

CHILD PROTECTION

Guide to the National Quality Standards

Quality Area 2: Children's Health and Safety

Standard 2.2: Safety – Each child is protected.

Standard 5.1: Relationships between educators and children – respectful and equitable relationships are maintained with each child.

Education and Care Services National Regulations 2011

84: Awareness of Child Protection Law

273: Course in Child Protection

PURPOSE

To protect children from risk of harm and to provide a responsive system to all allegations of child abuse.

POLICY

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 adhere to our legislative obligations at all time.

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.

WHAT IS ABUSE?

There are four types of child abuse:

1. Physical Abuse
2. Sexual Abuse
3. Emotional Abuse
4. Neglect

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 a number of different incidents that take place over time.

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DEFINITIONS

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

- First hand 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

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).

MANDATORY REPORTERS

Mandatory reporters are people who deliver the following services, wholly or partly, to children as part of their paid or professional work:

- Health care (e.g. registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)
- Welfare (e.g. psychologists, social workers, caseworkers and youth workers)
- Education (e.g. teachers, counsellors, principals)
- Children's services (e.g. child care workers, family day carers and home-based carers)
- Residential services (e.g. refuge workers)
- Law enforcement (e.g. police)

According to the *Children and Young Persons (Care and Protection) Act 1998* mandated reporters (including people employed in children's services and unpaid managers of these services) must make reports if they suspect on reasonable grounds a child is at risk of significant harm because:

- the child's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for a school age child to receive an education
- the child has been, or is at risk of being physically or sexually abused or ill-treated
- the child is living in a household where there have been incidents of domestic violence and they are at risk of serious physical or psychological harm
- the parent's or other caregiver's behaviour means the child has suffered or is at risk of suffering serious psychological harm

CHILD STORY REPORTER

Mandatory reporters in **NSW** should use the Mandatory Reporter Guide (MRG) using Child Story and the Child Protection Helpline if they have concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused. The MRG assists in

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providing mandatory reporters with the most appropriate reporting decision.

The MRG supports mandatory reporters to:

- determine whether a report is needed for concerns about possible abuse or neglect of a child (including unborn) or young person
- identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system

It is recommended that mandatory reporters complete the MRG on each occasion they have risk concerns, regardless of their level of experience or expertise. Each circumstance is different and every child and young person is unique.

*For more information on Child Story Reporter, refer to: <https://reporter.childstory.nsw.gov.au/s/>
Child Protection Helpline: 132 111*

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 things 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
- Depriving or withholding physical contact
- Failure to provide psychological nurturing
- Treating one child differently to the others

Indicators of Neglect in children

- 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

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 from parents 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

Indicators of Physical Abuse

- Facial, head and neck bruising
- Lacerations and welts
- Explanations are not consistent with injury
- Bruising or marks that may show the shape of an object
- Bite marks or scratches
- Multiple injuries or bruises
- Ingestion of poisonous substances, alcohol or drugs
- Sprains, twists, dislocations
- Bone fractures
- Burns and scalds

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EMOTIONAL ABUSE

Emotional abuse occurs when an adult harms a child's development by repetitively treating and speaking to a child in ways that damage the child's ability to feel and express their feelings. This may include:

- Constant 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

Indicators of emotional abuse

- Feeling of worthlessness about them
- Inability to value others
- Lack of trust in people and expectations
- Extreme attention seeking behaviours
- Other behavioural disorders (disruptiveness, aggressiveness, bullying)

SEXUAL ABUSE

Sexual abuse is when someone involves a child in a sexual activity by using their authority over them or taking advantage of their trust. Children are often bribed or threatened physically and psychologically to make them partake in the activity. Educators will be predominantly conscious of looking for potential sexual abuse if parents or caregivers are suspected of or charged with child sexual abuse or display inappropriate jealousy regarding age appropriate development of independence from the family. Sexual abuse may include:

- Exposing the child to sexual behaviours of others
- Coercing the child to engage in sexual behaviour with other children
- Verbal threats of sexual abuse
- Exposing the child to pornography

Indicators of Sexual Abuse

- They describe sexual acts
- Direct or indirect disclosures
- Age inappropriate behaviour and/or persistent sexual behaviour
- Self-destructive behaviour
- Regression in development achievements
- Child being in contact with a suspected or known perpetrator of sexual assault
- Bleeding from the vagina or anus
- Injuries such as tears to the genitalia

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:

- Excessive criticism
- Withholding affection
- Exposure to domestic violence
- Intimidation or threatening behaviour

Indicators of psychological abuse

- Constant feelings of worthlessness
- Unable to value others
- Lack of trust in people
- Lack of people skills necessary for daily functioning
- Extreme attention seeking behaviour
- Extremely eager to please or obey adults
- Takes extreme risks, is markedly disruptive, bullying or aggressive
- Suicide threats
- Running away from home

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. Living with domestic violence has a profound effect upon children and young people and may constitute a form of child abuse. (*The NSW Domestic and Family Violence Action Plan*, June 2010)

Indicators of Domestic Violence

- Show aggressive behaviour
- Develop phobias & insomnia
- Experience anxiety
- Show systems of depression
- Have diminished self esteem
- Demonstrate poor academic performance and problem solving skills
- Have reduced social competence skills including low levels of empathy
- Show emotional distress
- Have physical complaints

PROCEDURE

Our Service strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. To ensure best practice, all staff and educators will attend approved Child Protection training certified by a registered training organisation. Staff and educators will continue to keep up to date by completing Child Protection Awareness Training annually: ensuring they keep up to date with their current responsibilities as Mandatory Reporters.

NOTE: The reporter is not required to prove that abuse has occurred.

The service will ensure:

- The Nominated Supervisor **or** the person in day-to-day charge of the Service and all educators have successfully completed a course in child protection approved by the Regulatory Authority.
- All staff and educators are:
 - Clear about their roles and responsibilities regarding child protection.
 - Aware of their requirements to immediately report cases where they believe a child is at risk of significant harm to the Child Protection Helpline.
 - Aware of the indicators showing a child may be at risk of harm or significant risk of harm.
- To provide training and development for all educators and staff in child protection
- To provide educators with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers.
- To validate a Working with Children Check for all educators, staff and volunteers unless the person meets the criteria for exemption from a WWCC. See exemption factsheet at <http://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/apply>
- To provide access to relevant acts, regulations, standards and other resources to help educators, staff and volunteers meet their obligations.
- Records of abuse or suspected abuse are kept in line with our Privacy and Confidentiality Policy.
- To notify the NSW Ombudsman within 30 days of becoming aware of any allegations and convictions for abuse or neglect of a child made against an employee or volunteer and ensure they are investigated and appropriate action taken.
- To notify the Commission for Children and Young People of details of employees against whom relevant disciplinary proceedings have been completed or people whose employment has been rejected because of a risk identified in employment screening processes.

- To notify the regulatory authority (within 7 days) of any incident where you reasonably believe that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service
- To notify the regulatory authority (within 7 days) of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by the Service.

ACCUSATIONS AGAINST EDUCATORS

Accusations of abuse or suspected abuse against educators, staff members, and volunteers or the Nominated Supervisor are treated in the same way as allegations against other people. Reports will be made to the Child Protection Helpline where a child is at risk of significant abuse by a person at the Service. If the Nominated Supervisor is involved in the abuse then the President of the Committee will assist in notifying the Child Protection Helpline.

Educators will:

- Be able to recognise indicators of abuse
- Respect what a child discloses, taking it seriously and follow up their concerns.
- Allow children to be part of decision-making processes where appropriate.
- Comprehend they are mandatory reporters under the legislation and report any situation where they believe on reasonable grounds a child is at risk of significant harm to the Child Protection Helpline on **132 111** (available 24 hours/7 days a week).
- Be able to use the Mandatory Reporter Guide (MRG) which is available at <https://reporter.childstory.nsw.gov.au/s/mrg>
- Contact the police on **000** if there is an immediate danger to a child and intervene instantly if it is safe to do so.
- Associate families with referral agencies where concerns of harm do not meet the threshold of significant harm. These services may be located through CWU (Child Wellbeing Units) or/and FRS (Family Referral Services) Family consent will be sought before making referrals.
- Promote the welfare, safety and wellbeing of children at the Service.
- Prepare precise records recording exactly what happened, conversations that took place and what you observed to contribute to the investigations of abuse or suspected abuse by the Child Protection Helpline or dealings with referral agencies.
- Understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people

DOCUMENTING A SUSPICION OF HARM

If educators have concerns about the safety of a child they will:

- Record their concerns in a non-judgmental and accurate manner as soon as possible.
- Record their own observations as well as precise details of any discussion with a parent (who may for example explain a noticeable mark on a child).
- Not endeavor to conduct their own investigation.
- Document as soon as possible so the details are accurately apprehended including:
 - Time, date and place of the suspicion
 - Full details of the suspected abuse
 - Date of report and signature

DOCUMENTING A DISCLOSURE

A disclosure of harm emerges when someone, including a child, tells you about 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 the Service and/or Educator will:

- 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
- Only ask enough questions to confirm the need to report the matter because probing questions could cause distress, confusion and interfere with any later enquiries
- 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 said and any actions that have been taken
 - Date of report and signature.

NOTIFICATIONS OF ABUSE

The person making a notification of abuse or suspected abuse will make a record of the answers to the following:

- Give the child or young person your full attention.
- Maintain a calm appearance.
- Don't be afraid of saying the 'wrong' thing.
- 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 that is 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 you can't keep.
- Tell the child or young person what you plan to do next.
- Do not confront the perpetrator.

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 complaint should not inform the person they have made the complaint about. This ensures the matter can be investigated without prior knowledge and contamination of evidence.

PROTECTION FOR REPORTERS

Reports made to Community Services are kept confidential. However, a law enforcement agency may access the identity of the reporter if this is needed in connection with the investigation of an alleged serious offence against a child. Under the *Children and Young Persons (Care and Protection) Act 1998* if the report is made in good faith:

- The report will not breach standards of professional conduct
- The report can't lead to defamation proceedings
- 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 and the Nominated Supervisor will investigate the breaches in a fair, unbiased and supportive manner by:

- Discussing the breach with all people concerned will be advised of the process
- Giving the educator the opportunity to provide their version of events
- Documenting the details of the breach, including the versions of all parties and the outcome will be recorded
- Ensuring the matters in relation to the breach are kept confidential
- Approaching an appropriate outcome which will be decided based on evidence and discussion

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
- Facilitating 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.

EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOUR

The educator's program should educate children

- About acceptable and unacceptable behaviour, and what is appropriate and inappropriate contact at an age appropriate level and understanding
- About their right to feel safe at all times
- To say 'no' to anything that makes them feel unsafe or uncomfortable

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- About how to use their own knowledge and understanding to feel safe.
- To identify signs that they do not feel safe and need to be attentive and think clearly.
- That there is no secret or story that is too horrific, that they can't share with someone they trust.
- That educators are available for them if they have any concerns.
- To tell educators of any suspicious activities or people.
- To recognise and express their feelings verbally and non-verbally.
- That they can choose to change the way they are feeling.

Source

- Australian Children's Education & Care Quality Authority. (2014).
- Guide to the Education and Care Services National Law
- Education and Care Services National Regulations 2015,
- Revised National Quality Standard
- ECA Code of Ethics.
- Guide to the National Quality Standard.
- Child Protection (Working with Children) Act 2012
- Children and Young Persons (Care and Protection) Act 1998
- The Ombudsman's Act 1974
- Community and Disability Services Ministers' Conference (2005). *Creating safe environments for children: Organisations, employees and volunteers: National framework.*
- Community and Disability Services Ministers' Conference (2005). Schedule: Guidelines for building the capacity of child-safe organisations. *Creating safe environments for children: Organisations, employees and volunteers: National framework.*
- NSW Community Services: NSW Mandatory Reporting Guide
- The Commission for Children and Young People Act 1998
- Ombudsman NSW www.ombo.nsw.gov.au
- <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>
- National Comparison of Child Protection Systems
<https://aifs.gov.au/cfca/publications/national-comparison-child-protection-systems>
- Reporting abuse and neglect
<https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect>
- Mandatory Reporting
<https://mandatoryreporting.dcp.wa.gov.au/Pages/Aboutmandatoryreportinglegislation.aspx>
- NSW Government – Office of the Children's Guardian
<https://www.kidsguardian.nsw.gov.au/about-us/who-we-are/our-legislation/legislative-changes/summary-2016>
- Child Story Reporter
<https://reporter.childstory.nsw.gov.au/s/>
- http://www.dhs.vic.gov.au/data/assets/pdf_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf

- [Creating child safe organisations page](http://providers.dhhs.vic.gov.au/creating-child-safe-organisations) of the Department of Health and Human Services' Service Providers website: < <http://providers.dhhs.vic.gov.au/creating-child-safe-organisations>>
- [Child safe standards page](http://providers.dhhs.vic.gov.au/child-safe-standards) of the Department of Health and Human Services' Service Providers website: < <http://providers.dhhs.vic.gov.au/child-safe-standards>>.

Associated Forms/information:

Annual Educator Assessment Booklet

Failure to comply with this policy may result in disciplinary action or termination of employment or registration as an educator