

# Only Early Learning Centre

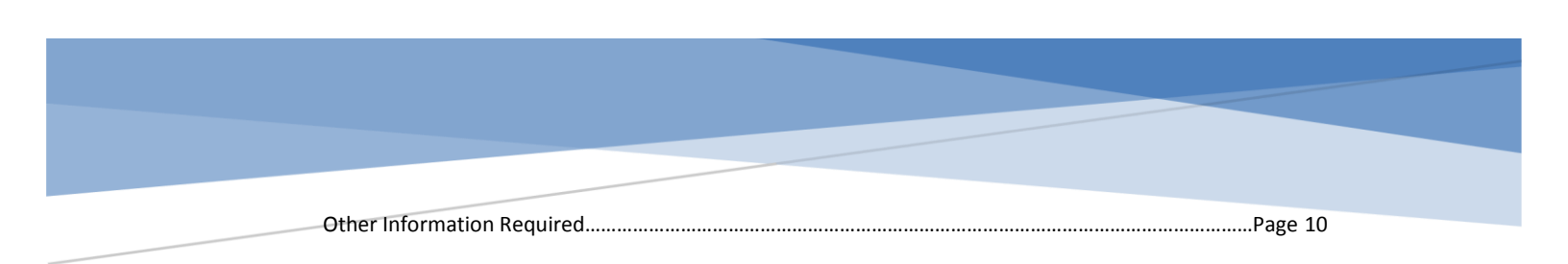


## Child Protection Procedures, Management Plans and Policy

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## Background

Australia is a signatory to the United Nations Convention on the Rights of the Child (1989) and many of the principles within the Convention are embedded within child protection legislation. Whilst Parents and Educators are responsible for the safety and welfare of children in their care, protecting children and young people from abuse and neglect is the responsibility of the entire community.

Management and educators at Only Early Learning Centre recognise that they have a responsibility to all children attending the service to defend their right to care and protection. To support this right, the service will follow the procedures covered within this policy when dealing with any reportable allegations to ensure the protection of all children attending the service. The management and educators also recognise the responsibility to its employees to defend their right to confidentiality, unless allegations against them are substantiated. The service will ensure all groups affected by this policy are aware of the roles and responsibilities that the Education and Care Service has in relation to Child Protection.

The Education and Care Service will implement preventative procedures which protect and educate all children, educators, staff members, parents, and wider community members. The Education and Care Service will ensure that all requirements of Child Protection Legislation are being met.

Under the Children and Young Persons (Care and Protection) Act 1998, there are provisions where Education and Care Service staff have child protection concerns. Education and Care Services play an important role in recognising and reporting child abuse and neglect, and in promoting the safety, welfare and wellbeing of children. This legislation states that all people who hold a management position, or who are employees delivering Education and Care Services, are legally obliged to report any reasonable grounds to suspect that a child is at significant risk of harm. This means that if you work in an Education and Care Service you are a **mandatory reporter**. It also includes those involved in the management of an Education and Care Service.

## Aim

In relation to child protection, Only Early Learning Centre considers itself an advocate for the rights of children to be safe and protected. The Management Team and educators aim to provide a safe environment for children in which the adults working with them do not have any prior convictions in relation to child abuse in any form and have been recruited because of a proven ability to interact caringly and appropriately with children.

## Who is affected by this policy

Children  
Educators  
Staff  
Management  
Visitors  
Contractors  
Volunteers  
Families

All of the above mentioned, will be expected to follow the centre's procedures regarding Child Protection.

## Child Protection Agencies Numbers and Key Contacts

| Agency                            | Responsible For  | Number              |
|-----------------------------------|--|---------------------|
| Child Protection Helpline         | <p>Receive and assess reports of children who are at risk of significant harm. Provide, arrange and request care and support services for children and families. Informs reporting services of the progress and outcomes of assessment and investigations as permitted by law and as appropriate.</p> <p><b>24 Hours</b></p> | <b>132 111</b>      |
| Housing Contact Centre            | <p>Hotline for queries about social housing or tenancy enquiries.</p> <p><b>24 Hours</b></p>   | <b>1800 422 322</b> |
| Link2Home                         | <p>Hotline to contact if you are homeless or at risk of becoming homeless.</p> <p><b>24 Hours</b></p>  | <b>1800 152 152</b> |
| Domestic Violence Line            | <p>If you or someone you know is experiencing domestic.</p> <p><b>24 Hours</b></p>   | <b>1800 656 463</b> |
| NSW Ombudsman                     | <p>Monitor the investigation if reportable allegations are made against employees in government and non-government agencies, such as Education and Care Services. Must be notified of all allegations of abuse or neglect of a child by an employee.</p>   | <b>9286 1000</b>    |
| NSW Office of Children's Guardian | <p>Clearance Check for persons working in child related employment.</p>  | <b>9286 7219</b>    |

|               |   |                     |
|---------------|---|---------------------|
| Kids Helpline | Phone Counselling service for young children. | <b>1800 55 1800</b> |
|---------------|---|---------------------|

### **Mandatory Reporters**

It is imperative that all members of Centre Management, all educators and employees to remember that all employees including the Approved Provider are **MANDATORY REPORTERS**. The following Education and Care Service policy states that reports regarding a child at risk of significant harm are to be made by the Nominated Supervisor. However, if the Nominated Supervisor chooses not to make a report, every staff member at the centre is legally responsible to do so, using the **MANDATORY REPORTERS GUIDE** or **CHILD PROTECTION HELPLINE**.

In New South Wales under Section 27 of the Children and Young Persons (Care and Protection) Act 1988, an individual who, in the course of his or her professional work, deliver education and care to children, is required to make a report when he or she has reasonable ground to suspect that a child or young person is at risk of significant harm. All employees at Only Early Learning Centre are **MANDATORY REPORTERS**.

### **What constitutes Risk of Significant Harm?**

A child or young person is considered At Risk of Significant Harm, if the circumstances cause concern for their safety and well-being. The Significant Harm Threshold refers to the recognition that immediate intervention is necessary by a Child Protection Body such as the Police or the Child Protection Helpline. These circumstances include but are not limited to:

- Neglect Concerns
- Physical Abuse
- Sexual Abuse
- Psychological Harm
- Relinquishing Care
- Unborn Child

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 after the child's birth.

**If there is an immediate danger to the child the Police should be contacted directly by calling 000 and/or the Child Protection Hotline by calling 132 111.**

### **What if my concerns don't meet the Risk of Significant Harm Threshold?**

Where Child Protection concerns do not meet the At Risk of Significant Harm threshold, the Nominated Supervisor or Centre Director will be aware and responsible for supporting and referring families to the local and relevant community agencies.

## Types of Child Abuse and Indicators

There are many indicators of child abuse and neglect. The following is a guide only. One indicator on its own may not imply abuse or neglect. Each indicator needs to be considered in the context of other indicators and the child's circumstances.

| Abuse Type  | Child Symptoms   | Parent Symptoms   |
|---|--|---|
| <p><b>Neglect</b></p> <p>Failure to provide a child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.</p> | <ul style="list-style-type: none"> <li>- Delay between injury and seeking medical assistance</li> <li>- Child abandonment</li> <li>- Poor hygiene</li> <li>- Stealing or begging for food</li> <li>- Longing for adult attention or affection</li> <li>- Self comforting behaviours</li> <li>- Developmental delays</li> </ul> | <ul style="list-style-type: none"> <li>- Unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions</li> <li>- Leaving the child without appropriate supervision</li> <li>- Parent's failure to provide physical or psychological nurturing</li> <li>- Has limited understanding of the child or young person's needs.</li> </ul> |
| <p><b>Physical Abuse</b></p> <p>When a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver.</p>   | <ul style="list-style-type: none"> <li>- Bruising, lacerations, welts, bites, scratches, sprains, dislocations, bone fractures, burns or scolds.</li> <li>- Visible hand or object markings</li> <li>- Ingestion of poisonous substances, alcohol or drugs</li> <li>- Child disclosure of physical abuse</li> </ul>            | <ul style="list-style-type: none"> <li>- Parent explanations of injuries are not consistent</li> <li>- Disclosure from parents about fear of harming their child or admission of harming their child</li> <li>- Repeat visits for medical assistance</li> </ul>   |
| <p><b>Emotional Abuse</b></p> <p>When a child's parent or caregiver repeatedly rejects the child, or uses threats to frighten the child.</p>  | <ul style="list-style-type: none"> <li>- Inability to value others</li> <li>- Lack of trust</li> <li>- Extreme attention seeking behaviours</li> <li>- Disruptiveness, aggression, bullying behaviours</li> </ul>  | <ul style="list-style-type: none"> <li>- Criticism, belittling, teasing of a child</li> <li>- Withholding praise or affection</li> <li>- Excessive or unreasonable demands or expectations</li> <li>- Belief that their child is bad or evil</li> </ul>   |
| <p><b>Sexual Abuse</b></p> <p>When a person uses power or authority over a child to involve</p>   | <ul style="list-style-type: none"> <li>- Genital injuries</li> <li>- Bite Marks</li> <li>- Sexually Transmitted Disease</li> <li>- Sleep disturbance</li> </ul>  | <ul style="list-style-type: none"> <li>- Exposing a child or young person to prostitution or pornography or using a child for pornographic purposes</li> </ul>  |

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| the child in sexual activity and the child's parent or caregiver has not protected the child.  | <ul style="list-style-type: none"> <li>- An inappropriate sexual behaviour or explicit sexual knowledge, sexualised behaviours</li> <li>- Promiscuous affection seeking behaviour</li> <li>- Excessive masturbation which does not respond to boundaries or discipline</li> </ul> | <ul style="list-style-type: none"> <li>- Intentional exposure of a child to sexual behaviour of others</li> <li>- Coercing a child to engage in sexual behaviour with other children</li> </ul>   |
| <p style="text-align: center;"><b>Domestic Violence</b></p> <p>Domestic and family violence happens when one person in a relationship uses violence or abuse to control the other person. Domestic and family violence is usually an ongoing pattern of behaviour aimed at controlling a partner through fear.</p> | <ul style="list-style-type: none"> <li>- Eating or sleeping difficulties</li> <li>- Physical injuries</li> <li>- Defiant behaviours</li> <li>- Over protective behaviours towards a sibling or parent</li> <li>- Absent from the centre a lot</li> </ul>                          | <ul style="list-style-type: none"> <li>- Seem afraid of someone close to them</li> <li>- Try to hide bruises (e.g. by wearing long sleeves in summer months, or give unlikely explanations for injuries)</li> <li>- Have little or no say about how money is spent</li> <li>- Stop seeing friends and family and become isolated</li> <li>- Become depressed, unusually quiet or lose confidence</li> </ul> |

### **Responding to Disclosure**

The management team and educators at Only Early Learning Centre will follow the below guidelines when responding to a child's disclosure regarding abuse of all types:

- Always believe the child
- Reassure the child that telling you was the right thing to do
- Maintain a calm appearance and tone of voice
- Find a quiet place to allow the child to talk if required
- Let the child take their time
- Let the child use their own words

### **Responsibilities regarding Child Protection**

The Nominated Supervisor / Centre Director:

- Immediately report any case where a child attending the centre is suspected to be at Risk of Significant Harm through the Mandatory Reporters Guide or directly to the Child Protection Helpline on 132 111.
- Where concerns of abuse do not meet the Significant Harm Threshold, the Director will be aware and responsible for referring families to the relevant community agencies.



- Ensure all staff are aware of the Mandatory Reporter Guide through relevant training and refresher courses.
- Support staff members through the process of documenting and reporting of current concerns of children at risk of significant harm
- Promote the welfare, safety and wellbeing of children at the service.
- Ensure a valid Working with Children Check has been undertaken before any new staff member, volunteer or student can commence work at the centre.  
Provide employees with access to the relevant child protection regulations and procedures if asked, and if assisting them to fulfil their obligations in relation to mandatory reporting.
- Ensure that child protection requirements, including this policy, are included in the induction process of each new staff member. Ensuring that new educators are aware that:
  - It is the responsibility of the person suspecting the risk of child protection, to ensure that a report is made, regardless of whether the Director deems it necessary.
  - The reporting process must remain confidential.
  - No liability for defamation can be incurred because of making a report.
  - Ensure that they are aware of the indicators when a child may be at risk of harm or significant harm.

#### Centre Educators and Staff Members:

- To avoid making a mistake about abuse and to protect staff, noted incidents will be documented and corroborated by another staff member.
- Develop trusting and secure relationships with all children at the service.
- Inform the Nominated Supervisor of any incidents regarding child protection
- Make reports of current concerns for any child at risk of significant harm to the Child Protection Helpline or by using the Mandatory Reporters Guide.
- Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the service using the guidelines mentioned in this policy.
- Promote the welfare, safety and wellbeing of children at the service.
- Have an awareness of referral agencies for families where concerns of harm do not meet the significant harm threshold.

#### **Documentation**

All relevant documentation will be dated and kept confidential and securely stored by the Director or Nominated Supervisor.

#### **Notification of Abuse**

When a **mandatory reporter** has reasonable suspicion of abuse they need to contact the Helpline and provide them with the necessary details. It is advisable to have all documentation needed available at the time of the call to ensure that all information can be given at once. Before making a report, **mandatory reporters** should consult the New South Wales Mandatory Reporter Guide to assess whether a child or young person is at risk of significant harm.

It is essential that the Service maintains well-kept records to prepare and support its ability to make a report to the Child Protection Helpline. When notifying the Child Protection Helpline, it is important to have as much information as possible available to give to the Helpline.

The helpline will ask for the following information:

Child's Information:

- Name of the child or other means of identifying them
- Age and date of birth
- If the child is Indigenous
- Cultural background of the child, language spoken, religion and other cultural factors
- Name and age of other household children or young people
- Address of child and family
- If the child has a disability
- If the child is the subject of an Apprehended Violence Order
- If the child is under the care of the minister or residing in out-of-home care

Family information:


- Name, age of parents and household adults
- Home or mobile phone number
- Cultural background of parents, languages spoken, religion and other cultural factors
- Information about parental risk factors and how they link to child's risk of harm
- Domestic violence
- Alcohol or another drug misuse
- Unmanaged mental health
- Intellectual or other disability
- Protective factors and family strengths
- Any previous suspicious death of a child or young person in the household
- Is the Guardian or parent pregnant
- Is the parent subject of an Apprehended Violence order
- Description of the family structure
- Name, age, gender of siblings. Do siblings live with the child or young person

Reporters Details:

- Name, Service name, address, phone and email details
- Position
- Reasons for reporting
- Nature of contact with child or family
- Nature of ongoing role with child or family (include frequency, duration and type)
- If report is being made by someone else in the agency, name of the agency worker who sourced the report

Other information

- If parent knows of the report and their response
- If child or young person knows about the report and their views
- Information related to worker safety issues



- Outcome of the New South Wales Mandatory Reporter Guide

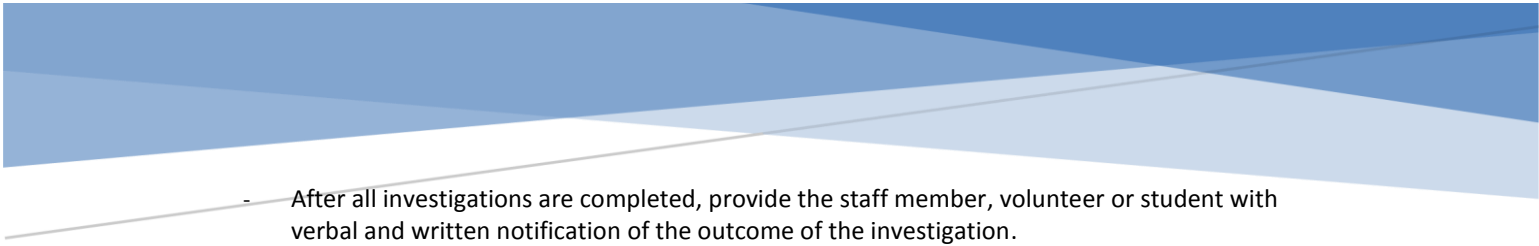
Once a report is made to the Child Protection Helpline no further report needs to be made unless new information comes to hand.

### **Notification to the Ombudsman and Allegations Against Those Involved in the Service**

A situation may arise where someone involved in the provision of care for children in an Education and Care Service has witnessed, or has suspicion of another person involved in the provision of care for children in an Education and Care Service, of being the one that is abusing children. The same definition of abuse applies to those involved in Education and Care Services as they do for children suspected of abuse outside the Service. The Ombudsman Act requires the service to notify the NSW Ombudsman within 30 days of becoming aware of any reportable allegations or conviction made against an employee involved in the provision of children's services. The Ombudsman needs to be informed of any reportable allegation regardless of the outcome and the confirmation or non-confirmation of the allegation.

The Nominated Supervisor or Centre Director will:

- Ensure detailed documentation is kept and stored confidentially as required for all allegations using the Educator Communication Forms.
- Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation.
- Assess whether a child or young person is 'at risk of significant harm' and, if so, make a report to the Child Protection Helpline.
- Determine whether the allegation is a reportable allegation.
- Develop an investigation. Obtain relevant information from a range of sources. This 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.
- Report reportable allegations and reportable convictions to the Ombudsman within 30 days of the record being made.
- Consider whether 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 SI01 Notification Of Serious Incident Form and submit to Department of Education and Communities within 24 hours of the incident.
- Ensure confidentiality is maintained at all times.
- Treat the staff member, volunteer or 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).
- Arrange for the person against whom an allegation has been made to have a support person attend the meeting. This support person must not participate in the discussions throughout the meeting.
- Make accurate documentation of all conversations.
- Depending on the nature of the allegation made, the person subject to the allegation may be suspended pending further investigation.

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- After all investigations are completed, provide the staff member, volunteer or student with verbal and written notification of the outcome of the investigation.

As well as making the notification to the Helpline the service should contact their Assessment and Compliance Officer from the Department of Education and Communities to inform them of the incident as it may also be a breach of the Regulations and needs to be investigated as a licensing matter.

### **Confidentiality and Safeguards for Reporters**

The service will handle any allegation of child abuse in a confidential manner. Records will be kept confidential and will be kept in the centre filing cabinets until disposal required as per regulations. Disposal will involve shredding before disposal.

Reports to the Department of Community Services are confidential and the reporter's identity is protected by law if the report is made in good faith. The law offers the following protections:

- The report shall not be held to be breach of professional etiquette or ethics or a departure from acceptable standards of professional conduct.
- No liability for defamation can be incurred because of making of report.
- The report, or its contents, 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 give any evidences as to its contents.
- A report is exempt document under the *Freedom of Information Act 1989*.

### **Education**

Only Early Learning centre aims to educate all staff members, children, families and community members on Child Protection. The Educational Leader, members of management and educators will implement preventative procedures which protect and educate children, staff, parents, and community members about child abuse in all its different forms, such as the provision of public information to parents.

**The Approved Provider/Nominated Supervisor will ensure that this policy is maintained and implemented at all times.**

#### **Sources**

##### **Education and Care Services National Law Act 2010**

166 - Offence to use inappropriate discipline

167 - Offence relating to protection of children from harm and hazards

##### **Education and Care Services National Regulation 2011**

84 - Awareness of child protection law

##### **National Quality Standards 2011**

2.3 - Each child is protected

2.3.2 - Every reasonable precaution is taken to protect children from harm and any hazard likely to cause injury

2.3.4 - Educators, co-ordinators and staff members are aware of their roles and responsibilities to respond to every child at risk of abuse or neglect

##### **United Nations Convention on the Rights of the Child (1989)**

Article 9 - Children should not be separated from their parents unless it is for their own good. For example, if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might harm the child.

Article 19 - Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.

##### **NSW Government Family and Community Services**

Advocate for Children and Young People [www.acyp.nsw.gov.au](http://www.acyp.nsw.gov.au) June 2016

NSW Ombudsman Child Protection in the Workplace - Responding to allegations against employees. [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) June 2016

Keep Them Safe [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au) June 2016

Child Wellbeing & Child Protection NSW Interagency Guidelines

#### **Reviewed**

The policy will be reviewed annually. Review will be conducted by management, employees, parents and any interested parties.

**Developed By:** Alex Jury

**Date:** 19<sup>th</sup> December 2018

**Approved By:** Kelly Williams

**Date:** 19<sup>th</sup> December 2019