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## 1.03 Child Protection Policy

Practice Standard linked to: 1. Rights and Responsibilities

### Purpose

This policy aims to ensure the correct procedures are followed for responding to and reporting incidents involving child safety that Muddy Puddles team members (employees, directors, volunteers and contractors) may witness or become aware of, and which may occur internally to Muddy Puddles or externally in a family/community environment.

### Scope

This policy provides guidance on the following child protection issues:

- Mandatory reporting where a child is at risk of significant harm
- Unacceptable behaviour in the workplace
- Incident reporting (internal)
- Working with Children Checks and Police Checks
- Managing suicidal behaviour

### References

Children and Young Persons (Care and Protection) Act 1998 (NSW)  
Child Protection (Working with Children) Act 2012 (NSW) and Child Protection (Working with Children) Regulation 2013

### Related policies

Code of Conduct  
Employee Recruitment and Induction Policy  
Employment Conditions Policy  
Supervision and Development Policy  
Volunteer Management Policy  
Incident Management and Reporting Policy

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### Key Actions

- Incidents of significant harm believed to be occurring are to be responded to within 24 hours in accordance with the NSW Mandatory Reporting Guidelines.
- If a child is believed to be in immediate danger, the local police must be contacted.

- Muddy Puddles cannot take primary responsibility for the treatment of children in their care who are at risk of self-harm or suicide, but must ensure that they are referred to a service provider with the relevant expertise, and supported by a coordinated Care Team.
- Incidents of unacceptable behaviour believed to have occurred while a client was accessing Muddy Puddles services are to be formally and independently investigated immediately.
- All incidents are to be recorded in the Muddy Puddles Incident Log and the Muddy Puddles client management system, and reported to the Muddy Puddles Board.

## Procedures

### 1. Mandatory Reporting Obligations

As providers of services to children, all Muddy Puddles team members have a legal obligation under the CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) ACT 1998 (NSW) - SECT 27 to submit a report to the Child Protection Helpline when reasonable grounds arise during the course of the person's work that a child is at risk of significant harm.

Under the NSW Act, a child or young person "is at risk of significant harm if current concerns exist for the safety, welfare or wellbeing of the child or young person because of the presence, to a significant extent, of ... basic physical or psychological needs not being met or at risk of not being met ... not receiving necessary medical care ... not receiving an education in accordance with the Education Act 1990 ... physical or sexual abuse or ill-treatment ... serious physical or psychological harm as a consequence of living in a household where there have been incidents of domestic violence ... serious psychological harm ... the child was the subject of a prenatal report under section 25 and the birth mother did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical the risk factors that gave rise to that report".

'Reasonable grounds' means fair and practical reason to believe harm has occurred or may occur, based on either verbal communication, hearsay or observation. Reasonable grounds are not the same as having proof but are more than mere rumour or speculation.

Reasonable grounds exist if a reasonable person in the same position would have formed a suspicion on the same grounds. For example, if:

- signs of abuse or neglect lead to a belief that the child is at risk of harm
- a child makes statements that indicate they are at risk of harm
- a child states that they know someone who is at risk of harm (sometimes the child may be talking about themselves)
- someone who knows a child states that the child is at risk of harm
- professional observations of the child's behaviour or development leads a professional to form a belief that the child is at risk of harm.



Indicators of significant harm include:

**Physical Abuse:** any non-accidental physical injury resulting from practices such as hitting, punching, kicking, bruising (marks from belt buckles, fingers), shaking, burning (irons, cigarettes), biting, pulling out hair, alcohol and/or other drug administration.

**Sexual Abuse:** any assault or abuse of a sexual nature, sexual molestation, indecent exposure, sexual harassment or intimidation.

**Psychological Abuse:** psychological abuse occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened due to the behavior of others towards a child, or witnessed by a child. It may include rejection, hostility, teasing, bullying, criticism, or exposure to drunken behaviour or domestic violence.

**Neglect:** neglect is characterised by failure to provide for the basic needs of a child, including acts or omissions that may jeopardise or impair a child's health or development. Basic needs include food, housing, health care, education, clothing, hygiene, and appropriate supervision.

Signs of harm may also include marks or bruising, demanding or aggressive behaviour, sucking or biting excessively, anxiety, developmental delay, or avoiding physical contact. Given that such indicators may also be related to a child's disability, Muddy Puddles team members who suspect harm but do not have a good understanding of the child's situation should consult with Muddy Puddles team members who know the child well before determining whether or not the child is at risk.

### Immediate Response

- **If a child is believed to be in immediate danger of physical or sexual abuse, the local police must be contacted.**
- Where reasonable grounds for harm exist, Muddy Puddles team members must respond within 24 hours by reporting the suspicion to the CEO or a senior team member. If the CEO or a senior team member is not available, team members must take personal responsibility by following the Mandatory Reporting Instructions below, and then ensuring that the CEO is notified within 48 hours.
- Team members must maintain confidentiality at all times and must not discuss suspected or disclosed incidents of harm with anyone other than on a need-to-know basis.

### Mandatory Reporting Instructions

1. Access the online 'Keep Them Safe' Mandatory Reporting Guide ([www.KeepThemSafe.nsw.gov.au](http://www.KeepThemSafe.nsw.gov.au)) to guide your decision making and determine whether or not to report the incident to the authorities using the 'risk of significant harm' reporting threshold.
2. It is recommended that the guide be followed with two people present to enable discussion, and that the assistance information to answer the questions is accessed (on right hand side of tool). The recommendations made by the guide may vary significantly depending on the answers given.



3. If the Mandatory Reporting Guide recommends that the incident should be reported, the incident must be reported to the recommended authorities. Reporting may be carried out as follows:
  - calling the Child Protection Help Line on 132 111
4. Ensure the incident is reported to the CEO within 48 hours.
5. If the Mandatory Reporting Guide does not specifically recommend that the incident should be reported, the CEO may use discretion on whether or not to report the incident to the authorities, to provide counselling for the parties involved, or take other action as required.
6. The CEO is responsible for reporting the incident to the Board. The CEO also has responsibility for maintaining electronic records of the incident, and for reviewing previous incidents to determine whether or not a pattern is occurring that may indicate the need for a more urgent response.

## 2. Unacceptable Behaviour in the Workplace

Muddy Puddles will not tolerate any form of unacceptable behaviour in the workplace. Muddy Puddles team members must not, when working with children and young people:

- engage in inappropriate conversation or course language in the presence of a child, especially that of a sexual nature
- use raised voices or aggressive tones
- make suggestive gestures or remarks
- engage in rough physical games
- develop any 'special' relationships that could be seen as favoritism, such as the offering of gifts or special treatment
- instigate or engage in physical contact other than for safety reasons or for brief consolation of young children
- avoid communication with children outside organised activities, for example e-mails, text messaging, social media or phone calls
- show children any inappropriate or explicit photographs or images, or photograph or video children without prior consent
- do things of a personal nature that a child or young person can do for themselves, such as toileting or changing clothes
- discriminate against any child or young person because of age, gender, cultural background, religion, vulnerability or sexuality.

Any team member who becomes aware of an incident of unacceptable behaviour must report the incident to a senior team member or the CEO. The CEO must:

- ensure the Board is informed immediately
- in consultation with the Board, consider the severity of the reported incident and ensure that appropriate and timely action is taken to protect the child. When deciding what action to take, the rights of the suspected perpetrator must also be protected, and consideration



given to potential for false or incorrect allegations. Actions at this early stage may include removing the suspected perpetrator from child related work while an investigation is conducted, informing the parent/carer, and reporting to the authorities

- report reasonable suspicions of sexual abuse to the police and to the Muddy Puddles insurer
- suspend from work or other duties a team member who is under investigation (internally or by the police) for committing sexual abuse; any such suspension must be conducted in accordance with the Fair Work Act (Cwth) 2009
- ensure strict confidentiality is adhered to at all times
- initiate a formal and independent investigation into the incident
- ensure detailed written records are kept throughout the investigation, including details on the location, date and nature of the incident, witnesses, client impact, who conducted the investigation, and the final outcome
- ensure all records are held in a secure location
- ensure appropriate pastoral support is provided to all team members involved in the investigation
- on completion of the investigation and in consultation with the Board, determine the appropriate response to the findings of the investigation. Actions may include reinstatement of the suspected perpetrator, counselling, dismissal (in accordance with the Fair Work Act (Cwth) 2009), and/or referral to the police. A team member found guilty of committing sexual abuse (either by an internal investigation or by a court) is to be automatically dismissed.

### 3. Incident Reporting

The CEO has responsibility for ensuring that all internal and external incidents of actual or suspected harm or unacceptable behaviour are recorded in the client management system (private note). Brief non-confidential details of incidents must also be recorded in the Muddy Puddles Incident Log and reported to the Board.

Refer Incident Management and Reporting Policy.

### 4. Working with Children Checks (WWCC) and National Police Checks

The following procedure must be followed for all new team members, and is a condition of the Muddy Puddles Sexual Abuse insurance policy:

- a formal interview is undertaken for all candidates, including volunteers or contractors, for positions involving work with children, including analysis of past experience working with children
- at least two previous employers are contacted regarding suitability for positions
- at least two referees supplied by the candidate are contacted
- a Working with Children check and a Criminal History Police Check are completed prior to commencement of employment, and reasonable steps are taken to ensure ongoing monitoring of their validity (refer Employee Recruitment and Induction Policy and Volunteer Management Policy)
- the employment or engagement of any person from working in your organisation is prohibited if they have prior convictions relating to violent or sexually related offences.



## 5. Managing Self-Harm and Suicide

Muddy Puddles may be providing services for children who are known to be at risk of self-harm, or who are experiencing suicidal thoughts or engaging in acts of self-harm or suicide.

In these cases, Muddy Puddles is not qualified or accredited to take primary responsibility for treatment services, but must be supportive and prepared to respond to incidents of self-harm and suicidal behaviours.

Muddy Puddles must:

- if not already in place, provide support for referring the child to service providers who have expertise in assessment, therapeutic treatment services, case management or consultancy to address or reduce high risk behaviours <sup>1</sup>
- ensure that a specialised Care Team is in place, or provide support to establish a Care Team; the Team should include representatives from a mental health service and any other relevant providers
- work with the Care Team to formulate a coordinated management plan for responding to incidents of self-harming and suicidal behaviours. The plan should include:
  - a relevant history
  - current risk and needs assessment
  - clear guidelines and instructions
  - points of decision making and responsibility
  - a list of services involved and relevant contact numbers
  - recommendations for response
  - updated plans or information.
- in situations where Muddy Puddles team members are involved with a child who is actively self-harming or suicidal, Muddy Puddles must, in consultation with other members of the Care Team, ensure there is a plan in place to manage the negative effects such as distress or grief that an incident of self-harm or suicide may cause workers, family members and other clients
- any incidents of actual self-harm or suicidal behavior that occur while a child is in the care of Muddy Puddles must immediately be reported to the Care Team, and recorded in the Muddy Puddles Client Management System (private note) and the Muddy Puddles Incident Log. (*Suicide and self-harm incidents are not subject to the mandatory reporting requirements of the Children and Young Persons (Care and Protection) Act*).

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<sup>1</sup> Child & Adolescent Mental Health Services – Moruya District Hospital 1300 139 887



## Versions and approval

<b>Version</b>	<b>Change</b>	<b>Approved by</b>	<b>Date Approved</b>	<b>Review Date</b>
2.0	Updated template; aligned to NDIS Practice Standards	Board	August 2019	July 2021
1.1		Board Chair	June 2018	June 2019
1.0		Board Chair	May 2017	May 2018

