



P2.2 – Child Protection Policy and Procedures

And whoso shall receive one such little child in my name receiveth me. But whoso shall offend one of these little ones which believe in me, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea.
Matthew 18:5-6

1. Policy Statement

- 1.1 The School is committed to providing a safe and supportive environment for all Students to mature academically, spiritually, emotionally and socially based on the principles of God's Word.
- 1.2 The School acknowledges that it has a high duty of care to various groups of people and especially to Children and Young People in its care. The School is committed to the safety of all Students including those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for Students living with a disability.
- 1.3 This policy summarises the obligations imposed by Child Protection legislation on the School, and all School Workers and Contractors with an aim to reduce the risk of Child Abuse and Risk of Significant Harm. It aims to provide guidelines as to how the School will deal with matters concerning Child Protection to ensure that a caring and appropriate response is taken.

2. Scope

- 2.1 This policy applies to all activities authorised by or under the control of the School, including those activities undertaken at, or away from the School's premises. It is inclusive of all School Workers and Contractors.

3. Key Legislation

- 3.1 The following Acts relate to Child Protection legislation in New South Wales:
 - *Children and Young Persons (Care and Protection) Act 1998* (NSW) (the Care and Protection Act);
 - the *Child Protection (Working with Children) Act 2012* ("WWC Act");
 - the *Children's Guardian Act 2019* ("Children's Guardian Act");
 - the *Crimes Act 1990* ("Crimes Act").

4. Definitions

- 4.1 **Child/Children:** Any person under the age of 16.
- 4.2 **Child Abuse:** Refers to the following, with or without the consent of the Child/Young Person:
 - assault (including sexual assault) of a Child/Young Person, or
 - ill-treatment or neglect of a Child/Young Person, or
 - exposing or subjecting a Child/Young Person to behaviour that psychologically harms the Child/Young Person.

It may consist of one or more of the following:

- (a) Emotional abuse occurs when the behaviour of the parent or caregiver, or any other person, damages the confidence and self-esteem of the Child/Young Person, resulting in serious emotional deprivation and/or trauma.

Although it is possible for 'one-off' incidents to cause serious harm, in general, the frequency and duration of emotional abuse determine the degree of harm for the Child/Young Person.

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

- (b) Neglect is the continued failure by a parent, caregiver, School Worker (if the Child/Young Person is a Student), or any other person, to provide a Child/Young Person 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.
- (c) Physical abuse is a non-accidental injury or pattern of injuries to a Child/Young Person caused by a parent, caregiver or any other person. Injuries include, but are not limited to, bruising, lacerations or welts, burns, fractures or dislocation of joints.
- (d) Sexual abuse is any sexual act, or threat to perform such an act, upon a Child/Young Person. It does not need to involve intimate contact; rather, it is any act which erodes the sexual boundary between the person and the Child/Young Person. It occurs when a person uses his or her power and/or authority to take advantage of a Child's/Young Person's trust to involve him or her in sexual activity. Any apparent 'consent' of the Child/Young Person is always negated because of the age of the Child/Young Person.
- (e) Sexual offence includes sexual assault, the involvement of Children/Young People in sexual acts or acts of indecency and any sexual threat imposed on a Child/Young Person.
- (f) Sexual misconduct describes a range of behaviours or a pattern of behaviour aimed at the involvement of Children/Young People in sexual acts. Some of these behaviours include:
- any sexual relationship with a Child/Young Person;
 - inappropriate conversations of a sexual nature;
 - comments that express a desire to act in a sexual manner towards a Child/Young Person;
 - unwarranted and inappropriate touching of a Child/Young Person;
 - sexual exhibitionism in the presence of a Child/Young Person;
 - personal correspondence (including electronic communication) with a Child/Young Person which communicates the adult's sexual feelings;
 - deliberate exposure of Children/Young People to the sexual behaviour of others including the display of pornography;
 - possession of pornography that includes Children/Young People;
 - patterns of behaviour aimed at engaging or 'grooming' a Child/Young Person as a precursor to sexual abuse.

Sexual misconduct includes ‘grooming behaviour’. This is defined as a separate offence from sexual abuse and can include the following:

- persuading a Child/Young Person that a “special” relationship exists – spending inappropriate time with the Child/Young Person inappropriately giving gifts or showing favours;
- testing of boundaries – undressing in front of a Child/Young Person, allowing a Child/Young Person to sit on the lap, talking about sexual matters or the “accidental” touching of intimate parts of the body;
- extending a relationship outside of the employment situation – this should not be assumed to constitute grooming where an existing relationship pre-dates the employment or where the extended relationship arises through a reasonable level of social engagement in the relevant community (e.g. sports coaching, family level social contact within a small community);
- inappropriate personal correspondence, including electronic communication that explores sexual feelings or intimate personal feelings.

(g) Witnessing domestic violence which is any abusive behaviour used by one partner or family member in a domestic relationship to gain and maintain control over another’s life.

Child Abuse does not include the following:

- touching a non-intimate part of a Child’s/Young Person’s body to gain the Child’s/Young Person’s attention or to comfort the Child/Young Person;
- a School Worker raising his or her voice to attract attention or to restore order;
- accidental contact;
- providing appropriate medical care to a Child/Young Person who is injured;
- guiding a Child/Young Person by the shoulders, arms or hands;
- not providing supervision for a good reason, and for a short period of time, when the risk of harm is low;
- appropriate physical contact during sport, music lessons, teaching demonstrations or other such activities having regard to the age, maturity, health or other characteristics of the Child/Young Person.

4.3 **Child Protection:** The safety, protection and welfare of Students of the School encompassing:

- a duty of care to ensure that reasonable steps are taken to prevent harm to Students which could reasonably have been foreseen; and
- obligations under Child Protection legislation.

4.4 **Contractor:** Any person temporarily engaged by the School to provide services on the School property.

4.5 **Department of Communities and Justice (DCJ):** The NSW Government Department, previously known as Family and Community Services.

4.6 **Disclosure:** When a Young Person or Child says that someone is harming him/her.

4.7 **Head of Entity:** The Principal of Condell Park Christian School is the Head of Entity. If the Principal is the subject of an allegation of Child Abuse, then the Chair of the School Association becomes the Head of Entity for that allegation.

- 4.8 **Mandatory Reporter:** An individual required under Section 27 of the Care and Protection Act to make a report when he/she has reasonable grounds to suspect that a Child, or a class of Children, is at Risk of Significant Harm, and those grounds arise during the course of or from the person's work.

All School Workers (refer to School Worker definition) are Mandatory Reporters at the School. According to the Children's Guardian Act, a person in religious ministry or a person providing religion-based activities to Children and Young People are also Mandatory Reporters.

- 4.9 **OCG:** Office of The Children's Guardian.

- 4.10 **Prohibited Person:** A person convicted of committing a sex offence.

- 4.11 **Reportable Conduct:** Under the Children's Guardian Act, Reportable Conduct is defined as:

- (a) a sexual offence – 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/Young Person. Examples of sexual offences include:
- sexual touching of a Child/Young Person,
 - a child-grooming offence,
 - the production, dissemination or possession of Child Abuse material.
- (b) sexual misconduct – conduct with, towards or in the presence of a Child/Young Person that is sexual in nature, but is not a sexual offence. Examples of sexual misconduct include:
- descriptions of sexual acts without a legitimate reason to provide the descriptions,
 - sexual comments, conversations or communications,
 - comments to a Child/Young Person that express a desire to act in a sexual manner towards the Child/Young Person or another person.
- (c) ill-treatment of a Child/Young Person – conduct towards a Child/Young Person that is unreasonable and seriously inappropriate, improper, inhumane or cruel. Examples of ill-treatment include:
- making excessive or degrading demands of a Child/Young Person,
 - a pattern of hostile or degrading comments or behaviour towards a Child/Young Person,
 - using inappropriate forms of behaviour management towards a Child/Young Person.
- (d) neglect of a Child/Young Person – a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the Child/Young Person, that causes or is likely to cause harm to a Child/Young Person, by a person with parental responsibility for the Child/Young Person, or an authorised carer of the Child/Young Person, or an employee if the Child/Young Person is in the employee's care. Examples of neglect include:
- failing to protect a Child/Young Person from abuse,
 - exposing a Child/Young Person to a harmful environment, for example, an environment where there is illicit drug manufacturing.
- (e) an assault against a Child/Young Person – the intentional or reckless application of physical force without lawful justification or excuse, or any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence. Examples of assault include:

- hitting, striking, kicking, punching or dragging a Child/Young Person,
 - threatening to physically harm a Child/Young Person.
- (f) an offence under section 43B (failure to protect) or section 316A (failure to report) of the Crimes Act 1900 (see *Section 13*); and
- (g) behaviour that causes significant emotional or psychological harm to a Child/Young Person – conduct that is intentional or reckless (without reasonable excuse), clearly unreasonable and which results in significant emotional harm and/or trauma to a Child/Young Person. Examples of indicators of significant emotional or psychological harm include:
- displaying behavioural patterns that are out of character,
 - regressive behaviour,
 - anxiety or self-harm.

Reportable Conduct does not extend to:

- (1) conduct that is reasonable for the purposes of the discipline, management or care of Children/Young People, having regard to the age, maturity, health or other characteristics of the Children/Young People and to any relevant codes of conduct or professional standards; or
- (2) the use of physical force that, in all of the circumstances, is trivial or negligible, and in circumstances which have been investigated, with the result of the investigation recorded in accordance with appropriate procedures; or
- (3) conduct of a class or kind exempted from being Reportable Conduct by the Children's Guardian Act under section 30.

4.12 **School:** Condell Park Christian School, located at 29 Lancelot St, Condell Park NSW.

4.13 **Risk of 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 (see note below), of any one or more of the following circumstances:

- (1) the Child's or Young Person's basic physical or psychological needs are not being met or are at risk of not being met;
- (2) the parents or caregivers have not arranged and are unable or unwilling to arrange for the Child or Young Person to receive necessary medical care;
- (3) 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 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;
- (4) the Child or Young Person has been, or is at risk of being, physically or sexually abused or ill-treated;
- (5) 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;
- (6) 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 serious psychological harm;
- (7) the Child or Young Person was the subject of a pre-natal report under section 25 of the Care and Protection Act and the birth mother of the Child or Young Person 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.

NOTE: ‘Significant extent’ refers to that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family’s consent. It can result from a single act or omission or an accumulation of these.

- 4.14 **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 observation of the Child, Young Person or family;
 - what the Child, Young Person, parent or another person has disclosed; and
 - what can reasonably be inferred based on professional training and/or experience.

‘Reasonable Grounds’ does not mean a person is required to confirm their suspicions or have clear proof before making a report.

- 4.15 **School Worker:** A School Worker is any person (paid or unpaid) over the age of 18 who is responsible for the control and safety of any Student placed in his or her care whilst holding a formal position at School. This includes all Staff Members and Volunteers.

- 4.16 **Staff Member:** Any paid employee of the School. This includes but is not limited to:
- Principal
 - Teachers
 - Teacher’s aides
 - Administrative Staff
 - Maintenance Staff

- 4.17 **Student:** Any enrolled pupil of the School. A student may be:
- (a) a Child (i.e. under the age of 16 years),
 - (b) a Young Person (i.e. aged 16 or 17), or
 - (c) over the age of 18 years.

- 4.18 **Volunteer:** Anyone that provides services to the School on an unpaid basis. This includes but is not limited to bus drivers and parents providing help on the school premises or on school excursions.

- 4.19 **Young Person/Young People:** Any person aged 16 or 17.

5. Roles and responsibilities

School Association

- 5.1 The School Association, made up of the members of Condell Park Christian School Inc., has ultimate responsibility for the detection and prevention of Child Abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The School Association is also responsible for ensuring that appropriate policies and procedures and a Code of Professional Conduct supporting the protection of Students are in place.

Head of Entity

- 5.2 The Head of Entity, in conjunction with the Chair of the School Association, is responsible for:
- dealing with and investigating reports of Child Abuse;

- ensuring that all School Workers/Contractors are aware of relevant laws, policies and procedures, and the School's Code of Professional Conduct (particularly as it relates to Child Protection);
- ensuring that all adults within the School community are aware of their obligation to report suspected abuse of a Student in accordance with these policies and procedures; and
- ensuring that all School Workers/Contractors are aware of their Child Protection responsibilities and providing support for them to fulfil these responsibilities.

Management Staff

- 5.3 All Staff Members in positions of leadership must ensure that they:
- promote Student safety at all times;
 - assess the risk of Child Abuse within their area of control, and eradicate/minimise any risk to the greatest extent possible;
 - educate other Staff Members about the prevention and detection of Child Abuse; and
 - facilitate the reporting of any inappropriate behaviour or suspected abusive activities.
- 5.4 Management should be familiar with the types of Child Abuse that might occur within their area of responsibility and be alert for any indications of such conduct.

All Staff Members

- 5.5 All Staff Members share in the responsibility for the prevention and detection of Child Abuse, and must:
- familiarise themselves with the relevant laws, the Code of Professional Conduct, and School policy and procedures in relation to Child Protection, and comply with all requirements;
 - read and understand the School's Child Protection Policy and Procedures after its annual review;
 - report any suspicion that a Student's safety may be at risk to the Head of Entity to fulfil their obligations as Mandatory Reporters; and
 - provide an environment that is supportive of all Students' emotional and physical safety.

6. External Policies

- 6.1 The School acknowledges that some activities of the School might have external affiliation with other organisations. These organisations will possibly have policies governing the issues of Child Protection and Child Abuse. This policy is not intended to replace or conflict with these other policies, but instead to operate in conjunction with them in so far that their policies and practices are Biblically sound.

7. Obligations

Spiritual

- 7.1 The clear teachings of the Scriptures require the School to treat all people with love and dignity and to care for those who are less powerful and in need of nurture and protection.

Legal

- 7.2 The School is subject to Federal and State legislation, as well as applicable laws made by Courts.
- 7.3 The School is obligated to follow the NSW Child Safe Standards (which implement the National Principles for Child Safe Organisations (2019) arising from the Royal Commission into Institutional Responses to Child Sexual Abuse), which are as follows:
- (1) Child safety and wellbeing is embedded in organisational leadership, governance and culture.
 - (2) Children participate in decisions affecting them and are taken seriously.
 - (3) Families and communities are informed and involved.
 - (4) Equity is upheld and diverse needs are taken into account.
 - (5) People working with children are suitable and supported.
 - (6) Processes to respond to complaints of child abuse are child focused.
 - (7) Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
 - (8) Physical and online environments minimise the opportunity for abuse to occur.
 - (9) Implementation of the Child Safe Standards is continuously reviewed and improved.
 - (10) Policies and procedures document how the organisation is child safe.

Ethical

- 7.4 Some actions, though not regarded as abuse, are considered unacceptable behaviour (e.g. overly aggressive actions by a teacher in the course of a sporting or other activity).

8. Screening Procedures (Working with Children Check)

- 8.1 The WWCC Act requires that persons engaged in Child-related work have Working With Children Check (WWCC) clearances.
- 8.2 The Office of the Children's Guardian (OCG) is responsible for determining applications for a WWCC clearance. It involves a national criminal history check and review of reported workplace misconduct findings. The result is either to:
- (a) grant a WWCC clearance (generally valid for 5 years); or
 - (b) refuse a WWCC clearance (further applications cannot be made for 5 years).

Application and Renewal of WWCC

- 8.3 An application or renewal can be made through Service NSW or its replacement agency. The process for applying for and renewing a WWCC clearance with the OCG involves a national police check and a review of findings of misconduct. If the OCG grants or renews a WWCC clearance the holder will be issued with a number which is to be provided to the School to verify the status of a School Worker's or Contractor's WWCC clearance.

School Workers and Contractors

- 8.4 School Workers and Contractors are required to:
- (a) hold and maintain a valid WWCC clearance;
 - (b) not engage in Student-related work during any time that they are subjected to an interim bar or a bar;

- (c) report to the Head of Entity if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or are notified by the OCG that they are subjected to a risk assessment; and
- (d) notify the OCG of any changes to their personal details within 3 months of the change occurring. Failure to do so may result in a fine.

- 8.5 It is an offence for a School Worker/Contractor to engage in Child-related work when they do not hold a WWCC clearance or if they are subject to a bar.
- 8.6 In circumstances where a Contractor is on the School premises for only a short time, is not working directly with Students and is under supervision by a Staff Member, a WWCC clearance may not be required.

The School

- 8.7 Condell Park Christian School must verify a School Worker's/Contractor's WWCC number. The School Worker's/Contractor's name, date of birth and WWCC number will be required for verification.
- 8.8 Where a person's WWCC has resulted in a bar, the School will not allow the Prohibited Person to work/volunteer in the School or be involved with Students in any capacity.
- 8.9 The School must keep a record of each cleared School Worker's/Contractor's WWCC number, its expiry date and the date of the verification. The School Business Manager (or his/her delegate) is responsible for the verification and records of WWCC clearances for all School Workers/Contractors prior to commencement of ministries. Records are kept in a binder in the School office as well as on the School server.

9. Information and Training

- 9.1 There are three ways in which School Workers are advised of their responsibilities under the Child Protection Policy and Procedures. These are:
- (1) Induction and Compliance Day
 - (2) Orientation
 - (3) Reading of the Child Protection Policies and Procedures

Induction and Compliance Day

- 9.2 Staff Members will be informed of the following through an annual Induction and Compliance Day in the week prior to the beginning of Term 1:
- (1) Legal and moral responsibilities related to Child Protection, mandatory reporting, Biblical principles, the maintenance of professional boundaries and other relevant standards of behaviour as detailed in this policy.
 - (2) Requirements to notify and investigate allegations of Reportable Conduct in compliance with the Children's Guardian Act.
 - (3) Obligations under the WWC Act which prohibits persons with convictions of serious sexual offences from working in positions that primarily involves direct contact with Students where that contact is not directly supervised.
 - (4) Obligations related to mandatory reporting and processes set in place if action is required.

- 9.3 The Head of Entity (or their delegated representative) will be responsible for keeping a record of attendance and is responsible for following up on any incomplete training.

Orientation

- 9.4 When a new Staff Member has been appointed, he/she will receive an orientation that fully covers all of the matters listed above in *Section 9.1(a)*. This will be recorded as part of the Employee Induction Register.
- 9.5 When a Volunteer commences service at the school, he/she will receive a copy of this Policy and an induction to Child Protection matters.
- 9.6 When a Contractor commences work on the School property, he/she will receive an induction including a discussion concerning Child Protection at the School.

Reading of the Child Protection Policy and Procedures

- 9.7 All new School Workers must read this policy and complete an online acknowledgement that they have read and understood the policy. Existing School Workers must read this policy each year after its annual review and complete the same acknowledgement. This information will be recorded in the School Child Protection Training register.

10. Promoting a Safe and Supportive Environment

- 10.1 No person who has been convicted of sex offences in accordance with current legislation will be eligible to work at the School.
- 10.2 When activities are well supervised the risk of Child Abuse is greatly reduced. A person is unlikely to abuse a Student in front of another adult for fear of being reported. In addition, the presence of a witness can assist in clarifying questionable allegations. The following points promote a safe and supportive environment:
- (1) As far as is practically possible, School Workers and Contractors should work with Students in places of clear public access or view in order to provide public accountability for both parties.
 - (2) School Workers will respect a Student's feelings and privacy when engaging in physical contact of any kind.
 - (3) Adults and Students are expected to respect each other's privacy during activities that require undressing, dressing or changing clothes. School Workers will set an example by protecting their own privacy in such situations. No School Worker will be alone in a room with a Student while either is changing.
 - (4) School Workers have the right to ask people who do not have a valid reason to be present at School activities to leave. Police may be contacted if such persons refuse to comply with any reasonable request to leave.
 - (5) All Students are to be supervised during the school day between 8:00am and 3:35pm.
 - (6) In choosing games, activities/sports, School Workers should consider the levels of safety, physical contact and intimacy required and exercise caution.
 - (7) School Workers should be careful of Students who actively seek physical attention.
 - (8) School Workers should not take students outside of the School property without the knowledge of the Principal.
 - (9) School Workers should be alert for strangers.

- (10) School Workers will not visit Students in their homes unless a parent or guardian is present or another School Worker accompanies them, and then only with parental consent.
- (11) When transporting Students, School Workers should not be alone with a Student in a car.
- (12) All Students that are primary aged and older are to visit the toilet on their own. Younger Students may be accompanied by a female School Worker, if required.
- (13) Male School Workers are to be especially careful of their behaviour. Students of any age should not sit on male School Workers' laps.
- (14) It is not appropriate for any School Worker/Contractor to be in direct communication with a Student outside of school hours, apart from the use of official School email addresses. All other communication should be through the parent of the Student.
- (15) It is not appropriate for any School Worker/Contractor to develop intimate relationships with any Student at the School.
- (16) The Head of Entity (in consultation with the Chair of the School Association) will become the liaison person with the DCJ, the media, and the Police.

11. Mandatory Reporting

- 11.1 Should there be Reasonable Grounds to suspect Risk of Significant Harm, whether on the School grounds or outside of the School's property, the Head of Entity must be promptly notified. The Head of Entity, or a person appointed by him/her, is to follow the procedures in the Mandatory Reporter Guide. The Mandatory Reporter Guide is an interactive online tool developed to assist Mandatory Reporters to determine if a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a Child or Young Person. The Mandatory Reporter Guide is available on the Child Story website – <https://reporter.childstory.nsw.gov.au/>.
- 11.2 Should there be Reasonable Grounds to suspect that a Child or Young Person has been abused or is suffering abuse on School property or during a School activity, the OCG, the DCJ, the NSW Police, the School Association and the School's insurer must be notified by the Head of Entity without any undue delay.
- 11.3 It is recognised that all School Workers have mandatory legal reporting obligations if there are Reasonable Grounds to believe that a Child is at Risk of Significant Harm under the Care and Protection Act.
- 11.4 Within the School, it is deemed that mandatory reporting has taken place if the Head of Entity has been notified. Full accountability then rests with the Head of Entity to be the Mandatory Reporter. This centralised reporting model ensures that the Mandatory Reporter has all of the information that may be relevant to the circumstances of the Child at Risk of Significant Harm and addresses the risk of the School not being aware of individual incidences that amount to cumulative harm. The Head of Entity will work in conjunction with the Chair of the School Association, but will remain as the liaison person with the DCJ, the Police and the OCG.
- 11.5 School Workers are required to deal with the matter confidentially and only disclose it to the persons referred to above or as required to comply with mandatory reporting obligations. Failure to maintain confidentiality will not only be a breach of this policy but could incite potential civil proceedings for defamation.

12. Reportable Conduct and Allegations

- 12.1 Section 29 of the Children’s Guardian Act requires the Heads of Entities, including non-government schools in New South Wales, to notify the OCG of all allegations of Reportable Conduct and convictions involving an ‘employee’ (i.e. School Worker/Contractor) and the outcome of the School’s investigation of these allegations. Under the Children’s Guardian Act, allegations of Child Abuse only fall within the Reportable Conduct jurisdiction if the involved individual is an ‘employee’ of the relevant entity at the time when the allegation becomes known by the Head of Entity.
- 12.2 Reportable Conduct:
- involves a Child or Young Person; a person under the age of 18 years at the time of the alleged incident); and
 - involves certain defined conduct as described in the Children’s Guardian Act (see Reportable Conduct definition in *Section 4.11*).
- 12.3 A reportable allegation means *an allegation of Reportable Conduct against a person or an allegation of misconduct that may involve Reportable Conduct*.
- 12.4 All allegations should be made directly to the Head of Entity. The Head of Entity, in consultation with the Chair of the School Association, will determine whether an allegation or complaint, taken at face value, is a reportable allegation.

Allegation and Risk Assessment

- 12.5 Reasonable Grounds to suspect harm include:
- A Student speaks about being abused; this may include details of what has been happening and what he/she feels or fears.
 - Someone close to a Student (e.g. sibling, relative, close friend) discloses that the Student has possibly been abused.
 - A Student tells a School Worker he/she knows someone who has been abused or is at Risk of Significant Harm.
 - School Worker observes a Student’s appearance or behaviour, which leads to suspicion of abuse.
- 12.6 The Head of Entity is required to determine which allegations and convictions are to be notified to the OCG as reportable allegations or convictions and which matters are exempt from notification. When an allegation is made, a risk assessment will take place. It will include a decision as to whether an accused person will be removed from working with Students at School pending the outcome of all investigations.

Allegations Against School Workers/Contractors

- 12.7 Where allegations involve School Workers/Contractors, investigations will at times take place in conjunction with the DCJ and/or Police investigations, or they may take place without the involvement of these agencies if there is no risk of harm or criminal issues.
- 12.8 The School Worker/Contractor may expect a fair investigative process which includes:
- confidentiality;
 - adequate access to information regarding the allegation;
 - an opportunity to respond;
 - reasonable notice for meetings and interviews;

- the right to have a support person present for interviews;
- an impartial decision maker and an impartial decision-making process; and
- the opportunity to respond to adverse findings and disciplinary action.

12.9 Where there is concern about the capacity to undertake a fair and proper investigation of an allegation against an School Worker/Contractor, parties should seek advice from the OCG or the DCJ.

Initial Disclosure and Responding to Allegations

12.10 The person to whom the original Disclosure is made will maintain appropriate care of the one making the Disclosure. When planning a response to an allegation, prayer and careful consideration should be given to the particular vulnerabilities of the Students, School Worker/Contractor, witness or notifier of which the School becomes aware.

12.11 The procedures adopted in response to the allegation should aim to minimise anxiety and to demonstrate sensitivity, compassion and respect for all involved while maintaining the integrity of the investigative/disciplinary process. This will include:

- Not coercing the Student to disclose details of the alleged abuse or attempting to investigate the allegation while Police or other legal investigations are taking place.
- Assuring the Student that he or she is understood, that the Disclosure is being taken seriously, that what has happened is not the Student's fault and that the Student is correct in disclosing the incident.
- Not making contact with the alleged perpetrator. If the Head of Entity or Chair of the School Association is already providing counsel to the alleged perpetrator, it is advisable for him/her to relinquish responsibility for counselling the alleged perpetrator and to arrange for alternative care.
- If the alleged abuse has taken place recently, the Police may need to retain clothing worn by the Student. No attempt should be made by a School Worker, or any other person, to remove or wash clothing. Relevant garments not presently being worn should be retained for Police examination.
- Maintaining confidentiality. The School Worker will only speak about an allegation of abuse to the Head of Entity or the Chair of the School Association, the parents or guardian (unless he or she is the alleged perpetrator), DCJ and Police.
- Any Disclosures or complaints made by a Student or by others, and all details of the subsequent investigations will be documented by the School Worker promptly and the documents will be stored by the Head of Entity in a secure location where a breach of privacy cannot occur.

Investigation of Allegations

12.12 The Head of Entity and the Chair of the School Association or a delegate will manage the investigation of reportable allegations. Such investigations should be carried out in fairness in relation to all persons concerned. The investigations should take place in consultation with the relevant authorities.

12.13 The OCG may also oversee and monitor the investigation and the response of the School to allegations of Reportable Conduct.

12.14 Following discussion, the investigation of allegations which are not reportable allegations may be managed at School if deemed appropriate.

- 12.15 In all cases, the level of inquiry should be commensurate with the seriousness of the alleged behaviour. The procedures outlined in this document must be reasonably followed according to the particular facts and circumstances of each allegation.
- 12.16 The Student relevant to the allegation may expect that the allegation will be:
- accepted on face value;
 - taken seriously; and
 - investigated thoroughly.
- 12.17 If there is a departure from rules of procedural fairness in particular cases the reasons for the departure must be documented.

Procedures for Stakeholders Regarding Allegations Against School Workers/Contractors

- 12.18 Specific procedures for stakeholders, including parents and carers, to raise a complaint or allegation about any misconduct of School Workers/Contractors or Reportable Conduct can be found in P1.2 Complaints and Appeals.

Key Timeframes

- 12.19 The Head of Entity has the responsibility to:
- (1) submit a 7-day notification form to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against a School Worker/Contractor (unless the Head of Entity has a reasonable excuse); and
 - (2) send the final report (if it is completed) to the OCG within 30 days after having received the allegation, as per section 36 of the Children's Guardian Act. Should the final report be unfinished within 30 days, the Head of Entity must provide, at minimum, an interim report to the OCG within 30 days of having received the allegation, as per section 38 of the Children's Guardian Act.

Agency Involvement

- 12.20 In some cases, statutory agencies with responsibilities for Child Protection may also be involved, such as the DCJ or the Police. In such cases, the Head of Entity must await the advice of these agencies as to when a School Worker/Contractor is informed of the allegation or when the investigation may be commenced. The Head of Entity will liaise closely with such statutory agencies to ensure that the matter is dealt with fairly and efficiently.

Post-Investigation Outcomes

- 12.21 After the investigation has been concluded and a finding made, the following procedural outcomes are possible:
- (a) Dismiss the allegation.
 - (b) Refer to an external agency (e.g. Police) for further investigation, prosecution or other appropriate action.
 - (c) Discipline or other management action which may involve penalty or dismissal.
 - (d) Report the outcome of completed relevant disciplinary proceedings to the OCG.
 - (e) Develop or review relevant policies and procedures.

13. Criminal Offences

13.1 In 2018, the Crimes Act was amended to adopt recommendations of the Royal Commission into Institutional Responses to Child 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

13.2 All School Workers/Contractors will commit an offence if they know another adult working there poses a 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 or Young People who turn a blind eye to a known and serious risk rather than using their power to protect Children and Young People.

Failure to Report Offence

13.3 All School Workers/Contractors 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 Head of Entity in accordance with their Mandatory Reporting obligations (see *Section 11*).

14. Child Protection Helpline

14.1 For further information on how to report an incident or for answers to common questions about reporting, a 24 hour, 7 day a week, state wide call centre is available on 132 111.

15. Document Review

15.1 This document will be reviewed annually, and following every reportable incident, by the School Association or by a committee appointed by the Association to assess whether the School’s Child Protection policies or procedures require modification under the School’s care.

16. References and Related Documents

- [P1.2 Complaints and Appeals](#)
- [P2.1 Work Health and Safety](#)
- [P2.6 Supervision](#)
- [P2.7 Security](#)
- [P2.8 Risk Management](#)
- [P3.1 Pastoral Care](#)
- [P3.3 Code of Professional Conduct](#)
- [P3.4 Anti Bullying](#)
- [F2.2 Risk Assessment Form For Child Protection](#)

Approved By:	The School Board of Condell Park Christian School
Approval Date:	13 July 2023
Next Scheduled Review:	13 July 2024
Version	12.0