1. Purpose and Scope

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 has a responsibility to both children and their families to ensure that children, whilst in the care of its Centres, 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. Under The Child Protection (Prohibited Employment) Act 1998, and The Commission for Children and Young People Act, 1998, numerous procedures are in place to identify and exclude, if necessary, all inappropriate persons from having contact with the children in care or from being employed in child care services.

This procedure was developed to provide a framework for the protection of the child and to clarify procedures for staff who may be required to report on allegations of child abuse. It also sets down procedures that relate to allegations of abuse against a staff member or 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 attending the Centre and their families
- ensure that all the children attending the Centre are safe 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 to indicate possible child abuse
- ensure that staff are trained and skilled in identifying possible indicators of abuse, are aware that they are mandatory reporters who are required to notify any concern or child protection issue and keep up to date on legislation so intervention is possible.
- ensure staff are aware of their roles and responsibilities and procedures to follow if a case of abuse is suspected
• work within the guidelines relating to the Wood Report – Special Commission Inquiry into Child Protection and follow Keep them Safe practices which focus on shared responsibility of child protection for Non-Government Organisations (NGO) in conjunction with Department of Education and Communities.

• support families on 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.

This policy will apply to all families, staff (i.e. full-time/ part-time employed staff, casual staff, volunteers, students, family members acting as primary contact staff) contractors and Management of UNSW Early Years Centres, UNSW.

This policy operates in conjunction with the UNSW Child Protection Policy.

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, or

• 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 policy.

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- Any allegation of child abuse against a staff member that is unfounded.

See further Definitions under Appendix.
3. Procedure

3.1 Indicators of abuse
There are many indicators of child abuse and neglect. The following is a guide only. One indicator on its own may not imply abuse or neglect. Each indicator needs to be considered in the context of other indicators and the child’s circumstances.

General indicators of abuse and neglect include:
• marked delay between injury and seeking medical assistance
• history of injury
• the child gives some indication that the injury did not occur as stated
• the child tells you someone has hurt him/her
• the child tells you about someone he/she knows who has been hurt
• someone (relative, friend, acquaintance, sibling) tells you that the child may have been abused

See Appendix for a Detailed List of Indicators of Forms of Abuse

3.2 Procedures to assist centres in the area of child protection

3.2.1 Encourage staff development
• Organise staff meetings during the year for the discussion of child protection guidelines and the effect on staff duties.
• Organise and attend workshops or training seminars for staff on child protection issues and legislation as part of professional development.
• Provide ongoing staff training in the use of appropriate protective behaviour programs for children.

3.2.2 Minimise stress factors amongst staff
• Provide training for staff to be aware of their own personal levels of tolerance and stress and ensure staff take regular breaks and are aware of other staff members’ stress levels.
• Provide opportunities for staff to have release from primary contact duties with children.
• Provide opportunities for staff to be multi-skilled and undertake a range of different tasks within the Centres (e.g. administration, food preparation, providing professional development for staff and field).
• Use job rotation within the Centre to provide staff with diverse work experience and to alleviate stress.
• Ensure staff always work with another staff member, and are always in clear view of another staff member when working with children, in order to minimise stress and the possibility of vexatious allegations.
• Ensure that staff have the opportunity to take, and that they appropriately use, rostered days off and time in lieu to minimise burn out and stress levels.

3.2.3 Provide ongoing communication about child protection issues to families
• Communicate with families about the strategies used within the program to help children feel safe and protected, for example, protective behaviours.
• Ensure information about resource organisations, appropriate support networks/agencies, and resource material is easily accessible to families.
• Ensure families are aware of any changes to legislation which may affect the operation of the Centre.

3.2.4 Use the program to encourage assertive behaviours and security in children
• Develop programs that take into account the developmental stages of the children and do not shift the onus for safety from adult to child and from abuser to victim.
• Implement protective behaviour programs which will help children learn about self-protection, asking someone they trust for help if they feel unsafe, and the development of positive assertive behaviours for use with other children.
• Provide an environment and strategies which encourage positive self-esteem, secure relationships with adults and children, and assist children in developing pro-social behaviours.

3.2.5 Support and encourage children to develop trust and feel safe within centre
• Help children to identify and discuss their feelings in a variety of situations, recognising negative feelings as well as happy, safe feelings.
• Encourage children to talk about situations where they feel safe and do not feel safe.
• Listen to children so they know their questions and concerns are understood.
• Encourage questioning and decision making skills.
• Respect children’s choices and decisions and encourage them to respect other children’s choices, especially where physical contact is concerned.
• Teach 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.
• Help children to identify a network of five people they can trust and turn to when they feel unsafe.
• Use correct terminology for all body parts, while being sensitive to cultural and family values.

3.2.6 Procedures for reporting suspected risk of harm
The staff will use the following procedures to assist with recognising and reporting child abuse and neglect.

When there is a concern that a child is being abused or neglected:

Step 1 Raise the matter/concern in confidence with the Nominated Supervisor immediately. This concern would 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  Staff will access the Mandatory Reporter Guide (www.keepthemSAFE.nsw.gov.au) to decide if the child is at risk of significant harm. Staff will print out the decision report and maintain on the child's file.

Step 3  If, after completing the mandatory reporter guide, the issue is NOT considered RISK OF SIGNIFICANT HARM, the Nominated Supervisor and contact staff will continue to record clear, dated, objective and simply stated observations, including indicators, on the child. All documentation will be kept in a confidential file and discussed with the Nominated Supervisor before filing.

If staff remain concerned but unsure of the evidence the Nominated Supervisor will contact Department of Education and Communities Child Protection Hotline on 13 3627 to seek further advice.

Step 4  If there is an immediate danger to the child, the local police station and/or the Child Protection Hotline should be contacted immediately.

Step 5  When the use of the Mandatory Reporter Guide advises risk of significant harm, the mandatory reporter must make a report to the Child Protection Helpline 13 3672.

Note changes to the Child Protection Act (Chapter 16A) on 30/10/2009 relate to privacy and the sharing of information across agencies. If required, staff may contact a child’s doctor, paediatrician or prior early childhood centre to seek further assistance with supporting a child/family.

3.3 Procedures to follow when a child makes a disclosure

The staff will use the following procedures to assist when a child has disclosed that they have been abused.

- Listen to the child
- Believe the child
- Don’t make promises that you cannot keep
- Comfort the child
- Convey messages that it is not their fault. It is never a child’s fault
- 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 Nominated Supervisor and to the Department of Education and Communities as soon as possible that same day.

Do not question the child about the details of the abuse/neglect as legal proceedings may be jeopardised.

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.

Remember: our primary responsibility is to the child and we have a professional responsibility to report maltreatment. Confidentiality and ethical behaviour by all staff is of utmost importance in any issues of child protection.
Detailed strategies to assist staff in carrying out the above procedures are in *Making a Difference: Recognising Child Abuse and Neglect* 1998, Child Protection Council.

### 3.4 Procedures to follow when responding to an allegation.

The Centre will use the following procedures to **RESPOND TO CHILD ABUSE ALLEGATIONS AND CONVICTION** against an adult on the centre premises.

An allegation of child abuse can be made against a staff member by another employee, by a child's parents, or other caregiver, or may arise from advice received by an investigative agency including Department of Education and Communities, the Police Service and/or the Ombudsman.

Allegations of child abuse may be made against a staff member or a person 'engaged' by UNSW Early Years Centres to provide services to children, including students, volunteers and visitors.

The Ombudsman Act does not define the term “allegation”. However an allegation should have the following elements:

- the person subject to the allegations is clearly identifiable; and
- the allegation details specific conduct or a pattern of behaviour that indicates abuse.

**Step 1** When an allegation has been made the Nominated Supervisor will consult with the UNSW Early Years General Manager.

**Step 2** If the allegation does not have the above elements the Nominated Supervisor, in consultation with the UNSW Early Years General Manager, will determine whether the matter should be treated as an allegation.

**Step 3** Inform The University Legal Department.

**Step 4** Notify The Ombudsman (9286 1000) within 30 days of the allegation being raised and Department of Education and Communities (133 627) of any allegation against a person employed or engaged in the Centre, whether or not there are reasonable grounds to believe that abuse has taken place. It does not matter where the abuse is said to have taken place, eg. at the Centre, in the home or at another location.

### 3.5 Procedures to follow when being requested by other agencies to share information

The Centre will use the following procedures to **respond to a request from another agency to share information regarding a child.**

**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.
3.6 Procedures to follow when requesting other agencies to share information

The Centre will use the following procedures to request information from another agency to share information regarding a child.

**Step 1** Write a request regarding the child in question addressing key significant issues. Keep a copy of this request on file at the centre. Await a response from the agency regarding this matter and 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 that you will be recording the conversation and information given and that you will forward this information to them for their own records.

3.7 Responsibilities of the University of New South Wales

The University of New South Wales will ensure that before any staff commence their employment at UNSW Early Years centres, they will have a current Working With Children check. Please see [UNSW Human Resources procedure](#) outlining the process.

3.8 Responsibilities of Nominated Supervisors of the UNSW Early Years Centres.

It will be the Nominated Supervisor’s responsibility to ensure:

- that all staff undergo training in all aspects of child protection and current legislation and its implications for their work
- that parents of children in the Centre are provided with information about relevant legislation and policy
- that all staff appreciate the importance of responding as set out in the policy and legislation
- that the 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
- that the management of staff will be organised so as to maximise protection of children from abuse and minimise opportunities for abuse, as well as minimise opportunities for vexatious allegations against staff
- that all staff sign an acknowledgment that they have read, understood and are prepared to abide by the University's Child Protection Policy, and the Early Years Child Protection Procedures.

3.9 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.

- The Nominated Supervisor in conjunction with the UNSW Early Years General Manager will notify the Ombudsman to request support on how to proceed. Procedure may be whether the University should conduct an
investigation and report to the Ombudsman, or whether the University should conduct an investigation with Ombudsman support, or whether the Ombudsman will undertake the investigation.

- The Ombudsman MUST be informed of any allegation or conviction and a Child Protection Notification Form completed.
- The staff member, against whom the allegation is made, will
  1) be informed of the substance of any adverse comment included in the report,
  2) not be given a copy of the report, and
  3) is invited to make a submission (on their own behalf) for inclusion to the NSW Ombudsman.

The form and supporting material must be sent to the NSW Ombudsman Office within 30 days of the UNSW Early Years General Manager becoming aware of the allegation.

At the end of the investigation, a final report is sent to the Ombudsman containing details of the investigation and outcome. The staff member may make a verbal or written reply when the final finding is made to the Ombudsman.

The Nominated Supervisor after conferring with the UNSW Early Years General Manager will, with guidance from Department of Education and Communities, determine:

(a) whether the Police need to be informed and if so who will inform them
(b) when and how the child’s parents are to be informed
(c) when, and how, the staff member will be informed
(d) how the investigation will be conducted.

If an allegation of child abuse is made against a staff member of UNSW outside of their employment at a UNSW centre it is the responsibility of their Nominated Supervisor to notify the Ombudsman’s Office by completing the appropriate forms. UNSW will request involvement in a joint investigation that includes Department of Education and Communities, any other parties involved and UNSW.

UNSW does not endorse any babysitting/childcare arrangements made between staff members and families of children enrolled at the Centres. This is considered to be a private matter.

Department of Education and Communities or the Police Department may decide to take responsibility for the investigation in serious cases.

Under the Ombudsman's guidelines, the staff member has a right to know that an allegation has been made against them, the outcome of any initial risk assessment and the substance of the allegation within a reasonable time frame, bearing in mind the need to ensure that the initial investigation either by the Nominated Supervisor, the Police, or Department of Education and Communities is not compromised. However the staff member does not have the right to know the identity of the person making the allegation or have access to other material provided by witnesses (for further detail see Child Protection: Your New Responsibilities; NSW Ombudsman, 2000).

In consultation with the Nominated Supervisor the staff member who received the allegation against the staff member must complete the appropriate form from the Ombudsman. The immediate employment status of the staff member against whom the allegation has been made should be determined by the Nominated Supervisor in consultation with Early Years Manager. In the event of a serious allegation the staff member may be placed on suspension. If the staff member is to be
suspended, the UNSW Early Years General Manager will advise the Nominated Supervisor if this suspension will be with or without pay. Substantiated allegations which constitute serious and wilful misconduct will result in dismissal.

Where the Nominated Supervisor is required to undertake an investigation, an investigation plan should be developed in consultation with Department of Education and Communities and the Ombudsman’s Office, to address the following issues.

- What the staff member's employment situation will be during the investigation, ie. suspended with or without pay or performs alternate duties.
- What information will be offered to the family, staff member involved, and other staff.
- Identification of possible strategies to support the child and family, staff member involved, and/or other staff, for example, counselling, alternative care arrangements, staff leave or alternate duties, as prescribed in the Centre Child Protection Policy.
- How, when, where and by whom interviews with the child, staff member involved and witnesses, will be conducted.
- How information will be provided to UNSW Management, the family and the staff member at the conclusion of the investigation conducted by Department of Education and Communities and the University.
- An estimated time frame for the investigation.
- Debriefing / counselling arrangements that will be available to other staff members in the Centre.

The investigation should proceed in accordance with the investigation plan, recognising that alterations to the plan may be necessary as the investigation progresses. Records of the investigation must be kept by the Nominated Supervisor.

At the conclusion of the investigation the records should be sent to Human Resources for placement on the staff member’s personal file, including the Child Protection Notification Form, any supporting material such as statements, records of interviews, the outcome of the investigation and any record of any disciplinary action. All records are to be kept in a confidential manner and accessible only to appropriate senior officers of the University.

If after notification to the Ombudsman and subsequent investigation, 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 Centres may result in exclusion of the family from the service. This will be determined by the Nominated Supervisor, in consultation with the UNSW Early Years General Manager.

A final decision will be made regarding the case by the Head of Agency, after consultation with Department of Education and Communities, the Ombudsman’s Office and relevant groups.

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.

In any case, UNSW will:

- act fairly and without bias;
- conduct an investigation without delay;
• ensure the case is not investigated or determined by someone with a conflict of interest; and
• ensure the outcome is supported by evidence.

Parents and staff will be requested to sign enrolment forms and/or staff induction forms that they have read and agree to abide by the Centre’s Child Protection Policies.

4. Review & History

Policy Evaluation

If major problems or concerns are identified during implementation, they shall be recorded and referred to the policy sub-committee/UNSW for discussion and possible modifications.

If there are no major concerns evident, this policy 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 policy, and are useful resources to assist in implementation of the policy:

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

www.keepthemsafe.nsw.gov.au

Decision tree access:

The legislation relevant to these procedures include:

• 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 (Prohibited Employment) Act 1998
• Child Protection (Working With Children) Regulation 2013

Definitions and summaries of the Legislation can be found in the procedure
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.

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Appendix B: Definitions of Legislation

The definitions and legal terms that will apply at UNSW will be those as set out in the relevant legislation from time to time. Management, staff, parents and other stakeholders should recognise that the ordinary meaning of some phrases may not apply since in keeping with a need to ensure strict adherence to the law, the meanings of some terms used within the relevant legislation will have a strictly legal definition.

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 Communities 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, unproved, 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.