



## CHILD PROTECTION POLICY

Gulfview Heights Primary School Out of School Hours Care 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. Our OSHC Service embeds the National Principles for Child Safe Organisations and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging. 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. All educators and child development staff are considered mandated notifiers under the *Children and Young People (Safety) Act 2017*.

At all times, management, staff and volunteers will treat children with the utmost respect and understanding. Our OSHC Service fosters cultures of openness so that:

- Children and young people know what to do if they believe they have been subject to inappropriate behaviour, placed at risk or have experienced harm
- Employees and volunteers can identify children and young people suspected to be at risk
- Management, employees and volunteers are aware of their duty to report children and young people suspected to be at risk to the Child Abuse Report Line and take other measures to establish, promote and ensure child safe environments.

Department of Human Resources – [Safe Environments for children and young people](#)

### 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
86	Notification
87	Incident, injury
147	Staff records
155	Interactions with children
168	Education and care service must have policies and procedures

175	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority
S162 (A)	Persons in day to day charge and nominated supervisors to have child protection training
S165	Offence to inadequately supervise children
S167	Offence relating to protection of children from harm and hazard

## LEGISLATION

<a href="#">Children and Young People (Safety) Act 2017</a>	<a href="#">Child Safety (Prohibited Persons) Act 2016</a>
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## PURPOSE

All educators, staff and volunteers are committed to identifying significant harm or risk of harm to children and young people at the OSHC 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 OSHC 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, the approved provider, nominated supervisor, students, staff, families, visitors (including contractors) and children of the OSHC Service.

## DEFINITIONS

Children and young people at risk: a child or young person will be 'at risk' if:

- they have suffered harm (being harm of a kind against which a child or young person is ordinarily protected); or
- there is a likelihood they will suffer harm; or
- there is a likelihood that the child or young person will be removed from the State (whether by their parent or guardian or by some other person)
- the parents or guardians are unable or unwilling to care for them, have abandoned them, cannot be found or are dead,
- they are of compulsory school age and are persistently absent from school without explanation
- they are homeless or of no fixed address

### *Meaning of harm*

Section 17 of the Safety Act defines 'harm' to mean physical or psychological harm (either caused by an act or omission), including harm caused by sexual, physical, mental or emotional abuse or neglect.

Psychological harm does not include emotional reactions such as distress, grief, fear or anger that are a ti

### *Reasonable Grounds*

Refer to the need to have an objective basis for suspecting that a child or young person is, or may be at risk of harm include:

- when your own observations of a particular child's behaviour and/or injuries lead you to suspect a child is, or may, be at risk of harm, or harm is occurring

- when a child tells you, they are at risk of harm or have been harmed
- once a child or young person tells you that they know of someone who has been harmed (they may possibly be referring to themselves)
- when you hear about risk or harm to a child or young person from someone who is in a position to provide reliable information, perhaps a relative or friend, neighbour or sibling of a child who is at risk.

*Mandatory reporting* is the legislative requirement under the Children and Young People (Safety) Act 2017 for certain people to report to the Department Protection if they suspect on reasonable grounds that a child is, or may be at risk of harm.

*Mandatory reporters or notifiers* are listed in Section 30 of the Children and Young People (Safety) Act and include –

- teachers employed as such in a school (within the meaning of the Education and Early Childhood Services (Registration and Standards) Act 2011) or a pre-school or kindergarten
- employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children and young people, being a person who:
  - provides such services directly to children or young people, or
  - holds management position in the organisation the duties of which include responsibility for, or direct supervision of, the provision of those services for children and young people.
- officer or employee of a prescribed organisation (as per section 114) who holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services to children.

#### *Duty of Care*

Mandatory notifiers have a duty of care that extends beyond a report to the Child Abuse Report Line (CARL). The needs of a child and their family may be supported through support services who can offer assistance to provide additional support, health services and counselling to families.

According to the *Children and Young People (Safety) Act 2017*, mandated notifiers (including people employed in children's services and unpaid managers of those services) must make reports if they suspect on *reasonable grounds* a child or young person is, or may be, at risk of harm.

#### **WORKING WITH CHILDREN CHECK**

People working or volunteering with children in South Australia must, by law, have a Working with Children Check. The Department of Human Services (DHS) Screening Unit provides checks of workers and volunteers to organisations, contributing to creating safe environments for children and other vulnerable people. A Working with Children's Check is an assessment of whether a person poses an unacceptable risk of children. As part of the process, the Screening Unit will look at criminal history, child protection information and other information.

Working with Children Checks are valid for five years. If new information about the person means they pose a risk to children's safety, that person's check will be re-assessed and, if necessary, they will be

prohibited from working with children. The DHS Screening Unit will inform both the person affected and any organisations they're linked to about changes in status.

Organisations need to be registered with the Screening Unit to verify employees Working with Children Checks. Working with Children Checks must be verified BEFORE the employee begins working with children.

## **INDICATORS OF HARM OR RISK TO CHILDREN AND YOUNG PEOPLE**

Types of risk and harm against children and young people are:

- Sexual harm and grooming
- Physical harm
- Domestic and family violence
- Emotional harm
- Neglect
- Substance use and/or mental health or social and emotional wellbeing that impacts the safety and wellbeing of the child or young person

(See: <https://www.childprotection.sa.gov.au/reporting-child-abuse/indicators-abuse-or-neglect>)

## **CHILD ABUSE REPORT LINE (CARL)**

Mandatory notifiers in SA must report or notify the Department for Child Protection if they suspect a child or young person is, or may be at, risk of harm. Notification must be made to the Child Abuse Report Line (CARL): 12 14 78. All serious concerns must be reported/notified where a child or young person is suspected to be in imminent or immediate danger of:

- serious harm
- serious injury
- chronic neglect
- or when the concerns are for an infant under 12 months old
- or when the concerns are for a child or young person who is in care of the department
- if the child is Aboriginal, you should also provide the Clan group of the child, if known.

## **IMPLEMENTATION**

Our OSHC Service aims to protect children and young people from harm or hazard 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.

### **The Approved Provider/Nominated Supervisor will ensure:**

- 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 educators', staff, and volunteers' and students Working with Children Checks are verified (unless the person is under the age of 14) BEFORE the person begins working with children

- a record is kept and updated of each person's WWCC number and expiry date
- all employees, volunteers and students are:
  - provided with a copy of the current *Child Protection and Child Safe Policy* as part of the induction process at the Service
  - aware of their mandatory reporting obligations and responsibilities to suspected risk of harm to the Child Abuse Report Line (CARL) on 13 14 78
  - aware of indicators showing a child or young person may be at risk of harm or significant risk of harm.
- training and development are provided for all educators, staff, and volunteers in child protection on an annual basis
- educators are provided with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers
- educators are provided with training and ongoing supervision to ensure they understand that child safety is everyone's responsibility, and they adhere to the Child Safe Standards
- access is provided to all staff regarding relevant legislation, regulations, standards and other resources to help their obligations
- records of harm or risk of harm 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 or allegation where it is reasonably believed that physical and/or sexual harm of a child has occurred or is occurring while the child is being educated and cared for by the OSHC Service.

**Educators will:**

- contact the police on 000 if there is an immediate risk of harm to a child or young person
- be able to recognise indicators of harm or risk to children or young people
- respect what a child or young person discloses, taking it seriously and following up on their concerns through the appropriate channels.
- comprehend their obligations as mandatory reporters their requirement to report any situation where they believe, on reasonable grounds, that a child or young person is at risk of significant harm to the Child Abuse Report Line on 131 478 (available 24 hours/7 days a week).
- refer families to appropriate agencies where concerns of harm do not meet the threshold of significant harm.
- promote the welfare, safety and wellbeing of children and young people at the Service.
- allow children and young people to be part of the decision-making processes where appropriate
- prepare accurate 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 police.

## **DOCUMENTING A SUSPICION OF HARM**

If educators have concerns about the safety of a child they will use the Child Protection notification checklist to record required information before phoning the Child Abuse Report Line, educators 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:
  - full name of child or young person, age, date of birth, address
  - concerns or allegations
  - the child or young person's current situation
  - cultural backgrounds and considerations
  - disability information
  - the location of the child or young person, parent or caregiver and alleged perpetrators
  - When and how did you find out about the allegation of harm or risk of harm

## **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 experienced harm or are at risk of harm, 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, the Nominated Supervisor, Responsible Person or Educational Leader:**

- remember the child may be experiencing a crisis
- listen carefully
- control your own expressions of panic
- take what the child says seriously
- use their own vocabulary
- tell the child that this has happened to other children and that some adults do wrong things
- reassure the child that they have done the right thing by telling you
- tell the child you will do your best to support them but do not make promises you may not be able to keep
- explain to the child that you need to tell someone who can help them
- use open ended questions to clarify the situation and gain sufficient information for Child Abuse Report Hotline staff to make an informed assessment

## **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.

## **SHARING OF INFORMATION**

The Children and Young People (Safety) Act 2017 Act allows information to be shared with certain persons or bodies to perform functions related to providing services and support to children, when the information relates to health, safety or wellbeing of children and young people, or if it is necessary to manage risks to children and young people.

The information sharing and confidentiality practice guide supports staff to:

- Share information and collaborate with others to promote the safety and wellbeing of children, young people, families and carers
- Know when information must be shared, may be shared or should not be shared
- Understand the interconnection between the Children and Young People (Safety) Act 2017 and the Information Sharing Guidelines for Promoting Safety and Wellbeing (ISG) and how together, they provide a strong framework for appropriate information sharing
- Understand the process and decision-making steps that must be followed when sharing information; and
- Ensure children and young people's right to safety is paramount in decisions to share information and is not overridden by other considerations such as privacy or confidentiality.

## **PROTECTION FOR REPORTERS**

All reporters are protected against retribution for making or proposing to make a report under section 163 of the Children and Young Persons (Safety) Act 2017.

A mandatory notifier's identity will not be disclosed unless:

- Is made with consent of the person who gave the notification, or
- Is required or authorised by the Chief Executive or under the Act, or
- Is made by way of evidence and the court or tribunal is satisfied the disclosure is of critical importance in the proceedings and failure to admit it would prejudice the proper administration of justice
- Is reasonably necessary for the performance of the person's official functions and duties, or the functions and duties of a State authority relating to the protection of children and young people from harm, or
- Is reasonably necessary to prevent harm, or further harm, being caused to a child or young person to whom the information relates

## **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.

## **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.
- 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.

## **RESOURCES FOR INDICATORS OF HARM OR RISK TO CHILDREN AND YOUNG PEOPLE**

Government of South Australia Department of Child Protection

<https://www.childprotection.sa.gov.au/reporting-child-abuse/indicators-abuse-or-neglect>

NAPCAN- <https://www.napcan.org.au/napcan-brochures/>

Child Safe Organisations- <https://childsafeforhumanrights.gov.au>

## **CONTINUOUS IMPROVEMENT/ REFLECTION**

Our Child Protection Policy will be reviewed on an annual basis in consultation with children, families, staff, educators and management.

## SOURCE

Australian Children's Education & Care Quality Authority. (2014).

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Child Safety (Prohibited Persons) Act 2016

Early Childhood Australia Code of Ethics. (2016).

Education and Care Services National Law Act 2010. (Amended 2023).

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Government of South Australia. Department of Human Services. Screening Unit. <https://screening.sa.gov.au/home>

Guide to the National Quality Framework. (Amended 2023).

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