

ARMIDALE OUT OF SCHOOL HOURS CARE

Child Protection Policy

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| Related documentation Policy/policies: | Code of Ethics, Delivery/Collection of Children and Parental Access, Determining the Responsible Person, Visitors. |
| Regulation/s/ Standards: | Regulations: Clauses 84, 157 and 160 National Quality Standards 2.2, 2.2.3, 4.2, 5.1.2, 6.1, 6.2, ,7.1.2. |
| Related procedures: | Confidentiality, Supervision and Work, Health and Safety. |
| References: | Children and Young Person's (Care and Protection) Act 1998 United Nations Convention on the Rights of the Child ECA Code of Ethics Child Protection in the Workplace – NSW Ombudsman Child SAFE program (Office of the Children's Guardian) ACECQA Research & Resources |
| Date effective | August 2022 |
| Date for review | August 2023 |
| Purpose | Armidale Out of School Hours Care has a duty of care to ensure that all children attending the service are protected and kept safe from risk of significant harm. |
| Responsibility | Board of Directors, Management Nominated Supervisors and Educators. |

Key information:

Armidale Out of School Hours Care will use our best endeavours to:

- Ensure the safety, wellbeing and dignity of all children in care;
- Ensure that Management, Nominated Supervisors and Educators are aware of their legal and professional responsibilities;
- Ensure that all partners are aware of the procedures to be followed in reporting any suspected risk of significant harm (ROSH);
- Ensure that appropriate steps are taken if concerns are held for any child in care;
- Ensure that Armidale Out of School Hours Care works in a way that is sensitive to families in crisis;
- Be aware of and sensitive to the cultural backgrounds and practices of families without deviating from the responsibilities identified in this policy.

Policy:

Management, Nominated Supervisors and Educators of Armidale and District Family Day Care are Mandatory Reporters.

Mandatory reporters are required by law to report any situation which involves suspected Risk of Significant Harm to a child.

**The CHILD PROTECTION HELPLINE for MANDATORY REPORTERS and the public is 132 111
(24 hrs/7 days).**

The Role and Responsibilities of Mandatory Reporters

The National Law provides safeguards for mandatory reporters.

- It is not considered a breach of professional etiquette, ethics or code to make a report in good faith.
- A Mandatory reporter cannot be sued or be subject to any form of legal action or liability arising out of making a report.
- As far as possible, the anonymity of the reporter will be respected. A reporter's identity will only be disclosed with their consent or in exceptional cases at the request of the Court that is hearing evidence related to a report.
- The Nominated Supervisor is not required to inform parents/guardians that a notification has been made. This is the role of the Department of Families and Community Services (FACS) or the Police (depending on the circumstances).
- A dated, written record of the notification needs to be retained *for 25 years after the child leaves the service*
- The family's right to confidentiality must be respected at all times but evidence of reasonable grounds for notification can be gathered by:
 - Sharing information with Staff and the relevant Educator before, during and after an allegation is made,
 - Written observations of the child including behavioural patterns or changes.
(These must be signed and dated and kept in a confidential file).
- Under Chapter 16A of the *Children and Young Person's (Care and Protection) Act 1998 s245A*, prescribed bodies (e.g. the police, schools, hospitals, doctors or other health professionals or child care services) may exchange information about a child's safety, welfare or wellbeing verbally or in writing.

The Responsibility of Department of Communities and Justice (DCJ)

It is the responsibility of the Department of Communities and Justice (DCJ) to provide feedback to the person reporting. If no feedback has been provided, after 24 hours, the Service may contact the Department to ask for feedback.

Procedures

Management and Educators are required to undergo a Working with Children Check prior to commencing work and to update that WWCC every 5 years.

Educators are made aware of their responsibilities under relevant Acts of legislation upon induction.

Management and Educators must undertake relevant Child Protection training every three years and update qualifications accordingly.

Management must notify the Commission of Children and Young People of any relevant disciplinary proceedings that have been completed against an employee within the last five years.

Educators will be provided with updated information to support their understanding of, and ability to respond to, child protection issues on a regular basis.

Reporting Procedures

If Management, an Educator, partner of the service or a community representative has reason to suspect that a child attending care is at risk of significant harm, that person should immediately contact the Nominated Supervisor and/or Business Manager to report this information

To ensure the child's safety, that person must NOT discuss their concerns with the child's family or other Educators.

When advised of the allegation, the Nominated Supervisor will obtain a written statement from the person making the allegation with a full account of the incident. This will apply whether the incident is trivial, minor or untrue.

Management, the Educator and/or Nominated Supervisor will document the allegations and use the Mandatory Reporters Guide (MRG) <https://reporter.childstory.nsw.gov.au/s/mrg> for guidance in making a report and/or to determine if a report should be made.

If the MRG determines that the matter is Reportable Conduct, the Regulatory Authority must then be notified (an Incident Report should be submitted via the NQAITS Portal).

The Nominated Supervisor must notify the NSW Ombudsman on Notification Form Part A within 30 days of an allegation being made.

A copy of this notification will be forwarded to the Commission of Children and Young People.

In cases of Reportable Conduct, management and the Nominated Supervisor will act in relation to the advice provided by the NSW Ombudsman regarding investigation of the allegation.

In the case of Reportable Conduct related to an Educator or Company employee, that person may be suspended, without loss of pay, until the investigations have been completed.

If the investigation proves that the allegations are unfounded, the person subject to the allegations will be provided with full support and will be offered appropriate counselling.

If the person is convicted, dismissal will occur immediately.

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Once concerns are notified to Department of Communities and Justice (DCJ), all subsequent procedures are the duty and responsibility of that Department and the Police.

Record Keeping and Confidentiality

Detailed records of all investigations and any disciplinary procedures involving staff members must be kept for an unspecified time.

An employee may make an application under the Freedom of Information Act 1989 to access the records held by the Service about the investigation into any allegation.

Procedures to be adopted by Educators when a child discloses to you that abuse is occurring:

1. Listen to the child (let the child speak, do not talk for them).
2. Use a calm reassuring voice at the child's level.
3. Don't ask any leading questions or pry.
4. Encourage the child to continue talking, simply listening and indicating that you believe them.
5. Don't make promises or offer opinions.
6. Comfort the child and try to ensure that they feel safe.
7. Avoid expressing doubt, judgment or shock.
8. Document the child's statements concisely in their words.
9. Provide this report to the Nominated Supervisor or Responsible Person, who will institute Reporting Procedures.
10. Do not alert the child's guardian or authorised person, not any other individual to the disclosure.

Ring 000 immediately if there is a life-threatening situation.