



CHILD PROTECTION POLICY

2021

**THE —
AFTER
SCHOOL
KLUB —**

CHILD PROTECTION POLICY 2020

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
S162 (A)	Persons in day to day charge and nominated supervisors to have child protection training

Purpose

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

The After School Klub (TASK) aims to implement strategies to assist in ensuring the safety and wellbeing of all children, while assisting them to develop to their full potential in a secure and child safe environment.

Definitions

'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 circumstances¹.

- The child or young person'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 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.
- 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’ - means that you suspect a child may be at risk of significant harm based on:

- Your observations of the child, young person, or family.
- 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.

Strategies

TASK is against any type of abuse against a child. Educators have an important role to support children and young people and to identify concerns about their safety.

The Approved Provider/Nominated Supervisor will:

- Verify that any adult working directly with children has a current approved Working with Children Check from the Children’s Guardian website. <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/apply> .
- Orientate every working adult to this child protection policy, Keep Them Safe protocols and Mandatory Reporter responsibilities and ensuring their regular review of these.
- All employees and volunteers are:
 - provided with a copy of the current Child Protection policy as part of the induction process at the Service
 - aware of their mandatory reporting obligations and responsibilities to report suspected risk or significant risk of harm to the NSW Child Protection Helpline on **132 111**
 - aware of indicators showing a child may be at risk of harm or significant risk of harm.
- Records of abuse or suspected abuse are kept in line with our Privacy and Confidentiality Policy.
- The regulatory authority is notified through the NQA-ITS (within 7 days) of any incident where it is reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service.
- The regulatory authority is notified through the NQA-ITS (within 7 days) of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service.

- The Office of the Children’s Guardian is notified within 7 business days of becoming aware of any allegations of abuse or neglect of a child made against an employee or volunteer and ensure they are investigated, and appropriate action taken.

Responsibilities of the Educators and Staff

- Develop trusting and secure relationships with all children at the service.
- Make reports of current concerns for any child at risk of significant harm to the Child Protection Helpline for Mandatory Reporters.
- Contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do so.
- Be able to recognise indicators of abuse.
- Respect what a child discloses, taking it seriously and follow up on their concerns through the appropriate channels.
- Comprehend their obligations as mandatory reporters and their requirement to report any situation where they believe, on reasonable grounds, that a child is at risk of significant harm to the Child Protection Helpline on **132 111** (available 24 hours/7 days a week).
- Prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation.
- Understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people.

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.
- Provide all staff and educators with clear guidelines around documentation.
- Document as soon as possible so that details are accurate, including:
 - child’s name
 - child’s address
 - child’s date of birth
 - details of sibling(s) if any
 - time, date and place of the suspicion
 - full details of the suspected abuse
 - date of report and signature

Educators and staff will:

- Make a record of the indicators observed that have led to the belief that there is a current risk of significant harm to a child or young person. Information on indicators of risk of significant harm are outlined in the NSW Mandatory Reporter Guide which is accessible at <https://reporter.childstory.nsw.gov.au/s/mrg>.

- Document as soon as possible so that details are accurate, including:
 - child's name
 - child's address
 - child's date of birth
 - details of sibling(s) if any
 - time, date and place of the suspicion
 - full details of the suspected abuse
 - date of report and signature
- Discuss any concerns with the Nominated Supervisor of the service. Advise the Nominated Supervisor of their intention to make a report to the Child Protection Helpline (132 111).
- Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline.

Mandatory Reporting

The Approved Provider/Nominated Supervisor will:

- Provide all staff and educators working directly with children with access to the Child Protection Policy and the Mandatory Reporter Guide to assist them in their reporting.

Educators and Staff will:

- In an emergency, where there are urgent concerns for a child's health or life, it is important to contact the police, using the emergency line '000'.
- Use 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 them as to what action to take. The Nominated Supervisor is available if staff require assistance to use this online tool.
- If the Mandatory Reporter Guide determines that there are grounds to suspect a risk of significant harm to a child or young person, phone the Child Protection Helpline on 132 111. Reports can also be made using the Reporting Fax form, available from the Family and Community Services website or you could make an eReport . <http://www.community.nsw.gov.au/preventing-child-abuse-and-neglect/resources-for-mandatory-reporters/how-to-make-a-report> .
- Mandatory reporters should note that the legislation requires that they continue to respond to the needs of the child or young person (within the terms of their work role) even after a report to the Child Protection Helpline has been made.
- If the Mandatory Reporter 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 Child Protection Helpline, however, they should discuss the matter with the Nominated Supervisor to determine whether the child or family would benefit from the assistance of another agency.
- The staff member or educator should monitor the situation and if they believe there is additional information that could be taken into account. Please refer to the above information if required.

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 it is an exempt document under the *Freedom of Information Act* 1989:

- 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 forced by a court to provide the report or disclose its contents

Disclosure of Abuse

A disclosure of abuse occurs when a child indicates potential abuse has occurred or is likely to occur. When a child discloses that they have been abused, it is a mandated requirement that an adult provides immediate support and comfort and assists in protecting the child from the abuse

Educators and staff will:

- React calmly to the 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 Reporter 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.
- Promise them that everything will "be alright" now that they have made the report or promise a change of circumstances.

Allegations of abuse against staff, educators, volunteers or students

The Approved Provider/Nominated Supervisor will:

- Develop and maintain a system of appropriate record keeping for all allegations to ensure detailed documentation is made and stored as required.
- Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation.
- Assess whether or not a child or young person is 'at risk of significant harm' and, if so, make a report to the Child Protection Helpline.
- Determine whether or not the allegation is a reportable allegation, a reportable conviction, or reportable conduct, or a vexatious complaint.
- Make notifications of reportable allegations and reportable convictions to the Children's Guardian. Under the Children's Guardian Act 2019, the head of the entity must advise the Office of the Children's Guardian within 7 business days of becoming aware of a reportable allegation.
- Consider whether or not the police need to be informed of the allegation and if so, make a report.
- If a report is made to the police, complete a SI01 Notification Of Serious Incident Form and submit to Department of Education and Communities within 24 hours of the incident.
- If a report has not been made to the police, complete a NL01 Notification of Complaints and Incidents (other than serious incidents) Form and submit to the Department of Education and Communities within 7 days of the incident.
- Staff from the Reportable Conduct Directorate are available on (02) 8219 3800 or email reportableconduct@kidsguardian.nsw.gov.au
- Ensure confidentiality is maintained at all times and that systems are in place to deal with any breaches of confidentiality.
- Undertake a risk management approach following an allegation to ensure the protection and safety of children, staff and visitors to the service. Based on this risk assessment, decisions will be made in order to manage the risks that have been identified.
- Develop an investigation plan of the matter. Obtain relevant information from a range of sources. This may include a statement from the person who made the allegation; statements from witnesses and a statement from the person against whom the allegation has been made and any other relevant documentation; If the allegation is being investigated by Family and Community Services or the Police, the service will be guided by their advice as to whether they should independently investigate the allegation.
- If the investigation is carried out by the service, the information that has been gathered will be assessed and a finding made as to whether the allegation is false, vexatious, misconceived, not reportable conduct, not sustained or sustained. The reasons for the finding will be clearly recorded to ensure that the decision-making has been transparent.
- The educator, volunteer or student will be advised of the outcome of the investigation in writing. Advice will be provided about the investigation finding and any follow up action that may be required. Advice will also be provided about any rights of appeal and the person will be advised that the NSW Ombudsman has been notified and the Office of the Children's Guardian also notified of the relevant employment proceeding (if relevant).
- Family and Community Services will also be informed of the outcome of the investigation.

Informing the Educator, Volunteer, Student

The Approved Provider/Nominated Supervisor will:

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

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:

- fails to act if a child is in a harmful circumstance
- 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 the opportunity to provide their version of events
- documenting the details of the breach
- recording the outcome
- ensuring the matters in relation to the breach are kept confidential
- reach a decision based on discussion and consideration of all evidence.

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/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 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 Office of the Children’s Guardian 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 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 Ombudsman if they are not satisfied with the conduct of the investigation.

Reportable conduct scheme-allegations against employees, volunteers or students

- 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, investigate the allegation and advise the Office of the outcome.
- The Approved Provider must notify the Children’s Guardian within seven (7) business days and investigate the allegations.
- 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 Children’s Guardian Act 2019 defines reportable conduct as:
 - a sexual offence has been committed against a child
 - sexual misconduct with 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

Confidentiality

Children, staff, and volunteer conversations will be handled in a confidential manner at all times. Any allegations against a staff member will also remain confidential. All people involved should feel as though their voice is heard but spoken in confidence. It is against policy to share information with others regarding child abuse or child protection issues outside of the service protocol to handling a child protection case.

Signs of Abuse

Neglect	Physical Abuse	Sexual Abuse	Emotional Abuse
Child smells of urine, body odour, un-showered	Head injuries/adult bite marks	Change in eating habits	Severe developmental gaps
Dirty clothing/clothing worn the day before	Flinches when arms are raised at them	Writes, draws, plays or dreams of sexual or frightening images	Low self esteem

Visibly dirty body	Disclosure of abuse	Disclosure of abuse	Insecure attachment to carer/parent
Child appears to always be hungry or is severely obese	Behavioural indications -Bedwetting -Hyperactivity -Aggression -Uncommunicative -Frightened of parent	Mimics adult like sexual behaviours/language and knowledge	Poor emotional stability
Parent not seeking medical treatment when needed -Vomiting -Diarrhoea -Ear Infections -Temperatures -Body Rash	Bruises in sensitive areas -Under arms -Inner thighs -Back -Bum -Torso -Neck and Face	Other Signs -Pain during urination -Bed wetting -Resistant to change clothing -Performs sexual acts with other children	Seem to be in a never-ending state of stress, anxiety, uncertainty

Helpful information for Family and Community Services

Once you have gone through the Mandatory Reporters Guide – and the conclusion is the make a report, there is a list of information that the FACS might ask for.

Child's Name
Date of Birth
Child's Address
Household Background (Who lives in the house)
Where the child is currently located (school, home)
Family Members Date of Birth (Siblings, parents)
Description of what happened
Family Culture
Caseworker may ask other questions

Procedure

- Each situation of abuse is different to the other. Gathering facts and information about each case to respond effectively is necessary to ensure child safety and wellbeing. This can include but not limited to:
 - Take down notes – record what is observed or heard then sign and date the note. If not a serious case, be sure to continue taking down notes and sign and date each day observed.
 - Consult with Supervisor – When you are unsure of what to do, get advice from your Nominated Supervisor or Responsible Person.
 - Understand policy – After discussing with your supervisor it is then crucial to come up with a plan of action. What are you going to do next?

- Speak with professionals – Get confidential advice from professionals who may be able to give you some ideas on what steps to take. Make sure to look at the ChildStory Reporter which has the NSW Mandatory Reporters Guide and has decision trees to choose from <https://reporter.childstory.nsw.gov.au/s/mrg>
 - Conversation with the Child – With respect for the child, listen to them and gather any information they mention.
 - Conversation with parents/carer – While keeping the safety and wellbeing of the child at the forefront of your mind, have a conversation with the family to find out more information.
2. After information is gathered and documented appropriately, next you need to communicate to the Nominated Supervisor about what your findings are, and they should report the child protection issue.
 3. If the Nominated Supervisor does not make a report, it is your obligation to make a report if you believe you have reasonable grounds that a child is in need of protection.
 4. The last step is to follow the mandatory reporters guide step by step.