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Child Protection

Policy Introduction

At South Turramurra OOSH the safety and welfare of all children is of paramount importance. We are committed to providing an environment that fosters the health, development, spirituality, self-respect, and dignity of all children, in an environment that is free from all forms of abuse, 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 staff (including volunteers and students) have a duty of care to ensure the safety and protection of all children who access the service.

All educators and volunteers of our service are Mandatory Reporters and are required to take action to protect and report to the Child Protection Helpline (132 111) 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.

We are committed to the promotion of a culture of child safety and wellbeing within our service, and we ensure that the children at the service are provided with a safe environment, including online environments.

Legislative Requirements

Education and Care Services National Regulations 2011: 82, 84, 85, 86, 87, 103, 109, 115, 122, 123, 145, 155, 156, 168, 170, 171, 172, 175, 183

Children (Education and Care) National Law Act 2010: 162A, 165, 166, 166A, 167, 5AA

National Quality Framework, Quality Area 2, 3, 4, 5, 7

Children and Young Person's (Care and Protection) Act 1998 and Amendment Act 2009

Child Protection (Working with Children) Act 2012

Child Protection (Prohibited Employment) Act 1998

Children's Guardian Act 2019

Children's Guardian Regulation 2022

Commission for Children and Young People Act 1998

Crimes Act 1900

Education Act 1990

Definitions

Child

- The Children and Young Persons Care and Protection Act defines a child as a person who is under the age of 16 years. For the purpose of the Department of Education License for Out of School Hours Services at NSW Schools, a child is a person under the age of 18.

Mandatory Reporting

- A Mandatory Reporter is anybody who delivers services to children/young people as a part of their paid, voluntary, or professional work.
- In OOSH services, mandatory reporters are:
 - staff who 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 required by law to report to Community Services if they have concerns about the safety or welfare of a child relating to Section 23 of the NSW Children and Young Person (Care and Protect) Act 1998, and they have been advised by the Mandatory Reporters Guide (MRG) to do so.

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 the Department of Communities and Justice.

Risk of Significant Harm

- Is sufficiently serious to warrant a response by a statutory authority, irrespective of a family's consent.
- Is not minor or trivial.
- May be reasonably expected to produce a substantial adverse impact on the child or young person's safety, welfare, or wellbeing.
- Can result from a single act or omission, or from a series of acts or omissions.

A child is at risk of significant harm:

- a) The child's or young person's basic physical or psychological needs are not being met or are at risk of not being met.
- b) The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care.
- c) 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.
- d) The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated.
- e) 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.
- f) 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.
- g) The child was the subject of a pre-natal report under 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Any such circumstances may relate to a single act or omission, or to a series of acts or omissions.

Section 23 (from Children and Young Person's Care and Protection Act 1998)

Harm Circumstances/Types

Emotional (Psychological) Abuse

- Emotional abuse of a child occurs when a parent or caregiver repeatedly rejects the child or uses threats to frighten the child and may include the use of inappropriate comments or behaviour towards a child which results in significant emotional harm or trauma and significantly damages the child's physical, social, intellectual or emotional development. Emotional abuse may include, but is not limited to, verbal abuse, threats, manipulative behaviour, hostility, rejection, deliberately making a child feel unimportant or embarrassed or exposing child to domestic and family violence or stories and/or media about violence.

Neglect

- Neglect happens when a child's basic needs are not met, affecting their health and development. Basic needs include food, housing, clean-living conditions, health care, adequate clothing, personal hygiene and adequate supervision.

Physical Abuse

- Physical abuse happens when a child suffers or is likely to suffer significant harm from an injury inflicted by a parent/guardian, caregiver or other adult. The injury may be inflicted intentionally or be the consequence of physical punishment or the physically aggressive treatment of a child. Physical abuse does not always leave visible marks or injuries. Physical abuse can include physical/corporal punishment, hitting, shaking, choking, smothering, throwing, burning, biting, poisoning and the use physical restraints.

Sexual Abuse

- Sexual abuse occurs when an adult, other child or adolescent uses power or authority over a child, or inducements such as money or special attention, to involve the child in sexual activity. It includes a wide range of sexual behaviour from inappropriate touching/fondling of a child or exposing a child to pornography, to having sex with a child and grooming with the intent of committing child sexual abuse.

Domestic/Family Violence

- When children and young people witness or experience the chronic, repeated domination, coercion, intimidation and victimisation of one person by another through physical, sexual and/or emotional means within intimate relationships. Witnessing episodes of violence between people they love can affect young children as much as if they were the victims of the violence. Children who witness regular acts of violence have greater emotional and behavioural problems than other children.

Grooming

- Involves a person manipulating a child, parents/guardians and/or significant persons such as teachers and educators to gain their trust, build rapport, and exert their power over them so they can then sexually abuse a child. Grooming behaviour can involve the use of a variety of manipulative and controlling techniques used to build trust or normalise sexually harmful behaviour.
- Grooming is often described as the 'preparation' phase of child sexual abuse, undertaken by the perpetrator to gain the trust of a child, and to establish secrecy and silence. Perpetrators may groom to gain access to a child, initiate and maintain sexual abuse of that child, and to conceal the sexual abuse from others who may identify it.
- Grooming tends to follow patterns that may include these behaviours:
 - targeting a specific child
 - building trust and rapport with the child and their family
 - giving the child special attention such as giving gifts for no special occasion
 - making physical contact with a young child that is sexual in nature and inappropriate
 - spending time alone with the child rather than spending time with people of similar age
 - referring to a child's body in an inappropriate manner
 - isolating the child
 - beginning to sexualise the relationship with the child

- maintaining overall control of the child once sexual abuse has occurred, for example using secrets, blame and threats.

Reportable Allegation

- A reportable allegation is an allegation that any employee, student, contractor or volunteer who holds a Working with Children Check, has engaged in conduct that may be reportable conduct.

Reportable Conduct

- Certain organisations or entities have legal obligations under Reportable Conduct Schemes. Under these Schemes, organisations or entities are required to notify and investigate certain reportable allegations of abuse involving a child, when the allegation is against someone they employ, engage or contract in circumstances outlined by the legislation.
- The Children's Guardian Act 2019 defines reportable conduct as being:
 - 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.

Head of Relevant Entity (HRE)

- The head of an entity is usually its most senior officer and the person who is primarily responsible for executive decision making in the organisation.

Disclosure

- A disclosure is the process by which a child conveys or attempts to convey that they are being, or have been, abused. Disclosure can be verbal, non-verbal or indicated through behaviour. A disclosure may be accidental or intentional, partial or complete and victims may disclose in different ways to different people throughout their lives. Adults may also disclose that they were abused as a child, that they may have perpetrated abuse or that they are experiencing domestic violence.

Working with Children Check (WWCC)

- The Working with Children Check (WWCC) is a requirement for anyone in paid or volunteer child-related work in NSW. Employers and organisations must verify the WWCC details of anyone they engage in child-related work.
- The Check lasts for 5 years and undergoes continuous monitoring, even if the Check holder moves jobs.
- Child-related work (including voluntary work) is:
 - providing services for children and young people under 18.
 - where the work normally involves being face to face with children.
 - where contact with children is more than incidental to the work.

Child Safe Standards

- Promotes the safety of children, prevents child abuse, and ensures organisations have effective processes in place to respond to and report all allegations of child abuse.

Relevant Agencies

Department of Communities and Justice

- The Department of Communities and Justice is responsible for handling reports of child abuse and neglect in New South Wales via the Child Protection Helpline 132 111 (24 hours) or e-reporting.
<https://reporter.childstory.nsw.gov.au/s/mrg>

Joint Child Protection Response Program (JCPRP)

- The Joint Child Protection Response Program (previously Joint Investigation Response Team) provides a response to children and young people at risk of significant harm, as a result of sexual assault, serious physical abuse and extreme neglect. JCPRP is a tri-agency program delivered by the NSW Police Force, Department of Communities and Justice and NSW Health.

Office of the Children's Guardian

- The Office of the Children's Guardian is a statutory NSW government agency. They oversee organisations that provide services to children. The powers and functions of the Children's Guardian are defined in the Children's Guardian Act 2019 and include the Reportable Conduct Scheme, Working With Children Checks and the Child Safe Scheme.

Early Childhood Education and Care Directorate

- The Early Childhood Education Directorate (ECED) monitors, supports and regulates early childhood education services in NSW. We work to ensure the delivery of quality early education for children from birth up to and including school age.

Department of Education

- The Department of Education manages schools in NSW and holds a license agreement with South Turramurra OOSH for the provision of OOSH services onsite at Turramurra Public School.

Implementation Strategies – how will it be done?

The Approved Provider/Nominated Supervisor will:

- The Approved Provider will ensure that **persons placed in day to day charge** of the service have a current qualification in Child Protection.
- Ensure that any adult working or volunteering with children completes a **Working with Children Check** and does not commence employment without their Working with Children Check verified. Any person whose working with children check has been disqualified as a result of failing to qualify for a working with children check renewal, will not be continued to be employed by the service. This check is verified when renewed. www.ocg.nsw.gov.au/child-safe-organisations/working-with-children-check.
- **Must not employ, or continue to employ** as a worker, a person in child related work if you know or have reasonable cause to believe that:
 - the worker is not the holder of a working with children check clearance that authorises that work or contact with children and that there is no current application by the worker to the Children's Guardian for a clearance of a class applicable to that work; or
 - the worker is subject to an interim bar.
- **Ensure every adult working with children is made aware of the Children and Young Persons (Care and Protection) Act 1998** and Keep Them Safe: A shared approach to child wellbeing -and of their obligations under this law and action plan (Education and Care Services National Regulation, Regulation 84, National Quality Standards QA 2).
- The Approved Provider must **notify the regulatory authority** through the NQA-ITS within 24hrs of the following:
 - any incident where the 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 the children are being educated and cared for by the education and care service.
 - allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is, or the children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the Law).
 - The Head of Relevant Entity (HRE) - Approved Provider, must give written notice to the Office of the Children's Guardian within 24hrs of becoming aware of a reportable allegation. A Final Report must be submitted within 30 days of becoming aware of a reportable allegation, upon conducting further investigation. If a final report cannot be provided within 30 calendar days of becoming aware of

reportable conduct, the HRE - Approved Provider, must contact the Office of the Children's Guardian and submit an Interim Report.

- Orientate every working and volunteering adult to this child protection policy, Child Story protocols and Mandatory Reporter responsibilities and ensuring their regular review of these.
- The Approved Provider must **notify the Department of Education Directorate** via the School's Principal, within 24hrs of becoming aware that an employee:
 - has been referred to the Police in relation to a disqualifying offence.
 - has been charged by the Police in relation to a disqualifying offence.
 - has been found guilty of a disqualifying offence.

Disqualifying offence means an offence in Schedule 2 of the Child Protection (Working with Children) Act 2012.

- Any concerns of a child protection nature made to a statutory authority will be immediately reported to the principal or their delegate.
- After consulting with NSW Police and/or the Department of Communities and Justice, will **advise the parents** of any children involved, who use your OOSH Service of any instance where an employee has been referred, charged, or found guilty of a disqualifying offence. The approved Provider must provide The Office of the Children's Guardian with evidence of the contact it has made with such parents.
- The Approved Provider must **provide additional information to the Department of Education relating to the safety, welfare or wellbeing of a particular child or a class of children** including any allegations that a child has been or is at risk of being physically or sexually abused or ill-treated unless you are specifically advised by NSW Police or the Joint Child Protection Response Program not to provide this information to them. In those circumstances the Approved Provider must write to NSW Police or the Joint Child Protection Response Program to provide this advice and request that NSW Police or the Joint Child Protection Response Program inform the Department of Education as soon as they deem it appropriate to do so.
- Ensure that for the first 5 weeks in Term 1 of each year an employee
 - **accompanies each kindergarten child** at the School enrolled in the session of the OSHC Services preceding the commencement of School classes from the Premises to the classroom; and
 - collects each kindergarten child at the conclusion of the school day from their classroom at the School enrolled in the after school session of the OSHC Services and escort them to the centre.
- **Support staff** through the process of documenting and reporting current concerns of children at risk of significant harm.
- Provide all staff and educators with **clear guidelines around documentation** and a template to support this.
- Provide all staff and educators working directly with children with a **copy of this Child Protection Policy** and a link to the Mandatory Reporter Guide to assist them in their reporting.
- Provide all staff and educators working directly with children with **access to the Child Wellbeing and Child Protection NSW Interagency Guidelines**.
- **Display the Child Protection Helpline number** (132 111) on all phones and lists of emergency contact numbers in the interests of timely reporting.
- **apply the paramountcy principle** by ensuring children's safety, wellbeing and best interests take priority over all other considerations.

Educators and staff will:

- **Develop trusting and secure relationships with all children** at the service.
- **Make reports of current concerns for any child at risk of significant harm** to the Nominated Supervisor/Approved Provider.
- **Make reports of current concerns for any child at risk of significant harm** to the Child Protection Helpline for Mandatory Reporters.
- **Make appropriate responses to all disclosures** of abuse and any allegation of abuse against staff members of the service.
- **apply the paramountcy principle** by ensuring children's safety, wellbeing and best interests take priority over all other considerations.

Service Rules

1. A sole educator will not open or keep open, an area with less than 3 children where that area is not clearly visible by another educator.
2. If an educator is required to take a child out of sight of other educators, they must be accompanied by at least 2 and no more than 7 other children or another educator. Exception: Staff escorting children to and from onsite lessons may do so in a 1:1 ratio with written, parental permission. Staff may also need to be temporarily 1:1 with a child when searching for a missing child.
3. If 1:1 with a child, educators will:
 - Not touch the child;
 - Adhere to appropriate interactions with children outlined in staff training and this policy;
 - Make reasonable effort to be 1:1 for the least amount of time possible;
 - Call another educator if 1:1 time is prolonged, as a means of documenting the interaction.
4. If a child has a bathroom accident and requires assistance, parental permission must be sought via phone conversation first. If a parent/guardian cannot be reached, a voicemail is to be left or text sent, explaining the situation. Two educators must be present and visible to each other at all times when helping a child in any stage of undress.

Procedures

Documentation of Current Concerns

Educators and staff will:

- Make a record of the indicators observed that led the educator to believe that there is a current risk of harm to a child or young person. Complete the NSW Mandatory Reporter Guide and save relevant final decision with 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>
- Discuss any concerns with the Nominated Supervisor of the service.
- Advise the Nominated Supervisor of their intention to make a report to the Child Protection Helpline.
- Advise the Nominated Supervisor when a report has been made to the Child Protection Helpline.

Information Exchange

- 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) Amendment Act 2009 includes 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 16A, staff will exchange information with community services that relates to a child or young person's safety, welfare or wellbeing. They will do this 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 provided must relate to the safety, welfare, or wellbeing of the child. Such information includes:
 - A child or young person's history or circumstances.
 - A parent, other family member, or another significant or relevant relationship.
 - The agency's work now and in the past.
- Where information is provided in good faith and according to legal provisions, reporters cannot be seen as breaching ethics or professional standards. This is in accordance with section 29 and section 245G of the NSW Children and Young Persons (Care and Protection) Act 1998. There can be no liability for court action.

- When concern for a child's safety or wellbeing involves an allegation toward a person outside the child's family, the Nominated Supervisor or Responsible Person in charge will notify the parent of the concern within 24 hours.

Recruitment of Staff

- All staff employed by our service including management, full time / part time / casual employees, volunteers and students will be subject to a Working with Children Check. It is the employees' responsibility to apply for this check online and pay the nominated fee for the clearance to be processed (if they will be a paid employee). Once the clearance letter has been received, the employee is required to send the Working with Children Check number, their surname, and their date of birth to the service Coordinator to verify the check online. Employees are unable to commence employment at the service until this application and verification is complete.
- When the service engages a self-employed individual to provide services, the provider is required to provide a Working with Children Check clearance, or Self-employed work clearance. These certificates provide verification that the person employed is not banned by law from working with children.
- All visitors running incursions, sporting or other programs with the children are required to supply Working with Children Checks.
- Staff and visitors will be ID checked on arrival to ensure they match the name on the WWCC verification.

Disclosures of Abuse

Educators and staff will:

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

- 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 as a result of any investigation.
- Investigate further any disclosure made by the child.

Mandatory Reporting

- South Turrumurra OOSH will provide all staff with a level of child protection training. This training will cover how to identify children at risk of harm and how to report their concerns via the Mandatory Reporting Guide.
- Any staff who believes, with reasonable grounds, that a child is at significant risk of harm will consult with Centre management. All details should be documented in a clear and objective format.
- 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'.
- 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. A Nominated Supervisor will be available if staff require assistance to use this online tool.

- When the outcome of the decision tree is to monitor the situation, records will be made in the Centre's "Noted Occurrences" diary.
- Reports in the Noted Occurrences diary will be treated with strict confidentiality and will be stored in a locked cupboard.
- If the Mandatory Reporter Guide determines that there are grounds to suspect a risk of significant harm to a child or young person, the staff member or educator will either generate an eReport or phone the Child Protection Helpline number (132 111) within 24 hours.
- When reporting to the Helpline it is important to provide as much information as possible. Have prepared: information from the child's enrolment, family information, reporter details, your report, and the outcomes from the MRG.
- It is the responsibility of the staff member to make the report in the presence of a member of Centre management to support them through the process. This will be completed in an entirely private space. If this cannot be achieved during the session, time will be made available outside of the session to complete the report.
- Once a report has been made to the Child Protection Helpline, no further report needs to be made unless new information comes to hand.
- 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.
- 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 the 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.
- The staff member or educator should monitor the situation and if they believe there is additional information that could be taken into account, the MRG should be used again and take actions as recommended by the MRG.

Mandatory Reporter Guidance Tool

- The Mandatory Reporter Guide is an interactive tool that has been developed to help frontline mandatory reporters, including OOSH educators, to determine whether the risk to a child or young person meets the statutory threshold of 'risk of significant harm'. The MRG will guide the reporter on what action should be taken.
- The MRG is available online at <https://reporter.childstory.nsw.gov.au/s/mrg>
- If still in doubt after completing the MRG, the Child Protection Helpline will provide feedback about whether the report meets the threshold for statutory intervention.
- If new information presents concerning the child or young person at risk, run the MRG again. This must be done every time a new concern arises.
- If concerns regarding any child or family accumulate, it is advised to call the Department of Communities and Justice and ask for their advice.
- Where concerns do not meet the significant harm threshold, the MRG tool may guide you to 'Document and continue the relationship.' This requires our service to continue to support, provide care for, and assist the child and family where possible, as well as to report all relevant information in our "Noted Occurrences" Diary.
- The report page from the MRG should be printed and attached to the written report, then given to the Centre Coordinator to be kept for future reference, regardless of whether further action is recommended. The report will be considered confidential stored in a locked cupboard.

Reportable Conduct

- Should an incident occur that involves a child being put at risk of harm from a member of staff, volunteer, student, or contractor, this is regarded as 'reportable conduct' and must be reported to the Committee President, as Head of Relevant Entity, or Nominated Supervisor within 24 hours.
- If either the Committee President or Nominated Supervisor are suspected of reportable conduct, the report must go to the other only.
- The Children's Guardian Act 2019 defines reportable conduct as:
 - 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.
- Where the allegation, or suspicion of risk of harm is made against a staff member or member of management, the facts as stated will be recorded in writing, including dates, times, names of person/s involved, source of the report and the person making the report. This report needs to be filed and the Nominated Supervisor must be notified whether or not the incident or conduct has been deemed reportable conduct.

The Head of Relevant Entity will:

- Develop and maintain a system of appropriate record keeping for all allegations to ensure detailed documentation is made and stored as required.
- Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation.
- Utilise one of the two Office of the Children's Guardian online assessment tools to confirm if the allegation is reportable <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/assessment-tools>.
- Contact the Reportable Conduct Scheme on (02) 8219 3800 or at reportableconduct@ocg.nsw.gov.au to clarify information that is unclear before taking any action.
- Assess whether or not a child or young person is 'at risk of significant harm' and, if so, make a report to the Child Protection Helpline.
- Determine whether the allegation is a reportable allegation or reportable conviction <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conductfact-sheets>.
- 24 hour notification form will be completed by the HRE - Approved Provider and submitted to the Office of the Children's Guardian within 24 hours of becoming aware of reportable allegation, as required under the Children's Guardian Act 2019 <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conductnotification-forms>.
- Consider whether or not the police need to be informed of the allegation and if so, make a report.
- Ensure confidentiality is maintained at all times and that systems are in place to deal with any breaches of confidentiality.
- Undertake a risk management approach following an allegation to ensure the protection and safety of children, staff, and visitors to the service. Based on this risk assessment, decisions will be made in order to manage the risks that have been identified.
- 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:
 - 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.
 - 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.

- 30-day interim report form or Entity report form (to be provided after the investigation or determination is completed) will be completed by the HRE - Approved Provider and submitted to the Office of the Children's Guardian with 30 calendar days of becoming aware of a reportable allegation, as required under the Children's Guardian Act 2019 <https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conductnotification-forms>.
- Advise the person about whom the allegation has been made 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 the Children's Guardian has been notified and the Joint Child Protection Response Program (JCPRP) also notified of the relevant employment proceeding (if relevant).
- The Department of Communities and Justice will also be informed of the outcome of the investigation.

Reporting Process

Report to Management

The educator will report any incident or allegation of physical or sexual abuse to a child while being cared for by the service, to the Nominated Supervisor/Approved Provider as soon as possible and within 24 hours.

Within 24 hours of receiving a report of an incident or allegation of physical or sexual abuse to a child while being cared for by the service, the Nominated Supervisor/Approved Provider will report to the following agencies:

NSW Police

Often support will be required for children, families and staff following an incident. Support might include counselling, access to community services or more information. You must report all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming).

NSW Department of Communities and Justice (Child Protection Helpline)

As a mandatory reporter, you must report if a child is considered to be at risk of significant harm – www.reporter.childstory.nsw.gov.au/

NSW Department of Education

Services must report incidents, allegations or complaints to the department through NQA ITS at www.acecqa.gov.au/national-qualityagenda-it-system

Services can use the National Decision Tree www.acecqa.gov.au/notify to help determine whether a notification is required and the timeframe in which that notification should be made.

NSW Office of the Children's Guardian (Reportable Conduct Scheme)

Any reportable allegation or conviction involving a staff member, volunteer or contractor must be reported within 24 hours.

Contacting parents/carers

Always consult with the relevant authorities to understand what information can be shared and when, as this can impact any ongoing investigations. You may be advised to:

- not contact the parent or carer (for example, in situations where they are alleged to have engaged in abuse); or
- to contact the parent or carer and provide agreed information as soon as possible.

Debrief and Critical Reflection

After every critical incident, we will ensure staff are provided the support they need. Critically reflecting on the incident in a manner that respects the privacy and confidentiality of the incident is important to inform required changes to policies, procedures, practices and risk assessments.

Informing the Educator, Volunteer/Student

The Approved Provider/Nominated Supervisor will:

- Treat the person about whom the allegation has been made with fairness at all times and uphold their employee rights at all times.
- Depending on the nature of the allegation, arrange to inform the person immediately (though be guided by the advice of DCJ or the police).
- 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.
- Make accurate documentation of all conversations, and ensure all records are kept confidentially.
- Offer counselling or support to the person subject to the allegation.
- Depending on the nature of the allegation made, under Section 43B of the Crimes Act 1900 the person subject to the allegation may be suspended pending further investigation.
- After all investigations are completed, provide the educator, student, contractor, or volunteer with verbal and written notification of the outcome of the investigation.

Rights of All Parties

- The decision making process throughout the investigation will be based on the safety and wellbeing of the child/ren and the staff, student, contractor, or volunteer.
- Consideration will be taken in relation to actual or potential 'conflicts of interest' that may be held by the investigator.
- All reportable allegations will be notified to the Office of the 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.
- 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.
- The Head of Relevant Entity or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest.
- All parties can complain to the Office of the Children's Guardian if they are not satisfied with the conduct of the investigation.

Inappropriate Conduct

South Turramurra OOSH maintains a zero-tolerance approach to inappropriate conduct towards children.

A child may be subjected to inappropriate conduct directly or indirectly, including as a witness to conduct directed toward another child.

Inappropriate conduct may occur:

- in person
- through verbal communication
- through electronic communication
- through photographs, recordings or livestreaming
- through isolated incidents
- through repeated behaviours over time

Examples of inappropriate conduct

- **Inappropriate physical contact** – touching a child in a sexualised or intrusive way, such as tickling, wrestling, prolonged or unnecessary hugging that is not warranted in the circumstances, kissing a child on the cheek, massaging, or physical closeness (such as encouraging a child sit on an educator's lap for an extended period) that is not age appropriate or required based on the needs or abilities of a child.

- **Grooming behaviours** – including but not limited to favouritism, offering gifts or special privileges, encouraging emotional dependency (attachment fostering), or initiating private or secret communication with a child.
- **Ill treatment that is not disciplinary in nature** – including physical or verbal abuse, threats, yelling, swearing, rough handling or other conduct likely to cause emotional or psychological harm.
- **Unprofessional communication** – such as in-person conversations, sending personal messages, capturing or sharing images of children via unauthorised devices or platforms, or engaging with children online through social media or apps unrelated to your role.

Grooming

“Grooming is defined as communication with a child where there is an intention to meet and commit a sex offence, more generally it can be seen as the process by which an individual manipulates those around them particularly, but not exclusively, the child to provide opportunities to abuse and reduce the likelihood of being reported or discovered.” - Royal Commission into Institutional Responses to Child Sexual Abuse, A fact sheet on sexual grooming (Provided by Network of Community Services)

- The intent of grooming is to:
 - gain access to the child or young person to perpetrate child sexual abuse
 - obtain sexual material of the child or young person
 - obtain the child or young person's trust and/or compliance
 - maintain the child or young person's silence, and/or
 - avoid discovery of sexual abuse
- At first people may be tricked into thinking the relationship with the perpetrator is safe and normal. Children may not understand that what is happening is grooming or may feel they have no choice but to be abused. Grooming behaviours and tactics are often complex and gradual. They can involve a range of subtle, drawn out, calculated, controlling and premeditated behaviours.
- At South Turramurra OOSH we maintain a zero tolerance of sexual grooming behaviours/actions committed by any persons within our service.

Signs that an adult may be sexually grooming a child

- Communicating or attempting to befriend or purposely establishing a relationship or other emotional connection with a child, their family, or organisations they are engaged with.
- Exhibiting frequent physical affection such as kissing, hugging, stroking hair or wrestling even when the child clearly does not want it or is not required.
- Encouraging particular children to sit on their lap and offer regular physical comfort or reassurance to a particular child without a recognised cause.
- Seeking out opportunities to be alone with a child with no interruptions.
- Spending most of their time with children and have little interest in spending time with people their own age.
- Soliciting invitations to sports, events, or parties where a particular child will be.
- Frequently arriving uninvited to places where the child or their family will be in a series of ‘coincidences.’
- Spending a lot of time around places like arcades, playgrounds, parks, and sport venues to get to know children so they are not seen as strangers.
- Regularly offering support to family members of the child such as offering to babysit children for free, transport children to events, help at social occasions involving the child or take children on outings alone.
- Offering to drive children home or collect children from events on a regular basis.
- Frequently walking in on children in the bathroom or their bedrooms.
- Treating a particular child or group of children as favoured, making them feel special compared with others in a group for no apparent reason.

- Learning as much as possible about the child and using that information to engage the child and drive a wedge between the child and any protective adults, e.g. parents, teachers, or coaches.
- Purchasing gifts or collecting items of interest regularly, for a specific child or group of children.
- Telling secrets to a child and encouraging the keeping of secrets.
- Displaying ambiguous sexual behaviour, e.g. showing the child pictures of other children wearing swimsuits or less.
- Displaying clearly inappropriate sexual behaviour, e.g. showing the child pornographic pictures, or using explicit sexual language around children.
- Isolating the child or alienating them from others, creating a barrier between the child and adults they might otherwise talk to about the abuse or who might see that something is wrong.

Online grooming

- Online child grooming is the process of establishing and building a relationship with a child or young person while online, to facilitate sexual abuse that is either physical (in person) or online. This is achieved through the internet or other technologies such as phones, social media, gaming, chat, and messaging apps.
 - Online grooming may involve perpetrators encouraging children and young people to engage in sexual activity or to send the perpetrator sexually explicit material.
 - It may lead to perpetrators meeting the child or young person in person or blackmailing them to self-produce explicit materials.
 - To evade detection while grooming children and young people, perpetrators may also convince them to use different online platforms, including those using encrypted technologies. Encrypted technologies are used to protect data from being stolen, changed, or compromised by scrambling data into a secret code that hides the information's true meaning.
 - Socialising online is a great way for children and young people to build friendships and have fun, but it is important to ensure online technologies are being used in a way that keeps children and young people safe.
- National Office for Child Safety* <https://www.childsafety.gov.au/>

Preventing grooming

- Teaching children and young people what is appropriate and inappropriate contact (both online and offline), and encouraging open and honest communication, without shame or stigma, will help to better protect them. This includes supporting children and young people to:
 - understand safe and unsafe behaviours and situations, including being able to identify early warning signs and their body's natural reactions when they feel unsafe, worried, or scared. These may include feeling butterflies and having sweaty palms and a racing pulse.
 - practice safe online behaviour, including deleting and blocking requests and messages from people they don't know, and reviewing and updating privacy settings.
 - know what to do and who to talk to if something feels uncomfortable, as well as what support services are available if they are unsure or if something has happened.
 - say no to requests to engage in unsafe behaviours or sexual advances.
 - block unsafe users, make a complaint to social media companies, and report online grooming.
 - understand body boundaries, respectful relationships, and consent.
 - feel safe and protected when disclosing what is happening to them.

National Office for Child Safety <https://www.childsafety.gov.au/>

Safeguarding

Educators and staff will:

- Seek children's permission to touch, keeping in mind that a highly distressed child may be incapable of expressing their wishes. Examples of why an educator would need to touch a child:

- Administration of first aid.
 - Supporting of children who have hurt themselves.
 - Assisting with toileting and personal care needs of a child or young person with additional needs (an individual plan for children with these needs must have been negotiated with parents).
 - Non-intrusive gestures to comfort a child or young person who is experiencing grief and loss or distress, such as a hand on the upper arm.
 - Non-intrusive touch (e.g. congratulating a child by shaking hands or a pat on the upper arm). Staff should remember the importance of accompanying such touch with positive and encouraging words.
- Avoid isolated situations with a single child, out of sight of other children or adults.
 - Do not presume physical contact is acceptable to a child or young person. Even non-intrusive touch may be inappropriate if a child or young person indicates he/she does not wish to be touched.
 - Respect and respond to signs that a child or young person is uncomfortable with touch.
 - Use verbal directions rather than touch e.g. ask a child to move, rather than physically place the child in the required position.
 - Use the above approach for demonstrations in dance, sport music and drama. Where touch is essential (e.g. gymnastics instruction), always tell the child or young person that you need to hold him/her in a particular way and seek his/her permission to do so.
 - In some circumstances, staff may need to discourage younger children from inappropriate expectations of hugs and cuddles. This should be done gently and without embarrassment or offence to the child.
 - Discourage children from engaging in prolonged physical contact such as sitting on an educator's lap, climbing or jumping on an educator or 'piggy-back rides'.
 - Include body safety awareness and protective behaviours as part of the program, teaching children to identify safe and unsafe situations, early warning signs and how to respond to unsafe situations.

References and Related Policies and Procedures

References

- NSW Government, Department of Communities and Justice, Resources for Mandatory Reporters, accessed from: <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters>
- NSW Department of Communities and Justice, Protecting our kids, accessed from: <https://www.facs.nsw.gov.au/families/Protecting-kids>
- Australian Government, National Office for Child Safety, accessed from: <https://www.childsafety.gov.au/about-child-sexual-abuse>
- NSW Office of the Children's Guardian: <https://ocg.nsw.gov.au/>
- NSW Department of Communities and Justice, Childstory: <https://reporter.childstory.nsw.gov.au/s/mrg>
- NSW Government, Keep Them Safe: A Shared Approach to Child Wellbeing, accessed from: https://www.facs.nsw.gov.au/_data/assets/pdf_file/0008/320984/keep_them_safe.pdf
- NSW Department of Communities and Justice, Interagency Guidelines, accessed from: <https://dcj.nsw.gov.au/service-providers/deliver-services-to-children-and-families/nsw-interagency-guidelines-for-practitioners.html>

Related Policies and Procedures

- Delivery and Collection of Children
- Emergency and Evacuation
- Incident, injury, trauma, and illness
- Interactions with Children
- Health & Safety
- Excursions
- Staffing Arrangements
- Governance and Leadership
- Providing a Child Safe Environment

- Safe Use of Digital Technologies and Online Environments

Approval and Revision History

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