



Child Protection (SPCP) Policy

This policy must be read in conjunction with the Presbyterian Social Services (PSS)/ Jericho Road Child Protection Policy and Process documents.

Aim

To ensure the safety and wellbeing of all children while attending Sutherland Presbyterian Church Preschool (SPCP) by providing clear and current information to all employees to follow should there be a suspicion of abuse or neglect taking place.

Definitions

The term Abuse or Neglect will be used throughout the policy and covers the following areas listed below:

Neglect: Lack of proper care (including supervision, shelter/environment, food, hygiene/clothing, medical care, mental health care, education).

Physical abuse: Apparent or suspected injury ranging from a bruise or cut to severe injury including genital mutilation. Injury must be current, does not include learning about a healed injury.

Sexual abuse: Undesired sexual behaviour, or suspected future sexual behaviour, either as a victim or as a perpetrator.

Psychological abuse: Abuse that impacts emotionally or psychologically and can result in the child harming themselves or others (including the presence from the caregivers in the home environment of domestic violence, mental health issues, substance abuse, criminal or corrupting behaviour, deliberately exposing the child to traumatic events, persistent and repetitive behaviours that impact the child's development and self-esteem e.g. punishments, criticisms, scapegoating, humiliating the child).

Danger to self or others: Suicidal or self-harming behaviours visible or reported by the child (including recently attempted, threatened or planned suicide, self harmed to the extent emergency medical attention was required, consumed alcohol or drugs to the extent emergency medical attention was required, violently injured or threatened to violently injure others).

Relinquishing care: A legal guardian can no longer care for, or is showing signs of wishing to cease caring for, a child aged 16 or under.

Carer concern: A child is significantly concerned about their carer for reasons such as substance abuse, domestic violence, mental health. Does not directly impact the child.



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Unborn child: A concern is held for the safety and wellbeing of an unborn child based on characteristics of the mother (including suicide risk, substance abuse, unmanaged mental illness, domestic violence, unsupported intellectual disability, medical condition/physical disability, homelessness, inadequate preparations for the birth).

Abuse includes:

- o child abuse;
- o risk of significant harm;
- o reportable conduct;
- o sexual misconduct; and/or
- o conduct that breaches the service's Code of Conduct.

Reportable conduct is a defined term that appears in the Ombudsman Act 1974 (NSW) and also in the Commission for Children and Young People Act 1998 (NSW). Section 25A of the Ombudsman Act defines reportable conduct as:

- o any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or
- o any assault, ill-treatment or neglect of a child, or
- o any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

NOTE: There are exemptions, so if you are unsure about whether something is reportable conduct or not call the Conduct Protocol Unit.

At risk of significant harm is a term used by Family & Community Services for situations where a reasonable person has current concerns about the safety, welfare or wellbeing of a child or young person. All staff are mandatory reporters. Conduct putting a child or young person at risk of significant harm may also be reportable conduct and is a notifiable circumstance.

*** If in doubt about any aspect staff should call the Conduct Protocol Unit on 9690 9325

Department of Communities and Justice Services or DCJ (NSW department) : Formerly Family and Community Services (NSW) or FACS.

Office of Children's Guardian/ Reportable Conduct Scheme

From 1 March, 2020, the Office of the Children's Guardian took over responsibility for the Reportable Conduct Scheme from the NSW Ombudsman.

Under the Reportable Conduct Scheme, relevant employers are required to notify the OCG of reportable allegations or convictions against their **employees**.



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Reportable conduct

According to the Children's Guardian Act 2019, reportable conduct by an employee includes

- A sexual offence committed against, with or in the presence of a child
- Sexual misconduct with, towards or in the presence of a child
- Ill-treatment of a child
- Neglect of a child
- Assault against a child
- Behaviour causing significant emotional or psychological harm to a child
- Any offence under section 43B or 316A of the Crimes Act 1990, whether or not, with the consent of the child

Implementation

While children are enrolled in care all employees have a duty to respect the welfare of each child and either support families to make informed decisions about the adequate care of their children, or report any cases of suspected or apparent abuse or neglect. Steps will be made within the preschool to ensure that all children are in a safe and supportive environment while enrolled.

Mandatory reporting

All employees of children's services organisations are mandatory reporters under the Children and Young Persons (Care and Protection) Act 1998, and as such as legally required to report any suspected or apparent cases of child abuse or neglect to the NSW Office of the Guardian. All mandatory reporters are protected by anonymity and will not be named during any proceedings that occur as a result of the report being made. Mandatory reporters are also protected from legal proceedings brought about by the family as long as the report was made in good faith.

Working with Children Checks (WWCC)

All employees have a current WWCC that is registered with the NSW Office of the Guardian. All WWCC's are manually checked by the Conduct Protocol Unit prior to the commencement of their employment. Any changes to an employee's eligibility to work with children will be alerted to the preschool by the Office of the Guardian as per the established WWCC system in NSW. Every 5 years all paid employees are required to renew their WWCC and provide evidence of this to the Nominated Supervisor by supplying the new expiry date. It is the responsibility of the individual employees to ensure their WWCC is current otherwise this may impact their employment at the preschool. Any volunteers working closely with the preschool are expected to obtain a volunteer WWCC at no cost. It will be checked using the above process.



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New staff member requirements

- Working With Children Check in place, verified by the CPU, before starting work
- Reference checks performed, recorded and placed on file as part of the recruiting and selection process
- Read and sign the Child Protection Policy and service's Code of Conduct as part of the induction process

Ongoing staff requirements

- CHCPRT001 Identify and respond to children and young people at risk training every three years provided by a suitably registered training organisation
- Staff team walk through the service's Child Protection Policy and Code of Conduct on an annual basis

Preschool committee requirements

- Undergo Breaking the Silence (BTS) refresher training annually
- Review the service's Child Protection Policy and Code of Conduct on an annual basis
- When requested, provide a copy of the Child Protection Policy and Code of Conduct to Presbyterian Social Services (PSS) for review against latest BTS and legislative requirements

Recognised Child Protection Training

All educators are required to have completed the accredited unit CHCPRT001 - Identify and respond to children and young people at risk of harm. The Conduct Protocol Unit require this qualification to be renewed every three years. The preferred training provider for this training is CELA - Community Early Learning Australia. A refresher may be required in between this period. As per element 2.2.3 in the Guide to the National Quality Framework "Assessors may wish to sight ... that nominated supervisors, educators, co-ordinators and family day care educator assistants have attended training or professional development on child protection" (p.171). Therefore a copy of this qualification for each staff member is kept in the Staff Qualifications folder ready for verification. Each staff member is responsible for recording the date of their latest training in their workplan.

Visitors to the premises

All non-employees entering the preschool premises while children are in care are required to sign in to the visitor's registers and provide their full name and contact information. Visitors, including students and volunteers, are not to be left alone with children and must always be under the direct supervision of a preschool employee.



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Relationships with children

It is expected that all educators will form trusting and respectful relationships with the children to not only create a safe and secure environment for the children, but also increase the likelihood of a child disclosing information about abuse or neglect. If a child discloses information to you it is recommended that you stay calm and thank the child for sharing the information with you and tell them they can always tell you anything. If seeking additional information or clarification from the child use open ended questions only as this will provide the child the opportunity to share information in their words, not be led by the person asking the questions. For example, “can you tell me who did this?” allows for the child’s answer, however “did your mum do this?” may result in the child saying yes when they didn’t understand the question fully.

Relationships with families

It is acknowledged that we, as educators, have an opportunity to become close with the families of the children in our care and through these relationships offer support and learn more about the child’s home life. If it is deemed appropriate, and is not going to place the child in further risk of harm, it is recommended that educators offer support and guidance to families who may be struggling or may be lacking information that can help them provide appropriate care for their child. This may be through the form of discussions, information sheets, referrals to local organisations etc. Particularly around suspected neglect cases as this is often not a malicious attack of the child and can often be because of circumstances out of the guardian’s control (e.g. loss of income, limited support networks etc.).

It should be noted that in no circumstances is an employee to approach a family member to discuss a report that has been made or is going to be made as this is to be kept confidential, the disclosure of this information can increase the risk to the child and may also put the preschool staff at risk. It is also not recommended to discuss any concerns with families who may feel cornered or attacked by the allegations as this can not only place the child at further risk but may also lead to the family removing themselves from the community which makes protecting the child impossible when their location is no longer known.

Privacy and confidentiality

It is important that any suspected abuse or neglect is not discussed with the rest of the team and the input of opinions from others may impact the decision to report or not. If an employee suspects that a child is at risk of abuse or neglect they should follow through the reporting process themselves and not expect others to report on their behalf as this may not happen. If wishing to have support an employee may discuss their suspicions with the Nominated Supervisor directly to be supported during the reporting process, unless doing so may place the child at further risk (e.g. the Nominated Supervisor is suspected of causing the abuse or neglect, or the Nominated Supervisor has a close relationship with the guardians involved and may disclose the case to them).



Keeping records

Any suspicions should be documented with as much detail as possible as soon as possible after they arise. Details such as the date and time, the location of any marks, the appearance, what the child was wearing, what the child said etc. All of this information may be required later if a pattern of behaviours becomes visible and if you do not document it when you have the information clear in your mind it may be unclear in the future when you need it. It is better to have clear notes you do not end up needing, than having to recall information you didn't document at the time as you find you do require it. Any records made should not be shared with others and kept with your personal belongings (see privacy and confidentiality above).

Procedure

As a mandatory reporter a staff member will:

1. Make clear and detailed records of any suspected or apparent abuse or neglect as soon as possible, following the guidelines provided in the information of this policy.
2. When confident abuse or neglect has occurred (see definitions), log onto the Mandatory Reporter Guide (MRG) at <https://reporter.childstory.nsw.gov.au/s/mrg> and follow the prompts, using the definitions to help guide your report.
3. Follow the outcome of the MRG once you have completed it to the best of your knowledge. The outcome will tell you what the next step and who to contact regarding the case involved in your report. It is recommended to save the report for your records as a PDF.
4. In the instance that you are reporting a serious incidence where the child is in immediate danger of harm you may still use the MRG for support or you may wish to contact the Child Protection Helpline directly on 132 111. Have the following information ready before contacting the Helpline:
 - a. Child/young person details – Name, address, D.O.B., siblings
 - b. Incident details – Date, type of risk, person/s causing or contributing to harm
 - c. Impact of the incident on the child/young person
 - d. Network of support around the child/young person
 - e. Your personal and contact details
 - f. Interpreter/ support requirement: whether a language or sign interpreter may be required, whether a support is required for a person with a disability or an Aboriginal agency is involved
5. If the abuse or neglect is suspected to be occurring while the child is in care at the service this must also be reported to the Regulatory Authority (Early Childhood Education Directorate on 1800 619 113)



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Chain of Communication

In our setting, under most circumstances, the recommended chain of communication is

- 1/ Report suspected abuse to the Nominated Supervisor (NS)
- 2/ The reporting educator/ staff member and NS are expected to work together to document the incident, access the MRG and report if necessary.
- 3/ The Nominated Supervisor is responsible for reporting of incidents to the Children's Services Manager and CPU.

Exceptions to this chain of communication are if the NS is the person being reported or if the NS does not take the allegation seriously and refuses to report.

Presbyterian Social Services (PSS - Approved Provider of SPCP, includes the Conduct Protocol Unit, CPU)

The Conduct Protocol Unit must be advised of all notifiable circumstances, including:

- o any fact, circumstance, allegation, notification, knowledge of, verbal advice of, direct or indirect connection to, or attempt of abuse, and
- o all allegations, complaints, reportable allegations and allegations of reportable conduct.

An allegation can be a complaint, incident, allegation, or an allegation of reportable conduct.

Relevant Laws and Regulations

CHILDREN (EDUCATION AND CARE SERVICES) NATIONAL LAW (NSW) - SECT 166

Offence to use inappropriate discipline

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS - REG 175

Prescribed information to be notified to Regulatory Authority

(2) For the purposes of section 174(2)(c) of the Law, the following matters are prescribed--

- (c) any circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child or children attending the service;
- (d) any incident where the approved provider reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service;



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(e) allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the Law).

CHILDREN (EDUCATION AND CARE SERVICES) NATIONAL LAW (NSW) - SECT 162A

Persons in day-to-day charge and nominated supervisors to have child protection training

The approved provider of an education and care service must ensure that each nominated supervisor and each person in day-to-day charge of the service has successfully completed the child protection training (if any) required by or under the law of this jurisdiction, a Government protocol applying to the approved provider in this jurisdiction or otherwise required by this jurisdiction.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS - REG 84

Awareness of child protection law

The approved provider of an education and care service must ensure that nominated supervisors and staff members at the service who work with children are advised of--

- (a) the existence and application of the current child protection law; and
- (b) any obligations that they may have under that law.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS - REG 155

Interactions with children

An approved provider must take reasonable steps to ensure that the education and care service provides education and care to children in a way that--

- (a) encourages the children to express themselves and their opinions; and
- (b) allows the children to undertake experiences that develop self-reliance and self-esteem; and
- (c) maintains at all times the dignity and rights of each child; and
- (d) gives each child positive guidance and encouragement toward acceptable behaviour; and
- (e) has regard to the family and cultural values, age, and physical and intellectual development and abilities of each child being educated and cared for by the service.



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Relevant websites

www.kidsguardian.nsw.gov.au

www.reporter.childstory.nsw.gov.au

Links to the National Quality Standard

Quality Area Number	Quality Area Name	Standard Number	Standard Name	Element Number	Element Name
2	Health & Safety	2.2	Safety	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 & staff are aware of their roles and responsibilities to identify & respond to every child at risk of abuse or neglect.



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Quality Area Number	Quality Area Name	Standard Number	Standard Name	Element Number	Element Name
4	Staffing Arrangements	4.2	Educator Qualifications	4.2.2	Professional standards: Professional standards guide practice, interactions and relationships.
5	Relationships with Children	5.1	Relationships between educators & children	5.1.2	Dignity & Rights of the child: The dignity and rights of every child are maintained.
6	Collaborative partnerships with families and communities	6.1	Supportive relationships with families	6.1.3	Families are supported: Current information is available to families about the service and relevant community services and resources to support parenting and family wellbeing.
6		6.2	Collaborative partnerships	6.2.2	Access & Participation: Effective partnerships support children's access, inclusion and participation in the program.
7	Governance & Leadership	7.1	Governance	7.1.2	Management Systems: Systems are in place to manage risk and enable the effective management and operation of a quality service.
7	Governance and Leadership	7.1		7.1.3	Roles & responsibilities: Roles and responsibilities are clearly defined, and



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					understood, and support effective decision making and operation of the service.
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Related Policies and Procedures

- * Presbyterian Social Services Child Protection Policy
- * Presbyterian Social Services - Child Protection Process, Early Childhood Services
- * Relationships (Children, Families, Educators) Policy
- * Educator Policy (Code of Conduct)

Source

Education and Care Services National Regulations

Children and Young Persons (Care and Protection) Act 1998

Childstory Mandatory Reporter Guide <https://reporter.childstory.nsw.gov.au/s/mrg>

Guide to the National Quality Framework

Mandatory reporting of child abuse and neglect CFCA Resource Sheet— June 2020
<https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>

Community Early Learning Australia (CELA) (2020) *Child Protection: Identify and respond to children and young people at risk (CHCPRT001) - Participant Information Book, 2020, v3*. Marrickville: CELA.

Keep Them Safe: A shared approach to child wellbeing, Keep Them Safe Factsheet No. 3, Legislation Amendments

Compliance evidence

Education and Care Services National Regulations (2018) 14, 16, 20, 22, 84, 175, 358,

National Quality Standards 2.2, 4.2, 5.1, 6.1, 6.2, 7.1, 7.2

Date of last review: New policy (designed by Rare Support, 2020)

Date of current review: June 2020

Date of next review: June 2021

Approved by: Lisa Collins (Director)/ Barbara Black (Preschool Management Committee).