



Providing a Child Safe Environment

Review Date: 12/02/2020

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: 133 627) 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.

Goals – What are we going to do?

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) has 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. (Any such circumstances may relate to a single act or omission or to a series of acts or omissions.)

- 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 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;

- A parent or carer knowingly allows, forces or deliberately exposes a child or young person to traumatic events which could place that child at risk of serious harm such as:
 - live or depicted acts of extreme violence;
 - family violence (with or without a weapon);
 - physical or sexual violence, including repeated exposure to media depicting these;
 - sexual acts;
 - threatening or attempting suicide in a child/young person's presence;
 - illicit drug use;
 - acts of violence or cruelty against pets or other animals.
- 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.

'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.

Child Wellbeing Unit (CWU)

CWUs operate in the government agencies that account for the majority of reports to the Community Services Child Protection Helpline:

- The NSW Police Force
- Department of Education and Communities – 9269 9400
- NSW Health (including Local Health Districts, affiliated health services, and certain general practitioners) – 1300 480 420

Strategies - How will it be done?

The Approved Provider/Nominated Supervisor will:

- Ensure that (under the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013) each person in these roles has a Working with Children Check clearance:
 - The Approved Provider
 - All staff, regular volunteers and students
- 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);
- Orientate every working adult to this Child Protection Policy, Child Story process and Mandatory Reporter responsibilities and ensure their regular review.

Educators and staff will:

- 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; and
- Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the service.

Documentation and Mandatory Reporting

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 working directly with children with a copy of this Child Protection Policy and access to the NSW Mandatory Reporters Guide to assist them in their reporting;
- Display the Child Protection Helpline number (132 111) on all phone lists of emergency contact numbers in the interests of timely reporting.

Educators and staff will:

- **CALL 000 in an emergency where there are urgent concerns for a child's health or life and ask for the police.**
- 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 harm are outlined in the NSW Mandatory Reporters Guide which is accessible at: www.reporter.childstory.nsw.gov.au/s/
- Discuss any concerns with the Nominated Supervisor of the service.
- Follow Steps 1 – 4.

STEP 1 – GET SUFFICIENT INFORMATION

Get essential details:

- Child or young person's details (name, address, DOB, details of siblings);
- Incident details (date, type of risk, persons causing or contributing to harm);
- Impact of the incident on the child or young person;
- Network of support around the young person.

You can get this information by:

- Engaging with the child or young person and related services (e.g. Patchwork NSW <http://www.patchworknsw.net.au/>) will enable you to quickly and easily view and connect with other professionals.
- Exchanging information with other prescribed bodies working with the child or young person and their family. You are permitted to do this under Chapter 16A of the Care Act.

STEP 2 – DECIDE WHAT TO DO

Use all of the information available to you to appraise the risk, needs and strengths of the family.

If you work for the Department of Education, NSW Police Force, NSW Health (includes all registered medical practitioners and general practice nurses, all employees of NSW health services, staff from Aboriginal Community Controlled Health Services, and Affiliated Health Organisations), you can contact your Child Wellbeing Unit (CWU) for assistance with the appraisal.

STEP 3 – USE THE MANDATORY REPORTERS GUIDE (MRG)

- If the outcome of the MRG is “Immediate Report to the Child Protection Helpline” or “Report to the Child Protection Helpline”, contact the Child Protection Helpline and have ready the essential details from Step 1 and the outcome of the MRG. You can also make an eReport for non-immediate matters <https://kidsreport.facs.nsw.gov.au>
- If the outcome of the MRG is “Contact your CWU” or “Continue to monitor and support” – go to Step 4.
- Even if a report is required, proceed to Step 4.
- 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.

STEP 4 – FIND LOCAL HELP

Your service – consider what additional steps your service can take, including:

- Whether your service is best placed to discuss your concerns with the family;
- Whether your service can offer to provide additional interventions or change your current interventions to further address risk factors.

Beyond your service – explore appropriate support services for the child/young person and their family. The following options may assist you:

- Where you have access, call your CWU to discuss how you can appropriately assist the child within the capacity of your role and to get advice about referral pathways. Call Health CWU on 1300 480 420 or Call Education CWU on 9269 9400.
- Contact your local Family Referral Service (FRS) if you would like help referring the family child or young person to local support services such as housing or respite <http://www.familyreferralservice.com.au>
- Visit the Human Services Network (HSNet) website to self-access a broad range of services <http://www.hsnet.nsw.gov.au/>
- Contact NSW Family Services Inc. (FamS) to access support to non-government, not-for-profit organization staff working with vulnerable children and families <https://www.fams.asn.au/>
- Education staff working for non-government schools should call the Association of Independent Schools (Ph. 02 9299 2845) or the Catholic Education Commission NSW (Ph. 02 9287 1555). Note: Catholic system reporters should first seek assistance from their Diocesan office or local Catholic school’s authority.

Disclosures 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;
 - o Provide comfort and care to the child.
 - o Follow the steps for reporting as per the Mandatory Reporters Guide.
- Reassure the child or young person that:
 - o It is not their fault;
 - o It was right to tell;
 - o It is not OK for adults to harm children - no matter what;
 - o Explain what will happen now - that it is part of your job to tell people who can help the child or young person.

Ensure confidentiality is maintained at all times and understand the systems that are in place to deal with any breaches of confidentiality.

Educators and staff will not:

- prompt the child for further details or ask leading questions which would make the child feel uncomfortable or have 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

Reportable Conduct under the Ombudsman Act 1974

Reportable conduct refers to the following:

- Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material [within the meaning of Division 15A of Part 3 of the Crimes Act 1900]; or
- Any assault, ill treatment or neglect of a child; or
- Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to the following:

- Conduct that is reasonable for the purposes of discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children, and to any relevant codes of conduct or professional standards;
- The use of physical force that, in all the circumstances, is trivial or negligible. Reportable conduct applies only if the physical force is going to be investigated and the result of the investigation recorded under workplace employment procedures; or
- Conduct of a class or kind exempted from being reportable conduct by the Ombudsman under Section 25CA of the Ombudsman Act 1974.

NOTE: Examples of conduct that would not constitute reportable conduct include (without limitation) touching a child in order to attract a child's attention, to guide a child or to comfort a distressed child; a school teacher raising his or her voice in order to attract attention or to restore order in the classroom; and conduct that is established to be accidental. Further information is available on the Ombudsman website at <https://www.ombo.nsw.gov.au/what-we-do/our-work-employment-related-child-protection>

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 will be made to: <https://www.ombo.nsw.gov.au/what-we-do/our-work-employment-related-child-protection>
- Report reportable allegations and reportable convictions to the Ombudsman within 30 days of receipt;
- 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 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.

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 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 findings 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 Ombudsman if they are not satisfied with the conduct of the investigation;

Further information on the 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

Statutory Legislation & Considerations

Commission for Children and Young People Act 1998

Ombudsman Act 1974

Children (Education and Care Services National Law Application) Act 2010

Education and Care Services National Regulations 2011

<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+51+2012+cd+0+N>

Child Protection (Working With Children) Act 2012

Related Policies

- › Confidentiality
- › Staff Code of Conduct
- › Parent Code of Conduct
- › First Aid
- › Incident, Injury, Trauma & Illness
- › Emergency and Evacuation (Emergency Management Plan)
- › Determining the Responsible Person
- › Employee Orientation
- › Volunteers and Students
- › Interactions with Children
- › Guiding Children's Behaviour
- › Enrolment and Orientation
- › Digital Technology

References

www.reporter.childstory.nsw.gov.au/s/

Appendix

Template for Reporting

Adopted by the Management Committee

Signed by: Belinda Fayle, President

Date: 26/02/2018

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