

CHILD PROTECTION POLICY

OVERVIEW:

SUNBEAMS is committed to providing a child safe environment where children's safety and wellbeing is supported and children feel respected, valued and encouraged to reach their full potential. Our Service embeds the National Principles for Child Safe Organisations and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging. We will ensure all employees and volunteers understand the meaning, importance and benefits of providing a child safe environment and critically, understand their obligations and requirements as Mandatory Reporters.

At all times, management, staff and volunteers will treat children with the utmost respect and understanding. Our Service believes that:

- Children are capable of the same range of emotions as adults.
- Children's emotions are real and need to be accepted by adults.
- A reaction given to a child from an adult in a child's early stages of emotional development can be positive or detrimental depending on the adult's behaviour.
- Children who enhance their understanding of their body's response to a situation are more able to predict the outcome and ask for help or evade a negative situation.

SUNBEAMS will ensure staff have adequate skills and knowledge to recognise and respond to child protection concerns through orientation, training and ongoing professional development considerations.

Risks to clients, children and young people are regularly assessed, identified and managed through intake, assessment and case management processes.

All educators, staff and volunteers are committed to identifying possible risk and significant risk of harm to children and young people at the Service. We comprehend our duty of care responsibilities to protect children from all types of abuse and always adhere to our legislative obligations.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Our Service will act in the best interest of each child, assisting them to develop to their full potential in a secure and child safe environment.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS	NATIONAL QUALITY STANDARD	RELATED SERVICE POLICIES/ DOCUMENTATION	OTHER
<p>R84: <i>Awareness of child Protection Law</i></p> <p>R155: <i>Interactions with children</i></p> <p>R175 <i>Prescribed information to be notified to Regulatory Authority.</i></p>	<p>QA2 <i>Children's Health and Safety.</i></p> <p>S2.2 Safety 2.2.1 <i>Supervision</i></p> <p>2.2.2 Incident and emergency management</p> <p>2.2.3 Child Protection</p>	<ul style="list-style-type: none"> - Confidentiality - Enrolment & Orientation - Providing a Child Safe Environment - Interactions with Children - Management of Incident, Injury and Trauma - Raising issues of concern - Maintenance of records - Staff Code of Conduct - Recruitment Policy - Supervision Policy - Work Health and Safety Policy 	<ul style="list-style-type: none"> - <i>Child Safe Organisations</i> (https://childsafes.org.au) - NAPCAN - <i>Office of Children's Guardian</i> - <i>Child Safe Standards training and resources (Office of Children's Guardian)</i> <p><i>Child Wellbeing and Child Protection</i></p> <ul style="list-style-type: none"> - <i>NSW Interagency Guidelines</i> - <i>NSW Government Communities and Justice (Child Story)</i>

OUTLINE:

This procedure provides guidance on reporting, recordkeeping and exchanging information relating to concerns about the safety, welfare and wellbeing of a child or young person.

WHO THE POLICY AFFECTS?

- Management
- Staff
- Students
- Parents

WHAT IS CHILD ABUSE:

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 several 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.

INDICATORS OF ABUSE

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Behavioural or physical signs, which assist in recognising harm to children, are known as indicators. The following is a guide only. One indicator on its own may not imply abuse or neglect. However, a single indicator can be as important as the presence of several indicators. Each indicator needs to be deliberated in the perspective of other indicators and the child's circumstances. A child's behaviour is likely to be affected if he/she is under stress. There can be many causes of stress, and it is important to find out specifically what is causing the stress. Abuse and neglect can be single incidents or ongoing and may be intentional or unintentional.

General indicators of abuse and neglect may include:

- 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, and sibling) tells you that the child may have been abused.

NEGLECT

Child neglect is the continuous failure by a parent or caregiver to provide a child with the basic requirements needed for their growth and development, such as food, clothing, shelter, medical and dental care, and adequate supervision. Some examples are:

- inability to respond emotionally to the child
- child abandonment
- unable or unwilling to provide adequate food, shelter, clothing, medical attention safe home conditions
- depriving or withholding physical contact
- failure to provide psychological nurturing
- treating one child differently to the others

Indicators of Neglect in children:

- low weight for age and failure to thrive or develop
- child not adequately supervised for their age
- 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 behaviours, e.g., rocking, sucking
- delay in development milestones
- untreated physical problems, such as sores, serious nappy rash and urine scalds, dental decay

PHYSICAL ABUSE

Physical abuse is when a child has suffered, or is at risk of suffering, non-accidental trauma or injury, caused by a parent, caregiver or other person. Educators will be particularly aware of looking for possible physical abuse if parents or caregivers:

- make direct admissions about fear of hurting their children
- have a family history of violence
- have a history of their own maltreatment as a child
- make repeated visits for medical assistance
- use excessive discipline

Indicators of Physical Abuse

- facial, head and neck bruising
- lacerations and welts
- drowsiness, vomiting, fits or pooling of blood in the eyes that may suggest head injury
- explanations are not consistent with injury
- bruising or marks that may show the shape of an object
- adult bite marks or scratches
- multiple injuries or bruises
- ingestion of poisonous substances, alcohol or drugs
- sprains, twists, dislocations
- bone fractures
- burns and scalds

- general indicators of female genital mutilation, such as having a 'special operation'.

EMOTIONAL or PSYCHOLOGICAL ABUSE

Psychological harm occurs where the behaviour of the parent or caregiver damages the confidence and

self-esteem of the child, resulting in serious emotional deficiency or trauma. In general, it is the frequency and duration of this behaviour that causes harm. Some examples are:

- constant or excessive criticism, condescending, teasing of a child or ignoring or withholding admiration and affection
- excessive or unreasonable demands
- persistent hostility, severe verbal abuse, and rejection
- belief that a specific child is bad or 'evil'
- using inappropriate physical or social isolation as punishment
- exposure to domestic violence
- intimidating or threatening behaviour.

Indicators of emotional or psychological abuse

- feeling of worthlessness about themselves and life
- inability to value others
- lack of trust in people and expectations
- lack of 'people skills' necessary for daily functioning
- extreme attention seeking behaviours
- extremely eager to please or obey adults
- may take extreme risks, is markedly disruptive, bullying, or aggressive

- other behavioural disorders (disruptiveness, aggressiveness, bullying)
- suicide threats (in young people)
- running away from home.

SEXUAL ABUSE

Sexual abuse is when someone involves a child in a sexual activity by using their authority over them or takes advantage of their trust. Children are often bribed or threatened physically and psychologically to make them participate in the activity. Sexual abuse includes:

- exposing the child to the sexual behaviours of others
- coercing the child to engage in sexual behaviour with other children or adults
- verbal threats of sexual abuse
- exposing the child to pornography or prostitution or using a child for pornographic purposes
- previous conviction or suspicion of child sexual abuse

Indicators of Sexual Abuse

- bruising or bleeding in the genital area
- bruising to buttocks, lower abdomen or thighs
- injuries such as tears to the genitalia
- the child describes sexual acts
- direct or indirect disclosures
- age-inappropriate behaviour and/or persistent sexual behaviour
- self-destructive behaviour- self-mutilation
- regression in developmental achievements

- child being in contact with a suspected or known perpetrator of sexual assault

DOMESTIC VIOLENCE

Domestic violence, or intimate partner violence, is a violation of human rights. It involves violent, abusive or intimidating behaviour carried out by an adult against a partner or former partner to control and dominate that person.

Domestic violence causes fear, physical, and/or psychological harm. It is most often violent, abusive, or intimidating behaviour by a man against a woman, but can also be these behaviours by a woman against a man. 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, June 2010).

Indicators of domestic violence

The child may display:

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

Maltreatment refers to non-accidental behaviour towards another person, which is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm. Behaviours

may be intentional or unintentional and include acts of omission and commission.

Specifically abuse refers to acts of commission and neglects acts of omission. Note that in practice, the terms child abuse and child neglect are used more frequently than the term child maltreatment.

Risk of Significant Harm (ROSH) refers to circumstances causing concern for the safety, welfare and wellbeing a child or young person 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.

What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare, or wellbeing. In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.

Reasonable Grounds refer to the need to have an objective basis for suspecting that a child may be at risk of abuse and neglect based on:

- Firsthand observation of the child or family
- What the child, parent or other person has disclosed
- What can reasonably be indirect based on observation, professional training and/ or experience

WORKING WITH CHILDREN CHECK

People working or volunteering with children in New South Wales must, by law, have a Working with Children Check (WWCC). The Office of the Children's Guardian provides checks of workers and volunteers to organisations, contributing to creating safe environments for children and other vulnerable people.

A Working with Children Check is an assessment of whether a person poses an unacceptable risk to children. As part of the process, the Office of the Children's Guardian will look at criminal history, child protection information and other information.

Working with Children Checks are valid for five years. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked. If new information about a person means they pose a risk to children's safety, that person's check will be re-assessed and, if necessary, they will be prohibited from working with children. The Office of the Children's

Guardian will inform both the person affected and any organisations they're linked to about the change in status. Organisations need to be registered with the Office of the Children's Guardian to verify employees Working with Children Checks. Working with Children Checks must be verified **BEFORE** the employee begins working with children.

PROCEDURES:

Where an educator has reasonable grounds to suspect risk of significant harm, they should first use the NSW Communities and Justice Mandatory Reporter Guide (MRG) with the Approved Provider to assess whether their concerns meet the threshold of risk of significant harm.

The MRG is a structured decision-making tool which assists the reporting process when a mandatory reporter has concerns for the safety, welfare or wellbeing of a child or young person in NSW. It contains several "decision trees" (with scenarios such as physical abuse, neglect, psychological harm) that ask a series of questions to determine if the significant risk threshold is met. It is available on the ChildStory website as both an online interactive tool and a PDF document <https://reporter.childstory.nsw.gov.au/s/>. The section of the MRG that relates to parent/caregiver drug and alcohol use is found under 'Carer concern.'

MAKING A REPORT:

Where use of the MRG advises risk of significant harm, staff are required to make a report to the Child Protection Helpline. A report can be made by calling the Child Protection Helpline on 133 627.

In an emergency where there are urgent concerns for a child or young person's wellbeing, it is important to contact the police using the emergency telephone line '000'.

A report to the Child Protection Helpline starts the process of assessing whether statutory child protection is needed.

The detail and quality of the information provided to the Child Protection Helpline by the reporter is critical to the quality of the decision making that follows. It is important to provide all relevant information when making a child protection report (reports must still be made where only a little information is known but there is risk of significant harm).

Information required for NSW Communities and Justice includes:

Child's information

- Name of child or young person (or alias) or other means of identifying them
- Age and date of birth (or approximation)
- If child is Indigenous - Aboriginal, Torres Strait Islander or both
- Cultural background of child, language(s) spoken, religion and other cultural factors
- Name, age of other household children or young people



- Address of child and family
- School or childcare details.

Family information

- Name, age of parents/carer and household adults
- Home and/or mobile phone number
- Cultural background of parents, language(s) spoken, religion and other cultural factors
- Information about parental risk factors and how they link to child's risk of harm e.g., domestic violence, alcohol or other drug misuse, unmanaged mental illness, intellectual or other disability
- Protective factors and family strengths.

Reporter Details

- Name, agency address, phone and email details
- Position
- Reason for reporting today
- Nature of contact with child or family
- Nature of ongoing role with child or family (include frequency, duration and type).

Services involved with child/family if known

- If parent knows of 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 Reporter Guide.

Actions if a concern doesn't meet the threshold of significant risk of harm

If the risk is below the threshold, you are not required to report to Community Services. Where a staff member still has concerns about the safety, welfare or wellbeing of a child and the concerns do not reach the threshold for reporting to The Department of Communities and Justice or a report to the Child Protection Helpline did not commence statutory child protection proceedings, there are several options including:

- Determining whether **SUNBEAMS** can provide services to assist the family or child or to help them access other support services.
- If another organisation is working with the family or child, you can contact them to seek information and to work together to support the family (see section on information exchange in this policy)
- If after talking to the other agency there is further information which suggests cumulative risk, the MRG should be used again and if indicated, the child or young person should be reported to the Child Protection Helpline.

It is important that records are kept of any child protection concerns for future reference and case review activities.

Information exchange relating to child protection

Informing clients and consent

Consent is not necessary for exchange of information under Chapter 16A or Section 248. Clients, including children, young people, parents and caregivers, should be informed on initial assessment processes that certain information about them may be provided to other organisations and their right to provide feedback or make a complaint if they believe there has been a misuse of information exchange practices under Chapter 16A or Section 248.

Circumstances in which staff would not seek to inform the child/young person or their parent/carer about exchanging information include:

- where you believe it is likely to further jeopardise a child or young person's safety, welfare or wellbeing
- where you believe it would place you or another person at risk of harm
- where you are unable to contact a parent/carer, and the matter is urgent.

Providing and requesting information

Margaret Ballams - Sunbeams may be requested to provide any information it holds relating to the safety, welfare or wellbeing of a particular child, young person or their parent/carer. Additionally, Margaret Ballams - Sunbeams may make a request for information to another organisation. Information can be requested if it will assist the requesting organisation to:

- decide, assessment or plan relating to the safety, welfare or wellbeing of the child or young person
- initiate or conduct any investigation relating to the safety, welfare or wellbeing of the child or young person
- provide any service relating to the safety, welfare or wellbeing of the child or young person
- manage any risk to a child or young person that might arise in the recipient's capacity as an employer or designated agency.

The request for exchanging information must be in writing and it should be clear about its purpose and how the information is expected to assist.

If a request to disclose information is received from another organisation, the Director/Nominated Supervisor should be consulted before any information is released so that the legitimacy of the request in relation to the safety, welfare and wellbeing of a child can be properly determined.

Margaret Ballams - Sunbeams is not obliged to provide any information requested if it reasonably believes this would:

- Prejudice the investigation of any contravention (or possible contravention) of a law
- Prejudice a coronial inquest or inquiry
- Prejudice any care proceedings
- Endanger a person's life or physical safety.

If a decision is made to decline a request for information, Margaret Ballams - Sunbeams will notify the requesting organisation in writing of its refusal and the reasons for refusal, in relation to the exemptions listed above.

Recordkeeping

A detailed record of interventions and supports offered to children, young people and families should be kept ensuring:

- Exchange appropriate information with NSW Community Services and other organisations if requested through information exchange mechanisms Section 248 and Chapter 16A.
- Recognise a pattern of acts which may constitute a cumulative risk of significant harm and require reporting to the Child Protection Helpline.
- Keep a record of interventions attempted; determine what has worked and what may need to change.

CONFIDENTIALITY:

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the notification should not inform the suspected perpetrator (if known). This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements. It also minimises the risk of retaliation on the child for disclosing.

PROTECTION FOR REPORTERS:

All reporters are protected against retribution for making or proposing to make a report under amendments to the Children and Young Persons (Care and Protection) Act 1998 effective 1 March 2020. The identity of the reporter is protected by law from being disclosed, except in certain exceptional circumstances. Provided the report is made in good faith:

- the report will not breach standards of professional conduct
- the report cannot lead to defamation and civil and criminal liability
- the report is not admissible in any proceedings as evidence against the person who made the report
- a person cannot be compelled by a court to provide the report or disclose its contents
- the identity of the person making the report is protected.

A report is also an exempt document under the Freedom of Information Act 1989.

BREACH OF CHILD PROTECTION POLICY:

All educators and staff working with children have a duty of care to support and protect children. A duty of care is breached if a person:

- does something that a reasonable person in that person's position would not do in a particular situation
- fails to do something that a reasonable person in that person's position would do in the circumstances
- acts or fails to act in a way that causes harm to someone the person owes a duty of care.

MANAGING A BREACH IN CHILD PROTECTION POLICY:

Management will investigate the breaches in a fair, unbiased and supportive manner by:

- discussing the breach with all people concerned and advising all parties of the process
- giving the educator/staff member the opportunity to provide their version of events
- documenting the details of the breach, including the versions of all parties
- recording the outcome clearly and without bias
- ensuring the matters in relation to the breach are kept confidential
- reach a decision based on discussion and consideration of all evidence.

OUTCOME OF A BREACH IN CHILD PROTECTION POLICY:

Depending on the nature of the breach outcomes may include:

- emphasising the relevant element of the child protection policy and procedure
- providing closer supervision
- further education and training
- providing mediation between those involved in the incident (where appropriate)
- disciplinary procedures if required
- reviewing current policies and procedures and developing new policies and procedures if necessary.

REPORTABLE CONDUCT SCHEME- ALLEGATIONS AGAINST EDUCATORS AND OTHER EMPLOYEES, VOLUNTEERS or STUDENTS (or contractors)

The Approved Provider has the legislative obligation under the Reportable Conduct Scheme to notify the Office of the Children's Guardian of reportable allegations and convictions against their employees (including volunteers and contractors), investigate the allegation and advise the Office of the outcome. In addition, the Approved Provider must take appropriate action to prevent reportable conduct by employees.

All educators and staff members of our FDC Service have an obligation to report relevant allegations of a child protection nature as part of the Reportable Conduct Scheme to the Approved Provider or OCG. This reportable conduct may have occurred either within work hours or outside work hours. A child is anyone under the age of 18 at the time of the alleged conduct occurred.

In addition, the Approved Provider must take appropriate action to prevent reportable conduct by employees. The Children's Guardian Act 2019, effective 1 March 2020, defines the head of an organisation as a 'relevant entity'. An approved education and care service is listed at Schedule 1 of the Act as an 'entity'.

The Approved Provider must notify the Children's Guardian within seven (7) business days and investigate the allegations. 7-day notification form Reportable Conduct Directorate: (02) 8219 3800. (Monday – Friday). A final report of the investigation must be ready to submit within 30 calendar days or provide information about the progress of the investigation to the Children's Guardian. 30 Day interim report form

The Approved Provider must send a report to the Office of the Children's Guardian that enables the Office of the Children's Guardian to determine whether the investigation was completed satisfactorily and whether appropriate action was or can be taken. The Approved Provider must ensure an appropriate level of confidentiality of information relating to the reportable allegations as per the Act or other legislation. The heads of relevant entities have obligations under section 57 of the Act to disclose 'relevant information' to the following persons unless they are satisfied that the disclosure is not in the public interest:

- a child to whom the information relates
- a parent of the child



- if the child is in out-of-home care- an authorised carer that provides out-of-home care to the child. [See: <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme/fact-sheets> for further information.]

The Children's Guardian will monitor the entity's response and may conduct their own investigation. The Children's Guardian Act 2019 defines reportable conduct as:

- o a sexual offence has been committed against, with or in the presence of a child
- o sexual misconduct with, towards or in the presence of a child
- o ill-treatment of a child
- o neglect of a child
- o an assault against a child
- o behaviour that causes significant emotional or psychological harm to the child see: <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/training-and-resources/webinars-and-face-to-face-training> for further information and training

ENDORESMENT OF THE SERVICE:

The policy will be reviewed as required. The review will be conducted by management, staff, children, families and the wider community.

Last reviewed: April 2024

Date of next review: October 2025

APPROVAL DATE: _____

DATE FOR REVIEW: _____