

Child Protection Policy

Our Service is committed to the safety, wellbeing and support of all children and young people. Management, Staff and volunteers will treat all children with the utmost respect and understanding.

Our 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 preserve, enhance and better understand their body's response to an emotion is more able to predict the outcome from a situation and evade them or ask for help.

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

Children (Education and Care Services) National Law NSW	
84	Awareness of child protection law
273	Course in child protection

PURPOSE

All Educators, Staff and Volunteers are committed to identifying possible risk and significant risk of harm to children and young people at the Service. We comprehend our duty of care responsibilities to protect children from all types of abuse, and adhere to our legislative obligations at all time.

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

SCOPE

This policy applies to children, families, staff, management and visitors of the Service.

WHAT IS ABUSE?

There are four types of child abuse:

1. Physical Abuse
2. Sexual Abuse
3. Emotional Abuse
4. Neglect

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.

DEFINITIONS

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 neglect 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 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.

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.

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

- First hand 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

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

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. child care workers, family day carers and home-based carers)
- Residential services (e.g. refuge workers)
- Law enforcement (e.g. police)

All staff have a responsibility to recognise and respond to safety, welfare and wellbeing for children and young people and inform 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 because:

- 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
- 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

CHILD STORY REPORTER

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.

Helpline caseworkers will make determinations on reports received from mandatory reporters using SCRPT in conjunction with additional information which may not be available to mandatory reporters.

For more information on Child Story Reporter, refer to: <https://reporter.childstory.nsw.gov.au/s/>

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.

NEGLECT

Child neglect is the continuous failure by a parent or caregiver to provide a child with the basic things needed for their growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision. Some examples are:

- Inability to respond emotionally to the child
- Child abandonment
- Depriving or withholding physical contact
- Failure to provide psychological nurturing
- Treating one child differently to the others

Indicators of Neglect in children

- 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

PHYSICAL ABUSE

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:

- Make direct admissions from parents 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

Indicators of Physical Abuse

- Facial, head and neck bruising
- Lacerations and welts
- Explanations are not consistent with injury
- Bruising or marks that may show the shape of an object
- Bite marks or scratches
- Multiple injuries or bruises
- Ingestion of poisonous substances, alcohol or drugs
- Sprains, twists, dislocations
- Bone fractures
- Burns and scalds

EMOTIONAL ABUSE

Emotional abuse occurs when an adult harms a child's development by repetitively treating and speaking to a child in ways that damage the child's ability to feel and express their feelings. This may include:

- Constant 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

Indicators of emotional abuse

- Feeling of worthlessness about them

- Inability to value others
- Lack of trust in people and expectations
- Extreme attention seeking behaviours
- Other behavioural disorders (disruptiveness, aggressiveness, bullying)

SEXUAL ABUSE

Sexual abuse is when someone involves a child in a sexual activity by using their authority over them or taking advantage of their trust. Children are often bribed or threatened physically and psychologically to make them partake in the activity. Educators will be predominantly conscious of looking for potential sexual abuse if parents or caregivers are suspected of or charged with child sexual abuse or display inappropriate jealousy regarding age appropriate development of independence from the family. Sexual abuse may include:

- Exposing the child to sexual behaviours of others
- Coercing the child to engage in sexual behaviour with other children
- Verbal threats of sexual abuse
- Exposing the child to pornography

Indicators of Sexual Abuse

- They describe sexual acts
- Direct or indirect disclosures
- Age inappropriate behaviour and/or persistent sexual behaviour
- Self-destructive behaviour
- Regression in development achievements
- Child being in contact with a suspected or known perpetrator of sexual assault
- Bleeding from the vagina or anus
- Injuries such as tears to the genitalia

PSYCHOLOGICAL ABUSE

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:

- Excessive criticism
- Withholding affection
- Exposure to domestic violence
- Intimidation or threatening behaviour

Indicators of psychological abuse

- Constant feelings of worthlessness
- Unable to value others
- Lack of trust in people

- Lack of people skills necessary for daily functioning
- Extreme attention seeking behaviour
- Extremely eager to please or obey adults
- Takes extreme risks, is markedly disruptive, bullying or aggressive
- Suicide threats
- Running away from home

DOMESTIC VIOLENCE

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. Living with domestic violence has a profound effect upon children and young people and may constitute a form of child abuse. (*The NSW Domestic and Family Violence Action Plan*, June 2010)

Indicators of Domestic Violence

- Show aggressive behaviour
- Develop phobias & insomnia
- Experience anxiety
- Show symptoms of depression
- Have diminished self esteem
- Demonstrate poor academic performance and problem solving skills
- Have reduced social competence skills including low levels of empathy
- Show emotional distress
- Have physical complaints

LEGISLATIVE CHANGES

In October 2016, the NSW Government introduced reforms to strengthen the regulatory powers of the Office of the Children's Guardian. New amendments also tightened provisions for appealing against decisions to bar unsuitable Working With Children Check applicants from working with children. Also, under the Working With Children Check, it is now an offence to make a false or misleading statement, punishable by a maximum penalty of \$550.

These changes are included in the *Child Protection (Working with Children) and Other Child Protection Legislation Amendment Act 2016*, making amendments to the following Acts:

- *Child Protection (Working with Children) Act 2012*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Teaching Service Act 1980*
- *Education (School Administrative and Support Staff) Act 1987*

Amendments to the Teaching and Education Staff Acts provide for suspension from duty (instead of dismissal) for a person who's 'Working with Children Check' is cancelled because of a pending charge for a serious offence under the Working with Children legislation.

In children's employment, the amendments give the Office of the Children's Guardian new powers to enter and inspect premises where they reasonably suspect a person is illegally employing a child, as well as the ability to serve on-the-spot penalty notices for breaches of children's employment legislation.

IMPLEMENTATION

Our 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. The service will regularly discuss Child Protection and awareness through the monthly staff meetings to ensure they keep up to date with their current responsibilities as Mandatory Reporters.

NOTE: The reporter is not required to prove that abuse has occurred.

Management/Nominated Supervisor will ensure:

- The Service and any certified supervisor in day-to-day charge of the Service have successfully completed a course in child protection approved by the Regulatory Authority.
- All employees and volunteers are:
 - Clear about their roles and responsibilities regarding child protection.
 - Aware of their requirements to immediately report cases where they believe a child is at risk of significant harm to the Child Protection Helpline.
 - Aware of the indicators showing a child may be at risk of harm or significant risk of harm.
 - Aware of their mandatory reporting obligations to report suspected risk or significant risk of harm

- Training and development are provided for all educators, staff and volunteers in child protection
- To provide educators with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers.
- To validate a Working with Children Check for all educators, staff and volunteers unless the person meets the criteria for exemption from a WWCC. See exemption factsheet at <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/apply>
- To provide access to relevant acts, regulations, standards and other resources to help educators, staff and volunteers meet their obligations.
- Records of abuse or suspected abuse are kept in line with our Privacy and Confidentiality Policy.
- To notify the NSW Ombudsman within 30 days of becoming aware of any allegations and convictions for abuse or neglect of a child made against an employee or volunteer and ensure they are investigated and appropriate action taken.
- To notify the Commission for Children and Young People of details of employees against whom relevant disciplinary proceedings have been completed or people whose employment has been rejected because of a risk identified in employment screening processes.
- To notify the regulatory authority (within 7 days) of any incident where you reasonably believe that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service
- To notify the regulatory authority (within 7 days) of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service.

Accusations against Educators

Accusations of abuse or suspected abuse against educators, staff members, and volunteers, the Nominated Supervisor or Approved Provider are treated in the same way as allegations against other people. Reports will be made to the Child Protection Helpline where a child is at risk of significant abuse by a person at the Service. If the Supervisor is involved in the abuse then the Approved Provider or most senior educator will assist in notifying the Child Protection Helpline.

Educators will:

- Be able to recognise indicators of abuse
- Respect what a child discloses, taking it seriously and follow up their concerns.
- Allow children to be part of decision-making processes where appropriate.

- Comprehend they are mandatory reporters under the legislation and report any situation where they believe on reasonable grounds a child is at risk of significant harm to the Child Protection Helpline on **132 111** (available 24 hours/7 days a week).
- Be able to use the Mandatory Reporter Guide (MRG) which is available at <https://reporter.childstory.nsw.gov.au/s/mrg>
- Be able to contact Child Wellbeing Units (CWUs) which also help mandatory reporters identify the level of risk to a child and whether to report the risk to the Child Protection Helpline
- Contact the police on 000 if there is an immediate danger to a child and intervene instantly if it is safe to do so.
- Associate families with referral 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 <http://www.keepthemsafe.nsw.gov.au>. Family consent will be sought before making referrals.
- Promote the welfare, safety and wellbeing of children at the Service.
- Prepare precise records recording exactly what happened, conversations that took place and what you observed to contribute to the investigations of abuse or suspected abuse by the Child Protection Helpline or dealings with referral agencies.
- Understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people

DOCUMENTING A SUSPICION OF HARM

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

- 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 endeavor to conduct their own investigation.
- Document as soon as possible so the details are accurately apprehended including:
 - Time, date and place of the suspicion
 - Full details of the suspected abuse
 - Date of report and signature

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 Service 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:
 - Time, date and place of the disclosure
 - 'Word for word' what happened and what was said, including anything they said and any actions that have been taken
 - Date of report and signature.

Notifications of abuse

The person making a notification of abuse or suspected abuse will make a record of the answers to the following:

- Give the child or young person your full attention.
- Maintain a calm appearance.
- Don't be afraid of saying the 'wrong' thing.
- 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 make promises you can't keep.
- 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 complaint should not inform the person they have made the complaint about. This ensures the matter can be investigated without prior knowledge and contamination of evidence.

Protection for reporters

Reports made to Community Services are kept confidential. However, a law enforcement agency may

access the identity of the reporter if this is needed in connection with the investigation of an alleged serious offence against a child. Under the *Children and Young Persons (Care and Protection) Act 1998* if the report is made in good faith:

- The report will not breach standards of professional conduct
- The report can't lead to defamation proceedings
- 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*.

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 will be advised of the process
- Giving the educator the opportunity to provide their version of events
- Documenting the details of the breach, including the versions of all parties and the outcome will be recorded
- Ensuring the matters in relation to the breach are kept confidential
- Approaching an appropriate outcome which will be decided based on evidence and discussion

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
- Facilitating 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.

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 signs that they do not feel safe and need to be attentive and think clearly.
- That there is no secret or story that is too horrific, that they can't share 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.

Source

- Australian Children's Education & Care Quality Authority. (2014).
- Guide to the Education and Care Services National Law
- Education and Care Services National Regulations 2015,
- ECA Code of Ethics.
- Guide to the National Quality Standard.
- Child Protection (Working with Children) Act 2012
- Children and Young Persons (Care and Protection) Act 1998
- The Ombudsman's Act 1974
- Community and Disability Services Ministers' Conference (2005). *Creating safe environments for children: Organisations, employees and volunteers: National framework.*
- Community and Disability Services Ministers' Conference (2005). Schedule: Guidelines for building the capacity of child-safe organisations. *Creating safe environments for children: Organisations, employees and volunteers: National framework.*
- NSW Community Services: NSW Mandatory Reporting Guide
- The Commission for Children and Young People Act 1998
- Early Years Learning Framework
- National Quality Standard.
- Ombudsman NSW www.ombo.nsw.gov.au
- <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>
- Supporting changing families future
Queensland Government
- ACT Government
<http://www.legislation.act.gov.au/a/2008-19/default.asp>
- National Comparison of Child Protection Systems

- <https://aifs.gov.au/cfca/publications/national-comparison-child-protection-systems>
- Reporting abuse and neglect
 - Obligations to Protect Children
<https://www.education.vic.gov.au/childhood/providers/regulation/Pages/protectionprotocol.aspx>
<https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect>
 - Child Wise NT
<https://www.childwise.org.au/page/48/state-legislation-reporting-nt>
 - Mandatory Reporting
<https://mandatoryreporting.dcp.wa.gov.au/Pages/Aboutmandatoryreportinglegislation.aspx>
 - NSW Government – Office of the Children’s Guardian
<https://www.kidsguardian.nsw.gov.au/about-us/who-we-are/our-legislation/legislative-changes/summary-2016>
 - Child Story Reporter
<https://reporter.childstory.nsw.gov.au/s/>
 - Revised National Quality Standard
 - http://www.dhs.vic.gov.au/data/assets/pdf_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf
 - **[Creating child safe organisations page](#) of the Department of Health and Human Services’ Service Providers website:** < <http://providers.dhhs.vic.gov.au/creating-child-safe-organisations>>
 - **[Child safe standards page](#) of the Department of Health and Human Services’ Service Providers website:** < <http://providers.dhhs.vic.gov.au/child-safe-standards>>.
 - **[An Overview to the Victorian child safe standards](#)**, has information to help organisations understand the requirements of each of the child safe standards, including examples of measures organisations can put in place, a self-audit tool and a glossary of key terms: < <http://providers.dhhs.vic.gov.au/child-safe-standards>>

Review

Date Reviewed	Modifications	Next Policy Review Date
May 2016	New Format created and policy created	April 2017
April 2017	Updated policy to include Queensland changes to mandatory reporting requirements.	August 2017
May 2017	Updated policy to include specifications for all states in Australia regarding mandatory reporting requirements	August 2017
July 2017	Significant changes made to the policy, including the inclusion of legislative changes and Mandatory Reporting Guide changes with the introduction of Childstory	December 2018
Aug 2017	Updated to meet the National Law and/or National Regulations in respect of a serious incidents and /or allegations of sexual abuse and notification purposes.	

October 2017	Updated the references to comply with revised National Quality Standard	August 2018
November 2017	Included references and sources to the Child Safe Standards.	August 2018
August 2018	Included Child Protection requirements for employees	August 2019