

Policy Statement

Activity Centres Incorporated will promote and provide an environment that ensures the safety, welfare and wellbeing of all children at all times. We believe that the welfare of any child is of paramount importance and that the Organisation has an obligation to defend and promote all children's rights to be safe and protected. Our Organisation has a legal and ethical responsibility to take action and report any child at risk of significant harm. Staff will promote and encourage a trusting and secure relationship with children while in the care of the Organisations.

Definitions

Risk of significant harm

A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent.

This means the concern is sufficiently serious to warrant a response by a statutory authority (such as NSW Police Force or Family and Community Services) irrespective of a 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 or young person's safety, welfare or wellbeing, or in the case of an unborn child, after the child's birth.

The significance can result from single act or omission or an accumulation of these.

Office of Children's Guardian – What is Reportable Conduct –

'Reportable conduct is defined to mean the following conduct (whether or not a criminal proceeding in relation to the conduct has been commenced or concluded):

- A sexual offence with or in the presence of a child,
- Sexual misconduct with, or in the presence of a child,
- Ill-treatment of a child,
- Neglect of a child,
- An assault against a child,
- Behaviour that causes significant emotional or psychological harm to a child,
- Any offence under section 43B or 316A of the Crimes Act 1900, whether or not with the consent of the child.

What is grooming behaviour?

- ✓ Grooming is the criminal activity of becoming friends with a child in order to persuade them to enter into a sexual relationship.
- ✓ Grooming is when an adult builds an emotional connection with a child to gain their trust for the purposes of sexual abuse, sexual exploitation or trafficking.

Mandatory Reporting

- ✓ A Mandatory Reporter is anybody who delivers services to children as part of their paid or professional work.
- ✓ In an Education and Care Service mandatory reporters are:
 - Staff that deliver services to children
 - Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services.
- ✓ Staff are mandated to report to Department of Communities & 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 – *Part 2 – Reports -Section 23 to Section 25, as stated below;*

- **Section 23 - Child or young person at risk of harm**

For the purposes of this Part and Part 3, a child or young person is **at risk of harm** if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence of any one or more of the following circumstances:

- a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- d) 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,
- e) 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,

Note. Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

- **Section 24 - Report concerning child or young person at risk of harm**

A person who has reasonable grounds to suspect that a child or young person is, or that a class of children or young persons are, at risk of harm may make a report to the Director-General.

- **Section 25 - Pre-natal reports**

A person who has reasonable grounds to suspect, before the birth of a child, that the child may be at risk of harm after his or her birth may make a report to the Director-General.

Note. The intention of this section is to provide assistance and support to the pregnant woman to reduce the likelihood that her child, when born, will need to be placed in out-of-home care. The principle is that of supportive intervention rather than interference with the rights of pregnant women.

Procedures

- ✓ Management will ensure –
 - the Nominated Supervisors and any Responsible Persons have successfully completed an accredited Child Protection Certificate, approved by the New South Wales Regulatory Authority.
 - information regarding Child Protection and Mandatory Reporting is provided to Staff in their Orientation Package and Induction Process.
 - Staff working directly with the children are aware of the indicators for children who may appear to be at risk of significant harm.
 - Staff working with children are aware of their legal responsibilities as Mandatory Reporters to take action to protect and support children they suspect may be at risk of significant harm.

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- Staff working with children are aware of and follow ACI's Policies and Procedures, as outlined by Department of Communities & Justice, Keep Them Safe: A Shared Approach to Child Wellbeing, The ChildStory Reporter Community - MRG and the Office of the Advocate for Children and Young People.
- Staff in child related employment have a current Working With Children Check.
- if there are changes to Polices and Procedures or the Children and Young Persons (Care & Protect) Act1998, training will be provided to Staff working directly with children.
- Staff will be guided and supported in the completion of the online Mandatory Reporter Guide (MRG), this will determine whether the report meets the threshold for significant risk of harm.

There are two ways Mandatory Reporters can make a child protection report:

- By eReport through the [ChildStory Reporter website](#).
- By calling the Child Protection Helpline on [132 111](#)
- **Note:** when contacting the Help line have all information ready, - Child's name, DOB, family information, reported details and the MRG outcome.

- ✓ The Child Protection Helpline will be displayed with the Emergency Contact List near the landline and programmed into the Service Mobile.

- ✓ Reporting Concerns

These should be current concerns, which means that at the time you make the report:

- a) you are worried about the safety, wellbeing or welfare of the child and/or
- b) the child may be at risk now because of their reaction to past abuse.

- ✓ Staff who believe a child is at risk of significant harm can discuss their concerns with the Coordinator or the Manager.
- ✓ Staff working directly with children who have concerns regarding a child that may be at risk of significant harm, have the responsibility to keep appropriate and accurate reports. It is not the job of Staff to investigate, only to record the facts required to make a report. Asking too many questions may upset the child, be seen as "leading" and ultimately damage the investigation and outcome.
- ✓ If a child or young person discloses information to any Staff member, or if observations have been made by Staff, that places a child in risk of significant harm, the Staff member needs to listen to the child, document the information disclosed to them and inform the Coordinator/Responsible Person. All Reports will be kept in accordance with the Organisations Maintenance of Records Policy.
- ✓ All Staff are to actively promote a positive environment for children, where they are made to feel comfortable, safe and secure.
- ✓ All Staff who feel that they have concerns about a child who may be at risk of significant harm have the right under the Children and Young Persons (Care and Protection) Act 1998 to talk to other Organisations involved in the child's life.
- ✓ Information exchange between Schools, care givers, case workers or other authorised Organisations must be accurately recorded (see ACI's Information Exchange Policy).

Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 prioritises the safety, welfare, and wellbeing of a child or young person over an individual's right to privacy.

Chapter 16A allows government agencies and non-government organisations who are prescribed bodies to exchange information that relates to a child's or young person's safety, welfare or wellbeing.

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Reportable Conduct

- ✓ Should an incident occur that involves a child being put at risk of significant harm from a Staff Member, volunteer, trainee or person visiting the Service, this is regarded as '**reportable conduct**' and necessitates such conduct being reported as per the current Guidelines from the Office of the Children's Guardian.
- ✓ For the protection of both the child and member of Staff involved, the Staff Member may need to take leave until the situation is resolved. The Organisation will be guided by the Fair Work Ombudsman.
- ✓ All Staff will ensure accurate disclosure of abuse and any allegation of abuse against any Staff member is dealt with appropriately under our Confidentiality Policy.
- ✓ As per the Education and Care Services National Regulations 174 & 175 – the approved provider will report to the Regulatory Authority within the prescribed timeframes.

Considerations

Education and Care Services 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

Education and Care Services 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

Education and Care Services National Quality Standards

Quality Area	Standard	Element
QA 2 Children's health and Safety	2.2 Safety	2.2.1 Supervision
		2.2.3 Child Protection
QA 7 Governance and Leadership	7.1 Governance	7.1.2 Management systems
		7.1.3 Roles and responsibilities

Activity Centres Inc. Policies and Procedures

Child Protection Policy	Responsible Person Policy
Child Safe Environment Policy	Staff:Child Ratios Policy
Code of conduct Policy – Staff, Management, Committee, Volunteers and Students	Staff Professionalism Policy
Information Exchange Policy	Staff Selection Policy
Maintenance of Records Policy	Staff Training and Development Policy
Observation Policy	
Reporting to the Regulatory Authority Policy	

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My Time, Our Place

<u>Learning Outcome 1</u> Children have a strong sense of identity	<ul style="list-style-type: none"> • Children feel safe, secure and supported
<u>Learning Outcome 3</u> Children have a strong sense of wellbeing	<ul style="list-style-type: none"> • Children become strong in their social and emotional wellbeing
	<ul style="list-style-type: none"> •

Legislation

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/

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Policy is only endorsed if initialled by 2 members of the management committee

Endorsed by the Management Committee on the 24 February 2021

Child Protection Policy is to be reviewed by the 24 February 2023