

## CHILD PROTECTION (Proving a Child Safe Environment)

### POLICY STATEMENT

Our service 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 educators, including casual educators, volunteers and students have a duty of care to ensure the safety and protection to all children who access our service.

The safety and welfare of all children is of paramount importance.

Educator 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.

### CONSIDERATIONS

Education and Care Services National Regulations	82, 84, 85, 86, 87, 115 155, 168, 170, 176
National Quality Standard	2, 3, 4, 5, 6, 7
Other Service Policies/Documentation	<ul style="list-style-type: none"> <li>• Family handbook</li> <li>• Educating policies</li> <li>• Health &amp; Safety policies</li> <li>• Information Exchange Permission Form</li> <li>• Educator Digital Communication Record</li> </ul>
Other	<ul style="list-style-type: none"> <li>• NSW Children and Young's Person's Act 1998</li> <li>• Commission for Children and Young People Act 1998</li> <li>• Child Protection Act 1998</li> <li>• Ombudsman Act 1974</li> <li>• NSW Department of Community Services Mandatory Reporting Guideline</li> <li>• NSW Child Protection Interagency Guild lines</li> <li>• Legislation Amendment Act 2009</li> <li>• Keep Them Safe</li> <li>• My Time, Our Place</li> </ul>

## PROCEDURE

### a) Mandatory Reporting:

- A Mandatory Reporter is anybody who delivers services to children as part of their paid or professional work.
- In OSHC services mandatory reporters are:
  - Educators that deliver services to children
  - Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services.
- Educators 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):
  - Child is at significant risk of harm – Neglect
    - Basic physical or psychological needs not being met or are at risk of not being met.
    - Families unwilling or unable to provide necessary medical care
    - Families unwilling or unable to arrange for the child or young person to receive an education
  - Child is at significant risk of harm – Physical / Sexual abuse
  - Child is at significant risk of harm – Domestic violence
  - Child is at significant risk of harm – Serious Psychological harm
  - Child is at significant risk of harm – Prenatal report
- Educators will undergo training in relation to child protection and reporting as part of the training budget.
- Reports should be treated with strict confidentiality in adherence to the service's Confidentiality Policy and Procedures.
- Any educator who forms a belief based on reasonable grounds that a child is at risk of harm should discuss their concerns with the Nominated Supervisor and/or the Responsible Person in charge of daily operation as they may have information the educator is not aware of. The incident/s that lead the educator to form the belief should be recorded concisely include as much detail as possible and be kept in a secure place to ensure confidentiality.
- The Nominated Supervisor/Responsible Person will then assist educators in completing the online Mandatory Reporters Guide (MRG) to determine whether the report meets the threshold for significant risk of harm (see point below for further information regarding the MRG).
- If directed by the MRG to report to Community Services, 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 Child Protection Helpline, it is important to have as much information as possible available regarding the child/children involved and any specific incident details. This might include child's information, family information, reporter details and outcomes of the MRG.
- If the 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 Child Protection Helpline a further report needs to be made to ACCEQA, using the Notification Of a Serious Incident.

**b) Mandatory Reporting Guide (MRG):**

- The MRG has been developed to help frontline mandatory reporters, including OSHC educators, determine whether the risk to a child or young person meets the new statutory threshold of 'risk of significant harm'. The MRG will guide the reporter on what action should be taken. The MRG is an interactive tool and is available online at [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.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.
- Regardless of the outcome of using the MRG, the family and child will require support and referral where possible.
- 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.

**c) 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, educators 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 persons 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.
- If families or the service requires to exchange information regarding a child that relates to their health, safety and welfare, the '*Information Exchange Permission Form*' must be filled out by families and handed to the child's school.

**d) Where a complaint is made about an educator or someone in the service:**

- Should an incident occur that involves a child being put at risk of harm from an educator, volunteer, trainee or person visiting the service, this is regarded as 'reportable conduct' and necessitates such conduct being reported to the NSW Ombudsman within 30 days.
- Where the allegation is made to an educator 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 Nominated Supervisor or responsible person in charge is suspected then the service's management should be informed.
- The relevant forms together with information and assistance are available on line at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).
- The person making the report should follow the advice of the Ombudsman's Departmental Officers. Management will also follow this advice.
- The matter will be treated with strict confidentiality.
- 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 resolved.
- Support should be provided to all involved. This support can be given in the form of counselling or referral to an appropriate agency.

**e) Recruitment and Orientation of Educator:**

- All educators employed by the service including management, full time/ part time and casual educators, 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.
- All educators 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 educators are fully aware of the signs and limits related to appropriately interacting with children.