



Arndell

Anglican College

Child Protection Policy and Procedures

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Child Protection Policy and Procedures

'Keep them Safe'

For the Safety and Wellbeing of Children and Young People

1. Policy

The safety, protection and well-being of all students is of fundamental importance to Arndell Anglican College.

Parents and the College have a range of different obligations relating to the safety, protection and welfare of students including:

- a) a duty of care to ensure that reasonable steps are taken to prevent harm to students;
- b) obligations under child protection legislation; and
- c) obligations under work health and safety legislation.

The purpose of this Policy is to summarise the obligations imposed by child protection legislation on the College and on employees, contractors and volunteers at the College and to provide guidelines as to how the College will deal with certain matters.

Child protection is a community responsibility.

Arndell Anglican College is committed to fulfilling its duty of care to all its students by:

- providing them with a learning environment that is safe, supportive and caring: seeking to recognise promptly when any of its students are at **risk or at risk of significant harm**; and
- taking appropriate action to protect its students when the College or its staff become aware that its students are at risk or at risk of significant harm.

Accordingly, **reportable conduct or unprofessional conduct** by **staff or contracted employees** toward students will not be tolerated under any circumstances. The College expects all staff to honour the College's commitment in this Policy and to work with the College to achieve a safe learning environment.

The College is committed to its obligations under **NSW Child Protection Legislation** and to ensure the ongoing education of its staff as to those obligations as mandatory reporters.

1.1 Key Legislation

There are three key pieces of child protection legislation in New South Wales:

- a) the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (the **Care and Protection Act**);
- b) the *Child Protection (Working With Children) Act 2012* (NSW) (the **WWC Act**); and
- c) the *Ombudsman Act 1974* (NSW) (the **Ombudsman Act**).

1.2 Outcomes

The ongoing monitoring of all welfare matters in the College will reflect how effective the policy is. It is expected that:

- All staff comply with the Working with Children legislation and are registered prior to employment
- All staff will attend the Child Protection Professional Development session at the commencement of the College year.

- All staff will sign to say that they have read and understand the Policy, Procedures and their obligations as Mandatory Reporters
- All students will be supported in their day to day lives and any concerns will be addressed should they suspect that they are at risk or someone suspects they are at risk.
- All staff adhere to the Staff Code of Conduct and sign in tandem with the Child Protection Policy.
- All staff understand that procedural fairness will take place should any investigation be undertaken.
- All staff understand that any investigation will be mindful of the risk to staff with respect to false, vexatious or ill-conceived claims.

2. Publication and Distribution:

This Policy will be permanently available to staff, parents and students on the Arndell Anglican College Website

It will be given to all new staff who must, as part of their contract of employment, agree to its terms.

This policy will also be made available to:

- any person who makes a reportable allegation; and
- any person, being a member of the College community, who requests a copy.

3. Review of Policy:

The Head of School is to ensure that this policy is regularly monitored and revised in the light of legislative or best practice changes.

In any event, the College Council is to review this policy every three years.

4. Record Keeping:

- The College is committed to keeping accurate records of all matters required by the policy.
- The College will collect and hold personal information relating to the Working with Children Check in accordance with the Data Protection Principles endorsed by the NSW Privacy Commissioner.
- The College will keep securely and indefinitely records relating to reports to the Ombudsman.
- The College will not disclose any information obtained by it in connection with employment screening, except as allowed by law.
- The College will take all reasonable measures to prevent unauthorised access to information held on paper or electronic systems.

5. Rights of a Staff Member

A member of *staff* who is the subject of relevant employment proceedings can:

Apply under the *Freedom of Information Act 1989* for access to any documents held by the College containing information about those proceedings; and

Apply under the *Freedom of Information Act 1989* for the amendment of any College records which contain information about the proceedings on the grounds that such records are incorrect or misleading.

5.1 Employment:

The Office of the Children's Guardian (OCG) is responsible for employment screening for child related employment. A Working with Children Check (WWC) is a prerequisite for anyone in child-related work. It involves a national criminal history check and review of reported workplace misconduct findings. The result of a Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring by the OCG, and any relevant new records which appear against a cleared applicant's name may lead to the Check being revoked.

It is the responsibility of the child-related worker to ensure that when they are eligible to apply for a Check or when their Check is up for renewal that they do so.

- The College must not employ a person in child related employment without first requiring that person disclose whether or not that person is a prohibited person.
- The College must carry out all the relevant procedures of employment screening of a preferred applicant before employing that applicant ensuring that a Working with Children check has been completed and the prospective staff member has the appropriate WWC number and that this is verified on application.
- The College must notify the Commission for Children and Young People of the name and other identifying particulars of any person whose application for child-related employment with the College has been rejected primarily because of a risk assessment in employment screening.

5.2 A member of staff who becomes a prohibited person must immediately inform the Head of School and resign from employment with the College.

Through ongoing dialogue and Professional Development, Staff, Volunteers, Outside Tutors and External Providers are aware of their obligations under the Children and Young Persons Act 1998.

5.3 The Head of School or designated staff are required to:

- Promote this Policy within the College, with particular regard to the professional development needs of the staff
- Monitor the strategies that create a safe learning environment.

Staff must:

- Be aware of the content of NSW Child Protection Legislation;
- Report promptly in accordance with this policy and the associated Notification Protocol whenever they have reasonable grounds to suspect that a student is at risk or at risk of significant harm
- Be aware of any reportable allegation against a member of staff whenever or wherever the reportable conduct took place.

6: Other Policies:

- Code of Conduct – setting out the minimum standards of behavior expected by all employees, contractors and volunteers at the College.
- Work Health and Safety Statement outlining the obligations imposed by WHS legislation on the College and workers
- Grievance Policy
- Anti-Bullying Policy

7: Creating a Safe Learning Environment:

The College seeks to implement strategies to create a safe learning environment.

These will include:

- Educating all members of the College community about child protection issues.
- Ensuring all staff become familiar with these strategies.
- Assisting staff achieve this end, the College will provide appropriate professional development opportunities to meet their needs in implementing this policy.

All reportable allegations must be taken seriously.

8: The Care and Protection Act – Mandatory Reporting Obligations – The Ombudsman:

THE CARE AND PROTECTION ACT PROVIDES FOR MANDATORY REPORTING OF CHILDREN AT RISK OF SIGNIFICANT HARM.

NOTE: ANY CONCERN REGARDING THE SAFETY, WELFARE OR WELL-BEING OF A STUDENT MUST BE REPORTED TO HEAD OF SCHOOL.

8.1 Who is a mandatory reporter?

Under the Care and Protection Act persons who:

- in the course of their employment, deliver services including health care; welfare, education, children's services and residential services, to children; or
- hold a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services including health care, welfare, education, children's services and residential services, to children, are mandatory reporters.

All teachers are mandatory reporters. Other College employees may also be mandatory reporters. If you are unsure whether you are a mandatory reporter you should speak to the Head of School or the Deputy Head of School.

When must a report be made Community Services?

8.2 What is the threshold?

A mandatory reporter must, where they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm, report to Community Services as soon as practicable, the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

In addition, while not mandatory, the College considers that a report should also be made to Community Services where there are reasonable grounds to suspect a young person (16 or 17

years of age) is at risk of significant harm and there are current concerns about the safety, welfare and well-being of the young person.

8.3 Reasonable grounds

'Reasonable grounds' refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:

- a) first hand observations of the child, young person or family
- b) what the child, young person, parent or another person has disclosed
- c) what can reasonably be inferred based on professional training and / or experience.

'Reasonable grounds' does not mean that you are required to confirm your suspicions or have clear proof before making a report.

- While the Care and Protection Act outlines a mandatory reporter's obligation to report to Community Services, as an employee of Arndell Anglican College, any member of staff to whom a reportable allegation is made or who becomes aware of a reportable allegation or conviction must report this to the Head of School or the designated representative through the Notification Protocol.
- Any member of staff who has reasonable grounds to suspect that a student is at risk or risk of significant harm and those grounds arise during the course of, or from, the member of staff's work, must report the name, or a description, of the student and the grounds for suspecting that the student is at risk of significant harm to the Head of School or the designated representative via the Notification Protocol.
- Any member of staff who has reasonable grounds to suspect that a student who is under the age of 16 is at risk of significant harm, in addition to reporting this to the Head of School or the designated representative must satisfy himself or herself that the Head of School has reported the matter to Family and Community Services. Where, for any reason, the member of staff is unable to satisfy himself or herself that the Head of School has reported the matter to the Director General, the member of staff must report the name, or a description, of the student and the grounds for suspecting that the student is at risk of harm via the Mandatory Reporting Guidelines.
- If the reportable allegation is against the Head of School or if the student is at risk of significant harm from the Head of School the report should be made directly to the Chair of the College Council who must then comply with the obligations under this policy that would otherwise fall upon the Head of School or his designated representative.
- When the Head of School receives a report from a member of staff under this section of this Policy, he/she or the designated representative must, where required by law, report the matter to the Police, Family and Community Services and/or the NSW Ombudsman.
- Where the report is to the Ombudsman it must be made as soon as practicable in particular, Part A of the **NSW Child Protection Legislation** must be submitted within 30 days.
- The Head of School or the designated representative must set up structures which make it easy for staff and other members of the College community to report to him/her or the designated representative, reportable allegations or convictions and situations in which they suspect that a student is at risk or risk of significant harm. The Head of School or the

designated representative will also ensure opportunities are provided to educate the staff and the College community about these reporting structures.

8.4 Mandatory Reporting Guidelines: The Reporting Tree

Under legislation all staff are viewed as mandatory reporters. If a student, staff member or a member of the community presents information that alleges a student is at risk of significant harm. The following must occur:

- Notification to Head of Junior School, Head of Middle School, Head of Senior School, Deputy Head or Head of School.
- Discussion as in facts presented
- Involvement of School counsellor or external counsellor as required.
- Designated staff member, plus counsellor complete mandatory reporting tree to determine course of action as per 'Keep Them Safe' legislation. (Note 2 staff members are required to be present at the time of completing the tree)
- If result indicated a Family and Community Services notification, both designated staff member and counsellor must be present when Community Services are notified.
- If Community Services suggest a course of action then a request for this action to be in writing will be made by the designated staff member.
- If this cannot be attained, then depending upon the nature of the Risk or Significant Risk, contact may be made with the local police liaison officer for further advice.
- **All correspondence must be placed in the students file and noted by both parties.**
- At all times, the Head of School must be informed of the nature of the Risk or Significant Risk being accessed.

8.4 The Ombudsman:

- must keep under scrutiny the systems for preventing reportable conduct by employees of non-government schools and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions
- must receive and assess notifications from non-government schools concerning reportable conduct or reportable convictions;
- is required to oversee or monitor the conduct of investigations by non-government schools into allegations of reportable or reportable convictions;
- must determine whether an investigation that has been monitored has been conducted properly, and whether appropriate action has been taken as a result of the investigation;
- may directly investigate an allegation of reportable conduct or reportable conviction against an employee of a non-government school, or the handling of or response to such a matter (eg arising out of complaints by the person who is the subject of an allegation); and
- may undertake 'own motion' investigations of non-government schools where the Ombudsman considers it appropriate to do so, including where there is evidence of systemic failure or serious conflict of interests.

The Head of School must ensure that any person reporting to him/her or the designated representative under this section of this Policy is not disadvantaged as a result.

9: Risk Management will be an integral part of any investigation

Pending completion of any investigation (whether by the College or an external authority), the Head of School may, where an allegation against a staff member is concerned:

- Limit the contact the **member of staff** is to have with students or other staff
- Direct the **member of staff** to undertake duties other than normal duties or at different locations
- After discussion with the Chair of Council suspend the member of staff (on normal pay)

Before taking such action the Head of School or the designated representative must consider what risk, if any, the member of staff might pose to students. It is a requirement that the Child Protection Unit at the Association of Independent School is contacted for initial and ongoing advice. The Head of School or the designated representative must take into account all relevant circumstances, including:

- (a) the nature of the allegation;
- (b) the vulnerability of the students (for example, because of their age);
- (c) the nature of the position occupied by the member of staff;
- (d) the extent to which the member of staff is supervised;
- (e) the disciplinary record of the member of staff;
- (f) the safety of the member of staff; and
- (g) the extent to which the investigation could be compromised by the member of staff continuing his or her normal duties.

Risk Management: Risk is determined via a matrix:

The purpose of this initial risk assessment is to identify and minimise the risks to:

- (a) the child(ren) who are the subject of the allegation;
- (b) other children with whom the employee may have contact;
- (c) the PSOA (Person Suspected of Allegation)
- (d) the School, and
- (e) the proper investigation of the allegation.

The factors which will be considered during the risk assessment include:

- (a) the nature and seriousness of the allegations;
- (b) the vulnerability of the child(ren) the PSOA has contact with at work;
- (c) the nature of the position occupied by the PSOA;
- (d) the level of supervision of the PSOA; and
- (e) the disciplinary history or safety of the PSOA and possible risks to the investigation.

The Head of Agency will take appropriate action to minimise risks. This may include the PSOA being temporarily relieved of some duties, being required not to have contact with certain students, or being suspended from duty. When taking action to address any risks identified, the School will take into consideration both the needs of the child(ren) and the PSOA.

Any action taken by the Head of School under this section of the policy is not an indication that the Head of School or the designated representative has made, or is likely to make, any particular findings in relation to the allegation against the member of staff.

10: Procedures in relation to an allegation of reportable conduct:

This section of the policy applies unless an investigation is being carried out by the Police, Community Services, the Ombudsman or some other State or Federal authority. This section also applies to an investigation carried out by the College once an investigation carried out by an external authority has been completed.

The guidelines set in the Recommended Protocols for Internal Investigative and Disciplinary Proceedings — 2010 (developed by the NSW Independent Education Union and the Association of Independent Schools) will be followed in any investigation to which they apply. Investigation Course AIS – 2016 updates.

The Head of School or his designated representative must investigate, must or must cause to be investigated all reportable allegations and all allegations that do not amount to reportable conduct. Advice must be sought from the Child Protection Unit at the Association of Independent Schools prior to the commencement of any investigation. This ensures that all appropriate procedures are put in place to protect the staff member, the student, the College and the investigation.

The Head of School or the designated representative must ensure all investigations are carried out in a way which affords procedural fairness to the member of staff involved. This means that, before completing an investigation of a reportable allegation, the Head of School or the designated representative must inform the member of staff, in writing, of the substance of the allegation against them and provide them with a reasonable opportunity to put a case forward (with the assistance of a support person of their choosing if required by the member of staff). The Head of School or the designated representative is to decide the timing and the particular form this will take, ensuring the investigation is not compromised nor the risk matrix

The Head of School or the designated representative must:

- (a) act fairly and without bias;
- (b) ensure an investigation is conducted without undue delay;
- (c) ensure the case is not investigated or determined by someone with a conflict of interest;
- (d) ensure the outcome is supported by evidence;
- (e) take steps to mitigate risk and ensure confidentiality for the sake of all parties involved in the investigation;

Investigation steps

In an investigation the Head of Agency or appointed investigator will generally:

- (a) interview relevant witnesses and gather relevant documentation;
- (b) provide a letter of allegation to the Person Suspected of Allegation (PSOA);
- (c) interview the PSOA;
- (d) consider relevant evidence and make a preliminary finding in accordance with the NSW Ombudsman guidelines;
- (e) inform the PSOA of the preliminary finding and provide them with an opportunity to respond;
- (f) consider any response provided by the PSOA;
- (g) make a final finding in accordance with the NSW Ombudsman Guidelines;
- (h) decide on the disciplinary action, if any, to be taken against the PSOA;
- (i) apply the NSW Office of the Children's Guardian (OCG) Guidelines and decide if the matter is reportable to the OCG; and
- (j) send the final report to the Ombudsman and report to the OCG (where required) (see Part C).

The steps outlined above may need to be varied on occasion to meet particular circumstances. For example it may be necessary to take different steps where the matter is also being investigated by Community Services or the NSW Police.

A PSOA may have an appropriate support person with them during the interview process. Such a person is there for support only and as a witness to the proceedings and not as an advocate or to take an active role.

At the conclusion of the investigation, the Head of School may:

- If the breach is minor, resulting from a misunderstanding of how certain words or counseling were understood, require from the member of staff an apology and a written commitment not to repeat the offence

- If it is more serious, the Head of School may require from the member of staff:
 - (a) an undertaking to attend counseling
 - (b) a written apology
 - (c) a commitment not to offend again and a warning letter issued and in;
 - (d) the most serious case, suspend or terminate the employment of the member of staff.

The Head of School must advise the parent or caregiver and the member of staff in writing the result of the investigation and the action taken.

If the parent or caregiver or the member of staff is unhappy with the conduct or result of the investigation, they may take their complaint to the Chair of the College Council and, if dissatisfied with the response, they can take their complaint to the NSW Ombudsman, Family and Community Service, the Police, or any other relevant authority, depending on the circumstances.

The Head of School must, as soon as practicable after being satisfied that the investigation has been concluded:

- Send to the Association of Independent Schools a finding declaration based on the Notification of a completed class or kind investigation – under the Ombudsman’s Class and Kind determination dated 13th March 2012.

Should the determination be of ‘reportable conduct’ the Head of School will:

- Seek immediate advice from the Association of Independent School Child Protection Unit
- Notify the Police and Community Services
- Inform the Ombudsman of the action that has been taken or is proposed to be taken with respect to the reportable allegation, the subject of the investigation

The Head of School will notify the Commission for Children and Young People of the name and other identifying particulars of any member of staff against whom relevant employment proceedings have been completed by the College (other than proceedings in which a finding is made that the alleged reportable conduct, or the alleged commission of an act of violence, did not occur).

11: Pastoral Care:

Where a student is at risk of significant harm or is the person to whom the reportable conduct has allegedly been directed, the Head of School or the designated representative must as soon as possible advise the student's parents or caregivers unless he is satisfied that:

- Community Service intends to notify the student's parents or caregivers promptly
- The Police are investigating that current situation.
- The College will not be in breach of its duty of care to the student or to other students by not advising the student's parents or caregivers.

The College will make available counselling staff to provide counselling and other support as required to:

- any student who is at risk of significant harm or is the person to whom reportable conduct has allegedly been directed
- any member of staff against whom a reportable allegation has been made
- where relevant, refer these people, and their families, to external agencies able to provide care and support.

Key Definitions:

Agreed Definition: Keep Them Safe Guidelines.

Risk of Significant Harm

What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficient 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's or young person's safety, welfare or wellbeing. Significance can result from a single act or omission, or an accumulation of these.

A child is at risk or significant risk if current concerns exist for the safety, welfare or wellbeing of the child because of the presence of any one or more of the following circumstances:

- The child's basic physical or psychological needs are not being met or are at risk of not being met
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care
- The child has been, or is at risk of being, physically or sexually abused or ill-treated
- The child is living in a household where there have been incidents of domestic violence and, as a consequence, the child is at risk of serious physical or psychological harm. a parent or other caregiver has behaved in such a way towards the child that the child has suffered or is at risk of suffering serious psychological harm.

Amendments:

- Parents or carers have not made proper arrangements and are unable or unwilling for their child to receive an education (educational neglect).
- A series of acts or omissions that, when viewed together, may establish a pattern of risk of significant harm (cumulative impact)

Abuse includes physical assault, sexual, psychological and neglect

- An act committed on or towards a child where there is the application of force to a child or an act that causes a child to think that immediate force will be used on them
- The act is hostile or reckless (a reckless act is one where the person foresees the likelihood of inflicting injury or fear, and ignores the risk)
- Actual physical harm does not have to occur for an assault to have taken place. That is, the child does not have to be injured. Physical contact which is an inevitable part of every day life does not amount to an assault.

Child is a person under the age of 18 years for the purposes of the Ombudsman Act.

Employment screening means any or all of the following procedures with respect to a person who is employed, or who has applied to be employed, in a child-related employment:

- A check of any relevant criminal record of the person for any relevant apprehended violence orders made against the person, or for any relevant employment proceedings completed against the person;
- Any other relevant probity check relating to the previous employment or other activities of the person

An assessment of the risk to children involved in that child-related employment arising from anything disclosed by such a check, having regard to all the circumstances of the case; the disclosure of the results of any such check or risk assessment to any person who determines whether the person is to be employed or continue to be employed in that child-related employment (or to a person who advised makes recommendations on the matter).

Grooming refers to patterns of behaviour or conduct aimed at engaging with an alleged victim for sexual activity.

Types of grooming behaviours may include:

- Persuading child/ren that there is a 'special' relationship'
- Inappropriate gift giving
- Special favours / breaking rules
- Inappropriate amounts of time
- Secret relationship, tactics to keep relationship secret
- Testing boundaries (touching, physical contact, undressing in front of child, talking about sex)
- Extending relationship outside of work
- Personal communication about personal or intimate feelings

Definitions of 'grooming', within child protection legislation, are complex. Under the *Crimes Act*, grooming or procuring a child under the age of 16 years for unlawful sexual activity is classed as a **sexual offence**. The *Crimes Act* (s73) also extends the age of consent to 18 years when a child is in a 'special care' relationship. Under Schedule 1(2) of the *Child Protection (Working With Children) Act*, grooming is recognised as a form of **sexual misconduct**. The *NSW Ombudsman Act, 1974* and this Child Protection Policy reflect all of these definitions within the context of the Reportable Conduct Scheme (Part 3A).

Ill-treatment captures those circumstances where a person treats a child in an unreasonable and seriously inappropriate, improper, inhumane or cruel manner. The focus is on the alleged conduct rather than the actual effect of the conduct on the child.

Ill-treatment can include disciplining or correcting a child in an obviously unreasonable and seriously inappropriate manner; making excessive and/or degrading demands on a child; hostile use of force towards a child; and/or pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour towards a child.

Neglect includes either an action or inaction by a person who has care responsibility towards a child. The nature of the employee's responsibilities provides the context against which the conduct needs to be assessed.

1. Supervisory neglect:

- An intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child, or
- An intentional or reckless failure to adequately supervise a child or a significantly careless act or failure to act, that:
 - Involves a gross breach of professional standards, and
 - Has the potential to result in the death or significant harm to a child.

2. Carer neglect:

- Grossly inadequate care that involves depriving a child of the basic necessities of life: such as the provision of food and drink, clothing, critical medical care or treatment, or shelter.

3. Failure to protect from abuse:

- An obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child.

4. Reckless act (or failure to act):

- A reckless act, or failure to act, that:
 - Involves a gross breach of professional standards, and
 - Has the potential to result in the death of, or significant harm to, a child.

Notification Protocol means:

The clearly delineated notification pathway created, within the various areas of the College to ensure that information regarding reportable allegations or children at risk or at risk of significant harm is treated promptly and in an appropriate manner (diagrams attached).

NSW child protection legislation means:

- Children and Young Persons (care and protection) Act 1998;
- Commission for Children and Young People Act 1998;
- Ombudsman Act 1974;
- Child Protection (Prohibited Employment) Act 1998; and
- Child protection (Offenders Resignation) Act 2000.

Physical Assault is any act by which a person intentionally inflicts unjustified use of physical force against another. An assault can also occur if a person causes another person to reasonably apprehend that unjustified force is going to be used against them. Even if a person who inflicts physical harm or causes another person to reasonably apprehend physical harm does not actually intend to inflict the harm or cause fear, they may still have committed an assault if they acted 'recklessly'.

'Recklessness' in this context relates to circumstances when the person ought to have known that their actions would cause a person physical harm or cause them to fear injury.

Assaults can include hitting, pushing, shoving, throwing objects or making threats to physically harm a child.

Psychological harm to a child is behaviour that is obviously or very clearly unreasonable and results in significant harm or trauma to a child. There needs to be a proven causal link between the inappropriate behaviour and the harm, and the harm must be more than transient.

Prohibited person means:

A person convicted of a serious sex offence within the meaning of the *Child Protection (Prohibited Employment) Act 1998* or a person who is a registrable person within the meaning of the *Child Protection (Offenders Registration) Act 2000*.

Relevant employment proceedings means:

Disciplinary proceedings (in New South Wales or elsewhere) against a **member of staff** by the College or by a professional or other body that supervises the professional conduct of the **member of staff**, being proceedings involving:

- reportable conduct by the **member of staff**, or
- an act of violence committed by the **member of staff** in the course of employment and in the presence of a child.

Disciplinary proceedings are not relevant employment proceedings if there has been a finding in the proceedings that the allegations in respect of which they were brought were vexatious or misconceived.

Reportable conduct means:

- Any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child (including a child pornography offence), or
- Any assault, ill-treatment or **neglect** of a child, or
- Any behaviour that causes **psychological harm** to a **child**; whether or not with the consent of the child.

Reportable conduct does *NOT* extend to:

- Conduct that is reasonable for the purpose of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- The use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- Conduct of a class or kind exempted from being reportable conduct by the Ombudsman. Examples of conduct that would not constitute reportable conduct include (without limitation):
 - 1: Touching a child in order to attract a child's attention, to guide a child or to comfort a distressed child;
 - 2: A College teacher raising his or her voice in order to attract attention or to restore order in the classroom; and conduct that is established to be accidental.

Further examples of behaviours that are not reportable conduct include;

- 3: Providing appropriate medical care to a child who is hurt;
- 4: Guiding a child by the shoulders, arms or hands;
- 5: Not providing supervision where this was for a good reason, and for a short period of time and where the risk of significant harm was reasonably perceived at the time to be low;
- 6: Actions found to have been appropriate physical contact in classes such as sport and drama.
- 7: Assisting Preschool or infants children when in distress or having soiled themselves.

Reportable conviction means:

- A conviction (including a finding of guilt without the court proceeding to a conviction), in New South Wales or elsewhere, of an offence involving **reportable conduct**.

Sexual Misconduct

A range of behaviours or a pattern of behaviour aimed at the involvement of children in sexual acts. Some of these behaviours may include:

- Inappropriate conversations of a sexual nature;
- Comments that express a desire to act in a sexual manner;
- Unwarranted and inappropriate touching;
- Sexual exhibitionism;
- Personal correspondence (including electronic communication) with a **child** in respect of the adult's sexual feelings for a child;
- Deliberate exposure of children to sexual behaviour of others including display of pornography;
- Possession of child pornography in the workplace;

Staff or **member of staff** includes any College employee and any individual engaged by the College to provide services to its students (even as a volunteer, student teacher, gap student, private tutor or contractor).

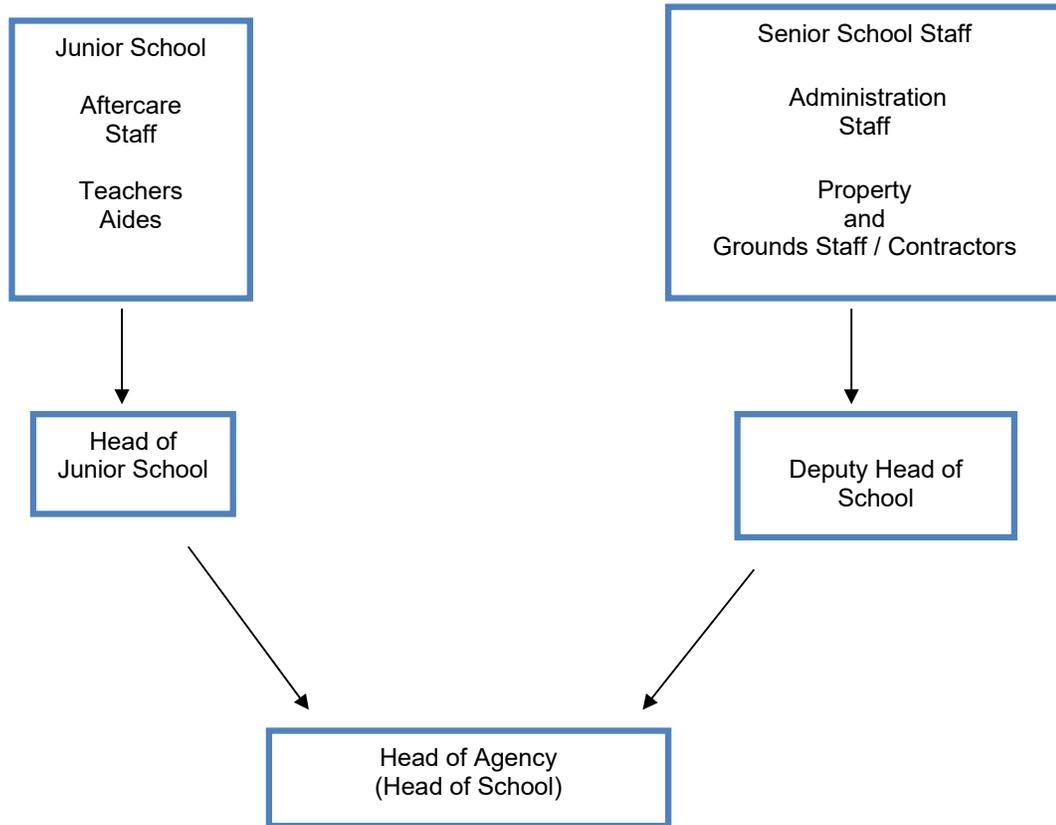
Various Acts, Information and Websites

- Counselling Services through Anglicare or those on the ground at the College
- Child Protection Hotline – 132111
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Ombudsman's Act 1974 (NSW)
- The Child Protection (Working with Children) Act 2012 (NSW)
- The Child Protection (Working with Children) Regulation 2013 (NSW)

Grooming:

- Section 66EB Crimes Act 1990 (NSW) procuring or grooming a child under 16
- Criminal Code Act 1995 – use of a carriage service
- <http://www.kidsguardian.nsw.gov.au/check>
- newcheck@kids.nsw.gov.au

Notification Protocol



Allegations involving the Head of Agency (Head of School) should be directed to the Chair of the College Council who may delegate investigative responsibility to some other external agency.

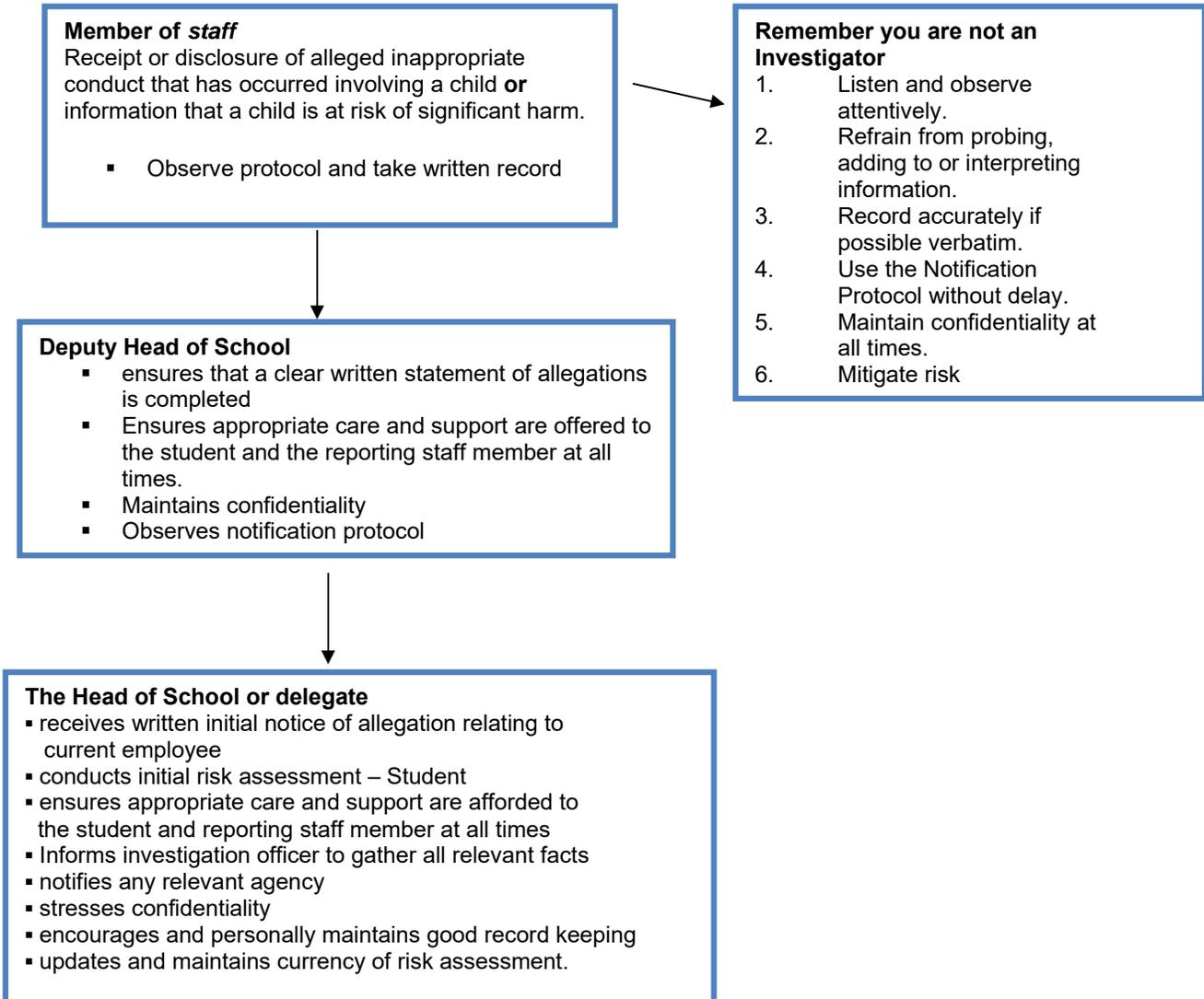
Note: Trained Staff – through the 4 day Child Protection Course – are the only staff to investigate complaints unless the complaint is against one of these staff members.

James Webb – Deputy Head of School
Austin Robinson – Head of Middle School

Policy on Child Protection

Expansion of Stages in Notification Protocol

Senior School Staff, Administration Staff, Ground Staff and Contracted Employees

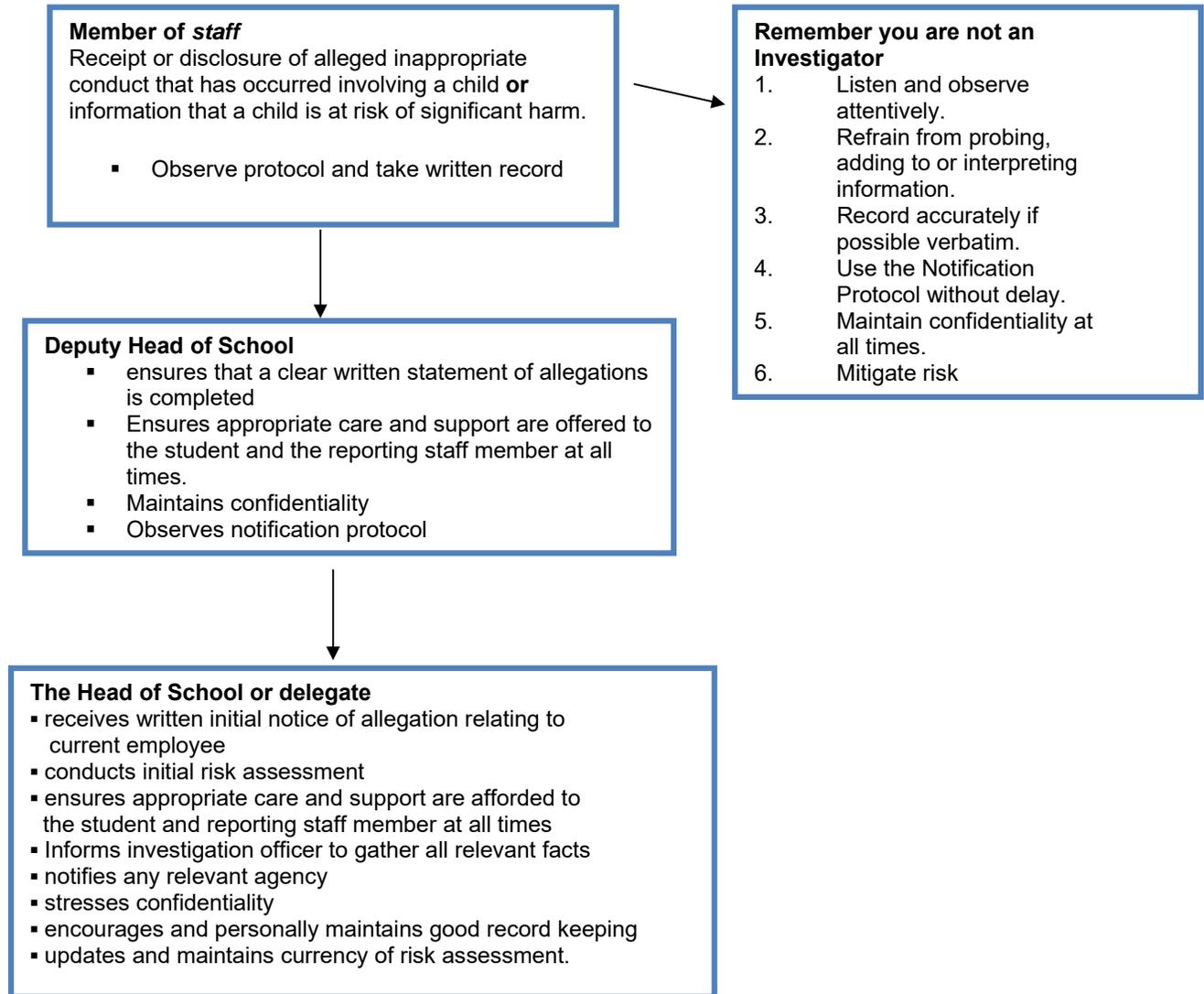


Note: The Deputy Head of School may bring the matter to the Head of School's attention at the earliest opportunity, even before a written statement is made.

Policy on Child Protection

Expansion of Stages in Notification Protocol

Junior School, Teachers' Aides and Aftercare Staff



Note: the Head of Junior School may bring the matter to the Head of School's attention at the earliest opportunity, even before a written statement is made.