



## PENNANT HILLS WAR MEMORIAL CHILDREN'S CENTRE

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# PENNANT HILLS WAR MEMORIAL CHILDREN'S CENTRE (PHWMCC) CHILD PROTECTION POLICY

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## Introduction

Pennant Hills War Memorial Children's Centre is committed to providing an environment that fosters health, development, spirituality, self-respect and dignity, that is free from violence and exploitation. Under the *Children and Young Persons (Care and Protection) Act 1998*, children and young people must receive the care and protection necessary to ensure their safety, welfare and wellbeing. All educators and volunteers of PHWMCC are Mandatory Reporters and are required to report to the **Child Protection Helpline (Phone: 132 111)** if they have reasonable grounds to suspect a child or young person is at risk of significant harm and have current concerns about the safety, welfare or wellbeing of a child or young person where the concerns arise during or from their work. We are committed to ensuring all educators and staff have a full understanding of their responsibilities as a Mandatory Reporter and are supported in fulfilling their duty of care.

## Aim

Our goal is to ensure that every reasonable precaution is taken to protect children being educated and cared for by Pennant Hills War Memorial Children's Centre from harm. Our preschool (educators, staff, management and volunteers) has a responsibility to defend children's right to care and protection, to ensure their safety, welfare and wellbeing, and a responsibility to report any children at significant risk of harm.

## Child Safe Standards

The Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse provide a framework for making organisations safer for children. The Standards provide tangible guidance for organisations to create cultures, adopt strategies and act to put the interests of children first, to keep them safe from harm.

The NSW Office of the Children's Guardian (OCG) is committed to making organisations safer for children and have developed a guide to support organisations.

[https://ocg.nsw.gov.au/sites/default/files/2021-12/g\\_CSS\\_GuidetotheStandards.pdf](https://ocg.nsw.gov.au/sites/default/files/2021-12/g_CSS_GuidetotheStandards.pdf)

PHWMCC is committed to providing a child safe environment and will adopt the principles in the above guide and embed them into preschool policies and procedures.

## Definitions

### **Mandatory Reporting**

Mandatory Reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities.

In NSW, mandatory reporting is regulated by the *Children's and Young Persons (Care and Protection) Act 1988*.

## **Mandatory Reporters**

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, speech therapists, occupational therapists, psychologists, dentists and other allied health professional working in sole practice or in public or private health practices)
- Welfare (e.g. psychologists, social workers, case workers and youth workers)
- Education (e.g. teachers, counsellors, principals)
- Children's services (e.g. child care workers, family day carers and home based carers)
- Law Enforcement (e.g. police)
- Residential services (e.g. refugee workers and out-of-home care workers)
- Religious bodies (e.g. a person in religious ministry)

Ref: <https://reporter.childstory.nsw.gov.au/s/article/What-is-Mandatory-Reporting>

## **At risk of significant harm**

In relation to a child or young person 'at risk of significant harm' means that there are current concerns for their safety, welfare or wellbeing 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 an 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; or 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 successfully with the support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

(Children and Young Persons (Care and Protection) Act 1998 No 157, Chapter 3, Part 2, Section 23)

## **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.

You are NOT required to confirm your suspicions or have clear proof before making a report. To do so may interfere with evidence or compromise the work of statutory agencies, for example the Police or Department of Communities and Justice.

## Procedure

The Approved Provider / Nominated Supervisor will:

- Ensure that all Responsible Persons have a current qualification in Child Protection, as described here:

<https://education.nsw.gov.au/early-childhood-education/working-in-early-childhood-education/child-protection-training-requirements>

- Ensure that all staff regularly participate in Child Protection training.
- Ensure that any adult working or volunteering with children holds a current Working With Children Check and does not commence employment without their Working With Children Check verified. Any person whose Working With Children Check has been disqualified as a result of failing to qualify for a renewal will not continue to be employed by the preschool. The Working With Children Check must be verified upon renewal;  
<https://www.ocg.nsw.gov.au/child-safe-organisations/working-with-children-check>
- Ensure every adult working or volunteering 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, educators working directly with children with a copy of the *PHWMCC Child Protection Policy* and clear information on how to access the *NSW Mandatory Reporter Guide* to assist them in their reporting;  
<https://reporter.childstory.nsw.gov.au/s/>
- Provide all staff and educators working directly with children with access to the *Child Wellbeing and Child Protection NSW Interagency Guidelines*  
<https://www.facs.nsw.gov.au/providers/children-families/interagency-guidelines> ; and
- Display the **Child Protection Helpline number (132 111)** on all phone and lists of emergency contact numbers in the interests of timely reporting. Provide all staff and educators working directly with children with a copy of *Child Safe Standards*.
- Ensure all staff and educators are aware of the *United Nations Convention of the Rights of the Child*
- Notify the regulatory authority through the NQA-ITS **within 7 days** of the following:
  - Any incident where any employee reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service;
  - Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the Law).
  - The Head of Relevant Entity (HRE)- Approved Provider, must give written notice to the Office of the Children's Guardian within 7 days of becoming aware of a reportable allegation. A Final Report must be submitted within 30 days of becoming aware of reportable conduct, upon conducting further investigation. If a final report cannot be provided within 30 calendar days of becoming aware of reportable conduct, the HRE -

Approved Provider, must contact the Office of the Children’s Guardian and submit an Interim Report.

- Notify the Regulatory Authority **within 24 hours** if there is any **complaint** that alleges that a serious incident (eg physical or sexual abuse of a child) has occurred or is occurring while the child is being educated and cared for by the service
- Orientate every employee and volunteer to this *PHWMCC Child Protection Policy*.

Educators and staff will:

- Develop trusting and secure relationships with all children (and as much as possible families) at the service.
- Be familiar, and comply with, all aspects of this policy.
- Maintain confidentiality while responding to child protection concerns, only discussing matters with the nominated supervisor, and/or those who need to know.

### **Documentation of current concerns**

- The Nominated Supervisor will provide all staff and educators with clear guidelines around documentation of their concerns.
- The Nominated Supervisor will support staff and educators through the process of documenting and reporting current concerns of children at risk of significant harm.

### **Documentation Procedure:**

- All staff will make a record of the indicators observed that have led to the belief that there is a current risk of harm to a child or young persons. Information on indicators of risk of harm are outlined in the *NSW Mandatory Reporters Guide* (MRG) which is accessible at:  
<https://reporter.childstory.nsw.gov.au/s/mrg>
- Make appropriate responses to all disclosures of abuse and any allegation of abuse against staff members of the service. (see “disclosures of abuse” below)
- Discuss any concerns with the Nominated Supervisor of the preschool
- Any records will include the following:
  - Name and D.O.B of child involved in the incident or making the disclosure
  - Date and time of incident or disclosure
  - People involved
  - Location of the incident or disclosure
  - Factual information about the event or disclosure
  - What steps were taken in response to the incident or disclosure

### **Reporting Procedures**

As soon as immediate health and safety concerns are addressed, you must report all incidents, allegations and complaints. Failure to report assault or child sexual abuse may amount to a criminal offence under the Crimes Act 1900. Depending on the circumstances, reports to multiple authorities may be required.

1. If there are immediate concerns for a child’s safety, health or wellbeing call the NSW Police on 000

2. Using the *Mandatory Reporter Guide*, answer the questions relating to concerns about a child or young person.

<https://reporter.childstory.nsw.gov.au/s/mrg>

At the end of the process, a decision report will guide as to what action to take. The Nominated Supervisor is available if staff require assistance to use this online tool.

Save the MRG final decision with children's file in confidential locked storage.

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 or educator will either generate an eReport or phone the **Child Protection Helpline on 132 111**
4. Advise the Nominated Supervisor of their intention to make a report to the Child Protection Helpline
5. If a report is made to the Child protection Helpline, then the following steps will also be taken:
  - a. Advise the Nominated Supervisor, who will inform the Approved Provider
  - b. Report to NSW Police - all instances (alleged or witnessed) of child abuse, including assault or sexual abuse (including grooming).
  - c. Early Childhood Services must report incidents, allegations or complaints to the Department of Education through the NQA ITS
  - d. Any reportable allegation or conviction involving a staff member, volunteer or contractor must be reported within 7 business days to the NSW Office of the Children's Guardian (Reportable Conduct Scheme)
6. 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;
7. If the *Mandatory Reporter Guide* determines that an educator or staff member's concerns do not meet the risk of significant harm threshold, they do not need to make a report to the **Child Protection Helpline**, however, they should discuss the matter with the Nominated Supervisor to determine whether the child or family would benefit from the assistance of another agency;
8. The staff member or educator should monitor the situation and if they believe there is additional information that could be taken into account, repeat steps 1 to 6 as required.
9. Consult with the relevant authorities to understand what information can be shared with parents and carers, as this can impact any ongoing investigations. You may be advised to:
  - a. not contact the parent or carer (for example, in situations where they are alleged to have engaged in abuse); or
  - b. to contact the parent or carer and provide agreed information as soon as possible.
10. Provide ongoing support to the family. Often support will be required for children, families and staff following an incident. Support might include counselling, access to community services or more information.
11. Debrief and critical reflection. After every critical incident, staff will be provided with the support they need. Critically reflecting on the incident in a manner that respects the privacy and

confidentiality of the incident is recommended to inform required changes to policies, procedures, practices and risk assessments.

*Please note that all educators can make a report to the Child Protection Helpline without notifying the Nominated Supervisor if required.*

### **Disclosures of abuse**

Educators and staff will:

- React calmly to the child making the disclosure;
- **Listen** attentively and later write down the child or young person's **exact words**;
  - Provide comfort and care to the child.
  - Move to a suitable space, free from distractions.
  - If necessary to clarify information or gain more information, ask only open questions.
- **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;
- **Respect** the child or young person by:
  - Explaining what will happen now – that it is part of your job to tell people who can help the child or young person.
  - Acknowledging their bravery and strength.
  - Avoiding making promises you can't keep.
- Follow the steps for reporting as per the *Mandatory Reporter Guide*.

Educators and staff will not:

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

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

### **Reportable Conduct Scheme**

#### **Allegations of abuse against staff, educators, volunteers or students**

Refer to:

<https://www.ocg.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme>

The Approved Provider / Nominated Supervisor will:

- Develop and maintain a system of appropriate record keeping for all allegations to ensure detailed documentation is made and stored as required;

- Take all allegations of abuse seriously and clarify what is being alleged with the person who is making the allegation;
- The complaints subcommittee (part of the PHWMCC Management Committee) will be utilised to manage and investigate the allegation;
- Contact the Reportable Conduct Scheme on (02) 8219 3800 or at [reportableconduct@ocg.nsw.gov.au](mailto:reportableconduct@ocg.nsw.gov.au) to clarify information that is unclear before taking any action;
- Assess whether or not the child or young person is ‘at risk of significant harm’ and, if so, make a report to the **Child Protection Helpline**;
- Determine whether or not the allegation is a reportable allegation, a reportable conviction, or reportable conduct. For determination, reference will be made to:  
<https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-fact-sheets>
- 7-day notification form will be completed by the Head of Relevant Entity (HRE) - Approved Provider and submitted to the Office of the Children’s Guardian within 7 days of becoming aware of reportable allegation, as required under the Children’s Guardian Act 2019;  
<https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-notification-forms>
- Consider whether or not the police need to be informed of the allegation and, if so, make a report;
- Ensure confidentiality is maintained at all times and that systems are in place to deal with any breaches of confidentiality;
- Undertake a risk management approach following an allegation to ensure the protection and safety of children, staff and visitors to the service. Based on this risk assessment, decisions will be made in order to manage the risks that have been identified;
- Develop an investigation plan of the matter. Obtain relevant information from a range of sources. This may include a statement from the person who made the allegation; statements from witnesses and a statement from the person against whom the allegation has been made and any other relevant documentation.
  - If the allegation is being investigated by Department of Communities and Justice or the Police, Pennant Hills War Memorial Children's Centre will be guided by their advice as to whether we should independently investigate the allegation
  - If the investigation is carried out by Pennant Hills War Memorial Children's Centre, the information that has been gathered will be assessed and a finding made as to whether the allegation is false, vexatious, misconceived, not reportable conduct, not sustained or sustained. The reasons for the finding will be clearly recorded to ensure that the decision-making has been transparent.
- The educator, volunteer or student will be advised of the outcome of the investigation in writing. Advice will be provided about the investigation finding and any follow up action that may be required. Advice will also be provided about any rights of appeal and the person will be advised that the **Office of the Children’s Guardian** has been notified and the **Joint Child Protection Response Program (JCPRP)** also notified or the relevant employment proceeding (if relevant);
- 30-day interim report form or Entity report form (to be provided after the investigation or determination is completed) will be completed by the HRE - Approved Provider and submitted to the Office of the Children’s Guardian within 30 calendar days of becoming aware of a reportable allegation, as required under the Children’s Guardian Act 2019;  
[www.ocg.nsw.gov.au/ArticleDocuments/1022/30-DayInterimReportForm.pdf.aspx?Embed=Y](http://www.ocg.nsw.gov.au/ArticleDocuments/1022/30-DayInterimReportForm.pdf.aspx?Embed=Y)
- Department of Communities and Justice will also be informed of the outcome of the investigation.

*This section of the policy is mentioned earlier but is relevant regarding **allegations of abuse**:*

The Approved Provider must:

- Notify the regulatory authority through the NQA-ITS **within 7 days** of the following:
  - Any incident where any employee reasonably believes that physical abuse or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service;
  - Allegations that physical or sexual abuse of a child or children has occurred or is occurring while the child is or the children are being educated and cared for by the education and care service (other than an allegation that has been notified under section 174(2)(b) of the Law).
- Notify the Regulatory Authority **within 24 hours** if there is any **complaint** that alleges that a serious incident (eg physical or sexual abuse of a child) has occurred or is occurring while the child is being educated and cared for by the service;

### **Informing the Educator, Volunteer / Student**

The Approved Provider / Nominated Supervisor will:

- Treat the staff member / educator / volunteer / student with fairness at all times and uphold their employee rights at all times; Depending on the nature of the allegation, arrange to inform the person immediately (though be guided by the advice of Department of Communities and Justice or the police);
- Arrange for the person against whom an allegation has been made to have a support person attend the meeting. This support person must not participate in the discussions throughout the meeting;
- Make accurate documentation of all conversations, and ensure all records are kept confidentially;
- Offer counselling or support to the person subject to the allegation;
- Depending on the nature of the allegation made, the person subject to the allegation may be suspended pending further investigation;
- After all investigations are completed, provide the educator / carer / volunteer with verbal and written notification of the outcome of the investigation.

### **Rights of all Parties**

- The decision making process throughout the investigation will be based on the safety and wellbeing of the child /children and the staff / carers / carer's household members;
- Consideration will be taken in relation to actual or potential 'conflicts of interest' that may be held by the investigator;
- All reportable allegations will be notified to the Office of the Children's Guardian. The person, against whom the allegation has been made, will be notified of this and will also be notified of the investigation findings and follow up action, including the notification to the Joint Child Protection Response Program;
- The person, against whom the allegation has been made, will be notified of any appeal mechanisms if they are not satisfied with the investigation process or the outcome of the investigation;



- The Approved Provider, Nominated Supervisor, or other nominated person who conducts the investigation, will ensure that they act without bias, without delay and without conflict of interest; and
- All parties can complain to the Office of the Children’s Guardian if they are not satisfied with the conduct of the investigation.

**Further information from the Office of the Children’s Guardian can be obtained by:**

**Phone:** 02 8219 3800

**Email:** [reportableconduct@kidsguardian.nsw.gov.au](mailto:reportableconduct@kidsguardian.nsw.gov.au)

**Web:** <https://ocg.nsw.gov.au>

*Please note that in NSW there are criminal offences for failing to report child abuse in organisations.*

### **Confidentiality and Record Keeping**

Pennant Hills War Memorial Children's Centre will handle any allegation of child abuse in a confidential manner.

PHWMCC will ensure that records are kept for 45 years relating to child abuse that has, or is alleged to have occurred.

### **Monitoring, Evaluation and Review**

This policy will be monitored to ensure compliance with legislative requirements and unless deemed necessary through the identification of practice gaps, the preschool will review this policy every three years.

Families and staff are essential stakeholders in the policy review process and will be given opportunity and encouragement to be actively involved.

In accordance with R. 172 of the *Education and Care Services National Regulations*, the preschool will ensure that families of children at the preschool are notified at least 14 days before making any change to a policy or procedure that may have significant impact on the provision of education and care to any child enrolled at the preschool; a family’s ability to utilise the preschool; the fees charged or the way in which fees are collected.

### **Definitions**

Regulatory Authority:	Early Childhood Education and Care Directorate
Approved Provider:	Pennant Hills War Memorial Children’s Centre Management Committee
Nominated Supervisor:	Director of Pennant Hills War Memorial Children’s Centre
Responsible Person:	Nominated Supervisor or an Educator who has been placed in day-to-day charge of the Preschool
Early Childhood Educators:	Teachers and Child Care Workers

<b>Related Legislation</b>	<p>Education and Care Services National Law Act 2010: Part 6 Section 166-167; s.174</p> <p>Education and Care Services National Regulations 2011: Part 4.2 R84, Part 4.7 R 162, R168, R175 2 (d) (e) and R176 2 (c)</p> <p>Commission for Children and Young People Act 1998</p> <p>Children and Young Persons (Care and Protection) Act 1998</p> <p>Children’s Guardian Act 2019</p>
<b>Related Guidelines, Standards, Frameworks</b>	<p>National Quality Standard, Quality Area 2: Children’s Health and Safety – Standard 2.2 Each child is protected</p> <p>National Principles of Child Safe Organisations</p> <p>Child Safe Standards</p> <p>The United Nations Convention of the Rights of the Child</p>
<b>Sources</b>	<p>Community Early Learning Australia – Child Protection Sample Policy</p>
<b>Relevant Documents</b>	<p>PHWMCC Complaints Policy</p> <p>PHWMCC Providing a Child Safe Environment Policy</p> <p>PHWMCC Staff, Management and Volunteers Child Safe Standards</p> <p>Code of Conduct Policy</p>
<b>Policy Reviewed:</b>	<p>Sept 2023</p>
<b>Next Review Date:</b>	<p>Sept 2026</p>