



CHILD PROTECTION POLICY

Introduction

Ausscot Family Day Care (AFDC) coordination unit staff and Educators are mandatory reporters and are required by law to report to the NSW Department of Communities and Justice (DCJ) when they have current reasonable grounds to suspect that a child or young person are at 'significant risk harm'.

Every Educator or coordination unit staff member has a legal and ethical obligation to act and to protect any child or young person who is at '**significant risk of harm**'. To be able to act when required, Educators and Coordination Unit staff members must be aware of current child protection policy and procedures, including their legislative responsibilities (NQS - Element 2.2.3). In addition, the NSW Office of the Children's Guardian have developed the **Child Safe Standards** that Ausscot Family Day Care is committed to implement the standards.

NSW Department of Communities and Justice have the 'lead' responsibility to investigate and coordinate where intervention is necessary for the care and protection of children and young people.

Definition of SIGNIFICANT RISK OF HARM

The grounds for reporting a child or young person at 'risk of significant harm' are outlined under section 23 of the **Children and Young Persons (Care and Protection) Act 1998**.

It states that a child or young person is at harm or at 'significant risk of harm' if current concerns exist for the safety, welfare and wellbeing of the child or young person because of the presence of any one or more of the following circumstances:

- a) the child 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 educators have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care OR (b1) parents or other Educators unwilling to arrange for the child or young person to receive an education;
- 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 of the Children and Young Persons (Care and Protection) Act 1998 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

For further information and a list of the indicators of Significant Risk of Harm please see the Family and Community Services website <https://www.facs.nsw.gov.au/>
or the Child Story Reporter Website @ <https://reporter.childstory.nsw.gov.au/s/>

Goals - What are we going to do?

Our care and education service will:

- Promote awareness of the indicators of 'significant risk of harm' to children (a person under 16) and young persons (16 or 17 years old) and that 'significant risk of harm' exists in our society;
- Ensure that all coordination unit staff and Educators are aware of their 'duty of care' in relation to the protection of children and young person's as a mandatory reporter under the Children and Young Persons (Care and Protection) Act 1998 section 27;
- Display, implement and promote the NSW Office of the Children's Guardian - **10 - Child Safe Standards**; and
- Ensure that all families are aware that Educators and Coordination Unit Staff are mandatory reporters under the Children and Young Persons (Care and Protection) Act 1998 section 27.

Strategies - How will it be done?

Approved Provider will:

- Provide support to the Nominated Supervisor, Coordination Unit staff, Educators, and families in the implementation of this policy;
- Endorse Coordination Unit Staff and Educator participation in child protection training;
- Respect the confidentiality of children, families, Educators and Coordination Unit staff in the process of child protection; and
- Not take the lead responsibility to investigate child protection reports, until deemed accepted as the lead body.

Nominated Supervisor will endeavour to:

- Provide support to the Approved Provider, Coordination Unit staff, Educators, and families in the implementation of this policy;
- Ensure that a NSW Working with Children Check is completed and verified by all Coordination Unit staff members, Educators and adult household members, over the age of 18 years;
- Ensure that a National Police Check is completed and verified by all Coordination Unit staff members, Educators and adult household members, over the age of 18 years, except those that have been provided with an exemption by the Nominated Supervisor;
- Ensure that a Auscot Family Day Care 4b. Statement is completed and supplied to AFDC by all adult household members, over the age of 18 years;
- Ensure that all Coordination Unit staff and Educators have a copy of this policy;
- Ensure that awareness of child protection (Reg 84) and adequate training is provided on an ongoing basis as required by the National Quality Standards (NQS 2.2.3);
- Ensure that the NSW Office of the Children's Guardian - **10 - Child Safe Standards** poster is displayed, practiced and promoted;
- Be responsible for guiding and supporting Coordination Unit staff, Educators and families when concerns have been raised;
- Make suitable documentation to aid in the investigation process. Ensure that this information is only released to authorised persons, on a need-to-know bases;
- Access the Child Story Reporter on-line mandatory reporter's guideline, to access prior to making a report **PH: 132 111** and ensure confidentiality of all parties during the process;

- The Nominated Supervisor is the 'prescribed body' under section Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 which provides for the exchange of information between prescribed bodies relating to the safety, welfare or wellbeing of a particular child or young person or class of children; and
- The Department of Communities and Justice have the 'lead' responsibility to investigate a report of Child Protection. If the Department of Communities and Justice do not take the lead responsibility to investigate, then the responsibility becomes the responsibility of the Nominated Supervisor or the Approved Provider of AFDC.

Educators and Coordination Unit staff will:

- Ensure that a NSW Working with Children Check (valid for five years) and a National Police Check is completed and verified by all Coordination Unit staff members, Educators and adult household members (at a cost to the individual). It is an offence for a prohibited person to apply for or remain in child-related employment;
- Ensure that a Ausscot Family Day Care 4b. Statement is completed and supplied to AFDC by all adult household members;
- Ensure that when having visitors sleep overnight when Family Day Care children are sleeping overnight the Educator must advise the Nominated Supervisor of the dates of their stay;
- **By law** report to the Child Story Reporter Helpline if they have 'reasonable grounds' to suspect that a coordination unit staff person, educator or person is causing 'risk of harm' to Children or Young Persons as a mandatory reporter;
- If able to access the Child Story Reporter on-line mandatory reporter's guideline, do so prior to making a report **PH: 132 111**;
- Inform representatives from the Department of Communities and Justice and as directed by the court that they have made a report, however, Educators and staff do not have to inform other parties or AFDC;
- Contact the Nominated Supervisor or Coordinators if anxious about the process to discuss further or to assist you with the Child Story Reporter on-line mandatory reporter's guideline and making the report process;
- Educators agree to undertake Child Protection training CHCPRT025 Identify and report children and young people at risk, before commencement as an Educators with AFDC. Thereafter complete a CHCPRT025 refresher annually;
- Be familiar with possible indicators of 'significant risk of harm' and understand that these indicators must be considered in context of other indicators and the child's personal circumstances;
- Display, implement and promote the NSW Office of the Children's Guardian - **10 - Child Safe Standards**;
- Acknowledge that as a diverse society certain cultures will utilise different child rearing methods. However, culture will not be seen as an excuse for child maltreatment;
- Note any changes in a child's behavior, physical appearance or condition of all the children in care (including regression, deterioration, or frequency of presentation for assistance) or family circumstances, which may be of concern;
- Be particularly aware that children with high support needs are at a high risk of 'significant risk of harm' because of increased vulnerability, lack of mobility or for other more personal reasons; and
- Never attempt to question, prove, or judge the information as this may be considered as contamination of evidence. The Department of Communities and Justice have the lead responsibility to investigate.

IN ADDITION - Educators and Coordination Unit staff will:

- Be child focussed, in accordance with the National Principle's for Child Safe Organisations;
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 - Standard 8 Physical and online environments minimise the opportunity for abuse to occur;
- To identify and manage complaints about children exhibiting harmful sexual behaviours;
- To identify and manage online safety. It is a growing area of concern because perpetrators can actively exploit the environment to isolate a child without oversight from organisations or parents.
 - Children increasingly view the internet and social media as intrinsic parts of their lives, however they can have differing perceptions to adults about what is an online risk;
 - Children may not know what to do if they feel unsafe or are being actively targeted;
 - They should also know that they can talk to a trusted adult if they feel unsafe online, regardless of their own actions online;
 - Children, their parents and carers, and staff have access to information about online risks and how to manage them.
 - These risks include: • grooming • sharing of intimate images • bullying (including cyber bullying) and other forms of psychological abuse • meeting in person with people they have engaged with online • exposure to inappropriate content.

Reporting procedure for Coordination Unit staff and Educators:

1. When a Coordination Unit staff person or Educator has 'reasonable grounds' to believe that a child or young person is at 'significant risk of harm' they should; access the Child Story Reporter on-line mandatory reporter's guideline, if they have access, and follow the direction from the guideline (see attached link);
2. If Educators would like assistance with the Child Story Reporter on-line mandatory reporters' guideline the Nominated Supervisor or Coordinators are available for support;
3. If you do not agree with the direction of the guideline and still believe a report should be made, you can make a report at any stage;
4. If the Child Story Reporter on-line mandatory reporters' guideline directs you to make a report it is a requirement by law to report to the Child Story Reporter Helpline. AFDC has formatted a report form to collect the information required (see attachment); and
5. Contact the Child Story Reporter Helpline on **PH: 132 111**

Any person who makes a report is afforded protection by law if they make a report in good faith. The identity of the reporter cannot be disclosed to anyone without the reporters consent or unless directed by a magistrate or judge during a court proceeding (section 29, of the Children and Young Persons (Care and Protection) Act).

Policy Implementation:

The following practices should be implemented to reduce the risk of allegations against coordination unit staff and educators:

- Coordination Unit staff and Educators will notify the Nominated Supervisor or Coordinator about any difficult situations as soon as they are aware of them. This includes acknowledging personal stress and levels of tolerance or when some children are more difficult to relate to than others;
- Coordination Unit staff and Educators assess their personal behaviors to maintain a professional approach to children and families at all times;
- Coordination Unit staff and Educators will support each other in identifying the developmental needs of children, so that unrealistic challenges are not set to create unnecessary stress;
- Educators will maintain up to date child assessments and developmental profiles for children in care;
- Coordination Unit staff and Educators will develop and maintain open and respectful communication with families;
- The supervision of all children will be carefully monitored by all Educators. Individuals and groups of children should not be in areas that are not visible to the Educator;
- Children in care will never, be left alone with other adults or children without direct supervision of the Educator or Coordination Unit staff member without permission from a person with authority; and
- Educators must keep a record of all visitors to a Family Day Care residence while children are being educated and cared for by the Educator at the residence as part of a Family Day Care service (Reg 165.2).

When a report is made against a Coordination Unit staff person, Educator, Educator Assistant, or adult household member:

- It must be understood that alternate placement of children in care may occur immediately, depending on the 'significant risk of harm' identified on the report, to ensure the health, safety and wellbeing of the child and the children in care;
- The Department of Communities and Justice have the 'lead' responsibility and possibly in conjunction with the Joint Child Protection Response Program (JCRP) to investigate the report of Child Protection. If the Department of Communities and Justice do not take the lead responsibility to investigate, then the Nominated Supervisor of AFDC will take the lead responsibly or appoint an appropriate body;
- Any reportable allegations of 'significant risk of harm' made against a Coordination Unit staff member, Educator, or adult household member is required by law to be reported to the Australian Children's Education and Care Quality Authority (ACECQA) and the Office of the Children's Guardian as of 1st March 2020 (formally NSW Ombudsman);
- Depending on the allegation, or report, the Coordination Unit staff member or Educator may be able to continue to work with the possibility of a risk management plan in place. The Nominated Supervisor will discuss and formulate an appropriate risk management plan that will be documented and signed by all parties. The agreement will set out the conditions to abide by until any investigation is complete. At that time, the risk management plan will be reviewed or terminated;

- Depending on the allegation, or report of 'significant risk of harm', a Coordination Unit staff member may be suspended without pay, or an Educator may be suspended immediately;
- A Coordination Unit staff member may be reinstated after all the investigations have been finalised or terminated; and
- An Educator may be reinstated after all the investigations have been finalised or de-registered.

Note: The Reportable Conduct Scheme has been in operation since May 1999 and operated by the Office of the NSW Ombudsman. The Scheme was transferred to the Office of the Children's Guardian on 1 March 2020.

The Children's Guardian Act 2019 No 25

What conduct is reportable:

- S 21 Sexual Offence
- S 22 Sexual Misconduct
- S 25 Assault
- S 23 Ill-Treatment
- S 24 Neglect
- S 20g Emotional or Psychological Harm

Supporting Families:

- Families should always note any changes in a child's behavior, physical appearance or condition of their children, which may be of concern;
- If necessary, make a report to the Child Story Reporter Helpline on **PH: 132 111** and / or make a formal complaint to the Nominated Supervisor of AFDC; and
- Families are not required to inform anyone, except the Department of Communities and Justice representatives, and as directed by the court, that they have made a report. However, if anxious about the process please discuss with the Child Story Reporter Helpline and / or the Nominated Supervisor of AFDC.

Reporting procedure for families:

When a family has 'reasonable grounds' to believe that a child or young person has experienced 'significant risk of harm' by their Educator or a Coordination Unit staff member they should:

1. Contact the Child Story Reporter Helpline on **PH: 132 111**;
2. The Child Story Reporter Helpline will guide you through making a report;
3. If families are anxious about the process the AFDC Nominated Supervisor is available to discuss the situation; and
4. All reports should be treated with strict confidentiality.

Any person who makes a report is afforded protection by law if they make a report in good faith. The identity of the reporter cannot be disclosed to anyone without the reporter's consent or unless directed by a magistrate or judge during a court proceeding (section 29 of the Children and Young Persons (Care and Protection) Act).

Policy availability and review

This policy will be readily accessible to all staff, educators, families and visitors, and ongoing feedback on this policy will be invited. Management, staff, and Educators will monitor and review the effectiveness of this policy regularly. Updated information will be incorporated as needed.

References

Child Story Reporter Website: <https://reporter.childstory.nsw.gov.au/s/>

Children’s Guardian Act 2019 No 5 <https://legislation.nsw.gov.au/view/html/inforce/current/act-2019-025>

Education and Care Services National Law Act 2010:
<https://www.legislation.vic.gov.au/in-force/acts/education-and-care-services-national-law-act-2010/021>

Education and Care Services National Regulations:
<https://www.legislation.nsw.gov.au/view/html/inforce/current/sl-2011-0653>

Guide to the National Quality Framework - (NQS)
<https://www.acecqa.gov.au/national-quality-framework/guide-nqf>

Children and Young Persons (Care and Protection) Act 1998 No.157:
<https://www.legislation.nsw.gov.au/view/html/inforce/current/act-1998-157>

Office of Children’s Guardian – Child Safe Standards
https://ocg.nsw.gov.au/sites/default/files/2021-12/g_CSS_GuidetotheStandards.pdf

The Department of Communities and Justice: <https://www.facs.nsw.gov.au>

Working with Children Check:
<https://ocg.nsw.gov.au/working-children-check>

ATTACHMENTS

- 4a. Child Protection Report to the Child Story Reporter Helpline.
- 4b. Adult Household Member – Statement.
- 4c. Office of Children’s Guardian – Child Safe Standards.