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Child Protection Policy

QUALITY AREA 2: CHILDREN’S HEALTH AND SAFETY

Date Created: July 2009 Date to be reviewed: November 2024 Version No: 17

Policy Statement:

Yarrunga Early Learning Centre is committed to providing an environment that fosters health, development, spirituality, self-respect and dignity, that is free from violence and exploitation. In NSW, mandatory reporting is regulated by the **Children and Young Person’s (Care and Protection) Act 1998 (the Care Act)**, which applies the principle that the safety, welfare and wellbeing of children are paramount. All educators and volunteers of Yarrunga are Mandatory Reporters and are required to complete the **Mandatory Reporter Guide (MRG)** online and/or phone the **Child Protection Helpline (DCJ Department of Communities and Justice) (Phone: 132111)** or **VIC DHHS East Division intake: 1300 360 391** if they have reasonable grounds to suspect a child or young person is at **risk of significant harm (**ROSH) and have current concerns about the safety, welfare or wellbeing of a child or young person where the concerns arise during or from their work. We are committed to ensuring all educators and staff have a full understanding of their responsibilities as a Mandatory Reporter and are supported in fulfilling these.

The MRG (Edition 7) can be located online at **https://reporter.childstory.nsw. gov.au**

Yarrunga also aims to defend the rights of educators to confidentiality if a complaint against them is made and is found to be unsubstantiated. Yarrunga aims to educate all parties about their roles in child protection as well as signs of abuse to ensure that all child protection requirements are being met.

Background:

**The MRG supports mandatory reporters to:**

* Determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child (including unborn) or young person
* Identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter’s response is better served outside the statutory child protection system.

The MRG is a Structured Decision Making (SDM) tool intended to complement your professional judgment and critical thinking as a mandatory reporter and does not prevent you from taking any course of action you believe is appropriate.

* The MRG incorporates proven design principles that help focus on the most critical pieces of information for the decision at hand through a set of ‘decision trees’ and definitions.
* It works by posing specific questions in each decision tree that help you work systematically through the issues relating to your concerns about a child or young person.
* At the end of each decision tree process, a decision report will guide you as to what

action to take.

*ChildStory* places the child at the centre of their story and builds around them a network of family, carers, caseworkers and service providers that work collaboratively, with each other and the child, to keep them safe.

*ChildStory* is much more than just casework management system. *ChildStory* will, provide opportunities for everyone involved in a child’s circle of care to make their own valuable contribution to their records. Under the Education and Care Services National Regulation, the approved provider of the service must ensure that the nominated supervisor and any Responsible Persons in day-to-day charge of the service have successfully completed a course in child protection approved by the New South Wales Regulatory Authority.

Our goal is to ensure that every reasonable precaution is taken to protect children being educated and cared for by Yarrunga from harm. Yarrunga (educators, staff, management and volunteers) has a responsibility to defend children’s right to care and protection to ensure their safety, welfare and wellbeing, and a responsibility to report any children at significant risk of harm.

Scope:

This policy applies to all staff, management committee members, licensee, families, students and volunteers at the Centre.

Relevant legislation:

**Acts:**

[Adoption Act 2000](http://www.legislation.nsw.gov.au/#/view/act/2000/75)  
[Children and Young Persons (Care and Protection) Act 1998](http://www.legislation.nsw.gov.au/#/view/act/1998/157)  
[Child Protection (Working with Children) Act 2012](http://www.legislation.nsw.gov.au/#/view/act/2012/51)  
[Crimes Act 1900](http://www.legislation.nsw.gov.au/#/view/act/1900/40)  
[Education Act 1990](http://www.legislation.nsw.gov.au/#/view/act/1990/8)  
[Guardianship Act 1987](http://www.legislation.nsw.gov.au/#/view/act/1987/257)  
[Health Services Act 1997](http://www.legislation.nsw.gov.au/#/view/act/1997/154)  
[Mental Health Act 2007](http://www.legislation.nsw.gov.au/#/view/act/2007/8)  
[Ombudsman Act 1974](http://www.legislation.nsw.gov.au/#/view/act/1974/68)

**Regulations:**   
[Children and Young Persons (Care and Protection) Regulation 2012](http://www.legislation.nsw.gov.au/#/view/regulation/2012/425)  
[Child Protection (Working with Children) Regulation 2012](http://www.legislation.nsw.gov.au/#/view/regulation/2013/156)

Location of Information:

This information is provided to staff, students and volunteers during induction and is in the policy folder on all centre laptops, or from the office on request.

Reference sources:

NSW Government, ChildStory Reporter

Community Child Care Co-operative NSW (Sample policy March 2020),

NSW Government, 2016, Department of Premier and Cabinet, Child Wellbeing & Child Protection: NSW Interagency Guidelines: Mandatory Reporter Guide, accessed from: <https://reporter.childstory.nsw.gov.au/s/>

**NSW Child Protection Helpline Number: 132 111**

**VIC DHHS East Division intake Number**: **1300 360 391**

**All staff and members of the Committee of Management are mandatory reporters and need to abide with this policy.**

Definitions:

‘Mandatory reporters’ means people who deliver the following services, wholly or partly, to children as part of their paid or professional work:

* Health care (e.g., Registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech pathologists, psychologists, dentists and other allied health professional working in sole practice or in public or private health practices).
* Welfare (e.g., psychologists, social workers, caseworkers and youth workers)
* Education (e.g., teachers, counsellors, principals)
* Children’s Services (e.g., childcare workers, family day carers and home-based carers)
* Law enforcement (e.g., police)
* Residential services (e.g., refugee workers and out of home care workers)
* Religious bodies (e.g., a person in a religious ministry)

**‘At risk of significant harm’** - in relation to a child or young person means that there are current concerns for their safety, welfare or wellbeing because of the presence to a **significant extent** of any one or more of the following circumstances. (Any such circumstances may relate to a single act or omission or to a series of acts or omissions)

* The child’s or young person’s basic physical or psychological needs are not being met or at risk of not being met;
* The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive medical care;
* 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;
* The child or young person has been, or is at risk of being, physically, psychologically or sexually abused or ill-treated;
* 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;
* 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; or
* 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 the support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

**‘Reasonable grounds”** – means that you suspect a child may be at risk of significant harm based on:

* Your observations of the child, young person or family; or
* What the child, young person, parent or another person has told you. It does NOT mean that you are required to confirm your suspicions or have clear proof before making a report.

Strategies:

**The Approved Provider/Nominated Supervisor will:**

* Ensure Yarrunga operates in line with the Education and Care Services National Law and National Regulations with regard to the delivery and collection of children at all times.
* Ensure that persons placed in day-to-day charge of the service have a current qualification in Child Protection [https://education.nsw,gov.au/early-childhood-education/working-in-early-childhood-education/child -protection-training-requirements](https://education.nsw,gov.au/early-childhood-education/working-in-early-childhood-education/child%20-protection-training-requirements)
* Ensure all staff have access to relevant professional development.
* Ensure that any adult working or volunteering with children completes a Working with Children Check and does not commence employment without their Working with Children Check verified. Any person whose working with children check has been disqualified as a result of failing to qualify for a working with children check renewal, will not be continued to be employed by the service. This check is verified when renewed; <https://www.ocg.nsw.gov.au/child-safe-organisations/working-with-children-check>
* Ensure every adult working with children is made aware of *The Children and Young Persons (Care and Protection) Act 1998* and The ChildStory Reporter websiteand of their obligations under this law and action plan (*Education and Care Services National Regulation*, Regulation 84, *National Quality Standards* QA 2).
* Orientate every working adult to this child protection policy, The ChildStory Reporter website and Mandatory Reporter responsibilities and ensure their regular review of these.
* The Approved Provider must notify the regulatory authority through the NQA-ITS within 7 days of the following:
* Any incident where any employee reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service,
* Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child or children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the law).
* The Head of Relevant Entity (HRE)- Approved provider, must give written notice to the Office of the Children’s Guardian within 7 days of becoming aware of a reportable allegation. A final Report must be submitted within 7 days of becoming aware of reportable conduct, upon conducting further investigation. If a final report cannot be provided within 30 calendar days of becoming aware of reportable conduct, the HRE- Approved Provider, must contact the Office of the Children’s Guardian and submit an Interim Report.
* Yarrunga are committed to using appropriate anatomical terms when talking with children. Educators will only refer to female and male body parts with correct anatomy terms when talking to each other and children

**Educators and staff will:**

* Develop trusting and secure relationships with all children at Yarrunga
* Make reports of current concerns for any child at risk of significant harm to the **Child Protection Helpline Mandatory Reporters**; and
* Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of Yarrunga.

Concerns for abuse/neglect will be addressed directly with the family where appropriate, at the discretion of Educators and Director

**Documentation of current concerns**

**The Approved Provider/Nominated Supervisor will:**

* Support staff through the process of documenting and reporting current concerns of children at risk of significant harm; and
* Provide all staff and educators with clear guidelines around documentation and a template to support this.

**Educators and staff will:**

* Make a record of the indicators observed that have led to the belief that there is a current risk of harm to a child or young person. Information on indicators if risk of harm are outlined in the NSW Mandatory Reporter guide which is accessible at <https://reporter.childstory.nsw.gov.au/s/mrg>
* Discuss any concerns with the Nominated Supervisor of the service and keep a record of these in the child’s file **and** fill out the Mandatory Reporters Guide (**MRG**). A copy of the report generated from the Mandatory Reporters Guide must be printed, child’s details filled out and kept in the child’s file.
* Advise the Nominated Supervisor of their intention to make a report to the **NSW Child Protection Helpline (132 111) or VIC DHHS** **East Division intake**: (**1300 360 391)**

**You should call the helpline in the jurisdiction that the child usually resides.**

* Advise the Nominated Supervisor when a report has been made to the **Child Protection helpline.**

**NSW Child Protection Helpline Number: 132 111**

**VIC DHHS East Division intake Number**: **1300 360 391**

**Mandatory reporting**

**The Approved Provider/Nominated Supervisor will:**

* Provide all staff and educators working directly with children with a copy of this *Child Protection Policy,* a copy of the *Mandatory Reporters Guide* (MRG) and a copy of the VIC Four Critical Actions for Early Childhood Services to assist them in their reporting;
* Provide all staff and educators working directly with children with access to the *Child Wellbeing and Child Protection NSW Interagency Guidelines* in regard to exchanging of information between prescribed bodies without Community Services involvement; and
* Display the **Child Protection NSW (DCJ, Department of Communities and Justice) Helpline number (132 111) and** **VIC** **East Division intake** (**1300 360 391)** on all phone and lists of emergency contact number in the interests of timely reporting.

**Educators and Staff will:**

**If the child lives in NSW:**

1. In an emergency, where there are urgent concerns for a child’s health or life, it is important to contact the police, using the emergency line **‘000’**;
2. Using the *Mandatory Reporter Guide* (MRG), answer the questions relating to concerns about a child or young person. At the end of the process, a decision report will guide as to what action to take. The Nominated/Certified Supervisor is available if staff require assistance to use this online tool; \*\*
3. If the Mandatory Reporter Guide determines that there are grounds to suspect a risk of significant harm to a child or young person, the staff member or educator will phone the **Child Protection Helpline on 132 111.** Non-immediate reports may also be made via an e-report, available at https://kidsreport.fac.nsw.gov.au
4. Mandatory reporters should note that the legislation requires that they continue to respond to the needs of the child or young person (within the terms of their work role) even after a report to the **Child Protection Helpline** has been made;
5. If the *Mandatory Reporter Guide* (MRG)determines that an educator or staff member’s concerns do not meet the risk of significant harm threshold they do not need to make a report to the **Child Protection Helpline**, however, they should discuss the matter with the Nominated/Certified Supervisor to determine whether the child or family would benefit from the assistance of another agency;
6. The staff member or educator should monitor the situation and if they believe there is additional information that could be taken into account, please repeat steps **I to 5** as required.
7. It is recommended that mandatory reporters complete the MRG on each occasion they have risk concerns, regardless of their level of experience/expertise.

**If the child lives in VICTORIA:**

See 4 critical Actions for Early Childhood services (attached)

1. In an emergency, where there are urgent concerns for a child’s health or life, it is important to contact the police, using the emergency line **‘000’**
2. If the child is in immediate risk of harm report to DHHS 1300 360 391. You must report to DHHS Child Protection if a child is considered to be:
   1. in need of protection from child abuse
   2. at risk of being harmed (or has been harmed) and the harm has, or is likely to have a serious impact on the child’s safety, stability or development.
   3. If you believe that a child is not subject to abuse but you still hold **significant concerns** for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST or to DHHS Child Protection.
3. You must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/ guardians. They will advise you whether to contact or not to contact parents/guardians.
4. Take reasonable steps to make a child feel safe and supported whilst they are attending the service. The service should also provide support for children impacted by abuse. E.g. Referral to wellbeing professionals.

**Disclosures of abuse**

**Educators and staff will:**

* React calmly to child making the disclosure;
* Listen attentively and later write down the child’s **exact words**;
* Provide comfort and care to the child.
* Follow the steps for reporting as per the Mandatory Reporters Guide.
* Reassure the child or young person that:
* It is not their fault;
* It was right to tell;
* It is not OK for adults to harm children - no matter what;
* Explain what will happen now - that it is part of your job to tell people who can help the child or young person.

**Educators and staff will not:**

* prompt the child for further details or ask leading questions which would make the child feel uncomfortable or has the potential to jeopardise any future legal proceedings that may arise as a result of any investigation.
* Promise to keep the disclosure a secret.

It is important to understand that our role is solely to support the wellbeing of the child at all times, not to investigate further any disclosure made by the child.

**Allegations of abuse against staff, educators, volunteers or students**

**The Approved Provider/Nominated Supervisor will:**

* Develop and maintain a system of appropriate record keeping for all allegations to ensure detailed documentation is made and stored as required;
* Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation;
* Assess whether or not a child or young person is ‘at risk of significant harm’ using MRG and, if so, make a report to the **Child Protection Helpline (132 111)**;
* Determine whether or not the allegation is a reportable allegation, a reportable conviction, or reportable conduct. For determination, reference will be made to: https://ocg.nsw.gov.au/sites/default/files/2022-02/FS\_RC\_Identifying\_reportable\_allegations.pdf
* 7-day notification form will be completed by the Approved Provider and submitted to the Office of the Children’s Guardian within 7 days of becoming aware of reportable allegation, as required under the Children’s Guardian Act 2019.
* Notify ACECQA (acecqa.gov.au) of:
* Any incident where you reasonably believe that physical or sexual abuse of a child has occurred or is occurring while the child is being cared for by the service.
* Any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being cared for by the service.
* Consider whether or not the police need to be informed of the allegation and if so, make a report;
* If a report is made to the police, complete an online SI01 Notification of Serious Incident Form and submit to ACECQA at https://public.nqaits.acecqa.gov.au within **24 hours** of the incident;
* If a report has not been made to the police, log into the NQA IT System portal and select incident or complaint type and enter required information within **7 days of the incident**;
* Ensure confidentiality is maintained at all times and that systems are in place to deal with any breaches of confidentiality;
* Undertake a risk management approach following an allegation to ensure the protection and safety of children, staff and visitors to the service. Based on this risk assessment, decisions will be made in order to manage the risks that have been identified;
* Develop an investigation plan of the matter. Obtain relevant information from a range of sources. This may include a statement from the person who made the allegation; statements from witnesses and a statement from the person against whom the allegation has been made and any other relevant documentation;
* If the allegation is being investigated by Family and Community Services or the Police, the service will be guided by their advice as to whether they should independently investigate the allegation;
* If the investigation is carried out by the service Nominated Supervisor, the information that has been gathered will be assessed and a finding made as to whether the allegation is false, vexatious, misconceived, not reportable conduct, not sustained or sustained. The reasons for the finding will be clearly recorded to ensure that the decision-making has been transparent.
* The educator, volunteer or student will be advised of the outcome of the investigation in writing. Advice will be provided about the investigation finding and any follow up action that may be required. Advice will also be provided about any rights of appeal and the person will be advised that the NSW Ombudsman has been notified and the Commission of Children and Young Persons also notified of the relevant employment proceeding (if relevant);
* 30-day interim report form or Entity report form (to be provided after the investigation or determination is completed) will be completed by the Approved Provider and submitted to the Office of the Childrens Guardian within 30 days of becoming aware of a reportable allegation, as required under the Children’s Guardian Act 2019;
* https://ocg.nsw.gov.au/sites/default/files/2022-02/F\_RC\_30DayInterimReportForm.pdf
* https://ocg.nsw.gov.au/sites/default/files/2022-02/F\_RC\_EntityReportForm.pdf
* Department of Communities and Justice will also be informed of the outcome.

**Informing the Educator, Volunteer/Student**

**The Approved Provider/Nominated Supervisor will:**

* Treat the staff member/educator/volunteer/student with fairness at all times and uphold their employee rights at all times;
* Depending on the nature of the allegation, arrange to inform the person immediately (though be guided by the advice of DCJ or the police);
* Arrange for the person against whom an allegation has been made, to have a support person attend the meeting. This support person must not participate in the discussions throughout the meeting;
* Make accurate documentation of all conversations, and ensure all records are kept confidential;
* Offer counselling or support to the person subject to the allegation;
* Depending on the nature of the allegation made, the person subject to the allegation may be suspended pending further investigation;
* After all investigations are completed, provide the educator/carer/volunteer with verbal and written notification of the outcome of the investigation.

**Rights of all parties**

* The decision-making process throughout the investigation will be based on the safety and well-being of the child/ren and the staff/carers/carer's household members;
* Consideration will be taken in relation to actual or potential 'conflicts of interest' that may be held by the investigator.
* All reportable allegations will be notified to the Office of the Children’s Guardian. The person, against whom the allegation has been made, will be notified of this and will also be notified of the investigation find and follow up action, including the notification to the Commission of Children and Young Persons, if relevant;
* The person, against whom the allegation has been made, will be notified of any appeal mechanisms if they are not satisfied with the investigation process or the outcome of the investigation;
* The Approved Provider, Nominated Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest; and
* All parties can complain to the Office of the Children’s Guardian if they are not satisfied with the conduct of the investigation;

Further information on the Office of the Children’s Guardian

**Phone: 0282193800**

**Web: https://ocg.nsw.gov.au/**

**Further information VIC DHHS Child Protection**

**Phone: 1300360391**

**Child First:** [**www.dhs.vic.gov.au**](http://www.dhs.vic.gov.au)

**Confidentiality**

* Yarrunga Early Learning Centre will handle any allegation of child abuse in a **confidential manner** and any breaches of confidentiality will be dealt with as per discipline procedures**.**

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