

Child Protection Policy and Procedures

Values

The Small School fosters the wellbeing and safety of children.

All adults at The Small School exercise a duty of kindness and care to children.

Purpose

- To articulate The Small School's child protection processes.
- To set out the legal obligations of staff, contractors, volunteers, parents, Directors and other adults to protect children at The Small School.
- To describe the process for investigating allegations of misconduct at The Small School.

The Small School has a child-safe culture across all policies and procedures, staff recruitment and development, curriculum and supervision of children. The school takes all reasonable steps to ensure children are safe and feel safe.

Core to the school's philosophy are six principles, including that children have a say in decision-making at the school and that families are welcome and encouraged to participate in school life. These principles map directly with best practice principles for child safe organisations identified by the Office of the Children's Guardian¹. In this way, protection of children from harm is integral to everything The Small School does.

Responsibilities

All adults connected with The Small School have a responsibility to care for children, to positively promote their

1. http://www.kidsguardian.nsw.gov.au/ArticleDocuments/838/ChildSafePrinciples_web.pdf.aspx?Embed=Y

wellbeing and to protect them from harm.

The School Board takes all reasonable steps to recruit staff who will put the wellbeing of children ahead of any other priority.

The School Manager:

- Coordinates the School's child-safe culture and champions child protection across the school.
- Maintains relationships with relevant agencies including the Department of Community Services, the Ombudsman and the Office of the Children's Guardian, as well as regional help and referral agencies.
- Verifies and records the status of Working With Children Checks² or other checks (if required) for those engaged to start as employees, volunteers or contractors in child-related work³ at the school.
- Keeps Working with Children Check records for the school, (see Attachment A) including advice of a valid Working with Children Check for all child-related workers⁴ and the date renewal is due.
- Carries out induction processes for staff, families and volunteers at The Small School, including induction into the school's child-safe culture and child protection arrangements and obligations, including the obligation for all staff and volunteers at The Small School to have and maintain a valid Working With Children Check.
- Maintains a register of training for staff in child protection awareness and responsibilities and audits the register annually to ensure all staff complete training (see Attachment A).
- Ensures that staff attend child protection training annually in which they receive training on their legal responsibilities in relation to child protection, mandatory reporting and reportable conduct.
- Makes mandatory reports to Children's Services.
- Receives allegations of reportable conduct, notifies the Ombudsman, carries out a risk assessment to remove/ reduce risk and arranges for an investigation of the allegation in accordance with the process set out in this policy.
- Reports findings of misconduct to the Office of the Children's Guardian as required.

2. See later under Who can work with children at The Small School for a description of the Working with Children Checks process.

3. 'Child-related work' is work involving physical or face-to-face contact with children and includes volunteer work.

4. A 'child-related worker' is a person who has physical or face-to-face contact with children and at The Small School includes volunteers.

Staff at The Small School:

- Ensure they hold and maintain a valid Working with Children Check and that when their Check is up for renewal they do so and inform the School Manager of the renewal.
- Undertake induction and annual training in child protection awareness, mandatory reporting and their responsibilities under child protection legislation.
- Ensure that when they are organising any volunteer or external provider for child-related work, the School Manager has completed verification of a Working with Children Check before the volunteer or external provider has interaction with children.
- Remain present with any volunteers or other visitors to the school involved in child-related work.
- Understand their obligations for mandatory reporting and reportable conduct set out in this policy and act in accordance with those obligations.
- Advise the School Manager of any concern that a child is at risk of significant harm.
- Advise the School Manager of any concerns in relation to reportable conduct under this policy.
- Maintain confidentiality during any investigation of reportable conduct undertaken by the school.

Volunteers at The Small School (including parents):

- Ensure they hold and maintain a valid Working with Children Check.
- Complete the School's induction process for volunteers including a briefing on the school's child-safe culture and child protection obligations and attend child protection training as organised by the School Manager.

How the Purpose is achieved

The Small School identifies and manages risks that may lead to harm to children across its activities.

No one can work as an employee at The Small School in a child-related role⁵ if they do not have a valid Working with Children Check number. Volunteers at The Small School, including parents, must also have a Working with

5. A child-related position is a position with direct or face-to-face contact with children.

Children Check number in order to volunteer in child-related roles. Before taking up duty at The Small School, the staff member or volunteer provides their Working With Children Check number to the School Manager. The School Manager will verify the Working With Children Check number.

All staff, volunteers and Directors are provided with training in relation to child protection awareness, mandatory reporting and reportable conduct as part of their initial induction and annually through the online resources available in the Office of the Children's Guardian or other training resources.

As part of the staff induction process, the School Manager provides a copy of this policy to any new staff member who has mandatory reporting responsibilities. The staff member reads the policy and signs and dates the last page and returns that page to the School Manager before commencing duty to indicate they have read the document and understand their obligations and the school's child safety practices, including the requirement for all staff and volunteers to have a valid Working With Children Check. A copy of the signed policy is kept in the register of staff training in child protection.

The School Manager arranges for child protection and related topics to be included on the agenda at the first staff meeting each year and at other times for meetings with parents and staff as needed.

The School Manager arranges for training opportunities for staff annually in relation to child protection and mandatory reporting obligations and reportable conduct. The School Manager is also responsible for following-up with any staff members absent from training or staff meetings where child protection was discussed to ensure that alternative training is organised.

Teachers deliver developmentally appropriate protective behaviours curriculum material to children attending the school. Children are made aware of the school's responsibilities for the safety, welfare and wellbeing of children in their care. Children are encouraged to have a say in the things that affect them at the school in class Circle Time each day and in whole-school meetings. This encourages the development of children's ability to speak up if something is concerning them.

A staff member, parent or other person with a concern about mandatory reporting or reportable conduct should advise the School Manager. If the matter concerns the School Manager, they should advise the Chairperson of the School Board. The School Manager / Chairperson of the School Board then takes action as prescribed by relevant legislation and set out in this policy. If a person with mandatory reporting responsibilities is not satisfied with the action taken by the School Manager/ Chairperson of the School Board, they must make a mandatory report themselves in accordance with this policy.

The remainder of this document is important...

The remainder of this document provides an explanation for everyone in The Small School of the statutory framework for protecting children in New South Wales. It sets out:

- Who can work with children and how the school ensures they have been checked for criminal and other relevant activity.
- Who is a mandatory reporter and in what circumstances and how they make a report.
- What and how conduct must be reported to the Ombudsman and the Office of the Children's Guardian.

Legislation seeking to protect children

The *Child Protection (Working With Children) Act 2012 (NSW)*, referred to here as the Working with Children Act, protects children by identifying who is permitted to work with children.

The *Children and Young Persons (Care and Protection) Act 1998 (NSW)*, referred to here as the Care and Protection Act, sets out the circumstances for mandatory reporting in which some staff are required to report a situation of a child at significant risk to children's services and/or police.

The *Ombudsman Act 1974 (NSW)*, referred to here as the Ombudsman Act, defines 'reportable conduct' that must be investigated and reported in accordance with the Act.

Who can work with children at The Small School?

The Working with Children Act aims to protect children by not permitting certain persons to engage in 'child-related work' and requiring persons engaged in child-related work to have 'Working with Children Check' clearances.

As indicated earlier, a 'child-related worker' is a person who has physical contact or face-to-face contact with children in environments including schools and at The Small School includes volunteers. Child-related work includes child care, private coaching and tuition, overnight camps and transport services for children including school bus services, taxi services for children and supervision of school road crossings.

If you are unclear if your role is child-related, you should speak with the School Manager.

The Office of the Children’s Guardian is responsible for employment screening for child-related work. A Working With Children Check is a prerequisite for anyone in child-related work. It involves a national criminal history check and review of reported workplace misconduct findings.

The result of a Working With Children Check is either a clearance to work with children for five years, or a bar⁶ against working with children.

A child-related worker may commence work once they have completed the Working with Children Check application process and have been cleared to work with children. An application is completed when the online application form is complete and the worker’s identity has been proven at the NSW Motor Registry or Council Agency and the fee has been paid (if in paid work).

Cleared applicants are subject to ongoing monitoring by the Office of the Children’s Guardian, and any relevant new records which appear against a cleared applicant’s name may lead to the Working With Children Check being revoked.

If you are a child-related worker, you are required to:

- Hold and maintain a valid Working with Children Check clearance.
- Not engage in child-related work at any time that you are subjected to an interim bar or a bar.
- Report to the School Manager if you are no longer eligible for a Working with Children Check clearance, the status of your clearance changes or you are notified by the Office of the Children’s Guardian that you are subject to a risk assessment.

It is your responsibility to ensure that when you are eligible to apply for a Working With Children Check clearance or when your clearance is up for renewal you do so.

Further information about applying for your Working with Children Check is available on the Office of the Children’s Guardian website at <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check/apply>

The school is required under the Working with Children Act to verify online and record the status of each child-related worker’s Working with Children Check clearance and only employ or engage child-related workers who have a valid clearance.

⁶ A bar may be final, which means it follows a risk assessment made by the Office of the Children’s Guardian. A person with a final bar is barred from working with children. An interim bar is issued to high-risk individuals to prevent them from continuing to work with children while the risk assessment is conducted. The interim bar may be applied for up to 12 months. If an interim bar is in place for six months or longer, it can be appealed against through the Administrative Decisions Tribunal. Not everyone who is subject to a risk assessment receives an interim bar; only those who represent a serious and immediate risk to children. Interim bars are only issued for risks considered likely to result in a final bar.

Verification is the responsibility of the School Manager. Staff organising an external provider must ensure the School Manager completes verification before the external provider has interaction with children.

The child-related worker is issued with a Working with Children Check number which must be provided to the School Manager to verify the status of an employee's Working with Children Check clearance. The School Manager verifies the Working with Children Check number on the Office of the Children's Guardian website.

You may also be a Mandatory Reporter at The Small School...

The Care and Protection Act provides for mandatory reporting of children at risk of significant harm. Significant harm is defined under the Act, along with the process for reporting.

Who is a mandatory reporter?

All teachers are mandatory reporters. Other school employees may also be mandatory reporters.

Under the Care and Protection Act anyone who either delivers services to children or manages or supervises the provision of services to children, including healthcare, welfare, education, children's services and residential services, is a mandatory reporter.

If you are not sure whether you are a mandatory reporter you should speak to the School Manager.

When must a report be made to Community Services?

Under the Act, a mandatory reporter must, where they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm, report to Community Services as soon as practicable, the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm. At the Small School, young people (16 or 17 years of age) are also considered to be children in relation to these arrangements.

Reasonable grounds

Having 'reasonable grounds' means having an objective basis for suspecting that a child may be at risk of significant harm, based on:

- first-hand observations of the child or family
- what the child, parent or another person has disclosed

- what can reasonably be inferred based on professional training and/ or experience.

Having reasonable grounds does not mean you are required to confirm your suspicions or have clear proof before making a report.

Significant harm

A child is 'at risk of significant harm' if current concerns exist for the safety, welfare or wellbeing of the child because of the presence, to a significant extent, of any one or more of the following circumstances:

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

A child is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child are present to a significant extent. What is meant by 'significant' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing. In the case of an unborn child, what is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child's birth. The significance can result from a single act or omission or an accumulation of these.

Child abuse

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

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

Physical abuse is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation. Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punishing a child (in a non-trivial way) is a crime.

Emotional abuse can cause serious psychological harm which can occur where the behaviour of a parent or caregiver damages the confidence and self esteem of the child, resulting in serious emotional deprivation or trauma. Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child. This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

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

It is possible to have child wellbeing concerns for safety, welfare or wellbeing that do not meet the mandatory reporting threshold, which is risk of significant harm.

What to do if you are a mandatory reporter with information to report

Reporting by the school about mandatory reporting matters to Community Services and, where necessary, the police, is undertaken by the School Manager.

If you have a concern that a child is at risk of significant harm you should advise the School Manager as soon as possible to discuss whether the situation reaches the threshold of 'risk of significant harm' under the Act and the steps required to report the matter.

If the School Manager decides the child is at risk of significant harm, the School Manager will report the matter. If the harm is non-imminent, the School Manager calls the Child Protection Helpline on 132111. If it's a life-

threatening or emergency situation, the School Manager calls 000.

If there is an immediate danger to a child and the School Manager is not contactable you call 000 and the Child Protection Helpline on 132111 and advise the School Manager as soon as possible.

You are not required to, and must not, undertake any investigation of the matter yourself.

You are not to inform the parents or caregivers that a report to Community Services has been made.

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

What to do if you have a concern

While the Care and Protection Act sets out a mandatory reporter's obligation to report to Community Services, as an employee or volunteer at The Small School, you need to raise any concern regarding the safety, welfare and wellbeing of a child with the School Manager.

In these cases, you are required to deal with all reports regarding the safety, welfare or wellbeing of a child confidentially and only disclose them to the School Manager and any other person the School Manager nominates.

Reportable conduct under the Ombudsman Act

Part 3A of the Ombudsman Act requires the School Manager to notify the New South Wales Ombudsman of all allegations of 'reportable conduct' by an 'employee' and the outcome of the school's investigation of these allegations.

An 'employee' includes employees, contractors, volunteers, work experience participants, clergy, ministers of religion and instructors of religion who provide pastoral or liturgical services. Where there is a reference to an employee below, it includes all of these persons.

A 'child' for the purposes of the Ombudsman Act is anyone under the age of 18.

Employee obligations to report

You must report to the School Manager any concerns you may have about any other employee engaging in 'reportable conduct' (see below) or any allegation of reportable conduct that has been made to you, including

if the concerns are about yourself. If you are not sure whether the conduct is reportable conduct but consider that it is inappropriate behaviour you must still report it.

You must also report to the School Manager if you 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. A reportable conviction means a conviction (including a finding of guilt without the court proceeding to a conviction), in New South Wales or elsewhere, of an offence involving reportable conduct. The duty to report includes information relating to yourself.

If the allegation involves the School Manager, you are required to report to the Chairperson of the School Board.

Contact for parents

The School Manager is the contact point for parents if they wish to report an allegation of reportable conduct against an employee. The complaints procedure is easily located on The Small School website and in hard copy at the school.

What is reportable conduct?

Reportable conduct is

- any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material)
- any assault, ill-treatment or neglect of a child
- any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to:

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

25CA⁷.

Reportable conduct: sexual offences or sexual misconduct

Sexual misconduct has two categories:

- crossing professional boundaries
- sexually explicit comments and other overtly sexual behaviour.

The alleged conduct must have been committed against, with or in the presence of a child.

Crossing professional boundaries

Sexual misconduct includes behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate relationship with, conduct towards, or focus on a child or a group of children.

Codes of conduct that outline the nature of the professional boundaries which should exist between employees and children can be particularly useful. For employees who either intentionally breach such codes or have demonstrated an inability to apply them appropriately, it may be necessary to provide more detailed written advice about what constitutes appropriate behaviour.

Sexually explicit comments and other overtly sexual behaviour

Behaviour involving sexually explicit comments and other overtly sexual behaviour can constitute sexual misconduct. Some forms of this behaviour also involve crossing professional boundaries. This conduct may include:

- inappropriate conversations of a sexual nature
- comments that express a desire to act in a sexual manner
- unwarranted and inappropriate touching
- sexual exhibitionism
- personal correspondence (including electronic communications such as e-mails and text messages) with a child in relation to the adult's sexual feelings for a child
- exposure of children to sexual behaviour of others including display of pornography
- watching children undress, for example, in change rooms or toilets, when supervision is not

7. Section 25CA provides that the Ombudsman can exempt any class or kind of conduct of employees of an agency from being reportable conduct. The Ombudsman has to notify the agency concerned of any such exemption. The School Manager will advise staff of any such exemption.

required or justified.

Sexual offences encompass all criminal offences involving a sexual element that are committed against, with or in the presence of a child. These offences include but are not limited to

- indecent assault
- sexual assault
- aggravated sexual assault
- sexual intercourse and attempted sexual intercourse
- possession/dissemination/production of child pornography or child abuse material
- using children to produce pornography
- grooming or procuring children under the age of 16 years for unlawful sexual activity
- deemed non-consensual sexual activity on the basis of special care relationships.

Assault, ill-treatment or neglect of a child

Physical Assault is any act by which a person intentionally inflicts unjustified use of physical force against another. An assault can also occur if a person causes another person to reasonably apprehend that unjustified force is going to be used against them. Even if a person who inflicts physical harm or causes another person to reasonably apprehend physical harm does not actually intend to inflict the harm or cause fear, they may still have committed an assault if they acted 'recklessly'.

'Recklessness' in this context relates to circumstances when the person ought to have known that their actions would cause a person physical harm or cause them to fear injury.

Assaults can include hitting, pushing, shoving, throwing objects or making threats to physically harm a child.

Ill-treatment captures those circumstances where a person treats a child in an unreasonable and seriously inappropriate, improper, inhumane or cruel manner. The focus is on the alleged conduct rather than the actual effect of the conduct on the child. Ill-treatment can include disciplining or correcting a child in an obviously unreasonable and seriously inappropriate manner; making excessive and/or degrading demands on a child; hostile use of force towards a child; and/or pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour towards a child.

Neglect includes either an action or inaction by a person who has care responsibility towards a child. The nature of the employee's responsibilities provides the context against which the conduct needs to be assessed.

Supervisory neglect is an intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child, or an intentional or reckless failure to adequately supervise a child or a significantly careless act or failure to act, that involves a gross breach of professional standards, and has the potential to result in the death or significant harm to a child.

Carer neglect is grossly inadequate care that involves depriving a child of the basic necessities of life: such as the provision of food and drink, clothing, critical medical care or treatment, or shelter.

Failure to protect from abuse is an obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child.

A reckless act, or failure to act, is one that involves a gross breach of professional standards, and has the potential to result in the death of, or significant harm to, a child.

Behaviour that causes psychological harm to a child

Behaviour that causes psychological harm to a child is behaviour that is obviously or very clearly unreasonable and results in significant harm or trauma to a child. There needs to be a proven causal link between the inappropriate behaviour and the harm, and the harm must be more than transient.

The role of the Ombudsman

The Ombudsman

- must keep under scrutiny the systems for preventing reportable conduct by employees of non-government schools and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions
- must receive and assess notifications from non-government schools concerning reportable conduct or reportable convictions
- is required to oversee or monitor the conduct of investigations by non-government schools into allegations of reportable or reportable convictions
- must determine whether an investigation that has been monitored has been conducted properly, and whether appropriate action has been taken as a result of the investigation
- may directly investigate an allegation of reportable conduct or reportable conviction against an employee of a non-government school, or the handling of or response to such a matter (eg. arising out of complaints by the person who is the subject of an allegation)

- may undertake 'own motion' investigations of non-government schools where the Ombudsman considers it appropriate to do so, including where there is evidence of systemic failure or serious conflict of interests.

Process followed if an allegation of reportable conduct is made

Once an allegation of reportable conduct against an employee is received, the School Manager is required to:

- determine on face value whether it is an allegation of reportable conduct
- assess whether Community Services or the Police need to be notified (ie. if reasonable grounds to suspect that a child is at risk of significant harm or criminal offence, see mandatory reporting above)
- notify the child's parents (unless to do so would be likely to compromise the investigation or any investigation by Community Services or the Police)
- notify the Ombudsman within 30 days of receiving the allegation
- carry out a risk assessment and take action to reduce/remove risk, where appropriate
- investigate the allegation or appoint someone to investigate the allegation.

Investigation principles

The School Manager or other staff member trained in Child Protection will:

- be mindful of the principles of procedural fairness
- inform the person subject to the allegation of the substance of any allegations made against them and provide them with a reasonable opportunity to respond to the allegations
- make reasonable enquiries or investigations before making a decision
- avoid conflicts of interest
- conduct the investigation without unjustifiable delay
- handle the matter as confidentially as possible
- provide appropriate support for all parties including the child/children, witnesses and the person subject to the allegation.

Investigation steps

The school's investigation will follow the guidelines set down by the Ombudsman for conducting an investigation.⁸

The School Manager or appointed investigator will generally:

- interview relevant witnesses and gather relevant documentation
- provide a letter of allegation to the person subject to the allegation
- interview the person subject to the allegation
- consider relevant evidence and make a preliminary finding in accordance with the New South Wales Ombudsman guidelines
- inform the person subject to the allegation of the preliminary finding and provide them with an opportunity to respond
- consider any response provided by the person subject to the allegation
- make a final finding in accordance with the New South Wales Ombudsman Guidelines
- decide on the disciplinary action, if any, to be taken against the person subject to the allegation
- apply the New South Wales Office of the Children's Guardian Guidelines⁹ and decide if the matter is reportable to the Office of the Children's Guardian
- send the final report to the Ombudsman and report to the Office of the Children's Guardian where required.

The steps followed in the investigative process will be guided by the *Recommended Protocols for Internal Investigative and Disciplinary Proceedings* as updated from time to time.

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

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

⁸ https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0020/3674/Planning-Conducting-an-investigation-CP04.pdf

Risk management

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

The School Manager is responsible for risk management throughout the investigation and will assess risk at stages of the investigation.

Initial risk assessment

One of the first steps following an allegation of reportable conduct against an employee is for the School Manager to conduct a risk assessment. The purpose of this initial risk assessment is to identify and minimise the risks to

- the child(ren) who are the subject of the allegation
- other children with whom the employee may have contact
- the person subject to the allegation
- the school
- the proper investigation of the allegation.

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

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

The School Manager will take appropriate action to minimise risks. This may include the person subject to the allegation being temporarily relieved of some duties, being required not to have contact with certain children, or being suspended from duty. When taking action to address any risks identified, the school will take into consideration the needs of the child(ren) and the person subject to the allegation.

A decision to take action on the basis of a risk assessment is not indicative of the findings of the matter. Until the investigation is completed and a finding is made, any action, such as an employee being suspended,

is not to be considered to be an indication that the alleged conduct by the employee did occur.

Ongoing risk management

The School Manager will continually monitor risk during the investigation including in the light of any new relevant information that emerges.

Risk management at the conclusion of the investigation

At the completion of the investigation, a finding will be made in relation to the allegation and a decision made by the School Manager regarding what action, if any, is required in relation to the person subject to the allegation, the child(ren) involved and any other parties.

Advice to the person subject to the allegation

The person subject to the allegation will be advised

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

Findings of misconduct involving children

The School Manager must report to the Office of the Children's Guardian when a finding has been made that a person (an employee of the school) engaged in:

- sexual misconduct committed against, with or in the presence of a child, including grooming of a child; or
- any serious physical assault of a child.

The school must advise the person that the Office of the Children's Guardian has been notified of a finding of misconduct involving children.

The person subject to the allegation does not automatically have the right to know or have confirmed the identity of the person who made the allegation or be shown the content of the Ombudsman notification form or other investigation material that reveals all information provided by other employees or witnesses. But if the finding has been reported to the Office of the Children's Guardian, it should be noted that the Working with Children Act enables a person to request access to the records held by the school in relation to the finding of misconduct involving children.

Disciplinary Action

As a result of the allegations, investigation or final findings, the school may take disciplinary action against the person subject to the allegation (including termination of employment).

In relation to any disciplinary action the school will:

- give the person subject to the allegation details of the proposed disciplinary action, and
- give the person subject to the allegation a reasonable opportunity to respond before a final decision is made.

Confidentiality

It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible.

The school requires that all parties maintain confidentiality during the investigation including in relation to the handling and storing of documents and records.

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

No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the School Manager to do so.

If you become aware of a breach of confidentiality in relation to a reportable conduct allegation you must advise the School Manager.

ACKNOWLEDGEMENT

I,
have read, understood and agree to comply with the terms of this Child Protection Policy.

.....
Signed

.....
Dated

Attachment A: Child Protection Policy and Procedures

Records kept

The School Manager keeps on file, in the register of staff training in child protection, the Working with Children Check number for every child-related worker at the school.

The School Manager keeps a record of the date Working With Children Checks are due for renewal and links the renewal dates to the online central school calendar.

The School Manager maintains a register of training in child protection.

This register is contained in the main computer storage system filed under – Staff; Register of Training in Child Protection. It contains:

- **The Register of Working with Children Checks**. Using the template from the Office of the Children’s Guardian, the Working with Children Checks and renewal dates will be recorded here, filed under - Staff; Register of Training in Child Protection; Register of Working with Children Checks. The Register of Working with Children checks is retained for seven years.
- **The signed Child Protection Policy** of each staff member is scanned and filed electronically under – Staff; Register of Staff Training in Child Protection; Child Protection Policy.
- **An annual record of training in child protection** undertaken by staff. This is filed electronically under – Staff; Register of Staff Training in Child Protection; Child Protection Training by Year.

The School Manager is responsible for:

- Maintaining a personal information form for each volunteer at The Small School in the register of volunteers. This register is contained in the main computer storage system filed under – Volunteers; Register of Volunteers. The School Manager or nominee ensures all volunteers at The Small School have valid Working with Children Checks.
- Maintaining a record of volunteers who have participated in the Induction for New Families and Volunteers session, to be recorded on their personal information form and filed as per above.