

## Quality Area 2: Children's Health and Safety

### Child Protection



#### Introduction

Kootingal and District 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. All educators and volunteers of our service are Mandatory Reporters and are required to report to the **Child Protection Helpline** (Phone: **132 111**) and police on 000 if they have reasonable grounds to suspect a child or young person is at risk of significant harm and have current 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 responsibilities as a Mandatory Reporter and are supported in fulfilling these.

#### Goals – What are we going to do?

Our goal is to ensure that every reasonable precaution is taken to protect children being educated and cared for at our service from harm. Our service (educators, staff, management, and volunteers) has a responsibility to defend children's right to care and protection to ensure their safety, welfare and wellbeing, and a responsibility to report any children at significant risk of harm.

#### Definitions

**Mandatory reporters:** people who deliver the following services, wholly or partly, to children as part of their paid or professional work:

- Health care (eg. 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 (eg. psychologists, social workers, caseworkers, and youth workers)
- Education (eg. teachers, counsellors, principals)
- Children's services (eg. childcare workers, family day carers and home-based carers)
- Law enforcement (eg. police)
- Residential services (eg. refugee workers and out-of-home care workers)
- Religious bodies (eg. a person in religious ministry)

**At risk of significant harm:** in relation to a child or young person means that there are current concerns for their safety, welfare, or wellbeing because of the presence to a **significant extent** of any one or more of the following circumstances. (Any such circumstances may relate to a single act or omission or to a series of acts or omissions).

- 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 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 an 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 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: 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, 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. To do so may interfere with evidence or compromise the work of statutory agencies, for example the Police or Department of Communities and Justice.

## Strategies – To achieve our goals

### Roles and Responsibilities

Role	Authority/Responsibility For
Approved Provider/ Nominated Supervisor	<ul style="list-style-type: none"> <li>➤ Ensure that persons placed in day-to-day charge of the service have a current qualification in Child Protection.</li> <li>➤ Ensure that any adult working or volunteering with children completes a Working with Children Check and does not commence employment without their Working with Children Check being verified. Any person whose working with children check has been disqualified as a result of failing to qualify for a working with children check renewal, will not be continued to be employed by the service. This check is verified when renewed. Working with Children checks will be completed on a regular basis, at least yearly.</li> <li>➤ Ensure every adult including Volunteers working with children is made aware of the <i>Children and Young Persons (Care and Protection) Act 1998</i> and <i>Keep Them Safe: A shared approach to child wellbeing</i> and of their obligations under this law and action plan</li> <li>➤ The Approved Provider must notify the Regulatory Authority through the NQAITs within 7 days of the following: <ul style="list-style-type: none"> <li>○ Any incident where an employee reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the education and care service</li> <li>○ Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the Law).</li> <li>○ The Head of Relevant Entity [HRE] – Approved Provider, must give written notice to the Office of the Children’s Guardian within 7 days of becoming aware of a reportable allegation. A Final Report must be submitted within 30 days of becoming aware of reportable conduct, upon conducting further investigation. If a final report cannot be provided within 30 calendar days of</li> </ul> </li> </ul>

	<p>becoming aware of reportable conduct, the HRE – Approved Provider, must contact the Office of the Children’s Guardian and submit an Interim Report.</p> <ul style="list-style-type: none"> <li>➤ Orientate every working and volunteering adult to this child protection policy, Keep Them Safe/Child Story protocols and Mandatory Reporter responsibilities and ensuring their regular review of these.</li> <li>➤ Implement Child Safe Standards and ensure all members of the service understand the requirements.</li> </ul>
Early Childhood Educators	<ul style="list-style-type: none"> <li>➤ Develop trusting and secure relationships with all children at the service</li> <li>➤ Make reports of current concerns for any child at risk of significant harm to the <b>Child Protection Helpline for Mandatory Reporters</b></li> <li>➤ Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the service.</li> <li>➤ Understand and implement the Child Safe Standards</li> </ul>

## Documentation of current concerns

Role	Authority/Responsibility For
Approved Provider/ Nominated Supervisor	<ul style="list-style-type: none"> <li>➤ Support staff through the process of documenting and reporting current concerns of children at risk of significant harm</li> <li>➤ Provide all staff and educators with clear guidelines around documentation and a template to support this.</li> </ul>
Early Childhood Educators	<ul style="list-style-type: none"> <li>➤ 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 <i>NSW Mandatory Reporter Guide</i></li> <li>➤ Discuss any concerns with the Nominated Supervisor of the service.</li> <li>➤ Advise the Nominated Supervisor of their intention to make a report to the <b>Child Protection Helpline (132 111)</b></li> <li>➤ Advise the Nominated Supervisor when a report has been made to the <b>Child Protection Helpline</b>.</li> </ul>

## Mandatory Reporting

Role	Authority/Responsibility For
Approved Provider/ Nominated Supervisor	<ul style="list-style-type: none"> <li>➤ Provide all staff and educators working directly with children with a copy of this Child Protection Policy and a copy of the <i>Mandatory Reporter Guide</i> to assist them in their reporting, also show them where reporting information is displayed within the service.</li> <li>➤ Provide all staff and educators working directly with children with access to the <i>Child Wellbeing and Child Protection NSW Interagency Guidelines</i></li> <li>➤ Display the <b>Child Protection Helpline number (132 111)</b> on all phone and lists of emergency contact number in the interests of timely reporting.</li> </ul>
Early Childhood Educators	<p>Educators and staff will:</p> <ol style="list-style-type: none"> <li>1. 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 <b>‘000’</b></li> <li>2. Using the <i>Mandatory Reporter Guide</i>, answer the questions relating to concerns about a child or young person. At the end of the process, a decision report will</li> </ol>

	<p>guide as to what action to take. The Nominated Supervisor or Committee is available if staff require assistance to use this online tool</p> <ol style="list-style-type: none"> <li>3. If the Mandatory Reporter 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 either generate an eReport or phone the <b>Child Protection Helpline number (132 111)</b>.</li> <li>4. 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 <b>Child Protection Helpline</b> has been made</li> <li>5. If the <i>Mandatory Reporter Guide</i> 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 <b>Child Protection Helpline</b>, 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</li> <li>6. 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</li> </ol>
--	---

## Disclosure of abuse

Role	Authority/Responsibility For
Early Childhood Educators	<ul style="list-style-type: none"> <li>➤ React calmly to the child making the disclosure</li> <li>➤ Listen attentively and later write down the child's exact words <ul style="list-style-type: none"> <li>○ Provide comfort and care to the child.</li> <li>○ Follow the steps for reporting as per the Mandatory Reporter Guide.</li> </ul> </li> <li>➤ Reassure the child or young person that: <ul style="list-style-type: none"> <li>○ It is not their fault</li> <li>○ It was right to tell</li> <li>○ It is not OK for adults to harm children - no matter what</li> <li>○ Explain what will happen now - that it is part of your job to tell people who can help the child or young person.</li> </ul> </li> <li>➤ 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.</li> <li>➤ It is important to understand that our role is solely to support the wellbeing of the child at all times, not to investigate further any disclosure made by the child.</li> </ul>

## Allegations of abuse against staff, educators, volunteers or students

Role	Authority/Responsibility For
Approved Provider/ Nominated Supervisor	<ul style="list-style-type: none"> <li>➤ Develop and maintain a system of appropriate record keeping for all allegations against staff, educators, or volunteers to ensure detailed documentation is made and stored as required</li> <li>➤ Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation</li> </ul>

	<ul style="list-style-type: none"> <li>➤ Assess whether or not a child or young person is 'at risk of significant harm' and, if so, make a report to the <b>Child Protection Helpline and the Office of Children's guardian</b></li> <li>➤ Determine whether or not the allegation is a reportable allegation or reportable conviction .</li> <li>➤ 7-day notification form will be completed by the HRE – Approved Provider and submitted to the Office of the Children's Guardian within 7 days of becoming aware of reportable allegation, as required under the Children's Guardian Act 2019</li> <li>➤ Consider whether or not the police need to be informed of the allegation and if so, make a report</li> <li>➤ Ensure confidentiality is maintained at all times and that systems are in place to deal with any breaches of confidentiality</li> <li>➤ 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.</li> <li>➤ 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: <ul style="list-style-type: none"> <li>○ If the allegation is being investigated by Department of Communities and Justice or the Police, the service will be guided by their advice as to whether they should independently investigate the allegation</li> <li>○ 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</li> </ul> </li> <li>➤ 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 <b>Office of the Children's Guardian</b> has been notified and the <b>Joint Child Protection Response [JCPR] Program</b> also notified of the relevant employment proceeding (if relevant)</li> <li>➤ 30-day interim report form or Entity report form (to be provided after the investigation or determination is completed) will be completed by the Approved Provider and submitted to the Office of the Children's Guardian with 30 calendar days of becoming aware of a reportable allegation, as required under the Children's Guardian Act 2019.</li> <li>➤ Department of Communities and Justice will also be informed of the outcome of the investigation.</li> </ul>
--	---

### Informing the educator, volunteer/student

Role	Authority/Responsibility For
------	------------------------------

Approved Provider/ Nominated Supervisor	<ul style="list-style-type: none"> <li>➤ Treat the staff member/educator/volunteer/student with fairness and uphold their employee rights at all times</li> <li>➤ Depending on the nature of the allegation, arrange to inform the person immediately (though be guided by the advice of DCJ or the police)</li> <li>➤ 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</li> <li>➤ Make accurate documentation of all conversations, and ensure all records are kept confidentially</li> <li>➤ Offer counselling or support to the person subject to the allegation</li> <li>➤ Depending on the nature of the allegation made, the person subject to the allegation may be suspended pending further investigation</li> <li>➤ After all investigations are completed, provide the educator/carers/volunteer with verbal and written notification of the outcome of the investigation.</li> <li>➤ Utilise the Child Safe Standards in all aspects of the service</li> </ul>
--	--

## Rights of all parties

- The decision-making process throughout the investigation will be based on the safety and wellbeing 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 Office of the Children's Guardian. 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 Joint Child Protection Response Program
- 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 Approved Provider, Nominated Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest
- All parties can complain to the Office of the Children's Guardian if they are not satisfied with the conduct of the investigation.

Further information on the Office of the Children's Guardian can be obtained by:

Phone: 02 8219 3800

Email: [reportableconduct@kidsguardian.nsw.gov.au](mailto:reportableconduct@kidsguardian.nsw.gov.au)

Web: [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

## Confidentiality

- The service will handle any allegation of child abuse in a **confidential manner**.

## Monitoring, Review and Evaluation

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps. The service will review this policy annually.

Families and staff are essential stakeholders in the policy review process and will be given opportunities and encouragement to be actively involved.

In accordance with Regulation 172 of the Education and Care Services National Regulations, the service will ensure that families of children enrolled at the service are notified at least 14 days before making any change

to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the service; a family's ability to utilise the service; the fees charged or the way in which fees are collected.

## Links to other policies

---

Code of Conduct for Staff Members

Child Safe Code of Conduct

Supervision

Interactions with Children

Parents and Guardians Code of Conduct

Participation of Volunteers and Students

## Complies with:

---

## NQS

Quality Area 2	Children's health and safety
Quality Area 4	Staffing arrangements
Standard 4.2	Professionalism
Quality Area 7	Governance and leadership
Standard 7.1	Governance
Element 7.1.3	Roles and responsibility

## National Regulations

Reg	166	Children are not to be alone with visitors
Reg	167	Record of service's compliance
Reg	168	Education and care service must have policies and procedures
Reg	174	Time to notify certain circumstances to Regulatory Authority
Reg	175	Prescribed information to be notified to Regulatory Authority

## Links to:

---

- Children and Young Persons (Care and Protection) Act 1998
- Education and Care Services National Law Act (2010)
- Children's Guardian Act (2019) Part 4
- Education and Care Services National Regulations (2011)
- Children's Guardian Act (2019)
- NSW Government, Department of Family and Community Services, Resources for Mandatory Reporters - [www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters](http://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters)
- NSW Department of Communities and Justice, Protecting our kids - [www.facs.nsw.gov.au/families/Protecting-kids](http://www.facs.nsw.gov.au/families/Protecting-kids)
- National Quality Standards
- Office of the Children's Guardian – Child Safe Standards

Developed: 2015

Reviewed: Feb 16, Mar 17, Feb 18, Nov 18, Dec 20, Mar 22, May 22, Apr 23, Mar 24

Reviewed & Updated: June 25

