

# Child Protection Policy

## Policy Statement

Kariong Neighbourhood Centre Inc. (KNC) believes 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 staff, volunteers and students have a duty of care to ensure the safety and wellbeing of all children who access KNC's facilities and/or programs.

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

KNC will carry out the responsibilities of Mandatory Reporters as indicated under legislation. This responsibility involves following the procedures as outlined by Community Services and the NSW Commission for Children and Young People.

## *Roles and Responsibilities*

Applies to	KNC Board and all staff
Specific responsibility	KNC Board, General Manager, OOSH Nominated Supervisor, OOSH Supervisors

## Implementation

### **Mandatory Reporting**

- A Mandatory Reporter is anybody who delivers services to children/young people as part of their paid, voluntary or professional work.
- In OOSH services Mandatory Reporters are:
  - Educators, including the Leadership Team, who deliver services to children
  - Other persons involved in OOSH services, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services, including the KNC Board.
  - All Mandatory Reporters are required by law to report to Communities 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, and they have been advised by the Mandatory Reporter Guide (MRG) to do so.

### **Risk of significant harm**

- Risk of significant harm is defined as harm that:
  - Is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent
  - Is not minor or trivial
  - May be reasonably expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well being
  - Can result from a single act or omission or an accumulation of both an act and omission

- Section 23 [NSW Children and Young Persons (Care and Protection) ACT 1998] states that a child is at risk of significant harm if:
  - (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, as a consequence, 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 service to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

All Educators will undergo training in relation to child protection and reporting as part of the OOSH training arrangements. This will be recorded in Educator files and on the training register. Any educator that forms a belief based on reasonable grounds that a child is at risk of harm should ensure they record the details of the report in a clear and objective format. Reports should be treated with strict confidentiality in adherence to the service's Confidentiality Policy.

Any staff member or educator who forms a belief based on reasonable grounds that a child is at risk of harm should always discuss their concerns with the Nominated Supervisor (or responsible person in charge), who may have information the staff member or educator is unaware of. The Nominated Supervisor will then assist the staff member or educator in running the online Mandatory Reporter Guide (MRG) tool (see below) to determine whether the circumstances meet the threshold for risk of significant harm.

If directed by the MRG to report to the Department of Communities and Justice (DCJ), the relevant staff member or educator must immediately report their concerns to the Child Protection Helpline on 132 111 or make an eReport after running the MRG. When reporting to the Helpline it is important to have ready as much relevant information as possible. This might include, for example, the personal information relating to the child or family, reporter details and outcome of the MRG tool. The Nominated Supervisor is legally required to report the matter to DCJ if directed to do so by the MRG. Once the report is made to the Helpline no further report needs to be made unless new information comes to hand.

### **Mandatory Reporter Guide (MRG) tool**

An MRG tool has been developed to help frontline mandatory reporters, including OOSH workers, determine whether the risk to a child or young person meets the statutory threshold of 'risk of significant harm'. The MRG tool is an interactive tool that is available online at

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

It will guide the reporter on what action should be taken in situations of uncertainty. If a staff member or educator is still in doubt, Child Protection Helpline will provide feedback as to whether or not the circumstances meet the threshold for intervention.

Where concerns do not meet the significant harm threshold, the MRG tool may guide the user 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 generated by the MRG tool should be printed and placed in the child/families file for future reference regardless of whether or not further action is recommended. If new information concerning the child comes to light the educator or staff member should run the MRG tool again.

### **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.

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people. Pursuant to Chapter 16A, educators and staff may exchange information that relates to a child's safety, welfare or well-being, whether or not the child is known to Communities and Justice and whether or not the child consents to the information exchange.

The information requested or provided *must* relate to the safety, welfare or well-being of the child. Such information may pertain to:

- The child's history or circumstances
- A parent (or other family member), or other 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, reporters cannot be regarded as breaching professional etiquette, ethics or standards, or become liable to legal prosecution, pursuant to section 29 and 245G of the Act.

### **Where a complaint is made about an educator, staff member, or someone else in the Service**

If an incident occurs that involves a child being put at risk of harm from an educator, staff member, or a volunteer, trainee or person visiting the Service, the incident is regarded as 'reportable conduct' that must be reported to the Office of the Children's Guardian (OCG) Under the Children's Guardian Act 2019. Where such an allegation is made to a staff member or member of the Board of Directors the facts as stated should be recorded in writing (using an incident report template) that includes dates, times and names of the person/s involved, the person making the allegation and the person making the report. This report should be kept on the premises in the Disclosure Report Folder and treated as strictly confidential.

If the Nominated Supervisor is the subject of the allegation the Chair of the Board of Directors should be immediately informed. The relevant forms (together with information and assistance) are available on line at <https://ocg.nsw.gov.au/>. The matter will be treated with strict confidentiality.

For the protection of both the children and the staff member involved, the staff member should be encouraged to take special leave or be removed from duties involving direct care and contact with children until the situation is resolved. Ongoing support should be provided to all involved. This support can be given in the form of counselling or referral to an appropriate agency.

## Recruitment of staff

All staff employed by the Service (including management, full time/part time educators, volunteers and students) will be subject to a Working with Children Check carried out by the Office of the Children's Guardian. Prospective employees or volunteers over the age of 18 must provide their Working with Children Check number to the Nominated Supervisor. This number must be verified online before they can be hired.

## Related Policies

- Confidentiality Policy
- Determining the Responsible Person Policy

## Relevant Laws and Provisions

- NSW Children and Young Persons (Care and Protection) Act 1998
- Child Protection (Working with Children) Act 2012
- Commission for Children and Young People Act 1998
- Child Protection (Prohibited Employment) Act 1998
- Ombudsman Act 1974 (with relevant Child Protection Amendments)
- ChildStory Mandatory Reporter Guide
- Children's Guardian Act 2019

## Education and Care Services National Law (2010) and Regulations (2011)

<b>Section 167</b>	Offence relating to protection of children from harm and hazards
<b>Regulation 84</b>	Awareness of child protection law
<b>Regulation 85</b>	Incident, injury, trauma and illness policies and procedures
<b>Regulation 86</b>	Notification to parents of incident, injury, trauma and illness
<b>Regulation 87</b>	Incident, injury, trauma and illness record
<b>Regulation 115</b>	Premises designed to facilitate supervision
<b>Regulation 165</b>	Record of visitors
<b>Regulation 166</b>	Children not be alone with visitors
<b>Regulation 168</b>	Education and care services must have policies and procedures
<b>Regulation 170</b>	Policies and procedures to be followed
<b>Regulation 171</b>	Policies and procedures to be kept available
<b>Regulation 172</b>	Notification of change to policies and procedures
<b>Regulation 175 (d)(e)</b>	Prescribed information to be notified to Regulatory Authority
<b>Regulation 176</b>	Time to notify certain information to Regulatory Authority

## National Quality Standard (NQS)

Quality Area 2: Children’s health and safety		
<b>2.2</b>	Safety	Each child is protected
<b>2.2.3</b>	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

Quality Area 5: Relationships with children		
<b>5.2</b>	Relationships between children	Each child is supported to build and maintain sensitive and responsive relationships
<b>5.2.2</b>	Self-regulation	Each child is supported to regulate their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts

Quality Area 7: Governance and leadership		
<b>7.1</b>	Governance	Governance supports the operation of a quality service.
<b>7.1.1</b>	Service philosophy and purpose	A statement of philosophy guides all aspects of the service’s operations.
<b>7.1.2</b>	Management systems	Systems are in place to manage risk and enable the effective management and operation of a quality service.
<b>7.1.3</b>	Roles and responsibilities	Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service.
<b>7.2</b>	Leadership	Effective leadership builds and promotes a positive organisational culture and professional learning community
<b>7.2.1</b>	Continuous improvement	There is an effective self-assessment and quality improvement process in place
<b>7.2.3</b>	Development of professionals	Educators, co-ordinators and staff members’ performance is regularly evaluated and individual plans are in place to support learning and development

### Policy Controls

Effective Date	Review Date	Lead by	People Consulted	Review Approved
Version 2 October 2022	October 2024	Jacqui Pearson: OOSH Nominated Supervisor	Management and staff	KNC Board 30 <sup>th</sup> November 2022