



South Turrumurra Out of School Hours Care

Turrumurra Public School Kissing Point Rd
Turrumurra 2074 NSW (02) 9144 4769



Child Protection

Policy

At South Turrumurra OOSH The safety and welfare of all children is of paramount importance. We believe that every child has the right to be safe and protected from all forms of abuse, violence, and exploitation. All staff (including volunteers and students) have a duty of care to ensure the safety and protection of all children who access the service.

Staff and management have a legal responsibility, as Mandatory Reporters, to take action to protect and support children whom they suspect may be at risk of significant harm. Our service will carry out the responsibilities of Mandatory Reporters as indicated under legislation. This responsibility involves following the procedures as outlined by Community Services and NSW Commission for Children and Young People.

Legislative Requirements & Related Policies

National Regulations: 84, 85, 86, 87, 109, 110, 114, 115, 155, 170, 168

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

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

Child Protection (Working with Children) Act 2012

Child Protection (Prohibited Employment) Act 1998

Commission for Children and Young People Act 1998

Ombudsman Act 1974 (with relevant Child Protection Amendments)

NSW Mandatory Reporters Guide (MRG)

NSW Department of Community Services Mandatory Reporter Guidelines

Education Act 1990



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Procedure

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.

“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.

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

A child is at risk of significant harm if:

- 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.

- 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.

Created by Amy Kitto on 14/07/20

Reviewed by Kate Pearson & Scott Everard on 03/08/21



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- Any staff who believes, with reasonable grounds, that a child is at significant risk of harm will consult with Centre management, use the MRG and follow the outcome of the decision tree. All details should be documented in a clear and objective format.
- 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 should be treated with strict confidentiality and will be stored in a locked cupboard.
- If directed by the MRG to report to community services, staff should report their concerns to the Child Protection Helpline:
 - Mandatory Reporters: Phone 133 627
 - Non-Mandatory reporters: Phone 132 111
- 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 Reporter Guidance Tool

- A mandatory Reporter Guide is an interactive tool that has been developed to help frontline mandatory reporters, including OOSH workers, 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 Community Service Helpline will provide feedback about whether the report meets the threshold for statutory invention.
- 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 community services 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.
 - For assistance with referral information, see:
 - Human Service Network www.hsnet.nsw.gov.au
 - Family Service NSW www.familyservices.nsw.asn.au



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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) Act 1998 has been amended (2009) to include 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 Director or Responsible Person in charge will notify the parent of the concern within 24 hours.

Reportable Conduct (complaint about a staff member or someone in the service)

- 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 must be reported to the Committee President and Centre Coordinator within 24 hours.
- If either the Committee President or Centre Coordinator are suspected of reportable conduct, the report must go to the other only.

Section 25 of the Ombudsman Act defines 'reportable conduct' as:

- a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or any type of sexual grooming), or
 - b) any assault, ill-treatment or neglect of a child, or
 - c) any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the 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 Coordinator must be notified whether or not the incident or conduct has been deemed reportable conduct.
 - If the Coordinator or person in charge is suspected, then the management committee alone, should be informed.
 - The matter will be kept strictly confidential.

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- For the protection of both the children and the staff member accused, the staff member should be encouraged to take special leave or removed from duties involving direct contact with children, until the situation is resolved.
- Support should be provided to all involved. This support can be given in the form of referral to counselling or an appropriate agency.

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 (www.kidsguardian.nsw.gov.au), and pay the \$80 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.

Sexual 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)*

- At South Turrumurra 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 are as follows:
 - 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.



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- 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.
- Educators will safeguard against the possibility of sexual grooming by implementing the following practices:
 - 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.