

Child Protection Policy

Quality Area 2

Children's Health and Safety



Reference:

Council of Social Services of NSW 2010, www.ncoss.org.au

NSW Government Department of Human Services, Community Services, Resources for Mandatory Reporters, accessed from: www.community.nsw.gov.au/preventing-child-abuse-and-neglect/resources-for-mandatory-reporters.html

NSW Government, Department of Premier and Cabinet, Child Wellbeing & Child Protection: NSW Interagency Guidelines, accessed from:

www.keepthemsafe.nsw.gov.au/initiatives/interagency_guidelines

Child Story Reporter Community, accessed from: <https://reporter.childstory.nsw.gov.au>

Children and Young Persons (Care and Protection) Act 1988 and Regulation 2000

Education and Care Services National Law and Regulations: 84

Link to National Quality Standard: 2.3

This policy is adapted from Community Early Learning Australia (CELA) sample policies.

Introduction

Our service is committed to providing an environment that fosters health, development, spirituality, self-respect and dignity, that is free from violence and exploitation.

Under the *Children and Young Persons (Care and Protection) Act 1998*, children and young people must receive the care and protection necessary to ensure their safety, welfare and wellbeing. All educators and volunteers of our service are Mandatory Reporters and are required to report to the Child Protection Helpline (**Phone: 132 111**) if they have reasonable grounds to suspect a child or young person is at risk of significant harm and have current concerns about the safety, welfare or wellbeing of a child or young person where the concerns arise during or from their work.

We are committed to ensuring all educators and staff have a full understanding of their responsibilities as a Mandatory Reporter and are supported in fulfilling these.

Explanation and definitions

The Approved Provider, Nominated Supervisor, Educators and staff are responsible for taking every reasonable precaution to protect children being educated and cared for by the service from harm, recognising indicators and responding effectively if issues arise, including Mandatory Reporting of child abuse.

'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.

- **Physical abuse** – suspicion of a non-accidental injury or physical harm, or known treatment that may have caused or is likely to cause an injury or physical harm to a child/young person, resulting from a parent/carer or other adult.

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- Neglect – suspicion that a parent/carer is not adequately meeting a child's/young person's needs such as: supervision, shelter, medical care, hygiene/clothing, mental health care, schooling/education, nutrition or other basic needs. Or the child/young person is a danger to self or others due to parents/carers not supervising or providing care.
- Sexual abuse – suspicion a sexual activity or behaviour is being or is likely to be imposed on a child/young person by another person or concerns that a child/young person may be sexually harming another child or young person.
- Psychological harm – a child/young person appears to be experiencing psychological/emotional distress and is a danger to self or others as a consequence of parent/carer behaviour; *or where an underage marriage or similar union, where one of both partners is under 18 years has occurred.*
- Danger to self or others – a child/young person is demonstrating suicidal or self-harming behaviours, posing a danger to self or others and it is not known whether the parent/carer behaviours contributed now or in the past.
- Relinquishing care – the parent/carer states they will not or cannot continue to provide care of the child/young person and they are unable to make an informed decision (temporarily or permanently); or the child/young person are in care for longer than the legislation allows.
- Carer Concern – a child/young person is significantly affected by carer concerns such as substance abuse, mental health or domestic violence.
- Unborn child – concerns for the welfare of an unborn child at birth.

Note: Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

'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; or
- 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.
- What can reasonably be inferred based on professional training and/or experience.

The Approved Provider/Nominated Supervisor will:

- Ensure that any adult working directly with children sign a Prohibited Employment Declaration Form and a Consent to a Working with Children Check, and ensure their clearance, prior to employment;
- 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 (Education and Care Services National Regulation, Regulation 84, National Quality Standards QA 2);

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- Orientate every working adult to this child protection policy, Keep Them Safe protocols and Mandatory Reporter responsibilities and ensuring their regular review of these;

Educators and staff will:

- Communicate any current concerns for any child at risk of significant harm to the Nominated Supervisor
- 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;
- Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the service; and
- Ensure that Child Protection training is kept up to date when any significant changes are made to legislation.

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; and
- Provide all staff and educators with clear guidelines around documentation and a template to support this. Refer to Attachment 4 of this policy "Responding to a Child Wellbeing concern or Child Protection Report" Flowchart for guidance.

Educators and staff will:

- Make a record of the indicators observed (using the "Suspected Child at Risk of Harm" form, Attachment 2 of this policy) that have led to the belief that there is a current risk of harm to a child or young person. Information on indicators of risk of harm is outlined in the NSW Mandatory Reporter Guide which is accessible at: <https://reporter.childstory.nsw.gov.au>
- Discuss any concerns with the Nominated Supervisor of the service and involve them through the process of any report.

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Mandatory reporting

The Approved Provider/ Nominated Supervisor will:

- Provide all staff and educators working directly with children with a copy of this Child Protection Policy
- Display the Child Protection Helpline number (132 111) on all phone and lists of emergency contact number in the interests of timely reporting.

Educators and staff will:

1. 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'.
2. If a staff member suspects that a child is at risk of harm or risk of significant harm they should use the Mandatory Report Guide, which can be accessed at www.keepthemsafe.nsw.gov.au to determine appropriate steps to follow. The guide will assist mandatory reporters in determining the most appropriate reporting decision.
3. Each time the Mandatory Report Guide is used a copy of the Decision Report needs to be printed off and placed in the child's file for future reference. The Decision Report will provide an explanation of the outcome based on your completion of the decision tree.
4. 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 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.
5. The staff member or educator should monitor the situation and if they believe there is additional information that could be taken into account, please repeat steps 1 to 4 as required.

Disclosures of abuse

Educators and staff WILL:

- Move to a suitable environment, free of distractions;
- React calmly and patiently to child making the disclosure;
- Listen attentively, let the child or young person use their own words 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 right to tell, it is not their fault; recognise their bravery and strength for talking about something so difficult;
- Respect that the child or young person may only reveal some details;
- Avoid making promises you can't keep – manage their expectations;

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- 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 or quiz 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.
- It is important to understand that our role is solely to support the wellbeing of the child at all times, not to investigate further any disclosure made by the child.

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. For determination, reference can be made at: www.ombo.nsw.gov.au/what-we-do/our-work/employment-related-child-protection/reportable-allegations-and-convictions and https://www.ombo.nsw.gov.au/data/assets/pdf_file/0006/40992/FS11-Notifying-and-identifying-reportable-conduct-170210.pdf
- Report reportable allegations and reportable convictions to the Ombudsman within **30 days of receipt**. Contact the Employment-Related Child Protection Line on 02 9286 1021 to seek guidance on whether an allegation requires notification to the Ombudsman;
- 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* located on the NQA ITS website 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

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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 Commission of Children and Young Persons also notified of the relevant employment proceeding (if relevant);
- **Part B** of the *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.

Fact Sheets about how the Ombudsman manages child protection can be found at:

<http://www.ombo.nsw.gov.au/news-and-publications/publications/fact-sheets/child-protection>

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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 counselling 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 well being 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 Commission of Children and Young Persons, 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 and 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.

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Further information on the Ombudsman can be obtained by:

Phoning: 02 9286 1000 or toll-free (outside Sydney metro) 1800 451 524

Emailing: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

Information exchange and interagency collaboration

- **Changes to legislation** about Information Exchange resulted from Wood's recommendation that agencies should take on a greater role and responsibility in supporting children and families and that Non Government organisations should be equal partners with government in the delivery of services to children, young people and their families.
- The changes to the legislation (Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 mean that agencies can now exchange information about the safety, welfare or wellbeing of children and young people more freely without Community Service involvement.
- **Information Exchange can only occur under certain conditions.** Information must relate to the safety, welfare and wellbeing of a child or young person. The information could assist the agency to make decisions or undertake an assessment or plan, initiate or conduct an investigation, provide a service, and/or manage any risk to the child or young person. Staff and educators are to use Attachment 3 when requesting information under Chapter 16A.
- **Types of information that can be exchanged** are: the child or young person's circumstances or history, information on a parent or family member, or people having a significant or relevant relationship with a child or young person, or information about an agency's dealings with the child or young person or their family.
* Further information about providing and requesting information under Chapter 16A can be found at www.community.nsw.gov.au/kts/guidelines/info-exchange/provide-request
- **Why is Interagency Collaboration important?** Provides a whole picture of a child or young person and their family. Agencies often hold small parts of information, which on their own may not constitute ROSH, but together with information held by others may be considerably more serious.

Points to consider when exchange information with other agencies such as Police, Hospitals, General Practitioners; other children's services the child maybe attending:

- Consider the information you have and what additional information you may need.



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- Consult with your supervisor.
- Ensure that the request meets with best practice.
- Document the process and consult with your supervisor.
- Seek the information.
- Consider all of the information.
- Document your progress.

Take action as required.

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Attachment 1 – Child Protection Policy

Indicators of abuse in children or young people

Physical Abuse	Sexual Abuse
<ul style="list-style-type: none"> • bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it eg belt buckle, hand print • lacerations and welts • drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury • adult bite marks and scratches • fractures of bones, especially in children under three years old • dislocations, sprains, twisting • burns and scalds (including cigarette burns) • multiple injuries or bruises • explanation of injury offered by the child or young person is not consistent with their injury • abdominal pain caused by ruptured internal organs, without a history of major trauma • swallowing of poisonous substances, alcohol or other harmful drugs • general indicators of female genital mutilation eg having a 'special operation' 	<ul style="list-style-type: none"> • bruising or bleeding in the genital area • sexually transmitted diseases • bruising to breasts, buttocks, lower abdomen or thighs • child or young person or their friend telling you about it, directly or indirectly • describing sexual acts • sexual knowledge or behaviour inappropriate for the child's age • going to bed fully clothed • regressive behaviour e.g. sudden return to bed-wetting or soiling • self-destructive behaviour e.g. drug dependency, suicide attempts, self-mutilation • child being in contact with a known or suspected pedophile • anorexia or over-eating • adolescent pregnancy • unexplained accumulation of money and gifts • persistent running away from home • risk taking behaviours - self harm, suicide attempts
Neglect	Emotional Abuse
<ul style="list-style-type: none"> • low weight for age and/or failure to thrive and develop • untreated physical problems e.g. sores, serious nappy rash and urine scalds, significant dental decay • poor standards of hygiene i.e. child or young person consistently unwashed • poor complexion and hair texture • child not adequately supervised for their age • scavenging or stealing food and focus on basic survival • extended stays at school, public places, other homes • longs for or indiscriminately seeks adult affection • rocking, sucking, head-banging • poor school attendance 	<ul style="list-style-type: none"> • constant feelings of worthlessness about life and themselves • unable to value others • lack of trust in people • lack of people skills necessary for daily functioning • extreme attention-seeking behaviour • is obsessively eager to please or obey adults • takes extreme risks, is markedly disruptive, bullying or aggressive • is highly self critical, depressed or anxious • suicide threats or attempts • persistent running away from home.

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Details of Action(s) Taken (attach an extra page if necessary):

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Attachment 3

Letter requesting information under Chapter 16A

(To be used by prescribed bodies seeking information under Chapter 16A)

Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 provides for the exchange of information regarding the safety, welfare or wellbeing of a particular child or young person or class of children or young persons.

To: <name/position>

At: <organisation>

From: <name/position>

At: <organisation>

Ref: <insert>

Date: <insert>

This request is made in regard to: <name of child or young person>

Date of Birth: <dob>

Gender: <(M/F)>

Information is also sought regarding the following persons:

Name	Gender	Relationship to child/young person	DOB	Other identifying information
<insert>	<(M/F)>	<insert>	<dob>	<insert>
<insert>	<(M/F)>	<insert>	<dob>	<insert>

This information is sought in relation to the following issues of concern held for the above mentioned child/young person or class of children or young persons:

<insert how the information is relevant to the safety, welfare or wellbeing of the Unborn Child/Child/Class of Children/Young Person/Class of Young People>

This information is sought because it relates to the safety, welfare or wellbeing of the child or young person (or class of children or young persons) and will assist with:

- making a decision, assessment or plan
- initiating or conducting an investigation
- providing a service and/or
- managing a risk, to a child or young person that might arise in this agency's capacity as an employer or designated agency.

Specific information is requested in regard to:

- relevant current and/or historical concerns about safety, welfare or wellbeing of the child, young person or family
- current and/or past history of involvement with the child, young person and/or their family



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- family/ relationship dynamics (if known)
- attitude of the child, young person and/ or family to agency/service involvement
- other details required

<insert>

Please provide the requested information

- by phone
- by email
- by mail.

** Care should be taken in providing sensitive information via fax. This procedure must be negotiated with and agreed to by the organisation providing the information.*

The information is required by <date>.

Consent should be sought in regard to the exchange of information, where appropriate, and the person should be given adequate information in a manner and language they can understand. However, the Act authorises the exchange of information under Chapter 16A without consent.

- The child/ young person/ family has consented to the release of information requested in this form by mail.

OR

- The child/ young person/ family has not consented to the release of information requested in this form by mail. The reason for this is:

<insert>

- The child/ young person/ family has been informed of this request for information.

OR

- The child/ young person/ family has not been informed of this request for information. The reason for this is:

<insert>

Contact details of the person making the request:

Name

Title:

Organisation:

Phone: <insert>

Fax: <insert>

Email: <insert>

Mailing Address: <insert>

Last reviewed: November 2017

Date for review: November 2018