

Policy introduction and Purpose

Weldon is committed to providing an environment that fosters health, development, spirituality, self-respect and dignity, that is free from violence and exploitation. Under the Children and Young Persons (Care and Protection) Act 1998, children and young people must receive the care and protection necessary to ensure their safety, welfare and wellbeing. All educators and volunteers of our programs are Mandatory Reporters and are required to report to the Child Protection Helpline (Phone: 132 111) if they have reasonable grounds to suspect a child or young person is at risk of significant harm and have current concerns about the safety, welfare or wellbeing of a child or young person where the concerns arise during or from their work. We are committed to ensuring all educators and staff have a full understanding of their responsibilities as a Mandatory Reporter and are supported in fulfilling these.

Our policy in action

Our goal is to ensure that every reasonable precaution is taken to protect the children who attend Weldon Programs. We (educators, staff, management and volunteers) have a responsibility to defend a child's right to care and protection, to ensure a child's safety, welfare and wellbeing, and a responsibility to report any children at significant risk of harm.

Weldon understands our duty of care responsibilities to protect children from all types of abuse and neglect and will adhere to our moral and legislative obligations at all times.

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

Definitions

'At the risk of significant harm' - in relation to a child or young person means that there are current concerns for their safety, welfare or wellbeing because of their exposure to a **significant extent** of any one or more of the following circumstances (Any such circumstances may relate to a single act or omission or a series of acts or omissions)

- The child's or young person's basic physical or psychological needs are not being met or at risk of not being met
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive medical care
- In the case of a child or young person who is required to attend school per the Education Act 1990 — the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education per that Act
- The child or young person has been or is at risk of being, physically or sexually abused or ill-treated
- The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm
- A parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm; or
- The child was the subject of a pre-natal report under section 25 of the Children and Young Persons Care and Protection Act 1998 and the birth mother of the child did not engage successfully with the support services to eliminate or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report

'Reasonable grounds' - means that you suspect a child may be at risk of significant harm based on:

- Your observations of the child, young person or family; or
- What the child, young person, the parent or another person has told you. It does not mean that you are required to confirm your suspicions or have clear proof before making a report

'Mandatory reporting' is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities.

In NSW, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998 (The Care Act).

Strategies for policy implementation

Management/Nominated Supervisor responsibilities:

- In an emergency, where there are urgent concerns for a child's health or life, it is important to contact the police, using the emergency line '000'
- Develop trusting and secure relationships with all children enrolled in the Programs
- Promote the welfare, safety, and wellbeing of all children at Weldon
- any person in day-to-day charge of the Program has completed a course in child protection approved by the Regulatory Authority
- all educators', staff, and volunteers' Working with Children Checks are validated unless the person meets the criteria for exemption from a WWCC.
- all employees and volunteers are:
 - provided access to copy of the current Child Protection policy as part of the induction process at the Program
 - aware of their mandatory reporting obligations and responsibilities to report suspected risk or significant risk of harm to the NSW Child Protection Helpline on 132 111
 - aware of indicators showing a child may be at risk of harm or significant risk of harm.
- Ensure training and development are provided for all educators, staff, and volunteers in child protection on an annual basis
- Ensure access is provided to all staff regarding relevant legislation, regulations, standards and other resources to help educators, staff, and volunteers meet their obligations.
- Ensure records of abuse or suspected abuse are kept in line with our Privacy and Confidentiality Policy.
- Notify the regulatory authority through the NQA-ITS (within 7 days) of any incident where it is reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for at the Program
- Ensure the Office of the Children's Guardian is notified within 7 business days of becoming aware of any allegations and/or convictions of abuse or neglect of a child made against an employee or volunteer and ensure they are investigated, and appropriate action is taken.

Educators and staff responsibilities:

- In an emergency, where there are urgent concerns for a child's health or life, it is important to contact the police, using the emergency line '000'
- Develop trusting and secure relationships with all children enrolled in the Programs
- Promote the welfare, safety, and wellbeing of all children at Weldon
- Make reports of current concerns for any child at risk of significant harm to the Child Protection Helpline for Mandatory Reporters; and
- Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the Program
- prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation.

Documentation of current concerns

Management/Nominated Supervisor responsibilities:

- Support staff through the process of documenting and reporting current concerns of children at risk of significant harm; and
- Provide all staff and educators with clear guidelines around documentation and a template to support this

Educators and staff responsibilities:

- Make a record of the indicators observed that have led to the belief that there is a current risk of harm to a child or young person. Information on indicators of risk of harm is outlined in the NSW Mandatory Reporters Guide which is accessible at:
[Child Story Reporter: https://reporter.childstory.nsw.gov.au/s/](https://reporter.childstory.nsw.gov.au/s/)
- Discuss any concerns with the nominated supervisor of the Program
- Advise the nominated supervisor of his or her intention to make a report to the:
Child Protection Helpline (132 111)
- Advise the nominated supervisor when a report has been made to the Child Protection Helpline.

Documenting a Disclosure

Disclosure of harm emerges when someone, including a child, tells you about the harm that has happened or is likely to happen. When a child discloses that he or she has been abused, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child from the abuse. It is also a chance to help the child connect to professional services that can keep them safe, provide support and facilitate their recovery from trauma. Disclosure is about seeking support and your response can have a great impact on the child or young person's ability to seek further help and recover from the trauma.

When receiving a disclosure of harm, educators and staff in the Program's responsibilities are:

- remain calm and find a private place to talk
- not promise to keep a secret
- tell the child/person they have done the right thing in revealing the information but that they'll need to tell someone who can help keep the child safe
- Not ask leading questions, and only ask enough questions to confirm the need to report the matter

- not attempt to conduct their own investigation or mediate an outcome between the parties involved.
- document as soon as possible so the details are accurately captured including:
 - time, date and place of the disclosure
 - 'word for word' what happened and what was said, including anything they (the staff member/educator) said and any actions that have been taken
 - date of report and signature.

In addition, an educator's responsibilities when receiving a disclosure from a child is:

- give the child or young person their full attention
- maintain a calm appearance
- reassure the child or young person it is right to tell
- accept the child or young person will disclose only what is comfortable and recognise the bravery/strength of the child for talking about something difficult
- let the child or young person take his or her time
- let the child or young person use his or her own words
- don't make promises that can't be kept. For example, never promise that you will not tell anyone else
- honestly tell the child or young person what you plan to do next
- do not confront the perpetrator.

It is important to understand that our role is always solely to support the wellbeing of the child, not to investigate further any disclosure made by the child

REPORTABLE CONDUCT SCHEME - Allegations of abuse against staff, educators, volunteers, or students

Under the Reportable Conduct Scheme, when the Approved Provider becomes aware of a reportable allegation or a reportable conviction, they must notify the Office of the Children's Guardian within seven business days and investigate the allegations. If the final entity report is not ready to submit within 30 calendar days, the head must provide an interim report with information about the progress of the investigation and an expected timeframe for completion.

All educators and staff members must report relevant allegations of a child protection nature to the as Approved Provider. This reportable conduct may have occurred either within work hours or outside work hours. Under The Children's Guardian Act 2019, a child is anyone under the age of 18 at the time of the alleged conduct occurred.

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

- a sexual offence has been committed against, with or in the presence of a child
- sexual misconduct with, towards or in the presence of a child
- ill-treatment of a child
- neglect of a child
- an assault against a child

- an offence under s43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900; and
- behaviour that causes significant emotional or psychological harm to the child

Management/Nominated Supervisor responsibilities:

- Assess whether or not a child or young person is “at risk of significant harm” and if so, make a report to the **Child Protection Helpline**
- notify the Children’s Guardian within seven (7) business days and investigate the allegations
- Consider whether or not the police need to be informed of the allegation and if so, make a report
- If a report is made to the police, complete a *SIO1 notification of serious incident form* and submit to the Department of Education and Communities within 24 hours of the incident
- If a report has not been made to the police, complete an *NL01 notification of complaints and incidents (other than serious incidents) form* and submit to the Department of Education and Communities within **7 days of the incident**
- Ensure confidentiality is always maintained and that systems are in place to deal with any breaches of confidentiality
- Develop an investigation plan that may include:
 - a statement from the person who made the allegation.
 - statements from witnesses and;
 - a statement from the person against whom the allegation has been made;
 - and any other relevant documentation
 - if the allegation is being investigated by Family and Community Services or the Police, the Program will be guided by their advice as to whether they should independently investigate the allegation
 - if the investigation is carried out by the Program, the information that has been gathered will be assessed and a finding made as to whether the allegation is false, vexatious, misconceived, not reportable conduct, not sustained or sustained. The reasons for the finding will be recorded to ensure that the decision-making has been transparent
 - Undertake a risk management approach following an allegation to ensure the protection and safety of children, staff and visitors to the Program. Make any decisions or take action required to eliminate or control the risks identified in risk assessment
- The educator, volunteer or student will be advised of the outcome of the investigation in writing. Advice will be provided about the investigation finding and any follow-up action that may be required.
- 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 OCG

Informing the Educator, Volunteer/Student

Management/ Nominated Supervisor's responsibilities:

- Treat the staff member/educator/volunteer/student with fairness at all times and uphold their employee rights at all times
- Depending on the nature of the allegation, arrange to inform the person immediately (though be guided by the advice of FaCS or the police)
- Depending on the nature of the allegation made, the person subject to the allegation may be suspended pending further investigation
- Inform the person against whom an allegation has been made, of their right to have a support person attend the investigation meeting. This support person must not participate in the discussions throughout the meeting
- Make accurate documentation of all conversations, and ensure all records are kept confidentially
- Offer counselling or support to the person subject to the allegation
- After all, investigations are completed, provide the educator/carer/volunteer with verbal and written notification of the outcome of the investigation.

Rights of All Parties

- The investigation process and any decisions made will be based on the safety and wellbeing of the child/children
- Consideration will be taken concerning actual or potential 'conflicts of interest' that may be held by the investigator
- The person against whom the allegation has been made will be notified of the notification and will also be notified of the investigation findings and follow up
- The person against whom the notification has been made will be advised of any appeal mechanisms, in the event if they are not satisfied with the investigation process or the outcome of the investigation
- The approved provider, nominated supervisor or delegated person who is responsible for conducting the investigation, will ensure that they act without bias, without delay and conflict of interest

Links to other policies

- Code of Conduct
- Complaints and Feedback
- Performance and Misconduct Policy
- Interactions with Children
- Providing a Child Safe Environment Policy
- Confidentiality, Privacy and Security of Information Policy
- Supervision
- Work Health and Safety

Sources

- Children's and Young Persons (Care & Protection) Act 1998
- Child's story Reporter: <https://reporter.childstory.nsw.gov.au/s/>
- Australian Children's Education & Care Quality Authority. (2014).
- NSW Government Legislation Children's Guardian Act 2019
<https://legislation.nsw.gov.au/#/view/act/2019/25/full>
- NSW Office of the Children's Guardian: <https://www.kidsguardian.nsw.gov.au/>
- Revised National Quality Standard. (2018).