

Child Protection and Risk Management Strategy Policy

Policy Statement

Fun 4 U Helensburgh 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.

Links Education and Care Centres National Regulations 2018, National Quality Standard 2018

Regs 84 Awareness of child protection law
Reg 155 Interactions with children
Reg 175 Prescribed information to be notified to regulatory authority
Reg 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.
Regs 273 Course in child protection
NQS 2.2 Safety- Each child is protected

Considerations

NSW Children and Young Person's (Care and Protection) Act 1998
Commission for Children and Young People Act 1998
Child Protection (Prohibited Employment) Act 1998
Ombudsman Act 1974 (with relevant Child Protection Amendments)
NSW Department of Community Services Mandatory Reporting Guidelines
NSW Child Protection Interagency Guidelines (2006)
Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13
The Childrens Guardian Act 2019.
OSHCQA Quality Area 7

Procedures

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:

- o Staff that deliver services to children
- o Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services.

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 which is

available on the 'child story' website. 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:

- o 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
- o 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.

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.

Mandatory reporters can call the NSW Child Protection Helpline on 132 111 (24 hours a day, 7 days a week).

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.

In **NSW** there are eight types of abuse, some of which are further divided into more specific categories:

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

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 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 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 refer 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.
- 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 accessing 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 Director/ 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.

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 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.

NOTE: It is recommended that services develop a separate policy relating specifically to Information exchange

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 endeavour to conduct their own investigation
- document as soon as possible so the details are accurate including:
 - child's personal details (name, address, DOB, details of siblings)
 - 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 (the staff member/educator) said and any actions that have been taken
 - date of report and signature.

Implementing the Child safe standards

The Child Safe Standards recommended by the Royal Commission provide a framework for making organisations safer for children. They have been accepted by the NSW government. Based on extensive research and consultation, the Standards provide tangible guidance for organisations to create cultures, adopt strategies and act to put the interests of children first, to keep them safe from harm.

The 10 safe standards were designed to ensure all aspects of organisations that are associated with children operate in a safe manner in order to ensure all children are not at risk of harm from neglect and/or abuse at any time.

The standards include:

1. Child safety is embedded in organisational leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child abuse (or other concerns) are child-focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe, through continual education and training
8. Physical and online environments minimise the opportunity for abuse or other kinds of harm to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the organisation is child safe

A risk management resource is made available from the Office of the Children's Guardian for organization to develop a risk management approach to ensure all aspects are working towards to ensuring the child safe standards are implemented into the service.

Child safe standards also ensure that a code of conduct is developed in respect to the child safe standards.

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 being reported to the NSW Office of the Children's Guardian within 30 days.
- 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.
- The initial response to child safety concerns is critical, because if the initial response is deficient, any future investigation can be compromised and children can be placed at risk, or continued risk. Clarifying the allegation Taking steps to understand the nature of the allegation – including whether it is a reportable allegation and whether it is an allegation of a criminal offence – is an important first step. Sometimes this will require relevant persons in the entity to make some clarifying inquiries. Any such initial inquiries should be limited to those needed to clarify the allegation and plan a response.
- Entities are assessed to whether there is an allegation that needs to be reported; not the likelihood that it is true or not true – that will occur as part of the investigation. Particular caution should be taken when the source of the allegation is a direct disclosure from a child. If the child's free discourse is enough to give you an understanding of the type of allegation you're dealing with, it is important to provide support but not ask further questions. If you need to ask questions to clarify the nature of the concern, it is important to use open ended questions – that is, questions that cannot be answered yes or no. Where there is no immediate significant risk of harm to a child, a measured approach can be

taken by the employer to assess and plan their response to a reportable allegation, before taking action.

- The relevant forms together with information and assistance are available on line at www.kidsguardian.nsw.gov.au.
- The Director/ Nominated supervisor will report any notifiable allegation to the local police after addressing any significant risk to children or the investigation. After reporting to Police, the Director/ Nominated supervisor will ensure no further enquiries or steps are taken without consent of the police. The Nominated supervisor is required to make a notification to the Office of the Childrens Guardian within 7 days, and their guidance will be requested if the Director is unsure of how to proceed.
- If Police are conducting inquiries, then the Director will consult with the police officer in charge about any action that is to be proposed to take, including risk management action. This is to ensure that any police investigation is not compromised. Generally, when police are investigating the allegation, an employer should not take any action to alert the employee – directly or indirectly – to the allegation until clearance to do so is provided by Police. If the head of a relevant entity has concerns that risks to children in their organisation are not being managed while a police investigation is underway, it is important to alert Police to these concerns and also raise these concerns with the Office of the Children's Guardian.
- The person making the report should follow the advice of 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 counseling or referral to an appropriate agency.

Recruitment of staff

- All staff employed by the service including management, full time/ part time carers, volunteers and students will be need to provide a working with children's check clearance number to prove that they have been cleared by the NSW Government's Office of the children's Guardian.
- Application form and instructions are available on www.kidsguardian.nsw.gov.au/Working-with-children/working-with-children-check.
- Any educators employed to perform the role of Nominated supervisor or Responsible person in charge will have completed child protection training and this is updated yearly.

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.

For further information

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

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

- Child Story www.childstory.net.au/
- Human Services Network www.hsnet.nsw.gov.au
- Ombudsman www.nswombudsman.nsw.gov.au
- Community Services www.community.nsw.gov.au
- Office of the Children's Guardian //www.kidsguardian.nsw.gov.au/Working-with-children/working-with-children-check
- https://ocg.nsw.gov.au/sites/default/files/2022-03/G_CSS_Risk%Management_Resourceprt1.pdf
- [Implementing the Child Safe Standards | Office of the Children's Guardian \(nsw.gov.au\)](https://www.kidsguardian.nsw.gov.au/Working-with-children/working-with-children-check)
- Child Protection Helpline 13 36 27

Comments:

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