**Canberra Health Services**

**Policy**

**Child Protection**

|  |
| --- |
| Policy Statement |

Canberra Health Services (CHS) staff must report ALL beliefs or suspicions of abuse or neglect of children and young people to Child and Youth Protection Services (CYPS). This obligation applies regardless of whether the staff member is a mandated reporter under the *Children and Young People Act 2008* (the Act)*.* This is a responsibility that cannot be delegated.

The *Children and Young People Act 2008* makes it mandatoryfor certain groups of people (including certain CHS staff) to make a Child Concern Report to CYPS when they, during the course of their work believe on reasonable grounds, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury.

According to the *Children and Young People Act 2008 t*he definition of a child is under 12 years of age and a young person is 12 years to not yet an adult. An adult is 18 years and older.

This policy extends that requirement to all CHS staff and broadens the requirement to cover all forms of child abuse or neglect.

Staff must also be aware of and comply with other elements of the Act dealing with child protection, including prenatal reporting (Section 362), voluntary reporting (Section 354) and the information secrecy and sharing provisions of the Act (Chapter 25), particularly those relating to the disclosure of the identity of a mandated or voluntary reporter.

All CHS staff must complete child protection training appropriate to their duties. Refer to *Essential Education Guideline*

This policy should be read in conjunction with CHS *Child Protection and Child and Prenatal Concern Reporting Guidelines*.

The term ‘child’ or ‘children’ should be read throughout this document as encompassing children and young people.

Listening to children and advocating on their behalf is also an important role for CHS staff. The best interests of the child is the priority. By supporting children and their families, and intervening early, we help improve long-term outcomes for everyone.

|  |
| --- |
| Alerts |

* Child abuse or neglect is a crime. It will not go away without intervention.
* ALL CHS staff must report any belief or suspicion of abuse or neglect of children.
* This obligation is additional to the mandatory reporting requirements under the *Children and Young People Act 2008* and cannot be delegated.

|  |
| --- |
| Purpose |

This policy seeks to better protect children and young people by establishing clear responsibilities of all CHS staff to report suspicions or beliefs of child abuse or neglect, and to undergo child protection training. It details not only the obligations set out in legislation, but additional obligations required by CHS.

|  |
| --- |
| Scope |

This policy applies to all CHS staff, meaning any person performing work for CHS, on a permanent, temporary or casual basis, including volunteers, contractors, visiting medical officers, students, consultants, and researchers performing work within CHS facilities.

|  |
| --- |
| Roles & Responsibilities |

**All CHS staff** are responsible for:

* Identifying children and their families who are vulnerable, at risk or in distress;
* Assisting in the early identification of abuse and neglect (including neglect of medical needs);
* Reporting ALL forms of abuse and neglect including domestic and family violence should they form a suspicion or belief in the course of their employment;
* Ensuring that the child’s health record is accurate and comprehensive, and that clinical record documentation complies with CHS policy, legislative requirements and best practice standards if clinical care is being provided to the patient at the time of reporting; and
* Completing mandatory CHS child protection training appropriate to their duties (refer to Essential education Guideline)

**Executive Directors/Directors/Supervisors/Managers** are responsible for:

* Ensuring staff complete the mandatory child protection training appropriate to their duties;
* Appropriate screening of staff, volunteers, and students before they commence employment or placement with CHS. This includes: checking referees, health practitioner registration, Working with Vulnerable People registration and National Police Checks;
* Understand their obligations under the ACT Ombudsman’s [Reportable Conduct Scheme](http://www.ombudsman.act.gov.au/reportable-conduct-scheme);
* Ensuring staff have an understanding of information sharing, confidentiality, privacy and relevant legislation;
* Providing support and supervision for staff in the identification of children who may have been abused, neglected or witnessed domestic violence;
* Ensuring staff understand their obligations and the processes for proper documentation in children’s health records and for the reporting of belief or suspicion of child abuse or neglect;
* Supporting and debriefing staff when responding to abuse or neglect, or referring them to an [Employee Assistance Program](https://www.cmtedd.act.gov.au/employment-framework/resources-and-links/employee-assistance-program2) provider;
* Ensuring that staff who are called to give evidence in court proceedings have appropriate support from CHS Insurance and Legal Liaison Unit; and
* Promoting child safe, child friendly, child aware practices and work environments.

|  |
| --- |
| Related Policies, Procedures, Guidelines and Legislation |

**Policies**

Clinical Records Management

Canberra Health Services Consent and Treatment

**Procedures**

Public Health Officers Responding to Notifications of Sexually Transmissible Infections in Children and Young People

**Guidelines**

Child Protection and Child and Prenatal Concern Reporting Guidelines, including

* Fact sheet: Child concern reporting
* Fact sheet: Prenatal concern reporting
* Fact sheet: Information sharing – Canberra Health Services and Child and Youth Protection Services
* Flowchart: Making a child concern or prenatal concern report
* Graphic: How to make a child concern or prenatal concern report on RiskMan
* Graphic: How to send child concern report when using electronic files via CRIS on Riskman

CHS Staff Working with Child and Youth Protection Services

Essential Education Guidelines

**Legislation**

*Children and Young People Act 2008*

*Family Violence Act 2016*

*Health Records (Privacy and Access) Act 1997*

*Human Rights Act 2004*

*Privacy Act 1988*

*Working with Vulnerable People (Background Checking) Act 2011*

*Freedom of Information Act 2016*

*Health Practitioner Regulation National Law (ACT) Act (2010)*

**Standards**

National Safety and Quality Health Service Standard 1: Clinical Governance.

|  |
| --- |
| Definition of Terms |

**Abuse of a child or young person** means—

1. physical abuse; or
2. sexual abuse; or
3. emotional abuse (including psychological abuse) if the child or young person has experienced the abuse or is experiencing the abuse in a way that has caused or is causing significant harm to his or her wellbeing or development; or
4. emotional abuse (including psychological abuse) if:
5. the child or young person has seen or heard the physical, sexual or psychological abuse of a person with whom the child or young person has a domestic relationship, the exposure to which has caused or is causing significant harm to the wellbeing or development of the child or young person; or
6. if the child or young person has been put at risk of seeing or hearing abuse mentioned in subparagraph (i), the exposure to which would cause significant harm to the wellbeing or development of the child or young person.

**Child** – a person who is under 12 years old.

**Child Concern Report** – a voluntary or mandatory report made to CYPS.

**Neglect** – a failure to provide the child or young person with a necessity of life if the failure has caused or is causing significant harm to the wellbeing or development of the child or young person.

**Reporter (mandatory or voluntary)** – a person who submits a child concern report to CYPS, either as a class of person required to under the Act, or on a voluntary basis.

**Staff** – For the purposes of this policy, the term ‘staff’ refers to any person performing work for CHS, on a permanent, temporary or casual basis. It includes volunteers, contractors, visiting medical officers, students, consultants, and researchers performing work within ACT Health facilities.

**Young person** – a person who is aged 12 years or older but is not yet an adult (adult means an individual who is at least 18 years old).

|  |
| --- |
| References |

### Council of Australian Governments 2009 *Protection children is everyone’s business*

### [National Framework for Protecting Australia's Children 2009 - 2020](https://www.dss.gov.au/sites/default/files/documents/child_protection_framework.pdf)

Community Services Directorate 2017, *Keeping Children and Young People Safe*,

#### [Keeping Children and Young People Safe](http://www.communityservices.act.gov.au/ocyfs/publications/keeping-children-and-young-people-safe)

|  |
| --- |
| Search Terms |

Child, protection, consent, abuse, children, young people, neglect, welfare, safe, voluntary reporting, compulsory training, harmful conduct, working with vulnerable people, child protection training, vulnerable, child and youth, protection services, CYPS, essential training, maltreatment, violence, mandatory reporting, domestic and family violence.

**Disclaimer**: *This document has been developed by CHS specifically for its own use. Use of this document and any reliance on the information contained therein by any third party is at his or her own risk and Health Directorate assumes no responsibility whatsoever.*

*Policy Team ONLY to complete the following:*

|  |  |  |  |
| --- | --- | --- | --- |
| *Date Amended* | *Section Amended* | *Divisional Approval* | *Final Approval* |
|  |  |  |  |

*This document supersedes the following:*

|  |  |
| --- | --- |
| *Document Number* | *Document Name* |
| *DGD13-037* | *Child Protection Policy* |