

Child Protection Policy

Quality Area 2: Children's health and safety

Standard 2.1: Each child's health is promoted.

Standard 2.2: Each child is protected

Standard 5.1: Relationships between educators and children

Standard 5.2: Relationships between children

Standard 6.1: Supportive relationships with Families

Standard 6.2: Collaborative partnerships

POLICY STATEMENT

Arabanoo believes that it is every child's right to be safe and protected from all forms of abuse, violence or exploitation. It is the legal and moral obligation of all adults who work within our service to ensure the safety and wellbeing of all children in our care. All staff, including casual staff, volunteers and students have a duty of care to ensure the safety and protection of all children who access the service's facilities and/or programs.

The safety and welfare of all children is of paramount importance. Staff have a legal responsibility as Mandatory Reporters, to take action to protect and support children they suspect may be at significant risk of harm.

Our service will carry out the responsibilities of Mandatory Reporters as indicated under legislation. This responsibility involves following the procedures as outlined by Community Services and the NSW Commission for Children and Young People.

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CONSIDERATIONS:

Education and Care Services National Regulations	National Quality Standard	Other Service policies/documentation	Other
84	2.1.1, 2.1.2, 2.1.3, 2.2.1, 2.2.2, 2.2.3, 5.1.1, 5.1.2, 5.2.2, 6.1.3, 6.2.2 7.1.1, 7.2.1	Confidentiality Policy Interactions with Child Policy Behaviour Guidance Policy	NSW Children and Young Person's (Care and Protection) Act 1998 Commission for Children and Young People Act 1998 Child Protection (Prohibited Employment) Act 1998 Ombudsman Act 1974 (with relevant Child Protection Amendments) NSW Department of Community Services Mandatory Reporting Guidelines NSW Child Protection Interagency Guidelines (2006) Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13 Keep Them Safe – Information session/ overview participants manual 2009/ 2010 OSHCQA Quality Area 7

For further information

- Keep Them Safe www.keepthemsafe.nsw.gov.au
- Human Services Network www.hsnet.nsw.gov.au
- Ombudsman www.nswombudsman.nsw.gov.au
- Community Services www.community.nsw.gov.au
- NSW Commission for Children and Young People www.kids.nsw.gov.au
- Child Protection Helpline 13 36 27

ENDORSEMENT BY THE SERVICE:

Approval date: 29 May 2019

Date for Review: May 2021

Policy History

Version 1.0

December 2005, May 2006, March 2007, May 2007, February 2009, August 2010, May 2011, March 2012.

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Version 2.0

Overhaul of policies following regulatory changes in 2012. Drafted from the Network template and using the Current Arabanoo Policy Handbook by Sarah Evans. Reviewed by Eveline Findlay and Susannah Peck, May 2013.

Version	Date reviewed	Who by	Area changed	Changes made	Authorisation
3.0	12 August 2015	Cecile Thornley and Brendan Williamson	n/a	n/a	Kerry Sinclair 12 February 2016
4.0	1 May 2019	Rowan Friend and Alex Cowie	Standards	Updated to the new NQS Added in NQS 5	Kate Sellick - 8 May 2019

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PROCEDURES

Mandatory Reporting

- A Mandatory Reporter is anybody who delivers services to children as part of their paid or professional work.
- In OOSH services mandatory reporters are:
 - Staff that deliver services to children;
 - Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services.
- Staff are mandated to report to Community Services if they have current concerns about the safety or welfare of a child relating to section 23 of the NSW Children and Young Persons (Care and Protection) Act 1998

Risk of significant harm – you have current concerns for the safety, welfare or wellbeing of a child because of the presence of one or more of the following:

- a) Physical/psychological needs not being met;
- b) Parents/caregivers unable or unwilling to arrange medical care;
- c) Physical/sexual assault has occurred or is at risk of occurring;
- d) Physical/psychological harm due to domestic violence;
- e) Psychological abuse;
- f) Parents or carers have not made proper arrangements and are unable or unwilling for their child to receive an education; and,
- g) The cumulative impacts of a series of acts or omissions when viewed together establish a pattern that meets the threshold.

Note: physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

- Staff will undergo training in relation to child protection and reporting as part of the training budget.
- Staff do not investigate, or otherwise gather evidence relating to a perceived risk of significant harm.
- Any staff who forms a belief based on reasonable grounds that a child is at risk of harm should discuss their concerns with their Director/Nominated Supervisor, as he or she may have information the staff member is not aware of. The discussion will focus on determining that the suspicion is based on reasonable grounds.

Reasonable grounds – the standard to be used in deciding whether reporting is necessary.

This could be derived from:

- First hand observation of the child or the family;
- What has been said by the student, a parent or other person; and,
- What can be inferred reasonably based on training and/or experience.

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- Any staff that forms a belief based on 'reasonable grounds' that a child is at risk of harm should ensure they record the details of the report in a clear objective format, stating the date and specifically what was said, observed or inferred.
- The staff member (with assistance from the Nominated Supervisor if necessary) should complete the online Mandatory Reporters Guidelines tool to determine whether the report meets the threshold for **significant** risk of harm.

Agreed policy definition of significant harm – from Keep Them Safe website

http://www.keepthemsafe.nsw.gov.au/reporting_concerns/significant_harm_policy_definition

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.

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

- If directed by MRG to report to Community Services, the staff member (with the support of the Nominated Supervisor) should report their concerns to the Child Protection Helpline:
Mandatory reporters phone number - 132 111
- If directed by the MRG to 'document and continue the relationship', the staff member (with the support of the Nominated Supervisor) may choose to contact the Child Protection Helpline to discuss any uncertainties that might exist and seek further guidance as necessary or if instructed to do so after completing the report.
- Reports should be treated with strict confidentiality in adherence to the service's Confidentiality Policy and Procedures. Other staff may be asked to be vigilant of child at risk and to observe closely, but information should be used sparingly.
- When reporting to the Helpline it is important to have as much information as possible available to give to the Helpline. This might include the child's information, family information, reporter details and outcomes of the MRG.
- Once a report is made to the Community Services Helpline no further report needs to be made unless new information comes to hand.
- The President of the Parent Management Committee (PMC) should be informed of all notifications to Community Services – including names and the nature of the report.
- In brief:
 - Staff with concern alerts supervisor or Nominated Supervisor. If the staff member chooses to tell the shift supervisor, the supervisor should report to the Nominated Supervisor.
 - Staff member (with help of Nominated Supervisor) completes the MRG

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- Staff member calls Helpline to make a report if instructed by MRG **or** may choose to call Helpline for reassurance if the MRG outcome suggests 'document and continue relationship'.
- Nominated Supervisor notifies President of PMC if a report is made to Community Services with details of the report.

Mandatory Reporting Guidance tool

- A Mandatory Reporting Guidance tool has been developed to help frontline mandatory reporters (including OOSH workers) determine whether the risk to a child or young person meets the new statutory threshold of 'risk of significant harm'. The MRG will guide reporter on what action should be taken and helps to determine whether or not to file a report. The MRG is an interactive tool and is available online at www.keepthemsafe.nsw.gov.au
- If still in doubt the Community Services Helpline will provide feedback about whether or not the report meets the new threshold for statutory intervention.
- It may be that an initial run through the MRG resulted in the decision being taken NOT to report. If new information presents concerning the child or young person it is necessary to run the MRG tool again.
- Where concerns do not meet the significant harm threshold, the MRG tool may guide you to '*Document and continue the relationship*'. This requires the service to continue to support, provide services, and coordinate assistance and referral for the child and their family.
- The report page from the MRG should be printed and placed in the child/family file for future reference regardless of whether or not further action is recommended. The file must be kept secure in the locked filing cabinet in the office.

For assistance with referral information.

Human Services Network www.hsnet.nsw.gov.au

Family Services NSW www.familyservices.nsw.asn.au

Information exchange

In order to provide effective support and referral it may be necessary to exchange information with other prescribed bodies including government agencies or non-government organisations and services.

- The NSW Children and Young Persons (Care and Protection) Act 1998 has been amended (2009) to include chapter 16A Information Exchange.
- Chapter 16A requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people.
- Under Chapter 16A NSW Children and Young Persons (Care and Protection) Act 1998, Staff will exchange information that relates to a child or young person's safety, welfare or wellbeing, whether or not the child or young person is known

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to Community Services and whether or not the child or young person consents to the information exchange.

- The information requested or provided **must** relate to the safety, welfare or wellbeing of the child. Information includes:
 - A child or young person's history or circumstances
 - A parent or other family member, significant or relevant relationship
 - The agency's work now and in the past
- Where information is provided in good faith and according to legal provisions, under section 29 & section 245G NSW Children and Young Persons (Care and Protection) Act 1998; reporters cannot be seen as breaching professional etiquette or ethics or as a breach of professional standards. There can be no liability for court action.

Where a complaint is made about a staff member, or someone in the service

- Should an incident occur that involves a child being put at risk of harm from a member of staff, volunteer, trainee or person visiting the service, this is regarded as '**reportable conduct**' and necessitates such conduct being reported to the NSW Ombudsman within 30 days.
- Where the allegation is made to a staff member, the Nominated Supervisor or the Approved Provider, the facts as stated will be recorded in writing, using an Incident Report template that includes dates, times, names of person/s involved, name of person making allegation and the person making the report. This report should be kept on record and treated as strictly confidential.
- If the Nominated Supervisor or person in charge is suspected then the reporting staff member will inform the President of the Parent Management Committee.
- The relevant forms together with information and assistance are available online at www.nswombudsman.nsw.gov.au
- The person making the report should follow the advice of the Ombudsman's Departmental Officers.
- Management will also follow this advice.
- The matter will be treated with strict confidentiality.
- For the protection of both the children and the staff member involved, the staff member should be encouraged to take special leave or removed from duties involving direct care and contact with children, until the situation is resolved.
- Support should be provided to all involved. This support can be given in the form of counseling or referral to an appropriate agency.

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Recruitment of staff

- All staff employed by the service including management, full time/ part time carers, volunteers and students will be subject to a Working with Children Check carried out by the NSW Commission for Children and Young People. Written approval from the prospective employee will be sought prior to this check being carried out.
- When the service engages staff from an agency, the agency should be asked to provide confirmation of staff members Working with Children Check.

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