



All Saints
Grammar

Child Protection Policy

Rationale:

All children have a right to feel and be safe whilst they attend school, and on all school related activities.

Aim:

To ensure that children's rights to be safe are maintained and that each child is protected against injury resulting from any form of abuse or risk of harm.

Introduction

Schools are responsible for the care, protection, development and education of children. This is achieved by ensuring that a safe, caring and nurturing environment is provided for its students. All Saints Grammar is firmly committed to the belief that children have the right to feel safe at all times. The abuse or neglect of children can have a wide effect on them which may impact on their education, their physical and psychological wellbeing.

This policy document:

- outlines child protection procedures in line with current legislation
- aims to inform staff of children's rights to be protected
- provides staff with an awareness of what is reportable conduct and their legal obligations as mandatory reporters of risk of harm.

All Saints Grammar is committed to:

- providing training and ongoing in-service for staff
- raising teacher awareness in the area of child protection
- reporting to the Office of the Children's Guardian any reportable conduct allegations
- supporting the Department of Communities and Justice in the investigations of allegations of reportable conduct and neglect and reporting to DCJ
- conducting Working with Children Checks.

All Saints Grammar is committed to the prevention and investigation of reportable conduct and the protection of children. This commitment means that the interest and welfare of children are our prime consideration when any decision is made about suspected cases of abuse or neglect.

All Saints Grammar is committed to giving support to families and employees. Staff have a right to perform their duties in the confidence that any allegation will be investigated and managed in regard to procedural fairness and appropriate support and will be conducted in a timely manner.

Legislation

All people looking after children and young people have a responsibility to provide a safe environment. The legal context is set out in the following Acts of Parliament:

- Children and Young Persons (Care and Protection) Act 1998
- Crimes Act 1900
- Child Protection (Working with Children) Act 2012
- Children's Guardian Act 2019

Children and Young Persons (Care and Protection) Act 1998

This Act includes the requirements for mandatory reporting. In this legislation a child is defined as being under 16 years of age. Mandatory reporting is required by staff only if the concerns arise in the course of their work.

Section 23

A child or young person is at risk of harm if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence of any one or more of the following circumstances:

- a. the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- b. the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- c. the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- d. 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,
- e. 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 psychological harm.

Section 27

Mandatory reporting (Memorandum of Understanding)

(1) This section applies to:

- a. a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, and
- b. a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.

(2) If:

- a. a person to whom this section applies has reasonable grounds to suspect that a child is at risk of harm, and
- b. those grounds arise during the course of or from the person's work,
- c. the person must, as soon as practicable report to the Director-General the name, or a description, of the child and the grounds for suspecting that the child is at risk of harm.

Note: The Mandatory Reporter's Guide (MRG) is an online tool for Mandated Reporters.

Crimes Act 1900

- Failure to report child abuse to police or protect a child from abuse is a criminal offence
- Under Section 73 of the Act – Special Care Relationship raises the age of the child to under 18 years
- Under the Act “Failure to Report” (S43b) and “Failure to Protect” (S316A) have now been added as a category under the reportable conduct scheme

Child Protection (Working with Children) Act 2012

At All Saints Grammar:

- All preferred applicants for child-related employment must declare when asked to do so whether they are a Prohibited Person (Working with Children Check).
- The School completes relevant pre-employment screening of preferred applicants before they start work (Working with Children Check). If for some reason this is not reasonably practical, the person may be employed subject to screening being completed as soon as possible after they start work.
- All forms for the Working with Children Check will be collected at the interview stage. Successful applicants will have their Working with Children Check stored in their respective Staff File in the Office at the Secondary Campus.
- Volunteers, outside tutors and any external providers are required to complete a Working with Children Check or have their Working with Children Check forwarded by their respective organisation to the School.
- The Office of the Children’s Guardian provides or revokes Working with Children Checks (WWCC).
- The Head of School can verify a WWCC number online.

Children’s Guardian Act 2019

The role of the Children’s Guardian in administering the reportable conduct scheme includes:

- Provide oversight, guidance, and education to relevant entities in fulfilling their obligations under the scheme
- Ensuring appropriate action is taken by a relevant entity
- Monitoring a relevant entity’s systems for preventing, detecting and dealing with reportable conduct and reportable convictions.

Definitions

Head of Relevant Entity

The Head of Relevant Entity is the Head of School. Heads of Campus must report all allegations and incidences, as well as progress reports on any situations relating to these to the Head of School as they occur.

Child and young person

Under the Children and Young Persons (Care and Protection) Act 1998, a child is a person who is under the age of 16 and a young person is a person aged 16 or 17.

Under the Commission for Children and Young People Act 1998, the Child Protection (Prohibited Employment) Act 1998, a child is a person under 18 years of age.

Reportable conduct

Reportable conduct is:

- a. assault (including sexual assault) of a child, or
- b. ill treatment or neglect of a child, or
- c. exposing or subjecting a child to behaviour that psychologically harms the child, whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to:

- a. conduct that is reasonable for the purposes of discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- b. the use of physical force that, in all circumstances, is trivial or negligible, but only if the matter is investigated and the result of the investigation recorded under workplace employment procedures.

Reportable allegations

Reportable allegations are:

- a. allegations of reportable conduct against a person
- b. allegations of misconduct that may involve reportable conduct.

Assault

Applies physical force against a child without lawful justification – such as hitting, striking, kicking, punching, or dragging a child (actual physical force).

Physical assault is a hostile act towards a child. The assault occurs regardless of the child or young person's consent. Actual physical harm does not have to occur in order for an assault to have occurred, i.e. the child does not need to be hurt or injured. Even if the person did not intend to make contact with the child, it may still constitute an assault if the circumstances indicate the act may have been reckless (i.e. being a reasonably foreseeable consequence of their action).

Sexual offence

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

Child sexual abuse is any sexual act or sexual threat imposed on a child. Sexual abuse refers to the involvement of children in sexual acts where the child is exploited. Adults or adolescents who perpetrate child sexual abuse exploit the dependency and immaturity of children. Coercion, which may be physical or psychological, is intrinsic to child sexual abuse and differentiates such abuse from consensual peer sexual activity.

Neglect

Neglect is defined by Section 26 of the Children (Care and Protection) Act. It states: a person, whether or not the parent of the child, who without reasonable excuse, neglects to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child in his or her care, is guilty of an offence.

Child neglect occurs where a child is harmed by the failure to provide the basic physical and emotional necessities of life. Neglect may also be evident in, or arise from, the inadequate supervision of a child, such as a child being left unattended in a car, home or other places.

Emotional or psychological harm

Emotional abuse encompasses a range of behaviours that harm a child. It is a behaviour by a parent or caregiver which can destroy the confidence of a child resulting in significant emotional deprivation or trauma. It involves impairment of a child's social, emotional, cognitive, intellectual development and/or disturbance of a child's behaviour.

It can involve excessive or unreasonable demands above the capacity of a child's developmental level, or failure to provide an environment which encourages a child's physical, emotional, and social development.

Emotional abuse can include scapegoating, rejection, humiliation and verbal abuse. It can include the deliberate failure to respond appropriately to threats of self-harm or suicide. Emotional abuse can also be said to include the use of language to ridicule or intimidate a child, or the use of language to humiliate or denigrate a child or their family.

Domestic violence

Domestic violence is violence, abuse and intimidatory behaviour perpetrated by one person against another in a personal, intimate relationship. Domestic violence occurs between two people in which one has power over the other causing fear, physical and/or psychological harm. Domestic violence has a profound effect on children and constitutes a form of reportable conduct. Children and young people can be affected by being exposed to violence in the parental relationship, by becoming victims of violence, or a combination of the two.

Misconduct

Misconduct that may involve reportable conduct includes inappropriate behaviour with regard to:

- language
- touching (even if not sexual)
- relationship that breaches standards of professional conduct or community standards
- use of power relationships
- breach of Professional Code of Conduct.

Procedural fairness

The Head of School or person conducting the investigation should be mindful of the principles of procedural fairness. Information on the employee's rights, the maintenance of confidentiality and the opportunity to respond to allegations should be an integral part of the process.

Prevention

Child protection is a broad responsibility. It involves more than responding once an allegation has been made. It involves minimising the possibility of reportable conduct occurring in the first place.

Preventative steps taken at All Saints Grammar include:

- Acting professionally at all times and displaying exemplary behaviour.
- Having guidelines that define appropriate and inappropriate behaviour.
- Clearly defining each person's role within the School.
- Notifying the Head of School if they suspect any reasonable grounds of reportable conduct.
- Including key elements of child protection within the School curriculum eg. PDHPE, drama performances.
- Implementing thorough employment procedures that identify people who are not suitable to work with children through reference checking, pre-employment screening.
- Providing information to families and the community on the child protection strategies adopted by the School.
- Raising the awareness of the general community about child protection and communicating information to whom concerns should be reported.
- Training staff in best practices to ensure a safe environment and providing staff with further training through professional development programs in the area of child protection.
- Adhering to the School's Professional Code of Conduct.

All Saints Grammar is committed to staff training on child protection issues. This includes the provision of training to all new staff once they commence employment.

Code of Professional Conduct

The behaviour expected of All Saints Grammar staff is that of a professional person:

- Exercise professional judgement when determining circumstances where you may be alone with a student. It is good practice to have another student nearby.
- When conducting interviews alone with a student in a room it is good practice to have the doors open.
- Exercise disciplinary or pastoral actions with students in a professional manner.
- Students must not be contacted outside school hours. The development of a social relationship with parents of students outside school hours may interfere with disciplinary processes.

A clear list of All Saints Grammar's expectations in regards to conduct is outlined in the Code of Professional Conduct.

Roles and Responsibilities

Head of School

- Report to DCJ the details of students of suspected reportable conduct or at "risk of harm".
- Establish systems for preventing reportable conduct by employees.
- Handle and respond to allegations of reportable conduct made against an employee.
- Notify the Office of the Children's Guardian of any reportable conduct allegation or conviction against an employee (notification is to be made within 7 business days of becoming aware of any reportable allegations or conviction against an employee).
- Conduct internal independent investigations in regards to any allegations of reportable conduct.
- If there is more than one investigation, the School needs to liaise with DCJ or police to decide how information will be shared between the agencies.
- Provide an Investigative Report within 30 calendar days after becoming aware of the reportable allegation or conviction or if not complete provide an Interim Report within 30 calendar days after becoming aware of a reportable allegation or conviction, of what action has been taken since the matter was notified and what further action it intends to take.

Head of Campus

- Review the School's Child Protection Policy to reflect changes in legislation.
- Review the School's Child Protection Policy when working with different agencies (AIS, DCJ, OCG).
- Inform staff, new and existing, on professional development courses.
- Discuss with the staff at the first Staff Meeting each year the School's Child Protection Policy and the responsibilities of teachers.
- Inform new staff members during their induction of the School's Child Protection Policy and the requirements of teachers.
- Liaise with the Head of School on Child Protection matters.

Teacher/School Counsellor

- Implement the School's Child Protection Policy.
- Interact professionally with students in their care.
- Report immediately to the Head of School, Head of Primary or Head of Secondary, suspected or reported incidences of reportable conduct, or incidences of misconduct.

Parents: Complaints and grievances

- Notify the Head of School of suspected incidents of reportable conduct.

The following procedures for handling complaints about misconduct or reportable conduct are in place for parents/caregivers:

- These procedures are for stakeholders including parents and carers to raise a complaint about staff misconduct or reportable conduct.
- This process applies specifically to complaints about reportable conduct/misconduct rather than other types of complaints.
- Information about what misconduct/reportable conduct means (detailed in the Child Protection policy).
- The parent/caregiver will raise this type of complaint, including details to the Head of School or Deputy Head of School in their absence or to the Head of Campus when appropriate in writing preferably.
- Complaints raised will take into consideration the confidentiality of all parties.

Once a complaint is received the School will:

- Acknowledge receipt in writing to the parent/caregiver of the complaint.
- Determine how the complaint will be responded to.
- Follow-up by providing details of who will be the point of contact.
- Identify that if the complaint is investigated the school will periodically update the complainant on the school's progress (as appropriate).
- Inform the complainant that the complaint has been finalised.

There may be limitations under the Children's Guardian Act and privacy legislation regarding disclosure of information about an investigation and the outcome of an investigation.

Procedures for Reporting

Making a report

All employees at All Saints Grammar who have reasonable grounds to suspect that a student is at risk of harm, has been abused or neglected or is at risk of abuse or neglect, are required to inform the Head of School, even against the wishes of the child.

- If the Head of School is off campus inform the Deputy Head of School/Head of Student Wellbeing and e-mail the Head of School.
- If the concerns involve an allegation against an employee, the Board must be informed. Allegations against the Head of School should be made to the Board.

Allegations of reportable conduct against a student

- The Head of School is responsible for reporting risk of harm to DCJ when staff report risk of harm to the Head of School.
- In situations where the Head of School agrees that there are reasonable grounds to suspect that a child is at risk of harm, the Head of School will report to DCJ.
- In situations where the Head of School concludes that there are no current concerns that a child is at risk of harm, the Head of School will decide whether to inform DCJ.
- The Head of School will inform the staff member who raised the concern whether or not an official report was made.
- All documentation regarding reporting is to be kept in a Restricted Access File.

Allegations of reportable conduct against an employee

- Under the Children's Guardian Act 2019, the School is responsible for investigating an allegation of reportable conduct against an employee.
- All allegations against employees that involve reportable conduct or misconduct that may involve reportable conduct will be reported within 7 business days of the receipt of the allegation to the Office of the Children's Guardian. The allegations will also be reported to DCJ if there is a current concern for the safety, welfare and wellbeing of the child, or to the police.

Investigation Process

Upon the receipt of an allegation of reportable conduct against an employee, the Head of School is responsible for carrying out an initial risk assessment prior to the investigation of the allegation. The purpose of the risk assessment is to identify and minimise any risks.

In conducting any investigation into allegations of reportable conduct the following principles are followed:

- All investigations should be conducted in an impartial, independent and objective manner and be open and transparent.
- A high level of confidentiality must be maintained throughout the investigation phase.
- The employee against whom an allegation has been made should be told promptly and be given the right to reply to the allegation.

- At the conclusion of the investigation preliminary findings should be made.
- The employee should be told of the preliminary findings and given the opportunity to respond.
- Relevant disciplinary proceedings are taken as a consequence of the findings arising from the investigation.

Full details of the investigation process are provided in the *Association of Independent Schools and the NSW/ACT Independent Education Union's Recommended Protocols for Internal Investigative and Disciplinary Proceedings*.

Rights of All Parties

- The decision making processes which are in place ensure the safety and wellbeing of children and employees while the investigation is being conducted.
- All aspects of an investigation into an allegation of reportable conduct against an employee will be thoroughly documented and the documentation kept in a Restricted Access File.
- Any allegation or conviction of reportable conduct against an employee will be passed onto the Office of the Children's Guardian.
- Employees will be afforded procedural fairness in the event of an allegation being made against them by having the allegation assessed and acted on impartially, fairly and reasonably. This also means that before completing an investigation of an allegation of reportable conduct against an employee, the Head of School will inform the employee of the substance of any allegation against them and provide the employee with a reasonable opportunity to put their case forward.

- Appeal or review mechanisms are afforded to the employee if they are dissatisfied with the process or the outcome of the investigation.
- The employer is committed that they will act fairly and without bias, conduct an investigation without undue delay, ensure the case is not investigated or determined by someone with a conflict of interest, and ensure the outcome is supported by evidence.
- All Saints Grammar will support students who have experienced abuse or neglect, and support staff who have allegations made against them through referral or provision of information about counselling or other community health care services. Support will also be available for the person making the allegation.

Resources

- Memorandum of Understanding
- ASG Code of Professional Conduct
- Department of Communities and Justice (DCJ)
- Office of Children's Guardian (OCG)
- NSW Commission for Children & Young People

Effective: 2011

Reviewed: December 2020



All Saints Grammar Child Protection Policy

I acknowledge that I have read and understood the All Saints Grammar Child Protection Policy.

Staff member's name: _____

Staff member's signature: _____

Date: _____



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