

CHILD PROTECTION POLICY

Happy Haven OSHC is committed to creating and upholding an environment free of harm and risk to children. The United Nations Convention on the Rights of the Child (UNCRC) highlights the importance for children to feel safe, secure, and heard as a vulnerable sector of society. As an organisation trusted with the care of children, Happy Haven OSHC upholds the standards mentioned in the UNCRC to our best abilities. Happy Haven OSHC 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. Within our services children have their needs heard, views considered, and taken to have an innate need for love, attachment, self-esteem, and a need to achieve their full potential. Child protection is upheld through a robust hiring process ensuring all staff and educators interacting with children possess the required qualifications, clearances and knowledge of the regulations in relation to child protection. All education and child development staff are considered mandated notifiers under the *Children and Young People (Safety Act) 2017*. Happy Haven OSHC acknowledges that some children within our care may have suffered trauma and uphold the Charter of Rights for Children and Young People in care.

NATIONAL QUALITY FRAMEWORK (NQF)

QUALITY AREA 2: Children's health and safety		
2.2	Safety	Each child is protected.
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.
2.2.3	Child safety and protection	Management, educators and staff are aware of their roles and responsibilities regarding child safety, including the need to identify and respond to every child at risk of abuse or neglect.

QUALITY AREA 5: Relationships with children		
5.1	Relationships between educators and children	Respectful and equitable relationships are maintained with each child.
5.1.1	Positive educators to child interactions	Responsive and meaningful interactions build trusting relationships which engage and support each child to feel secure, confident and included.
5.1.2	Dignity and rights of the child	The dignity and rights of every child are maintained.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS/LAWS	
82	Tobacco, drug and alcohol-free environments
84	Awareness of child protection law
99	Children leaving the education and care premises
155	Interactions with children
166	Children not be alone with visitors
168	Education and care services must have policies and procedures
175	Prescribed information to be notified to Regulatory Authority
176	Time to notify certain information to Regulatory Authority
S162 (A)	Persons in day-to-day charge and nominated supervisors to have child protection training
s165	Offence to inadequately supervise children
s166	Offence to use inappropriate discipline
s167	Offence relating to protection of children from harm and hazard
s170	Offence relating to unauthorised persons on education and care service premises
s171	Offence relating to direction to exclude inappropriate persons from education and care service premises

RELATED CONVENTIONS AND LEGISLATION

[Children and Young People \(Safety\) Act 2017](#)

[Child Safety \(Prohibited Person\) Act 2016](#)[Family Law Act 1975](#)

[UN Convention on the Rights of the Child](#)

[Statutes Amendment \(Child Sexual Abuse\) Act 2021](#)

PURPOSE

The Children and Young People (Safety) Act 2017 defines harm as 'harm caused by sexual, physical, mental or emotional abuse and neglect'. Happy Haven OSHC prioritise the safety of children within our care and have policies and procedures to prevent the exposure of harm to children. All employees at Happy Haven OSHC possess a Working with Children Check which is a legal requirement for child related employment as outlined in the Child Safety (Prohibited Persons) Act 2016. Happy Haven OSHC acknowledges the importance of Safe and Supported: [The National Framework for Protecting Australia's Children 2021-2031](#). We recognise that children have a right to feel safe and supported within our services and aim to meet some of the principles in the framework.

SCOPE

This policy applies to visitors, volunteers, staff, children, families, educators, Nominated Supervisors and the Senior Leadership Team of Happy Haven OSHC.

IMPLEMENTATION

Under the Education and Care Services National Regulations, Happy Haven OSHC must ensure that policies and procedures are in place for providing a child-safe environment and take reasonable steps to ensure those policies and procedures are followed. (Regulation 168, Regulation 170). Happy Haven OSHC has a focus on keeping children away from harm and hazard. This is upheld in the recruiting process, and commitment to ensuring all requirements of child protection awareness and training are met within our service.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Happy Haven OSHC will act in the best interest of each child, assisting them to develop to their full potential in a secure and child safe environment.

WHAT IS CHILD ABUSE

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological, or emotional health or development. Child abuse can be a single incident or can be a number of different incidents that take place over time.

The abuse may be:

- Physical
- Sexual
- Emotional
- Neglectful

There is a legal obligation for mandated notifiers to notify the Department for Child Protection of all suspected cases of child abuse and neglect within our professional context. Staff also have an ethical responsibility to report experiences outside of their professional context

INDICATORS OF ABUSE

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Behavioural or physical signs which assist in recognising harm to children are known as indicators. The following is a guide only. One indicator on its own may not imply abuse or neglect, however, a single indicator can be as important as the presence of several indicators. Each indicator needs to be deliberated in the perspective of other indicators and the child's circumstances. A child's behaviour is likely to be affected if he/she is under stress. There can be many causes of stress and it is important to find out specifically what is causing the stress. Abuse and neglect can be a single incident or ongoing and may be intentional or unintentional.

General indicators of abuse and neglect may include:

- Marked delay between injury and seeking medical assistance
- History of injury
- The child gives some indication that the injury did not occur as stated
- The child tells you someone has hurt him/her
- The child tells you about someone he/she knows who has been hurt
- Someone (relative, friend, acquaintance, and sibling) tells you that the child may have been abused.

PHYSICAL ABUSE

Physical abuse is when a child has suffered, or is at risk of suffering, non-accidental trauma or injury, caused by a parent, caregiver or other person. Educators will be particularly aware of looking for possible physical abuse if parents or caregivers:

- Make direct admissions about fear of hurting their children
- Have a family history of violence
- Have a history of their own maltreatment as a child
- Make repeated visits for medical assistance.

Indicators of Physical Abuse:

- Bruises in unlikely places (face, back, ears, hands, buttocks, upper thighs and soft parts of the body)
- Inconsistent or absent explanation of bruises
- Any bruising on a baby
- Pressure marks from fingers on the face, chest or back
- Weal, ligature or bite marks
- Skull fracture, subdural bleeding, multiple fractures of different ages
- Suspicious burns
- Poisoning or significant over medicating

SEXUAL ABUSE

Sexual abuse is when someone involves a child in a sexual activity by using their authority over them or takes advantage of their trust. Children are often bribed or threatened physically and psychologically to make them participate in the activity. Sexual abuse includes:

- Exposing the child to the sexual behaviour of others
- Coercing the child to engage in sexual behaviour with other children or adults
- Verbal threats of sexual abuse
- Exposing the child to pornography.

Indicators of Sexual Abuse

- Genital injuries
- Bite marks
- Sexually transmitted diseases
- Persistent soiling or bed wetting
- Sleep disturbance
- Inappropriate sexual behaviour based on the child's age
- Promiscuous affection seeking behaviour
- Excessive masturbation which does not respond to boundaries or discipline
- Obsessive and compulsive washing
- Wary of physical contact with others
- Unusually fearful of having their nappy changed.

EMOTIONAL ABUSE

Emotional abuse occurs where the behaviour of the parent or caregiver damages the confidence and self-esteem of the child, resulting in serious emotional deficiency or trauma. In general, it is the frequency and duration of this behaviour that causes harm. Some examples are:

- Constant or excessive criticism, condescending, teasing of a child or ignoring or withholding admiration and affection
- Excessive or unreasonable demands
- Persistent hostility, severe verbal abuse, and rejection
- Belief that a specific child is bad or 'evil'
- Using inappropriate physical or social isolation as punishment
- Exposure to domestic violence
- Intimidating or threatening behaviour.

Indicators of emotional abuse:

- Running away from or avoiding home (particularly if the abuser is in the family home)
- Fear of the dark, or not wanting to go to bed, bedwetting or nightmares
- Lying or stealing
- Lack of trust in adults
- Poor self-image/self-esteem
- Secretive, demanding or disruptive behaviour.

NEGLECT

Child neglect is the continuous failure by a parent or caregiver to provide a child with the basic requirements needed for their growth and development, such as food, clothing, shelter, medical and dental care, and adequate supervision. Some examples are:

- Inability to respond emotionally to the child
- Child abandonment
- Depriving or withholding physical contact
- Failure to provide psychological nurturing
- Treating one child differently to the others.

Indicators of Neglect in children:

- Failure to thrive
- Developmental delay
- Prone to illness
- Sallow or sickly appearance
- Abnormally high appetite, stealing or hoarding food
- Smelly or dirty appearance
- Untreated medical conditions.

WORKING WITH CHILDREN CHECK

A Working with Children Check (WWCC) is a legal requirement for people working or volunteering with children in South Australia. The Department of Human Services (DHS) screening unit will maintain current information on a person's check, reassessing if there is new information that they may pose a risk to children's safety. A WWCC assesses whether a person poses an unacceptable risk to children (Department of Human Services SA, 2021). This assessment will look at criminal history, child protection information and other relevant factors to be considered in the employment of a person. A WWCC lasts for 5 years and must be renewed prior to expiration to continue working with children. It is a criminal offence to work without a WWCC when working with children as outlined in section 15 the Child Safety (Prohibited Persons) Act 2016.

It is the duty of the individual to ensure that their WWCC is current in accordance with section 18 of the Child Safety (Prohibited Persons) Act 2016. Happy Haven OSHC will also ensure that an update on WWCC is conducted every five years to avoid working whilst under an expired WWCC. The Human Resources team (HR) are responsible for the periodic review and maintenance of up-to-date records of employee's WWCCs.

RESPONDING TO ABUSE AND NEGLECT – EDUCATION AND CARE

The Department of Education requires those who work or volunteer in education do mandatory reporting training. The training that is required is called Responding to Abuse and Neglect- Education and Care (RRHAN-EC). If an employee has completed the Department of Human Services [‘Safe Environments – through their eyes training’](#) in the last three years they are only required to complete the fundamentals course of the training. All new employees must provide proof of their completion of the masterclass or alternatively for those who already have a RRHAN-EC check that this is updated with the fundamentals course.

MANDATORY REPORTING

Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglected to government authorities. A mandated notifier is required by law to notify the CARL if they suspect on reasonable grounds that a child or young person is, or may be, at risk of harm. All employees at Happy Haven OSHC are classed as mandatory reporters outlined in section 30 of the *Children and Young People (Safely) Act 2017*. A mandated notifier is required by law to notify the Department for Child Protection if they suspect on reasonable grounds that a child or young person is, or may be, at risk of harm (Department of Child Protection SA, 2022). An educator does **not** need to prove that the harm has occurred or investigate if they possess a suspicion on reasonable grounds.

Reasonable grounds are outlined as follows by the Department of Child Protection SA:

- When your own observations of a particular child's behaviour and/or injuries lead you to suspect a child is, or may be, at risk of harm
- When a child tells you they have been harmed
- A child telling you they know that they know of someone who has been harmed (they may possibly be referring to themselves)

- When your own observations about the behaviour of the child, or their adult caregiver, give you cause to suspect that a child is being, or is at risk of being harmed
- When you hear about it from someone who is able to provide reliable information, perhaps a relative or friend, neighbour or sibling of a child who is at risk

More information can be found on the [Mandatory Reporting Guide](#). The Mandatory Reporting Guide (MRG) is intended to assist mandatory reporters when they are concerned that a Child or Young Person is, or may be, at risk and must decide whether or not to report their concerns to the Department via CARL.

The decision about whether to report is not an easy one, and the consequences of the decision are considerable. The MRG aims to do the following:

1. Assist mandatory reporters in becoming familiar with the reporting threshold and the provision of detailed, high-quality reports
2. Help eliminate time spent on reporting and responding to matters that do not meet the threshold for mandatory reporting.

DUTY OF CARE

Mandatory notifiers have a duty of care that extends beyond a report to the CARL. The needs of a child and their family may be supported through support services who can offer assistance to provide additional support, health services and counselling to families.

According to the *Children and Young People (Safety) Act 2017*, mandated notifiers (including people employed in children's services and unpaid managers of these services) must make reports if they suspect on reasonable grounds a child or young person is, or maybe, at risk of harm.

CHILD ABUSE REPORTLINE (CARL)

When an employee has a suspicion that a child is experiencing child abuse or neglect, they are to make a report to the CARL on 131 478. All serious concerns should be reported straight to the report line, however other concerns can be reported to the online reporting system.

The Department of Education list examples of serious concerns as when you suspect a child is in immediate danger of:

- Serious harm
- Serious injury
- Chronic neglect
- Or when a child is in care of the department, and you suspect they are being abused or neglected.

eCARL - ONLINE REPORTING SYSTEM

eCARL may be used for reports of less serious concerns regarding child abuse or neglect. eCARL is an online reporting system www.reportchildabuse.families.sa.gov.au.

A [concerns checklist](#) may be completed to record information related directly to the report of child abuse. The concerns checklist covers the following questions: observations of neglect, details regarding non-attendance of school for compulsory-age children, contact with the child's case worker if applicable, Aboriginal or Torres Strait Islander identity, disability status, culturally and linguistically diverse backgrounds, young people 'at risk' behaviours, discussions with other professionals and documentation of concerns.

When making a report please utilise the [notification checklist](#) to ensure that you have the relevant information prepared prior to making the report whether through the phonenumber or online.

Information required when making a notification include:

- Child's name, age, date of birth, address
- Description of injury, abuse and/or neglect (current and previous)
- The child's current situation
- The location of the child, parent or caregiver and alleged perpetrator
- When and how did you find out about the abuse
- If the child is Indigenous, you should also provide the group of the child, if known.

Information regarding the concern:

- What has the child disclosed: what did he/she say and what was his/her emotional presentation?
- Who saw or heard what and when?
- Size and location of injuries, if any, with descriptions of bruising (colour appearance)
- Has the child been seen by a doctor? If so, provide the name and contact number.
- Has the matter been reported to police?
- Who else is aware of the concern?
- Are the caregivers protective?
- Describe any caregiver's behaviour that is of concern, including how often and how severe
- Describe any behaviour by the child that is of concern, including how often it occurs.

For further information surrounding reporting abuse and neglect please see [Report Child Abuse](#) to understand the details that are required in making a report and instances when to not make a report.

ROLES AND RESPONSIBILITIES

At all times, volunteers, employees, nominated supervisors and senior leadership will treat children with the utmost respect and understanding. Happy Haven OSHC believes that:

- Children are capable of the same range of emotions as adults
- Children's emotions are real and need to be accepted by adults
- A reaction given to a child from an adult in a child's early stages of emotional development can be positive or detrimental depending on the adult's behaviour
- Children who enhance their understanding of their body's response to a situation are more able to predict the outcome and ask for help or evade a negative situation.

THE APPROVED PROVIDER WILL:

- Happy Haven OSHC and any responsible person in day-to-day charge of the service successfully completed their RRHAN course with any relevant refresher
- All educators', staff, and volunteers' Working with Children Checks are verified
- All employees and volunteers are:
 - Provided with a copy of the current Child Protection and Child Safe Environment Policies as part of the induction process at the Service
 - Aware of their mandatory reporting obligations and responsibilities to report suspected risk of harm to the SA Child abuse report line (CARL) 13 14 78
- Aware of indicators showing a child may be at risk of harm or significant risk of harm.
- Educators are provided with a reporting procedure and professional standards to safeguard children and protect the integrity of educators, staff and volunteers
- Educators are provided with upskilling and ongoing supervision to ensure they understand that child safety is everyone's responsibility, and they adhere to the Child Safe Standards
- Access is provided to all staff regarding relevant legislation, regulations, standards and other resources to help educators, staff, and volunteers meet their obligations
- Records of abuse or suspected abuse are kept in line with our Privacy and Confidentiality Policy
- Notify the regulatory authority through the NQA-ITS (within 24 hours) of any incident where it is reasonably believed that physical and/or sexual abuse of a child has occurred or is occurring while the child is being educated and cared for by Happy Haven OSHC
- To notify the regulatory authority through the NQA-ITS (within 24 hours) of any allegation that sexual or physical abuse of a child has occurred or is occurring while the child is being educated and cared for by Happy Haven OSHC.

EDUCATORS WILL ENSURE THAT:

- All children regardless of age, sex, race or cultural group
- Maintain confidentiality
- Contact the police on 000 if there is an immediate danger to a child and intervene if it is safe to do so.
- Be able to recognise indicators of abuse
- Respect what a child discloses, taking it seriously and following up on their concerns through the appropriate channels
- Comprehend their obligations as mandatory reporters and their requirement to report any situation where they believe, on reasonable grounds, that a child is at risk of significant harm to the Child Abuse Report Line 13 14 78 (available 24 hours/7 days a week).
- Refer families to appropriate agencies where concerns of harm do not meet the threshold of significant harm
- Promote the welfare, safety, and wellbeing of children at the Service
- Maintain a mature and professional relationship with the children at Happy Haven OSHC, ensuring to maintain respectful boundaries
- Allow children to be part of decision-making processes where appropriate
- Prepare accurate records recording exactly what happened, conversations that took place and what was observed to pass on to the relevant authorities to assist with any investigation
- Understand that allegations of abuse or suspected abuse against them are treated in the same way as allegations of abuse against other people.
- NOT investigate suspicion of abuse or neglect but collect only enough information to substantiate concerns and pass on to the Child Abuse Report Line or appropriate authority.

DOCUMENTING A SUSPICION OF HARM

If educators have concerns about the safety of a child, they will use the Child Protection notification checklist to record required information before phoning the Child Abuse Report Line, educators will:

- Record their concerns in a non-judgmental and accurate manner as soon as possible
- Record their 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 investigation
- Document as soon as possible so the details are accurate including:
 - Child's name, age, date of birth, address
 - Description of injury, abuse and/or neglect (current and previous)
 - The child's current situation
 - Cultural background and considerations
 - The location of the child, parent or caregiver and alleged perpetrator
 - When and how did you find out about the abuse

DOCUMENTING A DISCLOSURE

A disclosure of harm emerges when someone, including a child, tells you about harm that has happened or is likely to happen. When a child discloses that they have been abused, it is an opportunity for an adult to provide immediate support and comfort and to assist in protecting the child from the abuse. It is also a chance to help the child connect to professional services that can keep them safe, provide support and facilitate their recovery from trauma. Disclosure is about seeking support and your response can have a great impact on the child or young person's ability to seek further help and recover from the trauma.

When receiving a disclosure of harm, the educator will:

- Remain calm and find a private place to talk
- Not promise to keep a secret
- Tell the child/person they have done the right thing in revealing the information but that they'll need to tell someone who can help keep the child safe
- Only ask enough questions to confirm the need to report the matter because probing questions could cause distress, confusion and interfere with any later enquiries
- Not attempt to conduct their own investigation or mediate an outcome between the parties involved.
- Remember the child may be experiencing a crisis
- Listen carefully
- Control their facial expressions
- Take what the child says seriously
- Use the child's own vocabulary
- Tell the child, you will do your best to support them but do not make promises you may not be able to keep
- Explain that you need to tell someone who can help them.
- Document as soon as possible so the details are accurately captured including:
 - Time, date and place of the disclosure
 - 'Word for word' what happened and what was said, including anything they said and any actions that have been taken
 - Date of report and signature.

CONFIDENTIALITY

It is important that any notification remains confidential, as it is vitally important to remember that no confirmation of any allegation can be made until the matter is investigated. The individual who makes the notification should not inform the suspected perpetrator (if known). This ensures the matter can be investigated without contamination of evidence or pre-rehearsed statements. It also minimises the risk of retaliation on the child for disclosing.

SHARING OF INFORMATION

The *Children and Young People (Safety) Act 2017* Act allows information to be shared with certain persons or bodies to perform functions related to providing services and support to children, when the information relates to health, safety or wellbeing of children and young people, or if it is necessary to manage risks to children and young people.

The Information sharing and confidentiality practice guide supports staff to:

- Share information and collaborate with others to promote the safety and wellbeing of children, young people, families and carers
- Know when information must be shared, may be shared or should not be shared
- Understand the interconnection between the Children and Young People (Safety) Act 2017 and the Information Sharing Guidelines for Promoting Safety and Wellbeing (ISG) and how they provide a strong framework for appropriate information sharing
- Understand the process and decision-making steps that must be followed when sharing information; and
- Ensure children and young people's right to safety is paramount in decisions to share information and is not overridden by other considerations such as privacy or confidentiality.

PROTECTION FOR REPORTERS

All reporters are protected against retribution for making or proposing to make a report under section 163 of the *Children and Young People (Safety) Act 2017*.

A mandatory notifier's identity will not be disclosed unless:

- Is made with the consent of the person who gave the notification, or
- Is required or authorised by the Chief Executive or under the Act, or
- Is made by way of evidence and the court or tribunal is satisfied the disclosure is of critical importance in the proceedings and failure to admit it would prejudice the proper administration of justice
- Is reasonably necessary for the performance of the person's official functions and duties, or the functions and duties of a state authority relating to the protection of children and young people from harm, or
- Is reasonably necessary to prevent harm, or further harm, being caused to a child or young person to whom the information relates.

BREACH OF CHILD PROTECTION POLICY

All educators and staff working with children have a duty of care to support and protect children. A duty of care is breached if a person:

- Does something that a reasonable person in that person's position would not do in a particular situation
- Fails to do something that a reasonable person in that person's position would do in the circumstances
- Acts or fails to act in a way that causes harm to someone the person owes a duty of care.

MANAGING A BREACH IN CHILD PROTECTION POLICY

Management will investigate the breaches in a fair, unbiased and supportive manner by:

- Discussing the breach with all people concerned and advising all parties of the process
- Giving the educator/staff member the opportunity to provide their version of events
- Documenting the details of the breach, including the versions of all parties
- Recording the outcome clearly and without bias
- Ensuring the matters in relation to the breach are kept confidential
- Reach a decision based on discussion and consideration of all evidence.

OUTCOME OF A BREACH IN CHILD PROTECTION POLICY

Depending on the nature of the breach outcomes may include:

- Emphasising the relevant element of the child protection policy and procedure
- Providing closer supervision
- Further education and training
- Providing mediation between those involved in the incident (where appropriate)
- Disciplinary procedures if required
- Reviewing current policies and procedures and developing new policies and procedures if necessary.

EDUCATING CHILDREN ABOUT PROTECTIVE BEHAVIOUR

Our program will educate children:

- About acceptable and unacceptable behaviour, and what is appropriate and inappropriate contact at an age-appropriate level and understanding
- About their right to feel safe at all times
- To say 'no' to anything that makes them feel unsafe or uncomfortable
- About how to use their own knowledge and understanding to feel safe
- To identify feelings that they do not feel safe
- The difference between 'good' and 'bad' secrets
- That there is no secret or story that cannot be shared with someone they trust
- That educators are available for them if they have any concerns
- To tell educators of any suspicious activities or people
- To recognise and express their feelings verbally and non-verbally
- That they can choose to change the way they are feeling.

SOURCES

Australian Children's Education & Care Quality Authority.

Child Safety (Prohibited Persons) Act SA 2016. Children and Young People (Safety) Act SA 2017.

Department for Child Protection, South Australia (2022). Mandated notifiers and their role

Department for Child Protection, South Australia (2022). Report child abuse or neglect

Department for Education, South Australia (2022). Responding to Risks of Harm, Abuse and Neglect (RRHAN-EC)

Guide to the Education and Care Services National Law and the Education and Care Services National Regulations. (2017).

Guide to the National Quality Framework.

Legal Services Commission South Australia (2022). Protection of children and young people

Office of the Guardian for Children and Young People (2022). Charter of Rights

United Nations Convention of the Rights of the Child

REVIEW

POLICY REVIEWED	PREVIOUS MODIFICATIONS	NEXT REVIEW DATE
SEPTEMBER 2022	<ul style="list-style-type: none"> •New policy created; information taken from Childcare Desktop SA Child Protection Policy 	SEPTEMBER 2023
JANUARY 2026	<ul style="list-style-type: none"> •Updated redundant and outdated language and terminology •Reformatted document •Updated to include NQF changes 	JANUARY 2027