

## Child Protection Policy

**Date:** 1/03/01 – Revised 5/05/04, 17/07/09, 5/09/16, 10/06/21

**Approved by Management Committee:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### Policy Statement:

The safety, protection and well-being of all children is of fundamental importance to the centre. This policy supports the premise that all children have a right to feel emotionally and physically safe and to be safe. It sets out the relevant guidelines, that all our centre staff, parents and visitors, have a legal and moral responsibility to respond to all incidences involving abuse and neglect of the children with whom they have contact, and to report instances that they believe involve physical abuse or neglect.

### Background

- University Preschool & Child Care Centre has a duty of care to ensure that all persons are provided with a high level of safety and protection during the hours of the service's operation
- It is understood by staff, children and families that there is a shared responsibility between the service and all stakeholders that the Child Protection Policy and procedures are accepted as a high priority
- In meeting the service's duty of care, and legislative requirements outlined in ACT Children & Young People Act 2008 require that the management and staff implement and adhere to the service's Child Protection Policy, and ensure a level of safety and protection to all children who access the service's facilities and programs

We comprehend our duty of care responsibilities to protect children from all types of abuse, and adhere to our legislative obligations at all times. We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Our service will perform proficiently and act in the best interest of the child, assisting them to develop to their full potential in a secure and caring environment.

The Child Protection Policy is divided into two sections – Section One focuses on prevention of child abuse and Section Two on responses should incidents arise:

### Linked Policies

Supervision Policy  
Confidentiality Policy  
Employment Policy

### Section One – Prevention of Child Abuse

This section

- Aims to mitigate the possibility of children being exposed to harmful situations;
- Reflects the Centre's philosophy; abides by federal and ACT Children and Young People Act 2008;
- Abides by the ACT Reportable Conduct Scheme commenced on July 1 2017;
- Defines the appropriate direct or indirect physical contact between children and adults in the service;
- Demonstrates a commitment to ongoing professional development for staff;
- Reflects relevant licensing requirements, for example staff/child ratios.

### Strategies

#### Curriculum/Program Development

- Be aware of the individual child's stage of development and particular needs, and plan the Educational Program accordingly. Unrealistic challenges in a program can create unnecessary stresses for a child possibly resulting in challenging behaviour.
- Keep up to date records on all children. Note relevant conversations with parents that may relate to a child's behaviour change (eg. parents separating, new baby in the family, etc.)
- Children with special needs may need more physical contact and physical guidance than other children. Work with parents to record appropriate procedures for toilet learning and/or behaviour management principles.
- In some cases a Positive Behaviour Support Plan may be created in partnership with families, Educators and the Director. A plan including restrictive practice as a strategy needs to be approved by a registered Positive Behaviour Support Panel and registered by the Senior Practitioner. For example, it may be necessary to physically restrain a child for their own protection or the protection of others. This may result in their child needing to be isolated from others for short periods of time.

- Staff are to engage only in practices that are respectful of and provide security for children and in no way degrade, endanger, exploit, intimidate, or harm them psychologically or physically.
- Staff should be aware of their own levels of tolerance and stress factors. Acknowledge that there may be some children that some staff find more difficult to relate to than other children. Discuss this honestly with staff to develop strategies to assist them.

### **Supervision**

- To the extent possible no staff member is to be left alone with a child or without ready access or visibility by other staff members either while in the centre or on excursions. This is to protect the child from risk of harm and the staff member from serious allegation.
- Staff monitor each other in relation to their interactions with the children and report any inappropriate interactions, as per our Supervision Policy.
- Individuals or groups of children should not be withdrawn into areas where they are not visible by other staff members or taken into rooms that can be locked.
- Avoid the situation where one staff member stays back at the centre to care for a child whose parents may be delayed in collecting him/her at the end of the day. There must always be two staff members on the premises for a late pick up
- Staff are not to take children to their own home. If parents cannot be reached staff are to contact the Department of Community Services or the police. Parents are to be informed of this procedure. Do not offer to bring children to the centre or to deliver them home as this is the responsibility of the parents.

### **Communication**

- Develop open two-way communication with parents regarding all aspects of their child's development. Consider the use of interpreters if language barriers are hindering communication.
- Keep parents informed of the procedures for toileting children. Changing of babies should take place within view of other staff.

### **Section Two - Responses should incidents arise**

#### **This Section**

- Establishes the procedures for child protection matters including identifying, documenting, reporting and managing concerns or incidents;
- Maintains procedural fairness and natural justice concepts in all circumstances;
- Identifies safe protective behaviours for all persons who access the Centre's premises, facilities and/or programs;
- Identifies and details the procedures when an adult harms a child; a child harms another child; or an adult harms another adult in the service;
- Details complaints, grievances and disciplinary procedures;
- Identifies support and counselling services or agencies for all stakeholders, including strategies to deal with the media.

### **Strategies**

#### **Mandatory Reporting of Child Abuse or Neglect**

- Provide information to staff about their responsibilities with regard to the reporting of suspected child abuse and neglect when they suspect that abuse or neglect is being perpetrated on a child in their care, by a child's family member, a staff member or any other person.
- Provide relevant staff with training in recognising and reporting any suspicions or observations of child abuse or neglect.
- Develop clear procedures for staff to follow with regard to making a report relating to Child Abuse or Neglect.
- All staff involved must be made aware of the sensitive nature of the incident and they must abide by their Confidentiality Agreement in respect of the Centre, the child and the family concerned.
- Make staff aware of the protection afforded them under the Children and Young People Act 2008, when reporting suspected child abuse or neglect.
- Inform staff of the protection that will be given to the child if they report suspected abuse or neglect.
- Concerns to be communicated with Director immediately to ensure any further risk is minimised. Educators to fill out an Incident report form noting concerns of suspected abuse. Forms to be stored securely.
- Staff are able to make a report independently without notifying the Centre.
- In all abuse situations the child's best interests must be considered first. Protection from further abuse must be ensured.

#### **Handling child abuse allegations against members of staff**

- Develop systems to prevent child abuse by employees.
- Develop procedures for staff to follow that will enable the Management Committee, UPCCC to report to the Director-general as soon as practicable any allegation or conviction of child abuse by an employee.
- Develop procedures to make all staff aware of the process of investigation, reporting and monitoring required by the Director-general following such an allegation.

- Make information available to all staff to inform them of the protection they are afforded under the Children and Young People Act 2008.
- Make staff aware of the seriousness of the offence of making vexatious complaints of child abuse.
- Ensure staff are aware that employers in the Ombudsman's reportable conduct jurisdiction must notify the Ombudsman about reportable allegations and convictions against employees that arise in the course of an employee's work **as well as those against employees that arise outside the workplace in their private capacity.**

Ensure staff are aware that the ACT Reportable Conduct Scheme is allegations based. If an employer becomes aware of an allegation of reportable conduct they must report to the Ombudsman. If it is considered the matter is not reportable to CECA but does not amount to reportable conduct (for example, a low-level crossing of professional boundaries) this must be reported to the Ombudsman.

#### Source Material

**ACT Children and Young People 2008** – Republished with modifications 1/01/21 and retrieved from <https://www.legislation.act.gov.au/View/a/2008-19/current/PDF/2008-19.PDF> 28/01/21

**ACT Government Community Services** - Keeping Children and Young People Safe, September 2019. Retrieved from: [https://www.communityservices.act.gov.au/\\_data/assets/pdf\\_file/0015/1132080/Keeping-children-and-young-people-safe.pdf](https://www.communityservices.act.gov.au/_data/assets/pdf_file/0015/1132080/Keeping-children-and-young-people-safe.pdf) on 28/01/21

**Education and Care Services National Law (ACT) Act 2011** – Republished 01/01/2021 and retrieved from <http://www.legislation.act.gov.au/a/2011-42/current/pdf/2011-42.pdf> 28/01/21

**Education and Care Services National Regulations** – 2020, retrieved from <https://www.legislation.nsw.gov.au/#/view/regulation/2011/653> 28/01/21

**Australian Children's Education and Care Quality Authority – Guide to the National Quality Standard** January 2017. Retrieved from <https://www.acecqa.gov.au/sites/default/files/acecqa/files/National-Quality-Framework-Resources-Kit/NQF-Resource-03-Guide-to-NQS.pdf> 28/01/21

**Policy Review** Policy will be reviewed with reference to current source material and relevant Acts  
**Date for Review** August 2023

# Procedure for the Mandatory Reporting of Suspected Abuse or Neglect of Children

## Definitions

### Reasonable grounds

- The Act requires a mandated person to report when they reasonably suspect that a child or young person has suffered or is suffering sexual abuse or non-accidental physical injury.
- A mandated person has a reasonable suspicion to report to Family Services when:
  - (a) a child or young person discloses that he or she has suffered or is suffering non accidental physical injury or sexual abuse
  - (b) someone else advises you that a child or young person has been sexually abused or non-accidentally injured, or
  - (c) your own observations of the child or young person's physical condition or behaviours lead you to reasonably suspect that the child or young person has suffered or is suffering non-accidental physical injury or sexual abuse.

**The mandated reporter is not required to prove that abuse has occurred.**

### Mandatory Reporting

- the Children & Young People Act 2008, Chapter 11 Care and protection—reporting, investigating and appraising abuse and neglect, Section 356 (1) States that: "A person commits an offence if
  - (a) the person is a mandated reporter; and
  - (b) the person is an adult; and
  - (c) the person believes on reasonable grounds that a child or young person has experienced, or is experiencing—
    - (i) sexual abuse; or
    - (ii) non-accidental physical injury; and
  - (d) the person's reasons for the belief arise from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid); and
  - (e) the person does not, as soon as practicable after forming the belief, report (a mandatory report) to the director-general: -
    - (i) the child's or young person's name or description; and
    - (ii) the reasons for the person's belief."

### Mandatory Reporter

- the Children & Young People Act 2008, Care and protection - reporting, investigating and appraising abuse and neglect ,Section 356 (2) (j) states that "a person caring for a child at a childcare centre is a mandatory reporter"

### Voluntary Reporting

- the Children & Young People Act 2008, Chapter 11, Care and protection—reporting, investigating and appraising abuse and neglect, Section 354 (1) States that:
- "This section applies if a person believes or suspects that a child or young person
  - (a) is being abused; or
  - (b) is being neglected; or
  - (c) is at risk of abuse or neglect.
- The person may report (a voluntary report) the belief or suspicion, and the reasons for the belief or suspicion, to the director-general"

## Responsibilities

### Employer's Responsibilities

- Management will ensure that relevant staff, directly affected by the legislation, are provided with training to skill them in recognising the indicators of abuse and in the mandatory reporting of child abuse.

### Employee's Responsibilities

- A staff member who forms a suspicion that a child or group of children are at risk of being abused or neglected must have reasonable grounds on which to do so. Injury on Intake of a child and Incident Forms are available for staff to complete if they notice anything that they feel is concerning. Completion of these forms will help to substantiate a reasonable suspicion that the child or children are "at risk of harm". Completed forms should be given to their room supervisor and to the Centre Director.

- Staff must NOT investigate or collect evidence of the abuse beyond that required to substantiate a reasonable suspicion that the child or children are "at risk of harm".
- Staff must not breach confidentiality at any time by discussing anything arising from this process, with persons not directly involved with the instance of suspected abuse. Staff must keep confidential all information relating to the reporting of the suspected abuse or neglect.

## **Procedure**

### **Reporting Procedure**

- 'Staff who form a suspicion of abuse or neglect may consult with their room supervisor and the Centre Director. Senior staff or management are often more experienced and objective and are in a position to support staff when suspicions of child abuse arise however if after this consultation the room supervisor and the Centre director do not feel there is enough evidence to support the suspicion as a mandatory reporter the staff member may choose to make an independent report if they still feel there are reasonable grounds for suspicion by contacting The Office of Children Youth & Family Support on the Mandated Persons line (1300 556 728).'
- If doubt exists regarding the making of the report, it is possible to consult with the Intake Officer, Care and Protection Services prior to making the report, however, where you are advised that the information you have given is of such gravity that an appraisal or assessment of the situation is required, then it will be expected that identifying details will be given. This will mean that a report has been made. It is recommended that you document that the discussion has taken place.
- The report must identify the child by name or by description and itemise the grounds on which the person believes the child is at risk of harm.
- The report should be accompanied by all relevant information in the staff's possession relating to the abuse. This will include recorded observations and conversations plus a record of who made the decision to report.
- Once a report has been made the Director will inform Children's Services that notification has been made

### **Protection of Staff Making Reports**

- A staff member who makes a report in good faith to The Office of Children Youth & Family Support is protected under the Act. At all times Centre Management and staff will abide by the centre confidentiality Policy to protect the identity of the person who made the report, or information from which the identity of the person could be deduced.

# Procedures For Handling Allegations Of Child Abuse Against Members Of Staff

## Responsibilities

### Management Committee, UPCCC.

- protect/maintain the confidentiality of the identity of persons who are the subject of the allegations, as far as is possible, given the considerations relating to any care and protection intervention
- The Management Committee, UPCCC must establish systems for reporting allegations of child abuse against employees. These systems should deal with situations whereby:-
  - (a) employees are required to disclose if they have been charged and /or convicted of a child abuse offence and will be required to consent to a police check. UPCCC will not employ anyone with a child abuse conviction and such a conviction (including a past conviction that was not disclosed at the time of employment that the management becomes aware of) is grounds for dismissal.
  - (b) other employees are required to disclose alleged misconduct by an employee, constituting or involving child abuse of which they become aware
  - (c) children, or their parents make allegations of child abuse against an employee or
  - (d) allegations arise from advice received by an investigative agency, including family Services, the Police Service or the Director-general.
- The Management Committee will inform all parents using the centre that if they have any concerns about an employee of University Preschool & Child Care Centre, relating to possible child abuse that they should report these to the Management Committee
- The Management Committee, UPCCC may direct the Director to respond to allegations, to hold preliminary inquiries to clarify the circumstances and forward a report to the Director-general.
- The Management Committee, UPCCC must, as soon as practicable, notify the Director-general of the following: -
  - (a) any child abuse allegation, or child abuse conviction, against an employee of which the Management Committee becomes aware. An initial report regarding such allegations or convictions is to be forwarded to the Director-general within 30 days.
  - (b) whether or not the Centre proposes to take any disciplinary or other action in relation to the employee and the reasons why it intends to take or not to take any such action.
  - (c) any written submissions made to the Management Committee concerning any such allegation or conviction that the employee concerned wished to have considered in determining what (if any) disciplinary or other action would be taken in relation to the employee.

### Director

- The Director should: -
  - (a) protect/maintain the confidentiality of the identity of persons who are the subject of the allegations, as far as is possible, given the considerations relating to any care and protection intervention
  - (b) Assess allegations impartially
  - (c) Act fairly to persons who are the subject of an allegation
  - (d) Assess any immediate care and protection issues
  - (e) Notify the Management Committee of any allegations referred to the staff member
  - (f) Conduct preliminary inquiries into the allegation and report the findings and recommendations/outcomes to the Management Committee

## Procedures

### When Reporting Allegations of Child Abuse Against a Member of Staff

The following points should be considered:

- Assess risk and determine support to the child and the employee.
- Reporting is mandatory however, a decision should be made at this point as to whether there are reasonable grounds for reporting the occurrence as suspected child abuse or neglect to The Office of Youth Children & Family Support (see separate procedure) and/or to report it to the police in the case of a criminal offence. The decision and the factors that led to the decision to report or not to report must be recorded.
- Plan how to proceed with the report and record the objectives, tasks, timeframe and the outcomes considered.
- By way of preliminary inquiries, collect all relevant information/statements from the person making the allegation, any witnesses and lastly the staff member who is the subject of the allegation to obtain clear details of the alleged offence.

- The reports of the preliminary inquiries should clearly record the initial disclosure and set out the initial advice given to the victim and the subject. Records of the discussions should identify how and what occurred. The decision on the outcome of the preliminary inquiries and whether the allegation was sustained or not must be recorded together with the factors that led to that decision.
- A recommended course of action, based on all the information and advice gathered should then be given to the Management Committee for their final decision together with the draft report prepared for the Director-general.
- The final outcome should then be given in writing to the parent/guardian of the victim and/or the person making the allegation as well as the staff member.
- The report is then sent to the Director-general and must be accompanied by copies of all the statements and other documents which form the basis of the report. The report must contain advice as to what action has been taken or is proposed in respect of the child abuse allegation or conviction under investigation.
- Where allegations are sustained and when the preliminary inquiries and disciplinary procedures are complete, notification of the employee's name and particulars is also made to the Commission of Children and Young People.

#### **The Rights of Staff that are the Subject of Allegations**

- Staff who are the subject of allegation should be:
  - (a) informed as to the substance of the allegations within a reasonable timeframe
  - (b) informed of the substance of any adverse comment that may be included in a report or letter or the like arising out of any such investigation
  - (c) advised of the right to representation or the presence of a support person at any interview conducted by the employer.
  - (d) given a reasonable opportunity to put their case either orally or in writing to the persons carrying out the investigation for or on behalf of the service before any final decision, determination or report is made
  - (e) advised of the right to make a complaint to the Director-general if the employee is not satisfied with the response to or the handling of the allegations
- Where the Management Committee has instructed the Director to make preliminary inquiries and the subject of the allegations is aware of
  - (a) the substance of the allegations,
  - (b) the substance of any adverse comment, or
  - (c) the fact of a preliminary inquiry,
 then the staff member should be formally advised as to the outcome of the preliminary inquiry, regardless of the outcome.
- Where the allegations are clearly wrong or unsubstantiated, the subject of the allegations is entitled to the support of the Management Committee, UPCCC and the Director. Such support would include a letter to the person making the allegations and to the person who is the subject of the allegations, setting out the Management Committee, UPCCC's views that the allegations were either clearly wrong or unsubstantiated.
- Where disciplinary action arises from the investigation, such action must take place in accordance with appropriate award provisions.