

## **Elder Street Early Childhood Centre**

### **CHILD PROTECTION POLICY**

#### **PURPOSE:**

This policy will demonstrate our service commitment to ensure that every reasonable precaution is taken to protect children being educated and cared for by this service 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 significant risk of harm. It aims to create an open and aware environment where concerns for the safety and wellbeing of a child can be raised and managed in a fair and just manner, which protects the rights of all.

#### **BACKGROUND**

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. We are committed to ensuring all educators and staff, have a full understanding of their responsibilities as Mandatory Reporters and are supported in fulfilling these.

#### **DEFINITIONS:**

**'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.

**'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 after birth.

Significance can result from a single act or omission, or an accumulation of these.

**'Reasonable grounds'** - reasonable grounds to suspect that a child is at risk of significant harm and those grounds, arising during the course of or from the person's work.

**'Mandatory'** - means required by law or mandate; compulsory. It is mandatory to make a report if the child is 0 to 15 years and at risk of significant harm.

**'Mandatory reporting'** - mandatory reporting is a term used to describe the legislative requirement for selected groups of people to report suspected cases of child abuse and neglect to government authorities.

**'Mandatory Reporter Guide (MRG)** -the MRG supports mandatory reporters to:

- determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child (including unborn) or young person.
- identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system.

It is recommended that mandatory reporters complete the MRG on each occasion they have risk concerns, regardless of their level of experience or expertise. Each circumstance is different and every child and young person is unique.

**'Working with children check'** Working with Children Check (WWCC) is a requirement for anyone who works or volunteers in child-related work in NSW. It involves a National Police Check (criminal history record check) and a review of reportable workplace misconduct. In NSW WWCC is conducted by the Office of the Children's Guardian.

The result of a Working with Children Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked.

#### **RESPONSIBILITIES:**

As Mandatory Reporters all educators and staff are required to report to the Child Protection Helpline (**Phone: 132 111**) 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.

There are two ways mandatory reporters can make a child protection report:

- By eReport through the ChildStory Reporter website.
- By calling the Child Protection Helpline on 132 111. It is open 24 hours a day, 7 days a week.

#### **IMPLEMENTATION:**

##### **The Approved Provider/Nominated Supervisor will:**

- Ensure that any adult working directly with children signs a *Prohibited Employment Declaration Form* and a *Consent to a Working with Children 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 QA 2*);
- Orientate every working adult to this child protection policy, *Keep Them Safe* (A shared approach to child wellbeing) protocols and

*Mandatory Reporter* responsibilities and ensuring their regular review of these.

**Educators and staff 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.

**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.

**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 ChildStory reporter or The NSW Department of Communities and Justice.
  - (a) <https://reporter.childstory.nsw.gov.au/s/>
  - (b) <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/how-to>
  - (c) <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/what-when-to-report/chapters/mandatory-reporter-guide>
  - (d) <https://www.dcj.nsw.gov.au/>
- 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 (132 111)**;
- Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline.

**Mandatory Reporting**

There are two ways mandatory reporters can make a child protection report:

By eReport through the ChildStory Reporter website.

By calling the Child Protection Helpline on 132 111.

This reporting should be made when you have current concerns about the safety, welfare and wellbeing of a child for any of the following reasons:

- the basic physical or psychological needs of the child or young person are not being met (neglect)
- the parents or caregivers have not arranged necessary medical care for the child or young person (unwilling or unable to do so)
- the parents or caregivers have not arranged for the child or young person to receive an education in accordance with the Education Act 1990 (unwilling or unable to do so)
- risk of physical or sexual abuse or ill-treatment
- parent or caregiver's behaviour towards the child causes or risks serious psychological harm (emotional abuse)
- incidents of domestic violence and as a consequence a child or young person is at risk of serious physical or psychological harm (domestic or family violence)
- the child was the subject in a prenatal report and the birth mother did not engage successfully with support services.

**The Approved Provider/Nominated Supervisor will:**

- Provide all staff and educators working directly with children with a copy of this *Child Protection Policy* and a copy of the *Mandatory Reporters 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 <https://www.facs.nsw.gov.au/providers/children-families/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.

**Educators and Staff will:**

- 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'**;
- 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;
- 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 132 111**.
- Mandatory reporters should note that the 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;

- 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 the NSW Health Child Wellbeing Unit (CWU).

### **NSW Health Child Wellbeing Unit (CWU)**

Child Wellbeing Units (CWUs) have been established in the four government agencies responsible for the largest number of child protection reports: Department of Human Services NSW, Department of Education and Training, NSW Health and the NSW Police Force. Together, these agencies make up more than 60 per cent of all cases reported to the Child Protection Helpline.

The NSW Health Child Wellbeing Unit is a telephone support service staffed by child protection professionals proficient in the assessment of risk to children and young people and a required health response.

#### **This specialist child protection and wellbeing consultation service can:**

- Where required, report high risk matters to the Child Protection Helpline on your behalf
- Give you relevant information held about past child protection related concerns
- Provide guidance around how to raise your health, safety and wellbeing concerns with parents.

**The NSW Health CWU is available Monday to Friday (excluding Public Holidays) between 8:30am – 5.00pm on 1300 480 420.**

#### **When should you call CWU?**

- You should call the NSW Health Child Wellbeing Unit when:
- the outcome of completing the NSW Online Mandatory Reporter Guide directs you to do so; and/or
- you need advice about the safety, welfare or wellbeing of a child, young person or unborn child and their family

**If you suspect a child or young person is at imminent risk of significant harm, call the Child Protection Helpline (24/7) directly on 132 111**

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 to 5** as required.

**Mandatory Reporters** need to register to submit eReports. Once registered, mandatory reporters:

- Can create and submit eReports after using the Mandatory Reporter Guide (MRG), if the MRG outcome is "Report to FACS" or "Refer to CWUs"
- Will be notified by email when there is a change of status for a report

- Can log into the ChildStory Reporter Community website to see the status of any previous reports that have been submitted
- Whenever Family and Community Services (FACS) responds to a report it must also consider the immediate safety, welfare and wellbeing of any other children or young people living in the same home. When someone calls the Child Protection Helpline, a child protection caseworker will assess what action needs to be taken. The caseworker is specially trained to ask questions to get all the information they can about the safety, welfare and wellbeing of the child or young person

### **SIGNIFICANT RISK OF HARM (ROSH):**

The law says a child or young person is at risk of significant harm (ROSH) if there are current concerns for their safety, welfare or wellbeing because of one or more of the following:

**Neglect** – Neglect is when a parent or caregiver cannot regularly give a child the basic things needed for his or her growth and development, such as food, clothing, shelter, medical and dental care, adequate supervision, and enough parenting and care.

**Sexual abuse** – Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children or young people are bribed or threatened physically and psychologically to make them participate in the activity. Sexual abuse is a crime.

**Physical abuse** – Physical abuse is a non-accidental injury or pattern of injuries to a child or young person caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. Hitting a child or young person around the head or neck, or using a stick, belt or other object to discipline or punishing a child or young person (in a non-trivial way) is a crime.

**Emotional abuse or psychological harm** – Serious psychological harm can occur where the behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional disturbance or psychological trauma.

Although it is possible for 'one off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child or young person.

This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

**POSSIBLE SIGNS OF NEGLECT in children or young people:**

- low weight for age and failure to thrive and develop
- untreated physical problems, such as sores, serious nappy rash and urine scalds, dental decay
- poor standards of hygiene, for example child or young person consistently unwashed
- poor complexion and hair texture
- child not adequately supervised for their age
- scavenging or stealing food and focus on basic survival
- extended stays at school, public places, other homes
- longs for or indiscriminately seeks adult affection
- rocking, sucking, head-banging
- poor school attendance.

**POSSIBLE SIGNS OF PHYSICAL ABUSE in children or young people:**

- bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it e.g. belt buckle, hand print
- lacerations and welts
- drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury
- adult bite marks and scratches
- fractures of bones, especially in children under three years old
- dislocations, sprains, twisting
- burns and scalds, including cigarette burns
- multiple injuries or bruises
- explanation of injury offered by the child or young person is not consistent with their injury
- abdominal pain caused by ruptured internal organs, without a history of major trauma
- swallowing of poisonous substances, alcohol or other harmful drugs
- general indicators of female genital mutilation, such as having a 'special operation'.

**POSSIBLE SIGNS OF SEXUAL ABUSE in children or young people:**

- bruising or bleeding in the genital area
- sexually transmitted diseases
- bruising to breasts, buttocks, lower abdomen or thighs
- child or young person or their friend telling you about it, directly or indirectly
- describing sexual acts
- sexual knowledge or behaviour inappropriate for the child's age
- going to bed fully clothed
- regressive behaviour, such as sudden return to bed-wetting or soiling
- self-destructive behaviour, such as drug dependency, suicide attempts, self-mutilation
- child being in contact with a known or suspected paedophile
- anorexia or overeating
- adolescent pregnancy
- unexplained accumulation of money and gifts
- persistent running away from home
- risk taking behaviours, such as self-harm, suicide attempts.

### **POSSIBLE SIGNS OF EMOTIONAL ABUSE in children or young people:**

- constant feelings of worthlessness about life and themselves
- unable to value others
- lack of trust in people
- lack of people skills necessary for daily functioning
- extreme attention-seeking behaviour
- is obsessively eager to please or obey adults
- takes extreme risks, is markedly disruptive, bullying or aggressive
- is highly self-critical, depressed or anxious
- suicide threats or attempts
- persistent running away from home.

The above are possible signs of abuse but are not limited to the only possible signs of abuse.

### **DISCLOSURES OF ABUSE:**

#### **Educators and staff will:**

- respond to a disclosure by being calm and listening carefully and non judgmentally. Let the child tell their story freely and in their own way.
- Provide comfort and care to the child.
- Acknowledge how difficult it may have been to disclose and reassure the child or young person that it was the right thing to do.
- Follow the steps for reporting as per the Mandatory Reporters Guide.
- Reassure the child or young person that:
  - »» It is not their fault;
  - »» It was right to tell;
  - »» It is not OK for adults to harm children - no matter what;
  - »» Explain what will happen now - that it is part of your job to tell people who can help the child or young person.

***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.***

Immediately after the disclosure write down and date the comments and statements made by the child using their exact words. Record any observations about the child's mood or demeanour. Communicate this information to the Child Protection Helpline or the Child Wellbeing Unit to assist in the assessment and investigation process.

#### **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.

## **Allegations of abuse against staff, educators, volunteers or students**

**Reportable Conduct Scheme** - from 1 March 2020, the Reportable Conduct Scheme is operated by the Office of the Children's Guardian under the Children's Guardian Act 2019.

The scheme monitors how certain organisations ('relevant entities') investigate and report on types of conduct ('reportable allegations' or 'reportable convictions') made against their employees, volunteers or certain contractors who provide services to children. The scheme will also cover religious bodies, in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

From 1 March 2020, when the head of a 'relevant entity' becomes aware of a reportable allegation or a reportable conviction, the head of that entity must notify the Office of the Children's Guardian within seven business days and conduct an investigation into the allegations. If the final entity report is not ready to submit within 30 calendar days, the head must provide an interim report with information about the progress of the investigation and an expected timeframe for completion.

Under the new Act, the Office of the Children's Guardian will monitor the entity's response to the allegation. The Children's Guardian may also monitor the progress of an entity's investigation if the Children's Guardian considers it is in the public interest to do so.

### **The Approved Provider/Nominated Supervisor will:**

- 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 or not the allegation is a reportable allegation. Approved providers are required to notify the regulatory authority through the NQA IT System within 24 hours of the incident of a complaint that alleges:
  - (a) a serious incident has occurred or is occurring while
  - (b) a child is being educated and cared for by a service
  - (c) the National Law and/or National Regulations have been contravened
- 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;

- Make any mandatory reports to Police or Department of Communities and Justice (DCJ)
- Notify the Office of the Children's Guardian about the allegation within 7 business days
- Plan and conduct an investigation into the allegation
- Advise the employee, volunteer or contractor that a reportable allegation has been made against them (after receiving clearance from the Police or DCJ if they are involved)
- Provide the Office of the Children's Guardian with further detailed advice or update within 30 calendar days

Draft a report including any findings, outcomes, recommendations and actions

- Provide the report and supporting documents to the Office of the Children's Guardian for review and closure (should no further action be required)
- Store the information in a secure and private location.

**Following a notification to the Office of the Children's Guardian, they will:**

- Monitor and guide the progress of the organisation's investigation into the reportable allegation or conviction
- Assess whether the organisation conducted a fair, effective and timely investigation
- Determine that appropriate action has been taken by the organisation as part of its response to (and following) the allegation or conviction
- Monitor relevant entity's systems and provide advice for preventing, detecting and dealing with reportable conduct and reportable convictions.

A notification of a reportable allegation to the Office of the Children's Guardian does not interfere with reporting obligations to NSW Police, the Department of Communities and Justice, or any other relevant bodies.

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 Office of the Children's Guardian has been notified of the relevant employment proceeding (if relevant);

## Informing the Educator, Volunteer/Student

### The Approved Provider/Nominated Supervisor will:

- Take certain steps to respond to the allegation so that they comply with their legal obligations.
- 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
- 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 kept confidentially;
- Offer 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;
- After all investigations are completed, provide the educator/carer/volunteer 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 well being 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 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, 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 Licensee, Authorised Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest.

### Confidentiality:

- The service will handle any allegation of child abuse in a **confidential manner**.

Developed: 11<sup>th</sup> September 2002  
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Reviewed: 8 March, 2005 by M Duffy-Fagan  
Reviewed: 12<sup>th</sup> April, 2006 by M Duffy-Fagan  
Reviewed: 28 June 2006 by M Duffy-Fagan  
Reviewed: May 2007 by M Duffy-Fagan  
Reviewed: 11 August 2008 by M Duffy-Fagan/K Pomfrett/T Christie/K Mitchell  
Reviewed: July 2009 – M Duffy-Fagan  
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Reviewed: 2011 – M Duffy-Fagan/K Pomfrett/K Mitchell  
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Reviewed: August 2018 K Pomfrett / M Duffy – Fagan / P Rosenkranc  
Reviewed: October 2018 K Pomfrett / M Duffy-Fagan/ A Leung/ T Bunt  
*Parent Committee A Leung/ T Bunt*  
Reviewed: October 2019 K Pomfrett / M Duffy- Fagan  
Reviewed: September 2020 K Pomfrett  
Reviewed: June 2021 K Pomfrett / K Lane

Sources: Children and Young Person (Care & Protection) Act 1998  
Department of Community Services  
NSW Child Protection Council  
Children's Services Regulation 2004 85(2)(a)  
[www.community.nsw.gov.au/child\\_protect/mandatory\\_reporter\\_sinfo](http://www.community.nsw.gov.au/child_protect/mandatory_reporter_sinfo)  
NSW Ombudsman Child Protection, Responding to Allegation of Child Abuse Against Employees – March 2001  
NSW Interagency Guidelines for Child Protection Intervention – 2000 Edition  
Children and Young Persons (Care and Protection) Act 1998 No 157 February 2001  
2008 review supported by – ECTARC Statement of Attainment in identify and respond to children and young people at risk of harm – study booklet, Early Childhood Training and Resource Centre  
2011 Atkinson Training & Development – Identify and Respond to children and young people at risk – CHCCHILD401B – statement of attainment  
National Quality Standard – Quality Area 2 – Children's Health and Safety  
Community Child Care Cooperative Ltd NSW  
Council of Social Service of New South Wales 2010, Keep Them Safe: [www.ncoss.org.au](http://www.ncoss.org.au)  
NSW Government, Department of Human Services, Community Services, Resources for Mandatory Reporters, accessed from: [www.community.nsw.gov.au/preventing\\_child\\_abuse\\_and\\_neglect/resources\\_for\\_mandatory\\_reporters.html](http://www.community.nsw.gov.au/preventing_child_abuse_and_neglect/resources_for_mandatory_reporters.html)  
NSW Government, Department of Premier and Cabinet, Child Wellbeing & Child Protection: NSW Interagency Guidelines, accessed from: [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au)  
NSW Government, 2009, Department of Premier and Cabinet, Child Wellbeing & Child Protection: NSW Interagency Guidelines: Mandatory Reporter Guide, accessed from: [www.sdm.community.nsw.gov.au/mrg/app/summary.page](http://www.sdm.community.nsw.gov.au/mrg/app/summary.page)

NQF Standard 2.3 Last updated September 2013  
<http://www.acecqa.gov.au/Childrens-health-and-safety>  
Key Changes to notifications, incidents and complaints -  
Australian Children's Education & Care Quality Authority  
NQF Standard 2.2.3 <https://www.acecqa.gov.au/nqf/national-quality-standard/quality-area-2-childrens-health-and-safety>  
NSW Government Department of Community and Justice  
NSW Government Office of the Children's Guardian  
<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme/employees-and-volunteers>

Each child is protected.

**Statutory Legislation & Considerations:**

Children and Young Persons (Care and Protection) Act 1998  
Commission for Children and Young People Act 1998  
Ombudsman Act 1974  
Education and Care Services National Law Act 2010  
Australian Children's Education & Care Quality Authority

Supporting Policies:

- Interactions with Children
- Behaviour Intervention & Support
- Sun Protection
- Staff Recruitment
- Confidentiality & Privacy
- Food & Nutrition
- Nappy Change Procedure
- Toileting
- Injuries & Accidents