

## 4.14 Child Protection

### **POLICY STATEMENT:**

*Kids Club* believes that it is every child's right to be safe and protected from all forms of abuse, violence or exploitation. It is the legal and moral obligation of all adults who work within our service to ensure the safety and wellbeing of all children in our care. All staff, including casual staff, volunteers and students has a duty of care to ensure the safety and protection to all children who access the service's facilities and/ or programs.

The safety and welfare of all children is of paramount importance.

Staff and management have a legal responsibility, as Mandatory Reporters, to take action to protect and support children they suspect may be at significant risk of harm.

Our service will carry out the responsibilities of Mandatory Reporters as indicated under legislation. This responsibility involves following the procedures as outlined by Community Services and the NSW Commission for Children and Young People.

### **CONSIDERATIONS:**

Education and Care Services National Regulations 2011: Regs 84, 85, 86, 87, 109, 110, 114, 115, 155, 168, 170, 176,

National Quality Standards: 2, 3, 4, 5, 6, 7

NSW Children & Young People(Care and Protection) Act 1998

Commission for Children and Young People Act 1998

Child Protection (Prohibited Employment) Act 1998

Ombudsman Act 1974 (with relevant Child Protection Amendments)

NSW Department of Community Services Mandatory Reporting Guidelines

NSW Child Protection Interagency Guidelines 2006

Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No.13

Keep them Safe

My Time Our Place-Framework for School Age Children

### **Mandatory Reporting**

- A Mandatory Reporter is anybody who delivers services to children as part of their paid or professional work.
- In OOSH services mandatory reporters are:
  - Staff that deliver services to children
  - Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services.
- Staff are mandated to report to Community Services if they have current concerns about the safety or welfare of a child relating to section 23 of the NSW Children and Young Persons (Care and Protection) Act 1998

Section 23 (1)

a-b) Child is at significant risk of harm – Neglect

- a) Basic physical or psychological needs not being met or are at risk of not being met

- b) Parents/ carers unwilling or unable to provide necessary medical care
    - b1) parents/ carers unwilling or unable to arrange for the child or young person to receive an education
  - c) Child is at significant risk of harm – Physical / Sexual abuse
  - d) Child is at significant risk of harm – Domestic violence
  - e) Child is at significant risk of harm – Serious Psychological harm
  - f) Child is at significant risk of harm – Prenatal report
- All staff are required to complete an Accredited Course “Identify and Respond to Children and Young People at Risk” and complete the required written assessment.
  - Any staff that forms a belief based on reasonable grounds that a child is at risk of harm should discuss with the Child Safe Officer and complete a report in a clear objective format.
  - Reports should be treated with strict confidentiality in adherence to the service’s Confidentiality Policy and Procedures.
  - Any staff who forms a belief based on reasonable grounds that a child is at risk of harm should discuss their concerns with their coordinator/ nominated supervisor, as he or she may have information the staff member is not aware of. The Coordinator will then assist staff in running the online Mandatory Reporters Guidelines tool (see point below for more information) to determine whether the report meets the threshold for **significant** risk of harm.
  - If directed by MRG to report to Community services, staff should report their concerns to the Child Protection Helpline:  
Mandatory Reporters phone 132 111
  - When reporting to the Helpline it is important to have as much information as possible available to give to the Helpline. This might include child’s information, family information, reporter details and outcomes of the MRG.
  - If Coordinator/ Nominated Supervisor has been advised to but has not reported to Community Services you are legally responsible to do so.
  - Once a report is made to the CS Helpline no further report needs to be made unless new information comes to hand.

### **Mandatory Reporting Guidance tool**

- A Mandatory Reporting Guidance tool has been developed to help frontline mandatory reporters, including OOSH workers determine whether the risk to a child or young person meets the new statutory threshold of ‘risk of significant harm’. The MRG will guide reporter on what action should be taken. The MRG is an interactive tool and is available online at:  
<https://reporter.childstory.nsw.gov.au>

- If still in doubt the Community Services Helpline will provide feedback about whether or not the report meets the new threshold for statutory intervention.
- If new information presents concerning the child or young person run the MRG tool again
- Where concerns do not meet the significant harm threshold, the MRG tool may guide you to 'Document and continue the relationship'. This requires the service to continue to support, provide services, and coordinate assistance and referral for the child and their family.
- The report page from the MRG should be printed and placed in the child/family file for future reference regardless of whether or not further action is recommended.

For assistance with referral information.

Human Services Network [www.hsnet.nsw.gov.au](http://www.hsnet.nsw.gov.au)

Family Services NSW [www.familyservices.nsw.asn.au](http://www.familyservices.nsw.asn.au)

### **Information exchange**

In order to provide effective support and referral it may be necessary to exchange information with other prescribed bodies including government agencies or non-government organisations and services.

- The NSW Children and Young Persons (Care and Protection) Act 1998 has been amended (2009) to include chapter 16A Information Exchange
- Chapter 16A requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people
- Under Chapter 16 A NSW Children and Young Persons (Care and Protection) Act 1998, Staff will exchange information that relates to a child or young persons safety, welfare or wellbeing, whether or not the child or young person is known to Community Services and whether or not the child or young person consents to the information exchange.
- The information requested or provided **must** relate to the safety, welfare or wellbeing of the child. Information includes:
  - A child or young persons history or circumstances
  - A parent or other family member, significant or relevant relationship
  - The agency's work now and in the past
- Where information is provided in good faith and according to legal provisions, under section 29 & section 245G NSW Children and Young Persons (Care and Protection) Act 1998; reporters cannot be seen as breaching professional etiquette or ethics or as a breach of professional standards. There can be no liability for court action.

NOTE: It is recommended that services develop a separate policy relating specifically to Information exchange

Where a complaint is made about a staff member, or someone in the service

- Should an incident occur that involves a child being put at risk of harm from a member of staff, volunteer, trainee or person visiting the service, this is regarded as '**reportable conduct**' and necessitates such conduct being reported to the NSW Ombudsman within 30 days.
- Where the allegation is made to a staff member or member of management the facts as stated will be recorded in writing, using a Child Safe Incident Report template by the Child Safe Officer that includes dates, times, names of person/s involved, name of person making allegation and the person making the report. This report should be kept on record and treated as strictly confidential.
- If the Coordinator or person in charge is suspected then the chairperson on management committee should be informed.
- The relevant forms together with information and assistance are available on line at [www.nswombudsman.nsw.gov.au](http://www.nswombudsman.nsw.gov.au)
- The person making the report should follow the advice of the Ombudsman's Departmental Officers.
- Management will also follow this advice.
- The matter will be treated with strict confidentiality.
- For the protection of both the children and the staff member involved, the staff member should be encouraged to take special leave or removed from duties involving direct care and contact with children, until the situation is resolved.
- Support should be provided to all involved. This support can be given in the form of counselling or referral to an appropriate agency.

Recruitment of staff

- All staff employed by the service including management, full time/ part time carers, volunteers and students will be subject to a Working with Children Check carried out by the NSW Commission for Children and Young People. Written approval from the prospective employee will be sought prior to this check being carried out.

- When the service engages a self-employed individual to provide services, the provider is required to provide a **Certificate for Self-Employed People**. This certificate ensures verification that the person employed is not banned by law from working with children. These certificates are issued through the NSW Commission for Children and Young People. Application form and instructions are available on [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

#### For further information

- Child Story <https://reporter.childstory.nsw.gov.au>
- Human Services Network [www.hsnet.nsw.gov.au](http://www.hsnet.nsw.gov.au)
- Ombudsman [www.nswombudsman.nsw.gov.au](http://www.nswombudsman.nsw.gov.au)
- Community Services [www.community.nsw.gov.au](http://www.community.nsw.gov.au)
- NSW Commission for Children and Young People [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)
- Child Protection Helpline 132 111
- Office of the Children's Guardian [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)