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Relevant Legislation & Standards

Children and Young Person's (Care and Protection) Act 1998
Commission for Young Children and Young People Act 1998
Ombudsman Act 1974
Educational Care and Services National Law 2010

Keeping Them Safe: A shared Approach to Child wellbeing

Working with Children Check (15 June 2013)

Education and Care Services National Regulation (Regulation 84)

National Quality Standards – Quality Area 2

Aim / Policy Statement

Goulburn Pre-School is committed to defending each child's right to care and protection, to ensure their safety, welfare and wellbeing and ensuring the educators and volunteers are responsible for reporting children at risk of significant harm.

Goals

Our goal is to ensure every reasonable precaution is taken to ensure children who are cared for and educated at Goulburn Pre-School, are protected from harm by:

- Recognising and supporting the role of all educators and volunteers as Mandatory Reporters who are required to report 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 that arises during the course of their work.
- Providing appropriate training and resources to educators in relation to Child Protection issues, changes to legislation and current literature or resources made available.

Definitions

'At risk of significant harm'- in relation to a child or young person mean that there are current concerns for their safety, welfare or wellbeing because of the presence to a **significant extent** of one or more of the following circumstances.

- The child or young person's basic physical or psychological needs are not being met or are at risk or 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 or are 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 Person care and Protection Act 1998* and the birth mother did not successfully engage with support services to eliminate or reduce the recognised risk factors.

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

- Your (recorded) observations of the child, young person or family; or
- Your conversation with a child, young person, parent or another person has told you. You are not required to confirm your suspicions or have clear evidence to make a report.

Strategies

The Approved Provider (Management Committee) / Nominated Supervisor will:

- Ensure that any adult working directly with children (employed and voluntary) has a current Working With Children Check with Goulburn Pre-School valid until the phase in January 2016; or
- Ensure each new employee / volunteer working directly with children has provided their Working with Children Check number and this number has been confirmed by Goulburn Pre-School as a registered employer.
- Ensure each educator / volunteer working with children is aware of their obligations as a Mandatory Reporter under the *Children and Young Person (Care and Protection) Act 1998* and the *Keep them Safe : A shared approach to child well-being*.
- Ensure each educator / volunteer is orientated to Goulburn Pre-School's Child Protection Policy and has an understanding of their responsibilities as a Mandatory Reporter.
- Ensure a regular review of the Child Protection Policy in line with legislated changes.
- Support all educators / volunteers and staff through the reporting process as necessary.

The Child Protection Policy will be readily accessible to all educators, staff, families and visitors to Goulburn Pre-School. Goulburn Pre-School welcomes any feedback or reflection upon this policy.

**Child
Protection
Help Line**

133 627

Educators and Staff will:

- Develop trusting and secure relationships with all children at Goulburn Pre-School
- Make reports of current concerns for any child at risk of significant harm to the Child Protection Helpline for Mandatory Reporters; and
- Ensure suitable supportive and appropriate responses to all disclosures of abuse and any allegations of abuse against staff members of the service.
- Ensure the relevant records are documented and stored appropriately.
- Communicate with the Director (Nominated Supervisor) as necessary and seek support as required.
- Maintain confidentiality in all aspects of disclosures and reports.

Documentation of Current Concerns

The Approved Provider/Nominated Supervisor will:

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

Educators and staff will:

- Make a record of the indicators observed that have led to the belief that there is a current risk of harm to a child or young person using the Goulburn Pre-School record of concern format (Attachment B). Information on indicators of risk of harm are outlined in the *NSW Mandatory Reporters Guide* which is accessible at www.keepthemsafe.nsw.gov.au/reporting_concerns/mandatory_reporter_guide;
- Discuss any concerns with the Nominated Supervisor of the service and seek support as necessary.
- Advise the Nominated Supervisor of their intention to make a report to the **Child Protection Helpline (133 627)** and confirm when the report has been made.

Mandatory Reporting

The Approved Provider/Nominated Supervisor will:

- Provide all staff and educators working directly with children with a copy of this *Child Protection Policy* and a copy of the *Mandatory Reporters Guide* to assist them in their reporting;
- Provide all staff and educators working directly with children with access to the *Child Wellbeing and Child Protection NSW Interagency Guidelines*; and
- Display the **Child Protection Helpline number (133 627)** on all phone and lists of emergency contact number in the interests of timely reporting.

Educators and Staff will:

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 '000';
 2. Using the *Mandatory Reporter Guide*, answer the questions relating to concerns about a child or young person. At the end of the process, a decision report will guide as to what action to take. The Nominated Supervisor is available if staff require assistance to use this online tool;
 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 phone the **Family and Community Services Helpline on 133 627**. Reports can also be made using the Reporting Fax form, available from Family and Community Services website;
 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 **Child Protection Helpline** has been made;
 5. If the *Mandatory Reporter Guide* determines that an educator or staff member's concerns do not meet the risk of significant harm threshold they do not need to make a report to the **Family and Community Services Helpline**, however, they should discuss the matter with the Nominated Supervisor to determine whether the child or family would benefit from the assistance of a support agency.
6. The educator / staff member should continue to 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.

Disclosures

Educators and staff will:

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

Educators and staff will not:

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

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

Allegations of Abuse against Staff, Educators, Volunteers or Students

The Approved Provider/Nominated Supervisor will:

Maintain a system of appropriate record keeping for all allegations to ensure detailed documentation is made and stored as required – complaints will be documented using Goulburn Pre-School record of Complaint (Attachment A).

- Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation;
- Assess whether or not a child or young person is ‘at risk of significant harm’ and, if so, make a report to the **Child Protection Helpline**;
- Determine whether or not the allegation is a reportable allegation, a reportable conviction, or reportable conduct. For determination, reference will be made to: www.ombo.nsw.gov.au/publication/PDF/guidelines/Child%20Protection%20in%20the%20workplace.pdf;
- Report reportable allegations and reportable convictions to the Ombudsman within **30 days of receipt**;
- Consider whether or not the police need to be informed of the allegation and if so, make a report;
- If a report is made to the police, complete a *SIO1 Notification Of Serious Incident Form* and submit to Department of Education and Communities within 24 hours of the incident;
- If a report has not been made to the police, complete a *NLO1 Notification of Complaints and Incidents (other than serious incidents) Form* and submit to the Department of Education and Communities within **7 days of the incident**;
- Ensure confidentiality is maintained at all times and that systems are in place to deal with any breaches of confidentiality;
- Undertake a risk management approach following an allegation to ensure the protection and safety of children, staff and visitors to the service. Based on this risk assessment, decisions will be made in order to manage the risks that have been identified;
- Develop an investigation plan of the matter. Obtain relevant information from a range of sources. This may include a statement from the person who made the allegation; statements from witnesses and a statement from the person against whom the allegation has been made and any other relevant documentation

If the allegation is being investigated by Family and Community Services or the Police, the service will be guided by their advice as to whether they should independently investigate the allegation.

If the investigation is carried out by Goulburn Pre-School, the information that has been gathered will be assessed and a finding made as to whether the allegation is false, vexatious,

misconceived, not reportable conduct, not sustained or sustained. The reasons for the finding will be clearly recorded to ensure that the decision-making has been transparent;

- The educator, volunteer or student will be advised of the outcome of the investigation in writing. Advice will be provided about the investigation finding and any follow up action that may be required. Advice will also be provided about any rights of appeal and the person will be advised that the NSW Ombudsman has been notified and the Commission of Children and Young Persons also notified of the relevant employment proceeding (if relevant);
- **Part B** of the *Ombudsman Notification form* will be completed and sent to the Child Protection Division, NSW Ombudsman with all supporting documentation gathered during the investigation;
- Family and Community Services will also be informed of the outcome of the investigation.

Informing the Staff, Educator, Volunteer or Student

The Approved Provider/Nominated Supervisor will:

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

Rights of All Parties

- The decision making process throughout the investigation will be based on the safety and well-being of the child/ren and the staff/carers/carer's household members;
- Consideration will be taken in relation to actual or potential 'conflicts of interest' that may be held by the investigator

- All reportable allegations will be notified to the Ombudsman. The person, against whom the allegation has been made, will be notified of this and will also be notified of the investigation find and follow up action, including the notification to the Commission of Children and Young Persons, if relevant;
- The person, against whom the allegation has been made, will be notified of any appeal mechanisms if they are not satisfied with the investigation process or the outcome of the investigation;
- The Licensee, Authorised Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest; and
- All parties can complain to the Ombudsman if they are not satisfied with the conduct of the investigation.

Further information on the Ombudsman can be obtained by:

Phoning: 02 9286 1000 or toll-free (outside Sydney metro) 1800 451 524

Emailing: nswonbo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

Confidentiality

- All parties involved in handling ANY issue relating to child protection is required to maintain STRICT confidentiality at all times.

Evaluation

- Each child feels safe, secure and cared for at Goulburn Pre-School with positive relationships with educators and staff.
- Effective and supportive policies are in place to ensure effective management and procedures for Child Protection related issues.

Resources and Attachments

- Goulburn Pre-School Complaint Record Form (Attachment A)

- Goulburn Pre-School record of Concern Form Attachment B)
- Community Child Care Co-Operative NSW Sample Policies
- www.keepthemsafe.nsw.gov.au
- NSW Government, 2009, Dept Premier and Cabinet, Child Well Being & Child Protection: NSW Mandatory Reporter Guide
- Education and care Services National Regulation