

## ARMIDALE FAMILY DAY CARE

### *Providing A Child Safe Environment*

<b>Background:</b>	The Education and Care Services National Regulations require approved providers to ensure their services have policies and procedures in place for providing a child safe environment to minimise risk of harm and hazard to children attending education and care services.
<b>Related Policies:</b>	Code of Conduct, Delivery/Collection of Children and Parental Access, Determining the Responsible Person, Educator’s Assistant, Visitors, Complaints Handling Policy, Child Safe Policy, Child Safe Code of Conduct.
<b>Related Procedures:</b>	Confidentiality, De-registration, Safe Sleeping, Supervision, Work, Health and Safety, Child Safe Standard Risk Assessment.
<b>Regulation/s/ Standards:</b>	National Education and Care Regulations - Clauses, 82, 83, 84, 103, 115, 122, 123, 123A, 124, 145, 157, 160, 165, 166, 168, 169, 170, 171, 172, 175 (d)(e). National Quality Standards- 2.2, 2.2.3, 4.2, 5.1.2, 6.1, 6.2, 7.1.2. National Law- Sections 162A, 165, 166, 167.
<b>References:</b>	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>
<b>Date effective</b>	August 2023
<b>Date for review</b>	August 2025
<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>Children’s safety and wellbeing are paramount at our service and will be fostered through our child safe culture, responsive relationships, engaging experiences and safe and healthy environment.</b>
<b>Responsibility</b>	Directors, Staff, Educators, Relief Educators

**Key information:**

- Armidale Family Day Care will use its best endeavours to ensure a safe environment for all children. Children's health, mental and physical wellbeing, online and personal safety and sense of security will be protected through the creation of child safe culture.
- Children will have an active involvement in decision-making processes to ensure the development of their agency and provide an environment that encourages them to reach their potential.
- All service partners will be aware of their legal and professional responsibilities to identify and respond to every child at risk of abuse or neglect and the procedures involved in reporting any suspected risk of significant harm (ROSH).
- At all times, reasonable precautions and adequate supervision will ensure that children are protected from harm and hazard.
- AFDC will ensure that procedures are in place to effectively manage incidents and emergencies and that these procedures are regularly rehearsed.
- AFDC will operate in a manner that is sensitive to families in crisis and will maintain awareness of, and sensitivity to, the cultural backgrounds and practices of families. AFDC will do this without deviating from the responsibilities identified in this policy.

**Supervision**

- Supervision of infants and toddlers who are sleeping is ensured when educators can see and hear them. Educators will comply with AFDC's Safe Sleep Procedure and Supervision Procedure
- Educators will ensure that children have access to adequate toileting facilities, in line with developmental and age-appropriate standards, safe and convenient for the use of the child.
- Educators have access to, and will participate in the revision of, AFDC policies and procedures relating to child protection including but not limited to: Supervision Procedure, Visitors to Educators Premises Policy, Confidentiality Policy, Nappy Change Policy, Photo and Camera Policy, Student and Volunteer Policy and Complaints Handling Policy.

**Induction and ongoing training**

- Management, Coordinators and Educators will receive access to frequent training opportunities, including workshops and online training courses.
- Management, Coordinators and Educators must undertake Child Protection Training prior to commencing their job role.
- Management and Nominated Supervisors must update their training annually.
- Coordinators must update their training annually.
- Educators are encouraged to update their training biannually.

## Key terms table

<b>TERM</b>	<b>MEANING</b>	<b>SOURCE</b>
<b>ACECQA</b>	Australian Children’s Education and Care Quality Authority The independent national authority that works with all regulatory authorities to administer the National Quality Framework, including the provision of guidance, resources and services to support the sector to improve outcomes for children.	acecqa.gov.au
<b>Mandatory reporting</b>	The legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities.	State/territory based child protection legislation
<b>Reasonably believes</b>	Believes on grounds that are reasonable in the circumstances.	Schedule 3, Child Protection Act 1999 (Queensland)
<b>Reasonable grounds</b>	Suspect that a child may be at risk of significant harm based on your observations of the child or what has been reported to you about a child.	Schedule 3, Child Protection Act 1999 (Queensland)
<b>Reasonably suspects</b>	Suspects on grounds that are reasonable in the circumstances.	Schedule 3, Child Protection Act 1999 (Queensland)
<b>Responsible person</b>	In relation to an education and care service, means a person referred to in section 162(1)(a) to (c) of the Education and Care Services National Law	National Law
<b>Reportable conduct</b>	Certain organisations or entities have legal obligations under Reportable Conduct Schemes. Under these Schemes, certain organisations or entities are required to notify and investigate certain allegations (reportable allegations) of abuse involving a child, when the allegation is against someone they employ, engage or contract in circumstances outlined by the legislation	State/territory based child protection legislation
<b>Rights of the child</b>	Human rights belonging to all children, as specified in the United Nations Convention on the Rights of the Child.	Guide to the NQF
<b>Wellbeing</b>	Sound wellbeing results from the satisfaction of basic needs – the need for tenderness and affection; security and clarity; social recognition; to feel competent; physical needs and for meaning in life. It includes happiness and satisfaction, effective social functioning and the dispositions of optimism, openness, curiosity, and resilience	Guide to the NQF

<b>Working directly with children</b>	A person is working directly with children at a given time if at that time the person: <ul style="list-style-type: none"> <li>• is physically present with the children, and</li> <li>• is directly engaged in providing education and care to the children.</li> </ul>	National Regulations
<b>Working with children / Working with vulnerable people check (WWCC/WWVP)</b>	A notice, certificate or other document granted to, or with respect to, a person under a working with children law to the effect that: <ul style="list-style-type: none"> <li>• the person has been assessed as suitable to work with children; or</li> <li>• there has been no information that if the person worked with children the person would pose a risk to the children; or</li> <li>• the person is not prohibited from attempting to obtain, undertake or remain in child-related employment.</li> </ul>	National Law
<b>Child</b>	a person under the age of 15	<a href="https://reporter.childstory.nsw.gov.au/s/article/Glossary">https://reporter.childstory.nsw.gov.au/s/article/Glossary</a>
<b>Young Person</b>	a person who is 16 years or above but under the age of 18 years.	<a href="https://reporter.childstory.nsw.gov.au/s/article/Glossary">https://reporter.childstory.nsw.gov.au/s/article/Glossary</a>
<b>Parent or Guardian</b>	a person who has parental responsibility for the child or young person.	
<b>Prohibited Person</b>	someone who has been convicted of a serious sex offence as defined under the Child Protection Prohibited Employment Act 1998.	
<b>Allegation</b>	any behavior, identified as reportable, that is exempt from notification to the Ombudsman but is required to be investigated by the Service.	
<b>Risk of Significant Harm</b>	A child or young person is considered to be at <b>Risk of Significant Harm</b> if they are: <ul style="list-style-type: none"> <li>○ Neglected (their basic needs are not being met e.g. food, medical care).</li> <li>○ Physically abused or ill-treated.</li> <li>○ Sexually abused.</li> <li>○ Exposed to domestic violence.</li> <li>○ Subject to behaviour that may cause them serious psychological harm.</li> </ul> <p>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.</p>	<a href="https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/should-i-call/chapters/deciding-to-make-a-report#:~:text=The%20law%20says%20a%20child,or%20secure%20place%20to%20live">https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/should-i-call/chapters/deciding-to-make-a-report#:~:text=The%20law%20says%20a%20child,or%20secure%20place%20to%20live</a>

### **Access to Armidale Family Day Care Policies and Procedures**

Armidale Family Day Care policies and procedures are located on AFDC's website (<https://armidaleanddistrictfamilydaycare.com>) and at the Coordination Unit (95 Faulkner St Armidale NSW 2350)

### **Policy:**

#### **Mandatory Reporting**

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**

<b>Roles</b>	<b>Responsibilities</b>
Approved provider	<p>-To ensure that their obligations under the Education and Care Services National Law and National Regulations are met.</p> <p>To ensure that this <i>Providing a Child Safe Environment Policy</i> and related procedures are implemented, that appropriate risk assessments and action plans are completed, and that all identified actions are taken to minimise the risks to children's health and safety (also known as a risk minimisation plan)</p> <p>To ensure that all educators and staff have undertaken current child protection training, including on mandatory reporting requirements and obligations in their state/territory.</p> <p>To provide an environment that is free from the use of tobacco, illicit drugs and alcohol and ensure no educators or staff are affected by alcohol or drugs (including prescription medication) so as to impair their capacity to supervise or provide education and care to children in the service.</p> <p>To promote a culture of child safety and wellbeing that underpins all aspects of the service's operations in order to reduce risk to children (including the risk of abuse)</p> <p>To ensure the safe use of online environments within AFDC.</p> <p>To ensure that AFDC policies and procedures promote equity and respect diversity for the safety and wellbeing of children and young people.</p> <p>To ensure that copies of AFDC policies and procedures are readily accessible to Nominated supervisors, coordinators, Educators and staff, volunteers and students and are available for inspection by the Regulatory authority.</p> <p>To notify families at least 14 days before changing a Policy or Procedures if the changes will a) affect the fees charged or the way they are collected, b) significantly impact the service's education and care of children or c) significantly impact the family's ability to utilise the service.</p>
Nominated supervisor	<p>To implement this <i>Providing a Child Safe Environment Policy</i> and related procedures and to ensure that any plans developed from risk assessments are in place for individual children and are carried out.</p> <p>To ensure that all educators and staff, volunteers and students are aware of current child protection legislation, including their mandatory reporting requirements and obligations in</p>

	<p>NSW.</p> <p>To ensure all educators and staff know where to access this <i>Providing a Child Safe Environment Policy</i></p> <p>To have ongoing communication with educators and staff about their responsibilities in relation to policies, procedures and legislation.</p> <p>To support educators and staff to uphold AFDC's culture of child safety and wellbeing.</p> <p>To regularly monitor child protection training schedules and ensure all educators and staff are up to date with their training.</p> <p>When required, to work collaboratively with appropriate services and/or professionals to support children's access, inclusion and participation in the program.</p>
Educators	<p>To be aware of current child protection legislation, including the mandatory reporting requirements and obligations</p> <p>To implement this <i>Providing a Child Safe Environment Policy</i> and related procedure, ensuring that any action plans for individual children are carried out.</p> <p>To implement AFDC's culture of child safety and wellbeing.</p> <p>To be aware of the individual needs and action plans for children in care.</p> <p>To maintain current accredited child protection, First Aid and approved CPR, Asthma and Anaphylaxis training</p> <p>To provide an environment that is free from the use of tobacco, illicit drugs and alcohol within service operation hours.</p> <p>To recognise and respond effectively to children in care, taking into account their diverse needs.</p> <p>To ensure the safety and wellbeing of children attending the service by keeping a visitors' record, including signatures and arrival/departure times.</p> <p>To ensure children participate in decision making in matters affecting them, including in relation to safety issues and risk identification</p>

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 always be respected, though 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.

### **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.
- Staff, Educators, and members of the Board will be made aware of their responsibilities under all Acts of legislation upon engagement and will be required to read and sign policies that directly relate to child protection.
- Staff will be required to undertake relevant child protection training every year and Educators will be recommended to undertake relevant Child Protection Training every 2 years and/ or to update qualifications as required.
- AFDC will notify the Commission of Children and Young People of any relevant disciplinary proceedings that have been completed against an Educator or staff member within the last five years.

- AFDC will ensure the privacy and confidentiality of any information obtained through screening processes.
- Where a prospective employee or Educator is considered for employment or registration, AFDC will undertake 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.

## **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 AFDC 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.

### **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 AFDC.
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's service will be suspended 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 AFDC 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. 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 as well.
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 any investigation of suspected risk of significant harm be carried out by Armidale Family Day Care.**

**All parties should call 000 immediately if there is a life-threatening situation or immediate danger**

**Acknowledgement and Declaration**

I declare that I have read, understand and agree to comply with this Providing a Child Safe Environment Policy and to the outlined timeframes.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

Role: Approved Provider/Staff Member/Educator