



## Child Protection

### **POLICY STATEMENT:**

*Green Umbrella OSHC Inc* believes that it is every child's right to be safe and protected from all forms of abuse, violence or exploitation. It is the legal and moral obligation of all adults who work within our service to ensure the safety and wellbeing of all children in our care. All staff, including casual staff, volunteers and students have a duty of care to ensure the safety and protection to all children who access the service's facilities and programs.

Children are inherently vulnerable and the adults around them have a responsibility to protect them. Green Umbrella recognises that it can take steps to reduce children's vulnerability by making sure that:

- they are active participants in their after school hours community;
- their voices are clearly heard;
- they understand what is acceptable conduct; and
- They are confident that their concerns will be taken seriously.
- The safety and welfare of all children is of paramount importance.

Staff and management have a legal responsibility, as Mandatory Reporters, to take action to protect and support children they suspect may be at significant risk of harm.

Our staff will carry out the responsibilities of Mandatory Reporters as indicated under legislation. This responsibility involves following the procedures as outlined by the Department of Community Services and Justice (DCJ) and the Office of the Children's Guardian

### **PROCEDURES:**

#### **Mandatory Reporting**

- A Mandatory Reporter is anybody who delivers services to children as part of their paid or professional work.
- In OSHC services mandatory reporters are:
  - o Staff that deliver services to children
  - o Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services.
- Staff are mandated to report to DCJ if they have current concerns about the safety or welfare of a child relating to section 23 of the NSW Children and Young Persons (Care and Protection) Act 1998. Section 23 (1) outlines different types of significant harm. They include:  
Child is at significant risk of harm – Neglect

- o a) Basic physical or psychological needs not being met or are at risk of not being met
    - o b) Parents/ carers unwilling or unable to provide necessary medical care
  - c) Child is at significant risk of harm – Physical / Sexual abuse
  - d) Child is at significant risk of harm – Domestic violence
  - e) Child is at significant risk of harm – Serious Psychological harm
  - f) Child is at significant risk of harm – Prenatal report
- Staff will undergo training in relation to child protection and reporting as part of the training budget.
  - Any staff that forms a belief based on reasonable grounds that a child is at risk of harm should ensure they record the details of the report in a clear objective format.
  - Reports should be treated with strict confidentiality in adherence to the service's Confidentiality Policy and Procedures.
  - Any staff who forms a belief based on reasonable grounds that a child is at risk of harm should discuss their concerns with their coordinator/ nominated supervisor, as he or she may have information the staff member is not aware of. The Coordinator will then assist staff in running the online Mandatory Reporters Guidelines (MRG) tool (see point below for more information) to determine whether the report meets the threshold for **significant** risk of harm.
  - If directed by MRG to report to Community services, staff should report their concerns to the Child Protection Helpline:  
Mandatory and Non-Mandatory reporters phone 132 111
  - When reporting to the Helpline it is important to have as much information as possible available to give to the Helpline. This might include child's information, family information, reporter details and outcomes of the MRG.
  - If Coordinator/ Nominated Supervisor has been advised to but has not reported to DCJ you are legally responsible to do so.
  - Once a report is made to the CS Helpline no further report needs to be made unless new information comes to hand.

### ***Mandatory Reporting Guidance tool***

- A Mandatory Reporting Guidance tool has been developed to help frontline mandatory reporters, including OSHC workers determine whether the risk to a child or young person meets the new statutory threshold of 'risk of significant harm'. The MRG will guide the reporter on what action should be taken. The MRG is an interactive tool and is available online at: <https://reporter.childstory.nsw.gov.au>
- If still in doubt the DCJ Helpline will provide feedback about whether or not the report meets the new threshold for statutory intervention.
- If new information presents concerning the child or young person run the MRG tool again

- Where concerns do not meet the significant harm threshold, the MRG tool may guide you to 'Document and continue the relationship'. This requires the service to continue to support, provide services, and coordinate assistance and referral for the child and their family.
- The report page from the MRG should be printed and placed in the child/family file for future reference regardless of whether or not further action is recommended.

### Information exchange

In order to provide effective support and referral it may be necessary to exchange information with other prescribed bodies including government agencies or non-government organisations and services.

- The NSW Children and Young Persons (Care and Protection) Act 1998 has been amended (2009) to include chapter 16A Information Exchange
- Chapter 16A requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people
- Under Chapter 16 A NSW Children and Young Persons (Care and Protection) Act 1998, Staff will exchange information that relates to a child or young persons safety, welfare or wellbeing, whether or not the child or young person is known to Community Services and whether or not the child or young person consents to the information exchange.
- The information requested or provided **must** relate to the safety, welfare or wellbeing of the child. Information includes:
  - o A child or young persons history or circumstances
  - o A parent or other family member, significant or relevant relationship
  - o The agency's work now and in the past
- Where information is provided in good faith and according to legal provisions, under section 29 & section 245G NSW Children and Young Persons (Care and Protection) Act 1998; reporters cannot be seen as breaching professional etiquette or ethics or as a breach of professional standards. There can be no liability for court action.

### Where a complaint is made about a staff member, or someone in the service

- Should an incident occur that involves a child being put at risk of harm from a member of staff, volunteer, trainee or person visiting the service, this is regarded as '**reportable conduct**' and necessitates such conduct being reported to the NSW Ombudsman within 30 days.
- Where the allegation is made to a staff member or member of management the facts as stated will be recorded in writing, using an Incident Report template that includes dates, times, names of person/s involved, name of person making allegation and the person making the report. This report should be kept on record and treated as strictly confidential.

- If the Coordinator or person in charge is suspected then the chairperson or Board should be informed.
- The relevant forms together with information and assistance are available on line at [www.nswombudsman.nsw.gov.au](http://www.nswombudsman.nsw.gov.au)
- The person making the report should follow the advice of the Ombudsman's Departmental Officers.
- Management will also follow this advice.
- The matter will be treated with strict confidentiality.
- For the protection of both the children and the staff member involved, the staff member should be encouraged to take special leave or be removed from duties involving direct care and contact with children, until the situation is resolved.
- Support should be provided to all involved. This support can be given in the form of counselling or referral to an appropriate agency.

### ***Recruitment of staff***

- All staff employed by the service including management, full time/ part time educators, volunteers and students will be subject to a Working with Children Check carried under the Child Protection (Working With Children) Act 2012 ("WWC Act"). Approval from the prospective employee will be sought prior to this verification being carried out.

### ***For further information***

- Child Story <https://reporter.childstory.nsw.gov.au>
- Ombudsman [www.nswombudsman.nsw.gov.au](http://www.nswombudsman.nsw.gov.au)
- Department of Communities and Justice <https://dcj.nsw.gov.au/>
- Office of the Children's Guardian <https://ocg.nsw.gov.au/child-safe-scheme>
- Child Protection Helpline 13 211S

## **CONSIDERATIONS:**

<b>Education and Care Services National Regulations</b>	<b>National Quality Standard</b>	<b>Other Service policies/ Documentation</b>	<b>Other</b>
R84, r85, r86, r87, r109, r110, r114, r115, r155, r170, r176, r168.	Quality Area's 2, 3, 4, 5,6 & 7.	<ul style="list-style-type: none"> <li>- Parent handbook</li> <li>- Staff handbook</li> <li>- Health and Safety policies and procedures</li> <li>- Staffing policies and procedures</li> </ul>	<ul style="list-style-type: none"> <li>- NSW Children and Young Person's (Care and Protection) Act 1998</li> <li>- Office of the Children's Guardian</li> <li>- the Children and Young Persons (Care and Protection) Act 1998</li> </ul>

			("Care and Protection Act"); - Ombudsman Act 1974 (with relevant Child Protection Amendments) - NSW Department of Community Services Mandatory Reporting Guidelines - NSW Child Protection Interagency Guidelines (2006) - Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13 - Keep Them Safe – Information session/ overview participants manual 2009/ 2010 - My Time, Our Place.
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#### **ENDORSEMENT BY THE SERVICE:**

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