



## Child Protection Policy

Quality Area 2:  
Children's Health  
and Safety

### POLICY STATEMENT

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 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.

### NATIONAL QUALITY STANDARDS

#### Element 2.2.1

*Supervision* – At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard

#### Element 2.2.2

*Incident & Emergency Management* – Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practised and implemented.

#### Element 2.2.3

*Child Protection* – Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.

#### Element 4.2.2

*Professional Standards* – Professional standards guide practice, interactions and relationships.

#### Element 5.1.2

*Dignity and rights of the child* – The dignity and rights of every child are maintained

#### Element 5.2.2

*Self-Regulation* – Each child is supported to regulate their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts.

#### Element 6.1.3

*Families are supported* – Current information is available to families about the service and relevant community services and resources to support parenting and family wellbeing.

**Element 7.1.3**

*Role and Responsibilities* – Roles and Responsibilities are clearly defined, and understood, and support effective decision making and operation of the service.

**AIMS**

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, management, staff 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 risk of significant harm.

Our goal is that all staff are aware of their responsibility and are equipped to make the right response when they have reasonable grounds to suspect a child or young person is at risk of significant harm and have concerns about the safety, welfare or wellbeing of a child.

**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 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;
- 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; 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.

You are NOT required to confirm your suspicions or have clear proof before making a report. To do so may interfere with evidence or compromise the work of statutory agencies, for example the Police or Department of Communities and Justice.

## IMPLEMENTATION – RESPONSIBILITIES

### The Approved Provider/Nominated Supervisor will

- Ensure that persons placed in day to day charge of the service have a current qualification in Child Protection
- Ensure that any adult working or volunteering with children completes a Working with Children Check and does not commence employment without their Working with Children Check verified. Any person whose working with children check has been disqualified as a result of failing to qualify for a working with children check renewal, will not be continued to be employed by the service.
- 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 (Regulation 84)
- The Approved Provider must notify the regulatory authority through the NQA-ITS within 7 days of the following
  - ❖ Any incident where any employee reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service;
  - ❖ Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the Law).
  - ❖ The nominated supervisor or the Approved Provider must give written notice to the Office of the Children’s Guardian within 7 days of becoming aware of a reportable allegation. A Final Report must be submitted within 30 days of becoming aware of reportable conduct, upon conducting further investigation. If a final report cannot be provided within 30 calendar days of becoming aware of reportable conduct, the Nominated Supervisor or Approved Provider, must contact the Office of the Children’s Guardian and submit an Interim Report.
- Orientating all adult staff and volunteers to this child protection policy, Keep Them Safe/ Child Story protocols and Mandatory Reporter responsibilities and ensuring their regular review of these;

### The Educators 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.

## IMPLEMENTATION – 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; and
- Provide all staff and educators with clear guidelines around documentation and a template to support this.

### The Educators 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 based on the indicators of risk of harm that are outlined in the NSW Mandatory Reporter Guide.
- 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;
- Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline.

## IMPLEMENTATION – MANDATORY REPORTING

### The Approved Provider/Nominated Supervisor will

- Provide all staff and educators working directly with children with a copy of the Mandatory Reporter Guide to assist them in their reporting;
- Provide all staff and educators working directly with children with access to the Child Wellbeing and Child Protection NSW Interagency Guidelines; and
- Display the Child Protection Helpline number (132 111) on all phone and lists of emergency contact number in the interests of timely reporting.

### The Educators will

- Follow the mandatory reporting procedures as required

**IMPLEMENTATION – ALLEGATIONS OF ABUSE AGAINST STAFF, EDUCATORS,  
VOLUNTEERS AND STUDENTS****In Response to allegations, 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 the allegation is a reportable allegation or reportable conviction7-day notification form will be completed by the Nominated Supervisor/Approved Provider and submitted to the Office of the Children’s Guardian within 7 days of becoming aware of reportable allegation, as required under the Children’s Guardian Act 2019;
- ❖ Consider whether or not the police need to be informed of the allegation and if so, make a report;
- ❖ 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 Department of Communities and Justice 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;
- Advise the educator, volunteer or student 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 Office of the Children’s Guardian has been notified and the Joint Child Protection Response Program also notified of the relevant employment proceeding (if relevant);
- Completing a 30-day interim report form or Entity report form (to be provided after the investigation or determination is completed) and submit to the Office of the Children’s Guardian with 30 calendar days of becoming aware of a reportable allegation, as required under the Children’s Guardian Act 2019;
- Inform the Department of Communities and Justice of the outcome of the investigation.

- Follow appropriate procedures when informing the staff member/volunteer/student including
  - ❖ Treating 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, arranging to inform the person immediately (though be guided by the advice of DCJ or the police);
  - ❖ Arranging 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;
  - ❖ Making accurate documentation of all conversations, and ensure all records are kept confidentially;
  - ❖ Offering 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;
  - ❖ Providing the educator/carer/volunteer with verbal and written notification of the outcome of the investigation once all investigations are complete

### 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 Office of the Children's Guardian.
- The person, against whom the allegation has been made, will be notified of this and will also be notified of the investigation find and follow up action, including the notification to the Joint Child Protection Response Program;
- 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 Office of the Children's Guardian if they are not satisfied with the conduct of the investigation.

### SOURCES

NSW Government, Department of Family and Community Services, Resources for Mandatory Reporters, accessed from: [www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters](http://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters)

NSW Department of Communities and Justice, Protecting our kids, accessed from: [www.facs.nsw.gov.au/families/Protecting-kids](http://www.facs.nsw.gov.au/families/Protecting-kids)

**LEGISLATION**

Children and Young Persons (Care and Protection) Act 1998  
Commission for Children and Young People Act 1998  
Children’s Guardian Act 2019  
Education and Care Services National Law Act 2010  
Education and Care Services National Regulations (2011)

**AUTHORISATION**

This policy was adopted by the Approved Provider of East Lismore Community Preschool at the committee meeting on 9<sup>th</sup> June 2020

**REVIEW DATE**

This policy will be monitored to ensure compliance with legislative requirements  
This policy is set to be reviewed every 2 years unless required earlier due to changes in the workplace or legislative requirements.  
Next review date June 2022