



# Child Protection Policy

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## 1. VISION

The College's vision is that we might be a Christian community which seeks to nurture and train young people to grow up into Christ.

All children and young people who are enrolled at Belmont Christian College (BCC) are to be protected and kept safe from abuse, harm and mistreatment. In its commitment to provide a child safe organisation which cultivates attitudes, behaviours and strategies in the prevention of harm to children, the College has adopted the [Child Safe Standards](#). Child protection is a community responsibility. Individuals and the College have a range of obligations relating to the safety, protection and welfare of students.

This policy applies to any employee, contractor or volunteer engaged by the College for any College approved activity or business function, either on a paid or unpaid basis. Individuals bound by this Policy who fail to adhere to any term and/or condition set out below may be in breach of their terms of engagement.

### 1.1 Mission & Values

The College seeks to create a caring environment where Christian values inspire and affirm the highest standards of ethical conduct in relation to the care, support, and wellbeing of the students entrusted to it.

### 1.2 Purpose & Scope

This Policy is intended to:

- (a) Meet the obligations required by Child Protection legislation and provide guidelines for the College's legal and regulatory requirements around the interaction with students, the care of students, and the reporting of conduct of concern.
- (b) Guide and inform employees, contractors, volunteers and students of their obligations and responsibilities in keeping children safe in the College.
- (c) Clarify the parameters of appropriate and inappropriate conduct for employees, contractors, and volunteers of the College in order to create a safe and supportive environment for students in accordance with the College's mission and values, and our Christian commitment.
- (d) Model a contemporary workplace at the College that is faith-filled, collaborative, consultative and lawfully compliant in relation to contemporary child protection and child-safe practice.
- (e) Outline procedures for training employees, contractors, and volunteers to be legally compliant and to fulfil their responsibilities
  - under the specifications of the legislation in terms of having a valid Working with Children Check and appropriate conduct
  - to report inappropriate community conduct directed towards children and young people
  - as Mandatory Reporters of concerns for children and young people at risk of significant harm.

This Policy applies to all persons engaged in **child-related** work in, or providing services to, the College and to all students of the College. Child-related work refers to a worker who has direct contact with the child or the children and that contact is a usual part of their work. This would include College staff, College cleaners and outside tutors, volunteers and contractors. An exemption would be any volunteers ie parents/carers working in the presence of a staff person. However, if they are part of a formal mentoring service, staying at an overnight camp or providing care services to children with disabilities volunteers must have a WWCC.

BCC requires all volunteers and tutors to have a WWCC.

### 1.3 Key Legislation

There are four key pieces of child protection legislation in New South Wales:

- the Children and Young Persons (Care and Protection) Act 1998 (NSW) (Care and Protection Act)
- the Children's Guardian Act 2019 (Children's Guardian Act)
- the Child Protection (Working With Children) Act 2012 (NSW) (WWC Act); and
- the Crimes Act 1900 (Crimes Act)

## 1.4. Related Codes & Policies

The policies and codes which are to be read in conjunction with this Policy are:

- Child Safe Standards (NSW OCG)
- Child Protection Code of Conduct
- Codes of Conduct Policy
- Guidelines for Protecting Children and Young People
- Employment & Recruitment Policy
- Casual / Alternative Staff Policies
- Critical Incidents Policy
- Grievance and Complaints Policy
- Safe and Supportive Environment Suite
- Learning Enrichment Policy
- Risk Management policies: BCC WHS Policy; Premises, Buildings and Facilities Policy; Emergency Events Policy; Excursion Policy; Playground Supervision Policy

## 1.5 Duty of Care

The [Child Safe Standards](#) (NSW OCG) provide a framework for making organisations safer for children. The Standards provide guidance in creating culture, adopting strategies and acting to put the interests of children first, and to keep them safe from harm. The 10 Child Safe Standards are:

1. Child safety is embedded in organisational leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child abuse are child-focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the organisation is child safe

A child safe culture is a set of values and practices that guide the attitudes and behaviour of all staff. The following values should be at the heart of any approach that prioritises children's safety:

- The best interests of children and their protection from harm is paramount
- Child abuse is not tolerated and must not occur
- Children's rights are understood and respected
- Concerns about child safety raised by children and their parents/carers are acted on
- Reporting abuse is not obstructed or prevented

All College 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 College community member must take into consideration various factors such as a student's age, maturity and ability.

This duty of care owed to students by all College community members applies during all activities and functions conducted or arranged by the College where a student is in the care of a College community member. The risk associated with any activity needs to be assessed and managed by College 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.

## 1.6 Compliance & Records

The Principal monitors compliance with this policy and securely maintains College records relevant to this policy, which includes:

- register of staff members who have read and acknowledged that they read and understood this policy;
- working with children check clearance (WWCC clearance) verifications;
- mandatory reports to the Department of Communities and Justice (DCJ), previously known as Family and Community Services; and
- reports of reportable conduct allegations, the outcome of reportable conduct investigations, and/or criminal convictions.

## 2. CHILD PROTECTION

The safety, protection and welfare of students is the responsibility of all staff members and encompasses:

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

### 2.1 Child Protection Concerns

There are different forms of child abuse. These include neglect, sexual, physical and emotional abuse.

**Neglect** is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

**Sexual abuse** is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

**Physical abuse** is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to

- injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation
- injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints
- hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punishing a child (in a non-trivial way) is a crime

**Emotional abuse** can result in serious psychological harm, where the behaviour of the parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.

Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child.

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

### 2.2 Child wellbeing concerns

Child wellbeing concerns are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold, risk of significant harm.

## 2.3 Staff member responsibilities

Key legislation requires reporting of particular child protection concerns. However, as part of the College's overall commitment to child protection, all staff are required to report any child protection or child wellbeing concerns about the safety, welfare or wellbeing of a child or young person to the Principal. If the allegation involves the Principal, a report should be made to the Board Chairperson.

## 3. TRAINING

### 3.1 The College

The College provides all employees with access to this policy, reminds employees of their responsibility to read the policy, and will provide the opportunity to participate in child protection training annually, and updates when necessary. As well, the College has implemented an annual compliance record for all employees of the College to complete.

### 3.2 Staff members

As part of College Induction sessions, all new employees, casual teachers and professional practicum students are shown the relevant policies, know how to access them on the College network, and must read the policies and sign the acknowledgement that they have read and understood the relevant policies, and the [Child Protection Codes & Child Safe Standards Agreement](#). (see Appendix 1B)

All employees must participate in annual child protection training and additional training, as directed by the College Principal. As well, employees must read and sign the [Child Protection Codes & Child Safe Standards Agreement](#) documentation annually. The training complements this policy and provides information about legal responsibilities related to child protection, child safe standards and College expectations, including:

- the Child Safe Standards
- mandatory reporting;
- reportable conduct;
- working with children checks; and
- professional boundaries

Staff members, particularly those on leadership teams, are also asked to complete the Child Protection Investigator Training. This provides the College with accredited Child Protection Investigators.

## 4. WORKING WITH CHILDREN

The WWC Act protects children by requiring any individual engaged in a child-related role at the College to have a WWCC clearance or current application to engage in child related work. Failure to do so may result in a fine or imprisonment.

The Office of the Children's Guardian (OCG) determines applications for a WWCC clearance. Such a clearance involves a national criminal history check and review of reported workplace misconduct findings. The result is either to:

- grant a WWCC clearance (generally valid for 5 years); or
- refuse a WWCC clearance (further applications cannot be made for 5 years).

In addition, the OGC may impose an interim bar on engaging in child related work for both applicants and WWCC clearance holders. WWCC clearance holders are subject to ongoing monitoring by the OGC. This information is recorded by the College's Payroll Officer in consultation with the College Principal.

### 4.1 Responsibilities for Working with Children Checks

**4.1.1 Employees** who engage in child-related work and eligible **volunteers/tutors** (including those volunteers working at overnight camps) are required to:

- hold and maintain a valid WWCC clearance;
- not engage in child-related work at any time that they are subjected to an interim bar or a bar;
- report to the Principal if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or are notified by the OCG that they are subjected to a risk assessment; and
- notify the OCG of any change to their personal details within 3 months of the change occurring. Failure to do so may result in a fine.

It is an offence for an employee to engage in child-related work when they do not hold a WWCC clearance or if they are subject to a bar.

#### **4.1.2 Volunteers/tutors** are required to:

- Read the Volunteer Induction Handbook ("Handbook"), provide a current WWCC number, their date of birth (so that the WWCC clearance can be verified), their address, and area of the College in which they will be volunteering. This is to be completed annually. The Assistant Business Manager and/or Office Administration notifies volunteers before their WWCC expiry date and updates the records accordingly.
- Acknowledge and agree to abide by the College's Child Protection, Codes of Conduct and WHS Policies by signing the BCC employees and volunteers Child Protection Code of Conduct, etc.
- Complete a College Induction that includes child protection responsibilities, child safe standards, and sign a completion verification

#### **4.1.3 College Processes**

- a) The Assistant Business Manager (and/or Office Administration) completes the online WWCC check, and ensures that the employee, and volunteer/tutor has clearance, and will complete a review each term of any expiring WWCC. Copies of volunteer documents are kept in a secure file by the Assistant Business Manager both as a hard copy, and an electronic version.
- b) The Assistant Business Manager (and/or Office Administration) confirms the WWCC clearance and informs the Principal, employee, and volunteer/tutor. The Assistant Business Manager will notify the Principal and Head of School if a WWCC clearance has expired. The person will not be able to be employed, volunteer/tutor onsite until they have a current WWCC clearance. The Head of School will inform any teachers/employee with whom the volunteer/tutor assists, to ensure they do not continue to use that volunteer/tutor until clearance has been given.
- c) A volunteer/tutor at the College assists under the direction of College staff and must sign in and out of the College Office.
- d) The College is required to immediately remove any barred or unauthorised employee, volunteer/tutor from child-related work if the College receives a letter advising that a current employee, volunteer/tutor has become barred (or has an interim bar), and will no longer allow any barred or unauthorised person to assist onsite until such time as a reinstated WWCC clearance is provided. The following are options the Principal may follow:
  - Dismiss the employee/volunteer/tutor
  - Suspend the person from child-related work pending the outcome of an appeal
  - Transfer them to a non-child related role within the College (although the College is under no legal obligation to find an alternative position for a barred worker).

#### **4.1.3 The College is required to:**

- verify online and record the status of each child-related worker's WWCC clearance;
- only employ or engage child-related workers or eligible volunteers/tutors who have a valid WWCC clearance; and
- advise the OCG of the findings they have made after completing a reportable conduct investigation, including whether they have made a finding of reportable conduct. A finding of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault must be referred to the OCG's Working with Children Check Directorate (WWCC Directorate). It is an offence for an employer to knowingly engage a child-related worker who does not hold a WWCC clearance or who has a bar.

## 4.2 Working with children check clearance

A WWCC clearance is authorisation under the WWC Act for a person to engage in child-related work.

**4.2.1 Child-related work (including voluntary work)** involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work. Child related work includes, but is not limited to work in the following sectors:

- providing services for children and young people under 18
- where the work normally involves being face to face with children
- where contact with children is more than incidental to the work.

**NB:** [The Child Protection \(Working with Children\) Act 2012 No 51](#) lists sectors and services that are child-related work. Any queries about whether roles/duties engage in child-related work should be directed to the College Principal.

### 4.2.2 Exemptions:

People who do not work or deliver services to children in NSW do not need a NSW Working with Children Check. If someone occasionally enters NSW to deliver services to children, it is the organisation's responsibility to decide if a NSW Working with Children Check is required, or if an exemption applies. [The Regulations](#) include exemptions to requiring a Working with Children Check. Employers should check the legislation for any exemptions that apply to their situation. Exemptions include:

- Under 18's
- Workers visiting NSW for a short time
- Parents/carers and close relatives volunteering at their children's usual school and extra-curricular activities. There are three specific instances when close relatives **do** need a WWC Check when they are volunteering at school or activities:
  - I. providing personal care for a child with disability
  - II. participating in a formal mentoring program
  - III. at an overnight camp for kids.

According to the OCG, the following list of role examples that **do not** require a Working with Children Check is not exhaustive and should only be used as a general guide:

- working in an organisation that delivers services for children, but the person does not have more than incidental contact with the children
- work that occasionally includes helping out with children as an incidental part of a role, but the work with children is very short term, such as a visitor to a school as a guest speaker
- the worker is under 18, or a co-worker or supervisor of a worker who is under 18
- work is as a referee, umpire or linesperson or other sporting official where the work does not involve contact with children for extended periods without other adults being present
- the person is visiting from interstate and working with children for fewer than 30 days
- a tradesperson or helper who may incidentally come into contact with children, but is not working with the children

For further details see [Who needs a Check](#). Whilst acknowledging that these exemptions exist, the College policy is that all persons over the age of 18 who will have direct, extended and unsupervised (by employed staff) contact with any of our students **will** have a current WWCC clearance. If such 'contact' is a one-off event during which they are supervised at all times by a BCC employee/staff member, then the exemption should apply. This policy seeks to build on the legal obligations under the WWC regulations, and to ensure the safety and wellbeing of every child under the College's care. All persons who come on-site will have signed in agreeing to our Child Protection, Codes of Conduct & WHS policies upon sign-in.

**4.2.3 Application/Renewal** can be made through Service NSW or its replacement agency. The process for applying for and renewing a WWCC clearance with the OCG involves a national police check and a review of



findings of misconduct. If the OCG grants or renews a WWCC clearance, the holder will be issued with a number which is to be provided to the College to verify the status of a staff member's WWCC clearance.

**4.2.4 Refusal/Cancellation** of a WWCC can be done by the OCG. The person is then restricted from engaging in child-related work and not able to apply for another clearance for five years. Employers are notified by the OGC and instructed to remove such persons from child-related work.

**4.2.5 Interim bar** will be issued until the OCH has completed their risk assessment if there are concerns during the risk assessment process that there is a likely risk to the safety of children. If a notice is given of an Interim Bar the person must immediately stop working in child-related employment. The employer will also be notified about the interim bar. Interim Bars can be appealed at the NSW Civil and Administrative Tribunal after six months.

**4.2.6 Risk assessment** is an evaluation of an individual's suitability for child-related work. The OCG conducts a risk assessment on a person's suitability to work with children when a new record is received which triggers a risk assessment. This may include an offence, pattern of behaviour or offences involving violence or sexual misconduct representing a risk to children and findings of misconduct involving children.

**4.2.7 Disqualified person** is one who has been convicted, or against whom proceedings have been commenced for a disqualifying offence outlined in Schedule 2 of WWC Act. A disqualified person cannot be granted a WWCC clearance and is therefore restricted from engaging in child related work.

**4.2.8 Ongoing monitoring** - The OCG monitors criminal records and professional conduct findings of all WWCC clearance holders through a risk assessment process.

### 4.3 Process for reporting to OCG

Independent schools such as BCC, are defined as a reporting body by the WWC Act.

**4.3.1 The College** is required to advise the OCG of the findings they have made after completing a reportable conduct investigation, including whether they have made a finding of reportable conduct. A finding of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault, must be referred to the OCG's WWCC Directorate. Information must also be referred internally to the OCG's WWCC Directorate if it meets the threshold for consideration of an interim WWCC bar, as per Section 17 of the WWC Act, pending a formal risk assessment.

The College may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act and the Children's Guardian Act.

**4.3.2 Finding of misconduct involving children** - any finding of reportable conduct will be reported by the College to the OCG.

When informing an employee of a finding of reportable conduct against them, the College should alert them to the consequent report to the WWCC Directorate in relation to sustained findings of sexual misconduct, a sexual offence or a serious physical assault.

The WWC Act enables a person who has a sustained finding referred to the OCG to request access to the records held by the College in relation to the finding of misconduct involving children once final findings are made. The entitlements of a person to request access to information in terms of Section 46 of the WWC Act is enlivened when a finding of misconduct involving children has been made.

**4.3.3 Other information** may also be required to be provided to the OGC that is relevant to an assessment of whether a person poses a risk to the safety of children or the OCG's monitoring functions.

## 5. MANDATORY REPORTING

The Children and Young Persons (Care and Protection) Act 1998 (NSW) provides for mandatory reporting of children at risk of significant harm. A child is a person under the age of 16 years and a young person is aged 16 years or above but who is under the age of 18, for the purposes of the Care and Protection Act.

Under the Care and Protection Act, mandatory reporting applies to persons who:

- in the course of their employment, deliver services including health care; welfare, education, children's services and residential services, to children; or
- hold a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services including health care, welfare, education, children's services and residential services, to children, are mandatory reporters.

All teachers are mandatory reporters. Other staff members may also be mandatory reporters. Any queries about whether other staff members are mandatory reporters should be directed to the College Principal.

### 5.1 Reports to Dept. of Communities and Justice (DCJ)

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

In addition, the College may choose to make a report to the DCJ where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare and well-being of the young person.

In the Independent school sector, a mandatory reporter will meet their obligation if they report to the Principal. This centralised reporting model ensures that a person in the College has all of the information that may be relevant to the circumstances of the child at risk of significant harm and addresses the risk of the College not being aware of individual incidences that amount to cumulative harm.

The Head of Entity (the Principal) will ensure the [Mandatory Reporter Guide \(MRG\)](#) is addressed. The MRG is a structured decision making tool intended to support mandatory reporters' professional judgement and critical thinking in to selecting a Decision Tree that most closely aligns with the identified concern for a child or young person.

**5.1.1 Before making a Report** – organise the gathered information to clarify concerns and ensure important details are not omitted. In most cases a report does not need to be made in haste and good preparation of a report can result in a more effective and timely response from Department of Communities and Justice.

The information gathered from relevant sources should be utilised in order to reach a decision about reporting to DCJ. If a staff member raised the concerns it is important that they are involved where practicable. At a minimum, the following should be considered and recorded:

- identifying information for the child or young person
- the nature of the suspected risk of significant harm concerns (this may be the decision tree used from the [Mandatory Reporter Guide](#))
- the critical pieces of information that informed the decision to report, or informed answers to questions in the MRG
- the wishes of the child or young person about the matter, if relevant.

**Note:** Where there are urgent concerns for a child or young person's health or safety, then it is important to immediately contact the police using the emergency line '000'. Suspected imminent risk of significant harm concerns need to be reported to the Child Protection Helpline immediately by telephone. **Concerns identified as suspected risk of significant harm must be reported to the Helpline within 24 hours of becoming known.**

**5.1.2 Reasonable grounds** refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:

- first-hand observations of the child, young person or family;
- what the child, young person, parent or another person has disclosed; and
- what can reasonably be inferred based on professional training and / or experience.

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

**5.1.3 Risk of Significant harm:** a child or young person is at 'risk of serious harm' if current concerns exist for the safety, welfare or wellbeing of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met;
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- in the case of a child or young person who is required to attend school in accordance with the Education Act 1990, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act;
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- the child or young person is living in a household where there have been incidents of domestic violence and as a consequence, the child or young person is at risk of serious physical or psychological harm;
- a parent or other caregiver has behaved in such a way towards the child or young person, that the child or young person has suffered or is at risk of suffering serious psychological harm; and
- the child was the subject of a pre-natal report under Section 25 of the Care and Protection Act and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

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 wellbeing.

The significance can result from a single act or omission or an accumulation of these.

## 5.2 Process for mandatory reporting

**5.2.1 Employees and volunteers/tutors** must raise concerns about a child or young person who may be at risk of significant harm with the College Principal as soon as possible to discuss whether the matter meets the threshold of 'risk of significant harm' and the steps required to report the matter. See also [MRG](#) information.

However, if there is an immediate danger to the child or young person and the College Principal or next most senior member of staff is not contactable, employees and volunteers should contact the Police and/or the Child Protection Helpline (13 21 11) directly and then advise the College Principal or next most senior member of staff at the College as soon as possible.

Employees and volunteers are not required to and must not undertake any investigation of the matter. Employees and volunteers are not permitted to inform the parents or carers that a report to the DCJ has been made.

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

**5.2.2 The College:** In general, the College Principal will report these matters to the DCJ and where necessary, the Police. This is supported by the DCJ in accordance with best practice principles.

## 5.3 Process for reporting concerns about students

**5.3.1 Employees and volunteers/tutors:** The Care and Protection Act explains a mandatory reporter's obligation to report concerns about risk of significant harm. However, to ensure centralised reporting, all employees and volunteers/tutors are required to report any concern regarding the safety, welfare and wellbeing of a student to the College Principal. Employees and volunteers/tutors who are unsure as to whether a matter meets the threshold of 'risk of significant harm' should report their concern to the College Principal regardless. Employees and volunteers/tutors are required to deal with all reports regarding the safety, welfare or wellbeing of a student confidentially and only disclose it to the Principal and any other person the College Principal nominates. See information on the [MRG Decision Tree](#).

## 6. REPORTABLE CONDUCT

The Children's Guardian Act 2019 requires the Heads of Entities, including non-government schools in New South Wales, to notify the OCG of all allegations of reportable conduct and convictions involving an 'employee' and the outcome of the College's investigation of these allegations. Under the Children's Guardian Act 2019, allegations of child abuse only fall within the reportable conduct jurisdiction if the involved individual is an employee of the relevant entity at the time when the allegation becomes known by the Head of Entity.

Reportable Conduct:

- involves a child (a person under the age of 18 years) at the time of the alleged incident; and
- involves certain defined conduct as described in the Act (see below).

The OCG:

- monitors the systems for preventing reportable conduct by employees of schools and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions;
- receives and assesses notifications from schools concerning reportable conduct or reportable convictions;
- oversees or monitors the conduct of investigations by schools into allegations of reportable conduct or reportable convictions;
- determines whether an investigation that has been monitored has been conducted properly and whether appropriate action has been taken as a result of the investigation;
- may directly investigate an allegation of reportable conduct or reportable conviction against an employee of a school, or the handling of or response to such a matter (eg arising out of complaints by the person who is the subject of an allegation); and
- may investigate the way in which a relevant entity has dealt with, or is dealing with, a report, complaint or notification, if the OCG considers it appropriate to do so.

### 6.1 Reportable conduct

Under the Children's Guardian Act 2019, *reportable conduct* is defined as:

- a sexual offence;
- sexual misconduct;
- an assault against a child;
- ill-treatment of a child;
- neglect of a child;
- an offence under section 43B (failure to protect) or section 316A (failure to report) of the Crimes Act 1900;
- behaviour that causes significant emotional or psychological harm to a 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 child and to any relevant codes of conduct or professional standards; or

- the use of physical force that, in all the circumstances, is trivial or negligible and the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate workplace procedures; or
- conduct of a class or kind exempted from being reportable conduct by the OCG under section 30 of the [Children's Guardian Act 2019](#) or was previously exempted by the Ombudsman and is subject to the transitional arrangements.

**6.1.1 Definitions:** The following definitions relate to *reportable conduct*:

**Sexual offence:** an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child, such as:

- sexual touching of a child;
- a child grooming offence;
- production, dissemination or possession of child abuse material.

Definitions of 'grooming', within child protection legislation, are complex. Under the Crimes Act, grooming or procuring a child under the age of 16 years for unlawful sexual activity is classed as a sexual offence. The Crimes Act (s73) also extends the age of consent to 18 years when a child is in a 'special care' relationship. Under Schedule 1(2) of the WWC Act, grooming is recognised as a form of sexual misconduct. The Children's Guardian Act 2019 and this Child Protection Policy reflect these definitions within the context of the Reportable Conduct Scheme (Division 2).

An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of sexual offence.

**Sexual misconduct:** conduct with, towards or in the presence of a child that is sexual in nature (but not a sexual offence). The Act provides the following (non-exhaustive) examples:

- descriptions of sexual acts without a legitimate reason to provide the descriptions;
- sexual comments, conversations or communications; or
- comments to a child that express a desire to act in a sexual manner towards the child, or another child.

Note – crossing professional boundaries comes within the scope of the scheme to the extent that the alleged conduct meets the definition of sexual misconduct. That is, the conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).

**Assault:** an assault can occur when a person intentionally or recklessly (ie. knows the assault is possible but ignores the risk):

- applies physical force against a child without lawful justification or excuse – such as hitting, striking, kicking, punching or dragging a child (actual physical force); or
- causes a child to apprehend the immediate and unlawful use of physical force against them, such as threatening to physically harm a child through words and/or gestures regardless of whether the person actually intends to apply any force (apprehension of physical force).

**Ill-treatment:** is defined as conduct towards a child that is:

- unreasonable; and
- seriously inappropriate, improper, inhumane or cruel.

Ill-treatment can include a range of conduct such as:

- making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and
- using inappropriate forms of behaviour management towards a child.

**Neglect:** defined as a significant failure to provide adequate and proper food, supervision, nursing, clothing, and medical aid or lodging for a child that causes or is likely to cause harm - by a person who has care and/or has responsibility towards a child.

Neglect can be an ongoing situation of repeated failure by a parent/carer to meet a child's physical or psychological needs, or a single significant incident where a parent/carer fails to fulfil a duty or obligation, resulting in actual harm to a child where there is the potential for significant harm to a child. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.

**Emotional or psychological harm:** behaviour that causes significant emotional or psychological harm to a child is conduct that is intentional or reckless (without reasonable excuse), obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child. For a reportable allegation involving psychological harm, the following elements must be present:

- an obviously or very clearly unreasonable or serious act or series of acts that the employees knew or ought to have known was unacceptable;
- evidence of psychological harm to the child that is more than transient, including displaying patterns of 'out of character behaviour', regression in behaviour, distress, anxiety, physical symptoms or self-harm; and
- an alleged causal link between the employee's conduct and the significant emotional or psychological harm to the child.

**Reportable allegation** is an allegation that an employee has engaged in conduct that may be reportable conduct.

**Reportable conviction** means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.

**Employee** of an entity includes:

- an individual employed by, or in, the entity;
- a volunteer providing services to children;
- a contractor engaged directly by the entity (or by a third party) where the contractor holds, or is required to hold, a WWCC clearance for the purposes of their work with an entity; and
- a person engaged by a religious body where that person holds, or is required to hold, a WWCC clearance for the purposes of their work with the religious body.

**PSOA** (Person Subject of the Allegation) or **ESOA** (Employee Subject of the Allegation)

## 6.2 Process for reporting of reportable conduct allegations or convictions

**6.2.1 Employees and volunteers engaged by the College:** Any concerns about any other employee or volunteer engaging in conduct that is considered inappropriate, or reportable conduct, or any allegation of inappropriate or reportable conduct made to the employee or volunteer or about the employee or volunteer themselves must be reported to the College Principal. Where it is uncertain if the conduct is reportable conduct but is considered inappropriate behaviour this must also be reported. Any matter that potentially reaches the threshold of a risk of significant harm must be reported to the Principal.

Employees and volunteers must also report to the Principal when they become aware that an employee has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct. This includes information relating to the employee themselves.

If the allegation involves the Principal, the staff member must report to the Board Chairperson and marked 'Confidential'

**6.2.2 Parents, carers and community members** are encouraged to report any conduct that is in their view inappropriate, reportable or criminal conduct to the College Principal or their delegate. All such reports will be dealt with in accordance with the College's grievance handling procedures.

**6.2.3 The College** Principal, as the Head of Entity under the Children's Guardian Act 2019, must:

- Ensure specified systems are in place for preventing, detecting and responding to reportable allegations or convictions.
- Submit a 7-day notification form to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity (unless the Head of the Entity has a reasonable excuse).
- The notification should include the following information:
  - (a) that a report has been received in relation to an employee of the College;
  - (b) the type of reportable conduct;
  - (c) the name of the employee;
  - (d) the name and contact details of the College and the Head of Entity;
  - (e) for a reportable allegation, whether it has been reported to Police;
  - (f) that a report has been made to the Child Protection Helpline, and
  - (g) the nature of the relevant entity's initial risk assessment and risk management action.
- The notice must also include the following, if known to the Head of Entity:
  - (a) details of the reportable allegation or conviction considered to be a reportable conviction;
  - (b) the date of birth and working with children number, if any, of the employee the subject of the report;
  - (c) the police report reference number (if Police were notified);
  - (d) the report reference number if reported to the Child Protection Helpline; and
  - (e) the names of other relevant entities that employ or engage the employee, whether or not directly, to provide a service to children, including as a volunteer or contractor.

### **6.3 Process for investigating an allegation of reportable conduct**

The Principal or delegate is responsible for ensuring that the following steps are taken to investigate an allegation of reportable conduct.

**6.3.1 Initial steps:** Once an allegation of reportable conduct against an employee is received, the College Principal is required to:

- determine whether it is an allegation of reportable conduct;
- assess whether the DCJ or the Police need to be notified (ie, if reasonable grounds to suspect that a child is at risk of significant harm or a potential criminal offence). If they have been notified, seek clearance from these statutory agencies prior to the College proceeding with the reportable conduct investigation;
- notify the child's parents/carers (unless to do so would be likely to compromise the investigation or any investigation by the DCJ or Police);
- notify the OCG within 7 business days of receiving the allegation;
- carry out a risk assessment and take action to reduce/remove risk, where appropriate;
- provide an initial letter to the PSOA/ESOA advising that an allegation of reportable conduct has been made against them and the College's responsibility to investigate this matter under Section 34 of the Children's Guardian Act 2019; and
- investigate the allegation or appoint someone to investigate the allegation.

**6.3.2 Investigation principles:** During the investigation of a reportable conduct allegation the College will:

- follow the principles of procedural fairness;
- inform PSOA/ESOA of the substance of any allegations made against them, at the appropriate time in the investigation, and provide them with a reasonable opportunity to respond to the allegations;

- make reasonable enquiries or investigations before making a finding;
- avoid conflicts of interest;
- conduct the investigation without unjustifiable delay;
- handle the matter as confidentially as possible; and
- provide appropriate support for all parties including the child/children, witnesses and the PSOA/ESOA.

**6.3.3 Investigation steps:** the Principal or appointed investigator will generally:

- interview relevant witnesses and gather relevant documentation;
- provide a letter of allegation to the PSOA/ESOA;
- provide the PSOA/ESOA with the opportunity to respond to the allegations either in writing or at interview;
- consider relevant evidence and make a preliminary finding in accordance with the OCG guidelines;
- inform the PSOA/ESOA of the preliminary finding in writing and provide them with a further opportunity to respond or make a further submission prior to the matter moving to final findings;
- consider any response provided by the PSOA/ESOA;
- make a final finding in accordance with the OCG guidelines;
- decide on the disciplinary action, if any, to be taken against the PSOA/ESOA;
- if it is completed, send the final report to the OCG within 30 days after having received the allegation, as per Section 36 of the Children's Guardian Act 2019.

Should the final report be unfinished within 30 days, the Principal or delegate must provide, at minimum, an interim report to the OCG within 30 days of having received the allegation, as per Section 38 of the Children's Guardian Act 2019. Submission of an interim report must include:

- a reason for not providing the final report within 30 days and an estimated time frame for completion of the report;
- specific information, including (if known); the facts and circumstances of the reportable allegation; any known information about a reportable conviction; action taken since the OCG received a notification about the reportable allegation or reportable conviction; further action the Head of Entity proposes to take in relation to the reportable allegation or reportable conviction; including if the Head of Entity proposes to take no further action; the reasons for the action taken and the action proposed to be taken or the reasons for the decision to take no further action; other information prescribed by the regulations; and
- be accompanied by copies of documents in the College's possession, including transcripts of interviews and copies of evidence.

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

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

## **6.4 Risk management throughout an investigation of a reportable conduct allegation**

Risk management means identifying the potential for an incident or accident to occur and taking steps to reduce the likelihood or severity of its occurrence.

The Principal or delegate is responsible for risk management throughout the investigation and will assess risk at the beginning of the investigation, during, and at the end of the investigation.

**6.4.1 Initial risk assessment:** Following an allegation of reportable conduct against an employee, the Principal or delegate conducts an initial risk assessment to identify and minimise the risks to:

- the child(ren) who are the subject of the allegation;
- other children with whom the employee may have contact;



- the PSOA/ESOA;
- the College, and
- the proper investigation of the allegation.

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

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

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

A decision to take action on the basis of a risk assessment is not indicative of the findings of the matter. Until the investigation is completed and a finding is made, any action, such as an employee being suspended, is not to be considered to be an indication that the alleged conduct by the employee did occur.

**6.4.2 Ongoing risk assessment:** The Principal or delegate will continually monitor risk during the investigation including in the light of any new relevant information that emerges.

**6.4.3 Findings:** At the completion of the investigation, a finding will be made in relation to the allegation and a decision made by the Principal or delegate regarding what action, if any, is required in relation to the PSOA, the child(ren) involved and any other parties.

**6.4.4 Information for the PSOA/ESOA:** Will be advised:

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

The PSOA/ESOA does not automatically have the right to:

- know or have confirmed the identity of the person who made the allegation; or
- be shown the content of the OCG notification form or other investigation material that reveals information provided by other employees or witnesses.

The WWC Act enables a person who has a sustained finding referred to the OCG to request access to the records held by the College in relation to the finding of misconduct involving children, once final findings are made. The entitlements of a person to request access to information in terms of Section 46 of the WWC Act is enlivened when a finding of misconduct involving children has been made.

**6.4.5 Disciplinary Action:** As a result of the allegations, investigation or final findings, the College may take disciplinary action against the PSOA/ESOA (including termination of employment). In relation to any disciplinary action the College will give the PSOA/ESOA:

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

**6.4.6 Confidentiality:** It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible. The College requires that all parties maintain confidentiality during the investigation including in relation to the handling and storing of documents and records.

Records about allegations of reportable conduct against employees will be kept in a secure and will be accessible by the Head of Entity or with the Head of Entity's express authority.

No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the College Principal to do so. Any known breach of confidentiality in relation to a reportable conduct allegation must be reported to the Principal.

## 7. CRIMINAL OFFENCES

In 2018 the Crimes Act was amended to adopt recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse*. The new offences are designed to prevent child abuse and to bring abuse that has already occurred to the attention of the Police.

### 7.1 Failure to protect offence (Crimes Act 1900 – NSW)

Any person engaged by the College will commit an offence if they know another adult working there poses a serious risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.

This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to a known and serious risk rather than using their power to protect children.

### 7.2 Failure to report offence (Crimes Act 1900 – NSW)

Any person engaged by the College will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to Police, without a reasonable excuse. A reasonable excuse would include where the adult has reported the matter to the Principal and is aware that the Principal has reported the matter to the Police.

### 7.3 Special Care Relationships (Crimes Act 1900 – NSW)

It is a crime in NSW for an employee, volunteer or contractor to have a sexual relationship with a student where there is a special care relationship. The Act provides that a young person is under an adult's special care if the adult is engaged by the College at which the young person is a student; or has an established personal relationship with the young person in connection with the provision of religious, sporting, musical or other instruction.

The Special Care (sexual intercourse) offence under s73 was supplemented by an additional special care offence involving sexual touching now under s73A of the Crimes Act. The new offence under s73A will expand special care offences to also apply to non-penetrative sexual touching. The offence will protect children aged 16-17 years from inappropriate sexual contact with teachers and others who have special care of the child.

## 8. ACKNOWLEDGEMENT

### REFERENCES & KEY LEGISLATION

- NSW Department of Communities and Justice <https://www.dcj.nsw.gov.au>
- The Office of the Children's Guardian <https://www.kidsguardian.nsw.gov.au>
- Department of Premier and Cabinet – Keep Them Safe [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au)

There are four key pieces of child protection legislation in New South Wales:

- the [Children and Young Persons \(Care and Protection\) Act 1998](#) (NSW) (Care and Protection Act)
- the [Children's Guardian Act 2019 \(Children's Guardian Act\)](#)
- the [Child Protection \(Working With Children\) Act 2012 \(NSW\)](#) (WWC Act); and
- the [Crimes Act 1900](#) (Crimes Act)

## 8.1 College Child Protection Training

**(a) TERM 1:** Within the first five weeks of Term 1 Annual Child Protection Staff Training will occur:

- reviewing staff obligations and responsibilities to notify the College if Working with Children Check status changes from "Cleared". To be verified by the Assistant Business Manager from College lists.
- emphasising obligations and responsibility as mandatory reporters of concerns about children or young people being at risk of significant harm.
- emphasising obligations and responsibility to inform the Principal of suspicion of reportable conduct of another community member.
- reviewing Child-Safe policies and procedures especially with regards to duty of care and emergency situations.

A record of staff attendance will be taken by the Head of Student Services & Wellbeing. This record will be retained in an electronic file entitled "Child Protection Training Records".

### **(b) ONGOING TRAINING**

- **Part-time and permanent staff:** One staff session, at the beginning of each semester during the Staff Conference Week will be devoted to aspects of Child Protection. As well, employees will be updated biannually on the BCC [Child Protection Codes & Child Safe Standards Agreement](#).
  - The BCC Child Protection Policy documents will be used in addition to online training such as that available through AIS NSW, and NSW OCG
  - Staff will complete AIS online training in Child Protection at the beginning of each school year
  - The sessions will be taken by the Assistant Principal
  - A record of staff attendance will be taken by the Assistant Principal. This record will be retained in an electronic file entitled "Child Protection Training Records".
- **Casual teachers and Professional practicum students**
  - Casual teachers and practicum students will be invited to attend the above staff training sessions (as available)
  - A record of staff attendance will be taken by the Assistant Principal. This record will be retained in an electronic file entitled "Child Protection Training Records".

## 8.2 Failure to Comply with this Policy

All College Community Members are required to be aware of and comply with this Policy. There may be consequences for a breach thereof.

An alleged breach of this Policy may require:

- a) An internal report to be made - A referral to external authorities under relevant legislation
- b) An investigation to be conducted - If a breach of this Policy is established this may result in disciplinary action being taken against any College Community member.

In relation to a College Community member who is an employee, such disciplinary action may result in termination of their employment.

In relation to a College Community member who is a person holding a church ministry license or church-appointed position, or any consultant, student on tertiary practicum placement, or volunteer; conduct that is assessed as being a breach of this policy may lead to the termination of their engagement with the College.

## 8.3 Procedures for Stakeholders Reporting Allegations of Staff Misconduct or Reportable Conduct

BCC will inform stakeholders of their complaint handling procedures and the nature of what is deemed reportable conduct in the Parents/Carers Information Booklet. All Volunteers are informed of their obligation under the Child Protection Policy and the procedures to follow in relation to staff misconduct. All stakeholders will be directed to report any allegation of staff misconduct or reportable conduct in writing directly to the Principal.

**NB:** If the allegation is related to an allegation of Principal misconduct, the stakeholder is to report the allegation in writing to the BCC Board Chair person. Confidentiality is maintained as in accord with the Child Protection Policy. The College will acknowledge in writing the receipt of an allegation/complaint, and will periodically update to the complainant the status of the investigation and inform the complainant of the findings (within the limitations of what can be disclosed according to legislation). The College will seek to investigate the allegation within a reasonable timeframe (as allowed by the formal processes).

#### **PUBLICATION OF COMPLAINT HANDLING PROCEDURES**

BCC publishes the College's complaint handling procedures regarding allegations of staff misconduct or reportable conduct in the Annual Report published on the College website annually and the BCC Parents/Carers Information Booklet.

### **8.4 Policy Implementation Responsibilities**

#### **Implementation and Practice**

The Principal is responsible for the implementation of the policy, and any changes, and for ensuring that the development of staff who nurture a safe and supportive relational community is embedded in the BCC College culture. The Principal ensures proper reporting and monitoring processes are maintained, and that appropriate tools to inform decision-making, such as the online [Mandatory Reporter Guide](#), professional judgment or specialist advice, are used where there are concerns about risk of harm

The Principal is responsible to monitor legislation and evaluate and review the guidelines as necessary. The policy is accessed on the College Shared Drives.

Reviewed by Sharon Sopher  
Principal  
October 2022

## APPENDIX 1a: DEFINITIONS

**Disciplinary action** means performance management which may result in restricted or prohibited duties and/or termination of engagement, including summary dismissal.

A **Disqualified Person** means a person who has been convicted, or against whom proceedings have been commenced, for a disqualifying offence outlined in Schedule 2 of the WWC Act. A disqualified person cannot be granted a WWCC clearance and is prohibited from engaging in child related work.

**Employee** means any individual engaged by the School, including – permanent, part time or casual staff, contractors, sub-contractors and service providers on a paid basis.

**ESOA (PSOA)** means the employee or volunteer (person) subject of an allegation.

**Finding** means the information discovered as the result of an investigation.

**Ill-treatment** means, in accordance with the Children's Guardian Act, conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.

**Neglect** means, in accordance with the Children's Guardian Act, a significant failure by a person with parental responsibility for the child, or an authorised carer or an employee if the child is in the employee's care, to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child that causes or is likely to cause harm to the child.

**Physical assault which is non-serious** means assault which involves minor force only and did not, and was not ever likely to, result in serious injury.

**Physical assault which is serious** means assault which results in a child being injured, beyond the type of injury like a minor scratch, bruise or graze; or it had the potential to result in a serious injury; or the injury suffered may be minor, but the assault is associated with aggravating circumstances (in this regard, aggravated circumstances might include associated inhumane or demeaning behaviour by an employee.

**Reportable allegation** means an allegation that an employee has engaged in conduct that may be reportable conduct.

**Reportable conduct** means, in accordance with the Children's Guardian Act, a sexual offence, sexual misconduct, ill-treatment of a child, neglect of a child, an assault against a child, an offence under s43B (failure to protect) or s316A (failure to report) of the Crimes Act, and behaviour that causes significant emotional or psychological harm to a child.

**Reportable conviction** means a conviction (including a finding of guilt without the court proceedings to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.

**Sexual misconduct** means, in accordance with the Children's Guardian Act, any conduct with, towards or in the presence of a child that is sexual in nature (but may not be a sexual offence) and includes the following (non-exhaustive) examples – descriptions of sexual acts without a legitimate reason to provide the descriptions; sexual comments, conversations or communications; comments to a child that express a desire to act in a sexual manner towards a child.

A **sexual offence** means, in accordance with the Children's Guardian Act, an offence of a sexual nature under NSW any state/territory, or Commonwealth law committed against, with, or in the presence of a child, such as sexual touching of a child, a child grooming offence, production, dissemination or possession of child abuse material. An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of a sexual offence.

**The Office of the Children's Guardian (OCG)** is the independent statutory authority in NSW Government that promotes and regulates the quality of child safe organisations, services and people.

**Volunteer** means any individual engaged by the School to provide services, free of charge.

## APPENDIX 1b: CHILD PROTECTION CODES OF CONDUCT & CHILD SAFE STANDARDS AGREEMENT (2022)

### 1. INTRODUCTION & PURPOSE

This Child Protection Codes & Child Safe Standards Agreement outlines the College's values, responsibilities, and expectations in relation to child protection, codes of behavior and the OCG Child Safe Standards, and reflects our commitments to:

**Provide** An open, welcoming and safe environment for everyone participating in the College's education programs, pastoral services and related programs.

**Provide** High quality education, pastoral services and related programs for students and their families that are safe and welcoming, and set in a Christian context.

**Seek** Input and guidance from students, parents/carers, employees, and others who make up the College Community, so these child-safe standards are maintained.

**Require** All College community members are to demonstrate a commitment to the highest standards of ethics, professional behaviour and Christian standards in dealings with children and young people.

**Require** All College community members to share a common responsibility to maintain the College's reputation for integrity in relation to child protection matters and child-safe standards.

### 2. SCOPE

This Child Protection Codes & Child Safe Standards Agreement applies to all College community members. Definitions:

**(a) Student or Students** refers to:

- A **Child or Children** which is defined in this Code as being a person under the age of 16 years
- A **Young Person or Persons** which is defined in this Code as a person between the ages of 16 and 18 and
- Any other student of the College over the age of 18 years

**(b) College community members** refers to:

- All paid employees whether employed on a permanent, temporary or casual basis
- All persons who have been engaged to work within the College or who have face to face contact with students of the College in any place and on any basis, including persons holding a church ministry license or church-appointed position, consultants, students on tertiary practicum placements, or volunteers working with students in any capacity
- Students enrolled at the College

### 3. MISSION & VALUES IN RELATION TO STUDENTS

*"Transforming Lives"*

In fulfilling this mission, the College seeks to create a caring, child-safe environment where Christian values inspire and affirm the highest standard of ethical conduct in relation to the care, support and welfare of students entrusted to it.

### 4. CODES OF CONDUCT & CHILD SAFE STANDARDS

All College community members, and all students, parents/carers and visitors connected with the College, must abide by the Child Protection Policy and these Codes & Child Safe Standards Agreement. The Child Protection Codes & Child Safe Standards Agreement should be enacted with reference to "The BCC Guidelines of Teaching and Protecting Children", the [Child Safe Standards \(OCG\)](#) and [BCC Codes of Conduct Policy](#) (May 2022)

The [Child Safe Standards](#) (NSW OCG) provide a framework for making organisations safer for children. They outline tangible guidance to create cultures, adopt strategies and act to put the interests of children first, to

keep them safe from harm. The Standards are a benchmark against which we assess our child safe capacity and set performance targets. The Standards provide tangible guidance to drive a child safe culture, adopt strategies and act to put the interests of children first, to keep them safe from harm.

**The 10 Child Safe Standards** are:

1. Child safety is embedded in organisational leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child abuse are child-focused
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the organisation is child safe.

A child safe culture is a set of values and practices that guide the attitudes and behaviour of all staff. The following values should be at the heart of any approach that prioritises children's safety:

- the best interests of children and their protection from harm is paramount
- child abuse is not tolerated and must not happen
- children's rights are understood and respected
- concerns about child safety raised by children and their parents/carers are acted on
- reporting abuse is not obstructed or prevented.

## 5. EXPECTATIONS OF COLLEGE COMMUNITY MEMBERS

**All College community members:**

- Will** Treat others with respect and honesty
- Will** Behave as a positive role model to students in all interactions with them.
- Will** Follow College policies and procedures for the safety of students as outlined in the College's Child Protection Policy, [The Child Safe Standards](#) and related materials.
- Will** When conducting any one-to-one activity with a student:
- Ensure that another adult is present or within sight at all times during one-to-one activity
  - Ensure that this adult is actively engaged and aware of the action of the College community member at all times during the one-to-one activity
  - If the active engagement and awareness of another adult is not possible or practicable, ensure that prior approval for the one-to-one activity has been obtained from the College community member's immediate supervisor
- Will** Record and act on a complaint of abuse, ill-treatment or neglect of a student
- Will** Behave in a caring, compassionate manner following the example left for us by Jesus Christ, as a person who takes an interest in the wellbeing of students and who sets appropriate boundaries in their interaction with students
- Will** Respect the duty to take reasonable care to ensure a child-safe culture is maintained for the safety and welfare of students
- Will** Complete and maintain a current Working with Children Check
- Will** Inform the College if charged or convicted of an offence relevant to working in child-related employment, or if any reportable allegation is made against them
- Will** Report to the College any allegations or convictions of Reportable Conduct involving any College community member
- Will** Report to the College any information or concerns about inappropriate behaviour by any College community member that involves a student

- Will** Fulfil our legal obligation to report risk of significant harm, or to report possible criminal activity, in accordance with local procedures
- Will** Maintain the confidentiality of all parties concerned
- Will Not** Develop any "special" or selective relationships with a student that could be seen as favouritism such as the offering of gifts or special treatment
- Will Not** In the absence of the prior approval from the College community member's immediate supervisor, or without the active participation of another adult, engage in one-to-one contact with a student such as:
- Doing things of a personal nature that students can do for themselves, such as entering a toilet when a student is present or a student changing clothes
  - Accompanying a student alone in a vehicle
  - Visiting a student's home in circumstances where the student is alone
  - Individual tutoring or mentoring a single student alone, one-on-one
  - Disciplining or counselling a single student alone, one-on-one
- Will Not** Engage in grooming behaviour of a student or their close family or friends
- Will Not** Engage in inappropriate physical contact/force with a student including physical/corporal punishment of a student
- Will Not** Act in ways which may cause a student to reasonably fear that unjustified force will be used against them, even if this is not their intention
- Will Not** Behave in a manner which may cause psychological harm to the student
- Will Not** Correct or discipline a student in excess of what is reasonable or appropriate for the situation
- Will Not** Engage in crossing professional boundaries through behaviour that can reasonably be construed as involving an inappropriate and/or overly personal intimate relationship with, conduct towards, or focus on a student or a group of students

## 6. FURTHER INFORMATION

Further reference should be made to the College's Child Protection Policy, Codes of Conduct Policy, and the [Child Safe Standards](#) (OCG). The Child Safe Standards poster should be visibly displayed in every classroom and referred to in appropriate Connect (and other) wellbeing discussions.

### GUIDELINES FOR TEACHING AND PROTECTING CHILDREN AND YOUNG PEOPLE

- The College expects all College community members to be caring, compassionate adults who are committed to a maintaining a child safe culture and environment, who take an interest in safeguarding the wellbeing of students, and who set appropriate boundaries for worker-volunteer-staff-teacher-student relations.
- College community members must be aware that their interactions with students are based on a trusting relationship arising from the nature of their role in the College, and that those relationships are open to scrutiny.
- At all times College community members must treat students with respect and behave in ways that uphold child-safe standards, and promote child safety, welfare and wellbeing.
- The following guide may be helpful for teachers (and community members) to identify appropriate and unacceptable professional practice in their conduct with students. The material below is not exhaustive, but is provided as a guide to common situations. It aligns with the BCC Child Protection Policy, BCC Codes of Conduct Policy and [The Child Safe Standards](#) (OCG).



**Acknowledgement of completion of the Guidelines and Child Protection updates is stored in conjunction with the electronic Child Protection Acknowledgement following the online training and test:**

## **ACKNOWLEDGEMENT BY COLLEGE COMMUNITY MEMBER**

Staff Member, being employed or engaged by the College in the following role \_\_\_\_\_ hereby acknowledge I:

- received the Child Protection Codes & Child Safe Standards Agreement, and the BCC Guidelines for Teaching & Protecting Children and Young People
- have read the Child Protection Codes & Child Safe Standards Agreement, BCC Child Protection Policy, BCC Codes of Conduct Policy and the Child Safe Standards (OCG), and am obliged to comply with the codes, policies and standards, including any amendments made by the College from time to time
- have a poster displaying the 10 Child Safe Standards (OCG) in my classroom
- am obliged to notify the College if my Working With Children Check status changes from "Cleared"
- am a Mandatory Reporter of concerns about children or young people being at risk of significant harm
- am obliged to inform the Principal of suspicion of reportable conduct by another community member
- have received online training in aspects of the Child Protection Policy
- am aware that current copies of the Child Protection Codes & Child Safe Standards Agreement, the Child Protection Policy and Codes of Conduct Policy are kept on the [College's Policies drive](#)

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Signature

Date

**NB:** This signed and completed form must be returned within 7 days of commencement of employment or engagement with the College to the Assistant Principal. Failure to do so will not affect the applicability of this Child Protection Codes & Child Safe Standards Agreement or any of its provisions.

### **GOOD OR ACCEPTABLE PRACTICE**

#### **(a) College and classroom culture**

1. Develop College and classroom routines or structures that have clear boundaries of acceptable and professional student/teacher interaction.
2. Implement College guidelines that help prepare and plan such educational activities as excursions. Professional behaviour and supervision levels must take into account the age of students and the educational context.
3. Know the College's Child Protection, Codes of Conduct, Child Safe Standards, Emergency Events, Safe and Supportive Environment Policy (Student Welfare, Behaviour and Discipline policies) and use behaviour management strategies that follow these policies.
4. Respond to potentially provocative behaviour by students, parents/carers or members of the College community in a non-confrontational, calm and Christ-like manner to help defuse difficult situations.
5. Seek support from colleagues or supervisors where needed. In extreme situations the Principal may call Police to protect staff and students.

#### **(b) Care and management of students**

Know what constitutes reportable conduct: 'Reportable conduct' is defined in the current BCC Child Protection Policy and BCC Codes of Conduct Policy. See also [Identifying Reportable Allegations](#) (OCG August 2022).

1. Report and document incidents involving physical restraint of students or violence involving students. This provides important information if an allegation is made about the related conduct of a staff member.
2. Actively supervise students when on playground duty.

3. Provide feedback on student work in a constructive way.
4. When confiscating personal items, such as mobile phones or hats, ask students to hand them to you. Only take items directly from students in circumstances where concern exists for the safety of the student or others, and your own safety is not jeopardised by this action.
5. When playing physical sport with children, consider the physiques of students, along with the relative ages and stages of development of all participants.
6. When conducting any one-to-one activity with a student:
  - Ensure that another adult is present or within sight at all times during one-to-one activity
  - Ensure that this adult is actively engaged and aware of the action of the College Community member at all times during the one-to one activity
7. If the active engagement and awareness of another adult is not possible or practicable, ensure that prior approval for the one-to-one activity has been obtained from the College community member's immediate supervisor.

### **c) Teacher-student relationships**

1. Participating in social contact with a student only after obtaining informed consent of the student, the parent/carer and the Principal; such contact includes meetings, sporting events, phone calls or electronic communications, such as text messages. Teachers are not to have contact with students via their personal social networking pages/sites unless they are family members. (See also BCC Staff Handbook and BCC Codes of Conduct)
2. If a student crosses emotional boundaries, inform supervisors so independent, sensitive advice and support are available.
3. Praise and recognise all students when appropriate, so they all feel they are being treated fairly.
4. Make physical contact with students in a way that makes them comfortable, such as shaking hands, a congratulatory pat on the back, or with very young students, by gently guiding them or holding their hand for reassurance or encouragement.
5. When students, particularly very young children, are hurt and seek comfort it is appropriate to provide reassurance by putting an arm around them.
6. Be alert to cues from students about how comfortable they are in your proximity and respect individual needs for personal space. If you make physical contact with students in class demonstrations, such as PE or drama lessons, explain the activity involved, what you will do and gain consent.
7. Be aware of cultural norms that may influence the interpretation of your behaviour towards students.

### **d) Interaction with students with identified needs**

1. Be especially sensitive when interacting with students who may have poor 'boundaries' for appropriate behaviour after being traumatised by physical, emotional or sexual abuse, because they may misinterpret your action. Using physical contact to contain confrontational behaviour of students of all ages (particularly those with identified behaviour or conduct disorders), unless there is a concern for the safety of the student, other students or staff.
2. Be familiar with, and be prepared to implement strategies negotiated and outlined in individual student management programs.

## **POOR OR UNACCEPTABLE PRACTICE**

The following under each heading are considered poor or unacceptable practice:

### **(a) College and classroom culture**

1. Failure to develop College and classroom routines or structures that have clear boundaries of acceptable and professional student/teacher interaction.
2. Leaving a class unattended or dismissing students early from a lesson so that they are unsupervised.

3. Not reporting concerns about risk of harm to a child or misconduct of a staff member towards a student.
4. Attempting to physically prevent a student from entering or leaving a classroom, unless there is a concern for the safety of the student, other students or staff.
5. Engaging in inappropriate physical contact/force with a student including physical punishment of a child in the course of their role at the College.
6. Closing doors or windows to rooms without checking students are safely out of the way.
7. Correcting or disciplining a student in excess of what is reasonable or appropriate for the situation.
8. Shouting angrily at students to intimidate them.
9. Commenting to or about students on the basis of disability, gender, sexuality, cultural or racial stereotypes.

**(b) Care and management of Students**

1. Public disciplining or humiliating a student as punishment or as an example to other students.
2. Throwing an object such as a ball or book at a student to get their attention.
3. Threatening students with physical punishment.
4. Use of physical discipline such as smacking.
5. Providing inadequate supervision for students while on duty during excursions and camps.
6. Not appropriately responding to or referring clear requests from students for medical attention or first aid.
7. Arranging activities or meetings alone with a student that are not within College guidelines or that are without the informed approval of a supervisor and, if appropriate, the parent or carer.
8. Targeting students unfairly for criticism or prejudging complaints from other staff or students about their behaviour based on past conduct.

**(c) Teacher-Student Relationships**

A College Community member must not act recklessly in this regard. A single serious 'crossing of the boundaries' by a College Community member, or persistent less serious breaches of professional conduct in this area, may constitute serious misconduct, particularly if a College community member either knows, or ought to have known, that such behaviour was unacceptable.

1. Crossing professional boundaries through behaviour that can reasonably be construed as involving an inappropriate and/or overly personal or intimate relationship with, conduct towards, or focus on a student or a group of students.
2. All College members, including teachers, must not engage in grooming behaviour in relation to a student, their family or friends.
3. Acting in ways which may cause a student to reasonably fear that unjustified force will be used against them, even if this is not their intention.
4. Teasing students or unfairly withholding praise from them.
5. Putting your arms around students while instructing them on the computer or a desk.
6. Disregarding personal space practices.
7. Developing a practice of cheek kissing as a greeting or for congratulating students.
8. Repeatedly and unnecessarily touching students on the back, shoulders, arms or legs, or allowing a student to sit on your lap.
9. Disregarding policies relating to ICT and social media. College community members are prohibited from photographing or filming a student other than for purposes approved by the College. Secretly taking photographs or other images of students is strictly prohibited.
10. Connecting with a student on your PERSONAL social media platform (eg Facebook, Twitter, Snapchat, Instagram, etc...).

11. Giving gifts of money to students as a reward or incentive for good behaviour or as a gesture of friendship.
12. Conversing about sexual matters unrelated to a syllabus.
13. Telling jokes of a sexual nature.
14. Making sexually explicit or suggestive remarks or engaging in other sexually overt behaviours towards, or in the presence, of, a student.
15. Showing inappropriate videos.
16. Deliberately exposing a student to the sexual behaviour of others, including access to pornography.
17. College Community members must not consume illegal drugs, restricted substances, alcohol or tobacco (inclusive of e-cigarettes) on College premises or at any College-related activity where a student is present.

**(d) Prohibited Practices**

1. Having sexual relationships with students – whether the relationship is homosexual or heterosexual, consensual or non-consensual, or condoned by parents or carers. (The ages of the students or staff members involved are irrelevant).
2. Purchase for, offer, supply, give or administer to a student, including those over the age of 18, illegal drugs, restricted substances, prescribed or non-prescribed medication (unless dealing with or administering medication in accordance with relevant policy), alcohol, and/or tobacco.
3. Encouraging or condoning the use of alcohol or other drugs by students.
4. Possessing, downloading or distributing child pornography.
5. Commit a criminal offence involving a sexual activity that is committed against, with or in the presence of a student or any child or children in any other circumstances.

**e) Interaction with students with identified needs**

1. Using unnecessary force to make physical contact with a student as a prompt for a verbal instruction, or to force compliance.
2. Failing to implement strategies negotiated and outlined in individual student management programs.
3. Using physical contact to contain confrontational behaviour of students of all ages (particularly those with identified behaviour or conduct disorders), unless there is a concern for the safety of the student, other students or staff.

**APPLYING THE GUIDELINES TO CERTAIN SITUATIONS**

In the day-to-day activities of the College, a full range of situations arise during which individuals and groups of students interact with staff members.

These general guidelines provide staff with examples of suggested directions that should be applied in most situations. It is recognised, however, that unusual circumstances, or concerns regarding student welfare and safety, may require a staff member to exercise their own professional judgement when interpreting the guidelines in particular situations.

<b>ENVIRONMENT</b>	<b>GENERAL PRINCIPLES</b>	<b>ALTERNATIVES &amp; SUGGESTIONS</b>
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<b>Class /Office</b>	A staff member and one child, only, should not remain in a room together where they cannot be observed.	<ul style="list-style-type: none"> <li>• Ensure lunchtime detentions involve more than one student. Where this is not possible be highly visible &amp; have an open door/blinds/windows</li> <li>• Combine lunchtime detentions with those of another teacher</li> <li>• Provide additional help and assistance to a student in a small group</li> <li>• Interview/counsel an individual student in full view of others (such as on playground seating, in a quiet corner of the class area with other students in the room)</li> <li>• Interview/counsel a child in a room with door wide open &amp; blinds up to allow observation, by others, from outside the room</li> <li>• Ask another member of staff to observe/participate in an interview with a student</li> <li>• Use more than one child helper when working in the classroom before and after school, or during breaks</li> <li>• The Principal should keep their office door open</li> </ul> <p>NB: In cases of a sensitive issue, if possible another person could be included in the interview with a student</p>
<b>Playground / Toilets</b>	A staff member and one child, only, should not remain together in a situation where they cannot be observed.	<ul style="list-style-type: none"> <li>• Except in the case of a situation involving student safety and welfare, staff must always respect a student's privacy when using toilet/change-room facilities by not entering</li> <li>• Staff must not use student toilets. They are to use the staff toilets in the Administration building or Library building</li> </ul>
<b>Touch for encouragement and comfort</b>	In the context of a caring Christian community, there is a place for appropriate physical contact between a staff member and a student, especially a younger student. However, a staff member should not touch a student on the chest or below the waist.	<p>For encouragement and positive interaction, or to comfort a <i>Beginners - Yr6 student</i>, there is a place for:</p> <ul style="list-style-type: none"> <li>• the hand of the child to be held</li> <li>• a gentle touch on the shoulder</li> </ul> <p><i>For a Secondary student:</i></p> <ul style="list-style-type: none"> <li>• generally no physical contact</li> <li>• only a pat on the back for congratulations, or shaking hands is recommended and always in a public space</li> </ul>
<b>Responding to student-initiated physical contact</b>	In the context of the caring Christian community of the College, it is fitting to respond to appropriate physical contact initiated by younger children (eg hand hold, hug). Staff should not initiate physical contact	<ul style="list-style-type: none"> <li>• Staff should not initiate physical contact</li> <li>• Respond using one of the suggestions listed above (eg hug shoulder, shake hands or pat on the back for Secondary students)</li> <li>• Responses should be governed by the context of the situation</li> </ul>
<b>Touch for discipline and management</b>	Excepting where physical intervention is necessary to ensure a student's safety, staff should not touch a student for the purposes of discipline or student management. Students should not be grasped, held, physically	<ul style="list-style-type: none"> <li>• Give verbal instructions along with relevant hand or body-language indications</li> <li>• Maintain effective management routines and positive staff/student rapport. Reinforce positive behaviours</li> <li>• Use discipline strategies outlined in Discipline Policy</li> <li>• Move danger away from child/young person, if possible</li> </ul>

	<p>moved, tapped or restrained.</p> <p>No form of corporal punishment should be used.</p>	<ul style="list-style-type: none"> <li>• Provide physical barrier to protect child from danger</li> <li>• Provide children with appropriate behavioural model (Either the staff member, themselves, or another student)</li> </ul>
<p><b>Camps and Excursions: Bathrooms, toilets, bedrooms, changing facilities.</b></p>	<p>A staff member and one child/young person, only, should not remain together in a situation where they cannot be observed.</p> <p>It should be noted, however, that staff should maintain appropriate supervision of these areas to ensure student safety and well-being.</p>	<ul style="list-style-type: none"> <li>• Staff should only supervise same-gender bathrooms, and only when more than one student is present in those facilities. Except in the case of a situation involving student safety and welfare, staff must always respect a student's privacy when using bathroom facilities.</li> <li>• When students use public toilets on an excursion, the boys also are to use a toilet in a closed cubicle. The staff member of the same sex is to wait for a child inside the toilet block at the wash basins, or if unable, immediately outside.</li> <li>• Staff should not use bathrooms and toilets that the students use. If there is no staff only facilities, a specified time needs to be arranged where staff can use the amenity block in private. The College will aim to use campsite facilities that ensure separate staff facilities.</li> <li>• Bedrooms should not be entered when it is known that students are dressing or changing.</li> </ul> <p>Wherever possible staff of both genders should accompany excursion groups. If it is a relatively small group, then two staff members will not be required except if there is only one male or one female in the group. For overnight and extended excursions this is a necessity for staff of both genders to be in attendance.</p>
<p><b>Staff, Parent/Carer Vehicles-Transporting students</b></p>	<p>A student should not be transported in a vehicle with only the driver, excepting in the case of an emergency.</p>	<ul style="list-style-type: none"> <li>• Arrange for ambulance or parent/carer to transport student.</li> <li>• Transport student in the company of another adult or another student.</li> </ul>
<p><b>First Aid / Sick Bay</b></p>	<p>When administering first aid, or assessing illness, physical contact with the child should be limited to only that which is necessary to comfort and reassure the child, if necessary.</p>	<ul style="list-style-type: none"> <li>• Other than in a case of emergency, where treatment may cause embarrassment to the child, or where treatment is necessary on a part of the body usually covered by basic clothing: <ul style="list-style-type: none"> <li>- a parent/carer should be called to treat the injury, or</li> <li>- if a parent/carer is not readily available, a staff member should treat the injury with the child's consent (if possible) and only after another adult is present and/or has been informed of the staff member's intentions.</li> </ul> </li> </ul> <p>Where a parent/carer is not readily available, a second adult should observe treatment, if the child consents to the presence of the second adult.</p>

## Procedures for Visitors to the College

- Parents/Carers who wish to see the teacher of their own child during the day (whether by appointment or otherwise) must first report to the Front Office. When teaching staff organise interviews they need to inform parents to report to the Front Office when they arrive, so that staff can be notified of their arrival.
- Visitors who have been invited to the College for an event, activity or an incursion need to be informed by staff to report to the Front Office on their arrival and sign in. Staff members are encouraged to give the Front Office prior notice of when their visitors are expected.

- Within College hours, students are not allowed to go home with other people (such as their friend's parents/carers) without written permission from their parents/carers or direct verbal contact of parents/carers with Administration Assistant; or if a Primary School aged student, their teacher will enter the information on the class roll and advise the PS Admin. (See also Maintaining School Enrolment and Attendance Registers Policy).
- During College hours, students cannot be given into the care of a non-custodial parent/carer without the permission of the custodial parent/carer. (See also Maintaining School Enrolment and Attendance Registers Policy). All staff should be informed about these circumstances.
- Adult visitors to the College are not to use the children's toilets. They are to use the staff toilets in the Administration building, Canteen building or Library building.

## APPENDIX 2: Indicators of Risk of Significant Harm

(See also [Indicators of Abuse and Neglect](#) NSW Dept. Education)

### Risk of Significant Harm Definition

The law says a child or young person is at risk of significant harm (ROSH) if there are current concerns for their safety, welfare or wellbeing because of one or more of the following:

- if their basic needs are not met — for example, they don't have enough food or clothing, or don't have a safe or secure place to live
- parents/carers aren't arranging necessary medical care — for example, a child is very sick, but is not taken to a doctor
- a child or young person being physically abused or ill-treated — for example, where a child has bruises, fractures or other injuries from excessive discipline or other non-accidental actions
- a child or young person being sexually abused — for example, sexual activity between the child and an older child or adult
- risk of serious physical or psychological harm resulting from domestic violence — where a child could be injured by a punch intended for their mother, or a child can't sleep at night because of the fear there will be violence in the home
- risk of the child or young person suffering serious psychological harm — for example, a child having to take care of his parent, or a child being continually ignored, threatened or humiliated.

### Forms of Child Abuse

There are different forms of child abuse. These include neglect, sexual, physical and emotional abuse.

#### Neglect

Child neglect is the failure or significant risk of failure by a parent or carer to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care, adequate supervision to such an extent that it can reasonably be expected to produce a substantial and demonstrably adverse impact on the child/young person's safety, welfare or wellbeing. This includes lack of enrolment in and attendance at College. This lack of care can be by a single act or an ongoing series of acts or omissions.

#### Sexual Abuse

Sexual abuse is when someone involves a child or young person in sexual activity by using their power over them or taking advantage of their trust. Often children or young people are groomed, bribed, coerced or threatened physically and psychologically to make them participate in the activity. Sexual abuse also includes exposing the child/young person to situations or circumstances which place them at risk of sexually abused and/or exploited.

Sexual abuse is a crime.

#### Physical Abuse

Physical abuse is a non-accidental injury or pattern of injuries to a child or young person caused by a parent, carer or any other person.

It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.

Hitting a child or young person around the head or neck and/or using a stick, belt or other object to discipline or punishing a child or young person (in a non-trivial way) is a crime.

#### Emotional Abuse or Psychological Harm

Serious psychological harm can occur where the behaviour of their parent or carer damages the confidence and self-esteem of the child or young person, resulting in serious emotional disturbance or psychological trauma.



Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the negative parental or carer behaviour that is instrumental in defining the consequences for the child or young person.

This can include a range of behaviours such as excessive criticism, withholding affection, exposure to a single severe incident of or ongoing domestic violence, intimidation or threatening behaviour.

### **Possible Signs of Abuse**

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Other things need to be considered, such as the circumstances of the child, young person or family.

When considering if a child or young person has been abused or neglected, or is at risk of this, it is important to keep in mind the life circumstances of the child, young person and their family.

The following risk factors (either singularly or in combination) are associated with increased risk of harm for children and young people:

- social or geographic isolation of the child, young person or family, including lack of access to extended family
- previous abuse or neglect of a brother or sister
- family history of violence including domestic violence
- physical or mental health issues for the parent or carer which affects their ability to care for the child or young person in their care
- the parent or carers' abuse of alcohol or other drugs which affects their ability to care for the child or young person in their care.

The signs below are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been or is, occurring. The child or young person's circumstances and their age or other vulnerabilities, for example disability or chronic illness, also need to be taken into consideration. If you have concerns, then you should report them to FACS.

### **Neglect**

Signs in children or young people:

- low weight for age and/or failure to thrive and develop
- untreated physical problems eg sores, serious nappy rash and urine scalds, significant dental decay
- poor standards of hygiene ie child or young person consistently unwashed
- poor complexion and hair texture
- child not adequately supervised for their age
- scavenging or stealing food and focus on basic survival
- extended stays at College, public places, other homes
- longs for or indiscriminately seeks adult affection
- rocking, sucking, head-banging
- poor school attendance

Signs in parents/carers:

- unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions
- leaving the child without appropriate supervision
- abandons the child or young person
- withholding physical contact or stimulation for prolonged periods
- unable or unwilling to provide psychological nurturing
- has limited understanding of the child or young person's needs
- has unrealistic expectations of the child or young person

## Physical Abuse

Possible signs in children or young people:

- bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it, for example, belt buckle, hand print
- lacerations and welts
- drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury
- adult bite marks and scratches
- fractures of bones, especially in children under three years old
- dislocations, sprains, twisting
- burns and scalds (including cigarette burns)
- multiple injuries or bruises
- explanation of injury offered by the child or young person is not consistent with their injury
- abdominal pain caused by ruptured internal organs, without a history of major trauma
- swallowing of poisonous substances, alcohol or other harmful drugs
- general indicators of female genital mutilation, for example, having a 'special operation'

Possible signs in parents and carers:

- frequent visits with the child or young person in their care to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or with internal complaints
- explanation of injury offered by the parent is not consistent with the injury
- family history of violence
- history of their own maltreatment as a child
- fears injuring the child or young person in their care
- uses excessive discipline

## Sexual Abuse

Possible signs in children or young people:

- bruising or bleeding in the genital area
- sexually transmitted diseases
- bruising to breasts, buttocks, lower abdomen or thighs
- child or young person or their friend telling you about it, directly or indirectly
- describing sexual acts
- sexual knowledge or behaviour inappropriate for the child's age
- going to bed fully clothed
- regressive behaviour eg sudden return to bed-wetting or soiling
- self-destructive behaviour eg drug dependency, suicide attempts, self-mutilation
- child being in contact with a known or suspected paedophile
- anorexia or over-eating
- adolescent pregnancy
- unexplained accumulation of money and gifts
- persistent running away from home
- risk taking behaviours - self harm, suicide attempts

Possible signs in parents/carers:

- exposing a child or young person to prostitution or pornography or using a child for pornographic purposes
- intentional exposure of a child to sexual behaviour of others
- previous conviction or suspicion of child sexual abuse
- coercing a child or young person to engage in sexual behaviour with other children
- verbal threats of sexual abuse
- denial of adolescent's pregnancy by family

## Emotional Abuse

All types of abuse and neglect harm children psychologically, but the term 'psychological harm' or 'emotional abuse' applies to behaviour which damages the confidence and self-esteem of a child or young person, resulting in serious emotional deprivation or trauma.

Possible signs in children or young people:

- constant feelings of worthlessness about life and themselves
- unable to value others
- lack of trust in people
- lack of people skills necessary for daily functioning
- extreme attention-seeking behaviour
- is obsessively eager to please or obey adults
- takes extreme risks, is markedly disruptive, bullying or aggressive
- is highly self-critical, depressed or anxious
- suicide threats or attempts
- persistent running away from home.

Possible signs in parents/carers:

- constant criticism, belittling, teasing of a child or young person, or ignoring or withholding praise and attention
- excessive or unreasonable demands
- persistent hostility and severe verbal abuse, rejection and scapegoating
- belief that a particular child or young person in their care is bad or 'evil'
- using inappropriate physical or social isolation as punishment
- domestic violence.

**NB:** The above are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been or is, occurring.

## Grooming Behaviours

### Identifying, Reporting and Addressing Grooming Behaviours

Grooming behaviours can be the pre-cursor (in some cases) to abuse.

**Legal Obligation:** The grooming of a child with the intention of engaging in sexual conduct is a criminal offence in all jurisdictions in Australia. Where criminal offences do not apply to a young person, they must still be reported to the Principal as the student is under the authority and supervision of the College.

**Grooming behaviour** refers to the manipulative cultivation of relationships by an adult in order to develop or maintain a sexual relationship with a child (or children) or young person (or persons). Typically, the cultivation of relationships will be extended to gain the confidence of the child or young person who is the intended target of the behaviour, his or her family, and others around them including teachers and persons in support relationships such as church workers and volunteers, sports coaches and fellow students. It is not a single act of unprofessional or inappropriate behaviour, but a pattern of behaviour that seeks to gain the trust of the child as well as other people in the child's life such as parents and other teachers.

Grooming behaviour is indicated by any or all of the following elements:

- persuading a child that they have a 'special' relationship, for example, by spending inappropriate special time alone with the child, inappropriately giving gifts, showing special favours to them but not other children, allowing the child to overstep rules
- testing of boundaries, for example, by undressing in front of the child, encouraging inappropriate physical contact (that is not overtly sexual), talking about sex, 'accidental' touching of genitals
- extending a relationship outside the employment situation. This should not be assumed to constitute grooming where an existing relationship pre-dates the employment or where the extended relationship arises through a reasonable level of social engagement in the relevant community (for example, sports coaching, family level social contact within a small community)

- inappropriate personal correspondence, including electronic communication, that explores sexual feelings or intimate personal feelings
- taking photographs, audio recording, or filming students via any medium without College authorisation based on parent/carer consent
- Inviting, allowing or encouraging students to attend a staff members house
- making inappropriate comments about a student's appearance or excessive flattery

Where the above actions do not constitute grooming behaviour, they may be a violation of the College's Codes of Conduct or constitute professional misconduct and need to be reported to the Principal.

Physical contact with students that does not constitute grooming behaviour is:

- Assisting students who hurt themselves
- Assisting students when they pose a physical threat to themselves or others
- Delivery of first-aid
- Non-intrusive gestures when a child is experiencing distress (such as a pat on the upper back)
- Non-intrusive touching such as a handshake

**NB:** Refer to "The BCC Guidelines of Teaching and Protecting Children", the [Child Safe Standards \(OCG\)](#) and [BCC Codes of Conduct Policy](#) (May 2022)

## Reporting Grooming

A school culture should be a safe and conducive place for a staff member to make a report about another staff member where the report is made honestly and without recklessness

- If a staff member (or stakeholder) has a reasonable suspicion or belief that grooming behaviour is occurring a report is to be made to the Principal (or delegate)
- It also can also place a child at risk of significant harm and needs to be reported as reportable conduct (see Mandatory Reporting)
- Incidents of substantiated sexual misconduct (which also includes grooming behaviour) and involving staff must be reported to the OCG
- Allegations of sexual misconduct against a staff member or any person engaged in the College such as volunteers must be made to the OCG

Note: where evidence of grooming is through electronic communications, the staff member reporting the grooming behaviour should take steps to preserve the electronic evidence.

- The College will ensure the safety of a student where they are the alleged victim of grooming behaviour
- The Principal (or delegate) will contact the staff member who is the subject of the reported allegation in accordance with procedural fairness
- The College will conduct an internal investigation. If it is a serious nature, then the Principal will refer the matter to the Police and relevant Child Protection agencies
- The College may suspend the staff member while an investigation is underway

## Record Keeping

- All forms of communication (including verbal, written and digital) related to the child protection matters must be properly documented with dates, times, details of the communication and a student's disclosure
- The College maintains records of all evidence or documentation related to allegations made
- All records are stored securely in the Principal's office

## Confidentiality

Staff who have access to information related to grooming behaviour must keep the information confidential and only disclose it as part of an investigation. Staff, however, must report to the Principal when a student makes a disclosure of alleged grooming behaviour. Inappropriate breach of confidentiality may result in the College implementing disciplinary action which, in serious cases, can include summary dismissal.

## Other Reasons to Notify the Child Protection Helpline

The Child Protection Helpline should be notified if a child/young person is under the parental responsibility of the Minister, and there is no concern that reaches the threshold of risk of significant harm **but** the child/young person is:

- pregnant
- runaway
- missing
- homeless (in the case of homelessness review the Neglect: Physical Shelter/Environment tree first).

If that leads to a report to DCJ, report as neglect. If it does not lead to a report, advise the Child Protection Helpline 132 111 that the information is being provided solely because child/young person is in care, not due to neglect.

## APPENDIX 3: Reportable Allegation against an Employee

The Reportable Conduct Scheme is focused on both preventing and responding to abuse of children by workers in organisations. This includes paid employees, volunteers and contractors delivering services to children. If an allegation has been made against an employee, information about reportable conduct, the investigation process and the employee's rights and responsibilities is available on the [Office of the Children's Guardian site](#).

### Reportable Allegation & Reportable Conduct

'Reportable allegation' is defined legally under the [Children's Guardian Act 2019](#). It relates to relevant organisations listed under the Act. It means that there has been an allegation that an employee, which can also be a volunteer or contractor, has engaged in inappropriate conduct. This is defined as 'reportable conduct' and can have happened either at the place of employment or outside of work.

'Reportable conduct' is defined as:

- a sexual offence committed against, with, or in the presence of a child
- sexual misconduct with, towards, or in the presence of a child
- ill-treatment of a child
- neglect of a child
- an assault against a child
- behaviour that causes significant emotional or psychological harm to a child
- an offence under section 43B or 316A of the Crimes Act 1900.

### Reportable conduct does not extend to:

- a) conduct that is reasonable for the purposes of the discipline, management or care of a child, having regard to the age, maturity, health or other characteristics of the child and to any relevant codes of conduct or professional standards
- b) 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
- c) conduct of a class or kind exempted from being reportable conduct by the OCG under Section 30 of the Children's Guardian Act 2019 or was previously exempted by the Ombudsman and is subject to the transitional arrangements.

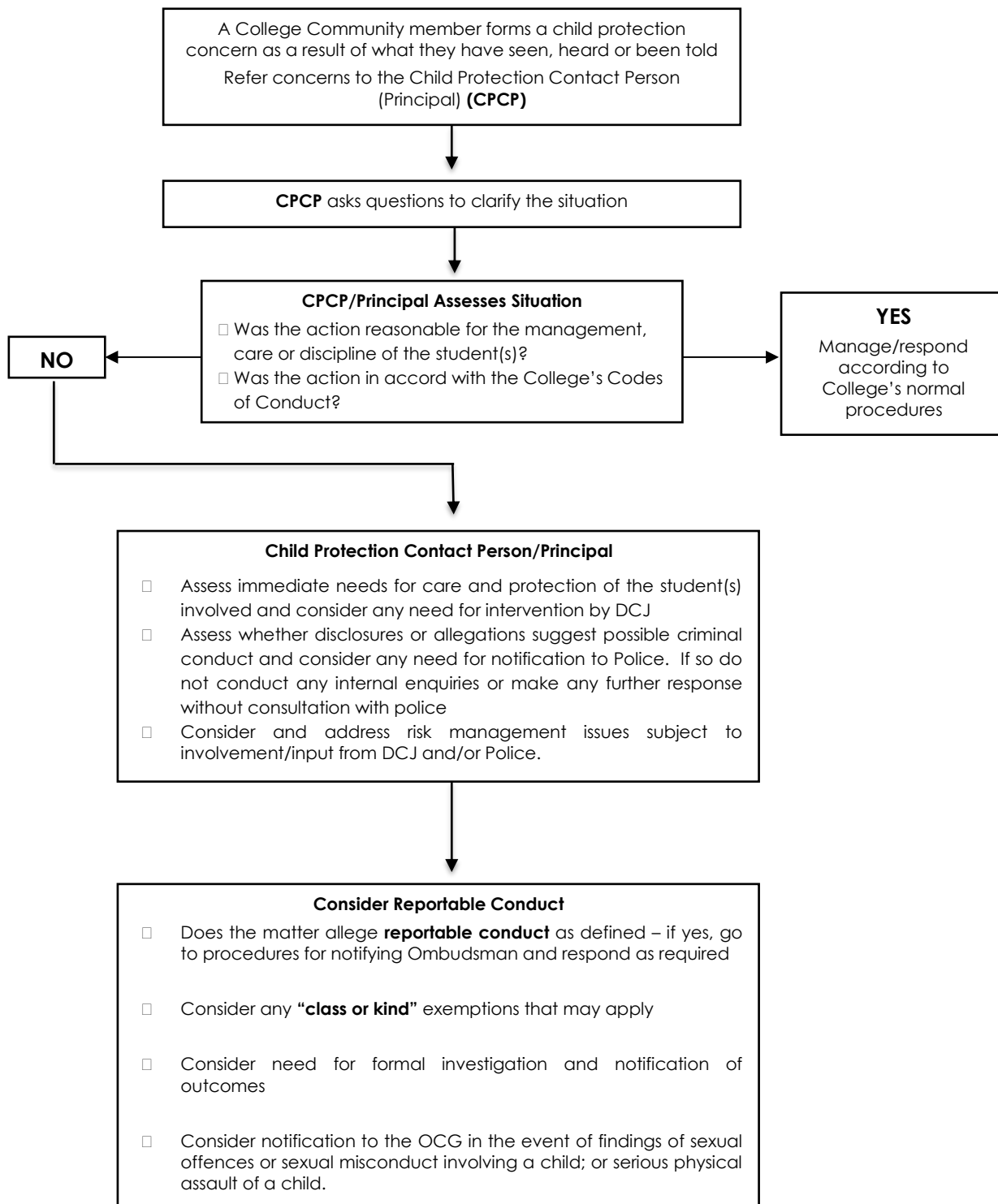
**NOTE:** Examples of conduct that would not constitute reportable conduct include (without limitation) touching a child in order to attract a child's attention, to guide a child or comfort a distressed child; a College teacher raising their voice in order to attract attention or to restore order in the classroom; and conduct that is established to be accidental.

### Reportable Conduct Fact Sheets & OCG eLearning

Information and guides are available to help organisations covered by the Reportable Conduct Scheme, including 30-day and 7-day notifications [Reportable Conduct Notification Forms](#). Responding to reportable allegations, see [OCG free eLearning](#).

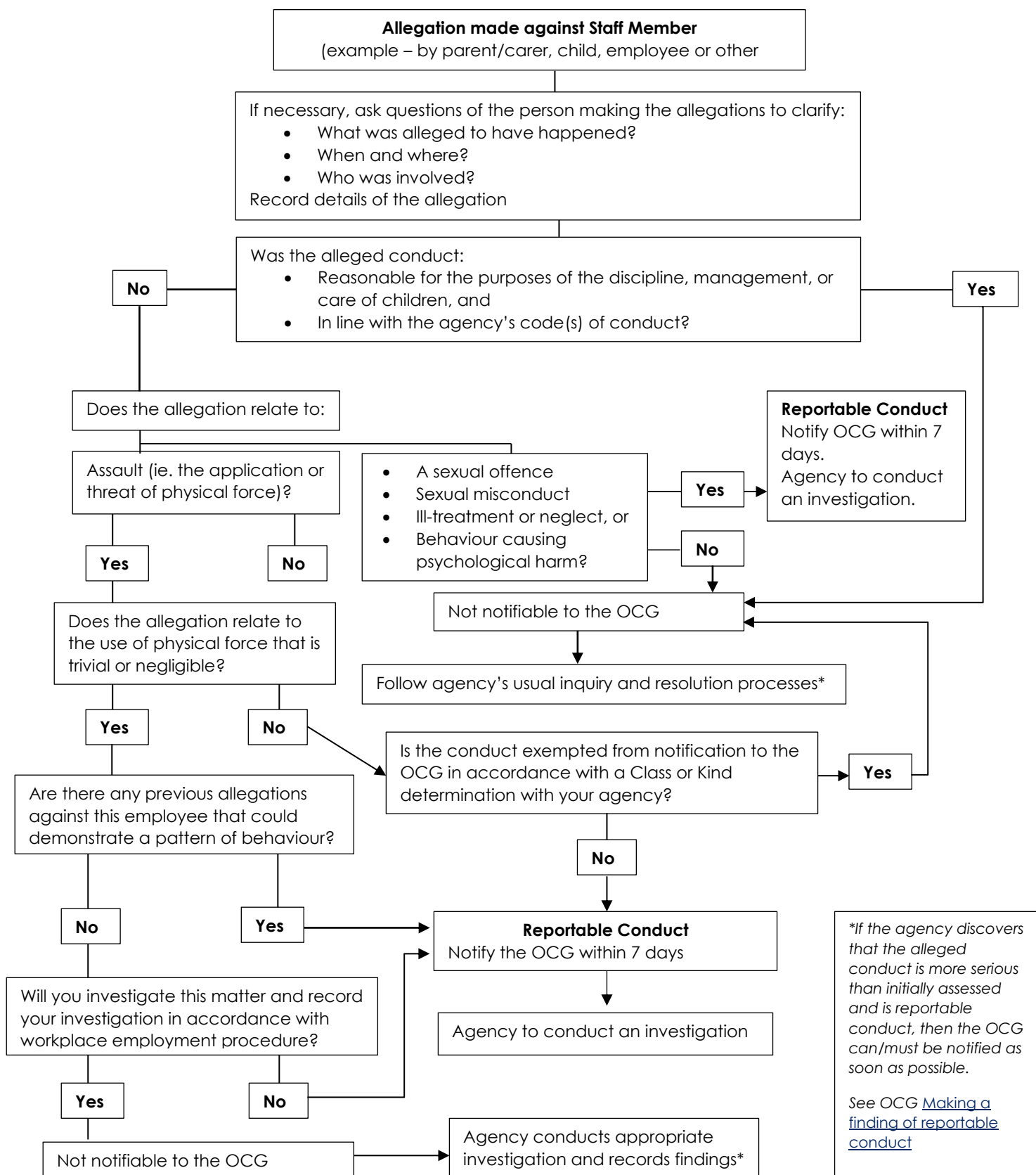
- [Identifying reportable allegations](#)
- [Heads of entities and reportable conduct responsibilities](#)
- [Risk management following an allegation](#)
- [Planning and conducting an investigation](#)
- [Recognising and managing conflicts of interest](#)
- [Keeping records](#)
- [Disclosing information to children, parents and carers](#)
- [Making a finding of reportable conduct](#)
- [FAQ for employees & FAQ for employers](#)

# APPENDIX 4: Risk Assessment & Initial Decision Making Flowchart in Determining if an Allegation is Reportable



## APPENDIX 5: Determining if an Allegation is Reportable

FLOW CHART 1: DETERMINING IF AN ALLEGATION IS A REPORTABLE





## APPENDIX 6: Complaints Records Template Example



### Complaints and allegations record form template

Include what is relevant to your organisation and add any other details if necessary. This form should be used to record a suspicion, allegation or disclosure of child abuse, or a complaint of unacceptable behaviour.

<b>Your name and position</b>	
<b>Name of the child or young person involved</b>	
<b>Name of person making complaint</b>	
<b>Name of person who the complaint was made against</b>	

1. Nature of the complaint: include time, date, location, what happened and who was involved (this can include observations of the child's behaviour).

2. Details of any injuries and if the child received medical attention.

3. Accurately record what the child said when describing what happened – use their exact words – or record why you suspect abuse due to an indirect disclosure, such as a drawing or observed behaviour.

(In the case of an allegation of abuse, formal investigations and interviews will be carried out by DCJ and/or NSW Police. You must record what the child has said but unless it is your role to investigate, you should not interview the child.)

4. Details of anyone who saw what happened.

5. Does this complaint indicate the possibility of child abuse, such as physical abuse, psychological or emotional abuse, sexual abuse or neglect?

- Yes  No

6. Who did you make a report to?

- NSW Police  
 DCJ via ChildStory  
 DCJ via 132 111  
 OCG Reportable Conduct Directorate  
 Internal reporting obligations (name the relevant department or person)  
 Other (name them)

7. People spoken to in relation to the matter (describe who was spoken to and why they were spoken to about the matter – include police officers, DCJ staff, OCG staff and anyone else you spoke to).

Date(s):

This template was developed by the NSW Office of the Children's Guardian.  
Free child safe templates and other resources at [ocg.nsw.gov.au/our-resources](http://ocg.nsw.gov.au/our-resources)