

Child Protection Policy

Our service is committed to the safety, wellbeing and support of all children and young people within our Service. 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 responses to an emotion are more able to predict the outcome from a situation and evade them or ask for help.

National Quality Standards (NQS)

Quality Area 2: Children's Health and Safety	
2.3	Each child is protected
2.3.2	Every reasonable precaution is taken to protect Children from harm and any hazard likely to cause injury
2.3.4	Educators, coordinators and educators are aware of their roles and responsibilities to 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

To identify potential risks of harm to children and young people at the Service and to implement strategies to prevent and minimise those risks. In order to ensure children's safety, our Service will perform proficiently and act in the best interest of the child.

We aim to ensure that all educators at the Service are aware of the current child protection law in the provider's jurisdiction and understand their obligations under that law. We believe it is our responsibility as educators to ensure the safety welfare and wellbeing of all children.

We aim to provide the children at our service with the opportunity to develop to their full potential free from harm and abuse.

SCOPE

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

WHAT IS ABUSE?

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

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 know 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

SIGNIFICANT RISK OF HARM

Significant risk of harm is where the circumstances that are causing concern are present to a significant state and warrant a response by a statutory authority, such as the NSW Police Force or Community Services, regardless of a family's consent.

According to Keep them Safe, Significant is not minor or trivial and may reasonably be expected to produce substantial and adverse impacts on the child's safety, welfare or wellbeing. The significance can be a result of a single act or omission or an accumulation of acts and omissions.

REASONABLE GROUNDS

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

IMPLEMENTATION

Our service strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. To ensure best practice, all educators will attend compulsory Child Protection training every 24 months to ensure they are kept updated and informed of their current responsibilities as Mandatory Reporters.

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

Management/Nominated Supervisor will ensure:

- The nominated supervisor of the service and any certified supervisor in day to day charge of the service has successfully completed a course in child protection approved by the New South Wales 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.
- To provide training and development 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.kids.nsw.gov.au>.

- 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.

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 **133 627** (available 24 hours/7 days a week).
- Be able to use the Mandatory Reporter Guide which is available at <http://www.community.nsw.gov.au> or www.keepthemsafe.nsw.gov.au to help make decisions about whether there is a risk of significant harm.
- 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

Review

Policy Review Date
June 2018

Child Protection Procedure

1. A notification is an expression of concern for the child. Educators do not have to prove that reportable conduct is happening or have evidence of who may be abusing the child to contemplate making a notification.
2. A notification will only be made after communicating with the Approved Provider or Nominated Supervisor. Any notification must be made in concurrence with the Nominated Supervisor, unless they are suspected of reportable conduct. In this situation, you must make the notification.
3. It is important for educators to remain sensitive to the practices of families of culturally diverse or indigenous backgrounds, however, this child protection policy must be adhered to. The processes and procedures within this policy attempt to allow for the individual differences of families.
4. Up-to-date developmental records on all children are to be kept. Relevant conversations with parents that may relate to a child's behaviour change (e.g. parents separating, new baby in the family, moving house etc.) are to be noted in the developmental record.
5. Staff should work with parents to develop and record appropriate procedures for managing toilet practices and behaviour management. Parents should be made aware that it may be necessary to physically restrain an out of control child who may be compromising the safety of him/herself, other children or staff, or to isolate the child from others for short periods of time
6. Subsequently to a notification being made, records of the child remain the responsibility of the Service staff and should not be passed onto any other person. If officers wish to see the records they should be viewed at the Service in the presence of the Directors/Authorised Supervisor and only removed if signed for by the State and Territory Authorities officer with a stated date for return of the records to the Service.

It is important when making a notification that you ask the following questions in relation to notification:

- Name of person you spoke with
- What was the next step in the process?
- What confirmation will be sent to confirm the report has been made
- Is there any further action you need to take?

If an interview is to be directed at the Service, the following should be adhered to:

- If it is clearly deceptive that the alleged abuser is not a member of the child's immediate family, the parents should be notified of the interview and be given the opportunity to be present. State and Territory Authorities must be consulted prior to this.

- An educator to whom the child relates to will be present during the interview. The staff member must not interfere in the progression but should be present as an observer and a support for the child.
- All staff will co-operate with any investigation undertaken by State and Territory Authorities and/or police.
- Following the interview, the staff member must immediately write a report in the first person, which states as well as they can remember what each person has said, and forward a copy to the Nominated Supervisor marked confidential.

Child Protection Agencies

The following agencies have responsibilities regarding child protection. Our service will network with these services and agencies should child protection convert an issue at our service.

Child Protection Helpline: Department of Family and Community Services (FACS)

- Obtain, assess and where appropriate Investigate reports of children who are at risk of significant harm.
- Could plan, conduct and manage reports collaborating with other agencies including NSW with Police, the NSW Health.
- Exchange relevant information with a range of agencies including NSW Police, NSW Health and the Department of Education and Communities.
- Provide, arrange and request care and/or support for children and families.
- Inform reporting agencies of the progress and outcomes of assessments and investigations as permitted by law.

Child Wellbeing Unit

Child Wellbeing Units (CWUs) were established in the four government agencies responsible for the largest number of child protection reports: NSW Health, NSW Police Force, and Department of Education and Communities. Trained staff in CWUs assist mandatory reporters within their agencies to use the Mandatory Reporter Guide and ensure that all concerns that reach the threshold of risk of significant harm are reported to the Child Protection Helpline.

Where concerns do not meet the new threshold, information about the child or young person will be entered into WellNet, the CWU database. This information is only visible to staff in other CWUs, which assists in assessing cumulative risk of harm. CWU assessment officers help mandatory reporters to identify services available within their own agency, or in other organisations, which could support the family.

NSW Ombudsman's Office

- Monitors the investigation of and in some cases, investigates reportable allegations made against employees in government and non-government agencies, such as children's services.
- The Ombudsman must be notified of all allegations of abuse or neglect of a child by a children's services employee.
- A volunteer is also counted as an employee in this situation.
- Children's Services Employers must report to the NSW Ombudsman any reportable allegations and convictions made against an employee and ensure they are investigated by the Approved Provider/owner of the Child Care Service with appropriate actions being taken when the investigation is complete.

- The Approved Provider/owner of the Child Care Service must notify the Ombudsman within 30 days of becoming aware of any reportable allegations or conviction made against an employee in children's services.

Reportable allegations include any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), any assault, ill treatment or neglect of a child, any behaviour that causes psychological harm to a child.

Employees include:

- Any employee of the agency, whether or not employed in connection with any work or activities of the agency that relates to children, and
- Any individual engaged by the agency to provide services to children (including in the capacity as a volunteer) and
- Work experience participants, students on placements, e.g. TAFE, secondary or tertiary students

The Ombudsman needs to be informed of any allegation regardless of the outcome. These matters are only reported to the Child Protection Helpline if they meet the threshold of significant harm.

Visit www.ombo.nsw.gov.au for fact sheets and any forms required.

The Commission for Children and Young People

- Monitors trends and makes commendations to government and non-government agencies on legislation, policies, practices and services affecting young children.
- Has numerous child protection resources available on-line.
- Receives notifications of the outcomes of completed disciplinary proceedings.

Children's Services Employers must notify the Commission for Children and Young People of details of employees against whom pertinent disciplinary actions have been completed and or persons whose employment has been rejected because of a risk identified in employment screening processes.