



## Child Protection Policy

### 1. Introduction

Dubbo and District Preschool Kindergarten Incorporated (includes Dubbo and District Preschool and Buninyong Preschool) henceforth referred to as Dubbo and District Preschools, is committed to providing an environment that fosters health, development, spirituality, self-respect, and dignity that is free from violence and exploitation. Under the Children and Young Persons (Care and Protection) Act 1998, children and young people must receive the care and protection necessary to ensure their safety, welfare, and wellbeing.

All educators of our service are Mandatory Reporters and are required to report to the **Child Protection Helpline (Phone: 132 111)** OR <https://reporter.childstory.nsw.gov.au/s/mrg> if they have reasonable grounds to suspect a child or young person is at risk of significant harm and have current concerns about the safety, welfare or wellbeing of a child or young person where the concerns arise during or from their work. We are committed to ensuring all educators and staff have a full understanding of their responsibilities as a Mandatory Reporter and are supported in fulfilling these.

#### 1.1 Relevant Legislation and National Quality Framework

Education and Care National Law Act 2010  
Education and Care Services National Regulations 84,149,168  
Early Childhood Education and Care Services National Regulations  
Children and Young Persons (Care and Protection) Act 1998  
National Quality Standard 2; Element 2.2.3--Child protection  
National Principals for Child Safe Organisations

#### 1.2 Links to other Policies

Child Safe Code of Conduct  
Complaints Handling Policy  
Interactions with Children Policy  
Volunteers and Students Policy  
Incident, Injury, Trauma and Illness Policy

#### 1.2 Definitions

**'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 or 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.
- Any such circumstances may relate to a single act or omission or to a series of acts or omissions.
- 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, consequently, 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 serious 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.

*(Children and Young Persons (Care and Protection) Act 1998 No 157, Chapter 3, Part 2, Section 23)*

**'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
  - What the child, young person, parent, or another person has told you.
- You are NOT required to confirm your suspicions or have clear proof before making a report. To do so may interfere with evidence or compromise the work of statutory agencies, for example the Police or Department of Communities and Justice.

## 2. Scope

This Policy applies to all staff and management of the preschool.

## 3. Strategies / How will it be done?

*The Approved Provider/Nominated Supervisor will:*

- Ensure that persons placed in day-to-day charge of the preschool have a current qualification in Child Protection.
- Ensure that any adult (other than parent or family member see section 170 of National Law) working directly or volunteering with children provides a Working with Children Check (WWCC) and that WWCC has been verified by the preschool prior to employment or volunteering. The WWCC check will be included on volunteer or student records. Any person whose working with Children check has been disqualified as a result of failure to comply with children check renewal, will not be continued to be employed by the preschool. This check is verified when renewed.
- Ensure every adult working with children, including parents, volunteers and students is made aware of the Children and Young Persons (Care and Protection) Act 1998 and Child Story protocols and their obligations under this law and action plan. (Education and Care Services National Regulation, Regulation 84, National Quality Standards QA 2).

- d) Orientate every working adult to this child protection policy and their Mandatory Reporter responsibilities. Ensure they maintain understanding and knowledge of this policy and mandatory reporting responsibilities.
- e) Must notify the regulatory authority through the NQAITS portal **within 7 days** of the following:
  - i. Any incident where any employee reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is, or children are, being educated and cared for by the preschool.
  - ii. Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is, or children are, being educated and cared for by the preschool (other than an allegation that has been notified under section 174[2][b] of the Law)
  - iii. Must give written notice to the Office of Children’s Guardian within 7 days of becoming aware of a reportable allegation. A final report must be submitted within 30 days of becoming aware of reportable allegation, upon conducting further investigation. If a final report cannot be provided within 30 calendar days of becoming aware of reportable conduct, the Approved Provider, must contact the Office of Children’s Guardian and submit an Interim Report.
  - iv. Orientate every working and volunteering adult to this child protection policy, their Mandatory Reporter responsibilities and ensure these are reviewed regularly.
  - v. Support the wellbeing of all staff and educators in making reports and documenting concerns through debriefing conversations and the availability of counselling services.

*Educators and staff will:*

- a) Develop trusting and secure relationships with all children at the service.
- b) Make reports of current concerns for any child at risk of significant harm to the **Child Protection Helpline or website for Mandatory Reporters**; and
- c) Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the service.

#### **4. Documentation of Current Concerns**

*The Approved Provider/Nominated Supervisor will:*

- a) Support staff through the process of documenting and reporting current concerns of children at risk of significant harm; and
- b) Provide all staff and educators with clear guidelines.

*Educators and staff will:*

- a) Make a record of the indicators observed that have led to the belief that there is a current risk of harm to a child or young person. Complete the NSW Mandatory Reporter Guide and save relevant decision to the child’s details in a safe file. Information on indicators of risk of harm are outlined in the NSW Mandatory Reporter Guide which is accessible at <https://reporter.childstory.nsw.gov.au/s/mrg>;
- b) Discuss any concerns with the Nominated Supervisor of the service.
- c) Advise the Nominated Supervisor of their intention to make a report to the **Child Protection Helpline (132 111)** or <https://reporter.childstory.nsw.gov.au/s/mrg>
- d) Where possible use the Dubbo and District preschool Login to Child story Reporter to make the report

- e) Advise the Nominated Supervisor when a report has been made.

## 5. Mandatory Reporting

*The Approved Provider/Nominated Supervisor will:*

- a) Provide all staff and educators working directly with children with a copy of this Child Protection Policy and access to the *Mandatory Reporter Guide* at <https://reporter.childstory.nsw.gov.au/s/mrg>; and login details to assist them in their reporting;
- b) Display the Child Protection Helpline number (132 111) on all phone and lists of emergency contact number in the interests of timely reporting.
- c) Provide all staff and educators working with children with access to: [NSW Interagency Guidelines for Practitioners | Family & Community Services](#)

*Educators and staff will:*

- a) In an emergency, where there are urgent concerns for a child's health or life, it is important to contact the police, using the emergency line '000'.
- b) Using the Mandatory Reporter Guide, answer the questions relating to concerns about a child or young person. At the end of the process, a decision report will guide as to what action to take. The Nominated Supervisor is available if staff require assistance to use this online tool.
- c) If the Mandatory Reporter Guide determines that there are grounds to suspect a risk of significant harm to a child or young person, and advises that a report is required, the educator will phone **132 111** OR generate an e-report online at <https://reporter.childstory.nsw.gov.au> as advised using the login for Dubbo and District Preschool.
- d) Mandatory reporters should note that the legislation requires that they continue to respond to the needs of the child or young person (within the terms of their work role) even after a report to the **Child Protection Helpline** has been made.
- e) If the Mandatory Reporter Guide determines that an educator or staff member's concerns do not meet the risk of significant harm threshold, they do not need to make a report to **Child Protection Helpline**, however, they should discuss the matter with the Nominated Supervisor to determine whether the child or family would benefit from the assistance of another agency.
- f) The staff member or educator should monitor the situation and if they believe there is additional information that could be considered, please repeat steps 1 to 5 as required.

## 6. Disclosures of Abuse

*Educators and staff will:*

- a) React calmly to the child making the disclosure.
- b) Listen attentively and later write down the child's **exact words**.
  - i. Provide comfort and care to the child.
  - ii. Follow the steps for reporting as per the Mandatory Reporter Guide.
- c) Reassure the child or young person that:
  - i. It is not their fault.
  - ii. It was right to tell.
  - iii. It is not OK for adults to harm children - no matter what.

- iv. Explain what will happen now - that it is part of your job to tell people who can help the child or young person.

*Educators and staff will not:*

- a) Prompt the child for further details or ask leading questions which would make the child feel uncomfortable or has the potential to jeopardise any future legal proceedings that may arise because of any investigation.
- b) Investigate further any disclosure made by the child. It is important to understand that our role is solely to always support the wellbeing of the child.

## **7. Allegations of Abuse against Staff, Educators, Volunteers or Students**

*The Approved Provider/Nominated Supervisor will:*

- a) Develop and maintain a system of appropriate record keeping for all allegations to ensure detailed documentation is made and stored as required.
- b) Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation.
- c) Keep a timeline of actions and events and ensure sound documentation of all actions and statements.
- d) Ensure these procedures are followed in a timely manner to ensure protection of the child and support of staff person: -
  - 1. Determine whether the allegation is a reportable allegation or a reportable conviction. For determination, reference will be made to:  
[Reportable Conduct Scheme | Office of the Children's Guardian \(nsw.gov.au\)](#)
  - 2. Contact the Reportable Conduct Scheme on **(02) 8219 3800** or at [reportableconduct@ocg.nsw.gov.au](mailto:reportableconduct@ocg.nsw.gov.au) or use the resources available for the Reportable Conduct Scheme on the Office of Children's Guardian website to guide action.
  - 3. Contact the Dept of Education ph. 1800 619 113 for clarification and advice.
  - 4. Assess whether a child or young person is 'at risk of significant harm' and, if so, make a report to the **Child Protection Helpline**
  - 5. Submit (7day notification form) within 7 days of becoming aware of reportable allegation to the Office of Children's Guardian, as required Under the Children's Guardian Act 2019 [Reportable Conduct Scheme | Office of the Children's Guardian \(nsw.gov.au\)](#)
  - 6. Consider whether or not the police need to be informed of the allegation, based on advice received and if the allegation is a reportable allegation. If so, make a report by attending the local police station.
  - 7. If a report is made to the police, complete a **SI01 Notification of Serious Incident Form** and submit to Department of Education and Communities within **24 hours of the incident**.
  - 8. If a report has not been made to the police, complete a **NL01 Notification of Complaints and Incidents (other than serious incidents) Form** and submit to the Department of Education and Communities within **7 days of the incident**:

- c) Ensure confidentiality is always maintained and that systems are in place to deal with any breaches of confidentiality.
- d) Undertake a risk management approach following an allegation to ensure the protection and safety of children, staff, visitors, and the service. Based on this risk assessment, decisions will be made to manage the risks that have been identified.
- e) Consideration should be given to standing the alleged staff/educator/student/volunteer down pending the investigation. This will be at the discretion of Nominated Supervisor, in consultation with management where possible.
- f) If the allegation is being investigated by Department of Communities and Justice or the Police, the service will be guided by their advice as to whether they should independently investigate the allegation.
- g) Develop an investigation plan of the matter. Obtain relevant information from a range of sources. This may include a statement from the person who made the allegation; statements from witnesses and a statement from the person against whom the allegation has been made and any other relevant documentation.
- h) If the investigation is carried out by the service, the information that has been gathered will be assessed and a finding made as to whether the allegation is false, vexatious, misconceived, not reportable conduct, not sustained or sustained. The reasons for the finding will be clearly recorded to ensure that the decision-making has been transparent.
- i) The staff member, educator, volunteer or student will be advised of the outcome of the investigation in writing. Advice will be provided about the investigation finding and any follow up action that may be required. Advice will also be provided about any rights of appeal and the person will be advised that the **Office of Children's Guardian** has been notified and the **Joint Child Protection Response [JCPR] Program** also notified of the relevant employment proceeding (if relevant).
- j) **30-day interim report or Entity Report form** [ to be provided after the investigation or determination is completed] will be completed by the Approved Provider and submitted to the Office of Children's Guardian with 30 calendar days of becoming aware of a reportable allegation, as required under the Children's Guardian Act 2019.
- k) Department of Communities and Justice will also be informed of the outcome of the investigation.

## 8. Informing the Educator, Volunteer/Student

*The Approved Provider/Nominated Supervisor will:*

- a) Treat the staff member/educator/volunteer/student with fairness at all times and uphold their employee rights at all times.
- b) Depending on the nature of the allegation, arrange to inform the person immediately (though be guided by the advice of DCJ or the police).
- c) Arrange for the person against whom an allegation has been made, to have a support person attend the meeting. This support person must not participate in the discussions throughout the meeting.
- d) Make accurate documentation of all conversations, and ensure all records are kept confidentially.
- e) Offer counselling or support to the person subject to the allegation.
- f) Depending on the nature of the allegation made, the person subject to the allegation may be suspended pending further investigation.
- g) After all investigations are completed, provide the educator/carer/volunteer with verbal and written notification of the outcome of the investigation.

### *Rights of All Parties*

- a) The decision-making process throughout the investigation will be based on the safety and wellbeing of the child/ren and the staff/carers/carer's household members.
- b) Consideration will be taken in relation to actual or potential 'conflicts of interest' that may be held by the investigator.
- c) All reportable allegations will be notified to the Office of Children's Guardian. The person, against whom the allegation has been made, will be notified of this and will also be notified of the investigation find and follow up action, including the notification to the Joint Child Protection Response Program.
- d) The person, against whom the allegation has been made, will be notified of any appeal mechanisms if they are not satisfied with the investigation process or the outcome of the investigation.
- e) The Approved Provider, Nominated Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest; and
- f) All parties can complain to the Office of Children's Guardian if they are not satisfied with the conduct of the investigation.

### **Confidentiality**

The Service will handle any allegation of child abuse in a **confidential manner**.

**FURTHER INFORMATION ON THE REPORTABLE CONDUCT SCHEME can be obtained from OFFICE OF CHILDREN'S GUARDIAN by Phoning: 02 8219 3800**

Relevant reporting templates and notifications are found on their website.

Web: [Home | Office of the Children's Guardian \(nsw.gov.au\)](https://www.octg.nsw.gov.au/)

### **REFERENCES**

Child Safe Standards

[Guide to the Child Safe Standards | Office of the Children's Guardian \(nsw.gov.au\)](https://www.octg.nsw.gov.au/child-safe-standards)

◁ NSW Government, Department of Communities and Justice, Resources for Mandatory Reporters, accessed from: [www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters](https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters)

◁ NSW Department of Communities and Justice, 'Protecting our kids', accessed from: [www.facs.nsw.gov.au/families/Protecting-kids](https://www.facs.nsw.gov.au/families/Protecting-kids)

## **Appendix**

### **WHAT IS CHILD ABUSE?**

There are eight types of child abuse, some of which are further divided into more specific categories:

#### **1. *Physical Abuse***

#### **2. *Neglect***

Incorporating;

- a) Supervision
- b) Shelter/Environment
- c) Food
- d) Hygiene/clothing
- e) Medical care
- f) Mental health care
- g) Education – not enrolled/habitual absence.

#### **3. *Sexual Abuse***

Incorporating:

- a) Abuse of a child
- b) Abuse of a young person
- c) Problematic sexual behaviour toward others

#### **4. *Psychological harm***

#### **5. *Danger to self or others***

#### **6. *Relinquishing care***

#### **7. *Carer concerns***

Incorporating:

- a) Substance abuse
- b) Mental health
- c) Domestic violence

#### **8. *Unborn child***

### **INDICATORS OF ABUSE**



There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Behavioural or physical signs which assist in recognising harm to children are known as indicators. The following is a guide only.

One indicator on its own may not imply abuse or neglect. However, a single indicator can be as important as the presence of several indicators. Each indicator needs to be deliberated from the perspective of other indicators and the child's circumstances. A child's behaviour is likely to be affected if he/she is under stress. There can be many causes of stress and it is important to find out specifically what is causing the stress. Abuse and neglect can be single incidents or ongoing and may be intentional or unintentional.

#### **General indicators of abuse and neglect may include:**

- a) Marked delay between injury and seeking medical assistance.
- b) History of injury
- c) The child gives some indication that the injury did not occur as stated.
- d) The child tells you someone has hurt him/her.
- e) The child tells you about someone he/she knows who has been hurt.
- f) Someone (relative, friend, acquaintance, and sibling) tells you that the child may have been abused.

#### ***NEGLECT***

Child neglect is the continuous failure by a parent or caregiver to provide a child with the basic things needed for their growth and development, such as food, clothing, shelter, medical and dental care, and adequate supervision. Some examples are:

- a) Inability to respond emotionally to the child.
- b) Child abandonment.
- c) Depriving or withholding physical contact.
- d) Failure to provide psychological nurturing.
- e) Treating one child differently to the others.

#### **Indicators of Neglect in children**

- a) Poor standard of hygiene leading to social isolation
- b) Scavenging or stealing food
- c) Extreme longing for adult affection
- d) Lacking a sense of genuine interaction with others
- e) Acute separation anxiety
- f) Self-comforting behaviours, e.g., rocking, sucking.
- g) Delay in development milestones
- h) Untreated physical problems

#### ***PHYSICAL ABUSE***

Physical abuse is when a child has suffered, or is at risk of suffering, non-accidental trauma, or injury, caused by a parent, caregiver, or other person. Educators will be particularly aware of looking for possible physical abuse if parents or caregivers:

- a) Make direct admissions from parents about fear of hurting their children.
- b) Have a family history of violence.
- c) Have a history of their own maltreatment as a child.

- d) Make repeated visits for medical assistance.

### **Indicators of Physical Abuse**

- a) Facial, head and neck bruising
- b) Lacerations and welts
- c) Explanations are not consistent with injury.
- d) Bruising or marks that may show the shape of an object.
- e) Bite marks or scratches
- f) Multiple injuries or bruises
- g) Ingestion of poisonous substances, alcohol, or drugs
- h) Sprains, twists, dislocations
- i) Bone fractures
- j) Burns and scalds.

### ***PSYCHOLOGICAL ABUSE***

Psychological harm occurs when the behaviour of the parent or caregiver damages the confidence and self-esteem of the child, resulting in serious emotional deficiency or trauma. In general, it is the frequency and duration of this behaviour that causes harm. This may include:

- a) Constant criticism, condescending, teasing of a child or ignoring or withholding admiration and affection.
- b) Excessive or unreasonable demands
- c) Persistent hostility, severe verbal abuse, and rejection
- d) Belief that a specific child is bad or “evil”.
- e) Using inappropriate physical or social isolation as punishment
- f) Exposure to domestic violence
- g) Intimidating or threatening behaviour

### **Indicators of psychological abuse**

- a) Feeling of worthlessness about them
- b) Inability to value others
- c) Lack of trust in people and expectations
- d) Lack of ‘people skills’ necessary for daily functioning
- e) Extreme attention seeking behaviours.
- f) Extremely eager to please or obey adults.
- g) May take extreme risks, is markedly disruptive, bullying or aggressive.
- h) Other behavioural disorders (disruptiveness, aggressiveness, bullying)
- i) Suicide threats (in young people)
- j) Running away from home.

### ***SEXUAL ABUSE***

Sexual abuse is when someone involves a child in a sexual activity by using their authority over them or taking advantage of their trust. Children are often bribed or threatened physically and psychologically to make them partake in the activity. Sexual abuse may include:

- a) Exposing the child to sexual behaviours of others
- b) Coercing the child to engage in sexual behaviour with other children or adults.
- c) Verbal threats of sexual abuse
- d) Exposing the child to pornography

### **Indicators of Sexual Abuse**

- a) They describe sexual acts.
- b) Direct or indirect disclosures
- c) Age-inappropriate behaviour and/or persistent sexual behaviour
- d) Self-destructive behaviour
- e) Regression in development achievements
- f) Child being in contact with a suspected or known perpetrator of sexual assault.
- g) Bleeding from the vagina or anus
- h) Injuries such as tears to the genitalia

### **DOMESTIC VIOLENCE**

Domestic violence, or intimate partner violence, is a violation of human rights. It involves violent, abusive or intimidating behaviour carried out by an adult against a partner or former partner to control and dominate that person.

Domestic violence causes fear, physical and/or psychological harm. It is most often violent, abusive or intimidating behaviour by a man against a woman. Living with domestic violence has a profound effect upon children and young people and may constitute a form of child abuse. (*The NSW Domestic and Family Violence Action Plan*, June 2010)

#### **Indicators of Domestic Violence**

##### **The child may:**

- a) Demonstrate aggressive behaviour.
- b) Develop phobias & insomnia.
- c) Experience anxiety
- d) Show symptoms of depression
- e) Have diminished self-esteem.
- f) Demonstrate poor academic performance and problem solving skills.
- g) Have reduced social competence skills including low levels of empathy.
- h) Show emotional distress.
- i) Have physical complaints.