

Child Protection Policy – New South Wales

Section	Welfare
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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 ASC schools in New South Wales.

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.
- 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 C)
- 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 well-being 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 Community Services 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** All ASC Schools will ensure 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.
- 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 Guidelines for Implementation.
- Allegations of Misconduct against Employees in ASC Schools and Guidelines for Interviewing of Students by Police.
- ASC Recruitment and Selection Policy

Each ASC school is responsible for developing and reviewing school-based procedures and guidelines in line with the ASC Child Protection Policy (NSW) and those policies listed above. Related school-based policies include, but are not limited to:

- Duty of Care Policies

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 Ombudsman Act 1974 (NSW) (the Ombudsman Act).

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

5. Staff and Volunteer Code of Conduct

5.1 All ASC Schools are required to have a Code of Conduct 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;
- 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.

5.2 Schools must also provide guidelines on how to comply with the Staff and Volunteer Code of Conduct, including an explanation distinguishing between grooming and sexual abuse, and clearly delineating the boundaries between appropriate and inappropriate interaction between students and between students and adults. Information on sexual abuse and grooming is covered in the Mandatory Reporting of Children at Risk of Significant Harm Policy and Procedures – New South Wales.

Schools must have procedures in place for the detection and reporting of Staff and Volunteer Code of Conduct breaches, grooming and child abuse.

5.3 The Code of Conduct will be used by each school in a variety of ways, including:

- As part of induction training for new leadership members, staff and volunteers;
- As part of refresher training for existing leadership members, staff and volunteers;
- To inform parents/carers and other person associated with the school what behaviour they can expect from the school's leadership, staff and volunteers;
- To support and inform organisational protocols and reporting procedures should breaches of the code be suspected or identified;
- Include a reference to the code of conduct in employment advertisements and contracts to ensure compliance.

5.4 All new staff must attend an induction covering:

- The Staff Code of Conduct;
- Staff obligations to report objectively observable behaviours, which is not permitted by the Code
- The school's policies and procedures for the prevention, detection and reporting of suspected and actual grooming and sexual abuse;
- The mandatory reporting obligations of teachers; and
- All other school policies.

5.5 The ASC's Staff and Volunteer Code of Conduct is provided in Appendix A. This forms the minimum standard for all schools, however, individual schools may wish to add additional elements.

6. Child Empowerment and Participation Education

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.

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.

7. School Staff recruitment practices

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 Staff and Volunteer 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.

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.

All applicants for jobs that involve child-related work for the school must be informed about the school's child safety practices (including the code of conduct).

- In accordance with any applicable legal requirement (e.g. Working with Children Check, Police Clearance) 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:
 - Working with Children 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.

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

8. 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.

9. Working with Children Act

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 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 C.

10. Procedures: Roles and Responsibilities

10.1 The Anglican Schools Commission

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

The ASC Office will:

- 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 her/his 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 Community Services and/or the Ombudsman.
- 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 his/her delegate to ensure other aspects of the Child Protection Policy are met.

10.2 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 his/her 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 all staff participate in professional learning covering the Staff Code of Conduct, their mandatory reporting obligations and all school policies and procedures at least biennially. Further information on the detection and reporting of child abuse is provided in the policies listed in Section 4.
- The Principal must ensure that all employees and volunteers are fit and proper persons to work with children via Working with Children Checks and Federal Police Clearances (if required). 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. Further advice on recruitment of staff and volunteers is provided in Appendix B. Details on the Working with Children Checks is provided in Appendix C.
- A mandatory report to Community Services 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, he/she 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 he/she is 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 Hotline 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 he/she **must** report the matter to Community Services, and to the CEO of the ASC.
- Where a mandatory report has not been made, the Principal must report to Community Services 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 Ombudsman, Community Services 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 and to the CEO of the ASC. The Principal must also report to the Ombudsman. 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 Community Services, the Police, the PSU 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.
- 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 Staff and Volunteer 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.

10.3 Mandatory Reporters

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

10.4 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.

10.5 Community Services

- Community Services is a division of the Department of Family and Community Services. Community Services' main focus is on supporting vulnerable families and keeping children and young people safe from abuse and neglect.
- In the case of a mandatory report, the mandatory reporter must provide a report to the Child Protection Hotline of Community Services.

- Community Services has the responsibility of deciding how to proceed with reports and will supply feedback to the reporter.
- The Child Protection Hotline and the Duty Officer at the local Community Services office can be used initially in a consultative role if either the Principal or the teacher is concerned about a child and unsure of what action to take.
- Community Services has the authority to interview the child at school before contact is made with the parent/guardian. The Principal will be notified by Community Services 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 Community Services.
- Community Service officers 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.

10.6 The New South Wales Police Force

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

10.7 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.

SAMPLE: Staff and Volunteer Code of Conduct

All staff, volunteers, visitors and council members of Trinity Anglican College are committed to providing a child-safe environment which safeguards all students, promoting practices which provides for the safety, wellbeing and welfare of our children and young people and are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below.

School staff are in a unique position of responsibility and authority and must make every effort to make sure that our school provides a child safe environment. Teachers are of primary importance when it comes to detecting abuse and preventing abuse from occurring.

The ASC and Trinity Anglican College explicitly forbids child abuse, corporal and degrading punishment.

All personnel of Trinity Anglican College are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- Adhering to the ASC Child Protection Policy – NSW at all times/upholding its commitment to child safety at all times;
- Taking all reasonable steps to protect children from abuse;
- Treating everyone with respect;
- Listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another;
- Ensuring as far as practicable that adults are not left alone with a child;
- Reporting any allegations of child abuse to the Principal, and ensuring any allegation is reported to the New South Wales Police or Community Services;
- For mandatory reporters of child sexual abuse, all allegations must be reported to the Mandatory Reporting Service of Community Services, and the Principal may be informed as soon as is practicable;
- Reporting any child safety concerns to the Principal;
- If an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe.

Staff and Volunteers must not:

- Develop any 'special' relationships with children that could be seen as favouritism (e.g. the offering of gifts or special treatment for specific children);
- Exhibit behaviours with children which cross the boundary between appropriate and inappropriate interactions;
- Put children at risk of abuse (e.g. by locking doors);
- Do things of a personal nature that a child can do for themselves, such as toileting or changing clothes;
- Use inappropriate language in the presence of children;
- Express personal views on culture, race or sexuality in the presence of children;
- Discriminate against any child, including because of culture, race, ethnicity or disability;
- Have contact with a child or their family outside of the school without the Principal or his/her delegate's knowledge and/or consent (e.g. no babysitting). Accidental contact, such as seeing people in the street, is appropriate;
- Have any online contact with a child or their family (unless necessary, for example, providing families with e-newsletters);
- Ignore or disregard any suspected or disclosed child abuse.

By observing these standards you acknowledge your responsibility to immediately report any breach of this code to the Principal.

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 (refer to <http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check/resources>).

2. Responsibilities

The object of the WWC Act is to protect children:

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

Schools are required to:

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

Child-related workers and eligible volunteers are required to:

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

All volunteers are required to:

- a. sign the Volunteer Statutory Declaration. Some volunteers engaged in high risk roles maybe required to have a Check; (Refer to the ASC Recruitment and Selection Policy)
- 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.

3.2 Child-related work

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

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

3.3 Child-related worker

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

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

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

3.4 Disqualified person

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

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

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

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

3.5 Findings of misconduct involving children

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

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

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

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

3.6 Reporting body

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

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

3.7 Risk assessment

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

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

3.8 Working with Children Check Clearance

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

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.