

# Gulfview Heights Primary School

## Out of School Hours Care



### CHILD PROTECTION POLICY

Gulfview Heights Primary School OSHC is committed to providing a child safe environment where children's safety and wellbeing is supported and children feel respected, valued and encouraged to reach their full potential. We will ensure all employees and volunteers understand the meaning, importance and benefits of providing a child safe environment and critically, understand their obligations and requirements as Mandatory Reporters.

At all times, management, staff and volunteers will treat children with the utmost respect and understanding.

Our Service believes that:

- Children are capable of the same range of emotions as adults.
- Children's emotions are real and need to be accepted by adults.
- A reaction given to a child from an adult in a child's early stages of emotional development can be positive or detrimental depending on the adult's behaviour.
- Children, who preserve, enhance and better understand their body's response to an emotion is more able to predict the outcome from a situation and evade them or ask for help.

#### National Quality Standard (NQS)

Quality Area 2: Children's Health and Safety		
2.2	Safety	Each child is respected
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented
2.2.3	Child Protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect

#### Education Care and National Regulations

84	Awareness of child protection law
155	Interactions with children
S162 (A)	Persons in day to day charge and nominated supervisors to have child protection training

#### PURPOSE

All Educators, Staff and Volunteers are committed to identifying possible risk and significant risk of harm to children and young people at the Service. We comprehend our duty of care responsibilities to protect children from all types of abuse, and adhere to our legislative obligations at all time.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Our Service will act in the best interest of each child, assisting them to develop to their full potential in a secure and caring environment.

## **SCOPE**

This policy applies to management, staff, families and visitors (including contractors) of OSHC.

## **WHAT IS ABUSE?**

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological or emotional health or development. Child abuse can be a single incident, or can be a number of different incidents that take place over time.

In South Australia there are eight types of abuse, some of which are further divided into more specific categories:

1. Physical
2. Neglect, incorporates;
  - a. Supervision
  - b. Shelter/environment
  - c. Food
  - d. Hygiene/clothing
  - e. Medical care
  - f. Mental health care
  - g. Education – not enrolled/habitual absence
3. Sexual abuse, incorporates;
  - a. Abuse of a child
  - b. Abuse of a young person
  - c. Problematic sexual behaviour towards others
4. Psychological harm
5. Danger to self or others
6. Relinquishing care
7. Carer concern, incorporates;
  - a. Substance abuse
  - b. Mental health
  - c. Domestic violence
8. Unborn child

## **DEFINITIONS**

**Maltreatment** refers to non-accidental behaviour towards another person, which is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm. Behaviours may be intentional or unintentional and include acts of omission and commission. Specifically abuse refers to acts of commission and neglect acts of omission. Note that in practice the terms child abuse and child neglect are used more frequently than the term child maltreatment

**Risk of Significant Harm (ROSH)** refers to circumstances causing concern for the safety, welfare and wellbeing a child or young person present to a significant extent. This means it is sufficiently serious to warrant a response by a statutory authority irrespective of the 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's or young person's safety, welfare, or wellbeing.

In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child.

**Reasonable grounds** refers to the need to have an objective basis for suspecting that a child may be at risk of abuse and neglect based on:

- First hand observation of the child or family
- What the child, parent or other person has disclosed
- What can reasonably be indirect based on observation, professional training and/ or experience

**Mandatory Reporting** is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. In South Australia staff are considered mandated notifiers under the Children's Protection Act 1993.

## **MANDATORY REPORTERS**

Legislation across jurisdictions, describes a list of particular occupations that are mandatory to report suspected child abuse and neglect to the relevant government authorities. Each jurisdiction may include different groups of people who are mandated to report and differences in the types of abuse to be reported.

Mandatory reporters are people who deliver the following services, wholly or partly, to children as part of their paid or professional work:

Health care (e.g. registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)

- Welfare (e.g. psychologists, social workers, caseworkers and youth workers)
- Education (e.g. teachers, counsellors, principals)
- Children's services (e.g. child care workers, out of school hours services, family day carers and home-based carers)
- Residential services (e.g. refuge workers)
- Law enforcement (e.g. police)
- Registered psychologists providing a professional service as a psychologist
- A person in religious ministry or a person providing religious-based activities to children

All staff have a responsibility to recognise and respond to concerns for safety, welfare and the wellbeing of children and young people, and to report these concerns to management. According to the Children and Young Persons (Care and Protection) Act 1998 mandated reporters (including people employed in children's services and unpaid managers of these services) must make reports if they suspect on reasonable grounds a child is at risk of significant harm because:

- The child's basic physical or psychological needs are not being met or are at risk of not being met
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for a school age child to receive an education
- The child has been, or is at risk of being physically or sexually abused or ill-treated
- The child is living in a household where there have been incidents of domestic violence and they are at risk of serious physical or psychological harm
- The parent's or other caregiver's behaviour means the child has suffered or is at risk of suffering serious psychological harm

## **INDICATORS OF ABUSE**

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Behavioural or physical signs, which assist in recognising harm to children, are known as indicators. The following is a guide only. One indicator on its own may not imply abuse or neglect. However a single indicator can be as important as the presence of several indicators. Each indicator needs to be deliberated in the perspective of other indicators and the child's circumstances. A child's behaviour is likely to be affected if he/she is under stress. There can be many causes of stress and it is important to find out specifically what is causing the stress. Abuse and neglect can be single incidents or ongoing, and may be intentional or unintentional.

General indicators of abuse and neglect may include:

- Marked delay between injury and seeking medical assistance
- History of injury
- The child gives some indication that the injury did not occur as stated
- The child tells you someone has hurt him/her
- The child tells you about someone he/she knows who has been hurt
- Someone (relative, friend, acquaintance, and sibling) tells you that the child may have been abused.

## **NEGLECT**

Child neglect is the continuous failure by a parent or caregiver to provide a child with the basic requirements needed for their growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision. Some examples are:

- Inability to respond emotionally to the child
- Child abandonment
- Depriving or withholding physical contact
- Failure to provide psychological nurturing
- Treating one child differently to the others

### **Indicators of Neglect in children:**

- Poor standard of hygiene leading to social isolation
- Scavenging or stealing food
- Extreme longing for adult affection
- Lacking a sense of genuine interaction with others

- Acute separation anxiety
- Self-comforting behaviours, e.g. rocking, sucking
- Delay in development milestones
- Untreated physical problems

## **PHYSICAL ABUSE**

Physical abuse is when a child has suffered, or is at risk of suffering, non-accidental trauma or injury, caused by a parent, caregiver or other person. Educators will be particularly aware of looking for possible physical abuse if parents or caregivers:

- Make direct admissions from parents about fear of hurting their children
- Have a family history of violence
- Have a history of their own maltreatment as a child
- Make repeated visits for medical assistance

### **Indicators of Physical Abuse:**

- Facial, head and neck bruising
- Lacerations and welts
- Explanations are not consistent with injury
- Bruising or marks that may show the shape of an object
- Bite marks or scratches
- Multiple injuries or bruises
- Ingestion of poisonous substances, alcohol or drugs
- Sprains, twists, dislocations
- Bone fractures
- Burns and scalds

## **PSYCHOLOGICAL ABUSE**

Psychological harm occurs where the behaviour of the parent or caregiver damages the confidence and self-esteem of the child, resulting in serious emotional deficiency or trauma. In general, it is the frequency and duration of this behaviour that causes harm. Some examples are:

- Constant or excessive criticism, condescending, teasing of a child or ignoring or withholding admiration and affection
- Excessive or unreasonable demands
- Persistent hostility, severe verbal abuse, and rejection
- Belief that a specific child is bad or 'evil'
- Using inappropriate physical or social isolation as punishment
- Exposure to domestic violence
- Intimidating or threatening behaviour

### **Indicators of psychological abuse**

- Feeling of worthlessness about them
- Inability to value others

- Lack of trust in people and expectations
- Lack of 'people skills' necessary for daily functioning
- Extreme attention seeking behaviours
- Extremely eager to please or obey adults
- May take extreme risks, is markedly disruptive, bullying, or aggressive
- Other behavioural disorders (disruptiveness, aggressiveness, bullying)
- Suicide threats (in young people)
- Running away from home

## **SEXUAL ABUSE**

Sexual abuse is when someone involves a child in a sexual activity by using their authority over them or takes advantage of their trust. Children are often bribed or threatened physically and psychologically to make them participate in the activity. Sexual abuse includes:

- Exposing the child to the sexual behaviours of others
- Coercing the child to engage in sexual behaviour with other children or adults
- Verbal threats of sexual abuse
- Exposing the child to pornography

### **Indicators of Sexual Abuse**

- The child describes sexual acts
- Direct or indirect disclosures
- Age inappropriate behaviour and/or persistent sexual behaviour
- Self-destructive behaviour
- Regression in developmental achievements
- Child being in contact with a suspected or known perpetrator of sexual assault
- Bleeding from the vagina or anus
- Injuries such as tears to the genitalia

## **DOMESTIC VIOLENCE**

Domestic violence, or intimate partner violence, is a violation of human rights. It involves violent, abusive or intimidating behaviour carried out by an adult against a partner or former partner to control and dominate that person.

Domestic violence causes fear, physical, and/or psychological harm. It is most often violent, abusive or intimidating behaviour by a man against a woman, but can also be these behaviours by a woman against a man. Living with domestic violence has a profound effect upon children and young people and therefore constitutes a form of child abuse.

### **Indicators of Domestic Violence**

A child may:

- Demonstrate aggressive behaviour
- Develop phobias & insomnia
- Experience anxiety
- Show signs of depression

- Have diminished self esteem
- Demonstrate poor academic performance and problem solving skills
- Have reduced social skills including low levels of empathy
- Show emotional distress
- Have physical complaints

## **IMPLEMENTATION**

OSHC strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. Educators have an important role to support children and young people and to identify concerns that may jeopardise their safety, welfare or wellbeing. To ensure best practice, all educators will attend approved Child Protection training certified by a registered training organisation. Educators will continue to maintain current knowledge of child protection and Mandatory Reporter requirements, by completing Child Protection Awareness Training annually.

## **MANAGEMENT/NOMINATED SUPERVISOR WILL ENSURE:**

- the Out of School Hours Service and any responsible person in day-to-day charge of the Service have successfully completed a course in child protection approved by the Regulatory Authority.
- all employees and volunteers are:
  - provided with a copy of the current Child Protection policy as part of the induction process at OSHC
  - aware of their mandatory reporting obligations and responsibilities to immediately report cases where they believe a child is at risk of significant harm to their immediate supervisor or to the Child Abuse Report Line on 13 14 78
  - Aware of indicators showing a child may be at risk of harm or significant risk of harm.
- training and development in child protection is provided for all educators, staff and volunteers.
- to provide educators with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers.
- access is provided to all staff regarding relevant legislation, regulations, standards and other resources to help educators, staff and volunteers meet their obligations
- all educators', staff, and volunteers' Working with Children Check are validated unless the person meets the criteria for exemption from a WWCC. (See exemption factsheet at [screening.sa.gov.au](http://screening.sa.gov.au))
- to provide access to relevant acts, regulations, standards and other resources to help educators, staff and volunteers meet their obligations.
- records of abuse or suspected abuse are kept in line with our Privacy and Confidentiality Policy.
- to notify the Child Abuse Report Line (CARL) within 7 days of becoming aware of any allegations and/or convictions of abuse or neglect of a child made against an employee or volunteer and ensure they are investigated and appropriate action taken.
- to notify the regulatory authority through the NQS-ITS (within 7 days) of any incident where it is reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by OSHC.
- to notify the regulatory authority through the NQS-ITS (within 7 days) of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for OSHC.

## **EDUCATORS WILL:**

- Be able to recognise indicators of abuse
- Respect what a child discloses, taking it seriously and following up on their concerns through the appropriate channels.
- Allow children to be part of decision-making processes where appropriate.
- Comprehend their obligations as mandatory reporters their requirement to report any situation where they believe on reasonable grounds that a child is at risk of significant harm to the Child Abuse Report Line on 131 478 (available 24 hours/7 days a week).
- Be able to use Child Abuse Report Line which is available at <https://i.unisa.edu.au/sas/child-safe-environments/child-abuse-report-line-carl>
- Be able to contact the Department for Child Protection who are able to assist mandatory reporters identify the level of risk to a child and whether to report the risk to the Child Abuse Report Line.
- Contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do so.
- Refer families to appropriate agencies where concerns of harm do not meet the threshold of significant harm. These services can be located through the Department of Child Protection S.A. Family consent will be sought before making referrals.
- Promote the welfare, safety and wellbeing of children at the Service.
- Prepare records recording exactly what happened, conversations that took place and what was observed pass on to the relevant authorities to assist with any investigation.
- Understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people.
- NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on the Child Abuse Report Line or appropriate authority.

## **DOCUMENTING A SUSPICION OF HARM**

- If educators have concerns about the safety of a child they will:
- Record their concerns in a non-judgmental and accurate manner as soon as possible.
- Record their own observations as well as precise details of any discussion with a parent (who may for example explain a noticeable mark on a child).
- Not endeavour to conduct their own investigation.
- Document as soon as possible so the details are accurate, including:
  - Time, date and place of the suspicion
  - Full details of the suspected abuse
  - Date of report and signature

## **DOCUMENTING A DISCLOSURE**

A disclosure of harm emerges when someone, including a child, tells you about harm that has happened or is likely to happen. When a child discloses that he or she has been abused, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child from the abuse. It is also a chance to help the child connect to professional services that can keep them safe, provide support and facilitate their recovery from trauma. Disclosure is about seeking support and your response can have a great impact on the child or young person's ability to seek further help and recover from the trauma.

**When receiving a disclosure of harm OSHC will:**

- Remain calm and find a private place to talk
- Not promise to keep a secret
- Tell the child/person they have done the right thing in revealing the information but that they'll need to tell someone who can help keep the child safe
- Only ask enough questions to confirm the need to report the matter because probing questions could cause distress, confusion and interfere with any later enquiries
- Not attempt to conduct their own investigation or mediate an outcome between the parties involved.
- Document as soon as possible so the details are accurately captured including:
  - Time, date and place of the disclosure
  - 'Word for word' what happened and what was said, including anything they said and any actions that have been taken
  - Date of report and signature.

**In addition, an educator receiving a disclosure from a child will:**

- Give the child or young person their full attention.
- Maintain a calm appearance.
- Reassure the child or young person it is right to tell.
- Accept the child or young person will disclose only what is comfortable and recognise the bravery/strength of the child for talking about something that is difficult.
- Let the child or young person take his or her time.
- Let the child or young person use his or her own words.
- Don't make promises that can't be kept. For example, never promise that you will not tell anyone else.
- Honestly tell the child or young person what you plan to do next.
- Do not confront the perpetrator.

**CONFIDENTIALITY**

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the notification should not inform the suspected perpetrator (if known). This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements. It also minimises the risk of retaliation on the child for disclosing.

**PROTECTION FOR REPORTERS**

All reporters are protected against retribution for making or proposing to make a report under amendments to the Children and Young Persons (Care and Protection) Act 1988e effective 1 March 2020. The identity of the reporter is protected by law from being disclosed, except in certain exceptional circumstances. Provided the report is made in good faith:

- The report will not breach standards of professional conduct
- The report cannot lead to defamation proceedings
- The report is not admissible in any proceedings as evidence against the person who made the report
- A person cannot be compelled by a court to provide the report or disclose its contents
- The identity of the person making the report is protected.

A report is also an exempt document under the *Freedom of Information Act 1989*.

## **BREACH OF CHILD PROTECTION POLICY**

All educators and staff working with children have a duty of care to support and protect children. A duty of care is breached if a person:

- Does something that a reasonable person in that person's position would not do in a particular situation
- Fails to do something that a reasonable person in that person's position would do in the circumstances
- Acts or fails to act in a way that causes harm to someone the person owes a duty of care.

## **MANAGING A BREACH IN CHILD PROTECTION POLICY**

Management will investigate the breaches in a fair, unbiased and supportive manner by:

- Discussing the breach with all people concerned and advising all parties of the process.
- Giving the educator/staff member the opportunity to provide their version of events.
- Recording the outcome clearly and without bias.
- Documenting the details of the breach, including the versions of all parties.
- Ensuring the matters in relation to the breach are kept confidential.
- Reach a decision based on discussion and consideration of all evidence.

## **OUTCOME OF A BREACH IN CHILD PROTECTION POLICY**

Depending on the nature of the breach outcomes may include:

- Emphasising the relevant element of the child protection policy and procedure
- Providing closer supervision
- Further education and training
- Providing mediation between those involved in the incident (where appropriate)
- Disciplinary procedures if required
- Reviewing current policies and procedures and developing new policies and procedures if necessary.

## **REPORTABLE CONDUCT SCHEME – ALLEGATIONS AGAINST EDUCATORS AND OTHER EMPLOYEES, VOLUNTEERS OR STUDENTS (or contactors)**

The Approved Provider has the legislative obligation under the *Reportable Conduct Scheme* to notify the Office of the Children's Guardian of reportable allegations and convictions against their employees (including volunteers and contractors), investigate the allegation and advise the Office of the outcome. In addition, the Approved Provider must take appropriate action to prevent reportable conduct by employees.

The *Children's Guardian Act 2019*, effective March 2020, defines the head of an organisation as a '**relevant entity**'. An approved education and care service is listed at Schedule 1 of an Act as an 'entity'.

The Approved Provider must notify the Children's Guardian within (7) business days and conduct an investigation into the allegations.

A final report of the investigation must be ready to submit within 30 calendar days or provide information about the progress of the investigation to the Children's Guardian.

The Approved Provider must send a report to the Office of the Children's Guardian that enables the Office of the Children's Guardian to determine whether the investigation was completed satisfactorily and whether appropriate action was or can be taken.

The Approved Provider must ensure an appropriate level of confidentiality of information relating to the reportable allegations as per the Act or other legislation.

The Children's Guardian will monitor the entity's response and may conduct their own investigation.

The Children's Guardian Act 2019 defines reportable conduct as:

- a sexual offence has been committed against, with or in the presence of a child
- sexual misconduct with, towards or in the presence of a child
- ill-treatment of a child
- neglect of a child
- as assault against a child
- behaviour that cause significant emotional or psychological harm to the child

### **EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOUR**

Our program will educate children

- About acceptable and unacceptable behaviour, and what is appropriate and inappropriate contact at an age appropriate level and understanding
- About their right to feel safe at all times
- To say 'no' to anything that makes them feel unsafe or uncomfortable
- About how to use their own knowledge and understanding to feel safe.
- To identify feelings that they do not feel safe.
- The difference between 'good' and 'bad' secrets.
- That there is no secret or story that cannot be shared with someone they trust.
- That educators are available for them if they have any concerns.
- To tell educators of any suspicious activities or people.
- To recognise and express their feelings verbally and non-verbally.
- That they can choose to change the way they are feeling.

### **SOUTH AUSTRALIA SPECIFICATIONS**

In South Australia, under the Children's Protection Act 1993 (SA) child abuse may be:

- Physical
- Sexual
- Emotional
- Neglectful

All education and child development staff are considered mandated notifiers under the Children's Protection Act 1993.

There is a legal obligation for mandated notifiers to notify the Department for Child Protection of all suspected cases of child abuse and neglect within their professional context. Staff also has an ethical responsibility to report experiences outside of their professional context.

Education staff who are considered mandated notifiers include:

- Teachers employed in a school, pre-school or kindergarten
- Family day care educators
- Out of School Hour care educators and staff
- Volunteers working in education or childcare
- Ancillary staff
- Medical Practitioner
- Pharmacists
- Police Officers
- Community Correction Officers
- Social Workers
- Minister of religion
- A person who is an employee of, or volunteer in an organisation formed for religious or spiritual purposes
- Volunteers working on sites
- Early childhood workers
- Managers responsible for the above staff

Mandated reporters must report abuse when they have a suspicion on reasonable grounds. Proof that the abuse actually occurred is not required. Notifiers may have suspicion on reasonable grounds if:

- the child tells you they have been abused
- observations of a child's behaviour or knowledge of the child leads you to suspect that abuse is occurring
- a child tells you that he/she knows someone who has been abused
- Someone reliable such as relative, friend, neighbour or sibling tells you of the abuse to a child.

Failure to report suspicion of child abuse or neglect can result in being penalised as outlined in section 11 of the Children's Protection Act 193.

<https://www.childprotection.sa.gov.au/reporting-child-abuse/mandated-notifiers-and-their-role>

### **Working with Children Check (WWCC)**

From **July 1<sup>st</sup> 2019**, all people who work in a "prescribed position" working with children, need a working with children check.

Registered teachers who have a current, valid DHS/DCSI child related employment screening, can still use this until it expires. A valid working with children check must be obtained before teacher registration can be renewed. Applications can be made through Department of Human Services. WWCC are valid for 5 years.

REPORTING AUTHORITY	CONTACT DETAILS
Department for Child Protection  Ph. 08 8124 4185	Child Abuse Report Line (CARL)  Ph. 13 14 78  Online reporting system
	(Only to be used to report less serious concerns) <a href="http://www.reportchildabuse.families.sa.gov.au">www.reportchildabuse.families.sa.gov.au</a> After hours crisis  Ph. 13 16 11

**SOURCE:**

Australian Children’s Education & Care Quality Authority. (2014).  
 Guide to the Education and Care Services National Law and Education and Care Services National  
 Regulations 2017  
 ECA Code of Ethics.  
 Guide to the National Quality Standard 2018  
 Child Protection (Working with Children) Act 2012  
 Children and Young Persons (Care and Protection) Act 1998  
 Ombudsman Act 2001  
 The Commission for Children and Young People Act 1998  
 My Time, Our Place Framework  
 Legal Services Commission of South Australia - [lawhandbook.sa.gov.au](http://lawhandbook.sa.gov.au)  
 Working with Children Check – [screening.sa.gov.au](http://screening.sa.gov.au)  
 Child Abuse Report Line (CARL) - [https://i.unisa.edu.au/sas/child-safe-environments/child-abuse-report-  
 line-carl/](https://i.unisa.edu.au/sas/child-safe-environments/child-abuse-report-line-carl/)

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