

	POLICY CL-0068.B
 MACQUARIE University	KEEPING CHILDREN SAFE

Rationale	Campus Life believes that the safety of children is paramount and aims to protect a child's right to be safe from abuse of any kind.
Aim	<p>Children will have access to a safe and caring environment and be protected from harm or risk of harm.</p> <p>All parties will be educated about their roles in keeping children safe including awareness of signs of abuse and current reporting procedures.</p> <p>All legal obligations in regards to keeping children safe will be fully met.</p>
Scope	This Policy applies to all staff of Campus Life (U@MQ Limited).
Definitions	<p>The definition of 'a child at-risk of significant harm' is (as per the Children and Young Persons (Care and Protection) Act 1998- Section 23):</p> <p><i>(1) 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:</i></p> <ul style="list-style-type: none"> <i>(a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,</i> <i>(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,</i> <i>(b1) 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,</i> <i>(c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,</i> <i>(d) 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,</i> <i>(e) 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,</i> <i>(f) 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.</i> <p><i>Note. Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.</i></p>

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

The definition of '**Risk of significant harm**' (ROSH) according to NSW government through Childstory and retrieved from www.reporter.childstory.new.gov.au is:

"...A child/young person is at ROSH if the circumstances that are causing concern for the safety, welfare or well-being of the child/young person are present to a significant extent.... What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse effect on the child or young person's safety, welfare or wellbeing.

In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse effect on the child after the child's birth.

"Significance" can result from a single act or omission or an accumulation of acts or omissions."

Child-related employment is defined under the *Child Protection (Working With Children) Act 2012* to be if the worker is in face-to-face contact with children and works in one of these industry sectors:

- Child development and family welfare services
- Child protection
- Children's health services
- Clubs or other bodies providing services for children
- Disability services
- Early education and child care
- Education
- Entertainment for children
- Justice centres
- Religious services
- Residential services
- Transport services for children
- Youth workers
- School cleaners

In addition, persons in roles including an approved provider or manager of an education and care service and a certified supervisor of an education and care service are considered to be in child-related employment.

Persons in administrative, clerical or maintenance work, or other ancillary work that does not ordinarily involve contact with children for extended periods are exempt from the Working With Children Check.

	<p>A Mandatory Reporter is an individual required by law to report to Community Services when they have reasonable grounds to suspect that a child, or class of children, is at risk of significant harm.</p> <p>This is a person who delivers the following services to children as part of their paid or professional work:</p> <ul style="list-style-type: none"> • Health Care • Welfare • Education • Children's Services • Residential Services • Law Enforcement • Disability Services • Out of School Hours Care <p>A Mandatory Reporter is also any person who holds a management position, either paid or voluntary, in any of the services listed above and their duties include direct responsibility for, or direct supervision of, the provision of said services.</p> <p>A parent is someone who has legal responsibility for a child. This may be a natural parent (through birth) or a legal guardian (legally appointed) but does not include a parent who is prohibited by a court order from having contact with the child.</p>
<p>Key Strategies</p>	<p>Mandatory Reporting – <i>Applicable only to Children's Services</i></p> <p>All Children's Services staff who are in a role defined to be a Mandatory Reporter will be advised of this during the recruitment process. All staff will be required to familiarise themselves with the Mandatory Reporter Guide which assists Mandatory Reporters to meet their legal obligations and responsibilities. This Guide will be readily available to all staff and a hard copy will always be on the premises whilst the service is operating.</p> <p>Working With Children Check</p> <p>A Working With Children Check is a prerequisite for anyone in child-related work and is undertaken by the NSW Office of the Children's Guardian.</p> <p>All new employees will be required to show evidence of a 5 year Working With Children Check clearance. No new staff will be employed if there is a 'bar' against their Working With Children Check.</p> <p>Existing employees should already have undertaken a Working With Children Check except for those who were not required to do so due to the commencement date of their employment with Campus Life. Where an existing staff member does not have a current Working With Children Check, regardless of the reason they are required to wait until the designated phase in period for the sector/industry they will be working in to obtain the new Working With Children Check. Refer to Fact Sheet 2: Phase in Schedule for Existing Workers available from www.newcheck.kids.nsw.gov.au for phase in details</p> <p>Where Campus Life is advised by the NSW Office of the Children's Guardian that an existing staff member has received a 'bar' then the staff member will be immediately removed from the child-related position. The</p>

CEO will then make the decision as to whether the staff member's employment is terminated or if transfer to another non-child-related position within the organisation is an option. This decision may or may not consider the status of the relevant legal proceedings.

Students and volunteers over the age of 18 in unpaid child-related positions are not required to undertake the Working With Children Check until the designated phase in period for the sector/industry they will be working in. However, in the interim Campus Life will provide students and volunteers with a Statutory Declaration referenced to the Working With Children Check that must be completed by students and volunteers prior to their commencement.

Campus Life will comply with all aspects of the Working With Children Check process, including undertaking online Validation and monitoring of end dates of approvals. Records will be maintained of clearance numbers, expiry dates and date of verification.

Recruitment

The recruitment and selection of staff in child-related positions will support employees to keep children safe. This will include comprehensive reference checks and compliance with Working With Children Check requirements prior to employment. Position Descriptions will state if the role is considered a Mandatory Reporter and include an essential requirement being an understanding of the staff's responsibilities under the Child Protection law.

During interviews for child-related positions specific questions will be asked to determine each candidate's understanding of their child protection responsibilities. Responses will be considered when determining the successful candidate.

Training

In Children's Services, all Certified Supervisors are required to have undertaken an approved course in child protection prior to receiving approval as a Certified Supervisor (as per the Education and Care Services National Regulations).

All other permanent staff in child-related positions will receive training in child protection which may be a formal, external course or an informal, internal update.

In addition, child protection updates will be provided to all staff, including casuals, on a quarterly basis or when significant changes to the legislation or acceptable practice have occurred.

Reporting

All staff, regardless of Mandatory Reporter status, are encouraged to make a report to the Child Protection Helpline if they suspect a child is at risk of significant harm.

No staff member will be discouraged or forbidden to make a report to the Child Protection Helpline. Whilst staff are not legally required to inform their

Manager when making a report, it is strongly recommended that they do inform either their direct Manager or the Business Unit Manager prior to reporting. The Manager will be able to provide support to the staff member and to ensure the correct processes are followed.

In an emergency, where there are urgent concerns for a child's health or life, staff will contact the police on '000'.

In other circumstances, all Mandatory Reporters and other staff will report through the Child Protection Helpline on phone **132 111** if they believe a child is at risk of significant harm.

All staff, regardless of Mandatory Reporter status, will refer to the Online Mandatory Reporters Guide (accessed at www.reporter.childstory.nsw.gov.au) and work through the relevant Decision Tree to see if the situation meets the criteria for reporting prior to contacting the Child Protection Helpline. The subsequent Decision Report will inform the staff of the outcome and be printed and/or saved for our records.

If the staff member is not satisfied with the recommended actions detailed in the Decision Report they are advised to contact their Manager for guidance. Where staff feel strongly that a report should be made, even if in contrast to any recommendation in the Decision Report, they are encouraged to do so.

If none of the Decision Trees are applicable, it is unlikely that this will be a reportable incident; however the staff member may contact their Manager for guidance.

Disclosure

Disclosure is where a child or young person reveals information regarding being harmed or at risk of harm. In this situation the staff member is to listen to the child and reassure the child they have done the right thing by talking with the staff member. At no time should the staff member promise not to tell anyone else what the child has disclosed.

Immediately following the disclosure, staff will document the conversation accurately in the child's words and include the date and time and any observations about the child's mood or demeanor. Then staff will follow the procedures as detailed in the **Reporting** section in this Policy.

Confidentiality

Any information or concerns regarding a child or young person being at risk of harm is to be kept confidential and the number of people informed of the situation limited to as few as possible. Generally, the Business Unit Manager should be informed to provide guidance and support and to ensure the correct processes are followed.

Except where there is an allegation against a staff member, it is normal practice *not* to inform parents if the staff are making a report to the Child

	<p>Protection Helpline. Any decision to inform the parents will be made by the Business Unit Manager on a case by case basis.</p> <p>Reports made to Community Services are confidential and the reporter's identity is generally protected by law. However, a law enforcement agency may request access to the identity of the reporter if this is needed in connection with the investigation of a serious offence against a child or young person.</p> <p>The request must come from a senior law enforcement officer and the reporter must be informed that their identity is to be released – unless informing them of the disclosure will prejudice the investigation.</p>
Evaluation	This policy clearly defines the process for making reports of a child at risk of harm and details staff responsibilities in this area.
References	<p>Children and Young Persons (Care and Protection) Act 1998- Section 23 Retrieved from: http://www.legislation.nsw.gov.au/fullhtml/inforce/act+157+1998+FIRST+0+N#ch.3-pt.2-sec.23</p> <p>Child Protection (Working With Children) Regulation 2013 http://www.austlii.edu.au/au/legis/nsw/num_reg/cpwca2012cpwcr20132013156l26a2013951.pdf</p> <p>NSW Government: 'ChildStory (2016): https://reporter.childstory.nsw.gov.au/s/</p> <p>Office of the Children's Guardian – the 'new' Working With Children Check; January 2014 http://www.kids.nsw.gov.au/Working-with-children/New-Working-with-Children-Check/New-Working-with-Children-Check</p>

Date Approved	
Signature	Signed
Approval Authority	CEO of U@MQ Limited
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Amendment Dates	November 2016
Date for Next Review	November 2017
Related Policies, Work Instructions, Forms or Manuals	CL-0068.A Responding to Allegations Against Staff Policy
Policies/Rules Superseded by this Policy	