

The Riverina Anglican College	Policy No. 7	
<b>Safe and Supportive Environment</b>  <b>Child Protection</b> to comply with 2012 RANGS Manual 3.6.1	Effective: November 2009  Revised September 2014	<b>1. Page</b> 1 of 23

The safety, protection and well-being of all students is of fundamental importance to the School.

Both you and the School have a range of different obligations relating to the safety, protection and welfare of students including:

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

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

## 1. Background and legislation

The Riverina Anglican College has in place policies and procedures to ensure that it meets its legislative obligations in relation to child protection.

A number of Acts relate to child protection in New South Wales:

- the *Ombudsman Amendment (Child Protection and Community Services) Act 1998* which added Part 3A to the *Ombudsman Act 1974*  
[www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)
- the Child Protection (Working with Children) Act 2012 relating to working with children check clearances for all persons at the school engaged in child-related work <[www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)>
- the Children and Young Persons (Care and Protection) Act 1998 which sets out the responsibilities of Community Services with regard to child protection <[www.community.nsw.gov.au](http://www.community.nsw.gov.au)>.

The Riverina Anglican College has responsibilities under each of these Acts.

Part 3A of the Ombudsman Act 1974 requires that designated government and nongovernment agencies must notify the Ombudsman of any allegation of reportable conduct or conviction related to reportable conduct against an employee.

### 1.1 Evidence of compliance

The Riverina Anglican College has in place and implements policies and procedures to:

- ensure that staff who have direct contact with students are informed of the legal responsibilities related to child protection, mandatory reporting and other relevant school expectations
- ensure that requirements to notify and investigate allegations of reportable conduct in compliance with the *Ombudsman Act 1974* are made known to staff
- ensure that all persons engaged in child-related work at the school, as defined by the *Child Protection (Working with Children) Act 2012*, have registered online for a working with children check clearance from the Commission for Children and Young People, as required
- ensure that evidence of working with children check clearances is maintained by the school for all persons in child-related work at the school as required under the *Child Protection (Working with Children) Act 2012*
- respond to reportable matters in accordance with legislative requirements
- ensure that all staff who are mandatory reporters under the Children and Young Persons (Care and Protection) Act 1998 are informed of their obligations and the process that the school has in place in relation to mandatory reporting.

The Riverina Anglican College is committed to the protection of all students from all forms of abuse and neglect. The community has clear expectations of its schools in matters relating to child protection and child abuse. It expects that its children, while at school, will be protected from all forms of abuse, including sexual, physical and emotional abuse and neglect. It expects that its children, while at school, will be taught how to protect themselves and to seek help if they are concerned about abuse. The community supports programmes which give students the skills to develop positive, non-coercive relationships.

The Riverina Anglican College expressly prohibits corporal punishment.

The school does not sanction the administering of corporal punishment by non-school persons including parents to enforce discipline at the school.

All staff at The Riverina Anglican College have a special duty of care to the students of the College. Teachers and other staff must be aware that their interaction with students creates a special, trusting relationship. This special relationship and trust means that teachers and other staff are not to engage in any behaviour which would breach that relationship or trust.

## 1.2 Your obligations to report

While the circumstances in which the legislation requires reporting of particular child protection issues are set out below, the School requires you to report any concern you may have about the safety, welfare or wellbeing of a child or young person to the Principal.

If the allegation involves the Principal you are required to report to the Deputy Principal or the Chairman of The Riverina Anglican College Board.

This obligation is part of the School's overall commitment to the safety, welfare and well-being of children.

To determine if a report should be made to Community Services, the Principal will refer to the Decision Tree in the Mandatory Reporter Guide at [http://www.keepthemsafe.nsw.gov.au/reporting\\_concerns](http://www.keepthemsafe.nsw.gov.au/reporting_concerns)

If the child is assessed to be at risk of significant harm, the Child Protection Helpline (133627) will be contacted and notified.

## 1.3 Other policies

Please note that there are a number of other School policies that relate to child protection which you need to be aware of and understand, including:

- a) the Code of Conduct which sets out information about the standards of behaviour expected of all employees, contractors and volunteers of the School;
- b) Policy 29 - Work Health and Safety Policy which summarises the obligations imposed by work health and safety legislation on the school and workers
- c) Policy 20 – Employee Grievance Policy
- d) Policy 27 – Staff Use of Electronic Media Policy
- e) Policy 26 - Staff Performance or Behaviour – complaints made by parents or outside Personnel Policy.

## **PART A: The Care and Protection Act**

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

Any concern regarding the safety, welfare or well being 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 Community Services?**

### **2.1 What is the threshold?**

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

In addition, while not mandatory, the School considers that a report should also be made to Community Services where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare and well-being of the young person.

To determine if a report should be made, the Principal will refer to the Decision Tree in the Mandatory Reporter Guide at [http://www.keepthemsafe.nsw.gov.au/reporting\\_concerns](http://www.keepthemsafe.nsw.gov.au/reporting_concerns)

If the child is assessed to be at risk of significant harm, the Child Protection Helpline (133627) will be contacted and notified.

### **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 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 the Child Protection Hotline (133627) and, where necessary, the police, is generally 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 on **133 627** 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.

You are not to inform the parents or caregivers that a report has been made.

You are required to deal with the matter confidentially and only disclose it to the persons referred to above or as required to comply with your mandatory reporting obligations. Failure to maintain confidentiality will not only be a breach of this policy, but could expose you to potential civil proceedings for defamation.

#### **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 Community Services, 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.

#### **5 The Role of Staff During the Disclosure**

If you are in a situation where a child tells you directly of incidents of abuse, use the following guidelines for your interaction with the child.

What to do and say to help the child:

- Listen to the child
- Control expressions of panic or shock
- Express your belief that the child is telling the truth
- Use the child's language or vocabulary
- Tell the child that this has happened to other children, and that they are not the only one
- Reassure the child that to disclose is the right thing to do
- Tell the child that you know some adults do wrong things
- Acknowledge that it is difficult to talk about such things
- Tell the child you will do your best to support and protect them
- Indicate what you will do, such as reporting it to the Department of Family and Community Services who will help stop the abuse recurring, and that it is necessary for the Department of Family and Community Services to be told.

What NOT to do or say to the child

You will not be helping the child if you:

- Make promises you cannot keep, such as promising not to tell anyone. You are required by law to notify suspected child abuse.
- Seek details beyond those that the child freely wants to tell you.

Your role is to listen to the child, not to conduct an investigation.

Beware of asking any direct questions of the child as this may prejudice any subsequent investigation.

## **PART B: The Ombudsman Act**

### **1 Responsibilities**

#### **1.1 General**

Part 3A of the Ombudsman Act requires the heads of certain agencies, including non government schools in New South Wales, to notify the New South Wales Ombudsman of all allegations of reportable conduct by an 'employee' and the outcome of the School's investigation of these allegations.

An 'employee' includes employees, contractors, volunteers, work experience participants, clergy, ministers of religion and instructors of religion who provide pastoral or liturgical services. In this part where there is a reference to an employee it includes all of these persons.

#### **1.2 The Ombudsman**

The Ombudsman:

- a) must keep under scrutiny the systems for preventing reportable conduct by employees of non-government schools and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions;
- b) must receive and assess notifications from non government schools concerning reportable conduct or reportable convictions;
- c) is required to oversee or monitor the conduct of investigations by non-government schools into allegations of reportable or reportable convictions;
- d) must determine whether an investigation that has been monitored has been conducted properly, and whether appropriate action has been taken as a result of the investigation;
- e) may directly investigate an allegation of reportable conduct or reportable conviction against an employee of a non government school, or the handling

of or response to such a matter (eg arising out of complaints by the person who is the subject of an allegation); and

- f) may undertake 'own motion' investigations of non government schools where the Ombudsman considers it appropriate to do so, including where there is evidence of systemic failure or serious conflict of interests.

### **1.3 Head of Agency**

The Head of Agency is the Principal of the School.

Under the Ombudsman Act the Head of Agency must:

- g) set up systems within their organisation to ensure that they are advised of any allegations of reportable conduct against employees;
- h) notify the Ombudsman as soon as possible and no later than thirty days after being made aware of an allegation;
- i) notify the Ombudsman whether or not the School plans to take disciplinary or other action in relation to an employee who is the subject of a reportable allegation or conviction, and the reasons for taking or not taking any such action as soon as practicable; and
- j) provide the Ombudsman with any documentary and other information as the Ombudsman may from time to time request to assist in the Ombudsman's monitoring of an investigation.

### **1.4 Your obligations to report**

You must report any concerns you may have about any other employee engaging in reportable conduct or any allegation of 'reportable conduct' that has been made to you, to the Principal, including information about yourself. If you are not sure whether the conduct is reportable conduct but consider that it is inappropriate behaviour you must still report it.

You must also report to the Principal if you become aware that an employee has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct. This includes information relating to yourself.

If the allegation involves the Principal, you are required to report to the Deputy Principal or the Chairman of The Riverina Anglican College Board.

### **1.5 Contact for parents**

The Principal is the contact point for parents if they wish to report an allegation of reportable conduct against an employee.

## **2 What is reportable conduct?**

### **2.1 Definition of reportable conduct**

Reportable conduct is defined as:

- a) any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material);
- b) any assault, ill-treatment or neglect of a child; and
- c) any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to:

- d) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards; or
- e) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- f) conduct that is exempted from notification by a Class or Kind Agreement.

## 2.2 Other relevant definitions

Set out below are definitions of the various terms referred to above in relation to reportable conduct.

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

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

Ill-treatment captures those circumstances where a person treats a child in an obviously or very clearly improper manner. The focus is on the alleged conduct rather than the actual effect of the conduct on the child.

Ill-treatment can include disciplining or correcting a child in an obviously unreasonable or inappropriate manner; making excessive and obviously unreasonable demands on a child; malevolent acts towards children; and inappropriate and hostile use of force against a child.

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

### 1. Supervisory neglect:

An intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child, or an intentional or reckless failure to adequately supervise a child or a significantly careless act

or failure to act, that involves a gross breach of professional standards, and has the potential to result in the death or significant harm to a child.

2. Carer neglect:

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

3. Failure to protect from abuse:

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

4. Reckless act (or failure to act):

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

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

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

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

PSOA 'person subject to the allegation'

**Sexual Misconduct** has two categories which include crossing professional boundaries, and sexually explicit comments and other overtly sexual behaviour.

The alleged conduct must have been committed against, with or in the presence of a child.

### **Crossing professional boundaries**

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.

Codes of conduct that outline the nature of the professional boundaries which should exist between employees and children/young people can be particularly useful. For employees who either intentionally breach such codes or have demonstrated an inability to apply them appropriately, it may be necessary to

provide more detailed written advice about what constitutes appropriate behaviour.

### **Sexually explicit comments and other overtly sexual behaviour**

Behaviour involving sexually explicit comments and other overtly sexual behaviour which can constitute sexual misconduct. Some forms of this behaviour also involve crossing professional boundaries. This conduct may include:

- a) inappropriate conversations of a sexual nature
- b) comments that express a desire to act in a sexual manner
- c) unwarranted and inappropriate touching
- d) sexual exhibitionism
- e) personal correspondence (including electronic communications such as e-mails and text messages) with a child or young person in relation to the adult's sexual feelings for a child or young person
- f) exposure of children and young people to sexual behaviour of others including display of pornography
- g) watching children undress. For example, in change rooms or toilets when supervision is not required or justified.

**Sexual Offences** encompasses all criminal offences involving a sexual element that are 'committed against, with or in the presence of a child'.

These offences include (but are not limited to) the following:

- a) indecent assault
- b) sexual assault
- c) aggravated sexual assault
- d) sexual intercourse and attempted sexual intercourse
- e) possession/ dissemination/ production of child pornography or child abuse material
- f) using children to produce pornography
- g) grooming or procuring children under the age of 16 years for unlawful sexual activity
- h) deemed non-consensual sexual activity on the basis of special care relationships

### **3 What happens when an allegation of reportable conduct is made?**

#### **3.1 Initial steps**

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

- a) determine on face value whether it is an allegation of reportable conduct;
- b) assess whether Community Services or the Police need to be notified (ie, if reasonable grounds to suspect that a child is at risk of significant harm or criminal offence);
- c) notify the child's parents (unless to do so would be likely to compromise the investigation or any investigation by Community Services or the Police);
- d) notify the Ombudsman within 30 days of receiving the allegation;
- e) carry out a risk assessment and take action to reduce/remove risk, where appropriate; and
- f) investigate the allegation or appoint someone to investigate the allegation.

#### **3.2 Investigation principles**

The School will:

- a) be mindful of the principles of procedural fairness;
- b) inform the person subject of the allegation (PSOA) of the substance of any allegations made against them and provide them with a reasonable opportunity to respond to the allegations;
- c) make reasonable enquiries or investigations before making a decision;
- d) avoid conflicts of interest;
- e) conduct the investigation without unjustifiable delay;
- f) handle the matter as confidentially as possible; and
- g) provide appropriate support for all parties including the child/children, witnesses and the PSOA.

#### **3.3 Investigation steps**

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

- a) interview relevant witnesses and gather relevant documentation;
- b) provide a letter of allegation to the PSOA;
- c) interview the PSOA;

- d) consider relevant evidence and make a preliminary finding in accordance with the NSW Ombudsman guidelines;
- e) inform the PSOA of the preliminary finding and provide them with an opportunity to respond;
- f) consider any response provided by the PSOA;
- g) make a final finding in accordance with the NSW Ombudsman Guidelines;
- h) decide on the disciplinary action, if any, to be taken against the PSOA;
- i) apply the NSW Commission for Children and Young People (CCYP) Guidelines and decide if the matter is reportable to CCYP; and
- j) send the final report to the Ombudsman and report to the CCYP (where required) (see Part C).

The steps followed in the investigate process will be guided by the “Recommended Protocols for Internal Investigative and Disciplinary Proceedings, 2001” (IEU/AIS) as updated from time to time (See Appendix 2.)

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

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

#### **4 Risk management**

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 Head of Agency 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.

##### **4.1 Initial risk assessment**

One of the first steps following an allegation of reportable conduct against an employee is for the Head of Agency to conduct a risk assessment. The purpose of this initial risk assessment is to identify and minimise the risks to:

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

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

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

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

Please Note: 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.

#### **4.2 Ongoing Risk Management**

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

#### **4.3 Risk Management at the Conclusion of the Investigation**

At the completion of the investigation, a finding will be made in relation to the allegation and a decision made by the Head of Agency regarding what action, if any, is required in relation to the PSOA, the child(ren) involved and any other parties.

### **5. What information will be provided to the PSOA?**

The PSOA will be advised:

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

The PSOA does not automatically have the right to:

- a) know or have confirmed the identity of the person who made the allegation; or

- b) be shown the content of the Ombudsman notification form or other investigation material that reveals all information provided by other employees or witnesses.

Under the CCYP Act once the 'relevant employment proceedings' have been completed a PSOA can seek access to the records held by the School on their 'relevant employment proceedings' (see Part C section 3).

## **6. Disciplinary Action**

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

In relation to any disciplinary action the School will:

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

## **7. 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 accessible by the Head of Agency or with the Head of Agency'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.

If you become aware of a breach of confidentiality in relation to a reportable conduct allegation you must advise the Principal.

## **PART C: 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.

If you are an existing employee, employed at this school in paid child-related work prior to the commencement of the new Working With Children system, or you are a volunteer, your requirement to obtain a Check will be phased in over a five year period, according to the phase in schedule developed by the OCG.

## **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 hold and maintain a valid Check; not engage in child-related work at any time that they are subjected to an interim bar or a bar; and 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. Some volunteers engaged in high risk roles maybe required to have a Check.
- b) to be aware and follow the expectations of conduct expressed in the School Staff 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.

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 work 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**

The Riverina Anglican College is a member of the AISNSW and so is 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.

## **PART D: Staff Induction and Child Protection Training**

### **1. Staff Induction**

The responsibility for the implementation of the Staff Induction on expected and prohibited standards of behaviour is the Principal. He/she may delegate the actual training to other senior staff members.

Applicants for staff positions should be made aware of the compulsory induction into expected and prohibited standards of behaviour at the time of the interview for the employment position.

The initial induction course would normally occur for staff members prior to the commencement of the school year. Where a staff member joins the College through the year an individual course should be commenced.

At the completion of the staff induction course all staff should sign off that they have read and understood the expected and prohibited standards of behaviour outlined below.

## **2. Expected and Prohibited Standards of Behaviour**

### Expected Standards of Behaviour

- Teaching staff are called to act as role models in language, bearing and dress.
- Teaching staff are expected to foster positive interpersonal relationships encouraging trust and ease of communication. Students are usually addressed by their christian name.
- Teaching staff are expected to comfort distressed or upset students. This may reasonably involve holding a hand or placing an arm across a shoulder. The guiding principle of what is reasonable should be that the child does not feel uncomfortable by the action.
- Teachers should engage in positive reinforcement of exemplary behaviour. Class contact should be fair, firm and friendly but not over familiar.
- Teaching staff should be vigilant in their out-of-class supervision. Any accidents or injuries should be brought to sickbay for treatment and on incident report completed.
- Staff and student online interaction must occur only in an educational context.
- Staff personal social networking online must be congruent with teacher professional standards.
- Teaching staff should seek assistance from other staff in the case of difficult or unreasonable students.

### Prohibited Standards of Behaviour

- Teaching staff must never indulge in intimate physical contact with a student or students. It is immaterial whether that contact is welcome or unwelcome. It is not only unprofessional but clearly breaches the expectations of the Child Protection Act.
- Teaching staff should not shove, push, shake or strike with hand or object any student.
- Teaching staff should not engage in behaviour that would place students in physical danger. Organised contact sport is not deemed as placing students in physical danger provided reasonable precautions are taken.
- Teaching staff should not denigrate a student either individually or in front of their peers. Poor student behaviour is not to be tolerated but belittling or demeaning a student is not to be part of the correctional or punishment process.
- Teaching staff should not expose students to unwanted sexual jokes, offensive printed or recorded material.
- Teaching staff should never be intoxicated or under the influence of recreational drugs while in contact with students.

### **3. Additional Staff Training and Development Plan on issues that might affect the Protection of Children**

Regular staff training occurs on child protection matters involving children at risk of harm. Recognising children at risk of harm and staff obligations regarding reporting is reviewed on staff development days at least on an annual basis.

The Principal and Executive staff members should formally review staff performance issues, training and management of risk to children as part of the College's annual review process.



## EXPECTED AND PROHIBITED STANDARDS OF BEHAVIOUR FOR EMPLOYEES OF THE RIVERINA ANGLICAN COLLEGE

### Expected Standards of Behaviour

- All staff of the College are called to act as role models in language, bearing and dress.
- Staff are expected to foster positive interpersonal relationships encouraging trust and ease of communication. Students are usually addressed by their Christian name.
- At times, staff may be expected to comfort distressed or upset students. This may reasonably involve placing an arm across the shoulder of a student/or holding a student's hand. The guiding principle of what is reasonable should be that the student does not feel uncomfortable by the action.
- Teaching staff should engage in positive reinforcement of exemplary behaviour. Class contact should be fair, firm and friendly but not overly familiar.
- Teaching staff should be vigilant in their out-of-class supervision. Any accidents or injuries should be brought to Sick Bay for treatment and an the appropriate Accident or Incident report completed.
- Staff and student online interaction must occur only in an educational context.
- Staff personal social networking online must be congruent with teacher professional standards.
- Teaching staff should seek assistance from other staff in the case of difficult or unreasonable students.

### Prohibited Standards of Behaviour

- Staff must never indulge in intimate physical contact with a student or students. It is immaterial whether that contact is welcome or unwelcome. It is not only unprofessional but clearly breaches the expectations of the Child Protection Act.
- Staff should not push, shove, shake or strike with a hand or any object any student.
- Staff should not engage in behaviour that would place students in physical danger. Organised contact sport is not deemed as placing students in physical danger provided reasonable precautions are taken.
- Staff should not denigrate a student either individually or in front of their peers. Poor student behaviour is not to be tolerated; however belittling or demeaning a student in front of their peers is not to be a part of the correctional or punishment process.
- Staff should not expose students or other staff members to unwanted sexual jokes, offensive printed or recorded material.
- Staff should never be intoxicated or under the influence of recreational drugs while in contact with students.

**I have read and understood the Expected and Prohibited Standards of Behaviour for the Employees of The Riverina Anglican College.**

Full Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**THE RIVERINA ANGLICAN COLLEGE  
NOTIFICATION OF SUSPECTED RISK OF SIGNIFICANT HARM**

Except for Children's Court procedures relating to this subject, this document is not admissible in evidence nor can any person be compelled to produce it or give evidence as to its contents.

Forms are to be retained at the school at least until the student reaches the age of 25 years.

I ..... being a mandated person in terms of the Act, provide the following details:

**Student's Name**

**Year Group**

**Date of Birth**

**The issues of concern are:**

.....  
.....  
.....  
.....

Received by Principal

***ACTION TAKEN***

- |    |              |            |                          |  |             |   |
|----|--------------|------------|--------------------------|--|-------------|---|
| A. | Consultation | (Tick box) | <input type="checkbox"/> |  | (Signature) | <input style="width: 100%;" type="text"/> |
| B. | Notification |            | <input type="checkbox"/> |  |             | <input style="width: 100%;" type="text"/> |

***NSW Obudsman Informed***

- |    |                  |   |
|----|------------------|---|
| A. | Name of Officer  | <input style="width: 100%;" type="text"/>   |
| B. | Telephone Number | <input style="width: 100%;" type="text"/>   |
| C. | Date / Time      | <input style="width: 100%; text-align: center;" type="text" value="/ /"/> <input style="width: 100%;" type="text"/> |

Additional Case Notes:

.....  
.....  
.....

**Name** (printed) ..... **Signature** ..... **Date** .....

**CONFIDENTIAL    This form is to be submitted to the Principal**

**THE RIVERINA ANGLICAN COLLEGE**

**NOTIFICATION BY A PARENT OF A COMPLAINT ABOUT THE COLLEGE OR ITS TEACHERS INCLUDING REPORTABLE CONDUCT**

Except for Children’s Court procedures relating to this subject, this document is not admissible in evidence nor can any person be compelled to produce it or give evidence as to its contents.

Forms are to be retained at the school at least until the student reaches the age of 25 years.

I ..... being a mandated person in terms of the Act, provide the following details:

**Student’s Name**

**Date of Birth**

**The issues of concern are:**

.....  
.....  
.....

Received by Principal    
(Date) (Time)

***ACTION TAKEN***

A.	Consultation	(Tick box) <input type="checkbox"/>	(Signature) <input type="text"/>
B.	Notification	<input type="checkbox"/>	<input type="text"/>

***NSW Obudsman Informed***

A. Name of Officer   
B. Telephone Number   
C. Date / Time

Additional Case Notes:

.....  
.....  
.....

**Name** (printed) ..... **Signature** ..... **Date** .....