

**Child Protection Policy**

**INTRODUCTION**

Riverside Preschool (‘the Preschool’) is committed to providing an environment that fosters health, development, spirituality, self-respect and dignity and that is free from violence and exploitation. Under the *Children and Young Persons (Care and Protection) Act 1998*, children must receive the care and protection necessary to ensure their safety, welfare and wellbeing. All educators and volunteers of the Preschool are mandatory reporters and are required to report to the Child Protection Helpline if they have reasonable grounds to suspect a child is at risk of significant harm and have current concerns about the safety, welfare or wellbeing of a child 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 mandatory reporters and are supported in fulfilling these responsibilities.

**GOALS**

The Preschool aims to:

* Ensure that every reasonable precaution is taken to protect children from harm;
* Promote the safety, welfare and wellbeing of children by reporting any children at risk of significant harm.

**STRATEGIES**

**Definitions**

* **‘***At risk of significant harm’*in relation to a child means that there are current concerns for the child’s safety, welfare or wellbeing because of the presence to a significant extent of any one or more of the following circumstances.
* The child’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 or are unable or unwilling to arrange for the child to receive medical care;
* The child has been or is at risk of being physically or sexually abused or ill-treated;
* The child is living in a household where there have been incidents of domestic violence and as a consequence, the child is at risk of serious physical or psychological harm;
* A parent or other caregiver has behaved in such a way towards the child that the child has suffered or is at risk of suffering serious psychological harm; or
* The child was the subject of a prenatal report under section 25 of the *Children and Young Persons Care and Protection Act 1998* and the birth mother 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.
* *‘Child Protection Helpline’* means the helpline which can be contacted on the numbers **132 111**or **1800 212 936** 24 hours a day, 7 days a week for Mandated reporters the number is **133 627**;
* *‘Mandatory Reporter Guide’* means the NSW Online Mandatory Reporter Guide (‘Mandatory Reporter Guide’), accessible at http://www.community.nsw.gov.au/preventing\_child\_abuse\_and\_neglect/resources\_for\_mandatory\_reporters.html;
* *‘Reasonable grounds’*means that are suspicions that a child may be at risk of significant harm based on:
* Observations of the child or family; or
* What the child, parent or another person has said.

It does not mean that suspicions need to be confirmed or there is clear proof before making a report.

**General**

*The Approved Provider or Nominated Supervisor will:*

* Ensure that any adult working directly with children at the Preschool has obtained a clear NSW Working with Children Check prior to employment;
* Ensure every adult working with children at the Preschool is made aware of the *Children and Young Persons (Care and Protection) Act 1998* and ‘Keep them Safe: A shared approach to child wellbeing’ (‘Keep them Safe’) and of their legal obligations;
* Ensure every working adult at the Preschool is aware of this Policy, the Keep them Safe protocols and their mandatory reporter responsibilities and ensures their regular review of these documents.

*Educators and staff will:*

* Develop trusting and secure relationships will all children at the Preschool;
* Report current concerns for any child at risk of significant harm to the Child Protection Helpline; and
* Respond appropriately to all disclosures of abuse and any allegation of abuse against staff members of the Preschool.

**Documentation of current concerns**

*The Approved Provider/Nominated Supervisor will:*

* Support educators and 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.

*Educators and staff will:*

* Make a record of the indicators that have led to the belief that there is a current risk of harm to a child. Information on indicators of risk of harm are outlined in the Mandatory Reporter Guide;
* Discuss any concerns with the Nominated Supervisor;
* Advise the Nominated Supervisor of their intention to make a report to the Child Protection Helpline; and
* Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline.

**Mandatory reporting**

*The Nominated Supervisor will:*

* Provide all staff and educators working directly with children with a copy of this Policy and access to the Mandatory Reporter Guide;
* Provide all staff and educators working directly with children with access to the Child Wellbeing and Child Protection NSW Interagency Guidelines; and
* Display the Child Protection Helpline number on all phone and lists of emergency contact numbers in the interests of timely reporting.

*Educators and staff will:*

* In an emergency, where there are urgent concerns for a child’s health or life, contact NSW Police, using the emergency line 000;
* Using the Mandatory Reporter Guide, answer the questions relating to concerns about the child. At the end of the process, a decision report will guide educators and staff as to what action to take. Educators and staff can also seek assistance from the Nominated Supervisor if assistance is required with this online tool;
* If the risk of significant harm threshold in the Mandatory Reporter Guide is met, the educator or staff member will phone the Child Protection Helpline. Reports can also be made using the ‘Risk of significant harm report fax form’ from the Department of Community Services’ website;
* Continue to respond to the needs of the child (within the terms of their work role) even after a report to the Child Protection Helpline has been made;
* If the Mandatory Reporter Guide suggests that an educator or staff member’s concerns do not meet the risk of significant harm threshold, the educator or staff member may not need to make a report to the Child Protection Helpline. However, the Mandatory Reporter Guide is intended to complement rather than replace critical thinking and does not prohibit a mandatory reporter from any course of action he/she believes is appropriate. In these circumstances, the staff member or educator should discuss the matter with the Nominated Supervisor and if, necessary, call the Keep them Safe Support Line on 1800 772 479 between 8am and 5pm on Monday to Friday; and
* The staff member or educator should monitor the situation. If he/she believes there is additional information that could be taken into account, he/she should repeat the above steps as required.

**Disclosures of abuse**

*If a child discloses abuse, educators and staff members will:*

* React calmly to the 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 Reporter 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 ie that it is part of the educator or staff member’s job to tell people who can help the child;
* Not prompt the child for further details or ask leading questions which may make the child feel uncomfortable or have the potential to jeopardise any further legal proceedings that may arise as a result of any investigation.
* Be aware that the role of the Preschool is solely to support the wellbeing of the child at all times, not to investigate the matter further

**Allegations of abuse against educator, staff member, volunteer or student**

***Allegations***

*If an allegation of abuse is made against an educator, staff member, volunteer or student, the Approved Provider or 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 the person who is making the allegation is alleging;
* Assess whether or not a child or young person is ‘at risk of significant harm’ and, if so, make a report to the Child Protection Helpline;
* Determine whether or not the allegation concerns ‘reportable conduct’. In doing so, reference will be made to the Ombudsman’s ‘Defining Reportable Conduct’ Factsheet, available at www.ombo.nsw.gov.au/news-and-publications/publications/fact-sheets/child-protection/practice-update-defining-reportable-conduct;
* Report reportable conduct to the Ombudsman within 30 days of being made aware of the allegation;
* Consider whether or not NSW Police need to be informed of the allegation and, if so, make a report to NSW Police;
* If a report is made to NSW Police, complete a ‘SI01 Notification of Serious Incident’ Form and submit to the Department of Education and Communities within 24 hours of the incident;
* If a report has not been made to NSW Police, complete a ‘NL01 Notification of complaints, non-serious incidents and additional children in an emergency’ Form and submit to the Department of Education and Communities within 7 days of the incident; and
* Undertake a risk management assessment following an allegation to ensure the protection and safety of children, educators, staff members and visitors to the Preschool. Based on the risk assessment, implement any steps required to manage the risks that have been identified.

***Investigations***

*The Approved Provider or Nominated Supervisor will:*

* If the allegation is being investigated by the Department of Family and Community Services or NSW Police, be guided by their advice as to whether the Preschool should independently investigate the allegation;
* If the investigation is carried out by the Preschool, obtain relevant information from a range of sources. This may include a statement from the person who made the allegation; statements from witnesses; a statement from the person against whom the allegation has been made; and any other relevant documentation. The information gathered will be assessed and a finding will be 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;
* Ensure that the decision-making process throughout the investigation is based on the safety and well-being of the children;
* Consider actual or potential conflicts of interest that may be held by the investigator;
* Ensure that the person who conducts the investigation acts without bias, without delay and without a conflict of interest; and
* Inform the Department of the Family and Community Services of the outcome of the investigation**.**

***Informing the educator, staff member, volunteer or student***

*The Approved Provider or Nominated Supervisor will:*

* Treat the educator, staff member, volunteer or student with fairness at all times and uphold their rights at all times;
* Depending on the nature of the allegation, arrange a meeting to inform the person as soon as possible (although the Approved Provider or Nominated Supervisor will be guided by the advice of the Department of Family and Community Services and/or NSW Police);
* Arrange for the person against whom the allegation has been made to have a support person attend the meeting;
* Make accurate documentation of all conversations and ensure all records are kept confidentially;
* Offer counselling or support to the person subject to the allegation;
* Consider whether the person subject to the investigation should be suspended pending further investigation;
* Advise the educator, staff member, volunteer or student of the outcome of the investigation in writing, including the investigation finding, any follow-up action that may be required and whether the NSW Ombudsman and/or the Commissioner of Children and Young Persons has been notified; and
* Advise the educator, staff member, volunteer or student of any appeal mechanisms, and the fact they can complain to the Ombudsman, if they are not satisfied with the investigation process or the outcome of the investigation.

**Confidentiality**

* The Preschool will handle any allegation of abuse in a confidential manner.

**EVALUATION**

* Ensure that every reasonable precaution is taken to protect children from harm.
* Promote the safety, welfare and wellbeing of children by documenting current concerns and reporting any children at risk of significant harm.
* Respond to allegations against educators, staff members, volunteers and students fairly, transparently, objectively and quickly.
* Ensure confidentiality is maintained.

**RELEVANT LEGISLATION**

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

*Commission for Children and Young People Act 1998*

*Ombudsman Act 1974*

*Education and Care Services National Law Act 2010*

**SOURCES**

Council of Social Services of NSW 2010. Keep them safe: [www.ncoss.org.au](http://www.ncoss.org.au)

Department of Community Services, Resources for Mandatory Reporter

Department of Premier and Cabinet, Child Wellbeing and Child Protection: NSW Interagency Guidelines, accessed from [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au)

NSW Government, 2009, Department of Premier and Cabinet, Child Wellbeing and Child Protection: NSW Interagency Guidelines, Mandatory Reporter Guidelines, accessed from: [www.sdm.community.nsw.gov.au/mrg/app/summary.page](http://www.sdm.community.nsw.gov.au/mrg/app/summary.page)

Community Child Care Co-operative Child Protection Sample Policy

NSW Ombudsman [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) ; [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

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