



## 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](http://www.keepthemsafe.nsw.gov.au/reporting_concerns/mandatory_reporter_guide)
- 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 (133 627)**
- 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 (133 627) 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 **133 627**. 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 1800 772 479**

## **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

*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 **133 627**
- 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](http://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 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 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, 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 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](mailto:nswombo@ombo.nsw.gov.au)

Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

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