

Child Protection Reporting Overview

NOTIFICATIONS OF ABUSE



IF YOU HAVE REASONABLE SUSPICION A CHILD IS AT RISK OF SIGNIFICANT HARM
THEY NEED TO CONTACT THE **CHILD PROTECTION HELPLINE ON**
132 111 (24 HOURS, 7 DAYS)



WHEN CHILDREN ARE IN IMMEDIATE DANGER OF ABUSE CONTACT THE
POLICE ON 000

CONSULT OUR CHILD PROTECTION POLICY
FOR MORE INFORMATION.

Erina Kindergarten

Child Protection Policy

NQS

QA2	2.2.3	Child protection - Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.
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National Regulations

Regs	84	Awareness of child protection law
	273	Course in child protection

Aim

To ensure all employees take their responsibility to protect children from any type of harm very seriously, understand their reporting obligations and are aware of our risk management strategy which includes practices designed to ensure the safety and well being of children is paramount.

Related Policies

Educator and Management Policy

Privacy and Confidentiality Policy

Record Keeping and Retention Policy

Related Documentation

Incident Injury Trauma and Illness Record

Child Protection Annual Review

Educator Induction Processes

Educator Appraisal Processes

Educator Recruitment Processes

Educator Professional Development Processes

Educator Job Descriptions

Staff Records

Risk Management Plans

Implementation

Under the *Children and Young Persons (Care and Protection) Act 1998* **mandated reporters (includes all employees of a children's service 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

Significant 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. 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 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 inferred based on observation, professional training and/ or experience.

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

Child Protection Risk Management Strategy

The Approved Provider, Nominated Supervisor, employees and volunteers will implement a Child Protection Risk Management Strategy to ensure the health, wellbeing and safety of all children at the service, protect children from harm and protect the integrity of employees and volunteers. The Strategy includes the following components:

1. Aim (page 2)
2. Code of Conduct
3. Recruitment, Selection and Training Procedures for employees and volunteers which include child protection principles
4. Procedures for handling disclosures and suspicions of harm Reporting and Documenting Abuse or Neglect
5. Procedures for Managing Breaches
6. Risk Management for High Risk Activities and Special Events
7. Strategies for Communication and Support

2. Code of Conduct

The service upholds the Code of Conduct in our Educator and Management Policy for employers, educators, volunteers, students, families and children to ensure the safety and wellbeing of children.

3. Recruitment, Selection and Training Procedures

The Nominated Supervisor will implement recruitment, professional development and training procedures for employees and where relevant volunteers to ensure no-one at the service poses a risk to children and everyone understands how to manage disclosures or suspicions of harm (Recruitment procedures at Appendix A and training procedures in Educator and Management Policy). Requirements include:

- job advertisements which include qualifications and skills required, and culture of child safety and protection
- job descriptions which outline level of professional skills and responsibilities
- processes (including job advertisements) which ensure employees and volunteers have clear Working With Children Checks or they are exempt (see Office of Children's Guardian <https://www.kidsguardian.nsw.gov.au/>)
- interview questions and referee checks which reference person's approach to child safety and protection
- documented induction/ orientation checklists which reference child safety and protection, supervision, compliance with National Law and Regulations, NQS, Code of Conduct, policies and procedures
- annual training and development to ensure individuals are clear about their roles and responsibilities to protect children from harm, are aware of their reporting obligations, can confidently recognise the indicators of harm (see Appendix B) and understand documenting and reporting procedures.
- annual performance appraisals for employees
- regular inclusion of child protection and risk management strategy at least every 6 months in staff meetings and annual review of written training plans which must include Child Protection matters (eg disclosures and suspicions of harm)
- providing access to relevant legislation and other resources to help employees and volunteers meet their obligations

4. Procedures for managing disclosures and suspicions of harm

What is a *disclosure* of harm?

A disclosure of harm occurs when someone, including a child, tells you about harm that has happened, is happening, or is likely to happen to a child. Disclosures of harm may start with:

- I think I saw...
- Somebody told me that...
- Just think you should know...
- I'm not sure what I want you to do, but...

What is a *suspicion* of harm?

A suspicion of harm is when someone has a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering significant harm. Note there may be circumstances where there is concern for a child's welfare but it does not reach the threshold to be considered a disclosure or suspicion of harm. In this case educators will connect families with Family and Child Connect with the family's consent.

The Approved Provider, Nominated Supervisor, employees and volunteers may suspect harm if:

- a child says they have been harmed
- someone else, for example another child, a parent, or an employee, says harm has occurred or is likely to occur
- a child tells them they know someone who has been harmed (it is possible that they may be referring to themselves)
- they are concerned at significant changes in the behaviour of a child, or the presence of new unexplained and suspicious injuries
- they see the harm happening.

Managing and recording a disclosure of harm

If the Approved Provider, Nominated Supervisor, educators have concerns about the safety of a child they will:

- find a private place to talk
- remain calm and listen in an attentive, active and non-judgemental way
- encourage the person (including a child) to talk in their own words
- take anything a child says seriously
- allow children to be part of decision-making processes where appropriate
- ask just enough open ended questions to act protectively without asking any leading questions which suggest an answer and could compromise later investigations
- tell the person they have done the right thing in revealing the information and they'll need to tell someone who can help keep them safe
- not try to investigate or mediate the matter themselves
- record their own observations as well as accurate details of any conversation with a parent (who may for example explain a noticeable mark on a child)
- document as soon as possible so the details are accurately captured including:
 - time, date, location and who was present
 - full details of the (suspected) abuse
 - exactly what the person said using "I said", "they said," statements
 - the questions educators asked
 - any comments educators made
 - educators' actions following the disclosure
- ensure the managements and storage of records complies with our Privacy and Confidentiality Policy.
- follow our reporting procedures

See template at Appendix C

Managing and recording a suspicion of harm

The Approved Provider, Nominated Supervisor, employees and volunteers will:

- remain alert to any warning signs or indicators
- pay close attention to changes in the child's behaviour, ideas, feelings and the words they use
- make written notes of observations in a non-judgemental and accurate manner, and manage in line with our Privacy and Confidentiality Policy

- assure a child that they can come to talk when they need to, and listen to them and believe them when they do
- follow our reporting procedures

See template at Appendix C

Making a Report

A report will be made using the following procedure preferably on the same day there is a disclosure or suspicion of significant harm, and no later than 24 hours after the disclosure or suspicion.

The Approved Provider, Nominated Supervisor, employees and volunteers will:

1. Consider whether disclosure or suspicion needs to be reported to Police

- contact the police on 000 if there is an immediate danger to a child and intervene immediately if it is safe to do so
- contact the police where the child has been or may be the victim of a criminal offence (including where a child is at risk of significant harm outside the family)
- get clear guidance from Police about who will tell child's parents about the disclosure and who can give ongoing support

2. Consider whether the disclosure or suspicion must be reported to Child Protection

- use the online Mandatory Reporter Guide which is available on the ChildStory Reporter website to help make decisions about whether there is a risk of significant harm. The Guide covers physical abuse, neglect (supervision, physical shelter/environment, food, medical care, mental health care, education), sexual abuse, problematic sexual behaviour, psychological harm, relinquishing care and carer concerns to do with substance abuse, mental health, and domestic violence).
- make a report by phone to the Child Protection hotline on 132 111 (available 24 hours/7 days a week)
- make the report with the assistance or support of the Nominated Supervisor. If the Nominated Supervisor does not follow through and make the report, employees and volunteers will make the report
- get clear guidance from the person answering about who will tell child's parents of the disclosure and who can give ongoing support

3. Consider whether referral is needed to family services

- connect families with referral agencies where concerns of harm do not meet the threshold of significant harm. Contact details are available in the resources section of the ChildStory Reporter website. Obtain family consent before making referrals.

4. Consider whether you must notify ECEC Regulatory Authority and other Authorities

- notify the Regulator about any incident, including any suspected or alleged incident, of child abuse that has occurred at the service. This includes any physical or sexual abuse that has occurred or is occurring while the child is at the service.
- 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 (See Appendix H NSW Ombudsman's Office.)

- notify the Office of the Children’s Guardian of sexual misconduct and serious physical assault involving children by an employee/volunteer (See Appendix H Office of the Children’s Guardian.)

Allegations against Service Personnel

The reporting procedure above will also be followed where there are allegations of harm against the Approved Provider, Nominated Supervisor, employees or volunteers. The Approved Provider or Nominated Supervisor will:

- complete an Incident, Injury, Trauma and Illness Record and notify the Regulatory Authority within 24 hours of making the report
- provide appropriate support for any employee/volunteer who has an allegation made against them
- protect the identity of employees/volunteers in relation to unsubstantiated complaints
- review the person’s duties, and if they continue to interact with children, ensure they are appropriately supervised at all times
- seek legal advice about restricting that person’s work activities if relevant..

Confidentiality

It is important that individuals keep a Report confidential while the matter is investigated. Employees or volunteers will not discuss the Report with people who are not involved, or inform the person they have made the complaint about, to ensure the matter can be investigated without prior knowledge and contamination of evidence.

Safeguards 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*.

Support after disclosure

The Approved Provider or Nominated Supervisor will provide assistance to access appropriate support and counselling services for all parties affected by a disclosure of harm.

5. Procedures for Managing Breaches

All employees and volunteers working with children have a duty of care to support and protect children which is breached if a person:

- does something that a reasonable person wouldn't do in a particular situation
- fails to do something that a reasonable person would do in the circumstances
- acts or fails to act in a way that causes harm to someone owed a duty of care.

In relation to our Child Protection Risk Management Strategy, a breach of that duty of care includes any action or inaction by an employee, volunteer or child that fails to comply with any of the eight components of the Strategy.

Employees, volunteers or families should report the breaches to the Nominated Supervisor or Approved Provider who will manage an investigation into the breach in a fair, unbiased and supportive manner in line with our Grievance Policy and Procedure (see Report Breach template at Appendix D). For example:

- those involved in the breach will be able to provide their version of events
- matters discussed in relation to the breach will be kept confidential
- an appropriate outcome will be decided
- everyone affected will receive a clear written statement (letter, email or SMS) of the outcome
- records will be kept about the details of the breach, including the versions of all parties and the outcome of the breach

Depending on the nature of the breach outcomes may include:

- emphasising the relevant component of the Child Protection Risk Management Strategy, for example, the Code of Conduct
- providing closer supervision
- professional development and training
- mediating between those involved in the incident (where appropriate)
- disciplinary procedures if necessary
- reviewing current policies and procedures and developing new policies and procedures if necessary
- termination of employment.

6. Risk Management Plan for High Risk Activities and Special Events

The Nominated Supervisor and educators will analyse the risk of 'harm' to children for all relevant events including purchase of new equipment as well as high risk activities where there is an increased risk of harm to children for example:

- water based activities
- special events like service concerts and family information days where there will be a large number of visitors or people present
- events or activities where visitors will be present
- excursions
- playground renovations
- activities using dangerous equipment

The Nominated Supervisor and educators will:

1. Identify all the elements of an activity (eg objectives, location, participants, transportation, toileting/change room procedures, appropriate supervision and adult to child ratios, photography policy, managing medications, managing illness and injury, procedure applying to visitors, physical environment)
 2. Identify the risks
 3. Analyse the likelihood and consequences of the risks
 4. Evaluate the level of risk (eg low, moderate, high, extreme)
 5. Implement strategies to eliminate or minimise the risk
 6. Review the activity to determine how it could be improved
- See Appendix E for a Risk Management template.

Where relevant (eg playground renovations) the Nominated Supervisor will encourage families to provide feedback on the risk of harm to children and strategies to minimise the risk. Feedback may be sought via newsletters or survey forms, or during parent information sessions.

7. Strategies for Communication and Support

The Nominated Supervisor will implement the following to ensure families, employees, volunteers and children are aware of our Child Risk Management Strategy:

- regularly advise families and prospective families (at least every 6 months) via service newsletters, emails and information evenings about the reasons for and components of our risk management strategy, where they can access our Child Protection Policy and Risk Management Strategy, and that we welcome feedback about the Policy/Strategy. We may include what we aim to teach children about protective behaviour (see Attachment G)
- provide written information about our risk management strategy during enrolment and orientation and include in Parent Handbook
- regularly include (at least every 6 months) the reasons for and components of our risk management strategy in staff meetings and include in Staff Handbook
- ensure educators talk to children about the Strategy where appropriate and provide any feedback to the Nominated Supervisor
- display posters about child protection issues, including safe and supportive environments
- include child protection issues and our risk management strategy in employees' performance and training plans
- ensure educators regularly include learning about appropriate child protection issues in the Curriculum, including how to keep themselves safe, and what to do if they feel unsafe
- make available to employees and families relevant resources from the office of the children's Guardian website at <https://www.kidsguardian.nsw.gov.au/>

Sources

Child Protection (Working with Children) Act 2012

Children and Young Persons (Care and Protection) Act 1998

The Ombudsman's Act 1974

ChildStory Reporter website NSW Government (includes Mandatory Reporting Guide)
The Commission for Children and Young People Act 1998
Education and Care Services National Law and Regulations

Review

The Policy, including Child Risk Management Strategy, will be reviewed annually and after any disclosure or suspicion of harm being actioned. The review will include checks to ensure the strategy reflects current legislation, continues to be effective, or whether any changes and additional training are required. The review will be conducted by:

- Management
- Employees
- Families
- Interested Parties

Reviewed: 13/03/2018

Date for next review: 13/03/2019

Recruitment Process

- **The Approved Provider/Nominated Supervisor** will oversee and approve the recruitment process:
 - ensuring there is a documented position description for the vacant position that is accurate and current.
 - arranging for the position to be advertised
 - ensuring there is a standard list of interview questions for all applicants
 - reviewing the applications that have been received and making a short list of applicants
 - arranging suitable interview times with the shortlisted applicants
 - contacting referees for the most suitable candidate(s). A Telephone reference Check Template is attached.
 - making an offer of employment in writing which the applicant must sign as an acceptance of the offer. The applicant must sign a contract of employment containing the specific terms and conditions of employment. A base Employment Contract is attached.
 - notifying unsuccessful applicants by letter, telephone or email.
- Recruitment and selection decisions will be made by **the Approved Provider/Nominated Supervisor**.

Job Description

Every position must have a position description which:

- summarises the job and describes the tasks,
- details the skills, qualifications and experience required to perform the job and whether these are essential or desirable criteria.
- Clearly describes the expectations for educators/staff members to provide a safe and supportive environment for children.

Advertising

- Positions may, at the discretion of **the Approved Provider/Nominated Supervisor** and where relevant, be initially advertised internally via email. This process gives current employees the chance to be considered for a transfer or nominate a suitable contact as a potential candidate.
- External advertising will occur when a suitable internal candidate (including employee contact) is unavailable, or may occur concurrently with the internal advertising where **the Approved Provider/Nominated Supervisor** believes it is in the service's best interests to source additional candidates.

The Job Advertisement

The job advertisement will be written in clear, concise and non-discriminatory language and will contain:

- the title of the position
- a summary of the role and conditions of employment
- the essential and desirable criteria for candidates

- information about what applicants should provide with their applications
- clear, concise details about our Service and our safe, supportive work practices
- advice that the successful applicant will need to undergo a successful Working With Children Check, referee checks and identification, and that candidates will be asked to disclose any information relevant to their eligibility to engage in activities involving children
- the name of a contact person
- the closing date for receipt of applications
- a statement that the Service is an Equal Opportunity Employer

Interviews

The **Approved Provider/Nominated Supervisor** will conduct the interview. The format of the interview will be:

- advise the applicant about the position and the Service
- discuss the applicant's skills and experience as they relate to the position
- discuss the applicant's understanding of child safety and child protection
- answer any questions the applicant may have
- advise the applicant about the next steps in the selection process
- obtain permission to contact the applicant's nominated referees.

Selection of Candidates and Offer of Employment

Following the interviews, we will check the work histories and references of the most suitable candidates(s) after obtaining their permission. We will include the following questions in those asked of referees:

- would you employ the person again?
- have you directly supervised the applicant and directly observed their work with children?
- do you have any concerns about the applicant working directly with children?
- can you give an example of a time when you observed the applicant managing a child with challenging behaviours?

If a decision is made to employ the most suitable candidate, we will make a written offer of employment.

The successful applicant must sign a contract of employment containing the specific terms and conditions of their employment.

Exit Interviews

If an employee resigns, management will undertake an exit interview with the person to:

- gather information about the effectiveness of the recruitment process.
- identify possible areas for improvement in organisational processes, management, job design, remuneration or career planning and development.
- receive positive feedback on what is working well.

Indicators of Abuse

There are many indicators of harm to children. 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 considered in the context 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

- 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, sibling) tells you that the child may have been abused.

Neglect

Child neglect is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper 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 a non-accidental injury or pattern of injuries to a child 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 in children

- 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

Indicators of Emotional Abuse in children

Emotional abuse occurs when an adult harms a child's development by repeatedly treating and speaking to a child in ways that damage the child's ability to feel and express their feelings. Some examples are:

- constant criticism, belittling, teasing of a child or ignoring or withholding praise and affection
- excessive or unreasonable demands
- persistent hostility, severe verbal abuse, rejection and scape-goating
- belief that a particular child is bad or "evil"
- using inappropriate physical or social isolation as punishment
- exposure to domestic violence

Indicators of emotional abuse in children

- 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 power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Educators will be particularly aware of looking for possible 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 includes:

- 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 in children

- 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 deprivation 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 in children include:

- 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

Indicators of Domestic Violence in children

- 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

Disclosure of harm

A disclosure of harm occurs when someone, including a child, tells you about harm that has happened, is happening, or is likely to happen to a child. Disclosures of harm may start with:

- I think I saw...
- Somebody told me that...
- Just think you should know...
- I'm not sure what I want you to do, but...

Child's name _____

What is the name of the person who made the disclosure? _____

Are they related to the child? Yes No

If yes, what is the relationship? _____

What did the person disclose? Try to use the exact words they used. Use "I said" "they said" statements, include any questions you asked and comments you made

What date did the person make the disclosure? _____ What time? _____ AM/PM

Where did the disclosure occur? _____

Was anyone else present during the disclosure? Yes No If yes what is/are

their name, role and employer?

Have you followed the procedure in the Child Protection Policy for making a report? Yes No

Describe the actions you have taken following the disclosure

Name of person completing form

Signature of person completing form

Date _____

Time _____ AM/PM

Name of person completing form

Signature of person completing form

Date _____

Time _____ AM/PM

**CHILD PROTECTION RISK MANAGEMENT STRATEGY BREACH
INCIDENT REPORT FORM**

Date breach occurred _____ Time breach occurred _____

Location of breach _____

Name of person(s) involved in the breach

Description of the breach

Immediate action taken

If no action taken – reason

Name of person completing form

Signature of person completing form

Date _____

Time _____ AM/PM

Authority breach reported to (if relevant)

Name of person reported to