

Child Protection Policy – New South Wales

Section	Welfare
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Executive Summary:

The purpose of this Policy is to assist principals, teachers and other school staff to deal appropriately with the issue of child protection, and by doing so support a consistent approach by all Anglican Schools Commission (ASC) schools and the ASC's committed to child safety.

Key Actions:

- Ensure there are robust human resources and recruitment practices for all staff and volunteers including a Working with Child Check (WWC Checks) and a Nationally Coordinated Criminal History Check (NCCHC).
- Ensure Board members, School Council members and staff, including regular volunteers receive annual professional learning (mandatory reporting of child sexual abuse and school policies).
- Develop a Child Safe Code of Conduct that is publicly available.
- Ensure all new staff attend an induction covering Child Safe Code of Conduct, Staff obligations to report objectively observable behaviours, School policies and procedures, mandatory reporting obligations.
- Develop a Code of Conduct for students and provide parents and guardians with information about the Student Code of Conduct.
- Implement age and developmentally appropriate protective behaviours and sexual abuse prevention education.
- Develop and implement an annual training plan for all Board members, School Council members, staff and regular volunteers.

NB: The list above is not exhaustive, and the Policy should be read in full to understand all obligations.

1. Purpose

The Anglican Schools Commission (ASC) is committed to child safety and has developed this Policy to assist principals, teachers and other school staff to deal appropriately with the issue of child protection, and by doing so is supporting a consistent approach by all ASC schools to this important issue.

2. Scope

This Policy applies to the ASC and its school in New South Wales (NSW). This includes ASC Board members, School Council members, all staff, practicum students and volunteers.

3. Principles

The ASC acknowledges the serious consequences of child abuse and neglect, both in the short term and the long term. Within its schools the protection strategies and procedures to be followed are based on the following principles and values:

- 3.1 The ASC Core Values: Faith, Excellence, Justice, Respect, Integrity and Diversity guide the ASC in the development of its Child Protection Policy (NSW).
- 3.2 The ASC is committed to complying with The Child Safe Standards per the Royal Commission into Institutional Responses to Child Sexual Abuse recommendations, (Appendix 1) and implementing the National Principles for Child Safe Organisations (Appendix 2).
- 3.3 **All adults have a responsibility to care for children**, to positively promote their welfare and to protect them from any kind of abuse.
- 3.4 All children have the right to a thorough and systematic education about personal safety, including safety in relationships.
- 3.5 The ASC and its schools are committed to child safety and zero tolerance to child abuse.
- 3.6 The ASC is committed to preventing child abuse and identifying risks early, and removing and reducing these risks.
- 3.7 The ASC and its schools are committed to monitoring adherence to the Child Protection policy.
- 3.8 The ASC and its schools are committed to fulfilling our legal responsibilities in the area of child abuse.
- 3.9 All ASC schools will ensure there are robust human resources and recruitment practices for all staff and volunteers.
- 3.10 All ASC schools will enable school staff, parents and children to understand, identify, discuss and report child safety matters.
- 3.11 All ASC schools will support or assist children who disclose child abuse or are otherwise linked to suspected child abuse.
- 3.12 All students should know that they are valued as persons from the time they enter the school community. This pastoral dimension should influence every aspect of the school's life.
- 3.13 The ASC promotes the cultural safety of all children at all ASC schools.
- 3.14 The ASC promotes the cultural safety of children from culturally and/or linguistically diverse backgrounds including Aboriginal children at all ASC schools.
- 3.15 The ASC promotes the safety of children with a disability.
- 3.16 The value of the family unit is to be respected but this should not be to the detriment of the wellbeing of a child.

- 3.17 All persons involved in situations where abuse is suspected or disclosed must be treated with sensitivity, dignity and respect.
- 3.18 The Principal is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse, in line with legislation and Department of Communities and Justice (DCJ) and NSW Police requirements. With the assistance of the appropriate Pastoral Care Staff (such as the School Chaplain, Pastoral care tutors, Heads of House, or Counsellor), the Principal must ensure that the school's pastoral care structures address the issue of child abuse, and make appropriate provisions for the assistance of affected children, families and staff.
- 3.19 All school staff have a duty of care to students during school hours and at other times when staff/student relationships exist.
- 3.20 The ASC and its schools will ensure Board members, School Council members and staff, including regular volunteers receive annual professional learning for all staff in our schools on the recognition of grooming and child abuse, appropriate prevention practices and strategies, mandatory reporting and allegations of reportable conduct.
- NB:** ensure people who may be absent during scheduled sessions attend a rescheduled session.
- 3.21 The ASC and its schools abide by the legal and moral obligations to report all forms of abuse.
- 3.22 School staff who have access to information regarding suspected or disclosed child abuse or neglect have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.

4. Relevant Policies, Procedures and Legislation

This Policy must be read in conjunction with the following ASC policies and procedures:

- Mandatory Reporting of Children at Significant Risk of Harm – New South Wales.
- Reporting of Allegations of Reportable Conduct Policy and Procedures – New South Wales.
- Dispute and Complaint Resolution Policy and Procedures – ASC schools.
- Allegations of Misconduct against Employees in ASC Schools and Guidelines for Interviewing of Students by Police.

Relevant legislation:

- Children and Young Persons (Care and Protection) Act 1998 (NSW) (the Care and Protection Act);
- Child Protection (Working With Children) Act 2012 (NSW) (the WWC Act); and
- The Children's Guardian Act 2019.

Legislation is available to be viewed through www.legislation.nsw.gov.au

Other:

- The Child Safe Standards (Royal Commission into Institutional Responses to Child Sexual Abuse recommendations)
- The National Principles for Child Safe Organisations.

5. Child Safe Code of Conduct

- 5.1 The ASC and its schools are required to develop a Child Safe Code of Conduct for the ASC Board, School Councils, staff, practicum students and volunteers that:
- Is publicly available;

- States as its objective the promotion of child safety in the school environment;
- Sets standards about the ways in which school staff are expected to behave with children. It should set a high standard of conduct for the protection and wellbeing of children and young people;
- Covers conduct in both the physical and online environments;
- Takes into account the interests of school staff (including other professional or occupational codes of conduct that regulate particular school staff), and the needs of all children; and
- Is consistent with the school's child safety strategies, policies and procedures as revised from time to time.

6. Student Code of Conduct

- 6.1 Schools must have a Code of Conduct for students, which sets out the minimum standards of conduct, prohibits bullying, harassment and other forms of peer-to-peer abuse and requires respect for the privacy and human dignity of other students and boarders where relevant.
- 6.2 Parents and guardians must receive information about the student code of conduct and when, how and whom to tell when they have concerns about grooming, child abuse or other behaviour.

7. Child Empowerment and Participation Education

- 7.1 All ASC schools must have in place developmentally appropriate protective behaviours curriculum, developed by experts in child abuse protection, and covering what the boundaries are between appropriate and inappropriate interactions and when, how and who to tell when a boundary is crossed.
- 7.2 Schools should also consider appropriate education to be delivered about:
- Standards of behaviour for students attending the school;
 - Healthy and respectful relationships (including sexuality); and
 - Resilience.

8. School Staff Recruitment Practices

- 8.1 All ASC schools must develop recruitment practices which:
- Are robust to help ensure the best applicants are employed with each step of process done consistently and thoroughly;
 - Conducts the appropriate background checks including referee checks and verifies the individual is cleared to work with children (or words to the effect)
 - Engage only those who are suitable to work with students;
 - Make every attempt to assess commitment to the Child Safe Code of Conduct on the part of the applicants;
 - Include induction to the school's policies and procedures for the prevention, detection and reporting of suspected and actual grooming, and abuse and mandatory reporting obligations.
- 8.2 Each job or category of jobs for school staff that involves child-related work must have a clear statement that sets out:
- The job's requirements, duties and responsibilities regarding child safety; and
 - The job occupant's essential or relevant qualifications, experience and attributes in relation to child safety.
- 8.3 All applicants for jobs that involve child-related work for the school must be informed about the school's child safety practices (including the Child Safe Code of Conduct).

- In accordance with any applicable legal requirement (e.g. Working with Children Check (WWC Check), Nationally Coordinated Criminal History Checks (NCCHC) or school policy, the school must make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-related work:
 - WWC Check status, or similar check;
 - Proof of personal identity and any professional or other qualifications;
 - The person's history of work involving children; and
 - References that address the person's suitability for the job and working with children.

8.4 Refer to the ASC Recruitment and Selection Policy and Procedures which provides effective and robust procedures to ensure that the ASC and its schools adopt appropriate recruitment and selection methods.

9. School Staff Education and Training

All ASC schools must have in place training for staff that identifies, assesses and minimises the risks of child abuse, and detects potential signs of child abuse.

10. Working with Children Act

A WWC Check is a prerequisite for anyone in child-related work. It involves a NCCHC and review of reported workplace misconduct findings.

The school, all staff and certain volunteers have responsibilities under this Act to ensure the safety of children in their care. These responsibilities are explained in detail in Appendix 3.

11. Procedures: Roles and Responsibilities

11.1 The Anglican Schools Commission

If formal notification is to be made to DCJ, the Principal should inform the CEO of the ASC as the official representative of the School Authority.

The ASC Office will:

- Ensure ASC Board members participate in professional learning covering the Child Safe Code of Conduct (specific to their role), their mandatory reporting obligations and all ASC policies and procedures at least annually.
- Ensure that duty statements/position descriptions clearly address child safety requirements.
- Assist principals in arranging appropriate professional development for designated staff in the principles, policy and procedures in child protection.
- Assist principals in arranging professional development for designated staff in a protective behaviours curriculum.
- If necessary assist the principal or their delegate when a case of child abuse or neglect is disclosed, where there are reasonable grounds to suspect that a child is at risk of significant harm, or where there has been a report of allegations of reportable conduct made, to follow the procedures on notification of abuse to the DCJ and The Office of the Children's Guardian (Children's Guardian).
- Assist the Principal in ensuring that members of staff and students of the school making the referral are offered appropriate support to adjust to any consequences of the referral.
- Provide any other assistance to the Principal or their delegate to ensure other aspects of the Child Protection Policy are met.

11.2 The Principal

- The Principal is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse and neglect, and in the role of Head of Agency for reports of allegations of reportable conduct.
- Sections 3 – 6 of the *Reporting of Allegations of Reportable Conduct Policy and Procedures – New South Wales* lists all detailed responsibilities for the Principal in their capacity as Head of Agency.
- The Principal must ensure that the school's pastoral care and/or curriculum structures address the issue of child abuse and protective behaviours.
- The Principal must ensure that School Council members, all staff, practicum students and regular volunteers, participate in professional learning covering the Child Safe Code of Conduct (specific to their role), their mandatory reporting obligations and all school policies and procedures at least annually. Further information on the detection and reporting of child abuse is provided in the policies listed in Section 4.
- The Principal must ensure that duty statements/position descriptions clearly address child safety requirements.
- The Principal must ensure that all employees and volunteers are fit and proper persons to work with children via WWC Checks and NCCHCs. The Principal must, access the Working with Children website to verify the employee or volunteer's details online. A record of the verification details must be kept. Details on the Working with Children Checks is provided in Appendix 3.
- A mandatory report to DCJ and, where necessary, the police, will be undertaken by the Principal.
- If a mandatory reporter has a concern that a child or young person is at risk of significant harm, they must inform 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.
- The Principal should nominate another senior staff member as the contact point for staff in case they are not available.
- If the Principal or nominated senior staff member is not available and there is immediate danger to the child or young person, the mandatory reporter will contact the Police and/or Child Protection Helpline directly and advise the Principal as soon as possible.
- The Principal's role is **not** to investigate any disclosure or strong concern about the well-being of a student, but they **must** report the matter to the DCJ, the Chair of the School Council and to the CEO of the ASC.
- Where a mandatory report has not been made, the Principal must report to the DCJ when a case of child abuse or neglect is disclosed, or where there are reasonable grounds to suspect that a child is at risk of significant harm.
- Advice must be sought from the Children's Guardian, the DCJ or the Police prior to providing any information to others, including the parent/guardian.
- Should any disclosure or strong concern of sexual abuse relate to the behaviour of a staff member, the Principal must report the matter to the Professional Standards Unit (PSU) of the Diocese of Melbourne, the Chair of the School Council and to the CEO of the ASC. The Principal must also report to the Children's Guardian. See *Reporting of Allegations of Reportable Conduct Policy and Procedures – New South Wales* for further information. The identity of the reporter must be protected at all times, in line with the relevant legislation.
- The Principal must retain records of all communication with the DCJ, the Police, the PSU, the Chair of the School Council and the CEO of the ASC and the subsequent actions. All

records must be stored in a secure place to ensure confidentiality and kept separate from any other file on the student. There should be an indication on the student's general file that other confidential records are being kept separately without revealing the nature of those records. Appendix 4

- The Principal, with the assistance of the appropriate Pastoral Care Staff (such as the School Chaplain, Pastoral Care Tutors, Heads of House, Heads of School or Counsellor), must undertake ongoing support for the teacher, the student, the person subject of the allegation (PSOA) and anyone else affected by this process or its outcomes, as required.
- The Principal must inform parents and guardians about the school's Child Protection Policy - NSW, the protective behaviours curriculum, the Child Safe Code of Conduct, and when, how and who to tell if they have concerns about grooming or child abuse or neglect. This could be done by including the information in the Parent Handbook, thereby ensuring that all new parties are kept informed.

11.3 **Mandatory Reporters**

All obligations for mandatory reporters are covered in the policies listed in Section 4.

11.4 **Non-mandatory Reporters**

Everybody has a duty to report concerns that involve the safety of children and young people. All reporting obligations for non-mandatory reporters is covered in the policies listed in Section 4.

11.5 **Department of Communities and Justice**

- The main focus of the Department of Communities and Justice (DCJ) is on supporting vulnerable families and the safety and wellbeing of children and young people and protecting them from harm, abuse and neglect.
- In the case of a mandatory report, the mandatory reporter must provide a report to the Child Protection Helpline of DCJ.
- DCJ has the responsibility of deciding how to proceed with reports and will supply feedback to the reporter.
- The Child Protection caseworker, accessed through the Child Protection Helpline, can assist if either the Principal or the teacher is concerned about a child and unsure of what action to take.
- The DCJ has the authority to interview the child at school before contact is made with the parent/guardian. The Principal will be notified by the DCJ before the interview and the child may be given the option of having support at the interview from a staff member of their choosing. The ability to have a support person will be at the discretion of the DCJ.
- The DCJ may remove a child from school if they have the permission of the parent/guardian. They may also apprehend a child without warrant and take them into care if they believe that the child is in need of care and protection.

11.6 **The New South Wales Police Force**

- The Police may play a role in responding to allegations of child abuse and neglect when informed by the DCJ, or when referring information to the DCJ, or when referred by the Children's Guardian.
- In the case of a mandatory report, the DCJ will forward reports that have a criminal element and require a Police response to the New South Wales Police Force.

11.7 **The Professional Standards Unit of the Diocese of Melbourne (on behalf of the Diocese of Wangaratta)**

- The Professional Standards Unit (PSU) investigates reports of sexual misconduct and child abuse made against an employee of the Anglican Church and its incorporated bodies and unincorporated organisations.
- School Principals must refer to the PSU any disclosures or strong concerns relating to the behaviour of staff members. The identity of the reporter is protected except in certain circumstances, in line with the Care and Protection Act. The ASC CEO is to be advised of such reports.
- The PSU will investigate the matter and make a recommendation to the school.

Royal Commission Child Safe Standards

What makes institutions safer for children

The Child Safe Standards are:

1. Child safety is embedded in institutional 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 sexual 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 institution is child safe.

National Principles for Child Safe Organisations

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes for complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

1. General

The Office of the Children's Guardian (Children's Guardian) 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 Children's Guardian, 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 Children's Guardian that they are subjected to a risk assessment.

Volunteers not required to have a WWC Check include, but are not limited to:

- a. under 18-years old;
- b. work occasionally includes helping out with children as an incidental part of your role, your work is short term - a visitor to a school as a guest speaker; and
- c. Tradesperson who may incidentally come into contact with children but is not working with the children

(Refer to the ASC Recruitment and Selection Policy)

All staff and volunteers must be aware and follow the expectations of conduct expressed in the Child Safe Code of Conduct.

3. Relevant Definitions

3.1 Bars

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 Civil and Administrative 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.

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 Children's Guardian 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 Children’s Guardian has been notified of a finding of misconduct involving children.

The WWC Act enables a person who has a finding referred to the Children’s Guardian 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

Section 35 of the WWC Act requires this School to notify the Children’s Guardian 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 Children’s Guardian 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 Children’s Guardian 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 of the WWC Act, pattern of behaviour or offences involving violence or sexual misconduct representing a risk to children, findings of misconduct involving children or notification made to the Children’s Guardian.

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.

Records and recordkeeping - Records and recordkeeping principles

Accurate records and the exercise of good recordkeeping practices are critical to identifying, preventing and responding to child sexual abuse. Records are also important in alleviating the impact of child sexual abuse for survivors. To improve records and recordkeeping practices consideration should be given to the following Principles.

Principle 1: Creating and keeping full and accurate records relevant to child safety and wellbeing, including child sexual abuse, is in the best interests of children and should be an integral part of institutional leadership, governance and culture.

- Keep the best interests of the child uppermost in all aspects of their conduct, including recordkeeping.
- Foster a culture in which the creation and management of accurate records are integral parts of the operations and governance.

Principle 2: Full and accurate records should be created about all incidents, responses and decisions affecting child safety and wellbeing, including child sexual abuse.

- Ensure that records are created to document any identified incidents of grooming, inappropriate behaviour (including breaches of institutional codes of conduct) or child sexual abuse and all responses to such incidents.
- Records created should be clear, objective and thorough and created at, or as close as possible to, the time the incidents occurred, and clearly show the author and the date created.

Principle 3: Records relevant to child safety and wellbeing, including child sexual abuse, should be maintained appropriately.

- Records should be maintained in an indexed, logical and secure manner. Associated records should be collocated or cross-referenced to ensure that people using those records are aware of all relevant information.

Principle 4: Records relevant to child safety and wellbeing, including child sexual abuse, should only be disposed of in accordance with law or policy.

- Records relevant to child safety and wellbeing, including child sexual abuse, must only be destroyed in accordance with records disposal schedules or policies.
- Records relevant to child sexual abuse should be subject to minimum retention periods that allow for delayed disclosure of abuse by victims, and take account of limitation periods for civil actions for child sexual abuse.

Principle 5: Individuals' existing rights to access, amend or annotate records about themselves should be recognised to the fullest extent.

- Individuals should have a right to access records made about them. Full access should be given unless contrary to law. Specific, not generic, explanations should be provided in any case where a record, or part of a record, is withheld or redacted.
- Individuals should be made aware of, and assisted to assert, their existing rights to request that records containing their personal information be amended or annotated, and to seek review or appeal of decisions refusing access, amendment or annotation.

NB: Extract from Royal Commission into Institutional Responses to Child Sexual Abuse

