

### CHILD PROTECTION

#### Policy Statement

Responsibility for the implementation of this child protection policy and procedure is delegated to the Chief Executive Officer (CEO), who in turn delegates to Managers and Directors/Supervisors. All employees are responsible for implementing this and associated procedures in their own work.

#### Scope

This policy and procedure applies to all Gowrie NSW employees, students, volunteers, clients and members of the broader community who may have cause to use it.

#### Related Legislations/Standards

(Refer to Appendix 2 for a description of related legislation)

- Children and Young Persons (Care and Protection) Act, 1998
- Children's Act 2019
- Child Protection (Prohibited Employment) Act 1998
- Commission for Children and Young People Act 1998 (as amended)
- Child Protection (Offenders Registration) Act 2000

#### Responsibilities of Gowrie NSW Education and Care Centres

Under the Education and Care Services National Regulation 2011, centres must comply with:

- Regulation 84

Under the National Quality Standards centre must meet:

- Standard 2.2
  - Element 2.2.1
  - Element 2.2.3

Under the Child Safe Standards

- Standard 1 Leadership and culture
- Standard 6 Complaint handling
- Standard 10 Policies and procedures

#### Strategies

Gowrie NSW support child-safe and child-friendly environments by:

- creating emotionally and physically safe environments for children,
- applying protective behaviour strategies and procedures,
- complying with all child protection legislation and requirements,
- supporting children to be resourceful and confident in their own protective behaviours,
- listening to children, respecting what they say and involving them when we make decisions, especially about matters that will directly affect them,
- promoting respect, fairness and consideration for all employees, clients, families, volunteers and students,

- ensuring that all employees, volunteers and students have signed a Prohibited Employment declaration and undergone a Working with Children Check. A copy of this check is to be retained in a secure location on the staff member's file at the service and in Gowrie central office,
- ensuring that all new employees, clients, families, volunteers and students receive a copy of Gowrie NSW's policies and procedures relating to Child Protection and that they are discussed during enrolment and/or induction procedures.

These strategies are addressed more fully in other policy and procedure areas including Gowrie NSW statements of values and principles, Code of conduct, Grievance Policy and Gowrie NSW Human Resource policies.

*Gowrie NSW Service Managers and Nominated Supervisors are responsible for:*

- ensuring that all employees are aware of their obligations to report suspected significant risk of harm from abuse and neglect and procedures for reporting; that all staff are aware of the need to immediately report allegations against employees to the Executive Director, General Manager, or Service Manager.
- ensuring that all staff are aware of indicators of child abuse and neglect,
- providing training and development opportunities for employees in the recognition and reporting of suspected significant risk of harm,
- providing reporting procedures and professional standards for care and protection work generally,
- providing regular opportunities in staff meetings for the discussion of relevant practice issues and hypothetical scenarios to develop the understanding and confidence of staff in this area. These discussions must be documented in the staff minutes,
- ensuring that Working with Children Checks are carried out as necessary. A copy of the completed report is to be kept on each staff member's file within a secure area,
- reporting any case where a child is suspected to be at significant risk of harm from abuse and neglect to a Child Protection Case Worker.
- without consulting any other person or investigating in any way, immediately reporting any allegation of misconduct against a Gowrie NSW employee to the Executive Director maintaining confidentiality and advising all involved to maintain confidentiality and report any breaches to the CEO,
- ensuring all staff are aware of the need for all involved to maintain confidentiality; and that all staff are aware of the need to report any breach of confidentiality to an Executive Director, General Manager, Centre Manager, the Nominated Supervisor/Coordinator
- in all recruitment interviews for education and care, applicants must be asked a question in relation to their understanding of child protection and their responsibility as a mandatory reporter.

*The Nominated Supervisors of Gowrie NSW programs are further responsible for ensuring that:*

- all employees undergo training in all aspects of child protection and current legislation and its implications for their work. This can also be achieved through discussion in team meetings or through formal training. Copies of the staff members training is to be retained on the staff members file at the service level,
- families of children attending the centre are provided with information about relevant legislation and policies,
- all employees recognise the importance of responding as set out in the policy and the legislation,

- any situation regarding an allegation of child abuse or any concern for any child as being at significant risk of harm is treated with appropriate regard for the privacy and confidentiality of the persons concerned, at the same time acknowledging the right of children to be free from abuse,
- the management of employees and the environment is arranged to maximise protection of children from abuse and minimise opportunities for abuse, as well as to minimise opportunities for vexatious allegations against employees,
- all employees sign an acknowledgment that they have read, understood and are prepared to abide by Gowrie NSW's Child Protection policy and procedures.

*All Gowrie NSW employees are expected to comply with the following:*

- promote the safety, welfare and wellbeing of children,
- develop and carry out developmentally appropriate 'protective behaviours' education programs for all children,
- use correct terms to describe all body parts,
- use positive behaviour guidance techniques,
- encourage children to identify and discuss their feelings in a variety of situations,
- encourage children's questions and promote their decision-making skills,
- respect children's choices about touching and being touched and encourage them to respect other children's choices,
- encourage children to distinguish between situations where they feel safe and where they feel unsafe,
- provide socially responsive environments where children will know that their questions and concerns are listened to,
- relevant legislation.

All Gowrie NSW employees should ensure that their interactions with children are open to observation by others at all times, and that they consider together ways of doing this that support the other aims of the program.

Examples include:

- employees, students, visitors or volunteers will not take a child or children out of sight of other staff members or away from easy access by other staff members. Children are never withdrawn to rooms that can be locked.
- toilet and nappy change areas are open and visible to more than one staff member when in use and educators will toilet and change children at the change table with prior knowledge of, and in view of, other educators.
- the indoor and outdoor environment is arranged to allow maximum visibility of all areas,
- staff position themselves to ensure they are adequately supervising the children always, as per the supervision plan.
- no one employee will be left alone at the end of the day if a parent is delayed and the child is waiting to be collected. There is a minimum of two staff members rostered on at each end of the day,
- keep up to date enrolment records on all children,
- educators maintain open communication with all parents regarding all aspects of their child's development and seek assistance where there may be language or cultural issues that may hinder communication,

- educators will work closely with families to develop appropriate procedures that meet each child's needs, being aware that some children with additional needs may need more physical contact/guidance than other children,
- all Gowrie NSW centres will display a sign stating that all staff are mandatory reporters.

### Making Significant Risk of Harm Judgements

The law says a child or young person is at risk of significant harm (ROSH) if there are current concerns for their safety, welfare or wellbeing because of one or more of the following:

- if their basic needs are not met — for example, they don't have enough food or clothing, or don't have a safe or secure place to live
- parents or caregivers aren't arranging necessary medical care — for example, a child is very sick, but is not taken to a doctor
- a child or young person being physically abused or ill-treated — for example, where a child has bruises, fractures or other injuries from excessive discipline or other non-accidental actions
- a child or young person being sexually abused — for example, sexual activity between the child and an older child or adult
- risk of serious physical or psychological harm resulting from domestic violence — where a child could be injured by a punch intended for their mother, or a child can't sleep at night because of the fear there will be violence in the home
- risk of the child or young person suffering serious psychological harm — for example, a child having to take care of his parent, or a child being continually ignored, threatened or humiliated.

### The Act requires that a reporter:

- has reasonable grounds to make a report,
- has current concerns about a child's safety, welfare or wellbeing,
- suspects that a child is at significant risk of harm.

### It can be helpful to think about:

- the age, development, functioning and vulnerability of the child or young person,
- the behaviour of a child or young person which suggests they may have been or are being harmed by another person,
- behaviour from another person, that has had, or is having, a demonstrated negative impact on the healthy development, safety, welfare and well-being of the child or young person (for example carer's drug and alcohol abuse or domestic violence),
- contextual risk factors, for example, recent abuse and neglect of a sibling, or a parent recently experiencing significant problems in managing a child or young person's behaviour,
- indications that a child or young person's emotional, physical or psychological well-being is significantly affected as a result of abuse and neglect.

Also consider factors that may heighten significant risk of harm. These are not grounds for current concerns in themselves, but may be relevant when thinking about the level of risk and the degree of harm.

- access to financial and other resources,
- social isolation,
- presence of disability.

Mandatory reporters are required to use the NSW Mandatory Reporter Guide to guide their decision-making and to determine whether or not to report to the Child Protection Helpline.

### The NSW Mandatory Reporter Guide (MRG)

The MRG is designed to complement, rather than to replace critical thinking. A mandatory reporter is not prohibited from taking any course of action they believe is appropriate if they believe that a child is at significant risk of harm or neglect.

The MRG assists mandatory reporters to determine whether the concern they have is reportable. It uses a 'decision tree' model, which takes the reporter through a matrix questions, until they reach a final decision regarding the action they should take.

The MRG explains how to use the resource and the decision trees, and provides guidance for mandatory reporters to select the most appropriate decision tree related to their concern.

If a mandatory reporter has more than one concern, they must start by selecting the decision tree that relates to their most serious concern about the child or young person.

When using the online, interactive version of the MRG, available at <http://reporter.childstory.nsw.gov.au>, a decision report will be issued after the completion of each decision tree, with an explanation of the outcome based on the completion of the decision tree. This should be printed and/or saved for Gowrie NSW records in a secure location within the service.

Alternatively, a PDF version of the Guide can be used, and is available at <https://reporter.childstory.nsw.gov.au/s/article/Guide-To-Selecting-A-Decision-Tree>

If the final outcome of the MRG is to submit an eReport, the Mandatory Reporter will need to register using their Gowrie NSW email as this is the domain registered with the [Child Story Reporter Website](#). Alternatively, a report can also be submitted by calling the Child Protection Helpline on [132 111](#).

### Guidelines for Responding to a Disclosure

Remember that if a child discloses their story to you, they have most likely chosen you because they trust you, and expect that you will assist them.

Whilst receiving a disclosure is difficult for the worker, remember that the experience of the child or young person is where our attention should be focused. There is a privilege in sharing people's stories – we need to be respectful.

Listen to the child or young person and:

- use a calm, reassuring tone and talk at the child's level,
- indicate that you believe the child,
- comfort the child,
- avoid expressing judgment, doubt or shock,
- be honest with the child,
- be accepting,
- avoid negative emotional reactions to the child's story,
- let the child speak at his or her own pace. Avoid interrupting them or stopping them from talking, and do not pressure them to tell you more,
- take notes of what is said (either during or after the disclosure).

Convey the following messages to the child:

- it is not their fault,
- it was right to tell,
- it is never okay for adults to harm children,
- what will happen next,
- it is part of your job to talk to people who can help when a child has been harmed, or is at significant risk of harm,
- acknowledge any concerns the child may have about “what will happen next?” and “what will happen to the perpetrator?”.

Things that you must avoid:

- do not ask the child leading or probing questions – this is the role of investigating officers,
- never make promises to the child that you cannot keep,
- never try to ‘close down’ the conversation – this conveys the message to the child that they have done something wrong, and that they should not tell anyone,
- do not make negative comments or pass judgement about the alleged perpetrator – the child is telling you because they want you to help in stopping the abuse occurring. The child may (and probably does) love the person they are talking about.

### Procedure for Mandatory Reporting

#### Step 1

If you believe a child is at significant risk of harm you should document your concerns and notify your relevant General Manager, Manager/Nominated Supervisor or Coordinator of your concerns.

#### Step 2

The General Manager, Centre Manager, Nominated Supervisor/Coordinator will decide on the course of action to be taken, including making a notification, and will advise you of the action taken.

#### Step 3

If the General Manager, Centre Manager, Nominated Supervisor/Coordinator decides against or delays notification and you are not satisfied with this outcome and still have concerns, you should make the notification yourself or inform the Executive Director of Programs or the General Manager.

If the final outcome of the MRG is to submit an eReport, the Mandatory Reporter will need to register using their individual Gowrie NSW email as this is the domain registered with the [Child Story Reporter Website](#). alternatively, a report can also be submitted by calling the Child Protection Helpline on [132 111](#).

### **Contact numbers, email and websites**

Gowrie NSW internal email: [childsafegowriensw.com.au](mailto:childsafegowriensw.com.au)

Mandatory Reporters: **132 111**

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

### Legal protection for reporters

The law provides protection for reporters. The identity of the reporter cannot be disclosed to anyone without the reporter's consent, unless on the rare occasion that a magistrate directs the disclosure because it is crucial to a court proceeding. When a report is made on reasonable grounds, the law protects the reporter from any civil action such as a defamation suit. A reporter cannot be prosecuted if anything in their report is found to be untrue. Making a report to Department of Communities and Justice does not constitute a breach of professional etiquette, ethics, standards, or codes of conduct.

### Allegations against employees

In dealing with allegations against employees the CEO (or delegated Manager) will follow all procedures, guidelines and requirements outlined in the Reportable Conduct Scheme published by the Office of the Children's Guardian under the *Children's Act 2019*, and will consult directly with the Office of the Children's Guardian. Gowrie NSW is also required to make a notification to the state Regulatory Authority with regards to any allegations against an employee.

Gowrie NSW is required to notify the Office of the Children's Guardian when an allegation has been made. The staff member's details, and nature of the allegation and the organisation's initial response is to be recorded and Head of Agency (CEO) notified within 30 days of the allegation being made. Gowrie NSW will then be required to undertake an investigation of the allegation.

### Confidentiality

Staff making reports are required to maintain strict confidentiality. It may be necessary to discuss related issues among the team in the context of a team meeting. Apart from this, the issue should not be discussed with anyone except your team leader/manager and any relevant Family and Community Services officials.

Allegations against employees - allegations and related investigation matters should be treated in strict confidence. Parents making allegations should be advised to treat the matter with strict confidence.

### Records

- Reports of children at 'significant risk of harm' – in general these are handled at the individual service and records maintained there. Records are kept locked in a secure file away from the children's developmental and administrative records.
- Allegations against employees (regardless of outcome of investigation) – all aspects of the allegation, risk assessment, investigation, and action taken are recorded. The CEO permanently stores these records in a secure system, separately from personnel files. These records are highly confidential and in general may be accessed by the ED Children's Services and CEO.

### Information exchange

- Under Chapter 16A in the *Children and Young Persons (Care and Protection) Act 1998* it is no longer necessary to obtain consent of parents, carers, children or young people to exchange information about the safety, welfare or wellbeing of a child or young person. However, it is best practice to inform families that their personal information may be or is being provided to other agencies/organisations. Information exchange legislation covering this commenced on 30 October 2009.
- The needs and interests of children and young people (and of their families) in receiving

services relating to the care and protection of children or young people take precedence over the protection of confidentiality or of an individual's privacy.

Prior to releasing information to another prescribed body, discuss with General Manager or Executive Director of Programs.

### Related policy areas

- Gowrie NSW Governance Policy
- Gowrie NSW Code of Conduct
- Gowrie NSW Grievances and communication Polciy
- Quality, service & strategic management
- Human Resources Policies
- Training and resource programs

### References and sources

- Office of the Children's Guardian <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme>
- Department of Communities and Justice <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters/how-to>
- Child Story <https://reporter.childstory.nsw.gov.au/s/>