

# **Child Protection Policy**

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## Child Protection Policy

### NOTIFICATIONS OF ABUSE



IF ANYONE AT THE SERVICE HAS SUSPICIONS OF ABUSE, CONSULT THE **MANDATORY REPORTERS GUIDE** TO ASSESS WHETHER A CHILD IS AT RISK OF SIGNIFICANT HARM.

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



WHEN SOMEONE WITH MANDATORY REPORTING OBLIGATIONS HAS REASONABLE SUSPICION OF ABUSE THEY NEED TO CONTACT THE **NSW CHILD PROTECTION HELPLINE**

**132 111** (24 HOURS, 7 DAYS)



CONSULT THE **SERVICE'S CHILD PROTECTION POLICY** FOR MORE INFORMATION.

# Introduction

## 1. Aim

We believe that the safety of children is paramount at all times and aims to protect a child's right to be safe from abuse of any kind.

The service also aims to defend the rights of educators to confidentiality if a complaint against them is made and is found to be unsubstantiated. The service will ensure that all parties affected by this policy are made aware of their roles and responsibilities regarding child protection.

The service aims to educate all parties about their roles in child protection and also about signs of abuse and ensure that all requirements of child protection requirements are being met.

## 2. Key legislation

This policy is based on:

1. The Children and Young Persons (Care and Protection) Act 1998
2. The Child Protection (Prohibited Employment) Act 1998
3. The Office of the Children's Guardian Act 1974
4. The Office of the Children's Guardian Amendment (Child Protection and Community Services) Act 1998
5. The Children's Guardian Act 2019 ("Children's Guardian Act")
6. Part 3A Child safe scheme ("Children's Guardian Act")
7. The Commission for Children and Young People Act 1998
8. The Child Protection Legislation Amendment Act 2003.
9. Children and Young People (Care and Protection) Amendment Act 2009
10. Keep the Safe Child Protection (Working With Children Check) Act 2012
11. The Children's Guardian Act 2019
12. NSW Crimes Act 1900 and new child abuse amendments (s3136A) (43B)
13. The Convention of the Rights of the Child, 2010

## 3. Child Safe Scheme and the Child Safe Standards

The Child Safe Scheme gives the Office of the Children's Guardian (OCG) additional powers to monitor and investigate how organizations implement the Child Safe Standards to support the safety and wellbeing of children and young people.

Under the Scheme, certain child-related organizations including in the Education, Early Childhood, Health and Youth Justice sectors, must implement the Child Safe Standards. The Office of the Children's

Guardian is an independent statutory body that promotes the interests, safety and rights of children and young people in NSW. The core functions of the Office of the Children's Guardian include administering Working with Children Checks, Reportable Conduct Scheme and implementation of the Child Safe Standards.

The Child Safe Standards are:

1. Child safety is embedded in organizational leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld, and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimize the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the organization is child safe.

## **4. Sources**

Office of the Children's Guardian

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme/key-changes-in-the-new-act>

[https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1021/FAQ\\_employers.pdf.aspx?Embed=Y](https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1021/FAQ_employers.pdf.aspx?Embed=Y)

Community and Disability Services Ministers' Conference (2005). *Creating safe environments for children: Organizations, employees and volunteers: National framework*. Retrieved April 27, 2010, from [http://www.ocsc.vic.gov.au/downloads/childsafe\\_framework.pdf](http://www.ocsc.vic.gov.au/downloads/childsafe_framework.pdf)

Community and Disability Services Ministers' Conference (2005). Schedule: Guidelines for building the capacity of child-safe organizations. *Creating safe environments for children: Organizations, employees and volunteers: National framework*. Retrieved April 27, 2010, from [http://www.ocsc.vic.gov.au/downloads/childsafe\\_sched01.pdf](http://www.ocsc.vic.gov.au/downloads/childsafe_sched01.pdf)

UNICEF (n.d.). *Fact sheet: A summary of the rights under the Convention on the Rights of the Child*. Retrieved April 27, 2010, from [http://www.unicef.org/crc/files/Rights\\_overview.pdf](http://www.unicef.org/crc/files/Rights_overview.pdf)

Children and Young Persons (Care and Protection) Act 1998

The Ombudsman's act 1974 (with the relevant child protection amendment in the reprinted version)

The Commission for Children and Young People Act 1998

Child Protection (Prohibited Employment) Act 1998

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

Education and Care Services National Regulations 2011

Early Years Learning Framework

## **5. Government Agencies and information/support:**

### **5.1 DEPARTMENT OF COMMUNITIES AND JUSTICE (DCJ)**

The NSW Department of Communities and Justice has wide ranging statutory powers to enable it to carry out its role in protecting children and young people from abuse or risk of harm and neglect on behalf of the community. The Department has the mandate to co-ordinate responses and to ask agencies to provide appropriate care and support to children, young people and their families.

### **5.2 COMMISSION FOR CHILDREN AND YOUNG PEOPLE (CCYP)**

The role of the CCYP is to promote the interests and needs of vulnerable children and young people. The Commission has a key role in monitoring the child-related employment screening activities. It also promotes children's and young people's participation in decisions that affect them.

### **5.3 CHILD PROTECTION HELPLINE: 132 111**

- Receives and assesses reports of children who are at risk of significant harm.
- Investigates and assesses reports where there is a likelihood of risk of significant harm to a child or children.
- In cases involving child sex abuse or serious physical abuse the Child Protection Hotline 132 111 (24 hours/7 days) will plan, conduct and manage with Police, the NSW Health

Department (where a medical examination and counselling or support are needed) a joint investigation.

- Provides, arranges and requests care and/or support for children and families.
- Informs reporting agencies of the progress and outcomes of assessments and investigations as permitted by law.

#### 5.4 OFFICE OF THE CHILDREN'S GUARDIAN (OCG)

- The Office of Children's Guardian is an independent statutory authority responsible for overseeing and monitoring investigations by heads of agencies of allegations of abuse or risk of harm against staff of childcare centers and schools. Office of the Children's Guardian Locked Bag 5100 Strawberry Hills NSW 2012 02 8219 3600

#### 5.5 OTHER

Kids Helpline: 1800 55 1800

Parents Helpline: 132 055 Open 24 hours a day from anywhere in NSW.

Web: [www.community.nsw.gov.au](http://www.community.nsw.gov.au)

Child Abuse Prevention Service 13 Norton St, Ashfield 2131 9716 8000

Child Protection Unit Children's Hospital Westmead. 9845 2434 / 9845 0000 Sydney Children's Hospital 9382 1412 / 9382 1413 / 9382 1111

## 6. Definitions of Terms

**Entity:** Headland Montessori School

**Head of Entity:** The Principal

**Reportable Allegations:** any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), any assault, ill treatment or neglect of a child, any behavior that causes psychological harm to a child.

**Employee of Entity:** There are two groups of people who are considered to be employees and who may have reportable allegations made against them or be the subject of a reportable conviction.

These two groups are:

- any employee of the entity, whether or not employed in connection with any work or activities of the agency that relates to children, and
- any individual engaged by the entity to provide services to children (including in the capacity as a volunteer).
- contractors
- sub-contractors
- volunteers



- work experience participants, students on placements, e.g. TAFE, secondary or tertiary students

## 7. Beliefs

Our school believes -

- That children are capable of the same range of emotions as adults are.
- That children's emotions are real and need to be accepted by adults.
- That a response given to a child from an adult in a child's early stages of emotional development can be hugely positive or detrimental depending on the adult's reaction.
- That children are very in touch with their body's reactions to their emotions.
- That children who retain, enhance and better understand their body's response to an emotion are more able to foresee the outcome of a situation and avoid them or ask for help.

## 8. Child Protection

The safety, protection and welfare of students is the responsibility of all staff members and encompasses:

- a duty of care to ensure that reasonable steps are taken to prevent harm to students which could reasonably have been foreseen
- obligations under child protection legislation

### Children protection concerns:

There are different forms of child abuse. These include neglect, sexual, physical and emotional abuse.

**Neglect** is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

**Sexual abuse** is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

**Physical abuse** is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation. Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punish a child (in a non-trivial way) is a crime.

**Emotional abuse** can result in serious psychological harm, where the behavior of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma. Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behavior that is instrumental in defining the consequences for the child. This can include a range of behaviors such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behavior.

## **Child wellbeing concerns**

Child wellbeing concerns are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold, risk of significant harm in section 12.4.

## **Staff member responsibilities**

Key legislation requires reporting of particular child protection concerns. However, as part of the school's overall commitment to child protection all staff are required to report any child protection or child wellbeing concerns about the safety, welfare or wellbeing of a child or young person to the Principal.

If the allegation involves the Principal, a report should be made to the Approved Provider or Senior Management of Headland Montessori.

## **Responsibilities**

### **9. Responsibilities of the Head of Entity**

The Head of Entity must:

- ensure systems are in place for recording and responding to allegations or convictions of a child protection nature against employees. This includes reportable allegations and convictions and allegations that are exempt from notification to the Office of the Children's Guardian.
- provide information, as the Office of the Children's Guardian requires, about the type and operation of systems for providing a safe environment for children in the entity's care, and systems for handling and responding to reportable allegations and convictions made against employees (including allegations which are exempt from notification).
- make arrangements within the entity to require all employees to inform the Head of Entity (or delegate) of any allegation or conviction of a child protection nature against an employee, of which they become aware. These arrangements should include the requirement that employees notify the Head of Entity or delegate of any such allegation or conviction as soon as practicable.
- The Head of Entity must prevent, identify and report to the Office of Children's Guardian any reportable allegations or convictions made against an employee of the agency, what action it intends to take and for what reason.
- provide to the Office of the Children's Guardian on request, documentary and other information (including records of interviews) with respect to an investigation being undertaken.

- forward to the Office of the Children’s Guardian the results of an investigation, including copies of reports, evidence gathered and considered, the findings reached, and action being taken or proposed to be taken as a result of an investigation. If the entity is a reporting body under the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013, and the employee is not exempted under the Act, the Head of Entity should notify the Office of the Children’s Guardian if they have made a sustained finding of sexual misconduct committed against, with or in the presence of a child, or serious physical assault of a child, under s 35 of the Act.
- When an employment-related child protection allegation is made against an employee, the Head of Entity (or delegate) should consider whether there is reason to believe that it constitutes an allegation of reportable conduct (a reportable allegation or a reportable conviction).

The definition of reportable conduct is:

- any sexual offence, or sexual misconduct committed against, with, or in the child presence of a child (including a child pornography offence) or
- any assault, ill treatment or neglect of a child, or
- any behavior that causes psychological harm to a child, whether or not, in any case, with the consent of the child. It includes one-off incidents.

Note: Reportable conduct does not extend to:

- conduct reasonable for the purpose of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children, or
- the use of physical force that, in all circumstances, is trivial or negligible provided the matter is to be investigated and the result of the investigation is to be recorded under workplace employment procedures.

## 10. Responsibilities of the Principal

***The Principal must:***

- Ensure that all employees are:
  - Clear about their roles and responsibilities regarding child protection.
  - Aware of the indicators when a child may be at risk of harm or significant harm.
  - How to use the Mandatory Reporters Guide (MRG)
  - Aware of their obligations to immediately report suspected abuse to the Child Protection Hotline 132 111 (24 hours/7 days).
  - Aware that they must call the police if they suspect that a child is in immediate danger.

- Provide training and development for all employees in the recognition and reporting of abuse and harm.
- Provide reporting procedures and professional standards for care and protection work.
- Obtain, verify and maintain a register of Working with Children Check clearance details for all prospective staff, volunteers, students, contractors.
- A record of all WWCC verifications (dates/outcomes) obtained for each staff, volunteer, student, or contractor will be maintained in their personal files.
- Report to the NSW Ombudsman any reportable allegations and convictions made against an employee and ensure they are investigated by the Head of the Entity with appropriate actions being taken when the investigation is complete.
- Notify the Commission for Children and Young People of details of employees against whom relevant disciplinary proceedings have been completed and or persons whose employment has been rejected because of a risk identified in employment screening processes.
- Enable educators to have access to relevant acts, regulations, standards and other resources in order for them to complete their obligations.

## 11. Responsibilities of the Teachers

### Teachers must:

- Use the MRG when they suspect that a child is at risk of significant harm to determine whether to report to the Child Protection Helpline.
- When directed by the MRG report a situation to the Child Protection Helpline.
- Promote the welfare, safety and wellbeing of children at the service.
- Participate in annual child protection training.
- Have an awareness of referral agencies for families where concerns of harm do not meet the significant harm threshold.
- Assist in supporting children and families when liaising with relevant government agencies.
- Sign the “Prohibited Employment Declaration Form”, on commencement and this remains on site in secure storage in the staff files in the principal’s office
- Not smoke on the service’s premises.  
Not drink alcohol or use illicit substances while on the service’s premises and I will not come to the service while under the influence of alcohol or illicit substances.
- Not show favoritism towards any child.
- Will refrain from developing close personal relationships with children out of the carer/child relationship.
- Will refrain from using abusive, derogatory or offensive language.

## Reporting Procedure

### 12. Reporting Procedure – Mandatory Reporting:

#### a. Staff:

All staff at Headland Montessori School are mandatory reporters of suspected child abuse, neglect or risk of harm.

According to the Children and Young Persons (Care and Protection) Act 1998 mandated reporters (including people employed in children's Schools and unpaid managers of these Schools) must make reports if they suspect on reasonable grounds a child is at risk of significant harm because:

- the child's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for a school age child to receive an education
- 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 there have been incidents of domestic violence, and they are at risk of serious physical or psychological harm
- the parent's or other caregiver's behavior means the child has suffered or is at risk of suffering serious psychological harm

#### b. Using the Mandatory Reporters Guide (MRG)

Mandatory reporters in NSW should use the Mandatory Reporter Guide (MRG) if they have concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused. The MRG assists in providing mandatory reporters with the most appropriate reporting decision. It is not designed to determine whether the matter constitutes risk of significant harm (ROSH). This is done at the Child Protection Helpline through the Screening and Response Priority (SCRPT) tool.

The MRG is found at **Child Story Reporter** website - <https://reporter.childstory.nsw.gov.au/s/mrg>

MRG supports mandatory reporters to:

- determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child (including unborn) or young person.
- identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system. It is recommended that mandatory reporters complete the MRG on each occasion they have risk concerns, regardless of their level of experience or expertise. Each circumstance is different and every child and young person is unique. Helpline caseworkers will make determinations on reports received from mandatory reporters using SCRPT in conjunction with additional information which

may not be available to mandatory reporters. For more information on Child Story Reporter, refer to: <https://reporter.childstory.nsw.gov.au/s/>

### **c. PROCEDURE FOR MAKING A REPORT BY STAFF**

A staff member is advised to inform the Principal of any situation where a child may be at risk. Full details should be recorded of any children who may be involved, in a specific confidential file and a course of action agreed. This information is to be stored in a locked file only accessed by the Principal, separately from the child's main file. Discussion with others should be avoided or limited to persons in the privileged communication path. The Principal will report any matter that has been notified, as required by Section 23 of the Children and Young Persons (Care and Protection) Act 1998. The staff member will be advised if action is taken.

Notes: a) Staff members do not investigate allegations or suspicions.

b) If the Principal decides that "reasonable grounds" do not exist and consequently decides not to report the matter, the concerned staff member has an obligation under the legislation to report, if he/she continues to believe that reasonable grounds exist.

c) No staff members should make any contact with parents or caregivers regarding a notification.

d) The notifying staff member is immune from civil or criminal prosecution.

e) Wherever possible, the identity of the notifier will remain confidential. However, disclosure of the reporter's identity to a law enforcement agency investigating a serious offence against a child or young person is permitted by law in limited circumstances.

f) The Principal may be required by the caseworker to facilitate interview(s) of the child on the premises.

g) The confidentiality of any report made and subsequent action should be maintained, unless otherwise required by a court order.

If the Department of Family & Community Services were to assume care of a child, the parent body should only be told that the child has taken leave or left the service. In the event of a suspected case of child abuse or risk of harm it is the role of all the staff to support and assist all children and parents using the School. However, the Officer from the Child Protection Unit will deal with the family.

A staff member may be in the situation of dealing with disclosure from a child who knows and trusts them. The reaction of the staff member is very important and it is necessary for the child to be reassured by a calm adult. Remember, first hand contact with the child is very important. The child should not be pushed into explaining the details of the assault. Once you become aware of the details, you become a witness. Your role is to listen and comfort the child not to undertake an investigation. The child may be interviewed by an officer of the Department Communities and Justice, and/or the police and/or a Sexual Assault or Child Protection Counsellor. The number of times the child has to repeat the details should be kept to a minimum. When a child discloses, it should be kept in mind that he/she has probably been coerced into secrecy, and will need reassurance that he/she is believed and has the right to tell. You must never promise to keep the

information secret and should state that it is important that someone knows about it in order to help them (the child.)

Having taken the major step of telling someone about the assault, the child may be concerned about what will happen next, especially if the alleged perpetrator is a close friend or relative. The child needs to be reassured that they will be kept safe and that people will help him/her. The risk to the child is high once the secret of child abuse or risk of harm has been revealed, and there may be people who would pressure the child to change the story.

#### **d. GROUNDS FOR MAKING A REPORT**

A report must be made to the Department of Communities and Justice when there are current concerns about the safety, welfare and wellbeing of a child for any of the following reasons:

1) a child or young person is "at risk of significant harm" if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- (a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- (b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care, (b1) 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 an education in accordance with that Act, (1) For the purposes of this Act, a child is of compulsory school-age if the child is of or above the age of 6 years and below the minimum school leaving age,
- (c) the child or young person has been, or is at risk of being, physically or sexually abused or illtreated,
- (d) 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,
- (e) 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, (f) the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimize to the lowest level reasonably practical, the risk factors that gave rise to the report. Note: Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

(2) Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

#### **e. COLLECTION OF INFORMATION**

All information collected about children and families of Headland Montessori School is subject to the confidentiality and safe storage requirements detailed in the specific policy. These requirements also apply in the making of a report about a child to the Department of Family & Community Services.

Full details should be kept in a confidential file and should be available when making a telephone report. These are to be stored in a locked file accessed only by the Principal in the Principals office.

#### **f. HOW TO REPORT OR SEEK HELP FOR MANDATORY REPORTERS**

If in any doubt the Mandatory Reporter Guide (MRG) has been written to assist professionals make a decision about whether their concerns about a particular child or young person are likely to meet the risk of significant harm threshold. It also provides useful advice about any other actions you can take to assist the child, young person or family. The MRG gives clear advice about the threshold for risk of significant harm. Mandatory reporters are encouraged to use the Mandatory Reporter Guide, to guide their decision making and determine whether or not to report to the Child Protection Helpline under the new risk of significant harm reporting threshold. It is located on the website <https://reporter.childstory.nsw.gov.au/s/mrg>

The Child Protection Helpline – 13 21 11

## **13.Safeguards for reporters**

Section 29: Children and Young Person (Care and Protection) Act 1998.

If, in relation to a child or young person or a class of children or young persons, a person makes a report in good faith to the Director-General or to a person who has the power or responsibility to protect the child or young person or the class of children or young persons:

- (a) The making of the report does not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct, and
- (b) No liability for defamation is incurred because of the report, and
- (c) The making of the report does not constitute a ground for civil proceedings for malicious prosecution or for conspiracy, and
- (d) The report, or evidence of its contents, is not admissible in any proceedings (including any appeal arising from those proceedings), other than the following: (i) Care proceedings in the Children’s Court, (ii) Proceedings in relation to a child or young person under the Family Law Act 1975 of the Commonwealth, (iii) Proceedings in relation to a child or young person before the Supreme Court or the Administrative Decisions Tribunal, (iv) Proceedings before the Victims Compensation Tribunal or the Guardianship Tribunal, (v) Proceedings under the Coroners Act 2009 , and
- (e) A person cannot be compelled in any proceedings to produce the report or a copy of or extract from it or to disclose or give evidence of any of its contents, and
- (f) The identity of the person who made the report, or information from which the identity of that person could be deduced, must not be disclosed by any person or body, except with: (i) The consent of the person who made the report, or (ii) The leave of a court or other body before which proceedings relating to the report are conducted, and, unless that consent or leave is granted, a party or witness in any such proceedings must not be asked, and, if asked, cannot be required to answer, any question that cannot be answered without disclosing the identity or leading to the identification of that person.



Note: Reports can be made independently by any individual, regardless of the suggested reporting steps. The welfare of the child is the prime consideration. In addition to making a telephone report, the relevant form should be completed and posted (and a copy filed) - or lodged electronically and filed. Staff members will be required to report in detail on any matter regarding a child who may be at risk and about whom he/she has notified or been notified. Anonymous reports may not be made by staff members. People reporting must give their full details and full specific details of their reasons for concern. Information about cultural and linguistic diversity relating to family members assists referrals to appropriate services and workers.

The Department of Communities and Justice caseworker will assign the case a priority number between one and four, depending on the urgency of the case as suggested by the information tendered. It is advisable, for the sake of the child who is considered at risk, to telephone and ask whether the case has been allocated and if so, to whom, and what follow up can be expected.

#### **g. ASSESSMENT OF THE REPORT**

The law in NSW allows the government to become involved with families only in so far as is necessary to protect children or young people from harm and ensure good development. The Department of Communities and Justice caseworker has the responsibility of: - assessing the validity or seriousness of the risk, informing the child's parent(s) that a report has been made, - deciding whether and what action should be taken, and implementing any action.

## **14. Engagement of Staff, Board Members, Volunteers Students, Contractors**

### **14.1 STAFF - WORKING WITH CHILDREN CHECK**

Headland Montessori has procedures in place to ensure it is advised of any reportable allegations or convictions against its employees. This is achieved by:

1. Obtaining a Working with Children Check Clearance Number from all prospective and current staff and then having this verified by the Principal on the Children's Guardian website, this applies to all, whether or not directly working with children, but employed by the school. All volunteers to the school also must provide a WWCC volunteer number to the school for verification. This must be obtained before the staff member can begin working at the school.
2. Once this has been verified this information is updated on the WWCC spreadsheet that is kept electronically in the *WWCC Verification Register* folder at admin(\\ headlandstation (A:) Note: Employers can now be penalised if they don't verify that their workers or volunteers who work with children, have had a Check or applied for one. One of the strengths of the NSW system is that it is underpinned by an ongoing, continuous checking system. By registering and verifying online, employers can be contacted by the Office of the Children's Guardian should anyone become barred through the continuous monitoring process. Fines for not verifying can be issued to every organisation where people work or volunteer with children.

The principal will contact current staff by email 3 months before their WWCC expires so that they have enough time to organise a renewal. It is the staff member's responsibility to update their contact details with Children's Guardian not the employers, including any name

or address changes, within three months failure to do so, penalties will apply for people who don't update. These records are kept for the duration of the employment of the staff member and then archived for a further seven years.

3. All current staff members sign the "Prohibited Employment Declaration Form", on commencement and this remains on site in the staff files in Reception.
4. Reference checks being compulsory for all prospective staff.
5. The Principal and staff members being made aware of the legal obligations to make any allegation or conviction against an employee known to the licensee.
6. Amendments to the Teaching and Education Staff Acts provide for suspension from duty (instead of dismissal) for a person whose 'Working with Children Check' is cancelled because of a pending charge for a serious offence under the Working with Children legislation. The Principal will notify the school Board once the school has been advised by Children's Guardian of this cancellation.

#### **14.2 BOARD MEMBERS**

Ensuring National Criminal Records Check (NCRC) documentation requirements are met, screening is undertaken, and clearance obtained for all Board members by the new Board members. These are done by all Board Members once they take up the position of Director on the School Board. All Induction paperwork is provided by the Chair to new board members and a Spreadsheet is kept which details all required paperwork. This is kept in the Board Members File in the principal's office.

#### **14.3 TRAINING**

Staff inductions and training include the professional development and familiarization with all relevant procedures and policies of the Headland Montessori School.

14.3.1 Staff are required to develop their awareness of children's needs, health, development, interactions and self-esteem.

14.3.2 Staff are required to ensure they understand legislative requirements.

14.3.3 Staff are required to develop their awareness of their responsibilities towards children and to recognize indicators of abuse or risk of harm and neglect. Staff are required to complete Child Protection refresher courses at least once in 2 years. In addition, the school's Child Protection Policy will be discussed at the first staff meeting conducted at the beginning of each school year to ensure continued employment.

If staff commence at any other time of the year they will be required to read the child protection policy as part of their induction.

#### **14.4 VOLUNTEERS, STUDENT TEACHERS**

The principal will obtain WWCC clearance numbers for all volunteers and verify at the Office of Children's Guardian website.

It is the responsibility of training organizations to have their students screened.

A copy of the verification will be kept in the Students and Volunteers folder in the Principal's office.

It is the responsibility of the Principal to ensure they are properly supervised.

The NSW Commission for Children and Young People advises that all students and volunteers should complete the Prohibited Employment Declaration.

## **14.5 CONTRACTORS**

All contracting work is scheduled for out of school hours/school holidays or weekend where possible.

## **14.6 STAFF ON THE PREMISES:**

- 14.6.1 Two staff members must remain on the premises whenever a child is still in care until the parent or carer arrives to collect their child.
- 14.6.2 Staff will always be positioned to ensure minimum staff ratios are implemented.
- 14.6.3 Staff are not to be alone with only one child at any time in the school office or any of the other rooms and must ensure they can be seen by other staff
- 14.6.4 Staff are required to maintain high standards of supervision and observation of the children at all times.
- 14.6.5 Provision will be made for staff awareness of individual long or short-term health and dietary needs, fears or concerns, home or family issues, usual collection arrangements and their variations.
- 14.6.6 Staff are to exercise their duty of care to protect children and keep them safe.
- 14.6.7 Staff are to be aware of the definition of child abuse or risk of harm and neglect as required by the Children and Young Person (Care and Protection) Act 1998.
- 14.6.8 Staff are required to be involved in the review and evaluation of the Child Protection Policy at the School.
- 14.6.9 Staff are required to report suspicion of child abuse or risk of harm or neglect or risk of harm to the child as required by the Children and Young Person (Care and Protection) Act 1998 to the Principal of Headland Montessori School.
- 14.6.10 Each class has a specified device (IPAD) which is owned by the school to take, store and upload photos of the children onto various school approved platforms such as Xplor and the school newsletter. Photos must not be taken on teachers' personal telephones or other devices.

## **15. Allegations against a Staff member**

### **Aims:**

1. To ensure the safety, welfare and well-being of all children entrusted to the school's care.
2. To ensure that any reportable allegation against a staff member is handled fairly, in accordance with the relevant laws.
3. To protect staff members from vexatious or misguided allegations.

### **• LEGISLATIVE CHANGES**

In October 2016, the NSW Government introduced reforms to strengthen the regulatory powers of the Office of the Children's Guardian. New amendments also tightened provisions for appealing against decisions to bar unsuitable Working with Children Check applicants from working with children. Also, under the Working with Children Check, it is now an offence to make a false or misleading statement, punishable by a maximum penalty of \$550. These changes are included in the Child Protection (Working with Children) and Other Child Protection Legislation Amendment Act 2016, making amendments to the following Acts:

- Child Protection (Working with Children) Act 2012
- Children and Young Persons (Care and Protection) Act 1998
- Teaching School Act 1980

- Education (School Administrative and Support Staff) Act 1987

The Children's Guardian Act 2019 came into force on 1 March 2020. Powers and functions of the Children's Guardian from the Children and Young Persons (Care and Protection) Act 1998 and the Adoption Act 2000 are now consolidated into the new Act.

Amendments to the Teaching and Education Staff Acts provide for suspension from duty (instead of dismissal) for a person who's 'Working with Children Check' is cancelled because of a pending charge for a serious offence under the Working with Children legislation

In children's employment, the amendments give the Office of the Children's Guardian new powers to enter and inspect premises where they reasonably suspect a person is illegally employing a child, as well as the ability to serve on-the-spot penalty notices for breaches of children's employment legislation.

- **DEFINITION**

The Children's Guardian Act 2019 defines reportable conduct as being:

- A sexual offence against, with or in the presence of a child
- Sexual misconduct against, with or in the presence of a child
- Ill-treatment of a child
- Neglect of a child
- An assault against a child
- An offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900
- Behavior that causes significant emotional or psychological harm to a child
- Grooming a child

- **IMPLEMENTATION**

Our School strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. To ensure best practice, all educators will attend approved Child Protection training certified by a registered training organization.

Educators will continue to keep up to date by completing Child Protection Awareness Refresher training at least once every 2 years, ensuring they keep up to date with their current responsibilities as Mandatory Reporters.

- **RESPONSIBILITIES OF THE HEAD OF ENTITY**

The Head of Entity must notify the NSW Office of the Children's Guardian of all reportable allegations and convictions that arise, whether within or outside the employee's work within 7 business days of the allegation via the notification form and conduct an investigation.

The initial report must contain the following information:

- date report received
- type of reportable conduct
- name of employee
- name and contact details of entity and head of entity
- whether Police notified
- whether a ROSH report was made
- nature of initial risk assessment and management e.g. whether the employee has been moved)
- other additional information (if known)

The Head of Entity must also:

- assess and manage any risks (to children, other staff and the worker who is the subject of an allegation);
- plan and conduct an appropriate investigation, having regard to the principles of procedural fairness;

- provide an update to the Office of the Children’s Guardian at 30 days (either as an interim report or final report);
- make a finding for all allegations; and
- provide an Entity report to the Children’s Guardian about the finding and action taken.

The Head of Entity will ensure that the Child Protection Policy including the Allegations Against a Staff Member Policy is available to all parents via the school website to which all parents have access.

• **OTHER REPORTING REQUIREMENTS**

At the same time the Department of Communities and Justice should be notified immediately by telephone that a reportable allegation involving a child has been made. The Department will investigate the report and notify the Principal of its findings. A staff member making a report to the Department of Communities and Justice should also notify the Principal.

The Principal must also inform The Commission for Children and Young People of relevant employment proceedings, under the “Commission for Children and Young People” Act.

• **CONFIDENTIALITY** A file will be created in which all details of all contacts made or actions taken in regard to the allegation are recorded. This file must be kept in a secure locked filing cabinet in the Principal office and is only accessible to

- the Principal,
- the authorized officer of the investigating body,
- a person authorized by law to have access to that particular file.

This record will contain:

- the date and time of any contact or action and details of persons involved in a contact or action.
- a concise, comprehensive account of each contact or action; and
- copies of the completed reporting form and any other documentation submitted.

The confidentiality of the information must be respected.

The Principal and or other school investigator can not divulge the basis of the allegation to any other persons, irrespective of their position within the school: that is, staff member, management committee member, or union/professional association representative. Any inquiry about the absence of the staff member should be answered by a neutral response indicating that the person has taken leave for personal reasons. The Principal can however mention this to the Chairman of the Board that allegation has been made and that the matter is now being investigated (but give no details of the staff member’s name).

• **DETAILS OF THE INCIDENT**

Firstly, as soon as possible, the employee should be allowed (in private) to tell the Principal what happened. Any complainant(s) should also be interviewed in private and allowed to express their concerns fully. Other staff members may be asked what they witnessed. In all the above situations, the Principal should listen, take careful notes and follow the complaints process, starting with the opening of a confidential file. It is important to avoid “taking sides” or making comments or promises. Where serious allegations are being made, questioning should be limited to avoid compromising any official investigation. Only open questions may be asked. The investigation of a serious complaint is the role of the professionals.

• **OUTCOME FOR STAFF MEMBER**

The Principal must first decide whether an allegation involves reportable conduct, or whether the allegation concerns behavior that should be investigated internally but is exempt from notification

to the Office of the Children's Guardian. In either case, the Office of the Children's Guardian will be informed, and details recorded in total confidence for future reference.

- **IN THE EVENT OF AN ALLEGATION**

Risk assessments will first be made by the investigating officers based on the allegation and aim to mitigate the risk for the person suspected of allegation, the victim, the investigation, any other persons involved and the school. If required, the staff member will be placed on leave immediately an allegation is made until an investigation has been completed and the person is cleared. If the person is not cleared, his/her employment will be terminated immediately. Alternatively, arrangements may be made where the staff member continues to work under direct supervision or away from the children, depending on the allegation and the ability to staff this situation. The Principal must inform the staff member of their workplace rights during the stand down, whether their salary will be paid, and whether their employment continues.

The staff member may be offered advice and support or further training if it is decided that the matter is to be handled internally. Monitoring of performance and guidance should be facilitated through regular meetings. An employment process to expedite the dismissal of the staff member, if unsatisfactory behavior continues, should be in place. The licensee and Principal must respect the privacy and rights of the staff member and the need for discretion in providing a reference for the staff member should a dismissal or resignation ensue. A statement of service should be issued instead.

Note: a. If the staff member chooses to tell other staff that there has been an allegation made against him/her, the licensee and Principal may not discuss this information with the staff. Any response must be neutral, stating that the matter is confidential while under investigation. The licensee and Principal must maintain contact with investigating bodies, so that they can be informed about appropriate actions to take regarding the issue. They should not enter any discussions with any person involved in the allegation regarding any aspects of the matter, while the allegation is being investigated.

- **DISCLOSURE BY A CHILD**

All staff members should be aware that as significant adults in the daily life of the children in their care they might be trusted with disclosures related to the private information that could give rise to concerns about the safety or well-being of the child. Questioning by the staff member might compromise the outcome of an investigation, but the child can be comforted, reassured and offered help. The adult should remain calm and avoid expressing judgement, doubt or shock. It is not necessary or helpful to stop the child talking. The child should be allowed to speak at his/her own pace. The adult should be sensitive to the fact that the child may be concerned about the future or even about the welfare of the perpetrator. Staff members are obliged to report any disclosure of abuse by a child or an allegation against another person. All that is needed to warrant a report is "reasonable grounds for concern."

## 16. Arrival and Departure of Children

### Aim:

Headland Montessori School aims to encourage a smooth and safe arrival and departure transition by all children for their safety and well-being.

1. No child is to be left in the care of only one teacher/staff member after the school's closing time,
2. No child should be handed over to a primary carer who an educator deems to be in an unfit condition to offer good enough care, without reasonable attempts to make alternative arrangements.
3. It is the responsibility of the Principal to ensure that all staff members, permanent or temporary, are aware of all of their responsibilities under this policy.

### a. PROCEDURES

- i. Parents/carers may not leave a child unattended within the school grounds. The Principal must ensure that each child is given into the care of a Headland Montessori Staff member to be individually welcomed, once the school is open.
- ii. An adult responsible for each child must sign in and sign out electronically each day using an iPad available in Reception or any of the locker rooms.
- iii. Parents should advise in writing, by email or using a Change of Details form, in advance of any change to regular collection arrangements. Details of any person other than parent/carer picking up child must be recorded on a Change of Details form and handed to either the school Principal or Assistant Director or posted in the Drop Box in Reception, by the child's parent if possible. The Principal must be satisfied with the safety and security of any child leaving the premises if alternative collection arrangements have to be made but have not been put in writing.
- iv. The school door or side gates must never be propped open.

### b. SAFE COLLECTION OF CHILDREN

Notification of any changes to the previously authorized adults to collect a child must be made in writing, by email to the Principal or using the Change of Details form prior to the child being collected by a new person.

In an emergency, a phone call made by the parent/carer known to the staff will be acceptable.

Children will not be allowed to leave the school with any person not known to the staff, unless noted and previously arranged and discussed with staff. Photo identification of any person unfamiliar to the staff member releasing the children is to be checked to ensure that the person's details match the information given to staff by the parent, e.g. a driver's license, passport or RTA ID card.

### c. LEAVING SCHOOL PREMISES

Adults collecting children at the end of the session are requested to leave the premises promptly, taking full responsibility for the safety and close supervision of children in their care. Children are not permitted to play in the school car park for legal and safety reasons.

### d. LATE COLLECTION

Parents should be informed at enrolment of the following emergency procedure should a child not be collected by close of school hours:

1. Attempts will be made to contact parents by telephone.
2. If they cannot be reached, attempts will be made to contact the emergency contact person(s) whose names were supplied by parents on the Enrolment Form and in any updates.

3. If after 1 hour the class teacher has had no luck, they can then call the Department of Communities and Justice and or the Police to take responsibility of the student. The class teacher must leave a message on the front door of the school.

**e. EMERGENCY ARRANGEMENTS FOR CHILDREN PROCEDURE**

In an event that a child is left at the Headland Montessori School after closing time, without explanation or previous arrangements having been made, the following steps are to be followed:

1. The Teacher or staff member will first endeavor to contact the child's parents (or primary carers) and the emergency contacts who are authorized to collect the child.
  2. If unsuccessful the local Police Station should be called to seek information about any incidents or accidents that may have delayed parents or the person collecting.
  3. The staff should continue trying to contact all emergency contacts or people who may have knowledge of their whereabouts. Two staff members must always remain with the child.
  4. After a reasonable period (one hour is considered appropriate.) the staff should contact HELPLINE (132 111 - this number is by the school telephone) to seek assistance.
  5. If the child is to be taken from the premises, the Department of Communities and Justice or the Police are to be responsible for the child's safe transportation it is recommended that a staff member accompanies the child to ensure emotional well-being in an unfamiliar situation. Note: It is not recommended that any staff member transports the child, given the legal and safety issues involving car restraints and insurance.
  6. The staff member must record all details of the situation and action taken on an incident form. It is important that the person taking responsibility for the child's care signs this form before they leave the school premises. Note: This should occur even if the child is collected by a nominated emergency contact person, after the school's closing time.
  7. The staff member should contact the local Police and request that a "formal telephone message" be recorded about the incident/outcome.
  8. The staff member must leave a clearly visible message at the school entrance for the parents or collecting person, advising them to contact the local Police or the Child Protection HELPLINE (132 111) for information about the whereabouts of the child.
  9. The staff members involved have fully discharged their legal responsibility to the child at this point. The Department of Communities and Justice and/or the Police are now responsible for ongoing attempts to locate the parent or carer and for the well-being of the child.

**f. CLOSING**

When all children appear to have been collected at the end of each day, the Principal or Responsible Person must ensure that all children are signed out electronically and that a staff member check all areas of the premises, indoors and out, to ensure that no child has been overlooked. The principal/responsible person or delegate must sign each day to verify that they have made the check.

**g. RETENTION OF RECORDS**

All class rolls and records are archived at the end of each year and kept in the principal's office. Class teachers are to bring all forms and documents to the office before the end of the year if they are to be archived.

Staff are to be advised of any issue that may be cause for security issues at either campus. Revised custodial orders need to be forwarded to the Teacher promptly so all staff members can be informed, and the necessary changes can be made for implementation. With the assistance of



parents, staff members will ensure the most effective and safe implementation of custodial orders. They will make particular note of who is collecting the child and will be notified of any changes to these orders. The child will not be allowed to leave the school with the non-custodial parent or a carer not on the list provided by the custodial parent. These papers will be kept in the student's file in the locked cabinet in Reception. All staff will be informed about these arrangements by the Principal.

#### **h. ALLOWING OF ACCESS**

In the absence of any custody order, the Principal must ensure that any parent of an enrolled child a) can contact the child at any time the child is at school, and b) can exchange information about the child with primary contact staff at mutually convenient times on an ongoing basis. The Teacher may elect to have occasional interactive parental observations, to allow the children to show their work and their school to their parents/carers and/or grandparents. Observations of the children by the parents/carers are held annually. The parent/carer observes from an allocated chair in the room. A parent may ask for an observation outside the allocated times through the year by making an appointment with the Teacher.

All visitors to the premises other than parents and known carers of currently enrolled children must sign in before entering, providing details requested in the visitors' book provided.

All other observers must make an appointment at the school and are given a visiting time. This is to be arranged with the principal, or board member.

Note: a) Videoing for publicity or other purposes is only to be done with express permission and in compliance with required guidelines.

b) Usually a maximum of two people are permitted access for observations in the class at any one time.

#### **i. DENIAL OF ACCESS**

All trades people should come after the school is closed when practicable, unless there is an emergency. The Principal is to be notified when they are expected. The Principal and all staff must be notified of any other person's presence at the school during school hours. A person who has been forbidden by a court order from having contact with a child attending Headland Montessori School:

a) must not be given any information concerning the child,

b) must not be allowed to enter the premises while the child is in attendance,

c) must not be permitted to collect the child from the service, and

d) must be identifiable to all staff Note:

a) At no time is the attendance of a child at the school to be indicated or acknowledged over the phone or otherwise to someone unknown to the staff member. b) The school cannot be used for access visits.

#### **j. CHILDREN UNATTENDED IN CARS**

Leaving children unattended in cars is a criminal offence. Parents should be notified on enrolment that staff are mandatory notifiers and as such are legally obliged to report any known incidence.

Please see Children and Young Persons (Care and Protection) Act 1998: The legislation reads: -

Chapter 14 -Offences involving children and young persons The Children and Young Persons (Care and Protection) Act was proclaimed in December 2000. However, chapters 1 and 14 were

proclaimed in April 2000, including Chapter 14 section 231 which covers the section about children

left in cars/unattended. Section 231 of the Act reads: A person who leaves any child or young person in the person's care in a motor vehicle without proper supervision for such period or in such

circumstances that: (a) The child or young person becomes or is likely to become emotionally

distressed, or (b) The child's or young person's health becomes or is likely to become permanently or temporarily impaired, is guilty of an offence.

What's involved in prosecution?

1. Police and/or investigate.
2. After the investigation, a decision can be made by Department of Communities and Justice to prosecute.
3. The Crown Solicitor's Office is instructed by Department of Communities and Justice to file an information and summons in the local court.
4. An information and summons is issued and served on the defendant.
5. The matter is then dealt with by a local court

## Appendix 1:

# Child Protection Risk Management Strategy – Recruitment, Selection, WWCC, Management and Training of Educators and Volunteers

### Recruitment

The service will keep up-to-date policies on recruiting, selecting, training and managing paid employees and volunteers.

The service is responsible for developing policies and procedures about recruitment, selection, management and training to ensure all persons working at the service are suitable. When developing our recruitment strategy, our service will consider the following –

Position Description	<ul style="list-style-type: none"><li><input type="checkbox"/> establish an understanding of the roles and expectations for educators to provide a safe and supportive environment for children and young people</li><li><input type="checkbox"/> become more aware of the tasks required for specific activities</li><li><input type="checkbox"/> develop requirements of the position (sometimes referred to as selection criteria)</li><li><input type="checkbox"/> identify training needs</li><li><input type="checkbox"/> reduce the risk of harm to children and young people, and</li><li><input type="checkbox"/> attract and retain educators.</li></ul>
Advertising the Position	<ul style="list-style-type: none"><li><input type="checkbox"/> include a clear statement about your organization’s safe and supportive work practices</li><li><input type="checkbox"/> include clear, concise details about your organization</li><li><input type="checkbox"/> provide brief details about the position and working conditions, and</li><li><input type="checkbox"/> name a contact person for more information.</li></ul>
Selection Process	<ul style="list-style-type: none"><li><input type="checkbox"/> assessment of applicant</li></ul>

	<ul style="list-style-type: none"> <li>☐ interview process</li> </ul>
	<ul style="list-style-type: none"> <li>☐ referee checks</li> </ul>
Working With Children Check	<ul style="list-style-type: none"> <li>• the principal will obtain a Working With Children Check clearance number from all prospective staff, volunteers, students</li> <li>• the principal verifies the WWC number on the Children's Guardian website</li> <li>• verified information is recorded by the principal on the WWCC spreadsheet that is kept electronically at WWCC <i>Verification Register</i> folder at admin(<a href="#">\\headlandstation</a> (A:))</li> <li>• A record of all WWCC verifications made for an employee during the period of employment with the school will be maintained in their staff file.</li> </ul>
Probationary Period of Employment	<ul style="list-style-type: none"> <li>• set goals</li> <li>• identify training needs, specifically in relation to risk management practices, and</li> <li>• provide support to the new employee to be successful in undertaking the role.</li> </ul>
Training	<p>Educators should receive training in the following areas:</p> <ul style="list-style-type: none"> <li>• identifying, assessing and minimizing risks</li> <li>• the organization's policies and procedures (including the organization's code of conduct)</li> <li>• compulsory training as required by industry standards or legislation, and</li> <li>• handling a disclosure or suspicion of harm, including reporting guidelines.</li> </ul> <p>Training can be formal such as:</p> <ul style="list-style-type: none"> <li>• higher education training and accreditation</li> <li>• training offered by external organizations ☐</li> <li>• training developed and delivered internally, and</li> <li>• on-the-job training meeting key objectives.</li> </ul> <p>Training can also be informal such as:</p> <ul style="list-style-type: none"> <li>• inviting police officers or Child Safety educators to meetings to discuss issues in relation to child protection</li> <li>• inviting other professionals to speak at meetings or functions, and</li> <li>• internal mentoring and coaching.</li> </ul>

Induction	<ul style="list-style-type: none"> <li>• the school's commitment to an environment that is safe and supportive for children and young people</li> <li>• the standards of behavior expected as detailed in our code of conduct</li> <li>• the school's safe and supportive policies and procedures, and strategies to minimize harm</li> <li>• procedures to follow when a disclosure of harm is received</li> <li>• reporting guidelines in relation to disclosures of harm and suspicions of harm</li> <li>• their own rights and responsibilities, as well as those of children and young people</li> <li>• what to expect if there is an allegation of harm made against them or to them</li> <li>• what constitutes a breach of your organization's child and youth risk management strategy and the potential consequences</li> </ul>
	<ul style="list-style-type: none"> <li><input type="checkbox"/> the roles of key people in your organization, and</li> <li><input type="checkbox"/> grievance procedures.</li> </ul>
Exit interviews or questionnaires	<ul style="list-style-type: none"> <li><input type="checkbox"/> gather information about the effectiveness of the recruitment process</li> <li><input type="checkbox"/> identify possible areas for improvement in organizational processes, management, job design, remuneration or career planning and development, and</li> <li><input type="checkbox"/> receive positive feedback on what is working well in your organization.</li> </ul>

## Appendix 2:

### Indicators of Child Abuse or Risk of harm

#### *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**

- 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

#### **Indicators of Neglect in children**

- poor standard of hygiene leading to social isolation
- scavenging or stealing food
- extreme longing for adult affection
- lacking a sense of genuine interaction with others
- acute separation anxiety
- self-comforting behaviors, e.g. rocking, sucking
- delay in development milestones
- untreated physical problems

#### **Indicators of Neglect in parents and caregivers**

- failure to provide adequate food, shelter, clothing, medical attention, hygiene or leaving the child inappropriately without supervision
- inability to respond emotionally to the child
- child abandonment
- depriving or withholding physical contact
- failure to provide psychological nurturing
- treating one child differently to the others

#### **Indicators of Physical Abuse in children**

- facial, head and neck bruising
- lacerations and welts
- explanations are not consistent with injury
- bruising or marks that may show the shape of an object

- bite marks or scratches
- multiple injuries or bruises
- ingestion of poisonous substances, alcohol or drugs
- sprains, twists, dislocations
- bone fractures
- burns and scalds

#### **Indicators of Physical Abuse in parents and caregivers**

- direct admissions from parents about fear of hurting their children
- family history of violence
- history of their own maltreatment as a child
- repeated visits for medical assistance

#### **Indicators of Emotional Abuse in children**

- feeling of worthlessness about them
- inability to value others
- lack of trust in people and expectations
- extreme attention seeking behaviors
- other behavioral disorders (disruptiveness, aggressiveness, bullying)

#### **Indicators of Emotional Abuse in parents and caregivers**

- constant criticism, belittling, teasing of a child or ignoring or withholding praise and affection
- excessive or unreasonable demands
- persistent hostility, severe verbal abuse, rejection and scape-goating
- belief that a particular child is bad or “evil”
- using inappropriate physical or social isolation as punishment
- exposure to domestic violence

#### **Indicators of Sexual Abuse in children**

- they describe sexual acts
- direct or indirect disclosures
- age-inappropriate behavior and/or persistent sexual behavior
- self-destructive behavior
- regression in development achievements
- child being in contact with a suspected or know perpetrator of sexual assault
- bleeding from the vagina or anus
- injuries such as tears to the genitalia

### **Indicators of Sexual Abuse in parents, caregivers of anyone else associated with the child**

- exposing the child to sexual behaviors of others
- suspected of or charged with child sexual abuse
- inappropriate jealousy regarding age-appropriate development of independence from the family
- coercing the child to engage in sexual behavior with other children
- verbal threats of sexual abuse
- exposing the child to pornography

### **Indicators of Domestic Violence in children**

- show aggressive behavior
- develop phobias & insomnia
- experience anxiety
- show symptoms of depression
- have diminished self esteem
- demonstrate poor academic performance and problem-solving skills
- have reduced social competence skills including low levels of empathy
- show emotional distress
- have physical complaints

### **Definition of Significant Harm**

A child is at risk of significant harm when the circumstances that are causing concern are present to a significant state. This means the concern is sufficient to warrant a response by a statutory authority, such as the NSW Police Force or Community Services, regardless of a family's consent.

What is significant is not minor or trivial and may reasonably be expected to produce substantial and adverse impacts on the child's safety, welfare or wellbeing.

The significance can be a result of a single act or omission or an accumulation of acts and omissions.

### **Concerns don't meet the Risk of significant Harm Threshold.**

When concerns of harm do not meet the significant harm threshold, the service should offer and coordinate assistance or make a referral to other services. Services may be located through the Family Referral Services or through Human Services. Family consent will be sought before making referrals.

### ***Suspecting a Child is at Risk of Significant Harm***

Staff can access the Mandatory Reporter Guide ([www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au)) to decide if any of the following conditions are present to a significant risk:

- Physical abuse
- Neglect
  - Supervision



- Physical shelter/environment
- Food
- Medical care
- Mental health care
- Education
- Sexual abuse
- Problematic sexual behavior
- Psychological harm
- Relinquishing care
- Carer concerns
  - Parent/carer substance abuse
  - Parent/carer mental health
  - Parent/carer domestic violence
- Unborn child

If an educator has reasonable grounds to suspect risk of significant harm, they are to use the Mandatory Reporter Guide to assess whether their concerns meet the threshold of risk of significant harm.

**If there is an immediate danger to the child the police and/or the Child Protection Hotline should be contacted directly.**

Reasonable grounds refer to the need to have an objective basis for suspecting that a child may be at risk of significant based on:

- Firsthand 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.

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

#### ***Documentation***

The service will maintain records to prepare and support its ability to make a report to the Child Protection Helpline. Records will be kept in line with our Privacy, Security and Confidentiality of Records Policy.

The helpline will ask for the following information.

#### **Child's Information**

- Name of the child or young person (or alias) or other means of identifying them
- Age and date of birth (or approximation)
- If the child is Indigenous
- Cultural background of the child, language spoken, religion and other cultural factors
- Name, age of other household children or young people
- Address of child and family
- If the child has a disability – nature/type, severity, impact on functioning

- Is the child/young person subject of an Apprehended Violence Order?
- Is the child or young person under the care of the minister or residing in out-of-home care?

## **Family information**

- Name, age of parents/carer and household adults
- Home and/or mobile phone number
- Cultural background of parents, languages spoken, religion and other cultural factors
- Information about parental risk factors and how they link to child's risk of harm
- Domestic violence
- Alcohol or other drug misuse
- Unmanaged mental health
- Intellectual or other disability
- Protective factors and family strengths
- Non-offending carers' capacity to protect child
- Any previous suspicious death of a child or young person in the household?
- Is the carer/parent pregnant?
- Is the parent/carer subject of an Apprehended Violence Order?
- Description of the family structure.
- Name, age, gender of siblings. Do siblings live with the child or young person?

## **Reporters Details**

- Name, service name, address, phone and email details
- Position
- Reasons for reporting today
- Nature of contact with child or family
- Nature of ongoing role with child or family (include frequency, duration and type)
- If report is being made by someone else in the agency, name of the agency worker who sourced the report

## **Other information**

- If parent knows of the report and their response
- If child or young person knows about the report and their views
- Information related to worker safety issues
- Outcome of mandatory reporters guide

Once a report is made to the Child Protection Helpline no further report needs to be made unless new information comes to hand.

# Appendix 3 : Child Protection Risk Management Strategy – Information for Families

## Information for parents and carers

### Our organization's child and youth risk management strategy

Creating safe and supportive service environments for children and young people is everyone's business. Our organization is committed to providing the highest standard of service to children and young people and ensuring they are kept safe from harm.

To create a safe and supportive service environment for children and young people, organizations must initiate and maintain ongoing planning and commitment.

In a safe and supportive environment, services and activities are provided so children and young people:

- feel safe and protected from harm
- help plan activities and make decisions
- are consulted and respected, and
- Have their best interests considered and upheld.

YCW PTY LTD is required to have a written child and youth risk management strategy to protect the children and young people in our organization from harm. The strategy will help ensure our organization is a safe and supportive service environment for children and young people, by identifying and minimizing risks. Screening employees and volunteers through safety screening clearances is also a part of our strategy.

The child and youth risk management strategy addresses the following elements:

- a statement of commitment
- a code of conduct for interacting with children and young people
- procedures for recruiting, selecting, training and managing paid employees and volunteers
- policies and procedures for handling disclosures or suspicions of harm, including reporting guidelines
- a plan for managing breaches of the child and youth risk management strategy
- policies and procedures for implementing and reviewing the child and youth risk management strategy and maintaining an employee register for Working With Children checks.
- risk management plans for high-risk activities and special events, and

- strategies for communication and support.

As a parent/carer, it is important for you to understand the policies and procedures that form the child and youth risk management strategy. A copy of the strategy is attached for your information and comment.

## **Appendix 4: Teaching Protective Behavior with Children**

**We aim to teach children -**

- to recognize their feelings and express them verbally.
- to express their feelings both verbally and non-verbally.
- that they can choose to change the way they are feeling.
- that they have a right to feel safe at all times.
- to recognize the signs when they do not feel safe and when they need to be alert and think clearly.
- the difference between 'fun' scared that is the feeling of adventure and appropriate risk taking and dangerous scared that is not ok.
- to use their own skills to feel safe.