

## ARMIDALE & DISTRICT FAMILY DAY CARE

### Child Protection Policy

<p><b>Related documentation</b></p> <p><b>Policy/policies:</b></p> <p><b>Regulation/s/ Standards:</b></p> <p><b>Related procedures:</b></p> <p><b>References:</b></p>	<p>Code of Conduct, Delivery/Collection of Children and Parental Access, Determining the Responsible Person, Educator’s Assistant, Visitors.</p> <p>NQS- 2.2, 2.2.3, 4.2, 5.1.2, 6.1, 6.2, ,7.1.2. Regulations: Clauses 84, 157 and 160</p> <p>Confidentiality, De-registration, Safe Sleeping, Supervision and Work, Health and Safety.</p> <p>Children and Young Person's (Care and Protection) Act 1998 United Nations Convention on the Rights of the Child ECA Code of Ethics 2016 Child Protection in the Workplace – NSW Ombudsman Child SAFE program (Office of the Children’s Guardian) <a href="http://www.kidsguardian.nsw.gov.au/child-safe-organisations/child-safe-elearning">www.kidsguardian.nsw.gov.au/child-safe-organisations/child-safe-elearning</a></p>
<b>Date effective</b>	July 2020
<b>Date for review</b>	July 2022
<b>Purpose</b>	The Board of Directors, Staff and Educators of Armidale & District Family Day Care Ltd have a duty of care to ensure that all children attending our service are protected and kept safe from risk of significant harm.
<b>Responsibility</b>	Directors, Staff, Educators , Relief Educators

**Key information:**

- To ensure the safety, wellbeing and dignity of all children in care;
- To ensure that all service partners are aware of their legal and professional responsibilities;
- To ensure that all service partners are aware of the procedure involved in reporting any suspected risk of significant harm (ROSH);
- To ensure that appropriate steps are taken if concerns are held for any child in care;
- To ensure that the AFDC works in a way that is sensitive to families in crisis;
- To be aware of and sensitive to the cultural backgrounds and practices of families without deviating from the responsibilities identified in this policy.

## Policy:

Staff 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 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 rights 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 behavioral patterns or changes. (These must be signed and dated and kept in a confidential file).
- It is the responsibility of the Department of Families and Community Services (FACS) 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.
- 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.

## Legislation

This policy relates to the following legislation:

### **Children and Young Persons (Care and Protection) Act 1998**

This Act requires anyone working with children or young people to fulfill their duty as a mandatory reporter when they have reasonable grounds to suspect that a child or young person is at risk of significant harm. Amendments to this Act were made following the Wood enquiry resulting in the Children Legislation Amendment Act 2009 and Keep Them Safe guidelines.

### **Child Protection (Prohibited Employment) Act 1998**

This act makes it an offence to employ or retain a person who has been convicted of a serious sex offence where that person's employment primarily involves direct contact with children and young people under the age of 18 years.

### **Commission for Children and Young People Act 1998**

This Act requires a Working with Children Check screening of the applicant before a person is employed or registered to work in child related employment.

### **Ombudsman Amendment Child Protection and Community Services Act 1998**

- This Act gives the Ombudsman jurisdiction to oversee, monitor and investigate systems for: Preventing child abuse by employees of designated agencies, handling and responding to child abuse allegations or child abuse convictions involving employees of designated agencies.
- The United Nations Convention on the Rights of the Child (UNCROC) also provides guidelines for the safety and wellbeing of all children. Much of the legislation relating to child wellbeing and safety has been developed to reflect the aims of the UNCROC.

### **Child protection awareness programs and plans**

- Illustrates the service's commitment to implementing best practice plans and learning strategies for children through individual and group experiences.
- For example, empowering children to speak out or disclose information through awareness programs that encourage children and adults to discuss what is 'safe' and who may be a 'safe' person to talk to.

### **Definitions**

- A **Child** is defined as a person under the age of 15. A **Young Person** is a person who is 16 years or above but under the age of 18 years.
- An **Employee** is a person who is paid a wage or salary, a volunteer, a student on work experience, a person working under a contract or a person who is paid a commission.
- A **Parent or Guardian** is a person who has parental responsibility for the child or young person.
- A **Prohibited Person** is someone who has been convicted of a serious sex offence as defined under the Child Protection Prohibited Employment Act 1998.
- An **Allegation** is any behaviour, identified as reportable, that is exempt from notification to the Ombudsman but is required to be investigated by the Service.
- A child or young person is considered to be at **Risk of Significant Harm** if they are:
  - Neglected (their basic needs are not being met e.g. food, medical care).
  - Physically abused or ill-treated.
  - Sexually abused.
  - Exposed to domestic violence.
  - Subject to behaviour that may cause them serious psychological harm.

The MRG (Mandatory Reporter's Guide) Decision Tree includes 8 categories for ROSH (Risk of Significant Harm)- Physical abuse, neglect concerns, sexual abuse, psychological harm, child/young person is a danger to self and others, relinquishing care, Educator concern and unborn child.

### **Procedure**

All coordination unit Staff, Educators and their adult household members are required to undergo a Working with Children Check prior to commencing work and to update that WWCC every 5 years.

As employed people, Educators and Coordination Unit Staff pay a fee for this check, as “volunteers”, adult household members do not.

Staff, Educators and members of the Board will be made aware of their responsibilities under all Acts of legislation.

Staff and Educators will be required to undertake relevant Child Protection Training every 3 years and/ or to update qualifications as required. This training will also be offered to adult household members.

The Service will 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.

The Service will ensure the privacy and confidentiality of any information obtained through the screening process.

If a prospective employee or Educator is considered for employment or registration, several screening processes will be undertaken, including a formal interview, reference checks, a Working with Children Check and a National Police Check.

Students on work placement in Educator's services, will not be left unsupervised with children in care.

Educators will be provided with current information to support their understanding and response to child protection issues through regular training, newsletters and emails.

Educators and coordinators will provide experiences and activities for children that promote positive self-esteem and protective behaviours *e.g the SAFE book series available for loan from the Service library.*

## Reporting Child Abuse – Notification Procedures

### Suspected abuse of a child by a Parent or family Member

1. If an Educator has reason to suspect that a child attending care is at risk of significant harm, the Educator should immediately contact a Coordinator and/or the Nominated Supervisor of Armidale and District Family Day Care and report this information
2. To ensure the child's safety, the Educator must **NOT** discuss their concerns with the family.
3. The Educator and a Coordination Staff member 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/to determine if a report should be made.
4. If a report is made, the Regulatory Authority must then be notified (an Incident Report should be submitted via the NQAITS Portal).
5. The Nominated Supervisor will be responsible for records related to any subsequent risk assessments or action taken. These records should be treated as highly confidential and maintained securely and permanently. Only Nominated Supervisor and the President of the Board of Directors will have access to these records.

### **Suspected Abuse of a child by an Educator or a member of the Educators household**

1. If a parent or Coordination Staff Member suspects that an Educator or a member of the educator's household has abused a child in care, they should immediately contact the Nominated Supervisor of Armidale and District Family Day Care.
2. The allegation will be documented and the Mandatory Reporters Guide will be used to determine if the allegation meets the required reporting threshold.
3. The Nominated Supervisor will seek advice from the NSW Ombudsman regarding the investigation of the allegation.
4. In the case of an allegation of Reportable Conduct, the Educator concerned will not provide Family Day Care until investigations have been completed.
5. If an Educator or member of the household is convicted, deregistration will occur immediately.
6. A Notification Form (Part A) will be completed and sent to the NSW Ombudsman and the Commission for Children and Young People (CCYP) within 30 days of the allegation being made.
7. A notification advice form will also be completed and sent to the Educator.
8. A notification will be made to the Regulatory Authority via the NQAITs Portal.

### **Suspected Abuse of a child by a Staff Member**

1. If a person suspects that a Staff Member has abused a child in care, that person should contact the Nominated Supervisor of Armidale and District Family Day Care (67725300) or the Mandatory Reporter Child Protection Helpline -132111.
2. 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.
3. Advice will be sought from the NSW Ombudsman regarding investigation of the allegation.
4. In the case of Reportable Conduct, the Nominated Supervisor will liaise with the investigating parties so that an informed conclusion can be made.
5. In the case of Reportable Conduct, the Staff Member may be suspended, without loss of pay, until the investigations have been completed.
6. The NSW Ombudsman will need to be formally notified on the relevant notification form (Notification Form Part A) within 30 days of the allegation being made.
7. A copy will also be completed and sent to the Commission for Children and Young People (CCYP).
8. If the investigation proves the allegations are unfounded, the person subject to the allegations will be provided with full support, and will be offered appropriate counseling.
9. If a Staff Member is convicted, dismissal will occur.
10. Detailed records of the investigation and any disciplinary procedures 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 the allegation against the employee.
11. A notification advice will also be completed and sent to the Staff Member.

## **General Information**

If any indicators of Risk of Significant Harm (ROSH) are observed, Staff and Educators are advised to:

1. Look for other indicators,

2. Record indicators including dates, and direct observations or words spoken.
3. Speak to a fellow Staff member or Coordinator about the indicators, or contact the Mandatory Reporter's Helpline (132 111) to determine if the report meets the ROSH threshold .
4. Staff and Educators should ask themselves:
  - What is it like for the child?
  - What are the consequences for the child?
  - Has the child been harmed?
5. Notifications must be made if there is a belief held on reasonable grounds, that a child is at risk of significant harm.

**If 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 leading questions or pry.
4. Believe the child.
5. Don't make promises you can't keep. Don't try to make it better.
6. Comfort the child.
7. Avoid expressing doubt, judgment or shock.
8. Convey messages that it is not their fault, it was right to tell, it's not OK for adults to harm children, they are not alone, it happens to others to.
9. Tell them that you need to talk to other people whose job it is to help children to be safe.
10. In the case of any abuse or neglect – do not alert the alleged offender about the disclosure.

## **Confidentiality**

All information must remain confidential. It should **NOT** be discussed with anyone except the relevant Staff Members and the Department of Families and Community Services (FACS).

Once concerns are notified to Department of Families and Community Services (FACS), all subsequent procedures are the duty and responsibility of that Department and the Police.

Under no circumstances should the investigation of suspected risk of significant harm be carried out by Armidale and District Family Day Care.

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