



ABN 93 392 520 152

Phone 02 6662 5599

Fax 02 6662 5584

admin@ccs.nsw.edu.au

www.ccs.nsw.edu.au

Po Box 30
CASINO NSW 2470

93 Manifold Road
North Casino

Child Protection Policy

School reviewed 2015

CPU reviewed October 2015

Board Annual Review February 2016

Updated OCG remaining errors 2017

Next review 2016

Next review 2016

Principal: Mr Peter Spence
Board Chairman Rev George Ayoub

A Ministry of the Casino Presbyterian Church – Since 1995

*Grow in Grace
and Knowledge*

2 PETER 3:18

Casino Christian School

Child Protection Policy & Procedures

(Approved by the Conduct Protocol Unit, Presbyterian Church – NSW)

INTRODUCTION

It is an unfortunate reality in our society that there are children who experience abuse. The abuse may be occurring at home, at a sports club, at a friend's or relative's place or perhaps even at a church. It is not always easy to detect these abuse situations. The abuser may be a member of the family, a family friend, a youth worker, a coach or a baby sitter.

The fact that abuse exists shouldn't surprise Christians because we believe that mankind's nature is inherently sinful. However, it also distresses us as Christians because we believe there is a better way – the way of genuine love and compassion and care, which comes through Christ.

The reality facing us as teachers is that the problem exists, we can't ignore it and we have moral and legal responsibilities to the children in our care.

Children may experience abuse that is physical, sexual or emotional. They may be traumatized by domestic violence. They may be victims of neglect.

As Christ's ambassadors and as professional people the safety, welfare and well-being of children and the School are a high priority. To this end this Child Protection Policy is designed.

The Impact of Child Abuse

The experience of abuse and neglect acts as a barrier to the sound foundations, skills and abilities that develop during childhood and adolescence. These features of child growth are crucial for general health and wellbeing throughout life. Abuse and neglect may result in a legacy of physical and/or psychological disabilities, which are carried into adult life. The impact is severe because of the vulnerability and dependency of children. Where the family is for most children a place of nurture and security, the abused or neglected child is trapped in an impossible position. Many of the problems reported by adult survivors of childhood abuse or neglect can be understood as the outcome of a child's attempts to cope in a situation of helplessness or fear. There is also evidence that is linked with many social problems currently confronting the community.

Awareness of the potential long term impact of all forms of child abuse and neglect adds urgency to our efforts to prevent it or, where this is not possible, to recognise abuse where it is occurring and intervene effectively to prevent the development of long term problems and suffering.

Response to Allegations of Child Abuse

The focus of the School's duty of care is the protection of children and young people from abuse. The procedures followed must also be in accordance with all relevant legislation, and will take into account other appropriate practices and guidelines aimed at the protection of children. The School's policy will be reviewed as required, in line with amendments to legislation and regulations.

When the School is notified of suspected or disclosed child abuse, a clear and consistent set of procedures (included in this policy) must be followed in a professional manner. As well as properly focusing on the welfare of any child suspected as being a victim of child abuse, it must be remembered that an allegation is a statement or assertion that is unproven.

The School recognises that there is a danger that teachers and the teaching profession could be seriously harmed by mischievous or irresponsible allegations or by hasty action or by over-reaction. The reputation of all involved must therefore be safeguarded. The School will adopt appropriate and clearly documented initial investigative procedures.

The School also recognises the importance of adopting preventative measures in protecting students from abuse and neglect. Including programs to raise the awareness of students, employees and the community about Child Protection issues. The School is committed to providing a safe and caring environment for every student.

This document sets out the School's policy in broad and general terms. Further information and advice can be gained from the Conduct Protocol Unit of the Presbyterian Church of Australia in the State of New South Wales and from the various Acts and Regulations.

DEFINITIONS

Allegation: An allegation against an employee might involve behaviour that is reportable conduct or behaviour that is exempt from notification to the Ombudsman but is required to be investigated by the agency.

Apprehended Violence Order (AVO): An Apprehended Violence Order (AVO) is an order made by a court that restricts the behaviour of the person against whom the order has been made. The purpose of an AVO is to protect a person from violence, harassment or intimidation in the future. An AVO usually states that a person cannot assault, harass, threaten, stalk or intimidate another person, or go within a certain distance of his/her home or workplace. Other orders can be included if necessary. In NSW there are two types of AVOs:

- Apprehended Domestic Violence Orders (ADVO) are made when the people involved are related, living together or in an intimate relationship, or have been in this situation earlier.
- Apprehended Personal Violence Orders (APVO) are made when the people involved are not related and do not have a domestic or personal relationship, e.g., neighbours.

Attachment: Attachment is an emotional bond to another person. Psychologist John Bowlby was the first attachment theorist, describing attachment as a 'lasting psychological connectedness between human beings' (Bowlby, 1969). Bowlby believed that the earliest bonds formed by children with their caregivers have a tremendous impact that continues throughout life.

Child: Age 0–15 years. As a mandatory reporter in NSW, you are required to report concerns that you have about the safety, welfare or well-being of a child.

Child Pornography: Child pornography is material that depicts or describes (or appears to depict or describe), in a manner that would in all circumstances cause offence to reasonable people, a person who is (or appears to be) a child:

- a. Engaged in sexual activity;
- b. In a sexual context; or
- c. As the victim of torture, cruelty or physical abuse (whether or not in a sexual context).

(2 Division 15A Child Pornography (91H) of the NSW Crimes Act 1900 defines a child as under 18 years.)

Child Prostitution: Child prostitution is any sexual service, whether or not involving an indecent act:

- a. That is provided by a child (under the age of 18 years) for the payment of money or the provision of any other material thing (whether or not it is in fact paid or provided to the child/young person or to any other person);
- b. That can reasonably be considered as aimed at the sexual arousal or sexual gratification of a person or persons other than the child/young person; and
- c. Includes (but is not limited to) sexual activity between persons of different sexes or the same sex, comprising sexual intercourse (as defined in section 61H) for payment or masturbation committed by one person or another for payment engaged in by a child.

(3 Division 15 Child Prostitution (91C) of the NSW Crimes Act 1900 defines a child as under 18 years.)

Conduct Protocol Unit: Child protection unit of the Presbyterian Church of Australia in the State of New South Wales.

Cognitive Delay: Cognitive delay usually refers to a developmental lag, meaning that an individual's cognitive abilities do not match the expectations for his/her chronological age. It is a term most often used in describing children. Because children continue to grow and develop cognitively, it is not always clear whether or not they will catch up with respect to the delay. Sometimes development lags because of illness or malnutrition or other environmental factors and when the situation is rectified, the cognitive abilities rebound. However, it is also possible for delays to become permanent, in which case they are probably better thought of as an impairment or disability, although the term 'delay' is sometimes still used.

Conviction of reportable conduct: This means any conviction of a person, in NSW or elsewhere, of an offence involving reportable conduct, and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction.

Designated Agency: A designated agency in NSW is an agency accredited in accordance with the regulations under the Children and Young Persons (Care and Protection) Act 1998 to provide out-of-home care services, and includes Community Services and Ageing, Disability and Home Care.

In relation to reporting allegations against employees (as per the *NSW Ombudsman Act 1974*) designated agencies are:

- Department of Family and Community Services (known as FACS)
- Department of Education & Training (DET)
- Department of Health (including area health services)
- Juvenile Justice
- Corrective Services

- NSW Sport and Recreation
- Disability, Ageing and Home Care
- non-government schools
- child care centres
- agencies which provide substitute care to children, whether in foster care or in a residential care facility.

Further information is available on the Ombudsman website at <http://www.ombo.nsw.gov.au/complaints/compwrkchildprotissues.html>

Developmental Milestone: Developmental milestones are a set of functional skills or age-specific tasks that most children can do at a certain age range, and which are used to check on children's development. Although each milestone has an age level, the actual age when a normally developing child reaches that milestone can vary.

A booklet entitled *A Guide to Children's Growth and Development* is available on the FACS website at www.community.nsw.gov.au/docswr/_assets/main/documents/par_development.pdf.

Domestic Violence: Domestic violence refers to incidents of violence occurring in the family household where a child/young person is living.

Disqualified persons: See Section 18 of Child Protection (Working With Children) Act 2012 No 51

Employee: An employee is any person who is employed by the agency, whether or not they are employed to work directly with children, as well as anyone from outside the agency who is engaged to provide services to children such as contractors, volunteers, students on placement, instructors of religion.

False: A false allegation is one where it is determined that the alleged conduct did not occur.

Grooming behaviour: For the purposes of relevant employment proceedings, grooming behaviour constitutes a form of sexual misconduct. This is also referred to as coercion.

Head of Agency: The Head of Agency is the Principal of the School, the Chairman of the Board or the Director of the Child Protection Unit depending against whom the allegations are made and what is required to ensure that the Head of Agency is not subject to a conflict of interest.

Internal investigation of an allegation: This involves a process where the School:

- a) gathers all relevant facts,
- b) makes a decision as to whether an allegation is sustained or not, and
- c) provides information to assist any relevant employment proceedings.

Mandatory Reporter: A mandatory reporter in NSW is an individual required by under Section 27 of the *Children and Young Persons (Care and Protection) Act 1998* to report to the Child Protection Helpline **when he/she has reasonable grounds to suspect that a child, or a class of children, is at risk of significant harm from abuse or neglect, and those grounds arise during the course of or from the person's work.**

Mandatory reporters include those who deliver the following services wholly or partly to children as part of their paid or professional work:

- Health care (e.g., doctors, nurses, dentists and other health workers);
- Welfare (e.g., psychologists, social workers and youth workers);
- Education (e.g., teachers);
- Children's services (e.g., child care workers, family day carers and home-based carers);
- Residential services (e.g., refuge workers);
- Law enforcement (e.g., police).

The NSW legislation also mandates any person who manages an employee from the above services to report risk of significant harm.

Agencies will generally have internal policies setting out the requirements for employees and their managers who are mandated reporters to report concerns about children. Some agency policies (such as NSW Health) require non-mandated reporters to report to the Child Protection Helpline, so practitioners should be familiar with the legislation as well as their agency's policy on reporting risk of significant harm.

Malicious: An allegation that is intended to cause distress to the person against whom the allegation was made.

Misconceived: If the investigation has concluded that, whilst the allegation was made in good faith, a misunderstanding on behalf of the person making the allegation occurred, a finding of misconceived may be reached.

Non-organic Failure To Thrive (NOFTT): Failure to thrive (also called psychosocial failure to thrive) is defined as decelerated or arrested physical growth (height and weight measurements fall below the fifth percentile, or there is a downward change in growth across two major growth percentiles) associated with poor developmental and emotional functioning. Organic failure to thrive occurs when there is an underlying medical cause. NOFTT occurs in a child who is usually younger than 2 years old and has no known medical condition that causes poor growth.

Psychological, social or economic problems within the family almost always play a role in the cause of NOFTT. Emotional or maternal deprivation is often related to nutritional deprivation. The mother or primary carer may neglect proper feeding of the infant because of preoccupation with the demands or care of others, her own emotional problems, substance abuse, lack of knowledge about proper feeding or lack of understanding of the infant's needs. Organic failure to thrive is caused by medical complications of premature birth or other illnesses that interfere with feeding and normal bonding activities between parents and infants.

Not sustained: If the investigation has concluded that there is insufficient evidence available to establish that the alleged conduct did or did not occur it will be found to be not sustained.

Not reportable conduct: If the investigation concluded that the alleged conduct did not fall within the definition of reportable conduct it will be found to be not reportable conduct.

Parent/Carer

A biological or adoptive parent, legal guardian or any other adult with parental responsibility for meeting basic physical (such as food, clothing, shelter, supervision, and medical care) and emotional needs, and responding to the behaviour of a child or young person in his/her care. This also includes young people who are biological parents of a child.

Pastoral care or pastoral support: The provision of care, counsel and education to persons who seek the support of the church, including:

- a) guiding to make decisions concerning spiritual matters by means of Biblical teaching,
- b) prayer,
- c) provision of practical support, such as medical care or counselling,
- d) reconciling someone to God and/or other people,
- e) spiritual guidance, and
- f) sustaining through a period of hardship and/or crisis.

Person Subject of Allegations (or PSOA): This may be an employee or volunteer in the school that allegations have been made against in relation to child abuse.

Prohibited person: Under New South Wales law, a prohibited person is one who has been convicted of a serious sex offence in NSW or anywhere else, or a registrable offence under the Child Protection (Offenders Registration) Act 2000. Where a declaration in relation to prohibited persons is required under New South Wales law, a similar declaration is required in other States and Territories under Breaking the Silence.

Reportable Conduct under the *Ombudsman Act 1974*: Reportable conduct refers to:

- Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence); or
- Any assault, ill treatment or neglect of a child; or
- 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:

- 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;

- 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
- Conduct of a class or kind exempted from being reportable conduct by the Ombudsman under Section 25CA.

Risk of Significant Harm: Members of the community and mandatory reporters who suspect that a child or young person is at 'risk of significant harm' (the statutory threshold) should report their concerns to the Child Protection Helpline. This new statutory threshold has replaced 'risk of harm' in the *Children and Young Persons (Care and Protection) Act 1998*.

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.

Sexual misconduct: A range of behaviours or a pattern of behaviour aimed at the involvement of others in sexual acts, including inappropriate conversations of a sexual nature, comments that express a desire to act in a sexual manner, unwarranted and inappropriate touching, sexual exhibitionism, personal correspondence (including electronic communication) in respect of sexual feelings, deliberate exposure to sexual behaviour of others including display of pornography, and the possession of child pornography.

Sexualised behaviour: Behaviour including sexual relations, harassment, molestation, and any other conduct of a sexual nature which is inconsistent with the integrity of a person in a position of authority within the school. It includes behaviour that may reasonably be perceived to be of a sexual nature according to the standards of the time by the person to whom it is directed.

Sustained: An allegation found to be true is sustained.

Vexatious: An allegation without substance, with the intent of being malicious.

Young Person: Age 16–17 years. Mandatory reporters in NSW may also report concerns they have about the safety, welfare, or well-being of a young person, but are not required to do so.

RECOGNISING ABUSE

A word of warning

Indicators should be seen as a guide rather than as conclusive proof. It is important to be aware that many of the indicators listed are not only common to different forms of child abuse but may also be caused by factors other than child abuse. They may for instance be the result of problems associated with family disruption and tension or stem from a child's illness, undiagnosed disability or learning problem.

While it is important to avoid jumping to conclusions it is equally important to recognise that a child who shows a number of physical signs and/or behavioural symptoms obviously has a problem of some kind. Even if the problem is not related to child abuse the child is still clearly in need of help. If in doubt, discuss your concerns with the Principal.

Indicators of abuse

Neglect

Child Physical Indicators include:

- consistent hunger, poor hygiene, inappropriate dress, chronically unclean,
- consistent lack of supervision, especially in dangerous activities, for long periods,
- unattended physical problems, medical or dental needs,
- often tired or listless,
- abandonment,
- underweight,
- developmental delays, and
- flat bald spots on infant's head.

Child behavioural indicators include:

- begging or stealing food,
- extended stays in school,
- attendance at school infrequent,
- substance abuse, and
- states there is no carer or parent.

Carer behavioural indicators include:

- disorganised, chaotic and upsetting home life,
- feels apathetic and that nothing will change,
- isolated from friends, relatives, neighbours,
- cannot be found,
- expects too much of the child
- substance abuse, and
- exposes child to unsafe living conditions.

Emotional Abuse

Child physical indicators include:

- speech disorders,
- lags in physical development or failure to thrive, and
- attempted suicide.

Child behaviour indicators include:

- habit disorders (sucking, rocking, biting etc)
- low self-esteem,
- difficulty forming positive relationships,
- inability to trust,
- toileting problems,
- neurotic traits (sleep disorders, inhibition of play etc),
- behavioural extremes (compliant, passive, shy, aggressive, demanding),
- overly adaptive behaviour (inappropriately infantile),
- apathetic,
- withdrawn, and
- reports emotional maltreatment.

Carer behavioural indicators include:

- treating children in family unequally,
- does not appear to care much about the child's problems,
- blames or belittles the child,
- is cold or rejecting,
- withholds love,
- finds nothing good or attractive in the child, and
- demonstrates inconsistent behaviour toward the child.

Physical Abuse

Child physical indicators include:

- unexplained welts and bruises,
- unexplained burns,
- unexplained fractures,
- unexplained lacerations or abrasions,
- head injuries,
- human bite marks, and
- premature loss of teeth.

Child behavioural indicators include:

- verbally reports abuse,
- wary of adults and adult contact,
- consistent anger, aggression, hyperactivity,
- behavioural extremes,
- role reversal (such as the child pretending to be an abusive parent),
- developmental lags,
- appears frightened of carer,
- apprehensive when other children cry,
- wears clothes over injuries,
- seeks affection from any adult with no discrimination,

- non-expression of needs, and
- non-communicative.

Sexual abuse

Child physical indicators include:

- difficulty walking or sitting,
- torn, stained or bloody underclothing,
- pain or itching in genital area,
- bruises or bleeding around the genital area,
- venereal disease (especially in pre-teens),
- pregnancy,
- other physical signs that a medical practitioner may identify, and
- recurrent urinary tract infections.

Child behavioural indicators include:

- aggressive, overt sexual behaviour,
- drawing pictures of people with genitals,
- cruelty to animals without physiological basis,
- pre-mature knowledge of explicit sexual acts,
- sleep disorders,
- taking frequent baths or showers,
- starting fires,
- poor peer relations,
- wary of physical contact, especially with an adult,
- onset of bedwetting, nightmares or thumb sucking,
- reports of sexual abuse, and
- self inflicted injury.

Behavioural indicators where abuse is by a carer include:

- very protective or jealous of child,
- extremely protective of family privacy,
- does not allow child to be involved in extra-curricular activities,
- encourages child to engage in prostitution,
- substance abuse,
- geographically isolated and/or lacking in social and emotional contacts outside the family, and
- low self-esteem.

LISTENING TO CHILDREN

Disclosure

Children often try to tell someone about abuse but find it very difficult or painful. They are often ashamed and frightened and cannot find the right words.

Adults can help by recognising when a child is trying to talk about some difficult subject. Adults who develop the habit of listening to children and helping them to talk about their worries are building the kind of trust that makes it easier for a child who does have something difficult to say.

When children approach something in a roundabout way it may be because they are finding the subject painful or are feeling ashamed and looking for a sign from an adult that it is all right to open up and talk. The child may begin by hinting that something is wrong. A child may simply say, "I don't like so and so. Do you like so and so?" Or "I don't want to go and see so and so." Or "I have a secret." Often adults misunderstand these messages and fail to respond. When this happens children become very confused. They may think the adult does not care or does not believe them. This makes it harder for them to raise the subject again or to approach another adult. If the children are unable to talk to adults about abuse or make adults understand what they are trying to say, their distress comes out in other ways, usually in the way they behave. Some children "act out" by being violent and aggressive to others and some by being passive and withdrawn.

If a child tells you about abuse:

- Immediately say that you believe the child;
- Stress that what has happened is not the child's fault;
- Commend the child for telling you about it;
- Actively listen without probing for detail or asking leading questions;
- Do not question excessively;
- Talk gently and reassuringly, pointing out that you are there to help;
- Do not make a promise that you will not tell anyone as you have a responsibility to inform the Principal and Community Services.

If a child tells you about abuse in a group situation:

- Acknowledge that you have heard the child;
- Indicate support and concern by explaining to the child that what was said sounds important and that it would be best to talk about it later;
- Discreetly arrange to talk to the child away from other students as soon as possible.

LEGISLATIVE REQUIREMENTS

The Ombudsman Act, 1974 & Ombudsman Amendment Act 1998

The School is required to respond to allegations against employees and to notify the Ombudsman of reportable allegations or convictions.

The Head of Agency is required to:

- a) report to the Ombudsman (within 30 days of becoming aware) any reportable allegations or convictions relating to an employee, and
- b) conduct investigations (which can be preliminary or other enquiries or assessment) into reportable allegations or convictions.

All School employees are required to inform the Principal or the Principal's nominee of any reportable allegation against an employee, which occurs either within or outside the work place. If this is not appropriate, for example where the allegation relates to the Principal, all employees are required to inform the Chairman of the School Board or the Director of the Conduct Protocol Unit.

The Children & Young People (Care And Protection) Act, 1998

The Head of Agency is required to:

- a) ensure that all employees are aware of their obligations to report to FACS a child or young person who is considered to be at risk of significant harm, and
- b) ensure that the School policies, procedures and practices are in line with the Act in relation to child protection.

All School employees are required to:

- a) ensure that practice is consistent with the principles, objectives and provisions of the Act, and
- b) report concerns that a child or young person is "at risk of significant harm" to the Principal or the Principal's nominee, or where this is not appropriate, for example where the allegation relates to the Principal, all employees are required to inform the Chairman of the Board or the Director of the Conduct Protocol Unit.

Indicators that establish reasonable grounds to suspect a child is at risk of significant harm are when:

- a) a child speaks about being at risk of significant harm,
- b) someone else informs an employee that a child is or has been at risk of significant harm,
- c) a child tells an employee that they know someone who has been or is at risk of significant harm, or
- d) an employee observes a particular child's physical appearance, condition or behaviour; or their knowledge generally leads to suspicion of abuse

The Child Protection (Working with Children) Act, 2012

The Principal or the Principal's nominee is required to:

- a) ensure that all persons engaged in child-related work at the school, as defined by the Act 2012 have a working with children check clearance from the Office of the Children's Guardian.

Child Protection Legislation Amendment Act, 2003

The Principal or Principal's nominee is required to:

- a) investigate matters falling within the 'class or kind' classification, and
- b) notify the Ombudsman when the decision made is sustained or not sustained.

This Act acknowledges the right of parents to make a complaint to the Ombudsman's Office if they are dissatisfied with the conduct of such an investigation.

CHURCH REQUIREMENTS

The Presbyterian Church of Australia in the state of New South Wales requires, among other things, that the school maintain a child protection policy and code of conduct that meet the standards set out in the Church's policy "Breaking the Silence – 2011 Edition". This policy meets those requirements.

ROLES & RESPONSIBILITIES

The Head of Agency

The Head of Agency is responsible for ensuring systems are in place for recording and responding to all allegations or convictions against an employee, including matters that are required to be notified to the Ombudsman. The Head of Agency is responsible for:

- a) recording the allegation,
- b) notifying the Ombudsman,
- c) reporting to FACS or the Police, if necessary
- d) conducting a risk assessment,
- e) investigating an allegation,
- f) responding to an allegation concerning the head of agency, manager or supervisor,
- g) responding to a reportable allegation against an employee where the conduct occurred outside work hours if required,
- h) taking relevant employment proceedings (if any) in relation to the employee who has had an allegation of reportable conduct made against them, and notifying the Ombudsman of that action,
- i) sending the report and findings of the outcome of the agency investigation of reportable allegation or conviction to the Ombudsman,
- j) notifying the Office of Children's Guardian (OCG) of completed relevant employment proceedings, and
- k) determining the action that may be taken if it is found, at the end of the investigation, that an employee has made an allegation that has been found to be false or vexatious.

The Principal or Principal's Nominee

The Principal or Principal's nominee is to report to the appropriate authorities and to the Conduct Protocol Unit (using report format see appendix) any situation where he/she:

- a) becomes aware that there has been a reportable allegation made in relation to an employee, or
- b) has formed a belief on reasonable grounds that a child or young person has been harmed or is at risk of significant harm.

Such reports will be made only after referring to the Mandatory Reporter Guide and its decision trees.

The Principal or Principal's nominee is also required to:

- c) establish and maintain systems for preventing, handling and responding to reportable allegations or reportable convictions involving an employee of the School,
- d) provide when requested by the Ombudsman information about the type and operations of those systems, and
- e) make arrangements within the School to require all employees to notify the Head of Agency of any reportable allegation or conviction of which they become aware, including where reportable allegations may be made to the Chairman of the School Board or the Director, Conduct Protocol Unit.

The Director, Conduct Protocol Unit (CPU)

The Director, Conduct Protocol Unit is responsible for the oversight of any process arising from a reportable allegation. The CPU may assist and advise the School during an investigation in relation to process, legal requirements, provision of pastoral care and support, findings and subsequent actions. The Director may be appointed as Head of Agency in some circumstances.

When the Police or FACS are investigating an allegation or incident, the School is responsible for:

- a) assessing the risk posed by the employee if the allegation were to be sustained, and
- b) liaising and coordinating with FACS or the Police regarding specific roles.

This will be overseen by the Director, Conduct Protocol Unit.

Once FACS and/or the Police have made a finding, the School in conjunction with the Director, Conduct Protocol Unit will determine what further steps need to be taken to comply with this policy and relevant legislation with regard to the employee.

School employees

All School employees must report to the Head of Agency any situation where he/she:

- a) becomes aware that there has been a reportable allegation made in relation to an employee or volunteer, or
- b) has formed a belief on reasonable grounds that a child or young person has been harmed or is at risk of significant harm.

In most instances reports will be made to the Principal or the Principal's nominee. However, where this is not appropriate, for example where the allegation relates to the Principal or where there is a clear conflict of interest, all employees are required to inform the Chairman of the Board or the Director of the Conduct Protocol Unit.

All employees should also note that:

- c) Failure to report allegations of child sexual abuse of a child who is under 16 years of age, based on reasonable grounds, is an offence under Section 316 of the NSW Crimes Act.
- d) Employees are required to report any allegations or evidence of abuse only to the nominated person and discussion with others should be avoided or limited to persons in their normal reporting line. Failure to limit

communication in this way will not only be a breach of this policy, but will result in the employee not being protected under the law from potential civil proceedings for defamation.

- e) The Principal or the Principal's nominee will report any matter that must be notified to FACS as required by the relevant legislation. The employee will be advised of the action taken. If it is decided that there are no reasonable grounds to suspect abuse and consequently the matter is not going to be reported by the Principal or the Principal's nominee, the employee, as the original notifier, will have an obligation to report under legislation if they believe that reasonable grounds exist.
- f) All allegations against an employee of the School must be reported to the Ombudsman. This will be done by the Head of Agency.
- g) If a student discloses abuse to an employee, that employee is obligated to report the disclosure as stated above but the employee must not investigate the matter.
- h) Employees are required to confer with the Principal or the Principal's nominee before responding to a request by FACS or any other requests to attend an interview with a child.
- i) Employees may be required to provide a detailed written report on any matter regarding reportable conduct about which they have notified or been notified. The confidentiality of such a report will be maintained unless otherwise required under law. Employees are advised to keep accurate notes.
- j) Employees are required to give the School an assurance that they have not been found guilty of a sexual offence or an offence against the person of a student or a child (Child Protection (Prohibited Employment) Act, 1988). See Employment section for more details.
- k) The Ombudsman Act, 1974 requires that employees disclose to the Principal or Principal's nominee:
 - if they have been charged and/or convicted of a reportable offence, and/or
 - any information about misconduct that they become aware of concerning an employee of the School involving reportable conduct.

The Ombudsman

Under the Ombudsman Act, the Ombudsman must keep under scrutiny the systems agencies have in place for:

- a) preventing reportable conduct by employees, and
- b) handling and responding to reportable conduct allegations or convictions, involving those employees.

If the matter is within the jurisdiction of the Ombudsman, the assigned investigation officer will:

- c) conduct an assessment of notification of allegation,
- d) monitor the investigation conducted by the School, or directly investigate the allegation,
- e) investigate the complaints, and
- f) audit the School's systems.

The Dept of Family and Community Services (or FACS)

The role of FACS includes, but is not limited to providing or arranging services to children, young people and parents when a request for assistance is received; receiving or assessing reports of abuse or neglect; and acting to maintain the safety of children.

The main purpose of an investigation by FACS is to identify whether a child is at risk of harm and whether any care and support issues exist.

From time to time the Principal may be approached by FACS to remove a student from school premises. This approach must be supported by a Section 60 notice. If a student is to be removed from School or ordered to remain at School (Section 62 A) the Principal must:

- Confirm the identification of the officers;
- Take a copy of the Section 60 or Section 62A notice;
- Record details of actions, names of officer and where possible place of lodgement of the student;
- Gain assurance from FACS that they will immediately inform the parent or caregiver that the student has been removed or ordered to remain at the School;
- Inform the Conduct Protocol Unit.

Before any phone conversation with FACS concerning a student the Principal must confirm the identity of the caller by phoning a known FACS number. Any information requested verbally must be confirmed in writing promptly. Any staff who receive a request for information from FACS must immediately refer the matter to the Principal. The Principal should inform the parents or caregivers that a request has been made unless FACS informs the School that the parents are not permitted to be told.

The Police

The main purpose of an investigation by Police is to obtain information upon which a sound and proper decision can be made about the validity of the allegation. This means:

- a) gathering all the relevant facts and making decisions as to whether on balance of probabilities, the allegation has been sustained/not sustained, and
- b) providing information to assist in any disciplinary proceedings.

The Joint Investigative Response Team (JIRT) consists of a member of FACS working with a member of the NSW Police Force to conduct an investigation.

Student interviews conducted by FACS or the Police

FACS and/or the Police may wish to carry out student interviews, sometimes jointly, at the School. In this case:

- Before allowing any officers access to information or students, the Principal should confirm the identification of the officers.
- No student will be interviewed at the School against the wishes of the student and it is the Principal's responsibility to inform the student of this.
- At the commencement of the interview, the Principal should ask the investigating officers to explain to the student, in the presence of the Principal, the purpose of the interview and their role.

- The Principal will inform the student of his or her right to choose a supportive adult to be present. If a person is nominated by the student the interview must not commence until that person has arrived.
- What takes place in the interview becomes part of the investigation and must remain confidential.
- Except in cases which involve a member of the family it is expected that a parent of the child concerned will be present at any interview with the child. Should the allegations be made against a family member FACS or the Police will communicate with parents. The Principal will confirm that this has happened.

The Office of the Children’s Guardian (or OCG)

The OCG receive notification from the School in relation to:

- a) relevant disciplinary proceedings taken as a result of a reportable allegation or conviction concerning an employee, and
- b) applicants who have not been offered child-related employment as a result of appropriate assessment or screening.

PROCEDURES

The School adopts the following principles in its investigation of reportable conduct:

- a) establishing whether the agency has the reporting responsibilities as indicated under the Ombudsman's Act
- b) informing the person who is the subject of allegations of the substance of any allegations made against them and providing them with a reasonable opportunity to respond,
- c) taking necessary steps to protect the person who made the allegation at all times,
- d) making reasonable inquiries or investigations before making a decision,
- e) ensuring that no person decides a case in relation to which they have a conflict of interest,
- f) ensuring that all action is taken fairly and without bias, regardless of the background of any party involved,
- g) conducting the investigation without undue delay, and
- h) emphasising the need for confidentiality throughout the process.

The School has an obligation to investigate all allegations, regardless of the source (eg. self disclosure).

Once an allegation of reportable conduct against an employee or volunteer is received the Head of Agency must:

- a) Report the matter to the Director, Conduct Protocol Unit and confirm the appropriate Head of Agency;
- b) Clarify the allegation and determine that it is an allegation of reportable conduct;
- c) Assess whether FACS and/ or the Police need to be notified;
- d) Complete the initial notification (Part A) to the Ombudsman, noting that this is required within 30 days of receiving the allegation. Where the investigation will be finalised within 30 days the initial notification may be made at the same time as the findings. If FACS or the Police will not be involved in investigation, a sole investigation must be carried out by the School, involving the following steps:
 - Put in place appropriate support measures for all involved (see p.22).
 - Carry out a risk assessment and take action to reduce/remove risk, where appropriate. NB: Risk to child, employees, volunteers or other children with whom the Person Subject of Allegations (PSOA) has been in contact must be monitored throughout the investigation as per the risk management section of this policy;
 - Collect all available relevant information, ensuring full documentation throughout the process;
 - Interview, or arrange interviews to be conducted by an appropriate person, all relevant witnesses, ensuring all interviews are adequately recorded. Interviews must be recorded verbatim;
 - Make the PSOA fully aware of the allegation(s) noting that the degree of disclosure will vary, depending on the circumstances;
 - Interview the PSOA subject to the allegation(s);
 - Consider all evidence and make a preliminary finding as to whether each allegation is "sustained", "not sustained – insufficient evidence", "not sustained – lack of evidence", "false", OR "not reportable conduct". The

findings “vexatious” and “misconceived” may also be used (as they still appear on the Part B Form).

- Inform the PSOA of preliminary findings and provide opportunity to respond;
- Consult the Conduct Protocol Unit and inform the Director of the preliminary findings and PSOA response;
- Make the final finding;
- Send the final report (Part B) to the Ombudsman;
- Inform the PSOA of the findings and actions to be taken;
- Implement the final actions:
 - (i) The PSOA is entitled to ask the Ombudsman to review the investigation and findings if the PSOA believes the investigation was unfair, biased, incomplete or suffered some other deficiency giving rise to an incorrect finding;
 - (ii) The PSOA must be advised if the employer has notified completed disciplinary proceedings to the OCG; and
 - (iii) If the completed disciplinary proceedings is notified to the OCG the PSOA may be entitled to inspect the employer file subject to Freedom of Information principles subject to any exemptions which may exist under the act.

SUPPORT

The School will provide support for the child or young person, through:

- a) appointing an appropriate person to provide support,
- b) providing appropriate pastoral care,
- c) providing access to counselling where appropriate,
- d) acknowledging the impact of the process on academic performance and co-curricular commitments.

The School will provide support for the PSOA through:

- a) appointing an appropriate person to provide support,
- b) providing access to counselling where appropriate,
- c) acknowledging the impact of the process on work performance, and
- d) applying principles of procedural fairness as outlined in this policy.

The School will provide support for the reporting employee through:

- a) appointing an appropriate person to provide support,
- b) providing appropriate pastoral care,
- c) providing access to counselling where appropriate, and
- d) acknowledging the impact of the process on work performance.

The School will provide support for the parents/carers of the child or young person through:

- a) appointing an appropriate person to provide support,
- b) providing appropriate pastoral care, and
- c) providing access to counselling where appropriate.

The School will assess the impact of an investigative process or action following the process on any group within the school community and will provide support to such a group in accordance with the pattern indicated above.

NOTE: Support must not be provided to the PSOA by the same person providing support to the employee who made an allegation or the child/young person and his/her family.

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. All employment situations do not carry the same risks; nor do all employees. Neither will all children have the same vulnerability. Recognising and acknowledging that the risk of reportable conduct is present in any child-related employment situation is the first critical step towards effective risk management.

In dealing with any specific allegations the School will put a risk management plan in place in relation to that specific allegation that will include procedures to prevent reportable conduct occurring in the workplace as well as procedures for responding to incidents or allegations of reportable conduct against a PSOA.

Initial risk assessment

One of the first steps following a reportable allegation is to conduct a risk assessment. The purpose of undertaking a risk assessment when an allegation is made is to identify and minimise the risks to:

- a) the child or young person who is alleged to have been harmed by an employee,
- b) the other children with whom the employee may have contact,
- c) the PSOA against whom an allegation of reportable conduct has been made,
- d) the School, and
- e) the proper investigation of the allegation.

When taking action to address the identified risks, the School will take into consideration both the needs of the child who is alleged to have been harmed and the needs of the PSOA. This includes the nature of the allegation, the vulnerability of children, the nature of the position occupied by the PSOA and the level of supervision of the PSOA. The disciplinary history, safety of the PSOA and the risk to the investigation may also be factors in considering whether to leave the PSOA in their position while the investigation is conducted. The School will take appropriate action to minimise risks should they be identified as significant.

NOTE: A decision to take action on the basis of the risk assessment has no relevance to the findings of the matter. Until the investigation is completed and a finding is made, such action will not be considered as an indication that the PSOA did harm the child. The action taken by the School merely recognises the serious potential consequences of the reportable allegation (whether or not it is proven) and is an attempt to manage risk. *Under the Child Protection (Working with Children) Act 2012 No 51 if a PSOA become a disqualified person then they must cease being employed in child related work. The school will dismiss the employee in order to comply with the legislation.*

Ongoing risk management

During the investigation period it is important to manage any risks that arise and to review the risk management plan in the light of new information that

emerges during the process. It is important that the School also ensures that adequate/necessary support is being provided for all those involved as detailed in the support section of this policy.

Risk Management at the conclusion of the investigation

At the completion of the investigation, a finding is made in relation to the allegation. A review of the investigation should then be conducted to ensure that all relevant "risk" issues have been considered. This information will provide the School with an opportunity to put in place measures to minimise any further risk of harm to children in its care. Such measures may include, but will not be limited to:

- a) training for one or more employees,
- b) changing work practices in certain situations,
- c) changing the physical environment, and
- d) reviewing the Child Protection Policy and Code of Conduct.

DOCUMENTATION & RECORD KEEPING

In order to ensure procedural fairness, all information related to reportable allegations will be well documented with strict confidentiality maintained throughout the process. This will include the following:

- a) the allegation (a brief summary of what has been said and by whom);
- b) the initial response provided to the person making the allegation, the alleged victim(s) and the PSOA;
- c) the plan detailing how the investigation is to be carried out, including whether FACS or the Police need to be notified;
- d) the interim risk assessment, including any interim management arrangements/decisions made about the PSOA and the rationale/support and/or counselling for child or PSOA;
- e) the interviews conducted, including details of who is being interviewed, any other people present, the name and position of the interviewer, and the date of the interview;
- f) records or notes from interviews, including details of questions and responses, and be signed by the interviewee;
- g) the decisions made, during and at the conclusion of the investigation, including their rationale, the position and name of person making the decision and the date;
- h) all contact, discussion, emails etc with anyone about the matter, including the date, the content, the name of the person making contact, details of their position or agency and where appropriate the reason for the contact.

A summary report will also be produced, that will detail:

- a) the allegation,
- b) the investigation process,
- c) the final determination including the reason,
- d) the final risk assessment which includes any final decision about the PSOA,
- e) the factors that have been considered, and
- f) any subsequent action that is to be/has been taken.

All documents relating to a matter will be kept together in a clearly marked file in a separate location to the employee's file. Records will be kept in a safe and secure location and must be kept indefinitely. Access to these records will be restricted to the Principal, the Principal's nominee and the PSOA. Any other

requests for access to files will be made through the Principal, who will decide on a case-by-case basis. In some instances the file may be transferred to the Conduct Protocol Unit.

PREVENTATIVE STRATEGIES

Child protection is a broad responsibility. It involves more than responding once an allegation has been made. It involves minimising the possibility of reportable conduct occurring in the first place. The School is committed to prevention and will show this through:

- a) developing and reviewing strategies to minimise reportable conduct occurring, including a comprehensive Code of Conduct,
- b) requiring employees to sign off their acknowledgment and understanding of the child protection policy and the Code of Conduct,
- c) ensuring the policy is dated as well as a date when it will be reviewed,
- d) clearly defining each person's role within the organisation,
- e) implementing thorough employment procedures that identify people who are not suitable to work with children through reference checking pre-employment screening and detailed questioning at interviews,
- f) providing information to families and the community on the child protection strategies that have been adopted by the School,
- g) training for employees to promote best practices and to ensure a safe environment for children and employees, and
- h) raising awareness in the general community about child protection by displaying brochures, posters or other means of communication.

Code of Conduct

The School has a Code of Conduct that must be adhered to by all employees. A copy will be provided upon employment and a receipt signed. Ongoing training will include reference to this Code of Conduct. The Code of Conduct will be readily available within the School community, including to parents and students.

Professional Development for Employees

The School has duty of care and statutory responsibilities which require that all relevant employees (including volunteers where appropriate) be appropriately trained.

Existing employees will be required to attend regular training that will:

- a) reinforce the School Child Protection Policy and more specifically, the Code of Conduct,
- b) raise their awareness of child protection issues including recognising signs of reportable conduct and abuse,
- c) advise them of their statutory obligations under the School policy, and
- d) provide clear guidance in relation to appropriate and inappropriate behaviour.

As part of their induction to the School, newly recruited employees will be assessed as to their knowledge and training requirements in this area and appropriate training will be undertaken in need. All newly appointed employees will be given a copy of the children protection policy and staff code of conduct. They will be required to return a signed confirmation that they have read and understood the document within one week.

All employees will receive a copy of the Child Protection Policy and the Code of Conduct and are required to formally acknowledge that they have read, understood and are willing to comply with these. Child protection training will occur at the January Staff Development week each year. This will ensure all staff are informed of their legal responsibilities related to child protection, mandatory reporting and other relevant school expectations. It will ensure that requirements to notify and investigate allegations of reportable conduct in compliance with the Ombudsman Act 1974 are made known to staff. A list will be kept of staff present. Absent staff will be required to read the minutes of the meeting. All staff will be required to return the signed acknowledgment of having read and understood the document within one week.

As is appropriate selected staff members may be sent to external Child Protection Courses and will be required to report their learning to a full staff meeting.

Child Protection within the curriculum

It is important to help students to take care of themselves in all sorts of situations where they may feel unsafe.

At the School a comprehensive Protective Behaviours program for both K-6 and Secondary has been developed. Children are taught that the Lord has given to adults the responsibility to care for children. Children do not need to just “put up” with unsafe situations; they can do something about what may appear to be a predicament in which they feel powerless.

As a result of the awareness raised and skills learned through the Protective Behaviours program, and because of the caring environment cultivated by staff, students at the School do from time to time disclose situations of abuse.

Partnership with parents and the wider community

The School recognises the importance of supporting our parents (and the community) in maintaining positive relationships with their children. From time to time, the School may provide parent information evenings or small group courses that may assist children and their families to develop open lines of communication. These may include such areas as parenting, communication skills, child development and adolescent development.

The School may also raise community and family awareness about general child protection issues through information placed in School Newsletters and through the distribution of relevant brochures. The School will include information about the child protection strategies such as training employees in best practices to ensure a safe environment through a letter to parents or through the School Newsletter.

Employment procedures

In addition to complying with legislation with regard to Working With Children Check, the School will seek to recruit employees that would be strongly supportive of the Christian ethos and have a focus on the pastoral needs of students.

The School must not employ a person (whether as an employee or self-employed contractor) in **child-related work** if the School knows or has reasonable cause to believe that

- I. the person is not the holder of a **working with children check clearance** that authorises that work and that there is no current application by the person to the Children's Guardian for a clearance of a class applicable to that work, or
- II. the person is subject to an interim bar.

The School must verify that a person has a **working with children check clearance** before employing that person (whether as an employee or self-employed contractor) in **child-related work**.

The School must not continue to employ a **member of staff** in **child-related work** in its secondary school from 31 December 2016 if the School knows or has reasonable cause to believe that:

- I. the **member of staff** is not the holder of a **working with children check clearance** that authorises that work and that there is no current application by the **member of staff** to the Children's Guardian for a clearance of a class applicable to that work, or
- II. the **member of staff** is subject to an interim bar.

The School must not continue to employ a **member of staff** to whom the previous paragraph does not apply in **child-related work** from 31 December 2017 if the School knows or has reasonable cause to believe that:

- I. the **member of staff** is not the holder of a **working with children check clearance** that authorises that work and that there is no current application by the **member of staff** to the Children's Guardian for a clearance of a class applicable to that work, or
- II. the **member of staff** is subject to an interim bar.

A **member of staff** whose **working with children check clearance** is cancelled must immediately inform the Principal and resign from employment with the School.

Volunteers (and employees)

Duty of care

All School Community Members have a duty to take reasonable care for the safety and welfare of Students in their care. That duty is to consider and take all reasonable action to protect students from known hazards or risk of harm that can be reasonably predicted. The standard of care that is required of a School Community Member must take into consideration various factors, such as a Student's maturity and ability.

This duty of care owed to students by all School Community Members applies during all activities and functions conducted or arranged by the School where a student is in the care of a School Community Member.

The risk associated with any activity needs to be assessed and managed by School Community Members before the activity is undertaken. A single serious failure to exercise appropriate duty of care, or persistent repeated failures, may constitute neglect or negligence according to the law if actual harm is caused, or if there is the potential to cause significant harm to a Student.

All School Community Members also have a duty to not neglect the welfare of students. Neglect includes either an action or inaction by a person who has care responsibilities towards a student which may include:

1. (a) Supervisory neglect (failure to adequately supervise a Student),
2. (b) Carer neglect (grossly inadequate care of a Student),
3. (c) Failure to protect from abuse (unreasonable failure to respond to information that may result in harm to a Student), and/or
4. (d) Reckless acts or failure to act (including a gross breach of professional standards that may result in harm to a Student).

In relation to this duty of care all School Community Members must participate in training opportunities as proposed to them by the School in order to maintain and update their understanding of child protection law and practice and the School's policies and procedures in relation to the care of students.

Parents and other community members are invited into the school, and to participate in school activities, by those responsible for the conduct of the school.

Parents ought to be warmly welcomed to the classroom by class teachers. Their presence will serve to strengthen the relationship between home and school. Their presence, however, is always at the discretion of the staff. Likewise, children's work in the classroom may be closely perused only at the invitation of the class teacher.

All volunteers must agree to protect the integrity of students by not raising concerns about other students with anyone but the teacher or Principal. Events that transpire in the classroom, or wider school, should not be relayed to the broader community even if deemed "funny". Our concern is to protect the privacy, and integrity of students and their families.

The degree of parental involvement in the classroom, in formal lessons and on school excursions is entirely at the discretion of the class teacher in consultation with the relevant Coordinator or the Principal. He/she must determine when such help is needed, and which parents may best be able to contribute in the needed areas. Parents assisting in classrooms and on excursions, must always be under the direct supervision of a teacher appointed to the school by the Board. Whilst WWC exemptions are applied as best suits the circumstance, volunteers are encouraged to have WWC clearance and all volunteers whom an exemption does not apply must have a current **Working with Children** Volunteer clearance. Regular parent volunteers or those attending overnight excursions are given a copy of the Child Protection Policy and/or directed to the school website.

Parents and other community members will be invited to assist in the administrative area of school life, and other whole-school activities, by the Principal. Officers of the Board may also invite parents to be involved in the school-life and in its property from time to time. All parent visitors must sign in at the front office.

Applying for a WWC

The first step is to submit your Working with Children Check application online by going to **www.kidsguardian.nsw.gov.au/check**. If you do not have access to a computer, please feel free to come into school and we will help you.

Once your application form has been completed online, you will be given an application (APP) number. Then, to complete the application, you must take your application number along with proof of identity to a NSW Motor Registry.

Once you receive clearance (or inability to work with children) is received, details are to be provided to the school.

Reporting

Child protection laws require all School Community Members who are engaged in child-related work or who are otherwise not exempt to have completed a Working with Children Check and report certain matters of concern in relation to students, including

- I. Informing the school if they are charged with or convicted of an offence relevant to working in child related employment, or if they have had any reportable allegation made against them,
- II. Reporting to the school any allegations or convictions of Reportable Conduct involving any school community member,
- III. Reporting to the school any information or concerns about inappropriate behaviour by any school community member that involves a student
- IV. Fulfilling their legal obligations to report of significant harm, or to report possible criminal activity, in accordance with local procedures, and
- V. Maintaining confidentiality of all parties concerned.

In any matter where a School Community Member is in doubt as to the requirements of confidentiality, they should seek the advice of the Principal without discussing the matter with others. In any case where the serious concern involves actions or allegations of neglect by the Principal the matter should be taken to the Chairman or the Director of the Conduct Protocol Unit of the Presbyterian Church.

A School Community Member must not take detrimental action against the complainant or person who reported the information. This includes any action that could reasonably be perceived to be detrimental action in reprisal. To do so may be regarded as serious misconduct and may result in disciplinary action.

AGREEMENT

I, _____ of _____
[Staff member's name] [Staff member's address]

have read and I understand the Child Protection Policy. I understand that this document is to be read in conjunction with the school's Teaching and Support Staff Code of Conduct. I have been given a copy of the Child Protection Policy for my records. I have been given a copy of the school's Teaching and Support Staff Code of Conduct.

[Staff member's signature]

[date]

[Principal's signature]

[date]

Appendix

- Head of Agency** - **Peter Spence**
Casino Christian School
93 Manifold Road
(PO Box 30)
CASINO NSW 2470
Ph. 02 6662 5599
- Chairman of the Board** - **George Ayoub**
Casino Presbyterian Church
181 Canterbury Street
(PO Box 263)
CASINO NSW 2470
Ph. 02 6662 1086
- Director, Conduct Protocol Unit-** **Jon Flood**
1/168 Chalmers Street
Sydney, NSW
Phone: (02) 9690 9333 or 1300 773 774



**INCIDENT NOTIFICATION TO CONDUCT PROTOCOL UNIT OF THE
PRESBYTERIAN CHURCH OF NEW SOUTH WALES**

SCHOOL / CHURCH AGENCY	
DATE OF NOTIFICATION OR COMPLAINT	
NAME OF STAFF MEMBER(S) / VOLUNTEER(S) INVOLVED	
ADDRESS OF STAFF MEMBER / VOLUNTEER	
DATE OF INCIDENT	
DESCRIPTION OF INCIDENT (Provide full details below - Who, What, When, Where)	
POSSIBLE REPORTABLE CONDUCT	Yes/No/Uncertain
HAS THERE BEEN ANY INDICATION THAT ANY PARTY INTENDS TO MAKE A CLAIM OF ANY KIND ARISING FROM THE INCIDENT	
Yes/No	If Yes, please provide details below
DOES THE SCHOOL/CHURCH AGENCY HAVE ANY DIRECT INSURANCE COVER THAT MAY APPLY TO THIS RISK OR INCIDENT	
Yes/No	If Yes, please provide details below
ANY FURTHER COMMENTS	
Name of person reporting	
Position	
Date	

Teaching and Support Staff CODE OF CONDUCT

This Code of Conduct applies to all employees contracted on a temporary, casual, fixed term, or continuing basis.

(Approved by the Conduct Protocol Unit, Presbyterian Church – NSW)

1.0 INTRODUCTION

1.1 Purpose

This Code of Conduct is designed to achieve two important purposes. First, it meets the School's legal obligation to provide a Code of Conduct for all employees under our Student Protection Risk Management Strategy as detailed in the *Office of the Children's Guardian & Child Guardian Act 2005*. Secondly, in light of this particular Act and advice contained in recent industrial case law, it aims to help all employees understand and fulfil their legal and professional responsibilities in achieving a safe and supportive workplace environment.

In this way, this Code of Conduct clarifies and affirms the standards of behaviour which are expected of employees of the School in the performance of their duties. It is intended to establish a common understanding of standards of behaviour expected of all employees.

This Code of Conduct is intended to create a safe place for children and young people and their teachers, acknowledging that being in the trusted position of teacher demands that we are more careful in maintaining appropriate boundaries that:

- * protect us from false, misconceived, malicious or vexatious accusations,
- * create an environment where abuse is difficult to hide and where those in our care are protected, and
- * ensure that proper procedures for dealing with allegations are adhered to at all times.

1.2 Applicability

This Code of Conduct applies to all School employees contracted on a temporary, casual, fixed term, or continuing basis.

1.2.1 When Does the Code Apply?

The requirements of the Code apply at all times whilst a contract of employment with the School exists, whether written or verbal.

School based employees should note that the Code also applies while escorting students on camps, excursions, and tours within or outside Australia. This includes all school-sanctioned activities. Within this policy these employees are referred to as teachers.

Employees must be conscious that their position places extra obligations on them both while at work and outside work hours.

Employees are to recognise that there are two types of relationships existing in the School. The first and most important is the professional relationship that is the employee/student relationship. This is a professional relationship that exists because of their duties. The relationship between employee and student must always be considered as a professional relationship.

The second relationship may occur when friendships are formed between an employee and the family of a student. These friendships occur outside work hours and may involve contact with students. It is most important that employees conduct themselves in a non-offensive manner at all times, recognising that their professional position places extra obligations on them even in this situation.

1.3 Context

The School unequivocally commits to fostering the dignity, self-esteem and integrity of every person. To meet this commitment this Code of Conduct has been developed in consultation with relevant parties. The provision of a safe and supportive environment is essential to ensure that all children and young people entrusted to our care are to be affirmed in their dignity and worth as a person.

The School believes that children and young people should develop skills in building positive relationships based on those modelled by our employees.

The School fully endorses the view that a large part of what children and young people learn comes from their observation of others. Hence, in the crucial area of learning how to develop positive interpersonal relationships and social skills, children and young people require suitable role models. This Code of Conduct establishes the basis on which all employees can be such role models for children and young people.

Also it is expected that all employees adhere to principles and practices of student protection as a fundamental responsibility.

1.4 Clarification

If there is any conflict between this Code and applicable legislation, the legislation will prevail. If an employee is in doubt about the interpretation of the Code then the matter should be discussed with a more senior employee.

1.5 Breaches of the Code

The School employees hold special positions of trust, and therefore must be accountable for their actions.

The School is committed to the principles of fairness and natural justice. A determination regarding outcomes for a breach of the Code by an employee is ultimately determined by an examination of all the circumstances, including the explanation by the employee for the breach.

Conduct which is contrary to this Code may amount to professional misconduct which will be dealt with and may result in the termination of your employment.

1.6 Review of the Code

To maintain the currency and value of this Code it will be reviewed and updated as necessary.

Review date: 12 months from the date of launch by the School Board.

2.0 OVERVIEW OF GENERAL COMMITMENTS

All employees will demonstrate a commitment to the School through:

- being committed and loyal to the educational, religious and social values of Christian Schooling as outlined in the School Mission Statement;
- carrying out all required duties in a professional and conscientious manner;
- behaving honestly and with integrity in the course of their employment;
- acting with care, compassion and diligence in the course of their employment;
- behaving and dressing appropriately for their professional role;
- complying with all applicable Australian Laws. For this purpose, Australian Law means:

- a) any Act or any instrument made under an Act; or
 - b) any law of a State or Territory, including any instrument made under such a law including:
 - mandatory reporting of sexual abuse or suspected sexual abuse of a current student by a current employee (Education (General Provisions) Act 1989 (s.146B))
 - mandatory reporting by teachers to the NSW Institute of Teachers if they are charged with, or convicted of, a criminal offence
-
- actively engaging in appropriate and required professional development
 - ensuring that matters of duty of care are afforded the highest attention (including punctuality to classes, supervision and playground duty);
 - ensuring that personal use of alcohol and prescribed drugs does not interfere with the proper performance of the employee's duties. There is zero tolerance for illegal drugs and alcohol while on duty;
 - adhering to other relevant professional Codes of Conduct where applicable;
 - avoiding any form of unlawful discrimination, for example, on grounds such as gender, race, and religion

3.0 PROFESSIONAL RESPONSIBILITIES OF EMPLOYEES

In performing their duties it is expected that all employees will support the policy documents of the School which are issued to all staff. In doing so, they will avoid by word or action, any influence upon students that is contrary to the teachings and values expressed by the Objects of the School.

Employees have a responsibility to meet high standards of professional and ethical behaviour required by the employer, students' families and the wider community.

Employees undertake their responsibilities within the framework of the law and lawful instructions from their employer. Employees must comply with legislative and industrial requirements, with this Code and any policies and procedures that are implemented by the School.

4.0 RESPONSIBILITIES OF EMPLOYEES TO THE EMPLOYER

In relation to their employer, employees have a responsibility to:

- Act with integrity at all times;
- Be truthful when making statements about qualifications and competencies;
- Disclose all relevant information and materials when making an application to an employer;
- Comply with any lawful and reasonable direction given by someone in the employee's agency (e.g. school) who has authority to give the direction;
- Maintain appropriate confidentiality about dealings that the employee has in the scope of their work;
- Use all school resources and equipment in a proper manner and for legitimate organisational purposes;
- Refrain from providing false or misleading information in response to a request for information that is made for official purposes in connection with the employee's employment;
- Comply with any other conduct requirements that are prescribed within other policies, procedures and regulations;
- Ensure that private affairs and/or interests are not in conflict with professional duties and responsibilities or result in a perception that a conflict of interest exists and are appropriately disclosed to the employer;
- Observe contractual commitments;
- Respect the proper administrative authority of the School;
- Ensure criticism or complaints are made through the correct grievance mechanisms (refer to the School Grievance Policy).

5.0 RESPONSIBILITIES TO PARENTS/GUARDIANS AND FAMILIES OF STUDENTS

In relation to parents/guardians and families, the School employees have a responsibility to:

Establish a relationship based on courtesy, mutual trust and open communication

- negotiate constructively to achieve the best possible outcome for students
- engage parents through developing partnerships
- consider parents' perspectives regarding the education of their children
- ensure parents understand relevant rules, regulations, and procedures that affect their children and themselves

Respect family privacy and treat information with an appropriate level of confidentiality

- maintain confidentiality of information unless disclosure serves a compelling professional purpose or is required by law, or unless the personal safety of a student or employee is at risk

Respect parents' and guardians' rights of inquiry, consultation and information with regard to their children

- use professional honesty and discretion in presenting facts regarding the educational development of their children
- share general knowledge of their children
- be sensitive to legal implications of differing family structures

Respect the uniqueness and characteristics of each student's family background

- respect cultural diversity
- consider the family perspective
- respect family values and opinions while enabling students to examine a variety of viewpoints

6.0 PROFESSIONAL RELATIONSHIPS

6.1 Interactions with students

It is expected all teachers will be caring, compassionate adults who take an interest in their students and who set appropriate boundaries within those teacher-student relationships.

Teachers must be aware that their interactions with students are based on a trusting relationship arising from the nature of the work, and that those relationships are open to scrutiny.

Teachers must always treat students with respect. There is no place for sarcasm, derogatory remarks, offensive comments or any other inappropriate conduct that may result in emotional distress or psychological harm to a student.

Behaviour that may cause psychological harm to a student includes:

- *targeted and sustained criticism, belittling or teasing;*
- *excessive or unreasonable demands;*
- *hostility, verbal abuse, rejection or scape-goating;*
- *using inappropriate locations or social isolation, outside of the School's behaviour management policy, as punishment.*

Teachers must always treat students in a consistent manner without inappropriate familiarity or spending 'special time' with a student.

Some indicative behaviours that may suggest a student is not being treated in a consistent manner could include:

- *giving gifts to a child (for example, giving birthday gift to a particular student when this is not the practice with other students, or asking the student to keep the gift a secret from others);*
- *showing special favours;*
- *allowing a student to over-step rules, except where it is articulated in a student's Individual Education Plan or Individual Behaviour Management Plan;*
- *sharing secrets with a student;*
- *inconsistent consequences or allowances.*

Employees must be conscious that their position places extra obligations on them and they should exercise discretion and caution if and when engaging in social activities with students outside of school. Employees are to seek guidance from their Principal if a personal relationship exists with a student's family. In our community, there may be many relationships between employees and students families. As such the Principal can give a general direction in this regard to employees at the beginning of each school year.

Employees should seek guidance from the Principal if they are unsure about the relationship between their's and the student's family and interfamily visits.

Examples of when employees are to seek guidance from their Principal include:

- *visiting students at their home;*
- *inviting students to visit the employee's home;*
- *making telephone calls of a personal nature to students;*
- *sending emails of a personal nature to students;*
- *sending SMS (text) messages to students.*
- *having involvement in interactive programs such as MySpace, Facebook etc.*

When congratulating a student, a consistent approach should be used in line with school practice. Employees must be conscious that their actions, particularly physical gestures, may be open to scrutiny by others. Employees are required to develop and exercise prudent judgement and sensitivity regarding appropriate physical interactions with students.

Teachers should, whenever possible, endeavour not to drive a student in their car unless they have specific permission, and do so in accordance with school policy, which states that a student can only be in a car with a teacher in the case of an emergency or specific permission from the Principal. In the event of an emergency, teachers should attempt to obtain parental consent and also report the matter to the Principal, where possible, prior to the journey commencing.

Employees are not to engage in any behaviour that could be perceived to be or could be grooming behaviour.

Teachers may only engage in tutoring or coaching students outside of school hours in accordance with special permission of the School Principal. Teachers should be aware that student protection issues may arise in these circumstances and should continue to follow their obligations under this Code. Teachers should avoid, as far as possible, situations where they are alone with a student. In the conduct of their professional duties, teachers may be required to work in a one to one situation with a student. In such situations teachers must follow the School's policy and procedure.

When responsible for a single student, a teacher should:

- *have previously discussed arrangements with the Principal or delegated authority;*
- *maintain visibility into a room;*
- *where possible, interact with the student in an area open to observation.*

Teachers must not, under any circumstances, engage in intimate and/or sexual relationships with a student or engage in any conduct of a sexual nature with a student. It is irrelevant whether the relationship is heterosexual or homosexual, consensual or non-consensual or condoned by parents or caregivers. The age of the students or the teachers involved is also irrelevant.

Improper conduct of a sexual nature by a teacher with a student includes sexual intercourse and any other form of sexual misconduct.

Sexual misconduct includes:

- *obscene language of a sexual nature;*
- *suggestive remarks or actions;*
- *jokes of a sexual nature;*
- *obscene gestures;*
- *unwarranted and inappropriate touching;*
- *sexual exhibitionism;*
- *undressing in front of students;*
- *personal correspondence with students in respect of the employee's sexual feelings for the student;*
- *deliberate exposure of students to sexual behaviour of others, other than in the case of prescribed curriculum materials in which sexual themes are contextual;*
- *possession, distribution or display of pornography;*
- *electronic transmission of messages or files which are sexually explicit, offensive or contain inappropriate jokes;*
- *sending SMS (text) messages which are sexually explicit, offensive or contain inappropriate jokes.*

Teachers in their pastoral care role must be cautious of the content and context of their discussions with students.

Teachers must exercise caution when:

- *making personal comments about a student;*
- *asking questions that probe a student's sexuality or personal relationships;*
- *discussing personal details of lifestyle of self or others;*
- *disclosing their personal contact details to students.*

Teachers must not:

- *discuss with a student matters of a sexual nature relating to themselves or any other person.*

Should any student engage, or attempt to engage, in inappropriate behaviour of a sexual nature with a teacher, then immediate steps must be taken to discourage the student and the matter should be immediately reported to the Principal or the Board Chairman.

Teachers must notify the Principal immediately should they suspect a situation involving any form of risk of harm to students. Teachers must also be aware of individual mandatory reporting requirements under the *Education (General Provisions) Act 1989*. It is not the responsibility of teachers to investigate allegations or suspicions of a student protection nature.

6.1.1 Maintaining professional boundaries

The following self-assessment may assist Teachers in assessing their application of professional boundaries:

- Am I dealing with a particular student in a different manner than with others under the same circumstances?
- Would I do or say this if a colleague was present?
- Is my dress/availability/language different from normal with a particular student or students?
- Are the consequences of my actions likely to have negative outcomes?
- Are my personal feelings translating into inappropriate actions?
- Could my conduct with a student be perceived as demeaning or belittling?

Teachers are required to bring to the attention of their Principal any potential, perceived or actual contraventions of any of these boundaries set out in this Code, whether by themselves or colleagues. The requirement to report any possible contraventions is essential given the duty of care owed to students within the School environment. In addition, all employees are to notify any allegation of student harm of which they become aware in accordance with current legislation to the Principal.

6.1.2 Student Management

Student behaviour management practices in our school aim to facilitate the development and experience of responsible self-discipline amongst students and to promote the wellbeing, safety and effective management of the School community.

It is the responsibility of each teacher to develop effective, consistent and appropriate management strategies in day-to-day interactions with students as a preventative system of behaviour management. These strategies should include a clear, consistent and graded method of dealing with inappropriate behaviours and should be developed in accordance with the School's Discipline policy. It is the responsibility of each teacher to be familiar with this policy.

As a general rule, teachers will use their own management strategies in their initial dealings with students. However, students who display recurrent challenging behaviours, particularly unsafe behaviours, should be referred to the Principal. Where a student's behaviour is unable to be managed by the implementation of the student management policy, an individual behaviour management plan should be developed for that student. All teachers should be made aware of this individual management plan and act in accordance with the procedures documented in this plan.

All teachers should be made aware that corporal punishment is prohibited. Corporal punishment involves the application of physical force to punish or correct a student unless that physical contact is reasonable and necessary for the protection of any person.

*The following behaviour management practices are **unacceptable**:*

- *any form of corporal punishment;*
- *using an object, such as a ruler, book, duster, chalk or whiteboard marker to gain a child's attention in a hostile or an inappropriate manner;*
- *restraining a student for any purpose other than a student's actions causing imminent harm to self or others;*
- *hitting or kicking a student;*
- *restraining a student (other than for the circumstances outlined in Section 6.1.3);*
- *pushing, pulling, shoving, grabbing, pinching or poking a student;*
- *shaking or throwing a student;*
- *intimidating a student;*
- *swearing at a student;*
- *using sarcasm to humiliate;*
- *locking a student in a confined space;*
- *refusing biological necessities as a means of punishment;*
- *applying painful or noxious conditions;*
- *criticising a student rather than the student's actions;*
- *practices which instil fear or using fear as a means of controlling a student;*
- *practices which cause a student to feel alienated;*
- *exposing a student to material that contains adult concepts or themes that are inappropriate to the student's age or curriculum expectations;*
- *the use of psychotropic medication to manage a student's behaviour, as opposed to treatment for a diagnosed condition.*

6.1.3. Physical contact with students

When a physical contact with a student is a necessary part of the teaching/learning experience, teachers must exercise caution to ensure that the contact is appropriate and acceptable for the duty to be performed.

Examples of situations in which physical contact with a student may be appropriate include:

- *Assessing a student who is injured or ill may necessitate touching. An employee should advise the student of what they intend to do and, where possible, seek the student's consent;*
- *Teaching sport, music and other activities may require the physical handling of a student to demonstrate a particular action or skill;*
- *Physical contact with students which may be appropriate includes:*
 - *comforting a distressed student;*
 - *guiding a student in a non-threatening way;*
 - *protecting a student from imminent danger to himself/herself or to others.*

The physical contact referred to above is only acceptable if the contact was reasonable for the purpose of behaviour management, general management or care of the student. The contact must also be appropriate given the age,

maturity, health or other characteristics of the student. Physical contact with a student should be consistent with any behaviour management plan in place for that student.

Physical interventions (including physical restraints, removals or escorts) to contain and/or control the behaviour of students should only be employed as measures of last resort to ensure safety and protection. The use of physical intervention is restricted to occasions when the student, other students, employees or others are being harmed or are in imminent danger of being harmed.

Some examples of when it may be appropriate to use physical intervention as a last resort include:

- *a student attacking an employee;*
- *a student attacking another student;*
- *students physically fighting;*
- *a student causing, or at risk of causing, injury to self or others;*
- *a student misusing dangerous materials, substances or objects where it is likely that this will cause imminent harm.*

As any physical intervention involves some risk of injury to the student or employee, employees must weigh this risk against the risks involved in failing to physically intervene when it may be warranted. All employees using physical interventions are responsible and accountable for the manner in which they exercise that authority.

6.2 Interactions with colleagues

In relation to colleagues, employees have a responsibility to:

- build an atmosphere of trust, mutual respect and candour;
- recognise and respect the individual potential and talents of colleagues irrespective of race, gender, age, church background, etc;
- encourage openness and tolerance among colleagues;
- use constructive methods of resolving any conflict which may arise;
- observe the principles of justice in dealing with any complaints against colleagues;
- foster unity, harmony and cooperation in working relationships;
- respect the ethical professional practice of colleagues in other settings.

7.0 DUTY OF CARE

The School owes a duty of care to its teaching staff, employees and students. It is expected that all teachers contribute towards the fulfilment of this legal duty. Teachers will exercise with diligence, the duty of care that they owe to students. In addition to this, teachers are expected to take all reasonable steps to protect students from risk of harm. This may require making formal

notifications/reports to government agencies as well as referring matters of concern to the Principal.

Teachers are expected to cooperate with the School to maintain a workplace environment that is positive, open and healthy for members of the School community. Each teacher has significant roles to play in achieving and maintaining this objective. It is expected that any matters that threaten the fulfilment of this objective are reported to the teacher's direct supervisor.

The supervisory role of teachers is aimed at a student's educational opportunities, building self-esteem and ensuring students are safe and supported. Whilst in a supervisory role, the teacher has an obligation to fulfil duty of care requirements.

Teachers must comply with the arrangements for student supervision put in place by the School for all activities where the student is under the care and control of a teacher. Playground supervision is an integral part of this responsibility. Teachers must actively supervise their designated area, be vigilant and constantly mobile. Punctuality is an essential element of this compliance.

Teachers should be alert to bullying or any other form of harassment or discriminatory behaviour, and act on and report incidents to their immediate supervisor. Ill or injured students should be attended to by the supervising teacher. Should additional assistance be required teachers should contact the first aid officers in Reception.

Attention to the personal care needs of a student should be undertaken in accordance with the School's policy and procedure and individual management plan, if one exists. Teachers should remain with students at after school activities in accordance with school policy.

8.0 RISK MANAGEMENT

All teachers and support staff should be aware of risks that arise in the workplace and take steps to minimise and/or eliminate those risks.

9.0 DRUGS, ALCOHOL AND TOBACCO

9.1 General

Teachers must not give or otherwise provide students or other staff with drugs that are illegal to possess or distribute. Teachers should not encourage or condone the use of such drugs.

9.2 Drugs

Teachers must not be under the influence of drugs that are illegal to possess or distribute in the workplace.

Only Administration Staff should administer prescription drugs to students in accordance with the School's Medication Policy. The medication should be clearly labelled with the student's name, doctor and directions for administering the medication. Written permission from parents must be included with this medication.

9.3 Alcohol

Teachers must not give or otherwise provide students with alcohol. Teachers must not encourage or condone the use of alcohol by students.

Teachers must not consume or be under the influence of alcohol in any circumstance where they are responsible for students. This includes outside school hours supervision of students on field trips, camps or excursions.

9.4 Tobacco

Teachers must not give or otherwise provide students with tobacco or tobacco products. Teachers must not encourage or condone the use of tobacco or tobacco products to students.

Teachers are not permitted to smoke on school grounds. This includes outside school hours supervision of students on field trips, camps or excursions.

All trade persons, contractors and visitors are not permitted to smoke on school grounds.

10.0 DISCRIMINATION, HARASSMENT AND BULLYING

10.1 Sexual Harassment

Sexual harassment is unlawful and will not be condoned. Employees shall not engage in sexual harassment.

10.2 Bullying & Harassment

All staff, students and anyone else involved with the School has the right to partake in an environment that is free from intimidation, threat, humiliation and workplace harassment.

Offensive, abusive, bullying, belittling or threatening behaviour towards individuals or groups of people, performed in the course of one's work duties does not demonstrate respect for other people and amounts to a breach of this Code.

10.3 Discrimination

Employees must not unlawfully discriminate against any person. Except where exempted by law (refer to the Anti-Discrimination Act 1991), it is unlawful to directly or indirectly discriminate against a person on the basis of the following attributes:

- gender
- relationship status
- pregnancy
- parental status
- breastfeeding
- age
- race
- impairment
- political belief or activity
- trade union activity
- lawful sexual activity
- gender identity
- sexuality
- family responsibilities
- association with, or relation to, a person identified on the basis of any of the above attributes

11.0 MAINTAINING KNOWLEDGE

All employees should strive to maintain a current understanding of the law, professional ethics, delegations, policies and procedures and other codes of practice to a standard that enables them to competently perform their work duties. The law will prevail over a policy to the extent of any conflict.

All employees must take the responsibility for developing their skills and knowledge, remain abreast of advances and changes within their work area, and fields of expertise. The Principal and Executive Staff must provide fair and equitable access to training for employees.

Approved this day _____

Principal

Board Chairman

AGREEMENT

I, _____ of _____
[Staff member's name] [Staff member's address]

have read and I understand the terms of the Teaching and Support Staff Code of Conduct. I understand that this document is to be read in conjunction with the school's Child Protection Policy. I have been given a copy of the Teaching and Support Staff Code of Conduct for my records. I have been given a copy of the school's Child Protection Policy.

[Staff member's signature]

[date]

[Principal's signature]

[date]