

Reviewing child protection policies – an agency self-assessment checklist

This checklist has been developed for agencies to assess the adequacy of their child protection policies. The listed criteria are those that the Ombudsman uses when reviewing such policies.

	Yes	No		Yes	No
1. Introduction			3. Legislative requirements		
• Does the policy start with a statement that sets out the main objectives of the policy including information about the agency's philosophy regarding child protection and the agency's duty of care?	<input type="checkbox"/>	<input type="checkbox"/>	• Does the policy outline who in the agency is required to report to Community Services under the <i>Children and Young Persons (Care and Protection) Act 1998</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the introduction cover issues such as why a child protection policy is important and what are the benefits to the agency?	<input type="checkbox"/>	<input type="checkbox"/>	• Does the policy outline the agency responsibilities under the <i>Child Protection (Working with Children) Act 2012</i> ?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the introduction address the preventive aspects of child protection such as community education, parent education and support?	<input type="checkbox"/>	<input type="checkbox"/>	• Does the policy identify whether the agency is a designated government agency, a designated non-government agency or public authority as defined by the Ombudsman Act?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the introduction describe the focus of the policy, ie prevention or response or both?	<input type="checkbox"/>	<input type="checkbox"/>	• Does the policy outline the agency responsibilities under the Ombudsman Act?	<input type="checkbox"/>	<input type="checkbox"/>
2. Definitions			4. Prevention		
• Does the policy contain a definition of an agency investigation of an allegation against an employee?	<input type="checkbox"/>	<input type="checkbox"/>	• Does the policy clearly state the agency's opposition to child abuse and support for child protection?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy define who is an employee of the agency?	<input type="checkbox"/>	<input type="checkbox"/>	• Does the agency have preventative strategies in place and listed in the policy, such as:	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy contain a definition of what is a reportable allegation or conviction, and identify matters exempt from notification to the Ombudsman?	<input type="checkbox"/>	<input type="checkbox"/>	› guidelines for appropriate and inappropriate behaviour		
• Does the policy identify the person who is the head of agency for the purpose of fulfilling the agency's responsibilities under the <i>Ombudsman Act 1974</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	› clearly defined roles for people within the organisation		
• Does the policy contain a definition of a child?	<input type="checkbox"/>	<input type="checkbox"/>	› pre-employment screening procedures in addition to the Working With Children Check clearance		
			› providing information to families and the community about child protection strategies adopted by the organisation		
			› training for personnel in best practices to ensure a safe environment		
			› the review of any matters arising, to identify contributing factors to minimise the chance of reoccurrence		
			› raising the awareness of the general community about child protection via brochures, posters or other means of communication.		

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	Yes	No
5. Roles and responsibilities		
• Does the policy make a clear statement about the roles and responsibilities of those involved in the protection of children?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy cross-reference or refer to the agency code of conduct in relation to acceptable behaviour as well as to any other related internal policy or procedures?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the agency have a procedure for staff to follow on receipt of a reportable allegation or conviction against a person employed or engaged by the agency?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the agency have a procedure which describes the process the agency will follow in investigating an allegation?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy include a statement about the rights of the person who is the subject of an allegation and what they can expect in terms of their involvement in the investigation?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy identify a person or position within the agency who is responsible for notifications to the Ombudsman, Community Services and/or the NSW Police Force?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy include details on the role of the Ombudsman, Community Services, the NSW Police Force and the Office of the Children's Guardian?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy identify a person or position responsible for undertaking certain investigative processes within the organisation, including making findings and taking appropriate and required action?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy identify a person or position within the agency who can act as a child protection contact point for the clients of the agency if they wish to report an allegation against an employee and/or a person employed or engaged by the agency?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy include guidance about requesting and providing information to/ from prescribed bodies under Chapter 16A of the <i>Children and Young Persons (Care and Protection) Act 1998</i> ?	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
6. Risk assessment		
• Does the policy identify the person or position who will: <ul style="list-style-type: none"> › conduct an initial and subsequent risk assessment, including an assessment of the safety of the child(ren) concerned? › decide what action, if any, is to be taken regarding the employee who is the subject of an allegation? › assess and monitor the risk of continued access of that employee to children using the service? 	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy set out or cross-reference to the methodology to be used to conduct a risk assessment?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy state that a decision to take action on the basis of a risk assessment should not influence the findings of the matter?	<input type="checkbox"/>	<input type="checkbox"/>
7. Documentation and record keeping		
• Does the policy contain a clear statement about the confidential nature of all documents relating to allegations against employees of the agency?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy outline who is responsible for keeping and storing records about allegations against employees and who will have access to this information?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy include any attachments such as templates or forms which can assist in collecting and disseminating relevant information?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy include a sign off acknowledgement that a staff member has read, understood and is prepared to abide by the child protection policy?	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
8. Rights of all parties		
• Does the policy include information about the decision-making processes to ensure the safety and well-being of children and employees whilst the investigation is being conducted?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy state that all reportable allegations or convictions against an employee will be notified to the Ombudsman? For employees of designated agencies, this also includes any reportable allegation or conviction relating to conduct outside of work hours.	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy state that employees will be afforded procedural fairness in the investigation of any allegation made against them?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy identify any appeal or review mechanisms that could be followed if the employee is dissatisfied with the process or the outcome of the investigation?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy set out a commitment by the employer to:	<input type="checkbox"/>	<input type="checkbox"/>
› act fairly and without bias?		
› conduct an investigation without undue delay?		
› ensure the case is not investigated or determined by someone with a conflict of interests?		
› ensure the outcome is supported by evidence?		
• Does the policy state the rights of employees and parents/guardians to complain to the Ombudsman if they are unhappy with the conduct of the agency investigation?	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
9. Support available for all parties		
• Does the policy provide information on how the agency will:	<input type="checkbox"/>	<input type="checkbox"/>
› support staff who have had allegations made against them?		
› support children involved in an investigation (including advice in relation to children who have been victims of a violent crime and the role of Victims Services)?		
› support parents who have complained about an employee?		
› support all staff who have been involved in the investigative process, including those who have been involved in reporting the matter to the head of agency?		
10. Target groups in the community		
• Does the policy identify target groups in the community who may need to be given special consideration in the event that an allegation that affects a child or employee from these groups is made?	<input type="checkbox"/>	<input type="checkbox"/>
• Does the policy state that staff should be aware of, and sensitive to, children with culturally and linguistically diverse or Indigenous backgrounds and cultural practices, without deviating from the accepted child protection policy of the agency?	<input type="checkbox"/>	<input type="checkbox"/>
11. Review date		
• Does the policy state who is responsible for reviewing the policy?	<input type="checkbox"/>	<input type="checkbox"/>
• Is the policy dated and a reasonable date set for review?	<input type="checkbox"/>	<input type="checkbox"/>

If you answered **NO** to any of the above-listed criteria, this may indicate the child protection policy requires a review.

If you have any queries or comments, we are here to assist you. Call the NSW Ombudsman's Employment Related Child Protection Division on 02 9286 1000.

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Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm (*Inquiries section closes at 4pm*).

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

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We can arrange an interpreter through
TIS or you can contact TIS yourself before
speaking to us.