



Child Protection

Applies to: All Koorana staff, students, volunteers, families and visitors as well as Koorana Board Members.

Purpose

1. To ensure children receiving Koorana services are protected from harm.
2. To provide quality and safe services for the children entrusted into Koorana’s care.
3. To provide information to assist staff, volunteers, students and families in dealing with all forms of child abuse.
4. To inform families about Koorana’s responsibilities with regard to child protection.
5. To provide direction to all staff, students, volunteers and visitors regarding their legal responsibilities under child protection legislation.

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Approved by: CEO

Policy context: This policy relates to

Standards or other external requirements	National Quality Standards – Quality Area 2 – Standard 2.3, Element 2.3.4 (Australian Children’s Education & Care Quality Authority)
Legislation or other requirements	<p>Children (Education and Care Services National Law Application) Act 2010</p> <p>Education and Care Services National Regulations [(2)(h) under Regulation 168]</p> <p>Children and Young Persons (Care and Protection) Act 1998</p> <p>Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009</p> <p>Ombudsman Act 1974</p> <p>Child Protection Legislation Amendment Act 2014</p> <p>Child Protection (Working with Children) Act 2012</p> <p>Disability Inclusion Act 2014 (NSW)</p>



	<p>Disability Inclusion Regulation 2014</p> <p>National Disability Insurance Scheme Act 2013</p>
Contractual obligations	N/A
Resources	<p>'Keep Them Safe' website and documentation</p> <p>Child Wellbeing and Child Protection - NSW Interagency Guidelines</p> <p>The Structured Decision Making System - New South Wales Mandatory Reporter Guide</p> <p>Family Referral Service</p> <p>NSW Ombudsman, Child Protection fact sheet No 6</p> <p>Child Safe Workshop – Activity Book, Office of the Children’s Guardian</p> <p>NSW Commission for Children and Young People</p>

Documents related to this policy	
Related policies	<p>Code of Conduct</p> <p>Client Visiting</p> <p>Behaviour Support</p> <p>2.4 Child Safe Environments [Preschool and SIBS Club only]</p> <p>4.1 Code of Conduct (including Interactions with children) [Preschool and SIBS Club only]</p> <p>Guiding Children’s Behaviour [Preschool and SIBS Club only]</p>
Forms, record keeping or other organisational documents	<p>Koorana Child Protection Log</p> <p>Incident, injury, trauma and illness record</p>

Definitions
<p><i>“Koorana” means Koorana Child and Family Services Incorporated.</i></p> <p><i>“Parents” includes a legal guardian.</i></p> <p><i>“Visitors” includes visiting professionals, performers and contractors.</i></p> <p><i>“Staff” is a Koorana staff member.</i></p>

“Student” is a person from a secondary or tertiary institution engaging in work experience.

“Volunteer” is a person from the community offering their talents and service to assist Koorana staff.

“Child or Young Person” is a person under the age of eighteen years.

“NSW Family and Community Services (FACS) has legislative responsibility for facilitating coordination across government for the care and protection of children and young people believed to be at risk of harm.

“Aging Disability and Home Care (ADHC)” is part of the Department of Family and Community Services. The aim of the Department is to provide better and more integrated services for vulnerable client groups in NSW. ADHC is responsible for providing services and support to older people, people with a disability and their families and carers.

“NSW Department of Education” is the department, through the Early Childhood Education & Care Directorate, that regulates the operation of early childhood education and care services for children from birth to school age.

“Risk of Significant Harm” means a child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent. This means the concern is sufficiently serious to warrant a response by a statutory authority (such as NSW Police Force or Family and Community Services) irrespective of a family’s 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 wellbeing, or in the case of an unborn child, after the child’s birth. The significance can result from a single act or omission or an accumulation of these.

“Mandatory Reporter” is a person who under Sections 23 and 27 of the Children and Young Persons (Care and Protection) Act 1998 (NSW) delivers the following services to children as part of their paid or professional work: Health Care, Welfare, Education, Children’s Services, Residential Services, Law Enforcement, Disability Services, Out Of School Hours Care. Furthermore, A mandatory reporter is also a person who holds a management position, either paid or voluntary, in any of these services and their duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children. A mandatory reporter is an individual required by law to report to Community Services when they have reasonable grounds to suspect that a child, or class of children, is at risk of significant harm. The Mandatory Reporters Guide (MRG) will assist Mandatory Reporters meet their legal obligations and responsibilities.

“Physical abuse” is where a child/young person has a suspicious current injury, suspected to be caused by the parent / carer AND where it has not occurred accidentally OR the child or young person is being treated in a way that may have or is likely to cause injury.

“Neglect – lack of supervision” is where a child/young person is alone and based on their age /development/circumstances this is unsafe. It may also be where a child/young person is currently not under the care and supervision of an appropriate carer and due to age/development/disability this is unsafe.

“Neglect – lack of physical shelter/environment” is where a child/young person or family has no safe place to stay or there is imminent danger of serious harm in the current residence dependant on their age/development/disability and where the parent/carer is not ensuring the child’s safety.

“Neglect – food – non-medical professionals” is where a child or young person is: reporting persistent hunger; reporting persistent withholding of food as punishment; thin, frail, listless; frequently begging/stealing/hoarding food; mentioning going without eating; frequently arriving without breakfast/lunch; having difficulty concentrating and you suspect poor nutrition.

“Neglect –medical care –non-medical professionals” is where a child/young person has a physical health condition that appears to need immediate care which is not being provided; parent/carer is refusing or unable to seek recommended medical care; there is a medical condition that requires an ongoing treatment plan that is not being followed.

“Neglect –mental health care” is where a child/young person is suicidal/has committed or is threatening serious violence or is causing significant self-harm; parent/carer is refusing to provide or access mental health care that the child/young person requires.

“Sexual abuse” is where a child has made a clear, unambiguous statement of sexual assault or is diagnosed with a sexually transmitted disease; displaying trauma to genital area or where you are aware by other means that a child has been sexually abused. It will also be a cause for reporting if there is a concern a child will have significant contact with an alleged or known sex offender or the child is exposed to sexually explicit material or acts including pornography and communication of sexual matters and the child expresses fear, discomfort or shows symptoms of significant harm.

“Psychological harm” is where a child/young person is exposed to chronic or severe domestic violence; severe parental/carer mental health or substance abuse concerns; parental/carer behaviours that are persistent, repetitive and have a negative impact on a child/young person’s development, social needs, self-worth or self-esteem; parental/carer criminal and/or corrupting behaviour; parental/carer behaviours that deliberately expose a child/young person to traumatic events.

“Relinquishing care” is where the parent/carer is no longer willing to provide shelter/food/supervision for the child/young person or child/young person has been in voluntary care for longer than the legislation allows. It is also a cause for reporting if there are no alternative care arrangements in place for the next 72 hours.

“Parent/carer substance abuse” is where the substance abuse impacts on the parent/carer’s ability to meet the child/young person’s needs; causes significant harm and/or where the child/young person’s behaviour indicates the impact of substance abuse.

“Parent/carer mental health” is where the mental health concern impacts on the parent/carer’s ability to meet the child/young person’s needs; causes significant harm and/or where the child or young person’s behaviour indicates the impact of the parent/carer’s mental health concern.

“Parent/carer domestic violence” is where there has been an incident of domestic violence, there is a child or young person in the home and where one or more of the following occurred, whether the child was present or not: use of weapon; strangulation/suffocation attempt; serious injury to adult; physical injury to child/young person; serious threat to harm child/young person/adult/self; a significant increase

in the pattern of violence.

“Cumulative Harm” refers to a series of acts or omissions that, when viewed separately may not indicate significant risk, but when viewed together suggest a pattern of significant harm. Mandatory reporters should keep good records of concerns they have about a child as these concerns may continue and the pattern may constitute a report to the Child Protection Helpline. The Mandatory Reporter Guide includes questions which assist in determining cumulative harm. The Child Protection Helpline provides feedback to mandatory reporters so they know what action should be taken.

POLICY STATEMENT

Child abuse can occur within all communities, regardless of culture, religion or socio-economic backgrounds. Staff who work with children are responsible for providing a safe and predictable environment and service. Staff are in a position to monitor behavioural and emotional changes, physical injuries and the general wellbeing of a child. Koorana provides services to children and families in a range of settings and the relationships that staff develop with children may lead to a child making a disclosure about child abuse.

Koorana aims to promote a safe environment for all children and to assist all staff, volunteers, students, visitors and parents to be aware of their responsibilities in relation to child abuse and neglect. Further, Koorana aims to ensure that all staff, volunteers, students, visitors and parents have the information they need to follow the appropriate notification procedures in relation to suspected abuse.

The Children and Young Persons (Care and Protection) Act 1998 outlines the roles and responsibilities of a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly, to children, and a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly, to children in relation to the prevention, protection and reporting procedures when a child is identified as being at risk of harm.

Koorana mandates that all staff, board directors, volunteers, students, visitors, relevant consultants and contractors have an obligation to report suspicions of “risk of significant harm”.

PRACTICES

- All staff employed by Koorana will have a valid “Working with Children Check” and “Police Check”. Koorana will verify a staff members “Working with Children Check” prior to commencement with Koorana and after that every 5 years in line with regulatory requirements.
- Students and volunteers will have a valid “Working with Children Check” and “Police Check”. Koorana will verify a students and volunteers “Working with Children Check” prior to commencement with Koorana and after that every 5 years in line with regulatory requirements (if applicable).

- Visitors that are performers for children’s entertainment are required to produce their “Working with Children Check” before engaging in a contract with Koorana. Koorana will verify the performer has a valid “Working with Children Check”.
- All staff will adhere to Koorana’s Child Protection policy.
- All staff will report any form of child abuse, suspicious behaviour, issues or concerns.
- All staff will be trained in issues relating to child protection. In addition, staff will be asked to attend refresher courses as required, or as legislative changes occur.
- All staff are mandatory reporters. It can be a difficult and emotional process to make a report. It is recommended that staff discuss their concerns with their Preschool/Team Leader or Service Operations Manager to ensure that they are provided with support during the reporting process. However, staff are bound by this Law, and staff must not delegate this responsibility to the Preschool/Team Leader or Service Operations Manager.
- The Preschool/Team Leader and/or Service Operations Manager is to help support the staff member through this process and is prohibited from discouraging or forbidding a staff member from making a report.
- Staff should refer to the Mandatory Reporters guidelines set down by the Department of Family and Community Services.
- The Preschool/Team Leader is required to notify the Service Operations Manager of any current concerns or notifications made. The Service Operations Manager will notify the General Manager Client Services and CEO as required.
- Staff may request a counselling session if any incident has caused them any concern.

Risk Management and Prevention

In order to minimise risk of abuse to children during Koorana services and allegations of abuse against staff or visitors the following guidelines apply:

- When interacting with a child a staff member will make every attempt to be in view of another adult at all times. When a staff member is unavoidably alone with a child, another responsible adult will be notified of where they will be and for how long. Doors are left open or unlocked. Under no circumstances are students, volunteers or visitors to be left alone with a child or group of children.
- Physical contact with children will be appropriate to the age and/or developmental level of the child. When working with older pre-schoolers and school aged children, physical contact will be used only when it is necessary for:
 - Comfort, encouragement or congratulations, in a manner that is age appropriate for the child.
 - Duty of care to the child or other children.
 - Self-defence if threatened, to the minimum degree necessary.
 - Assistance, for example when the child needs first aid, has fallen, requires assistance with toileting, or needs a physical demonstration or guidance to participate in an activity.
 - Staff delivering transdisciplinary or multidisciplinary services will where possible not provide direct self-care to clients but will coach clients (if possible) and parents in self-care. When providing and/or coaching self-care staff need to ensure that another adult is present.

- Other than in unforeseen emergencies, any physical restraint – for example to keep a child from danger, or from hurting other children – will be part of a planned intervention. This intervention will be planned in collaboration with the child’s parents or guardians and will comply with Koorana’s Behaviour Policy.
- All accidents and incidents involving children will be fully documented using the Incident, injury, trauma and illness record form. This includes incidents where a child is hurt by the unintentional action of an adult.

Children’s Feedback

Children are actively encouraged to provide feedback on their interactions with staff. In Preschool and SIBs Club staff and children will have discussions around the topic of what appropriate interactions between children and staff are. Children are able to and encouraged to provide feedback verbally to staff or peers about other staff.

Children are also encouraged to inform their parents or guardians of any inappropriate staff behaviour.

How to report risk of significant harm

In an emergency where there are urgent concerns for the child’s health or life, it is important to contact the police, using the emergency line ‘000’.

In other circumstances, **all mandatory reporters** will report matters to the Child Protection Hotline on 133 627 where they believe a child is at risk of significant harm.

Before making a report, mandatory reporters should consult the Mandatory Reporter Guide to assess whether a child is at risk of significant harm and to assist in determining if a report to the Child Protection Helpline is necessary.

All mandatory reporters should also consult with their Preschool/Team Leader and/or Service Operations Manager to assist in making a child protection report.

Who to report

The Act provides for reports being made about:

- Children and young people at risk of significant harm.
- Unborn children at risk of significant harm.
- Homeless children and young people.

Mandatory reporters should note that the legislation requires that they continue to respond to the needs of the child (within the terms of their work role) even after a report to the Child Protection Helpline has been made.

When to report

The Mandatory Reporter Guide has been developed to assist reporters to decide if any of the following conditions are present to a significant extent:

- physical abuse

- neglect (supervision, physical shelter/environment, food, medical care, mental health care, education)
- sexual abuse
- problematic sexual behaviour
- psychological harm
- relinquishing care
- carer concerns (parent/carer substance abuse, parent/carer mental health, parent/carer, domestic violence)
- unborn child.

Where a person has reasonable grounds to suspect risk of significant harm, they should first use the Mandatory Reporter Guide to assess whether their concerns meet the threshold of risk of significant harm. However, if there is an immediate danger to the child or young person the Police and/or the Helpline should be contacted directly.

Reasonable grounds refers to the need to have an objective basis for suspecting that a child may be at risk of significant harm, based on:

- first hand observations of the child, young person or family
- what the child, young person, parent or another person has disclosed
- what can reasonably be inferred based on professional training and/or experience.

It does not mean that reporters are required to confirm their suspicions or have clear proof before making a report.

Concerns must be current - that is, significant harm arising from abuse or neglect is recent or likely in the foreseeable future should circumstances continue unchanged or cumulative. Current concerns may also arise from a child having contact with someone who is known to be responsible for causing harm to a child in the past.

Current concerns also refer to situations where the abuse or neglect of the child or young person occurred sometime in the past but continue to have an impact on the child or young person's safety, welfare or wellbeing.

Where use of the Mandatory Reporter Guide advises risk of significant harm, mandatory reporters must make a report to the Child Protection Helpline.

Once a report has been made staff must complete the Koorana Child Protection Log (Appendix 1). This Log must also be signed by the Service Operations Manager and have the MRG-Decision Report attached. At Preschool a copy of the Log and the MRG-Decision Report must be kept in the Confidential Envelope within the child's file. For all other children the Log and the MRG-Decision Report must be uploaded to Penelope and attached to the child and be filed in the Confidential Envelope within the child's file.

Non-imminent suspected risk of significant harm reports

Helpline eReporting is available for mandatory reporters to make child protection reports to Family & Community Services. eReports are delivered securely and automatically to the Child Protection

Helpline for assessment. eReporting is easily accessible and simple to use. Helpline eReporting must only be used for non-imminent suspected risk of significant harm reports. All urgent matters must still be made by phone to the Helpline. eReporting is available at: <https://kidsreport.facs.nsw.gov.au> or from the Family & Community Services website: www.community.nsw.gov.au.

The Mandatory Reporter Guide

The Mandatory Reporter Guide is designed to help both mandatory and non-mandatory reporters decide whether a concern meets the statutory threshold for reporting risk of significant harm.

There is also an interactive online version of the Mandatory Reporter Guide at:

http://www.keepthemsafe.nsw.gov.au/reporting_children_at_risk/mandatory_reporter_guide

The Guide works by posing specific questions that help mandatory and other reporters work systematically through the issues relating to concerns they have about a child or young person. At the end of the process, a decision report will guide the reporter as to what action to take.

The starting page of the Mandatory Reporter Guide provides guidance about when to use each decision tree.

There are seven major categories of abuse and neglect of children and young people in the Mandatory Reporter Guide. They are:

- physical abuse
- neglect
- sexual abuse
- child/young person problematic sexual behaviour
- psychological harm
- relinquishing care
- unborn child

The Mandatory Reporter Guide will help reporters to decide whether the following behaviours of parents/carers significantly affect their children:

- parent/carer substance abuse
- parent/carer mental health
- parent/carer domestic violence

Outcomes of the Mandatory Reporting Guide (MRG):

- *Report to Family and Community Services*

There are two types of recommendations to report to Family and Community Services (FACS)

1. Immediate report to Family & Community Services

You should make a report about suspected risk of significant harm to the Child Protection Helpline as soon as possible, using the most direct means possible.

2. Report to Family and Community Services

You should make a report about suspected risk of significant harm to the Child Protection Helpline within the next 24 hours.

Child Protection Helpline:

Telephone: 13 3627

If you have hearing impairment, telephone TTY: 9633 7698

- *Consult with a Professional*
The report is close to the threshold of risk of significant harm. Reports of this outcome are to be discussed with the Preschool/Team Leader and Service Operations Manager to discuss other options that might be available to provide assistance to the child or young person and their family.
- *Consult your referral network or wellbeing referral centre*
There is no significant risk. The family may benefit from support services. Reports of this outcome are to be discussed with Preschool/Team Leader for other options that might be available to provide assistance to the child or young person and their family.
- *Document and continue relationship:*
The report does not meet the threshold for reporting. However, discuss this outcome with your Preschool/Team Leader.

Non mandatory reporters, including the general public, should phone 132 111.

Non-English speaking reporters can make a report to the Helpline using a professional phone interpreter. Reporters requiring the assistance of a translator are advised to contact the Translation and Interpreting Service on 131 450. The reporter will need to indicate the language they speak and that they wish to contact the Child Protection Helpline. There is no cost to the reporter for this service.

Children and young people who do not meet the statutory threshold for child protection intervention

Contact the Family Referral Service in your area. See the website at:

<http://www.familyreferralservice.com.au/>. Family Referral Services assist families with children and young people who do not meet the statutory threshold for child protection intervention but would benefit from accessing support to address current problems and prevent escalation of risk of harm.

In addition to the Family Referral Service the Child Wellbeing Unit can be contacted:

- NSW Health Child Wellbeing Unit: 1300 480 420
- NSW Department of Education Child Wellbeing Unit: 9269 9400 (school aged children only)

Staff need to be aware of the definition of cumulative harm (see definitions) as concerns viewed separately may not indicate significant risk, but when viewed together suggest a pattern of significant harm. If this is the case the Family Referral Service or Child Wellbeing Unit are not the appropriate services and a report to Family and Community Services needs to be made.

Please also speak with your Preschool/Team Leader and Service Operations Manager for advice and further instructions.

Responding to a child or young person who discloses information

Children do not often disclose abuse or neglect the first time something happens. They may experience a sense of helplessness and hopelessness and may take weeks or years before making their abuse known.



You should respond to a disclosure by being calm and listening carefully and non-judgmentally. Let the child tell their story freely and in their own way. Acknowledge how difficult it may have been to disclose and reassure the child or young person that it was the right thing to do.

The role of the person hearing the disclosure is not to interview or gather evidence. This is the responsibility of specially trained Family and Community Services caseworkers and/or police officers. Immediately after the disclosure write down and date the comments and statements made by the child using their exact words. Record any observations about the child's mood or demeanour.

Communication with Parents and Guardians

Good practice points to the value of staff discussing concerns with the parent or guardian and advising them of the legal or professional obligations to report their current concerns to Family and Community Services. The decision to inform the family of a report will be guided by good professional judgment and the important principles of working in partnership with families and involving children and young people in decisions that affect them. Staff can prepare for this by dealing with the issue of mandatory reporting obligations early in the relationship between the parent and Koorana.

In general, staff will inform parents when they are going to make a child protection report or after they have made a child protection report due to circumstances when because of the urgency of the situation for the child, or the perceived risk to the safety of the child or even to themselves, staff were required to report the matter prior to telling the parent.

In some instances it may be inappropriate for staff to inform parents that a child protection report has been or will be made. Circumstances where it might be inappropriate for staff to disclose to parents or guardians that staff are reporting include if there are potential safety issues for staff or if it would place the child at further risk of harm.

Staff should seek guidance from their Preschool/Team Leader and/or Service Operations Manager if they are unsure whether or not to inform the parent or guardian.

Protection of reporter's details

Section 29 of the Children and Young Persons (Care and Protection) Act 1998 (NSW) protects any person who makes a report in good faith to the Child Protection Helpline.

The legislation also protects reports in the following circumstances:

- The making of the report does not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct.
- No liability for defamation can be incurred because of the report.
- The report is not admissible in any proceedings as evidence against the person who made the report.

The identity of the reporter is kept confidential unless the person who made the report has given consent for their identity to be provided.

In exceptional circumstances the reporter's identity might be disclosed where there is a court order or where required by a law enforcement agency where the disclosure is in connection to an investigation of

a serious offence or allegation. The request must come from a senior law enforcement officer and the reporter must be informed their identity is to be released.

Monitoring

If a decision is made not to make a report but to monitor the situation, staff will discuss concerns with the family as part of ongoing contact with them.

Relevant information is documented and filed in the Confidential Envelope within the child's file or in the child's file on Penelope. Observations will be noted and dated. Staff need to understand that notes and children's files need to be released to parents, guardians or Family and Community Services upon request and therefore need to be written appropriately.

The Service Operations Manager should be advised of any ongoing concerns staff have about a child's safety.

Exchange of Information between agencies

For effective support and referral it may be necessary to exchange information with other prescribed agencies. The Children and Young Person (Care and Protection) Act 1998 (Chapter 16A), enables prescribed agencies to exchange information about children and young people without consent. Chapter 16A allows information to be exchanged between prescribed bodies despite other laws that prohibit or restrict the disclosure of personal information, such as the Privacy and Personal Information Protection Act 1998, the Health Records and Information Privacy Act 2002 and the Commonwealth Privacy Act 1988.

A prescribed body is any organisation specified in section 248(6) of the Act or in clause 7 of the Children and Young Persons (Care and Protection) Regulation 2000. Generally prescribed bodies are:

- NSW Police Force
- a State government department or a public authority
- a government school or a registered non-government school or a TAFE
- a public health organisation or a private health facility
- an accredited adoption service provider
- a designated agency
- a registered agency
- a children's service
- any other organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children.

Information exchanged is to only relate directly to the safety, welfare and wellbeing of children so Koorana and the other organisation can make a decision, assessment or plan for a child or young person, initiate or conduct an investigation and manage risks for a child or young person.

Information can be exchanged verbally and in writing. When exchanging information verbally staff are required to make a note and provide details of this exchange to the Child Protection Unit. If an exchange of information request is received via phone, the person receiving the request is required to establish the credentials of the person making the request before releasing information. If you are unsure, speak



with your Preschool/Team Leader, Service Operations Manager or contact the Child Protection Unit for further advice and assistance.

The type of information that can be provided may relate to:

- A child’s or young person’s history or circumstances.
- A parent or other family member.
- Facts surrounding whether a person poses a risk to the safety, welfare or wellbeing of a child or young person.
- An organisations dealings with the child.

Implications for failing to report an instance, allegation, disclosure or concern relating to abuse or neglect of a child or young person

Koorana: Failing to report an incident, allegation, disclosure or concern relating to abuse or neglect of a child or young person is viewed as serious misconduct and may lead to disciplinary action, up to and including formal warning, or termination of employment or cessation of student/volunteer relationship.

NSW Ombudsman: It is an offence to without lawful excuse, refuse or wilfully fail to comply with any lawful requirement of the Ombudsman.

NSW Department of Education (Preschools): Failing to report an incident, allegation, disclosure or concern relating to abuse or neglect of a child, young person is an offence under the Children (Education and Care Services National Law Application) Act 2010 (Section 167 Offence relating to protection of children from harm and hazards).

Accountability and responsibility

Role	Responsibility
Koorana Child and Family Services Board	<ul style="list-style-type: none"> • Ensures adequate resources are allocated to allow effective implementation.
Chief Executive Officer	<ul style="list-style-type: none"> • Ensures the Board, the General Manager Client Services & General Manager Corporate Services understand their obligations in accordance with this policy.
General Manager Client Services & General Manager Corporate Services	<ul style="list-style-type: none"> • Ensure Service Operations Managers understand their obligations in accordance with this policy. • Oversee implementation of this policy. • Plan organisational resources and requirements for policy and procedure implementation. • Ensure Service Operations Managers and Preschool/Team Leaders have access to advice and support to implement this policy including incident management and reporting.



Corporate Services	<ul style="list-style-type: none"> • Ensure adequate training is provided for all staff for the policy's implementation. • Ensures Working with Children and Police Checks are conducted and up to date.
Service Operations Managers and Preschool/Team Leaders	<ul style="list-style-type: none"> • Ensure all staff have access and understand their obligations in accordance with this policy. • Support all training and development initiatives targeted to raise awareness of this policy. • Provide advice and support to staff in relation to this policy. • Follow all Mandatory Operating Procedures associated with his policy. • Support staff completing the Mandatory Reporting Guide and in any contact with the Helpline.
Staff	<ul style="list-style-type: none"> • Take all reasonable steps to protect and safeguard children and young people from any form of abuse. • Follow the guidance, training and resources provided for the implementation of this policy. • Immediately report any suspected abuse to external authorities and Koorana management, as per the reporting obligations within this policy.
Students, volunteers, contractors/consultants and other involved persons	<ul style="list-style-type: none"> • Immediately report any suspected abuse to Koorana management and/or external authorities as per the reporting obligations within this policy.
Children, young people, parents/guardians	<ul style="list-style-type: none"> • Adhere to the policies and procedures of Koorana. • Be aware of and understand Koorana's commitment to child protection. • Immediately report any suspected abuse to Koorana management.

Allegations against a Koorana staff member

- A Koorana employee, contractor or person working with Koorana in either a paid or unpaid capacity who believes, on reasonable grounds, that a child or young person is at risk of harm from a Koorana employee, must report this concern immediately. The report should be made to

the Preschool/Team Leader who in turn informs the Service Operations Manager. The Service Operations Manager will inform the General Manager Client Services and CEO.

- Parents who have concerns regarding the manner in which a staff member is treating a child or group of children must refer this matter to either the Preschool/Team Leader, Service Operations Manager or General Manager Client Services and an investigation will be conducted.
- Koorana Management will determine if an immediate report to the NSW Ombudsman as well as Family and Community Services is required or if an internal investigation will be conducted first to determine if conduct is reportable. This will depend on the seriousness of the concern or allegation in line with Section 25A(1) of the Ombudsman Act, which defines 'reportable conduct' and what does not extend to 'reportable conduct'. If the concern/allegation is to be reported to the Child Protection Hotline the Service Operations Manager will inform the Helpline that the allegation involves a Koorana staff member, student, volunteer or visitor.
- If an allegation against a Koorana staff member, student, volunteer or visitor has been made, the person will be advised that an allegation has been made against them in writing. The letter will outline the investigation process, their rights and obligations and their support options.
- During the investigation procedural fairness principles will be followed:
 - Staff, students, volunteers or visitors will be given an opportunity to be heard.
 - Koorana Management investigating the incident or allegation will not have a personal interest in the outcome, act only on the basis of well-reasoned probative evidence, make good decisions in good faith and without bias and consider any person whose interests will be affected by the decision.
 - During an investigation an employee may be removed from working directly with children or stood down during the course of the investigation depending on the seriousness of the allegation.
- Where required the CEO will inform the NSW Office of the Children's Guardian as well as the NSW Ombudsman.
- Assistance and counselling will be provided to the employee.
- Should the allegation be proven as true the matter will be referred to the NSW Police and the employee dismissed.

Notifying a child's parents/guardians of an allegation

The Service Operations Manager in collaboration with the General Manager Client Services will determine who will notify a child's parents/guardians of an allegation. Notification will occur unless this will impact negatively on:

- The safety, welfare and wellbeing of the child or young person who is the subject of the alleged conduct.
- The preservation of evidence.
- The integrity of an investigation.
- The quality of evidence is jeopardised due to the parent inadvertently or purposefully taking action.

Investigation process

The Service Operations Manager in collaboration with the General Manager Client Services will determine how the matter will be investigated. If it is determined that an internal investigation is not appropriate, the General Manager Client Services will take the matter to the Executive Management Team to discuss the course of further action, e.g. external investigation.

Investigations will be conducted with the utmost confidentiality, involving only those people who have an identified need to know about the matter, and in a timely manner unless there are legitimate circumstances that are delaying the investigation.

Investigations involve five stages:

1. Determining whether or not the investigation will be conducted internally or externally. Once it has been determined that the investigation will be conducted internally an investigation team will be appointed.
2. Identifying information and evidence required for the investigation and stakeholders to be consulted.
3. Obtaining and assessing information and evidence and review to consider whether the allegation/s accurately capture the alleged conduct.
4. Giving the staff member the opportunity to respond to the allegations.
5. Analysing and recording information and evidence in the report, recommending a finding, identifying practice considerations and any relevant recommendations for action to improve practice or the systems supporting practice.

Evidence and information gathering

During the investigative process the appointed investigator will collect all available, relevant information to recommend an evidence-based finding about an allegation, ensuring full documentation at all times, by talking to

- The child or young person about the incident and its context (if possible and only where appropriate).
- The staff member(s) about the incident and its context.
- Witnesses, including other staff and children (where applicable).
- Other sources and relevant parties.

Conducting interviews

Each person involved in the investigation should be interviewed separately from other involved parties. Where a person refuses to be interviewed separately to other involved parties, the investigator, in consultation with the Executive Management Team, will balance the likely detriment to the investigation caused by the person's refusal and determine an alternative course of action. This may include interviewing parties jointly. Decisions about joint interviews will be documented in the investigation report.

Interviews will be conducted with the person against whom the allegation has been made to:

- Clarify matters and provide information to the staff member.

- Gather information to assist in the investigation.
- Put the allegations to the staff member and allow them to respond.

The staff member will have the opportunity to respond to allegations during an interview or by completing a written statement. The investigator will clearly explain to the staff member, in writing, their rights in responding to an allegation or finding, including the right to have support in developing a response.

Making findings and recommendations

After assessing all the information gathered during an investigation the investigator and the Executive Management Team must make a finding for each allegation.

The following important factors are considered when analysing the information:

- Whether the information has come and is confirmed by a reliable source.
- If the information is relevant to the incident and its context.
- If the information is consistent with other accounts from either the same or different sources.
- How much time has elapsed between the event and providing the information.
- How opinion, bias and and/or conflict of interest may impact on the information provided by any participant (e.g. victim, staff member, witness).

Findings must be made from the following options

- Sustained (a finding that the conduct occurred).
- Not sustained - insufficient evidence (there is some evidence of weight however there is insufficient evidence available to reasonably establish that the alleged conduct did occur).
- Not sustained - lack of evidence of weight (where the evidence is of such poor probative value or lacking in weight, such as to warrant a finding that, on the balance of probabilities, the conduct did not occur).
- False (where inquiries into the matter show the alleged conduct did not occur). Some of these matters may be vexatious, for example where inquiries in to the matter show the allegation was made without substance and to cause distress to the person against whom the allegation was made.
- Not reportable conduct (where inquiries in to the matter show the conduct was not reportable, for example, use of force that was trivial or negligible in the circumstances).

The investigator recommends a finding to the Executive Management Team providing a clear rationale and determination of the finding and the rationale is documented. The Executive Management Team then determines outcomes and further actions.

Notifying the staff member of completion of investigation

At the completion of the investigation, the Executive Management Team will formally advise the staff member that the investigation has been completed.

The staff member will be advised:

- Of the preliminary findings of the investigation.
- Of their right to respond and provide further information or statements.
- Of the findings of the investigation that are going to be reported to the NSW Ombudsman.

- Whether a notification has been made to the Office of the Children’s Guardian.
- Whether formal action or dismissal is being considered.
- If the staff member can return to work due to being stood down during the investigation.

The staff member is provided with 7 days to provide a response to the preliminary findings. Should the staff member respond to Preliminary Findings the Executive Management Team will review the response, determine action, engage legal advice if required and document the outcome. A final letter is provided to the staff member detailing outcome of the response to the preliminary findings. If no response is received from the staff member on the Preliminary Findings a final letter is sent to confirm the findings that will be send to the NSW Ombudsman.

Notifying the NSW Ombudsman

When the investigation and all relevant documentation are complete, Koorana provides the NSW Ombudsman with a copy of all documentation relevant to an investigation as per the Ombudsman Act 1974 (NSW).

The CEO is responsible for:

- Ensuring that all relevant matters are notified to the Ombudsman as per the Ombudsman Act 1974 (NSW).

The General Manager Client Services and Service Operations Manager are responsible for:

- Ensuring notification occurs within the 30-day timeframe. Notification documentation is sensitive and highly confidential and must be handled accordingly.

Involvement of the NSW Ombudsman

- The NSW Ombudsman may decide to oversee an investigation. During this time Koorana continues their investigation and may contact the Ombudsman for advice and feedback and at the conclusion of the investigation Koorana will provide the Ombudsman with an outcome report detailing the results of an investigation, advice on any actions taken as a result of an investigation and copies of supporting documentation.
- The NSW Ombudsman may decide to directly investigate but will generally only investigate if:
 - Significant risks to children have not been identified or addressed by Koorana.
 - Koorana indicates it lacks the capacity to investigate a particular matter.
 - There is a sufficient conflict of interest preventing Koorana from properly investigating.
 - The final report from Koorana indicates wrong conduct in an original investigation.
- The Ombudsman may also conduct an investigation concerning any inappropriate handling of a response to any such reportable allegation or reportable conviction, whether on the Ombudsman’s own initiative or in response to a complaint.

Notifying the Office of the Children’s Guardian

If the investigation results in a finding that sexual misconduct or serious physical assault occurred involving a Koorana staff member, Koorana must report this finding to the Office of the Children’s Guardian.

Under Schedule 1 of the Child Protection (Working with Children) Act 2012, the conduct that must be reported is:



1. Sexual misconduct committed against, with or in the presence of a child, including grooming of a child.
2. Any serious physical assault of a child.

Notifying Family and Community Services

Family and Community Services need to be notified through the Child Protection Hotline on 133 627 within 24 hours of the finding.

Notifying the NSW Department of Education [Preschool only]

Under the Children (Education and Care Services National Law Application) Act 2010 (Section 167 Offence relating to protection of children from harm and hazards) and Education and Care Services National Regulations (Regulation 175 (2)(c)) the NSW Department of Education needs to be informed of any circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child or children attending the service within 7 days through the NQAITS portal.

Privacy and confidentiality

The privacy and confidentiality of any person involved in a child protection matter including the child, family and anyone involved in an investigation will be protected at all times.

When responding to allegations against staff, students, volunteers, visitors or Board members, Koorana also has a responsibility to ensure they are treated fairly and the rights of each individual are respected during an investigation and any applicable disciplinary process.

Koorana Child and Family Services would like to acknowledge the work of Lifestart, Family and Community Services, Willoughby City Council and especially the YMCA NSW, which informed this policy.



APPENDIX 1

KOORANA CHILD PROTECTION LOG

Child's Name: _____

Child's Address: _____

D.O.B: _____

Parent's Names: _____

SiblingsNames/Ages: _____

Koorana Program (Preschool, Home Based etc): _____

- NSW Online MRG-Decision Report advised matter is NOT reportable
- NSW Online MRG-Decision Report advised matter is reportable

NOTE: You must attach the NSW Online MRG-Decision Report to this log and provide to Team Leader/Manager.

Indicators: Please tick appropriate box

Physical Abuse	Neglect	Sexual Abuse	Psychological Harm
Relinquishing Care	Carer Concern	Unborn Child	

Comments:

Key: Boxes with a red border indicate a hyperlink to more information

Child Wellbeing & Child Protection - NSW Interagency Guidelines

RESPONDING TO A CHILD WELLBEING CONCERN OR CHILD PROTECTION REPORT FLOWCHART

