

CEEC PP POL CHILD PROTECTION POLICY

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| Related policy documents | Archdiocese Of Brisbane Safeguarding Children And Vulnerable Adults Policy Archdiocese Of Brisbane Code Of Conduct Policy CEEC PP POL Supervision Policy CEEC PP PRO Supervision Procedure CEEC SV POL Blue Card Policy CEEC SV Performance Standards CEEC GOV POL Governance And Service Management Policy |
| Related legislation | Education And Care National Law Act 2010 Education And Care National Regulations 2014 Education And Care Services National Amendment Regulations 2017 Guide To The National Quality Framework Child Protection Act 1999 NSW Children And Young Persons (Care And Protection) Act 1998 Commission For Children And Young People And Child Guardian Act 2000 Commission For Children And Young People Act 1998 Child Protection Amendments – Ombudsmen Act 1974 NSW Department Of Community Services Mandatory Reporting Guidelines NSW Child Protection Inter Agency Guidelines 2006 Wood Inquiry Recommendations 2009 No 13 Guide To Education And Care Services National Law 2010 |

PURPOSE

Catholic Early EdCare (CEEC), a Directorate of Centacare under the Corporation of Trustees of the Roman Catholic Archdiocese of Brisbane believes every child has a right to be safe and protected from all forms of abuse, violence or exploitation. All Catholic Early EdCare staff have a duty of care towards children in the care of Catholic Early EdCare and Catholic Early EdCare also believes that it is the legal and moral obligation of all staff who are employed by Catholic Early EdCare to ensure the safety and wellbeing of children in the care of Catholic Early EdCare.

SCOPE

This policy applies to staff members as defined in the Education and Care Services National Law Act.

1. POLICY STATEMENT

- 1.1 Catholic Early EdCare is committed to the safety and wellbeing of all children and young people accessing Catholic Early EdCare education and care programs.
- 1.2 Catholic Early EdCare acknowledges that the best protection for children is prevention and is committed to ensuring a safe environment for all children.
- 1.3 This policy has been developed to comply with the Education and Care Services National Law 2010 (166-167) and the Education and Care Services National Regulations 2011 - Regulations 84; 168(2) (h) and Australian Children's Education & Care Quality Authority – Guide to the National Quality Framework Quality Area 2
- 1.4 All Catholic Early EdCare staff will be trained in recognising alerts and indicators of harm/child abuse and informed of the importance of following the appropriate regulated and legislated notification procedures when reporting alleged abuse or harm.
- 1.5 It is the responsibility of Catholic Early EdCare to ensure all staff who work with children are aware of their responsibilities as mandatory reporters under the Child Protection Act 1999 (QLD) (Child Protection (Mandatory Reporting – Mason's Law) Amendment Bill 2016) which states –
- 1.6 From 1 July 2017, early childhood education and care professionals are mandated by law to report child safety concerns to the Department of Child Safety, Youth and Women.
- 1.7 To meet this requirement all Catholic Early EdCare staff will be trained in Child Protection each year, and in addition, will be trained on the Catholic Early EdCare Safeguarding Reporting process.

2. CATHOLIC EARLY EDCARE STAFF RESPONSIBILITIES

- 2.1 Catholic Early EdCare Management and staff have a legal responsibility as 'mandatory reporters' and to take action to protect and support children.
- 2.2 Service Directors/Coordinators are responsible for ensuring staff who have contact with children and young people have access to relevant information, so they are aware of their responsibilities.
- 2.3 Staff responsibilities are to -
 - Ensure adequate supervision of children and adherence to Archdiocese of Brisbane Code of Conduct to ensure that harm does not occur to children in care
 - Respond appropriately to any suspicions that a child has been abused by reporting their concerns to the responsible person in charge
 - Be aware of the different types of child abuse and the warning signs that can indicate a child has been abused

- Be aware of the reporting process and the information most helpful to the child protection practitioners working in the Department of Child Safety (Qld).
- Be aware of the legislative responsibility to maintain confidentiality of specific information that relates to children in care; and, the protection provided by legislation for people who report their concerns about a child to either the Department of Child Safety (Qld) and/or the Queensland Police Service.

2.4 All Catholic Early EdCare staff will consistently provide a safe environment which ensures the wellbeing of children in their care through -

- Ensuring there is a safe physical environment as far as is reasonably foreseeable.
- Actively supervising children to ensure they are protected from harm caused by -
 - physical injury
 - harassment and other non-physical harm to the child, whether caused by other children, staff, parents, or any other person
- Supervising all areas where children are present
- Ensuring no person is alone at the service with a child, except in an emergency
- Ensuring that Staff caring for children away from the main operational area are provided with well-maintained and appropriate communication equipment such as walkie talkies and/or Catholic Early EdCare mobile phones

2.5 The Director/Coordinator and/or responsible person will ensure the safety and wellbeing of children as far as reasonably practical through -

- Requiring that all staff and management adhere to the Archdiocese of Brisbane POL Code of Conduct Policy
- Ensuring that employment and training plans for educators and other staff are followed so that the service employs suitable people and conducts adequate workplace inductions
- Obtaining written parental permission for children to be photographed at the service
- Ensuring that all educators, staff and volunteers at the service comply with legal requirements to apply for and hold a Working with Children Blue Card under the Commission for Children and Young People and Child Guardian Act 2000
- As the Approved Provider, Catholic Early EdCare will comply with the requirements under the Education and Care National Law - Sections 20 (172) and the National Regulations: Regulation 179, and in this capacity will ensure that each Service and its staff are aware of all legislative requirements and changes relating to the protection of children specifically relating to the Education and Care Services National Law Act 2010 and Regulations 2011, CCYPCG Act 2000 and other relevant legislation.
- All Catholic Early EdCare staff have a high level of contact with children in child care and education services and have a major role in the successful operation of these services
- Staff have significant influence over the children and therefore have associated responsibilities

- Catholic Early EdCare expects that all staff who participate in a child care and education service will commit to implementing risk management strategies developed by Catholic Early EdCare for child protection and intervention. All staff are expected to respond to any suspicion that a child or young person has been abused by reporting their concerns to appropriate authorities
- Catholic Early EdCare will support its educators, staff and volunteers to confidently carry out their responsibilities in this regard by providing appropriate guidelines and training materials
- It is expected that all educators, staff and volunteers will provide adequate supervision of children and adherence to code of conduct to ensure that harm does not occur whilst children are in care
- It is expected that services will implement protective strategies in age appropriate programs for children.

3. MANDATORY REPORTING

- 3.1 A 'mandatory reporter' is anybody who delivers services to children as part of their paid or professional work.
- 3.2 In Catholic Early EdCare mandatory reporters are –
- Staff that deliver services to children
 - Management, either paid or voluntary, whose duties include direct responsibility or direct supervision for the provision of these services.
- 3.3 Staff are mandated to report to the relevant authorities if they have current concerns about the safety or welfare of a child as per legislative requirements.

4. NOTIFICATION PROCEDURE FOR ALLEGATIONS OF CHILD ABUSE

- 4.1 Catholic Early EdCare acknowledges that issues regarding child abuse and the reporting of allegations of child abuse are highly sensitive, and should be dealt with in a sensitive, consistent, professional and confidential manner.

5. REPORTING/NOTIFICATION

- 5.1 To deal appropriately with these issues and to ensure that the confidentiality of all parties involved is maintained, matters relating to child protection must be referred to the Area Manager.
- 5.2 It should be noted that the person who reports the matter is not responsible for investigation to a stage where final conclusions can be made.
- 5.3 Staff members are not to undertake investigations beyond satisfying themselves that they have reasonable grounds to suspect that a child has been harmed or may be harmed.

- 5.4 Once a report has been made, the staff member is not required to take further action, beyond the requirement to continue to exercise a proper duty of care.
- 5.5 The Area Manager who receives the report will then act in accordance with this Policy.
- 5.6 It is essential that support and the opportunity to debrief are offered to any educator/staff member who hears or reports disclosures of abuse. Access to the Employee Assistance Program should also be offered.
- 5.7 The Area Manager is responsible for providing approval before allegations of child abuse that occur in Catholic Early EdCare are reported to the local branch of the Department of Education (QLD) (also known as ECEC – Early Childhood Education and Care).
- 5.8 If it is suspected that abuse is occurring outside Catholic Early EdCare, approval must be obtained from the relevant Area Manager before reporting to relevant child protection agencies
- 5.9 If the Area Manager is not available, the relevant line manager should be notified.
- 5.10 The Approved Provider has a requirement to notify the regulatory authority about incidents, complaints and changes to information. The timeframes are outlined below:

| Incidents and Complaints | | |
|---|---|---------------|
| Section 174(2)(c) Regulation 175(2)(d) | Any incident where the approved provider reasonably believes that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service | Within 7 days |
| Section 174(2)(c) Regulation 175(2)(e) | Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is being educated and cared for by the service | Within 7 days |

6. INVESTIGATION OF ALLEGATIONS OF CHILD ABUSE

- 6.1 If an incident of child abuse occurs or is suspected to have occurred in a Catholic Early EdCare it is not the responsibility of persons within that service to determine whether the allegation is true or false. It is the responsibility of the Area Manager to notify the relevant authority Department of Education (QLD) (also known as ECEC – Early Childhood Education and Care).
- 6.2 Depending on the nature of the allegations and the extent of the situation Department of Education (QLD) (also known as ECEC – Early Childhood Education and Care), the Department of Child Safety (QLD), and the Queensland Police Service will determine the manner in which the matter will be investigated.

7. CONFIDENTIALITY

- 7.1 All matters regarding allegations of child abuse are to be treated as confidential. The Area Manager, senior line manager are designated as the primary contacts for any incident involving

allegations of child abuse. This is essential for confidentiality. Confidentiality protects all individuals involved -

- the alleged victim
- the alleged offender
- the person making the notification

8. RISK MANAGEMENT APPROACH

8.1 The principles of risk management must be applied to matters of child protection and safety. Risk Assessments must be conducted on all activities undertaken by the service including, but not limited to the following areas:

- Environmental e.g. Access to toilets; Records Management (security of records, etc.)
- Appropriateness of excursion venues etc.
- Human e.g. paid and unpaid staff;
- Other people (parents, workers at excursion sites, delivery drivers, unauthorised visitors, etc.)
- Appropriate and stringent supervision of children in care etc.
- Equipment e.g. Electronic Information Systems (mobile phones, digital cameras, internet access, etc.)
- Safety of transport
- Standard of play equipment etc.

8.2 The CEEC HS FORM -Risk Assessment form is to be used to document all risk assessments and control measures undertaken in order to ensure the safety of children. All risk assessments are to be forwarded to the Work Safe advisor for inclusion on the Risk Database.

8.3 These systems must be clearly linked, through documentation, to staff/educator position descriptions, performance reviews and performance management process.

8.4 Staff will undergo training in relation to child protection and reporting as part of the training budget.

8.5 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.

8.6 Reports should be treated with strict confidentiality in adherence to the Catholic Early EdCare's relevant confidentiality policy and procedures.

8.7 Any staff who forms a belief based on reasonable grounds that a child is at risk of harm should discuss their concerns with their Director/Coordinator, as he or she may have information the staff member is not aware of. The Director/Coordinator will then assist staff by referring to the online Mandatory Reporters Guidelines tool to determine whether the report meets the threshold for significant risk of harm.

8.8 If directed by Mandatory Reporting Guidelines (MRG) to report to NSW Community Services, staff should report their concerns to the Child Protection Helpline –

- Mandatory Reporters phone 13 36 27
 - Non-Mandatory Reporters phone 132 111
- 8.9 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.
- 8.10 If the Director/Coordinator has been advised to but has not reported to NSW Community Services, it should be addressed that they are legally responsible to do so.
- 8.11 Once a report is made to the NSW Community Services Helpline no further report needs to be made unless new information comes to hand.

9. MANDATORY REPORTING GUIDANCE TOOL

- 9.1 A Mandatory Reporting Guidance tool has been developed to help frontline mandatory reporters, including child care 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 www.keepthemsafe.nsw.gov.au
- 9.2 If still in doubt the NSW Community Services Helpline will provide feedback about whether or not the report meets the new threshold for statutory intervention.
- 9.3 If new information presents concerning the child or young person run the MRG tool again.
- 9.4 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.
- 9.5 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. For assistance with referral information –
- Human Services Network www.hsnet.nsw.gov.au
 - Family Services NSW www.familyservices.nsw.asn.au

10. INFORMATION EXCHANGE

- 10.1 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.
- 10.2 The NSW Children and Young Persons (Care and Protection) Act 1998 has been amended (2009) to include chapter 16A Information Exchange.
- 10.3 Chapter 16A requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people.
- 10.4 Under Chapter 16A NSW Children and Young Persons (Care and Protection) Act 1998, staff will exchange information that relates to a child or young person's 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.

- 10.5 The information requested or provided must relate to the safety, welfare or wellbeing of the child. Information includes –
- A child or young person's history or circumstances
 - A parent or other family member, significant or relevant relationship
 - The agency's work now and in the past
- 10.6 Where information is provided in good faith and according to legal provisions, under section 29 and 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.

11. WHERE A COMPLAINT IS MADE ABOUT A STAFF MEMBER, OR SOMEONE IN THE SERVICE

- 11.1 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.
- 11.2 Where the allegation is made to a staff member or member of management the facts as stated will be recorded in writing, using a CEEC HS FORM – Adult Incident Report template that includes dates, times, names of person/s involved, name of person making the allegation and the person making the report. This report should be kept on record and treated as strictly confidential.
- 11.3 If the Coordinator or person in charge is suspected then the Approved Provider should be informed.
- 11.4 The relevant forms together with information and assistance are available on line at www.nswombudsman.nsw.gov.au
- 11.5 The person making the report should follow the advice of the Ombudsman's Departmental Officers.
- 11.6 The matter will be treated with strict confidentiality.
- 11.7 For the protection of both the children and the staff member involved, the staff member should be encouraged to take special leave or removed from duties involving direct care and contact with children, until the situation is resolved.
- 11.8 Support should be provided to all involved. This support can be given in the form of counselling or referral to an appropriate agency.

12. RECRUITMENT OF STAFF

- 12.1 All staff employed by the service, including management, full time / part time carers, volunteers and students will be subject to a Working with Children Check carried out by the NSW

Commission for Children and Young People. Written approval from the prospective employee will be sought prior to this check being carried out.

12.2 When the service engages a self-employed individual to provide services, the provider is required to provide a Certificate for Self-Employed People. This certificate ensures verification that the person employed is not banned by law from working with children. These certificates are issued through the NSW Commission for Children and Young People. Application form and instructions are available on www.kids.nsw.gov.au. For further information –

- Keep Them Safe www.keepthemsafe.nsw.gov.au
- Human Services Network www.hsnet.nsw.gov.au
- Ombudsman www.nswombudsman.nsw.gov.au
- Community Services www.community.nsw.gov.au
- NSW Commission for Children and Young People www.kids.nsw.gov.au
- Child Protection Hotline 13 36 27

SUPPORTING DOCUMENTS

N/A

COMPLIANCE

Breaches of this policy will be dealt with under Centacare's misconduct provisions, as stated in the Employment Guidelines Code of Conduct.

IMPLEMENTATION

Centacare will place this policy on the Archdiocesan Intranet (AI). Directors and managers are responsible for ensuring that the appropriate communication of policies and supporting documents to staff has occurred. All staff are responsible for understanding and complying with this policy. Contact the Policy Sponsor for further interpretation of this policy.

DEFINITIONS

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| N/A | |
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13. RECORD KEEPING

13.1 Catholic Early EdCare will maintain all records as required by AOB and Centacare policies and procedures relating to record keeping

13.2 All Catholic Early EdCare Services are required to maintain all records in their Service folder on the L:\ drive.

- 13.3 All Catholic Early EdCare Services will adhere to Division 3 – Information and record keeping requirements, Education and Care Services National Regulations; specifically Subdivision 4 – Confidentiality and Storage of Records (181, 182, 183, 184).
- 13.4 Catholic Early EdCare will ensure all privacy provisions are implemented in relation to record keeping in accordance with the Archdiocese of Brisbane (AOB) privacy statement and AOB privacy policy available on the AI portal this extends to storing records in a secure and confidential manner.
- 13.5 Service records will be maintained (stored and preserved) in conditions suitable to the length of time they need to be kept and made available for use. This applies regardless of the format of the records or the media they are stored on.
- 13.6 Catholic Early EdCare will coordinate the removal, archiving and disposal of records as required.