

Child Protection Policy and Procedure

Title:	Child Protection Policy and Procedure		
Last Reviewed:	October 2015	Next review due:	September 2018
NQF Reference:	National Law sections 167, 174(5) National Regulations 12, 84, 168 NQS 2.2		

All children have the right to be emotionally and physically safe at all times. What happens to children when they are young may affect their whole lives.

What is Child Abuse and Neglect?

Abuse and neglect includes sexual abuse and/or physical or emotional injury to the extent that the child has suffered, or is likely to suffer, harm detrimental to their well-being or development.

Neglect is included in the definition of *child abuse* in Tasmania - more children die from serious neglect than from other kinds of child abuse. Neglect is about what adults (i.e. parents) DO NOT do for the child. Neglect is a breakdown in providing for a child's basic needs.

Neglect can be:

Physical - not providing adequate food, clothing; appropriate medical care or weather protection;

Educational - failure to provide appropriate schooling or special educational needs; allowing excessive truancy; or

Emotional (psychological) - lack of adequate emotional support and love, never attending to the child, spousal abuse or allowing the child to participate in drug or alcohol use.

Indicators of abuse and neglect may include:

- significant behavioural changes;
- evidence of repeated or unexplained injuries;
- excessive rowdiness;
- withdrawal;
- difficulty relating to adults or peers;
- precocious sexual activity indicated by the child;
- creating stories or artwork about abuse;
- malnutrition, stealing or hoarding food;
- poor hygiene, matted hair, body odour;
- unattended physical or mental issues.

Policy

All educators or persons involved in the operation of Blackmans Bay Childrens Services are legally mandated to report any knowledge, beliefs or suspicions that a child has suffered, or is at risk of, abuse or neglect to Child Protection Services (DHHS) 1300 737 639 (24 hours) or Gateway Services 1800 171 233.

The requirement to notify, overrides any confidentiality requirements that may otherwise govern an educators behaviour in this regard.

Procedure

Creating a safe environment for children is a vital step in the prevention of abuse. This includes:

- All staff, educators, students and volunteers holding a valid Safety Screening Clearance or a current Working with Children Check (WWCC).
- Ensuring students, volunteers and parent helpers are strictly supervised by an educator at all times (see *Student Policy* and *Supervision Policy*).
- Staff will receive ongoing professional development in relation to child protection. This may include online learning opportunities, professional conversations, reading and review of professional literature, review of relevant service policies or involvement in community events such as Bravehearts.
- Maintaining at least minimum Educator:child ratios at all times.

All cases of suspected abuse or neglect must be reported.

What are 'reasonable grounds' for suspecting abuse

- A child tells you they have suffered non-accidental physical injury, neglect, sexual abuse and/or severe emotional abuse.
- Someone tells you a child has been abused.
- Your observations lead you to believe that the child has suffered non-accidental physical injury, neglect, sexual abuse and/or severe emotional abuse.
- You have serious concerns regarding the well-being of a child.

Where an educator or person involved in the operation of an education and care service has 'reasonable grounds' for suspecting abuse, they hold a legal obligation to report their concerns to Child Protection Services (DHHS) or Gateway Services. The checklist at the end of the document may support staff in this process.

Where an educator or staff member suspects a child may be at risk of abuse, they must:

- As soon as practicable, notify the Senior Management Team who will, in turn, support the educator/staff member to notify Child Protection Services (DHHS) or Gateway Services of the suspected abuse.

All educators hold a legal and moral responsibility as mandatory reporters to report any concerns regarding a child who may be at risk of abuse.

Mandatory reporting means that an individual has a legal and moral responsibility to ensure that the notification has been made.

While the documented procedure must be adhered to (e.g. notifying the Senior Management Team) individuals must ensure that their personal legal responsibilities are met, irrespective of the action taken by others.

- The notification must be made to Child Protection Services (DHHS) 1300 737 639 (24 hours) or Gateway Services 1800 171 233. The notifier's identity will be kept confidential.
- The preferred option for reporting is via the phone; however, an online notification form is available at www.dhhs.tas.gov.au
- On initial contact with Child Protection or Gateway Services, an initial assessment will be made. It is not the role or responsibility of the educator /service to make this assessment, but the responsibility of Child Protection and Gateway Services.

What must be included in the mandatory report?

- Whether verbal or in written, the report is to include a statement of observations, information, opinions and any grounds upon which the knowledge, belief or suspicion is based. Further information regarding the safety, welfare or wellbeing of the child may be requested.
- A record of the notification and the suspected abuse is to be recorded by the educator/other on a File Note, which is to be stored on the child's confidential file.

- The Senior Management Team will notify the Education and Care Unit, Department of Education, in writing, of the suspected abuse within 24 hours of becoming aware of the notification (in line with the requirements of regulation 176).
- Records of all actions taken and all observations made are to be kept in case they are required at a later stage.

In addition, where the suspected abuse involves a member of staff

- The Senior Management Team must carefully consider the nature of the complaint and determine the most appropriate action so that the child's safety is protected at all times and the rights of the staff member are also protected.
- Advice from Child Protection (DHHS), Gateway and/or Tasmanian Police will be sought when deciding if the staff member is able to continue in their duties.
- Where a staff member is found to have committed an act of child abuse their employment will be immediately terminated (See *Conditions of Employment*).
- Where a formal investigation is undertaken, the staff member's employment will be suspended for the duration of the investigation.
- Where a formal investigation does not occur:
 - The staff member will be counselled as per the *Grievance Procedure for Staff - Unsatisfactory performance*;
 - The CEO will consider the staff members ongoing employment, including whether the staff person's employment should be suspended and/or terminated;
 - Any continuing concerns will be recorded as a File Note and attached to the staff member's file. The Senior Management Team will once again notify Child Protection (DHHS);
 - Arrangements must be made to ensure that the staff member is never in a situation where they are working unsupervised.

In addition, where the suspected abuse involves a student or volunteer

Placement at Blackmans Bay Childrens Services will be suspended until the claim is fully investigated and resolved.

Preventative Actions

In addition to reporting suspected cases of abuse, the service may be approached by family and/or staff member who requests assistance to prevent abuse. In these circumstances it may be appropriate to refer to other agencies for support, such as:

- Brave hearts
- Child and Family Centres
- Lady Gowrie Tasmania - Family Support Worker
- Parenting Centres
- Family Support Services Association
- The Child and Adolescent Psychiatric Unit, Clare House

Frequently Asked Questions

1. When should I make a report to Child Protection?

- I. If a child tells you they have been or are being abused.
- II. If you see a child being abused.
- III. Your own observations of the child's physical condition or behaviours.
- IV. If another person tells you a child is being or has been abused (the other person also includes another child).

2. What if I feel I do not have adequate grounds to report?

If you are in doubt about whether or not to notify, you can

- confidentially discuss your concerns with a member of the Senior Management Team;

- confidentially discuss the case (anonymously if needed) with Child Protection or Gateway Services.

3. What is the process at Blackmans Bay Childrens Services in reporting a suspected case of abuse?

As outlined previously:

- Notify the Senior Management Team;
- Document your concerns;
- Report the concerns to Child Protection or Gateway Services.

Remember, it is important to **not** question the child, but only to reassure and listen.

4. What do I do if I report my suspicions to the Director but a report is not made to Child Protection or Gateway Services?

Individuals hold a personal legal and moral responsibility to ensure a notification is made to either Child Protection or Gateway Services. This means that any person aware of the abuse or suspected abuse is to ensure that the notification has been made. (The responsibility to notify Child Protection or Gateway Services does not exclude an educator from also reporting any concerns to the Senior Management Team).

Where individuals do not meet their legal obligation to report, they may be personally and legally accountable for failing to do so.

Links to other policies or documents

- Grievance and Complaints Policy and Procedure
- Staffing Policy and Procedure
- Supervision Policy and Procedure

Sources

- Department of Health and Human Services, Tasmania
- Bravehearts
- *Education and Care Services National Law*
- *Education and Care Services National Regulations*
- www.community.nsw.gov.au (NSW Mandatory Reporter Guide)
- www.thelaw.tas.gov.au
 - *Registration Work with Vulnerable People Act 2013*
 - *The Children, Young Persons and Their Families Act 1997*
 - *The Family Violence Act 2004*
 - *The Family Law Act 1975*

The following may be used to support individuals when notifying regarding of a case of, or a suspected case of, abuse:

	Suspected Form of Abuse	Indicators
	Physical Abuse	The treatment of the child has caused, or is likely to cause an injury; The child was injured, or nearly injured, during a domestic violence incident involving adults;
	Neglect	The needs of the child are not being met (e.g. supervision, shelter, medical care, education); The child appears neglected; The child is a danger to themselves or others;
	Sexual Abuse	You are concerned that a child is at risk of sexual abuse; You are concerned about a child's sexually abusive behaviour towards others; The child is displaying overtly sexualised behaviour; Medical findings are suspicious in regard to sexual abuse;
	Psychological Harm	The child appears to be experiencing psychological stress; The child is displaying suicidal or self-harming behaviours; The child is a danger to themselves or others.

Where an individual holds any concerns regarding the health, safety or wellbeing of a child, they must notify the Senior Management Team and Child Protection or Gateway Services.