

CHILD PROTECTION AND RISK MANAGEMENT POLICY

At Unley Community Childcare Centre, we believe the safety of the children is paramount at all times and aim to protect a child's rights to be safe from abuse of any kind. We acknowledge our duty of care to ensure that all persons are provided with a high level of safety and protection during their time at the centre. In order to meet this duty of care and legislative requirement, as outlined in the *Children and Young Persons (Care and Protection) Act 1998* all employees will be aware of, and implement, the centre's child protection policy.

Strategy

The aim of this policy is to provide clear guidelines, for employees and volunteers, in cases of suspected child abuse and for the protection of children covered by a court order when parents are separated and custody is in dispute.

1. CODE OF CONDUCT

Unley Community Childcare Centre upholds a Code of Conduct in relation to employees, educators, volunteers, students, families and children to ensure the safety and wellbeing of children (refer Governance and Management of the Centre Policy).

2. RECRUITMENT, SELECTION AND TRAINING PROCEDURES INCLUDE CHILD PROTECTION PRINCIPLES.

The Director along with the Unley Community Childcare Centre management committee is responsible for developing recruitment and professional development procedures that ensure all people working at the service do not pose a risk to children and understand how to respond to disclosures or suspicions of harm and abuse.

3. PROCEDURES FOR REPORTING AND DOCUMENTING ABUSE OR NEGLECT

What is abuse?

Under 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.

Significant harm is where the circumstances that are causing concern are present to a significant state and warrant a response by a statutory authority, such as SAPOL or Community Services, regardless of a family's consent. Significant is not minor or trivial and may reasonably be expected to produce substantial and adverse impacts on the child's safety, welfare or wellbeing. The significance can be a result of a single act or omission or an accumulation of acts and omissions.

Reasonable grounds refer 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 inferred based on observation, professional training and/ or experience.

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

Responsibilities

The Approved Provider, Nominated Supervisor, educators, staff members and volunteers must:

- be able to recognise indicators of abuse;
- take anything a child says seriously and follow up their concerns;
- allow children to be part of decision-making processes where appropriate;
- understand 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 Abuse Report Line on **13 14 78** (available 24 hours/7 days a week). Educators, staff members and volunteers should make the report with the assistance or support of the Nominated Supervisor.
- Refer to 'Mandated notifiers and their role' at <https://www.childprotection.sa.gov.au> to help make decisions about whether there is a risk of significant harm. This site covers topics including the following indicators: physical abuse, neglect (supervision, physical shelter/environment, food, medical care, mental health care, education), sexual abuse, psychological harm, emotional abuse and relinquishing care and carer concerns to do with substance abuse, mental health, and domestic violence).
- be able to contact Department for Child Protection SA which also help mandatory reporters identify the level of risk to a child and whether to report the risk to the Child Abuse Report Line.
- contact the police on 000 if there is an immediate danger to a child and intervene immediately if it is safe to do so.

- connect families with referral agencies where concerns of harm do not meet the threshold of significant harm. Family consent will be sought before making referrals.
- promote the welfare, safety and wellbeing of children at the service.
- prepare accurate records to assist investigations of abuse or suspected abuse by the Child Abuse Report Line or dealings with referral agencies. Accurate records record exactly what happened, was thought to have happened or potentially could happen.
- understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people (see “Allegations against Service Personnel”).

The Approved Provider and Nominated Supervisor must also:

- ensure that all employees and volunteers are:
 - clear about their roles and responsibilities regarding child protection.
 - aware of their obligations to immediately report cases where they believe a child is at risk of significant harm to the Child Abuse Report Line.
 - aware of the indicators showing a child may be at risk of harm or significant harm.
- provide training and development for all educators, staff and volunteers in the recognition and reporting of abuse and harm.
- provide reporting procedures and professional standards to safeguard children and protect the integrity of educators, staff and volunteers.
- inform all stakeholders of the actions or inactions that form a breach of the child protection risk management strategy and the potential outcomes of breaching the strategy.
- manage any breaches of the child protection risk management strategy.
- conduct a DCSI Clearance for all educators, staff and volunteers.
- provide access to relevant acts, 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 ESB (Education Standards Board of SA) 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.

Allegations against Service Personnel

Allegations of abuse or suspected abuse against employees, volunteers, the Nominated Supervisor or Approved Provider are treated in the same way as allegations against other people. Reports will be made to the Child Abuse Report Line where a child is at risk of

significant abuse by a person at the Service. Educators will make the report with the assistance or support of the Nominated Supervisor. If the Supervisor is involved in the abuse then the Approved Provider or most senior educator will assist in notifying the Child Abuse Report Line.

The Nominated Supervisor or Approved Provider:

- will complete an Incident, Injury, Trauma and Illness Record and notify the Regulatory Authority within 24 hours of making the report to the Child Abuse Report Line.
- will provide appropriate support for any educator or staff member who has an allegation made against them.
- will protect the identity of educators/staff members against whom unsubstantiated complaints have been made will be protected.
- will review the person's duties, and if they continue to interact with children, ensure they are appropriately supervised at all times.
- may seek legal advice about restricting that person's work activities.

Documentation

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 accurate details of any conversation with a parent (who may for example explain a noticeable mark on a child).
- not attempt to conduct their own investigation.
- document as soon as possible so the details are accurately captured including:
 - time, date and place of the suspicion
 - full details of the suspected abuse
 - date of report and signature.

Documenting a *disclosure* of harm

A disclosure of harm occurs when someone, including a child, tells you about harm that has happened or is likely to happen. Disclosures of harm may start with:

- —I think I saw...||
- —Somebody told me that...||
- —Just think you should know...||
- —I'm not sure what I want you to do, but...||

When receiving a disclosure of harm educators, staff members, the Nominated Supervisor or Approved Provider 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:

- name of person they spoke to.
- what the next step in the process is.
- what advice will be sent to confirm the report has been made.
- If there is any further action they need to take.

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.

Safeguards 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*.

4. PROCEDURES FOR MANAGING BREACHES

This plan outlines the steps to be taken following a breach of the child protection risk management strategy in order to address the breach in a fair and supportive manner.

Definition

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.

A breach is also any action or inaction by any member of the service, including children and young people, that fails to comply with any part of the strategy including any breach of:

- a statement of commitment to the safety of children and their protection from harm
- a code of conduct for interacting with children
- procedures for recruiting, selecting, training and managing paid employees and volunteers
- policies and procedures for handling disclosures or suspicions of harm, including reporting guidelines
- policies and procedures for implementing and reviewing the child protection risk management strategy
- risk management plans for high risk activities and special events
- strategies for communication and support.

Processes to manage a breach of the child protection risk management strategy

The Nominated Supervisor or Approved Provider will manage breaches in a fair, unbiased and supportive manner:

- all people concerned will be advised of the process
- all people concerned will be able to provide their version of events
- the details of the breach, including the versions of all parties and the outcome will be recorded
- matters discussed in relation to the breach will be kept confidential
- an appropriate outcome will be decided.

Suitable outcomes for breaches

Depending on the nature of the breach outcomes may include:

- emphasising the relevant component of the child protection risk management strategy, for example, the code of conduct
- providing closer supervision
- further education and training

- mediating between those involved in the incident (where appropriate)
- disciplinary procedures if necessary
- reviewing current policies and procedures and developing new policies and procedures if necessary.

5. RISK MANAGEMENT FOR HIGH RISK ACTIVITY

In addition to workplace health and safety concerns, a child risk management strategy should analyse the risk of ‘harm’ to children. See Appendix D for a risk Management template.

6. INFORMATION FOR FAMILIES

Our Child Protection Risk Management Strategy

Creating safe and supportive service environments for children is everyone’s business. Our service is committed to ensuring children are kept safe from harm. We will initiate and maintain ongoing planning and commitment to a safe and supportive environment so children:

- feel safe and protected from harm
- help plan activities and make decisions
- are consulted and respected
- have their best interests considered and upheld.

We have a written child protection risk management strategy to protect the children in our service from harm, and to ensure we have a safe and supportive environment for children by identifying and minimising risks.

The child protection risk management strategy consists of:

- a code of conduct for interacting with children.
- procedures for recruiting, selecting, training and managing paid employees and volunteers, including screening procedures through working with children checks.
- procedures for handling disclosures or suspicions of harm, including reporting guidelines
- procedures for managing breaches of the strategy
- risk management plans for high-risk activities and special events
- strategies for communication and support.

As a parent/carer it is important for you to understand the policies and procedures that form the child protection risk management strategy. A copy of the strategy is attached for your information and comment.

Educating Children about Protective Behaviour

We aim to teach children:

- about acceptable and unacceptable behaviour, and appropriate and inappropriate contact in a manner suitable to their age and level of understanding
- that they have a right to feel safe at all times.
- to say 'no' to anything that makes them feel unsafe
- the difference between 'fun' scared that is appropriate risk taking and dangerous scared that is not ok.
- to use their own skills to feel safe.
- to recognise signs that they do not feel safe and need to be alert and think clearly.
- that there is no secret too awful, no story too terrible, 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.

Beliefs

Our service believes that:

- children are capable of the same range of emotions as adults.
- children's emotions are real and need to be accepted by adults.
- a response given to a child from an adult in a child's early stages of emotional development can be hugely positive or detrimental depending on the adult's reaction.
- children are very in touch with their bodies' reactions to their emotions.
- children who retain, enhance and better understand their body's response to an emotion are more able to foresee the outcome of a situation and avoid them or ask for help.

Custody Issues

- In any family separation and custody issues, employees shall remain impartial at all times.
- If a court order exists, employees will follow the instructions contained within the order.
- Employees will maintain a non-judgmental approach with both parents.
- Privacy and confidentiality will be respected at all times.
- Employees will refrain from discussing the situation, except as it relates to the safety of children and/or employees.
- Safety of children and employees is to be considered as the priority at all times.

Criminal History Assessment

Under Legislation, Unley Community Childcare Centre must conduct an assessment of the criminal history of every person who is, or will be, engaged to work with children in their organisation as well as all members of the Management Committee.

Conducting assessments in a timely manner

The Centre must ensure that a satisfactory criminal history assessment is conducted:

- Prior to the appointment of each new employee and volunteer
- At least once every five years for current employees and volunteers.

Unley Community Childcare Centre has their criminal history assessments done by the Department for Communities and Social Inclusion SA who will then reply with a letter of clearance to work with children.

Assessing criminal history information

In the majority of cases, a person will have no criminal history. In these cases, the assessment is successfully completed and no further action in respect to an assessment is required.

The Centre will ensure procedural fairness throughout the assessment and decision-making process.

The decision to employ or retain the services of a person with recorded convictions will be rigorous, defensible and transparent.

In all cases, the centre will ensure that applicants have an opportunity to have some input into the decision-making process. At a minimum, this will include providing an opportunity for the applicant to confirm or dispute the information contained within the report and to provide contextual information before the assessment is conducted.

All criminal history assessments done by the Department for Communities and Social Inclusion SA will be at a cost to the employee and it is the employees responsibility for keeping these records up to date. Any employee who allows their criminal history assessment to lapse will be directed to take leave without pay until a criminal history assessment is complete.

Legislation

1. Children's Protection Act 1993 Statutes Amendment (Children's Protection) Act 2009
2. Children's Protection Regulations 2010 (1.7.12)
3. Work Health and Safety Act 2012
4. Public and Environmental Health 1987
5. Education and Care Services National Law Act 2010
6. Education and Care Services National Regulations 2011

Sources

Child Safe Environments: Managing criminal history information of people working with children: Department of Communities & Social Inclusion

National Quality Standards

Information about the Screening Unit is available from

www.dcsi.sa.gov.au/services/screening

Responding to Abuse and Neglect- Education and Care Training

Protective Practices for staff in their interactions with children and young people

- Guidelines for staff working and volunteering in education and care settings

NQS

QA2	2.2	Each child is protected
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National Regulations

Regs	84	Awareness of child protection law
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Date Reviewed: December 2019

Next Review Date: December 2020

Date	Changes made
20/12/19	Made changes to DCSI now expires every 5 years not 3. Added that employees are responsible for paying for DCSI and also responsible for keeping track of when it expires. Any employee who allows DCSI to lapse – leave without pay until check comes through