

Mountains Outreach Community Service Inc

Child Protection

Mountains Outreach Community Service Inc is committed to the principle that all children have the right to feel safe at all times and supports the view that caring for children is a shared responsibility of families, agencies and communities working in partnership.

Mountains Outreach Community Service Inc (MOCS) is committed to working within a child protection framework by providing a safe and friendly environment for children participating in its services. This includes promoting the safety, protection, welfare and well being of children and recognising and reporting children who are at risk of significant harm.

MOCS staff, educators and Board of Management will carry out their responsibilities as mandatory reporters under the following acts which are the foundations for practice in child protection:

- Children and Young Persons (Care and Protection) Act 1998
- Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009
- Child Wellbeing – Interagency Guidelines
- Mandatory Reporters Guidelines.
- Child Protection (Working With Children) Act 2012

MOCS will uphold the principles and practices as outlined in the NSW Government's: *Keep Them Safe – A shared approach to child wellbeing*. This initiative recognises the importance of the wellbeing of all children and young people, with the aim of providing appropriate support to families earlier, to prevent children and young people requiring child protection intervention.

In order to achieve this, MOCS will ensure the following:

- Its policies, procedures and practices reflect its aim, that all children attending the service are protected from being at risk of harm of neglect, incidences of domestic violence, physical, sexual and/or psychological abuse,
- Its recruitment, screening and selection practices of staff, volunteers and students are rigorous, consistent and in keeping with legislative requirements,
- All groups affected by this policy, (ie parents, children, staff, management, volunteers, students, ancillary staff, service visitors and the general community) are aware of the roles and responsibilities of children's services in relation to child protection,
- All staff, management, volunteers and students have access to and a clear understanding of this policy and procedures,
- Relevant and ongoing induction and training are provided on child protection issues to all staff, management, volunteers and students,

Mountains Outreach Community Service Inc

- Preventative measures are implemented (eg. employment screening processes and risk assessments of services) which protect and educate children, staff, parents and community members,
- Appropriate and timely support is provided to staff when dealing with and reporting cases of children at risk of harm,
- Clear and precise procedures are in place and accessible for staff and Management Committee members so that they understand and can act on their legal requirement to report cases of children at risk of harm,
- MOCS' policies and procedures are regularly reviewed to ensure that they are up to date and appropriate for dealing with child protection issues.

DEFINITIONS

1. In this policy, “**employees**” relates to all paid and unpaid workers (including volunteers and students) within Mountains Outreach Community Service.
2. “**Child**” relates to a person aged up to and including 15 years of age and should be interpreted as child and/or young person (aged 16 -17)
3. “**At risk of significant harm**” in relation to a child or young person means that there are current concerns for their safety, welfare or well-being because of the presence to a significant extent of any one or more of the following circumstances:
 - The child’s or young person’s basic physical or psychological needs are not being met or at risk of not being met.
 - The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive medical care.
 - In the case of a child or young person who is required to attend school in accordance with the *Education Act 1990* — the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive and education in accordance with that Act.
 - The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated.
 - The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm.
 - A parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.
 - The child was the subject of a pre-natal report under section 25 of the *Children and Young Persons Care and Protection Act 1998* and the birth mother of the child did not engage

Mountains Outreach Community Service Inc

successfully with the support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

'Reasonable grounds' - means that you suspect a child may be at risk of significant harm based on:

- Your observations of the child, young person or family; or
- What the child, young person, parent or another person has told you. It does not mean that you are required to confirm your suspicions or have clear proof before making a report.

Further Indicators of Abuse or Neglect

Sexual Abuse:

Child sexual assault occurs when an adult or older child uses his or her power over a child to involve the child in sexual activity.

Indicators include:

- Sexual behaviour inappropriate to the child's age, development and vocabulary level.
- Sexual themes and fears in the child's artwork, stories, play.
- Complaints of pain or itching in the genital area.
- Injuries to the genital area.
- Reluctance to go to a particular place or be with a particular person.

Physical Abuse:

Physical abuse happens when a parent/carer inflicts a physical injury on a child. Physical abuse occurs when children are deliberately beaten, shaken, burnt, cut, poisoned, choked, tied up, held under water or given alcohol or other drugs.

Indicators include: bruising, welts, burns, broken bones, sprains, cuts and abrasions, or internal injuries.

Neglect:

Neglect occurs when a child is harmed because a parent/carer fails to provide adequate supervision, food, shelter, clothing, or is responsible for unhygienic living conditions. Neglect also applies to homes where dangerous substances, such as poisons or alcohol and other drugs are left lying around.

Psychological Abuse:

Psychological abuse is behaviour by a parent/carer that destroys children's confidence in themselves. Some examples include children being constantly told they are no good or worthless; children continually rejected and shown no affection; children subjected to constant verbal abuse

Mountains Outreach Community Service Inc

and threats; children punished by being locked up alone or not allowed to have friends or social activities.

Indicators include: changes in behaviour, lying and stealing, destructive or violent behaviour, rocking or sucking, being very withdrawn or depressed, being aggressive and constantly seeking affection. The same signs can also indicate other forms of child abuse.

PROCEDURES

The responsibilities of MOCS as an employer are to:

- Report to the NSW Ombudsman (within 30 days) any allegation or child abuse made against an employee of MOCS.
- Contact the Ombudsman for advice about the conduct of investigations into any child abuse allegations made against a MOCS employee. Where DEC, Community Services or the Police will be involved then those agencies are responsible for investigation.
- Go online to verify the status of the supplied Working With Children Check number for any paid staff or volunteer/student prior to that person commencing work in a child related role for MOCS. Record the date that the WWCC number was verified in staff/volunteer records.
- Retain all relevant staff and client records in a secure and confidential place.
- Notify the NSW Commission for Children and Young People of any relevant disciplinary proceedings taken as a result of any allegation of abuse by a MOCS employee.
- Ensure every adult working with children is made aware of *The Children and Young Persons (Care and Protection) Act 1998* and *Keep Them Safe: A shared approach to child wellbeing* and of their obligations under this law and action plan (*Education and Care Services National Regulation, Regulation 84, National Quality Standards QA 2*).
- Provide all staff and educators working directly with children with access to the *Child Wellbeing and Child Protection NSW Interagency Guidelines*.
- Orientate staff, students and volunteers to this child protection policy, *Keep Them Safe* protocols and Mandatory Reporter responsibilities and ensuring their regular review of these.
- Ensure that MOCS employees are aware of their obligation to report, as mandatory reporters, any child or young person who they suspect to be 'at risk of significant harm'
- The process of this reporting is to use the ChildStory Reporter at <https://reporter.childstory.nsw.gov.au/s/> to commence a Mandatory Reporter Guide (MRG) via a decision making tree and to follow the advice given.
- Support staff through the process of documenting and reporting current concerns of children at risk of significant harm using the NSW Mandatory Reporter Guide (MRG) on the website: <https://reporter.childstory.nsw.gov.au/s/>

Mountains Outreach Community Service Inc

The responsibilities of MOCS staff are to:

- Read this policy and procedures upon commencement of their position.
- Engage only in practices that are respectful of children and contribute to their sense of security
- Recognise that they hold a position of special trust in relation to children in our service and use their influence over children always in the best interests of the child
- Make reports of current concerns for any child at risk of significant harm to the *Child Protection Helpline* for Mandatory Reporters;
- Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the service;
- Inform the Manager or Chairperson of the Management Committee of any child abuse allegation or conviction against any employee, which occurs either within or outside MOCS. (An employee is anyone employed by MOCS, whether or not they work directly with children. Volunteers and students are included);
- To hold a current Working With Children Check if working/volunteering in a child-related role;
- To ensure that all practices are consistent with the principles, objectives and provisions of the *Children and Young Persons (Care and Protection) Act 1998*.
- Acknowledge each family's existing strengths and competence as a basis for supporting them in their task of nurturing their child/ren.
- Participate in child protection training
- Nominated/authorised supervisors must hold accredited child protection certificate

Mandatory Notification Procedure

Staff will:

1. In an emergency, where there are urgent concerns for a child's health or life, contact the police, using the emergency line '000'.
2. Go to <https://reporter.childstory.nsw.gov.au/s/> and use NSW *Mandatory Reporter Guide*: answer the questions relating to concerns about a child or young person. At the end of the process, a decision report will guide as to what action to take. BMOCCS Co-ordinator, MOCS Manager or Children's Community Development worker are available if staff require assistance to use this online tool.
3. If the Mandatory Reporter Guide determines that there are grounds to suspect a risk of significant harm to a child or young person, the staff member must report to **Child Protection Helpline on 133 627**. Print a copy of the decision report generated regardless of whether there is significant harm and write in child's details, sign and date the form. Place this report in a confidential file to be kept in a locked filing cabinet in MOCS office.

Mountains Outreach Community Service Inc

4. Mandatory reporters should note that the legislation requires that they continue to respond to the needs of the child or young person (within the terms of their work role) even after a report to the **Child Protection Helpline** has been made. Guidance/support can be sought from MOCS Manager, Children's Community Development worker or BMOCCS Co-ordinator.
5. If no report required because the *Mandatory Reporter Guide* determines that a staff member's concerns do not meet the risk of significant harm threshold, staff should continue to monitor and record ongoing concerns, whilst supporting the family to reduce risk of harm and discuss the matter with the Nominated Supervisor or Program Manager to determine whether the child or family would benefit from the assistance of another agency.
6. If additional information gained increases the child's level of risk to 'significant harm' the staff member should repeat steps **1 to 5** and follow reporting recommendations.

Allegations involving MOCS Employees/Management Committee Members of placing a child at risk of harm

The same definition of "risk of significant harm" applies to someone involved in the provision of care for children at MOCS having a suspicion about, or witnessing, a child being placed at risk of harm by another person involved in the provision of care for children at MOCS.

Any staff member or Committee Member who suspects another person involved in the service (including Management Committee or MOCS Manager) of placing a child at risk of significant harm must report the incident or suspicion to the Child Protection Helpline. The above procedure applies.

After a report has been made, the reporter will advise the Management Committee via the MOCS Manager that a report has been made.

In the case where it is the MOCS Manager who is suspected of placing a child at risk of significant harm, the Chairperson of the Management Committee must be directly informed by the Reporter.

In the case where it is the Chairperson of the Management Committee who is suspected of placing a child at risk of harm, the MOCS Manager will directly inform another office bearer of the Management Committee.

In addition to making the report to the Child Protection Helpline the Management Committee is required to:

- Contact their CPO from Community Services to inform them of the incident as it may also be a breach of the licensing regulations and

Mountains Outreach Community Service Inc

- Notify the Ombudsman within 30 days of becoming aware of any reportable conduct or conviction made against someone involved in the provision of a children's service at MOCS. The Ombudsman needs to be informed of any allegation regardless of the outcome and the confirmation or non-confirmation of the allegation.

While the person suspected of placing a child at risk of significant harm is being investigated, that person will be required to cease providing child-related services but will not be penalised in any way until the results of the investigation have been obtained. Specifically,

- Staff members will be requested to take leave with pay or not to participate in child related activities,
- Management Committee members will be asked to temporarily stand down from their positions,
- Unpaid workers and students will be requested to take temporary leave.

The person suspected of placing a child at risk of significant harm will be encouraged to seek advocacy and support where required.

When the investigation is completed, an investigation report will be submitted to the Ombudsman (refer *Child Protection in the Workplace, Responding to Allegations Against Employees* by the NSW Ombudsman*). The following will then apply:

- If the suspicion of placing a child at risk of significant harm is not proven, the person suspected will be reinstated in their position immediately and debriefing, counselling and/or support will be offered by MOCS to assist the person.
- If the suspicion of placing a child at risk of significant harm is proven, MOCS' Disciplinary Action Policy and Procedures will be implemented in conjunction with FaCS.

The NSW Commission for Children and Young People must be informed of the details of employees or Management Committee members who have faced Disciplinary Action due to placing a child at risk of harm.

16A- Exchanging information about children to support child wellbeing

Chapter 16A in the *Children and Young Persons (Care and Protection) Act 1998* authorises agencies and NGOs to share information that helps deliver services and supports to promote the safety, welfare and wellbeing of a child or young person.

Chapter 16A provides a scheme for information sharing in relation to children and young persons who may be either above or below the statutory reporting threshold. For example: A child below the statutory reporting threshold may need some form of assistance even though they do not need statutory intervention. There is no need for a child or young person to be reported to the Community Services Helpline for the provisions to apply.

Chapter 16A overrides other laws that prohibit or restrict the disclosure of personal information

Mountains Outreach Community Service Inc

where the requirements of the legislation are in conflict. The needs and interests of the child or young person take precedence over the protection of confidentiality or of an individual's privacy. Under Chapter 16A, information can be exchanged between agencies who are identified as "prescribed bodies", including: the NSW Police Force, a NSW government department of public authority, schools, public health organisations or a private hospitals, fostering or adoption agencies, any other organisations that have direct responsibility for, the provision of health care welfare, education, children's services residential service, law enforcement, the Family Court of Australia, and Centrelink.

When sharing information without the families consent, MOCS staff must identify that they are sharing the information under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998.

Advising Families of a Notification

The decision to inform the family of a notification 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.

When making a decision whether to advise a family of a notification, staff need to be mindful of their specific program funding guidelines and procedures.

There may be circumstances however, 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 may need to report the matter prior to telling the parent. Circumstances where it might be inappropriate for a worker to disclose to parents/carers that they are reporting include if there are potential safety issues for workers or if it would place the child at further risk of harm.

Disclosures of abuse

Staff will:

- React calmly to child making the disclosure;
- Listen attentively and later write down the child's exact words;
- Provide comfort and care to the child;
- Follow the steps for reporting as per the Mandatory Reporters Guide;
- Reassure the child or young person that:
 - It is not their fault;
 - It was right to tell;
 - It is not OK for adults to harm children - no matter what;
- Explain what will happen now - that it is part of your job to tell people who can help the child or young person.

Mountains Outreach Community Service Inc

Operations Policy No. 4

Child Protection

Staff will not:

- Prompt the child for further details or ask leading questions which would make the child feel uncomfortable or have the potential to jeopardise any future legal proceedings that may arise as a result of any investigation.

It is important to understand that our role is solely to support the wellbeing of the child at all times, not to investigate further any disclosure made by the child.

Attachment 1: BMOCCS Staff Action Plan for Responding to Child Protection Concerns

***Other relevant policies & documents**

- *Children and Young Person's (Care and Protection) Act 1998*
- *NSW Interagency Guideline: Child Wellbeing and Child Protection* by NSW Commission for Children and Young People
- *Keep Them Safe: A Shared Approach to Child Wellbeing* website: NSW government
- NSW Ombudsman's Office
- *Making a Difference, Recognising and Reporting/Notifying Child Abuse and Neglect* by NSW Child Protection Council
- *Child Protection in the Workplace, Responding to Allegations Against Employees* by the NSW Ombudsman
- Code of Ethics and Conduct Organisations Policy No. 2
- Recruitment Employment Policy No. 6
- Staff Training and Development Employment Policy No. 10
- Grievance/Conflict Mediation Employment Policy No. 12
- Performance Management and Disciplinary Action Employment Policy No. 13
- Service User Feedback and Complaints Resolution Operations Policy No. 5

Adopted by Committee of Management on:- _____ 2008 _____

Review Date:- __ September 2016 _____