

Child Protection Policy

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Richmond Christian College

Our Vision Statement:

A Christ centred learning community
exploring and impacting on God's world

Mission

To provide a school for children which has an
integrated Christian education
based upon the School's Statement of Faith.

We are committed to Christ-centred education,
instilling hope and a sense of God's destiny into the lives of children
as the foundation for a joyful, fulfilled life
preparing children to be salt and light into their community.

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Important related documents:

[Child Abuse Investigations Policy](#)
[Child Protection Manual 2014 \(Prolegis\)](#)
[Investigation Policy](#)
[Parents and Visitors Code of Conduct](#)
[Staff Code of Conduct](#)

Relevant Legislation

Children and Young Persons (Care and Protection) Act 1998
Children's Guardian Act 1998
Ombudsman Act 1974
Child Protection (Offenders Registration) Act 2000
Child Protection (Working with Children) Act 2012

CHILD PROTECTION POLICY

1. INTRODUCTION

- 1.1 Children are a precious gift from God. They are made in His image with the ability to relate, think, create, feel, plan and choose. They are valuable in God's sight and worthy of the highest respect. They need nurture and discipline as an outworking of love and concern.
- 1.2 Richmond Christian College is committed to the maintenance of a school environment and culture which seeks to protect the health, safety, spiritual needs and psychological well being of all its members.
- 1.3 All appropriate measures will be taken to ensure students are protected from harm. All staff have a responsibility to protect and care for students under their care and to nurture them appropriately.
- 1.4 Richmond Christian College is committed to fulfilling its duty of care to all its students by:
 - 1.4.1 providing them with a learning environment that is safe, supportive and caring;
 - 1.4.2 seeking to recognise promptly when any of its students are at **risk of significant harm**; and
 - 1.4.3 taking appropriate action to protect its students when the School or its **staff** become aware that its students are at **risk of significant harm**.
- 1.5 Accordingly, **reportable conduct** or other inappropriate or unprofessional behaviour by **staff** towards students will not be tolerated under any circumstances. The School expects all **staff** to honour the School's commitment in this Policy and to work with the School to achieve a safe learning environment.
- 1.6 The School is committed to complying with its obligations under **NSW Child Protection Legislation** and to educating its **staff** as to those obligations.
- 1.7 The School recognises that there is a danger that its **staff** could be seriously affected by false, vexatious or misconceived allegations against them. The School is therefore also committed to investigating all allegations promptly and fairly.
- 1.8 Terms that are defined in the Dictionary at the end of this policy are highlighted in **bold**.

2. PUBLICATION AND DISTRIBUTION

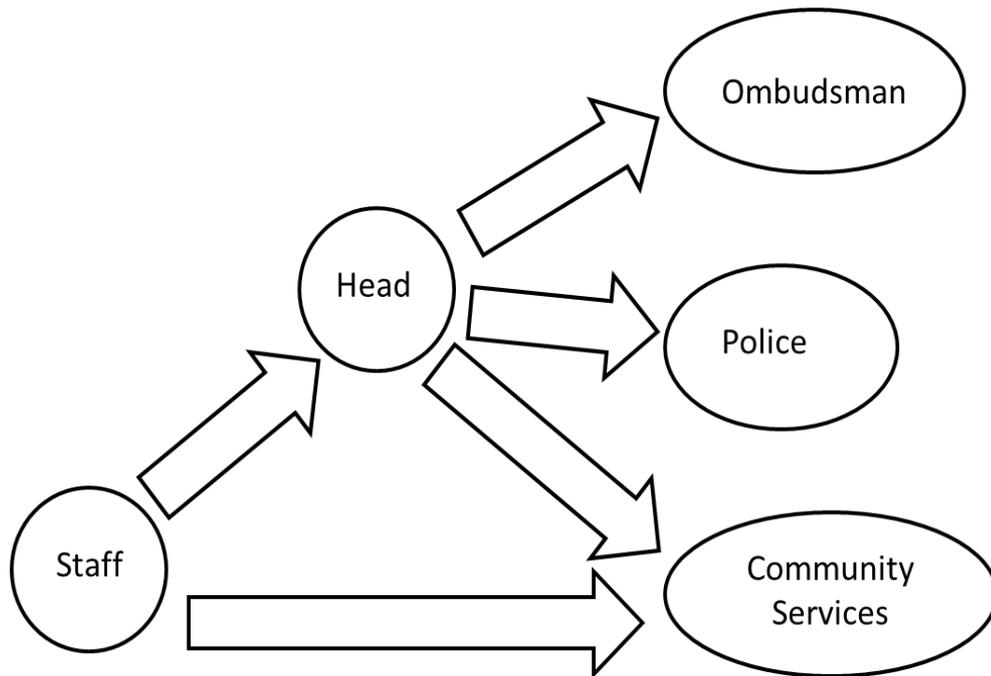
- 2.1 This Policy must be referenced in the Staff Handbook.
- 2.2 This Policy must be given to all new **staff** who are required by the School to comply with their obligations under it, and, as part of their contract of employment, agree to its terms. This will occur at Induction on commencement of employment. Training will be provided by the Principal to all staff annually on the policy and any changes to legislation and consequent changes to the policy. All staff will be trained in Term 1 each year and in July during Professional Development week. A register will be maintained by the Principal's Assistant of attendance at each training session.
- 2.3 This Policy must be given to all members of the School Board. This will occur after the AGM each year.

- 2.4 This Policy must also be given to:
 - 2.4.1 any person who makes a **reportable allegation**; and
 - 2.4.2 any person, being a member of the School community, who requests a copy.

3. CREATING A SAFE LEARNING ENVIRONMENT

- 3.1 The School must develop strategies to create a safe learning environment. These will include educating all members of the School community about child protection issues.
- 3.2 The School must ensure that they verify on the online Working With Children register that each worker who will carry out **child- related work** holds a clearance or has a current application for such clearance. This new verification must be carried out *before* the worker commences child-related work and then *again* when a clearance of the worker ceases to have effect at the end of every five year period. This will be completed by the Administration Officer and a record stored in Google Drive /Admin/Working with Children Check.
- 3.3 All **staff** must become familiar with these strategies.
- 3.4 All **reportable allegations** must be taken seriously.
- 3.5 The strategies developed by the School must be monitored continuously and reviewed regularly.
- 3.6 The School must provide professional development to meet the needs of the **staff** in implementing this Policy.
- 3.7 The Principal must:
 - 3.7.1 promote this Policy within the School, with particular regard to the professional development needs of **staff**; and
 - 3.7.2 monitor the strategies to create a safe learning environment.
- 3.8 **Staff** must:
 - 3.8.1 be aware of the content of **NSW Child Protection Legislation**; and
 - 3.8.2 become familiar with Keep Them Safe (www.keepthemsafe.nsw.gov.au) – an initiative of the NSW Government which provides valuable information and resources for **staff**, including the Child Wellbeing and Child Protection NSW Interagency Guidelines; and
 - 3.8.3 report promptly in accordance with this policy whenever they:
 - 3.8.3.1 have reasonable grounds to suspect that a student is at **risk of significant harm**; or
 - 3.8.3.2 become aware of a **reportable allegation** against a **member of staff** whenever or wherever the **reportable conduct** took place.

4. REPORTING OBLIGATIONS



- 4.1 Any **member of staff** to whom a **reportable allegation** is made or who becomes aware of a **reportable allegation** or **reportable conviction** must report this to the Principal.
- 4.2 Any **member of staff** who has reasonable grounds to suspect that any student is at **risk of significant harm** must report the name, or a description, of the student and the grounds for suspecting that the student is at **risk of significant harm** to the Principal.
- 4.3 Any **member of staff** who has reasonable grounds to suspect that a **child** who is not a student and who is under the age of 16 is at **risk of significant harm** and those grounds arise during the course of or from the **member of staff's** work must report the name, or a description, of the **child** and the grounds for suspecting that the **child** is at **risk of significant harm** to the Principal.
- 4.4 Any **member of staff** who has reasonable grounds to suspect that a student who is under the age of 16 or a **child** who is not a student who is under the age of 16 is at **risk of significant harm** and those grounds arise during the course of or from the **member of staff's** work must, in addition to reporting this to the Principal, satisfy himself or herself that the Principal has reported the matter to the Director-General of the Department of Family and Community Services (Community Services). Where, for any reason, the **member of staff** is unable to satisfy himself or herself that the Principal has reported the matter to the Director-General, the **member of staff** has a duty to report the name, or a description, of the student and the grounds for suspecting that the student is at **risk of significant harm** to the Director-General as soon as practicable.
- 4.5 If the **reportable allegation** is against the Principal or if the student is at **risk of significant harm** from the Principal, the report should be made to the Chairman of the School Board who must then comply with the obligations under this policy that would otherwise fall upon the Principal.

- 4.6 When the Principal receives a report from a **member of staff** under this section of this policy, the Principal must, where required by law, report the matter to the Police, Community Services and/or the NSW Ombudsman.
- 4.7 Where the report is to the Ombudsman, it must be made as soon as practicable and, in the case of the notification of a **reportable allegation** or **reportable conviction**, must be made, in any event, within 30 days of the Principal becoming aware of the allegation or conviction (or within such further period as may be agreed to by the Ombudsman).
- 4.8 The Principal must set up structures which make it easy for **staff** and other members of the School community to report to the Principal **reportable allegations** or **reportable convictions** and situations in which they suspect that a student is at **risk of significant harm**. The Principal must also educate the **staff** and the School community about these structures and actively encourage them to make use of these structures.
- 4.9 The Principal must ensure that no person reporting to the Principal under this section of this policy is disadvantaged as a result.
- 4.10 Staff should refer to the [Child Protection Manual for Schools 2014.doc](#) for procedures to be followed.

5. RISK MANAGEMENT

- 5.1 Pending completion of any investigation (whether by the School or an external authority), the Principal may limit the contact the **member of staff** is to have with students or other **staff**, direct the **member of staff** to undertake duties other than normal duties or at different locations or suspend the **member of staff** (but on normal pay). Before taking such action, the Principal must consider what risk, if any, the **member of staff** might pose to students. The Principal must take into account all relevant circumstances, including:
 - 5.1.1 the nature of the allegation;
 - 5.1.2 the vulnerability of the students (for example, because of their age);
 - 5.1.3 the nature of the position occupied by the **member of staff**;
 - 5.1.4 the extent to which the **member of staff** is supervised;
 - 5.1.5 the disciplinary record of the **member of staff**;
 - 5.1.6 the safety of the **member of staff**; and
 - 5.1.7 the extent to which the investigation could be compromised by the **member of staff** continuing his or her normal duties.
- 5.2 Any action taken by the Principal under this section of the policy is not an indication that the Principal has made, or is likely to make, any particular findings in relation to the allegation against the **member of staff**.

6. INVESTIGATION

- 6.1 This section of the policy applies unless an investigation is being carried out by the Police, Community Services, the Ombudsman or some other state or federal authority. This section also applies to any investigation carried out by the School once an investigation carried out by an external authority has been completed.
- 6.2 The guidelines set out in Child Protection in NSW Christian Schools – Responding to complaints and investigating Reportable Conduct Manual (ESPC Services) must be followed in any investigation to which they apply.

- 6.3 The Principal is the Head of Agency at Richmond Christian College and must investigate, or must cause to be investigated, all **reportable allegations** and all allegations that do not amount to **reportable conduct** because they involve:
- 6.3.1 the use of physical force that, in all the circumstances, is trivial or negligible, or
 - 6.3.2 conduct of a class or kind exempted from being **reportable conduct** by the Ombudsman.
- 6.4 Investigations must be carried out in a way which affords procedural fairness to the **member of staff** involved. This means that, before completing an investigation of a **reportable allegation**, the **member of staff** must be informed of the substance of the allegation against them and provide them with a reasonable opportunity to put their case forward (if required by the **member of staff**, with the assistance of a support person of the **member of staff's** choice). Normally, the Principal is to decide the timing and the particular form this will take, ensuring the investigation is not compromised. It also means that the Principal and the person conducting the investigation must:
- 6.4.1 act fairly and without bias;
 - 6.4.2 conduct an investigation without undue delay;
 - 6.4.3 ensure the case is not investigated or determined by someone with a conflict of interest;
 - 6.4.4 ensure the outcome is supported by evidence;
 - 6.4.5 take steps to maintain confidentiality for the sake of all parties involved in the investigation.
- 6.5 At the conclusion of the investigation, the Principal may:
- 6.5.1 if the breach is minor, resulting from a misunderstanding of how certain words or behaviour were understood, require from the **member of staff** an apology and a commitment not to repeat the offence;
 - 6.5.2 if it is more serious, require from the **member of staff**:
 - 6.5.2.1 an undertaking to attend counselling;
 - 6.5.2.2 a written apology;
 - 6.5.2.3 a commitment not to offend again; and
 - 6.5.3 in the most serious case, suspend or terminate the employment of the **member of staff**.
- 6.6 The Principal must advise the victim and the **member of staff** in writing of the result of the investigation and the action taken.
- 6.7 If the victim or the **member of staff** is unhappy with the conduct or result of investigation, they may take their complaint to the Principal and, if dissatisfied with the Principal's response to their complaint, to the NSW Ombudsman, Community Services, the Police or any other relevant authority depending on the circumstances.
- 6.8 The Principal must, as soon as practicable after being satisfied that the investigation has been concluded:
- 6.8.1 send to the Ombudsman a copy of any report prepared by or provided to the Principal as to the progress or results of the investigation, and copies of all statements taken in the course of the investigation and of all other documents on which the report is based;
 - 6.8.2 provide the Ombudsman with such comments on the report and statements as the Principal thinks fit;
 - 6.8.3 inform the Ombudsman of the action that has been taken or is proposed to be taken with respect to the **reportable allegation** the subject of the investigation, and whether or not the School proposes to take any disciplinary or other action in relation to the **member of staff** and the reasons why it intends to take or not to take any such action; and

- 6.8.4 send to the Ombudsman any written submissions made to the Principal concerning any such allegation that the **member of staff** wished to have considered in determining what (if any) disciplinary or other action should be taken in relation to him or her.
- 6.9 The School must notify the Children's Guardian of the name and other identifying particulars of any **member of staff** involved in **child-related work** against whom the School has made a finding that the **member of staff** has engaged in:
 - 6.9.1 **sexual misconduct** committed against, with or in the presence of a **child**, including **grooming** of a **child**,
 - 6.9.2 any serious **physical assault** of a **child**.
- 6.10 If the Children's Guardian so requests, the Principal may also provide the Children's Guardian with a statement setting out information specified by the notice relevant to an assessment of whether a person poses a risk to the safety of children.

7. PASTORAL CARE

- 7.1 Where a student is at **risk of significant harm** or is the person to whom the **reportable conduct** has allegedly been directed, the Principal must as soon as possible advise the student's parents or caregivers unless the Principal is satisfied that:
 - 7.1.1 Community Services intends to notify the student's parents or caregivers promptly; and
 - 7.1.2 the School will not be in breach of its duty of care to the student or to other students by not advising the student's parents or caregivers.
- 7.2 The School must:
 - 7.2.1 make available its counselling **staff** to provide counselling and other support as required to:
 - 7.2.1.1 any student who is at **risk of significant harm** or is the person to whom **reportable conduct** has allegedly been directed; and
 - 7.2.1.2 any **member of staff** against whom a **reportable allegation** has been made; and
 - 7.2.1.3 where relevant, their families; and
 - 7.2.2 refer these people to external agencies able to provide relevant care and support.

8. EMPLOYMENT

- 8.1 The School must not employ a person (whether as an employee or self-employed contractor) in **child-related work** if the School knows or has reasonable cause to believe that:
 - 8.1.1 the person is not the holder of a **working with children check clearance** that authorises that work and that there is no current application by the person to the Children's Guardian for a clearance of a class applicable to that work, or
 - 8.1.2 the person is subject to an interim bar.
- 8.2 The School must verify that a person has a **working with children check clearance** before employing that person (whether as an employee or self-employed contractor) in **child-related work**. A register will be maintained of all employees including their full name, date of birth, WWC number including expiry date and date of verification of the **working with children check clearance**. The Administration officer will be responsible for verifying the **working with children check clearance** and will maintain the register on Google Drive/Admin/Working With Children Check.

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

9. VOLUNTEERS, OUTSIDE TUTORS AND EXTERNAL PROVIDERS

- 9.1 All volunteers will apply for a **working with children check clearance** and provide the School with their WWC number, expiry date, full name and date of birth. A register will be maintained of all volunteers including their date of verification and expiry date of the working with children check clearance by the Administration Officer on Google Drive/Admin/Working with Children Check.
- 9.2 The School must not engage, or continue to engage, a volunteer in **child-related work** if the School knows or has reasonable cause to believe that:
- 9.2.1 the volunteer is not the holder of a **working with children check clearance** that authorizes that work and that there is no current application by the volunteer to the Children’s Guardian for a clearance of a class applicable to that work, or
- 9.2.2 the volunteer is subject to an interim bar
- 9.3 The School must not engage, or continue to engage, in **child-related work** a person as a volunteer that the School knows is a **prohibited person**.
- 9.4 A volunteer who becomes a **prohibited person** must immediately inform the Principal and stop volunteering with the School.
- 9.5 Outside tutors e.g. Music tuition must have a Working with Children Clearance. The school ensures this is the case with either the individual concerned or the organization they represent.
- 9.6 External providers eg. TAFE must have a Working with Children Clearance and this will be established in writing with the relevant organization.
- 9.7 The School will ensure that employees, outside tutors, external providers and volunteers are informed of the requirements of the school to notify and investigate allegations of reportable conduct in compliance with Part 3A of the Ombudsman Act 1974.

10. SCREENING WORKERS IN CHILD-RELATED EMPLOYMENT

The CCYP through the Child Protection (Working with Children) Act 2012 (WWC Act) aims to reduce the risk of abuse to children by establishing the **working with children check clearance**. This check is a screening mechanism reduce the likelihood that unsuitable people be employed or engaged in **child-related work**.

The check applies to paid and unpaid child related workers alike. ‘Worker’ is defined comprehensively to include paid, unpaid and other roles.

10.1 DEFINITION OF CHILD-RELATED WORK

Face-to-face work with children in one of these sectors is **child-related work**:

- Child development and family welfare services
- Child protection
- Children’s health services
- Clubs or other bodies providing services for children
- Disability services
- Early education and child care
- Education
- Entertainment for children
- Justice centres
- Religious services
- Residential services
- Transport services for children
- Youth workers
- School cleaners

For more information about these sectors, see Child Protection (Working With Children) Regulation 2013, Part two “Child-related work”.

10.2 EMPLOYER RESPONSIBILITIES

The School must:

- Register online with the new Working With Children Check at: <http://www.kidsguardian.nsw.gov.au/working-with-children>
- Verify the Check status of every new paid employee before hiring them to ensure they have a clearance or a completed application for a Check. This will be completed by the Administration Officer prior to the employee commencing work.
- Verify the Check status of every current **member of staff** which will be completed by the Administration Officer
- Remove any barred person from child-related work

10.3 COMPLIANCE FOR WORKERS IN **CHILD-RELATED WORK**

- A child-related employee or volunteer is responsible for applying for his or her own Working With Children Check.
- The School cannot apply on behalf of a worker.
- Child-related workers must apply for a Check before they begin their new role.
- Self employed people who hold a Certificate for Self Employed People (CSEP) may continue to use their CSEP until it expires; and must apply for the Check once their CSEP expires.

10.4 TO APPLY FOR A CHECK

STEP 1

- Applicants fill in an online form at <http://www.kidsguardian.nsw.gov.au/working-with-children>
- Once they have submitted the form, they will receive an application number.
- This application number cannot be used for online verification until STEP 2 is completed.

STEP 2

- Applicants must take their application number and proof of their identity to a NSW Motor Registry, Government Access Centre, or Service NSW office
- Proof of identity for the Working With Children Check is the same as for a NSW driver's licence.
- Paid workers pay an \$80 fee for a five year clearance. There is no charge for unpaid volunteers.
- The application number can then be used in the online verification process, pending the final outcome of the Working With Children Check application.
- An applicant must appear in person to prove their identity; this task cannot be delegated to a third party.
- Proof of identity must be performed in NSW; it cannot be completed from interstate or overseas.

10.5 RESULTS OF A CHECK

- If the worker receives a clearance, the Check is valid for five years and may be used for any child-related work in NSW.

- Cleared applicants will be subject to ongoing monitoring for relevant new records which could lead to a bar and the clearance being revoked before the five year expiry date.
- Barred applicants must not engage in any child-related work (paid or unpaid). It is an offence for them to do so and penalties apply.
- It is an offence to hire a barred worker for child-related work.

10.6 VERIFYING A CHILD-RELATED WORKER

Before hiring a new paid child-related worker, their Working With Children Check status must be verified by the Administration Officer to ensure they have a clearance to work with children, or have completed an application for a Check.

- Verification can only be completed online – a worker cannot present their Working With Children Check number and clearance on paper, due to possible fraudulence or obsolescence.

To verify a Working With Children Check status:

1. Go to: <http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check>
2. Click the Start here button
3. Click the Employer login button and enter log in details
4. Click the Verify Working With Children status tab.
5. Enter the worker's:
 - Full name
 - Date of birth
 - Working With Children Check number (or application no.) and click Verify
 A brief report will appear on-screen.

10.7 WORKING WITH CHILDREN CHECK STATUS

These are the possible results and their meaning:

Application in progress - A Working With Children Check application is being processed and the applicant may work with children. If the applicant becomes barred, you will be contacted and advised on what to do next.

Cleared - This applicant has a Working With Children Check clearance that is valid until the listed expiry date. The applicant may work with children.

Barred - The applicant has been barred from working with children and it is an offence to engage this person for child-related work.

Interim barred - The applicant has been barred from working with children during the course of a risk assessment. It is an offence to engage this person for child-related work.

Not found - The database cannot find a matching Working With Children Check for any one of these reasons:

- The data entered for verification has errors;
- The person's application has been withdrawn or terminated without an outcome;
- An application has not been completed by this individual.

It is an offence to engage this person in child-related work or child-related roles.

NOTE: If the outcome of the online verification of a worker is:

- barred
- interim barred
- not found

The School cannot employ them to work with children – paid or unpaid.

10.8 RECORDS CONSIDERED IN THE WORKING WITH CHILDREN CHECK

A Working With Children Check includes a national police check and review of findings of misconduct involving children.

For more information, refer to the What gets checked? section of the website at www.kidsguardian.nsw.gov.au/check

10.9 RISK ASSESSMENT

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

(a) It will be triggered by:

- an offence listed in Schedule 1 of the Child Protection (Working With Children) Act 2012 (and equivalent records from other states and territories)
- a pattern of behaviour or offences involving violence or sexual misconduct that represents a potential risk to children (even if not listed on Schedule 1 or 2)
- findings of misconduct reported by a reporting body.
- notifications by the Ombudsman.

Schedule 1 records are listed in the FACT SHEET: Assessment requirement triggers (Schedule 1) from <http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check/resources>

When assessing risk, factors set out in section 15 of the Child Protection (Working With Children) Act 2012 are considered. These factors relate to the conduct of the offence, the applicant, and likely recurrence of the offence. The Commission must also take into consideration any information given in or in relation to the application, and any other matters considered necessary.

(b) The Commission will keep the applicant informed during the risk assessment process. If a bar is being considered, the Commission will contact the applicant to inform him or her of the potential decision and invite them to submit information which may affect the outcome of the final decision.

(c) If the final outcome is a bar, notification will be issued by post. In most cases, barred workers can apply for a review of the decision to the NSW Civil Administrative Tribunal. Further information: Fact Sheet: Bars and Appeals (<http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check/resources>)

10.10 RECORD KEEPING

The School is required to keep records of child-related workers which include:

- Full name
- Date of Birth
- Working With Children Check number (or application number) and expiry date
- Date and outcome of the Check verification

These records will be kept in electronic format on Google Drive/Admin/Working with Children Check by the Administration Officer, and will be made available if required for audit and monitoring purposes.

- Workers will be reminded to renew their Check three months before it expires
- Workers are responsible for applying and renewing their own Working With Children Checks
- No notification will be sent to the School
- The School has responsibility for verifying the status of Working With Children Checks

10.11 NOTIFICATIONS

If a **member of staff** becomes barred, the School will be contacted, using details provided during the online verification process.

Only the worker's barred status will be shared with the School. Details of work or criminal records will NOT be shared.

Notification will be sent by letter, addressed to the individual who verified the worker.

The letter will outline the legal implications of a barred status and the action required by the School.

10.12 WHEN NOTIFICATION IS RECEIVED

If the School receives a letter advising that a current **member of staff** has become barred, they must be immediately removed from child-related work. It doesn't matter whether they are paid or unpaid; supervised or unsupervised.

The School's options are:

- dismiss the worker
- suspend them from child-related work pending the outcome of an appeal
- transfer them to a non child-related role within the business (although we are under no legal obligation to find an alternative position for a barred worker).

The courts cannot order the re-employment of a person for child-related work if the person is barred from working with children.

Damages or compensation are not payable to a **member of staff** who has been removed from child related work because they are barred from working with children.

See: FACT SHEET: Bars and appeals (<http://www.kidsguardian.nsw.gov.au/working-with-children/working-witchildren-check/resources>)

10.13 PRIVACY AND CONFIDENTIALITY

The Office of the Children's Guardian will maintain a register for Working With Children Checks.

Information about a person that may be shared

The following information about a person contained in this register may be made available by the Children's Guardian to an employer or proposed employer on request by the employer or proposed employer:

- The Working With Children Check application number of any worker;
- The current Check status of a child-related worker;
- The number, type (volunteer or non-volunteer) and expiry date of a Working With Children Check held by a child-related worker.

The Children's Guardian must not make this information available unless the request is made in an approved format and contains the particulars required by the Children's Guardian.

Information about an employer that may be shared

The following information about an employer contained in the register may be made publicly available by the Children's Guardian:

- the trading name or registered business name of the employer
- the child-related work for which the employer engages a child-related worker
- the postcode or name of the place in which the employer's business is located;
- whether any requests for information regarding a Check status were made to the Children's Guardian by the employer within a specified period.

11. RECORD KEEPING

- 11.1 The School is committed to keeping accurate records of all matters required by this policy.
- 11.2 Where the School collects and/or holds personal information pursuant to this Policy, it must do so in accordance with the *Privacy Act 1988* (Cth).
- 11.3 The School must keep records concerning allegations, investigations and findings concerning the subject of any such notification for not less than 30 years, unless the records are given to the Children's Guardian.
- 11.4 The School will take all reasonable measures to prevent unauthorised access to information held on paper or electronic systems.
- 11.5 A **member of staff** against whom a finding has been made that the **member of staff** has engaged in:
- 11.5.1 **sexual misconduct** committed against, with or in the presence of a **child**, including **grooming** of a **child**, or
 - 11.5.2 any serious **physical assault** of a **child**,
- is entitled to apply for access under section 46 of the *Child Protection (Working with Children) Act 2012* to any information about the finding.

12. REVIEW OF POLICY

- 12.1 The Principal is to ensure that this policy is regularly monitored and revised in the light of legislative or best practice changes.
- 12.2 In any event, the School Board is to review this policy every three years.

13. DICTIONARY

- 13.1 **Assault** includes **physical assault** and **sexual assault**.
- 13.2 **Child** means a person under the age of eighteen years.
- 13.3 **Child abuse material** means material that depicts or describes, in a way that reasonable persons would regard as being, in all the circumstances, offensive:
- 13.3.1 a person who is, appears to be or is implied to be, a **child** as a victim of torture, cruelty or physical abuse, or
 - 13.3.2 a person who is, appears to be or is implied to be, a **child** engaged in or apparently engaged in a sexual pose or sexual activity (whether or not in the presence of other persons), or
 - 13.3.3 a person who is, appears to be or is implied to be, a **child** in the presence of another person who is engaged or apparently engaged in a sexual pose or sexual activity, or
 - 13.3.4 the genital area or anal area of a person, or the breasts of a female person, who is, appears to be or is implied to be, a **child**.
- 13.4 **Child-related work** means work involving direct contact by a **member of staff** with children.
- 13.5 **Child-related personal violence offence** means :
- 13.5.1 an offence committed by an adult involving intentionally wounding or causing grievous bodily harm to a **child**, or

- 13.5.2 an offence committed by an adult of attempting, or of conspiracy or incitement, to commit an offence referred to in paragraph 12.5.1, but does not include an offence committed by an adult who is not more than 3 years older than the **child** concerned.
- 13.6 **Grooming** behaviour means a pattern of behaviour aimed at engaging a **child** as a precursor to sexual abuse. The **grooming** process can include:
- 13.6.1 persuading the **child** that a “special” relationship exists by spending inappropriate special time with the **child**, inappropriately giving gifts, showing special favours to them but not other children, allowing the **child** to overstep rules, etc.;
- 13.6.2 testing of boundaries by undressing in front of the **child**, allowing the **child** to sit on the lap, talking about sex, “accidental”= touching of genitals, etc.
- These behaviours may not indicate risk if occurring in isolation but, if there is a pattern of behaviour occurring, it may indicate **grooming**. **Grooming** behaviour constitutes a form of **sexual misconduct**.
- 13.7 **Neglect** occurs when a **child** is harmed by the failure of a person whose job includes care responsibilities towards a **child** to provide basic physical and emotional necessities of life, including failure of such a person to provide or arrange for the provision of adequate and proper food, nursing, clothing, medical attention or lodging for a **child** in that person’s care.
- 13.8 **NSW child protection legislation** means:
- 13.8.1 *Children and Young Persons (Care and Protection) Act 1998;*
 13.8.2 *Children’s Guardian Act 1998;*
 13.8.3 *Ombudsman Act 1974;*
 13.8.4 *Child Protection (Offenders Registration) Act 2000;* and
 13.8.5 *Child Protection (Working with Children) Act 2012.*
- 13.9 **Physical assault** means an act:
- 13.9.1 which is committed on or towards a **child**; and
 13.9.2 that involves the application of force to a **child** or that causes a **child** to think that immediate force will be used on the **child**; and
 13.9.3 which is hostile or reckless (a reckless act is one where the person foresees the likelihood of inflicting injury or fear, and ignores the risk).
- Actual physical harm does not have to occur for an **assault** to have taken place. That is, the **child** does not have to be injured. Physical contact which is an inevitable part of everyday life does not amount to an **assault**.
- 13.10 **Prohibited person** means a person convicted of a serious sex offence, the murder of a **child** or a **child-related personal violence offence** or a person who is a registrable person within the meaning of the *Child Protection (Offenders Registration) Act 2000*.
- 13.11 **Psychological harm** means significant emotional harm or trauma.
- 13.12 **Reportable allegation** means an allegation of **reportable conduct** against a person or an allegation of misconduct that may involve **reportable conduct**.
- 13.13 **Reportable conduct** means:
- 13.13.1 any sexual offence, or **sexual misconduct**, committed against, with or in the presence of a **child** (including a child pornography offence or an offence involving **child abuse material**), or
 13.13.2 any **assault**, ill-treatment or **neglect** of a **child**,
 13.13.3 any behaviour that causes **psychological harm** to a **child**, whether or not, in any case, with the consent of the **child**.

Reportable conduct does not extend to:

- 13.13.4 conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
- 13.13.5 the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- 13.13.6 conduct of a class or kind exempted from being **reportable conduct** by the Ombudsman.

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 to comfort a distressed **child**; a school teacher raising his or her voice in order to attract attention or to restore order in the classroom; and conduct that is established to be accidental. Further examples of behaviours that are not **reportable conduct** include providing appropriate medical care to a **child** who is hurt; guiding a **child** by the shoulders, arms or hands; not providing supervision where this was for good reason, and for a short period of time and where the risk of harm was reasonably perceived at the time to be low; and actions found to have been appropriate physical contact in classes such as sport and drama.

- 13.14 **Reportable conviction** means a conviction (including a finding of guilt without the court proceeding to a conviction), in New South Wales or elsewhere, of an offence involving **reportable conduct**.
- 13.15 A **child** is at **risk of significant harm** if current concerns exist for the safety, welfare or well-being of the **child** because of the presence, to a significant extent, of any one or more of the following circumstances:
 - 13.15.1 the **child's** basic physical or psychological needs are not being met or are at risk of not being met,
 - 13.15.2 the parents or other caregivers have not arranged and are unable or unwilling to arrange for the **child** to receive necessary medical care,
 - 13.15.3 in the case of a **child** 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** to receive an education in accordance with that Act,
 - 13.15.4 the **child** has been, or is at risk of being, physically or sexually abused or ill-treated,
 - 13.15.5 the **child** is living in a household where there have been incidents of domestic violence and, as a consequence, the **child** is at risk of serious physical or **psychological harm**,
 - 13.15.6 a parent or other caregiver has behaved in such a way towards the **child** that the **child** has suffered or is at risk of suffering serious **psychological harm**,
 - 13.15.7 the **child** was the subject of a pre-natal report under the *Children and Young Persons (Care and Protection) Act 1998* 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.

Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing.

Physical or sexual abuse may include an **assault** and can exist despite the fact that consent has been given.

The Child Wellbeing and Child Protection - NSW Interagency Guidelines (www.keepthemsafe.nsw.gov.au/interagency_guidelines) provide a list of indicators that may raise concern about **risk of significant harm**.

A practical test when considering whether a **child** is at **risk of significant harm** is to ask whether the concern for the **child** is sufficiently serious to warrant a response by authorities such as the Police or Community Services irrespective of a family's consent.

- 13.16 **Sexual assault** refers to a sexual offence against, with or in the presence of a **child**. It includes the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a **child**.
- 13.17 **Sexual misconduct** includes a range of behaviours or a pattern of behaviour aimed at the involvement of children in sexual acts. Some of these behaviours may include:
- 13.17.1 inappropriate conversations of a sexual nature;
 - 13.17.2 comments that express a desire to act in a sexual manner;
 - 13.17.3 unwarranted and inappropriate touching; sexual exhibitionism;
 - 13.17.4 personal correspondence (including electronic communication) with a **child** in respect of the adult's sexual feelings for a **child**;
 - 13.17.5 deliberate exposure of children to sexual behaviour of others including display of pornography;
 - 13.17.6 possession of child pornography in the workplace;
 - 13.17.7 **grooming** behaviour.
- 13.18 **Staff** or **member of staff** includes any School employee and any individual engaged by the School to provide services to its students (even as a volunteer, student teacher, gap student, private tutor or contractor).
- 13.19 **Working with children check clearance** means an authorisation that is in force under the *Child Protection (Working with Children) Act 2012* to engage in **child-related work**.