

CHILD PROTECTION – REPORTING A CHILD AT RISK OF HARM

AIM:

To take every reasonable precaution to protect children being educated and cared for by the service from harm.

To ensure that persons over the age of 18 years who reside at, or frequently visit, a family day care residence while education and care is provided to children as part of the service are fit and proper persons to be in the company of children.

To ensure that a report is promptly made to the appropriate authorities, if a child is suspected to be at risk of significant harm.

RATIONALE:

Clarence Family Day Care 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 staff, educators and volunteers of our service are mandatory reporters and are required to report to the Child Protection Helpline (Phone: 133 627) 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 staff and educators have a full understanding of their responsibilities as a mandatory reporter and are supported in fulfilling these.

POLICY:

As part of this service's determination to safeguard the security and wellbeing of Family Day Care children at all times, and in affirmation of the dignity and rights of the child, active measures are in place to help prevent the occurrence of child abuse and neglect. **Abuse can be psychological, emotional, physical, verbal or sexual in nature. Children can be adversely affected by neglect and domestic violence and these too, are reportable matters.**

Clarence Family Day Care will address each suspicion or allegation of a child being at risk of significant harm in a sensitive and confidential manner. Support will be offered to all families and staff involved, wherever possible. **The staff and educators of this organisation are mandatory reporters under the Act.**

All staff and educators have a mandated responsibility to report suspicions of a child at risk of significant harm. The **Children and Young Persons (Care and Protection) Act 1998** states that, any person who forms the belief upon reasonable grounds that a child has been or is likely to be abused or is in need of care are advised to make a notification at any time to the co-ordination unit and the NSW Department of Family and Community Services Helpline.

WHAT DOES SIGNIFICANT HARM MEAN?

A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are present to a significant extent.

The state government defines the phrase "to a significant extent" as that which is sufficiently serious to warrant a response by a statutory authority irrespective of a families consent. What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well-being. Significance can result from a single act or omission or an accumulation of these.

PROCEDURE FOR EDUCATORS REPORTING CONCERNS RE: A CHILD AT RISK OF SIGNIFICANT HARM

Clarence Family Day Care will report suspected child abuse confidentially. If you require support following the receipt of any allegation that indicates that a child is at risk of significant harm, the scheme manager may be notified.

The Helpline may be accessed on the Keep Them Safe website (www.keepthemsafe.nsw.gov.au) or by phoning 133627 for mandatory reporters, or 132111 for members of the public. The Helpline FAX no. is (02) 9633 7616.

PROCEDURES:

1. Where a report is being made by the manager of Clarence Family Day Care, the manager will notify the Dept. of Family and Community Services Helpline or the local community services office and/or the Ombudsman's Office staff of any suspected child abuse, as appropriate.
2. Where it is alleged that an educator or a member of an educator's household has abused a child in care, the child's parents will be kept informed of the process regarding the reporting of the alleged abuse.
3. A report does not have to be based on proof that a child has been abused or is at risk of significant harm. Where there is a reasonable belief that a child is at risk of significant harm, a report should be made. The reasons for suspecting child abuse should be recorded, noting any details of injuries, other signs of abuse or behavioural changes.
4. The law provides that the report carries certain safeguards for the person reporting the alleged child at risk of significant harm. The actions of the reporting person cannot be held to constitute a breach of ethics, proper conduct or confidentiality, and there can be no liability for defamation. As far as possible the anonymity of the notifying person is respected by the NSW Department of Family and Community Services.
5. Due to legal requirements, Clarence Family Day Care stakeholders will be unable to discuss this matter. Persons involved will be referred to appropriate support services.
6. **Investigation.**
It is the role of the Department of Family and Community Services, and the police to investigate incidents of child abuse. Under no circumstances should investigations of alleged child abuse be undertaken by the approved provider, staff, educators or parents.

7. **Abuse by the Educator**

If a parent suspects that an educator has abused a child placed in their care, the parent should immediately contact the scheme manager and/or the Department of Family and Community Services. Where there is suspicion of abuse by the educator, and in the opinion of the scheme manager/nominated supervisor, the child/children's safety is at risk if they remain in care, the scheme manager/nominated supervisor will take action to remove the child/children immediately from the educator's home, usually following consultation with FACS staff. Such a situation may result in suspension of registration or removal of the educator's name from the list of registered educators with the scheme.

8. **Abuse by a Coordination Unit Staff Person.**

If a parent or educator has reason to suspect that a member of the co-ordination unit staff has abused a child in care, the parent or educator should immediately contact the scheme manager/nominated supervisor, the president of the management committee and the Child Protection Helpline.

This organisation has a child protection obligation/responsibility to contact the NSW Ombudsman within 30 days of a report being made, regarding allegations of child abuse made against a staff member or an educator.

For the purposes of demonstrating that the persons residing at a Family Day Care residence are fit and proper persons, the following documentary evidence must be provided to the Clarence Family Day Care Scheme:

- proof of identity.
- a criminal history check issued not more than six months before submitting an application.
- a current working with children check, working with children card or working with vulnerable people check issued on the basis of a criminal history record check.
- if the applicant has lived and worked outside Australia at any time within the previous three years, an overseas criminal history statement made by the applicant.

Relevant Legislation: *Care and Education National Regulation 2011;*
Children's and Young Person's (Care and Protection) Act 1998.
www.keepthemsafe.nsw.gov.au