

The guiding principles are:

- outcomes focused
- risk-based
- transparent
- consistent
- proportionate and fair
- timely
- collaborative
- ethical and accountable.

¹ early childhood education and care (ECEC) and outside school hours care (OSHC) services are referred to by the common ECEC acronym, inclusive of all types of services regulated under the NQF

Our plan

Our plan details the actions and objectives the NSW Regulatory Authority will seek to undertake throughout 2023–2026 to ensure every ECEC service in NSW is a child safe organisation that protects and upholds the safety, health and wellbeing of children.

Aims

1

For all children attending ECEC services in NSW to be safe from harm

2

For ECEC services to demonstrate confidence in their child safe practices that put the interests of children first to keep them safe from harm

3

For ECEC services to respond to risks of harm to children in timely and effective ways

4

For the NSW Regulatory Authority to be a role model in best practice as it applies to child safety, and for NSW Regulatory Authority staff to demonstrate sound knowledge and experience in child safe practices

Our strategic pillars

Pillar 1 Awareness raising

Build awareness in the community on the importance of child safety in child safe organisations

Pillar 2 Building capability

Build the capability of child safe organisations to implement the Child Safe Standards

Pillar 3 Implementing the Child Safe Standards

Improve the safety of children by implementing the Child Safe Standards

Developing our Child Safe Action Plan

The NSW Regulatory Authority is committed to working in partnership with the sector to continuously improve service quality and safety. As such, this Child Safe Action Plan has been developed in consultation with the Office of the Children's Guardian (OCG) and key stakeholders in the sector we regulate. This includes those representing service providers, service staff (such as educators or leaders within services), local government, peak bodies and universities.

Feedback from Aboriginal and Torres Strait Islander peoples was sought through appropriate consultation, and a range of consultation methods were drawn on in the development of this plan.

The NSW Regulatory Authority has also established a sector-focused Child Safety Working Group to provide an important platform for discussing issues pertaining to child safety. This group meets quarterly to share knowledge and provide feedback on key child safety risks and raise emerging issues.

Governance and accountability

The NSW Regulatory Authority is required to report on the progress of implementing this plan at least every year to the OCG.

The purpose of reporting is to evaluate the effectiveness and impact of the Child Safe Scheme through the NSW Regulatory Authority Child Safe Action Plan, and to demonstrate how we are working with ECEC providers, services and other relevant organisations to implement the plan.

The NSW Regulatory Authority will undertake a bi-annual review of this plan in consultation with ECEC providers, services and other relevant organisations to ensure ongoing effectiveness of the plan, and in recognition of the shared commitment and responsibility for implementing the plan.



Key risks to child safety

The first priority of the NSW Regulatory Authority is to ensure the safety, health and wellbeing of children attending ECEC services in NSW. The NSW Regulatory Authority uses a risk-based approach to inform all planning and decision-making. The majority of ECEC services voluntarily operate in compliance with their regulatory requirements. However, for a small proportion that do not, the NSW Regulatory Authority will intervene and, where necessary, will not hesitate to use the full force of the law.

Monitoring and enforcing compliance with the National Law and Regulations is undertaken through a range of approaches and tools to consistently reinforce the requirements of the NQF. These may include:

- proactive monitoring visits to ensure compliance with regulations and quality standards
- referrals into structured quality support programs
- tailored guidance and priority programs around areas of greatest risk to children
- compliance notices, actions, directions
- enforceable undertakings
- prosecution/prohibition.

Risks to child safety within ECEC services can be unique based on the individual service context. Risks can be related to:

- physical or structural elements of the service premises
- children that access each service.

Risk management is an essential part of operating an ECEC service. Providers are required to undertake risk assessments to identify risks and to inform risk mitigation strategies. Services are encouraged to engage in risk management as a tool to support continuous improvement. It is important for services to continuously review and enhance their systems, policies, procedures and practices to appropriately identify risk and put measures in place to either eliminate or significantly reduce the risk of harm to children, staff and others within the service.

Examples of risks in services that, if not managed appropriately, may result in harm to children include:

- poor leadership and culture
- conflicts of interest
- high turnover of staff or management/board members
- lack of visibility within service
- changes in staffing supervision, for example for lunch breaks or staff rotations
- single educator supporting children
- limited staff training opportunities
- poor recruitment or onboarding systems
- ineffective systems, policies and procedures
- patterns of non-compliance
- other household members in a family day care setting.



Levers for change

The NSW Regulatory Authority uses available mechanisms to guide and influence positive impacts and change within the sector, aligned with the guiding principles. Mechanisms to influence change include regulatory, policy and practice levers, and communication channels for the distribution of information.

Regulatory levers may include:

- unannounced monitoring visits focused on safety
- regulatory priority programs focused on key areas of risk of harm to children
- referrals to structured quality and compliance support programs
- tailored engagement, communications and guidance based on levels of risk.

Policy levers may include:

- analysis of trends using regulatory safety and quality performance data to inform new policy positions to strengthen safeguards.

Practice levers may include:

- leadership
- staff training
- regulatory workforce capability in regulatory risk controls and monitoring systems
- child safe policies and procedures
- Ministerial Statement of Expectations key performance indicators.

Communication channels may include:

- internal communications
- external communications, including the NSW Department of Education website, social media pages and direct emails and regular newsletter updates
- regulatory guidance notes distributed to services and providers
- education for services and providers delivered through the Safety and Quality Practice Program
- implementing a regulatory priority program with a focus on areas of greatest risk to children, to uplift awareness and practice in preventing risks of harm
- complaint and feedback portal that is simple and easy to navigate for the public to raise concerns or issues about child safety
- information sharing with external agencies
- working relationships with state and territory early childhood regulators.

Strategic pillar objectives

(by key stakeholder groups)



Families and communities



Awareness raising

Objective: Families understand what a child safe service looks like

Actions	Desired outcome	Outcome measure	Completion date
1. Implement family engagement procedures that guide communications provided by NSW Regulatory Authority staff to families following a serious incident at a service involving their child.	Families are kept informed throughout the investigation and have confidence in the process.	Families informed of the initiation of an investigation within one business day of the NSW Regulatory Authority receiving notification. Information on the family engagement policy communicated to families at the annual child safety seminar. (see 3. below).	Current procedure – reviewed as part of the regular review and audit cycle
2. Advocate for and share available information with families on the Child Safe Standards.	Families know where to access information on the department's website when needed.	Child safety seminar recordings and other related resources uploaded to the Parents and carers section of the website in a timely manner.	Ongoing



Building capability

Objective: Families know how to engage with services about child safe practices they use in their setting and context

Actions	Desired outcome	Outcome measure	Completion date
3. Deliver an annual seminar for families with a focus on child safety in ECEC services.	Families have increased understanding of and confidence in practices related to child safety.	Child safety seminar for up to 5,000 participants held each year. Session recorded and made available on the department's website following each event.	Ongoing – annual commitment
4. Develop factsheets and resources for families to support conversations with services about their child safe practices.	Families know how to initiate and engage in conversation with services about their child safe practices.	Resources made available by 2024 and promoted to families via the department's Facebook page . Email update sent to services and providers to share resource with the families at their service.	By end of 2024 – update as needed

Implementing the Child Safe Standards

Objective: Families and community members use complaint handling procedures to submit concerns, complaints or feedback about services

Actions	Desired outcome	Outcome measure	Completion date
5. Enhance the NSW Regulatory Authority's complaint handling procedures on how to respond to concerns, complaints or feedback about a service's child safe practices.	Families and community members know how and where to submit concerns, complaints or feedback about a service to the NSW Regulatory Authority.	<p>Feedback acknowledged within 3 business days and any outcomes to complaints are provided within 20 business days of receipt.</p> <p>When there is a possibility this timeframe may not be met, direct contact with the complainant made as soon as possible.</p>	Reviewed as part of the regular review and audit cycle



Services and providers



Awareness raising

Objective: Providers and service staff understand how the Child Safe Standards apply to their individual roles and service context

Actions	Desired outcome	Outcome measure	Completion date
6. Distribute regular communications on the Child Safe Standards and requirements for providers and services via the department's communication channels and events.	Services and providers improve their understanding of the requirements under the Child Safe Standards and associated practices.	Spotlight on the Child Safe Standards published in the Quality and Compliance in Practice newsletter. Other updates shared in regular email updates and social media posts as required. ECE Connect session on the Child Safe Standards held for all providers and services; recording shared on the department's website after the event.	Ongoing
7. Support the implementation of a national education and awareness campaign, aligned with the work led by National Office for Child Safety.	Services and providers have access to information and resources to assist them in preventing and responding to concerns of child safety.	Resources published and distributed using the department's communications channels.	Ongoing





Building capability

Objective: Providers and service staff continuously enhance their child safe practices by engaging with high-quality training and resources

Actions	Desired outcome	Outcome measure	Completion date
8. Undertake a Regulatory Priority Program to promote and provide guidance on best practice in child safety, with consideration for the unique needs of different service types.	<p>Providers and services utilise knowledge of best practice in child safety to inform their policies, procedures and daily operations.</p> <p>Staff have access to Child Safe Standard resources stored together in an easy to access location.</p> <p>Regulatory activities undertaken by the NSW Regulatory Authority are effective and done in a timely manner.</p>	<p>Resources and training delivered and published on the website, in accordance with the Regulatory Priority Program and Child Safe Standards recommendations report.</p> <p>Regulatory Priority Program delivered including proactive and timely communications (e.g. weekly email updates and newsletters) with regulatory advice and guidance, and targeted support through service visits.</p>	<p>Regulatory Priority Program delivered by end of 2026</p> <p>Resource hub developed by 2024</p>
9. Utilise the Child Safety Working Group to identify gaps in educator knowledge relating to child safety, and tailor resources and guidance to address these gaps.	<p>Stakeholder engagement with the Child Safety Working Group supports quality improvement of services.</p> <p>Issues raised through the Child Safety Working Group are addressed or responded to in a timely manner.</p>	<p>Child Safety Working Group met every 3 months and reported to Early Childhood Advisory Group on the outcomes of each meeting.</p>	<p>Meetings held every 3 months</p>
10. Deliver a Cultural Safety Framework to guide services in providing culturally safe and welcoming environments for Aboriginal and Torres Strait Islander children and their families.	<p>Providers and service staff build their awareness and confidence in providing culturally safe environments for children and families.</p>	<p>Regular, relevant and culturally appropriate information and guidance shared with providers and service staff to support services meet requirements under Child Safe Standard 4².</p>	<p>Launch expected in 2024</p>

² More information on the Child Safe Standard 4 can be found on the OCG website: <https://ocg.nsw.gov.au/child-safe-scheme/implementing-child-safe-standards>

Services and providers

Actions	Desired outcome	Outcome measure	Completion date
11. Proactively release information to support improved compliance and knowledge of child safety issues occurring in services, and ensure mechanisms are in place to collaborate with service providers on data sharing.	Providers and service staff can access data trends that assist with proactively ensuring appropriate child safety measures are in place.	<p>Enforcement and decision actions information published on the website quarterly.</p> <p>Data trends on compliance with the NQF presented at each round of ECE Connect events (at least twice a year).</p> <p>Regulatory data used to promote shared learnings between providers and services through executive and stakeholder meetings.</p>	Ongoing

Objective: Providers and service staff demonstrate a strong understanding of and confidence in how to respond to and report incidents or allegations of child abuse

Actions	Desired outcome	Outcome measure	Completion date
12. Promote new and existing information, resources and training for providers and service staff on identifying, understanding, reporting and responding to incidents or allegations of harm to children. This includes referral pathways and responding to incidents involving children exhibiting problematic and/or harmful sexualised behaviours (PHSB).	Providers and service staff are confident in their understanding of and ability to respond to different child safety concerns or issues that may arise.	<p>Notifications and complaints risk assessed within one business day and allocated for management within the next 2 business days.</p> <p>Information in the Guide to the NQF enhanced to provide clarity on reporting obligations in NSW for providers and service staff by late-2023.</p>	Ongoing
13. Provide communications targeted for providers and service staff to increase understanding of how to raise concerns, provide feedback or make a complaint regarding child safety issues in services using the NSW Regulatory Authority complaints handling procedures.	Providers and service staff have an understanding of and use appropriate channels for complaints.	Complaints acknowledged within 3 days and outcomes provided within 20 working days where possible.	Ongoing



Implementing the Child Safe Standards

Objective: Services have access to and utilise tailored regulatory guidance and support resources to embed child safe practices within their setting

Actions	Desired outcome	Outcome measure	Completion date
14. Strengthen child safety requirements within the NQF by embedding the National Principles (aligned with the Child Safe Standards).	Drive quality improvement and enhance the implementation of child safe practices in ECEC services.	<p>At least 65% of NSW Regulatory Authority Sector Feedback survey respondents 'agree' or 'strongly agree' that the NSW Regulatory Authority provides clear information on regulatory policies and practices.</p> <p>Quality support and interventions provided, with an aim that at least 87% of participating services meet or exceed the National Quality Standard.</p> <p>Eligible services actively referred and encouraged to participate in targeted support programs or provided tailored guidance through regulatory intervention.</p>	Changes to the NQF are implemented by end of 2024
15. Implement mechanisms for responding to providers' and services' needs and feedback related to enhancing the safety of children in services, for example through the Child Safety Working Group.	<p>Providers and service staff advocate for changes in child safe practices.</p> <p>Effective engagement with service providers and sector representatives supports the provision of quality early childhood education and care.</p> <p>Enhanced collaboration with stakeholders provides opportunities to share feedback and raise emerging issues.</p>	<p>Regular meetings held with the Early Childhood Advisory Group (monthly), Child Safety Working Group (quarterly) and Aboriginal Advisory Group (every 6 weeks).</p> <p>35% of survey respondents 'agree' or 'strongly agree' that the NSW Regulatory Authority provides opportunities for effective stakeholder engagement.</p>	Each year commencing in 2023

Services and providers

Objective: NSW services are regulated in line with best practice regulation principles to reduce risk of harm to children

Actions	Desired outcome	Outcome measure	Completion date
16. Undertake a risk-based approach to new provider and service applications to ensure service providers have considered all aspects of child safety.	<p>Deliver timely and effective regulation of ECEC services.</p> <p>Ensure providers and services are aware of and clearly understand their responsibility with regard to child safety.</p>	<p>At least 95% of newly approved services had an assessment and rating visit within 18 months.</p> <p>Average time taken to process new service applications was 60 calendar days.</p>	Ongoing –assessed annually
17. Develop and promote targeted resources and training for services to support implementation of the Child Safe Standards in collaboration with the NSW OCG. Includes guidance on speaking about their child safe practices and empowering children.	<p>Resources on implementing the Child Safe Standards are targeted and practice led.</p> <p>Providers complete the Child Safe Self-Assessment and use the feedback report to continuously enhance their service's child safe practice.</p>	<p>Fortnightly meetings held with the Child Safe Standards Sector Support Project Team, and quarterly meetings held with the Child Safety Working Group.</p> <p>The OCG's online Child Safe Self-Assessment tool promoted through the department's newsletter updates and ECE Connect sessions.</p>	<p>Resources across all 10 Child Safe Standards available by 2025</p> <p>Communications on the Child Safe Self-Assessment released in 2023</p>
18. Enact proportionate regulatory response to risks, incidents and notifications related to child safety using appropriate regulatory tools.	Regulatory responses are timely and effective.	<p>Notifications were risk assessed within one business day and allocated for management within the next 2 business days.</p> <p>Each service visited in a manner proportionate to risk and existing commitments</p>	Ongoing



NSW Regulatory Authority staff



Awareness raising

Objective: NSW Regulatory Authority staff have a strong understanding of child safety, including how the Child Safe Standards apply in their role

	Actions	Desired outcome	Outcome measure	Completion date
19.	Distribute regular updates and information on the Child Safe Standards with staff.	NSW Regulatory Authority staff are notified and aware of updates and information related to the Child Safe Standards.	Regular and timely communications were provided to internal staff on the Child Safe Standards via Staff Bulletins and other communications distributed to services including weekly email updates and Quality and Compliance in Practice newsletter to NSW Regulatory Authority staff.	Ongoing
20.	Ensure mandatory child protection training for staff aligns with the Child Safe Standards with an explanation of how they apply to different roles.	All NSW Regulatory Staff understand the requirements of the Child Safe Standards and how they apply to their role.	Yearly mandatory child protection module completed by all NSW Regulatory Authority.	Ongoing – assessed annually
21.	Review recruitment and on-boarding processes to assess their alignment with the Child Safe Standards.	All NSW Regulatory Authority staff understand and uphold best practice principles aligned with the Child Safe Standards.	Recommendations based on the review submitted for consideration by the NSW Regulatory Authority executive by late 2023.	Recommendations delivered by late 2024



Building capability

Objective: NSW Regulatory Authority staff engage in high-quality training on the Child Safe Standards to promote best practice in services

Actions	Desired outcome	Outcome measure	Completion date
22. Encourage participation in the Regulatory Empowerment and Learning program to further develop role-specific regulatory capabilities.	A framework for uplifting regulatory capability is implemented for NSW Regulatory Authority staff.	Delivery of a multi-component framework for uplifting regulatory capability implemented for NSW Regulatory Authority staff by mid-2023.	Ongoing
23. Deliver training for NSW Regulatory Authority staff on the Child Safe Standards and how they apply to different roles within the Regulatory Authority.	NSW Regulatory Authority staff understand and are confident in applying the Child Safe Standards in their work.	Online training session hosted by the NSW Regulatory Authority, and led by NSW Office of the Children's Guardian, delivered for all internal staff in 2023. Recording shared with staff following the event.	By the end of 2023

Objective: NSW Regulatory Authority staff guide and promote best practice in child safety to support implementation of the Child Safe Standards in ECEC settings

Actions	Desired outcome	Outcome measure	Completion date
24. Utilise regulatory data and analysis tools to provide greater insights on trends relating to child safety issues and complaints.	Regulatory data is analysed to inform the NSW Regulatory Authority's risk-based approach to regulation.	Regulatory data dashboards released every month to all NSW Regulatory Authority staff.	Ongoing
25. Provide frontline NSW Regulatory Authority staff with comprehensive list of high-quality resources on implementing the Child Safe Standards to share during service visits.	NSW Regulatory Authority staff have the knowledge and understanding of best practice indicators in ECEC settings relating to the implementation of the Child Safe Standards.	Resource list reviewed and updated annually (or more often as required).	Ongoing – reviewed annually



Implementing the Child Safe Standards

Objective: Information sharing arrangements between organisations are fit for purpose

Actions	Desired outcome	Outcome measure	Completion date
26. Improve collaboration and information sharing processes to ensure the NSW Regulatory Authority and other organisations can work more efficiently and effectively to reduce risk of harm to children.	Reduce the risk of harm to children.	Information sharing arrangements with key agencies are achieved and implemented.	Ongoing, progress reviewed and reported on annually

Objective: Services are supported to understand the connections between the NQF and Child Safe Standards

Actions	Desired outcome	Outcome measure	Completion date
27. Undertake mapping of the NQF and Child Safe Standards to determine areas of alignment.	Achieve clarity around the areas of alignment.	Mapping work completed and available for internal use by the end of 2022. Mapping used to inform if other regulatory reform work required to better align the National Quality Framework and Child Safe Standards.	By end of 2023
28. Conduct an internal audit of all policies, procedures and other related guidance documents to ensure alignment with the Child Safe Standards.	All relevant policies, procedures, and other documents used to guide NSW Regulatory Authority staff processes, align with the requirements of the Child Safe Standards.	Policies, procedures and other related guidance updated as required.	Undertaken as part of the regular review and audit cycle

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We acknowledge the homelands of all Aboriginal and
Torres Strait Islander peoples and pay our respect to Country.

