

D-13 CHILD PROTECTION

POLICY STATEMENT:

At Tanderra OOSH we believe that it is every child's right to be safe and protected from all forms of abuse, violence or exploitation. It is the legal and moral obligation of all adults who work within our service to ensure the safety and wellbeing of all children in our care. All educators, including casuals, volunteers and students have a duty of care to ensure the safety and protection of all children who access the service's facilities and programs.

The safety and welfare of all children is of paramount importance.

Educators and management have a legal responsibility, as Mandatory Reporters, to take action to protect and support children they suspect may be at significant risk of harm.

Our service will carry out the responsibilities of Mandatory Reporters as indicated under legislation. This responsibility involves following the procedures as outlined by Communities and Justice and the NSW Commission for Children and Young People.

PROCEDURES:

a) Mandatory Reporting

- A Mandatory Reporter is anybody who delivers services to children as part of their paid or professional work.
- In OOSH services, mandatory reporters are:
 - ✓ Educators that deliver services to children
 - ✓ Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services.
- Educators are mandated to report to Community and Justice if they have current concerns about the safety or welfare of a child relating to section 23 of the NSW Children and Young Persons (Care and Protection) Act 1998

Section 23 (1)

- a-b) Child is at significant risk of harm – Neglect
 - a) Basic physical or psychological needs not being met or are at risk of not being met
 - b) Parents/ carers unwilling or unable to provide necessary medical care
- b1) Parents/ carers unwilling or unable to arrange for the child or young person to receive an education
- c) Child is at significant risk of harm – Physical / Sexual abuse
- d) Child is at significant risk of harm – Domestic violence
- e) Child is at significant risk of harm – Serious Psychological harm
- f) Child is at significant risk of harm – Prenatal report

- Educators will undergo training in relation to child protection and reporting as part of the training budget and in accordance with the National Law and Regulations.
- Any educator that forms a belief based on reasonable grounds that a child is at risk of harm must ensure they record the details of the report in a clear objective format.
- Reports should be treated with strict confidentiality in adherence to the service's Confidentiality Policy and Procedures
- Any educator who forms a belief based on reasonable grounds that a child is at risk of harm should discuss their concerns with the Co-ordinator/Nominated Supervisor, as he or she may have information the educator is not aware of. The Co-ordinator/Nominated Supervisor will then assist educators in running the online Mandatory Reporter Guide (see point below for more information) to determine whether the report meets the threshold for **risk of significant harm**.
- If directed by MRG to report to Communities and Justice, educators should report their concerns to the Child Protection Helpline: 132 111 or online at www.reporter.childstory.nsw.gov.au
- When reporting to the Helpline it is important to have as much information as possible available to give to the Helpline. This might include child's information, family information, reporter details and outcomes of the MRG.
- If Coordinator/ Nominated Supervisor has been advised to report to Department of Communities and Justice you are legally responsible to do so.
- Once a report is made to the CP Helpline no further report needs to be made unless new information comes to hand.

b) Mandatory Reporter Guide

- A Mandatory Reporter Guide is a tool that has been developed to help frontline mandatory reporters, including OOSH workers, determine whether the risk to a child or young person meets the new statutory threshold of 'risk of significant harm'. The MRG will guide the reporter on what action should be taken. The MRG is an interactive tool and is available online at: <https://reporter.childstory.nsw.gov.au/s/>
- If still in doubt the CP Helpline will provide feedback about whether or not the report meets the threshold for statutory intervention.
- If new information presents concerning the child or young person run the MRG again.
- Where concerns do not meet the significant harm threshold, the MRG may guide you to 'Document and continue the relationship'. This requires the service to continue to support, provide services, and coordinate assistance and referral for the child and their family.
- The report page from the MRG should be printed and placed in the child/family file for future reference regardless of whether or not further action is recommended.

c) Information exchange

- In order to provide effective support and referral it may be necessary to exchange information with other prescribed bodies including government agencies or non-government organisations and services.
- The NSW Children and Young Persons (Care and Protection) Act 1998 has been amended (2009) to include chapter 16A Information Exchange.
- Chapter 16A requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people.
- Under Chapter 16 A NSW Children and Young Persons (Care and Protection) Act 1998, educators will exchange information that relates to a child or young person's safety, welfare or wellbeing, whether or not the child or young person is known to Community Services and whether or not the child or young person consents to the information exchange.
- The information requested or provided must relate to the safety, welfare or wellbeing of the child. Information includes:
 - ✓ A child or young person's history or circumstances
 - ✓ A parent or other family member, significant or relevant relationship
 - ✓ The agency's work now and in the past
 - ✓ Where information is provided in good faith and according to legal provisions, under section 29 & section 245G NSW Children and Young Persons (Care and Protection) Act 1998; reporters cannot be seen as breaching professional etiquette or ethics or as a breach of professional standards. There can be no liability for court action.
- Use the Information Exchange Form when seeking or providing information with other organisations.

d) The Reportable Conduct Scheme:

(Where a complaint is made about an Educator or someone in the service)

- Reportable conduct is defined by the Children's Guardian act 2019 as being:
 - ✓ A sexual offence 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 causes significant emotional or psychological harm to a child
 - ✓ Any offence under section 43B or 316A of the Crimes Act 1900, whether or not, with the consent of the child.
- The **head of entity**, an organisation's most senior officer (at Springwood Neighbourhood Centre Co-operative Ltd is the Manager) must advise the Office of Children's Guardian within 24 hours of becoming aware of a reportable allegation and must provide an update to the Office of the Children's Guardian within 30 days.

- Should an allegation be made of Reportable Conduct by an employee of the service (including a volunteer or a contractor), the person to whom the allegation is made must report this immediately to Nominated Supervisor who will report the matter to the CEO of the Springwood Neighbourhood Centre co-operative Ltd.
- Where the allegation is made to an educator or member of management the facts as stated will be recorded in writing, using an Incident Report template that includes dates, times, names of person/s involved, name of person making allegation and the person making the report. This report should be kept on record and treated as strictly confidential.
- If the Coordinator/Nominated Supervisor is suspected then the CEO of the Springwood Neighbourhood Centre co-operative Ltd. must be informed directly.
- The relevant forms together with information and assistance are available online at ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-notification-forms
- The person making the report should follow the advice of the representatives at the Office of the Children's Guardian.
- The matter will be treated with strict confidentiality.
- For more information on the Reportable Conduct Scheme go to www.ocg.nsw.gov.au/organisations/reportable-conduct-scheme
- For the protection of both the children and the educator involved, the educator should be encouraged to take special leave or be removed from duties involving direct care and contact with children, until the situation is resolved.
- Support should be provided to all involved. This support can be given in the form of counselling or referral to an appropriate agency.

e) Recruitment of educators

- All educators employed by the service including management, full time/ part time carers, volunteers and students will be subject to a Working with Children Check carried out by the Office of the Children's Guardian. Written approval from the prospective employee will be sought prior to this check being carried out.
- When the service engages a self-employed individual to provide services, the provider is required to provide a **Certificate for Self-Employed People**. This certificate ensures verification that the person employed is not banned by law from working with children. These certificates are issued through the NSW Commission for Children and Young People. Application form and instructions are available at:
www.ocg.nsw.gov.au/working-children-check

f) For further information

- Child Story Reporter www.reporter.childstory.nsw.gov.au
- Child Protection Helpline 13 2111
- Communities and Justice www.dcj.nsw.gov.au
- Communities and Justice www.facs.nsw.gov.au/families
- Office of the Children's Guardian www.ocg.nsw.gov.au
- Reportable Conduct Scheme:
www.ocg.nsw.gov.au/organisations/reportable-conduct-scheme
or (02)8219 3800

CONSIDERATIONS:

National Quality Standards

2.2	Safety	Each child is protected
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard
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 Service National Regulations 2011

S162(a)	Education and care services must have policies and procedures
165	Policies and procedures to be followed
166	Policies and procedures to be kept available
R84	Awareness of child protection law
155	Interactions with children
170	Policies and procedures to be followed
175	Prescribed information to be notified to Regulatory Authority
R176	Time to notify certain information to Regulatory Authority

Related Policies / Forms

D-16 Excursions
 A-5 Safe arrival and departure of children
 D-8 Management of incident, injury, trauma and illness
 D-14 Interactions with children
 D-12 Providing a child safe environment
 Removal and Assumption of a child from the service by community services
 Family Information Booklet

ENDORSEMENT AND REVIEWS

Date	Action
12.11.2020	Approved by SNCC Board
18.08.2023	Last Review Date
11.08.2025	Amendment approved by SNCC Board
11.08.2028	Next Review Date