

# Child Protection

## RATIONAL

KAZ 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. Under the Children and Young Persons (Care and Protection) Act 1998, children and young people must receive the care and protection necessary to ensure their safety, welfare and wellbeing.

All educators and volunteers of our service are Mandatory Reporters and are required to report to the Child Protection Helpline (Phone: 133 627) if they have reasonable grounds to suspect a child or young person is at risk of significant harm 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.

## AIM

Our goal is to ensure that every reasonable precaution is taken to protect children being educated and cared for by the service from harm. Our service (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.

## DEFINITIONS

**'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.

- 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 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 - How will it be done?**

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

- Verify that any adult working directly with children has a current approved Working with Children Check from the Children's Guardian website.  
<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/apply>.
- Ensure every adult working with children is made aware of the Children and Young Persons (Care and Protection) Act 1998 and Keep Them Safe: A shared approach to child wellbeing and 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, Keep Them Safe protocols and Mandatory Reporter responsibilities and ensuring their regular review of these;
- Provide free Child Safe eLearning as part of the induction for staff upon commencement <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/child-safe-elearning>

#### **Educators and staff will:**

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

### **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.
- Provide all staff and educators with clear guidelines around documentation.

#### **Educators and staff will:**

- Make a record of the indicators observed that have led to the belief that there is a current risk of significant harm to a child or young person. Information on indicators of risk of significant 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. Advise the Nominated Supervisor of their intention to make a report to the Child Protection Helpline (132 111).
- Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline.

### **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 and access to the Mandatory Reporter Guide 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; and
- Display the Child Protection Helpline number (132 111) and mandatory reporters line (133 627) on all phone and lists of emergency contact number 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, it is important to contact the police, using the emergency line '000'.
- Use the Mandatory Reporter Guide, answer the questions relating to concerns about a child or young person. At the end of the process, a decision report will guide them as to what action to take. The Nominated Supervisor is available if staff require assistance to use this online tool.
- If the Mandatory Reporter Guide determines that there are grounds to suspect a risk of significant harm to a child or young person, phone the Child Protection Helpline on 132 111. Reports can also be made using the Reporting Fax form, available from the Communities and Justice website or you could make an eReport <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/how-to>
- 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.
- If the Mandatory Reporter Guide 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 Supervisor to determine whether the child or family would benefit from the assistance of another agency.
- The staff member or educator should monitor the situation and if they believe there is additional information that could be taken into account. Please refer to the above information if required.

#### **Consult with a Professional**

If the risk of significant harm threshold is not met and educators/staff still have professional concerns, they may discuss possible actions with the Nominated Supervisor, or Approved Provider or report to the Child Protection Helpline.

The Nominated Supervisor may refer directly to an appropriate service, contact a service to assist in identifying supports or services, or seek additional information under exchange of information provisions, for example, a Family Referral Service, if available; the DV Line; a local referral or advice service; and services listed on HSNet, the NSW Government's Human Services website, at <https://www.hsnet.nsw.gov.au>.

#### **Referrals**

This decision point occurs when there is no significant harm or risk of significant harm, but the family may benefit from services and appear open to services. KAZ Early Learning Centre may respond in a number of ways depending on knowledge of and relationships with family members.

- Access suitable referrals through the NSW Government's Human Services website, HSNet, at <http://www.hsnet.nsw.gov.au>.

- Consult with a Family Referral Service, where available. Call the service for information to pass to the family, or you may provide relevant information to the Service so they can contact the family directly.

Note: Certain agencies can share information regarding the safety, welfare and well-being of children and young people and their parent/carers without their consent; however, where possible, client consent should be sought. Advice about information exchange is located at <http://www.keepthemsafe.nsw.gov.au>.

### **Document and Continue Relationship**

When the decision point of 'Document and Continue relationship' (or 'Document and monitor') is reached, a report is not necessary. However, Educators/staff will need to document the decision and continue a professional relationship with family members, where appropriate, supporting the child or parent/guardian who may be experiencing other difficulties that are not reportable as abuse or neglect.

Educators/Staff shall adhere to KAZ Early Learning Centre's *Record's Confidentiality and Storage Policy*. Reports to Communities & Justice are exempt from the policy, and that under S.248 of the Privacy Act, staff are required to provide information to Communities & Justice for the purpose of making a report and during child protection investigations. However, information is to be given only to Communities & Justice and KAZ Early Learning Centre's Approved Provider and is not to be shared with other Educators/staff, the child's family or other families at the service.

It is not the responsibility of KAZ Early Learning Centre staff or management to investigate allegations, suspicions or concerns regarding reportable child protection matters. Educators/Staff must not attempt any such investigation. The responsibility for formal investigation lies with the Communities & Justice, pursuant to legislation. It is the legislated requirement of staff and management to support that process of investigation.

### **Disclosure of Abuse**

#### **Educators and staff 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 - 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 them that everything will "be alright" now that they have made the report or promise a change of circumstances.

**The Nominated Supervisor will ensure that:**

- i) all staff, students and volunteers are familiar with this policy and understand what their responsibilities are
- ii) educators/staff and regular volunteers receive regular and up to date training in relation to Child Protection
- iii) educators/staff are supported when concerns relating to Child Protection are made
- iv) confidentiality guidelines are followed at all times
- v) detailed and regular individual health and development records on each child are maintained
- vi) any records relating to an allegation or report relating to child risk of harm are securely placed in a filing cabinet and released only under legislative requirements including legal request
- vii) the staff room has child protection information and the Child Protection Helpline number is on the Services emergency telephone list
- viii) the Approved Provider is notified immediately, and kept informed, when serious concerns are raised, when a report is made or an allegation is made against an employee
- ix) any action taken after making a report is in line with directions from the relevant agency eg Communities & Justice or The Ombudsman.

**Protection for Mandatory Reporters**

All aspects of the notification will remain confidential. However on occasions it may be 'easily concluded' as to where the report has come from. The Police will be notified if any educator/staff member is made to feel threatened or at risk of harm as a result of making a report.

**Staff Qualifications**

The Nominated Supervisor and Responsible person in day to day charge will attain qualification as required by the Regulatory Authority and update their knowledge by attending refresher courses as required.

**Protective behaviours and practices**

Children learn through example and role modeling is an important strategy in teaching children about protective behaviours.

Primary contact staff will implement a protective behaviours program including:

- 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.
- identifying feelings and bodily reactions to these
- identify safe and unsafe situations based on body reactions and associated feelings
- say "no" and remove themselves from situations when they feel unsafe
- establish a support network of trusted adults
- communicate confidently and freely with those people in the support network whenever they feel unsafe
- promote positive relationships with family members and others.

**Daily practices**

Having a safe environment and ensuring Service practices maximise children's protection is paramount. It is also important that Service practices do not put educators/staff at risk of

allegations of abuse/neglect that could be made against them.

The following practices are essential for all educators/staff, volunteers and students to follow and are a major focus of their induction to the Service. Ongoing training is provided for staff Child Safe eLearning modules <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/child-safe-elearning> and regular volunteers and up to date information is provided to all adults working in the Service.

- i) Primary caregivers are aware of the physical appearance and usual disposition of the children in their care so they can note any relevant changes
- ii) Individuals or groups of children are never withdrawn into areas where they are unable to be seen and heard by other educators/staff
- iii) Nappy changing always take place within sight of other educators
- iv) No child or children are to be inside or outside unsupervised
- v) During outdoor playtime educators always supervise children when visiting the indoor toilet and children follow the procedure of informing an adult that they need to access the inside toilet or play area/s
- vi) No educator/staff, student or volunteer is left alone with a child/ren or out of sight and sound of another adult
- vii) Relief staff, visitors, volunteers and students are never left unsupervised by regular staff.
- viii) Two educators/staff are always present on the premises, whenever children are in attendance, even if after hours, when a parent/guardian is delayed
- ix) Children are not taken into the car of an educator/staff member, volunteer or student unless accompanied by an adult authorised to be responsible for the child and the vehicle has appropriate approved child restraints fitted. If parents/guardians fail to collect the child and cannot be reached, educators/staff contact the child's emergency contact/s, then Communities & Justice or the local Police as per *Late Collection of Children* policy.
- x) Educators/Staff recognise that they may find some children more difficult to interact with than others. These situations are discussed regularly at staff meetings, with other educators/staff and the Nominated Supervisor. Strategies are devised to maximise positive relationships and minimise negative interactions with children
- xi) Educators/staff support each other so that possible stress and frustration is minimal and does not adversely impact on children
- xii) Educators/Staff maintain open communication with parents/caregivers
- xiii) Educators/Staff advise the Nominated Supervisor of any difficult situations involving a staff member and a child or parent/guardian and child as soon as they arise
- xiv) Any concerns of individual children are raised with the Nominated Supervisor. Concerns can include adverse changes in a child's behaviour or family circumstances, interactions between any child or adult which raise concerns or any disclosure or conversation with a child which raises concern
- xv) All concerns are documented and followed up in accordance with the steps outlined in the procedures of this policy.

***The following behaviours are not permitted at any time by any adult in KAZ Early Learning Centre, against a child/ren:***

- i) corporal punishment of any type – e.g smacking or anything producing discomfort or pain
- ii) abusive language, yelling or be-littling

- iii) public or private humiliation
- iv) emotional abuse including threats, withdrawal of food, rest or opportunity to use the toilet
- v) inappropriate touching, fondling, kissing or sexual contact

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

In addition to the responsibilities under *Children and Young Persons (Care and Protection) Act 1998* to report suspected risk of harm, KAZ Early Learning Centre also has a responsibility to take additional action when an allegation of abuse or neglect is made against a current employee.

Should any KAZ Early Learning Centre employee become aware of any allegation, conviction or charge involving the harm of children, against an employee they shall advise the Nominated Supervisor or the Approved Provider immediately. A report will be made to the NSW Ombudsman within 30 days.

If any person, including staff volunteers or parents, is concerned about the behaviour of an educator/staff in the KAZ Early Learning Centre, they will immediately notify the Nominated Supervisor or the Approved Provider.

**Any allegation**, whether related to the workplace or not, needs to be notified, regardless of any opinion of the seriousness or accuracy of the allegation

### **Signs of Abuse**

Neglect	Physical Abuse	Sexual Abuse	Emotional Abuse
Child smells of urine, body odour, un-showered	Head injuries/adult bite marks	Change in eating habits	Severe developmental gaps
Dirty clothing/clothing worn the day before	Flinches when arms are raised at them	Writes, draws, plays or dreams of sexual or frightening images	Low self esteem
Visibly dirty body	Disclosure of abuse	Disclosure of abuse	Insecure attachment to carer/parent
Child appears to always be hungry or is severely obese	Behavioural indications -Bedwetting -Hyperactivity -Aggression -Uncommunicative -Frightened of parent	Mimics adult like sexual behaviours/language and knowledge	Poor emotional stability
Parent not seeking medical treatment when needed -Vomiting -Diarrhoea -Ear Infections -Temperatures -Body Rash	Bruises in sensitive areas -Under arms -Inner thighs -Back -Bum -Torso -Neck and Face	Other Signs -Pain during urination -Bed wetting -Resistant to change clothing -Performs sexual acts with other children	Seem to be in a never ending state of stress, anxiety, uncertainty

## Helpful information when making a report

Once you have gone through the Mandatory Reporters Guide – and the conclusion is the make a report, there is a list of information that Communities & Justice might ask for.

Child's Name
Date of Birth
Child's Address
Household Background (Who lives in the house)
Where the child is currently located (school, home)
Family Members Date of Birth (Siblings, parents)
Description of what happened
Family Culture
Caseworker may ask other questions

## Procedure

1. Each situation of abuse is different to the other. Gathering facts and information about each case to respond effectively is necessary to ensure child safety and wellbeing. This can include but not limited to:
  - Take down notes – record what is observed or heard then sign and date the note. If not a serious case, be sure to continue taking down notes and sign and date each day observed.
  - Consult with Supervisor – When you are unsure of what to do, get advice from your Nominated Supervisor or Responsible Person.
  - Understand policy – After discussing with your supervisor it is then crucial to come up with a plan of action. What are you going to do next?
  - Speak with professionals – Get confidential advice from professionals who may be able to give you some ideas on what steps to take. Make sure to look at the ChildStory Reporter which has the NSW Mandatory Reporters Guide and has decision trees to choose from <https://reporter.childstory.nsw.gov.au/s/mrg>
  - Conversation with the Child – With respect for the child, listen to them and gather any information they mention.
  - Conversation with parents/carer – While keeping the safety and wellbeing of the child at the forefront of your mind, have a conversation with the family to find out more information.
2. After information is gathered and documented appropriately, next you need to communicate to the Nominated Supervisor about what your findings are and they should report the child protection issue.
3. If the Nominated Supervisor does not make a report, it is your obligation to make a report if you believe you have reasonable grounds that a child is in need of protection.
4. The last step is to follow the mandatory reporters guide step by step.



## Definitions, Terms & Abbreviations

<b>Term</b>	<b>Definition</b>
AVO	Apprehended Violence Order
DVO	Domestic Violence Order
MRG	Mandatory Reports Guide
Mandatory Reporter	Responsible for reporting a child at risk to Community Services
Code of Conduct	Set of rules outlining rules and responsibilities
Abuse	Regular or repeated cruelty and or violence toward an entity
At Risk	Current concerns for safety, welfare or wellbeing of child

**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.**

### **KAZ Early Learning Centre Related Policies and Procedures:**

Staffing Policy  
Enrolment and Orientation Policy  
Complaints and Grievances Policy  
Health Medication and Illness Policy  
Supervision of Children Policy  
Child Safe Policy  
Delivery and Collection of Children Policy  
Emergency Evacuations and Lock down Policy  
Staff Code of Conduct Policy  
Interactions with Children Policy  
Guidance of Child Behaviour Policy  
Records – Confidentiality and Storage Policy  
Allegations of abuse against staff, educators, volunteers or students  
Volunteers and Students Policy

### **Appendices:**

Child Protection Register  
Child Protection Report

### **Sources:**

**Australian Children's Education and Care Quality Authority (ACECQA)** <http://www.acecqa.gov.au/>  
**Childwise** - <https://www.childwise.org.au/NSW> Government – Office of the Children's Guardian - <http://www.kidsguardian.nsw.gov.au/>  
**Children and Young Persons (Care and Protection) Act 1998**  
**Child Protection (Working with Children) Act 2012**  
**Children (Education and Care Services) National Law (NSW)**  
<https://www.legislation.nsw.gov.au/#/view/act/2010/104a/full>  
**Child Protection (Working with Children) Regulation 2013**  
**Commission for Children and Young People Act 1998**  
**Department of Education** - <http://www.dec.nsw.gov.au/what-we-offer/regulation-and-accreditation/early-childhood-education-care>  
**Early Years Learning Framework (EYLF)** - [http://files.acecqa.gov.au/files/National-Quality-Framework-Resources-Kit/belonging\\_being\\_and\\_becoming\\_the\\_early\\_years\\_learning\\_framework\\_for\\_australia.pdf](http://files.acecqa.gov.au/files/National-Quality-Framework-Resources-Kit/belonging_being_and_becoming_the_early_years_learning_framework_for_australia.pdf) **Education and Care Services National Regulations 2011** <http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>  
**FaCS** - [https://www.facs.nsw.gov.au/about\\_us/contact\\_us#districts](https://www.facs.nsw.gov.au/about_us/contact_us#districts)  
**Kidsafe** - <http://www.kidsafensw.org/>  
**Keep Them Safe** - <http://www.keepthemsafe.nsw.gov.au/>  
**Mandatory Reporters Guide**- <https://reporter.childstory.nsw.gov.au/s/mrg>  
**NSW Health** - <http://www.health.nsw.gov.au>  
**National Quality Framework (NQF)** - <http://acecqa.gov.au/national-quality-framework/>

<p><b>Ombudsman Act 1974</b>  <b>Office of the Children’s Guardian - <a href="http://www.kidsguardian.nsw.gov.au/child-safe-organisations/child-safe-elearning">http://www.kidsguardian.nsw.gov.au/child-safe-organisations/child-safe-elearning</a></b></p>			
<p><b>Related Telephone Numbers</b></p> <ul style="list-style-type: none"> <li>• Child Protection Helpline (24 hours) 132 111</li> <li>• Early Childhood Education and Care Directorate 1800-619-113</li> <li>• Family Court of Australia 1300 352 000</li> <li>• Kidsafe 02 9845 0890</li> <li>• National Child Abuse Helpline (9-5pm) 1800 991 099</li> <li>• NSW Police Force 000</li> <li>• NSW Ombudsman 9286 1000</li> <li>• Office of the Children’s Guardian 9286 7219</li> </ul>			
<p><b>REVIEW</b>  This policy will be updated to ensure compliance with all relevant legal requirements every year. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with Regulation 172 of the <i>Education and Care Services National Regulation</i>, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.</p>			
<b>Amendment</b>		Name of Community Services Changed Signs of abuse table added Web links updated	
<b>Date Issued:</b>	October 2019	<b>Review Date:</b>	October 2020

Family, Educator and Staff Comments:

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

### **Reportable Conduct under the *Ombudsman Act 1974***

Reportable conduct refers to the following:

- Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence); or
- Any assault, ill treatment or neglect of a child; or
- Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to the following:

- Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children, and to any relevant codes of conduct or professional standards;
- The use of physical force that, in all the circumstances, is trivial or negligible.
- Conduct of a class or kind exempted from being reportable conduct by the Ombudsman under Section 25CA.

### **RATIONALE**

KAZ Early Learning Centre acknowledges that mistreatment of children exists in society and that we have a responsibility to protect children in our care. Young children are particularly vulnerable, have little power over their lives and few skills with which to protect themselves. KAZ Early Learning Centre's *Child Protection Policy* is designed to ensure the safety, welfare and well-being of children attending the Service.

### **AIMS**

To ensure that KAZ Early Learning Centre, complies with the Ombudsman Amendment (Child Protection and Community Services) Act 1998, in its handling of any allegation involving child abuse made against its employees, volunteers or contractors. This Act requires that the head of a designated non-government agency (the Approved Provider) notify the Ombudsman of any such allegations.

The role of the Ombudsman in child protection is to ensure that if an allegation is made against an employee then the allegation is properly investigated and that appropriate action is taken by the Approved Provider following the decision.

### **PROCEDURE**

**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’ and, if so, make a report to the Child Protection Helpline.
- Determine whether or not the allegation is a reportable allegation, a reportable conviction, or reportable conduct, or a vexatious complaint. For determination, reference will be made to:  
[www.ombo.nsw.gov.au/publication/PDF/guidelines/Child%20Protection%20in%20the%20workplace.pdf](http://www.ombo.nsw.gov.au/publication/PDF/guidelines/Child%20Protection%20in%20the%20workplace.pdf).
- Make notifications of reportable allegations and reportable convictions to the NSW Ombudsman within 30 days of receipt from  
<https://www.ombo.nsw.gov.au/what-we-do/our-work/employment-related-child-protection>.
- 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 a I01 Notification Of Incident Form and submit to Early Childhood Education Directorate, NSW Department of Education within 24 hours of the incident.
- If a report has not been made to the police, complete a C01 Notification of Complaints Form and submit to the Early Childhood Education Directorate, NSW Department of Education 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 Communities & Justice 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, 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 Office of the Children’s Guardian also notified of the relevant employment proceeding (if relevant).
- Part B of the NSW Ombudsman Notification form will be completed and sent to the Child Protection Division, NSW Ombudsman with all supporting documentation gathered during the investigation.

- Communities & Justice will also be informed of the outcome of the investigation.

### **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 Communities & Justice 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 confidentially.
- 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 wellbeing 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 Ombudsman. 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 Office of the Children's Guardian 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.
- All parties can complain to the Ombudsman if they are not satisfied with the conduct of the investigation.

### **Confidentiality**

Children, staff and volunteer conversations will be handled in a confidential manner at all times. Any allegations against a staff member will also remain confidential. All people involved should feel as though their voice is heard but spoken in confidence. It is against policy to share information with others regarding child abuse or child protection issues outside of the service protocol to handling a child protection case.

**Further information on the Ombudsman can be obtained by:**

**Phoning: 02 9286 1000**

**or toll-free (outside Sydney metro) 1800 451 524**

**Emailing: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)**

**Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)**

**Behaviours which are considered 'Reportable Conduct' are:**

Sexual Misconduct

Child sexual abuse is any sexual act or sexual threat imposed on a child or young person. Adults, adolescents or older children who sexually abuse children or young people, take advantage of their dependency and vulnerability. Coercion, that may be physical or psychological is intrinsic to child sexual abuse and differentiates child abuse from consensual peer activity.

Neglect

Neglect occurs when a child is harmed by the failure of a person whose job includes care responsibilities towards a child to provide the basic physical and emotional necessities of life. These needs include the provision of adequate food, nursing, clothing, medical attention or housing.

Physical Assault

Physical assault refers to the assault and/or non-accidental injury and/or harm to a child or young person by a parent, caregiver, or another person responsible for the child or young person. Physical assault is a hostile act towards a child. Assault can include pushing, shoving, throwing objects, hitting or threatening behaviour (either verbal or actions) that cause the child to fear that an assault is likely to occur.

Psychological Harm

Psychologically harmful behaviour is behaviour that results in significant emotional harm or trauma to a child. Types of behaviour include – acts that degrade or belittle a child (verbal or non verbal), exposing a child to domestic violence, setting unrealistic expectations with threats of harm, 'isolating' a child, exploiting or corrupting a child by exposing the child to anti- social behaviours, withholding emotional interactions or interacting only when absolutely necessary.

**Behaviours that are exempt from notification (Non reportable conduct)**

Certain classes of behaviour do not have to be reported to the Ombudsman. The Ombudsman recognises that employees who work with children are in a nurturing

role and there will be circumstances where it is appropriate and necessary to have some physical contact with children.

Examples of conduct that would not be reportable would include:

- touching a child in order to attract the child's attention
- comforting a distressed child
- a staff member raising his/her voice in order to attract attention or to restore order.
- conduct that is established to be accidental
- physical force that is deemed trivial or negligible, but only if the matter is investigated such as in the case of restraining a child who is harming another child or themselves

For behaviour to be excluded, the conduct must fulfil the following requirements-

- It must have been 'reasonable for the purpose of the discipline, management or care of children'.
- The age, maturity, health or other characteristics of children have been taken into consideration.

**KAZ Early Learning Centre Related Policies and Procedures:**

Child Protection Policy  
Staffing Policy  
Code of Conduct Policy  
Complaints and Grievances Policy  
Supervision of Children Policy  
Records – Confidentiality and Storage Policy  
Volunteers and Students Policy

**Appendices:**

Child Protection Report  
Child Protection Register

**Sources:**

**Australian Children's Education and Care Quality Authority (ACECQA)** <http://www.acecqa.gov.au/>  
**Childwise** - [https://www.childwise.org.au/NSW Government – Office of the Children's Guardian](https://www.childwise.org.au/NSW%20Government%20-%20Office%20of%20the%20Children's%20Guardian) -  
<http://www.kidsguardian.nsw.gov.au/>  
**Children and Young Persons (Care and Protection) Act 1998**  
**Child Protection (Working with Children) Act 2012**  
**Children (Education and Care Services) National Law (NSW)**  
<https://www.legislation.nsw.gov.au/#/view/act/2010/104a/full>  
**Child Protection (Working with Children) Regulation 2013**  
**Commission for Children and Young People Act 1998**  
**Department of Education** - <http://www.dec.nsw.gov.au/what-we-offer/regulation-and-accreditation/early-childhood-education-care>  
**Early Years Learning Framework (EYLF)** - [http://files.acecqa.gov.au/files/National-Quality-Framework-Resources-Kit/belonging\\_being\\_and\\_becoming\\_the\\_early\\_years\\_learning\\_framework\\_for\\_australia.pdf](http://files.acecqa.gov.au/files/National-Quality-Framework-Resources-Kit/belonging_being_and_becoming_the_early_years_learning_framework_for_australia.pdf) **Education and Care Services National Regulations 2011** <http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>  
**FaCS** - [https://www.facs.nsw.gov.au/about\\_us/contact\\_us#districts](https://www.facs.nsw.gov.au/about_us/contact_us#districts)  
**Kidsafe** - <http://www.kidsafensw.org/>  
**Keep Them Safe** - <http://www.keepthemsafe.nsw.gov.au/>  
**Mandatory Reporters Guide** - <https://reporter.childstory.nsw.gov.au/s/mrg>  
**NSW Health** - <http://www.health.nsw.gov.au>  
**National Quality Framework (NQF)** - <http://acecqa.gov.au/national-quality-framework/>  
**Ombudsman Act 1974**

<p><b>Office of the Children’s Guardian</b> - <a href="http://www.kidsguardian.nsw.gov.au/child-safe-organisations/child-safe-elearning">http://www.kidsguardian.nsw.gov.au/child-safe-organisations/child-safe-elearning</a></p> <p>Ombudsman NSW Defining Reportable Conduct  <a href="http://www.ombo.nsw.gov.au/_data/assets/pdf_file/0013/5620/PU_CP_02_11_Reportable_Conduct_v3.pdf">http://www.ombo.nsw.gov.au/_data/assets/pdf_file/0013/5620/PU_CP_02_11_Reportable_Conduct_v3.pdf</a></p> <p>Ombudsman NSW Child protection legislation: what employers and employees need to know  <a href="http://www.ombo.nsw.gov.au/_data/assets/pdf_file/0018/3663/Child-Protection-Legislation_What-employers-and-employees-need-know.pdf">http://www.ombo.nsw.gov.au/_data/assets/pdf_file/0018/3663/Child-Protection-Legislation_What-employers-and-employees-need-know.pdf</a></p>			
<p><b>RELEVANT LEGISLATION</b></p> <p><i>Part 3A of Ombudsman Act 1974</i> extends the Ombudsman’s jurisdiction to cover the oversight, monitoring and investigation of Child Protection matters in certain designated agencies.</p> <p><i>The Commission for Children and Young People Act 1998</i> establishes the commission, and gives it functions of independent policy making and advocacy for children and young people and employment screening for child related employment.</p> <p><i>The Child Protection (Prohibited Employment) Act 1998</i> prohibits the employment in child related employment of persons found guilty of certain serious sex offenses.</p>			
<p><b>REVIEW</b></p> <p>This policy will be updated to ensure compliance with all relevant legal requirements every year. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with Regulation 172 of the <i>Education and Care Services National Regulation</i>, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.</p>			
<b>Amendment</b>		<p>Procedure summarised into steps  Community Services name change  Web links updated</p>	
<b>Date Issued:</b>	October 2019	<b>Review Date:</b>	October 2020



I have read the Allegations of abuse against staff, educators, volunteers or students Policy and I understand that it is my responsibility to follow these procedures at all times in my workplace.

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Family, Educator and Staff Comments: