Child Protection Policy

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Introduction

St. Charbel’s is committed to ensuring that the safety, welfare and wellbeing of children are maintained at all times during their participation in all activities run by the College. St. Charbel’s College aims to promote a safe environment for all children and to assist all staff members and volunteers to be aware of their legislative responsibilities and the processes and procedures to follow should the need arise.

Protecting children is a responsibility that we must all undertake. Through the implementation of strategies that assist in preventing mistreatment of children. St Charbel’s College has taken a pro-active role in relation to child protection and intervention. These strategies will help to foster a safe and positive environment for children and young people.

The St Charbel’s College Child Protection Policy and Guidelines provides the College with an excellent risk management tool for developing prevention strategies and for the effective management of allegations of reportable conduct. It also ensures the College has processes in place to ensure that all NSW Child Protection legislative requirements are met.

Statement of Principles

St Charbel's College is committed to creating a safe environment for children and our procedures for responding to allegations and disclosure of abuse of children and young people are based on the following principles:

The College bases its child protection procedures on the following principles:

- All children have the right to safety and to be protected from risk of harm.
- Persons involved in situations where reportable conduct is disclosed or alleged should be treated with sensitivity, dignity, respect and confidentiality.
- In any preventive and/or protective action related to reportable conduct, the total well-being of the child is the primary concern.
- The value of the family unit is respected but not to the detriment of the well-being of the child.
- As the Principal (Head of Agency) is responsible for the administration and conduct of the College and all that relates to it, the Principal (Head of Agency) or (designated delegate) is to be informed promptly of alleged or disclosed incidents concerning the welfare of students. This obligation is shared by all school staff including teaching and non-teaching staff and authorised volunteers.
- Information regarding alleged or disclosed reportable conduct shall be made available only to those personnel who have a genuine need to be informed. Personnel who have access to such information have the obligation to observe appropriate confidentiality and sensitivity in relation to this information.
• School personnel are required to avoid any false, exaggerated or unjustified assertions and rumours that may infringe the good name of another person.

Legislative Requirements

The policy and procedures of St Charbel’s College will be implemented in accordance with the following legislation:

<table>
<thead>
<tr>
<th>Act</th>
<th>Key Issue</th>
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<tbody>
<tr>
<td>Ombudsman Act 1974</td>
<td>Ensures government and certain non-government agencies are aware of their reporting obligations under the Act.</td>
</tr>
<tr>
<td></td>
<td>Heads of agencies are required to report to the Ombudsman, within 30 days of becoming aware, any allegations or convictions of reportable conduct made against employees.</td>
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<tr>
<td>Commission for Children and Young People Act 1998</td>
<td>Mandates the employment screening of preferred applicants for certain paid child-related employment and the notification to CCYP of completed relevant employment proceedings which involve an allegation of reportable conduct by an employee or an act of violence committed in the course of employment and in the presence of a child.</td>
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<tr>
<td>Child Protection (Prohibited Employment) Act 1998</td>
<td>Prohibits persons with convictions for serious sexual offences from working in child-related employment as listed in section 3(a) of the Act where that employment primarily involves direct unsupervised contact with children.</td>
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<tr>
<td>Children and Young Persons (Care and Protection) Act 1998</td>
<td>Ensures that relevant employees are aware of their obligation to report to the Department of Community Services, a child or young person who are considered to be ‘at risk of harm’.</td>
</tr>
</tbody>
</table>

Refer to appendices 1-3 for:

• Roles and Responsibilities of the following agencies concerned with the above Child Protection legislation
  - NSW Ombudsman
  - Commission for Children and Young People
  - NSW Police
  - Department of Community Services

• Employer Compliance Grid for Child Protection Legislation

• Definition of terms used in the legislation

Key Responsibilities

St. Charbel’s College expects that all employees whether paid or unpaid commit to
exercising due diligence in relation to child protection.

Head of Agency (HOA) – The Principal

The Principal is the designated HOA for St Charbel’s College. As HOA the Principal has the responsibility to respond to ‘reportable conduct allegations’ including allegations which are exempt from notification to the Ombudsman, as defined in s.25A(1) of the Ombudsman Act 1974 and ‘reportable convictions’ against employees. Heads of agencies are required to make a notification to the Ombudsman within 30 days of becoming aware of a reportable allegation or conviction. Any allegation or complaint of a child protection nature is to be directed to the College Principal (HOA). If the Principal is not available then the Assistant Principal (Welfare), Welfare Coordinator or College Counsellor must be notified. The Principal (or delegate) must clarify, on the face of it, if the complaint is reportable to the Ombudsman or another external agency.

The Responsibilities of the Principal (HOA) include:

- Setting up systems for providing a safe environment for the students in its care
- Ensuring systems are in place for recording and responding to allegations or convictions of a child protection nature against employees. This includes reportable allegations and convictions and allegations that are exempt from notification to the Ombudsman
- Regularly reviewing policies and procedures
- Managing incidents in accordance with this policy and other relevant employer and statutory requirements
- Providing developmental opportunities, training and support for staff
- Establishing and maintaining appropriate staff recruitment, selection and screening processes
- Establishing and maintaining appropriate procedures for dealing with allegations of staff misconduct
- Collaborating with other relevant agencies
- Providing information about child protection policies to parents and the community
- Reporting to DoCS any child reasonably expected of being at risk of harm
- Establishing an appropriate investigation team
- Providing a counselling program
- Making a finding upon conclusion of an investigation
- Notifying the Commission for Children and Young People (CCYP) of relevant employment proceedings, if appropriate.

Assistant Principal

The Responsibility of the Assistant Principal is to:

- Inform the Principal (HOA) (or delegate) of any reportable conduct allegation or conviction against an employee which occurred either within or outside the workplace
- Manage incidents in accordance with this policy and other relevant employer and statutory requirements.
- Develop and distribute policies and processes and then monitor their compliance by all paid employees
• Provide appropriate opportunities for staff to become familiar with relevant child protection policies and procedures, along with their own relevant responsibilities.
• Provide a summary of the child protection policy and procedures to authorised volunteers.
• Inform and then provide documentation to parents, informing them of the child protection policy and the schools associated procedures.

Year/ Stage Coordinator

The role of the Year/Stage Coordinator is to:

• Inform the HOA (or delegate) of any reportable conduct allegation or conviction against an employee which occurred either within or outside the workplace
• Ensure confidentiality is maintained by relevant staff.
• Provide non intrusive support

College Counsellor

The role of the College Counsellor is to:

• Inform the HOA (or delegate) of any reportable conduct allegation or conviction against an employee, which occurred either within or outside the workplace
• Actively participate in the investigation process when required
• Offer debriefing sessions for all parties involved
• Monitor the student/s and employee involved

Employees

The Responsibility of Employees is to:

• Participate in training initiatives designed to assist the recognition of ‘reportable conduct’ and the implementation of relevant policies and procedures.
• Immediately inform the HOA (or delegate) of any reportable conduct allegation, which occurred either within or outside the workplace.
• Report to the employer any suspicion, on reasonable grounds, that a child or young person for whom the organisation is responsible, is at risk of harm.
• Provide support, within the range of normal duties, to children and young people who are alleged to have experienced abuse or neglect.
• Maintain strict confidentiality in relation to all incidents or allegations of abuse of a child or young person.
• Provide information that has been requested in accordance with legislation or code of conduct, to support child protection inquires and investigations.
Risk Assessment

The College has a duty of care to their employees and students to ensure their safety. The College will meet this duty of care and will implement strategies to protect students and employees from risk of harm. This includes the risk of allegations being made against employees as well as risk of harm to students.

To sustain and implement systematic risk management within an organisation a risk management policy will be developed. Further management of risk will be integrated into the management philosophy of St Charbel’s and incorporated as part of the College’s management policies.

St Charbel's will appoint a group of employees (including managers) to develop and implement risk management procedures and support arrangements. This group will also be responsible for:

- Identifying the extent or range of risks that need to be managed, for example:
  - Classroom layout and management,
  - Playground organisation and management,
  - Supervision of students before and after school including travel arrangements
  - Physical education and sporting carnivals
  - Out of school activities including retreats and camping programs

- Communicating and raising awareness about managing risks and the formal processes involved, for example:
  - Engagement and orientation of casual staff
  - Engagement and orientation of volunteers

- Specifying those accountable for the management of specific risks

- Establishment of performance measures and reporting processes

- Professional development in risk management for managers and employees

Risk management needs to be an ongoing process which includes identification of risks, consideration of the consequences of the risks identified and the implementation of appropriate responses to eliminate or reduce risk.

The following actions will actively assist in the reduction of risk:

- clear policies and procedures which are regularly reviewed and monitored;
- clear and specific roles and responsibilities;
- effective communication;
- an organisational culture of appropriate confidentiality that is sensitive to the privacy of all concerned parties;
• a transparent complaints handling process that is communicated, consistent, timely and affords procedural fairness to all concerned;

• adequate training and support for all employees;

• informed employees who understand their legislative responsibilities; and

• regular review of any complaints received.

Refer to other policies for example: *Excursion, Anti-Bullying, Critical Incidents*)

*Make it work (for kids) - A Child Protection Kit to Assist Catholic HOA June 2005*

*Code of Conduct*

*Pastoral Care Policy*

*Investigation Process*

**Investigation Process**

Allegations of reportable conduct involving employees must be investigated and reported to the Ombudsman’s Office pursuant to Part 3A Ombudsman Act 1974. The College is also required to notify other external agencies as appropriate, for example NSW Police, Department of Community Services (DoCS) and Commission for Children and Young People (CCYP). In the case of allegations against persons in a pastoral role notification to the Professional Standards Office (PSO) is also required.

• The primary concern of the College at all times is the safety and care of the students.

• There is no intention that these procedures be punitive towards staff members or that they prejudge the outcome of any legal processes.

Confidentiality must be maintained to protect the identity and the reputation of all involved.

Investigations follow a basic structure:

- initial response which includes clarifying the allegation with the notifier, assessing risk, obtaining advice and preparing relevant report;

- planning the investigation;

- information gathering;

- conducting interviews;

- making a finding; and

- taking action.
Each of the above steps will be documented. It must be remembered that each investigation may vary depending on the nature of the allegation.

**Action by the principal if the allegation falls within ‘reportable conduct’**

During an investigation the Principal or his delegate will:

- Refer to the process of determining allegations of reportable conduct and determine if the allegation is exempt from being reported to the Ombudsman’s Office under exemption a, b or c. If so, follow the procedure for non reportable conduct. If not, continue with the following.

- Notify Ombudsman within 30 days of becoming aware of the allegation

- Conduct an initial Risk Assessment and assess any risks of harm posed to the employee, victim and children in the College’s care and take any necessary action to ensure their safety and well being including, whether the employee’s duties need to be changed during the investigation process. Take any necessary action to ensure compliance with the College’s Duty of Care

- Meet with the staff member to give written notice of the report and the details of the investigation

- Establish an investigation team to collect relevant information and deliver a preliminary finding to the Principal (HOA).

- Meet with the staff member to deliver the finding.

  - If the finding is sustained:

    - Ensure an appropriate action plan/disciplinary action is discussed and given in written form.
    - Complete the required documentation (Part B Ombudsman notification form and final report) and forward a copy to the Ombudsman. (At the conclusion of the investigation, the Ombudsman informs the College of closure.)
    - Notify matter to CCYP if appropriate

  - If the finding is not sustained:

    - Ensure the staff member is informed of the finding and closure of the matter including any follow-up action if necessary
    - complete the required documentation (Part B notification form and final report) and forward a copy to the Ombudsman. (At the conclusion of the
investigation, the Ombudsman informs the College of closure.)

- Notify matter to CCYP if appropriate.

- Inform the staff member in writing that the matter has concluded.

- Ensure all documents are kept in a secured location separate to the staff member’s personnel file.

Refer to: Child Protection Investigation Process documents, Investigation Checklist and other support materials

Action to be taken by the Principal if Mandatory reporting to DoCS or reporting to NSW Police is required where the matter involves an employee

If DoCS or NSW Police are involved, the College may not be able to progress the investigation, including advising the person subject of the allegation, as this may compromise an external investigation. Before proceeding, the concurrence of DoCS/Police needs to be obtained and documented.

Suspected current risk of harm is the ground for making a report to DoCS in relation to the safety, welfare or well-being of a child or young person. If, during the course of the information gathering process, the principal or any informed member of the college teaching staff develop the view that the alleged victim or any other child is currently exposed to a risk of harm they are obliged to take steps to ensure that a notification is made to DoCS without delay.

If reporting to DoCS the Principal (HOA) will:

- Inform DoCS that the College will need to take immediate action and of Principal’s duty to investigate pursuant to the Ombudsman Act at the appropriate time.

- Liaise with DoCS while investigation is in progress

- Inform the employee subject of the allegation that a complaint has been made and that DoCS have been notified (in consultation with DoCS)

- Inform the parent(s)/caregiver(s) of the student that a complaint has been made (in consultation with DoCS)

- Inform the Trustees of St. Charbel’s College of the report to DoCS

- Conduct a risk assessment which will involve:
  - determining the work status of the employee and informing them of this. Encourage the employee to contact IEU if he/she is a member
determining when and how to inform the staff and, if appropriate, parents regarding the staff member’s absence from the College.

If criminal conduct is involved, for example possession of child pornography, a report must be made to the NSW Police. If Police are investigating the allegation, or lay charges, the College’s investigation will be placed on hold until the Police investigation or charges are dealt with.

The Principal (HOA) will:

- Establish a contact person within the Police
- Inform the Police of the Principal’s duty to investigate pursuant to the Ombudsman Act 1974 at the appropriate time
- Seek a copy of the Police brief at the appropriate time

If charges are laid by the Police, the Principal will:

- Consider suspending the employment of the staff member with/without pay, pending finalisation of the proceedings (if the charges are not upheld, the staff member may be reinstated if appropriate).
- Consider dismissing the staff member where the facts of the case and a finding based on the balance of probabilities are of a kind that would cause continued employment to pose an inappropriate risk of harm to children.

If charges are not laid by the Police, the Principal will:

- Consider the reinstatement of the employee.
- Consider dismissing the staff member (where the facts of the case and finding based on the balance of probabilities are of a kind that cause continued employment to pose an inappropriate risk of harm to children).

In the event of a court verdict, the Principal will make a further decision to:

- Dismiss, if staff member is convicted.
- Reinstate, if appropriate in event of acquittal.
- Dismiss the staff member, if despite acquittal, the facts of the case and a finding based on the balance of probabilities are of a kind that would cause continued employment to pose an inappropriate risk of harm to children.
- Convey the outcome of the decision to the staff member in writing.
- Inform the Trustees of St. Charbel’s College of the decision.
- Determine follow-up processes at school level.
• Ensure all documentation is stored securely and remains confidential.
Mandatory reporting to DoCS where report does NOT involve an employee

Preliminary Information Gathering

The gathering of preliminary information may reveal information in the following form:

- A student tells any staff member that he/she is at risk of harm
- Someone else tells a staff member that a student is at risk of harm
- A student tells a staff member she knows someone who is at risk of harm (the student can be referring to him/herself)
- A staff member’s own observation leads her/him to suspect the student is at risk of harm (some indicators of risk of harm are: marked changes in behaviour; withdrawal; depression; changes in application to work, attendance patterns or attention to personal appearance; pregnancy; anorexia or over-eating; self destructive behaviour such as drug dependency, suicide attempts or self-mutilation injuries to breasts, buttocks, lower abdomen and thighs).

Reporting Incidents of Students at Risk of Harm

- Any staff member who has reason to believe that a student is at risk of harm, is required to report the concern to the Principal, Welfare Coordinator, College Counsellor or the Assistant Principal (Welfare) so that further action may be decided upon.

- Unless otherwise directed staff members are expected to maintain the confidentiality of such matters. It is therefore expected that such matters are not discussed or reported to colleagues (except for the Principal – or his delegate) or other persons including family members (unless the family member/s are the subject of the allegation) of the child who is regarded as being at risk of harm.

- If it is decided that reasonable grounds exist relating to a concern that students are at a risk of harm, the Principal or person who has such a concern is obligated to notify DoCS.

- If the staff member is aware that the Principal has not made a notification to DoCS and believes that reasonable grounds for notification still exist, then the staff member is obligated to notify DoCS directly.

- DoCS needs to know the following information: Name, address and age of the student, name of the College, whether there are other children or young people in the family who may be at risk and their ages, details of person suspected of abuse, details of injuries, reasons for concern about risk of harm.
Action by the Department Of Community Services (Docs)

- It is the statutory obligation that DoCS inform the parent(s)/caregiver(s) of the notification. The College must not inform the parent(s)/caregiver(s).

- The DoCS officer and the Principal or delegate, meets to discuss the necessary procedures. In the meantime, the Principal ensures that the student is supported at school.

- If DoCS request an interview with the student, the Principal or delegate informs the student of her/his right not to be interviewed and to nominate a support person to be present at the interview if she/he wishes. Unless otherwise advised or directed by DoCS parents would be informed of DoCS, intention to interview the child and if possible the interview would be postponed until a parent is able to attend.

- Principal or delegate consults with DoCS about post-interview support for the student.

- If DoCS officers consider it necessary to interview other students who attend, the same procedures apply.

Removal Of An Alleged Victim By Docs Officers

A child or young person who is an alleged victim may be removed from the College only on the authority of the DoCS District Manager, Assistant Manager or delegated officer or of the Children’s Court.

The Principal must inform the local DoCS office that the above action has taken place and should keep a written record of the action and include the following:

- Name of the DoCS Manager
- Names and titles of the DoCS officers
- Date and time of removal
- The reason for the removal
- The intended place of lodgement of the student
- Take a photocopy of the notice served.
- The Principal must gain an assurance from the DoCS officers that they will immediately inform the parent(s)/caregiver(s) of the student of the action taken. The Principal must not inform the parent(s)/guardian(s) of the action.

Reports Relating To Children Who Are Not Students Of The
**College**

Where a staff member of the College, in the course of his/her duties (e.g. short term attendance at a ‘host’ school, school excursions, through a student’s siblings or peers) has reasonable grounds to believe that a student from another school is at risk of harm, she/he must report this directly to the Principal of this College who must notify, as soon as possible, the Principal of the school the particular student attends.

- If the Principal of the student’s school has reasonable grounds to believe that the student is at risk of harm, she/he should be advised to notify DoCS as soon as possible.
- The Principal of the school the student attends should be requested to inform the Principal of St Charbel’s College whether or not the notification has been made to DoCS.
- If the Principal notification has not been made and the Principal still believes that reasonable grounds exist, he must notify DoCS directly.

**Protection of the notifier in relation to DoCS reporting**

Notification of risk of harm attracts the following safeguards:

- Notification shall not, in any proceedings before a court, tribunal or committee, be held to constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct
- No liability for defamation is incurred for the person making the notification
- The notification shall not constitute a ground for civil proceedings for malicious prosecution or for conspiracy
- The notification shall not be admissible in evidence in any proceedings before a court, tribunal or committee, or to disclose, and no evidence of its contents shall be admissible
- A person shall not be compelled in any proceedings before a court, tribunal or committee to produce the notification, or to disclose, or give any evidence of, any of the contents of the notification.

**Documentation and Record Keeping**

- All documents relating to all allegations against employees are confidential.
• Information regarding notifications to the Ombudsman are kept indefinitely and are stored in a secure location separate to the employee’s personnel file.

• The Principal (HOA) is responsible for security and storage of the records. The following persons will have access to the records:

  **Head of Agency**
  **Delegate** (if assigned by the principal and only during the course of the investigation)
  **Personal Assistant to the principal**: (for filing purposes only)

## Rights of All Parties

St Charbel’s College is committed to:

• Acting fairly and without bias

• Conducting an investigation without undue delay

• Ensuring that the case is not investigated or determined by someone with a conflict of interest

• Encouraging all parties to maintain sensitivity and confidentiality during the investigation

• Ensuring that the outcome is supported by evidence.

The decision making processes are in place to ensure the safety and the well being of students and employees during the investigative process.

Any allegation or conviction of reportable conduct will be forwarded to the Ombudsman.

Employees’ rights will be upheld in the event of an allegation being made against them; for example:

• The Principal (HOA) will inform the employee of the substance of any allegation against them and provide the employee with a opportunity to respond to the allegation (The Principal will decide the timing and the particular form this will take, ensuring the investigation is not compromised);

• If the finding is adverse, the employee will be given an opportunity to respond to the finding and recommended disciplinary action (if any).

• The employee is entitled to have a support person present during any interviews.
• Employees and parents have the right to complain to the Ombudsman if they are not satisfied with the agency’s response to their complaint, the outcome or the way the agency investigation was conducted.

Support Available

• Children who are involved or affected in any way will be offered supported through the school’s pastoral care arrangements, with special support being provided by the class teachers, school counsellor and principal.

• Employees who have received disclosures, or who have been the subject of allegations, will be offered appropriate and timely support by the College Principal and counsellor.

• Relevant staff members will be informed of the ACCESS Employee Assistance Program.

Review Date

Date of policy: February, 2006
Date for review of policy: December, 2006
Person responsible for reviewing the policy: Assistant Principal Administration