

Child Protection

NQS 2.3 Each child is protected.

NQS 2.3.4 Educators, co-ordinators and staff members are aware of their roles and responsibilities to respond to every child at risk of abuse or neglect.

NQS 4.1.1 Educator-to-child ratios and qualification requirements are maintained at all times.

NQS 5.2.3 The dignity and rights of every child are maintained at all times.

NQS 7.1.5 Adults working with children and those engaged in management of the service or residing on the premises are fit and proper.

NQS 7.3.4 Processes are in place to ensure that all grievances and complaints are addressed, investigated fairly and documented in a timely manner.

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 or 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.

Aims

Our goal is to ensure that every reasonable precaution is taken to protect 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 right 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:

- The child's or young person's basic physical or psychological needs are not being met or 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 and 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; or
- 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.

What is meant by '**significant**' in the phrase "to a significant extent" is that which is sufficiently serious to warrant a response by a statutory authority, irrespective of a family's consent.

What is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare, or wellbeing.

Note- a constellation of minor indicators from several areas may together show a risk of significant harm.

In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.

Reasonable grounds refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:

- first hand observations of the child, young person or family
- what the child, young person, parent or another person has disclosed
- what can reasonably be inferred based on professional training and / or experience.

It does not mean that reporters are required to confirm their suspicions or have clear proof before making a report.

Mandatory Reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. In NSW, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998.

Mandatory reporters are people who deliver the following services, wholly or partly, to children as part of their paid or professional work:

- Health care (e.g. registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)
- Welfare (e.g. psychologists, social workers, caseworkers and youth workers)
- Education (e.g. teachers, counsellors, principals)
- Children's services (e.g. child care workers, family day carers and home-based carers)
- Residential services (e.g. refuge workers)
- Law enforcement (e.g. police)

Child Story Reporter

Mandatory reporters in NSW should 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. It is not designed to determine whether the matter constitutes risk of significant harm (ROSH). This is done at the Child Protection Helpline through the Screening and Response Priority (SCRPT) tool.

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

It is recommended that mandatory reporters complete the MRG on each occasion they have risk concerns, regardless of their level of experience or expertise. Each circumstance is different and every child and young person is unique.

Helpline caseworkers will make determinations on reports received from mandatory reporters using SCRPT in conjunction with additional information which may not be available to mandatory reporters.

For more information on Child Story Reporter, refer to:

<https://reporter.childstory.nsw.gov.au/s/>

Procedures

The Approved Provider/Nominated Supervisor will:

- Ensure that any persons placed in day to day charge of the service have successfully completed a course in child protection approved by the Regulatory Authority.
- Ensure all employees and volunteers are:
 - Clear about their roles and responsibilities regarding child protection.
 - Aware of their requirements to immediately report cases where they believe a child is at risk of significant harm to the Child Protection Helpline.

- Aware of the indicators showing a child may be at risk of harm or significant risk of harm.
- Provide training and development for all educators and staff in child protection.
- Provide educators with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers.
- Validate Working with Children Checks for all educators, staff and volunteers unless the person meets the criteria for exemption from a WWCC. See exemption factsheet at <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/exemptions>
- Provide access to relevant Acts, Regulations, Standards and other resources to help educators, staff and volunteers meet their obligations.
- Ensure records of abuse or suspected abuse are kept in line with our Privacy and Confidentiality Policy.
- Notify the NSW Ombudsman within 30 days of becoming aware of any allegations or convictions for abuse or neglect of a child made against an employee or volunteer and ensure they are investigated and appropriate action taken.
- Notify the Commission for Children and Young People of details of employees against whom relevant disciplinary proceedings have been completed or people whose employment has been rejected because of a risk identified in employment screening processes.
- Notify the Regulatory Authority (within 7 days) of any incident where you reasonably believe that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service
- Notify the Regulatory Authority (within 7 days) of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service.
- Ensure staff are aware that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people

Educators and staff will:

- Develop trusting and secure relationships with all children at the service;
- Promote the welfare, safety and wellbeing of children at the service.
- Complete a Child Protection Incident Report J:\2019\QA2 Health & Safety\Templates if a child protection incident is suspected.
- Work through the Mandatory Reporter Guide on the Child Story Reporter website <https://reporter.childstory.nsw.gov.au/s/mrg> to help guide decision making about whether to report to the *Child Protection Helpline*;
- Make reports of current concerns for any child at risk of significant harm to the *Child Protection Helpline (Ph: 132 111)*; and
- Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the service.

- Contact the police on 000 if there is an immediate danger to a child and intervene instantly if it is safe to do so.
- Associate families with referral agencies where concerns of harm do not meet the threshold of significant harm. These services may be located through CWU (Child Wellbeing Units) or/and FRS (Family Referral Services) at <http://www.keepthemsafe.nsw.gov.au/initiatives>. Family consent will be sought before making referrals.

Documentation of Current Concerns

The Approved Provider/Nominated Supervisor will:

- Provide all staff and educators with clear guidelines around documentation and a template to support this (Child Protection Incident Report).
- Support staff through the process of documenting and reporting current concerns of children at risk of significant harm; and
- Keep records of abuse or suspected abuse in line with our Privacy and Confidentiality Policy.

Educators and staff will:

- Record their concerns in a non-judgmental and accurate manner as soon as possible.
- Make a record of the indicators observed that have led to the belief that there is a current risk of harm to a child or young person in a Child Protection Incident Report J:\2019\QA2 Health & Safety\Templates. Information on indicators of risk of harm are outlined in the *NSW Mandatory Reporters 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)** and when the report has been made.

Mandatory Reporting

The Approved Provider/Nominated Supervisor will:

- Provide access to relevant Acts, Regulations, Standards and other resources to help educators, staff and volunteers meet their obligations.
- Provide all staff and educators working directly with children with a copy of this *Child Protection Policy* and access to the *Mandatory Reporters Guide* to assist them in their reporting;
- Provide staff with assistance to use the online MRG tool if required;
- Display the **Child Protection Helpline number (132 111)** on all phone and lists of emergency contact number in the interests of timely reporting and assist them to make a report if required.

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**'; As a mandatory

reporter, you can make **non-imminent** suspected risk of significant harm reports to the Child Protection Helpline either by using [eReporting](#) or by phone.

2. Using 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 as to what action to take.
3. If the Mandatory Reporter Guide determines that there are grounds to suspect a risk of significant harm to a child or young person, the staff member or educator will phone the **Child Protection Helpline on 132 111 or complete an eReport**.
(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);
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 complete a Child Protection Incident Report
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6. 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 5** as required.

Disclosures of Harm

Educators and staff will:

- React calmly to 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 Reporters 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.
- Attempt to conduct their own investigation or mediate an outcome between the parties involved.
- Promise to keep a secret

Allegations of abuse against staff, educators, volunteers or students

Accusations of abuse or suspected abuse against educators, staff members, and volunteers, the Nominated Supervisor or Approved Provider are treated in the same way as allegations against other people. Reports will be made to the Child Protection Helpline where a child is at risk of significant abuse by a person at the Service. If the Nominated Supervisor is involved in the abuse then the Approved Provider or most senior educator will assist in notifying the Child Protection Helpline.

The Approved Provider/Nominated Supervisor will:

- 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 (Ph: 132 111)**;
- Notify the Regulatory Authority within **24 hours** of becoming aware of a serious incident or of any complaint alleging that a serious incident has occurred while the child is educated and cared for. Complaints, incidents and serious incidents must be notified to the regulatory authority through the National Quality Agenda IT System (NQA IT System). If you are unable to access the NQA IT System, the Regulatory Authority should be contacted.
- Notify the Regulatory Authority of any incident where the approved provider reasonably believes that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service or allegations that this has happened within 7 days of the incident or allegation.
- Develop and maintain a system of appropriate record keeping for all allegations to ensure detailed documentation is made and stored as required and complete a Child Protection Incident Report J:\2019\QA2 Health & Safety\Templates
- Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation;
- Develop an investigation plan of the matter, obtaining 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 the Regulatory Authority 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;
- Determine whether or not the allegation is a reportable allegation, a reportable conviction, or reportable conduct. For determination, reference will be made to:

<https://www.ombo.nsw.gov.au/what-we-do/our-work/employment-related-child-protection/reportable-allegations-and-convictions>

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

https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0006/40992/FS11-CP_Notifying-and-identifying-reportable-conduct-factsheet.pdf

- Consider whether or not the police need to be informed of the allegation and if so, make a report;
- Report reportable allegations and reportable convictions to the Ombudsman within **30 days of receipt**;
https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0007/4201/Notification_Form_PART-A_15Jul16.pdf
- 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;
- Ensure 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 for 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;
https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0008/4202/Notification_Form_PART-B_15Jul16.pdf
- 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 the Regulatory Authority 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 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 NSW 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, Nominated Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest; and
- All parties can complain to the NSW Ombudsman if they are not satisfied with the conduct of the investigation;

Further information on the NSW Ombudsman can be obtained by:

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

Emailing: nswonbo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

Protection for Reporters

Reports made to the Regulatory Authority are kept confidential. However, a law enforcement agency may access the identity of the reporter if this is needed in connection with the investigation of an alleged serious offence against a child. Under the *Children and Young Persons (Care and Protection) Act 1998* if the report is made in good faith:

- The report will not breach standards of professional conduct
- The report can't lead to defamation proceedings
- The report is not admissible in any proceedings as evidence against the person who made the report
- A person cannot be compelled by a court to provide the report or disclose its contents
- The identity of the person making the report is protected.

A report is also an exempt document under the *Freedom of Information Act 1989*.

Managing a Breach of the Child Protection Policy

The Approved Provider or their delegate will investigate the breaches in a fair, unbiased and supportive manner by:

- Discussing the breach with all people concerned and advising them of the process of managing the breach.
- Giving the educator the opportunity to provide their version of events
- Documenting the details of the breach, including the versions of all parties and the outcome will be recorded
- Ensuring the matters in relation to the breach are kept confidential

- The outcome will be decided on based on evidence and discussion

Outcome of a Breach of the Child Protection Policy

Depending on the nature of the breach outcomes may include:

- Emphasising the relevant element of the child protection policy and procedure
- Providing closer supervision
- Further education and training
- Facilitating between those involved in the incident (where appropriate)
- Disciplinary procedures if required
- Reviewing current policies and procedures and developing new policies and procedures if necessary.

Confidentiality

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the complaint should not inform the person they have made the complaint about. This ensures the matter can be investigated without prior knowledge and contamination of evidence.

References

- Notification types and times accessed from <https://www.acecqa.gov.au/resources/applications/notification-types-and-timeframes>
- Indicators of Risk of Harm, Mandatory Reporters Guide, eReporting, accessed from <https://reporter.childstory.nsw.gov.au/s/>
- Child Protection Fact Sheets and Notify and Identify Reportable Conduct accessed from www.ombo.nsw.gov.au
- National Quality Standards
- Privacy and Confidentiality Policy
- Glenaeon Rudolf Steiner School Child Protection Policy Suite 2017
- NSW Commission for Children and Young People
- National Quality Agenda IT System, accessed from <https://www.acecqa.gov.au/resources/national-quality-agenda-it-system>
- NSW Office of the Children's Guardian: <https://www.kidsguardian.nsw.gov.au>
- Glenaeon Preschool Child Protection Incident Report - J:\2018\QA2 Health & Safety\Templates

Statutory Legislation & Considerations

- Children and Young Persons (Care and Protection) Act 1998
- Commission for Children and Young People Act 1998
- Ombudsman Act 1974
- Education and Care Services National Law Act 2010
- Child Protection (Working with Children) Act 2012
- Child Protection (Working with Children) Regulation 2013
- Education Act 1990

- Freedom of Information Act 1989
- Education and Care Services National Regulations 2011
- Children and Young Persons (Care and Protection) (Child Employment) Regulation 2015

Review

Date Reviewed	Modifications	Next Policy Review Due
2014 2015 2016	Glenaeon School Child Protection policy also in place	
Feb 2018	<ul style="list-style-type: none"> • Updated the references to comply with revised National Quality Standard • Update references to the Child Protection Helpline • Addition of definition of ‘significant’, ‘reasonable grounds’, ‘mandatory reporter’, ‘mandatory reporting’ • Explanation of the Child Story Reporter and Mandatory Reporters Guide. • Additional procedures for the Nominated Supervisor, Approved Provider and Educators in managing child protection issues. • Alter wording on the Documentation of Current Concerns • Additional information on Allegations of abuse against staff, educators, volunteers or students • Additional information included on eReporting • Addition of information on Protection for Reporters • Additional information on Managing a breach of the Child Protection Policy • Additional information relating to Confidentiality. 	Feb 2019
October 2018	<ul style="list-style-type: none"> • ‘constellation of minor indicators’ added as risk of significant harm 	Oct 2019
November 2018	<ul style="list-style-type: none"> • Include reference to Child Protection Incident Report developed to help record details of suspected Risk of Harm. 	Nov 2019

March 2019	<ul style="list-style-type: none">• Remove references to Certified Supervisors and replace with persons in day to day charge.• Update links to web resources• Include link to Glenaeon Child Protection Incident Report• Reorganise steps AP or NS will take if there is an allegation against staff, educators, students or volunteers.• Include Part B of the Ombudsman notification	March 2020
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