

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 staff who work within our Service to safeguard the safety and wellbeing of the 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 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 risk of significant harm.

Staff at our Service will carry out the responsibilities of Mandatory Reporters according to [section 27](#) of the Children and Young Persons (Care and Protection) Act 1998 (NSW). This responsibility involves following the procedures outlined by [NSW Communities and Justice](#) .

RATIONALE

Under the Education and Care Services National Law and Regulations and the National Quality Standards, Approved Providers must be aware of Child Protection law and be able to recognise when a child is suffering from abuse or neglect.

This Policy details the ways in which educators and staff can implement child protection legislation and act as Mandatory Reporters. It also outlines the measures (recruitment and training of educators) the Parent Management Committee (PMC) takes to ensure children are safe.

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CONSIDERATIONS:

Education and Care Services National Law & Regulations	National Quality Standard	Other Service policies/document ation	Other
Education and Care Services National Law: 162(a) Education and Care Services National Regulations: 84, 155, 175, 176,	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	<ul style="list-style-type: none"> • Children and Young Person’s (Care and Protection) Act 1998 (NSW) • Commission for Children and Young People Act 1998 (NSW) • Child Protection (Prohibited Employment) Act 1998 (NSW) • Ombudsman Act 1974 (NSW) (with relevant Child Protection Amendments) • NSW Department of Communities and Justice Mandatory Reporting Guide • NSW Child Protection Interagency Guidelines (2006) • Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13

For further information

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

<p>Approval date: Sept 2024</p> <p>Date for Review: Sept 2026</p>

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
5.0	May 2024	KW OSHC Consulting	Policy Statement	Changed wording to ensure clarity	Rowan Friend – 3 Sept 2024
			Rationale	Added to explain why the policy is needed – links to NQS & legislation	
			Considerations	Added Nat Regs. + hyperlinks	

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IMPLEMENTATION

Arabanoo blatantly opposes child abuse and employs strict practices to protect the children in our care. Members of the PMC, educators and other staff working directly with children are considered Mandatory Reporters under this policy and in the legislation.

This policy applies to all Arabanoo staff, especially those working directly with children. Educators play an important role in protecting and supporting children and young people by identifying concerns and behaviours that may put their safety and wellbeing at risk.

Any staff member who breaches this policy by doing (or failing to do) something that a reasonable person would in a situation, or acts (or fails to act) in a way that causes harm to a child, will be subject to the necessary disciplinary action.

PROCEDURE

Mandatory Reporting

The Children and Young Persons (Care and Protection) Act 1998 (NSW) outlines mandatory reporters must make reports if they suspect on reasonable grounds a child is at risk of significant harm.

- A [Mandatory Reporter](#) is anybody who delivers services to children as part of their paid or professional work.
- At Arabanoo, our Mandatory Reporters are:
 - Staff that deliver services to children, and
 - Management, either paid or voluntary, whose duties include direct responsibility or direct supervision of children for the provision of these services.
- Staff must report to the Department of Communities and Justice if they have current concerns about the safety or welfare of a child under [section 24](#) of the Children and Young Persons (Care and Protection) Act 1998 (NSW). **What to look out for and how to make a report is explained below.**

Definitions

What is 'risk of significant harm'?

A child or young person at 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) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- b) The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- b1) 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 or are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,

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- c) The child or young person has been, or is at risk of being physically or sexually abused or ill-treated,
- d) 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,
- e) 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,
- f) The child was the subject of a pre-natal report under [section 25](#) and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Note: physical or sexual abuse may include an assault and can exist despite consent being given.

These circumstances can relate to a single act or omission, or a combination (or series) of acts or omissions.

What are '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 a student, parent or another person; or
- What can be inferred reasonably based on training and/or experience.

Responsibilities

Reporting under the Mandatory Reporter Guide (MRG)

- Any staff member 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. The discussion will focus on determining that the suspicion is based on reasonable grounds only.
- Any staff member that forms a belief based on **reasonable grounds** that a child is at risk of harm will record the details of the risk of harm in a clear format, stating the date and specifically what was said, observed or inferred.
- The staff member (with assistance from the Nominated Supervisor if necessary) will complete the online [Mandatory Reporter Guide \(MRG\)](#) to determine whether the report meets the threshold for **risk of significant harm**.

One of the following outcomes will result:

1. **Report:** If directed by MRG to report to the Department of Communities and Justice, the staff member (with the Nominated Supervisor's support) will report their concerns to the [Child Protection Helpline](#) through the Mandatory Reporters phone number: 13 21 11.

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2. **Continue relationship:** If directed by the MRG to ‘document and continue the relationship’, the staff member (with the Nominated Supervisor’s report) 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, will do so after completing the report.
- Reports should be treated with strict confidentiality in adherence to the Service’s Confidentiality Policy and Procedure. Other staff may be asked to be vigilant of the child at risk and to observe closely, but information should be used sparingly.
- When reporting to the Child Protection Helpline, it is important to have as much information as possible. This may include:
 - The child’s information,
 - Family information,
 - Reporter details, and
 - Outcomes of the MRG.

Note: the reporter is not required to prove that abuse has occurred.

- Once a report is made to the Child Protection Helpline, no further report needs to be made unless new information becomes available.
- The President of the PMC will be informed of all notifications to the Department of Communities and Justice, including names and the nature of the report.

Reporting Checklist

- 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](#).
- Staff member calls Child Protection Helpline (ph: 13 21 11) 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 Department of Communities and Justice with details of the report.

Continuous use of Mandatory Reporter Guide (MRG)

The MRG supports Mandatory Reporters to determine whether a report to the Child Protection Helpline is needed and to identify alternative ways to support vulnerable children, young people, and their families.

- Mandatory Reporters should complete the MRG **every time** they are concerned that a child is at risk of significant harm. Each situation and child is different.
- Sometimes, an initial input into the MRG results in the decision to not report. If new information is available concerning the child or young person, staff must run the MRG again with the new information.

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- Where concerns do not meet the significant harm threshold, the MRG 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 will be printed and placed in the child's/family file for future reference regardless of if 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

Educators will:

- Contact 000 (the police) if they identify an immediate danger to a child.
- Intervene if it is safe to do so.
- Be able to recognize the indicators of abuse.
- Respect what information a child discloses, take the information seriously, and follow up through appropriate channels.
- Follow all Mandatory Reporter requirements.
- Promote the safety and wellbeing of children at the Service.
- **Not** investigate or gather evidence relating to a perceived risk of significant harm.

Information exchange

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.

Chapter [16A](#) of the Children and Young Persons (Care and Protection) Act 1998 (NSW) requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people.

- Under Chapter [16A](#), 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 to the Department of Communities and Justice 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, or
 - 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](#) of the Children and Young Persons (Care and Protection) Act 1998 (NSW), reporters will not be breaching professional etiquette, ethics or professional standards. There can be **no liability** for court action.

Protection of reporters

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All reporters are protected against harmful actions for making or proposing to make a report as per [s29AAA](#) of the Children and Young Persons (Care and Protection) Act 1998. The identity of the reporter is protected from being disclosed by law, except in exceptional circumstances.

A person cannot be compelled by a court to provide a report or disclose its contents.

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

A report made in good faith:

- Will not breach standards of professional conduct,
- Cannot lead to defamation, civil, or criminal liability, and
- Is not admissible in any proceedings as evidence against the person who made the report (the reporter).

Complaints made about staff members, or someone in the Service

- An incident that involves a child being put at risk of harm from a member of staff, volunteer, trainee, or person visiting the Service, is regarded as **'reportable conduct'** under the Children's Guardian Act 2019 (NSW) and **must** be 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 will be recorded in writing using an Incident Report that includes:
 - Dates,
 - Times,
 - Names of person/s involved,
 - Name of person making the allegation, and
 - Name of 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 of committing the **reportable conduct**, then the reporting staff member will inform the President of the PMC.

The relevant forms, information, and assistance are available [here](#).

- The person making the report should follow the advice of the Ombudsman's Departmental Officers. Management will also follow this advice.
- For the protection of the children and staff member involved, the staff member will be encouraged to take special leave or be removed from duties involving direct care and contact with children until the situation is resolved, or further action is required.
- Support will be provided to all involved. This support may be given in the form of counseling or referral to an appropriate agency.

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Indicators of significant harm

Below are some common signs that a child or young person is at risk of (or has experienced) significant harm.

Note: there does not always need to be a combination of indicators present. One indicator may be just as important as the presence of several indicators. Staff must use their own discretion and judgement in each situation to determine whether the child or young person is at risk of (or has experienced) significant harm.

Neglect

Neglect of a child is the continuous failure of the child's caregiver to provide them with the basic requirements needed for their growth and development. Examples include failing to provide food, clothing, medical care, shelter, and adequate supervision.

Actions that may constitute neglect

- Depriving or withholding physical contact
- Failure to provide psychological nurturing
- Failure to emotionally respond
- Abandoning the child
- Treating one child differently to others

Indicators of neglect in children

- Scavenging or stealing food
- Extreme longing for adult affection
- Separation anxiety
- Self-comforting behaviours, e.g. rocking, sucking
- Delay in developmental milestones
- Untreated physical problems
- Poor standard of hygiene leading to social isolation

Physical abuse

Physical abuse is when a child has suffered trauma or injury that is not accidental. This is caused by a parent, caregiver, or another person.

Actions that may indicate physical abuse

- Direct admission from parents about fear of hurting their children
- History of family violence
- History of their own maltreatment as a child
- Repeated visits for medical assistance

Indicators of physical abuse in children

- Head, neck, or facial bruises
- Lacerations or welts
- Explanations from child are not consistent with injury
- Bruises or marks may show the shape of an object
- Bite marks or scratches
- Multiple (or continuous) injuries or bruises
- Ingestion of alcohol, drugs, or poisonous substances

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- Sprains, twists, or dislocations
- Fractures
- Burns or scalds

Psychological abuse

Psychological harm occurs when the parent or caregiver damages the self-esteem/sense of self of the child through their behaviour. This results in serious emotional deficiencies or trauma. The frequency and duration of this behaviour causes harm over time.

Actions that may constitute psychological abuse

- Excessive or constant criticism, teasing, condescending, or ignoring the child
- Withholding affection
- Excessive or unreasonable demands
- Persistent hostility, severe verbal abuse, and rejection
- Inappropriate physical or social isolation as punishment
- Exposure to domestic violence
- Intimidating or threatening behaviour
- Belief that child is bad or 'evil'

Indicators of psychological abuse in children

- Feeling of worthlessness
- Inability to value others
- Lack of trust in people and expectations
- Extreme attention seeking behaviours
- Very eager to please or obey adults
- Lack of social skills
- May take extreme risks, or engage in bullying or aggressive behaviour
- Suicide threats (in young people)
- Running away from home

Sexual abuse

Sexual abuse is when a person involves a child in a sexual activity by using their authority, or by taking advantage of their trust. Children are usually threatened or bribed physically or psychologically to make them participate in the activity.

Actions that constitute sexual abuse

- Exposing the child to the sexual behaviours of others
- Coercing the child to engage in sexual behaviour with other children or adults
- Verbal threats of sexual abuse
- Exposing the child to pornography

Indicators of sexual abuse in children

- Child describes sexual acts
- Direct or indirect disclosures made by the child or other persons
- Self-destructive behaviour
- Regression in developmental achievements
- Persistent sexual behaviour
- Child being in contact with a suspected or known perpetrator of sexual assault

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- Bleeding from vagina or anus
- Injuries to genitalia

Domestic violence

Domestic violence involves abusive or intimidating behaviour carried out by an adult against a partner or former partner to control and dominate that person.

Physical and/or psychological fear and harm are caused by domestic violence, especially for children and young people. Domestic violence constitutes a form of child abuse according to the [NSW Domestic and Family Violence Action Plan, June 2010](#).

Indicators of domestic violence

The child may:

- Demonstrate aggressive behaviour
- Have anxiety, phobias, or insomnia
- Show signs of depression, or diminished self-esteem
- Demonstrate poor academic performance and problem-solving skills
- Have reduced social skills and low levels of empathy
- Be emotionally distressed
- Have physical complaints

Preventative measures

Recruitment of staff

- All staff employed by the Service, including management, full time/part-time/casual educators, volunteers, and students must obtain 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. See Arabanoo's **Providing a Child Safe Environment Policy and Recruitment Policy** for more information.
- When the Service engages staff from an agency, the agency will always be asked to provide confirmation of the staff member's Working with Children Check.
- All staff will be provided with a copy of this policy as part of their induction process at the Service.

Training

- Staff will undergo training in relation to child protection and reporting annually certified by a registered training organisation.
- Educators will maintain their knowledge of child protection and the Mandatory Reporter requirements annually.

Resources for indicators of child abuse

- [Indicators of harm or risk to children and young people](#)
- [Indicators of abuse and neglect](#)

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- [Keeping children safe from sexual abuse - NAPCAN](#)
- [Child safe organisations](#)
- [Child protection reporting: overview of legislative amendments](#)

CONSIDERATIONS:

Education and Care Services National Law & Regulations	National Quality Standard	Other Service policies/documentation	Other
Education and Care Services National Law: 162(a) Education and Care Services National Regulations: 84, 155, 175, 176,	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	<ul style="list-style-type: none"> • Children and Young Person’s (Care and Protection) Act 1998 (NSW) • Commission for Children and Young People Act 1998 (NSW) • Child Protection (Prohibited Employment) Act 1998 (NSW) • Ombudsman Act 1974 (NSW) (with relevant Child Protection Amendments) • NSW Department of Communities and Justice Mandatory Reporting Guide • NSW Child Protection Interagency Guidelines (2006) • Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13

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Procedure History

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Version 2.0

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4.0	1 May 2019	Rowan Friend and Alex Cowie	Reasonable Grounds Standards	Contact number for Mandatory Reporters Updated to the new NQS Added in NQS 5	Kate Sellick - 8 May 2019
5.0	6 June 2019	Rowan Friend	Link to Child Protection Reporting Tree	Changed from Keep Them Safe to Child Story	Kate Sellick – 6 June 2019
6.0	May 2024	KW OSHC Consulting	Implementation	Added – explains who the policy applied to	Rowan Friend – 3 Sept 2024
			Definitions	Added for legislation + hyperlinked	
			Responsibilities	Outlined steps and result options of MRG + added reporting checklist	
			Protection of reporters	Added for clarity	
			Indicators of significant harm	Added – for educators to refer to	