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INTRODUCTION

Foreword:

Children need to know and believe that they have the right to be safe and feel safe at all times. They are the most vulnerable members of our society. This policy has been developed to promote and enhance the safety and welfare of children.

Hills Montessori School regards the interests of children as paramount and acknowledges that it is the adults in our society who have the responsibility for protecting children. This policy highlights the need for understanding the complexity of child abuse or risk of harm and emphasises that staff must take action when child abuse or risk of harm is suspected.

The school also has an obligation to ensure that children are not subject to abuse or risk of harm in education or child care settings and will work closely with other government and non-government agencies and organisations in the protection of children. Our School embeds the National Principles for Child Safe Organisations and promotes a culture of safety and wellbeing to minimise the risk of child abuse or harm to children whilst promoting children's sense of security and belonging.

Education and care workers play a significant role in the protection of children from abuse or risk of harm and neglect. It is the responsibility of all staff to treat children with dignity and respect, to act with propriety, and to protect the children in their care. In addition, as mandatory reporters, the staff must act on their legal obligation under the Children and Young Persons (Care and Protection) Act 1998 Ch3 Pt 2 s.27.

Rationale:

An important factor in providing quality childcare to young children is ensuring their health and safety by protecting them from abuse or risk of harm and neglect both in the home and in our care. This societal problem crosses all ethnic, cultural and income groups. It occurs to both boys and girls by men and women who are within and outside the family. Children within their first three years of life are most vulnerable to physical abuse.

Child abuse or risk of harm and neglect can negatively affect a child's development, self-image, ability to learn and future life, and therefore must be identified and dealt with appropriately. While some factors are outside the control of staff, there are many positive strategies and methods that can be adopted to negate, overcome or at least reduce them.

Child abuse can occur as a result of stress. This stress can naturally be triggered by the pressure of meeting the many needs of young children. In addition, isolation, financial strain, illness, work, and discrimination or lack of resources can contribute to the stress of adults who care for children. Child abuse can also result from a pattern of discipline that includes physical punishment. The highest correlation of abuse is the abuser's own experience. Many adults who abuse or neglect children have experienced similar treatment and instinctively treat children as they have been treated.

The risk of abuse or risk of harm to children can be lessened by adults maintaining a positive and supportive environment where children are listened to and cared for.

The School can help by building and maintaining trust in our relationships, creating non-threatening contact availability, showing acceptance of feelings (not necessarily actions), avoiding criticisms and judgements, and endeavouring to raise self-esteem at every opportunity.

The Head of School's role involves close liaison with families, especially those experiencing crisis, but all staff should develop trust and support with families. All Staff and Volunteers are committed to identifying possible risk and significant risk of harm to children and young people at the School. We comprehend our duty of care responsibilities to protect children from all types of abuse, and adhere to our legislative obligations at all times.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Our School will perform proficiently and act in the best interest of the child, assisting them to develop to their full potential in a secure and caring environment.

Objectives:

- *To ensure the development and maintenance of a safe and stimulating work and play environment for the children, both indoors and out, to support the children's physical, emotional, cognitive, social, and cultural development.*
- *To identify and act responsibly to any situations which place the child at risk of harm.*
- *To recruit and support high calibre staff members, dedicated to the study of the Montessori philosophy, which demands the respect of the child, and the best interests of children, as well as providing ongoing support and training in the needs of, and responsibility to, the child.*
- *To develop programs which foster children's spirituality, self-respect and dignity, including the celebration of diversity and individuality as well as assisting the child in the development of skills and strategies for personal safety.*
- *To develop close links with families, offering family guidance and support where possible.*
- *To develop policies and records in compliance with legislative requirements.*

AGENCIES AND INFORMATION/SUPPORT:

Department of Communities and Justice (DCJ)

The Department of Communities and Justice has wide ranging statutory powers to enable it to carry out its role in protecting children and young people from abuse or risk of harm and neglect on behalf of the community. The Department has the mandate to co-ordinate responses and to ask agencies to provide appropriate care and support to children, young people and their families.

Department of Community and Justice Helpline: 02 9377 6000

Mandatory reporters: 13 3627

Child Protection Helpline 132 111

Public reporters: 132 111

Kids Helpline: 1800 55 1800

Parents Helpline: 132 055

Domestic Violence: 1800 656 463

Open 24 hours a day from anywhere in NSW.

Web: www.dcj.nsw.gov.au

Child Abuse Prevention Service

Suite 2.05 Level 2 18 Flour Mill Way

Summer Hill 2130

02 8080 4600

Child Protection Unit

Children's Hospital Westmead.

02 9845 2434 / 02 9845 0000

Sydney Children's Hospital

02 9382 1412 / 02 9382 1111

Commission for Children and Young People

The role of the CCYP is to promote the interests and needs of vulnerable children and young people. The Commission has a key role in monitoring the child-related employment screening activities. It also promotes children's and young people's participation in decisions that affect them.

Families First

www.familiesfirst.nsw.gov.au

Is a whole government program designed to help parents and carers in NSW give their children a good start in life and to provide support and help in the time of difficulty.

Office of the Children's Guardian

The Office of the Children's Guardian is responsible for overseeing and monitoring investigations by heads of agencies of allegations of abuse or risk of harm against staff of childcare centres and schools.

Cleveland St

Phone: 02 8219 3600

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Web: www.kidsguardian.nsw.gov.au

Throughout this document:

- "risk of significant harm" refers to circumstances that in the opinion of the observer indicate that a child may potentially be subject to an experience that would result in harm, that was not trivial, and that would warrant intervention by authorities without reference to the parents, guardians or caregivers
- *abuse*, refers to all aspects of abuse, i.e. neglect, physical, emotional and sexual;
- *child*, refers to all children, students and young people under 18 years of age;
- *staff*, refers to all education, care and administrative workers at and employed by the school;
- *Head of School*, refers to the manager or Head of School or temporary nominated supervisor of the school;
- *parent*, refers to parent, guardian or caregiver.

TYPES OF ABUSE:

Child Abuse can be defined as “a violation of a child’s body and mind” physically, emotionally or sexually. Often there can be an overlap between these categories (i.e. a child who has been sexually abused probably suffers physical injuries and emotional trauma).

Physical Abuse is any non-accidental injury or pattern of injuries to a child that endangers or impairs the child’s physical or emotional health and development. Usually child abuse is not an isolated incident or non-accidental injury, but a pattern of behaviour covering a period of time. Physical abuse includes bruising, burning, shaking, or beating, attempted suffocation, damage to the child’s vital organs and or body (including brain, ears, eyes, mouth, hands, legs, genitals) that may result in intellectual disability, deafness, blindness, speech difficulties, fine or gross motor problems or death. Unexplained and/or recurring injuries e.g. broken teeth, fractures, dislocations, cuts, bruises, welts, and headaches require close observation.

Emotional Abuse usually leaves no apparent visible signs but can be much more damaging to a child than physical abuse. Depriving a child of love, warmth and attention or continually yelling at or “picking” on a child can lead to a child’s poor self-concept, poor body image and extreme defence mechanisms. Emotionally abused children are often more aggressive and self-destructive, are impulsive and prone to extreme anxiety.

Sexual Abuse incorporates a wide-ranging spectrum, ranging from inappropriate fondling and exposure (to genitals, prostitution, pornography, masturbation, inappropriate sexual acts, and/or sexually explicit language) to penetration (of anus or vagina). Physical indicators may be bleeding (from genitals or anal areas), bruising (on arms, legs, thighs and/or genital area), repeated urinary tract infections, inflamed/sore genital areas, soiling, bed-wetting, rashes, discharges, nappy changing trauma, withdrawal from activities and/or peers, fear of toileting/removing clothes, sexual talk (that is inappropriate to the child’s age, development and vocabulary level), and/or acting out sexual behaviours or sexual themes/fears in a child’s artwork, stories and play.

Child Neglect is continued failure to provide a child with the basic necessities of life – education, food, clothing, shelter, emotional security, medical and dental care, and adequate supervision needed for the child’s growth and development. Unlike other forms of abuse, neglect is more about what a parent (or adult) does not do, rather than what he or she does do. Indicators can be quite obvious, including abandonment or lack of supervision appropriate to the child’s age, filthy or inappropriate clothing, unclean body, unattended medical or dental problems, listlessness, malnourishment, low self-esteem or low achievement and related behaviour problems.

Cumulative Impact is a series of acts or omissions that, when viewed together, may establish a pattern of risk of significant harm.

Witnessing Domestic Violence is also a form of abuse. When children witness domestic violence they usually believe that they have caused it.

Grounds for Notification:

As mandatory reporters as defined under the legislation, all staff have a responsibility to report risk of significant harm concerns about children and young people, within their roles, and to provide support to children and young people. Reasonable grounds for notification depend on the facts of the concern, and the nature and seriousness of the allegations being mindful of the child’s age and circumstances. The NSW Child Protection Council suggested “reasonable grounds” for notification to be:

- When a child tells a staff member he/she has been abused
- When someone tells a staff member (perhaps a relative, friend or sibling of the child);
- When a child tells a staff member he/she knows someone has been abused or is at risk of significant harm (often referring to him/herself anyway)
- When the experience of the staff member indicates an observation of a child’s behaviour or physical condition, or knowledge of children generally, leads to a suspicion of child abuse or risk of harm
- Witnessing an act of harm

INDICATORS OF ABUSE OR NEGLECT

When considering if a child or young person has been abused or neglected or is at risk of this, it is important to keep in mind the life circumstances of the child, young person and their family.

The following risk factors (either singly or in combination) are associated with increased risk of harm for children and young people:

- social or geographic isolation of the child, young person or family, including lack of access to extended family;
- previous abuse or neglect of a brother or sister;
- family history of violence, including domestic violence;
- physical or mental health issues for the parent or caregiver affecting their ability to care for the child or young person;
- the parent or caregivers' abuse of alcohol or other drugs affecting their ability to care for the child or young person;

The signs below are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been, or is, occurring. If you have concerns then you should report them to the Department of Family & Community Services.

POSSIBLE SIGNS OF NEGLECT

Signs in Children

Physical

- low weight for age and/or failure to thrive and develop;
- untreated physical problems e.g. sores, serious nappy rash and urine scalds;
- poor standards of hygiene i.e. child consistently unwashed;
- poor or pale complexion and poor hair texture.

Behaviour

- extreme anxiety about being abandoned, which is not age-appropriate;
- extended stays at school, public places, other homes;
- child not adequately supervised for their age;
- scavenging or stealing food and focus on basic survival;
- extreme longing for adult affection;
- rocking, sucking, head-banging;
- says there is no caregiver.

Signs in Parents or Caregivers

- unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions;
- leaving the child without appropriate supervision;
- abandonment of child;
- withholding physical contact or stimulation for prolonged periods;
- unable or unwilling to provide psychological nurturing.

POSSIBLE SIGNS OF SEXUAL ABUSE

Signs in Children

Physical

- bruising or bleeding in the genital or anal area
- sexually transmitted diseases
- bruising to breasts, buttocks, lower abdomen or thighs
- anorexia or over-eating
- adolescent pregnancy
- unexplained accumulation of money and gifts
- difficulty in walking or sitting.

Behaviour

- going to bed fully clothed
- unwilling to change clothes when needed
- child or child's friend telling you about it, directly or indirectly

- describing sexual acts
- sexual knowledge or behaviour inappropriate for the child's age
- regressive behaviour e.g. sudden return to bed-wetting or soiling
- self-destructive behaviour e.g. drug dependency, suicide attempts, self-mutilation
- child being in contact with a known or suspected perpetrator of a sexual assault
- persistent running away from home
- withdrawal, fantasy or infantile behaviour.

Signs in Parents or Caregivers

- exposing a child to prostitution or pornography or using a child for pornographic purposes
- intentional exposure of a child to sexual behaviour of others
- previous conviction or suspicion of child sexual abuse
- coercing a child to engage in sexual behaviour with other children
- verbal threats of sexual abuse
- denial of adolescent's pregnancy by family.

POSSIBLE SIGNS OF PHYSICAL ABUSE

Signs in Children

Physical

- bruising to face, head or body; other bruising and marks which may show the shape of the object that caused it, e.g. belt buckle, hand print
- lacerations and welts
- explanation of injury offered by the child is not consistent with the injury
- adult bite marks and scratches
- abdominal pain caused by ruptured internal organs, without a history of major trauma
- unusual or regular fractures of bones, especially in children under three years' old;
- unusual burns and scalds (including cigarette burns)
- drowsiness, vomiting, fits or retinal haemorrhages, which may suggest head injury
- multiple injuries or bruises
- swallowing of poisonous substances, alcohol or other harmful drugs
- dislocations, sprains, twisting
- general indicators of female genital mutilation, which could include: having a special operation, difficulties in toileting, and reluctance to be involved in sport or other physical activities where the child was previously interested.

Behaviour

- constant fatigue, listlessness or falling asleep in class
- alcohol or drug abuse
- frightened of parents
- afraid to go home
- reports injury.

Signs in Parents and Caregivers

- explanation of injury offered by the parent is not consistent with the injury
- a parent or caregiver says that they fear injuring their child
- family history of violence
- history of their own maltreatment as a child
- frequent visits with their child or children to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or with inner complaints.

POSSIBLE SIGNS OF EMOTIONAL ABUSE

All types of abuse and neglect harm children psychologically, but the term 'emotional abuse' applies to behaviour which destroys a child's confidence.

Signs in Children

Physical

- Speech disorders
- Delay in physical development.

Behaviour

- constant feelings of worthlessness about life and themselves
- inability to value others
- habit disorders (sucking, biting rocking)
- lack of trust in people
- lack of people skills necessary for daily functioning
- extreme attention-seeking behaviour
- other behavioural disorders, e.g. bullying, disruptiveness, aggressiveness
- exposure to domestic violence
- suicide threats or attempts
- persistent running away from home.

Signs in Parents or Caregivers

- constant criticism, belittling, teasing of a child, or ignoring or withholding praise and attention
- excessive or unreasonable demands
- persistent hostility and severe verbal abuse, rejection and scapegoating
- belief that a particular child is bad or 'evil'
- using inappropriate physical or social isolation as punishment
- domestic violence.

Reportable Conduct:

- Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child, including a child pornography offence, or
- any assault, ill-treatment or neglect of a child, or
- any behaviour that causes psychological harm to a child, with or without the consent of the child.

Family Member Involvement:

It is not appropriate to discuss with the family the nature of the concerns if a member of the family household is suspected. The child will remain at the School until an Officer referred by the Department of Family & Community Services arrives. If the suspect is someone other than an immediate family member, the family should be informed to allow one of them to be in attendance when the Officer arrives.

REPORTING PROCEDURE

Mandatory Reporting

All staff at Hills Montessori School are mandatory reporters of suspected child abuse, neglect or risk of significant harm.

Staff at Hills Montessori School are under a legal obligation to report to the NSW Department of Communities and Justice if they have reasonable grounds to suspect that a child (i.e. under the age of 16) or young person (aged 16-18 years), or a class of children/young people is/are at significant risk of harm from abuse or neglect AND the grounds are identified during the course of, or from, their work. The responsibility extends to other children or young people in the homes of people with enrolled children.

Notifying of Concerns About Risk of Harm to Students:

A staff member should inform the Head of School of any situation where a child may be at risk.

Full details should be recorded of any children who may be involved, in a specific confidential file and a course of action agreed. This information is to be stored in a locked file only accessed by the Head of School, separately from the child's main file.

Communication between staff should be recorded and signed by each staff member.

Discussion with others should be avoided or limited to persons in the privileged communication path.

The Head of School will report any matter that has been notified, as required by Section 23 of the *Children and Young Persons (Care and Protection) Act 1998*.

Notes:

- a) Staff members do not investigate allegations or suspicions.
- b) If the Head of School decides that "reasonable grounds" do not exist and consequently decides not to report the matter, the concerned staff member has an obligation under the legislation to report, if he/she continues to believe that reasonable grounds exist.
- c) No staff members should make any contact with parents or caregivers regarding a notification.
- d) The notifying staff member is immune from civil or criminal prosecution.
- e) Wherever possible, the identity of the notifier will remain confidential. However, disclosure of the reporter's identity to a law enforcement agency investigating a serious offence against a child or young person is permitted by law in limited circumstances.
- f) The Head of School may be required by the caseworker to facilitate interview(s) of the child on the premises.
- g) The confidentiality of any report made and subsequent action should be maintained, unless otherwise required by a court order. If the Department of Communities and Justice were to assume care of a child, the parent body should only be told that the child has taken leave or left the service. In the event of a suspected case of child abuse or risk of harm:

It is the role of the staff to support and assist all children and parents using the School. However, the Officer from the Child Protection Unit will deal with the family. A staff member, as a caring adult, may be thrown spontaneously into the situation of dealing with disclosure from a child who knows and trusts them. The reaction of the staff member is very important and it is necessary for the child to be reassured by a calm adult.

The Child Protection Council recommended the following procedure, and all staff are requested to comply with its suggestions.

Remember, the first-hand contact with the child is very important.

The child should not be pushed into explaining the details of the abuse. Once a staff member becomes aware of the details, he/she becomes a witness. The role of the staff member is to listen and comfort the child- not to undertake an investigation. The child may be interviewed by an officer of the Department of Communities and Justice, and/or the police and/or a Sexual Assault or Child Protection Counsellor. The number of times the child has to repeat the details should be kept to a minimum.

When a child discloses, it should be kept in mind that he/she has been coerced into secrecy, and will need reassurance that he/she is believed and has the right to tell. The staff member must never promise to keep the information secret and should state that it is important that someone knows about it in order to help the child.

Having taken the major step of telling someone about the abuse, the child may be concerned about what will happen next, especially if the alleged perpetrator is a close friend or relative. The child needs to be reassured that they will be kept safe and that people will help him/her.

The risk to the child is high once the secret of child abuse or risk of harm has been revealed, and there may be people who would pressure the child to change the story.

Grounds for Making a Report:

A report must be made to the Department of Communities and Justice when there are current concerns about the safety, welfare and wellbeing of a child for any of the following reasons:

- 1) For the purposes of this Part, a child or young person is "at risk of significant harm" if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:
 - (a) the child or young person's basic physical or psychological needs are not being met or are at risk of not being met,
 - (b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
 - (c) 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, (1) For the purposes of this Act, a child is of compulsory school-age if the child is of or above the age of 6 years and below the minimum school leaving age.

- (d) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- (e) 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,
- (f) 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,
- (g) the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Note: Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

(2) Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

Collection of Information:

All information collected about children and families of Hills Montessori School is subject to the confidentiality and safe storage requirements detailed in the specific policy.

These requirements also apply in the making of a report about a child to the Department of Family & Community Services. Full details should be kept in a confidential file and should be available when making a telephone report. These are to be stored in a locked file accessed only by the Head of School.

How to Report or Seek Help:

Mandatory reporters, can call the **Department of Communities and Justice Helpline** on **132 111** 24 hours a day from anywhere in NSW. This information is to be on hand by the telephone at all times.

Members of the public should call 132 111. This number is always to be available to parents including on the parent notice board.

Mandatory reporters in NSW should use the Mandatory Reporter Guide (MRG) if they have concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused. This is accessible through the ChildStory website – reporter.childstory.nsw.gov.au

The MRG supports mandatory reporters to:

- determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child (including unborn) or young person.
- identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system.

It is recommended that mandatory reporters complete the MRG on each occasion they have risk concerns, regardless of their level of experience or expertise. Each circumstance is different and every child and young person is unique.

Mandatory reporters are encouraged to use the Mandatory Reporter Guide, to guide their decision making and determine whether or not to report to the Child Protection Helpline under the new risk of significant harm reporting threshold. The interactive [online Mandatory Reporter Guide](http://reporter.childstory.nsw.gov.au) (found on reporter.childstory.nsw.gov.au) has been developed to assist front-line mandatory reporters such as police officers, teachers, nurses, social workers, and NGO staff to determine whether a case meets the new risk of significant harm threshold for reporting children and young people at risk in NSW. A [PDF version of the Guide](#) is also available for staff to review on the school computer under policies.

Staff are encouraged to use the MRG for reporting all child protection concerns - it is located on the website reporter.childstory.nsw.gov.au

The reporting form can be found at:

www.community.nsw.gov.au/docswr/_assets/main/documents/riskofharm_fax_report.doc.

Safeguards for Reporters-Section 29: Children and Young Person (Care and Protection) Act 1998:

Protection of persons who make reports or provide certain information

- (1) If, in relation to a child or young person or a class of children or young persons, a person makes a report in good faith to the Director-General or to a person who has the power or responsibility to protect the child or young person or the class of children or young persons:
 - (a) The making of the report does not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct, and

- (b) No liability for defamation is incurred because of the report, and
- (c) The making of the report does not constitute a ground for civil proceedings for malicious prosecution or for conspiracy, and
- (d) The report, or evidence of its contents, is not admissible in any proceedings (including any appeal arising from those proceedings), other than the following:
 - (i) Care proceedings in the Children's Court,
 - (ii) Proceedings in relation to a child or young person under the *Family Law Act 1975* of the Commonwealth,
 - (iii) Proceedings in relation to a child or young person before the Supreme Court or the Administrative Decisions Tribunal,
 - (iv) Proceedings before the Victims Compensation Tribunal or the Guardianship Tribunal,
 - (v) Proceedings under the *Coroners Act 2009*, and
- (e) A person cannot be compelled in any proceedings to produce the report or a copy of or extract from it or to disclose or give evidence of any of its contents, and
- (f) The identity of the person who made the report, or information from which the identity of that person could be deduced, must not be disclosed by any person or body, except with:
 - (i) The consent of the person who made the report, or
 - (ii) The leave of a court or other body before which proceedings relating to the report are conducted,
 and, unless that consent or leave is granted, a party or witness in any such proceedings must not be asked, and, if asked, cannot be required to answer, any question that cannot be answered without disclosing the identity or leading to the identification of that person.

Young people (i.e. between the ages of 16 and 18) needing information and advice can contact [Kids Help Line](#) on 1800 55 1800. Parents needing support can call [Parent Line](#) on 132 055.

Department of Communities and Justice [Domestic Violence Line](#) is 1800 656 463.

Note: Reports can be made independently by any individual, regardless of the suggested reporting steps. The welfare of the child is the prime consideration.

In addition to making a telephone report, the relevant form should be completed and posted (and a copy filed), lodged by email and filed. Staff members will be required to report in detail on any matter regarding a child who may be at risk and about whom he/she has notified.

The Department of Communities and Justice caseworker will assign the case a priority number between one and four, depending on the urgency of the case as suggested by the information tendered.

Arrangements should be instigated to enable information about the result of the enquiry to be accessed by the person reporting. It is advisable, for the sake of the child who is considered at risk, to telephone and ask whether the case has been allocated and if so, to whom, and what follow up can be expected. The Children's Services Adviser should not be asked. Anonymous reports may not be made by staff members. People reporting must give their full personal details and full specific details of their reasons for concern. Information about cultural and linguistic diversity relating to family members assists referrals to appropriate services and workers.

Assessment of the Report:

The law in NSW allows the government to become involved with families only in so far as is necessary to protect children or young people from harm and ensure good development.

The Department of Communities and Justice caseworker has the responsibility of:

- assessing the validity or seriousness of the risk,
- informing the child's parent(s) that a report has been made,
- deciding whether and what action should be taken, and
- implementing any action.

STAFFING

The purpose of this policy is to promote and enhance the safety and welfare of children. Adults are the people in our society who have the responsibility for child protection. Staff will regard the interests of the child as paramount. All staff will act in a positive way to develop a safe environment for children in their care and will take the action required to fulfil their duty of care.

To fulfil these responsibilities, the school will

- 1. Provide access to ongoing training and development annually in January*
- 2. Inform and consult with parents and encourage the participation of families in child protection issues*
- 3. Establish supportive procedures for fulfilling mandatory reporting obligations*
- 4. Monitor, evaluate and review our Child Protection Policy and programs and Child Safe Environment Policies*

Employment of staff:

Hills Montessori School has procedures in place to ensure it is advised of any reportable allegations or convictions against its employees. This is achieved by:

1. A Working with Children Check Clearance Number being obtained from the NSW Children's Guardian for all prospective and current paid staff working for Hills Montessori School (subject to transitional arrangements for certain existing staff employed immediately before June 15, 2013), whether or not directly working with children, but employed during school hours. This has to be obtained before the staff member can begin working at the school.
2. Online verification of the currency and duration of the WWCC and the recording by the School of the date of verification.
3. Ensuring National Criminal Records Check (NCRC) documentation requirements are met, screening is undertaken and clearance obtained for all paid staff.
4. All prospective and current staff members, signing the "Prohibited Employment Declaration", which remains on site in secure storage.
5. Reference checks being compulsory for all prospective staff.
6. The Head of School and staff members being made aware of the legal obligations to make any allegation or conviction against an employee known to the licensee.

Staff induction will include the professional development and familiarisation with all relevant procedures and policies.

Staff are expected to demonstrate a full commitment to the development and maintenance of a safe and stimulating work and play environment for children, both indoors and out, in order to support the children's physical, emotional, cognitive, social and cultural development.

Volunteers, student teachers and contractors:

Please see detailed information on checks and clearances required for volunteers, student teachers and contractors (as well as employees) in the extract from a NSW Department of Education & Communities document dated June 15 2013 entitled "Working with Children Check Procedures – Appendix 1", which can be found online at:

https://www.det.nsw.edu.au/policies/student_serv/child_protection/work_child/Working-with-Children-Check-Appendix1-WWCC-Requirements.pdf

It is the responsibility of the Head of School to ensure they are properly supervised.

It is the responsibility of training organisations to have their students screened.

The NSW Commission for Children and Young People advises that all students and volunteers should complete the Prohibited Employment Declaration.

Staff on the premises:

1. Two staff members must remain on the premises whenever a child is still in care until the parent or carer arrives to collect their child.
2. Staff will be positioned at all times to ensure minimum staff ratios are implemented, to ensure the ability to be in view of other staff.
3. Staff are required to maintain high standards of supervision and observation of the children at all times.
4. Provision will be made for staff awareness of individual long or short-term health and dietary needs, fears or concerns, home or family issues, usual collection arrangements and their variations.
5. Staff are to exercise their duty of care to protect children and keep them safe.
6. Staff are to be aware of the definition of child abuse or risk of harm and neglect as required by the Children and Young Person (Care and Protection) Act 1998.
7. Staff are required to be involved in the review and evaluation of Child Protection Policies at the School.
8. Staff are required to report suspicion of child abuse or risk of harm or neglect required by the Children and Young Person (Care and Protection) Act 1998 to the Head of School.

Training:

1. Staff are required to develop their awareness of children's needs, health, development, interactions and self-esteem.
2. Staff are required to ensure they understand legislative requirements.
3. Staff are required to develop their awareness of their responsibilities towards children and to recognise indicators of abuse or significant risk of harm and neglect.
4. In-services and workshops will be offered to staff to assist in their development and understanding of relevant legislation and requirements relating to the above.
5. Child Protection refresher training will be carried out by the Head of School. In the absence of the Head of School it will be carried out by the Nominated Supervisor.
6. Child Protection refresher training will be done annually in January. All staff will need to sign a register to ensure they have read, understood and comply with Hills Montessori School's Child Protection Policy and Child Safe Environment Policy.
7. Any staff absent on the day of the annually training will be given the training by the Head of School or the Nominated Supervisor as soon as they return to work and will then sign the register.
8. The register will be kept in the front of the Staff Compliance folder located in the office.
9. Refresher training will include reviewing the Child Protection Policy, being informed of any changes to legislation and being advised of the existence and application of the current child protection law (R84) and any obligations that they may have under the law (R84). The staff will be taken through how to use the MRG online to become familiar with the process.
10. The Head of School and the Nominated Supervisor will partake in recognised child protection training courses every 12-24 months or whenever significant changes are made, to ensure they are up to date.
11. All new staff will participate in a child protection induction upon employment and be part of the annual refresher training. They will sign the register when they have completed the induction.

ALLEGATIONS AGAINST A STAFF MEMBER

- To ensure the safety, welfare and well-being of all children entrusted to the school's care.
- To ensure that any reportable allegation against a staff member is handled fairly, in accordance with the relevant laws.
- To protect staff members from vexatious or misguided allegations.

Legislation:

This policy is based on:

1. The Children and Young Persons (Care and Protection) Act 1998
2. The Child Protection (Prohibited Employment) Act 1998
3. Children's Guardian Act 2019
4. The Commission for Children and Young People Act 1998
5. The Child Protection Legislation Amendment Act 2003.

Terminology:

"Child abuse" has been replaced with "reportable conduct"

"Child abuse allegation" has been replaced with "reportable allegation"

"Child abuse conviction" has been replaced with "reportable conviction".

"Head of Agency" has been replaced with "head of relevant entity" in the legislation refers to the authorised supervisor, in this case, the Head of School.

Definitions:

The definition of reportable conduct is:

- any sexual offence, or sexual misconduct committed against, with, or in the presence of a child (including a child pornography offence) or
- any assault, ill treatment or neglect of a child, or
- any behaviour that causes psychological harm to a child,

whether or not, in any case, with the consent of the child. It includes one-off incidents.

Note: Reportable conduct does not extend to:

- conduct reasonable for the purpose of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children, or
- the use of physical force that, in all circumstances, is trivial or negligible provided the matter is to be investigated and the result of the investigation is to be recorded under workplace employment procedures.

Office of the Children's Guardian:

As a result of the Children's Guardian Act 2019, the Office of the Children's Guardian is now responsible for overseeing and monitoring the handling of allegations and convictions of reportable conduct against employees of childcare centres.

The Office of the Children's Guardian will be required to determine whether an investigation that may involve reportable conduct allegation against an employee has been properly conducted, and whether appropriate action was taken as a result of the investigation.

Even though the Department of Communities and Justice, the Police Service or the Joint Investigative Response Teams may be investigating an allegation against an employee, there is still a requirement to notify the Office of the Children's Guardian of any reportable allegation.

The Office of the Children's Guardian can conduct a direct investigation into any reportable allegation or conviction against an employee, regardless of whether it has been notified by a service.

Responsibilities of the Licensee:

Allegations or Convictions

Designated agencies, including childcare centres, must notify the Office of the Children's Guardian of all reportable allegations and convictions that arise, whether within or outside the employee's work.

All members of staff are mandatory notifiers and must notify the Head of School of any information they have about any member of staff in regard to allegations of reportable conduct or about convictions involving reportable conduct. This includes allegations or convictions related to themselves.

Where the allegation is about the Head of School, notification must be made to the President of the Hills Montessori Society.

The Head of School must notify the Office of the Children's Guardian within seven days of receiving the allegation. In the event that the Head of School is unable to report, the responsibility falls on the President of Hills Montessori Society or their employment delegate.

When notifying the Office of the Children's Guardian of a reportable allegation or a conviction the Head of School must provide:

1. Details of the allegation or conviction, whether within or outside the workplace,
2. Advice as to whether or not it is proposed to take disciplinary or other action in relation to the employee, and the reasons for taking or not taking any such action, and
3. Any written submissions made by the employee about what action should be taken against him or her.

Note: See Children's Guardian 7-day notification Form at:

kidsguardian.nsw.gov.au/ArticleDocuments/1022/7-DayNotificationForm.pdf.aspx?Embed=Y

4. The Office of the Children's Guardian must also be provided with details of the ensuing investigation if requested.
5. The Office of the Children's Guardian is to be informed within 7 days of the initial report.

Other Reporting Requirements

The Head of School (as Head of Relevant Entity) will assess any notification in regard to other possible reporting.

Where the Head of School determines that the allegation presents a current risk of significant harm to a child, the Head of School will undertake to make a report to the Department of Communities and Justice. That report should be made immediately by telephone. The Department will investigate the report and notify the Head of School of its findings.

Where the Head of School determines that the reportable allegation potentially involves criminal activity, the matter will be referred to the Police.

The said officer of the licensee must also inform;

- The Commission for Children and Young People of relevant employment proceedings, under the "Commission for Children and Young People" Act.
- AON – school's insurer

Record Keeping and Confidentiality:

A file should be created in which details of all contacts made or actions taken in regard to the allegation are recorded. This file must be kept in a secure place and is only accessible to:

- the Head of School,
- the authorised officer of the investigating body,
- a person authorised by law to have access to that particular file.

This record should contain:

- the date and time of any contact or action and details of persons involved in a contact or action;
- a concise, comprehensive account of each contact or action; and
- copies of the completed reporting form and any other documentation submitted.

The confidentiality of the information must be respected. Neither the officer of the licensee nor the Head of School may divulge the basis of the allegation to any other persons, irrespective of their position within the service: that is, staff member, management committee member, or union/professional association representative. Any inquiry about the absence of the staff member should be answered by a neutral response indicating that the person has taken leave for personal reasons.

Details of the Incident:

Firstly, as soon as possible, the employee should be allowed (in private) to tell the Head of School what happened.

Any complainant(s) should also be interviewed in private and allowed to express their concerns fully.

Other staff members may be asked what they witnessed.

In all the above situations, the Head of School should listen, take careful notes and follow the complaints process, starting with the opening of a confidential file. It is important to avoid “taking sides” or making comments or promises.

Where serious allegations are being made, questioning should be limited to avoid compromising any official investigation.

Only open questions may be asked. The investigation of a serious complaint is the role of the professionals.

Outcome for Staff Member:

The Head of School must first decide whether an allegation involves reportable allegation, or whether the allegation concerns behaviour that should be investigated internally, but is exempt from notification to the Office of the Children’s Guardian. In either case, the Office of the Children’s Guardian will be informed and details recorded in total confidence for future reference.

In the event of an allegation: The staff member will be placed on leave immediately when an allegation is made until an investigation has been completed and the person is cleared. If the person is not cleared, his/her employment will be terminated immediately.

Alternatively, arrangements may be made where the staff member continues to work under direct supervision or away from the children, depending on the allegation and the ability to staff this situation.

The Head of School must inform the staff member of their workplace rights during the stand down, whether their salary will be paid, and whether their employment continues.

The future:

The staff member may be offered advice and support or further training if it is decided that the matter is to be handled internally. Monitoring of performance and guidance should be facilitated through regular meetings.

An employment process to expedite the dismissal of the staff member, if unsatisfactory behaviour continues, should be in place.

The licensee and Head of School must respect the privacy and rights of the staff member and the need for discretion in providing a reference for the staff member should a dismissal or resignation ensue. A statement of service should be issued instead.

Note:

1. If the staff member chooses to tell other staff that there has been an allegation made against him/her, the licensee and Head of School may not discuss this information with the staff. Any response must be neutral, stating that the matter is confidential while under investigation.

2. The licensee and Head of School must maintain contact with investigating bodies, so that they can be informed about appropriate actions to take in regard to the issue. They should not enter into any discussions with any person involved in the allegation regarding any aspects of the matter, while the allegation is being investigated.

CHILDREN

- *The safety of the children is the paramount consideration.*
- *Children are our most vulnerable members of society.*
- *Children need to know and believe that they have the right to be safe at all times.*
- *Children are entitled to basic human rights regardless of special needs, cultural or socio-economic factors.*
- *Children are people in their own right deserving of respect, care and protection.*
- *Children are entitled to the support of a person to act.*

Programs:

School programs are to be implemented that support the child to:

- develop knowledge, skills and understanding to achieve and maintain personal safety;
- participate in a range of developmentally appropriate experiences, which are responsive to their individual needs and interests;
- gain support and advocacy from adults;
- develop positive, responsible and caring attitudes and behaviours, which recognise the rights of all people to be safe and free from both harassment and abuse.

Disclosure by a Child:

All staff members should be aware that as significant adults in the daily life of the children in their care they might be trusted with disclosures related to the private information that could give rise to concerns about the safety or well-being of the child.

Questioning by the staff member might compromise the outcome of an investigation, but the child can be comforted, reassured and offered help. The adult should remain calm and avoid expressing judgement, doubt or shock. It is not necessary or helpful to stop the child talking. The child should be allowed to speak at his/her own pace. The adult should be sensitive to the fact that the child may be concerned about the future or even about the welfare of the perpetrator.

Staff members are obliged to report any disclosure of abuse by a child or an allegation against another person. All that is needed to warrant a report is "reasonable grounds for concern."

Children Unattended in Cars:

Leaving children unattended in cars is a criminal offence. Parents should be notified on enrolment that staff are mandatory notifiers and as such are legally obliged to report any known incidence. Please see Children and Young Persons (Care and Protection) Act 1998:

The legislation reads:- Chapter 14 -Offences involving children and young persons

The Children and Young Persons (Care and Protection) Act was proclaimed in December 2000. However, chapters 1 and 14 were proclaimed in April 2000, including Chapter 14 section 231 which covers the section about children left in cars/unattended. Section 231 of the Act reads: A person who leaves any child or young person in the person's care in a motor vehicle without proper supervision for such period or in such circumstances that:

- (a) The child or young person becomes or is likely to become emotionally distressed, or*
 - (b) The child's or young person's health becomes or is likely to become permanently or temporarily impaired,*
- is guilty of an offence.*

What's involved in prosecution

- Police and/or Department of Communities and Justice investigate.*
- After the investigation, a decision can be made by Department of Communities and Justice to prosecute.*
- The Crown Solicitor's Office is instructed by Department of Communities and Justice to file an information and summons in the local court.*
- An information and summons is issued and served on the defendant.*
- The matter is then dealt with by a local court*

AUDITS OF CHILD PROTECTION SYSTEMS

The Office of the Children's Guardian is required to keep under scrutiny systems that childcare services have for child protection, including handling and responding to reportable allegations or convictions involving employees. This is done by audit of child protection systems, and by provision of direct advice to assist in improving systems and practices. The Head of School is asked to provide information. The service's documentation may be reviewed. The Office of the Children's Guardian may visit the school/service and speak with the staff members. A report is then provided and suggestions may be made.

Annual Review of Child Welfare Policies

All Staff who are mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998* will be informed annually of their obligations and the process that the school has in place in relation to mandatory reporting.

This briefing will be undertaken in January each year and will be delivered by the Head of School. Records of staff attendance at the briefing will be made. Staff absent at this time will be required to attend a follow up session as arranged by the Head of School.

A review of all Student Welfare policies will be undertaken annually. Staff will sign a register as evidence that they were present for the review of these policies. The register will be kept on file for 5 years.

Further information: Interagency Guidelines for Child Protection Intervention

Child Protection: Procedures for Recognising, Notifying and Responding to child Abuse and Neglect

Child Protection (97/017, S.018) Department of School Education

Child Protection (97/018, S.017) Department of School Education

CONTINUOUS IMPROVEMENT/REFLECTION

Our *Child Protection Policy* will be reviewed on an annual basis in conjunction with children, families, staff and board.

LEGISLATIVE LINKS	
<p>Education and Care Services National Regulations and National Law S.162A Child protection training S.165 Offence to inadequately supervise children S.166 Offence to use inappropriate discipline S.167 Offence relating to protection of children from harm and hazard S.174 Offence to fail to notify certain information to Regulatory Authority S.175 Offence relating to requirement to keep enrolment and other documents 84 Awareness of child protection laws 86 Notification to parents of incident, injury, trauma & illness 87 Incident, injury, trauma & Illness record 145 Staff records 149 volunteers and students 155 Interactions with children 168 Education and care service must have policies & procedures 170 Policies & Procedures to be followed 175 Prescribed information to be notified to Regulatory Authority 175 Prescribed information to be notified to Regulatory Authority 176 Time to notify certain information to regulatory authority</p> <p>National Quality Standards 2.2 Safety 2.2.1 Supervision 2.2.2 Incident & emergency management 2.2.3 Child protection</p> <p>Registered and Accredited Individual Non-Government Schools (NSW) Manual 3.6 Safe & Supportive Environment <i>Children and Young Persons (Care and Protection) Act 1998:</i> <i>Child Protection (Prohibited Employment) Act 1998</i> <i>Child Protection (Working with Children) Regulation 2013</i> <i>Child Protection (Working with Children) Act 2012</i> <i>Interagency Guidelines for Child Protection Intervention, CCYP 2000</i> <i>Education Act 1990</i> <i>Children's Guardian Act 2019</i> <i>Crimes Act 1900</i> <i>Commission for Children and Young People Act 1998</i></p>	
LINKS TO OTHER POLICES	LINKS TO OTHER DOCUMENTS
Parent Education, Professional Development, Staff Records, Staff Employment Child Access, Child Interaction, Code of Conduct, Concerns & Grievances, Emergency Management, Enrolment & Placement, Excursions & Onsite Visits, Health & Safety, Confidentiality & Storage of Records, Missing Child, Nutrition, Staff Recruitment, Sun Protection, Water Safety	Accident & injury, Arrival & Departure
OTHER RESOURCES	
<p><i>Child Protection Legislation Amendment Act 2003</i> <i>This legislation amends the Commission for children and Young Person's act 1998 and the Ombudsman Act 1998 by removing the term 'child abuse' and introducing the term 'reportable conduct' and clarifying which employment proceedings must be notified to the NSW Commission for Children and Young People.</i> <i>Child Care Desktop</i> <i>Australian Children's Education & Care Quality Authority. (2014). Guide to the Education and Care Services National Law</i> <i>Education and Care Services National Regulations 2015,</i> <i>ECA Code of Ethics.</i> <i>Community and Disability Services Ministers' Conference (2005). Creating safe environments for children: Organisations, employees and volunteers: National framework.</i> <i>Community and Disability Services Ministers' Conference (2005). Schedule: Guidelines for building the capacity of child-safe organisations. Creating safe environments for children: Organisations, employees and volunteers: National framework.</i> <i>NSW Community Services: NSW Mandatory Reporting Guide</i> <i>The Commission for Children and Young People Act 1998</i></p>	

REVIEW DATES

Review: 29 January 2019, January 2020, January 2021, 27 January 2022, 27 January 2023, 29 January 2024, 30 January 2025
 Updated: 31 March 2021, 20 May 2022, 13 March 2023, 7 February 2024, 31 January 2025
 Ratified: 16 September 2020, 7 June 2021, 12 February 2024, 10 February 2025
 Next review no later than January 2026

POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE
January 2025	Annual policy maintenance Hyperlinks and sources checked	January 2026
January 2024	No major changes Spelling error corrected Hyperlinks and sources checked and repaired if required Continuous improvement section added	January 2025
27 January 2023	Sources checked for currency Hyperlinks checked and repaired as required Change the wording of mental retardation to intellectual disability	January 2024

APPENDIX 1

INDICATORS OF CHILD ABUSE OR RISK OF HARM

<u>TYPE</u>	<u>PHYSICAL INDICATORS</u>	<u>BEHAVIOUR</u>
Physical Abuse	<p>Unexplained bruises or welts:</p> <ul style="list-style-type: none"> - on face, lips, mouth - on torso, back, buttocks, thighs - in various stages of healing - clustered, forming regular patterns reflecting the shape of an article used to inflict (electrical cord, belt buckle) - on several different surface areas - regularly appear after absence, weekend, vacation <p>Unexplained burns:</p> <ul style="list-style-type: none"> - cigar, cigarette burns, especially on the soles, palms, back or buttocks - immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia) - patterned like electric burner, urn etc. - rope burns on arms, legs, neck or torso <p>Unexplained fractures:</p> <ul style="list-style-type: none"> - to skull, nose facial structure - in various stages of healing - multiple or spiral fractures <p>Unexplained lacerations or abrasions:</p> <ul style="list-style-type: none"> - to mouth, lips, gums, eyes - to external genitalia <p>Adult size bite marks</p> <p>Explanation of injury not consistent with the injury</p> <p>Multiple injuries or bruises</p>	<p>Wary of adult contacts</p> <p>Apprehensive when other children cry</p> <p>Behaviour extremes</p> <ul style="list-style-type: none"> - aggressiveness - withdrawal <p>Frightened of parents</p> <p>Afraid to go home</p> <p>Reports injury</p>

	<p>Swallowing of poisonous substances, alcohol or harmful drugs</p> <p>General indicators of female mutilation which could include: having a special operation, difficulties in toileting and reluctance to be involved in sport or other physical activities where the child was previously interested</p>	
Physical Neglect	<p>Consistent hunger, poor hygiene</p> <p>Low weight</p> <p>Inappropriate dress</p> <p>Consistent lack of supervision, especially in dangerous activities or long periods</p> <p>Unattended Physical or Medical needs</p> <p>Abandonment</p>	<p>Begging, stealing food</p> <p>Extended stays at school (early arrival or late departure)</p> <p>Constant fatigue, listlessness or falling asleep in class</p> <p>Alcohol or drug abuse</p> <p>Delinquency</p> <p>States there is no caretaker</p>
Sexual Abuse	<p>Difficulty in walking or sitting</p> <p>Torn, stained or bloody underclothing</p> <p>Pain or itching in the genital area</p> <p>Bruises or bleeding in external genitalia, vaginal or anal areas</p> <p>Venereal disease, especially in pre-teens</p> <p>Anorexia or over-eating</p> <p>Pregnancy</p>	<p>Unwilling to change clothes when needed</p> <p>Withdrawal, fantasy or infantile behaviour</p> <p>Bizarre, sophisticated or unusual sexual behaviour or knowledge</p> <p>Poor peer relationships</p> <p>Delinquent or run away</p> <p>Reports sexual assault or sexual acts</p> <p>Regressive behaviour such as sudden bed-wetting or soiling</p> <p>Accumulation of money or gifts</p>
Emotional Maltreatment	<p>Speech disorders</p> <p>Lags in physical development</p> <p>Failure to thrive</p>	<p>Habit disorders (sucking, biting, rocking)</p> <p>Conduct disorders (antisocial, destructive)</p> <p>Neurotic traits (sleep disorders, inhibition of play)</p>

		<p>Psychoneurotic reactions (hysteria, obsession, compulsion)</p> <p>Behaviour extremes:</p> <ul style="list-style-type: none">- compliant, passive- aggressive, demanding <p>Overly adaptive behaviour:</p> <ul style="list-style-type: none">- inappropriately adult- inappropriately infant <p>Developmental lags (mental, emotional)</p> <p>Attempted suicide</p>
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