



Child Protection Policy

Background:

Maryland Care & early education Centre is committed to providing an environment that fosters health, development, 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 (Ph: 132111)*** 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 concerns arise during or form 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. Anyone making notification in good faith is protected under the ***Children and Young Persons (Care & Protection) Act 1998*** cannot be held personally or professionally liable if the subsequent investigation establishes that no abuse in fact took place.

Aim:

- To ensure that every reasonable precaution is taken to protect children being educated and cared for at Maryland Care and Early Education Centre 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 a significant risk of harm.
- For children to have a safe and healthy start to life
- For educators to have appropriate training and understanding of what abuse is (neglect, sexual, physical and emotional abuse or harm)
- To provide clear policies and procedures for educator's, visitors and families in the case of suspected 'significant risk of significant harm'
- Maryland Care & Early Education Centre will ensure that children, young people and their families have access to appropriate and responsive support services, if needed
- To enhance service provision focusing on prevention and early intervention

Legislative requirements / Sources:

Ombudsman Act, 1974.

Commission for Children and Young Person Act, 1998.

Children and Young Persons (Care and Protection) Act, 1998.

Education and Care Services National Law Act 2010

Education and Care Services National Regulations. (2011)

National Quality Standards 2011

Keep them Safe (www.keepthemsafe.nsw.gov.au)

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 education in accordance with the 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
- The child was subject to a pre-natal report under *section 25* of the *Children and Young Person's Care and Protection Act 1998* and the birth mother of the child did not engage successfully with the support services to eliminate or minimize to the lowest level reasonable practicable 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
- What that child, young person, parent or other person has told you.

It does not mean that you are required to confirm your suspicions or have clear proof before making a report

Prescribed Bodies:

The Children's and Young Persons (Care and Protection) Act, 1998 allows prescribed bodies to 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 Community Services. Community Services involvement is not required for this contact.

Service educators are able to contact another prescribed body where the information is required for the safety, welfare and wellbeing of a child and young person. Such as: Families first, Brighter Futures, Early Intervention and Placement Prevention (EIPP).

What information can be exchanged between "prescribed bodies?"

A prescribed body may provide information relating to the safety, welfare and wellbeing of a child/young person to another prescribed body if the information would assist with making a decision, assessment, investigation or service delivery.

Prescribed Bodies include:

- o NSW Police
- o Government Departments AND Public authorities
- o Schools and TAFEs
- o Public Health organisations and private hospitals
- o Private fostering and adoption agencies
- o Residential child care centres and services
- o Any other organisation whose duties include direct contact, responsibility or direct supervision of health care, welfare, education, children's services, residential services or law enforcement to children.

Implementation:

The Approved Provider/Nominated Supervisor will:

- Ensure any adult working directly with children signs a *Prohibited Employment Declaration Form* and a *Consent to a Working With Children's 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 QA2*)
- Orientate every working adult to this child protection policy, *Keep Them Safe* protocols and Mandatory Reporter responsibilities and ensuring their regular review of these

- Support educators and staff in their roles as Mandatory Reporters

Educators and staff will:

- Develop trusting and secure relationships with all children at the service
- Use resources such as: Kids Matter a Australian Early Childhood Mental Health Initiative. Access protective behavior resources from: www.bravehearts.org.au , www.fpg.com.au and www.danielmorcombe.com.au
- Teach the SAFE program each year to empower children in developing protective behaviours. Only educators trained in this program will implement it.
- Make reports of current concerns for any child at risk of significant harm to the *Child Protection Helpline* for Mandatory Reporters (www.kepthemsafe.nsw.gov.au)
- Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the service
- Report to the Nominated Supervisor immediately if there are any concerns about a child's wellbeing
- Will provide appropriate documentation to the Nominated Supervisor in a timely manner, with the incident and reasons as to why they suspect a child is at "significant risk of harm." (This documentation can include what they have seen, what they have heard or what they have been told and any other evidence that they feel in of importance.)
- Use the Mandatory Reporters online tool (www.kepthemsafe.nsw.gov.au) to help decide if a report to the child protection help line is necessary. This will be available for all staff to use before reporting is undertaken. This can be done by either the Nominated Supervisor or individual educators.
- Ensure that confidentiality is maintained at all times. Educators must disclose concerns to the Nominated Supervisor and when needed to the other educators in their room and other rooms if it involves a sibling in another room.
- Ensure they follow correct procedures and service policies. Individual staff can make a notification of a possible case "significant risk of harm" themselves

Procedures for Child Protection Notifications, Disclosures and Allegations

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

- Provide all staff and educators with clear guidelines around documentation and a template to support this

Educators and staff will:

- 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. Information on indicators of risk of harm are outlined in the NSW Mandatory Reporters Guide which is accessible at www.keepthemsafe.nsw.gov.au/reporting_concerns/mandatory_reporter_guide
- <https://reporter.childstory.nsw.gov.au>
- Print out the final report and place on the child's file
- 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 (132111)**
- Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline

Mandatory Reporting

The Approved Provider/Nominated Supervisor will:

- Provide all staff and educators working directly with children a copy of this Child Protection Policy and access to of the Mandatory Reporters Guide to assist them with their reporting
- Provide all staff and educators working directly with children access to the Child Wellbeing and Child Protection NSW Interagency Guidelines
- Display the Child Protection Helpline number (132111) on all phone lists of emergency contact numbers 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. 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. The Nominated Supervisor is available if staff require assistance to use this online tool
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 132111**. Reports can also be made using the reporting fax form available from Family and Community Services website

4. Mandatory Reporters should note that 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
5. 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
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 1-5 as required

A support line for mandatory reporters is available 8am to 5pm Monday to Friday on 132111

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

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
- Treat the child any differently

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 **132111**
- Determine whether or not the allegation is a reportable allegation, a reportable conviction or reportable conduct. For determination reference will be made to: Child Protection in the Workplace publication (www.ombo.nsw.gov.au)
- Report reportable allegations and reportable convictions to the Ombudsmen 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 *S101 Notification of Serious Incident Form* and submit to ACEQUA within **7 days of the incident**
- Ensure confidentiality is maintained at all times and that systems are in place to deal with 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 the 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 being 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, 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 DECS 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 to be kept confidentially
- Offer counseling 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 staff member/ educator/ volunteer/ student 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 member/ educator/ volunteer/ student'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 any other nominated person who conducts the investigation will ensure 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

Further information on the Ombudsman can be obtained by:

Phoning: (02) 9286 1000 or 1800 451 524

Emailing: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

Review:

This policy is the intellectual property of Maryland Care & Early Education Centre and is created with consultation of staff and families attending the service. This policy will be reviewed annually. This policy is available in other languages upon request.

Last Review: September 2018

Next Review: September 2019