

Supporting Documents

Child Protection Procedure - Risk of Harm
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Probity Check Procedure

Policy Statement

It is Northcott's policy that children and young people have a fundamental right to be safe from harm and to grow up free of abuse, neglect, violence and exploitation. They have a right to develop physically, intellectually, emotionally and socially in conditions of freedom and dignity. Child protection requires a commitment from all levels of the community to ensure that children and young people are safe from harm. This includes a commitment to practices that minimise risks and the ability to respond appropriately to incidents where children are at risk of harm.

Northcott is committed to the safety, wellbeing and welfare of children and young people. This must be the primary consideration and focus when making child protection decisions. The organisation supports a prevention and early intervention approach to child abuse and neglect and supporting children and young people and their families.

Significant changes were proposed to the Child Protection system in NSW in response to the Special Commission of Enquiry conducted by James Wood AO QC during 2008. These changes have been implemented under a policy directive called *Keep Them Safe: a shared approach to child wellbeing*. Northcott is committed to the continued implementation of contemporary child protection practice and ongoing evaluation.

Whilst child protection processes differ from state to state within Australia, the principles of this policy underpin all Northcott Child Protection Procedures. Northcott Child Protection Procedures deal primarily with processes in NSW, with specific reference to ACT processes where they differ.

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This policy applies to all Northcott employees; employees include agency staff, paid workers and volunteers as defined in Appendix 1. All Northcott employees have a duty to take reasonable care to protect children and young people against risk of harm.

Principles

- Child protection is a responsibility of the whole community and one specifically shared by government and non-government agencies which provide any form of care for children, young people and their families or come into contact with them in the course of their work.
- No single agency has all the knowledge, skills or authority to safeguard a child or young person from abuse or neglect and to prosecute an alleged offender. Child protection requires the best expertise and resources available and this is only achieved by coordination. It is the task of agencies to coordinate their efforts to achieve a good outcome for the child and young person.
- In child protection the emphasis is on the child, young person or family receiving a service so that the child or young person is safe. The needs and rights of the child are prioritized over the rights of the parents in child protection matters.
- Organisations working with children are most effective when they are able to create a trusting environment that values, respects and welcomes children and young people. This means children and young people feel confident to raise any problem or concern and know they will be listened to.
- Northcott adheres to the legislative requirement to report allegations of reportable incidents in supported group accommodation, centre based respite and camps to the NSW Ombudsman.
- Northcott will investigate any allegations of reportable conduct relating to a Northcott employee; refer to required statutory bodies and to take appropriate action.
- Northcott complies with requirements for the NSW Working With Children Check, ACT Working with Vulnerable People Check and Criminal Record Check and any additional probity checks for prospective employees, e.g. Prohibited Persons statement in child related employment advertising. Northcott carries out these checks for staff working in both NSW and the ACT.

Equity and Access Considerations

Northcott is committed to ensuring fair and equal access to physical environments, information, communication and services. For the communication and implementation of this policy, this may include the use of augmentative and alternative communication methods to supplement or replace speech or writing for those with impairments in the production or comprehension of spoken or written language.

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These methods include the display of text, large print, tactile communication, easy English, accessible multimedia and accessible information and communications technology.

Cultural Diversity

The effects of previous government policies involving forced child removal are still evident in Aboriginal and Torres Strait Islander communities today. Therefore, a culturally sensitive approach should be taken when speaking with an Aboriginal or Torres Strait Islander child about allegations or concerns of abuse or neglect.

Staff are to ensure that services are provided to children, young people and their families with sensitivity to, and awareness of, children with culturally diverse or indigenous backgrounds, and cultural practices. This is to be carried out without deviating from the Northcott child protection policy or legislative responsibilities.

Responsibility

- The **Chief Executive Officer** is responsible for the final review and approval of this policy
- The **General Manager Operations Support and Specialist Services** is responsible for maintaining this policy, its related procedures and associated documents.
- All **Employees** are responsible for:
 - Creating a safe environment for children and young people who receive services from Northcott.
 - Reporting children and young people suspected to be at risk of significant harm to the Department of Family and Community Services, Community Services (for children residing in NSW)
 - Reporting children and young people to Care and Protection Services where suspicion is held on 'reasonable grounds' that a child or young person is experiencing abuse or neglect (for children residing in ACT)
 - Reporting to supervisor and Police where an employee becomes aware that a serious crime has been committed. It is an offence for any person to conceal a serious indictable criminal offence. e.g. child sexual assault.
 - Providing support and referral for children and their families who are deemed to be at risk of harm but who do not meet the threshold for reporting for statutory intervention.

- The **General Manager People and Culture** is responsible for providing training and development for staff in the recognition and reporting of suspected risk of harm and in the implementation of child protection policy and procedures.

Definitions

See Appendix 1

Legislation & Standards Compliance

- NSW Children and Young Persons (Care and Protection) Act 1998
- NSW Children and Young Persons (Working With Children) Act 2012
- ACT Children and Young People Act 2008
- NSW Disability Inclusion Act 2014
- ACT Human Rights Act 2004
- NSW Crimes Act 1900
- NSW Child Protection Legislation Amendment (Children's Guardian) Act 2013
- NSW Ombudsman Act 1974
- NSW Protected Disclosures Act 1994
- NSW Child Protection (Prohibited Employment) Act 1998

Review and Evaluation of Policy

This policy will be reviewed within the framework of Northcott's quality assurance and continuous improvement process. Process performance and policy effectiveness will be measured against Northcott's standards, objectives, and practices as part of a scheduled review of the policy and related documents based on the level of risk to clients and the organisation.

Policies and related documentation will be evaluated based on whether they are meeting the overarching standards of the organisation in regards to quality, best practice, consistency, efficiency and effectiveness affecting service provision and organisational capacity.

Related References

KTS website: <http://www.keepthemsafe.nsw.gov.au/>

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Commission for Children & Young People: <http://www.kids.nsw.gov.au/>

Office of the Children's Guardian: <http://www.kidsguardian.nsw.gov.au/>

Child Protection Guidelines: What ADHC staff need to know about child protection. May 2014

http://www.adhc.nsw.gov.au/_data/assets/file/0019/232732/ADHC_Child_Protection_Guidelines.pdf

ACT Guide to reporting child abuse and neglect. November 2014.

http://www.communityservices.act.gov.au/_data/assets/pdf_file/0017/5660/Keeping-Children-and-Young-People-Safe.pdf

Guide for services: Reportable incidents in disability supported group accommodation' (NSW

Ombudsman) 'https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0014/20534/Guide-for-services-Reportable-incident-in-disability-supported-group-accommodation.pdf



Authorised by:

Kerry Stubbs, Chief Executive Officer

Document Details and History

Version	Date	Author	Reason for Change
0.1	Sept 2010	Client Services	
0.2	Dec 2012	Client Services	
0.3	April 2014	Client Services	Update information re OCG and Standards, cultural considerations, remove references to out-of-date information
0.4	March 2016	Billie Preston	Addition of Grooming definition. Changes as per consultant recommendations

APPENDIX 1: DEFINITIONS

Assault is any act carried out intentionally or recklessly which causes another person to apprehend immediate and unlawful violence. The act must be hostile. An assault can be reckless with foresight of the likelihood of inflicting injury.

Child For the purposes of the Child Protection (prohibited employment) Act refers to a person under the age of 18 years. In relation to the Children and Young Person's (Care and Protection) Act; a child is a person who is under 16 years and a young person who is aged 16 or 17 years.

In the A.C.T a child is a person who is under 12 years old and a young person is aged 12 – 18 years

Child Abuse is defined as different types of maltreatment inflicted on a child or young person. It includes assault (including sexual assault), ill treatment, neglect and exposing the child or young person to behaviour that might cause psychological harm (NSW Interagency Guidelines).

Child Protection Helpline refers to the NSW Community Services Child Protection Helpline, where reports of suspected Risk Of Significant Harm (ROSH) are made.

Child Wellbeing Units (CWUs) have been established within the four NSW Government agencies that make the most mandatory reports to Community Services (NSW Health, NSW Police Force, Department of Education and Training and the Department of Human Services, encompassing Housing, Ageing Disability and Home Care and Juvenile Justice).

Child Wellbeing Units (CWUs) support mandatory reporters from their relevant Departments to better respond to concerns relating to the safety, welfare and wellbeing of children and young people. The primary role of CWU is to provide consultation and advice in applying the Mandatory Reporter Guide and assist the reporter to plan referral(s) to appropriate services.

All calls to a CWU will be recorded on the centralised database (WellNet), accessible by all CWUs and Community Services. Single reports made to the CWU may ultimately result in cumulative Risk Of Significant Harm (ROSH).

Note: Non-Government Organisations do not have access to a Child Wellbeing Unit.

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Community Services refers to NSW Department of Family and Community Services, Community Services (previously known as Department of Community Services or DoCS). Community Services is the agency with statutory responsibility for the care and protection of children and young people

Designated agency under the *Children and Young Persons (Care and Protection) Act 1998* is defined as an agency accredited, consistent with the regulations, to provide out-of-home-care.

Domestic violence is violence, abuse and intimidating behaviour that one person uses against another person when they are in a personal, intimate relationship. It is partnership violence that includes violence perpetrated when couples are separated or divorced. Domestic violence occurs between two people where one has power over the other causing fear, physical and/or psychological harm. Children and young people may experience harm by being in the presence of or by being exposed to violence in the parental relationship, by becoming victims of violence or a combination of the two. Exposure to domestic violence includes: letting children near violence, letting children see violence, letting children witness the results of violence.

Employee is any person employed by Northcott, whether or not they are employed to work directly with children, as well as anyone from outside the agency who is engaged to provide services to children such as contractors, foster carers, volunteers, students on placement, instructors of religion.

Family Case Management (FCM) arises from the Special Commission of Inquiry's recommendations. It is an integrated case management response to families that are "frequently encountered" by a number of Government and Non-Government agencies, who show little or no improvement in their situation. FCM aims to reduce the risk of harm to children and young people and strengthen overall family functioning. FCM will rely on local groups of senior managers from Government agencies (human services and justice areas) and local Non-Government Organisations.

Family Referral Services (FRS) arise from the Special Commission of Inquiry's recommendations about the need for appropriate responses for families who fall below the threshold for statutory intervention, but who could benefit from services to address current concerns with the aim to prevent escalation to statutory intervention. Family Referral Services (FRS) are available to Government organisations and NGOs and also accepts self-referral.

Grooming is a pattern and/or range of behaviour aimed at engagement and the involvement of any child in sexual acts or for an inappropriate sexual purpose.

Grooming behaviour towards a child and grooming behaviour towards an adult client by an employee or volunteer are misconduct. Northcott has a zero tolerance policy for grooming behaviour towards clients.

Grooming of any child is also a criminal offence. Grooming or procuring a child under the age of 16 years for unlawful sexual activity is a sexual offence. Schedule 1(2) of the *Child Protection (Working With Children) Act* also recognises grooming of a child as a form of sexual misconduct that is 'reportable conduct' (to NSW Ombudsman). Refer to Northcott Child Protection policies and procedures for response requirements.

Behaviour is seen as 'grooming' where there is a pattern of conduct that is consistent with grooming the alleged victim for sexual activity, and that there is no other reasonable explanation for it. The types of behaviours that may lead to such a conclusion include (but are not limited to) the following:

- Persuading a child or group of children or adult client that they have a 'special' relationship, for example by:
 - spending inappropriate special time with a child or adult client
 - inappropriately giving gifts
 - inappropriately showing special favours to them but not others
 - inappropriately allowing the child to overstep rules
 - asking the child or adult client to keep this relationship to themselves.
- Testing boundaries, for example by:
 - undressing in front of a child or adult client
 - encouraging inappropriate physical contact (even where it is not overtly sexual)
 - talking about sex (excluding approved sex education and support program delivered with appropriate consent) ; sexualised talk towards a child or adult client
 - 'accidental' intimate touching. (This is different to respectful personal care support)
- Inappropriately extending a relationship outside of work (except where it may be appropriate - for example where there was a pre-existing friendship with the child's/client's family or as part of normal social interactions in the community).

- Inappropriate personal communication (including emails, telephone calls, text messaging, social media and web forums) that explores sexual feelings or intimate personal feelings with a child or adult client.

An adult requesting that a child or adult client keep any aspect of their relationship secret or using tactics to keep any aspect of the relationship secret, would generally increase the likelihood that grooming is occurring.

Homelessness as defined by Community Services in relation to children and young people within the child protection framework, is where a child or young person is living without any family support and/or has no accommodation, emergency, refuge or crisis accommodation or other supported accommodation.

Employees of Northcott must report any child that they suspect or know is homeless.

Human Service Network- HSNet- Service Link is a free, secure website for staff working in the NSW human services sector. It provides a central location for sharing information across Government and Non-Government agencies. Members of HSNet have access to Servicelink, an online directory of over 67,000 Human Services in NSW.

Joint Investigation Response Team (JIRT) involves NSW Police, Community Services and Health as equal partners. Joint investigation occurs when a report of child abuse may constitute a criminal offence. JIRT links the Risk Of Significant Harm assessment and protective interventions of Community Services with the criminal investigation of Police and the medical and therapeutic services of NSW Health.

Mandatory Reporters are defined under s.27 of the *Children and Young Persons (Care and Protection) Act (1998)*, these are categories of staff that have a special responsibility to report concerns that a child may be at suspected Risk Of Significant Harm (ROSH). Mandatory reporters are those who deliver the following services wholly or partly to children as part of their paid or professional work:

- Health care (e.g. doctors, nurses, dentists and other health workers)
- Welfare (e.g. psychologists, social workers and youth workers)
- Education (e.g. teachers)
- Children's services (e.g. child care workers, family day carers and home based carers)
- Residential services (e.g. refuge workers)
- Law enforcement (e.g. police).

Supervisors, including both paid employees and volunteers, who supervise those, whether paid employees or volunteers, providing direct services to children and young people are also mandated to report risk of significant harm. Should you have any questions regarding whether or not you are mandatory reporter, please contact your supervisor.

Mandatory Reporter Guide (MRG) is an online interactive guide developed by the US based Children's Research Centre, in consultation with Government and NGO's in NSW. It was developed to assist mandatory reporters, who have concerns about possible abuse or neglect of a child or young person, to make a decision about whether or not to report their concerns to the Child Protection Helpline, consult their Child Wellbeing Unit, and/or seek assistance from other services. Whilst it does not replace professional judgment, it aims to complement and support mandatory reporters at each key decision point, using the best available evidence to guide these decisions. The MRG is available as an interactive online guide and in a hard copy format.

Neglect is the continued failure by a parent or caregiver to provide the basic necessities of life needed for the child's proper growth and development such as food, clothing, shelter, medical and /or mental health and dental care, education and adequate supervision.

Physical Abuse is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation. Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punish a child (in a non-trivial way) is a crime.

Prescribed body is any organisation specified in section 248 (6), *Children and Young Persons (Care and Protection) Act (1998)* or in clause 7, *Children and Young Persons (Care and Protection) Regulation (2000)*. 'Prescribed bodies' under the legislation are:

- NSW Police
- A government department or a public authority
- A government school or a registered non-government school or a TAFE
- A public health organisation or a private hospital
- A private fostering agency or a private adoption agency

- Agencies that provide residential child care centre or a child care service under the Act
- Any other organisations that have direct responsibility for, or supervision of, the provision of healthcare, welfare, education, children's services, residential services, or law enforcement, to children.
- The Family Court of Australia (for the purposes of section 248 but not Chapter 16A)
- Centrelink (for the purposes of section 248 but not Chapter 16A)
- The Commonwealth Department of Immigration and Multicultural and Aboriginal Affairs (for the purposes of section 248 but not Chapter 16A).

Psychological harm can occur where the behaviour of a parent or caregiver of the child or young person damages their confidence and self-esteem, resulting in serious emotional deprivation or trauma.

Although it is possible for 'one-off' incidents to cause serious harm; in general, it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child. This can include a range of behaviours such as excessive criticism, withholding affection, not showing love or warmth or attention to a child, yelling at and/or picking on a child(ren), being emotionally unavailable to a child(ren), exposure to domestic violence, intimidation or threatening behaviour.

Reasonable grounds (relevant for A.C.T. only)

The following are examples of situations when you might form a 'belief on reasonable grounds' that a child or young person has experienced sexual abuse or non-accidental physical injury in the A.C.T. only:

- a child or young person tells you that he or she has experienced or is experiencing sexual abuse or non-accidental physical injury, or
- someone else advises you that a child or young person has been sexually abused or non-accidentally injured, or
- your own observations of the child or young person's physical condition or behaviours, or those of the parents or caregivers, lead you to reasonably believe that the child has experienced sexual abuse or non-accidental injury.

The mandatory reporter is not required to prove that abuse has occurred.

Reportable Conduct any serious physical abuse or sexual misconduct committed by an employee against, with or in the presence of a child - including a child pornography offence, any assault, ill-treatment or neglect of a child any behaviour that causes psychological harm to a child – even if the child consented to the behaviour. Section 25A(1) Ombudsman Act.

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Reportable incidents

Allegation of abuse that occur in a Northcott supported accommodation; this includes accommodation services, centre based respite and camps.

There are four categories of 'reportable incidents' that must be reported to the NSW Ombudsman:

1. Employee to client incidents
2. Client to client incidents
3. An incident involving a contravention of an apprehended violence order made for the protection of a person with a disability
4. An incident involving an unexplained serious injury to a person with a disability.

Risk of Significant Harm (ROSH) According to NSW Community Services: "A child or young person is at "risk of significant harm" if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person, are present to a 'significant' extent. "Significant" is that which is sufficiently serious to warrant a response by a statutory authority, irrespective of a family's consent. What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact 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 impact on the child after the child's birth.

Significance can result from a single act or omission, or an accumulation of these.

Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime. It includes incest, rape, fondling, flashing, pornography and any sexual activity with children.

Unborn child/Pre-natal reports must be made by an employee if they have reasonable grounds to suspect, before the birth of a child, that the child may be at risk of harm after their birth (s. 25, *Children and Young Persons (Care and Protection) Act (1998)*).

Voluntary (non-mandatory) reporters are all staff who do not work directly with children and young people. Although not mandated by law, all Northcott staff are required to report to their supervisor any concerns about risk of harm to children and young people that arise during their work.

Working with Children Check is the process developed to support the application of the Child Protection (*Prohibited Employment*) Act 1998 and the *Children and Young People (Working With Children) Act 2012* in employment screening. This involves individuals applying for their own check and employers verifying a person's clearance before placing them in child-related employment.

Young person refers to a person who is aged 16 to 18 years for the purposes of the Children and Young Person's (Care and Protection) Act.

In the A.C.T a young person is aged 12 – 18 years as defined by the *Children and Young Person's Act 2008*.