

Working with Children Policy and Procedure - New South Wales

1.0 Purpose

121 Supports Hunter Pty Ltd recognises the participant's right to feel safe and live in an environment that protects from assault, neglect, exploitation, or any other form of abuse. This policy specifically looks at the requirements when working with participants under eighteen years.

As part of our risk strategy, this policy has been devised to ensure that our organisation complies with State and Commonwealth requirements and links to the United Nations Declaration on the Rights of Disabled Persons and the United Nations Convention on the Child's Rights.

2.0 Scope

This policy applies to all staff and positions identified in our Risk-assessed Role Register and Risk-Assessed Role – Employee Register. Procedures and policy requirements encompass employees, volunteers and subcontractors. The Working With Children Check is for working directly with children in work specified as child-related work or in a designated role as stated in the legislation.

3.0 Definitions

Term	Description
Mandatory Reporters	Mandatory reporters are people who deliver the following services, wholly or partly, to children as part of their paid or professional work: • Health care (e.g. registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or public or private health practices) • Welfare (e.g. psychologists, social workers, caseworkers and youth workers) • Education (e.g. teachers, counsellors, principals) • Children's services (e.g. childcare workers, family day carers and home-based carers) • Residential services (e.g. refuge workers) • Law enforcement (e.g. police)
Reportable conduct	The Children's Guardian Act 2019 defines reportable conduct as:

	• a sexual offence • sexual misconduct ○ sexual touching of a child ○ a child grooming offence ○ production, dissemination or possession of child abuse material • ill-treatment of a child • neglect of a child • an assault against a child • an offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900 • behaviour that causes significant emotional or psychological harm to a child. • Applies to both in and out of work
A reportable allegation	An allegation that an employee has engaged in conduct that may be reportable conduct.
A reportable conviction	Means a conviction (including a finding of guilt without the court proceeding to a conviction) of an offence involving reportable conduct.
Balance of fairness	The common law recognises two standards of proof: the civil standard (the balance of probabilities) and the criminal standard (beyond a reasonable doubt). This standard is met when the decision-maker is 'reasonably satisfied' (that is, actually persuaded) that the reportable conduct occurred. The determination is not a purely mechanical or mathematical exercise. The Head of a relevant entity may take into account, among other factors: • the nature of the reportable allegation and any defence; and • the gravity of the matters alleged
Risk of Significant Harm	Common reasons for children and young people to be at risk of significant harm include: • domestic and family violence • physical, sexual or emotional abuse • neglect • vulnerability due to living with disability.

4.0 Policy

121 Supports Hunter Pty Ltd will encourage and support any person who has witnessed the abuse of a participant or suspects that abuse has occurred to make a report and be confident of doing so without fear of retribution.

As a mandatory reporting body, 121 Supports Hunter Pty Ltd must report any abuse, neglect, or exploitation indicators.

121 Supports Hunter Pty Ltd acknowledges that prevention is the best protection from abuse and neglect and recognises their duty of care obligations to implement prevention strategies.

All staff engaged in a risk-assessed role will have New South Wales clearance checks to meet legislative requirements. Staff must undergo the NDIS worker screening process before employment, and results are recorded in their personnel file. All staff working in a child-related role, including the senior management, must hold a Working with Children Check.

The Director will verify each employee's Working with Children Check (WWCC) via the Office of the Children's Guardian website. The verification process will be conducted for:

- new staff
- senior management
- new WWCC
- renewal of WWCC

The Director will verify the WWCC for each employee, but they cannot self-verify. The Director will identify a staff member or a family member (as required) to verify their WWCC. The Director or their delegate will be trained in using the Service NSW App to verify all employee WWCC.

No person can work for 121 Supports Hunter Pty Ltd if there is a WWCC bar or interim bar. Staff, contractors and volunteers must hold a current and verified WWCC. Current staff will be removed from working for our organisation if they receive a bar or interim bar.

Staff will guide children who require assistance to **Kids Helpline on 1800 55 1800** for support.

Our staff will also, when required, access the Department of Criminal Justice (DCJ) helpline and use the mandatory reporting tool at <https://reporter.childstory.nsw.gov.au/s/>

All reported instances of abuse are viewed as reportable incidents, and additional reporting is undertaken as per our Reportable Incident, Accident and Emergency Policy and Procedure (National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018).

121 Supports Hunter Pty Ltd, as a mandatory reporting body, is required to report any indicators using either of the following mechanisms:

- Completing an eReport through the [ChildStory Reporter website](#).
- Calling the Child Protection Helpline.

Management will help staff improve their knowledge and skills in this area by providing access to the training resources available on the Office of the Children's Guardian [website](#).

4.1 New South Wales Child Safe Standards

121 Supports Hunter Pty Ltd's responsibility is to provide a safe environment for all children. To this end, we will work within and apply the New South Wales (NSW) Child Safe Standards, which are detailed below:

Standard 1. Child Safety is embedded in organisational leadership, governance and culture

- Commitment to Safety (see Violence, Abuse, Neglect, Exploitation and Discrimination Policy and Procedure).
- Staff are trained in:
 - child safety
 - codes of conduct
 - behavioural standards when interacting with children
 - reporting obligations and record keeping.
- Risk Management Plans are undertaken for each child.
- Comply with NDIS Code of Conduct and 121 Supports Hunter Pty Ltd's Code of Conduct.

Standard 2. Children participate in decisions affecting them and are taken seriously

- Children can express their views and are provided with opportunities to participate in decisions that affect their lives:
 - upon commencement with our organisation
 - on an ongoing basis – regularly asked for their thoughts and ideas
 - at the review of their plan.
- The importance of friendships is recognised, and support from peers is encouraged, helping children feel safe and be less isolated:
 - work with the child and the family to determine how best to assist with these linkages.
- Children can access abuse prevention programs and information:
 - provide links to relevant organisations, e.g. Kids Helpline
 - age-appropriate information that describes how adults should behave is provided.
- Staff are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns:
 - staff trained to work with each child

- knowledge and skills are assessed to determine training to ensure skills and knowledge are evident.

Standard 3. Families and communities are informed and involved

- All levels of the organisation must encourage families to take an active role in keeping children safe.
- Families and community members are encouraged to provide feedback on how the organisation keeps children safe, and this information is acted upon where necessary:
 - complaint and feedback forms
 - meetings about children.

Standard 4. Equity is upheld, and diverse needs are considered

- The Director and our staff understand barriers that prevent children from disclosing abuse or adults.
- The Director and our staff identify and respect the diverse needs, abilities and backgrounds of children and understand the value of treating them fairly:
 - review each child's cultural needs at intake
 - provide relevant, culturally sensitive, age-appropriate activities
- All staff are given information about the factors that increase a child's vulnerability to harm:
 - staff are trained and provided with information.
- The Director ensures that our workforce reflects our participants' diversity, where possible.
- The Director and staff adapt activities and services to ensure all children feel included:
 - a Risk Management Plan completed for each child
 - strategy planning takes place with the child and their family.

Standard 5. People working with children are suitable and supported

- 121 Supports Hunter Pty Ltd understands that recruitment does not rely solely on a WWCC, so we provide ongoing training opportunities for all staff:
 - induction
 - annual training.
- The Director or delegate responsible for staff recruitment is aware of child-safe recruitment practices.
- Staff recruitment includes job advertisements identifying that our organisation values child safety.
- Our recruitment processes involve a range of interview questions to establish staff suitability. Background and reference checks are carried out and recorded. (see Human Resource Management Policy and Procedure and NDIS Worker Screening and Risk-assessed Roles Policy and Procedure).
- Supervision includes regular reviews to check whether staff follow Codes of Conduct and other 121 Supports Hunter Pty Ltd child-safe policies.

- It is the responsibility of the Director to monitor all aspects of supervision and to undertake, at a minimum, quarterly supervision.

Standard 6. Processes to respond to complaints of child abuse (or other concerns) are child-focused

- The Director creates a culture where complaints are taken seriously. All adults take responsibility for children's safety through our induction process and training staff in our culture.
- Director clearly explains that breaches of Codes of Conduct will result in disciplinary action at induction and ongoing as part of our training requirements.
- Staff are provided support and information on what and how to report, including external bodies.
- Accessible processes enable children, staff and others to make complaints. Procedures describe likely timeframes, review processes and potential outcomes of complaints.
- Complaints are handled confidentially (see Complaints and Feedback Policy and Procedure)
- Processes are reviewed at regular intervals, and after complaints are made
- Documents are confidential, where required.

Standard 7. Staff are equipped with knowledge, skills and awareness to keep children safe through continual education and training

- The Director provides ongoing education and training opportunities for all staff, including:
 - knowledge, skills and confidence to prevent and identify abuse
 - how to respond to complaints and escalate appropriately
 - if higher risks are identified, additional training is provided, e.g. behaviour management.
- The Director is our child safety officer responsible for training.
- Training is regularly reviewed in response to emerging best practices.

Standard 8. Physical and online environments minimise the opportunity for abuse or other kinds of harm to occur

- The Director sets expectations about behavioural standards for staff interacting with children in physical and online environments.
- Risk assessments identify areas where staff can interact with children unsupervised, including one-off events and overnight accommodation.
- Physical environments are altered to increase natural sight lines while respecting a child's right to privacy.
- Higher-risk areas (e.g. cars, boarding facilities and offsite locations) are managed using specific safety measures (e.g. spot checks).
- Children are provided information about online safety and regularly encouraged to tell staff about negative experiences.
- Staff and parents are provided information about risks in the online environment (e.g. online grooming, cyberbullying and sexting).

Standard 9. Implementation of Child Safety Standards are continually reviewed and improved

- The General Manager maintains a culture of continuous improvement to ensure that policies and procedures are implemented and routinely reviewed, even though staffing may change (see Continuous Improvement Policy).
- Director know the value of continuous monitoring, open conversations and exploring new ways to keep children safe.
- Child safe policies and practices are reviewed annually.
- Staff refer to the Standards when creating, reviewing or evaluating child-safe policies and procedures.
- Critical incidents are used to identify the root cause of the problem, identify risks to children's safety, and make improvements (see Incident Investigation Form)
- Children are supported to provide feedback, which is acted upon as required.

Standard 10 Policies and procedures document how the organisation is child safe

- The General Manager will ensure that policies and procedures are reviewed and compliant.
- 121 Supports Hunter Pty Ltd acknowledges that we will be held accountable for our policies and procedures.
- Staff are trained and knowledgeable about organisation procedures, especially how they relate to child safety
- Staff, parents and carers are informed and have access to 121 Supports Hunter Pty Ltd policies and procedures and Complaint Policy and Procedure

5.0 Procedure

5.1 When to report an abusive or harmful situation

For any child and young person at immediate and real risk, staff must call 000 Police immediately, then inform management. The individual's safety must be at the forefront of all actions. It is important to always search for the cause of a change in a participant's behaviour or unexplained physical symptoms. When a participant shows one or more possible signs of harm, risk of harm or abuse, it must be reported immediately, even though this does not automatically mean abuse has occurred.

Possible signs of harm, risk of harm or abuse may be when:

- a participant shows a change in behaviour or mood that may indicate they are being abused or harmed
- someone is seen behaving inappropriately toward a participant
- a participant tells staff another person is abusing or harming them
- a person tells staff that they are abusing or harming a participant
- a participant or visitor advises staff that they have observed abusive or harmful acts

- someone observes an action or inaction towards the participant that may be considered abusive or harmful
- a person suspects or has reason to believe a participant is being abused
- the basic physical or psychological needs of the child or young person are not being met (neglect)
- the parents or caregivers have not arranged necessary medical care for the child or young person (unwilling or unable to do so)
- the parents or caregivers have not arranged for the child or young person to receive an education following the Education Act 1990 (unwilling or unable to do so)
- risk of physical or sexual abuse or ill-treatment
- parent or caregiver's behaviour towards the child causes or risks serious psychological harm (emotional abuse)
- incidents of domestic violence, and as a consequence, a child or young person is at risk of serious physical or psychological harm (domestic or family violence)
- the child was the subject of a prenatal report, and the birth mother did not engage successfully with support services.

Failure to report an abusive situation may result in a criminal offence.

Important information: 121 Supports Hunter Pty Ltd must make a report if a child is zero to 15 years and at risk of significant harm, **BUT** it is not mandatory to make a report if it is an unborn child or a young person aged 16 to 17.

5.2 How to report

- Our staff are required to immediately contact the Director upon receipt of a complaint or suspected risk of harm. Staff must call any time of day, including after hours.
- The Director is required to immediately review the situation and report via the MRG requirements within 24 hours.
- Staff are required to complete the Incident Report immediately.
- The Director will review and undertake an investigation. The Director is to complete the Incident Investigation Form within 24 hours of being notified and assign a reference number to the incident.
- The Director will review the investigation's outcome, link to continuous improvement, action all requirements and add the outcome from the MRG to the Incident Investigation Form – Final Report.

If the child is at risk of serious and immediate harm, the police will be notified. The Director will:

- determine if the matter requires the police to be contacted
- ensure an Incident Report is completed

- complete an Incident Investigation Form that documents the information provided to the police, including time, date and police contact name.

121 Supports Hunter Pty Ltd will use the Department of Communities and Justice's [Mandatory Reporter Guide \(MRG\)](#) to determine whether a child is suspected to be at Risk of Significant Harm (ROSH), and a report to the Child Protection Helpline on [132 111](#) should be made.

5.2.1 Mandatory Reporting Guide

121 Supports Hunter Pty Ltd will use the Mandatory Reporter Guide (MRG) when we have concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused. The MRG supports 121 Supports Hunter Pty Ltd to:

- determine whether an immediate report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child (including unborn) or young person.
- identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system.

The Incident Investigation Form will be used to review the incident and be placed with a copy of the Mandatory Reporter Guide's outcome.

5.2.2 Reporting methods

The Director, as the delegated mandatory reporter, will use the MRG decision report and their professional judgement to determine the most appropriate reporting method:

- **call the Child Protection Helpline on 132 111** and provide details, including:
 - child's name, age, date of birth and address
 - description of injury, abuse or neglect (outline current and previous)
 - child's current situation
 - location of the child, parent or caregiver and alleged perpetrator
 - when and how they found out about the abuse
- **lodge an online eReport** through the Child Story Reporter website:
 - Create an eReport by providing as much information and detail as possible when completing eReport questions (no attachments can be uploaded).

Important note: The Director is responsible for following up any Child Protection Helpline report where they have reasonable grounds to suspect that a child is at risk of significant harm, and those grounds arise during, or from, their work.

5.2.1 Child identification details and context

When providing information on the child, the Director will submit enough detail to identify the child or young person and provide context to the report, including:

- child's full name
- date of birth or age
- current address
- contact number
- school/kindergarten/childcare centre
- ethnicity, i.e. cultural background, aboriginal kinship group, non-English speaking
- parent names and address
- sibling details and if they live with the child in the same house
- alleged perpetrator's name, age, address, relationship to the child
- current whereabouts of the alleged perpetrator (if known)
- current whereabouts of the child of concern
- details of when the next expected contact with the alleged perpetrator will occur
- If in place, family court orders, apprehended violence orders, and domestic violence orders.

5.3 Defining child maltreatment, abuse and neglect

Child abuse and neglect are related to parents, caregivers, other adults or older adolescents' behaviour outside the norms of conduct which entail a substantial risk of causing physical or emotional harm to a child or a young person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e. neglect) and commission (i.e. abuse).

5.3.1 Risk factors

The following risk factors (either singularly or in combination) are associated with an increased risk of harm for children and young people:

- the social or geographic isolation of the child, young person or family, including lack of access to extended family
- previous abuse or neglect of a brother or sister
- family history of violence, including domestic violence
- physical or mental health issues for the parent or caregiver, which affects their ability to care for the child or young person in their care
- the parent or caregivers' abuse of alcohol or other drugs affects their ability to care for the child or young person in their care.

Table 1. Signs of abuse

Signs in children or young people	Signs in parents or caregivers
Possible signs of neglect	

• Low weight for age and failure to thrive and develop • Untreated physical problems, e.g. sores, serious nappy rash, urine scalds, dental decay • Poor standards of hygiene, e.g. child or young person consistently unwashed • Poor complexion and hair texture • A child is not adequately supervised for their age • Scavenging or stealing food and focusing on basic survival • Extended stays at school, public places, and other homes • Longs for, or indiscriminately seeks, adult affection • Rocking, sucking, head-banging • Poor school attendance	• Unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions • Leaving the child without appropriate supervision • Abandons the child or young person • Withholding physical contact or stimulation for prolonged periods • Unable or unwilling to provide psychological nurturing • Has a limited understanding of the child or young person's needs • Has unrealistic expectations of the child or young person
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Possible signs of physical abuse

• Bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it, e.g. belt buckle, handprint • Lacerations and welts • Drowsiness, vomiting, fits or pooling of blood in the eyes may suggest head injury • Adult bite marks and scratches • Fractures of bones, especially in children under three years old • Dislocations, sprains, twisting • Burns and scalds, including cigarette burns • Multiple injuries or bruises • Explanation of injury offered by the child or young person is not consistent with their injury • Abdominal pain caused by ruptured internal organs without a history of major trauma • Swallowing poisonous substances, alcohol or other harmful drugs	• Frequent visits with the child or young person in their care to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or internal complaints • The explanation of the injury offered by the parent is not consistent with the injury • Family history of violence • History of their maltreatment as a child • Fears of injuring the child or young person in their care • Uses excessive discipline
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• There are general indicators of female genital mutilation, such as having a 'special operation.'	
Possible signs of sexual abuse	
• Bruising or bleeding in the genital area • Sexually transmitted diseases • Bruising to breasts, buttocks, lower abdomen or thighs • Child or young person or their friend telling you about it, directly or indirectly • Describing sexual acts • Sexual knowledge or behaviour inappropriate for the child's age • Going to bed fully clothed • Regressive behaviour, e.g. sudden return to bed-wetting or soiling • Self-destructive behaviour, e.g. drug dependency, suicide attempts, self-mutilation • A child is in contact with a known or suspected paedophile • Anorexia or overeating • Adolescent pregnancy • Unexplained accumulation of money and gifts • Persistent running away from home • Risk-taking behaviours, e.g. self-harm, suicide attempts	• Exposing a child or young person to prostitution or pornography or using a child for pornographic purposes • Intentional exposure of a child to the sexual behaviour of others • Previous conviction or suspicion of child sexual abuse • Coercing a child or young person to engage in sexual behaviour with other children • Verbal threats of sexual abuse • Denial of adolescent's pregnancy by family
Possible signs of emotional abuse	
All types of abuse and neglect harm children psychologically, but the term 'psychological harm' or 'emotional abuse' applies to behaviour that damages the confidence and self-esteem of a child or young person, resulting in serious emotional deprivation or trauma	
• Constant feelings of worthlessness about life and themselves • Unable to value others • Lack of trust in people • Lack of people skills necessary for daily functioning • Extreme attention-seeking behaviour • Is obsessively eager to please or obey adults	• Constant criticism, belittling, teasing of a child or young person, or ignoring or withholding praise and attention • Excessive or unreasonable demands • Persistent hostility and severe verbal abuse, rejection and scapegoating • The belief that a particular child or young person in their care is bad or 'evil'

• Takes extreme risks, is markedly disruptive, bullying or aggressive • Is highly self-critical, depressed or anxious • Suicide threats or attempts • Persistent running away from home	• Using inappropriate physical or social isolation as punishment • Domestic violence
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Source: <https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect/chapters/signs-of-abuse>

The Director is aware of the information outlined in Table 1. Signs of abuse are only possible abuse and neglect signs, and the presence of these signs does not necessarily mean abuse and neglect have been, or are, occurring.

5.4 Reportable conduct

If an allegation is made relating to a child or young person, 121 Supports Hunter Pty Ltd will advise their child's parents of the allegation and the investigation outcome. Reportable conduct is applicable for all actions in and out of the work environment. Reportable conduct can be reported to the Director via:

- email
- phone
- in person.

All staff are required to report to the General Manager/Community Engagement Coordinator immediately or within 24 hours if unable to do so at the time of the disclosure or sighting. The initial allegations are reviewed to determine if they need to be reported. If there is no immediate significant risk of harm to a child, a measured approach will be taken to assess and plan a response to a reportable allegation before acting.

The allegation is documented by the Director who will complete an Incident Investigation Form.

5.4.1 Immediate risk

When a child is at immediate risk of serious harm from an employee, 121 Supports Hunter Pty Ltd has to take prompt and decisive action to manage such risks, including:

- taking immediate steps to cease and prevent further contact between the employee and the child (who is the alleged victim of reportable conduct) or any other children
- securing forensic evidence
- documenting immediately or at the earliest opportunity (using the Incident Investigation Form).

When managing all allegations, the General Manager/Community Engagement Coordinator must proceed with caution to not contaminate evidence. The allegation's nature will be clarified using only who, what, and where questions. The allegation must be documented in words used by the reporter/witness.

If an allegation is made against the Director, an independent person will need to review the allegation, e.g. senior staff member or advocate.

5.4.2 Reporting to the police

If a criminal offence has occurred, the Director will report allegations to the police. After reporting to the police, 121 Supports Hunter Pty Ltd will:

- not take any investigative action in response to the reportable allegation without first confirming whether or not police will conduct inquiries or an investigation
- make a seven-day notification to the NSW Office of the Children's Guardian
- seek assistance if unsure of how to proceed.

If police are conducting inquiries, 121 Supports Hunter Pty Ltd will:

- consult with the police officer in charge regarding action we propose to take, including risk management activities, to ensure the police investigation is not compromised
- not take any action to alert the employee – directly or indirectly – to the allegation until clearance to do so is provided by the police
- alert police and the Office of the Children's Guardian if we have concerns that risks to a child in our organisation are not being managed while a police investigation is underway.

5.4.3 Reporting to the Child Protection Helpline

Even if police have been informed of a possible criminal offence and may be investigating an allegation, if 121 Supports Hunter Pty Ltd has reasonable grounds to suspect that a child or children are at risk of significant harm, the Director must report this to the Department of Communities and Justice's **Child Protection Helpline**. The Director must:

- make this report immediately
- inform the helpline that a report to the NSW Police has been made.

5.4.4 Notifying the Office of the Children's Guardian

Once the Director becomes aware of a reportable allegation or a reportable conviction, they must complete the following steps:

1. Undertake a Risk Assessment before reporting to inform of current risk management strategies.
2. Notify the Office of the Children's Guardian within seven business days,
3. Investigate the reportable allegation.
4. Make a finding regarding the reportable allegation. The Director will:
 - base their finding on the evidence obtained by the investigator and consideration of the investigator's recommendations
 - as a decision-maker, weigh the evidence on the balance of probabilities to reach a reasonable determination as to whether or not reportable conduct occurred
 - confirm that they have considered all the evidence
 - provide reasons for either accepting or rejecting the investigator's recommendation/s.

5. Document the process using an Incident Investigation Form. When completing the form, the Director will:
- consider Procedural Fairness (see below) and the balance of probabilities
 - not sustain reportable allegations based on mere suspicion, speculation, inexact proofs, indefinite testimony or indirect inferences
 - Only rely on uncorroborated and circumstantial evidence to sustain reportable allegations when the evidence has sufficient probative value (e.g. a child's clear, detailed, consistent and credible account can be preferred over an employee's general denials regardless of any lack of direct witness evidence or corroboration).

The following information must be included in the report by the Director:

- date report received
- type of reportable conduct
- name of employee/s involved
- name and contact details of 121 Supports Hunter Pty Ltd and their contact details
- whether police have been notified
- whether a Risk of Significant Harm report has been made
- the formal risk assessment process for a reportable allegation, which includes risks to the alleged victim, other participants, the alleged perpetrator, our organisation and the investigation itself, will be considered and documented
- whether formal development of risk mitigation strategies for any risks identified has occurred
- other additional information (if known).

If the final report into the allegation/s is not ready to submit within 30 calendar days, the Director must provide an interim report to the Office of the Children's Guardian with information about the progress of the investigation and an expected timeframe for completion.

5.4.5 Interim report

The interim report (submitted within 30 days) will include:

- concerning a reportable allegation – if known, the facts and circumstances of the reportable allegation
- concerning a conviction considered to be a reportable conviction – any known information about the conviction
- action taken since the Office of the Children's Guardian received a notification about the reportable allegation or the conviction considered to be a reportable conviction
- details of any further action that 121 Supports Hunter Pty Ltd proposes to take concerning the reportable allegation or a conviction considered to be a reportable conviction (including if 121 Supports Hunter Pty Ltd proposes to take no further action)

- the reasons for the action taken and the action proposed to be taken or the reasons for the decision to take no further action
- the reasons for not completing the 30-day report 'entity report' within the required timeframe.

5.4.6 Investigation plan

The Director must complete the Reportable Conduct Investigation Plan before the commencement of the investigation. The plan will:

- clearly define the allegations
- identify cultural issues or special needs related to all parties
- actions to be taken
- reasons for actions
- identifying appropriate sources of information (e.g. under Section 16A, government agencies and non-government organisations who are prescribed bodies exchange information that relates to a child's or young person's safety, welfare or wellbeing (e.g. police, Department of Communities and Justice, witnesses, available records that the employer or another entity may hold)
- identifying and assigning tasks
- outcomes required
- determine approximate timeframes
- undertake a risk assessment at the end of the investigation.

The Director will determine the outcome or final decision upon the investigation's conclusion. All information will be recorded on a Reportable Conduct Investigation Report. For any National Disability Insurance Scheme (NDIS) matters, see the Reportable Incident, Accident and Emergency Policy and Procedure.

5.4.7 Procedural fairness

When investigating reportable allegations, the Director is required to ensure steps are taken to:

- maintain an appropriate level of confidentiality
- identify and manage any real or perceived conflicts of interest or real or apprehended bias
- put the subject employee on notice (at an appropriate time) of the nature and scope of the allegations, the process that will be followed and (if relevant) that a notification has been made to the Office of the Children's Guardian:
 - appropriate time refers to a police investigation and their input
 - 121 Supports Hunter Pty Ltd will not hinder any police requirements
 - any risk to the child is discussed with the police and Office of the Children's Guardian to support the safety of the child

- risk assessment of the allegation – risk to child's safety, access to children, the potential or real risk of serious harm, staff members' role and shifts
- ensure the employee's right to be informed of allegations in writing takes place
- allow employees the right to respond to an allegation in their preferred manner (i.e. phone, email, in writing)
- keep the employee reasonably informed of the progress of the investigation
- provide a report in writing to the employee at the end of the investigation
- inform the employee of their right to appeal (internally to the Director)
- conduct as timely an investigation as possible in the circumstances
- frame the allegations appropriately
- put all the allegations to the employee with sufficient notice
- provide the participant with an option for a different support person should an employee be interviewed concerning an allegation
- explain the potential consequences of an adverse finding (e.g. loss of employment, criminal charge, unable to work with children in the future, withdrawal of WWCC)
- explain the potential response of a non-adverse finding (e.g. training, support, buddying supervision)
- provide the employee with a genuine opportunity to respond to the allegations in writing or in an interview.

5.4.8 Information – all parties

The staff member will be advised by the Director, early in the process, that an allegation has been raised, that it will be investigated, the current status of the response and what they can expect. It is generally inappropriate to provide a staff member's allegation(s) details, as it may compromise the investigation's integrity. However, it will be made clear that the allegations are reportable and reported to the Office of the Children's Guardian. All relevant parties related to the allegation are informed of the response to the report.

Non-action

- If an allegation has been investigated and a finding made that the allegation does not have a basis of proof, the employee may remain in the workforce. However, they will be monitored, trained and possibly moved to another position. Alternatively, an appropriate supervision strategy will be developed.
- The Director will inform all parties about the reasons for not acting.

Action

- When an allegation has been investigated, and a finding made that the allegation has been substantiated, then the employee may:
 - have their employment terminated

- have their WWCC withdrawn and be unable to work with children
 - be prosecuted for a criminal offence
- The Director is required to inform all parties about the reasons for the action and findings.

The child's family is informed and provided with the following information:

- information about the progress of the investigation
- information about the findings of the investigation
- information about action taken in response to the findings
- information about the non-action in response to the findings.

6.0 Related documents

- Child and Young People Handbook
- Complaint and Feedback Form
- Incident Investigation Report
- Incident Investigation Form
- Incident Register
- Participant Notes
- Reportable Conduct Investigation Plan
- Reportable Conduct Investigation Report
- Risk Assessment – Reportable Conduct
- Risk-assessed Role Register
- Risk-assessed Role – Employee Register
- Risk Management Plan
- Risk Register
- NSW WWC Record-Keeping Template
- Violence, Harm, Abuse, Neglect, Exploitation and Discrimination Policy and Procedure
- NDIS Worker Screening and Risk-assessed Roles Policy and Procedure
- Complaints and Feedback Policy and Procedure

7.0 References

- The Child Protection (Working with Children) Act 2012 (NSW)
- Children and Young People (Care and Protection) Act 1998 (NSW)
- Children and Young Persons (Care and Protection) Regulation 2012 (NSW)
- Children's Guardian Act 2019 (NSW)
- NSW Office of the Children's Guardian - Mandatory Reporter Guide
- Education Act 1990 (NSW)
- Crimes Act 1900 (NSW)

- <https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk/harm-and-neglect/chapters/signs-of-abuse>
- <https://reporter.childstory.nsw.gov.au/s/article/How-to-create-an-eReport-in-the-Reporter-Community>
- NDIS (Practice Standards - Worker Screening) Rules 2018
- NDIS (Quality and Safeguards) Commission 2018
- NDIS (Incident Management and Reportable Incident) Rules 2018
- United Nations Convention on the Rights of the Child 1989
- United Nations Declaration on the Rights of Disabled Persons