



Child Protection Policy

Aim

The service strives to protect and enhance the health and safety of children at all times whilst they attend the service. Our first priority is for the children in our care. Educators are trained with the knowledge on being a Mandatory Reporter and how to support an individual who is at risk of significant harm.

Strategies

A Child who is at significant risk of harm

1. The educator notifies the Nominated Supervisor. This is then documented with time, date, name of child, age, disclosure statement (if any), physical evidence, behaviour indicators, educator who identifies concern or receives disclosure and signed.
2. The Nominated Supervisor is to then decide if this report may lead to the child being at risk of significant harm and to determine if this requires to be reported to the Community Services Helpline. To assist Nominated Supervisors with this they can access the Mandatory Reporter Guide (MRG). This is completed via:

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

Mandatory reporters will follow prompts on the site and be lead through a series of questions which will help them decide whether or not there is a risk of significant harm.

Accompanying the questions in the decision tree there are definitions and examples of definitions that will assist mandatory reporters to determine if they are to:

- Immediate report to the Child Protection Helpline.
- Consult their Child Wellbeing Unit or the KTS Support Line (for reporters from non-government organisations and in private practice).
- Make a referral to community or government support services.
- Document and continue their relationship with the child or young person or their family.

A decision report can be generated with an explanation of the outcome based on the completion of the decision tree. This is to be printed and kept on file for the service to have records of this.

3. If the decision has been made as being a risk of significant harm as guided by the decision tree the Nominated Supervisor is to contact the Child Protection Helpline:

Phone: 132 111



4. The Child Protection Helpline and the relevant department follow through with an appropriate action.
5. The Nominated Supervisor creates an awareness that the child is at risk of harm through the Child Protection Helpline and that they have taken the first steps of reporting this via the MRG and give the helpline a breakdown of the report that has been printed.
6. The Nominated Supervisor is to follow the directions of the Child Protection Helpline as per service actions after notification has been made.
7. Child Protection Helpline are to advise the service if any and what action is to take place by them. Any correspondence is to be filed and kept in accordance with confidentiality agreements of the service.

NOTE: By law, all educators are “Mandatory Reporters” for any type of suspected child abuse or neglect or child at risk of harm.

Proclamation – what changes are in force now?

The main provisions of the *Children Legislation Amendment (Wood Recommendations) Act 2009* were proclaimed as amendments to the *Children and Young Persons (Care and Protection) Act 1998*. Provisions proclaimed on 24 January 2010 include:

- Raising the mandatory reporting threshold from “risk of harm” to “risk of **significant** harm”.
- Two new grounds that indicate a child may be at risk of significant harm (cumulative impact).
- An alternative reporting process for mandatory reporters in major government reporting agencies (establishing Child Wellbeing Units in the agencies the Wood report found made over 60 per cent of all reports) and removal of penalties for not reporting.
- Allowing disclosure of reporter identity to a law enforcement agency investigating a serious offence against a child or young person, in limited circumstances.
- Simplifying and streamlining the Children’s Court process, making it more user-friendly.



Changes affecting mandatory reporters

One of the most important changes is the raising of the mandatory reporting threshold from “risk of harm” to “risk of **significant** harm”, which commenced 24 January 2010.

The legislation removes criminal penalties for not reporting and sets up an alternate reporting process. This includes Child Wellbeing Units in NSW Health, NSW Police, Department of Education and Training, and Department of Human Services (Juvenile Justice; Housing; and Ageing, Disability and Home Care). Members of the public, non-government staff, and other government agencies continue to report to the Child Protection Helpline when they believe a child or young person is at risk of **significant** harm.

Taken from the Keep Them Safe reform- www.KeepThemSafe.nsw.gov.au

Accusation of Child Abuse against an educator

Allegation: An allegation against an employee might involve behaviour that is reportable or behaviour that is exempt from notification to the ombudsman but is required to be investigated by the agency. (NSW Ombudsman Office)

Conviction of Reportable Conduct: This means a conviction of a person in NSW or elsewhere, of an offence involving reportable conduct, and includes a finding by a court that such an offence is proven even though the court does not proceed to a conviction. (NSW Ombudsman Office)

Reportable Conduct:

- *Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including child pornography offence) or;*
- *Any assault, ill treatment or neglect of a child, or;*
- *Any behaviour that causes psychological harm to a child.*
- *Using the Service computer/s to look at child pornography or videos of a violent and/or indecent nature.*
- *Whether or not in any case, with the consent of the child. (NSW Ombudsman Office)*

1. The educator observing any form of child abuse from another educator is to report the incident to the Nominated Supervisor immediately.



2. **NOTE:** By law, all educators are obligated as mandatory reporters in regards to any form of child abuse or neglect or child at risk of harm.
3. Parent allegations are to be reported to and dealt with by the Nominated Supervisor immediately.
4. The Nominated Supervisor is to compile the complaint containing all details of allegation such as the educator, date, time, victim details, and description of situation and person who has made the Nominated Supervisor aware.
5. The Nominated Supervisor is to notify Management as soon as practicably possible.
6. Management/Nominated Supervisor will allow the accused educator the opportunity to be informed of the substance of the allegation prior to any investigation taking place. This will occur only in the event that the investigation will not be compromised.
7. The Nominated Supervisor and Management are to investigate the allegation without undue delay, in relation to the allegation and all other involved parties; compiling, recording all information regarding situation. Including how the investigation took place, information collected, outcomes, response taken, employment proceedings, action and follow up outcomes.
8. All relevant information is to be documented by all parties involved e.g. all details of event e.g. time, date, incident etc.
9. The Nominated Supervisor is to notify the NSW Ombudsman's Office and NSW Commission for Children and Young People within 30 days, of any allegations or convictions in relation to reportable conduct against an employee. Forwarding all copies of evidence compiled. Regardless if the Supervisor feels it is unfounded or malicious. A full copy is to be kept on the involved educators file.
10. To maintain open communication with parents and/or parties involved.
11. The accused educator may be suspended from work duties until the investigation has reached an end.
12. The accused educator will be treated fairly and without bias.
13. Instant dismissal will occur if allegations are found to be true and correct at any stage of investigation process.
14. Community agencies will be offered and or accessed to offer support to those children, families and educators involved during and after the incident.

“Working with Children Check” (Background Checking)

1. For all prospective educators, students and volunteers to read, acknowledge and sign all procedures and forms in relation to “Working with Children Check”, at the time of interview and provide their WWCC number at time of interview prior to being offered position.
2. All employers and employees must apply for or verify WWCC through NSW Office of the Children's Guardian at: <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>



3. The Nominated Supervisor is to verify all WWCC numbers online via Employer Log In and Verify tab. Applicant/employee details to be put in and verify WWCC – cleared application should be printed and placed in employee's file.
4. Students and Volunteers will be required to complete a "Volunteer and student Declaration Form' again on line. If any person refuses or acknowledges that they are a "prohibited person" they are not to resume at the service in any paid or unpaid capacity or under any circumstance. This is to then be verified and printed as prompted on line. This is to then be filed into the educators file.
5. If interviewee has been successful and clearance has been received by Working with Children Check, employment may be offered.
6. At any time a Working with Children Check is returned as a negative the offer of employment or employment will be terminated.
7. The Nominated Supervisor is to notify NSW Commission for Children and Young People for any educators paid or in a voluntary basis who have had the employment withdrawn due to results from "Working with Children Check" via the "Rejected Applicant Notification Form".
8. This documentation is kept by the service for a minimum of two years after the rejected person ceases employment at the service.
9. Educators are responsible for renewing their WWCC every 5 years and providing the renewal notice to the Nominated Supervisor for files to be updated.

Auditing and Compliance Reminders

1. The Commission for Children and Young People can now update and amend a notification of a relevant employees proceeding.
2. The Commission for Children and Young People have increased audit powers and are able to ask employers to provide written documentation to show that they are meeting all legal requirements in regard to conducting background checks and their outcomes. If a service is not meeting these requirements they can be issued with a notice to comply. If services choose not to comply they may be prosecuted.



Child Abuse Indicators

Neglect

Definition: Is the failure to provide the basic physical and emotional needs.

This may include, but it is not limited to;

- Poor standards of hygiene leading to social isolation
- Scavenging or stealing food
- Being focused on basic survival
- Extreme longing for adult affection
- A flat and superficial way of relating, lacking of a sense of genuine interaction
- Anxiety about being dropped or abandoned
- Self comforting behaviour. E.g. rocking, sucking
- Malnourishment or continual consumption of inadequate food-non nutritional foods
- Nappy change routine is not frequent enough-frequent and severe nappy rash
- Frequent bouts of illness
- Non-organic failure to thrive
- Delay in development milestones
- Loss of 'skin bloom'
- Poor hair texture
- Untreated physical problems

Physical Abuse Indicators

Definition: Is assault, non-accidental injury or physical harm to a person

This may include, but it is not limited to;

- Facial, head and neck bruising
- Lacerations and welts from excessive discipline or physical restraint
- Explanation offered by the child or young person is not consistent with the injury
- Other bruising and marks which may show the shape of the object that caused it (e.g. a hand print, buckle)
- Bite marks and scratches where the bruise may show a print of teeth and the experts can determine whether or not it is an adult bite
- Multiple injuries or bruises
- Ingestion of poisonous substances, alcohol, drugs or major trauma
- Dislocations, sprains, twisting
- Fractures of bones, especially in children under three years



- Burns and scalds
- Head injuries where the child or young person may have indicators of drowsiness, vomiting, fits or drowsiness, vomiting, fits or retinal haemorrhages suggesting the possibility of the child having been shaken

Emotional Abuse Indicators

Definition: Acts by others that damage the cognitive and emotional development of a person.

This may include, but it is not limited to;

- Feelings of worthlessness about life and themselves
- Inability to value others
- Lack of trust in other people and expectations
- Lack of interpersonal skills necessary for adequate functioning
- Extreme attention seeking or risk taking behaviour
- Other behavioural disorders (e.g. disruptiveness, aggressiveness, bullying)

Sexual Abuse Indicators

Definition: Is any sexual act or threat imposed on a child or young person

This may include, but it is not limited to;

- Describe sexual acts (e.g. 'Daddy hurts my Wee-Wee')
- Direct or indirect disclosures
- Age inappropriate behaviour and/or persistent sexual behaviour
- Self-mutilation
- Persistent running away from home
- Eating disorders
- Unwillingness or embarrassment about changing in front of others
- Going to bed fully clothed
- Regression in developmental achievements in younger children
- Child or young person being in contact with a known or suspected perpetrator of sexual assault
- Unexplained accumulation of money and gifts
- Bleeding from the vagina or external genitalia or anus
- Injuries such as tears or bruising to the genitalia, anus, or perineal region
- Sexually transmitted diseases



- Trauma to the breasts, buttocks, lower abdomen or thighs
- Unusual offensive odours
- Foreign materials in the genital or rectal areas
- Presence of semen
- Inability to sit, or sit comfortably
- Frequent need to use the toilet

General Indicators of Abuse or Neglect

- Where the child or young person gives some indication that the injury or event did not occur as stated
- Where the child or young person tells you she/he has been abused
- When the child or young person tells you she/he knows someone who has been abused, may be referring to herself/himself
- Poor concentration
- Sleeping problems e.g. nightmares, bed wetting
- Marked changes in behaviour or mood, an escalation in risk-taking behaviours, tantrums, aggressiveness, withdrawal
- Child or young person complains of stomach aches and headaches with no physical findings
- Unrealistic expectations of a young person including failure to allow the young person to allow the young person to participate in decisions that affect them or expecting adult behaviours
- Desire to spend more time at school or away from home
- Disruptive anti-social behaviours
- Unexplained absences- kept away from school by the offender
- Persistent tiredness- the result of sleep disturbances when abuse is taking place or if the child is having nightmares
- Chronic runaway behaviour

Procedures

Child at Risk of Harm, Child Abuse or Neglect

- Normal routines are maintained, consistent and predictable for the child concerned.
- Confidentiality and discretion is of utmost importance for all concerned.
- Programs are developed taking child's needs, such as self-esteem into consideration and planning appropriate experiences.



- Flexibility is considered, educators will respect an abused/neglected child's personal space.
- Educators role model appropriate adult-child relationships.
- Educators will listen to the child disclosing information, without prompting further response. The trusting relationship already established should continue.
- Educators will NEVER make promises, as the child may be abused and/or neglected before any help can be provided.
- By law, all educators are mandatory reporters for all suspected child abuse or neglect in any form.
- The Nominated Supervisor and Responsible Persons in charge of the service must have completed a course in child protection approved by the NSW Regulatory Authority.

Accusation of Child Abuse against an educator

- To ensure the service roster has always two educators rostered to open and close.
- To ensure that educators are in the view of another educator at all times.
- Never allow yourself to be left unattended with a child or group of children.
- To ensure that educators never completes nappy change, assist with toileting or showering children without being in the view of another educator.
- To be factual in all verbal and written documentation of an allegation against an employee.
- At all times to upkeep the service's confidentiality in matters pertaining allegations against employees.
- All information pertaining incident is to be disclosed to management, events before, during and after incident.
- Any other information that you feel is appropriate in regards to the incident is also to be recorded.

Prohibited Persons

- To read, have a clear understanding, acknowledge all information regarding "Working with Children Check" guidelines.
- To complete all areas of written documentation.
- To disclose if you are a "Prohibited Person".



- Prohibited Persons who have been convicted as an adult of intentionally causing Grievous Bodily Harm to a minor will become known as a Prohibited Person.
- A person who has been convicted of a serious crime against children will not be able to seek a review of their Prohibited Person Status. Examples of these types of crimes include murder of a child, pornography related and paedophilia.

Relevant Legislation

National Quality Standards, Education and Care Services National Regulations and Early Years Learning Framework

National Quality Standard

Standard 2.2 – Each child is protected

Element 2.2.1, 2.2.3

Standard 4.2 - Management, educators and staff are collaborative, respectful and ethical.

Element 4.2.2

Standard 5.1 – Respectful and equitable relationships are maintained with each child.

Element 5.1.2

Standard 7.1 – Governance supports the operation of a quality service.

Element 7.1.2, 7.1.3

National Regulations

Part 4.2 Children's health and safety

84 Awareness of child protection laws

Early Years Learning Framework

Learning Outcome 1 – Children feel safe, secure and supported

Learning Outcome 3 – Children become strong in their social and emotional wellbeing

United Nations Convention On The Rights Of The Child

Article 12 - Children have the right to say what they think should happen when adults are making decisions that affect them and to have their opinions taken into account.

Article 19 - Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.

Article 34 - Governments should protect children from sexual abuse.



Resources

- *Education and Care Services National Regulations October 2011*
- *Belonging, Being & Becoming: The Early Years Framework for Australia*
retrieved from : https://www.acecqa.gov.au/sites/default/files/2018-02/belonging_being_and_becoming_the_early_years_learning_framework_for_australia.pdf
- *National Quality Standard* retrieved from:
<https://www.acecqa.gov.au/nqf/national-quality-standard>
- *NSW Government Office of the Children's Guardian* retrieved from:
<https://www.kidsguardian.nsw.gov.au/>
- *United Nations Convention On The Rights Of The Child* retrieved from:
<https://www.unicef.org.au/Upload/UNICEF/Media/Our%20work/childfriendlycr.c.pdf>
- *Child Story Reporter* retrieved from: <https://reporter.childstory.nsw.gov.au/s/>

Monitoring and Review

- Review the *Child Protection Policy* every 12 months.
- Provide families with opportunities to contribute to the review of this policy.