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# Child Protection

## Policy Statement

Samuel Gilbert Out of School Hours Care aims to promote the safety, welfare and wellbeing of all children at all times. The service will fulfil all duty of care responsibilities to protect children from all types of abuse and adhere to obligations and requirements as Mandatory Reporters.

## NATIONAL QUALITY STANDARD (NQS)

QUALITY AREA 2: CHILDREN'S HEALTH AND SAFETY		
2.2	Safety	Each child is respected.
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
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.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	
84	Awareness of child protection law
155	Interactions with children
175	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority
S162 (A)	Persons in day to day charge and nominated supervisors to have child protection training

## Objectives

- To provide the staff with guidelines as to the fulfilment of their legal obligations in relation to child protection legislation.
- To provide an environment, as noted in the Children and Young Person's (Care and Protection) Act, 1988: Section 8 "that is free of violence and exploitation".
- To ensure the safety of all children and to protect them from any type of abuse whilst at the service

- To report as required any allegation or incident where a child is or has been physically and/or sexually abused whilst being educated and cared for at the service.

## Definition

(<http://www.community.nsw.gov.au/kts/guidelines/reporting/index.htm>)

**Physical abuse** is where a child/young person has a suspicious current injury, and where it has not occurred accidentally, or the child or young person is being treated in a way that may have or is likely to cause injury.

**Neglect – lack of supervision** is where a child/young person is alone and based on their age /development / circumstances tis deemed unsafe. It may also be where a child/young person is currently not under the care and supervision of an appropriate carer and due to age /development / disability this is unsafe.

**Neglect – lack of physical shelter/environment** is where a child/young person or family has no safe place to stay or there is imminent danger of serious harm in the current residence, dependent on their age /development / disability and where the parent/carer is not ensuring the child’s safety (note: reporting the homelessness of young people aged 16 to 17 years is not mandatory and can only be done with the consent of the young person.)

**Neglect – food – medical professionals** is where a child/young person has a condition caused or exacerbated by inadequate or poor diet or where the child is aged under 5 and is failing to keep pace with expected growth and there is no known organic cause.

**Neglect – food – non-medical professionals** is where a child/young person is:

- reporting persistent hunger
- reporting persistent withholding of food as punishment
- thin, frail, listless
- frequently begging/stealing/hoarding food
- mentioning going without eating
- frequently arriving at school without breakfast/ lunch
- having difficulty concentrating and you suspect poor nutrition.

**Neglect –medical care – medical professionals** is where:

- a child/young person requires medical care for an acute condition for which parents/carers are not providing the recommended medical treatment
- there is a chronic condition which is not being treated or a treatment plan is not being followed and this is likely to result in significant harm.

**Neglect –medical care –non-medical professionals** is where:

- a child/young person has a physical health condition that appears to need immediate care which is not being provided
- parent/carer is refusing or unable to seek recommended medical care
- there is a medical condition that requires an ongoing treatment plan that is not being followed.

**Neglect –mental health care** is where:

- a child/young person is suicidal/ has committed or is threatening serious violence or is causing significant self-harm
- parent/carer is refusing to provide or access mental health care that the child/young person requires.

**Neglect – education – not enrolled** is where a child/young person is of compulsory school age and is not enrolled.

**Neglect – education – habitually absent** is where a child/young person is of compulsory school age and is enrolled and is habitually absent.

**Sexual abuse – child** is where a child has made a clear, unambiguous statement of sexual assault or is:

- pregnant
- diagnosed with a sexually transmitted disease
- displaying trauma to genital area
- or where you are aware by other means that a child has been sexually abused.

It will also be a cause for reporting if:

there is a concern a child will have significant contact with an alleged or known sex offender or the child is exposed to sexually explicit material or acts including pornography and communication of sexual matters and the child expresses fear, discomfort or shows symptoms of significant harm.

**Sexual abuse – young person** is where a young person has made a clear, unambiguous statement of sexual abuse, or you are aware by other means the young person has been sexually abused.

It may also be a cause for reporting if:

- the young person is engaged in prostitution or pornography and
- the young person appears subject to coercion or intimidation.

**Child/Young Person Problematic Sexual Behaviour** is where a child/young person is engaged or may be engaged in sexually abusive behaviour, indicated by:

- a victim who is substantially younger, smaller, weaker, less mature or cognitively/physically less capable
- pressure, coercion, aggression, bribery, secrecy or other grooming behaviours have been used.

It may also be a cause for reporting:

- when the victim is a relative of the initiating child/young person
- when the victim lives in the same household or
- where the action was significantly outside normal sexual behaviour.

It may also be a cause for reporting where the child/young person has continuing or imminent contact with the victim.

**Psychological harm** is where a child/young person is exposed to:

- chronic or severe domestic violence
- severe parental/carer mental health or substance abuse concerns
- parental/carer behaviours that are persistent, repetitive and have a negative impact on a child/young person's development, social needs, self worth or self-esteem
- parental/carer criminal and/or corrupting behaviour
- parental/carer behaviours that deliberately expose a child/young person to traumatic events.

**Relinquishing care** is where the parent/carer is no longer willing to provide shelter/food/supervision for the child/young person or child/young person has been in voluntary care for longer than the legislation allows.

It is also a cause for reporting if there are no alternative care arrangements in place for the next 72 hours.

**Parent/carer substance abuse** is where the substance abuse impacts on the parent/carer's ability to meet the child/young person's needs; causes significant harm and/or where the child/young person's behaviour indicates the impact of substance abuse.

**Parent/carer mental health** is where the mental health concern impacts on the parent/carer's ability to meet the child/young person's needs; causes significant harm and/or where the child or young person's behaviour indicates the impact of the parent/carer's mental health concern.

**Parent/carer domestic violence** is where there has been an incident of domestic violence, there is a child or young person in the home and where one or more of the following occurred, whether the child was present or not:

- use of weapon
- strangulation/suffocation attempt
- serious injury to adult
- physical injury to child/young person
- serious threat to harm child/young person/adult/self
- a significant increase in the pattern of violence.

**Unborn child** is where there is a history of abuse or neglect of siblings of the unborn child, siblings have been removed, or died in circumstances that have been reviewed by the Ombudsman.

It may also be where you are aware of circumstances that suggest either parent/carer will be unable to care for baby upon birth due to:

- suicidal tendencies
- substance abuse
- mental illness
- domestic violence
- cognitive disability
- medical condition
- homelessness
- inadequate preparations for birth.

### **Policy definition – Risk of Significant Harm**

A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child/young person are present to a significant extent.

What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well being.

In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child's birth.

Significance can result from a single act or omission or an accumulation of these.

Risk of Significant Harm is defined in section 23 of the Children and Young Person's (Care and Protection) Act, 1988. This is the legal requirement which must be satisfied before Community Services (CS) can consider what might be a possible response. The Act states that there must be current concerns for safety, welfare or well-being of the child or young person. Concerns may also be about the likelihood of future harm occurring.

### **Significant Harm Circumstances**

A Child or Young Person is at risk of significant harm if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- (a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- (b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- (b1) 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,
- (c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- (d) the child or young person is living in a household where there have been incidents of domestic violence and, therefore, the child or young person is at risk of serious physical or psychological harm,
- (e) 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,
- (f) the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

**Mandatory Reporter** Section.27(1)(a) of The Children and Young Person's (Care and Protection) Act, 1998 states that you are a mandatory reporter if during your professional work you deliver any of the following wholly or partly to children:

- health care
- welfare
- education
- children's services
- residential services
- law enforcement
- Registered psychologists providing a professional service as a psychologist
- A person in religious ministry or a person providing religious-based activities to children

Section.27 (1) (b) states that you are a mandatory reporter if you hold a management position with direct responsibility for supervision of staff or provision of service. This includes both paid and unpaid positions. It would appear from the Act that management committee members and boards of directors, who do not deliver any services themselves nor directly supervise staff, are not mandatory reporters.

Section 27 states that for mandatory reporting responsibilities to apply there must be:

- Reasonable grounds to suspect risk of harm.
- Grounds arise during or from a person's work.

This means individuals must have some reasonable basis for their concerns, and that mandatory reporting responsibilities do not apply to situations that a person becomes aware of outside their work.

**Child** under the Children and Young Persons (Care and Protection) Act, 1998, a child is a person who is under the age of 16 years. (ie up to and including 15 years of age)

**Child** under the Ombudsmans Act (1974) is defined as a person aged under 18 years (ie 0 – 17 years inclusive)

**Young Person** under the Children and Young Persons (Care and Protection) Act, 1988, a young person is a person who is aged 16 years or above but who is under the age of 18. (ie 16 or 17 years)

**Reportable Conduct** is defined with Section 25A of the Ombudsman Act 1974 as

- a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- b) any assault, ill-treatment or neglect of a child, or
- c) Any behaviour that causes psychological harm to a child, whether, in any case, with the consent of the child.

Reportable conduct does not extend to:

- a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.

## **Recruitment Procedures**

Information based on the Working with Children Check Guidelines, June 2013, NSW Commission for Children and Young People Office of the Children's Guardian.

## **Committee/Volunteers**

A Declaration of Fitness and Propriety (S10,12&13 of the Education and Care Services National Law Act 2010) must be completed by all persons with management or control of an education and care service to be operated by a non-individual applying for/amending tier Provider Approval.

**Under the Law, a Person with Management or Control Means:**

- a. If the Provider or intended Provider of the service is a body corporate, an officer of the body corporate within the meaning of the *Corporations Act 2001 of the Commonwealth* who is responsible for managing the delivery of the education and care service; or
- b. if the provider of the service is an eligible association, each member of the executive committee of the association who has the responsibility, alone or with others, for managing the delivery of the education and care service; or

- c. if the provider of the service is a partnership, each partner who has the responsibility, alone or with others, for managing the delivery of the education and care service; or
- d. in any other case, a person who has the responsibility, alone or with others, for managing the delivery of the education and care service.

Executive members will undergo a National Crime Check & Working with Children Check. A service confidentiality agreement will also be signed by all Committee members and kept within the Committee file.

## **Working with Children Check Volunteers**

**Step 1** - Please log onto [www.newcheck.kids.nsw.gov.au](http://www.newcheck.kids.nsw.gov.au) and complete the online application form. You will be asked whether your child-related work is paid or unpaid. If you cannot access the online system, call a Customer Support Officer on 9286 7219 for assistance with the application.

Once you have submitted the form you will receive an application number via email it will have "V" on the end of the number for volunteer. This application number cannot be used for the online verification process until step 2 has been completed.

**Step 2** - Present proof of your identity at the RMS

Once your application has been processed, you will receive the outcome via email usually within 48 hours.

Submit this to the Nominated Supervisor to be filed within the committee file.

## **Staff**

A Working with Children Check involves a national police check and review of reportable workplace records and the result is either a clearance to work with children for five years or a bar against working with children.

If you are starting a new job in child-related work, you must apply for a check before you start.

**Step 1** - Complete the application form online.

Go to [www.newcheck.kids.nsw.gov.au](http://www.newcheck.kids.nsw.gov.au) and complete the online application form. You will be asked where your child-related work is paid or unpaid.

If you cannot access the online system, call a Customer Support Officer on 9286 7219 for assistance with your application.

Once you have submitted the form you will receive an application number that looks like this: APP1234567E (the "E" means if is for paid work) is there is a "v" at the end is only valid for unpaid work)

**Step 2** - Present proof of your identity if you are in paid work, you will be required to pay an \$80.00 fee for a five-year clearance.

Go to an NSW motor registry or NSW Council Agency that offers RMS services with Your application number and proof of your identity. You will be notified by email or post with a clearance or a bar.

If you already hold an NSW Working with Children Check Clearance (WWCC) number through the NSW Commission for Young People) please submit this to the employer for verification.

The Centre Manager is then required to:

- Verify the employee at [www.newcheck.kids.nsw.gov.au](http://www.newcheck.kids.nsw.gov.au)
- Select for Employers, click start here, click Employer login button select Verify A Working with Children Status
- It is not enough for a worker to present their Working with Children Check number and clearance on paper. (These documents may be fraudulent, or they may have become barred since obtaining a clearance).
- If the outcome of the online verification process is cleared or application in progress they may begin working with children. If the outcome of verification is barred, interim barred or not found, you cannot employ the worker to work with children and it is an offence to do so.
- If you receive notification that a current employee, volunteer or self-employed person has been barred from working with children, you must immediately remove them from child-related work.
- Commence individual referee checks – complete 3 reference checks (refer to reference check template).
- **How to Apply for National Police Certificate**
  1. Click on the below link  
<https://www.service.nsw.gov.au/transaction/apply-national-police-certificate>
  2. Select **Apply Online**
  3. Select Continue
  4. Answer the questions as shown in the screenshot below
  5. Continue through questions until you reach the final section and payment, print a copy of the receipt to be reimbursed by the service.
  6. Record your application number
  7. Your certificate will be emailed to your nominated email address
  8. Print 2 copies of your certificate, 1 for the centre and 1 for your own records

## **Staff Training**

Staff will undergo training in relation to child protection and notifications. Refresher training will be completed annually.

The Nominated Supervisor /Key members of staff /Responsible Persons/ will hold the Nationally Recognised Child Protection Statement of Attainment, currently CHCPRT001.

Staff and volunteers will be provided with a copy of the current Child Protection, Code of Conduct and Educator Interactions with Children policies as part of the induction process at the service. Signed copies of these documents as well as their obligations as mandatory reporter obligations, will be kept in the staff member's file.

Complete online training to understand the child protection reporting process and use of the Mandatory Reporter Guide (MRG)

<https://reporter.childstory.nsw.gov.au/s/mrg>

## **Prohibited Behaviour Management Strategies**

All staff will be provided with a copy of the Guiding Children's Behaviour policy when they commence employment to provide them with appropriate strategies to manage children's behaviour effectively; however, the following is a guide as to the prohibited behaviour management strategies:



- Corporal punishment or any type of physical punishment including hitting, spanking, beating, shaking, pinching or other measures which produce physical pain;
- Abusive, profane or derogatory language including yelling and bellowing;
- Any form of public or private humiliation including threats of physical punishment'
- Withdrawal of food, rest or opportunity to use the toilet.

Physical restraint of children will not be used except as necessary to ensure a child's safety or that of others, and then only for as long as it is necessary for control of the situation.

### **Mandatory Reporting Procedure**

**In an emergency, where there are urgent concerns for the child's health or life, it is important to contact the police, using the emergency line "000".**

**In other circumstances, all mandatory reporters will report matters to Department of Communities and Justice where they believe a child is at risk of significant harm. This can be done through:**

**Child Protection Hotline Ph: 132 111** (24 hours a day, 7 days a week).

- **E-reporting:** <https://kidsreport.facs.nsw.gov.au/> for non-urgent reports

In the instance of any team members becoming aware of or concerned of any child being at risk of harm, the following procedure will be followed:

1. Incidents and concerns will be documented, noting the date, markings if any on the child, with a clear description of the marks, concerns and if any, the information provided by the child or voluntarily by the parent. Documented evidence must be objective- that is, exactly what is seen or heard.
2. Staff are never to investigate the incident or question the child who is disclosing. Staff do not have the responsibility to prove the abuse, just to have reasonable suspicion that abuse, or neglect has occurred.
3. Staff are to discuss their concerns with the Centre Manager.
4. The staff member and/or Centre Manager are to input their concerns into the Mandatory Reporters Guide, (MRG) available on the 'Child Story Reporter Platform' (<https://reporter.childstory.nsw.gov.au/s/mrg>). Once the MRG is completed, the PDF report generated is to be printed out, and the recommendation on the report to be followed.
5. a) If the MRG recommends that a report be made to FACS, there are two different options for reporting
  1. the staff member with the support of the Centre Manager will report the incident to the Reporters Helpline on 132 111. If the staff member is unable to make this phone call, the Centre Manager will call whilst the staff member is present to ensure that all information given is accurate.
  2. The staff member with the support of the Centre Manager can complete an eReport. eReporting must only be used for non-imminent

suspected risk of significant harm reports. Please follow the link below to access eReporting.

**<https://kidsreport.facs.nsw.gov.au>**

b) If the MRG recommends that further support be provided to the child / family, the Centre Manager is to contact relevant agencies to meet the support needs of the family. Details of relevant agencies can be gathered from;

- Local Family Referral Service (FRS) for help referring the family, child or young person to local support services such as housing or respite (<http://www.familyreferralservice.com.au>).
- HSNET Service Link ([www.hsnet.nsw.gov.au](http://www.hsnet.nsw.gov.au))

c) If the staff member or Centre Manager does not agree with the outcome of the MRG, they should contact the reporting line (132 111) to discuss their concerns.

6. The child will be continually monitored for any further indications of risk of harm.
7. If there is no perceived action taken by FACS or if the staff believe that the child continues to remain at risk of significant harm, they should call the mandatory reporters' helpline and advise them of their ongoing concerns, quoting the reference number received in the previous report to FACS to alert the helpline staff member to the link between the current and previous phone call.
8. Should the situation arise where the child is considered in immediate danger and the child is taken into FACS care, staff are to follow the advice of the FACS officers.

In all situations staff will follow the advice of FACS Officers and ensure that confidentiality is observed at all times.

### **Child Story Reporter**

Mandatory reporters in **NSW** should use the Mandatory Reporter Guide (MRG) if they have concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused. The MRG assists in providing mandatory reporters with the most appropriate reporting decision. It is not designed to determine whether the matter constitutes risk of significant harm (ROSH). This is done at the Child Protection Helpline through the Screening and Response Priority (SCRPT) tool.

The MRG supports mandatory reporters to:

- determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child (including unborn) or young person
- identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system

It is recommended that mandatory reporters complete the MRG on each occasion they have risk concerns, regardless of their level of experience or expertise. Each circumstance is different and every child and young person is unique.

Helpline caseworkers will make determinations on reports received from mandatory reporters using SCRPT in conjunction with additional information which may not be available to mandatory reporters.

For more information on Child Story Reporter, refer to:

<https://reporter.childstory.nsw.gov.au/s/>

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

### **Alleged Misconduct by staff members**

If a staff member of the service is the subject of an allegation of reportable conduct, the following will occur.

1. The person making the allegation must notify the Centre Manager promptly.
2. The Centre Manager will immediately notify the President of the Management Committee and one other member of the executive.
3. The Centre Manager will request documentation of the alleged incident from the person reporting the incident.
4. The Centre Manager will immediately assess the safety of the child/ren to whom the alleged incident relates and the safety of other children where appropriate and take immediate action to ensure their safety.
5. The Centre Manager will assess whether the employee's current duties are appropriate whilst an investigation is being conducted.
6. The Centre Manager will notify -FACS Reporting Helpline if Risk of Significant Harm is relevant, and will inform the relevant Children's Services Advisor of the allegation.
7. The Centre Manager or President will notify the NSW Ombudsman's Office of the alleged incident and will complete the appropriate paperwork and investigation of the alleged incident. The documentation will be forwarded to the NSW Ombudsman's Office within 30 days of the incident being reported.
8. If the allegation is made in relation to the Centre Manager, two members of the committee (President/ Vice President) will be responsible for the investigation to avoid any conflict of interest.
9. The Centre Manager and/ or President will contact the child's parents /carers of whom the alleged incident relates to advise of the allegation and the follow up that will occur unless the investigation is compromised in doing so. Parents/carers will be invited to meet in person with the Centre Manager and or President to discuss any concerns further.
10. The decision as to when to inform a staff member of an allegation will be made by the Centre Manager and President, and will be made in consideration of whether:

- a. strategies have been put in place to protect the person who made the allegation, the witnesses who have provided information relating to the allegation and the child involved;
  - b. An informed judgement has been made that such a disclosure is unlikely to prejudice or impede the conduct of the investigation by the Centre Manager and President or by any other investigative body (ie. FACS or the Police)
  - c. An informed judgement has been made that the disclosure of the substance of the allegation is unlikely to affect the quality of the evidence that may be obtained during the investigation.
11. Following the investigation of the alleged incident the staff member will be advised of the outcome and disciplinary measures put directly in place should the investigation conclude the allegation has been substantiated.

Disciplinary action will result in immediate dismissal.

### **Child Protection and the Centre Community**

Information is readily accessible to all members of the service, located within the policy manual at the sign in/ sign out desk, along with information posters displayed in the service office.

Should parents/carers become aware of any instances of abuse within their community, they are requested to report to FACS. This can be done through contacting: **The Reporting Helpline on 132 111**

If parents need support in their parenting practices, staff will provide them with professional support where possible, and/ or provide them with the following contact numbers:

- Department of Communities and Justice                    132 111
- Parent Line (advice and information for parents) 13 20 55
- 24 Hour Domestic Violence Referral Service            1800 65 64 63

Appendix 1: Indicators of Significant Risk of Harm  
(Sourced from the CS Website: [www.community.nsw.gov.au](http://www.community.nsw.gov.au))

#### **Indicators of neglect -*In children and young people***

- low weight for age and/or failure to thrive and develop
- untreated physical problems eg sores, serious nappy rash and urine scalds, significant dental decay
- poor standards of hygiene i.e. child consistently unwashed
- poor complexion and hair texture
- child not adequately supervised for their age
- scavenging or stealing food and focus on basic survival
- extended stays at school, public places, other homes
- longs for or indiscriminately seeks adult affection
- rocking, sucking, head-banging
- poor school attendance

### **In parents or caregivers**

- unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions
- leaving the child without appropriate supervision
- abandons the child
- withholding physical contact or stimulation for prolonged periods
- unable or unwilling to provide psychological nurturing
- has limited understanding of the child's needs
- has unrealistic expectations of the child

### **Indicators of physical abuse**

#### **In children and young people**

- bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it e.g. belt buckle, hand print
- lacerations and welts
- drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury
- adult bite marks and scratches
- fractures of bones, especially in children under three years old
- dislocations, sprains, twisting
- burns and scalds (including cigarette burns)
- multiple injuries or bruises
- explanation of injury offered by the child is not consistent with the injury
- abdominal pain caused by ruptured internal organs, without a history of major trauma
- swallowing of poisonous substances, alcohol or other harmful drugs
- general indicators of female genital mutilation eg having a 'special operation'

#### **In parents and caregivers**

- frequent visits with their child or children to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or with internal complaints
- explanation of injury offered by the parent is not consistent with the injury
- family history of violence
- history of their own maltreatment as a child
- fears injuring their child
- uses excessive discipline

### **Indicators of sexual abuse**

#### **In children and young people**

- bruising or bleeding in the genital area

- sexually transmitted diseases
- bruising to breasts, buttocks, lower abdomen or thighs
- child or child's friend telling you about it, directly or indirectly
- describing sexual acts
- sexual knowledge or behavior inappropriate for the child's age
- going to bed fully clothed
- regressive behavior eg sudden return to bed-wetting or soiling
- self-destructive behavior eg drug dependency, suicide attempts, self-mutilation
- child being in contact with a known or suspected pedophile
- anorexia or over-eating
- adolescent pregnancy
- unexplained accumulation of money and gifts
- persistent running away from home
- risk taking behaviors - self harm, suicide attempts

#### **In parents or caregivers**

- exposing a child to prostitution or pornography or using a child for pornographic purposes
- intentional exposure of a child to sexual behavior of others
- previous conviction or suspicion of child sexual abuse
- coercing a child to engage in sexual behavior with other children
- verbal threats of sexual abuse
- denial of adolescent's pregnancy by family

#### **Indicators of psychological abuse**

All types of abuse and neglect harm children psychologically, but the term 'psychological harm' or 'emotional abuse' applies to behavior which damages the confidence and self esteem of a child or young person, resulting in serious emotional deprivation or trauma.

#### **In children and young people**

- constant feelings of worthlessness about life and themselves
- unable to value others
- lack of trust in people
- lack of people skills necessary for daily functioning
- extreme attention-seeking behavior
- is obsessively eager to please or obey adults
- takes extreme risks, is markedly disruptive, bullying or aggressive
- is highly self critical, depressed or anxious
- suicide threats or attempts

- Persistent running away from home.

### **In parents or caregivers**

- constant criticism, belittling, teasing of a child, or ignoring or withholding praise and attention
- excessive or unreasonable demands
- persistent hostility and severe verbal abuse, rejection and scapegoat
- belief that a child is bad or 'evil'
- using inappropriate physical or social isolation as punishment
- Domestic violence.

\* Remember, the above are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been or is, occurring.

\* Additional information about the indicators of child abuse and neglect can be found in the NSW Interagency Guidelines for Child Protection Intervention 2006, chapter 2.3.

### **Confidentiality**

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the notification should not inform the suspected perpetrator (if known). This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements. It also minimises the risk of retaliation on the child for disclosing.

### **Protection for reporters**

All reporters are protected against retribution for making or proposing to make a report under amendments to the Children and Young Persons (Care and Protection) Act 1998 effective 1 March 2020. The identity of the reporter is protected by law from being disclosed, except in certain exceptional circumstances. Provided the report is made in good faith:

- The report will not breach standards of professional conduct
- The report cannot lead to defamation and civil and criminal liability
- 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 or
- 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 and advising all parties of the process
- giving the educator/staff member the opportunity to provide their version of events
- documenting the details of the breach, including the versions of all parties
- recording the outcome clearly and without bias
- ensuring the matters in relation to the breach are kept confidential
- reach a decision based on discussion and consideration of all evidence.

### **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
- providing mediation 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

### **Reportable conduct scheme – allegations against employees, volunteers or students (or contractors)**



The Approved Provider has the legislative obligation under the *Reportable Conduct Scheme* to notify the Office of the Children's Guardian of reportable allegations and convictions against their employees (including volunteers and contractors), investigate the allegation and advise the Office of the outcome. In addition, the Approved Provider must take appropriate action to prevent reportable conduct by employees.

The *Children's Guardian Act 2019*, effective 1 March 2020, defines the head of an organisation as a '**relevant entity**'. An approved education and care service is listed at Schedule 1 of the Act as an 'entity'.

The Approved Provider must notify the Children's Guardian within seven (7) business days and conduct an investigation into the allegations. [7-day notification form](#)

A final report of the investigation must be ready to submit within 30 calendar days or provide information about the progress of the investigation to the Children's Guardian.

The Approved Provider must send a report to the Office of the Children's Guardian that enables the Office of the Children's Guardian to determine whether the investigation was completed satisfactorily and whether appropriate action was or can be taken.

The Approved Provider must ensure an appropriate level of confidentiality of information relating to the reportable allegations as per the Act or other legislation.

The Children's Guardian will monitor the entity's response and may conduct their own investigation.

The Children's Guardian Act 2019 defines reportable conduct as:

- a sexual offence has been committed against, with or in the presence of a child
- sexual misconduct with, towards or in the presence of a child
- ill-treatment of a child
- neglect of a child
- an assault against a child
- behaviour that cause significant emotional or psychological harm to the child

### **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 feelings that they do not feel safe
- the difference between 'good' and 'bad' secrets
- that there is no secret or story that cannot be shared 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).

*Child Protection (Working with Children) Act 2012*

*Children and Young Persons (Care and Protection) Act 1998*

ChildStory Reporter: <https://reporter.childstory.nsw.gov.au/s/>

Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).

Guide to the National Quality Standard. (2020).

NSW Office of the Children's Guardian: <https://www.kidsguardian.nsw.gov.au/>

*Ombudsman Act 2001.*

Revised National Quality Standard. (2018).

NSW Office of Children's Guardian Act 2019