

# CHILD PROTECTION POLICY

January 2018

## Purpose

Our goal is to ensure that every reasonable precaution is taken to protect the children being educated and cared for by the service from harm. Our service (educators, staff, management and volunteers) have a responsibility to defend children's rights to care and protection to ensure their safety, welfare and wellbeing, and a responsibility to report any children at significant risk of harm.

## Definitions

**'At risk of significant harm'** - in relation to a child or young person means that there are current concerns for their safety, welfare or wellbeing because of the presence to a significant extent of any one or more of the following circumstances<sup>1</sup>.

- The child or young person's basic physical or psychological needs are not being met or are at risk of not being met.
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive medical care.
- In the case of a child or young person who is required to attend school in accordance with the Education Act 1990 — the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act.
- The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated
- The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm.
- A parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.
- The child was the subject of a pre-natal report under section 25 of the Children and Young Persons Care and Protection Act 1998 and the birth mother of the child did not engage successfully with the support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

**'Reasonable grounds'** - means that you suspect a child may be at risk of significant harm based on:

- Your observations of the child, young person or family.
- What the child, young person, parent or another person has told you. It does not mean that you are required to confirm your suspicions or have clear proof before making a report.

## Strategies

**The Approved Provider/Nominated Supervisor will:**

- Verify that any adult working directly with children has a current approved Working with Children Check from the Children's Guardian website. <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/apply>.
- Ensure every adult working with children is made aware of the Children and Young Persons (Care and Protection) Act 1998 and Keep Them Safe: A shared approach to child wellbeing and of their obligations under this law and action plan.
- Orientate every working adult to this child protection policy, Keep Them Safe protocols and Mandatory Reporter responsibilities and ensuring their regular review of these.

- Provide free Child Safe eLearning as part of the induction for staff upon commencement <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/child-safe-elearning>

### **Responsibilities of the Educators and Staff**

- Develop trusting and secure relationships with all children at the service.
- Make reports of current concerns for any child at risk of significant harm to the Child Protection Helpline for Mandatory Reporters.

### **Documentation of current concerns**

#### **The Approved Provider/Nominated Supervisor will**

- Support staff through the process of documenting and reporting current concerns of children at risk of significant harm.
- Provide all staff and educators with clear guidelines around documentation.

#### **Educators and staff will:**

- Make a record of the indicators observed that have led to the belief that there is a current risk of significant harm to a child or young person. Information on indicators of risk of significant harm are outlined in the NSW Mandatory Reporter Guide which is accessible at <https://reporter.childstory.nsw.gov.au/s/mrg>.
- Discuss any concerns with the Nominated Supervisor of the service. Advise the Nominated Supervisor of their intention to make a report to the Child Protection Helpline (132 111).
- Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline.

### **Mandatory Reporting**

#### **The Approved Provider/Nominated Supervisor will:**

- Provide all staff and educators working directly with children with access to the Child Protection Policy and the Mandatory Reporter Guide to assist them in their reporting.
- Provide all staff and educators working directly with children with access to the Child Wellbeing and Child Protection NSW Interagency Guidelines; and Display the Child Protection Helpline number for Mandatory Reporters (132 111) on all phone and lists of emergency contact number in the interests of timely reporting.

#### **Educators and Staff will:**

- In an emergency, where there are urgent concerns for a child's health or life, it is important to contact the police, using the emergency line '000'.
- Use the Mandatory Reporter Guide, answer the questions relating to concerns about a child or young person. At the end of the process, a decision report will guide them as to what action to take. The Nominated Supervisor is available if staff require assistance to use this online tool.
- If the Mandatory Reporter Guide determines that there are grounds to suspect a risk of significant harm to a child or young person, phone the Child Protection Helpline on 132 111. Reports can also be made using the Reporting Fax form, available from the Family and Community Services website or you could make an eReport <http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/resources-for-mandatory-reporters/how-to-make-a-report>.

- Mandatory reporters should note that the legislation requires that they continue to respond to the needs of the child or young person (within the terms of their work role) even after a report to the Child Protection Helpline has been made.
- If the Mandatory Reporter Guide determines that an educator or staff member's concerns do not meet the risk of significant harm threshold they do not need to make a report to the Family and Child Protection Helpline, however, they should discuss the matter with the Nominated Supervisor to determine whether the child or family would benefit from the assistance of another agency.
- The staff member or educator should monitor the situation and if they believe there is additional information that could be taken into account. Please refer to the above information if required.

## **Disclosure of Abuse**

### **Educators and staff will:**

- React calmly to the child making the disclosure;
- Listen attentively and later write down the child's exact words;
  - Provide comfort and care to the child.
  - Follow the steps for reporting as per the Mandatory Reporter Guide.
- Reassure the child or young person that: It is not their fault;
  - It was right to tell.
  - It is not OK for adults to harm children - no matter what.
  - Explain what will happen now - that it is part of your job to tell people who can help the child or young person.

### **Educators and staff will not:**

- Prompt the child for further details or ask leading questions which would make the child feel uncomfortable or has the potential to jeopardise any future legal proceedings that may arise as a result of any investigation.
- Promise them that everything will "be alright" now that they have made the report or promise a change of circumstances.

## **Allegations of abuse against staff, educators, volunteers or students**

### **The Approved Provider/Nominated Supervisor will:**

- Develop and maintain a system of appropriate record keeping for all allegations to ensure detailed documentation is made and stored as required.
- Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation.
- Assess whether or not a child or young person is 'at risk of significant harm' and, if so, make a report to the Child Protection Helpline.
- Determine whether or not the allegation is a reportable allegation, a reportable conviction, or reportable conduct, or a vexatious complaint. For determination, reference will be made to: [www.ombo.nsw.gov.au/publication/PDF/guidelines/Child%20Protection%20in%20the%20workplace.pdf](http://www.ombo.nsw.gov.au/publication/PDF/guidelines/Child%20Protection%20in%20the%20workplace.pdf).
- Make notifications of reportable allegations and reportable convictions to the NSW Ombudsman within 30 days of receipt from <https://www.ombo.nsw.gov.au/what-we-do/our-work/employment-related-child-protection>.
- Consider whether or not the police need to be informed of the allegation and if so, make a report.
- If a report is made to the police, complete a SI01 Notification Of Serious Incident Form and submit to Department of Education and Communities within 24 hours of the incident.

- If a report has not been made to the police, complete a NL01 Notification of Complaints and Incidents (other than serious incidents) Form and submit to the Department of Education and Communities within 7 days of the incident.
- Ensure confidentiality is maintained at all times and that systems are in place to deal with any breaches of confidentiality.
- Undertake a risk management approach following an allegation to ensure the protection and safety of children, staff and visitors to the service. Based on this risk assessment, decisions will be made in order to manage the risks that have been identified.
- Develop an investigation plan of the matter. Obtain relevant information from a range of sources. This may include a statement from the person who made the allegation; statements from witnesses and a statement from the person against whom the allegation has been made and any other relevant documentation; If the allegation is being investigated by Family and Community Services or the Police, the service will be guided by their advice as to whether they should independently investigate the allegation.
- If the investigation is carried out by the service, the information that has been gathered will be assessed and a finding made as to whether the allegation is false, vexatious, misconceived, not reportable conduct, not sustained or sustained. The reasons for the finding will be clearly recorded to ensure that the decision-making has been transparent.
- The educator, volunteer or student will be advised of the outcome of the investigation in writing. Advice will be provided about the investigation finding and any follow up action that may be required. Advice will also be provided about any rights of appeal and the person will be advised that the NSW Ombudsman has been notified and the Office of the Children's Guardian also notified of the relevant employment proceeding (if relevant).
- Part B of the NSW Ombudsman Notification form will be completed and sent to the Child Protection Division, NSW Ombudsman with all supporting documentation gathered during the investigation.
- Family and Community Services will also be informed of the outcome of the investigation.

## **Informing the Educator, Volunteer, Student**

### **The Approved Provider/Nominated Supervisor will:**

- Treat the staff member/educator/volunteer/student with fairness at all times and uphold their employee rights at all times.
- Depending on the nature of the allegation, arrange to inform the person immediately (though be guided by the advice of FaCS or the police).
- Arrange for the person against whom an allegation has been made, to have a support person attend the meeting. This support person must not participate in the discussions throughout the meeting.
- Make accurate documentation of all conversations, and ensure all records are kept confidentially.
- Offer counseling or support to the person subject to the allegation.
- Depending on the nature of the allegation made, the person subject to the allegation may be suspended pending further investigation.
- After all investigations are completed, provide the educator/carer/volunteer with verbal and written notification of the outcome of the investigation.

## Rights of all parties

- The decision making process throughout the investigation will be based on the safety and wellbeing of the child/ren and the staff/carers/carer's household members.
- Consideration will be taken in relation to actual or potential 'conflicts of interest' that may be held by the investigator.
- All reportable allegations will be notified to the Ombudsman. The person, against whom the allegation has been made, will be notified of this and will also be notified of the investigation find and follow up action, including the notification to the Office of the Children's Guardian if relevant.
- The person, against whom the allegation has been made, will be notified of any appeal mechanisms if they are not satisfied with the investigation process or the outcome of the investigation.
- The Approved Provider, Nominated Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest.
- All parties can complain to the Ombudsman if they are not satisfied with the conduct of the investigation.

## Confidentiality

Children, staff and volunteer conversations will be handled in a confidential manner at all times. Any allegations against a staff member will also remain confidential. All people involved should feel as though their voice is heard but spoken in confidence. It is against policy to share information with others regarding child abuse or child protection issues outside of the service protocol to handling a child protection case.

## Signs of Abuse

Neglect	Physical Abuse	Sexual Abuse	Emotional Abuse
Child smells of urine, body odour, un-showered	Head injuries/adult bite marks	Change in eating habits	Severe developmental gaps
Dirty clothing/clothing worn the day before	Flinches when arms are raised at them	Writes, draws, plays or dreams of sexual or frightening images	Low self esteem
Visibly dirty body	Disclosure of abuse	Disclosure of abuse	Insecure attachment to carer/parent
Child appears to always be hungry or is severely obese	Behavioural indications -Bedwetting -Hyperactivity -Aggression -Uncommunicative -Frightened of parent	Mimics adult like sexual behaviours/language and knowledge	Poor emotional stability
Parent not seeking medical treatment when needed -Vomiting -Diarrhoea -Ear Infections -Temperatures -Body Rash	Bruises in sensitive areas -Under arms -Inner thighs -Back -Bum -Torso -Neck and Face	Other Signs -Pain during urination -Bed wetting -Resistant to change clothing -Performs sexual acts with other children	Seem to be in a never ending state of stress, anxiety, uncertainty

## Helpful information for Family and Community Services

Once you have gone through the Mandatory Reporters Guide – and the conclusion is the make a report, there is a list of information that the FaCS might ask for.

<b>Child's Name</b>
<b>Date of Birth</b>
<b>Child's Address</b>
<b>Household Background (Who lives in the house)</b>
<b>Where the child is currently located (school, home)</b>
<b>Family Members Date of Birth (Siblings, parents)</b>
<b>Description of what happened</b>
<b>Family Culture</b>
<b>Caseworker may ask other questions</b>

## Procedure

1. Each situation of abuse is different to the other. Gathering facts and information about each case to respond effectively is necessary to ensure child safety and wellbeing. This can include but not limited to:
  - Take down notes – record what is observed or heard then sign and date the note. If not a serious case, be sure to continue taking down notes and sign and date each day observed.
  - Consult with Supervisor – When you are unsure of what to do, get advice from your Nominated Supervisor or Responsible Person.
  - Understand policy – After discussing with your supervisor it is then crucial to come up with a plan of action. What are you going to do next?
  - Speak with professionals – Get confidential advice from professionals who may be able to give you some ideas on what steps to take. Make sure to look at the ChildStory Reporter which has the NSW Mandatory Reporters Guide and has decision trees to choose from <https://reporter.childstory.nsw.gov.au/s/mrg>
  - Conversation with the Child – With respect for the child, listen to them and gather any information they mention.
  - Conversation with parents/carer – While keeping the safety and wellbeing of the child at the forefront of your mind, have a conversation with the family to find out more information.
2. After information is gathered and documented appropriately, next you need to communicate to the Nominated Supervisor about what your findings are and they should report the child protection issue.
3. If the Nominated Supervisor does not make a report, it is your obligation to make a report if you believe you have reasonable grounds that a child is in need of protection.
4. The last step is to follow the mandatory reporters guide step by step.

## Definitions, Terms & Abbreviations

Term	Definition
AVO	Apprehended Violence Order
DVO	Domestic Violence Order
MRG	Mandatory Reports Guide
Mandatory Reporter	Responsible for reporting a child at risk to Community Services
Code of Conduct	Set of rules outlining rules and responsibilities
Abuse	Regular or repeated cruelty and or violence toward an entity
At Risk	Current concerns for safety, welfare or wellbeing of child

## Related Statutory Obligations & Considerations

**Australian Children's Education and Care Quality Authority (ACECQA)** <http://www.acecqa.gov.au/>

**Childwise** - <https://www.childwise.org.au/> NSW Government – Office of the Children's Guardian - <http://www.kidsguardian.nsw.gov.au/>

**Children and Young Persons (Care and Protection) Act 1998**

**Child Protection (Working with Children) Act 2012**

**Child Protection (Working with Children) Regulation 2013**

**Commission for Children and Young People Act 1998**

**Department of Education** - <http://www.dec.nsw.gov.au/what-we-offer/regulation-and-accreditation/early-childhood-education-care>

**Early Years Learning Framework (EYLF)** - [http://files.acecqa.gov.au/files/National-Quality-Framework-Resources-Kit/belonging\\_being\\_and\\_becoming\\_the\\_early\\_years\\_learning\\_framework\\_for\\_australia.pdf](http://files.acecqa.gov.au/files/National-Quality-Framework-Resources-Kit/belonging_being_and_becoming_the_early_years_learning_framework_for_australia.pdf)

**Education and Care Services National Regulations (Children (Education and Care Services) National Law (NSW))** <http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>

**FaCS** - [https://www.facs.nsw.gov.au/about\\_us/contact\\_us#districts](https://www.facs.nsw.gov.au/about_us/contact_us#districts)

**Kidsafe** - <http://www.kidsafensw.org/>

**Keep Them Safe** - <http://www.keepthemsafe.nsw.gov.au/>

**Mandatory Reporters Guide**- <https://reporter.childstory.nsw.gov.au/s/mrg>

**NSW Health** - <http://www.health.nsw.gov.au>

**National Quality Framework (NQF)** - <http://acecqa.gov.au/national-quality-framework/>

**Ombudsman Act 1974**

**Office of the Children's Guardian** - <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/child-safe-elearning>

## Related Telephone Numbers

- Child Protection Helpline (24 hours) 132 111
- Early Childhood Education and Care Directorate 1800-619-113
- Family Court of Australia 1300 352 000
- Kidsafe 02 9845 0890
- National Child Abuse Helpline (9-5pm) 1800 991 099
- NSW Police Force 000
- NSW Ombudsman 9286 1000
- Office of the Children’s Guardian 9286 7219

## Amendment History

Version	Amendment	Short Description
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This policy will be updated to ensure compliance with all relevant legal requirements every year. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with Regulation 172 of the *Education and Care Services National Regulation*, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.

Date:

Version:

Last Amended By:

Next Review:

Position:

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