



Child Protection

Approval: September 2022

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POLICY STATEMENT:

Bondi Before and After School Care believes that it is every child's right to be safe and protected from all forms of abuse, violence or exploitation. It is the legal and moral obligation of all adults who work within our service to ensure the safety and wellbeing of all children in our care. All staff, including casual staff, volunteers and students have a duty of care to ensure the safety and protection to all children who access the service's facilities and/ or programs.

The safety and welfare of all children is of paramount importance. Staff and management have a legal responsibility, as Mandatory Reporters, to take action to protect and support children they suspect may be at significant risk of harm. Our service will carry out the responsibilities of Mandatory Reporters as indicated under legislation. This responsibility involves following the procedures as outlined by Community Services and the NSW Commission for Children and Young People.

Our Out of School Hours Care (OSHC) Service is committed to providing a child safe environment where children's safety and wellbeing is supported and children feel respected, valued and encouraged to reach their full potential. Our OSHC Service embeds the National Principles for Child Safe Organisations and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging. We will ensure all employees and volunteers understand the meaning, importance and benefits of providing a child safe environment and critically, understand their obligations and requirements as Mandatory Reporters.

At all times, management, staff and volunteers will treat children with the utmost respect and understanding. Our OSHC Service believes that:

- Children are capable of the same range of emotions as adults.
- Children's emotions are real and need to be accepted by adults.
- A reaction given to a child from an adult in a child's early stages of emotional development can be positive or detrimental depending on the adult's behaviour.
- Children who enhance their understanding of their body's response to a situation are more able to predict the outcome and ask for help or evade a negative situation.

NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2	Safety	Each child is respected.
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
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.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS

84	Awareness of child protection law
155	Interactions with children
168	Education and care service must have policies and procedures
175	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority
S162 (A)	Persons in day to day charge and nominated supervisors to have child protection training

RELATED POLICIES & DOCUMENTATION

Administration of First Aid	
Providing a Child Safe Environment	<ul style="list-style-type: none"> 📄 Educators Handbook.Editable (2).pdf
Communication with Families	<ul style="list-style-type: none"> 📄 2020 Family Handbook.pdf
Confidentiality	<ul style="list-style-type: none"> 📄 Volunteers Handbook.pdf
Determining the Responsible Person	
Enrolment and Orientation	
Interactions with Children	
Staffing	<ul style="list-style-type: none"> Respect for Children Policy
Supervision	<ul style="list-style-type: none"> Responsible Person Policy Staffing Arrangements Policy Student and Volunteer Workers Policy Supervision Policy Work Health and Safety Policy
Child Safe Environment Policy	
Code of Conduct Policy	
Family Communication Policy	
Health and Safety Policy	
Interactions with Children, Family and Staff Policy	
Privacy and Confidentiality Policy	
Recruitment Policy	

PURPOSE

All educators, staff and volunteers are committed to identifying possible risk and significant risk of harm to children and young people at the OSHC Service. We comprehend our duty of care responsibilities to protect children from all types of abuse and adhere to our legislative obligations at all times.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Our OSHC Service will act in the best interest of each child, assisting them to develop to their full potential in a secure and child safe environment.

SCOPE

This policy applies to management, the approved provider, nominated supervisor, students, staff, families and visitors (including contractors) of the OSHC Service.

WHAT IS CHILD ABUSE?

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological, or emotional health or development. Child abuse can be a single incident or can be a number of different incidents that take place over time.

NSW Communities and Justice identify different forms of child abuse which include- neglect, sexual, physical and emotional abuse or psychological harm.

https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect?merge_chapters=true

INDICATORS OF ABUSE

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Behavioural or physical signs, which assist in recognising harm to children, are known as indicators. The following is a guide only. One indicator on its own may not imply abuse or neglect. However, a single indicator can be as important as the presence of several indicators. Each indicator needs to be deliberated in the perspective of other indicators and the child's circumstances. A child's behaviour is likely to be affected if he/she is under stress. There can be many causes of stress and it is important to find out specifically what is causing the stress. Abuse and neglect can be single incidents or ongoing and may be intentional or unintentional.

General indicators of abuse and neglect may include:

- marked delay between injury and seeking medical assistance
- history of injury
- the child gives some indication that the injury did not occur as stated
- the child tells you someone has hurt him/her
- the child tells you about someone he/she knows who has been hurt
- someone (relative, friend, acquaintance, and sibling) tells you that the child may have been abused.

<p>NEGLECT</p> <p>Child neglect is the continuous failure by a parent or caregiver to provide a child with the basic requirements needed for their growth and development, such as food, clothing, shelter, medical and dental care, and adequate supervision.</p> <p>Some examples are:</p> <ul style="list-style-type: none"> • inability to respond emotionally to the child • child abandonment • unable or unwilling to provide adequate food, shelter, clothing, medical attention safe home conditions • depriving or withholding physical contact • failure to provide psychological nurturing • treating one child differently to the others 	<p>Indicators of Neglect in children:</p> <ul style="list-style-type: none"> • low weight for age and failure to thrive or develop • child not adequately supervised for their age • poor standard of hygiene leading to social isolation • scavenging or stealing food • extreme longing for adult affection • lacking a sense of genuine interaction with others • acute separation anxiety • self-comforting behaviours, e.g., rocking, sucking • delay in development milestones • untreated physical problems, such as sores, serious nappy rash and urine scalds, dental decay
<p>SEXUAL ABUSE</p> <p>Sexual abuse is when someone involves a child in a sexual activity by using their authority over them or takes advantage of their trust. Children are often bribed or threatened physically</p>	<p>Indicators of Sexual Abuse</p> <ul style="list-style-type: none"> • bruising or bleeding in the genital area • bruising to buttocks, lower abdomen or thighs • injuries such as tears to the genitalia

<p>and psychologically to make them participate in the activity. Sexual abuse includes:</p> <ul style="list-style-type: none"> • exposing the child to the sexual behaviours of others • coercing the child to engage in sexual behaviour with other children or adults • verbal threats of sexual abuse • exposing the child to pornography or prostitution or using a child for pornographic purposes • previous conviction or suspicion of child sexual abuse 	<ul style="list-style-type: none"> • the child describes sexual acts • direct or indirect disclosures • age-inappropriate behaviour and/or persistent sexual behaviour • self-destructive behaviour- self-mutilation • regression in developmental achievements • child being in contact with a suspected or known perpetrator of sexual assault
<p>PHYSICAL ABUSE</p> <p>Physical abuse is when a child has suffered, or is at risk of suffering, non-accidental trauma or injury, caused by a parent, caregiver or other person. Educators will be particularly aware of looking for possible physical abuse if parents or caregivers:</p> <ul style="list-style-type: none"> • make direct admissions about fear of hurting their children • have a family history of violence • have a history of their own maltreatment as a child • make repeated visits for medical assistance • use excessive discipline 	<p>Indicators of Physical Abuse</p> <ul style="list-style-type: none"> • facial, head and neck bruising • lacerations and welts • drowsiness, vomiting, fits or pooling of blood in the eyes that may suggest head injury • explanations are not consistent with injury • bruising or marks that may show the shape of an object • adult bite marks or scratches • multiple injuries or bruises • ingestion of poisonous substances, alcohol or drugs • sprains, twists, dislocations • bone fractures • burns and scalds • general indicators of female genital mutilation, such as having a ‘special operation’.
<p>EMOTIONAL or PSYCHOLOGICAL ABUSE</p> <p>Psychological harm occurs where the behaviour of the parent or caregiver damages the confidence and self-esteem of the child, resulting in serious emotional deficiency or trauma. In general, it is the frequency and duration of this behaviour that causes harm. Some examples are:</p> <ul style="list-style-type: none"> • constant or excessive criticism, condescending, teasing of a child or ignoring or withholding admiration and affection • excessive or unreasonable demands • persistent hostility, severe verbal abuse, and rejection • belief that a specific child is bad or ‘evil’ • using inappropriate physical or social isolation as punishment • exposure to domestic violence • intimidating or threatening behaviour. 	<p>Indicators of emotional or psychological abuse</p> <ul style="list-style-type: none"> • feeling of worthlessness about themselves and life • inability to value others • lack of trust in people and expectations • lack of ‘people skills’ necessary for daily functioning • extreme attention seeking behaviours • extremely eager to please or obey adults • may take extreme risks, is markedly disruptive, bullying, or aggressive • other behavioural disorders (disruptiveness, aggressiveness, bullying) • suicide threats (in young people) • running away from home.
<p>CARER CONCERN/ DOMESTIC VIOLENCE</p> <p>Domestic violence, or intimate partner violence, is a violation of human rights. It involves violent, abusive or intimidating behaviour carried out by an adult against a partner or former partner to control and dominate that person. Domestic violence causes fear, physical, and/or psychological harm. It is most often violent, abusive, or intimidating behaviour by a man against a woman, but can also be these</p>	<p>Indicators of domestic violence</p> <p>The child may display:</p> <ul style="list-style-type: none"> • demonstrate aggressive behaviour • develop phobias & insomnia • experience anxiety • show signs of depression • have diminished self esteem

behaviours by a woman against a man. Living with domestic violence has a profound effect upon children and young people and therefore constitutes a form of child abuse. (*The NSW Domestic and Family Violence Action Plan*, June 2010).

- demonstrate poor academic performance and problem-solving skills
- have reduced social skills including low levels of empathy
- show emotional distress
- have physical complaints

WORKING WITH CHILDREN CHECK

People working or volunteering with children in New South Wales must, by law, have a Working with Children Check (WWCC). The Office of the Children’s Guardian provides checks of workers and volunteers to organisations, contributing to creating safe environments for children and other vulnerable people. A WWCC is an assessment of whether a person poses an unacceptable risk to children. As part of the process, the Office of the Children’s Guardian will look at criminal history, child protection information and other information.

Working with Children Checks are valid for five years. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked. If new information about a person means they pose a risk to children's safety, that person’s check will be re-assessed and, if necessary, they will be prohibited from working with children. The Office of the Children’s Guardian will inform both the person affected and any organisations they’re linked to about the change in status.

Organisations need to be registered with the Office of the Children’s Guardian to verify employees Working with Children Checks. Working with Children Checks must be verified BEFORE the employee begins working with children.

DEFINITIONS

Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. In NSW, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998 (The Care Act).

Mandatory reporters are people who deliver the following services, wholly or partly, to children as part of their paid or professional work:

- Health care (e.g., registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)
- Welfare (e.g., psychologists, social workers, caseworkers and youth workers)
- Education (e.g., teachers, counsellors, principals)
- Children’s services (e.g., childcare workers, family day carers and home-based carers)
- Residential services (e.g., refuge workers)
- Law enforcement (e.g., police)
- Disability services- disability support workers and personal care workers
- Registered psychologists providing a professional service as a psychologist
- A person in religious ministry or a person providing religious-based activities to children

All staff have a responsibility to recognise and respond to concerns for safety, welfare and the wellbeing of children and young people, and to report these concerns to management. According to the *Children and*

Young Persons (Care and Protection) Act 1998 mandated reporters (including people employed in children’s services and unpaid managers of these services) must make reports if they suspect on reasonable grounds a

child is at risk of significant harm. Mandatory reporters must make a report to the Department of Communities and Justice (DCJ) for any of the reasons below:

- the child's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for a school age child to receive an education (in accordance with the Education Act 1990)
- the child has been, or is at risk of being physically or sexually abused or ill-treated
- the child is living in a household where there have been incidents of domestic violence and they are at risk of serious physical or psychological harm
- the parent's or other caregiver's behaviour means the child has suffered or is at risk of suffering serious psychological harm.

Source: Children and Young Persons (Care and Protection Act) NO 157 Chapter 3 > Part 2 > Section 23 & Communities & Justice Mandatory reporters: How to make a child protection report

Maltreatment refers to non-accidental behaviour towards another person, which is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm. Behaviours may be intentional or unintentional and include acts of omission and commission. Specifically abuse refers to acts of commission and neglects acts of omission. Note that in practice, the terms child abuse and child neglect are used more frequently than the term child maltreatment.

Risk of Significant Harm (ROSH) refers to circumstances causing concern for the safety, welfare and wellbeing of a child or young person present to a significant extent. This means it is sufficiently serious to warrant a response by a statutory authority irrespective of the family's consent. Mandatory reporters should report their concern to the Child Protection Helpline within 24 hours.

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.

Immediate Risk of Significant Harm (IROSH) is a term used in the Mandatory Report Guide to tell reporters that they must report *immediately* to Communities & Justice.

Reasonable Grounds refer to the need to have an objective basis for suspecting that a child may be at risk of abuse and neglect based on:

- Firsthand observation of the child or family
- What the child, parent or other person has disclosed
- What can reasonably be indirect based on observation, professional training and/ or experience

CHILDSTORY REPORTER COMMUNITY

If a child is at immediate risk and police or medical assistance is required, educators/staff must contact emergency services immediately on 000.

Mandatory reporters in NSW should use the Mandatory Reporter Guide (MRG) if they have concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused. The MRG assists in providing mandatory reporters with the most appropriate reporting decision. It is not designed to determine whether the matter constitutes risk of significant harm (ROSH). This is done at the Child Protection Helpline through the Screening and Response Priority (SCRPT) tool.

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.

The MRG provides eight different decision trees to assist reporters to match the concerns identified. The decision trees include:

1. Physical abuse
2. Neglect, incorporates
 - a. Supervision
 - b. Shelter/environment
 - c. Food
 - d. Hygiene/clothing
 - e. Medical care
 - f. Mental health care
 - g. Education – not enrolled / habitual absence
3. Sexual abuse, incorporates
 - a. Abuse of a child
 - b. Abuse of a young person
 - c. Problematic sexual behaviour toward others
4. Psychological harm
5. Danger to self or others
6. Relinquishing care
7. Carer concern, incorporates
 - a. Substance abuse
 - b. Mental health
 - c. Domestic violence
8. Unborn child

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

Mandatory reporters will be provided with an outcome that advises on the best course of action. A *Decision Report* can be generated and kept on record at the service. Depending upon the outcome, reporters can submit a child protection report (eReport) directly through the *ChildStory Reporter Community* website or contact the Child Protection Helpline immediately on 132 111.

[see: *NSW Child Protection MRG Support Guide- Child Care Centre Desktop*]

IMPLEMENTATION

Our OSHC Service strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. Educators have an important role to support children and young people and to identify concerns that may jeopardise their safety, welfare, or wellbeing. To ensure best practice, all educators will attend approved Child Protection training certified by a registered training organisation. Educators will continue to maintain current knowledge of child protection and Mandatory Reporter requirements by completing Child Protection Awareness Training annually.

MANAGEMENT/NOMINATED SUPERVISOR WILL ENSURE:

- the Out of School Hours Service and any responsible person in day-to-day charge of the Service has successfully completed a course in child protection approved by the Regulatory Authority

- all OSCH educators', nominated supervisors and volunteers' Working with Children Checks (WWCC) are validated unless the person meets the criteria for exemption from a WWCC. See exemption factsheet from: <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/apply>
- all employees and volunteers are:
 - provided with a copy of the current *Child Protection* and *Child Safe Environment Policies* as part of the induction process at the Service
 - aware of their mandatory reporting obligations and responsibilities to report suspected risk or significant risk of harm to the NSW Child Protection Helpline on 132 111
 - clear about their roles and responsibilities regarding child protection
 - aware of indicators showing a child may be at risk of harm or significant risk of harm.
- training and development are provided for all educators, staff, and volunteers in child protection on an annual basis
- educators are provided with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers
- educators are provided with training and ongoing supervision to ensure they understand that child safety is everyone's responsibility, and they adhere to the Child Safe Standards
- access is provided to all staff regarding relevant legislations, regulations, professional standards to safeguard children and protect the integrity of educators, staff and volunteers
- records of abuse or suspected abuse are kept in line with our *Privacy and Confidentiality Policy*
- to notify the regulatory authority through the NQA-ITS (within 7 days) of any incident where it is reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and
- to comply with legislation for Reportable Conduct Scheme and ensure the Office of the Children's Guardian is notified within 7 business days of becoming aware of any allegations and/or convictions of abuse or neglect of a child made against an employee or volunteer and ensure they are investigated, and appropriate action taken. [7-day notification form](#)

EDUCATORS WILL:

- contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do so.
- be able to recognise indicators of abuse
- respect what a child discloses, taking it seriously and following up on their concerns through the appropriate channels
- comprehend they are mandatory reporters under the legislation and their requirement to report any situation where they believe on reasonable grounds that a child is at risk of significant harm to the Child Protection Helpline on 132 111 (available 24 hours/7 days a week)
- have completed online training to understand the child protection reporting process and use of the Mandatory Reporter Guide (MRG) <https://reporter.childstory.nsw.gov.au/s/mrg>
- complete the MRG on each occasion they have concerns about a child's safety or wellbeing
- refer families to appropriate agencies where concerns of harm do not meet the threshold of significant harm. These services may be located through CWU (Child Wellbeing Units) or/and FRS (Family Referral Services) at <https://www.familyconnectsupport.dcj.nsw.gov.au/> Family consent will be sought before making referrals.
- promote the welfare, safety, and wellbeing of children at the Service
- provide a child safe environment for all children
- prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people
- NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on to the Child Protection Helpline or appropriate authority.

DOCUMENTING A SUSPICION OF HARM

If educators have concerns about the safety of a child, they will:

- seek guidance from the Nominated Supervisor/Responsible Person
- record their concerns in a non-judgmental and accurate manner as soon as possible
- record their own observations as well as precise details of any discussion with a parent (who may for example explain a noticeable mark on a child)
- not endeavour to conduct their own investigation
- document as soon as possible so the details are accurate including:
 - o child's personal details (name, address, DOB, details of siblings)
 - o time, date and place of the suspicion
 - o full details of the suspected abuse
 - o date of report and signature

[see: Child Protection Notification- Observation Record]

DOCUMENTING A DISCLOSURE

A disclosure of harm emerges when someone, including a child, tells you about harm that has happened or is likely to happen. When a child discloses that he or she has been abused, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child from the abuse. It is also a chance to help the child connect to professional services that can keep them safe, provide support and facilitate their recovery from trauma. Disclosure is about seeking support and your response can have a great impact on the child or young person's ability to seek further help and recover from the trauma.

When receiving a disclosure of harm, the Nominated Supervisor, Responsible Person or educator will:

- remain calm and find a private place to talk
- not promise to keep a secret
- tell the child/person they have done the right thing in revealing the information but that they'll need to tell someone who can help keep the child safe
- only ask enough questions to confirm the need to report the matter because probing questions could cause distress, confusion and interfere with any later enquiries
- not attempt to conduct their own investigation or mediate an outcome between the parties involved.
- document as soon as possible so the details are accurately captured including:
 - o time, date and place of the disclosure
 - o 'word for word' what happened and what was said, including anything they said and any actions that have been taken
 - o date of report and signature.

In addition, an educator receiving a disclosure from a child will:

- give the child or young person their full attention
- maintain a calm appearance
- reassure the child or young person it is right to tell
- accept the child or young person will disclose only what is comfortable and recognise the bravery/strength of the child for talking about something that is difficult
- let the child or young person take his or her time
- let the child or young person use his or her own words
- don't not make promises that can't be kept. For example, never promise that you will not tell anyone else
- honestly tell the child or young person what you plan to do next
- ~~do~~ not confront the perpetrator.

CONFIDENTIALITY

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the notification should not inform the suspected perpetrator (if known). This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements. It also minimises the risk of retaliation on the child for disclosing.

PROTECTION FOR REPORTERS

All reporters are protected against retribution for making or proposing to make a report under amendments to the Children and Young Persons (Care and Protection) Act 1998 effective 1 March 2020. The identity of the reporter is protected by law from being disclosed, except in certain exceptional circumstances. Provided the report is made in good faith:

- the report will not breach standards of professional conduct
- the report cannot lead to defamation and civil and criminal liability
- the report is not admissible in any proceedings as evidence against the person who made the report
- a person cannot be compelled by a court to provide the report or disclose its contents
- the identity of the person making the report is protected.

A report is also an exempt document under the Freedom of Information Act 1989.

SHARING OF INFORMATION

Chapter 16A of the [NSW Children and Young Person \(Care and Protection\) Act 1998](#) provides for the exchange of information and cooperation between prescribed bodies, if the information relates to the safety, welfare or wellbeing of a child or young person.

Sharing personal information about children and their families must be lawful, which means either gaining consent, or working within relevant legislation. Information sharing by consent, where possible, is important to meaningful work with families to facilitate change. Consent may be obtained verbally or in writing; however, you should not seek consent if doing so might compromise the safety of a child or any other person.

Information can only be shared between prescribed bodies. Prescribed bodies or organisations include:

- NSW Police
- public service agencies or public authorities
- private and public schools, and TAFE establishments
- health care providers
- OOHC providers
- organisations that have direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement, wholly or partly to children or their parent/s.

To provide or request information it must relate to the safety, welfare or wellbeing of a particular child or class of children. The information must be for the purposes of assisting a prescribed body to:

- make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety and welfare of the child or class of children, or
- manage any risk to the child or class of children that might arise in the prescribed body's capacity as an employer or designated agency.

NSW Health has developed templates and resources [Fact Sheets](#) regarding sharing of information relating to Child Protection with other professionals.

BREACH OF CHILD PROTECTION POLICY

All educators and staff working with children have a duty of care to support and protect children. A duty of care is breached if a person:

- does something that a reasonable person in that person's position would not do in a particular situation

- fails to do something that a reasonable person in that person's position would do in the circumstances
- acts or fails to act in a way that causes harm to someone the person owes a duty of care.

MANAGING A BREACH IN CHILD PROTECTION POLICY

Management will investigate the breaches in a fair, unbiased and supportive manner by:

- discussing the breach with all people concerned and advising all parties of the process
- giving the educator/staff member the opportunity to provide their version of events
- documenting the details of the breach, including the versions of all parties
- recording the outcome clearly and without bias
- ensuring the matters in relation to the breach are kept confidential
- reach a decision based on discussion and consideration of all evidence.

OUTCOME OF A BREACH IN CHILD PROTECTION POLICY

Depending on the nature of the breach outcomes may include:

- emphasising the relevant element of the child protection policy and procedure
- providing closer supervision
- further education and training
- providing mediation between those involved in the incident (where appropriate)
- disciplinary procedures if required
- reviewing current policies and procedures and developing new policies and procedures if necessary.

REPORTABLE CONDUCT SCHEME- ALLEGATIONS AGAINST EDUCATORS AND OTHER EMPLOYEES, VOLUNTEERS or STUDENTS (or contractors)

The Approved Provider has the legislative obligation under the *Reportable Conduct Scheme* to notify the Office of the Children's Guardian of reportable allegations and convictions against their employees (including volunteers and contractors), investigate the allegation and advise the Office of the outcome. In addition, the Approved Provider must take appropriate action to prevent reportable conduct by employees.

All educators and staff members of our OSHC Service have an obligation to report relevant allegations of a child protection nature as part of the Reportable Conduct Scheme to the Approved Provider or OCG. This reportable conduct may have occurred either within work hours or outside work hours. A child is anyone under the age of 18 at the time of the alleged conduct occurred.

In addition, the Approved Provider must take appropriate action to prevent reportable conduct by employees. The *Children's Guardian Act 2019*, effective 1 March 2020, defines the head of an organisation as a 'relevant entity'. An approved education and care service is listed at Schedule 1 of the Act as an 'entity'.

The Approved Provider must notify the Children's Guardian within seven (7) business days and conduct an investigation into the allegations. [7-day notification form](#) Reportable Conduct Directorate: (02) 8219 3800, (Monday – Friday). A final report of the investigation must be ready to submit within 30 calendar days or provide information about the progress of the investigation to the Children's Guardian. [30 Day interim report form](#)

The Approved Provider must send a report to the *Office of the Children's Guardian* that enables the Office of the Children's Guardian to determine whether the investigation was completed satisfactorily and whether appropriate action was or can be taken. The Approved Provider must ensure an appropriate level of confidentiality of information relating to the reportable allegations as per the Act or other legislation. The heads of relevant entities have obligations under section 57 of the Act to disclose 'relevant information' to the following persons unless they are satisfied that the disclosure is not in the public interest:

- a child to whom the information relates

- a parent of the child
- if the child is in out-of-home care- an authorised carer that provides out-of-home care to the child.

[See: [Office of the Children's Guardian](#) for further information.]

The Children's Guardian will monitor the entity's response and may conduct their own investigation. The Children's Guardian Act 2019 defines reportable conduct as:

- a sexual offence has been committed against, with or in the presence of a child
- sexual misconduct with, towards or in the presence of a child
- ill-treatment of a child
- neglect of a child
- an assault against a child
- behaviour that cause significant emotional or psychological harm to the child

for further information and training see:

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/training-and-resources/webinars-and-face-to-face-training>

EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOUR

Our program will educate children

- about acceptable and unacceptable behaviour, and what is appropriate and inappropriate contact at an age-appropriate level and understanding
- about their right to feel safe at all times
- to say 'no' to anything that makes them feel unsafe or uncomfortable
- about how to use their own knowledge and understanding to feel safe
- to identify feelings that they do not feel safe
- the difference between 'good' and 'bad' secrets
- that there is no secret or story that cannot be shared with someone they trust
- that educators are available for them if they have any concerns
- to tell educators of any suspicious activities or people
- to recognise and express their feelings verbally and non-verbally
- that they can choose to change the way they are feeling.

RESOURCES FOR INDICATORS OF ABUSE AND NEGLECT

- Childcare Centre Desktop- *NSW Child Protection MRG Support Guide*
- Child Safe Organisations <https://childsafeforhumanrights.gov.au>
- NAPCAN- Prevent Child Abuse & Neglect <https://www.napcan.org.au/napcan-brochures/>
- NSW Department of Education Child Protection- Responding to harm <https://education.nsw.gov.au/student-wellbeing/child-protection/child-protection-policy-guidelines/resources>
- NSW Government Communities & Justice [ChildStory](#)
- [ChildStory Reporter Community](#)
- [Office of the Children's Guardian](#)
- Office of the Children's Guardian [Child Safe Standards training and resources](#)
- [Child Protection Reporting: Overview of legislative amendments \(NSW\) 2020](#)

SOURCE

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NSW Government Communities & Justice. Child Protection Reporting: [Overview of legislative amendments](#)

NSW Government Communities & Justice. [Information sharing for service coordination](#)

NSW Government. Department of Health. Child Protection and Wellbeing. [Information exchange for safety, welfare and wellbeing of children and young people](#)

NSW Government Legislation [Children’s Guardian Act 2019](#)

NSW Government Legislation [The Commission for Children and Young People Act 1998](#)

NSW [Office of the Children’s Guardian](#)

Ombudsman Act 2001.

Revised National Quality Standard. (2018).

PROCEDURE:

Mandatory Reporting

- A Mandatory Reporter is anybody who delivers services to children as part of their paid or professional work.
- In OOSH services mandatory reporters are:
 - Staff that deliver services to children
 - Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services.
- Staff are mandated to report to Community Services if they have current concerns about the safety or welfare of a child relating to section 23 of the NSW Children and Young Persons (Care and Protection) Act 1998

Section 23 (1)

a-b) Child is at significant risk of harm – Neglect

- a) Basic physical or psychological needs not being met or are at risk of not being met
- b) Parents/ carers unwilling or unable to provide necessary medical care
 - b1) parents/ carers unwilling or unable to arrange for the child or young person to receive an education

c) Child is at significant risk of harm – Physical / Sexual abuse

d) Child is at significant risk of harm – Domestic violence

e) Child is at significant risk of harm – Serious Psychological harm

f) Child is at significant risk of harm – Prenatal report

- Staff will undergo training in relation to child protection and reporting as part of the training budget.
- Any staff that forms a belief based on reasonable grounds that a child is at risk of harm should ensure they record the details of the report in a clear objective format.
- Reports should be treated with strict confidentiality in adherence to the service's Confidentiality Policy and Procedures.
- Any staff who forms a belief based on reasonable grounds that a child is at risk of harm should discuss their concerns with their coordinator/ nominated supervisor, as he or she may have information the staff member is not aware of. The Coordinator will then assist staff in running the online Mandatory Reporters Guidelines tool (see point below for more information) to determine whether the report meets the threshold for significant risk of harm.
- If directed by MRG to report to Community services, staff should report their concerns to the Child Protection Helpline:
 - Mandatory Reporters phone 13 36 27
 - Non-Mandatory reporters phone 132 111
- When reporting to the Helpline it is important to have as much information as possible available to give to the Helpline. This might include child's information, family information, reporter details and outcomes of the MRG.
- If Coordinator/ Nominated Supervisor has been advised to but has not reported to Community Services you are legally responsible to do so.
- Once a report is made to the CS Helpline no further report needs to be made unless new information comes to hand.

Mandatory Reporting Guidance Tool

- A Mandatory Reporting Guidance tool has been developed to help frontline mandatory reporters, including OOSH workers determine whether the risk to a child or young person meets the new statutory threshold of 'risk of significant harm'. The MRG will guide reporter on what action should be taken. The MRG is an interactive tool and is available online at: <https://reporter.childstory.nsw.gov.au>
- If still in doubt the Community Services Helpline will provide feedback about whether or not the report meets the new threshold for statutory intervention.
- If new information presents concerning the child or young person run the MRG tool again
- Where concerns do not meet the significant harm threshold, the MRG tool may guide you to 'Document and continue the relationship'. This requires the service to continue to support, provide services, and coordinate assistance and referral for the child and their family.
- The report page from the MRG should be printed and placed in the child/family file for future reference regardless of whether or not further action is recommended.

For assistance with referral information.

Human Services Network www.hsnet.nsw.gov.au

Family Services NSW www.familyservices.nsw.asn.au

Information Exchange

In order to provide effective support and referral it may be necessary to exchange information with other prescribed bodies including government agencies or non-government organisations and services.

- The NSW Children and Young Persons (Care and Protection) Act 1998 has been amended (2009) to include chapter 16A Information Exchange
- Chapter 16A requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people
- Under Chapter 16 A NSW Children and Young Persons (Care and Protection) Act 1998, Staff will exchange information that relates to a child or young persons safety, welfare or wellbeing, whether or not the child or young person is known to Community Services and whether or not the child or young person consents to the information exchange.
- The information requested or provided must relate to the safety, welfare or wellbeing of the child. Information includes:
 - A child or young person's history or circumstances
 - A parent or other family member, significant or relevant relationship
 - The agency's work now and in the past
- Where information is provided in good faith and according to legal provisions, under section 29 & section 245G NSW Children and Young Persons (Care and Protection) Act 1998; reporters cannot be seen as breaching professional etiquette or ethics or as a breach of professional standards. There can be no liability for court action.

Where a complaint is made about a staff member, or someone in the service

- Should an incident occur that involves a child being put at risk of harm from a member of staff, volunteer, trainee or person visiting the service, this is regarded as '**reportable conduct**' and necessitates such conduct to be reported.
- Under the [Children's Guardian Act 2019](#), BASC Management 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 should be submitted within 30 days. contact (02) 8219 3800 or at reportableconduct@kidsguardian.nsw.gov.au
- Where the allegation is made to a staff member or member of management the facts as stated will be recorded in writing, using an Incident Report template that includes dates, times, names of person/s involved, name of person making allegation and the person making the report. This report should be kept on record and treated as strictly confidential.
- If the Director or person in charge is suspected then the chairperson on management committee should be informed.
- The person making the report should follow the advice provided by the *Office of the Children's Guardian*. Management will also follow this advice.
- The matter will be treated with strict confidentiality.
- For the protection of both the children and the staff member involved, the staff member should be encouraged to take special leave or removed from duties involving direct care and contact with children, until the situation is resolved.
- Support should be provided to all involved. This support can be given in the form of counselling or referral to an appropriate agency.

Recruitment & Orientation of Staff

- All staff employed by the service including management, full time/ part time carers, volunteers and students will be subject to a Working with Children Check carried out by the NSW Commission for Children and Young People. Written approval from the prospective employee will be sought prior to this check being carried out.
- When the service engages a self-employed individual to provide services, the provider is required to provide a Certificate for Self-Employed People. This certificate ensures verification that the person employed is not banned by law from working with children. These certificates are issued through the NSW Commission for Children and Young People. Application form and instructions are available on www.kids.nsw.gov.au
- All staff will be informed of their responsibilities as a Mandatory Reporter as part of their orientation and induction process. This will involve discussion regarding their current understanding, use of this policy and resources and access to Child Protection training. Information related to sexual grooming will also be provided upon orientation and induction to ensure that staff are fully aware of the signs and limits related to appropriately interacting with children.

Resources

- Child Story <https://reporter.childstory.nsw.gov.au>
- Human Services Network www.hsnet.nsw.gov.au
- Office of the Children's Guardian reportableconduct@kidsguardian.nsw.gov.au
- Community Services www.community.nsw.gov.au
- NSW Commission for Children and Young People www.kids.nsw.gov.au
- Child Protection Helpline 13 36 27

Source

- Australian Children's Education & Care Quality Authority. (2014).
- Australian Government Australian Institute of Family Studies. (2005). National comparison of child protection systems: <https://aifs.gov.au/cfca/publications/national-comparison-child-protection-systems>
- Australian Government Australian Institute of Family Studies. (2018). Australian child protection legislation: <https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>
- Australian Government: Australian Institute of Family Studies. (2017). Mandatory reporting of child abuse and neglect: <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>
- Belonging, Being and Becoming: The Early Years Learning Framework for Australia. (2009).
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- ChildStory Reporter: <https://reporter.childstory.nsw.gov.au/s/>
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- Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).
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<https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/what-when-to-report/chapters/mandatory-reporter-guide>

- NSW Government Legislation *Children’s Guardian Act 2019*:<https://legislation.nsw.gov.au/#/view/act/2019/25/full>
- NSW Office of the Children’s Guardian: <https://www.kidsguardian.nsw.gov.au/>
- *Ombudsman Act 2001*.
- Revised National Quality Standard. (2018).
- *The Commission for Children and Young People Act 1998*
- Victoria State Government Education and Training: (2018). Obligations to protect children in early childhood services:
<https://www.education.vic.gov.au/childhood/providers/regulation/Pages/protectionprotocol.aspx>
- Victoria State Government Health and Human Services. Child safe standards:
<https://providers.dhhs.vic.gov.au/child-safe-standards>
- Victoria State Government Health and Human Services. Creating child safe organisations:
<https://providers.dhhs.vic.gov.au/creating-child-safe-organisations>

POLICY REVIEWED	MODIFICATIONS	NEXT REVIEW DATE
September 2022	<ul style="list-style-type: none"> ● policy maintenance ● revision of some areas within definitions to correspond to Communities & Justice glossary ● minor formatting edits within text ● hyperlinks checked and repaired as required 	September 2024
September 2020	<ul style="list-style-type: none"> ● Amend reportable conduct from NSW Ombudsman to Office of the Children's Guardian. ● Under the new Children's Guardian Act 2019, BASC Management must notify the <i>Office of the Children's Guardian</i> within seven business days and conduct an investigation into the allegations. If the final entity report should be submitted within 30 days. contact (02) 8219 3800 or at reportableconduct@kidsguardian.nsw.gov.au 	February 2022
July 2021	<ul style="list-style-type: none"> ● Reformatted to add Regulations and Quality Areas ● Additional sources added ● Additional Related Policy & documents added ● Added Policy Reviewed table 	February 2022