



BRISBANIA BEFORE, AFTER SCHOOL & VACATION CARE CENTRE

HEALTH

Title: CHILD PROTECTION

Status: CURRENT

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POLICY STATEMENT

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

The safety and welfare of all children is of paramount importance. Staff and management have a legal responsibility, as Mandatory Reporters, to take action to protect and support children they suspect may be at significant risk of harm. Our service will carry out the responsibilities of Mandatory Reporters as indicated under legislation. This responsibility involves following the procedures as outlined by Community Services and the NSW Commission for Children and Young People.

SCOPE

This policy applies to children, families, staff, educators, approved provider, nominated supervisor, students, volunteers and visitors of the OSHC Service.

DEFINITIONS /INDICATIONS

Types of Abuse and Neglect

The NSW Government identifies the following types of abuse and neglect:

- a) neglect
- b) sexual abuse
- c) physical abuse
- d) emotional abuse or psychological harm
- e) circumcision, including female circumcision
- f) domestic and family violence
- g) forced marriage and underage forced marriage

What is Child Abuse?

The World Health Organization ([WHO], 2006, p.9) defines child abuse and neglect as:

"All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power."



Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological, or emotional health or development. Child abuse can be a single incident or can be a few different incidents that take place over time. NSW Communities and Justice identify different forms of child abuse which include – neglect, sexual, physical and emotional abuse or psychological harm.

The Department of Communities and Justice provides further definitions and indicators for recognizing Child Abuse.

What is Neglect?

Section 23 (1) (A-b) of the NSW Children and Young Persons (Care and Protection) Act 1998 (The Care Act) defines a Child is at significant risk of harm from Neglect as:

- a) basic physical or psychological needs not being met or are at risk of not being met
- b) parents/ carers unwilling or unable to provide necessary medical care
- c) parents/ carers unwilling or unable to arrange for the child or young person to receive an education
- d) Child is at significant risk of harm – Physical / Sexual abuse.
- e) Child is at significant risk of harm – Domestic and Family Violence (DFV)
- f) Child is at significant risk of harm – Serious Psychological harm.
- g) Child is at significant risk of harm – Prenatal report.

What is Domestic Violence? (DFV)

Domestic and family violence (DFV) refers to any behavior in a domestic relationship, which is violent, threatening, coercive or controlling and causing a person to live in fear for their own or someone else's safety. Or intimate partner violence is a violation of human rights, it involves violent, abusive or intimidating behavior carried out by an adult against a partner to control and dominate that person.

Living with domestic violence has a profound effect upon children and young people and therefore constitutes a form of child abuse. (The NSW Domestic and Family Violence Action Plan 2022-2027).

Some indicators of Domestic and Family Violence -children and young people.

- a) Eating and sleeping disturbances
- b) Physical symptoms such as headaches and stomach aches
- c) Unexplained physical injuries or excused as 'accidents.
- d) Arms and legs are covered by clothing in warm weather.
- e) Find it hard to manage stress.
- f) Overly compliant behavior
- g) Aggressive or violent behavior towards friends and school mates or avoiding peers.
- h) Feel guilty or blame themselves for violence.
- i) Develop phobias and insomnia.
- j) Defiant and possible manipulative, particularly with female teachers.



IMPLEMENTATION

Our OSHC service strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. Educators have an important role in supporting children and young people and identifying concerns that may jeopardize their safety, welfare, or wellbeing, including:

- a) A duty of care to ensure that reasonable steps are taken to prevent harm to children
- b) Obligations are met under child protection legislation
- c) Obligations are met under work, health and safety legislation.

EDUCATORS WILL:

- Participate in a comprehensive induction and orientation program that includes an understanding of child protection law and their obligations.
- Provide valid Working With Children (WWCC) details during their employment and engagement at the service.
- Advise the approved provider of any circumstances that may affect their WWCC status.
- Foster a culture of openness and respect where children and young people feel safe to disclose risk of harm to children.
- Be able to recognize indicators of abuse to children and young people through participation in annual child protection training
- Report any allegations of reportable conduct to the approved provider or to Office of the Children's Guardian.
- Identify and notify any concerns around staff, educator or volunteer behavior or conduct to management of the service.

THE APPROVED PROVIDOR/ MANAGEMENET/ NOMINATED SUPERVISOR WILL ENSURE:

- That obligations under the Education and Care Services National Regulations are met.
- Educators are provided with training and ongoing supervision to ensure they understand that child safety is everyone's responsibility, and they adhere to the Child Safety Standards.
- Staff will undergo training in relation to child protection and Mandatory Reporter requirements as part of the training budget annually.
- Educators and staff are provided with the tools and support to implement a zero-tolerance stance against child abuse.
- The OSHC Service registers along with Office of the Children's Guardian will validate all staff, educators, volunteers and students Working with Children Checks (WWCC) in accordance with the child Protection (Working with Children) Act 2012 BEFORE the person begins working or interacting with children.
- A record is kept and updated of WWCC number and expiry date.
- Reports should be treated with strict confidentiality in adherence to



the service's Confidentiality Policy and Procedures.

- Any staff member who forms a belief based on reasonable grounds that a child is at risk of harm should discuss their concerns with their coordinator/ authorized supervisor, as he or she may have information the staff member is not aware of. The coordinator will then assist staff in running the online Mandatory Reporters Guidelines tool (see point below for more information) to determine whether the report meets the threshold for **significant** risk of harm.
- If directed by MRG to report to Community services, staff should report their concerns to the Child Protection Helpline:
 - a. Mandatory Reporters phone 13 36 27
 - b. Non-Mandatory reporters' phone number 132 111
- *The Approved Provider will follow the advice provided by the MRG outcome and submit an eReport through ChildStory Reporter website if required see: Responding to incidents, disclosures and suspicions of child abuse or harm NSW.*
- When reporting to the Helpline it is important to have as much information as possible available to give to the Helpline. This might include child information, family information, reporter details and outcomes of the MRG.
- Once a report is made to CS Helpline no further report needs to be made unless new information comes to hand.
- Allow children to be part of decision-making processes where appropriate.
- If the Coordinator/ authorized supervisor has been advised to but has not reported to Community Services, you are legally responsible to do so.
- Ensure our complaint handling processes are child-focused providing support and guidance for children to know who to talk to if they are feeling unsafe.
- Records relating to child sexual abuse that has or is alleged to have occurred are kept for at least 45 years.
- Aware that neglecting to report child protection concerns may be deemed a criminal offence.

PROCEDURES

Mandatory Reporting

A Mandatory Reporter is anybody who delivers services to children as part of their paid or professional work.



In OOSH services mandatory reporters are:

- a) Staff that deliver services to children
- b) Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services.

Staff are mandated to report to Community Services if they have current concerns about the safety or welfare of a child relating to section 23 of the NSW Children and Young Persons (Care and Protection) Act 1998 (The Care Act) and include people who deliver:

- a) Health care (e.g., registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)
- b) Education (e.g., teachers, counsellors, principals)
- c) Children's services (e.g., childcare workers, family day carers and home-based carers)

Mandatory reporting Tool

- A Mandatory Reporting Guidance tool has been developed to help frontline mandatory reporters, including OOSH workers, determine whether the risk to a child or young person meets the new statutory threshold of 'risk of significant harm'. The MRG will guide the reporter on what action should be taken. The MRG is an interactive tool and is available online at <https://reporter.childstory.nsw.gov.au/s/>
- If still in doubt the Community Services Helpline will provide feedback about whether the report meets the new threshold for statutory intervention.
- If new information is presented concerning the child or young person, run the MRG tool again
- Where concerns do not meet the significant harm threshold, the MRG tool may guide you to 'Document and continue the relationship'. This requires the service to continue to support, provide services, and coordinate assistance and referral for the child and their family.
- The report page from the MRG should be printed and placed in the child/family file for future reference regardless of whether further action is recommended.

*For assistance with referral information.
Human Services Network www.hsnet.nsw.gov.au
Family Services NSW www.familyservices.nsw.asn.au*

Employees are aware mandatory reporting procedures including notification to the child Protection Helpline operate alongside, and does not replace the Report Conduct Scheme.



Information Exchange

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

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

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

Should an incident occur that involves a child being put at risk of harm from a member of staff, volunteer, trainee, or person visiting the service, this is regarded as **'reportable conduct'** and necessitates such conduct being reported to the NSW Ombudsman within 30 days.

- Where the allegation is made to a staff member or member of management the facts as stated will be recorded in writing, using an Incident Report template that includes dates, times, names of person/s involved, name of
- person making allegations and the person making the report. This report should be kept on record and treated as strictly confidential.
- If the Coordinator or person in charge is suspected, then the chairperson of the management committee should be informed.
- The relevant forms together with information and assistance are available online at
- The person making the report should follow the advice of Ombudsman's Departmental Officers.



- Management will also follow this advice.
- The matter will be treated with strict confidentiality.
- For the protection of both the children and the staff members involved, the staff members should be encouraged to take special leave or removed from duties involving direct care and contact with children, until the situation is resolved.
- Support should be provided to all involved. This support can be given in the form of counselling or referral to an appropriate agency.

Recruitment of Staff

- All staff employed by the service including management, full time/ part-time carers, volunteers and students will be subject to a Working with Children Check carried out by the NSW Commission for Children and Young People. Written approval from the prospective employee will be sought prior to this check being carried out.
- When the service engages a self-employed individual to provide services, the provider is required to provide a **Certificate for Self Employed People**. This certificate ensures verification that the person employed is not banned by law from working with children. These certificates are issued through the NSW Commission for Children and Young People. Application form and instructions are available on <https://www.service.nsw.gov.au/transaction/apply-for-a-working-with-children-check>

CONSIDERATIONS

- NSW Children and Young Person's (Care and Protection) Act 1998
- Commission for Children and Young People Act 1998
- Child Protection (Prohibited Employment) Act 1998
- Ombudsman Act 1974 (with relevant Child Protection Amendments)
- NSW Department of Community Services Mandatory Reporting Guidelines
- NSW Child Protection Interagency Guidelines (2006)
- Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13
- Keep Them Safe – Information session/ overview participants manual 2009/ 2010
- National Regulations 84; Awareness of Child Protection Law.
- National Quality Standards Element 2.3.4

FOR FUTHER INFORMATION

- Department of Education Mandatory Reporting webpage
<https://education.nsw.gov.au/student-wellbeing/child-protection/mandatory->

reporting

- Human Services Network www.hsnet.nsw.gov.au
- Ombudsman www.nswombudsman.nsw.gov.au
- Community Services www.community.nsw.gov.au
- NSW Commission for Children and Young People www.kids.nsw.gov.au
- Child Protection Helpline 13 36 27

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