

CHILD PROTECTION PROCEDURE

Policy Hierarchy link	Children (Education and Care Services National Law Application) Act 2010 Education and Care Services National Regulations 2011 Child & Young Persons (Care & Protection) Act, 1998 Ombudsman Amendment (Child Protection and Community Services) Act, 1998 Commission for Children and Young People Act, 1998 Child Protection Act chapter 16A October 2009) Child Protection (Prohibited Employment) Act, 1998 Child Protection (Working With Children) Regulation 2013		
Responsible Officer	Vice-President, Campus Life and Community Engagement		
Contact Officer	General Manager – j.carlisle@unsw.edu.au 9385 1708		
Superseded Documents			
File Number	Contact the Records & Archives Office .		
Associated Documents	Working with Children Check Guidelines, Commission for Children and Young People, 2000		
Version	Authorised by	Approval Date	Effective Date
3.1	Early Years Management	November 2016	November 2016

1. Purpose and Scope

This procedure will apply to all families, staff (i.e. full-time/part-time employed staff, casual staff), volunteers, students, visitors, contractors and Management of UNSW Early Years.

The principal activity of any child care service is to provide care, education and a safe environment for children. Child abuse is a widespread problem and has no cultural or socio-economic boundaries. UNSW Early Years has a responsibility to both children and their families to ensure that children, whilst in our care, are protected from child abuse.

Under relevant legislation child care centres are required to ensure allegations of child abuse, concerning children in their care, are appropriately addressed. Numerous procedures are in place to identify and exclude all inappropriate persons from having contact with the children in care as well from being employed at Early Years.

This procedure was developed to provide a framework for the protection of the child. It is also to clarify procedures for staff who may be required to report on allegations of child abuse. It sets down procedures that relate to allegations of abuse against a staff member or other adult on the services' premises or by a staff member generally.

The goal of this procedure is to:

- promote the safety and wellbeing of all children, and educators attending Early Years
- provide an environment for the children that is safe, free from neglect and from physical, emotional or sexual abuse by staff or other adults whilst at the Centre
- ensure that record keeping is sufficiently detailed

- ensure that staff are trained and skilled in identifying possible indicators of abuse and that they are aware that they are Mandatory Reporters and required to notify any concern or child protection issue to relevant authorities
- ensure staff keep up to date on legislation
- ensure staff are aware of their roles and responsibilities and procedures to follow if a case of abuse or neglect is suspected
- work within the guidelines and follow ChildStory Reporter Community practices which focus on shared responsibility of child protection for Non-Government Organisations (NGO) in conjunction with the NSW Department of Education
- support families at a local level in a co-ordinated approach with other government organisations and NGOs by acting as a network service/agency in recommending appropriate and relevant services in the community for help and support.
- ensure that all notifications remain confidential

2. Definitions

Child - A person under the age of 16 years.

Child Abuse - refers to a child “at risk of significant harm”. This includes one or more of the following circumstances:

- the child’s basic physical or psychological needs are not being met
- necessary medical care has not been arranged for the child
- 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 domestic violence occurs and, as a consequence, the child is at risk of serious physical and psychological harm
- a parent or caregiver has behaved in such a way towards the child that the child has suffered or is at risk of suffering serious psychological harm
- assault (including sexual assault) of a child
- ill-treatment or neglect of a child
- exposure or subjecting a child to behaviour that psychologically harms a child.

A child abuse allegation can also include an allegation of misconduct that may involve child abuse eg. an allegation involving possession of child pornography.

Child Abuse Conviction - Any conviction of a person, in the State of New South Wales or elsewhere, of an offence involving child abuse, and including a finding by the court that a charge for such an offence is proven even though the Court does not proceed to a conviction. The term “allegation” must refer to a description of behaviour that may constitute child abuse and also refers to “conviction” for the purpose of this procedure.

Prohibited person.-Any person convicted of a serious sex offence will not be permitted to work or seek work in employment which primarily involves direct contact with children where that contact is un-supervised (in either a paid or unpaid role).

Vexatious complaint - An allegation of child abuse against another that is unfounded.

3. Procedures

PART A: Reporting suspected Risk of Harm

If there is an immediate danger to the child, the local police station and/or the Child Protection Helpline should be contacted immediately.

Step 1 Raise the matter in confidence with the Responsible Person and General Manager immediately.

A written observation, including the date and full name of child, identifying the concern/incident must be documented immediately and be based on:

- first hand observation of the child, young person or family
- what the child, young person, parent or other person has disclosed
- what can reasonably be inferred based on professional training and/or experience
- Have written observations of the child available for discussion

Step 2 Access the Mandatory Reporter Guide (MRG) (<https://reporter.childstory.nsw.gov.au/s/mrg>) to see if the child is at Risk of Significant Harm.

- Print out the decision report
- Retain report in the child's confidential file.

Step 3 a) If MRG informs child is AT RISK of SIGNIFICANT HARM

- Mandatory Reporter must make a report directly via the ChildStory Reporter site or via the *Child Protection Helpline* on
132 111

OR

Step 3 b) If MRG informs the child is NOT at Risk of Significant Harm

- Continue to record clear, dated, objective observations.
- Maintain documentation in a confidential file
- Discussed with the Nominated Supervisor before filing.
- Work closely to support the child and family.

OR

Step 3 c) If MRG informs child is NOT at Risk of Significant harm BUT staff remain concerned contact the *Child Protection Helpline* on **132 111** to seek further advice.

If required, staff may contact a child's doctor, paediatrician or prior early childhood centre to seek further assistance under the Child Protection Act (Chapter 16A).

Step 4) Notify NSW DEPARTMENT OF EDUCATION

PART B: When a child makes a disclosure

Follow procedures above AND

- Remain calm and objective and Comfort the child
- Listen to and believe the child
- Don't make promises that you cannot keep
- Convey messages that it is not their fault and it was right to tell
- Tell them you will need to talk to other people whose job it is to help keep children safe

- Report to the Responsible Person, General Manager as soon as possible that same day.
- If a child makes a disclosure in a group situation, calmly follow through on issues discussed with all children regarding protective behaviours. As soon as possible without removing the child from the group inappropriately, move to a quiet area and follow the steps outlined above.

Note that our role is to support the wellbeing of the child, not to investigate the disclosure. Do not question the child about the details of the abuse/neglect as legal proceedings may be jeopardised.

PART C: Responding to an allegation of abuse by an adult at the centre.

An allegation of child abuse may be made against a staff member, student or visitor by another employee, by a child's parents, or other caregiver, or may arise from advice received by an investigative agency including the Department of Education, the Police Service and/or the Ombudsman. All steps must be carried out regardless of whether the allegations are found to be true or where the incident(s) occurred.

Step 1 Complete all steps as per Part A: Steps 1-3.

Step 2 Inform the Responsible Person on Duty and UNSW Early Years General Manager immediately.

Step 3 Determine whether or not the allegation is a reportable allegation, a reportable conviction, or reportable conduct. Refer to:
http://www.ombo.nsw.gov.au/_data/assets/pdf_file/0013/5620/PU_CP_02_11_Reportable_Conduct_v3.pdf

Step 4 The General Manager, Early Years will inform the UNSW Legal Department.

Step 5 Make a report to the Police if deemed appropriate

Step 6 Notify the NSW Regulators – Department of Education through the National Quality Agenda IT System (NQAITS) <http://www.acecqa.gov.au/notifications> using form *SI01 Notification of Serious Incident* form if Police have been informed **OR** using form *NL01 Notification of Complaints and Incidents (other than serious incidents)* form if Police are not informed. Submit to the Department of Education within 7 days of the incident.

Step 7 Notify the Ombudsman (9286 1000) and complete *Child Protection Notification* form found at www.ombo.nsw.gov.au within 30 days

Step 8 Notify NSW Family and Community Services (132 111).

3.1 Responsibilities of UNSW

UNSW will ensure that before any staff commence their employment at any UNSW Early Years campus, they will have a current Working With Children Check. See **UNSW Human Resources procedure** outlining the process.

3.2 Responsibilities of Nominated Supervisors

Ensure that:

- all staff undergo training in all aspects of child protection, current legislation and its implications for their work
- parents of attending children are provided with information about relevant legislation and procedures

- all staff follow procedures
- UNSW Early Years General Manager be informed of any allegation of child abuse made against any staff member
- any situation regarding an allegation of child abuse, or any concern for any child as being at risk of harm, is treated with discretion and regard for the privacy and confidentiality of the persons concerned, recognising however, that the rights of children to be free from abuse must be held paramount
- management of staff will be organised to maximise protection of children from abuse and minimise opportunities for abuse, as well as minimise opportunities for vexatious allegations against staff.

3.3 Guidelines for Disciplinary Procedures

When there is an allegation against a staff member, verbally or in writing, the Nominated Supervisor must be informed and must then immediately inform the UNSW Early Years General Manager. This allegation may be for an incident in the workplace or elsewhere.

Step 1 The Nominated Supervisor with the UNSW Early Years General Manager will notify the Ombudsman to determine process and responsibility for investigation. They will ensure the case is not investigated or determined by someone with a conflict of interest and that the outcome is supported by evidence.

Step 2 Nominated Supervisor will inform the staff member, against whom the allegation is made of:

- a) the substance of the allegation,
- b) that they may make a submission on their own behalf for inclusion to the Ombudsman.
- c) that they do not have the right to know the identity of the person making the allegation or have access to other material provided by witnesses

Step 3 The Nominated Supervisor and UNSW Early Years General Manager with guidance from the Department of Education will determine:

- (a) whether the Police need to be informed
- (b) when and how the child's parents are to be informed
- (c) when, and how, the staff member will be informed

Step 4 The Nominated Supervisor in consultation with the UNSW Early Years General Manager will determine the immediate employment status of the staff member against whom the allegation has been made. In the event of a serious allegation the staff member may be placed on suspension with or without pay.

Step 5 In the case of serious and wilful misconduct instant dismissal will be actioned.

Step 6 At the conclusion of the investigation, all records will be sent to Human Resources, to be kept in a confidential manner and accessible only to appropriate senior officers of UNSW.

Step 7 At the end of the investigation, a final report is made by the UNSW Early Years General Manager and sent to the Ombudsman. The staff member may make a verbal or written reply when the final finding is made to the Ombudsman.

Step 8 If a matter is found to be vexatious, the matter will be dealt with by the UNSW Early Years General Manager. Vexatious complaints made by users of

UNSW Early Years campuses or other Early Years staff may result in families' enrolment or staff employment being ceased.

Step 9 If the employee and/or parent is dissatisfied with the process of the outcome of the investigation, a complaint can be lodged with the Head of Agency and/or the Ombudsman.

3.4 Requests by other agencies to share information

Step 1 Collect the contact details of the person and agency making the request.

Step 2 Seek clarification for the reason for the request.

Step 3 Seek a written request from the agency for such information, write the report for the agency addressing key significant issues and keep a copy on file at the centre.

Step 4 Where the matter is urgent and a written process is not suitable, confirm contact details of the person requesting information, do not give information at this point. Phone back the organisation and seek evidence that the person requesting the information is from this agency, then share the required information. Inform the agency that you will be taking notes about the conversation and will maintain records at the Centre as well as forward them a copy.

3.5 When requesting other agencies to share information

Step 1 Write a request regarding the child in question addressing key significant issues. Keep a copy on file at the centre. Once received seek further clarification where necessary.

Step 2 Where the matter is urgent and written process not suitable, contact the agency by phone to request the information. Identify yourself and where you are from, stating in line with Chapter 16A that you are requesting information regarding a particular child. Let them know you will be recording the conversation and information given and that you will forward this information to them for their records.

3.6 Child Safe Practices

Early Years will:

3.6.1 Provide professional development for its staff in areas of:

- child protection legislation, regulations and guidelines
- operational practices
- protective behaviour programs for children.

3.6.2 Minimise stress factors amongst staff by:

- Supporting staff to be aware of their own personal levels of tolerance and stress and seek support where required as well as be aware of colleagues stress levels
- Providing a varied roster
- Providing an environment where staff will be easily in view of or able to be heard by another adult when working with children
- Ensuring staff have the opportunity to take rostered days off, time in lieu, meal breaks and programming time to minimise burn out and stress levels.

3.6.3 Provide ongoing communication to families including:

- Protective behaviour strategies used within the program
- resource materials and information on support agencies, child protection legislation

3.6.4 Pedagogical practices which include:

- Programs which are developmentally appropriate that do not shift the onus for safety from adult to child and from abuser to victim
- Programs which help children learn about self-protection, asking someone they trust for help and the development of positive assertive behaviours
- Encouraging positive self-esteem, secure relationships with adults and children.
- Teaching children to identify, label and communicate a range of feelings and correctly label body parts
- Teaching children to identify when they feel safe, unsafe and identify a network of people they can trust
- Listening to children so they know their questions and concerns are respected and understood
- Respecting children's choices and decisions and encourage them to respect other children's choices, especially where physical contact is concerned.
- Teaching children, when developmentally appropriate, the basic principles of "No, Go and Tell", and to say "no" if they feel uncomfortable, to get out of the situation if possible and to tell someone they trust as soon as possible

4. Review & History

Procedure Evaluation

If major problems or concerns are identified during implementation, they shall be recorded and referred to Early Years Management for discussion and possible modifications.

If there are no major concerns evident, this procedure shall be reviewed taking into account the effectiveness of implementation guidelines, new theory in the policy area, any changes to philosophy, situation, legislation, government mandates or any other relevant issue.

5. Acknowledgements

The following references and documents were used extensively in the development of this procedure and are useful resources to assist in implementation of the procedure:

Child & Young Persons (Care & Protection) Act, 1998

Ombudsman Amendment (Child Protection and Community Services) Act, 1998

Child Protection: Your New Responsibilities; NSW Ombudsman, May 1999 and 2000

Commission for Children and Young People Act, 1998

Child Protection Act chapter 16A October 2009

Working with Children Check Guidelines, Commission for Children and Young People, 2000

Child Protection (Prohibited Employment) Act, 1998

Interagency Guidelines on Child Protection; NSW Child Protection Council, Feb 1997

Making a Difference: Recognising Child Abuse and Neglect, Child Protection Council, 1998.

Guide to making a child protection report

www.community.nsw.gov.au

ChildStory - child protection website

<https://reporter.childstory.nsw.gov.au/s/mrg>

Decision tree access:

<http://sdm.community.nsw.gov.au/mrg/screen/DoCS/en-GB/summary?user=guest>

Community Childcare Cooperative Members site

<http://cccnsw.org.au/>

Ombudsman for work related issues

<http://www.ombo.nsw.gov.au/news-and-publications/publications/fact-sheets/child-protection>

Notification form access

https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0007/4201/Notification_Form_PARTA_Jan15.pdf

Websites Reviewed (14.11.16)

The legislation relevant to these procedures include:

- Child & Young Persons (Care & Protection) Act 1998 NSW SS23, 27
- Children's Legislation Amendment (Wood Inquiry Recommendations) Act 2009
- Child Protection Legislation Bill Amendment 2014
- Child Protection Legislation Bill Amendment 2015
- Ombudsman Amendment (Child Protection and Community Services) Bill 1998
- Commission for Children and Young People Act 1998
- Child Protection (Prohibited Employment) Act 1998
- Child Protection (Working With Children) Regulation 2013

Appendix A: History

The authorisation and amendment history for this document must be listed in the following table. Refer to information about [Version Control](#) on the Policy website.

Version	Authorised by	Approval Date	Effective Date	Sections modified	Next review date
1.0	Vice President, University Services	11 November 2013	11 November 2013		
1.1	Early Years Management	25 June 2015	25 July 2015		
2.0	Early Years Management	October 2015	November 2015		November 2016
3.0	Early Years Management	June 2016	July 2016	Moved sections around and reduced wording	July 2017
3.1	Early Years Management	November 2016		Sections 1,3 and 5 to reflect ChildStory reporting guidelines	

Appendix B: Definitions of Legislation

The *Child & Young Persons (Care & Protection) Act, 1998* is an Act that defines what constitutes a child at risk of harm and prescribes the manner in which staff and management in child care services must respond when they have reasonable grounds to suspect that a child is at risk of harm. The legislation also sets out the agencies (NSW Department of Education and NSW Police) which have the responsibility to investigate such concerns.

The *Ombudsman Amendment (Child Protection and Community Services) Act, 1998*, compels the "Head of agency" (or licensee) of any child care service to notify the Ombudsman of any allegation of child abuse made against any employee (including paid or unpaid, full time or part time, casual or permanent, contractor, volunteer, work experience participant, student, visiting specialist etc.) in regard to alleged child abuse.

The definition of alleged child abuse is broad and does not allow for any discretion on the part of the licensee in ignoring vexatious, unproven, unsubstantiated or inconsequential allegations. The Agency is required to notify the Ombudsman of the allegation, to investigate the allegation and report to the Ombudsman the result of the investigation.

The *Commission for Children and Young People Act, 1998* defines the responsibility of the Commissioner to keep ongoing records of employment of all those working with children, and the screening of all those who propose to work with children. Employers are required to notify the Commission of any disciplinary matter relating to any employee in regard to child abuse. The Commission will also supply information to prospective employers regarding matters arising from previous employment of any person working with children.

The *Child Protection (Prohibited Employment) Act, 1998*, seeks to stop any "prohibited" person from working with children. Prohibited persons are those who have been convicted of any child pornography offence or any sexual or indecency offence punishable by 12 months or more imprisonment and any other person deemed to be prohibited by the Commission. It is an offence for a prohibited person to seek work with children or for any employer to employ a prohibited person to work with children.