

Child Safety and Wellbeing Policy

Policy Number	HR047
Current Version	5
Policy Maintained by	General Manager, Programs and Quality
Reviewed & Approved by CEO	February 2022
Scheduled Review Date	February 2023

1. Purpose

Playgroup NSW is committed to the safety, wellbeing, and empowerment of all children accessing Playgroup NSW programs and services, including but not limited to Aboriginal and Torres Strait Islander children, those from culturally and linguistically diverse backgrounds and children with disability. Playgroup NSW regards child safety and wellbeing as a critical element of decisions and processes and will aim to ensure that all children are respected and kept safe and protected from harm in all Playgroup NSW associated activities.

The purpose of this policy is to:

- Ensure that the Leadership Team creates and leads a culture that guides the attitudes and behaviours required to keep children safe as a shared responsibility, and that children's rights are at the forefront of all decisions
- Ensure that all employees and volunteers are supported to understand what is expected of them so that they can create and promote a safe and positive environment for children
- Ensure that all employees and volunteers adhere to the relevant Code of Conduct
- Ensure that Board Members understand what is expected of them and that they role model a culture of actively supporting children's rights and mitigate and monitor risks to children
- Ensure Playgroup NSW complies with its duty of care obligations
- Provide a framework for procedures and decision-making about Playgroup NSW interactions and involvement with children
- Ensure that families and communities are able to access policies and procedures and are provided with relevant and appropriate information.

2. Commencement of Policy

This Policy replaces all other Child Safety and Wellbeing policies of Playgroup NSW (whether written or not).

3. Application of the Policy

- 3.1 This Policy applies to all Board Members, employees, volunteers, members, visitors, agents and contractors (including temporary contractors) of Playgroup NSW. Within this document, the term worker will refer to any of these categories.
- 3.2 This Policy does not form part of any employee's contract of employment. Nor does it form part of any other agent or contractor's contract for service.

4. Policy

- 4.1 Playgroup NSW will designate a "Child Protection Advocate" to provide direction and guidance to all workers who have identified a child protection concern, to ensure they are able to fulfil their legal and professional obligations.
- 4.2 All issues relating to child protection and keeping children safe from abuse will be managed within the context of this policy.
- 4.3 The policy reflects legislative requirements within NSW as set out in:
- Children and Young Persons (Care and Protection) Act 1998
 - Child Protection (Working with Children) Act 2012
 - Child Protection (Working with Children) Regulation 2012
 - Children and Young Persons (Care and Protection) Regulation 2012
 - Advocate for Children and Young People Act 2014 (NSW)
 - Industrial Relations (Child Employment) Act 2006 (NSW)
 - Ombudsman Act 1974 (NSW)
 - Children's Guardian Act 2019
 - Children's Guardian Amendment (Child Safe Scheme) Bill 2021
- 4.4 The following issues are addressed within this policy:
- Code of Conduct that sets out the standards of expected behaviour for all employees and volunteers and Board Members when interacting with children;
 - how complaints and concerns are handled and reported, including:
 - mandatory reporting of child abuse and neglect and the process for using the online Mandatory Reporting Guide
 - concerns that fall below the threshold for a mandatory report
 - allegations of inappropriate behaviour with child/ren against Playgroup NSW employees
 - how communication occurs internally and externally and how information is managed and used
 - how the policy is implemented and how it is governed and reviewed.

Note: This policy does not cover:

HR022 Working with Children Check Policy and Procedure

- 4.5 **Code of Conduct when interacting with children** - Playgroup NSW has developed a Code of Conduct when interacting with children that sets out the standards of expected behaviour for all workers and children. This Code of Conduct provides a benchmark of acceptable behaviour within any Playgroup NSW activity.
- 4.6 **Mandatory Reporting of Child Abuse** - NSW legislation requires a person who delivers services to children as part of their paid or professional work, to make a report to the Child Protection Helpline if he/she suspects a child or young person is at risk of significant harm.
- 4.7 **Dealing with concerns about child safety and well-being that fall below the threshold for a mandatory report** - Many incidents observed by Playgroup NSW employees, in the course of their duties may fall below the threshold required for a mandatory report. This document provides guidance to staff responding to those issues in the best interests of the child/ren involved.

4.8 **Reportable Conduct Scheme**

The Reportable Conduct Scheme is operated by the Office of the Children’s Guardian under the Children’s Guardian Act 2019.

The scheme monitors how certain organisations (‘relevant entities’) investigate and report on types of conduct (‘reportable allegations’ or ‘reportable convictions’) made against their employees, volunteers or certain contractors who provide services to children. The scheme will also cover religious bodies, in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Under the new Act, the Office of the Children’s Guardian will monitor the entity’s response to the allegation. The Children’s Guardian may also monitor the progress of an entity’s investigation if the Children’s Guardian considers it is in the public interest to do so. This policy sets out procedures to follow if there is ever an allegation made against another person.

5 **Procedures**

5.1 **Recruitment**

- 5.1.1 The Manager, People and Culture will oversee and lead human resource management including advertising, screening, interviewing, and supporting the implementation of regular opportunities for feedback on performance including 6 month reviews.
 - 5.1.2 All employees involved in recruitment will ensure that child safety is prioritised when they are selecting new employees.
 - 5.1.3 The Manager, People and Culture will ensure that a verified Working with Children Check (WWCC) is carried out but will also ensure that other screening practices must will be used, such as interviews and referee checks.
- 5.2 **Child Protection Advocate** - The CEO will designate the role of the Child Protection Advocate to an appropriately qualified member of the Leadership Team. Currently, the General Manager Programs & Quality is the designated Child Protection Advocate. If the designated Child Protection Advocate is absent or uncontactable, the Manager, People and Culture will take the role of the Child Protection Advocate.

The Child Protection Advocate will be supported in their role through de-briefing, training and supervision. Arrangements will be in place for an alternatively experienced person to act in the role of Child Protection Advocate in the event of the designated person being unavailable. The Child Protection Advocate must be assessed as competent in the Unit CHCPRT001 “Identify and Respond to Children and Young People at Risk” or have equivalent and current qualifications and experience. The name and contact details of the Child Protection Advocate (mhill@playgroupnsw.org.au) will be provided to all employees, Board Members and made available to members and volunteers on the PGNSW website.

5.3 **Code of Conduct** - All employees and volunteers involved in running playgroups will be expected to comply with the relevant Code of Conduct when interacting with children:

1. Ensure all activities involving children are appropriate to their safety, developmental needs and life experiences;
2. Talk to children with respect, listen to and value their ideas and opinions;
3. Provide a positive role model for children in behaviour and language;
4. Protect children from exposure to adults who are aggressive, violent, swear or make sexually suggestive comments;
5. Allow children to attend to their own personal needs when they are able to do so e.g.; dressing, toileting;
6. Ensure another adult is present or within view when interacting with children in the Playgroup setting;
7. In an exceptional situation where being alone with a child is necessary for the child’s safety and wellbeing, notify a responsible person at the Playgroup of the interaction and the reason for it;
8. Discuss concerns about a child’s safety and wellbeing with Playgroup NSW designated Child Protection Advocate, in the first instance.

5.4 **Mandatory Reporting of Suspected Child Abuse and Neglect** - Playgroup NSW is responsible for reporting any concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused. The Mandatory Reporter Guide (MRG) assists mandatory reporters to decide whether to report their concerns of possible abuse or neglect and Playgroup NSW will use the MRG to determine whether a report to the Child Protection Helpline is needed.

1. If a child is in immediate danger or in a life-threatening situation, contact the NSW Police or Ambulance Service immediately by calling 000.
2. If a worker is concerned for the safety, welfare or well-being of a child, notify the Child Protection Advocate as soon as practicable. The Child Protection Advocate will advise the CEO as soon as practicable, and the CEO will advise the Board through the Chairperson. In the absence of the CEO, the General Manager Programs & Quality will advise the Chairperson.

All incidents that are recorded will be summarised for the Board in the next meeting. The person reporting the allegation will complete the Mandatory Reporter Guide online via <https://reporter.childstory.nsw.gov.au/s/mrg>. Once an MRG is completed, a decision report will be generated with guidelines on what to do next. PGNSW is registered with Child Story Reporter for eReporting. If the outcome of the MRG is:

- a) 'Immediate Report to the Child Protection Helpline' or 'Report to the Child Protection Helpline', contact the Helpline and have ready the essential details from Step 1 and the outcome of the MRG. You can also make an eReport for non-immediate matters <https://kidsreport.facs.nsw.gov.au>.
- b) 'Contact your Child Wellbeing Unit (CWU)' or 'Continue to monitor and support' – go to Step 4.
- c) If the MRG generates a decision to submit a report to the Child Protection Helpline the following steps will be agreed and applied:
 - i. Advise the parent/carer of the child who is the subject of the report, that a Report is being made, unless it is considered that this would add to the risk for the child.
 - ii. The appropriate person to advise the parent/s should be discussed and agreed with the Child Protection Advocate.
 - iii. A Mandatory Report will be made with the support of the Child Protection Advocate.
 - iv. The report provided to the Child Protection Helpline will be kept in a secure file by the Child Protection Advocate.

5.5 Dealing with concerns about child safety and well-being that fall below the threshold for a mandatory report

1. If a worker is concerned for the safety, welfare or well-being of a child, notify the Child Protection Advocate as soon as practicable.
2. Complete the online Mandatory Reporter Guide for all concerns even if it does not warrant a Mandatory Report. The worker and the Child Protection Advocate will review the guidelines generated from the decision report and develop appropriate strategies to manage and alleviate the concerns.
3. The Child Protection Advocate will keep a record of all incidents in the PGNSW Child Safety Incident Register, for the purpose of tracking subsequent concerns which may show cumulative risk of harm. Such record should include identification of the child and their parent/carer, the Playgroup name, the incident that gave rise to the issue and any follow up that resulted from the matter. The online reporting tool in provided by Child Story Reporter will also maintain and track all concerns and eReports may be generated. All incidents will be communicated to the Board through the Chairperson and presented in the next Board meeting.
4. Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998

Employees will be supported to exchange information as detailed in the provisions under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 which allows for the flow of information between government agencies and non-government organisations to facilitate collaboration in the provision of services to vulnerable children and their families. The legislation allows for the sharing of relevant information about a vulnerable child or young person in specific circumstances without needing to be concerned about legal or professional consequences, provided it is done in accordance with Chapter 16A.

5.6 Training and Support

1. Employees are inducted, trained and supported to ensure they understand how to

identify and respond to all forms of child abuse: physical, sexual, psychological and neglect.

2. Employees are inducted and familiarised with all child safe policies, procedures and processes as part of their induction and on a regular basis as information changes.
3. Volunteers are supported to ensure they have the information available on how to identify and respond to all forms of child abuse: physical, sexual, psychological and neglect.
4. Volunteers are provided with all child safe policies, procedures and processes as part of their induction and on a regular basis as information changes.
5. The Child Protection Advocate ensures that new knowledge and legislation is updated accordingly and communicated to Board Members, all employees and volunteers.

5.7 Working with Parents/Carers and Families regarding Child Safety and Wellbeing

Whether or not a Mandatory Report has been made, the Child Protection Advocate will discuss with the worker involved, how the child and family can continue to receive support through usual Playgroup NSW attendance e.g.; one on one conversations with parents/carers, discussion of issues of concern, provision of referrals, assisting parents/carers to develop new strategies etc.

5.8 Reportable Conduct

1. Playgroup NSW HR028 Performance and Misconduct Policy guidelines will provide the framework for investigating allegations against employees in relation to inappropriate behaviour with a child/ren.
2. The definition of “Reportable Conduct” in the Children’s Guardian Act 2019 will be used to determine if an employee’s behaviour is inappropriate.
3. Depending on the circumstances, it may be necessary to conduct an investigation into certain incidents and/or allegations that have been raised. This may involve collecting relevant data/information and interviewing the relevant employee as well as any material witnesses (such as the employee’s co-workers or supervisors, or even customers and suppliers with whom the employee has had contact).
4. A risk assessment will be undertaken to ensure the safety of all children. This assessment may include assessment of the risk to any children or employees; assessment of the seriousness and nature of the allegation to determine the appropriate action required; whether it is appropriate for the employee to remain on duty, and · assessment of support needs of all those involved. An employee may be suspended from duty on ordinary pay pending the completion of an investigation.
5. If this is not deemed a Police matter, Playgroup NSW will conduct their own investigation.
6. If a complaint is made about inappropriate behaviour from a worker that affects a child, the CEO must be notified, and a written complaint prepared. Anonymous complaints cannot be investigated, but a written allegation can be prepared by the CEO on the basis of a verbal complaint from a person who is prepared to be identified as the source of the information.

The Head of a Relevant Entity, or their nominated delegate must provide details within seven business days after becoming aware of the allegation or conviction.

The following details must be included in the report:

- date report received
- type of reportable conduct
- name of employee
- name and contact details of entity and head of entity
- whether Police notified
- whether a Risk of Significant harm (ROSH) report was made
- nature of initial risk assessment and management e.g. whether the employee has been moved)
- other additional information (if known)

Penalties for failure to comply with 7 business day notification requirements and to provide the 30-calendar day interim/final report. Exemptions and a 'reasonable excuse' discretion apply.

If the complaint is of behaviour that is criminal, the matter will immediately be reported to the Police.

- If it is a Police matter, Playgroup NSW will consult with them about the appropriate timing of an internal investigation into the matter.
- In the event of an investigation by Police or Playgroup NSW, an employee may be suspended on full pay.
- Depending on the outcome of the investigation, Playgroup NSW will determine what, if any, disciplinary action will take place.
- The employee will be fully informed of the complaint and have the opportunity to respond to all material presented.
- All necessary and reasonable steps are to be taken to ensure the identities of the persons who made the allegations, or who are the subject of the allegations, are treated confidentially. However, no guarantees of confidentiality should be given because the identity of those people who are involved in, or witnessed, the alleged conduct may need to be revealed to the employee who is the subject of the allegation to enable the effective investigation of the matter, or to enable procedural fairness during later disciplinary or legal action.

6. Information

1. Child Safe information is available in various formats such as website, brochures, posters and Social Media.
2. All policies related to child safety and wellbeing will be made available on the Playgroup NSW website.

Variations

Playgroup NSW reserves the right to vary, replace or terminate this policy from time to time.

Associated documents

The following documents and reporting websites are associated with this Policy:

- The Mandatory Reporter Guide (MRG) - <https://reporter.childstory.nsw.gov.au/s/mrg>
- Child Story Reporter - <https://reporter.childstory.nsw.gov.au/s/>
- HR022 - Working with Children Policy and Procedure
- HR028 Performance and Misconduct Policy
- HR001 - Playgroup NSW Code of Conduct for Employees
- HR048 - Playgroup NSW Code of Conduct – Volunteers including Committee Members
- PGNSW004 Complaints Policy
- HR047 Child Protection Reporting Pathways Flowchart – Refer Page 9 of this Policy
- HR047 Child Protection Reporting Form – Refer Page 10 of this Policy

Workplace participant acknowledgement

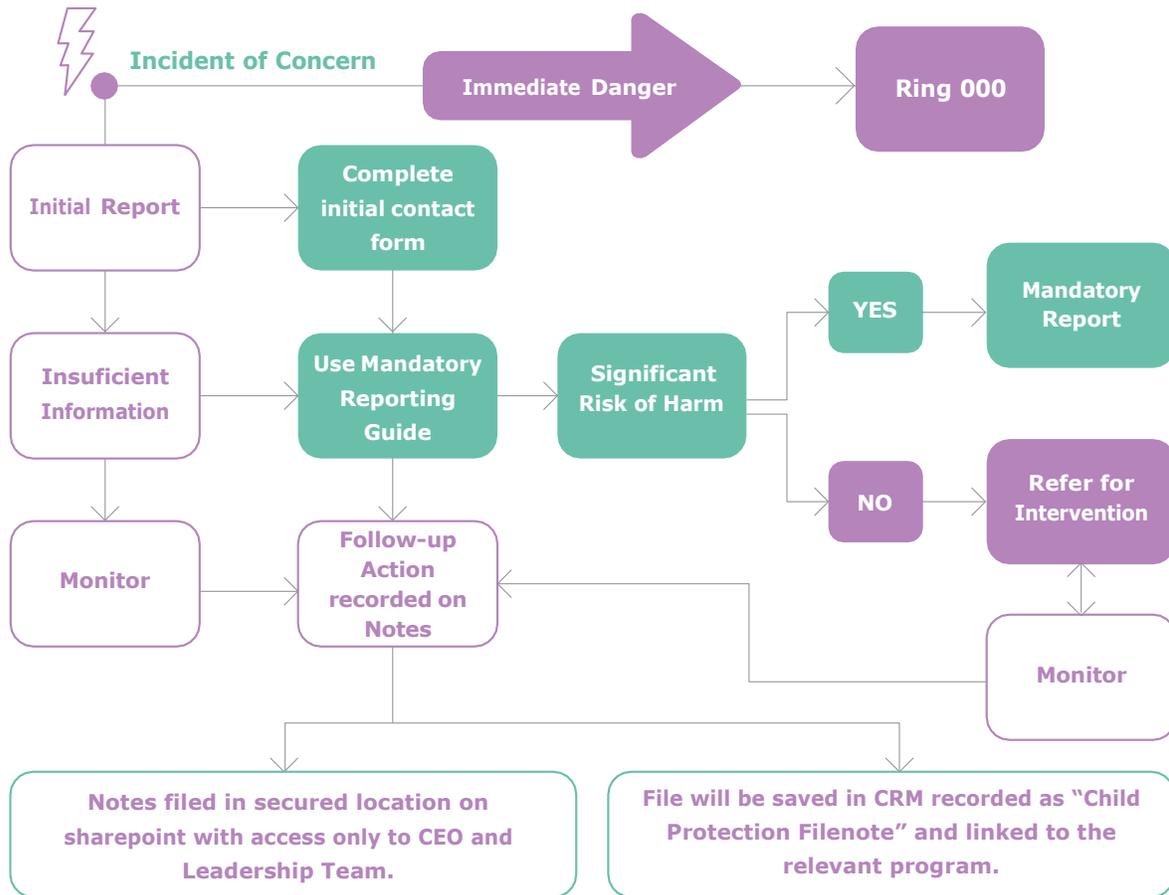
I acknowledge:

- receiving the Child Safety and Wellbeing Policy;
- that I will comply with the Policy; and
- that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.

Your name: _____

Signed: _____ Date: _____

Child Protection Support Pathway



Child Protection File Note

Form 1: Initial Contact with Child Protection Advocate

Reported by: _____ Date: _____
Location: _____

Outline of Situation/Concern: _____

Additional factors to be considered: _____

- Identify Level of Risk:**
- Child is in Immediate Danger - Ring 000
 - Child is at risk of harm if left in that situation
 - Child is at risk of harm unless support/intervention applied

Notes of Discussion: _____

- Agreed Action:**
- Mandatory Reporter Guide Complete
 - Report - Date reported
 - Follow up action
 - Monitor Situation - Set date for review

Details of child/family (if known) _____

Contact details of Reporter: _____

Follow Up action initiated by: _____

Person receiving the report: _____ **Signature:** _____