

Background

Child abuse and neglect consist of an act of commission or omission that endangers or impairs a child's physical or emotional health and development.

Given the high number of children in early childhood education and care services, it is highly likely that staff will encounter a child they suspect has experienced harm or neglect. It is also possible that staff may encounter a child they suspect has been harmed by a person at the Service.

In New South Wales, legislation requires educators to report any risk of harm to a child, as they are mandatory reporters. Educators are encouraged to uphold the wellbeing and safety of children at all times by seeking immediate support from appropriate educators within the Service and/or from the NSW Department of Communities and Justice (formerly Department of Family and Community Services). If the risk of harm to a child involves a staff member, the Service will obtain advice and support from the Office of the Children's Guardian.

Policy statement

The Service seeks to create a safe and supportive environment for the children who attend the Service and for their families. To this end, the Service ensures that processes are in place to identify harm or suspected harm to a child and that the Service's response is lawful, professional, and immediate.

Strategies and practices

- The Service is committed to providing a safe and supportive environment for children where adults treat them with understanding, dignity, and respect at all times, and listen to their concerns. The Service's Statement of Commitment is displayed in the foyer.
- The Service has developed and implemented its own Code of Conduct – Child Protection for interactions with children. The Code applies to staff, educators, students, volunteers and visitors to the Service, and each is given a copy of the Code.
- This Policy is explained to all staff, educators, students and volunteers before they commence at the Service. At that time, they are given the opportunity to ask any questions needed to clarify their understanding. They are then asked to sign the Child Protection Staff Acknowledgement Form.
- Child protection and child safety information is displayed on notice boards, and brochures are made available to parents, staff and other interested parties.
- The Service has clear procedures for recruiting, selecting and screening suitably qualified and experienced staff. No one commences at the Service without completing a working with children check. The Nominated Supervisor maintains a Staff Summary Sheet and a Working With Children Register which clearly indicates the expiry dates of Working With Children Cards for all staff members. Staff are informed that it is an offence not to notify the Service of any change in the criminal history or police information they have previously provided in obtaining their working with children clearance.

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- The Nominated Supervisor interviews all students and volunteers before agreeing to their placement at the Service, and ensures they provide a copy or evidence of their working with children check. Students and volunteers are informed that it is an offence not to notify the Service of any change in the criminal history or police information they have previously provided.
- The Nominated Supervisor and any person who might act as Responsible Person or person-in-day-to-day charge of the Service must have completed an approved Child Protection Training Course or, if this person has previously undertaken and completed the appropriate qualification required to fulfil s162A (Education and Care Services National Law), one of the previously approved courses which has been superseded.
- The Service provides educators with ongoing professional development in child protection, and the topic is regularly discussed in team meetings. Up to date information is shared with all Educators. Training needs are documented in a Training and Study Record – Educator, and monitored.
- All children are observed on arrival and any injury recorded on the Injury on Arrival Form.
- As mandatory reporters, staff are required to report any suspicion or allegation that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for in the Service to the Nominated Supervisor. If the Nominated Supervisor is the subject of the suspicion or allegation, the report is to be made to the Approved Provider or directly to the Regulatory Authority. Reasonable grounds for suspecting harm include:
 - You witness the harm
 - A child tells you they have been harmed by someone at the Service
 - Someone else (e.g. another child, staff member, parent, outside person) tells you that a child has been harmed by a person at the Service.
- The Nominated Supervisor/Approved Provider will use the Mandatory Reporter Guide (MRG) if they have concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused. The MRG assists in providing mandatory reporters with the most appropriate reporting decision. The MRG supports mandatory reporters to:
 - determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child (including unborn) or young person
 - identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system.
- The MRG will be used on every occasion staff have risk concerns as each circumstance is different and every child and young person is unique as it provides guidance as whether a report to the Child Protection Helpline is required. This is important because helpline caseworkers will:
 - make determinations on reports received from mandatory reporters using SCRPT in conjunction with additional information which may not be available to staff (i.e. mandatory reporters). NOTE: The reporter is not required to prove that abuse has occurred.

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- determine whether the matter constitutes risk of significant harm (ROSH) using the Screening and Response Priority (SCRPT) tool.
- Any allegation about an employee will be reported to the Office of the Children’s Guardian using the online 7-Day Notification Form. If the investigation into the matter is not completed within 30 days, the online 30-Day Interim Report Form will be submitted. At the completion of the investigation the online Entity Report Form will be also be submitted.
- In the event of a child exhibiting sexualised behaviour beyond that considered by educators to be age-appropriate and not-unexpected, the matter is to be reported to the Nominated Supervisor who will, in turn, report the concern directly to the Regulatory Authority.
- The Service has developed Harm – Guidelines for Handling Disclosure to help staff, educators, students and volunteers, when faced with a disclosure from a child, to respond professionally and in the best interests of the child. Any disclosure of harm must be immediately reported to the Nominated Supervisor who will ensure that correct procedures are followed.
- Educators refer to the Mandatory Reporter Guide (MRG) to ensure that all concerns that reach the threshold of risk of significant harm are reported to the Child Protection Helpline. This Guide assists professionals in making a decision about whether their concerns for a particular child or young person are likely to meet the risk of significant harm threshold. It also provides useful advice about any other action’s educators can take to assist the child, young person or family. The MRG can be found on the Child Story (NSW) website. Educators can also use a decision tree to determine if their concerns are reportable. This tree is to be printed and filed with the child’s records. Educators must use the MRG when reporting all child protection concerns online. Reports can also be made by calling the Child Protection Helpline on 132 111.
- Staff who suspect that a child may be experiencing harm or neglect when not at the Service are to follow the Harm – Guidelines for Handling a Suspicion. These Guidelines include immediately informing the Nominated Supervisor, completing an Expression of Concern Form, and maintaining confidentiality as detailed in the Service’s Confidentiality Agreement.
- Educators intentionally teach children Protective Behaviours, after informing parents.
- The Service involves staff, educators and parents when compiling the Risk Management Plan for High Risk Activity or Special Event.
- Any breach of this Child Protection and Risk Management Policy – action or inaction – will be investigated according to the Breach Management Plan.
- The Service’s *Child Protection and Risk Management Strategy Policy* is reviewed at least annually. As part of the annual review, a Child Protection and Risk Management Strategy – Survey is distributed to staff, educators, and parents for their contributions.

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Additional safe practices for babies

- No additional practices required.

Responsibilities of parents

- To report any suspicion of risk of harm to a child occurring at the Service to the Nominated Supervisor immediately.

Procedure and forms

- Abuse – Types and Indicators
- Breach Management Plan
- Child Protection and Risk Management Strategy – Survey
- Child Protection – Staff Acknowledgement Form
- Code of Conduct – Child Protection
- Confidentiality Agreement
- Expression of Concern Form
- Harm – Guidelines for Handling Disclosure
- Harm – Guidelines for Handling Suspicion
- Injury on Arrival Form
- Protective Behaviours
- Risk Management Plan for High Risk Activities or Special Event
- Staff Summary Sheet
- Statement of Commitment
- Training and Study Record – Educator
- Working With Children Register Sheet

Links to other policies

- Educator Professionalism and Ethics Policy
- Privacy and Confidentiality Policy
- Relationships with Children Policy
- Staffing Policy
- Students, Volunteers and Visitors Policy

Links Education and Care Services National Regulations 2011, National Quality Standard 2011

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|------|-----|-----------------------------------|
| Regs | 84 | Awareness of child protection law |
| | 273 | Course in child protection |

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| QA | 2.2.3 | Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect |
| | 4.2.2 | Professional standards guide practice, interactions and relationships |
| | 5.1.2 | The dignity and rights of every child are maintained |

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| 7.1.2 | Management systems are in place to manage risk and enable the effective management and operation of a quality service |
| 7.1.3 | Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service |
| 7.2.1 | There is an effective self-assessment and quality improvement process in place |
| 7.2.3 | Educators, co-ordinators and staff members' performance is regularly evaluated, and individual plans are in place to support learning and development |

Sources

- Education and Care Services National Regulations 2011
- Guide to the National Quality Standard 2011
- NAPCAN. (n.d.). *Listening to children*. <https://www.cpsltd.org.au/media/1215/211-napcan-listening-to-children.pdf> accessed 29 November 2020
- NSW Department of Education. <https://education.nsw.gov.au/> accessed 30 December 2020
- NSW Department of Education. *Child protection training requirements*. <https://education.nsw.gov.au/early-childhood-education/working-in-early-childhood-education/child-protection-training-requirements#Approved0> accessed 30 December 2020
- NSW Department of Communities and Justice – <https://www.facs.nsw.gov.au/families> accessed 30 December 2020
- NSW Office of the Children's Guardian – <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme/notification-forms> accessed 30 December 2021

Further reading and useful websites (Consistent with the approach of the National Quality Framework, the following references have prioritised efficacy and appropriateness to inform best practice, and legislative compliance over state or territory preferences.)

- Office of the Advocate for Children and Young People (NSW). *Information, links and resources*. <http://www.acyp.nsw.gov.au/info> accessed 30 December 2020
- NSW Department Communities & Justice. *What is ChildStory?* <https://www.facs.nsw.gov.au/families/childstory/what-is-childstory> accessed 30 December 2020
- NSW Department of Education – <https://education.nsw.gov.au/> accessed 30 December 2020
- NSW Police Force – <https://www.police.nsw.gov.au/> accessed 30 December 2020
- Office of the Australian Information Commissioner (Australian Government). <http://www.oaic.gov.au/> accessed 30 December 2020

Policy review

The Service encourages staff and parents to be actively involved in the annual review of each of its policies and procedures. In addition, the Service will accommodate any new legislative changes as they occur and any issues identified as part the Service's commitment to quality improvement. The Service consults with relevant recognised authorities as part of the annual review to ensure the policy contents are consistent with current research and contemporary views on best practice.

Version Control

Child Protection and Risk Management

| Version | Date Reviewed | Approved By | Comments/Amendments | Next Review Date |
|---------|------------------|--------------------------|--|------------------|
| 1 | 8 January 2018 | Dr Brenda Abbey (Author) | Updated to changed NQF requirements 1 February 2018. Service to modify policies to its specific needs. | |
| 2 | 21 January 2019 | Dr Brenda Abbey (Author) | Updated references. | |
| 3 | 24 October 2019 | Dr Brenda Abbey (Author) | Updated to include ChildStory and NSW Ombudsman requirements. | |
| 4 | 29 November 2020 | Dr Brenda Abbey (Author) | Updated references. | |
| 5 | 30 December 2020 | Dr Brenda Abbey (Author) | Updated references. | |
| 6 | August 2022 | Susan Chahwan | Adapted ACA NSW policy | |