

CHILD PROTECTION POLICY

Purpose

WEmpower Services is committed to the protection and promotion of safety and wellbeing of our clients and their families. WEmpower provides a child safe organisation by creating a culture, strategies, and actions to promote child wellbeing and prevent harm to children and young people.

We aim to ensure that all Support Workers at the Service are aware of the current child protection law in the provider's jurisdiction and understand their obligations under that law. We believe it is our responsibility as Support Workers to ensure that safety welfare and wellbeing of all children.

We aim to provide the children at our service with the opportunity to develop to their full potential free from harm and abuse.

The WEmpower Child Protection Policy is designed to meet the National Standards for Disability Services, in particular Standard 1: Rights, in addition to the National Principles for Child Safe Organisations (National Framework for Protecting Australia's Children 2009-2020).

The purpose of this policy is to outline the standard that all staff are expected to follow in preventing, identifying, and reporting child abuse and neglect.

Scope

This policy applies to all WEmpower services, employees, volunteers, contractors, and clients.

Definitions

Abuse and neglect: Any act or failure to act that results in a breach of a person's human rights, civil liberties, physical and mental integrity, dignity, or general well-being, whether intended or through negligence. Abuse includes but is not limited physical abuse, sexual abuse (including child sexual abuse), psychological or emotional abuse, constraints and restrictive practices, financial abuse, legal or civil abuse, systemic abuse, physical neglect, passive neglect, wilful deprivation, and emotional neglect.

Physical abuse: Any non-accidental physical injury or injuries to a child or adult. This includes inflicting pain of any sort or causing bruises, fractures, burns, electric shock, or any unpleasant sensation. Examples of physical abuse in caregiving include rough physical handling, sudden movements of bedding, pushing, and pulling, over-medication, unnecessary or excessive use of restraints, ignoring dietary restrictions, toileting abuse (leaving someone on the toilet too long or not taking clients to the bathroom when they need to use it) and bathing in water that is too hot or too cold

Sexual abuse: Any sexual contact between an adult and child 16 years of age and younger; or any sexual activity with an adult who is unable to understand, has not given consent, is threatened, coerced, or forced to engage in sexual behaviour. It includes discussions of a sexual nature including jokes which clients do not want, do not truly understand or to which they are

unable to give informed consent, including but not limited to inappropriate touching, gestures, or comments.

Child sexual abuse: Any act that exposes a child (a person under 18 years of age) to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger, or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography or sexting.

Child sexual abuse also includes grooming (see definition below), Child sexual exploitation - where children are coerced or manipulated into engaging in sexual activity in return for something (such as alcohol, money, or gifts) and child-to-child sexual abuse.

Grooming: Grooming refers to actions deliberately undertaken with the aim of engaging and influencing a child, employee, or in some circumstance's members of the child's family, for the purpose of sexual activity with a child. Grooming actions are designed to establish an emotional connection to lower the child's inhibitions. Inhibitions are lowered via the development of a relationship with the child, and increased opportunity to see the child. Grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling, and premeditated. Typically, grooming involves a chronology: accessing the victim, initiating, and maintaining the abuse, and concealing the abuse. Grooming offences may target online or other electronic communications, subjecting children to pornography, and/or using intoxicating substances to engage children for the purpose of sexual activity.

Psychological or emotional abuse: Verbal assaults, threats of maltreatment, harassment, humiliation or intimidation, or failure to interact with a person or to acknowledge that person's existence. This may also include denying cultural or religious needs and preferences. Emotional abuse can also include: ignoring a person when they ask for help, making a person beg for help, providing help in a way that makes the person feel like a burden or feel guilty, intentionally making a person wait for help, refusing to recharge the battery of a person's wheelchair, providing physical care in way that is unnecessarily rough or careless, refusing to provide help unless the person agrees to lend money and purposely unplugging or turning off adaptive equipment.

Constraints and restrictive practices: Restraining or isolating a child for reasons other than medical necessity or the absence of a less restrictive alternative to prevent harm. This may include the use of chemical or physical means or the denial of basic human rights or choices such as religious freedom, freedom of association, access to property or resources or freedom of movement.

Financial abuse: The improper use of another person's assets or the use or withholding of another person's resources.

Legal or civil abuse: Denial of access to justice or legal systems available to other citizens.

Systemic abuse: Failure to recognise, provide or attempt to provide adequate or appropriate services, including services that are appropriate to that person's age, gender, culture, needs or preferences.

Physical neglect: Failure to provide adequate food, shelter, clothing, protection, supervision, and mental and dental care, or to place persons at undue risk through unsafe environments or practices.

Passive neglect: A caregiver's failure to provide or wilful withholding of the necessities of life including food, clothing, shelter, or medical care.

Wilful deprivation: Wilfully denying a person who, because of age, health, or disability, requires medication or medical care, shelter, food, therapeutic devices, or other physical assistance – thereby exposing that person to risk of physical, mental or emotional harm.

Emotional neglect: The failure to provide the nurturance or stimulation needed for the social, intellectual, and emotional growth or wellbeing of an adult or child.

Employee: For the purpose of this policy, employee refers to paid employees, volunteers, contractors, host families and students.

Principles

WEmpower Services

WEmpower has aligned its principles to the National Principles for Child Safe Organisations as outlined below:

- Child safety and wellbeing is embedded in organisational leadership, governance, and culture.
- Children and young people are informed about their rights, participate in decisions affecting them, and are taken seriously
- Families and communities are informed and involved in promoting child safety and wellbeing
- Equity is upheld and diverse needs respected in policy and practice
- People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice
- Processes for complaints and concerns are child focused
- Staff and volunteers are equipped with the knowledge, skills, and awareness to keep children and young people safe through ongoing education and training.
- Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed
- Implementation of the national child safe principles is regularly reviewed and improved
- Policies and procedures document how the organisation is safe for children and young people

Management

WEmpower Management/Nominated Supervisor will ensure:

- The nominated supervisor for the service and any certified supervisor in a day-to-day charge of services has successfully completed a course in child protection approved by the NSW Regulatory Authority.
- All employees and volunteers are:
 - Clear about their roles and responsibilities regarding child protection.
 - Are aware of the requirement to use the MRG Tool where they believe a child is at risk to assess the required reporting process/action
<https://reporter.childstory.nsw.gov.au/s/mrg>

- Aware of their requirements to immediately report cases to the Child Protection Helpline where the MRG assesses this is required and/or any other required actions
 - Aware of the indicators showing a child may be at risk of harm or significant risk of harm.
- That training and development for all Support Workers, staff, and volunteers in child safety (including the NSW Child Safe Standards, and Child Protection is provided and completed as follows:
 - Mandatory completion of online In Safe Hands – Level 1 – 2023 Legal & Practical Response to Child Abuse – Outside of School Hours Care (NSW) Training. www.insafehands.net.au – In Safe Hands educators in Safety Pty Ltd prior to commencement and as part of the Recruitment Process – Completion Certificate held on file
 - Mandatory Reading of the Guide to Child Safe Standards as created by the Office of the Children’s Guardian and signing the acknowledgement that this has been completed – Acknowledgement will be held on file.
 - Mandatory completion of the Keep Them Safe - 9 module online course as provided by the Department of Communities and Justice – Completion Certificate held on file.

For further training resources refer to the Office of the Guardian’s Website.

- To provide Support Workers with a reporting procedure and professional standards to safeguard children and protect the integrity of Support Workers, staff, and volunteers.
- To validate a Working with Children, Check for all Support Workers, staff, and volunteers.
- To provide access to relevant acts, regulations, standards, and other resources to help Support Workers, staff and volunteers meet their obligations.
- Records of abuse or suspected abuse are kept in line with our Privacy and Confidentiality Policy.

Support Workers

Supports Workers will:

- Be able to recognise indicators of abuse
- Respect what a child discloses, taking it seriously and follow up their concerns.
- Allow children to be part of decision-making processes where appropriate.
- Be able to use the MRG Tool which helps mandatory reports identify the level of risk to a child and whether to report the risk to the Child Protection Helpline on 132111.
- Contact the police on 000 if there is an immediate danger to a child and intervene instantly if it is safe to do so. Refer to the Mandatory Reporting Policy and Procedure for more details.
- Promote the welfare, safety, and wellbeing of children at the service.
- Prepare precise records recording exactly what happened, conversations that took place and what you observed to contribute to the investigations of abuse or suspected abuse by the Child Protection Helpline or dealings with referral agencies. Refer to the Mandatory Reporting Policy and Procedure for more details.

Child Safe Behaviours and Duties for Employees when alone with Child Clients

When working with children and young people for WEmpower Services all staff and volunteers are acting in a position of trust. It is important that staff and volunteers are aware that they may be seen as role models by children and young people and must always act in an appropriate manner.

When working with children and young people, it is important to:

- Operate within WEmpower Service's principles and guidance and any specific procedures.
- Always follow the WEmpower Services Child Protection Policy and E-Safety Policy and Procedures.
- Always listen to and respect children.
- Avoid favouritism.
- Treat children and young people fairly and without prejudice or discrimination.
- Value and take children's contributions seriously, actively involving children and young people in planning activities wherever possible.
- Ensure any contact with children and young people is appropriate and in relation to the work of the project.
- Always ensure language is appropriate and not offensive or discriminatory.
- Follow the E-Safety policy and report any breaches.
- Always ensure equipment is used safely and for its intended purpose.
- Provide examples of good conduct you wish children and young people to follow.
- Challenge unacceptable behaviour and report all allegations/suspensions of abuse.
- Ensure that whenever possible, there is more than one adult present during activities with children and young people or if this isn't possible, that you are within sight or hearing of other adults.
- Be close to where others are working. If a child specifically asks for or needs some private time with you, ensure other staff should know where you and the child are.
- Respect a young person's right to personal privacy.
- Encourage young people and adults to feel comfortable and caring enough to point out attitudes or behaviour they do not like.
- Recognise that special caution is required when you are discussing sensitive issues with children or young people.

You must not:

- Patronise or treat children and young people as if they are silly.
- Allow allegations to go unreported.
- Develop inappropriate relationships such as contact with children and young people that is not a part of the work of WEmpower Services or agreed with the manager or leader.
- Conduct a sexual relationship with a child or young person or indulge in any form of sexual contact with a child or young person. Any such behaviour between an adult member of staff or volunteer and a child or young person using the services of WEmpower Services

represents a serious breach of trust on the part of the staff member or volunteer and is not acceptable under any circumstances.

- Let children and young people have your personal contact details (mobile number or address).
- Make sarcastic, insensitive, derogatory, or sexually suggestive comments or gestures to or in front of children and young people.
- Act in a way that can be perceived as threatening or intrusive.
- Make inappropriate promises to children and young people, particularly in relation to confidentiality.
- Jump to conclusions about others without checking facts.
- Either exaggerate or trivialise child abuse issues.
- In the case of inappropriate behaviour, rely on your reputation or that of the organisation to protect you.

Appropriate Physical Contact by a staff member to assist or encourage a child or young person.

At times, staff will be required to give practical assistance to a child or young person who is hurt or needs assistance or encouragement.

Examples of appropriate physical contact are:

- Giving first aid
- Supporting children and young people who have hurt themselves.
- Assisting with the toileting and personal care needs of a disabled child or young person (an individual plan for children and young people with these needs must have been negotiated with parents)
- Non-intrusive gestures to comfort a child or young person who is experiencing grief and loss or distress, such as a hand on the upper arm or upper back.
- Non-intrusive touch (e.g., congratulating a child or young person by shaking hands or a pat on the upper arm or back). Staff should remember the importance of accompanying such touch with positive and encouraging words. Good practice with school-age children and young people
- Seek children and young people's permission to make physical contact (keeping in mind that a highly distressed child or young person may be incapable of expressing their wishes) e.g., first aid, a minimal gesture of comfort.
- Avoid being with a child or young person in a one-to-one, out of sight situation, and never touch a child or young person in such a situation.
- Do not presume that physical contact is acceptable to a particular child or young person. Even non-intrusive touch may be inappropriate if a child or young person indicates they do not wish to be touched.
- Respect and respond to signs that a child or young person is uncomfortable with touch.
- Use verbal and/or visual directions rather than touch (e.g., ask a child or young person to move in a particular way, rather than physically place the child or young person in the required position). Use the above approach for demonstrations in dance, sport, music, and drama. Where touch is essential for safety reasons (e.g., with aquatic or gymnastic instruction), always tell the child or young person that you need to hold them in a particular way and seek their permission to do so.

- In some circumstances, staff may need to discourage younger children from inappropriate expectations of hugs or cuddles. This should be done gently and without embarrassment or offence to the child and offer a replacement gesture (e.g., 'high five')

Non-physical intervention

Non-physical intervention is the most acceptable way of managing the behaviour of children and young people.

Where a problem with a child or young person's behaviour becomes apparent, non-physical interventions include:

- Directing other children and young people to move away from the situation.
- Talking with the individual child or young person (asking the child or young person to stop the behaviour, and telling the child or young person what will happen if they do not stop)
- Directing the child or young person to a safe place
- Directing other children and young people to a safe place
- Sending for assistance from other staff, or in extreme cases, the police.
- Use of verbal directions is always preferred to physical intervention. It is not appropriate to make physical contact with a child or young person (e.g., pushing, grabbing, poking, pulling, blocking) to ensure they comply with directions.

Responding to Abuse or Neglect of a Client

Making a report

As an employee of WEmpower Services, you are a Mandatory Reporter. You are responsible for Reporting anything that you feel potentially constitutes ROSH within 24 hours. This table describes how to make a mandatory report, to report child abuse or child protection concerns.

Step	Description
1	<p>In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station.</p> <p>Alternatively, to report concerns about the immediate safety of a child within their family unit to the Department of Communities and Justice (DCJ), call the Child Protection Help Line on 132111 (24 hours 7 days, toll free) or complete the MRG Tool at: MRG (nsw.gov.au)</p>
2	<p>Record comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> • a description of the concerns (e.g., physical injuries, student behaviour) • the source of those concerns (e.g., observation, report from child or another person) • the actions taken because of the concerns (e.g., consultation with Management, report to the Department of Communities and Justice (DCJ) etc.).
3	<ul style="list-style-type: none"> • Complete an WEmpower Incident Report and lodge or send it to the WEmpower Management within 24hrs. Do not put the details of the Incident in the shift notes,

	<p>instead make note that an Incident Report was completed.</p> <ul style="list-style-type: none"> • The Director, Director/Accounts or the Compliance Officer will complete a Debrief interview within the 24hrs with the staff member relating to their observations of the incident to ensure that any relevant information is included in the report. • The Director, Director/Accounts or the Compliance Officer will confirm that the report requires completion the MRG Tool at: MRG (nsw.gov.au) • The Compliance Officer or the Director/Accounts as backup, will complete the MRG Tool within 24hrs as required. • Please Note: Once a matter is reported to the police or the DCJ Child Protection Helpline on 132 111 (available 24 hours/7 days a week) - no further action should be taken until both the DCJ and the police provide clearance.
4	<p>The Compliance Officer will gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> • full name, date of birth, and residential address of the child or young person • the details of the concerns and the reasons for those concerns the individual Staff member's involvement with the child and young person. • details of any other agencies who may be involved with the child or young person <p>The Compliance Officer will use the MRG tool within 24hrs of the report being made by a staff member to consult as to whether a further report is required.</p> <ul style="list-style-type: none"> • If the MRG Tool recommends that an online or phone report be made to the Children's Helpline, this will be done by the Compliance Officer also within the 24hrs as required. • If the MRG Tool recommends that any other outside agency i.e., the police, then the Director or the Director/Accounts will do this (if not already done) • If the MRG Tool recommends any other action i.e., Keep an eye on the situation this will be done
6	Make a report to the relevant agency

	<p>To report concerns that are life threatening phone 000 or the local police station.</p> <p>To report concerns about the immediate safety of a child within their family unit to the Department of Communities and Justice (DCJ), call the Child Protection Help Line on 13 2111 (24 hrs 7 days, toll free)</p> <p>To report concerns to the Department of Communities and Justice (DCJ) use the online MRG tool at: https://reporter.childstory.nsw.gov.au/s/mrg and then follow as instructed.</p>
7	<p>The Compliance Officer will make a written record of the report which includes the following information:</p> <ul style="list-style-type: none"> • the date and time of the report and a summary of what was reported • the name and position of the person who made the report and the person who received the report. • They will include a copy of the MRG Tool outcome as well as a copy of the online report (if required) • A copy of the Incident Report, Shift Notes, Debrief meeting records and any other relevant information • Any reference numbers are to be included. • Place a copy of the complete report documents in the Incident Register, the Online file for the client and the online file for Incidents. • Send a copy of the report to the Director/Accounts to forward through to the clients Co-ordinator and any other supports as required and if clearance provided by the Police or DCJ if a report to them was needed. • The Compliance Officer will be responsible for following up any Helpline Report related to the services provided by the Agency, with any more in-depth discussions being referred to the Director/Accounts. <p>For further guidance, please refer to section 10.2 of the Statutory Procedures.</p>

Educating & Supporting Children

WEmpower staff will support children/young people in accessing counselling and other professional supports which will provide education to them about abuse and neglect and support them to raise concerns.

Safety of the client

At any time, should an employee believe there is an immediate threat to a client or any other person, they must take appropriate action in accordance with this policy and the relevant associated policies and procedures to ensure the wellbeing of clients, employees, family members, and any other person appropriate to the situation.

Documenting a Suspicion of Harm

If Support Workers have concerns about the safety of a child, they will:

- Record their concerns in a non-judgement and accurate manner as soon as possible.
- Record the own observations as well as precise details of any discussion with a parent (who may for example explain a noticeable mark on a child).
- Not endeavour to conduct their own investigations.
- Documents as soon as possible so the details are accurately apprehended including:
 - Time, date, and place of the suspicion
 - Full details of the suspected abuse

Record keeping

Full, timely and accurate records must be kept by all employees involved in cases of suspected, observed, or alleged abuse or neglect of clients, and these records must be stored on the client's record.

All incident investigations, actions, recommendations, and reports developed as part of this policy must be documented and maintained in the HR System.

Forms to be utilised for Investigation

Investigations into a complaint (if allowed – no reporting required to another organisation) should be conducted and report using the Complaint Investigation Form. Interviews should be recorded on the Meeting Form. Staff Incidents are recorded on the Staff Incident form and Incidents are recorded in the Client and/or Staff Injury/Accident Register as appropriate.

Understanding your obligations to protect children

As members of the community, we all have a moral obligation to protect any child from reasonably foreseeable harm. As support workers we play a critical role in protecting children and must meet a range of obligations to identify, respond and report child abuse.

The easiest way to comply with your moral obligations is to remember that you must report any reasonable suspicion that a child has been abused or is at risk of being abused. This includes abuse that has, or is suspected to have, taken place within or outside of our care and work hours.

Any person is lawfully entitled to make a report if they are concerned for a child's welfare, even if they are not required to do so as a mandatory reporter. Anyone making a voluntary (non-mandated) report is also protected regarding confidentiality and immunity from legal liability.

Training

To ensure staff awareness of this policy and associated requirements, training on mandatory reporting is provided by WEmpower upon employee commencement, and every 3 years (or when there are changes to the process/legislation).

Related Forms:

1. Complaint Investigation Form
2. Record of Meeting Form
3. A. Client Incident Form Online
3. B. Client Incident Report Kinderloop

4. Staff Incident Debrief Form
5. Client Incident Register
6. Complaint Investigation Form
7. Feedback and Complaints Notification Form

Related Policies

- Child Protection Policy
- Child Safety and Wellbeing Policy
- Client Records Management Policy and Procedure
- Client Rights and Safeguards Policy
- Complaints & Feedback Policy and Procedure
- Conflict of Interest Policy and Procedure
- Consent Forms
- Cultural Security for Clients Policy
- Eliminating Restrictive Practices Policy and Procedure
- Incident Management Policy & Procedure
- Information Exchange Policy and Procedure
- Intake and Assessment (and Service Planning) Policy and Procedure
- Mandatory Reporting Policy and Procedure
- Positive Behaviour Support Policy
- Privacy & Confidentiality for Client Policy
- Quality Policy
- Reportable Conduct Policy and Procedure
- Reportable Incident Policy & Procedure
- Risk Assessment & Management Policy
- Service Agreements Policy
- Staff Code of Conduct Policy
- Staff Recruitment and Induction Policy
- Supervision of Children Policy
- Specialised Substitute Residential Care Policy
- SSRC Welcome Pack

Legislation:

Carer's Recognition Act 1974

Children & Young Persons (Care & Protection) Act 1988

- Children & Young Persons (Care & Protection) Act 1988 Chapter 16A
- Children & Young Persons (Care & Protection) Act 1988 Section 27
- Protection of Persons who make a Report
- Children & Young Persons (Care & Protection) Act 1988 Restrictive Practices

S158

- Children & Young Persons (Care & Protection) Act 1988 Section 23 ROSH

Children & Young Persons (Care & Protection) regulation 2012 S75-79

- Protection of Persons who make a Report
- Children's Guardian Act 2022
- Children's Guardian Act 2022 Section 28

Child Safe Standards NSW

NSW & Commonwealth Privacy Laws
 Commonwealth Privacy Act 1988
 Community Services (Complaints, Review & Monitoring) Act 1993
 Disability Inclusion Act 2014
 Health Records & Information Protection Act 2002
 National Disability Insurance Scheme Act (NDIS) 2013
 National Disability Insurance Scheme Rules (NDIS) 2018
 Ombudsman Act 1974
 Principles for Child Safe Organisations
 Privacy & Personal Information Protection Act 1998
 SSRC Code of Practice 2022
 Statutory Procedures – Specialised Substitute Residential Care in NSW 2020
 NSW Restrictive Practices Authorisation Policy
 NDIS (Restrictive Practices and Behaviour Support) Rules 2018
 Privacy Act 1988

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