

St. Philip's Christian Education Foundation Ltd



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St. Philip's Christian Education Foundation Ltd



Child Protection Guidelines and Procedures Reportable Allegations against Employees SPCC – Port Stephens

1. General Statement

The Children's Guardian Act 2019 (NSW) (*the Act*) requires the Children's Guardian to monitor investigations into allegations of child abuse against employees within institutions such as schools. Such conduct is termed 'reportable conduct' or 'reportable allegation', and guidelines for defining such conduct comes from the Children's Guardian Act 2019.

2. Head of Relevant Entity

The Head of Relevant Entity for St. Philip's Christian College, Gosford is the Principal of the College. He or she is responsible for reporting such matters to the Children's Guardian and to investigate reportable allegations as required, according to the guidelines from the Children's Guardian. If the Principal is the Employee Subject of Report (ESOR) then the Executive Principal becomes the Head of Relevant Entity. If the Executive Principal is the ESOR, then the Chairman of the Board of Governors reports the matter to the Children's Guardian.

3. Employees

There are two groups of people who are considered to be employees:

- any employee of the entity, whether or not employed in connection with any work or activities of the entity that relate to children; and
- any individual engaged by the entity to provide services to children. (This includes contractors, subcontractors and volunteers, whether within the school, or whether involved with students on an activity or program external to the school, and in terms of risk assessment and monitoring, including out-of-State and overseas).

The *Children's Guardian Act 2019 (NSW)* requires the Head of Relevant Entity to notify the Children's Guardian of allegations against employees that constitute sexual offences, misconduct, assault, ill-treatment, neglect, an offence under Section 43B or 316A of the Crimes Act 1900 (NSW) and behaviour that causes psychological harm to children. The Head of Relevant Entity must also inform the Executive Principal that an allegation has been reported to Children's Guardian.

The responsibility for conducting investigations into allegations against employees lies with the School. In some circumstances, statutory agencies may undertake a parallel investigation for other purposes - such as assessing risk and care issues or conducting a criminal investigation i.e. Department of Communities and Justice (DCJ), NSW Police. If this is the case, the statutory agencies will advise the Head of Relevant Entity as to what they can or cannot do while they complete their investigation. Note that the school must continue its duty of care obligations, even if a statutory agency is conducting their investigation.

For a notification of child abuse or neglect to be made to Department of Communities and Justice the school must have reasonable grounds to suspect that a child is in danger of being currently at **'significant risk of harm'** as guided by the Mandatory Reporting Guide (MRG). The Children's Guardian however, must be notified of **any** allegation against an employee of the College which meets the criteria of a reportable allegation, whether or not the school thinks there are reasonable grounds to believe that the notifiable abuse has taken place. Similarly, if the employee subject of report (ESOR) is a teacher, then NESARA must be notified (as per the SPCEF Ltd TAA manual), and that teacher's registration to teach may be suspended, during and pending the outcome of the investigation. That means that they may not be able to undertake any teaching duties during the investigation.

Allegations made against the Principal

Allegations relating to Child Protection matters made against the Principal must be reported to the Executive Principal. After undertaking the initial procedures (as below), the Executive Principal will act as Head of Relevant Entity and notify the Children's Guardian. The Executive Principal will follow the same procedures for responding to allegations.

4. Convictions

The Act also requires that any convictions for child abuse offences against an employee of the College ('reportable convictions') be made to the Children's Guardian. The conviction must be reported whether the abuse took place in the course of the person's employment or in any other situation.

5. Support Structures for Staff

If an allegation is made against a member of staff, (called the Employee Subject of Report - ESOR) appropriate support measures will be instituted. These may include:

- a) Appointment of a support person to assist the staff member to:
 - i) Understand the process of investigation;
 - ii) Respond to the allegation; and
 - iii) Generally, support the ESOR whilst the allegation is taking place.
- b) Access to Counselling

6. Definition of Reportable Conduct

Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded—

- (a) a sexual offence,
- (b) sexual misconduct,
- (c) ill-treatment of a child,
- (d) neglect of a child,
- (e) an assault against a child,
- (f) an offence under section 43B or 316A of the *Crimes Act 1900*,
- (g) behaviour that causes significant emotional or psychological harm to a child.

Sexual offences will normally involve the Police. Once their investigation is completed and any proceedings are undertaken, then the entity is still required to complete an appropriate investigation. **Sexual offence** means an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child.

Examples of sexual offences—

- 1 sexual touching of a child
- 2 a child grooming offence
- 3 production, dissemination or possession of child abuse material

“Sexual misconduct”: In contrast to “sexual offences”, sexual misconduct includes behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate relationship with, conduct towards, or focus on a child or young person, or a group of children or young persons. For example, sexually explicit comments, personal correspondence with sexual references or connotations, exposure of children and young people to sexual behaviour of others, and watching children in intimate contexts (e.g. watching them undress when supervision is not required or justified).

Sexual misconduct means conduct with, towards or in the presence of a child that—

- (a) is sexual in nature, but
- (b) is not a sexual offence.

Examples of sexual misconduct—

- 1 descriptions of sexual acts without a legitimate reason to provide the descriptions
- 2 sexual comments, conversations or communications
- 3 comments to a child that express a desire to act in a sexual manner towards the child or another child

Physical Assault is any act by which a person intentionally inflicts unjustified use of physical force against another (including another person being reasonably apprehensive that unjustified force is going to be used on them).

Assault means—

- (a) the intentional or reckless application of physical force without lawful justification or excuse, or
- (b) any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence.

Examples of assault—

- 1 hitting, striking, kicking, punching or dragging a child
- 2 threatening to physically harm a child

Ill-Treatment is where a person treats a child in an obviously or very clearly improper manner (malevolent acts, with the focus on the alleged conduct rather than impact).

Ill-treatment, of a child, means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.

Examples of ill-treatment—

- 1 making excessive or degrading demands of a child
- 2 a pattern of hostile or degrading comments or behaviour towards a child
- 3 using inappropriate forms of behaviour management towards a child

Neglect includes either an action of inaction by a person who has responsibilities towards a child (this level of neglect would normally result in significant harm). It is the absence of duty of care e.g. supervisory neglect.

Neglect, of a child, means a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by—

- (a) a person with parental responsibility for the child, or

- (b) an authorised carer of the child, or
- (c) an employee, if the child is in the employee's care.

Examples of neglect—

- 1 failing to protect a child from abuse
- 2 exposing a child to a harmful environment, for example, an environment where there is illicit drug use or illicit drug manufacturing

An offence under section 43B or 316A of the Crimes Act 1900,

- **Failure to protect offence** (Crimes Act (NSW) [43B](#) Failure to reduce or remove risk of child becoming victim of child abuse)

An adult working in a school will commit an offence if they know another adult working there poses as serious risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.

- **Failure to report offence** (Crimes Act (NSW) [316A](#) Concealing child abuse offence)

Any adult will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to police, without a reasonable excuse. A reasonable excuse would include where the adult has reported the matter to the Principal and is aware that the Principal has reported the matter to the police.

Significant or Psychological Harm is obvious act(s) that are unacceptable (c.f. Staff Code of Conduct) that results in a causal link to psychological harm to the child.

Examples of indicators of significant emotional or psychological harm

- 1 displaying behaviour patterns that are out of character
- 2 regressive behaviour
- 3 anxiety or self-harm

Please note that investigations are to be undertaken regardless of where the allegation is said to have occurred – for example, if an employee were alleged to have engaged in reportable conduct at a weekend sports match on a child from outside the Schools, an investigation would be undertaken.

7. Process for investigating an allegation of reportable conduct

The Principal ensures that the following steps are taken to investigate an allegation of reportable conduct.

7.1 Initial steps

Once an allegation of reportable conduct against an employee is received, the Principal is required to:

- determine on face value whether it is an allegation of reportable conduct;
- assess whether DCJ or the police need to be notified (ie, if reasonable grounds to suspect that a child is at risk of significant harm or a potential criminal offence). If they have been notified, seek clearance from these statutory agencies prior to the school proceeding with the Reportable Conduct investigation;
- notify the Children's Guardian within seven (7) business days of receiving the allegation;
- Notify the Executive Principal (or his/her delegate) that a reportable allegation has been received and the Children's Guardian has been informed;
- notify the child's parents if instructed by the Children's Guardian (unless to do so would be likely to compromise the investigation or any investigation by DCJ or police);
- carry out a risk assessment and take action to reduce/remove risk, where appropriate; and provide an initial letter to the ESOR advising that an allegation of reportable conduct has been made against them and the school's responsibility to investigate this matter under Division 5, 34 of the Children's Guardian Act 2019;

- Teachers may be suspended from their teaching duties, as their NESA teaching registration may be suspended pending the outcome of the investigation. Any decision to act as a result of a risk assessment is in no way an indication of the guilt of the employee concerned;
- investigate the allegation or appoint someone to investigate the allegation.

7.2 Investigation principles

During the investigation of a reportable conduct allegation the School will:

- follow the principles of procedural fairness;
- inform the employee subject of the report (ESOR) of the substance of any allegations made against them, at the appropriate time in the investigation, and provide them with a reasonable opportunity to respond to the allegations;
- make reasonable enquiries or investigations before making a decision;
- avoid conflicts of interest;
- conduct the investigation without unjustifiable delay (mindful of the OCG 30-day timeframe);
- handle the matter as confidentially as possible;
- provide appropriate support for all parties including the child/children, witnesses and the ESOR.

7.3 Investigation steps

In an investigation the Principal or appointed investigator will generally:

- interview relevant witnesses and gather relevant documentation;
- provide a letter of allegation to the ESOR;
- provide the ESOR with the opportunity to provide a response to the allegations either in writing or at interview;
- An ESOR 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.
- consider relevant evidence and make a preliminary finding in accordance with the NSW Ombudsman and Children's Guardian guidelines;
- inform the ESOR of the preliminary finding/s in writing by the Head of Relevant Entity and provide them with a further opportunity to respond or make a further submission prior to the matter moving to Final findings;
- consider any response provided by the ESOR;
- make a final finding in accordance with the NSW Ombudsman and Children's Guardian guidelines;
- decide on the disciplinary action, if any, to be taken against the ESOR;
- inform the ESOR of the final finding and the school's legal reporting obligations in accordance with the NSW Ombudsman Act 1974, Part 3A, Children's Guardian Act 2019, NESA Teacher Accreditation and in accordance with the Child Protection (Working with Children) Act 2012.
- Submit to the Children's Guardian an 'entity report' or an 'interim entity report' within 30 days of the allegation being received (under section 38 of the Children's Guardian Act)
- 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 DCJ or police.

8. Risk management throughout an investigation of a reportable conduct allegation

Risk management means identifying the potential for an incident or accident to occur and taking steps to reduce the likelihood or severity of its occurrence.

The Principal is responsible for risk management throughout the investigation and will assess risk at the beginning of the investigation, during and at the end of the investigation.

8.1 Initial risk assessment

Following an allegation of reportable conduct against an employee the Principal conducts an initial risk assessment to identify and minimise the risks to:

- the child(ren) who are the subject of the allegation;
- other children with whom the employee may have contact;
- the ESOR;
- the School, and
- the proper investigation of the allegation.
- The factors which will be considered during the risk assessment include:
- the nature and seriousness of the allegations;
- the vulnerability of the child(ren) the ESOR has contact with at work;
- the nature of the position occupied by the ESOR;
- the level of supervision of the ESOR; and
- the disciplinary history or safety of the ESOR and possible risks to the investigation.

The Principal will take appropriate action to minimise risks. This may include the ESOR being temporarily relieved of some duties, being required not to have contact with certain students, being asked to take paid leave, 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 ESOR.

A decision to take action on the basis of a risk assessment is not indicative of the findings of the matter. Until the investigation is completed and a finding is made, any action, such as an employee being suspended, is not to be considered to be an indication that the alleged conduct by the employee did occur.

8.2 Ongoing risk assessment

The Principal will continually monitor risk during the investigation including in the light of any new relevant information that emerges.

9. Information for the ESOR

The ESOR will be advised:

- that an allegation has been made against them (at the appropriate time in the investigation); and
- of the substance of the allegation, or of any preliminary finding and the final finding.

The ESOR does not automatically have the right to:

- know or have confirmed the identity of the person who made the allegation; or
- be shown the content of the Children's Guardian notification or other investigation material that reveals information provided by other employees or witnesses.

The WWC Act (Part 7, section 46) enables a person who has a finding referred to the OCG under the Act to request access to the records held by the School in relation to the finding of misconduct involving children.

10. Disciplinary action

As a result of the allegations, investigation or final findings, the School may take disciplinary action against the ESOR (including termination of employment).

In relation to any disciplinary action the school will give the ESOR:

- details of the proposed disciplinary action; and
- a reasonable opportunity to respond before a final decision is made.

11. Confidentiality

It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible.

The School requires that all parties maintain confidentiality during the investigation including in relation to the handling and storing of documents and records.

Records about allegations of reportable conduct against employees will be kept in a secure area and will be only accessible by the Head of Relevant Entity or with the Head of Relevant Entity's express authority.

No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the Principal to do so.

Staff members who become aware of a breach of confidentiality in relation to a reportable conduct allegation must advise the Principal.

Additional documents

- AIS/IEU Protocols for Investigation
- Overview of the Investigative Process

Relevant Legislation

- Children's Guardian Act 2019 (NSW)

Document history

Written 24/10/2012 by E. Moir

Reviewed and Updated 2015, 2017; 2020

St. Philip's Christian Education Foundation Ltd



Child Protection Guidelines and Procedures Reportable Allegations against Employees SPCC – Port Stephens

ACKNOWLEDGEMENT

(please print)

Name: _____

School: _____

Role/Job Title: _____

I (name) _____ have read,
understood and agree to comply with the terms of this Reportable Allegations against Employees
Guidelines and Procedures (Child Protection).

Signed

Date

Please return this signed acknowledgement form to your Principal.

St. Philip's Christian Education Foundation Ltd



Child Protection Policy Reportable Allegations against Employees SPCC – Port Stephens

Policy Document Information

Author/Supervisor	E Moir
Compliance	
Legislative Requirements	Children and Young Persons (Care and Protections Act 1998) Sect 23 http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/ The Child Protection (Working with Children) Act 2012. http://www5.austlii.edu.au/au/legis/nsw/consol_act/cpwca2012388/ The Children's Guardian Act (2019) https://legislation.nsw.gov.au/#/view/act/2019/25/part8/div5/sec134 The Crimes Act (1990) http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/nsw/consol_act/ca190082/
NESA	Registered and Accredited Individual Non-Government Schools (NSW) Manual
Other Policy Relationships	Child Protection Policy - Protecting and Supporting Children and Young People Complaint Handling Policy WHS Policy Bullying Policy Discipline Policy Excursion Policy Volunteer Policy SPCC Staff Code of Conduct
Document Location	MySPCC/Policies and Procedures; SPCC Website
Key Dates	
Date of Issue/last revision	March 2022
Review Date	May 2025
Date Submitted to Board of Governors	March 2020
Date Ratified by Board of Governors	March 2020
Policy Review	This policy will be reviewed every 3 years, or as needed in line with legislative changes and the requirements of the Association of Independent Schools
Applies to	All schools and operations of SPCEF Ltd including associated entities

SPCEF Ltd policies are made pursuant to the requirements set out in section 47 of the *Education Act* and of the NESA for registration of the schools

St. Philip's Christian Education Foundation Ltd



Child Protection Policy Reportable Allegations against Employees SPCC – Port Stephens

General Statement

St. Philip's Christian College Education Foundation Ltd (SPCEF Ltd) is committed to creating and maintaining procedures that protect the safety, welfare and well-being of all children and young people at the school. A part of that duty of care owed by the College is, with the help of the parents, families, community and government and non-government agencies, to protect children and young people against all forms of abuse and neglect. The procedures followed must be in accordance with all relevant legislation, and take into account other appropriate practices and guidelines aimed at maintaining the safety, welfare and wellbeing of children and young people. The school's policy and procedures will be amended as necessary to take into account amendments to relevant legislation and regulations.

1. Objectives – Policy Statement

As an employer, the schools run by St. Philip's Christian College Education Foundation Ltd (SPCEF Ltd) has a responsibility to:

- 1.1 Try to prevent harm happening to children/young people whilst in our care;
- 1.2 Respond to allegations of a child protection nature specifically related to the actions of an employee and ensure appropriate action is taken in relation to an investigation and the finding, including disciplinary action;
- 1.3 Report to the Office of the Children's Guardian reportable conduct allegations or convictions made against an employee.

2. Audience and Applicability

All employees, contractors, volunteers, parents and students of any St. Philip's Christian Education Foundation Ltd School or entity.

3. Context

The safety, welfare and wellbeing of children and young people in educational settings are paramount. When responding to allegations against employees, SPCEF Ltd schools have a responsibility to ensure its employees are treated fairly and the rights of each individual are respected during an investigation and any applicable disciplinary process.

This policy reflects legislative requirements to respond to allegations of a child protection nature against employees (including volunteers and contractors), and report to Department of Communities and Justice (DCJ) and/or Police and the NSW Office of the Children's Guardian as required.

Note that for notification of child abuse or neglect to be made to DCJ, reasonable grounds are needed to suspect that a child is in danger of being at 'significant risk of harm' as guided by the Mandatory Reporting Guide. Whereas the Office of the Children's Guardian has to be notified of **any** allegation against an employee of the College, whether or not you there are reasonable grounds to believe that the abuse has taken place.

This policy is a general document outlining the overall requirements of the SPCEF Ltd in regard to Child Protection matters pertaining to Allegations against Employees. This policy must be read in conjunction with the Keep Them Safe framework and the NSW Mandatory Reporter Guide, as well as SPCEF Ltd policy on 'Child Protection – Protecting and Supporting Young People' and other related policies, guidelines and procedures as listed in point 7 – Additional Materials.

This policy refers to the following legislation:

- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Child Protection (Working with Children) Act 2012.
- Ombudsman Act 1974
- Children's Guardian Act 2019

Other relevant legislation: Privacy and Personal Information Protection Act 1998; Health Records and Information Privacy Act 2002; Education Act 1990 and Crimes Act 1900.

4. Responsibilities and Delegations

4.1 Board of Governors

- 4.1.1 Review and ratify the SPCEF Ltd policy in regards to Child Protection (Allegations against Employees).
- 4.1.2 Follow reporting procedures to the Office of the Children's Guardian if an allegation is received about the Executive Principal and cause an investigation to occur.
- 4.1.3 Ensure support structures are available to the Executive Principal and SPCEF Ltd schools if they are subject of an allegation.

4.2 Executive Principal

- 4.2.1 Ensure that SPCEF Ltd has a policy in regard to Child Protection (Allegations against Staff), which is updated every three years and in line with legislative changes.
- 4.2.2 Ensure principals of each SPCEF Ltd schools receive and implement the Child Protection (Allegations against Employees) policy.
- 4.2.3 Receive feedback from SPCEF Ltd principals on the implementation of the Child Protection (Allegations against Employees) policy and any necessary changes.
- 4.2.4 Follow reporting procedures to the Office of the Children's Guardian if an allegation is received against a SPCEF Ltd school Principal and cause an investigation to occur.
- 4.2.5 Ensure support structures are available to the school principal and school if the principal is the subject of an allegation.

4.3 School Principals

4.3.1 Training

- ensure all staff participate in an initial child protection policies induction on the commencement of their service at the school.

- ensure that the requirement to prevent, identify, report and investigate allegations of reportable conduct in compliance with current legislation are made known to staff annually.

4.3.2 Reporting

- ensure SPCEF Ltd procedures are followed if an allegation against a staff member is received.
- follow SPCEF Ltd procedures for reporting allegations to the Office of the Children's Guardian.
- report to the Executive Principal and the Board of Governors regarding allegations reported to the Office of the Children's Guardian.
- communicate to the staff member if they are the subject of an allegation/report.
- communicate to parents/care-givers the school processes for reporting complaints relating to staff misconduct or reportable matters.
- communicate to parents/care-givers of the student/s directly involved in the allegation and inform them of the investigation process and how they can avail themselves of the school complaints policy if required.
- cause an investigation to be undertaken in a timely manner.
- submit an entity report within 30 days of receiving the allegation or interim report if necessary.
- maintain records of any allegations, reporting and subsequent investigations that have been made to the Principal and the Office of the Children's Guardian.

4.3.3 Supporting Staff

- ensure support structures are available for staff member who has been/is the focus of an allegation/investigation.
- ensure staff are aware of the Grievance and Compliant procedures.

4.4 Heads of School

4.4.1 Training

- ensure all staff participate in an initial child protection induction, and yearly information sessions on how to prevent, identify, and respond to reportable conduct matters and the investigation process.

4.4.2 Reporting

- report as soon as possible to Principal when an allegation has been made against a staff member or themselves.

4.4.3 Supporting staff

- ensure support structures are available for staff member who has been/is the focus of an allegation/investigation.

4.5 Employees

- report any allegations re Staff and Child Protection to principal as soon as practical
- maintain confidentiality re Staff and Child Protection matters
- allow the investigation process to happen in an unhindered way.

4.6 Parents

- to comply with the school's Child Protection Allegations against Staff policy and procedures, particularly in relation to completing Volunteers' forms, and maintaining confidentiality.
- avail themselves of the school's Complaints Policy if required and follow appropriate process.

4.7 Students

- Report to Principal any concerns relating to Child Protection.
- Maintain confidentiality.

5. Monitoring, evaluation and reporting requirements

5.1 This policy document will be reviewed every three (3) years or more frequently if legislation changes.

5.2 Principals will maintain a workplace register of staff participation in relevant updates and of inductions of new staff. This applies to all staff including non-teaching staff, part-time, temporary and casual staff.

6. Document details and history

New document: Written March 2013

Updated and reviewed May 2015. March 2020, March 2022*.

Based on St Philip's Christian College, Newcastle "Allegations against Employees in the Area of Child Protection Policy (Child Protection) Policy" written June 2010.

This policy supersedes any other Child Protection policies in SPCEF Ltd schools relating to Reportable Allegations against Employees.

*Minor wording changes were made to the policy in March 2022.

7. Additional Materials

This policy must be read in conjunction with the Keep Them Safe framework and the NSW Mandatory Reporter Guide, as well as the individual SPCEF Ltd school's Child Protection Guidelines and Procedures; Reportable Allegations Against Employees guidelines and procedures as well as the Foundation's Code of Conduct (Staff), Work Health and Safety policy, Discrimination, Harassment and Bullying (Statement) and the school's Anti-Bullying Policy, guidelines and procedures.

Supporting Materials

Appendix 1 Child Protection (Working With Children) Act 2012

Appendix 2 Criminal Offences (The Crimes Act)

Appendix 3 Children Guardian's Act 2019

Appendix I – Child Protection (Working with Children) Act 2012

The Working with Children Act

1 General

The Office of the Children’s Guardian (OCG) is responsible for employment screening for child related employment. A Working With Children Check (Check) 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.

2 Responsibilities

The object of the WWC Act is to protect children:

- (a) by not permitting certain persons to engage in child-related work; and
- (b) by requiring persons engaged in child-related work to have working with children check clearances.

Schools are required to:

- (a) verify online and record the status of each child-related worker’s Check;
- (b) only employ or engage child-related workers or eligible volunteers who have a valid Check; and
- (c) report findings of misconduct involving children made against child-related workers or volunteers.

Child-related workers and eligible volunteers are required to:

- (a) hold and maintain a valid Check;
- (b) not engage in child-related work at any time that they are subjected to an interim bar or a bar; and
- (c) report to the Principal if they are no longer eligible for a Check, the status of their Check changes or are notified by the OCG that they are subjected to a risk assessment.

All volunteers are required to:

- (a) sign the Volunteer Statutory Declaration. Volunteers who assist with overnight camps are required to have a WWCC;
- (b) to be aware and follow the expectations of conduct expressed in the School Volunteer Code of Conduct.

3 Relevant Definitions

3.1 Bars

Final bar

This bar is applied based on a decision made by the OCG, following a risk assessment. This person is barred against working with children.

Interim bar

An interim bar is issued to high risk individuals to prevent them from continuing to work with children while a risk assessment is conducted. An interim bar may be applied for up to 12 months. If an interim bar remains in place for six months or longer, it may be appealed against through the Administrative Decisions Tribunal.

Not everyone who is subject to a risk assessment will receive an interim bar; only those representing a serious and immediate risk to children. Interim bars are issued only for risks considered likely to result in a final bar.

3.2 Child-related work

Child-related work includes, but not limited to work in the following sectors:

- (a) early education and child care including education and care service, child care centres and other child care;
- (b) education schools and other educational institutions and private coaching or tuition of children;
- (c) religious services;
- (d) residential services including boarding schools, homestays more than three weeks, residential services and overnight camps; or
- (e) transport services for children including school bus services, taxi services for children with disability and supervision of school road crossings.

3.3 Child-related worker

A person who has physical contact or face to face contact with children in work outlined above in 3.2, including schools. This may include volunteer work.

A child-related worker may commence work once they have completed the Check application process. An application is completed when the online application form is complete and the worker's identity has been proven at Services NSW and the fee has been paid (if in paid work).

If you are unclear if your role is child-related you should speak with the Principal.

3.4 Disqualified person

A disqualified person is a person who has been convicted, or against whom proceedings have been commenced for a disqualifying offence outlined in Schedule 2 of WWCC Act.

A disqualified person is a person who has a bar preventing them from working with children in child-related work.

It is an offence for an employer to knowingly engage a child-related worker when they do not hold a Check or who has a bar or an interim bar.

It is an offence for an employee to engage in child-related worker when they do not hold a Check or has a bar or an interim bar.

3.5 Findings of misconduct involving children

The School will report any finding of reportable conduct to the OCG.

When informing an employee of a finding of reportable conduct against them, the School should alert them to the consequent report to the WWCC Directorate in relation to sustained findings of sexual misconduct, a sexual offence or a serious physical assault.

The WWCC Act enables a person who has a sustained finding referred to the OCG to request access to the records held by the school in relation to the finding of misconduct involving children, once final findings are made. The entitlements of a person to request access to

information in terms of section 46 of the WWC Act is enlivened when a finding of misconduct involving children has been made.

3.6 Reporting body

Independent Schools which are members of the AISNSW are defined as a reporting body by the WWC Act.

Section 35 of the WWC Act requires this School to notify the OCG findings of misconduct involving children made against a child-related worker. The school may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act.

3.7 Risk assessment

Risk assessment is an evaluation of an individual's suitability for child-related work.

The OCG will conduct a risk assessment on a person's suitability to work with children when a new record is received which triggers a risk assessment. This may include an offence under Schedule 1, pattern of behaviour or offences involving violence or sexual misconduct representing a risk to children, findings of misconduct involving children or notification made to OCG.

3.8 Working with Children Check Clearance

A Working with Children Check (Check) means authorisation under the WWC Act to engage in child-related work. An employee will be issued with a number which is to be provided to the School to verify the status of an employee's Check.

The Crimes Act NSW (1990)

In 2018 the Crimes Act was amended to adopt recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse*. The new offences are designed to prevent child abuse and to bring abuse that has already occurred to the attention of the police.

43B Failure to protect offence (Crimes Act (NSW) Failure to reduce or remove risk of child becoming victim of child abuse)

An adult working in a school, therefore all staff members, will commit an offence if they know another adult working there poses as serious risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.

This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to a known and serious risk rather than using their power to protect children.

316A Failure to report offence (Crimes Act (NSW) Concealing child abuse offence)

Any adult, therefore all staff members, will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to police, without a reasonable excuse. A reasonable excuse would include where the adult has reported the matter to the Principal and is aware that the Principal has reported the matter to the police.

Children’s Guardian Act NSW (2019)

As of the 1st March, 2020 the Children’s Guardian Act (NSW) 2019 commences.

The new Act reinforces the independent role of the Children’s Guardian to help keep children and young people safer in organizations.

The *Children’s Guardian Act 2019* has consolidated legislation that previously governed the existing functions and responsibilities of the Children’s Guardian for accrediting and monitoring adoption service providers and out-of-home care agencies, and regulating children’s employment.

The Act expands the functions of Children’s Guardian’s to now include the reportable conduct scheme and extends it to include the religious and faith-based sector not currently captured under the existing scheme.

The implications for schools is that allegation of reportable conduct investigations are now reported to, and monitored by the Office of the Children’s Guardian.

To read the Act:

<https://www.kidsguardian.nsw.gov.au/about-us/news/new-children-s-guardian-act-to-commence-1-march-2020>

<https://legislation.nsw.gov.au/#/view/act/2019/25/full>

St. Philip's Christian Education Foundation Ltd



Child Protection Policy Reportable Allegations against Employees SPCC – Port Stephens

ACKNOWLEDGEMENT

(please print)

Name: _____

School: _____

Role/Job Title: _____

I (name) _____ have read, understood and agree to comply with the terms of this Child Protection Policy (Reportable Allegations against Employees).

Signed

Date

Please return this signed acknowledgement form to your Principal.

St. Philip's Christian Education Foundation Ltd



Child Protection Guidelines and Procedures Protecting and Supporting Children and Young People SPCC – Port Stephens

1. General Statement

St. Philip's Christian College is committed to creating and maintaining procedures that protect the safety, welfare and well-being of all children and young people at the school. A part of that duty of care owed by the College is, with the help of the parents, families, community and government and non-government agencies, to protect children and young people against all forms of abuse and neglect. The procedures followed must be in accordance with all relevant legislation, and take into account other appropriate practices and guidelines aimed at maintaining the safety, welfare and wellbeing of children and young people. The school's policy and procedures will be amended as necessary to take into account amendments to relevant legislation and regulations.

2. Context

Keep Them Safe: A shared approach to child wellbeing is the NSW Government's response to the Report of the Special Commission of Inquiry into Child Protection Services in NSW, led by the Honourable James Wood, AO, QC, released in November 2008. *Keep Them Safe* recognises the importance of the wellbeing of all children and young people, with the aim of providing appropriate support to families earlier, to prevent children and young people requiring statutory child protection intervention. To achieve this, *Keep Them Safe* encourages families, communities, government agencies and non-government organisations to work together to support children, young people and families.

The NSW Government recognises that care and protection for children and young people is a shared responsibility. It begins with parents, but when government support becomes necessary, it is not the sole responsibility of the Department of Communities and Justice (DCJ) but a collective responsibility. *Keep Them Safe: A shared approach to child wellbeing* provides the framework for parents, communities, government and non-government agencies to work together to support children and families. Our College's procedures must be read in conjunction with the *Keep Them Safe* (KTS) framework and the NSW Mandatory Reporter Guide. (MRG).

3. Explanations/Definitions:

3.1 The Mandatory Reporter Guide (MRG)

The [Mandatory Reporter Guide](#) (MRG) is a child protection assessment tool. The MRG provides a common platform for decision making about whether concerns reach the threshold. A number of "decision trees" (sections such as physical abuse, neglect, psychological harm) ask a series of questions

to determine if the significant risk threshold is met. They however do not replace professional judgment. The interactive online version generates a Decision Report for the user that reflects all the answers provided to the questions. Confidentiality is assured as no names or other identifying information are entered when using the *Mandatory Reporter Guide*.

The Mandatory Reporter Guide is available on the ChildStory website <https://reporter.childstory.nsw.gov.au/s/mrg>

3.2 Definitions

Child – is a person under 16 years of age

Young Person – is a person who is 16 years or above but under the age of 18 years.

3.3 What is “Risk of Significant Harm”?

Everyone in the community should be alert to signs of abuse or neglect in children and young people. Their safety, welfare and well-being are a community responsibility. An injury, concerning behaviour or a disclosure may be a trigger to consider whether you should report a child or young person, or whether you or your agency can offer support to prevent significant harm from occurring or continuing.

Any member of the community, including mandatory reporters, who suspect, on reasonable grounds, that a child or young person is at risk of significant harm should report their concerns to the Child Protection Helpline.

A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing are:

- Present to a significant extent
- Sufficiently serious to warrant a response by a statutory authority irrespective of family consent
- Not minor or trivial
- May reasonably be expected to produce a substantial and demonstrable adverse impact on their safety, welfare or wellbeing, or in the case of an unborn child, after the child’s birth.
- May be a single act or omission or an accumulation of these

Risk of Significant Harm can include:

- physical abuse
- neglect
 - o supervision
 - o physical shelter/environment
 - o food
 - o medical care
 - o mental health care
 - o education
- sexual abuse
- problematic sexual behaviour
- psychological harm
- relinquishing care
- carer concerns
 - o parent/carer substance abuse
 - o parent/carer mental health
 - o parent/carer domestic violence
- unborn child.

3.4 What are “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:

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

It does not mean that reporters are required to confirm their suspicions or have clear proof before making a report.

3.5 What is a “Current Concern”?

Concerns must be current - that is, significant harm arising from abuse or neglect is recent or likely in the foreseeable future should circumstances continue unchanged. Current concerns may also arise from a child or young person having contact with someone who is known to be responsible for causing harm to a child in the past.

Current concerns also refer to situations where the abuse or neglect of the child or young person occurred sometime in the past but continue to have an impact on the child or young person’s safety, welfare or wellbeing.

3.6 Mandatory Reporting

Who is legally deemed a “Mandatory Reporter”?

Anyone who as part of their paid or professional work delivers or manages services to children.

3.7 When must a report be made?

Mandatory reporters must report when they have reasonable grounds to suspect a child or young person is at risk of significant harm and have current concerns about the safety, welfare and wellbeing of the child or young person.

It is mandatory to report matters pertaining to 0-15 years children. Professional judgement is called for when dealing with 16-17 years and unborn children.

Mandatory reporters should only make a report to the Child Protection Helpline where there is suspected “risk of significant harm”. For reports that do not meet the new threshold, mandatory reporters identify potential responses within their own agency or make a referral to other services to provide support to the family, including Family Referral Services.

Mandatory reporters should telephone 132 111

4. Child Protection Guidelines

1. As a member of staff of St Philip's Christian College, you are required to report to the Principal (Head of Relevant Entity) or to the Principal's nominee in any situation where you believe a child or young person is at “risk of significant harm” as described above.
2. The Principal (Head of Relevant Entity) will complete with you the MRG and based on the results will act accordingly. If it is decided that the matter is not to be reported to DCJ Services, alternate actions will be decided on.
3. Mandatory reporters should note that the legislation requires that they continue to respond to the needs of the child or young person (within the terms of their work role) even if after a report to the Child Protection Helpline has been made.
4. If a student discloses abuse to you, you must report this disclosure to the Principal as stated above and complete the MRG.
5. You may be required to communicate with other agencies that have responsibilities for children and young people. All staff must work collaboratively with these agencies to ensure the best outcome for the child/young person concerned. It is vital to remember that the safety, welfare and wellbeing of the child/young person is paramount therefore the needs and

interests of the child/young person, and their families in receiving these services takes precedence over the protection of confidentiality or of an individual's privacy.

5. Child Protection Procedures

5.1 Where you have 'reasonable grounds' to suspect a child/young person is at "risk of significant harm", you should firstly **contact the Principal** (Head of Relevant Entity) and together complete the **Mandatory Reporter Guide** to assess whether their concerns meet the threshold of "risk of significant harm".

However, if there is an **immediate danger** to the child or young person you should contact the **Police - 000 and/or the Child Protection Helpline** .

- o call **132 111**

5.2 If the Mandatory Reporter Guide advises that there is risk of significant harm, you must report to the **Child Protection Helpline**.

5.3 Once a report is made to the Child Protection Helpline no further report needs to be made unless new information comes to hand.

5.4 The summary page or the decision report from the online Mandatory Reporter Guide must be printed and filed along with any follow up documentation/reports in a central file in the Principal's office.

6. Additional Information

Reports to the Child Protection Helpline must be made by phone where:

- the child is at high or imminent risk of significant harm due to:
 - o serious physical injury to a child or young person requiring medical attention
 - o serious neglect to a child or young person of an immediate nature
 - o domestic violence involving serious injury and/or use of a weapon
 - o sexual harm involving serious current concerns
 - o a high-risk prenatal report where the birth is imminent
 - o immediate safety issues
 - o death of a sibling in circumstances which are reviewable by the NSW Ombudsman (See www.ombo.nsw.gov.au for further information)
- the report concerns:
 - o a group of children/young people other than a sibling group
 - o a child or young person who resides outside of NSW
 - o an alleged person causing harm who has access to the child AND there is concern that the child may experience harm in the foreseeable future
 - o complex information which is more easily communicated verbally than in writing
- the reporter is unsure how to interpret the Mandatory Reporter Guide outcome and needs to discuss this with a Helpline caseworker.

Information required in a report

It is important to provide all relevant information when making a child protection report as the detail and quality of the information provided to the Helpline is critical to the quality of the decision making that follows.

Ensure you have the student's file or TASSweb on hand when making the report. Note that reports must still be made where only a little information is known but there is risk of significant harm.

The kind of information which is useful includes risk of significant harm information, as prompted by the Mandatory Reporter Guide, as well as information about the child or young person, the family, the reporter, and the context of the report, as follows:

Child's information

- Name of child or young person (or alias) or other means of identifying them
- Age and date of birth (or approximation)
- If child is Indigenous – Aboriginal, Torres Strait Islander or both
- Cultural background of child, language(s) spoken, religion and other cultural factors
- Name, age of other household children or young people
- Address of child and family
- School or child care details
- If child has a disability – nature/type, severity, impact on functioning
- Is the child/young person subject of an Apprehended Violence Order?
- Is the child or young person under the care of the Minister or residing in out-of-home care?

Family information

- Name, age of parents/carer and household adults
- Home and/or mobile phone number
- Cultural background of parents, language(s) spoken, religion and other cultural factors
- Information about parental risk factors and how they link to child's risk of harm
- domestic violence
- alcohol or other drug misuse
- unmanaged mental illness
- intellectual or other disability
- Protective factors and family strengths
- on-offending carers' capacity to protect child
- Any previous suspicious death of a child or young person in the household?
- Is the parent/carer pregnant?
- Is the parent/carer the subject of an Apprehended Violence Order?
- Description of family structure (for example, biological parents, single parent, blended family)
- Name, age, gender of siblings. Do siblings live with the child or young person?

Reporter Details

- Name, entity address, phone and email details
- Position
- Reason for reporting today
- Nature of contact with child or family
- Nature of ongoing role with child or family (include frequency, duration and type)
- If report is being made by someone else in the entity, name of the entity worker who sourced the report

Other information

- Services involved with child/family if known
- Principal language of family and whether an interpreter for a spoken or signed language is required
- If parent knows of report and their response
- If child or young person knows about the report and their views
- Information related to worker safety issues
- Outcome of Mandatory Reporter Guide

Other reasons to notify the Child Protection Helpline

The Child Protection Helpline should be notified if a child/young person is under the parental responsibility of the Minister, there is no concern that reaches the threshold of risk of significant harm but the child/young person is:

- pregnant
- runaway

- missing
- homeless (in the case of homelessness review the MRG *Neglect: Physical Shelter/Environment* tree first. If that leads to a report to DCJ, report as neglect. If it does not lead to a report to DCJ, advise the Child Protection Helpline)

Safeguards for reporters

Reports to DCJ are confidential and the reporter's identity (if known) is protected by law if the report is made in good faith. The law offers the following protections:

- the report shall not be held to be a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct
- no liability for defamation can be incurred because of the making of the report
- the report, or its contents, is not admissible in any proceedings as evidence against the person who made the report
- a person cannot be compelled by a court to provide the report or give any evidence as to its contents
- a report is an exempt document under the *Freedom of Information Act 1989*.

If law enforcement agencies require the identity of a reporter in order to investigate serious offences alleged to have been committed against children or young people, the identity of the reporter may be released to the police. This provision aims for a balance between the privacy of the reporter and the safety of the child or young person. The reporter will be notified that their identity is to be released to the police unless doing this would prejudice the investigation.

Feedback to reporters

The Child Protection Helpline will provide feedback to mandatory reporters on the reports it receives. If the feedback indicates that the statutory threshold is not met, mandatory reporters may need to consider what additional services or supports could be provided locally. Services offered should assist in addressing identified problems and minimising the risk of future harm.

Finding services for children, young people and families

If the Mandatory Reporter Guide indicates that a matter does not reach the significant harm threshold a report should **not** be made to the Child Protection Helpline, unless in your professional judgement there are additional factors that the Helpline needs to take into account.

Other actions you can take to find help for a child or family include:

- if you believe that other agencies can assist the child and family, you should make appropriate referrals or share information with an agency if requested if they meet the criteria as listed in accordance with Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998.

What happens to reports that do not meet the "risk of significant harm" threshold?

If a child or young person is not at risk of significant harm, the report does not meet the new statutory threshold. In these situations, mandatory reporters should:

- continue to offer the services of their own organisation (where appropriate)
- refer to local services and work collaboratively with other organisations to help keep children safe
- refer to Family Referral Services (where available), which link families to local services.

Information sharing will ensure that concerns for children and young people's wellbeing are monitored and reported to DCJ if they reach a level considered to be risk of significant harm. The Helpline will

provide feedback to mandatory reporters about whether or not the report meets the new threshold for statutory intervention.

Definition of terms used in the Mandatory Reporter Guide

The Mandatory Reporter Guide focuses on whether a concern is significant or not, and not whether abuse or neglect is present according to a specific definition.

Physical abuse is where a child/young person has a suspicious current injury, suspected to be caused by the parent/carer AND where it has not occurred accidentally OR the child or young person is being treated in a way that may have or is likely to cause injury.

Neglect – lack of supervision is where a child/young person is alone and based on their age/development/circumstances this is unsafe.

It may also be where a child/young person is currently not under the care and supervision of an appropriate carer and due to age/development/disability this is unsafe.

Neglect – lack of physical shelter/environment is where a child/young person or family has no safe place to stay or there is imminent danger of serious harm in the current residence dependant on their age/development/disability and where the parent/carer is not ensuring the child's safety (Note: Reporting the homelessness of young people aged 16 to 17 years is not mandatory and can only be done with the consent of the young person.)

Neglect – food – medical professionals is where a child/young person has a condition caused or exacerbated by inadequate or poor diet or where the child is aged under 5 and is failing to keep pace with expected growth and there is no known organic cause.

Neglect – food – non-medical professionals is where a child or young person is:

- reporting persistent hunger
- reporting persistent withholding of food as punishment
- thin, frail, listless
- frequently begging/stealing/hoarding food
- mentioning going without eating
- frequently arriving at school without breakfast/ lunch
- having difficulty concentrating and you suspect poor nutrition.

Neglect – medical care – medical professionals is where:

- a child/young person requires medical care for an acute condition for which parents/carers are not providing the recommended medical treatment
- there is a chronic condition which is not being treated or a treatment plan is not being followed and this is likely to result in significant harm.

Neglect – medical care –non-medical professionals is where:

- a child/young person has a physical health condition that appears to need immediate care which is not being provided
- parent/carer is refusing or unable to seek recommended medical care
- there is a medical condition that requires an ongoing treatment plan that is not being followed.

Neglect – mental health care is where:

- a child/young person is suicidal/has committed or is threatening serious violence or is causing significant self-harm
- parent/carer is refusing to provide or access mental health care that the child/young person requires.

Neglect – education – not enrolled is where a child/young person is of compulsory school age and is not enrolled.

Neglect – education – habitually absent is where a child/young person is of compulsory school age and is enrolled and is habitually absent.

Sexual abuse – child is where a child has made a clear, unambiguous statement of sexual assault or is:

- pregnant
- diagnosed with a sexually transmitted disease
- displaying trauma to genital area
- or where you are aware by other means that a child has been sexually abused.

It will also be a cause for reporting if:

- there is a concern a child will have significant contact with an alleged or known sex offender or
- the child is exposed to sexually explicit material or acts including pornography and communication of sexual matters and the child expresses fear, discomfort or shows symptoms of significant harm.

Sexual abuse – young person is where a young person has made a clear, unambiguous statement of sexual abuse, or you are aware by other means the young person has been sexually abused.

It may also be a cause for reporting if:

- the young person is engaged in prostitution or pornography and
- the young person appears subject to coercion or intimidation.

Child/Young Person Problematic Sexual Behaviour is where a child/young person is engaged or may be engaged in sexually abusive behaviour, indicated by:

- a victim who is substantially younger, smaller, weaker, less mature or cognitively/physically less capable
- pressure, coercion, aggression, bribery, secrecy or other grooming behaviours have been used.

It may also be a cause for reporting:

- when the victim is a relative of the initiating child/young person
- when the victim lives in the same household or
- where the action was significantly outside normal sexual behaviour.

It may also be a cause for reporting where the child/young person has continuing or imminent contact with the victim.

Psychological harm is where a child/young person is exposed to:

- chronic or severe domestic violence
- severe parental/carer mental health or substance abuse concerns
- parental/carer behaviours that are persistent, repetitive and have a negative impact on a child/young person's development, social needs, self-worth or self-esteem
- parental/carer criminal and/or corrupting behaviour
- parental/carer behaviours that deliberately expose a child/young person to traumatic events.

Relinquishing care is where the parent/carer is no longer willing to provide shelter/food/supervision for the child/young person or child/young person has been in voluntary care for longer than the legislation allows.

It is also a cause for reporting if there are no alternative care arrangements in place for the next 72 hours.

Parent/carer substance abuse is where the substance abuse impacts on the parent/carer's ability to meet the child/young person's needs; causes significant harm and/or where the child/young person's behaviour indicates the impact of substance abuse.

Parent/carer mental health is where the mental health concern impacts on the parent/carer's ability to meet the child/young person's needs; causes significant harm and/or where the child or young person's behaviour indicates the impact of the parent/carer's mental health concern.

Parent/carer domestic violence is where there has been an incident of domestic violence, there is a child or young person in the home and where one or more of the following occurred, whether the child was present or not:

- use of weapon
- strangulation/suffocation attempt
- serious injury to adult
- physical injury to child/young person
- serious threat to harm child/young person/adult/self
- a significant increase in the pattern of violence.

Unborn child is where there is a history of abuse or neglect of siblings of the unborn child, siblings have been removed, or died in circumstances that have been reviewed by the Ombudsman.

It may also be where you are aware of circumstances that suggest either parent/carer will be unable to care for baby upon birth due to:

- suicidal tendencies
- substance abuse
- mental illness
- domestic violence
- cognitive disability
- medical condition
- homelessness
- inadequate preparations for birth.

7. For further information:

- The Child Protection (Working with Children) Act 2012.
http://www5.austlii.edu.au/au/legis/nsw/consol_act/cpwca2012388/
- Consult AIS or other professional services, if relevant
- Keep Them Safe: <https://www.theirfuturesmatter.nsw.gov.au/about-us/other-reforms/keep-them-safe>

Document History:

Written: 2015 E. Moir

Reviewed and updated: March 2020

St. Philip's Christian Education Foundation Ltd



Child Protection Guidelines and Procedures Protecting and Supporting Children and Young People SPCC – Port Stephens

ACKNOWLEDGEMENT

(please print)

Name: _____

School: _____

Role/Job Title: _____

I (name) _____ have read, understood and agree to comply with the terms of this Child Protection Guidelines and Procedures – Protecting and Supporting Children and Young People.

Signed

Date

Please return this signed acknowledgement form to your Principal.

St. Philip's Christian Education Foundation Ltd



Child Protection Policy Protecting and Supporting Children and Young People SPCC – Port Stephens

General Statement

As a Christian community, we uphold the principle of respect for all people, on the basis of Genesis 1:26-27 (all people are made in the image of God) and its application: for example, in 2 Peter 13-17, The Message, it explains: ¹³⁻¹⁷Make the Master proud of you by being good citizens. Respect the authorities, whatever their level; they are God's emissaries for keeping order. It is God's will that by doing good, you might cure the ignorance of the fools who think you're a danger to society. Exercise your freedom by serving God, not by breaking the rules. Treat everyone you meet with dignity. Love your spiritual family. Revere God. Respect the government.

As a Christian community, we are also committed to upholding the teaching of never taking sexual advantage of another, as in 1 Thessalonians 4:1-12.

Therefore, St. Philip's Christian College is committed to creating and maintaining procedures that protect the safety, welfare and well-being of all children and young people at our school. A part of that duty of care owed by the College is, with the help of the parents, families, community and government and non-government agencies, to protect children and young people against all forms of abuse and neglect. The procedures followed must be in accordance with all relevant legislation, and take into account other appropriate practices and guidelines aimed at maintaining the safety, welfare and wellbeing of children and young people. This care for wellbeing is a duty that will be upheld when the student is involved with staff at school, out of school on excursions (routine or special), interstate and overseas. The College's policy and procedures will be amended as necessary to take into account amendments to relevant legislation and regulations.

I. Objectives – Policy Statement

1.1 As a Christian educational faith community, we see human life as sacred. As such, the preservation and protection of all life is something to which we are called and committed. This is particularly true for the care and protection of any who are vulnerable, including all of the students of our College.

1.2 Education has an important role to support children and young people and to identify where problems arise that may put their safety, welfare or wellbeing at risk.

1.3 All staff members have a responsibility to report risk of harm concerns about children and young people, within their roles, and to provide support to children and young people.

1.4 Child protection reforms introduce an obligation for government and non-government agencies to coordinate decision making and delivery of services.

2. Audience and Applicability

All employees, contractors, volunteers, parents and students of St. Philip's Christian College.

3. Context

Parents send their children, and independent students come, to St. Philip's Christian College under the commitment to the Christian Mission and Vision Statements, and our Christian Core Values. One of the strong themes in those statements is the commitment to providing safety and care to all of our students. As Christians, we believe that safety and care is paramount to not only the physical and emotional well-being of our students for its own sake, but also to them as life-long learners.

The NSW Government recognises that care and protection for children and young people is a shared responsibility. It begins with parents, but when government support becomes necessary, it is not the sole responsibility of community services, but also a collective responsibility.

Keep Them Safe: A shared approach to child wellbeing provides the framework for parents, communities, government and non-government agencies to work together to support children and families.

This policy is a general document outlining the overall requirements of the St. Philip's Christian College regarding Child Protection. This policy must be read in conjunction with the Keep Them Safe framework and the NSW Mandatory Reporter Guide, as well as SPCEF Ltd policy on 'Allegations against Employees', SPCEF Ltd Code of Conduct, and other related policies, guidelines and procedures as listed in point 7 – Additional Materials.

This policy refers to the following legislation:

- Children and Young Persons (Care and Protection) Act 1998
- Child Protection (Working with Children) Act 2012
- The Crimes Act 1990
- Children's Guardian Act 2019

Other relevant legislation: Privacy and Personal Information Protection Act 1998; Health Records and Information Privacy Act 2002; and the Education Act 1990.

4. Responsibilities and Delegations

4.1 Board of Governors

4.1.1 Review and ratify the SPCEF Ltd policy in regards to Child Protection (Protecting and Supporting Children and Young People).

4.2 Executive Principal

4.2.1 Ensure that each SPCEF Ltd entity has a policy in regard to Child Protection (Protecting and Supporting Young People), which is updated every three years and in line with legislative changes.

4.2.2 Ensure principals of each SPCEF Ltd school receives and implements the Child Protection (Protecting and Supporting Children and Young People) policy, and develop procedures consistent with the Policy and the Christian beliefs and practices of the College.

4.2.3 Receive feedback from SPCEF Ltd Principals on the implementation of the Child Protection (Protecting and Supporting Children and Young People) policy and any necessary changes.

4.3 School Principals

School Principals will be responsible for developing (to the point of training, documentation, implementation, monitoring, keeping records and reviewing) their local procedures, consistent with this policy.

4.3.1 Training

- ensure all new staff members complete an induction into this policy and the local school procedures, in accordance with our Christian commitment and State obligations.
- ensure all staff participate in annual child protection reviews informing them of their legal obligations related to Child Protection and school expectations.
- ensure that a register is maintained of all staff members, acknowledging receipt, reading and understanding of this policy.
- ensure contractors, volunteers and peripatetic staff are aware of child protection obligations and responsibilities.
- ensure all employees are aware of the indicators of abuse and neglect of children and young people (see Mandatory Reporters Guide)
- ensure all employees are aware of their obligation to advise the Principal of concerns about the safety, welfare and wellbeing of children and young people that arise during the course of their work. This includes monitoring Child Protection risk assessment within the school, for excursions (routine or special), interstate and overseas.
- ensure the school's Child Protection procedures and guidelines are updated as needed and communicate changes to staff

4.3.2 Reporting

- use appropriate tools to inform decision making, such as the online Mandatory Reporter Guide, professional judgment or specialist advice, where there are concerns about risk of harm and maintain records of such.
- determine whether concerns about the safety, welfare or wellbeing of children or young people constitute risk of significant harm and, if they do, report these to the Department of Communities and Justice (DCJ).
- seek advice from the Foundation Office, AIS and/or other professional services where there is uncertainty about whether concerns amount to risk of significant harm
- contact the AIS and/or other professional services about the safety, welfare and wellbeing of children and young people where:
 - a) there are concerns about risk of harm, that do not meet the threshold of significant harm but are not trivial
 - b) the Mandatory Reporter Guide indicates this should be done
 - c) a case has been reported to DCJ and did not meet the risk of significant harm threshold
 - d) there is an observable pattern of cumulative harm that does not meet the threshold of significant harm.
- report all matters that fall under the category of 'reportable conduct' within seven (7) working days to the NSW Office of the Children's Guardian and cause a timely investigation to occur.
- brief the Executive Principal or his delegate on any reported incident.
- ensure the school securely maintains school records pertaining to reports of reportable conduct allegations, the outcomes or reportable conduct investigations and/or criminal convictions.

- forward a completed report or interim report about the investigation or determination, within 30 days of receiving the reportable allegation to the Office of the Children’s Guardian.

4.3.3 Supporting Children and Young People

- establish effective systems in the school for:
 - a) child protection concerns to be identified in the course of the work of staff (within the school site or external to it), reported and action taken, where appropriate, so vulnerable children and young people are supported.
 - b) reasonable steps to be taken to prevent harm to students which could reasonably have been foreseen
 - c) reasonable steps to be taken to coordinate decision making and coordinate services to children and young people and their families with other local service providers, if required.
 - c) collaborative work with other agencies for the care and protection of children and young people in ways that strengthen and support the family and in a manner that respects the functions and expertise of each service provider.
 - d) exchange relevant information to progress assessments, investigations and case management as permitted by law.
 - e) only employ or engage child-related workers or eligible volunteers who have a valid Working with Children check.
 - f) ensure that records are maintained for all Working With Children Check clearance verifications.
 - g) ensure all staff (teaching, non-teaching and casual), peripatetic and volunteers are screened for suitability to work with children and young people.

4.4 Assistant Principal/Heads of School

4.4.1 Training

- ensure all new staff have been inducted in the St. Philip’s Christian College Child Protection policy and the school’s guidelines and procedures.
- ensure all staff participate in annual child protection reviews to inform them of their legal obligations related to Child Protection and school expectations.
- ensure all staff are aware of the indicators of abuse and neglect of children and young people, and can undertake appropriate risk assessment when engaging in activities/programs within or external to the school site.
- ensure all staff are aware of their obligation to advise the Principal of concerns about the safety, welfare and wellbeing of children and young people that arise during the course of their work
- ensure child protection/protective behaviours topics are included in the curriculum

4.4.2 Reporting

- adhere to mandatory procedures for conveying risk of harm concerns to the Principal
- adhere to mandatory procedures for reporting risk of significant harm to Principal and DCJ
- adhere to mandatory procedures for notifying the Principal of “reportable conduct” matters
- report directly to the Executive Principal if they believe the Principal has not reported risk of significant harm concerns to DCJ and they still have concerns about risk of significant harm
- ensure that any relevant information that they become aware of, subsequent to a report being made to DCJ is provided to DCJ. If the additional information forms concern about risk of significant harm a report must be made to the Principal and DCJ.

4.4.3 Supporting Children and Young People

- ensure that reasonable steps are taken to prevent harm to students which could reasonably have been foreseen

- cooperate with reasonable steps to coordinate service delivery and decision-making with other relevant service providers
- avoid undertaking any investigation of the circumstances giving rise to a report where risk of significant harm has been reported, without the express prior approval of the relevant DCJ case officer
- ensure all volunteers are appropriately screened for their suitability to work with children and young people and, if required by the Office of the Children's Guardian, have a current Working With Children Check clearance.
- inform students, including apprentices or trainees, of their right to be protected from abuse and of avenues of support if they have concerns about abuse.
- notify the Office of the Children's Guardian of any changes to their personal details within three (3) months of the change occurring.

4.5 Employees

4.5.1- Training

- on initial employment at the school, participate in a Child Protection course, reading and familiarising self with all policies and procedures in regard to legal obligations and other relevant school expectations, such as mandatory reporting and reportable conduct.
- participate in annual reviews relating to Child Protection.

4.5.2 Reporting

- adhere to mandatory procedures for conveying risk of harm concerns to the Principal.
- report directly to the Executive Principal if they believe the Principal has not reported risk of significant harm concerns to DCJ and they still have concerns about risk of significant harm.
- ensure that any relevant information that they become aware of, subsequent to a report being made to DCJ is provided to DCJ. If the additional information forms concern about risk of significant harm a report must be made to the Principal and DCJ.

4.5.3 Supporting Children and Young People

- ensure that reasonable steps are taken to prevent harm to students which could reasonably have been foreseen.
- hold and maintain a valid WWCC clearance.
- not engage in child-related work at any time that they are subject to an interim bar or a bar
- report to the Principal if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or are notified by the Office of the Children's Guardian that they are subject to a risk assessment.
- notify the Office of the Children's Guardian of any changes to their personal details within three (3) months of the change occurring.
- cooperate with reasonable steps to coordinate service delivery and decision-making with other relevant service providers.
- avoid undertaking any investigation of the circumstances giving rise to a report where risk of significant harm has been reported, without the express prior approval of the relevant DCJ case officer.
- ensure all classroom volunteers have completed Child Protection forms.
- inform students of their rights to be protected from abuse and of avenues of support if they have concerns about abuse.
- For teaching staff, adequately teach the areas of Child protection when directed by the curriculum.

4.6 Parents

- to support and comply with the school's Child Protection Policy, particularly in relation to completing Volunteers' forms, etc.

- provide school with WWCC details and Date of Birth if volunteering for overnight school camps.

4.7 Students

- Follow school rules in regards to Child Protection procedures and protocols.

5. Monitoring, evaluation and reporting requirements

5.1 This policy document will be reviewed every three (3) years. Procedures and Guidelines will be updated more frequently if legislation changes.

5.2 Principals will ensure a workplace register is maintained of all staff participation in relevant policy reviews and updates and induction of new staff. This applies to all staff including non-teaching staff, part-time, temporary and casual staff.

5.3 A record is to be kept of reports to Department of Communities and Justice (DCJ) as confirmation that mandatory reporting requirements have been met. The report reference number will be recorded.

6. Document details

This policy supersedes any other Child Protection policies in SPCEF Ltd schools.

Document reviewed on the 8/3/2020 by E. Moir, S. Fyson and G. Irwin

7. Additional Materials

This policy must be read in conjunction with the Keep Them Safe framework and the NSW Mandatory Reporter Guide, as well as the school's Child Protection Guidelines and Procedures; Allegations Against Staff policy, guidelines and procedures as well as the Code of Conduct (Staff), Work Health and Safety policy, Discrimination, Harassment and Bullying (Statement) and the school's Anti-Bullying Policy, guidelines and procedures.

Supporting Materials

Appendix 1	The Care and Protection Act
Appendix 2	Child Protection (Working With Children) Act 2012
Appendix 3	Criminal Offences (Crimes Act)
Appendix 4	The Children's Guardian Act 2019

Appendix I – Care and Protection Act.

The Care and Protection Act

The Care and Protection Act provides for mandatory reporting of children at risk of significant harm.

NOTE: Any concern regarding the safety, welfare or wellbeing of a student must be reported to the Principal.

1. Who is a mandatory reporter?

Under the Care and Protection Act persons who:

- a) in the course of their employment, deliver services including health care; welfare, education, children's services and residential services, to children; or
- b) 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 School employees may also be mandatory reporters. If you are not sure whether you are a mandatory reporter you should speak to the Principal.

2. When must a report be made to Department of Communities and Justice (DCJ)?

2.1 What is the threshold?

A mandatory reporter must, where they have reasonable (and current) grounds to suspect that a child (under 16 years of age) is at risk of *significant* harm, report to the Principal, who will report to DCJ 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 School considers that an assessment be made of whether a report should also be made to DCJ 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. The Young Person would normally be involved in this assessment.

2.2 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.

2.3 Significant harm

A child or young person is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- c) in the case of a child or young person who is required to attend school in accordance with the Education Act 1990 —the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,
- d) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- e) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
- f) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
- g) the child was the subject of a pre-natal report under section 25 of the Care and Protection Act and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

2.4 Other relevant definitions

Policy definition of significant harm

A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are currently present to a significant extent.

What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently 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 or young person's safety, welfare or well-being.

In the case of an unborn child, what is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child's birth.

The significance can result from a single act or omission or an accumulation of these.

Child is a person under the age of 16 years for the purposes of the Care and Protection Act.

Child abuse and neglect

There are different forms of child abuse. These include neglect, sexual, physical and emotional abuse.

Neglect is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

Physical abuse is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.

Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punishing a child (in a non-trivial way) is a crime.

Serious psychological harm can occur where the behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.

Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child.

This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

Child wellbeing concerns are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold, risk of significant harm.

Young person means a person who is aged 16 years or above but who is under the age of 18 years for the purposes of the Care and Protection Act.

3 What should you do if you consider that a mandatory report is required?

Reporting by the School about these matters to DCJ and, where necessary, the police, is normally undertaken by the Principal. This is in accordance with best practice principles and is the expectation of the School.

If you have a concern that a child or young person is at risk of significant harm you should contact the Principal as soon as possible to discuss whether the case reaches the threshold of 'risk of significant harm' and the steps required to report the matter.

However, if there is an immediate danger to the child or young person and the Principal or next most senior member of staff is not contactable you should speak to the Police and/or the Child Protection Helpline directly and then advise the Principal or next most senior member of staff at the School as soon as possible.

You are not required to, and must not, undertake any investigation of the matter yourself. (There may be some instances however where you may need to clarify aspects to assist you in completing the MRG. Questioning to seek clarification is acceptable in these instances.)

In certain circumstances it may be appropriate to inform the parents or caregivers that a report to DCJ has been made. This is particularly important if you have an ongoing working relationship with the parent/caregiver. The decision to inform the parent/caregiver should be guided by your professional judgment in consultation with DCJ and the Principal.

4 What should you do if you have a concern that is below the mandatory reporting threshold?

While the Care and Protection Act outlines a mandatory reporter's obligation to report to DCJ, as an employee of this School, any concern regarding the safety, welfare and wellbeing of a student must be reported to the Principal.

You are required to deal with all reports regarding the safety, welfare or wellbeing of a student with confidentiality and only disclose it to the Principal and any other person the Principal nominates. Failure to do so will be a breach of this policy and the Crimes Act.

Appendix 2 – Child Protection (Working with Children) Act 2012

The Working with Children Act

1 General

The Office of the Children’s Guardian (OCG) is responsible for employment screening for child related employment. A Working With Children Check (Check) 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.

2 Responsibilities

The object of the WWC Act is to protect children:

- (a) by not permitting certain persons to engage in child-related work; and
- (b) by requiring persons engaged in child-related work to have working with children check clearances.

Schools are required to:

- (a) verify online and record the status of each child-related worker’s Check;
- (b) only employ or engage child-related workers or eligible volunteers who have a valid Check; and
- (c) report findings of misconduct involving children made against child-related workers or volunteers.

Child-related workers and eligible volunteers are required to:

- (d) hold and maintain a valid Check;
- (e) not engage in child-related work at any time that they are subjected to an interim bar or a bar; and
- (f) report to the Principal if they are no longer eligible for a Check, the status of their Check changes or are notified by the OCG that they are subjected to a risk assessment.

All volunteers are required to:

- (c) sign the Volunteer Statutory Declaration. Volunteers who assist with overnight camps are required to have a WWCC;
- (d) to be aware and follow the expectations of conduct expressed in the School Volunteer Code of Conduct.

3 Relevant Definitions

3.1 Bars

Final bar

This bar is applied based on a decision made by the OCG, following a risk assessment. This person is barred against working with children.

Interim bar

An interim bar is issued to high risk individuals to prevent them from continuing to work with children while a risk assessment is conducted. An interim bar may be applied for up to 12 months. If an interim bar remains in place for six months or longer, it may be appealed against through the Administrative Decisions Tribunal.

Not everyone who is subject to a risk assessment will receive an interim bar; only those representing a serious and immediate risk to children. Interim bars are issued only for risks considered likely to result in a final bar.

3.2 Child-related work

Child-related work includes, but not limited to work in the following sectorsⁱⁱ:

- a) early education and child care including education and care service, child care centres and other child care;
- b) education schools and other educational institutions and private coaching or tuition of children;
- c) religious services;
- d) residential services including boarding schools, homestays more than three weeks, residential services and overnight camps; or
- e) transport services for children including school bus services, taxi services for children with disability and supervision of school road crossings.

3.3 Child-related worker

A person who has physical contact or face to face contact with children in work outlined above in 3.2, including schools. This may include volunteer work.

A child-related worker may commence work once they have completed the Check application process. An application is completed when the online application form is complete and the worker's identity has been proven at Services NSW and the fee has been paid (if in paid work).

If you are unclear if your role is child-related you should speak with the Principal.

3.4 Disqualified person

A disqualified person is a person who has been convicted, or against whom proceedings have been commenced for a disqualifying offence outlined in Schedule 2 of WWC Act.

A disqualified person is a person who has a bar preventing them from working with children in child-related work.

It is an offence for an employer to knowingly engage a child-related worker when they do not hold a Check or who has a bar or an interim bar.

It is an offence for an employee to engage in child-related worker when they do not hold a Check or has a bar or an interim bar.

3.5 Findings of misconduct involving children

The school will report to the OCG when a finding has been made that the person (an employee of the school) subject to the finding engaged in:

- (a) sexual misconduct committed against, with or in the presence of a child, including grooming of a child; or
- (b) any serious physical assault of a child.

The School will advise the person that the OCG has been notified of a finding of misconduct involving children.

The WWC Act enables a person who has a finding referred to the OCG under the Act to request access to the records held by the School in relation to the finding of misconduct involving children.

3.6 Reporting body

Independent Schools which are members of the AISNSW are defined as a reporting body by the WWC Act.

Section 35 of the WWC Act requires this School to notify the OCG findings of misconduct involving children made against a child-related worker. The school may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act.

3.7 Risk assessment

Risk assessment is an evaluation of an individual's suitability for child-related work.

The OCG will conduct a risk assessment on a person's suitability to work with children when a new record is received which triggers a risk assessment. This may include an offence under Schedule 1, pattern of behaviour or offences involving violence or sexual misconduct representing a risk to children, findings of misconduct involving children or notification made to OCG by the Ombudsman.

3.8 Working with Children Check Clearance

A Working with Children Check (Check) means authorisation under the WWC Act to engage in child-related work. An employee will be issued with a number which is to be provided to the School to verify the status of an employee's Check.

The Crimes Act NSW (1990)

In 2018 the Crimes Act was amended to adopt recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse*. The new offences are designed to prevent child abuse and to bring abuse that has already occurred to the attention of the police.

Failure to protect offence (Crimes Act (NSW) [43B](#) Failure to reduce or remove risk of child becoming victim of child abuse)

An adult working in a school, therefore all staff members, will commit an offence if they know another adult working there poses as serious risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.

This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to a known and serious risk rather than using their power to protect children.

Failure to report offence (Crimes Act (NSW) [316A](#) Concealing child abuse offence)

Any adult, therefore all staff members, will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to police, without a reasonable excuse. A reasonable excuse would include where the adult has reported the matter to the Principal and is aware that the Principal has reported the matter to the police.

Appendix 4 – Children’s Guardian Act

Children’s Guardian Act NSW (2019)

As of the 1st March, 2020 the Children’s Guardian Act (NSW) 2019 commences.

The new Act reinforces the independent role of the Children’s Guardian to help keep children and young people safer in organizations.

The *Children’s Guardian Act 2019* has consolidated legislation that previously governed the existing functions and responsibilities of the Children’s Guardian for accrediting and monitoring adoption service providers and out-of-home care agencies, and regulating children’s employment.

The Act expands the functions of Children’s Guardian’s to now include the reportable conduct scheme and extends it to include the religious and faith-based sector not currently captured under the existing scheme.

The implications for schools is that allegation of reportable conduct investigations are now reported to, and monitored by the Office of the Children’s Guardian.

To read the Act:

<https://www.kidsguardian.nsw.gov.au/about-us/news/new-children-s-guardian-act-to-commence-1-march-2020>

<https://legislation.nsw.gov.au/#/view/act/2019/25/full>

St. Philip's Christian Education Foundation Ltd



Child Protection Policy Protecting and Supporting Children and Young People SPCC – Port Stephens

ACKNOWLEDGEMENT

(please print)

Name: _____

School: _____

Role/Job Title: _____

I (name) _____ have read, understood and agree to comply with the terms of this Child Protection Policy (Protecting and Supporting Children and Young People).

Signed

Date

Please return this signed acknowledgement form to your Principal.

Further information at Part 2 Division 1 Section 6 Child Protection (Working With Children) Act 2012 found at <http://www.legislation.nsw.gov.au/maintop/view/inforce/act+51+2012+cd+0+N>

ⁱ Further information at Part 2 Division 1 Section 6 Child Protection (Working With Children) Act 2012 found at <http://www.legislation.nsw.gov.au/maintop/view/inforce/act+51+2012+cd+0+N>

