**Child Protection & Risk Management policy 2022**

Updates in Yellow

NATIONAL QUALITY STANDARD (NQS)

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| QUALITY AREA 2: CHILDREN’S HEALTH AND SAFETY | | |
| 2.2 | Safety | Each child is protected |
| 2.2.1 | Supervision | At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard. |
| 2.2.2 | Incident and emergency management | Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practised and implemented. |
| 2.2.3 | Child protection | Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect. |

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| 4.2.2 Professional Standards | Professional standards guide practice, interactions and relationships |
| 5.1.2 Dignity of the rights of the child | The dignity and rights of every child are maintained |
| 7.1.2. Management systems | Management systems are in place to manage risk and enable the effective management and operation of a quality service |
| 7.1.3. Roles and responsibilities | Roles and responsibilities are clearly defined, and understood, and support effective decision-making and operation of the service |
| 7.2.1 Continuous improvement | There is an effective self-assessment and quality improvement process in place |
| 7.2.3 Development of professionals | Educators, co-ordinators and staff members’ performance is regularly evaluated, and individual plans are in place to support learning and development |

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| EDUCATION AND CARE SERVICES NATIONAL REGULATIONS | |
| 168 (h) | Providing a child safe environment |

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|  | 84 | Awareness of child protection law |
|  | 273 | Course in child protection |

#### Purpose

All children have the right to experience quality education and care in an environment that promotes opportunities to thrive with adults who safeguard and advocate for their health, safety, security and wellbeing including the right to:

* be asked to express their views and wishes about matters affecting their lives and to have those views appropriately considered by adults;
* feel and be safe in their interactions with adults and other children and young people; and
* understand, as early as possible, what is meant by ‘feeling and being safe’.

**Strategies**

**The physical Environment**

In order to promote a safe physical environment, we will:

* Ensure all equipment and materials used at the service meet relevant safety standards.
* Remove, repair or replace worn and damaged buildings, structures equipment and resources which may provide a safety risk for children in a timely manner.
* Ensure learning environments are established that provide appropriate child groupings, sufficient space, and include carefully chosen and well-maintained resources and equipment **(National Regulation 103).**
* Organise indoor and outdoor spaces to ensure risks to the health and safety are minimised and that there is effective and adequate supervision available at all times **(National Regulation 115).**
* Conduct a risk assessment of the service environment on a quarterly basis to determine any risks to children’s health and safety.
* Analyse and evaluate the risks associated with identified hazards.
* Determine appropriate ways to eliminate or control identified hazards.
* Review risk assessments after any serious incident report is made to the Regulatory Authority.

**Strategies and practices**

* The Service is committed to providing a safe and supportive environment for children where adults treat them with understanding, dignity, and respect at all times, and listen to their concerns. The Service’s Statement of Commitment is displayed in the foyer.
* The Service has developed and implemented its own Code of Conduct – Child Protection for interactions with children. The Code applies to staff, educators, students, volunteers and visitors to the Service, and each is given a copy of the Code.
* This Policy is explained to all staff, educators, students and volunteers before they commence at the Service. At that time, they are given the opportunity to ask any questions needed to clarify their understanding. They are then asked to sign the Child Protection Staff Acknowledgement Form.
* Child protection and child safety information is displayed on notice boards, and brochures are made available to parents, staff and other interested parties.
* The Service has clear procedures for recruiting, selecting and screening suitably qualified and experienced staff. No one commences at the Service without completing a working with children check. The Nominated Supervisor maintains a Staff Summary Sheet and a Working With Children Register Sheet which clearly indicates the expiry dates of Working With Children Cards for all staff members. Staff are informed that it is an offence not to notify the Service of any change in the criminal history or police information they have previously provided in obtaining their working with children clearance.
* The Nominated Supervisor interviews all students and volunteers before agreeing to their placement at the Service, and ensures they provide a copy or evidence of their working with children check. Students and volunteers are informed that it is an offence not to notify the Service of any change in the criminal history or police information they have previously provided.
* The Nominated Supervisor and any person who might act as Responsible Person or person-in-day-to-day charge of the Service must have completed an approved Child Protection Training Course or, if this person has previously undertaken and completed the appropriate qualification required to fulfil s162A (Education and Care Services National Law), one of the previously approved courses which has been superseded.
* The Service provides educators with ongoing professional development in child protection, and the topic is regularly discussed in team meetings. Up to date information is shared with all Educators. Training needs are documented in a Training and Study Record – Educator, and monitored.

* All children are observed on arrival and any injury recorded on the Injury on Arrival Form.
* As mandatory reporters, staff are required to report any suspicion or allegation that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for in the Service to the Nominated Supervisor. If the Nominated Supervisor is the subject of the suspicion or allegation, the report is to be made to the Approved Provider or directly to the Regulatory Authority. Reasonable grounds for suspecting harm include:
  + You witness the harm
  + A child tells you they have been harmed by someone at the Service
  + Someone else (e.g. another child, staff member, parent, outside person) tells you that a child has been harmed by a person at the Service.
* The Nominated Supervisor/Approved Provider will use the Mandatory Reporter Guide (MRG) 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 providing mandatory reporters with the most appropriate reporting decision. The MRG supports mandatory reporters to:
  + determine whether a report to the Child Protection Helpline 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.
* The MRG will be used on every occasion staff have risk concerns as each circumstance is different and every child and young person is unique as it provides guidance as whether a report to the Child Protection Helpline is required. This is important because helpline caseworkers will:
  + make determinations on reports received from mandatory reporters using SCRPT in conjunction with additional information which may not be available to staff (i.e. mandatory reporters). NOTE: The reporter is not required to prove that abuse has occurred.
  + determine whether the matter constitutes risk of significant harm (ROSH) using the Screening and Response Priority (SCRPT) tool.

From 1 March 2020, the Reportable Conduct Scheme is operated by the Office of the Children’s Guardian under the [Children's Guardian Act 2019.](https://legislation.nsw.gov.au/view/html/inforce/current/act-2019-025)

The scheme monitors how certain organisations (‘relevant entities’) investigate and report on types of conduct ('reportable allegations' or 'reportable convictions') made against their employees, volunteers or certain contractors who provide services to children. The scheme will also cover religious bodies, in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

From 1 March 2020, when the head of a 'relevant entity' becomes aware of a reportable allegation or a reportable conviction, the head of that entity must notify the Office of the Children's Guardian within seven business days and conduct an investigation into the allegations. If the final entity report is not ready to submit within 30 calendar days, the head must provide an interim report with information about the progress of the investigation and an expected timeframe for completion.

* Any allegation about an employee will be reported to the Office of the Children’s Guardian using the online [7-Day Notification Form](https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1022/7-DayNotificationForm.pdf.aspx?Embed=Y). If the investigation into the matter is not completed within 30 days, the online [30-Day Interim Report Form](https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1022/30-DayInterimReportForm.pdf.aspx?Embed=Y%20) will be submitted. At the completion of the investigation the online [Entity Report Form](https://www.kidsguardian.nsw.gov.au/ArticleDocuments/1022/EntityReportForm.pdf.aspx?Embed=Y) will be also be submitted.
* In the event of a child exhibiting sexualised behaviour beyond that considered by educators to be age-appropriate and not-unexpected, the matter is to be reported to the Nominated Supervisor who will, in turn, report the concern directly to the Regulatory Authority.
* The Service has developed Harm – Guidelines for Handling Disclosure to help staff, educators, students and volunteers, when faced with a disclosure from a child, to respond professionally and in the best interests of the child. Any disclosure of harm must be immediately reported to the Nominated Supervisor who will ensure that correct procedures are followed.
* Educators refer to the Mandatory Reporter Guide (MRG) to ensure that all concerns that reach the threshold of risk of significant harm are reported to the Child Protection Helpline. This Guide assists professionals in making a decision about whether their concerns for a particular child or young person are likely to meet the risk of significant harm threshold. It also provides useful advice about any other action’s educators can take to assist the child, young person or family. The MRG can be found on the Child Story (NSW) website. Educators can also use a decision tree to determine if their concerns are reportable. This tree is to be printed and filed with the child’s records. Educators must use the MRG when reporting all child protection concerns online. Reports can also be made by calling the Child Protection Helpline on 132 111.
* Staff who suspect that a child may be experiencing harm or neglect when not at the Service are to follow the Harm – Guidelines for Handling a Suspicion. These Guidelines include immediately informing the Nominated Supervisor, completing an Expression of Concern Form, and maintaining confidentiality as detailed in the Service’s Confidentiality Agreement.
* Educators intentionally teach children Protective Behaviours, after informing parents.
* The Service involves staff, educators and parents when compiling the Risk Management Plan for High Risk Activity or Special Event.
* Any breach of this Child Protection and Risk Management Policy – action or inaction – will be investigated according to the Breach Management Plan.
* The Service’s *Child Protection and Risk Management Strategy Policy* is reviewed at least annually. As part of the annual review, a Child Protection and Risk Management Strategy – Survey is distributed to staff, educators, and parents for their contributions.
* Respond proactively to emerging staff performance concerns.

#### Responsibilities for the Approved Provider

* Ensure the service operates in line with the Education and Care Services National Law and National Regulations with regard to the delivery and collection of children at all times **(National Regulation 99).**
* Ensure all staff have access to relevant professional development.
* Ensure that the Nominated Supervisor and staff members at the service who work with children are advised of current child protection legislation, its application, and any obligations that they may have under that law **(National Regulation 84).**
* Ensure that all responsible persons on the service have up to date child protection training **(National Law 162)**
* Ensure that all relevant staff and educators working with children have working with children check and have been cleared **(Child Protection Act 9)**
* Ensure that at least one person at the service holds asthma, anaphylaxis and first aid training at all times **(National Regulation 136)**.
* Ensure that policies and procedures are up to date and reflecting the National Regulations **(National Regulation 168).**
* Ensure that all staff are aware of the policies and procedures of the service and that a copy of these are available for all visitors, families, students and staff of the service at all times **(National Regulation 170-171).**
* Management is responsible for the periodic review and maintenance of up to date records of employees’ Working with Children Check, including the Working with Children Check number and the date on which each clearance expires. Once an employee provides their WWCC clearance, management will verify the clearance to ensure that is it valid and current. The WWCC will be placed in the individual’s file and continue to be updated as required.

#### Responsibilities for the Nominated Supervisor

* Provide all staff and educators working directly with children with a copy of the Mandatory Reporter Guide to assist them in their reporting.
* Ensuring screening and suitability processes are maintained to meet policy and legislative requirements.
* Identifying and providing appropriate resources and training to assist staff, contractors, visitors, volunteers and students to implement this policy.
* Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy.
* Co-operating with other services and/or professionals in the best interests of children and their families.
* Ensuring that families are made aware of support services available to them and of the assistance these services can provide.
* Ensuring that all staff who work with children are supported to implement this policy in the service.
* Protecting the rights of children and families, and encouraging their participation in decision-making at the service.

**Staffing and Supervision**

* Nominated supervisor and Approved provider ensure that sufficient numbers of educators are employed to ensure adequate supervision of children at all times **(National Regulation 123, 130-132, 271-272).**
* Manage rosters to not only ensure that adequate numbers of educators are on duty to meet ratio and qualification requirements **(National Regulation 126)** but that duty of care implications are considered to ensure adequate supervision at all times.
* Ensure screening and suitability of staff, volunteers as per the legislation and policy at the time of employment and as part of an ongoing process

#### Responsibilities for the Educators

* Act in accordance with the obligations outlined in this policy.
* Raise concerns when barriers or threats to the protection of children and young people’s safety and wellbeing are identified, including through the conduct of other adults at the site/service.
* Keeping up to date and complying with any relevant changes in legislation and practices in relation to this policy.
* Follow all record keeping requirements **(National Regulation 173, 177)**.
* Undertaking appropriate training and education on child protection.
* Identifying any potential for risk and harm to a child at the service and developing and implementing effective prevention strategies in consultation with the approved provider and the nominated supervisor.
* Co-operating with other services and/or professionals in the best interests of children and their families.
* Informing families of support services available to them (such as child first), and of the assistance these services can provide.
* Ensuring that no child is left alone (or is out of sight) with a contractor, visitor, volunteer, student or parent/guardian at the service.
* Implementing the procedures for reporting suspected child abuse.
* Notifying the Nominated Supervisor or the approved provider immediately on becoming aware of any concerns, complaints or allegations regarding the health, safety and welfare of a child at the service.
* Offering support to the child and their family, and to other and staff in response to concerns or reports relating to the health, safety and wellbeing of a child at the service.
* Provide a quiet place for children to rest when they are tired or stressed **(National Regulation 81).**
* Maintaining confidentiality at all times **(National Regulation 181).**
* Adhering to all service policies and procedures.
* Educators will work in collaboration with our Arrival and Departure Policy and Student and Visitors Policy to ensure children feel safe and secure. To ensure children’s safety, Educators have a clear understanding of their legal obligation to check identification when a person is picking up a child. To maintain compliance, parents and educators will complete an from in writing/email if they authorise a person who is not on their emergency contact form to pick up their child.

#### Responsibilities for the Families

* Reading and complying with this policy.
* Reporting any concerns, including in relation to potential for child abuse, to the Nominated Supervisor.

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#### Related Statutory Obligations & Considerations

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| **Australian Children’s Education and Care Quality Authority (ACECQA)** | http://www.acecqa.gov.au/ |
| **Children (Education and Care Services) National Law (NSW) No 104a** | https://www.legislation.nsw.gov.au/#/view/act/2010/104a/full |
| **Childwise** | https://www.childwise.org.au/NSW Government |
| **Child Story Reporter** |  |
| **Children and Young Persons (Care and Protection) Act** | https://reporter.childstory.nsw.gov.au/s/ |
| **Child Protection (Working with Children) Act** |  |
| **Child Protection (Working with Children) Regulation** |  |
| **Commission for Children and Young People Act** |  |
| **Early Years Learning Framework (EYLF** |  |
| **Education and Care Services National Regulations** | https://www.legislation.nsw.gov.au/#/view/regulation/2011/653/full |
| **FACS** | https://www.facs.nsw.gov.au/about\_us/contact\_us#districts |
| **Kidsafe** | http://www.kidsafensw.org/ |
| **Keep Them Safe** | http://www.keepthemsafe.nsw.gov.au/ |
| **Mandatory Reporters Guide** | https://reporter.childstory.nsw.gov.au/s/mrg |
| **NSW Health** | http://www.health.nsw.gov.au |
| **National Quality Framework (NQF)** | http://acecqa.gov.au/national-quality-framework/ |
| **NSW Interagency Guidelines** | https://www.facs.nsw.gov.au/providers/children-families/interagency-guidelines |
| **Ombudsman Act** |  |
| **Office of the Children’s Guardian** | http://www.kidsguardian.nsw.gov.au/child-safe-organisations/child-safe-elearning |

**Procedure and forms**

* Abuse – Types and Indicators
* Breach Management Plan
* Child Protection and Risk Management Strategy – Survey
* Child Protection – Staff Acknowledgement Form
* Code of Conduct – Child Protection
* Confidentiality Agreement
* Expression of Concern Form
* Harm – Guidelines for Handling Disclosure
* Harm – Guidelines for Handling Suspicion
* Injury on Arrival Form
* Protective Behaviours
* Risk Management Plan for High Risk Activities or Special Event
* Staff Summary Sheet
* Statement of Commitment
* Training and Study Record – Educator
* Working With Children Register Sheet

**Links to other policies**

* Educator Professionalism and Ethics Policy
* Privacy and Confidentiality Policy
* Relationships with Children Policy
* Staffing Policy
* Students, Volunteers and Visitors Policy

#### Related Telephone Numbers

* Child Protection Helpline(24 hours) - 132 111
* Early Childhood Education and Care Directorate - 1800 619 113
* Family Court of Australia - 1300 352 000
* Kidsafe – (02) 9845 0890
* National Child Abuse Helpline (9-5pm) - 1800 991 099
* NSW Police Force - 000
* NSW Ombudsman – (02) 9286 1000
* Office of the Children’s Guardian – (02) 9286 7219

#### Amendment History

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| **Version** | **Amendment** | **Date** |
| Previous LDC generated | Review Child Safe Environment  Adaption to ACA policies  Adaption to ACA policies (author Dr. Brenda Abbey(ACA Copyright)  Updated to capture the new legislation in regards to reportable allegation Policy name change to Child protection- child safe environment policy  against employees, supervision and additional forms/ongoing support and training.  Review- ACA policy review, change name to Child protection and risk management policy, links and procedures list | May 2018  October 2020  October 2021  June 2022 |

This policy will be updated to ensure compliance with all relevant legal requirements every year. Appropriate consultation of all stakeholders (including staff and families) will be conducted on a timely basis. In accordance with Regulation 172 of the *Education and Care Services National Regulation*, families of children enrolled will be notified at least 14 days and their input considered prior to any amendment of policies and procedures that have any impact on their children or family.

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| Date: | October 2021 |
| Version: | 01/2020 |
| Last Amended By: | Julia Koti |
| Next Review: | October 2022 |
| Position: | Approved Provider/Director |

**Sources**

* Education and Care Services National Regulations 2011
* Guide to the National Quality Standard 2011
* NAPCAN. (n.d.). [*Listening to children.*](file:///C:\Dad\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\TKZCS6I1\Listening%20to%20children.%20http:\www.napcan.org.au\images\uploads\pdf\1flrxo8vzs.pdf) <https://www.cpsltd.org.au/media/1215/211-napcan-listening-to-children.pdf> accessed 29 November 2020
* NSW Department of Education. <https://education.nsw.gov.au/> accessed 30 December 2020
* NSW Department of Education. *Child protection training requirements.* <https://education.nsw.gov.au/early-childhood-education/working-in-early-childhood-education/child-protection-training-requirements#Approved0> accessed 30 December 2020 2020
* NSW Department of Communities and Justice – <https://www.facs.nsw.gov.au/families> accessed 30 December 2020
* NSW Office of the Children’s Guardian – <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme/notification-forms> accessed 30 December 2021

**Further reading and useful websites** *(Consistent with the approach of the National Quality Framework, the following references have prioritised efficacy and appropriateness to inform best practice, and legislative compliance over state or territory preferences.)*

* Office of the Advocate for Children and Young People (NSW). *Information, links and resources*. <http://www.acyp.nsw.gov.au/info> accessed 30 December 2020
* NSW Department Communities & Justice. *What is ChildStory?* <https://www.facs.nsw.gov.au/families/childstory/what-is-childstory> accessed 30 December 2020
* NSW Department of Education – <https://education.nsw.gov.au/> accessed 30 December 2020
* NSW Police Force – <https://www.police.nsw.gov.au/> accessed 30 December 2020
* Office of the Australian Information Commissioner (Australian Government). <http://www.oaic.gov.au/> accessed 30 December 2020

**Procedure and forms**

* Abuse – Types and Indicators
* Breach Management Plan
* Child Protection and Risk Management Strategy – Survey
* Child Protection – Staff Acknowledgement Form
* Code of Conduct – Child Protection
* Confidentiality Agreement
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* Harm – Guidelines for Handling Disclosure
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