



# QUALITY SERVICE DELIVERY CHILD PROTECTION POLICY

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## 1. Aim

The Board of Coast Community Connections LTD (CCCL) expects all employees to uphold a high duty of care to all children and young people using our services. We believe that the welfare of all children and young people is of paramount importance and that our Services have an obligation to defend every child and young person's right to care and protection. Children's safety is the priority. All employees are responsible to keep all children and young people safe at all times.

Staff and management also have a responsibility to take action to protect children and young people they suspect may be abused or neglected.

Coast Community Connections Services are Mandatory Reporters where a child is suspected of being at risk of harm. A structured process under the "Keep Them Safe" government initiative is followed to determine the course of action to be taken.

All employees have been trained in child protection and receive regular refresher training.

Employees are kept aware of issues relating to child protection

### Definitions

The **Act** means the NSW Children and Young Person's (Care and Protection) Act 1988

**MRG** means the Mandatory Reporter Guide which can be found at <http://sdm.community.nsw.gov.au/mrg/app/summary>

**Significant Harm:** A child and young person is at risk of significant harm when the circumstances that are causing concern are sufficient to warrant a response by a statutory authority such as the NSW Police Force or Community Services, regardless of a family's consent. What is significant is not minor or trivial and may reasonably be expected to produce substantial and adverse impacts on the child and young person's safety, welfare or wellbeing. The significance can be a result of a single act or omission or an accumulation of acts and omissions.

A Relevant Employment Proceeding is a completed disciplinary proceeding where the Coast Community Connections Limited has found:

- reportable conduct occurred, or some evidence that it occurred, or
  - an act of violence occurred, or some evidence that it occurred, in the course of employment and in the presence of a child and young people.

**Reportable Behaviours** are

- sexual offence, or sexual misconduct committed against, with or in the presence
- of a child and young person (including a child pornography offence);
- Any assault, ill-treatment or neglect of a child and young person;
  - Any behaviour that causes psychological harm to a child and young person, even if the child consented to the behaviour.

## 2. Scope

This policy applies to all workers of CCCL. A worker is any person employed, contracted or volunteering at CCCL.

## 3. Policy

- 3.1 All employees, volunteers must complete and sign a Working with Children Check – Applicant Declaration and Consent form before commencing any work within any children or young person’s service.
- 3.2 All employees, volunteers must provide 100 points of identification and consent to a Working with Children Check when an Offer of Employment or Engagement is made.
- 3.3 The Working with Children Check clearance must be received before any shifts are assigned, before any children are allocated to their service – Ageing and Disability Service.
- 3.4 All employees, volunteers within all programs must carry out the responsibilities of mandatory reporters at all times. This responsibility involves following the procedures as outlined by the NSW Department Community Services and the Commission for Children and Young People.
- 3.5 The Coast Community Connections shall fulfil its obligations under the Act by ensuring that employees are trained in child protection, receive regular refresher training in mandatory reporter requirements, and are informed of any changes to the Act or Regulations, or to Policy and Procedures supporting child protection and child safety.
- 3.6 It is an offence for prohibited persons to remain in child-related employment. If the Coast Community Connections receives information or advice that an employee has become a prohibited person, the person’s employment must be terminated.

## **2 Procedures and Implementation**

- 2.1 Where any employees, Supervisor or other mandatory reporter has urgent concerns for a child’s health and safety, the Police should be called on 000.
- 2.2 If the situation is urgent, and there is reasonable confidence that the Mandatory Reporter Guide will indicate a report of significant harm, the employees, Supervisor or other mandatory reporter must also contact the Child Protection Helpline on 133 627.
- 2.2 The employee shall immediately inform their Supervisor.
- 2.3 Reports should be treated with strict confidentiality, protecting the privacy of those involved and the security of the documents as set out in the relevant Policies and Procedures of the CCCL.
- 2.4 The Manager or Team Leader will assist the employee making the report to use the online Mandatory Reporter’s Guidelines structured decision-making tool to determine whether the report meets the threshold for significant risk of harm.
- 2.5 If the structured decision-making tool indicates that a significant risk of harm is present, the Manager, Team Leader or worker shall call the Child Protection Helpline to lodge the mandatory report.
- 2.6 The Manager or Team Leader must immediately advise their Manager that a mandatory report has been made, inform the CEO via email.
- 2.7 Where a breach of regulations or licensing is also found or suspected to have occurred, the Manager of Children’s Services or Nominated Supervisor shall immediately contact and advise the Advisor allocated to their service within Community Services.
- 2.8 Where a report does not meet the threshold for significant harm, the details will be recorded and forwarded to the supervisor.
- 2.9 When concerns of harm do not meet the significant harm threshold, the service should offer and coordinate assistance or make a referral to other appropriate services.
- 2.10 A risk management plan may be developed which will include identified risk, continued support and services referral.

### **3. Allegations Against an Employee**

- 3.1 Where an allegation of misconduct involving children and young people is made against an employee of CCCL, an investigation will be conducted. This investigation will follow the Guidelines established by the NSW Ombudsman (see [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) for further details) and shall comply with the Coast Community Connections Policies and Procedures.
- 3.2 Where an allegation of misconduct involving children and young people is sustained or proven, and especially where the actions have resulted in a report of significant risk of harm, the person's employment shall be immediately terminated.
- 3.3 The investigation process, results and actions taken must be reported to the NSW Ombudsman and other regulatory authorities such as the Commission for Children and Young People within the required timeframes.
- 3.4 The Chief Executive Officer must be informed immediately of any allegations or reports of misconduct by an employee involving children.

### **4. Responding to Allegations: includes all CCCL Employees.**

- 4.1 Whenever an allegation is made Families and Community Services will:
  - 4.1.1 Ensure the safety of the child and young people involved and any other children and young people in the relevant service, provide support as required.
  - 4.1.2 Ensure the confidentiality of the Worker during the investigation until the outcome of the allegation is determined
  - 4.1.3 Ensure risk of significant harm is reported to the Child Protection Helpline.
  - 4.1.4 Ensure that allegations of a crime are reported to NSW Police
  - 4.1.5 The information needed to address the allegation is collected taking into account the direction and activities of the Child Protection Helpline and the NSW Police
  - 4.1.6 Ensure that that the findings and action taken in relation to allegation are supported by the evidence
  - 4.1.7 Ensure that the allegation, response and outcome are documented and kept with the employee's staff record in a secure and confidential manner
  - 4.1.8 Ensure that relevant employment proceedings are reported to the Commission for Children and Young People.

#### **4.2 The CCCL shall not report conduct where it has found:**

- 4.2.1 The reportable conduct or act of violence did not occur; or
- 4.2.2 The allegations about the conduct were false, vexatious or misconceived.

### **5. Protecting Children from Violence at a CCCL Programs**

- 5.1 Where a serious threat to the safety of children and young people - such as domestic violence, verbal or physical assault - occurs within CCCL programs, the employees will remove the children to a safe area until the situation is resolved
- 5.2 If necessary, emergency procedures, either evacuation or lockdown, should be followed.
- 5.3 A report through enableHR must be made to the CEO as soon as practicable detailing the nature of the incident, the actions taken, and any notifications to regulatory authorities.
- 5.4 Employees have a responsibility to protect their own children and the children attending their service from harm. This risk of harm includes exposure to domestic violence and significant family disharmony or conflict.

### **6. Managing and Supporting Workers**

- 6.1 If a Worker is seen to be displaying behaviour that may have a negative impact on the service users in care the manager shall ask the employee to move to an area where supervision of children can be maintained while they have a private conversation.
- 6.2 The Supervisor shall discuss their concerns about the behaviour with the employee, identify why the behaviour has a negative impact on the child/children and young people, and propose alternative ways of supervising working with the children and young people. The Supervisor may also refer the employee to confidential counselling through the Employee Assistance Program (EAP).
- 6.3 The Supervisor may encourage the staff member to take a break (up to a 15 minutes) to allow them time to compose themselves before returning to their required duties.
- 6.4 If the worker or supervisor feels that they are unable to return to their duties suitably (as required of the National Regulations and National Law) then the Worker may be asked to leave immediately. If this occurs, the employee's timesheet must reflect that the shift has finished at that time.
- 6.5 The Supervisor shall continue to observe and when necessary guide and direct the employee throughout the shift to ensure that their duties and care of children are conducted satisfactorily.
- 6.6 If an employee repeatedly engages in behaviour that negatively impacts on children and young people, the normal counselling, discipline and performance management policies of the CCCL shall apply.

## **7. Exchange of Information for Child Protection**

- 7.1 The Act allows agencies to exchange information about children and young people without their consent.
- 7.2 Any information exchanged should be directly related to the safety, welfare and well-being of children.
- 7.3 CCCL are only obliged to exchange information they currently hold
  - 7.3.1 Wherever possible family members should be involved in the process for exchanging information. If the matter is urgent and consent cannot be obtained, families may be advised later of the exchange of information if appropriate.
- 7.4 **The exchange of information assists CCCL and other agencies to:**
  - 7.4.1 Decide, assessment or plan for a child or young person
  - 7.4.2 Initiate or investigate (e.g. NSW Police)
  - 7.4.3 Provide a service related to safety, welfare or wellbeing
  - 7.4.4 Manage risks to children or young people as an employer
- 7.5 **Information that can be requested or provided may relate to:**
  - 7.5.1 a child or young person's history or circumstances
  - 7.5.2 a parent or other family member
  - 7.5.3 any person/s having a significant or relevant relationship with a child or young person
  - 7.5.4 the facts surrounding whether a person poses a risk to the safety, welfare or wellbeing of a child or young person
  - 7.5.5 other care, support or services provided by the CCCL in the past.
- 7.6 **Information can be exchanged with the following agencies:**
  - 7.6.1 NSW Police Force
  - 7.6.2 a State government department or a public authority, including Community Services
  - 7.6.3 a government school or a registered non-government school or a TAFE
  - 7.6.4 a public health organisation or a private hospital
  - 7.6.5 a non-government fostering agency or adoption agency

- 7.6.6 a designated agency that arranges out of home care
- 7.6.7 any agency that conducts a residential child care centre or a child care service under the Children (Care and Protection) Act 1987
- 7.6.8 any other organisation that has direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children.

**Other related policies and procedures**

Injury, Incident, Illness and Accident Policy

Injury, Incident, Illness and Accident Report

Child Safe Organisation

CCCL code of conduct

CCCL organisational Guidebook