



Child Protection Policy

Every child has the right to feel safe all of the time. The staff at our preschools are Mandatory Reporters and have a moral and legal obligation to notify appropriate agencies when there are reasonable grounds to suspect that a child is at 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, irrespective of a family's consent. Confidentiality will be maintained with all issues.

Defining Significant Harm

'At risk of significant harm' – in relation to a child or young person means that there are current concerns for their safety, welfare or wellbeing because of the presence to a significant extent of any one of more of the following circumstances:

- The child's or young person's basic physical or psychological needs are not being met or at risk of not being met;
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive medical care;
- In the case of a child or young person who is required to attend school in accordance with the Education Act 1990 – the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act;
- The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- 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;
- 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 psychological harm; or
- The child was the subject of a pre-natal report under Section 25 of the Children and Young Persons Care and Protection Act 1998 and the birth mother of the child did not engage successfully with the support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

'Reasonable grounds' – means that you suspect a child may be at risk of significant harm based on:

- Your observations of the child, young person or family; or



QUEANBEYAN & DISTRICT PRESCHOOL ASSOCIATION

- What the child, young person, parent or another person has told you. It does not mean that you are required to confirm your suspicions or have clear proof before making a report.

Keeping Records

- Concerns should be discussed with the Nominated Supervisor.
- Make a note of all behaviours and conversations that may indicate risks of significant harm.
- Date all documents.
- Be clear and concise.
- Describe the setting that the observation or conversation took place in.
- Sign all documents.

Information Exchange

Under the Children and Young Persons (Care and Protection) Act 1998, staff are able to liaise with and contact any other services to exchange information in relation to the child or family's wellbeing. (Also see Privacy Policy)

Information may be shared if it relates to:

- A child or young person's history or circumstances
- A parent or other family member
- People having a significant or relevant relationship with a child or young person including case workers from **Department of Education and Communities**.

Note. Under section 248, the Director-General may direct certain bodies, including the NSW Police Force, a government department or agency, a public authority, a school, a local health district and a hospital to furnish the Director-General with information concerning the safety, welfare and well-being of a child or young person.

Obstruction of persons

A person who wilfully hinders, obstructs, delays, assaults or threatens with violence any person in the exercise of that person's functions under this Act is guilty of an offence.

Children and Young Person's (Care and Protection) Act 1998

Procedure for Notification of Suspected Risk of Significant Harm

As soon as reasonable grounds to suspect risks of significant harm have been established the staff member will do one or more of the following:



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- Visit the Keeping Them Safe website (www.keepthemsafe.nsw.gov.au) and follow through the mandatory reporter guide, following the recommendations at the conclusion
- Make a referral to a Regional Intake and Referral Service (RIRS), or to community or other government support services
- Consult their Child Wellbeing Unit (if available)
- Document and continue the relationship.

When making a notification using the mandatory reporters guide the staff member should print and file a copy of the report.

A Support Line for Mandatory Reporters is available 8am to 5pm Monday to Friday on 1800 772 479.

Note:

Any allegation against a member of staff must be reported to the office of the NSW Ombudsman by a Director in consultation with the Management Board. The Ombudsman will be notified even if it is believed that the allegation is trivial, minor or obviously untrue. (Refer to *Allegations Against Staff Policy*.)

Creating a Safe Centre

- All staff (**including permanent, temporary and relief positions**) will complete a *Working with Children Check*.
- All students from high schools or tertiary institutions and volunteers will undergo any relevant checks required by their school or institution before undertaking work experience at the preschool.
- All staff are expected to observe for signs of risks of significant harm and report these to the Nominated Supervisor of the preschool.
- Staff members, visitors or volunteers will not take a child or children out of sight of other staff, or away from easy access by other staff.
- At least two members of staff will be present at all times when children are in the preschool.
- A staff member will toilet and change children with the prior knowledge of other staff, and in view of other staff.
- As part of the program:
 - Staff will implement appropriate protective behaviour programs for children.
 - Staff will encourage children to identify and discuss their feelings.
 - Staff will encourage children to ask questions and make decisions.



QUEANBEYAN & DISTRICT PRESCHOOL ASSOCIATION

- Children will be encouraged to distinguish between situations where they feel safe and where they feel unsafe.
- Staff are to listen and report the child's responses, citing their **exact words**, and not "interview" or question the child.
- All staff at the service who work with children will be aware of the Child Protection Law in the service's jurisdiction and understand their obligations under that law by receiving appropriate training through in-services and workshops.
- If a parent discloses information to a member of staff that suggests abuse to a child, then the member of staff must report their concerns to the **Department of Education and Communities**. In such cases, the safety of the child will take precedence over the issue of confidentiality.

Further reading:

1. Children and Young Persons (Care and Protection) Amendment (Parental Responsibility Contracts) Act 1998(NSW)
2. Child Protection (Offenders Registration) Act 2000 (NSW)
3. Commission for Children and Young People Act 1998 (NSW)
4. The Ombudsman Act 1974 (NSW)
5. Making a Difference: Recognising and Reporting / Notifying Child Abuse and Neglect (NSW Child Protection Council).
6. For further information regarding indicators in Young People, refer to Child Protection Legislation or ring Department of Community Services on **13 36 27**.
7. www.keepthemsafe.nsw.gov.au