D-22 Child Protection- Mandatory Reporting

NQS

QA. 2.2	Safety.
QA. 2.2.1	Supervision.
QA. 2.2.3	Child protection.
QA. 4.1	Staffing arrangements.
QA. 4.1.1	Organisation of educators.
QA. 4.2.2	Professional standards.
QA. 5.1.2	Dignity and rights of the child.
QA. 7.1.2	Management systems.
QA. 7.1.3	Roles and responsibilities.

National Law & Regulations

Sec. 162A	Child protection training
Sec. 167	Offence relating to protection of children from harm and hazards
Reg. 84	Awareness of child protection law
Reg. 145	Staff record
Reg. 155	Interactions with children
Reg. 168	Education and care service must have policies and procedures
Reg. 170	Policies and procedures to be followed
Reg. 176	Time to notify certain information to Regulatory Authority
Reg. 181	Confidentiality of records kept by approved provider
Reg. 358	Working with children check to be read

My Time, Our Place

LO. 1	Children and young people feel safe, secure, and supported
	Children and young people learn to interact in relation to others with care, empathy and respect
LO. 3	Children and young people become strong in their social, emotional and mental wellbeing

Child safe standards

Standard 1	Child safety is embedded in organisational leadership, governance and culture
Standard 2	Children participate in decisions affecting them and are taken seriously
Standard 3	Families and communities are informed and involved
Standard 4	Equity is upheld and diverse needs are taken into account
Standard 5	People working with children are suitable and supported
Standard 6	Process to respond to complaints of child abuse are child focused
Standard 7	Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

Standard 8	Physical and online environments minimise the opportunity for abuse to occur
Standard 9	Implementation of the Child Safe Standards is continuously reviewed and improved
Standard 10	Policies and procedures document how the organisation is child safe

Policy Statement

We are committed to developing a safe and secure environment, which encourages children to interact positively with respect for others. We believe that the welfare of all children is of paramount importance and that the Centre has a duty to ensure the child's right to care and protection are maintained while at the Centre. Staff understand the rights of children, are adequately screened, and are trained to understand indicators of abuse and how to identify and respond to every child at risk of abuse or neglect. Staff and Management have a legal responsibility as Mandatory Reporters to make a report to the Child Protection Helpline where they have reasonable grounds to suspect that a child may be at Risk of Significant Harm (ROSH). Our staff will carry out responsibilities of Mandatory Reporting as indicated under legislation by following the procedures outlined in this Policy. Staff must be aware of children and the environment at all times. Adequate supervision is an important part of providing a safe and protective environment. Students, volunteers, and visitors to the Centre will not be left unsupervised with the children. A child protection risk assessment is undertaken annually.

Related Policies

- SYLVANIA HEIGHTS BASC Policy A-3: Philosophy
- SYLVANIA HEIGHTS BASC Policy A-11: Maintenance of Records
- SYLVANIA HEIGHTS BASC Policy A-15: Role of Management Committee
- SYLVANIA HEIGHTS BASC Policy A-17: Privacy and Confidentiality
- SYLVANIA HEIGHTS BASC Policy A-19: Nominated Supervisor
- SYLVANIA HEIGHTS BASC Policy C-1: Staff Recruitment and Selection
- SYLVANIA HEIGHTS BASC Policy C-3: Staff Orientation and Induction
- SYLVANIA HEIGHTS BASC Policy C-10: Volunteers/students/visitors
- SYLVANIA HEIGHTS BASC Policy C-11: Staff Child Ratios
- SYLVANIA HEIGHTS BASC Policy C-12: Communication
- SYLVANIA HEIGHTS BASC Policy C-14: Reportable Conduct

Procedure

Screening:

All staff, both paid and unpaid, volunteers and students who work with children are required to provide a "Working with Children Check" prior to being appointed, and this must be verified by the Nominated supervisor prior to this person commencing in a child-related role.

Educators undergo child protection training and relevant National Child Safety training during orientation. Child protection procedures are reviewed at staff meetings. Educators are reminded of their obligations as mandatory reporters at these meetings.

Mandatory Reporting

Mandatory Reporting is a legal obligation that applies to select people, a Mandatory Reporter is someone who is required by law to make a report to the Child Protection Helpline if they have current concerns about the safety, welfare or wellbeing of a child (s23 NSW Children and Young Persons Care and Protection Act 1998) where that concern reaches the threshold of ROSH. In NSW, the Department of Communities and Justice (DCJ) regulates Child Protection and are responsible for following up reports made. A child is defined as a person under 16 years of age. Mandatory Reporters are not legally required to report on unborn children, or those 16-17 years of age, but are encouraged to do so ethically. Penalties apply for the staff member for failing to make a report.

Responding to a child's disclosure

If a child discloses allegations of abuse, it is vital that the Educator involved is ready to listen attentively and remain calm and supportive. Finding a quiet, private place to talk and allowing the child to tell their story in their own words is important. Educators should avoid asking leading questions or probing for information that the child is not ready to disclose. It is important that the child is reassured that they have done the right thing in telling someone what has happened and that they have a right to feel safe. The Educator should assure the child that they believe them and will try and help. When documenting the disclosure, the educator should ensure they use the words of the child where possible.

In OOSH services, Mandatory Reporters are:

- Staff who deliver services to children
- Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services (From information supplied by Department of Community Services Helpline Information Kit 2001)

Every Educator or member of staff has a legal and ethical obligation to act to protect any child who is at risk of significant harm. Staff will be offered training in relation to child protection and notification as part of the training budget.

The NSW Early Learning Commission's Reporting Guide is in a place accessible by all staff.

Determining if Report Required:

Categories of concern include:

- Physical abuse
- Neglect
- Grooming
- Sexual misconduct
- Sexual abuse

- Domestic Violence
- Psychological harm
- Relinquishing care
- Parent / carer domestic violence
- Parent / carer substance abuse
- Parent / carer mental health
- Prenatal Report
- A child exhibiting harmful sexual behaviour

Any Educator who forms a belief on reasonable grounds that a child is at Risk of Significant Harm should immediately contact 000 where there is an emergency. A report must be made to the police when there is an allegation of a crime (Crimes Act 1900)

They should then attend to any immediate needs of the child including first aid.

They should then complete an incident / injury / trauma and illness report form, ensuring objectivity, and following service procedure and policy on Privacy and Confidentiality. The Educator must then discuss these concerns with the Nominated Supervisor to ascertain if there is any further information the Educator is unaware of. Any such conversations should be held in a confidential location, and Privacy and Confidentiality Procedures should be discussed prior to and at the end of every Child Protection related conversation. Any notes from the meeting shall be stored in accordance with the centre's Privacy and Confidentiality Policy.

To confirm if notification is required, the Nominated Supervisor, in conjunction with the Educator will use the on-line Mandatory Reporter Guide which is available at: https://reporter.childstory.nsw.gov.au/s/mrg to ascertain if the report shows the child at risk of significant harm. The MRG will guide the decision and advise the next steps required.

Making a Report to the Child Protection Helpline:

Where there is risk of significant harm, and the MRG result indicates a report is required, educators will be directed by the online Mandatory Reporter Guide to contact the Child Protection Helpline directly or to make an E-report.

The result report page from the online tool should be printed, sealed in an envelope, and placed in the child / family file regardless of the outcome. The report to the Helpline can either be completed by the Nominated Supervisor or the Educator, but where the Nominated Supervisor does not make a report, the Educator is legally required to do so. It is best practice for the educator who becomes aware of the concerns makes this report themselves with the support of the Nominated Supervisor. These numbers are available 24 hours, 7 days a week:

- **E-report submitted online at https://reporter.childstory.nsw.gov.au/s/mrg**
- **132 111** for phone report

When phoning the Helpline, Educators should have gathered as much information as possible regarding the child, family, outcomes of the online Mandatory Reporter Guideline tool, as well as their own details. Specialised Child Protection Staff employed by DCJ will answer all calls. Staff

should remember that it is not their responsibility to prove the abuse, just to have reasonable suspicion that abuse, or neglect has occurred or is at risk of occurring.

Result not to Report:

Where the Mandatory Reporting Guidance Tool advises the Nominated Supervisor / Educator to "document and continue the relationship," the service should continue to provide support and services, as well as offer referrals for the child and family where appropriate.

Following Reporting:

A register of child protection concerns is to be maintained.

Where a report resulted in action from DCJ:

The Nominated supervisor/Educator will receive a result of the report being made. Where the matter is referred to the DCJ to initiate a response, staff will leave the situation in the hands of the designated Departmental Officers. Unless directed to do so by the DCJ, they should not discuss the issue with the parents or try to undertake any further investigation into the situation. Where further information is observed etc., the person who originally made the report should contact DCJ to advise.

Staff will not question the child or parents unless directed by DCJ to do so.

Should the situation arise where the child is considered in immediate danger and the child is taken into the care of DCJ, staff will follow the advice of the Departmental Officers.

Staff should be aware that they are protected as a notifier under the Children and Young Persons (Care and Protection) Act (1998).

Information published on Mandatory Reporting by DCJ will be made available in a 'staff only' area of the centre. These documents will be kept up to date and referred to regularly.

Where report resulted in no action from DCJ:

Where a report was made and no action was taken by DCJ or where the result of the MRG was not to report, but you continue to hold concerns educators should work with the Nominated Supervisor to consider other ways to support to Child and their Family.

In some circumstances it will be appropriate for the educator to raise their concerns with the Parents. This should be done at the direction of the Nominated Supervisor and careful consideration about child safety, and unique family circumstances considered.
It is not always necessary for a statutory response, but there may be agency referrals appropriate to assist the family. The Local Family Referral Service can be consulted on 1800 066 757

It is the responsibility of Management and the Nominated Supervisor/Director to:

- Ensure all staff are aware of their responsibilities as Mandatory Reporters
- Ensure appropriate phone numbers and literature is made available to staff
- Ensure staff are aware of current legislation in protecting children and young people

- Ensuring reports to other agencies are fulfilled as legally required including ACEQA and NSW Office of the Children's Guardian

Where a Child Protection related complaint is made about an Educator's behaviour

As a Schedule 1 entity under the Children's Guardian Act 2019 Reportable Conduct Scheme an allegations that relate to the conduct of a worker towards a child (under 18 years) where the allegations reach the threshold for Reportable Conduct must be reported by the Head of Entity to the Office of the Children's Guardian within 7 days and an investigation initiated. See Policy C-14 Reportable Conduct Policy

Where the allegation is made to an Educator or a member of Management, the facts as stated will be recorded in writing on an Incident Report including dates, times, name of person involved, name of person making the allegation and the person making the report.
This report should be kept on record and treated as strictly confidential. If the Nominated Supervisor/Director or Responsible person in charge is suspected, the President of the Management committee should be informed.

Support should be given to people making an allegation and/or person who have been suspected. This support can be given in the form of counselling or referral to an appropriate agency.

Child abuse related offences under the Crimes Act 1900 of failure to report (316A) and failure to protect (43B) carry a maximum penalty of imprisonment for two years.

Sources

- Education and Care Services National Regulations 2011
- National Quality Standard
- My Time, Our Place Framework for School Age Care in Australia – V2.0
- Children (Education and Care Services National Law Application) Act 2010
- Children and Young Persons (Care and Protection) Act (1998)
- Privacy Act 1988
- Privacy and Personal Information Protection Act 1998
- Working with Children Check NSW
- Commission for Children and Young People Act 1998
- Child Protection (Prohibited Employment) Act 1998
- Children's Guardian Act 2019
- NQF Review: Providing a child safe environment
- Crimes Act 1900

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