D-22 Child Protection

NQS

QA. 2.3	Each child is protected.
QA. 2.3.1	Children are adequately supervised at all times.
QA. 2.3.4	Educators, co-ordinators and staff members are aware of their roles and responsibilities to respond to every child at risk of abuse or neglect.
QA. 4.1	Staffing arrangements enhance children's learning and development and ensure their safety and wellbeing.
QA. 4.1.1	Educator-to-child ratios and qualification requirements are maintained at all times.
QA. 5.2.3	The dignity and the rights of every child are maintained at all times.
QA. 7.1.2	The induction of educators, co-ordinators and staff members, including relief educators, is comprehensive.
QA. 7.1.5	Adults working with children and those engaged in management of the service or residing on the premises are fit and proper.
QA. 7.3.1	Records and information are stored appropriately to ensure confidentiality, are available from the service and are maintained in accordance with legislative requirements.
QA. 7.3.3	The Regulatory Authority is notified of any relevant changes to the operation of the service, of serious incidents and of any complaints which allege a breach of legislation.

National Regulations

Reg. 84	Awareness of child protection law
Reg. 155	Interactions with children
Reg. 168	Education and care service must have policies and procedures
Reg. 176	Time to notify certain information to Regulatory Authority
Reg. 181	Confidentiality of records kept by approved provider
Reg. 273	Course in child protection
Reg. 310	Educator to child ratios
Reg. 358	Working with children check to be read

My Time, Our Place

LO. 1	Children feel safe, secure, and supported
	Children learn to interact in relation to others with care, empathy and respect
LO. 3	Children become strong in their social and emotional wellbeing

Policy Statement

We are committed to developing a safe and secure environment, which encourages children to interact positively with respect for others. We believe that the welfare of all children is of

paramount importance and that the Centre has an obligation to defend the child's right to care and protection. Staff and Management have a legal responsibility as mandatory reporters to take action to protect children whom they suspect may be suffering from abuse, violence or exploitation. Our Centre will carry out responsibilities of Mandatory Reporting as indicated under legislation. This responsibility involves following the procedures as outlined by Community Services and the NSW Commission for Children and Young People.

Related Policies

- Concord OSHC Policy A-3: Philosophy
- Concord OSHC Policy A-11: Maintenance of Records
- Concord OSHC Policy A-15: Role of Management Committee
- Concord OSHC Policy A-17: Privacy and Confidentiality
- Concord OSHC Policy A-20: Nominated Supervisor
- Concord OSHC Policy C-1: Staff Recruitment and Selection
- Concord OSHC Policy C-3: Staff Orientation and Induction
- Concord OSHC Policy C-10: Volunteers/students/visitors
- Concord OSHC Policy C-11: Staff Child Ratios
- Concord OSHC Policy C-12: Communication

Procedure

All staff, both paid and unpaid, volunteers and students are required to complete a "Working with Children Check" prior to being appointed, and this must be verified by the Nominated supervisor prior to this person being in contact with children.

Supervision

Staff must be aware of children and the environment at all times. Adequate supervision is an important part of providing a safe and protective environment. The Centre will assess the level of supervision required in all situations, accounting for the development of each child, the difficulty of the activity, and the potential for an incident to occur which may place children at risk. Appropriate staff to child ratios will be maintained at all times.

Students, volunteers and visitors to the Centre will not be left unsupervised with the children.

Children will only be released from the Centre to persons who are authorised to collect them. Procedures for signing children in and out of the Centre will be closely monitored by staff to ensure the above (See Dropping off and Picking Up policy).

Mandatory Reporting

A Mandatory Reporter is someone who is required by law to make a report to Community Services if they have current concerns about the safety, welfare or wellbeing of a child (s23 NSW Children and Young Persons Care and Protection Ace 1998). A child is defined as a person under 16 years of age.

Mandatory Reporters are not required to report on unborn children, or those 16-17 years of age, but are encouraged to do so. Penalties apply for failing to make a report.

In OOSH services, Mandatory Reporters are:

- Staff who deliver services to children
- Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services (From information supplied by Department of Community Services Helpline Information Kit 2001)

Every Educator or member of the Management Committee has a legal and ethical obligation to act to protect any child who is at significant risk of harm. Staff will be offered training in relation to child protection and notification as part of the training budget.
Areas of concern include:

- Physical abuse
- Neglect
- Sexual abuse
- Domestic Violence
- Psychological harm
- Relinquishing care
- Parent / carer domestic violence
- Parent / carer substance abuse
- Parent / carer mental health
- Prenatal Report

Any Educator who forms a belief on reasonable grounds that a child is at significant risk of harm should immediately complete an incident / injury / trauma and illness report form, ensuring objectivity, and following service procedure and policy on Privacy and Confidentiality. The Educator must then discuss these concerns with the Nominated Supervisor to ascertain if there is any further information the Educator is unaware of. Any such conversations should be held in a confidential location, and Privacy and Confidentiality Procedures should be discussed prior to and at the end of every Child Protection related conversation. Any notes from the meeting shall be stored in accordance with the centre's Privacy and Confidentiality Policy.

To confirm if notification is required, the Nominated Supervisor, in conjunction with the Educator will use the on-line Mandatory Reporter Guide which is available at: www.keepthemsafe.nsw.gov.au to ascertain if the report shows the child at significant risk of harm.

Accompanying each question are definitions and examples that assist Mandatory Reporters to determine whether they should:

- Make a report to the Child Protection Helpline
- Consult their Child Wellbeing Unit
- Make a referral to community or government support services
- Document and continue their relationship with the child or young person or their family

Where there is significant risk of harm, educators will be directed by the online Mandatory Reporter Guide to contact the Child Protection Helpline directly. The report page from the online tool should be printed, sealed in an envelope and placed in the child / family file regardless of the outcome. The report to the helpline can either be completed by the Nominated Supervisor or the Educator, but where the Nominated Supervisor does not make a report, the Educator is legally required to do so. These numbers are available 24 hours, 7 days a week:

- **133 627** (13 DOCS) Mandatory Reporters only
- **132 111** for members of the general public to report the suspected abuse or neglect of a child or young person

When phoning the Helpline, Educators should have gathered as much information as possible regards the child, family, outcomes of the online Mandatory Reporter Guideline tool, as well as their own details. Specialised Child Protection Staff will answer all calls. Staff should remember that it is not their responsibility to prove the abuse, just to have reasonable suspicion that abuse or neglect has occurred.

Should the Mandatory Reporting Guidance Tool be inconclusive, the Nominated Supervisor / Educator should contact the Helpline for advice.

Where the Mandatory Reporting Guidance Tool advises the Nominated Supervisor / Educator to "document and continue the relationship", the service should continue to provide support and services, as well as offer referrals for the child and family.

Staff will leave the situation in the hands of the designated Departmental Officers once a report has been made. They should not discuss the issue with the parents or try to undertake any further investigation into the situation. Where further information is observed etc., the person who originally made the report should contact Community Services to advise. If no new information comes to light, the Educator need not contact Community Services again.

Staff will not question the child or parents prior to any discussions with the departmental Helpline officers.

Should the situation arise where the child is considered in immediate danger and the child is taken into the care of Community Services, staff will follow the advice of the Departmental Officers.

Staff should be aware that they are protected as a notifier under The Commission for Children and Young Persons (Care and Protection) Act (1998).

Information published on Mandatory Reporting by Community Services will be made available in a 'staff only' area of the centre. These documents will be kept up to date and referred to regularly.

It is the responsibility of Management and the Centre Coordinator to:

- Ensure all staff are aware of their responsibilities as Mandatory Reporters
- Ensure appropriate phone numbers and literature is made available to staff
- Ensure staff are aware of current legislation in protecting children and young people

Where a Child Protection related complaint is made about an Educator, or someone in the Centre (defined as 'reportable conduct'):

- A report must be made to the NSW Ombudsman within 30 days (www.nswombudsman.nsw.gov.au).
- The person making the report should follow the advice of the Departmental Officers
- Management committee will follow this advice
- The matter will be treated with strict confidentiality

Where the allegation is made to an Educator or a member of Management, the facts as stated will be recorded in writing on an Incident Report including dates, times, name of person involved, name of person making the allegation and the person making the report.

This report should be kept on record and treated as strictly confidential. If the Centre Coordinator or person in charge is suspected, the President of the Management committee should be informed.

For the protection of both the children and the Educator involved, the Educator should be encouraged to take special leave or be removed from duties involving direct care and contact with children until the situation is investigated further or resolved.

Support should be given to people making an allegation and / or persons who have been suspected. This support can be given in the form of counselling or referral to an appropriate agency.

Responding to a child's disclosure

If a child discloses allegations of abuse, it is vital that the Educator involved is ready to listen attentively and remain calm and supportive. Finding a quiet, private place to talk and allowing the child to tell their story in their own words is important. Educators should avoid asking leading questions or probing for information that the child is not ready to disclose. It is important that the child is reassured that they have done the right thing in telling someone what has happened and that they have a right to feel safe. The Educator should assure the child that they believe them and will try and help.

Sources

- Educational and Care Services National Regulations 2011
- National Quality Standard
- My Time, Our Place Framework for School Age Care in Australia
- Children (Education and Care Services National Law Application) Act 2010
- Children and Young Persons (Care and Protection) Act (1998)
- Privacy Act 1988
- Working with Children Check NSW
- NSW Mandatory Reporting Guide, May 2013
- NSW Child Protection Interagency Guidelines (2006)
- Keep Them Safe – Information Session / overview participants manual 2009 / 2010
- Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13

- Putting Children First (NCAC) – 'Child Protection'
- Department of Community Services Helpline Information Kit 2001
- Commission for Children and Young People Act 1998
- Child Protection (Prohibited Employment) Act 1998
- Ombudsmen Act 1974 (with relevant Child Protection Amendments)

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