

Child Protection Policy

Purpose

Peak Sports and Learning 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.

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 service will carry out the responsibilities of Mandatory Reporters as indicated under legislation. This responsibility involves following the procedures as outlined by Department of Communities and Justice, the Office of the Children's Guardian as well as other relevant guides, acts and regulations.

Considerations

Education and Care Services National Regulations	National Quality Standard/s	Other Service policies/documentation	Other
Law: Sections 166-167 Regulations: 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"> - Parent handbook - Staff handbook - Health and Safety policies and procedures - Staffing policies and procedures - Interactions with Children Policy - Confidentiality Policy 	<ul style="list-style-type: none"> - NSW Children and Young Person's (Care and Protection) Act 1998 - Children's Guardian Act 2019 - Child Protection (Working with Children) Act 2012 - NSW Department of Communities and Justice Services Mandatory Reporting Guidelines - UN Convention on the Rights of the Child - OCG Child Safe Standards - NSW Interagency Guidelines - Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13 - Keep Them Safe – Information session/ overview participants manual 2009/ 2010 My Time, Our Place.

Procedures

Staffing Arrangements

- The service will keep up-to-date policies and procedures on recruiting, selecting, training and managing paid employees to ensure all persons working at the service are suitable.
- The service upholds a Code of Conduct in relation to employers, educators, volunteers, students, families and children to ensure the safety and wellbeing of children.
- The service aims to educate all parties about their roles in child wellbeing and also about signs of abuse and ensure that all requirements of child protection requirements are being met.
- Educators at our service are aware of their obligations under the law in regards to the welfare of children and at all times uphold their obligation.
- Relevant staff, including Directors, Supervisors and qualified trainees will be trained in an accredited course, Identify and Respond to Young People at Risk (CHCPRT001).
- Child protection training is included in the induction process of all staff. In addition to this, our service provides regular training to all educators on child wellbeing issues to ensure that, in the event a child has suffered abuse, the service can act quickly in the best interests of the child.
- All staff employed by the service including management, educators, volunteers and students will be subject to a Working with Children Check carried out by the NSW Office of the Children's Guardian.
- The administrative team will be responsible for keeping Working with Children Checks on file in line with the requirements of the Education and Care Regulations. Procedures will be implemented to update checks before expiry.
- When the service engages a self-employed individual or external agency to provide services, the provider is required to provide a Working with Children Check carried out by the NSW Office of the Children's Guardian.

Child Safe Standards

The service is committed to implementing all 10 Child Safe Standards recommended by The Royal Commission as published by the Office of the Children's Guardian. The service is committed to working with children to create, maintain and improve child safe practices.

The standards include:

1. Child safety is embedded in organisational leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld, and diverse needs are taken in to account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child abuse are child focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the organisation is child safe

Mandatory Reporting

- A Mandatory Reporter is anybody who delivers services to children as part of their paid or professional work.
- In OOSH services 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.
- Staff are mandated to report to Department of Communities and Justice 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:
 - a) Basic physical or psychological needs not being met or are at risk of not being met*
 - b) Parents/ carers unwilling or unable to provide necessary medical care*
 - b1) parents/ carers unwilling or unable to arrange for the child or young person to receive an education*
 - 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*
- Any staff member 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.
- Each Peak centre uses a Child Protection Diary where any staff concerns are recorded and copies of any reports are also kept with this diary.
- 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 Supervisor or Director, as he or she may have information the staff member is not aware of. The Supervisor will then assist staff in running the online Mandatory Reporters Guidelines 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 Department of Communities and Justice, staff should report their concerns to the Child Protection Helpline:
 - Child Protection Helpline 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 the Supervisor or Director has been advised to but has not reported to Department of Communities and Justice, the reporting staff member is legally responsible to do so.
- Once a report is made no further report needs to be made unless new information comes to hand.

Mandatory Reporting Guide

- A Mandatory Reporting Guidance tool has been developed to help frontline mandatory reporters, including OOSH 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 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 Community Services 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.
- For assistance with referral information:
 - Human Services Network www.hsnet.nsw.gov.au
 - Department of Communities and Justice NSW <https://www.facs.nsw.gov.au/>

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

- Should Peak Sports and Learning become aware of any allegation or conviction against a member of staff, volunteer, trainee or person visiting the service, it should be reported to the Office of the Children's Guardian within 7 days.
- If the Centre Supervisor is suspected then the Director should be informed.
- Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:
 - a sexual offence
 - sexual misconduct
 - ill-treatment of a child
 - neglect of a child
 - an assault against a child
 - an offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900
 - behaviour that causes significant emotional or psychological harm to a child
- This report should be kept on record and treated as strictly confidential. The relevant information will be provided on the 7 day notification form (Part 4 Children's Guardian Act 2019) and emailed to 7day@kidsguardian.nsw.gov.au
- Peak will then conduct an investigation to provide either a final report within 30 days, or where this is not possible an interim report within 30 days.
- 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 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.

Physical Contact with children and Child Protection Considerations

Peak educators will, upon employment and as part of their induction training, be issued with a Code of Conduct and accompanying document entitled **Appropriate Physical Contact in OOSH**. This document provides a series of guidelines for all educators to follow and also forms part of Peak’s Interactions with Children, Child Protection and Child Safe policies. Educators are expected to follow these guidelines in all interactions with children.

For further information

- Child Story <https://reporter.childstory.nsw.gov.au>
- Office of the Children’s Guardian <https://www.kidsguardian.nsw.gov.au/>
- Child Safe Standards <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/training-and-resources/child-safe-standards>
- Human Services Network www.hsnet.nsw.gov.au
- Department of Communities and Justices <https://www.facs.nsw.gov.au/families>
- The NSW Advocate for Children and Young People <https://www.acyp.nsw.gov.au/>
- Child Protection Helpline 13 2111

Version Control Table

Version Control	Date Released	Next Review	Approved by	Amendment
1	Jan 2017	March 2018	Directors	Nil – small amendments to procedures
2	November 2018	November 2019	Directors	Rewritten and edited to reflect 2018 updated Quality Standards. Links added to the new Supervision of Children Policy regarding appropriate physical contact with children Section added to include Appropriate Physical Contact in OOSH Section added to define procedures for staffing in relation to child protection

3	March 2020	June 2020	Directors	Reviewed with no amendments. Moved to new document review timeline.
4	June 2020	June 2022	Directors	<p>Consolidation of Children and Young Persons (Care and Protection) Act 1998 and Adoption Act 2000 to the Children's Guardian Act 2019 from 1 March 2020.</p> <p>Updated in line with powers and functions change from Ombudsman to Office of the Children's Guardian including reportable conduct notification timeframes.</p> <p>Added The Child Safe Standards as per Royal Commission recommendations. Standards to be fostered through the OCG.</p>