

Child Safe Policy

Foundation for Life

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1 Introduction

1.1 Purpose

The purpose of this School policy is to outline to School Community Members, including employees, contractors, volunteers and visitors, the expectations in relation to safeguarding matters involving children and young people.

This policy implements, and is to be read and understood in conjunction with, the National Principles for Child Safe Organisations published by the Australian Human Rights Commission and the NSW Child Safe Standards.

1.2 Scope

This policy applies to all School staff, contractors, volunteers and visitors. Breach of the policy is grounds for disciplinary measures.

This policy applies to all students at the School, including Preparatory Class students.

This policy applies in all School environments, both physical and online, and on-site and off-site School grounds (examples include during sports carnivals and excursions).

1.3 Distribution of this policy

This policy is to be provided to all staff, contractors, volunteers and visitors at the School at the time of their engagement and/or employment with the School. It is also to be made publicly available on the School's website: coastcs.nsw.edu.au/information-and-policies/. School staff are to be given yearly refresher training on this policy. A paper copy of the Preparatory Policy is available from the Office upon request for all School Community Members.

1.4 Responsibilities

The School Board is responsible for approving this policy and amendments of it, together with other responsibilities set out below in this policy.

The School Principal is responsible for implementing this policy organisation-wide as set out below in this policy.

All staff, contractors, volunteers and visitors are to abide by this policy.

All School Community Members are to be aware of their obligations under the School's Child Safe Code of Conduct.

1.4.1 Responsibility for Setting and Monitoring this policy

The School's Board of Directors has ultimate responsibility for the prevention and identification of child abuse or harm, and is responsible for ensuring that appropriate and effective internal control systems are in place to detect reportable matters and respond effectively. The Board is also responsible for ensuring that supporting policies and procedures are in place.

The Board leads Child Safety 'from the top' and ensures a child-safe culture is embedded at the School to ensure child safety is paramount.

The Board does this by:

- setting a zero-tolerance stance to child abuse;
- setting clear roles for who is responsible for what actions under this policy;
- ensuring systems and processes are in place to ensure all School Community Members are trained of their obligations to keep children safe at the School;
- ensuring systems and processes are in place to ensure any concern, risk, or reportable conduct is reported and that immediate steps are taken to ensure a risk of harm is remediated;
- making child safety a top priority when making governance decisions for the organisation;
- having a stipulated 'Child Safe Champion' Board member;
- requiring regular reporting as a standing agenda item from the Principal of child-safety issues and concerns; and
- ensuring that child safe policies and procedures are reviewed regularly by the Board.

1.4.2 Responsibility for Implementing this policy

The Board delegates oversight for the daily running of the school to the Principal who is referred to as the 'Head of Relevant Entity', and who is also responsible on a day-to-day basis for Child Safety. If the Principal is absent, then responsibility transfers to the Principal's delegate.

It is the Principal's responsibility to:

- promote child safety at all times;
- ensure procedures are in place to require all School Community Members to be aware of, and to abide by, this policy (including awareness of how to prevent, identify, detect and respond to child abuse/harm) and their obligations regarding Mandatory Reporting and Reportable Conduct;
- ensure reports of child abuse/harm (including sexual abuse) are dealt with appropriately;
- conduct regular risk assessments to ensure School activities are safe;
- ensure appropriate reporting of any actual or suspected child abuse issues; and
- attend to investigations and discharge of statutory duties under this policy.

2 Statement of Commitment to Child Safety and Wellbeing

The safety, welfare and wellbeing of children is the paramount consideration¹ for all responsibilities under this policy, and the School has a zero tolerance for child abuse and neglect and any form of child and young person mistreatment at the School.

We acknowledge that children, like adults, possess human rights and that children have the right to special protection because of their vulnerability to exploitation and abuse². In our context, children have the right to learn in a safe, caring, accepting and protected environment.

The School is committed to following all measures legislated to protect children. Additionally, our Biblical Christian worldview compels us to protect and support children - and any other vulnerable person - from harm.

The School is committed to providing a child safe environment where children and young people are safe, feel safe and are supported, respected and empowered to learn in a Christian setting.

¹ Section 7 – Children's Guardian Act (NSW) 2019

² United Nations Convention on the Rights of the Child (CRC) 1990

The School acknowledges our duty of care to keep children safe and protect them from the many forms of child abuse (including physical, sexual and psychological abuse, ill-treatment and neglect), and aim to take a proactive rather than reactive approach to fostering student safety and wellbeing.

2.1 Guiding Principles

- All School Community Members have a responsibility to create a safe environment and protect children from harm.
- We acknowledge that parents entrust us with the care of their children.
- We work in partnership with families, but will always put the safety, welfare and wellbeing of children first.
- We are responsible for providing a safe environment for children in our care.
- We are responsible for providing an education which fosters children's health, developmental needs, spirituality, wellbeing, self-respect and dignity.
- We recognise that a proactive approach to preventing child abuse, and early intervention, is vital in ensuring children are protected from harm.
- School Community Members should be equipped to ensure the safety of children, and to prevent anything that puts the safety and wellbeing of students at risk.
- School Community Members should understand their own individual obligations and be equipped to respond to child abuse appropriately.
- School Community Members should understand what constitutes reportable conduct and how to respond and report appropriately.
- Staff who are also Mandatory Reporters (see definition below) should be aware of the additional obligations of the role of Mandatory Reporter.
- Any issue that puts a child at risk should be rectified and reported immediately.
- Reports of a child at risk should be responded to immediately.
- Relevant School Community Members are to hold a clear Working With Children Check ('WWCC').

2.2 NSW Child Safe Standards

The NSW Child Safe Standards (which implement the National Principles for Child Safe Organisations (2019) arising from the Royal Commission into Institutional Responses to Child Sexual Abuse) are as follows:

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child abuse are child focused.

7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the organisation is child safe.

2.3 Our Duty of Care

The School has a duty to take reasonable care for the safety and welfare of students in our care. The duty extends to considering known hazards or risk of harm that can be reasonably predicted and taking all reasonable action to protect students. The standard of care that is required takes into consideration various factors such as a student's vulnerability, maturity and ability. Children requiring support with personal care and/or those with intellectual disabilities, limited verbal communication or behaviour disorders are at a higher risk of all forms of abuse. All children, given their age, are vulnerable, more so those with intellectual and physical disabilities, who are from different cultural backgrounds and heritages or who have a history of trauma. Children should feel culturally safe and that their family heritage is respected and supported. When equity and diversity is supported, vulnerable children will be safer when they can recognise abuse, be given strategies to avoid it and know how to report it if it occurs.

The duty of care includes an obligation not to neglect the welfare of students. Neglect includes either an action or inaction by a person who has care responsibilities towards a student, and includes:

1. Supervisory neglect (failure to adequately supervise a student);
2. Carer neglect (inadequate care of a student);
3. Failure to protect (unreasonable failure to protect or respond to information that may result in harm to a student); and/or
4. Reckless acts or failure to act (including a gross breach of professional standards that may result in harm to a student).

A single or repeated failure to exercise an appropriate duty of care of students may constitute neglect or negligence according to the law if actual harm is caused or even if there is potential to cause harm.

2.4 Child Safe Code of Conduct

The School has developed the Child Safe Code of Conduct to support School Community Members in understanding their obligations to protect children. It is mandatory for School Community Members to sign an acknowledgment of the Code before employment or engagement with the School.

2.5 Other Codes of Conduct

The School has developed the following general Codes of Conduct which assist various School Community Member groups with awareness of how they should behave at the School, including their conduct and contact with children:

- Code of Conduct (for School Community Members)

Code of Conduct for Students (which is shared in a child-friendly manner, incorporated into PDHPE Personal Development lessons, so as to engage children and maximise their understanding of the behaviour expected of them).

2.6 Summary of Reporting Observations of Child Abuse

There are different schemes of reporting referenced under this policy, summarised below and detailed more comprehensively in the following sections:

1. Reporting to the Child Protection Helpline (DCJ) – any Mandatory Reporting issues observed by a Mandatory Reporter (as defined in Section 4 below);
2. Reporting to the OCG – any allegations of Reportable Conduct committed by ‘employees’ (as defined below in section 3 and which includes staff, volunteers and contractors);
3. Reporting under the Crimes Act (NSW) 1900; and
4. Reporting to the Principal – all of the above and any general child safe issues observed by or concerns of any School Community Member.

3 MANDATORY REPORTING: SAFEGUARDING CHILDREN AND YOUNG PEOPLE - DCJ

The term ‘safeguarding’ is a broad concept that captures the proactive and preventative steps the School takes to protect, care and educate children and young people, as well as the steps the School takes to respond to child safe concerns that require statutory reporting and response. A child safe response is part of safeguarding that focusses on protecting individual **children or young people identified as being at risk of significant harm (ROSH) from child abuse or neglect.**

- A child or young person is at ROSH if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent.

This means it is sufficiently serious to warrant a response by a statutory authority, irrespective of a family's consent (*Please refer to Section 3.6 below for further explanation*).

The safety, welfare and wellbeing of children and young people at the School is the responsibility of all employees at the School. This includes:

- fulfilling mandatory reporting obligations
- all employees having a duty of care to ensure that reasonable steps are taken to prevent harm to students which could reasonably have been foreseen.

3.1 Mandatory Reporting – Conduct Covered

The Children and Young People Act (CYP Act) establishes mandatory reporting obligations in NSW to the Department of Communities and Justice (DCJ) when a child is at risk of significant harm (ROSH). The CYP Act defines a child or a young person to be at risk of significant harm if a current concern exists for the safety, welfare or wellbeing of the child or young person because:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met, or
- the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care, or
- the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with the Education Act 1990 (NSW), or
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated, or
- 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, or
- a parent or other carer has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

3.1.1 Who is a Mandatory Reporter?

A mandatory reporter in NSW is an individual required by Section 27 of the CYP Act to report to the Child Protection Helpline when there are reasonable grounds to suspect that a child, or a class of children is at Risk Of Significant Harm from abuse or neglect, and those grounds arise during the course of or from the person's work.

Based on the DCJ and provisions of the CYP Act, the relevant roles at the School who are Mandatory Reporters are:

- Principal;
- Deputy Principal;
- Coordinators;
- Teachers (all Teacher Accreditation levels including, but not limited to, Proficient, Highly Accomplished and Lead Teachers) as may be employed from time to time;
- School Counsellors (if any); and
- Allied Health professionals eg Speech Therapists, Occupational Therapists etc (insofar as they deliver onsite services to our pupils);

who deliver services to children as part of their professional responsibilities.

NOTE: Provisional/Conditional/Practicum Teachers should make enquiries with the Principal and/or DCJ if they are unsure whether they are a Mandatory Reporter under the Scheme.

The list of prescribed Mandatory Reporters was expanded in March 2020 (following the recommendations of the Royal Commission into Institutionalised Abuse) to include:

- The School Chaplain if also in religious ministry;
- Any Board Member who is also a Coast Community Church Pastor insofar as their duties relate to religious activities provided to our pupils;
- Coast Community Church representative insofar as their duties relate to Chapel etc and providing services for School pupils.

AND

- Registered Psychologists (if and when such a provider might attend the School to provide professional services to pupils)

who deliver services to children as a part of their professional responsibilities.

It is part of the professional qualifications of Mandatory Reporters to be familiar with their own obligations, but the School sets them out in this policy for clarity – in addition to annual training (internal and external) which is also provided.

If a Mandatory Reporter has concerns about a child they do not have a professional relationship with (eg a 3-year-old child of a colleague), they should report to the Child Protection Helpline (132 111) as an Individual and not as a Mandatory Reporter.

3.1.2 Who is NOT a Mandatory Reporter?

- Office Staff
- Aides
- Canteen Manager

- Bus Driver
- Maintenance Officer
- Cleaner
- And all other roles which do not fit within the definition of Mandatory Reporter provider above.

However, just because School Community Members may not be prescribed Mandatory Reporters, this does not mean their responsibility under this policy is diminished.

There remains an obligation owed by all School Community Members to report any child protection issues they observe to the Principal, as covered in this policy.

The CYP Act states that a mandatory reporter must, when they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm, report to the Department of Communities and Justice (DCJ) as soon as practicable.

As outlined below, unless reporting about the Principal, all reports are to be made in consultation with the Principal.

3.2 The School

In general, the Principal (or Principal's delegate) will determine if a concern is required to be reported to DCJ's Child Protection Helpline and, where necessary, NSW Police.

Prior to making a report to the DCJ Child Protection Helpline, the Principal (or Principal's delegate) will use the Mandatory Reporter Guide (MRG) to help decide whether a child is suspected to be at risk of significant harm (ROSH) and therefore if a report should be made to the Child Protection Helpline.

The School takes a centralised reporting approach to concerns relating to the safety, welfare or wellbeing of children and young people. That is, all concerns relating to the safety, welfare or wellbeing of a child or young person should be reported to the Principal (or if unavailable, the Principal's delegate) who will have access to the information that may be relevant to a child or young person and the assessment of the concern. The Principal (or Principal's delegate) can then make a decision around reporting to the DCJ.

The School's centralised reporting approach allows for the Principal (or Principal's delegate) to:

- collect and hold information relating to a child or young person that may not reach the threshold of 'at significant risk of harm'
- collate individual incidences or pieces of information relating to a child or young person that may amount to cumulative harm

- have access to all necessary information and history of concerns relating to a child or young person when using the MRG and/or making a report to the Child Protection Helpline
- co-ordinate and support the care and wellbeing of a child or young person, other children and young people involved or affected, and their families, regardless of whether a mandatory report is required or not.

3.3 Employees

3.3.1 Mandatory Reporting

If an employee believes on reasonable grounds that a child is at risk of significant harm, they must report this information to the Principal (or the Principal's delegate) and seek this advice on how to proceed.

The Principal (or the Principal's delegate) may report the information to DCJ. The employee will be notified if the school makes a report to DCJ in relation to the concern they have raised so that they know their mandatory reporting obligations have been met. They will also be notified by the Principal (or the Principal's delegate) if the concern has not been reported to DCJ so that they can determine if they would like to report the information to DCJ in the event they believe the concern suggests a child is at risk of significant harm.

If a child or young person is in immediate danger and the Principal (or the Principal's delegate) or next most senior member of staff is not contactable, employees should contact NSW Police on 000 if it is an emergency, and/or DCJ's Child Protection Line on 132 111. Following this, the employee should advise the Principal (or Principal's delegate) as soon as possible.

Employees are not:

- to undertake any investigation of the matter.
- permitted to inform the parents or caregivers that a report has been made to DCJ and/or Police.

Please note that relevant definitions of child abuse and neglect can be found in section 3.6 below.

3.3.2 Other Child Safety Concerns

As part of the School's overall commitment to safeguarding children and young people, all employees, regardless of their mandatory reporting status, are required to report any child safety concern or any other information relating to the safety, welfare or wellbeing of a child or young person (or a group of children and young people) to the Principal (or the Principal's delegate).

These concerns should be reported regardless of how serious or minor the employee perceives, assesses or interprets the information to be. That is, even if an employee considers a concern not to be risk of significant harm (ROSH), the statutory threshold for reporting to the Child Protection Helpline, the concern should still be reported to the Principal (or the Principal's delegate (in line with this policy and the centralised reporting requirements outlined above. If an employee is unsure their information requires reporting, the employee should seek advice from the Principal (or the Principal's delegate).

Information relating to the safety, welfare or wellbeing of children or young people may relate to settings other than at School. Other settings may include the online environment or outside of the school context including the child or young person's home.

The Principal (or the Principal's delegate) will be able to assist the employee in understanding their concerns and managing the next steps, as appropriate, and clarifying their role in the particular matter.

Responsible and early sharing of information relating to the safety, welfare and wellbeing of children and young people is fundamental to the School's approach to safeguarding.

If the concern involves the Principal, a report should be made to the Board Chair: boardchair@coastcs.nsw.edu.au and DCJ. Depending on the circumstances, the Mandatory Reporter must decide whether or not to involve the Board Chairman for support **before or after a report about the Principal is made**. In such a situation, the Mandatory Reporter may wish also to **consider the process available through the [Whistleblower Policy](#)**.

3.4 Mandatory Reporting Process

In this section is an explanation of the Mandatory Reporting process. Unless the concern relates to the Principal, a Mandatory Reporter is – also – required to report the concern promptly and appropriately, in consultation with the Principal, to DCJ.

Only those in Professional roles with children are Mandatory Reporters (see outline in sections 3.1.1 and 3.1.2 above) and they have a professional obligation to personally report to the DCJ Child Protection Helpline. However, the Principal may have other information that is unknown to the Mandatory Reporter but relevant to another child or another case. Furthermore, the Principal is able to provide support to staff who may be under duress due to making a report. Therefore, unless a report is being made about the Principal, any Mandatory Reporters are instructed to inform the Principal prior to submitting their report to the DCJ Child Protection Helpline.

It is a criminal offence for a Mandatory Reporter not to report to DCJ when there is a risk of [Significant](#) harm.

It is a 'must' (but not to the extent of a criminal offence for omission) for a Mandatory Reporter to report a risk of harm that is not Significant (ie does not meet the DCJ ROSH definition in 3.6 below).

Below is a summary ('Quick Guide') of what to do if you suspect a child, or class of children, is at risk of significant harm from abuse or neglect followed by more detailed information below the 'Quick Guide' box:

QUICK GUIDE
<ol style="list-style-type: none"> 1. Make sure you have documented your concerns in writing; 2. Speak with the Principal (or Principal's delegate if Principal unavailable) about the issue (unless the Principal is the one suspected of being responsible for causing the harm or neglect, then consult the Board Chair); 3. Provide the Principal with a copy of your documented notes; 4. In consultation with the Principal, use the Mandatory Reporter Guide (MRG) on the Child Story website to help determine if a report is to be made (https://reporter.childstory.nsw.gov.au/s/mrg); 5. If prompted to report, do so by making an e-report through the Child Story Reporter website or by phoning the DCJ Child Protection Helpline on 132 111; 6. Ensure you note the report number, keep a copy of the number for yourself and also give a copy of the number to the Principal.

STEP 1: Document your concerns of ROSH in writing.

Generally your identity as a reporter making a report, in good faith, to the DCJ or to any other person or legislative body who has the power or responsibility to protection children and young people, is afforded protection by law as set out in [Section 29](#) of the CYP Act.

At this point, if relevant, you may consider the process available through the [Whistleblower Policy](#).

STEP 2: Report the child safety concerns to the Principal and provide a copy of the written concerns.

STEP 3: If the Principal supports the concern of suspected risk of significant harm, use the Mandatory Reporter Guide (MRG) on the Child Story website (<https://reporter.childstory.nsw.gov.au/s/mrg>). This is commonly known as using 'the Decision Tree'.

STEP 4: Maintain a copy of the information used in the MRG and follow the instructions such as 'maintain monitoring of and support for the child'.

If the MRG indicates that you need to make a Child Protection Report or there are current concerns about suspected ROSH – The DCJ Child Protection Helpline must be contacted. Continue with the following steps.

The DCJ Child Protection Helpline **must** be contacted when:

- There are current concerns about suspected Risk Of Significant Harm and/or
- The Mandatory Reporter Guide indicates this should be done.

3.4.1 How to Make a Child Protection Report

STEP 5: In consultation with the Principal (or Principal's delegate), make a Child Protection Report by;

A: making an eReport through the ChildStory Reporter website:

<https://reporter.childstory.nsw.gov.au/s/login/>.

- You will need to sign in with your email and password or
- register using the '[Not Registered](#)' tile if this is your first report.

OR

B: calling the DCJ Child Protection Helpline on **132 111**; open 24 hours per day, 7 days per week

The general public (including School Community Members) who are not Mandatory Reporters are at liberty (but not mandated) to make Reports to the DCJ Child Protection Helpline (132 111).

Follow the promptings provided in this process.

You will need to access details about the student such as home address, date of birth etc. These are located on Sentral and the student paper files.

STEP 6: Save a copy of the report and record the report number. Provide the Principal (or Principal's delegate) with a copy of the report, including the report number.

3.4.2 What might happen as a result of a Mandatory Report

In the event DCJ receives a Risk of Significant Harm report, it may take the following actions, with which the School will fully co-operate:

Possible STEP 7 (A):

STUDENT INTERVIEWS IN CASES REPORTED TO DCJ

In relation to reportable cases of ROSH where DCJ has been notified, officers of the Joint Child Protection Response Program (JCPRP) may wish to carry out student interviews, sometimes at School.

Staff responsibilities:

Any staff receiving a call from DCJ or JCPRP must refer the matter to the Principal.

Before any phone discussions take place between DCJ officers and the Principal, the Principal will confirm the identity of the caller by phoning the known number of DCJ.

Principal (or Principal's delegate) responsibilities:

1. Sight the identification of the officers
2. No student will be interviewed at the School against the wishes of the student. *It is the Principal's responsibility to inform the student of this.*
3. At the commencement of the interview, the Principal should ask the investigating officers to explain to the student, in the presence of the Principal (or Principal's delegate),
 - A: the purpose of the interview and
 - B: their role.
4. The Principal will inform the student of the right to choose a supportive adult to be present at the interview. If a person is nominated by the student, the interview must not commence until that person has arrived. What takes place in the interview becomes part of the investigation and must remain confidential.

Except in cases which involve a member of the family, it is expected that a parent of the child concerned will be present at any interview with the child.

Additional JCPRP Officer responsibilities:

JCPRP Officers are responsible for communicating with parents about any matters related to an interview.

Possible STEP 7 (B):**3.4.2.1 REMOVAL OF STUDENTS BY DCJ/JCPRP OFFICERS**

If the Principal is approached by officers from DCJ or JCPRP to remove a student from the School premises, the Principal must:

1. Sight the identification of the officers;
2. Take a copy of and retain in a secure location the Notice to Remove Student from School;
3. Record details of the actions, names of officers and, where possible, new location of student; and
4. Gain an assurance from officers that they will immediately inform the parent/carer that the student has been removed from the School.

3.5 Exchange of Information

Because the protection of children and young people from risk of harm is deemed to be more important in some situations than an individual's right to privacy, there are statutory provisions that override restrictions on disclosure of personal information.

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* allows government agencies and non-government organisations who are prescribed bodies to exchange information that relates to a child's or young person's safety, welfare or well-being, whether or not the child or young person is known to Community Services, and whether or not the child or young person consents to the information exchange. Chapter 16A also requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people.

The School is a prescribed body and as such will respond to requests under Section 16A where appropriate. DCJ can also make requests under Section 248 of the Act, and we will comply where appropriate and as required.

All Section 16A or Section 248 requests for information should be directed to the Principal who will consult to determine the validity of a request and co-ordinate a response. Similarly, should the School wish to use the provisions of Section 16A to seek information from another agency, this should be coordinated via the Principal.

Providing information in good faith to authorised external investigators under this scheme - including a response to requests for information - is not regarded by the School as a breach of professional ethics or standards of professional conduct and does not carry liability against the School for defamation or grounds for civil action.

As described in the Training section below, relevant staff are trained annually on their Mandatory Reporting obligations.

3.6 Definitions Relevant to Safeguarding Children and Young People³

Risk of Significant Harm (ROSH)

A Risk of Significant Harm is a concern that is sufficiently serious to warrant a response by a statutory authority, irrespective of a family's consent.

³ Further information relating to the definitions can be found at:
[Child at risk of harm and neglect | Family & Community Services \(nsw.gov.au\)](#)

What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing, or in the case of an unborn child, after the child's birth.

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

Neglect

Neglect is when a parent or caregiver cannot regularly give a child the basic things needed for his or her growth and development, such as food, clothing, shelter, medical and dental care, adequate supervision, and enough parenting and care.

Neglect can be episodic and related to a particular event in a family's life, or it can be persistent where the parent repeatedly fails to meet their child's needs and protect them from harm. Neglect can have serious, detrimental effects on the child's social, psychological, educational and physical development.

Sexual abuse

Sexual abuse is any sexual act or threat impacting a child, including unwanted sexual acts on a child over the age of consent (16 years old). Sexual abuse includes comments, physical contact, exposure to adult sexual activity and exposure to or involvement in sexual imagery.

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

Physical abuse

Physical abuse is a non-accidental injury or pattern of injuries to a child or young person caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. The application of any unreasonable physical force to a child is a crime in NSW. For example, hitting a child or young person around the head or neck, or using a stick, belt or other object to discipline or punish a child or young person (in a manner that is not trivial or negligible) may be considered a crime.

Emotional abuse or psychological harm

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

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

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

Family violence

Family violence often includes multiple forms of abuse, such as physical, sexual and emotional. Emotional abuse is connected to family violence when a child has been, or is being, exposed to the violence and that exposure has, is or would cause them significant harm. This exposure includes:

- seeing the violence,
- hearing the violence,
- seeing the consequences of family violence such as property damage, injuries to those involved including the emotional impact on the victim, or Police visiting the home.

Reasonable grounds

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

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

It does not mean that there needs to be confirmation of suspicion or proof before making a report.

Current Concerns

Current concerns are when there is significant harm arising from abuse or neglect that:

- is recent,
- is likely in the foreseeable future should circumstances continue unchanged,
- is from a child or young person having contact with someone who is known to be responsible for causing harm to a child in the past,
- refers to situations where the abuse or neglect of the child or young person occurred sometime in the past but continues to have an impact on the child or young person's safety, welfare or wellbeing.

Child

A child means a person who is under 16 years old.

Young Person

Young person means a person who is 16 years old or older, but not yet an adult.

Mandatory Reporters

Mandatory reporters include persons who:

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

4 THE REPORTABLE CONDUCT SCHEME – OCG

The Children Guardian's Act 2019 (CG Act) establishes the reportable conduct scheme in NSW. The Office of the Children's Guardian (OCG) has oversight of the reportable conduct scheme in NSW.

The reportable conduct scheme is focused on both preventing and responding to **abuse of children by employees** in certain organisations (relevant entities). **This includes paid employees, volunteers and contractors delivering services to children.**

The reportable conduct scheme is allegation based. The threshold for making a notification to the Office of the Children's Guardian is that a reportable allegation has been made. That is, there is an allegation that an employee has engaged in conduct that may be reportable conduct or that they are the subject of a conviction that is considered a reportable conviction. A reportable conviction means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.

The Scheme allows the OCG to:

- actively ensure that the School has proper policies and procedures in place to keep children safe, and
- monitor and guide the progress of any investigation of reportable conduct.

4.1 Conduct Covered by the NSW Reportable Conduct Scheme

'Reportable Conduct' includes:

- a sexual offence committed against, with or in the presence of a child;
- sexual misconduct with, towards or in the presence of a child;
- ill-treatment of a child;
- neglect of a child;
- an assault against a child;

- an offence under s43B (**failure to protect**) or s316A (**failure to report**) of the Crimes Act 1900, and
- behaviour that causes significant emotional or psychological harm to a child.

Child

A child is defined as any person under 18 years old at the time the alleged conduct occurred. It is important to note, this could include children who are not students at the School.

What is not reportable conduct?

- Reportable conduct does not include conduct that is reasonable for the purposes of the discipline, management or care of children, in regard to:
 - the age, maturity, health or other characteristics of the children, and
 - any relevant code of conduct or professional standard.

An example would be a school teacher whose voice is raised in order to attract attention or restore order in a classroom.

- a physical assault that only involves minor force; and did not, and was not ever likely to, result in serious injury. Generally, physical force that does not result in transient injury and which had no potential to result in serious injury would be considered 'trivial or negligible'.

Examples include:

- touching a child in order to attract the child's attention
 - momentarily restraining a child to prevent the child hurting themselves or others
 - touching a child to guide or comfort.
- conduct of a class or kind exempted from being reportable conduct by the Children's Guardian under section 30.

4.2 The School

Reporting and Investigation Obligations

School Community Members must notify reportable allegations or convictions relating to child-related misconduct by a School employee to the Principal immediately of becoming aware. If the allegation is about the Principal, then the matter should be reported directly to the Board Chair via boardchair@coastcs.nsw.edu.au.

STEP 1: Notification to the OCG

As the Head of Relevant Entity, the Principal (or Principal's delegate) must notify the OCG within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the School [noting there does not need to be any evidence or proof that the conduct occurred]. This will be done by submitting a 7 day [Notification Form](#) on the OCG website (see [OCG Fact Sheet 2 – Head of Entity responsibilities](#)).

It is important to note that the School must notify the OCG about reportable allegations and convictions against employees that arise in the course of an employee's work **as well as** reportable allegations and convictions relating to alleged conduct that occurred outside of School hours or outside of School related activities [*whether or not the alleged conduct took place before the above employee was engaged by the School, meaning even a historic allegation is reportable*].

The Principal will also consider 'Other Agency Reporting Obligations' (see below). Any concurrent obligations to report to the police OR as a mandatory reporter to JCPRP, still apply.

STEP 2: Notification to ACS Insurance

The Principal will notify ACS Insurance (insuranceservices@acsfinance.com.au) that an OCG investigation or relevant external authority is underway unless otherwise directed by the OCG and/or Police.

STEP 3: Conduct an investigation

Unless there is a police/DCJ investigation, which takes precedence, the School will then, as soon as practicable, conduct an investigation into the reportable allegation or conviction or will engage a third party investigator to conduct the investigation on the School's behalf (see [OCG Fact Sheet 4 – Planning and conducting an investigation](#)), acting on any recommendations/advice or directions of the OCG. The investigation will be completed within a reasonable time, having regard to the principles of procedural fairness and the mandatory considerations outlined in the CG Act.

STEP 4: Update the OCG

The Principal (or Principal's delegate) will, by 30 calendar days after the Principal becomes aware of the reportable allegation or conviction, provide either a finalised entity report or an update on the investigation to the OCG (see [OCG Forms](#)).

STEP 5: If the investigation was not finalised in the prior step

The Principal will make a finding at the end of the investigation. The Principal will make a decision regarding what action, if any, is required in relation to the employee, the child/children or any other parties who may have been involved in the investigation (see [OCG Fact Sheet 8 – Making a finding of reportable conduct](#)).

If the reportable allegation or conviction is against the Principal, the matter will be handled by the School's Board Chair (or Board Chair's delegate).

Other Agency Reporting Obligations

The Principal (or Principal's delegate), upon receipt of a reportable allegation or conviction, **must also consider what other reporting obligations may be required** in relation to the information.

Some reportable allegations also require reporting to:

- NSW Police
- DCJ

If NSW Police and/or DCJ make inquiries in relation to the information received, those inquiries take priority over the reportable conduct investigation required by the School. As such, the reportable conduct investigation will not progress until clearance from NSW Police and/or DCJ has been received.

The School will also consider other agencies, for example NSW Education Standards Authority (NESA), who may require notification in relation to the reportable allegation or conviction and may seek appropriate advice as to the School's requirement to notify other agencies.

Managing Risk in Reportable Conduct Matters

The Principal will be responsible for managing risk to the relevant parties associated with a reportable conduct matter. These include, but are not limited to:

- The child or group of children identified as the alleged victim/s
- Other children or young people
- The employee subject of the allegation
- Other parties to the alleged incident (such as witnesses or reporters)
- The investigation
- The School

The Principal will **conduct a risk assessment** for each of the identified relevant parties in the reportable conduct matter and will document the risk assessments. These risk assessments will be conducted:

- at the time of receiving the reportable allegation
- during the investigation, or as appropriate, to ensure they consider and, where appropriate, adjust the investigation, as new information becomes known, and
- at the conclusion of the investigation.

The Principal is also expected to review and update risk assessments for the relevant parties to the investigation as and when new information comes to light during the course of the investigation, particularly when that new information changes the risk to any of the relevant parties involved.

Risk assessments must be documented and kept on the investigation file and are to be included in the information provided to the OCG to demonstrate the School is managing risk.

The Principal's decision to take action on the basis of a risk assessment is not suggestive of a finding. For example, if an employee is asked to take leave or is suspended from duties for the duration of the investigation, this decision is a decision based on an assessment of risk to all parties involved.

Other Obligations

The Principal is also required to:

- ensure systems are in place for preventing, detecting and responding to reportable allegations or convictions at School.
- provide information about the allegation, the progress of an investigation, the finding and action taken to the alleged victim and the parent/caregiver unless the Principal considers that it is not in the public interest to do so.
- provide required information to the OCG under relevant provisions of the Act.
- ensure an appropriate level of confidentiality of information relating to reportable allegations and only disclose information about the allegations in circumstances permitted by the Act or other legislation.
- advise employees that the OCG Reportable Conduct Directorate will consequently report internally to the WWCC Directorate in relation to investigations that result in sustained findings of sexual misconduct, a sexual offence or a serious physical assault.

The School adopts, and requires all 'Employees' (defined in s3.4 below) to read and keep in mind, [FAQs for Employers](#) so that the School's overarching obligations can be understood.

4.3 Employees

The [Whistleblower Policy](#) may be referred to and enacted first, if relevant, when informing the Principal or Board Chair about a reportable allegation or conviction.

Any information about an 'employee' (includes volunteers and casual teachers) who may be engaging in conduct that is considered inappropriate or conduct that may amount to a reportable allegation must be reported to the Principal (or Principal's delegate). It does not matter if there is uncertainty about the substance of the information, whether the information is reliable or how the information came to light. Regardless of the veracity of the information, this information must still be reported to the Principal.

Employees must also report to the Principal when they become aware that an employee has been charged with, or convicted of, an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct, even if the alleged conduct occurred outside of, or before commencement of, their engagement (meaning even a historical allegation is reportable).

For clarity:

- Allegations of reportable conduct trigger the obligation to report – even if there is evidence or proof that indicates the offence did not occur.

- As long as the alleged offender is currently employed/engaged by the School at the time the School learns of the allegation, it must be reported to the OCG.
- If the School learns later of an allegation which took place during the course of employment/engagement, but which was unknown by the School until cessation of the employment/engagement, this need not be reported to the OCG.

Employees must disclose to the Principal if they have been charged or convicted of an offence. This self-report should be made without delay.

If a reportable allegation is raised against the Principal, the employee must report the information to the School's Board Chair: boardchair@coastcs.nsw.edu.au and directly to the OCG via reportableconduct@kidsguardian.nsw.gov.au OR use [OCG Forms](#).

The School require all 'Employees' (defined in s3.4 below) to read and keep in mind [FAQs for Employees](#). This brochure defines who is an 'employee' for the purpose of the OCG Reportable Conduct scheme.

As described in the Training section below, relevant staff are trained annually on their Reportable Conduct Scheme obligations.

4.4 Supporting Complainants

The School understands that a safe and supportive environment is required in order to maximise the potential for those who speak up about concerns. The School endeavours to foster discussions around child safety in a transparent and inclusive manner that ensures School Community Members can trust that they will be supported and not vilified for communicating concerns or complaints, and that any concerns raised will be taken seriously.

4.5 Definitions Relevant to Reportable Allegations and Convictions

Employee

An employee captured by the reportable conduct scheme includes:

- an individual employed by the School (ie 'School Staff')
- a volunteer providing services to children (e.g. parent helpers in the classrooms or at School carnivals. It is noted that these people are required by School policy to hold a cleared WWCC)
- a contractor engaged directly by the School (or by a third party) where the contractor holds, or is required to hold, a Working with Children Check for the purposes of their work with the School

- a person engaged by a religious body where that person holds, or is required to hold, a Working with Children Check for the purposes of their work with the religious body (e.g. Coast Community Church employees)

Sexual Offence

Sexual offence means an offence of a sexual nature under a law of State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child.

Examples of sexual offences:

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

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

Sexual Misconduct

Sexual misconduct means conduct with, towards or in the presence of a child that is sexual in nature but is not a sexual offence.

Examples of sexual misconduct:

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

Ill-treatment of a Child

Ill-treatment of a child means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.

Examples of ill-treatment:

- making excessive or degrading demands of a child,
- a pattern of hostile or degrading behaviours towards a child,
- using inappropriate forms of behaviour management towards a child.

Neglect of a Child

Neglect of a child means a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child that causes, or is likely to cause, harm to a child.

Examples of neglect:

- failing to protect a child from abuse,

- exposing a child to a harmful environment, for example, an environment where there is illicit drug use or illicit drug manufacturing.

Assault against a child;

Assault means the intentional or reckless application of physical force without lawful justification or excuse, or any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence.

Examples of assault:

- hitting, striking, kicking, punching or dragging a child (**actual physical force**);
- threatening to physically harm a child through words and/or gestures and regardless of whether the person actually intends to apply any force;
- a physical assault is serious where it results in the child being injured, beyond a type of injury like a minor scratch, bruise or graze; or it had the potential to result in a serious injury; or the injury suffered may be minor but the assault is associated with aggravated circumstances (for example, kicking a child, pulling a child by grabbing the child around the neck)

Behaviour that causes significant emotional or psychological harm to a child

Behaviour that causes significant psychological or emotional harm is conduct that is intentional or reckless (without reasonable excuse), obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child.

For a reportable allegation involving psychological harm, the following elements must be present:

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

an alleged causal link between the employee's conduct and the significant emotional or psychological harm to the child.

4.6 Further information about the Scheme

Further information resources from the Office of the Children's Guardian about the Scheme and the School's responsibilities are linked below:

- [Identifying Reportable Allegations](#)
- [Principal's Responsibilities](#)
- [Risk management following an allegation](#)
- [Recognising and managing conflicts of interest](#)

5 Reporting Relevant Criminal Offences

The School wants employees to be aware of certain reporting expectations of all adults in NSW with regards to informing NSW Police of child abuse offences.

5.1 Failure to report a child abuse offence

(‘Failure to report’ under s316A of the Crimes Act 1900)

All adults in NSW are to report information to the Police if they:

- know, believe or reasonably ought to know that a child has been abused; or
- know, believe or reasonably ought to know of information that might materially assist in securing the apprehension, prosecution or conviction of the offender.

Abuse in this context includes sexual abuse, serious physical abuse and extreme neglect of a child (a person under the age of 18 years under s316A).

Failing to report information to Police without a reasonable excuse is an offence punishable by up to two years imprisonment. The penalty will be five years if the person has accepted any benefit in exchange for failing to report.

A reasonable excuse for not reporting may be:

- if the victim is now an adult and doesn’t want the offence reported, or
- if the offence has already been reported to the Child Protection Helpline, or
- if the person fears for their safety or another person’s safety if they report.

If an employee has a reasonable belief that a child has been abused, they must report this information to the Principal as outlined above under Section 4 ‘Mandatory Reporting’ of this policy.

5.2 Failure to reduce or remove risk of a child becoming a victim of child abuse

(‘Failure to protect’ under s43B of the Crimes Act 1900)

The Crimes Act 1900 requires people in authority to protect the child from the abuse where possible. This means all adults in NSW working in an organisation that engages workers in child-related work (ie at the School) commit an offence if:

- they know that an adult worker engaged by the organisation poses a serious risk of abusing a child, and
- they have the power or responsibility to reduce or remove the risk, and
- they negligently fail to reduce or remove that risk.

Abuse in this context includes sexual or serious physical abuse.

The School expects that any offence reported to the police in accordance with the above, will also be reported to the Principal (unless the allegation relates to the Principal in which case the matter should be reported to the Board Chair – via boardchair@coastcs.nsw.edu.au).

5.3 Child Abuse Offences

‘Child abuse offences’ covers a range of offences, including but not limited to:

- any acts causing danger to life
- neglect of a child
- assault offences
- any sexual offences against a child, including inciting someone to commit a sexual offence on a child
- child abuse material offences.

5.3.1 How to Identify Abuse or Neglect

Although this [Fact Sheet](#) relates to the OCG Scheme, it is helpful in identifying abuse or neglect more widely.

Although this [Fact Sheet](#) relates to the Mandatory Reporting Scheme, it is helpful for recognising signs of abuse or neglect more widely.

5.3.1 How to Respond to Abuse or Neglect

Where there are urgent concerns for a child’s safety or wellbeing, the **emergency service 000** should be contacted where required. In this instance, the School will undertake to cover the expense of the ambulance service, if required, as a gesture of good faith and not as any admission of liability. For all other instances of abuse or neglect, whether suspected or actual, immediate steps are to be taken to protect a child from further harm and the matter reported to the Principal so that an immediate holistic response can be activated.

Although this [Fact Sheet](#) relates to the Mandatory Reporting Scheme, it is helpful for informing School Community Members about how to respond if a child discloses abuse.

Although this [Fact Sheet](#) relates to the Mandatory Reporting Scheme, it is helpful for informing School Community Members about how to respond if a parent discloses abuse.

5.4 Documenting Observations and Response

Any School Community Member who observes or receives a disclosure of child abuse must document their observations and response (as far as is reasonably practicable in the circumstance, and in a confidential manner), and report the matter and provide a copy of their written observation to the Principal as soon as reasonably practicable – along with discharging any other obligations under this policy.

6 Reporting to the Principal – Other Child Safety Concerns

As part of the School's overall commitment to safeguarding children and young people, all employees, regardless of their mandatory reporting status, are required to report any child safety concern or any other information relating to the safety, welfare or wellbeing of a child or young person (or a group of children and young people) to the Principal (or the Principal's delegate).

These concerns should be reported regardless of how serious/significant or minor the employee perceives, assesses or interprets the information to be. That is, even if an employee considers a concern not to be a risk of significant harm (ROSH), the statutory threshold for reporting to the Child Protection Helpline, the concern should still be reported to the Principal (or Principal's delegate) in line with this policy and the centralised reporting requirements outlined above. If an employee is unsure their information requires reporting, the employee should seek advice from the Principal (or Principal's delegate).

Information relating to the safety, welfare or wellbeing of children or young people may relate to settings other than at the School. Other settings may include the online environment or outside of the school context including the child or young person's home.

The Principal will be able to assist the employee in understanding the concerns and managing the next steps, as appropriate, and clarifying the employee's role in the particular matter.

Responsible and early sharing of information relating to the safety, welfare and wellbeing of children and young people is fundamental to the School's approach to safeguarding.

The following exceptions apply in regard to reporting to the Principal:

- The Principal is the alleged offender (in which case the issue should be reported to the Board Chair via boardchair@coastcs.nsw.edu.au);
- The circumstances are such that a reasonable person would regard it as inappropriate to inform the Principal; or
- Any other reason at law.

6.1 Child Safe Investigations - Generally

All School Community Members must commit to co-operating fully with any investigation concerning child abuse or neglect.

It is acknowledged that in some circumstances, an investigation may be proceeding simultaneously by external authorities (eg DCJ/Police etc) and the Principal, or delegate. In this case, the Principal or delegate shall consult with the external authorities to ensure the investigation is proceeding appropriately and to adopt any recommendations in relation to the manner in which a simultaneous investigation should be conducted (for example, it may be the case that the Principal is requested to put an investigation on hold whilst the Police make their enquiries etc).

6.2 Child-Focused Risk Management

The School uses child-focused risk management practices (see Risk Management Policy) to assess all activities to ensure they do not put children at risk of harm. Risk assessments are to be conducted for School activities, before the activity is undertaken, to ensure programs are safe and appropriate for children, and that risks are managed proactively. This includes assessing not only physical risks inherent to the activity itself (eg using sporting equipment) but also any child-protection risks associated with the activity (eg considering whom the students might encounter during their activities and whether such persons are appropriate to have contact with children etc.)

7 Pre-Engagement, Advertising & Ongoing Screening

The School conducts pre-screening of School Community Members who have direct contact with children, and also other groups (e.g. the Board - “Responsible Persons”) who may - but may not have - contact with children, as a risk-based approach to ensure all individuals are fit and proper persons to be engaging with children and/or to undertake their roles generally. The School utilises this risk

management strategy to identify those who are unsuitable; and exclude them from having contact with children.

Advertising employment opportunities at the School

The School will include, but is not limited to, the following information when advertising to fulfil a position of employment:

- Role title
- Brief description of the School
- Explicit statement of commitment to child safety
- Primary purpose of role – brief description
- An outline of the duties of this role – including requirement to comply with child safety policies, legislation and regulation
- Key objectives of the role
- The delegated School supervisor
- Conditions of appointment including the; e.g. full/part time role
 - Requirement for a cleared Working With Children Check (Employee)
 - Other information relevant to the position e.g. full/part time role

The School's pre-screening processes include:

For Teaching Staff

- Working with Children Checks (renewed every 5 years)
- Police Checks
- Reference checks (character and professional) - Please also refer to specific Child Safe referee requirements in 7.3 below
- Copies of Qualifications certified by a Justice of the Peace or Solicitor
- During the interview process, the applicant is able to provide a negative response to the following question; 'Has your suitability to work with children ever been queried?'

For Other Staff (including Finance Manager)

- Working with Children Checks (renewed every 5 years)
- Police Checks (where appropriate, eg Principal, Finance Manager to check for fraud offences etc)
- Reference checks (character, and professional if relevant)
- Copies of Qualifications (where appropriate) certified by a Justice of the Peace or Solicitor
- During the interview process, the applicant is able to provide a negative response to the following question; 'Has your suitability to work with children ever been queried?'

For Parent Helpers/Volunteers

- Working with Children Checks (renewed every 5 years)

For Responsible Persons (Board & Principal)

- Working with Children Checks (renewed every 5 years)
- Fit & Proper Person Declarations
- Confirmation of Active Partnership with Coast Community Church
- Other appropriate pre-engagement governance-related documentation (eg reference checks by Chair as appropriate etc)
- During the interview process, the applicant is able to provide a negative response to the following question; 'Has your suitability to work with children ever been queried?'

7.1 Working with Children Check Scheme

The Child Protection (Working with Children) Act 2012 (WWC Act) and the Child Protection (Working with Children) Regulations 2013 underpin the Working with Children Check (WWC) Scheme in NSW. The WWC Scheme aims to protect children by:

- precluding certain individuals from engaging in child-related work, and
- requiring individuals engaged in child-related work to have Working With Children Check (WWCC) clearances.

The Office of the Children's Guardian (OCG) administers the WWC Scheme. The WWC Scheme is one of a number of ways the School builds a safe environment for children. A WWCC involves a national criminal history check through the Australian Criminal Intelligence Commission and NSW Police as well as data held by the OCG based around adverse findings of workplace misconduct involving children.

The OCG is responsible for determining if a person is granted a WWCC clearance or refused a WWCC.

In NSW, certain individuals who work or volunteer in child related work are required to have a WWCC application or clearance.

7.1.1 The School

The School has legal obligations under the WWC Act and in relation to employing or engaging people to work with children.

It is against the law for the School to employ or engage anyone in child-related work without a WWCC.

WWCC is an important part of the School's screening processes to create a safe environment for children by preventing people who pose a risk to the safety, welfare and wellbeing of children from being employed or engaged in child-related work. This policy should be read in conjunction with the School's [Working With Children Check – Verifying and Maintaining - Procedure](#).

All School Community Members who have direct contact with children and those whose roles provide them with access to sensitive information about children (eg Finance Manager etc) are required to have a WWCC. The School ensures that our Responsible Persons (ie School Board Members and Principal) are Fit and Proper persons by requiring a WWCC even though some might not have direct contact with children.

Prior to employment, and on a statutory 5-year cycle the WWCC online application is to be completed by people who are employed or engaged (or who are seeking to be employed or engaged) in child-related work at School.

The School Board has mandated that Parent Helpers, including carers, grandparents and relatives acting as volunteers are required to have a clear WWCC as a safeguarding strategy.

The School Office Manager will:

- verify each person's WWC number online to ensure it is legitimate and of a clear status at www.newcheck.kids.nsw.gov.au. The Office of the Children's Guardian is responsible for determining whether or not a person is granted a WWCC clearance. This includes verifying:
 - new workers or volunteers,
 - a renewed WWCC, updated within five years
- inform the Principal (or Principal's delegate), as a matter of priority, if an individual's WWCC is expired or not clear.
- maintain centralised records of employees and volunteers who require a WWCC including
 - the worker's WWCC Number,
 - its expiry date,
 - the date (a copy) of the School's verification – and
 - will retain such records for at least 7 years after the date of the person's last interaction with the School.
- remind employees to renew their WWCC up to three months before their WWCC expires

The Principal (or Principal's delegate) will:

- remove an employee or volunteer from child related work who has a WWC status that is

barred, interim barred, or whose WWCC cannot be found or has expired.

- audit the School's WWCC register

7.1.2 Employees and WWCC Recipients

It is against the law for an individual to work or engage in child-related work without a valid WWCC clearance.

Employees (including volunteers) must:

- not commence employment/engagement with the School until they provide a WWCC clearance.
- hold and maintain a WWCC clearance.
- immediately inform the Principal (or the Principal's delegate) of any changes to their WWCC clearance or status.⁴
- not engage or work in any child-related activities if they have an interim bar, cancelled or an expired WWCC clearance.
- immediately report to the Principal if they believe another employee (including a volunteer or contractor) has had any change to their WWCC clearance or status.
- notify the School and the Office of the Children's Guardian (OCG) of changes in their personal details within three months of any change

All employees, regardless of their role or relationship with the School are required to read, be aware and follow the expectations of the School as detailed in the School's policies and codes including, but not limited to; this Child Safe Policy, the Child Safe Code of Conduct, the Code of Conduct: School Community Members, the Discipline and Behaviour Management Policy, the Whistleblower Policy and the Complaints and Grievances Policy.

If an employee (including volunteers) has any questions or requires additional information regarding any part of the above policies and codes, they are to speak to the Principal as a matter of priority.

7.1.3 Uncleared Checks

If it is ascertained during the above processes that an individual's WWCC is expired, or not clear, the individual cannot be employed or engaged with the School and the Principal will discuss this situation with them. The Principal is always to be advised if any person's WWCC is not verified as 'cleared' and will put in place appropriate risk management strategies to ensure such a person does not have access to children at the School.

⁴ This may include the OCG conducting a risk assessment, issuing an interim bar, a bar, or a WWCC expiring.

7.1.4 What if a Person becomes Barred?

The NSW Office of the Children's Guardian (OCG) will notify the School in writing if a person's WWCC clearance is cancelled or becomes subject to an "interim bar".

In that event, the Principal will remove the person from child-related work immediately. The Principal will contact the OCG to investigate the matter. This investigation may lead to the staff member being:

- suspended pending the outcome of an appeal; or
- summarily dismissed; or
- transferred to a non-child-related role.

NOTE: *The School is under no obligation to find an alternative position for a barred worker. Damages or compensation are not payable to a worker who has been removed from child-related work because they are barred from working with children.*

7.1.5 Definitions Relevant to the Working With Children Scheme

Working With Children Check Clearance

A Working With Children Check Clearance is authorisation granted by the OCG to an adult applicant that then allows them to apply for and engage in child-related work. A WWCC clearance is valid for 5 years unless it is cancelled or surrendered.

Cancellation of clearance

- The OCG must cancel an individual's WWCC if the OCG becomes aware the person is a *disqualified person* or becomes satisfied that the person poses a risk to the safety of children.

Child

- A child is anyone under the age of 18 years.

Child-related Work

- Child-related work includes employment at the School and where the role involves:
- direct contact with a child or children and that contact is a usual part of their role and more than incidental to their work

Child-related Work Setting

- Child-related work settings include, but are not limited to:
- children's health services

- clubs or other bodies providing services for children
- disability services
- early education and childcare
- schools or other educational institutions and private coaching or tuition of children,
- sporting cultural or other entertainment venues used primarily by children and entertainment services for children
- religious services
- residential services, such as boarding houses or other residential services for children and overnight camps for children
- transport services including school bus services and taxi services for children with a disability and supervision of school road crossings.

Direct Contact

Direct contact with children means:

- physical contact, or
- face to face contact.

Disqualified Person

A disqualified person is an individual who has been convicted or has proceedings against them for an offence which is listed in Schedule 2⁵ of the WWC Act. The OCG can not grant a WWCC clearance to a disqualified person.

Interim Bar

An interim bar can be issued to an applicant or a person with a WWCC clearance if the OCG has determined that it is likely that there is a risk to the safety of children if the individual continues in child-related work. An interim bar can be in place for up to 12 months.

Risk Assessment

A risk assessment, conducted by the OCG, is to determine whether an applicant or a holder of a WWCC clearance poses a risk to the safety of children.

⁵ <https://legislation.nsw.gov.au/view/html/inforce/current/act-2012-051#sch.2>

7.2 Police Checks

The School conducts Police Checks before filling selected roles in the School, including Principal and Business Manager/Finance Manager. In the event of a criminal offence arising which indicates a person may not be suitable to work with children or remain in their relevant role, the Principal (or the Board Chair via boardchair@coastcs.nsw.edu.au if the matter relates to the Principal) will seek professional advice about the appropriateness of the person's employment. In this instance, the School is mindful of its obligations under anti-discrimination legislation and will be guided by professional advice as to available responses to the information ascertained under the Police Check. In all cases, principles of natural justice and procedural fairness will be afforded, and the information ascertained will be kept as highly sensitive information in a secure location and shared with only those who need to be informed in order to deal with the matter appropriately.

7.3 Referee Checks

The School conducts referee checks for every staff member employed, prior to engagement.

A minimum of two favourable references are required. Referees will be asked their opinion of the applicant's character and suitability for working with, or in the presence of, children. This will include the mandatory following question:

'Do you have any child safe concerns in relation to this candidate?' The answer provided by the referees to the above question is to be noted on the applicant's interview report.

The Referee Checks may be verbal or in writing, but in any case, shall cover off the above question regarding suitability for working with children.

7.4 Copies of Qualifications

The Office Manager maintains a register of all qualifications and experience of all teaching staff (including part-time and casual staff) and any others who work directly with children. A copy of relevant qualifications certified by a Justice of the Peace or Solicitor is to be provided to the School.

8 Other Obligations

8.1 Training

The School recognises the importance of employees being equipped to keep children and young people safe through ongoing education and training.

All School Community Members must participate in reasonable training opportunities as provided by the School and as appropriate to the context in which the Community Member participates in School activities. This ensures School Community Members maintain a relevant understanding of child protection laws and the School's policies and procedures in relation to the care and safety of students.

Education about child protection, child safety and safeguarding of children and young people is an ongoing and regular discussion for all School Community Members as a vital preventative approach and for facilitating ongoing Child Safe awareness.

The Principal will ensure policies and procedures are regularly reviewed and updated – and approved by the Board where appropriate - and communicated to staff and other School Community Members.

All training records are to be retained for at least 7 years after the date of the last entry.

Specific training is provided as follows:

8.1.1 Staff

All staff are to be trained annually on their obligations to prevent, identify, report - and investigate (depending on their role) allegations of Reportable Conduct in compliance with the Children's Guardian Act 2019.

External training delivered by an approved provider will be provided annually to all staff who have direct contact with children, and others at the discretion of the Principal.

All staff will be made aware of this Policy and the Child Safe Code of Conduct via annual compulsory Child Safe training delivered internally during the January Staff Development week at a minimum but also regularly during other PD segments throughout the year, and which includes:

- Reminding staff of their legal responsibilities related to child safety;
- Reminding staff of the School's expectations under this and other policies;
- Ensuring all Staff have the School's Child Safe Policy and Code of Conduct front of mind daily;
- Reminding Staff of methodology for preventing, identifying, detecting and responding to abuse, harm and neglect under this policy;
- Reminding staff about their obligations for Mandatory Reporting of a Risk of Significant Harm;
- Reminding Staff of their personal obligations, including appropriate responses to any allegation or complaint of improper conduct by another staff member including reportable conduct;
- Reminding Staff of their reporting obligations and processes;

- Ensuring Staff are cognisant of their own personal responsibility to have an up-to-date clear WWCC, including notifying the School and OCG of any change of personal particulars or contact details; and
- Updating Staff of any changes or updates to Child Safe legislation or methodologies.

Staff are to sign an Attendance Sheet as evidence of having received all training under this policy.

Staff who are absent from training sessions or who are employed during a School year after the Child Safe training has been conducted will be required to read this policy and sign to acknowledge an understanding of their obligations.

Any staff member who has not participated in NSW Child Safe Training within the 12 months period prior to commencing employment with the School, will be required to participate in a relevant Child Safe Training Program and provide the Principal with evidence of course completion within one month of commencing their employment.

A Training Register is maintained by the Officer Manager which includes a list of training attended by whom, when, and including a copy of training signoffs. For teaching staff, it is the teacher's own responsibility to ensure confirmation of relevant training is uploaded on eTams.

Throughout the year, relevant updated information about Child Safety will be forwarded to staff electronically to ensure they are up to date.

Staff will be reminded of the Policy and Code of Conduct through review at staff development meetings from time to time.

Training on this and related policies forms part of the staff induction program.

8.1.2 Other School Community Members

All persons who have direct contact with children are required to sign the Child Safe Code of Conduct before having contact with children (along with having a cleared WWCC).

Information about Child Safety is provided regularly, informing parents/carers of the School's Child Safe teaching program as well as the School's Child Safe practices and rationale. Parents and carers are also made aware of their compulsory reporting obligations via the School Newsletter.

All visitors to the School are required to enter via the School Office (using sign-in register), which displays the Child Safe Policy and a Reminder Notice.

8.1.3 Students

The Child Safe Policy is integrated in the PDHPE program during Child Safety lessons – in a child-friendly and appropriate manner.

Students are advised by the relevant teaching staff and at an age-appropriate level, about the School's Child Safe approach and procedures.

8.2 Record Keeping

The School recognises that the creation of accurate records and good record keeping practices play a critical role in preventing, identifying, and responding to child safety information.

1.1.1 The School

The School will maintain records, including but not limited to, the following:

- records about reportable conduct allegations are retained for at least 7 years from the date of the last activity relating to the matter, in a secure location which is password-protected and accessible by the least number of persons as is efficacious at the discretion of the Principal.
- records relating to child safety and protection
- records of reports made to DCJ and/or NSW Police
- a register (Working with Children register) of relevant details for child-related workers and of the online verification of Working With Children Checks
- attendance records of compulsory professional development sessions regarding safeguarding
- confirmation that staff have read this policy.

1.1.2 Employees

It is a requirement of all employees that they create and keep full and accurate records relating to child safety and wellbeing matters. These records should be captured on Sentral (the School's Central Management System).

Full and accurate records should be created about instances, responses and decisions affecting child safety and wellbeing.

Records relevant to child safety and wellbeing should only be disposed of in accordance with the relevant law or School policy.

1.1.3 Privacy and Confidentiality

Employees must deal with information relating to child protection, child safety, safeguarding and reportable allegation concerns confidentially.

Employees who become aware of a breach of confidentiality in relation to a child protection, child safety, safeguarding or reportable allegation matter must advise the School Principal (or the Principal's delegate) immediately.

Breaches of confidentiality by School employees will be viewed seriously and may result in employment consequences. For contractors and volunteers, a breach of confidentiality may result in a review of engagement with the School. School Community Members are regularly reminded of their obligation to keep sensitive matters confidential and to ensure privacy around issues of child safety, and other issues, at the School (See the School's Privacy Policy for further details.)

8.3 Consequences of Breaching this Child Safe Policy

The consequences of breaching the School's Child Safe Policy vary according to the circumstances, but may include:

- a written warning/caution;
- summary dismissal (for serious misconduct);
- report to external authorities, including OCG, DCJ, police etc;
- other actions under the School's Staff Discipline Policy as may be relevant (eg the Principal has discretion to stand down a staff member (with pay where appropriate) while an investigation is being conducted).

The School's conduct of investigations is underpinned by principles of natural justice and procedural fairness and with due regard for the psycho-social impact upon those involved.

9 Relevant NSW Legislation

This policy has been developed in line with the following key pieces of safeguarding legislation in NSW. In the event of any conflict between this policy and the legislation, the provisions of legislation take precedence.

- the Children and Young Persons (Care and Protection) Act 1998
- the Children's Guardian Act 2019 (NSW) ('CG Act')
- the Child Protection (Offenders Registration) Act 2000 (NSW)
- the Child Protection (Working with Children) Act 2012 (NSW) ('WWC Act')
- the Child Protection (Working With Children) Regulations 2013

- the Crimes Act 1900 (NSW) ('Crimes Act')

10 Related Policies

This policy works in conjunction with other School policies. These include, but are not limited to:

- Child Safe Code of Conduct – School Community Members
- Code of Conduct – Employees and Volunteers
- Code of Conduct – Students
- Anti-Bullying and Cyber-Bullying Policy
- Anti-discrimination, Harassment and Victimisation Policy
- Complaints and Grievances Policy
- Complaints Handling Procedure for Allegations of Staff Misconduct or Reportable Conduct
- Privacy Policy
- Shared Site Use Policy – The School has developed a Shared Site Use Policy which provides further guidance on the use of the site by adults involved at Coast Community Church which also has premises located on site.
- Staff Discipline Policy
- Whistleblower Policy
- Working with Children Check – Verifying and Maintaining – Procedure

11 Feedback and Evaluation

We invite feedback from the School community and general community about our approach to Child Safety as we are committed to continuously improving our policies and procedures to support child safety and wellbeing.