

BERMAGUI PRESCHOOL



4.18 Child Protection

Written By

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Aim

Children have the right to be protected from neglect, exploitation and abuse. The interests of the child are paramount. Mistreatment of children leads to trauma, which affects their emotional and physical development.

Our goal is to ensure that every reasonable precaution is taken to protect children from harm whilst at Bermagui Preschool.

Our preschool (educators, staff, management and volunteers) have a responsibility to defend children's right to care and protection to ensure their safety, welfare and wellbeing. This includes a responsibility to report any children at significant risk of harm.

Our goal is also to ensure staff have adequate training, resources and support to achieve this

Objectives

To achieve our aim preschool educators and teachers will:

- Have completed a Working with Children Check and /or a Prohibited Persons Declaration prior to their start date.
- Have had training in Child Protection identification and reporting
- Have knowledge of the indicators of abuse
- Be aware that it is mandatory to report if they have reasonable grounds to suspect a child is at risk of harm
- Be familiar with the procedures that guide the staff in reporting children at risk of harm, based on observations, disclosures by children or families and any other fact that causes staff to be concerned for the child's safety and well being
- Have had training in their responsibility to report an incident of harm to a child by a staff member
- Have received information, guidance and knowledge of procedures that guide staff's behaviour in the matter of confidentiality
- Be aware of the reporting procedures and familiar with the information required to make a report. In the event of trauma, a referral must be made to a professional trauma counsellor or practitioner.
- Sign off on the Child Protection Policy, and its Attachments, to indicate their knowledge and understanding of the package.

Introduction

One of the most important concerns of any community and our preschool is the health, safety and well-being of children and young people. Our preschool is committed to providing an environment that fosters health, development, spirituality, self-respect and dignity, that is free from violence and exploitation.

Under the Children and Young Persons (Care and Protection) Act 1998, children and young people must receive the care and protection necessary to ensure their safety, welfare and wellbeing. In this way children's services play an important role in recognising and reporting child abuse and neglect.

All educators and volunteers working in our preschool are Mandatory Reporters. It is a regulatory requirement to report to the Child Protection Helpline (Phone: 132 111) if they have reasonable grounds to suspect a child or young person is at risk of significant harm. This includes concerns about the safety, welfare or wellbeing of a child or young person where the concerns arise during or from their work.

We are committed to ensuring all educators and staff have a full understanding of their obligations as Mandatory Reporters and are supported in fulfilling these responsibilities. The principles of child safety, attachment and well-being, guide child protection practice within our preschool.

Definitions

"At risk of significant harm"

A child or young person at risk of significant harm means that there are current concerns for a child's safety, welfare or wellbeing because of the presence to a significant extent of any one or more of the following circumstances.

- The child's or young person's basic physical or psychological needs are not being met or at risk of not being met;
- The parents/guardians or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive medical care;
- In the case of a child or young person who is required to attend school in accordance with the Education Act 1990 — the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive and education in accordance with that Act;
- The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm;
- A parent/guardian or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm; or
- The child was the subject of a pre-natal report under section 25 of the Children and Young Persons Care and Protection Act 1998 and the birth mother of the child did not engage successfully with the support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

"Reasonable grounds"

Reasonable grounds means that you suspect a child may be at risk of significant harm based on:

- Your observations of the child, young person or family; or
- What the child, young person, parent/guardian or another person has told you. It does not mean that you are required to confirm your suspicions or have clear proof before making a report

Child Protection Helpline 132 111

Strategies

The Approved Provider/Nominated Supervisor will:

- Ensure that any adult working directly with children signs a Prohibited Employment Declaration Form and a Consent to a Working with Children Check, and ensure their clearance, prior to employment;
- Ensure every adult working with children is made aware of The Children and Young Persons (Care and Protection) Act 1998 and Keep Them Safe: A shared approach to child wellbeing and of their obligations under this law and action plan (Education and Care Services National Regulation, Regulation 84, National Quality Standards QA 2);
- Provide an induction to ensure every working adult is familiar with this child protection policy, Keep Them Safe protocols and Mandatory Reporter responsibilities;
- Ensure a regular review process is in place to maintain up to date procedures for this child protection policy, Keep Them Safe protocols and Mandatory Reporter responsibilities.

Educators and staff will:

- Develop trusting and secure relationships with all children at our preschool;
- Make reports of current concerns for any child at risk of significant harm to the Child Protection Helpline for Mandatory Reporters; and
- Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the service.

Documentation of current concerns

The Approved Provider/Nominated Supervisor will:

- Support staff and educators through the process of documenting and reporting current concerns of children at risk of significant harm; and
- Provide all staff and educators with clear guidelines around documentation and a template to support this.

Educators and staff will:

- Make a record of the indicators observed that have led to the belief that there is a current risk of harm to a child or young person. Information on indicators of risk of harm are outlined in the NSW Mandatory Reporters Guide which is accessible at www.keepthemsafe.nsw.gov.au/reporting_concerns/mandatory_reporter_guide;
- Discuss any concerns with the Nominated Supervisor of the service.
- Advise the Nominated Supervisor of their intention to make a report to the Child Protection Helpline (132 111);
- Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline.

Mandatory reporting

The Approved Provider/Nominated Supervisor will:

- Provide all staff and educators working directly with children with a copy of this Child Protection Policy and a copy of the Mandatory Reporters Guide to assist them in their reporting;
- Provide all staff and educators working directly with children with access to the Child Wellbeing and Child Protection NSW Interagency Guidelines; and
- Display the Child Protection Helpline number (132 111) on all phone and lists of emergency contact number.

Educators and Staff will:

- In an emergency, where there are urgent concerns for a child's health or life, it is important to contact the police, using the emergency line '000';
- Using the Mandatory Reporters Guide, answer the questions relating to concerns about a child or young person. At the end of the process, a decision report will guide as to what action to take. The Nominated Supervisor is available if staff require assistance to use this online tool;
- If the Mandatory Reporters Guide determines that there are grounds to suspect a risk of significant harm to a child or young person, the staff member or educator will phone the Family and Community Services Helpline on 132 111. Reports can also be made using the Reporting Fax form, available from Family and Community Services website;
- Mandatory reporters should note that the legislation requires that they continue to respond to the needs of the child or young person (within the terms of their work role) even after a report to the Child Protection Helpline has been made;
- If the Mandatory Reporter Guides determines that an educator or staff member's concerns do not meet the risk of significant harm threshold they do not need to make a report to the Family and Community Services Helpline, however, they should discuss the matter with the Nominated Supervisor to determine whether the child or family would benefit from the assistance of another agency;
- The staff member or educator should monitor the situation and if they believe there is additional information that could be taken into account, please repeat steps 1 to 5 as required.

Support for Mandatory Reporters is available at

<https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/what-when-to-report/chapters/mandatory-reporter-guide>

Disclosures of abuse**Educators and staff will:**

- React calmly to child making the disclosure;
- Listen attentively and later write down the child's exact words;
- Provide comfort and care to the child.
- Follow the steps for reporting as per the Mandatory Reporters Guide.
- Reassure the child or young person that:
 - It is not their fault;
 - It was right to tell;
 - It is not OK for adults to harm children - no matter what;
 - Explain what will happen now - that it is part of your job to tell people who can help the child or young person. "Thankyou for telling me. I will use this information to see what I can do to help."

Educators and staff will not:

- Prompt the child for further details or ask leading questions which would make the child feel uncomfortable or has the potential to jeopardise any future legal proceedings that may arise as a result of any investigation.

It is important to understand that our role is solely to support the well-being of the child at all times, not to investigate further any disclosure made by the child

Allegations of abuse against staff, educators, volunteers or students

The Approved Provider/Nominated Supervisor will:

- Develop and maintain a system of appropriate record keeping for all allegations to ensure detailed documentation is made and stored as required;
- Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation;
- Assess whether or not a child or young person is 'at risk of significant harm' and, if so, make a report to the Child Protection Helpline;
- Determine whether or not the allegation is a reportable allegation, a reportable conviction, or reportable conduct. For determination, reference will be made to: www.ombo.nsw.gov.au/publication/PDF/guidelines/Child%20Protection%20in%20the%20workplace.pdf;
- Report reportable allegations and reportable convictions to the Ombudsman within 30 days of receipt;
- Consider whether or not the police need to be informed of the allegation and if so, make a report;
- If a report is made to the police, complete a SI01 Notification Of Serious Incident Form and submit to Department of Education and Communities within 24 hours of the incident;
- If a report has not been made to the police, complete a NL01 Notification of Complaints and Incidents (other than serious incidents) Form and submit to the Department of Education and Communities within 7 days of the incident;
- Ensure confidentiality is maintained at all times and that systems are in place to deal with any breaches of confidentiality;
- Undertake a risk management approach following an allegation to ensure the protection and safety of children, staff and visitors to the service. Based on this risk assessment, decisions will be made in order to manage the risks that have been identified;
- Develop an investigation plan of the matter. Obtain relevant information from a range of sources. This may include a statement from the person who made the allegation; statements from witnesses and a statement from the person against whom the allegation has been made and any other relevant documentation;
- If the allegation is being investigated by Family and Community Services or the Police, the service will be guided by their advice as to whether they should independently investigate the allegation;
- If the investigation is carried out by the service, the information that has been gathered will be assessed and a finding made as to whether the allegation is false, vexatious, misconceived, not reportable conduct, not sustained or sustained. The reasons for the finding will be clearly recorded to ensure that the decision-making has been transparent;
- The educator, volunteer or student will be advised of the outcome of the investigation in writing. Advice will be provided about the investigation finding and any follow up action that may be required. Advice will also be provided about any rights of appeal and the person will be advised that the NSW Ombudsman has been notified and the Commission of Children and Young Persons also notified of the relevant employment proceeding (if relevant);
- Part B of the Ombudsman Notification form will be completed and sent to the Child Protection Division, NSW Ombudsman with all supporting documentation gathered during the investigation;
- Family and Community Services will also be informed of the outcome of the investigation.

Informing the Preschool Staff, Educator, Volunteer/Student

The Approved Provider/Nominated Supervisor will:

- Treat the staff member/educator/volunteer/student with fairness at all times and uphold their employee rights at all times;
- Depending on the nature of the allegation, arrange to inform the person immediately (though be guided by the advice of FaCS or the police);
- Arrange for the person against whom an allegation has been made, to have a support person attend the meeting. This support person must not participate in the discussions throughout the meeting;
- Make accurate documentation of all conversations, and ensure all records are kept confidentially;
- Offer counselling or support to the person subject to the allegation;
- Depending on the nature of the allegation made, the person subject to the allegation may be suspended pending further investigation;
- After all investigations are completed, provide the educator/carers/volunteer with verbal and written notification of the outcome of the investigation.

Rights of all parties

- The decision-making process throughout the investigation will be based on the safety and well-being of the child/ren and the staff/carers/carers' household members;
- Consideration will be taken in relation to actual or potential 'conflicts of interest' that may be held by the investigator;
- All reportable allegations will be notified to the Ombudsman. The person, against whom the allegation has been made, will be notified of this and will also be notified of the investigation find and follow up action, including the notification to the Commission of Children and Young Persons, if relevant;
- The person, against whom the allegation has been made, will be notified of any appeal mechanisms if they are not satisfied with the investigation process or the outcome of the investigation;
- The Licensee, Authorised Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest; and
- All parties can complain to the Ombudsman if they are not satisfied with the conduct of the investigation.
- In the event of trauma, an offer of referral must be made to a professional trauma counsellor or practitioner.

Further information on the Ombudsman can be obtained by:

Phoning: 02 9286 1000

Toll free (outside Sydney metro) 1800 451 524

Email: nswombo@ombo.nsw.gov.au

Web: <https://www.ombo.nsw.gov.au/>

Confidentiality

Confidentiality when dealing with any allegation of child abuse is a core responsibility for all stakeholders within our preschool.

Mandatory Reporting Procedures

This procedure is displayed to support staff and educators.

Please also note that all Preschool staff are Mandatory Reporters and obligated to report children at risk of significant harm

CHILD PROTECTION MANDATORY REPORTING PROCEDURES FLOW CHART

1. If you think a child or young person is in immediate danger, phone 000 immediately
2. Identify Risk of Harm
3. Notify Nominated Supervisor
4. Apply Mandatory Report Guide (MRG) to make decision if a child is at risk of significant harm <https://reporter.childstory.nsw.gov.au/s/> (saved to favourites in Bermagui Preschool website addresses)
5. Make report immediately or;
 - Make report in 24 hours and/or
 - Access support for family: Interagency Collaboration

Apply keep them safe information exchange policy, use templates on website. All exchange of information needs to occur in consultation with the Nominated Supervisor.

Mandatory Reporters Information: <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/what-when-to-report/chapters/mandatory-reporter-guide>

Child Protection Helpline:	Ph 132 111
Bermagui Police:	Ph 02 6493 4244
Community Health:	Ph 02 6492 9620

- Exchange of Information between service authorised staff in prescribed bodies must occur in consultation with the Nominated Supervisor
- Use Information Request Checklist as a guide to share information relating to the safety, welfare or well-being of children
- In the event of trauma, an offer of referral must be made to a professional trauma counsellor or practitioner.

Additional Information

RISK OF HARM

The following section gives more explanation and general guidance about what constitutes risk of harm. Further details can be found in Section 23 of the Children and Young Persons (Care and Protection) Act 1998.

1. THE CHILD OR YOUNG PERSON'S BASIC PHYSICAL OR PSYCHOLOGICAL NEEDS ARE NOT BEING MET OR AT RISK OF NOT BEING MET (NEGLECT).

Neglect occurs where there is risk of harm or actual harm to a child or young person caused by the failure to provide the basic physical and emotional necessities of life.

A key indicator of neglect is where the care of a child or young person is continually being ignored.

Neglect of basic physical needs:

Occurs when a person, whether or not the parent of the child or young person, fails to provide the basic staples of life to an adequate degree without reasonable excuse. These basic staples include the following:

- Food
- Physical shelter
- Safety from harm (which includes issues of adult supervision)
- Hygiene
- Clothing

Neglect of basic psychological needs:

Occurs when a child or young person is not receiving sufficient or appropriate interaction or stimulation from their parents/caregivers. This usually means that the child or young person fails to achieve appropriate attachments with their parents/caregivers. Their ongoing intellectual, emotional and physical development may also be affected.

2. THE PARENTS/CAREGIVERS HAVE NOT ARRANGED NECESSARY MEDICAL CARE FOR THE CHILD OR YOUNG PERSON, AND ARE EITHER UNABLE OR UNWILLING TO DO SO.

This occurs when a child or young person is at risk of harm because they have not received medical care which they need. Their parents or caregivers cannot or will not arrange the medical care for the child or young person.

3. THE CHILD OR YOUNG PERSON HAS BEEN, OR IS AT RISK OF BEING, PHYSICALLY OR SEXUALLY ABUSED OR ILL TREATED.

Physical abuse:

Physical abuse can be recognised as an assault or a non-accidental injury to a child or young person by a parent or person who is responsible for them. It includes injuries which are caused by excessive discipline, severe beating or shaking, bruising, lacerations or welts, burns, fractures or dislocation, female genital mutilation, attempted suffocation or strangulation.

Physical assault is a hostile act by an adult towards a child or young person. An assault may occur even if the adult has not meant to harm, or has the consent of the child or young person. Assault can include pushing, shoving, throwing objects, spitting, hitting, smacking and threatening behaviour (either verbal or action).

Sexual abuse:

Sexual abuse is any sexual act or sexual threat imposed on a child or young person. Adults or older children who sexually abuse children or young people exploit the child or young person's dependency and immaturity. Coercion, either physical or psychological, is intrinsic to child sexual abuse and differentiates child sexual abuse from consensual peer sexual activity.

4. THE CHILD OR YOUNG PERSON IS LIVING IN A HOUSEHOLD WHERE THERE HAVE BEEN INCIDENTS OF DOMESTIC VIOLENCE, AND AS A CONSEQUENCE, IS AT RISK OF SERIOUS PHYSICAL OR PSYCHOLOGICAL HARM.

Domestic violence is violent, abusive and intimidatory behaviour by one person against another in a personal, intimate relationship. Domestic violence occurs between two people where one has power over the other causing fear and physical and/or psychological harm. Domestic violence can have a profound effect on children and young people. Some of the forms of domestic violence are:

- Physical assault
- Sexual assault
- Psychological abuse
- Social abuse (ie: being stopped from seeing your friends and family, being isolated socially or geographically against your will), and
- Economic abuse (having no access to or control over money and other resources).

In the event of trauma, a referral must be made to a professional trauma counsellor or practitioner.

5. THE PARENT OR CAREGIVER HAS BEHAVED IN SUCH A WAY TOWARDS THE CHILD OR YOUNG PERSON THAT THEY HAVE SUFFERED, OR ARE AT RISK OF SUFFERING SERIOUS PSYCHOLOGICAL HARM.

Serious psychological harm is behaviour by a parent, or person close to the child or young person which destroys their confidence and self-esteem resulting in serious emotional deprivation or trauma.

Psychological abuse involves serious impairment of a child's or young person's social, emotional, cognitive, intellectual development and/or disturbance of their behaviour.

Parenting practices which can cause serious psychological harm include:

- High criticism/low warmth
- Domination of children
- Ongoing scapegoating
- Ongoing social isolation
- Excessive, inappropriate or inconsistent discipline
- Child/young person being the butt of degrading or derisive statements
- Inconsistent, inappropriate and unrealistic expectations

6. THE CHILD OR YOUNG PERSON IS HOMELESS AND AT RISK OF HARM

A child or young person may be at risk of harm when homeless. This may occur if the child or young person does not have access to food or shelter or if they are living in a situation where they are unsafe. A child or young person is homeless if they are living without family assistance in any of the following circumstances:

- No accommodation at all, 'roofless'
- Only temporary or transient accommodation
- Emergency, refuge or crisis accommodation
- Other long term supported accommodation for homeless people such as hostels or transitional accommodation.

A child or young person who is living in accommodation where they do not have access to basic utilities (power, running water) may also be regarded as homeless.

For further details about homelessness, see sections 120 and 121 of the Act.

Relevant Legislation

Children and Young Persons (Care and Protection) Act 1998
 Commission for Children and Young People Act 1998
 Ombudsman Act 1974
 Education and Care Services National Law Act 2010
 National Quality Standard for Early Childhood Education and Care and School Age Care: Standard 2.

Resources & References

Council of Social Service of New South Wales 2010, Keep Them Safe:
www.ncoss.org.au
 NSW Government, Department of Human Services, Community Services, Resources for Mandatory Reporters, accessed from:
www.community.nsw.gov.au/preventing_child_abuse_and_neglect/resources_for_mandatory_reporters.html
 NSW Government, Department of Premier and Cabinet, Child Wellbeing & Child Protection: NSW Interagency Guidelines, accessed from:
www.keepthemsafe.nsw.gov.au
 NSW Government, 2009, Department of Premier and Cabinet, Child Wellbeing & Child Protection: NSW Interagency Guidelines: Mandatory Reporter Guide, accessed from:
www.sdm.community.nsw.gov.au/mrg/app/summary.page
 DEEWR child Care Services Handbook 2011-2012. (Department of Education, Employment and Workplace Relations). Website : www.deewr.gov.au
 DEEWR (2009). Belonging Being and Becoming: The Early Years Learning Framework for Australia. www.deewr.gov.au.
 Bermagui Preschool Enrolment Handbook.
 Privacy Law. Access website www.privacy.gov.au/law
 UNICEF (n.d) fact sheet: A summary of the rights of the child under the Convention on the Rights of the child (March 2011). www.unicef.org
 Early Childhood Australia (ECA). Code of Ethics. Access website:
www.earlychildhoodaustralia.org.au/codeofethics
 Community child Care Co-operative : NQF in a Box: www.ccccnsw.org.au
 National PSC Alliance : www.pscalliance.org.au

Relevant Documentation

Prohibited Employment declaration Form and Consent to a Working with Children Check.

Keep Them Safe Protocols (see Induction/orientation checklist).

Mandatory reporting Procedures (Displayed and inserted into this policy).

NSW Mandatory Reporters Guide.

Child Protection Helpline (132 111) displayed.

If a report is made to the police, complete a SI01 Notification Of Serious Incident Form and submit to Department of Education and Communities within 24 hours of the incident.

If a report has not been made to the police, complete a NL01 Notification of Complaints and Incidents (other than serious incidents) Form and submit to the Department of Education and Communities within 7 days of the incident.

Child Wellbeing and Child Protection NSW Interagency Guidelines.

Part B of the Ombudsman Notification form.

Family and Community Services Child Protection Helpline on 132 111. Reports can also be made using the Reporting Fax form, available from Family and Community Services website.

Enrolment Form.

Enrolment Handbook.

Induction/orientation Checklist for staff/educators/students and volunteers.

Staff and educator record.

Work, health and Safety Risk Assessment.

Links to other Policies

- Staff, Student, Volunteer Induction Policy
- Confidentiality and Privacy policy
- Enrolment and Orientation
- Interaction with Children Policy
- Arrivals and Departures Policy
- Guiding Children's Behaviour Policy
- Excursions
- Grievances and Complaints Policy
- Staff Appraisal Policy
- Health Hygiene and Infection Control
- Medication and Medical Conditions
- Accidents, Emergencies and First Aid
- Emergency Procedures Policy
- Incident, Injury, Trauma, Illness Policy.
- Work Health and Safety Policy

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