

5. CHILD PROTECTION

AIM

North Sydney Family Day Care fully supports the aims and objectives of Child Protection Legislation, and association provisions, and will implement all necessary measures to ensure a safe and supportive environment which endeavours to promote the prevention of child abuse.

BACKGROUND

Child Abuse is common in any community. Child abuse can be any or a combination of the following; physical, domestic, violence, neglect, sexual abuse, psychological harm, prenatal. North Sydney Family Day Care has a responsibility to the children that utilise their service and this commitment to the safety and wellbeing will be enforced. We believe in a holistic approach where the child is of utmost importance and all steps will be undertaken to deliver their safety.

North Sydney Family Day Care, within its capacity, protects children from risk of harm by

- Facilitating the reporting of children at significant risk of harm
- Referring and supporting children that do not meet the significant risk of harm threshold
- Establishing procedures to prevent the registration of educators to the Coordination Unit staff who are prohibited by law from working with children
- Providing a system for the reporting of any allegations of reportable conduct in compliance with requirements of the Office of the Childrens Guardian Act, 2019
- Ensuring the prompt notification and investigation of allegations against Educators and Coordination Unit staff of all children at risk of harm
- Regularly involving Educators and the Coordination Unit staff in professional development relating to Child Protection
- Creating Community Awareness about Child Protection
- Embedding child safe standards in practise

PROCEDURE

North Sydney Family Day Care service will

- Complete all legislative working with children employment screening prior to educators or staff commencing work at the Service

- Ensure any family members over the age of 18 residing on the premises have applied for clearance check to work with children or have a current WWCC
- Provide ongoing training and professional development opportunities relating to child protection
- Monitor Educator and staff compliance and awareness of the service Child Protection Policy and procedures through home visits and ongoing training
- Report all cases of suspected child abuse which meet the significant risk of harm threshold
- Refer to North Sydney Council's Child Protection Policy

Defining Risk of Harm

A child or young person who is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent. This means it is sufficiently serious to warrant a response by a statutory authority irrespective of the family's consent. Something that is significant is not minor or trivial, it may reasonably be expected to produce a substantial and adverse impact on the child or young person's safety, welfare or wellbeing, and it can result from a single act or omission or an accumulation of this. The significance can result from a single act or omission or an accumulation of these.

What is reportable conduct, as defined by the Childrens Guardian Act, 2019

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 behaviour that causes psychological damage to a child., whether in any case, with the consent of the child
- Any offence under section 43(B) or 316(A) of the crimes act 1900

Making a report

The Mandatory Report Guide (MRG) is now located at the website – Child Story Reporter

<https://reporter.childstory.nsw.gov.au/s/> . If an Educator or coordination unit staff suspects on reasonable grounds that a child or young person may be at risk of significant harm, they will

- **Educator**

- Discuss their concerns with relevant people e.g. Family Day Care Nominated Supervisor, Child Development Officer or Coordinator, Manager Community Services. Discussion and sharing of information is strictly on a "need to know" basis
- Access the online mandatory reporters guide at <https://reporter.childstory.nsw.gov.au/s/> to assess whether a child is at risk of significant harm. There are clear definitions to decision tree questions, 'how to' guides etc., to help educators with their concerns

- **Nominated Supervisor, Coordinator or the Manager Community Services**

As of March 2020, the Office of the Children's Guardian is to be notified of any child abuse allegations, in relation to staff , and / or educators, in writing, within 7 days of the allegation at

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

If the mandatory reporters guide identifies those concerns are reportable, the Nominated Supervisor will

- Print out a copy of the final decision report, and retain it for the Service records
- Follow the detailed list of instructions and next steps listed in the Decision Report
- If Educators are not satisfied that the Nominated Supervisor has made a report, and they still suspect a child is at risk of significant harm then they must make a report to the mandatory reporter's line
- If the mandatory reporters guide and the decision report identifies that the child is not at risk of significant harm, and Educators and/or Coordination Unit staff still have concerns for the child's safety and wellbeing, the Nominated Supervisor will
 - Contact the Helpline on 132 111 for further clarification and information on how to proceed
 - Notify the Office of the Children's Guardian within 7 days of any staff/ Educator allegations
<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme>
 - Follow the additional links and contact information for support services/referral pathways found at <https://reporter.childstory.nsw.gov.au/s/>

Sharing information with prescribed bodies

Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 allow government agencies and non-government agencies who are 'prescribed bodies' to exchange information that relates to a child or young person's safety, welfare or wellbeing, whether or not the child or young person is known to Department of Education and Communities and whether or not the child consents to the information exchange.

Prescribed bodies under the legislation are

- NSW Police Force
- NSW government department or public authority, including Department of Communities and Justice
- Government school or a registered non-government school or a TAFE
- Public health organisation or a private hospital
- Private fostering agency or a private adoption agency
- Designated agency which is a department of the Public Service or an organisation that arranges out of home care
- Agencies that conduct residential childcare centre or a childcare service under the 1987 Act
- Any other organisations that have direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children
- The Family Court of Australia (for the purposes of section 248 but not Chapter 16A)
- Centrelink (for the purposes of section 248 but not Chapter 16A)
- The Commonwealth Department of Immigration and Multicultural and Aboriginal Affairs (for the purposes of section 248 but not Chapter 16A)

If North Sydney Family Day Care Service receives a request for information, the Nominated Supervisor will

- Confirm the person's identity by contacting the agency before providing the information
- Request that agencies make their request in writing and provide the following information
 - Identifies the child
 - Explains how the information relates to the safety, welfare or wellbeing of the child
 - Explains why the information will assist to decide, assessment or plan, or to initiate or investigate, or to provide any service, or to manage any risk to the child

- Provides enough detail to assist the Service to understand the purpose of the request and to locate the relevant information in an efficient manner
- Provides background information relevant to the request, including whether the agency has informed a child, parent that the information has been sought and if not, why not
- Indication of a realistic time frame for the Service to provide the information
- Ensure that the information requested relates to a child's safety, welfare or wellbeing
- Identify whether the information requested can be used to decide, assessment or plan; initiate or investigate; provide a service or manage a risk in relation to the safety, welfare or wellbeing of a child or a class of children
- Identify whether to inform the parent or guardian that a request for information has been made
- Document all conversations and information that is shared with the agency
- File all information in a locked filing cabinet separate to the child's file

If North Sydney Family Day Care Service makes a request under the Act, the Nominated Supervisor will

- Ensure that the information requested relates to a child's safety, welfare or wellbeing
- Identify whether to inform that parent/guardian whether a request for information is being made
- Put all requests in writing

Written requests will

- Identify the child
- Explain how the information relates to the safety, welfare or wellbeing of the child
- Explain why the information will assist to decide, assessment or plan, or to initiate or investigate, or to provide any service, or to manage any risk to the child
- Provide enough detail to assist the other agency to understand the purpose of the request and to locate the relevant information in an efficient manner
- Provide background information relevant to the request, including whether the agency has informed a child, or parent that the information has been sought and if not, why not
- Indicate a realistic time frame for the agency to provide the information

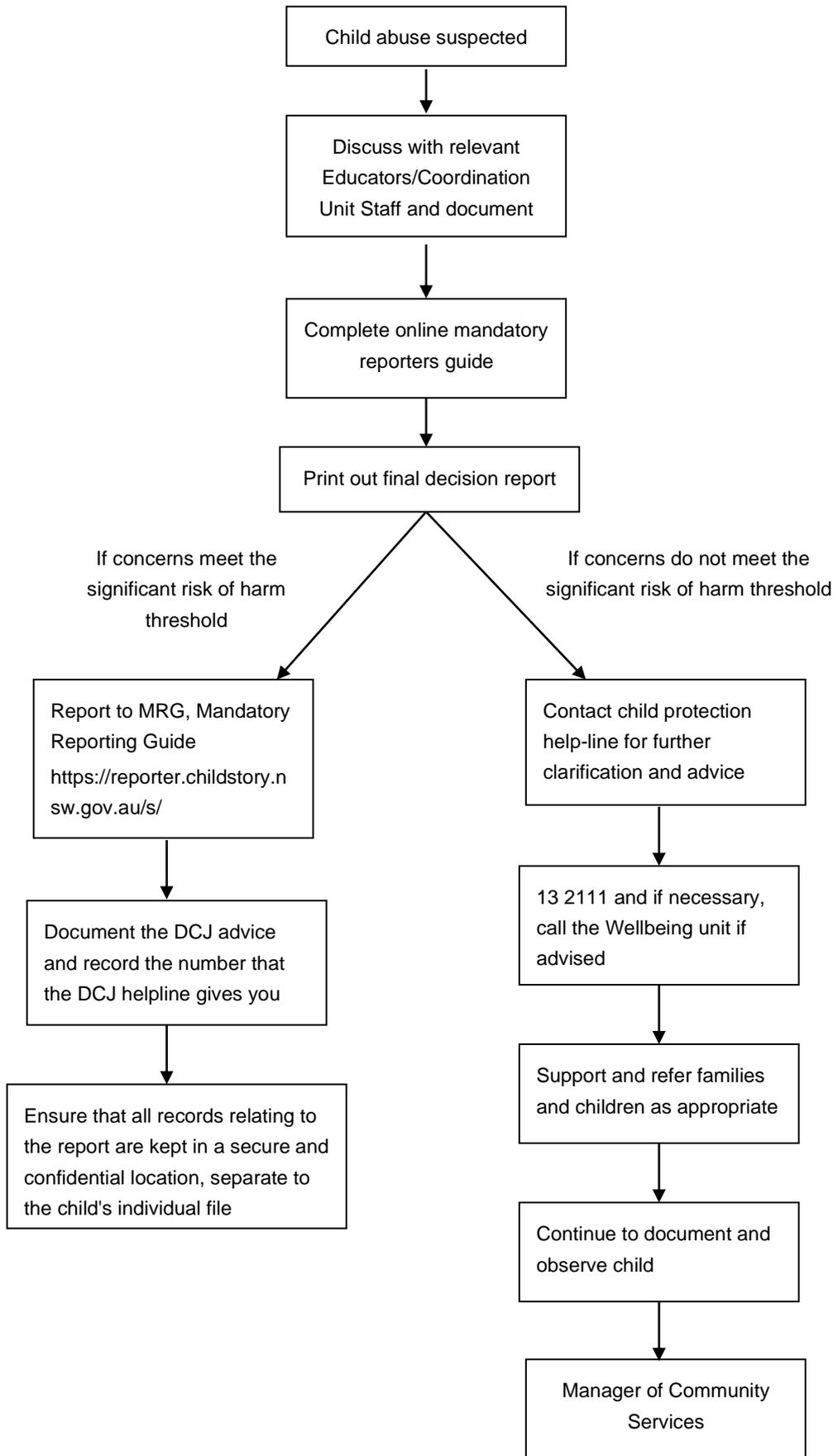
Documenting suspected cases of child abuse

- Educators in consultation with the Coordination Unit will record observations on a File note or Memo to be kept at the Coordination Unit, The Child Protection Observation must be completed thoroughly and in a professional manner and must include all telephone and personal conversations that

Educators or Coordination Unit staff have had about the case with parents, Department of Communities and Justice, or the Child Protection Hotline. Coordination Unit Staff must record the date and time of conversations, who they were with and what was discussed. Educators and Coordination Unit staff should print their full name and sign at the end of each entry

- When Educators and Coordination Unit Staff make and record observations, they should
 - Make sure their comments are clear, decisive and factual
 - Use their senses and record what they see, hear, smell not what they think
 - Never ask questions or examine a child or try to investigate the matter themselves. The wrong questions by the wrong people may mean that the information needed to protect the child is not received. It is Department of Communities and Justice responsibility to investigate suspected reportable conduct it is not the job of Educators or Coordination Unit Staff
- If a report is made, and an officer from the Department of Communities and Justice visits the Family Day Care Service to see the child, the Family Day Care Nominated Supervisor must
 - Sight the identification details of the officer
 - Arrange for an interview to take place discreetly
 - Ensure the Educator or a Coordination Unit Staff member that the child feels comfortable with is present during the interview
 - Ensure that they do not actively participate in the interview but instead act as a support to the child.
 - Notify the Manager of Community Services
- Gather all relevant information to help with the report to Department Communities and Justice. Helpful information includes
 - The name, date of birth, address, and phone number of the child/ren you are concerned about
 - The full name (including any know aliases), approximate age, address, and phone numbers of the parents/educators
 - A description of the child and their current whereabouts
 - Why you suspect the child is at risk of harm (what have you seen heard or been told)
 - Your name and contact details

The flowchart for making a report at North Sydney Family Day Care Service is as follow.



What to do if a child discloses that they are at risk of harm

A purposeful disclosure is when a child tells you that they have been involved in reportable conduct.

When such a disclosure occurs Educators or Coordination Unit Staff should

- Show appropriate warm open body language
- Not act shocked or disgusted
- Tell the child that they believe them and that they have done the right thing in coming forward
- Tell the child that they have not done anything wrong
- Tell the child that they are pleased that they were told
- Let the child know that they will need to tell other people in order to help them
- Explain to the child what the next step will be

Educators or Coordination Unit Staff should not

- Ask leading questions e.g. what happened next
- Ask inappropriate questions
- Say anything judgemental about the perpetrator
- Make promises that that they cannot keep

Educator and Coordination Unit Staff protection if they make a report to Department of Education and Communities

The Children and Young Persons (Care and Protection) Act 1998 protects any person who makes a report in good faith to Department of Communities and Justice. Although educators and Coordination Unit Staff must identify themselves to Department of Communities and Justice when they make a report their identity remains confidential. No one can identify a person who makes a report to anyone else unless the reporter gives permission, or a court order requires the disclosure. The legislation also protects educators and Coordination Unit Staff in the following circumstances.

- Making a report is not a breach of professional ethic or confidentiality
- No liability for defamation can be incurred because of a report
- The report is not admissible in any proceedings as evidence against the person who made the report
- A person cannot be compelled in any proceedings to provide the report or give evidence of any of its contents

Educator and Coordination Unit Staff training and professional development

On induction, Educators and Coordination Unit Staff will be informed of, read and discuss the North Sydney Family Day Care Protection Policy. Educators and Coordination Unit Staff will be encouraged to ask questions of concern and demonstrate that they have a thorough knowledge of the Child Protection Policy, their individual responsibility and relevant Legislation.

Educators and Coordination Unit Staff are provided with journals, in-service training opportunities, and a wide range of information relating to child protection as a means of extending their professional development and knowledge of issues on child protection.

Family Day Care Coordination is required to

- Report to the Office of the Children's Guardian within 7 days of becoming aware of any allegations or convictions of reportable conduct by a staff member or Educator
Allegations relating to a family / parent, are to be reported through procedures outlined at <https://reporter.childstory.nsw.gov.au/s/>
- Conduct investigations into reportable conduct of allegations or convictions and take appropriate action as a result

Relevant Legislation

The Child Protection (Offenders Registration) Act 2000

This act prohibits persons with convictions of serious sexual offences from working in child-related employment, where that employment primarily involves direct unsupervised contact with children.

As an employer, North Sydney Council needs to establish that its staff and Family Day Care Educators are not "prohibited" persons, as defined by the Act, and must not employ a person who is a prohibited person. Council does this by asking prospective employees to obtain a clearance to work with children, or have a current WWCC

The Commission for Children and Young People Act 1998

This Act was established by the NSW Commission for Children and Young People and mandates the employment screening of preferred applicants for child related employment. North Sydney Family Day Care Service complies with this act by

- Asking people to complete employment screening forms before employing them or to have a clearance check, which enables them to work with children
- Notifying the NSW Commission of relevant disciplinary proceedings taken as a result of an allegation/conviction of abuse by an employee
- Notifying the NSW Commission of applications who have not been offered child-related employment as a result of assessment by an approved screening agency
- Securely retaining records

The Children and Young Persons (Care and Protection) Act 1998

This Act outlines the responsibilities of the Department of Education and Communities in child protection. As part of this responsibility, the Department receives and assesses reports of reportable conduct and acts to maintain the safety of children and young people.

North Sydney Family Day Care Service ensures that Educators and Coordination Unit Staff are aware of their mandatory reporting obligation to report to the Department of Education and Communities when a child or young person is considered to be at "significant risk of harm", and ensure that policies, procedures and practices are in line with the Act in relation to child protection.

The role of Educator and staff is to ensure that their practice is in line with principles of the Act and to report concerns that a child or young person is at "significant risk of harm".

The Office of the Childrens Guardian Act, 2019

This Act ensures that Government and some non-government agencies are aware of their reporting obligations under the Act.

It requires the OCG to

- Scrutinise systems used for prevention of reportable conduct
- Monitor investigations into reportable conduct
- Investigate a complaint about an agency's inappropriate handling of a response to an allegation of reportable conduct

Childrens Guardian Amendment (Child Safe Scheme) Bill 2021

Amendment of Children’s Guardian Act 2019 No 25

Schedule 1[1] amends the objects of the Children’s Guardian Act 2019 (*the Act*) to include embedding the Child Safe Standards as the primary framework that guides child safe practice in organisations in New South Wales.

Schedule 1[2] amends the guiding principles that are applied in the administration of the Act to embed connection to family and community as a principle to be applied in relation to Aboriginal children and Torres Strait Islander children and to require that respect for cultural and social difference is considered when providing child-related services.

Schedule 1[3] inserts proposed Part 3A, which contains the child safe scheme that—

- (a) adopts the Child Safe Standards, and
- (b) requires significant public sector agencies that are responsible for the provision of services to children to develop and implement child safe action plans, and
- (c) requires the Children’s Guardian to work with child safe organisations to raise awareness of child safety, build the capability of child safe organisations to implement the Child Safe Standards and to promote the implementation of the Child Safe Standards more broadly, and
- (d) provides the Children’s Guardian with powers to monitor the implementation of the Child Safe Standards, and
- (e) provides the Children’s Guardian with powers for the investigation of complaints and concerns about a child safe organisation’s implementation of the Child Safe Standards.

Schedule 1[4] and [6]–[9] make amendments consequential on the adoption of the Child Safe Standards by proposed Part 3A.

Schedule 1[5] provides the Children’s Guardian with an additional power to review systems, policies and processes when monitoring an entity’s internal investigation or determination.

Schedule 1[10] amends the Act, section 128 to recognise the additional functions of the Children’s Guardian that arise from the proposed adoption of the Child Safe Standards and the child safe scheme.

Schedule 1[11] updates the functions of Official Community Visitors to include a function relating to the Child Safe Standards.

Schedule 1[12] inserts proposed Part 9A, which provides for enforcement measures allowing the Children’s Guardian to issue compliance notices to *child safe organisations*, as defined in the proposed amendments to the Dictionary, and to enter into enforceable undertakings with child safe organisations.

Schedule 1[13]–[17], [19] and [20] make consequential amendments.

Schedule 1[18] allows the Children’s Guardian to share information, obtained for the purposes of the child safe scheme or its enforcement functions, with persons undertaking similar child safe functions in another State or Territory or for the Commonwealth.

Schedule 1[21]–[23] make consequential amendments to the Dictionary including to define *child safe organisation*.

The Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No13

This legislation raises the reporting threshold from "risk of harm" to "significant risk of harm". It also removes criminal penalties for not reporting, and sets up an alternate reporting process, which includes Child Wellbeing units, and the referral and support to families and children who do not meet the significant risk of harm threshold by services.

Possible signs of neglect

Signs in children

- low weight for age and/or failure to thrive and develop
- untreated physical problems e.g. sores, serious nappy rash and urine scalds, significant dental decay
- poor standards of hygiene i.e. child consistently unwashed
- poor complexion and hair texture
- child not adequately supervised for their age
- scavenging or stealing food and focus on basic survival
- extended stays at school, public places, other homes
- longs for or indiscriminately seeks adult affection
- rocking, sucking, head-banging
- poor school attendance

Signs in parents or caregivers

- unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions
- leaving the child without appropriate supervision
- abandons the child
- withholding physical contact or stimulation for prolonged periods
- unable or unwilling to provide psychological nurturing
- has limited understanding of the child's needs
- has unrealistic expectations of the child

Possible signs of physical abuse

Signs in children

- bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it e.g. belt buckle, handprint
- lacerations and welts
- drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury
- adult bite marks and scratches
- fractures of bones, especially in children under three years old
- dislocations, sprains, twisting
- burns and scalds (including cigarette burns)
- multiple injuries or bruises
- explanation of injury offered by the child is not consistent with the injury
- abdominal pain caused by ruptured internal organs, without a history of major trauma
- swallowing of poisonous substances, alcohol or other harmful drugs
- general indicators of female genital mutilation e.g. having a 'special operation'

Signs in parents and caregivers

- frequent visits with their child or children to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or with internal complaints
- explanation of injury offered by the parent is not consistent with the injury
- family history of violence
- history of their own maltreatment as a child
- fears injuring their child
- uses excessive discipline

Possible signs of sexual abuse

Signs in children

- bruising or bleeding in the genital area
- sexually transmitted diseases
- bruising to breasts, buttocks, lower abdomen or thighs
- child or child's friend telling you about it, directly or indirectly
- describing sexual acts

- sexual knowledge or behaviour inappropriate for the child's age
- going to bed fully clothed
- regressive behaviour e.g. sudden return to bed-wetting or soiling
- self-destructive behaviour e.g. drug dependency, suicide attempts, self-mutilation
- child being in contact with a known or suspected paedophile
- anorexia or over-eating
- adolescent pregnancy
- unexplained accumulation of money and gifts
- persistent running away from home
- risk taking behaviours - self harm, suicide attempts

Signs in parents or caregivers

- exposing a child to prostitution or pornography or using a child for pornographic purposes
- intentional exposure of a child to sexual behaviour of others
- previous conviction or suspicion of child sexual abuse
- coercing a child to engage in sexual behaviour with other children
- verbal threats of sexual abuse
- denial of adolescent's pregnancy by family

Possible signs of psychological abuse

All types of abuse and neglect harm children psychologically, but the term 'psychological harm' or 'emotional abuse' applies to behaviour which damages the confidence and self-esteem of a child or young person, resulting in serious emotional deprivation or trauma.

Signs in children

- constant feelings of worthlessness about life and themselves
- unable to value others
- lack of trust in people
- lack of people skills necessary for daily functioning
- extreme attention-seeking behaviour
- is obsessively eager to please or obey adults
- takes extreme risks, is markedly disruptive, bullying or aggressive

- is highly self-critical, depressed or anxious
- suicide threats or attempts
- Persistent running away from home

Signs in parents or caregivers

- constant criticism, belittling, teasing of a child, or ignoring or withholding praise and attention
- excessive or unreasonable demands
- persistent hostility and severe verbal abuse, rejection and scapegoating
- belief that a child is bad or 'evil'
- using inappropriate physical or social isolation as punishment
- Domestic violence

The above are possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been or is, occurring.

RELEVANT LEGISLATION

Education and Care Services National Regulations 2017

Education and Care Services National Law Act

Child Protection (Offenders Registration) Act 2000

Child Protection (Working with children Act) 2012

The Commission for Children and Young People Act 1998

The Office of the Children's Guardian Act, 2019, Children's Guardian Amendment (Child Safe Scheme) Bill 2021:

[https://www.parliament.nsw.gov.au/bill/files/3860/XN%20Children%27s%20Guardian%20Amendment%20\(Child%20Safe%20Scheme\)%20Bill%202021.pdf](https://www.parliament.nsw.gov.au/bill/files/3860/XN%20Children%27s%20Guardian%20Amendment%20(Child%20Safe%20Scheme)%20Bill%202021.pdf)

The Children Legislation Amendment (Wood Inquiry Recommendation) Act 2009 No 13

The Children and Young Persons (Care and Protection) Act 1998

Civil Liability Amendment (Organisational Child Abuse Liability) Act 2002

Crime's Act 1900

Local Government Act 1993

Privacy and Personal Information Protection Act 1998 Act

KEY RESOURCES

- The Department of Community Services Protecting Children, what is Child Abuse
- North Sydney Council Child Protection Policy, 2020
- Child Safe Standards, Fact sheet, Office of the Children’s Guardian, 2020
- Possible Signs of Abuse, How do I Report suspected abuse or neglect, and Mandatory Reporters information fact sheets 2007 www.community.nsw.gov.au: Campbelltown City Council Procedure Document Children’s Services 2005
- Keep Them Safe website www.KeepThemSafe.nsw.gov.au;
- Keep Them Safe, information and fact sheets June 2013
- Child Story Reporter Guide, <https://childstory.net.au/>
- Australian Children’s Education and Care Quality Authority. *Revised NQS, 2018*
- The Office of the Children’s Guardian, <https://www.kidsguardian.nsw.gov.au/>
- Department of Communities and Justice <https://www.facs.nsw.gov.au/families>

NQS

QA2	2.2	Each child is protected
QA7	7.1.2	Systems are in place to manage risk and enable the effective management and operation of a quality service

NATIONAL REGULATIONS

Regs	169(2)(e) (f)	Policies are required for the following: Assessment of Family Day Care Educators, assistants and residents, including the matters required under regulation 163 Visitors to the family day care residence
------	------------------	---

Version: May 2013

Consultation: May 2008, 2012, October 2016

Revised: January 2018, May 2020, January 2021, Dec 2021