

AUTHORISATION

POLICY TYPE: <i>(Council or Operational)</i>	Operational
POLICY LOCATION: <i>(eg. Corporate, Engineering, etc.)</i>	Community
RESPONSIBLE OFFICER: <i>(by position title)</i>	CSU Coordinator
AUTHORISED BY: <i>(GM or Director Title)</i>	Director Corporate and Community Services
DATE ADOPTED:	28 June 2022
ADOPTED BY: <i>(Manex or Council)</i>	Manex
MINUTE NO: <i>(If required)</i>	
REVIEW DUE DATE: <i>(Four years unless statutorily required sooner)</i>	May 2024
REVISION NUMBER:	

DOCUMENT HISTORY

VERSION NO.	DATE	DESCRIPTION OF AMENDMENTS <i>Include names of former policies that this policy will replace if applicable</i>	AMENDED BY <i>(Where required)</i>

REVIEW OF THIS POLICY

This Policy will be reviewed within two years from the date of adoption or as required in the event of legislative changes. The Policy may also be changed as a result of other amendment that are to the advantage that Council and in the spirit of this Policy. Any amendment to the Policy must be by way of a Council Resolution for all policies categorised as “Council” policies or the approval of the General Manager for all policies categorised as “Operational” policies.

1. Purpose:

To ensure all stakeholders are aware of their Child Protection responsibilities in ensuring every reasonable precaution is taken to protect children enrolled in Bland Shire Children Services from significant harm.

2. Scope:

This policy document applies to all staff, educators and families enrolled within a Bland Shire Children Service program.

3. Outcomes:

Council is committed to ensuring the health, safety and welfare of all children entrusted in the care of Children Services staff whilst ensuring the highest level of professional integrity and behaviour is displayed at all times. Every child has the right to be cared for in a safe, secure environment at all times. It is important that every child coming into care is kept safe, is nurtured, and has their emotional and physical needs met.

All educators and staff of our services are mandatory reporters and are required to report to the Department of Communities and Justice when they have reasonable grounds to suspect that a child or young person is at risk of significant harm and have current concerns of the safety, welfare or wellbeing of a child within Children Services.

4. Roles and Responsibilities:

Approved Provider

- Ensure new or vacant positions identified as child related shall be advertised in such a manner to indicate they are subject to providing a Working with Children Check number on application and a subsequent cleared verification status. No person will be considered for employment in any capacity (paid or not paid) if verification of their Working with Children Check returns a response other than 'cleared'. Employment shall not commence until this process is completed.
- Ensure all staff members within the Children Services Unit are advised of the existence and application of the current child protection law; and any obligations that they may have under that law.

Nominated Supervisor

- Provide every working adult to this child protection policy and Mandatory Reporter responsibilities, ensuring their regular review of these.

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Staff

- Where an employee has a change in the status to their Working with Children clearance, they shall advise the Nominated Supervisor immediately. Considering the check result outcome, the Nominated 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.

In addition, Family Day Care Educators

- Provide the Nominated Supervisor with Current Working with Children Checks for all household members over the age of 18.

Families

- Will maintain confidentiality and respect the privacy of those involved in any incident that may occur.
- Seek support and advice from Bland Shire Council Children Services Unit if required.

Disclosures of abuse

Educators

- Develop trusting and secure relationships with all children at the service.
- React calmly to a child making the disclosure.

- Listen attentively and later write down the child's **exact words**.
- Do 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.
- Provide comfort and care to the child.
- 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.

Documentation of concerns for children in care

Nominated Supervisor

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

Educators

- 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 on the ChildStory website - A Mandatory Reporter's Guide To Selecting A Decision Tree, found at <https://reporter.childstory.nsw.gov.au/s/article/Guide-To-Selecting-A-Decision-Tree>

Mandatory reporting

Nominated Supervisor

- Provide all staff and educators working directly with children with a copy of this *Child Protection Policy* and online access to the Mandatory Reporter Guide.
- Display the **Child Protection helpline number 132 111** on all emergency phone lists in the interests of timely reporting.

Educators

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. Discuss concerns with the Nominated Supervisor.
3. Using the *Mandatory Reporter Guide Decision Tree* at <https://reporter.childstory.nsw.gov.au/s/mrg> , answer the questions relating to concerns about the 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.
4. If the *Mandatory Reporter Guide* determines that there are grounds to suspect a risk of significant harm to the child or young person, the staff member is to advise the Nominated Supervisor of their intention to make a report. Phone the Department of Communities and Justice **Child Protection Helpline number on 132 111 or complete the e-report on Childstory e-reporter** (an online account is necessary).
5. Mandatory reporters should note that 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 / Childstory e-reporter** has been made.
6. Advise the Nominated Supervisor when a report has been made to the **Child Protection helpline / Childstory e-reporter** and provide documentation.
7. 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 **Child Protection Helpline / Childstory e-reporter**. 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.

8. The staff member should monitor the situation and if they believe there is additional information that could be taken into account, repeat steps as required.

Allegations against Staff

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

- Name of person registering the complaint.
- Name of the staff member allegedly involved.
- Details of alleged incident, including the date(s) and place the incident(s) are alleged to have taken place.
- The name(s) of any person who witnessed the event or related events.
- Sign and date documented report.

Where the allegation is a direct disclosure from a child, if the child's free discourse is enough to give an understanding of the type of allegation it is important to provide support but not ask further questions. If further questioning is necessary to clarify the nature of the concern, it is important to ask open-ended questions.

The Approved Provider and Nominated Supervisor

All allegations of abuse are to be taken seriously and investigated by Bland Shire Council in the first instance and then appropriately acted upon.

1. In the cases where a child is at immediate risk of serious harm from a staff member, immediate steps are to be taken to prevent and cease contact between the parties.
2. If the reportable allegation is a criminal offence, a report to the Police is the first step following addressing immediate risks to children. If a report to Police is made, Council is not to take any further investigative action or risk management actions without first confirming those actions with Police. This is to ensure that any Police investigation is not compromised. Do not take any action to, directly or indirectly, alert the staff member to the allegation until clearance to do so is provided by Police.
3. If the Mandatory Reporter has reasonable grounds to suspect that a child is at risk of serious harm, a report to the Child Protection Helpline or Childstory e-reporter of the Department of Communities and Justice is required immediately. It is important to advise the helpline if a report to Police has been made.
4. Following reports to the Police and Department of Communities and Justice if applicable and an initial risk assessment, determine if the allegation constitutes a reportable allegation. Definitions of reportable conduct can be found at <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme/employers-faq/legal-definitions>
5. If the allegation constitutes a reportable allegation, notify the Office of the Children's Guardian within **7 business days of becoming aware** of the reportable allegation or conviction. The report is to contain the date the report was received, type of reportable conduct, name of employee (Date of birth and WWCC number), name and contact details for Council, whether Police were notified, whether a Risk Of Significant Harm report was made, risk assessment and management actions and any other additional information.
6. If a report to the Police and/or Department of Communities and Justice has not been made; or Council has been advised to proceed with an investigation, in consultation with the Director Corporate and Community Services, an investigation plan of the matter will be developed. Up to date guidance on required procedures for the investigation is to be sought from The Office of the Children's Guardian. Fact sheets to guide risk management and each stage of an investigation can be found at

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme/fact-sheets>

7. 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. This ongoing risk assessment and risk management plan will form part of the investigation, including a final assessment of risk, regardless of the finding. This will form part of the final report submitted to the Office of the Children's Guardian.
8. A final or interim report is to be submitted to the Office of the Children's Guardian **within 30 calendar days**.

In addition, within Family Day Care

- If the allegation is against a Family Day Care Educator, the Educator will be suspended from duty and children removed from his/her care until the matter is finalised.
- If the allegation is against a member of the Family Day Care Educator's home, that person is to be removed from the Educator's home during all operational times or the Educator will be suspended from duty. This decision will be at the discretion of the Approved Provider based on the risk management plan.

Australian Children's Education and Care Quality Authority (ACECQA) reporting

- If a report is made to the police, complete an additional report via the Australian Children's Education and Care Authority NQIAT system online at <https://www.acecqa.gov.au/> within 24 hours of the incident/notice of the incident.
- If a report has not been made to the police, complete a report via the Australian Children's Education and Care Authority NQIAT system online at <https://www.acecqa.gov.au/> within 7 days of the incident/notice of the incident.

Rights of all parties

- The risk assessment and decision making process throughout the investigation will be based on the safety and wellbeing of the child/ren.
- The decision to take action based on a risk assessment is not an indication that the alleged conduct occurred, does not mean a finding has been made and will not influence the investigation's findings.
- An appropriate level of confidentiality is to be maintained at all times.
- The person, against whom the allegation has been made, will be notified if doing so does not compromise the investigation or put a person's health or safety at serious risk.
- The Approved Provider, Nominated Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest.
- The risk assessment process will consider the level and type of support that will be provided to the staff member throughout the investigation, such as access to counselling and a support person. A support person must not be a witness to the allegation due to conflict of interest and must not participate in discussions throughout meetings.
- Taking a risk management approach, it must be considered if the staff member should remain in their current position, be transferred or suspended; taking the least interventionist approach to manage the identified risk. If Department of Communities and Justice and/or the Police are involved, before any action is taken their advice must be sought to ensure any action taken by Council will not interfere with their investigations.
- The staff member will be treated with fairness at all times and uphold their employee rights at all times.

- Where disciplinary procedures are to be considered, the Local Government (State) Award shall apply.
- 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 person, against whom the allegation has been made is not to have any direct or indirect contact with the complainant, their family or other related parties during the investigation process.

Contact details for the Office of the Children’s Guardian are:

Locked Bag 5100
Strawberry Hills NSW 2012
Phone: 02 8219 3600
Email: kids@kidsguardian.nsw.gov.au

5. Definitions:

Staff/Educators - employees of Bland Shire Council Children Services and Educators registered with the Bland/Temora Family Day Care Scheme. Staff extends to volunteers; and contractors where they are required to hold a Working with Children Check for the purposes of their work.

Child – according to the Children and Young Persons (Care and Protection) Act 1998, is a person who is under 16 years of age.

6. Legislation and Supporting Documents:

Children’s Guardian Act 2019

Children and Young Persons (Care and Protection) Act 1998

Child Protection (Working with Children) Act 2012 No 51

Child Protection (Working with Children) Regulation 2013

Children (Education and Care Services National Law Application) Act 2010

Education and Care Services National Regulations 2011: 84, 85, 86, 87, 162.

National Quality Standard: 2.2.3

7. Relationship to Community Strategic Plan:

This policy supports Council’s Delivery Program Strategy 4.2: Provide quality, accredited and affordable Education and Care Services within Bland Shire and surrounds (Bland Preschool, Family Day Care, Mobile Resource Unit, Vacation Care and Toy Library services).

8. Attachments:

NIL