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<b>MM SD 307 CHILD PROTECTION POLICY AND PROCEDURES</b>	

## 1. Purpose

Marymead recognises that the care and protection of children is a collective responsibility beginning with parents and when necessary involving the support of government and community services. Marymead is part of a service network with an obligation to co-ordinate decision making and service delivery to support the provision of safe environments for children and young people.

## 2. Policy Statement

Marymead aims to ensure that the continuing safety, welfare and wellbeing of children is paramount. Employees have a responsibility to act in a positive way to develop a safe environment for children in their care and to take the action required to fulfil their duty of care to ensure the safety of children. Marymead will abide by child welfare legislation and report suspected cases of abuse and neglect to the appropriate authority in accordance with relevant legislation and Marymead procedures.

### 2.1 Obligations of all staff

All Marymead employees, foster carers and volunteers operate in accordance with all legislation designed to protect children. In addition they must

- protect children from all forms of abuse, violence, injury, neglect or exploitation
- promote their safety, welfare and well-being in a positive manner
- develop a child-safe and child-friendly organisation
- provide a secure and safe environment where children can be safe and feel safe, valued and listened to
- actively work towards empowering children
- intervene on behalf of children.

### 2.2 Prevention

Marymead demonstrates its commitment to minimising the risk of harm and abuse by implementing the following preventative strategies:

- conducting the required screening and checks (see Working with Vulnerable People Checks Policy MM HR 513) prior to the commencement of any employee or

volunteer to ensure that those engaged are fit and proper persons to work at Marymead

- participation by all new employees in an induction program
- ongoing training programs to improve Marymead employees' knowledge of child protection, abuse and best practice in preventing and reporting allegations and concerns
- further levels of training for relevant managers and co-ordinators to equip them for their more demanding role in child protection
- support for employees in maintaining professional standards, as well as professional boundaries with respect to relationships with children and young people, recognising the vulnerability that a breach of boundaries can create, the risk of significant harm, and mandatory reporting obligations in a range of child protection matters
- regular professional guidance and supervision for all staff, and annual formal performance appraisals
- opportunity for all employees to contribute to the ongoing development, evaluation and review of the Marymead Child Protection Policy.

### **2.3 Monitoring, support and guidance to staff**

In cases where reporting is mandatory under the law (as for Marymead employees in NSW), individual staff members are responsible for reporting, not the organisation. However, when a Marymead employee suspects or is aware that a child/young person has been subjected to sexual or physical abuse they must in the first instance report this information to their Manager. Managers will be kept informed at all stages of the reporting process.

Managers are required to ensure support and advice is available to all staff, including those who are mandated or not. It is the responsibility of each Manager to ensure that all staff involved with reporting abuse have access to appropriate debriefing and supervision. In addition staff should also be offered the option of pursuing debriefing through the Employee Assistance Program (EAP).

## **3. ACT Policy**

In all circumstances where a staff member suspects, on reasonable grounds, that a child or young person has experienced non-accidental physical injury, sexual abuse, emotional abuse or neglect, the staff member must take appropriate action to address the suspected abuse or neglect. This also extends to circumstances where a staff member may suspect or believe a child, once born, may be in need of care and protection.

Section 356 of the *Children and Young People Act 2008* determines that Marymead staff are not mandated reporters under the Act. Reports made to Care and Protection Services under this section are referred to by the law as 'voluntary reports.'

All Marymead employees and volunteers are, however, required to follow Marymead procedures, reporting reasonable suspicions of abuse/neglect to their supervisor, ensuring appropriate action is taken.

## **4. ACT Procedures**

### **4.1 Notification procedure**

A staff member who suspects or is aware that a child has been subjected to abuse or neglect must in the first instance report this information to their Manager.

The Manager will then discuss with the staff member any details of the situation, with the view to determining whether or not there are reasonable grounds to notify Care and Protection Services, and whether another course of action should be pursued in addition to or instead of a formal notification.

Information about responding to child abuse and neglect in the ACT can be found in [Keeping Children and Young People Safe, a Shared Community Responsibility: A Guide to Reporting Child Abuse and Neglect in the ACT](#). This includes definitions and indicators of abuse and neglect.

If there is still uncertainty, consideration should be given to conducting a discussion with Care and Protection Services. If any discussion with Care and Protection goes ahead, the staff member with the most direct knowledge of the situation should conduct the discussion, provided that staff member is equipped and skilled to manage the situation, otherwise their Manager should conduct the discussion. Prior to any discussion, preparatory discussion between the staff member and his/her Manager should be conducted to determine questions to be asked.

A report is made to the Care and Protection Services Centralised Intake Team on 1300 556 728. The person with the most direct knowledge of the situation should make the report.

The Director of the relevant program will be informed of all notifications made within their programs.

The Director will ensure the CEO is informed of any notifications made.

### **4.2 Procedures when allegations are made against employees and volunteers**

Rules of conduct for Marymead employees and volunteers in various situations have been designed to minimize possibilities for abuse or neglect of children, young people and vulnerable adults and to reduce, as far as possible, opportunities for false allegations.

Any employee or volunteer observing an incident or receiving an allegation of abuse or neglect of a child or young person by another employee or a volunteer should inform their Program Manager and/or Director as soon as possible.

When the Director General, Community Services Directorate (CSD), ACT Government, holds Parental Responsibility for a child or young person, procedures laid down by DCS come into operation. Once an incident has been reported to the Program Manager or Director, the staff member will make a report to both the case worker and the Centralised Intake Team: 1300 556 728.

CSD policies lay down procedures about how the matter will be handled and Marymead staff must follow the agreed plan. Depending on the level of risk, this may mean immediate removal of a child or young person from the care of a foster family, immediate suspension of a staff member or transfer of a staff member to other duties. It may also mean that Marymead staff are not to discuss the allegation with the staff member or volunteer until procedures have been agreed.

Under no circumstances are Marymead staff to investigate and begin questioning staff or volunteers or the child or young person, unless this has been agreed by CSD. Staff of CSD will determine whether the matter will be referred to the police or dealt with by the Department.

As soon as the matter has been reported to the Centralised Intake Team, the concern will be reported to the Director of the relevant program and the CEO.

The staff member who has observed an incident or heard a disclosure of abuse will be asked to write up the incident as soon as possible. This will include times, dates, names of witnesses, a body chart identifying bruises and other marks if possible. This report may be passed on to CSD and the AFP.

The matter should not be discussed with others - privacy and confidentiality guidelines are to be observed.

A child or young person complaining of being abused should be comforted and listened to sympathetically. He/she should be thanked and told that the complaint will be reported, carefully examined and the best action to be taken will be decided.

HR will become involved if a staff member is to be suspended. The length and conditions of suspension will be determined on a case-by-case basis. In some situations it may be possible to assign a staff member to other duties which do not involve clients.

The staff member may wish to access the Marymead Employee Assistance Program.

A volunteer's contact with children and young people, and whether a foster care placement will continue, will be determined by CSD if the child is in the care of the Chief Executive. In other circumstances, Marymead will have a role in determining the volunteer's status, and this will depend on the nature of the investigation: whether Marymead has been asked to manage it, and whether the police are involved.

If convicted of an offence against a child or young person, or if an employee admits to an offence the employee is to be immediately discharged from employment at Marymead.

### 4.3 Record keeping

Any person who enters a discussion with Care and Protection Services or makes a notification to Care and Protection Services in their capacity as a Marymead staff member will document a formal record of the discussion and/or notification. This information should be documented on the service user file or other such place where information can be confidentially stored.

Documentation should detail the following:

- date and time of the notification/discussion
- which Marymead staff member made the notification/engaged in the discussion
- who the notification/discussion was about and the name of the receiving officer at Care and Protection Services.

Care should be taken to avoid the documentation of any subjective statements, judgements or conclusions.

## 5. ACT Definitions

**Care and Protection Services:** part of the Office for Children, Youth and Family Services, which is an agency of the ACT Department of Disability, Housing and Community Services. Child - The Children and Young People Act 2008 defines a child as a person who is under 12 years old.

**Child abuse:** the term used for different types of maltreatment that endangers a child or young person's safety, wellbeing, and development. Child abuse can be a single incident or a chronic pattern of behaviour over time and may be intentional or unintentional.

**Child concern report:** a report made to Care and Protection Services where a person believes or suspects a child or young person is being abused or neglected.

**Emotional abuse:** the term used to describe chronic and repetitive ill treatment of a child or young person which causes significant harm to their psychological, social, emotional or cognitive development.

Constant yelling, belittling, ignoring and ridiculing are all examples of emotional abuse.

**Mandated reporter:** those people required to make a report to Care and Protection services if they believe or suspect a child or young person is being abused or neglected. Section 356

of the Children and Young People Act 2008 states that the following people are mandated reporters:

- a) a doctor
- b) a dentist
- c) a nurse
- d) an enrolled nurse
- e) a midwife
- f) a teacher at a school (this includes a teacher's assistant or aide if the assistant or aide is in paid employment at the school);
- g) a person authorised to inspect education programs, materials or other records used for home education of a child or young person under the Education Act 2004
- h) a police officer
- i) a person employed to counsel children or young people at a school
- j) a person caring for a child at a childcare centre (this includes a childcare assistant or aide caring for a child at the childcare centre if the assistant or aide is in paid employment at the childcare centre, but does not include anyone caring for a child as an unpaid volunteer)
- k) a person coordinating or monitoring home-based care for a family day care scheme proprietor
- l) a public servant who, in the course of employment as a public servant, works with, or provides services personally to, children and young people or families;
- m) the public advocate
- n) the official visitor
- o) a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation.

**Neglect:** a failure to provide a child or young person with the basic needs for his or her physical, emotional/psychological and intellectual development and may be chronic or episodic in nature.

**Non-accidental physical injury:** a non-accidental act resulting in an injury to a child or young person by a parent, caregiver or another person who has responsibility for the child or young person. Injury can be caused by a single episode or repeated episodes of physical abuse. The severity of injury can range from minor bruising to death. Physical punishment of a child or young person is a crime when it falls outside the bounds of 'reasonable chastisement'.

**Sexual abuse:** any sexual act or sexual threat imposed on a child or young person. This occurs when an adult or someone else who is bigger or older involves the child or young person in sexual activity by using their power over the child or young person and by taking advantage of their trust.

**Voluntary reporting:** any person may choose to make a voluntary report if they believe or suspect a child or young person is being abused or neglected, or is at risk of abuse or neglect. There is no penalty under law if a person does not make a voluntary report.

**Young person:** A young person, for the purposes of mandatory reporting, is a person who is 12 years old or older, but not yet 18 years old.

## 6. NSW Policy

In all circumstances where a staff member suspects, on reasonable grounds, that a child or young person has experienced non-accidental physical injury, sexual abuse, emotional abuse or neglect, the staff member must take appropriate action to address the suspected abuse or neglect.

Under the NSW Children & Young Persons (Care & Protection) Act 1998 Marymead staff who work in services for children are mandatory reporters. As mandatory reporters staff are required to report to the NSW Department of Human Services (Family and Community Services) any current concern for any child under 16 years of age who they have reasonable grounds to believe is at risk of significant harm due to abuse or neglect, where the grounds arise during the course of the person's work.

In addition Marymead policy requires all employees, regardless of their position within the agency, to report such children to The NSW Department of Community Services, Family and Community Services.

All staff are also required, under policy, to report any young person aged 16 years and less than 18 years deemed to be at risk of significant harm.

## 7. NSW Procedures

### 7.1 Reporting procedures

Any employee or volunteer observing an incident or receiving an allegation of abuse or neglect of a child or young person should inform their Program Manager and/or Director as soon as possible.

The Manager will then discuss with the staff member any details of the situation, with the view to assisting them to determine whether or not to report their concerns, and whether another course of action should be pursued in addition to or instead of a formal report.

The staff member (mandatory reporter) who has become concerned about possible abuse and neglect of a child or young person is required to use the **NSW Mandatory Reporting Guide** to assist the decision about whether or not to report their concerns to the Child Protection Helpline.

Click below to access the guide as a PDF reference:

[NSW Mandatory Reporter Guide](#)

Click below to access the online tool:

[NSW Online Mandatory Reporter Guide](#)

The mandatory reporter is required to provide a copy of the report to their immediate manager as discuss the outcomes with their manager before making the report.

The Director of the relevant program will be informed of all reports made within their programs.

The Director will ensure the CEO is informed of any reports made.

## 7.2 Procedures when allegations are made against employees and volunteers

See NSW Reportable conduct Policy MM HR 512

## 7.3 Record keeping

Any person who uses the online tool or report their concerns to the Child Protection Helpline in their capacity as a Marymead staff member will document a formal record of the notification. This information should be documented on the service user file or other such place where information can be confidentially stored.

Documentation should detail the following:

- date and time of the notification
- which Marymead staff member made the notification
- who the notification was about and
- the details of the report including a copy of the outcome of online report, and any receipts of lodgement of the report.

Care should be taken to avoid the documentation of any subjective statements, judgements or conclusions.

## 8. NSW Definitions

The following definitions apply to this policy:

**Child:** A person under the age of 16 years – NSW Children and Young Persons (Care and Protection) Act 1998.

**Mandatory Reporter:** A person who delivers health, welfare, education, care, residential services or law enforcement wholly or partly to children as part of their paid or professional work, or a manager of an employee providing the above services.

**Risk of Significant Harm:** This is present if the circumstances that are causing current concern for the safety, welfare or well-being of the child or young person are present to a significant extent, ie the concern is sufficiently serious to warrant a response by a statutory authority, eg Police or Community Services, regardless of a family's consent. They are not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well-being. Harm may

result from abuse or neglect and the child may suffer physical, sexual, psychological and/or emotional harm as a result of what is being done or not done by another person, often an adult responsible for their care.

**Young Person:** A person who is aged 16 years or above but who is under the age of 18 years -Children and Young Persons (Care and Protection) Act 1998.

## **4. References**

### **4.1 Related Policy**

NSW Reportable Conduct Policy MM HR 512  
 Working with Children Screening Policy, MM HR 513  
 Supervision, Support for Practice and Appraisal, HR, Operations Manual 2011  
 Staff Professional Development HR, Operations Manual 2011  
 Performance Management HR, Operations Manual 2011

### **4.2 Legislation**

NSW Children & Young Persons (Care & Protection) Act 1998  
 NSW Children & Young Persons (Care & Protection) Regulation 2012  
 Commission for Children and Young People Act 1998  
 Child Protection (Offenders Registration) Act 2000  
 Ombudsman Act 1974  
 NSW Disability Services Act 1993

### **4.3 Standards**

NSW Standards for Statutory Out of Home Care, NSW Children's Guardian. Standard 3, Child Protection.  
 Family Relationships Services Program, Australian Government, Standard 13, Client Safety

### **4.4 Other References**

NSW Mandatory Reporter Guide, NSW Department of Human Services, 2012.

Keeping Children and Young People Safe, a Shared Community Responsibility: A Guide to Reporting Child Abuse and Neglect in the ACT, ACT Community Service Directorate, 2011.

## 5. Document Control Details

Reviewing and Approving this Policy		
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2 years	CEO	CEO

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<i>New Policy</i>	27 August 2012	CEO, Hilary Martin	Mini-review required August 2013
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