POLICY 2.12
CHILD PROTECTION

Rationale and Policy Considerations

Our Service 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 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 Notifiers. All education and child development staff are considered mandated notifiers under the *Children and Young People (Safety) Act 2017*

Philosophy

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 enhance their understanding of their body's response to a situation are more able to predict the outcome and ask for help or evade a negative situation.
- 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 neglect and will adhere to our moral and legislative obligations at all times.
- 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 child safe environment.

Legislation and Government Requirements

- Education and Care Services National Law Act 2010 (SA)
- Education and Care Services National Regulations

National Quality Framework

Education and Care Services National Regulations 84, 155, 168, 175, 176, S162 (A)
National Quality Standard for Early Childhood Education Elements 2.2, 2.2.1, 2.2.2, 2.2.3

WHAT IS CHILD 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.
The abuse may be:

- physical

- sexual
- emotional
- neglectful

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 have an ethical responsibility to report experiences outside of their professional context.

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.

<u>General indicators of abuse and neglect may include:</u>

- 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.

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 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

<u>Indicators of Physical Abuse</u>

- bruises in unlikely places (face, back, ears, hands, buttocks, upper thighs and soft parts of the body)
- inconsistent or absent explanation of bruises
- any bruising on a baby
- pressure marks from fingers on the face, chest or back
- weal, ligature or bite marks
- skull fracture, subdural bleeding, multiple fractures of different ages
- suspicious burns
- poisoning or significant over medicating

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

- genital injuries
- bite marks
- sexually transmitted diseases
- persistent soiling or bed wetting
- sleep disturbance
- inappropriate sexual behaviour based on the child's age
- promiscuous affection seeking behaviour
- excessive masturbation which does not respond to boundaries or discipline
- obsessive and compulsive washing
- wary of physical contact with others
- unusually fearful of having their nappy changed.

EMOTIONAL ABUSE

Emotional abuse 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 emotional abuse

- avoiding home (particularly if the abuser is in the family home)
- running away
- fear of the dark, or not wanting to go to bed, bedwetting or nightmares
- lying or stealing
- lack of trust in adults
- poor self-image/self-esteem
- secretive, demanding or disruptive behaviour.

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

- failure to thrive
- developmental delay
- prone to illness
- sallow or sickly appearance
- abnormally high appetite, stealing or hoarding food
- smelly or dirty appearance
- untreated medical conditions.

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 Check is an assessment of whether a person poses an unacceptable risk to 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 a 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 the change 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.

DEFINITIONS

Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. A mandated notifier is required by law to notify the Child Abuse Report Line (CARL) if they suspect on reasonable grounds that a child or young person is, or may be, at risk of harm. This obligation arises when a mandated notifier forms this suspicion in the course of their employment (whether paid or voluntary). In South Australia, mandatory reporting is regulated by the *Children and Young People (Safety) Act 2017*.

Mandatory notifiers

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

- medical practitioner
- pharmacist
- registered or enrolled nurse
- dentist
- psychologist
- police officer
- community corrections officer under the Correctional Services Act 1982
- social worker
- minister of religion
- person who is an employee of, or volunteer in, an organisation formed for religious or spiritual purposes
- teacher 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
- employee of, or volunteer in, an organisation that provides health, welfare, education, sporting or recreational, childcare or residential services wholly or partly for children or young people, being a person who:
    - provides such services directly to children or young people
    - holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children or 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.
  Section 30 of the Children and Young People (Safety) Act 2017

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. A mandatory notifier does not need to discuss or seek approval from other staff, the Director/ Nominated Supervisor, parents/carers or Approved Provider before making a Child Protection report.

Duty of Care
Mandatory notifiers have a duty of care that extends beyond a report to the Child Abuse Report Line. 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 these services) must make reports if they suspect on *reasonable grounds* a child or young person is, or may be, at risk of harm.

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

- 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
- when a child tells you, they have been harmed

- a child telling you that they know of someone who has been harmed (they may possibly be referring to themselves)
- when your own observations about the behaviour of the child, or their adult caregivers, give you cause to suspect that a child is being, or is at risk of being harmed
- when you hear about it 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.

CHILD ABUSE REPORT LINE (CARL)

Mandatory notifiers in **SA** must report suspected cases of child abuse or neglect to the Child Abuse report Line (CARL): **13 14 78.** Any serious concerns must be reported where a child or infant is suspected to be in imminent or immediate danger of:

- serious harm
- serious injury
- chronic neglect
- or when a child is in care of the department and you suspect they are being abused or neglected.

eCARL – ONLINE REPORTING SYSTEM

eCARL may be used for reports of less serious concerns regarding child abuse or neglect. eCARL is an online reporting system www.reportchildabuse.families.sa.gov.au.

A concerns checklist may be completed to record information related directly to the report of child abuse. The concerns checklist covers the following questions: observations of neglect, details regarding non-attendance of school for compulsory-age children, contact with the child's case worker if applicable, Aboriginal or Torres Strait Islander identity, disability status, Culturally and linguistically diverse backgrounds, young people 'at risk' behaviours, discussions with other professionals and documentation of concerns.

The notification checklist should be used when preparing to make a report regarding child abuse.

Information required when making a notification include:

- child's name, age, date of birth, address
- description of injury, abuse and/or neglect (current and previous)
- the child's current situation
- the location of the child, parent or caregiver and alleged perpetrator
- when and how did you find out about the abuse.

If the child is Aboriginal, you should also provide the Clan group of the child, if known.

Information regarding the concern:

- What has the child disclosed: what did he/she say and what was his/her emotional presentation?
- Who saw or heard what and when?
- Size and location of injuries, if any, with descriptions of bruising (colour and appearance)
- Has the child been seen by a Doctor? If so, provide the name and contact number.
- Has the matter been reported to police?
- Who else is aware of the concerns?
- Are the caregivers protective?

- Describe any caregiver behaviour that is of concern, including how often and how severe.
- Describe any behaviour by the child that is of concern, including how often it occurs.

The Mandatory Reporting Guide (MRG) is intended to assist mandatory reporters when they are concerned that a Child or Young Person is, or may be, at risk and must decide whether or not to report their concerns to the Department via CARL.

The decision about whether to report is not an easy one, and the consequences of the decision are considerable. The MRG aims to do the following.

1. Assist mandatory reporters in becoming familiar with the reporting threshold and the provision of detailed, high-quality reports.
2. Help eliminate time spent on reporting and responding to matters that do not meet the threshold for mandatory reporting.

The MRG provides a decision tree for reporters to determine if a Child Protection report should be made. Mandatory reporters are to select an appropriate area and follow the questions through the path of the decision tree. The mandatory reporter will be advised to make a report to the Child Abuse Report Line (CARL) or advised to document and continue relationship.

Strategies for Policy implementation:

Our Service 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.

THE APPROVED PROVIDER/ NOMINATED SUPERVISOR WILL ENSURE:

- any Responsible Person in day-to-day charge of the Service has successfully completed a course in child protection approved by the Regulatory Authority
- all educators', staff, and volunteers' Working with Children Checks are verified unless the person is under the age of 14
- all employees and volunteers are:
  - provided with a copy of the current *Child Protection Policy* as part of the induction process at the Service
  - aware of their mandatory reporting obligations and responsibilities to report suspected risk of harm to the SA Child abuse report line (CARL) 13 14 78
  - aware of indicators showing a child is, or may be at 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
- access is provided to all staff regarding relevant legislations, 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 regulatory authority through the NQA-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 the Service
- to notify the regulatory authority through the NQA-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 by the Service

EDUCATORS WILL:

- contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do so
- be able to recognise indicators of abuse
- respect what a child discloses, taking it seriously and follow up on their concerns through the appropriate channels
- comprehend their obligations as mandatory reporters and 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 13 14 78 (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 at the Service
- allow children to be part of decision-making processes where appropriate
- prepare accurate records recording exactly what happened, conversations that took place and what was observed to 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 to 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 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:
    - child's name, age, date of birth, address
    - description of injury, abuse and/or neglect (current and previous)
    - the child's current situation
    - cultural background and considerations
    - the location of the child, parent or caregiver and alleged perpetrator
    - when and how did you find out about the abuse.

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, THE EDUCATOR 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 (the staff member/educator) said and any actions that have been taken
    - date of report and signature.

IN ADDITION, AN EDUCATOR RECEIVING A DISCLOSURE FROM A CHILD WILL:

- remember the child may be experiencing a crisis
- listen carefully
- control your own expressions of panic or shock
- take what the child says seriously
- use the child's 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.

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 People (Safety) Act 2017 .

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

- is made with the 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 or
- 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
- documenting the details of the breach, including the versions of all parties
- recording the outcome clearly and without bias
- 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
- 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.

LINKS TO OTHER POLICIES

Child Safe Environment Policy (SA)
Code of Conduct Policy
Family Communication Policy
Health and Safety Policy
Interactions with Children, Family and Staff Policy
Privacy and Confidentiality Policy
Recruitment Policy (SA)
Respect for Children Policy
Responsible Person Policy
Staffing Arrangements Policy
Student and Volunteer Workers Policy
Supervision Policy
Work Health and Safety Policy

RESOURCES FOR INDICATORS OF ABUSE OR NEGLECT

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://childsafe.humanrights.gov.au

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