



Child Protection Policy

POLICY STATEMENT:

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

The safety and welfare of all children is of paramount importance. Educators and Management have a legal responsibility, as Mandatory Reporters, to take action to protect and support children they suspect may be at significant risk of harm.

Our service will carry out the responsibilities of Mandatory Reporters as indicated under legislation. This responsibility involves following the procedures as outlined by NSW Office of Children's Guardian

PROCEDURES:

Mandatory Reporting

- A Mandatory Reporter is anybody who delivers services to children as part of their paid or professional work.
- In OOSH services mandatory reporters are:
 - Educators that deliver services to children
 - Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services.
- Educators are mandated to report to Department of Community and Justice if they have current concerns about the safety or welfare of a child relating to section 23 of the NSW Children and Young Persons (Care and Protection) Act 1998

Section 23 (1)

a-b) Child is at significant risk of harm – Neglect

- a) basic physical or psychological needs not being met or are at risk of not being met
- b) parents/ carers unwilling or unable to provide necessary medical care
- b1) parents/ carers unwilling or unable to arrange for the child or young person to receive an education

c) Child is at significant risk of harm – Physical / Sexual abuse

d) Child is at significant risk of harm – Domestic violence

e) Child is at significant risk of harm – Serious Psychological harm

f) Child is at significant risk of harm – Prenatal report



- Educators will undergo training in relation to child protection and reporting as part of the training budget.
- Any Educators that form a belief based on reasonable grounds that a child is at risk of harm should ensure they record the details of the report in a clear objective format.
- Reports should be treated with strict confidentiality in adherence to the service's Confidentiality Policy and Procedures.
- Any Educators who form a belief based on reasonable grounds that a child is at risk of harm should discuss their concerns with their coordinator/ authorised supervisor, as he or she may have information the Educator is not aware of. The Coordinator will then assist staff in running the online Mandatory Reporters Guidelines tool on Child Story (see point below for more information) to determine whether the report meets the threshold for **significant** risk of harm.

If directed by MRG to report to Department of Community and Justice, Educators should report their concerns by:

eReport through the Child Story Reporter website

Child protection helpline 132 111

- When reporting to the Helpline it is important to have as much information as possible available to give to the Helpline. This might include child's information, family information, reporter details and outcomes of the MRG.
- If Coordinator/ Authorised Supervisor has been advised to but has not reported to Community Services you are legally responsible to do so.
- Once a report is made to the CS Helpline no further report needs to be made unless new information comes to hand.

Mandatory Reporting Guidance Tool

- A Mandatory Reporting Guidance tool has been developed to help frontline mandatory reporters, including OOSH workers determine whether the risk to a child or young person meets the new statutory threshold of 'risk of significant harm'. The MRG will guide reporter on what action should be taken. The MRG is an interactive tool and is available online at <https://reporter.childstory.nsw.gov.au>
- If still in doubt the Community Services Helpline will provide feedback about whether or not the report meets the new threshold for statutory intervention.
- If new information presents concerning the child or young person run the MRG tool again



- Where concerns do not meet the significant harm threshold, the MRG tool may guide you to 'Document and continue the relationship'. This requires the service to continue to support, provide services, and coordinate assistance and referral for the child and their family.
- The report page from the MRG should be printed and placed in the child/family file for future reference regardless of whether or not further action is recommended.

Information Exchange

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

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

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

- Should an incident occur that involves a child being put at risk of harm from a member of Educators, volunteers, trainees or persons visiting the service, this is regarded as '**reportable conduct**' and



Coowarra Out of School Hours Care Service necessitates such conduct being reported to the Office of Children's guardian within 7 days.

- Where the allegation is made to an Educator or member of management the facts as stated will be recorded in writing, using an Incident Report template that includes dates, times, names of person/s involved, name of person making allegation and the person making the report. This report should be kept on record and treated as strictly confidential.
- If the Coordinator or person in charge is suspected, then the chairperson on management committee should be informed.
- The person making the report should follow the advice of the Office Of Children's guardian
- Management will also follow this advice.
- The matter will be treated with strict confidentiality.
- For the protection of both the children and the Educator involved, the Educator should be encouraged to take special leave or removed from duties involving direct care and contact with children, until the situation is resolved.
- Support should be provided to all involved. This support can be given in the form of counseling or referral to an appropriate agency.

Recruitment of Staff

- All Educators employed by the service including management, full time/ part time carers, volunteers and students will be subject to a Working with Children Check carried out by the NSW Office of the Children's guardian. Written approval from the prospective employee will be sought prior to this check being carried out.

For further information

Keep Them Safe: A shared approach to child wellbeing	New South Wales Ombudsman
Department of Communities and Justice	NSW Office of the Children's Guardian
Children and Young Persons (Care and Protection) Act 1998 (NSW)	NSW Interagency Guidelines for Child Protection Intervention 2006
Child Protection (Working with Children) Act 2012 (NSW)	The ChildStory Reporter Community https://reporter.childstory.nsw.gov.au/s/



Considerations

Education and Care Services National Regulations	National Quality Standard	Other Service policies/documentation
<p>National Law 51 Conditions on Service Approval 161 Offence to operate education and care service without nominated supervisor 161A Offence for nominated supervisor not to meet prescribed minimum requirements 162 Offence to operate education and care service unless responsible person is present 162A Persons in day-to-day charge and nominated supervisors to have child protection training 167 Offence relating to protection of children from harm and hazards 174 Offence to fail to notify certain information to Regulatory Authority</p> <p>National Regulations 84 Awareness of child protection law 117A Placing a person in day to day charge 117B Minimum requirements for a person in day to day charge 117C Minimum requirements for a nominated supervisor 123 Educator to child ratios—centre-based services 168 Education and care service must have policies and procedures 170 Policies and procedures to be followed 175 Prescribed information to be notified to Regulatory Authority 176 Time to notify certain information to Regulatory Authority</p>	<p>2.2 Safety 2.2.1 Supervision 2.2.3 Child Protection 7.1 Governance 7.1.2 Management systems 7.1.3 Roles and responsibilities</p>	<ul style="list-style-type: none"> - Staff Handbook - Grievance Policy - Disciplinary Policy - Providing a Child Safe Environment Policy - Conditions of employment Policy - Keep Them Safe: A shared approach to child wellbeing - New South Wales Ombudsman - Department of Communities and Justice - NSW Office of the Children's Guardian - Children and Young Persons (Care and Protection) Act 1998 (NSW) - NSW Interagency Guidelines for Child Protection Intervention 2006 - Child Protection (Working with Children) Act 2012 (NSW) - The ChildStory Reporter Community https://reporter.childstory.nsw.gov.au/s/

UPDATED AND ENDORSED: February 2023

DATE FOR REVIEW AND EVALUATION: February 2025