

# CHILD PROTECTION POLICY

## Policy Statement

Highgate School Outside School Hours Care (Highgate OSHC) 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. 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 Reporters. At all times, management, staff, and volunteers will treat children with the utmost respect and understanding.

Highgate OSHC 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 preserve, enhance, and better understand their body's response to an emotion is more able to predict the outcome from a situation and evade them or ask for help.

## Purpose

All educators at Highgate OSHC 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 adhere to our legislative obligations at all time. We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Highgate OSHC will act in the best interest of each child, assisting them to develop to their full potential in a secure and caring environment.

## Definitions

*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. In South Australia there are eight types of abuse, some of which are further divided into more specific categories:

1. Physical
2. Neglect, incorporates:
  - a. Supervision
  - b. Shelter/environment
  - c. Food
  - d. Hygiene/clothing
  - e. Medical care
  - f. Mental health care
  - g. Education: not enrolled/habitual attendance
3. Sexual abuse, incorporates:
  - a. Abuse of a child
  - b. Abuse of a young person
  - c. Problematic sexual behaviour towards others

4. Psychological harm
5. Danger to self or others
6. Relinquishing care
7. Carer concern, incorporates:
  - a. Substance abuse
  - b. Mental health
  - c. Domestic violence
8. Unborn child

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

- Firsthand observation of the child or family
- What the child, parent or other person has disclosed
- What can reasonably be indirect based on observation, professional training and/ or experience

*Mandatory Reporting:* the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. In South Australia staff are considered mandated notifiers under the Children's Protection Act 1993.

### **Mandated Reporters**

All Highgate OSHC staff as mandated reporters 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 the Child Abuse Report Line. According to the Children and Young Persons (Care and Protection) Act 1998 mandated reporters must make reports if they suspect on reasonable grounds a child is at risk of significant harm because:

- The child's basic physical or psychological needs are not being met or are at risk of not being met
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for a school age child to receive an education
- The child has been, or is at risk of being physically or sexually abused or ill-treated
- The child is living in a household where there have been incidents of domestic violence and they are at risk of serious physical or psychological harm
- The parent's or other caregiver's behaviour means the child has suffered or is at risk of suffering serious psychological harm

### **Implementation**

Highgate OSHC 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 have relevant child protection training and will not be employed until the full Responding to Risks of Harm, Abuse and Neglect – Education and Care (RRAHN-EC) certificate has been achieved. Educators will continue to maintain current knowledge of child protection and Mandated Reporter requirements by ensuring their RRAHN-EC certificate is refreshed every 3 years.

### **The Approved Provider will ensure:**

- the Director and any responsible person in day-to-day charge of Highgate OSHC have successfully completed a course in child protection approved by the Regulatory Authority
- all employees and volunteers are:
  - provided with a copy of the current Child Protection policy as part of the induction process
  - have completed the RRAHN-EC certificate
  - have a current Working With Children Check (WWCC) or Department for Communities and Social Inclusion (DCSI) screening check
  - aware of their mandatory reporting obligations and responsibilities to immediately report cases where they believe a child is at risk of significant harm to their immediate supervisor or to the Child Abuse Report Line on 13 14 78
  - aware of indicators showing a child may be at risk of harm or significant risk of harm.
- training and development in child protection is provided for all educators, staff and volunteers.
- to provide educators 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 legislation, regulations, standards and other resources to help educators, staff and volunteers meet their obligations
- to notify the Child Abuse Report Line (CARL) within 7 days of becoming aware of any allegations and/or convictions of abuse or neglect of a child made against an employee or volunteer and ensure they are investigated and appropriate action taken.
- 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 Highgate OSHC.
- to notify the regulatory authority through the NQA-ITS (within 7 days) of any allegation that sexual and/or physical abuse of a child has occurred and/or is occurring while the child is being educated and cared for Highgate OSHC.

### **The Director will ensure that they:**

- Keep records of abuse or suspected abuse are kept in line with Highgate OSHC's 'Privacy and Confidentiality' Policy
- Are able to use Child Abuse Report Line which is available at:  
<https://www.childprotection.sa.gov.au/reporting-child-abuse/report-child-abuse-or-neglect>
- Are able to contact the Department for Child Protection who can assist mandated reporters identify the level of risk to a child and whether to report the risk to the Child Abuse Report Line.
- Contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do so.
- Refer families to appropriate agencies where concerns of harm do not meet the threshold of significant harm. These services can be located through the Department of Child Protection S.A. Family consent will be sought before making referrals.
- Prepare documents by recording exactly what happened, conversations that took place and what was observed pass on to the relevant authorities to assist with any investigation.
- Do NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on the Child Abuse Report Line or appropriate authority.

## **Highgate OSHC staff will ensure that they:**

- Are able to recognise indicators of abuse
- Respect what a child discloses, taking it seriously and following up on their concerns through the appropriate channels.
- Allow children to be part of decision-making processes where appropriate.
- Comprehend their obligations as mandatory reporters 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 on 131 478 (available 24 hours/7 days a week).
- Promote the welfare, safety and wellbeing of children at Highgate OSHC.
- Understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people.

## **Documenting a suspicion of harm**

If educators have concerns about the safety of a child they 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/guardian (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:
  - Time, date and place of the suspicion
  - Full details of the suspected abuse
  - Date of report and signature

## **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 Highgate OSHC staff 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 said and any actions that have been taken
  - Date of report and signature.

In addition, Highgate OSHC staff receiving a disclosure from a child will:

- Give the child or young person their full attention.
- Maintain a calm appearance.
- Reassure the child or young person it is right to tell.
- Accept the child or young person will disclose only what is comfortable and recognise the bravery/strength of the child for talking about something that is difficult.
- Let the child or young person take his or her time.
- Let the child or young person use his or her own words.
- Honestly tell the child or young person what they plan to do next.
- Not confront the perpetrator.

### **Protection for reporters**

All reporters are protected against retribution for making or proposing to make a report under amendments to the Children and Young Persons (Care and Protection) Act 1988 effective 1 March 2020. The identity of the reporter is protected by law from being disclosed, except in certain exceptional circumstances.

Provided the report is made in good faith:

- The report will not breach standards of professional conduct
- The report cannot lead to defamation proceedings
- The report is not admissible in any proceedings as evidence against the person who made the report
- A person cannot be compelled by a court to provide the report or disclose its contents
- The identity of the person making the report is protected.

A report is also an exempt document under the Freedom of Information Act 1989.

### **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
- Acts or fails to act in a way that causes harm to someone the person owes a duty of care.

### **Managing a Breach of Child Protection Policy**

The Approved Provider 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.
- Recording the outcome clearly and without bias.
- Documenting the details of the breach, including the versions of all parties.
- 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 of 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**

Highgate OSHC's 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.

Approved by Highgate School Governing Council 10<sup>th</sup> August 2021

DATE OF EFFECT: 18<sup>th</sup> August 2021

REVIEWED: 28<sup>th</sup> October 2022

TO BE REVIEWED: 28<sup>th</sup> October 2023

#### Related Documents

<http://www.acecqa.gov.au/national-quality-framework/national-law-and-regulations/national-regulations>

Education & Care Services National Regulations (2011) – Regulations 84, 155 & 162

National Quality Standard for Early Childhood Education and Care & School Age Care (2010) – Standards 2.2.1, 2.2.2 & 2.2.3

<https://www.education.sa.gov.au/working-us/out-school-hours-care-oshc>

UNICEF (n.d.). Fact sheet: A summary of the rights under the Convention on the Rights of the Child, [www.unicef.org/crc/files/Rights\\_overview.pdf](http://www.unicef.org/crc/files/Rights_overview.pdf)

Child Abuse Report Line (CARL)

Child Protection (Working with Children) Act 2012

Children and Young Persons (Care and Protection) Act 1998

Ombudsman Act 2001

The Commission for Children and Young People Act 1998

My Time, Our Place Framework

Legal Services Commission of South Australia - [lawhandbook.sa.gov.au](http://lawhandbook.sa.gov.au)

Working with Children Check – [screening.sa.gov.au](http://screening.sa.gov.au)