

POLICY STATEMENT

CHILD SAFE ENVIRONMENT

ADOPTION DATE: 5 August 2014

Policy Objective:

Council is committed to maintaining the health, safety and welfare of any child entrusted to the care of Council staff whilst ensuring the highest levels of professional integrity and behaviour are displayed at all times.

Council 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 staff employed at Bland Shire Council's Children Services Unit, Library and Community Development sections 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.

Policy Statement:

Council's goal is to ensure that every reasonable precaution is taken to protect children being educated and cared for by Council from harm. Our staff (educators, 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:

In this policy "staff" refers to employees of Bland Shire Council and educators registered with the Bland/Temora Family Day Scheme.

Worker, employee and person – shall mean a person as defines in Clause 7 of the Work Health and Safety Act 2011

Child related Work – shall mean face to face contact in a child related sector or work in a child related role

'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 circumstances¹.

- 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 and 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.

Recommended Practices:

Recruitment

New or vacant positions identified as “child related” shall be advertised in such a manner to indicate they are subject to providing a satisfactory Working With Children Check on application including the Working With Children Check number.

No person will be considered for employment in any capacity (paid or not paid) if verification of their Working With Children Check returns a “barred”, “interim barred” or a “not found” response.

Relevant staff will verify details online and advise the supervisor and Human Resources of the outcome. Employment shall not commence until this process has been confirmed.

- **The Organisation will:**
 - Ensure that any adult working directly with children signs a *Prohibited Employment Declaration Form* and a *Consent to a Working with Children Check*, and ensure their clearance, prior to employment;
 - 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;
- **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 staff members of the service.

Variation to Working With Children Check status

- Where an employee has a change in the status to their working with children clearance, they shall advise their supervisor and Director immediately.
- If the change incurred has resulted in a “barred” or ‘interim barred’, the supervisor will remove the employee from child related work immediately.
- Outcomes of such a change to the Working With Children Check status, may result in redeployment to a non-child related role (if a suitable position is available), suspension from duty or termination.

Documentation of concerns for Children in Care

- **The Organisation will:**

- Support staff through the process of documenting and reporting current concerns of children at risk of significant harm; and
- Provide all staff and educators with clear guidelines around documentation and a template to support this.

- **Staff will:**

Make a record of the indicators observed that have led to the belief that there is a current risk of harm to a child or young person. Information on indicators of risk of harm are outlined in the *NSW Mandatory Reporters Guide* which is accessible at www.keepthemsafe.nsw.gov.au/reporting_concerns/mandatory_reporter_guide;

- 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 (133 627)**;
- Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline.

Mandatory reporting

- **The Organisation will:**

- Provide all staff and educators working directly with children with a copy of this *Child Protection Policy* and a copy of the *Mandatory Reporters 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 (133 627)** on all phone and lists of emergency contact number in the interests of timely reporting.

- **Staff will:**

1. 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’;
2. Using 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 as to what action to take. The Nominated Supervisor is available if staff require assistance to use this online tool;

3. If the Mandatory Reporter Guide determines that there are grounds to suspect a risk of significant harm to a child or young person, the staff member or educator will phone the **Family and Community Services Helpline on 133 627**. Reports can also be made using the Reporting Fax form, available from Family and Community Services website;
4. 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;
5. If the *Mandatory Reporter Guide* determines that a staff member's concerns do not meet the risk of significant harm threshold they do not need to make a report to the **Family and Community Services 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;
6. The staff member should monitor the situation and if they believe there is additional information that could be taken into account, please repeat steps **1 to 5** as required.

A Support Line for Mandatory Reporters is available 8am to 5pm Monday to Friday on 1800 772 479.

Disclosures of abuse

- **Staff will:**
 - React calmly to 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 Reporters 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.
- **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.

Allegations against Staff

To submit a complaint (formal or otherwise) against a staff member, the complainant shall be requested (where practicable) to provide the following information in writing to the General Manager (Approved Provider).

- a) Name of person registering the complaint
 - b) Name of the staff member allegedly involved
 - c) Details of alleged incident, including the date(s) and place the incident(s) are alleged to have taken place
 - d) The name(s) of any person who witnessed the event or related events
 - e) The desired outcome requested
 - f) Sign and date documented report.
- An employee who has had an allegation made against them shall:
 - Be immediately removed from the work area until such time as an initial investigation has been completed. Action may range from being deployed to

- another area of Council, suspension from duty or any other action as deemed appropriate
- Be advised not to have any direct or indirect contact with the complainant, their family or other related parties during the investigation process
- Be advised that provisions under the Local Government (State) Award shall apply where disciplinary procedures are to be considered
- The General Manager will:
 - Advise the relevant Director and Human Resources of the allegations and include them when interviewing the relevant parties.
 - Promptly initiate an investigation (within 24 working hours)
 - Discuss the alleged complaint with the person(s) involved, including witnesses, and request a written response to the allegations from the employee and any witnesses within three (3) working days
 - Where no response is received, the matter shall be determined based on the available information at the time.

Where there may be reason to believe an incident did take place the following action may occur:

- Report incident to Department (if applicable)
- Education/re-education of the person(s) concerned
- Re-deployment to another area
- Re-deployment to a lower paid position
- Disciplinary action
- Termination of employment

To determine if the incident is reportable, the General Manager (approved provider) and/or 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. For determination, reference will be made to: www.ombo.nsw.gov.au/publication/PDF/guidelines/Child%20Protection%20in%20the%20workplace.pdf;
- Report reportable allegations and reportable convictions to the Ombudsman within **30 days of receipt**;
- 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 *SI01 Notification Of Serious Incident Form* and submit to Department of Education and Communities within 24 hours of the incident;
- If a report has not been made to the police, complete a *NL01 Notification of Complaints and Incidents (other than serious incidents) Form* and submit to the Department of Education and Communities 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 Family and Community Services or the Police, the Council will be guided by their advice as to whether they should independently investigate the allegation;

If the investigation is carried out by the Council, 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 staff member involved 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 Commission of Children and Young Persons also notified of the relevant employment proceeding (if relevant);

Part B of the *Ombudsman Notification form* will be completed and sent to the Child Protection Division, NSW Ombudsman with all supporting documentation gathered during the investigation;

Family and Community Services will also be informed of the outcome of the investigation.

Informing the Staff Member

- **The Organisation will:**
 - Treat the staff member 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 FaCS 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 well being 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 Commission of Children and Young Persons, 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 Licensee, Authorised Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest; and

All parties can complain to the Ombudsman if they are not satisfied with the conduct of the investigation;

Further information on the Ombudsman can be obtained by:

Phoning: 02 9286 1000 or toll-free (outside Sydney metro) 1800 451 524

Emailing: nswonbo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

Confidentiality

The service will handle any allegation of child abuse in a **confidential manner**.

References:

Relevant Legislation:

Children and Young Persons (Care and Protection) Act 1998
Commission for Children and Young People Act 1998
Ombudsman Act 1974
Education and Care Services National Law Act 2010

Council of Social Service of New South Wales 2010, Keep Them Safe: www.ncoss.org.au

NSW Government, Department of Human Services, Community Services, Resources for Mandatory Reporters, accessed from:
www.community.nsw.gov.au/preventing_child_abuse_and_neglect/resources_for_mandatory_reporters.html

NSW Government, Department of Premier and Cabinet, Child Wellbeing & Child Protection: NSW Interagency Guidelines, accessed from: www.keepthemsafe.nsw.gov.au

NSW Government, 2009, Department of Premier and Cabinet, Child Wellbeing & Child Protection: NSW Interagency Guidelines: Mandatory Reporter Guide, accessed from:
www.sdm.community.nsw.gov.au/mrg/app/summary.page

Community Child Care Co-Operative – Sample Policy – Child Protection – accessed 23 May 2012 from www.ccccnsw.org.au

Authorisation:

Status	Committee	N/A	
	Manex	N/A	
Owner	Director of Corporate, Community and Development Services		
EDRMS Doc. ID	438675		
Superseded Policy	Child Protection (HR) and Child Safe Environment (CSU)		
Date of Adoption/ Amendment	Revision Number	Minute Number	Revision Date
18 March 2014	0		September 2015
5 August 2014	1		September 2016

Related Council Policy/Procedure