

St Philip's Christian Education Foundation Ltd



Child Protection Policy Protecting and Supporting Children and Young People SPCC - Waratah

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/caypapal998442/ 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 – Reportable Allegations Against Employees Complaint Handling Policy WHS Policy Bullying Policy Discipline Policy Excursion Policy Volunteer Policy SPCC Staff Code of Conduct
Document Location	
Key Dates	
Date of Issue/last revision	March 2020
Review Date	May 2023
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 Protecting and Supporting Children and Young People SPCC - Waratah

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: ¹³⁻¹⁷ Make 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

I.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.

I.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.

I.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.

I.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.

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

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.

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 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.

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>

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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.

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>