



SNOWY MOUNTAINS CHRISTIAN SCHOOL

'In Christ We Strive For Excellence'

ABN 76 076 793 863

CHILD PROTECTION POLICY

CHILD PROTECTION POLICY

TABLE OF CONTENTS

	<u>Page</u>
Target Audience	2
Purpose	2
Definitions	2
Cross Reference	3
Appendices	4
Acknowledgement	4
Document Control	4
Framework and Rationale	5
Policy Statements	6
Implementation	7
Suspected Improper & Reportable Conduct by a Staff Member against a Student	8
Appendices :	
1) <i>Guidelines & Procedures for Identifying Reportable Conduct</i>	10
2) <i>Staff Employment Declaration</i>	12
3) <i>Staff Code of Practice</i>	13
4) <i>Legal Responsibility for Reporting of Allegations</i>	16
<i>Form 1 – Flow Chart of actions for Allegations reportable to CCYP</i>	
<i>Form 2 – Flow Chart of actions for Allegations reportable to NSW Ombudsman</i>	
5) <i>Procedure for Student Interview conducted by Police or Department Officers at School</i>	17
6) <i>Exchange of Information with DOCS</i>	18

7) <i>Removal of Students by DOCS</i>	19
8) <i>Role of the NSW Ombudsman</i>	21

TARGET AUDIENCE

- All staff of the school
- All parents
- All students

PURPOSE

- To provide a framework and rationale for Child Protection policies and practices within the school.
- To identify potential behaviours by which the rights of children may be violated.
- To prescribe unacceptable behaviours that might occur in the life of the school, which has the potential to violate the rights of children.
- To detail procedures that need to be followed in the event that a member of staff becomes aware of, or suspects, a violation of the rights of a child.

DEFINITIONS

- ***Child & Young Person***

For the purposes of the Children & Young Persons (Care & Protection) Act 1998 a child is a “person who is under the age of 16 years” & a young person is a “person who is aged 16 years or above but who is under the age of 18 years”.

- ***Reportable Conduct means:***

- a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence); or
- b) any assault, ill treatment or neglect of a child; or
- c) any behaviour that causes psychological harm to a child;

whether or not, in any case, with the consent of the child (Section 33, Commission for Children and Young Persons Act 1998).

Reportable conduct may include any of the following behaviour:

- **Physical assault**

Using common law principles, physical assault must include all three of the following elements:

- It is an act committed on or towards a child;

and

- It involves either the application of force to a child or an act that causes a child to think immediate force will be used on them;

and

- It is either **hostile** or **reckless** (a reckless act is one where the person foresees the likelihood of inflicting injury or fear and ignores the risk).

Actual physical harm does not have to occur in order for an assault to have taken place, i.e. the child does not have to be injured.

Physical contact which is an inevitable part of everyday life does not amount to an assault.

➤ **Sexual assault**

Sexual assault refers to a sexual offence against, with or in the presence of a child. It includes the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a child.

➤ **Neglect**

Neglect occurs when a child is harmed by the failure of a person whose job includes care responsibilities towards a child, to provide basic physical and emotional necessities of life, including failure of the person to provide or arrange for the provision of adequate and proper food, nursing, clothing, medical attention or lodging for a child in that person's care.

➤ **Behaviour that causes psychological harm**

Psychologically harmful behaviour is behaviour that results in significant emotional harm or trauma to a child. There is a causal link between the inappropriate behaviour and the harm.

Further information regarding child protection issues, including child abuse and neglect, may be obtained from:

- The NSW Interagency Guidelines for Child Protection Intervention (2000 edition) on the Commission for Children and Young Person's website at www.kids.nsw.gov.au; or
 - The NSW Ombudsman document *Child Protection: Responding to Allegations of Child Abuse Against Employees* (March 2001 edition) available on the Ombudsman's website at www.ombo.nsw.gov.au.
-
- ***The Rights of Children*** – are generally summarized in a United Nations Convention, which the school endorses. The Convention states, "State's Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."

- **The Act** – refers to “The Children & Young Persons (Care and Protection) Act 1998 (as amended).
- **Duty of Care** – is a legal term describing the responsibility of executive and teaching staff to be aware of and protective of the students’ well being while under their supervision. If an outcome is foreseeable, the school and therefore its staff have a “duty of care” to take action to protect their well-being. The executive also has a duty of care to ensure that there is appropriate policy and that policy is being monitored and enforced.
- **Harassment** – is any unwanted, unsolicited and unreciprocated behaviour or statement that offends someone or humiliates them.
- **Child Protection** – is any action that safeguards a child against any sort of harm.

CROSS REFERENCES TO :

Ombudsman Act 1974

Child Protection (Prohibited Employment) Act 1998

Commission for Children & Young Persons Act 1998

Children & Young Persons (Care & Protection) Act 1998

Child Protection Legislation Amendment Act 2009

A summary of these legislations can be found “The Working With Children Check Guidelines” p10-12.

This Policy is to be read in conjunction with *The Working With Children Check Guidelines (April 2004) & Child Protection in Workplace in which all FORMS/TEMPLATES are to be found.*

APPENDICES

1. Guidelines and Procedures for Identifying Reportable Conduct.
2. Staff Employment Declaration – Policies & Procedure for Working with Children Check.
3. Staff Code of Practice.
4. Legal Responsibilities for Reporting Abuse.
5. Procedure for Student Interview Conducted by Police or Departmental Officers at School.
6. Exchange of Information with the Department of Community Services.
7. Removal of students by Department of Community Services Officers.
8. Allegations against Employees and Notification to the Ombudsman’s Office.
9. The Role of the NSW Ombudsman

DOCUMENT CONTROL

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Approved by: SMCS Board

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1. FRAMEWORK AND RATIONALE

All children are precious in the sight of God. The Bible indicates that the nurture of children is a high priority in the community with specific responsibility being given to parents.

“Fathers, do not exasperate your children, instead, bring them up in the training and instruction of the Lord.” Ephesians 6:4 – (NIV)

“... do not forget the things you eyes have seen or let them slip from your heart as long as you live. Teach them to your children and to their children after them.” Deuteronomy 4:9 (NIV)

In the context of a community of believers (eg a Christian School), it is the responsibility of all members to love the children in their care. This love, so clearly described in 1 Corinthians 13, must guide the staff’s words and actions as they stand in the place of parents.

“Love does not delight in evil, but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres.” 1 Corinthians 13:6-7 (NIV)

It is therefore right that all adults in the community be committed to the care and protection of children, and particularly from any kind of abuse or neglect.

When a child is enrolled at Snowy Mountains Christian School the school enters a contract with parents to assist them in their God given responsibility for the nurture of their children. The school strives to fulfill their contract to support parents but not to the detriment of the welfare of the child. It is part of the school’s particular (ie legal) “Duty of Care” to ensure that children receive the protection that is due to them because they are of an age where they could not be expected to know their rights nor to assert them if they became subject to abusive behaviours from an older person. Therefore, in every action taken in response to a case of suspected reportable conduct (see Definitions), the best interest of the child is of paramount consideration.

It is the role of the school to focus specifically on a broad education for the children. In this regard, the School provides a curriculum, which fosters their health : spiritually, morally, emotionally, physically, intellectually and socially. This education must include an awareness of issues associated with their protection from unwanted and/or unwelcome actions from older Persons or peers.

This policy satisfies government requirements in relation to Child Protection at Snowy Mountains Christian School. It relates to suspected reportable conduct against students by staff, parents, other students or by other persons outside the school.

The sin of child abuse often has horrific consequences that can damage children for the rest of their lives. While the school is committed to making every effort to protect children from abuse, it must be recognized that we all fall short, at times, of the standards of behaviour the Lord would have us apply in our relationships. Therefore, all persons allegedly involved in situations where abuse is suspected, or disclosed, are to be treated with sensitivity, dignity and respect because they too, are loved by the Lord.

Governments have the responsibility to punish wrong-doers and endeavour to protect their citizens and the school recognizes that the Department of Community Services, the NSW Police Service and the Attorney General's Department are the government agents in this process. The school aims to maintain a relationship with the Department of Community Services that will enable the school to be appropriately and constructively involved throughout any process conducted by the Government agencies for the protection of a student from this school.

Note: Reportable conduct can also be perceived to exist in situations of sexual harassment and/or bullying (verbal or physical). Therefore, this policy is to be read in conjunction with the Sexual Harassment Policy and Anti-Bullying Policy of Snowy Mountains Christian School.

2. POLICY STATEMENTS

- a. Snowy Mountains Christian School is committed to :
 - Providing a safe environment for students.
 - Preventing reportable conduct in any form within the school.
 - Dealing seriously with any reportable allegations promptly and appropriately.
 - Educating students concerning their rights and equipping them with appropriate skills for avoiding/reporting uncomfortable/abusive situations.
- b. The Principal is responsible for the administration and conduct of the school and all that relates to it. Therefore, the Principal must be informed promptly of all serious matters concerning suspected/reportable conduct towards students unless the Principal is the subject of a complaint, in which case, the Chairman of the Board must be informed.
- c. All staff are to report any suspicions or disclosures of reportable conduct to the Principal. The Principal will consult as necessary to determine whether this constitutes reasonable grounds for further action. See Appendix 4.

- d. Staff who have access to information regarding suspected or disclosed child sexual abuse or physical abuse are to observe strict confidentiality in relation to the entire matter unless required by the Principal to disclose that information.
- e. Accurate documentation (including details of notification actions) must be kept by all parties concerning any reports made about **possible** reportable conduct.
- f. Staff employment policy and procedure require that staff who are appointed to positions in the school are fit and proper persons to occupy those positions (See “Staff Employment Declaration” – Appendix 2 and “Staff Code of Conduct” – Appendix 3). They are also required to declare their understanding of their responsibilities in the area of ‘Protective Behaviours’.
- g. A Staff Code of Conduct (See Appendix 3), agreed to by all staff, will be actively monitored. Staff members who the Board and Principal reasonably believe, on the face of evidence, to have breached this code or any part of this policy **may** be stood down subject to the nature of the incident, the reliability of the evidence and/or pending the outcome of enquiries.
- h. **This policy and associated procedures will be reviewed on a regular basis to ensure their appropriateness to the experiences of the school.**

3. IMPLEMENTATION

(See also “Guidelines and Procedures for Identifying Reportable Conduct” – Appendix 1).

The Principal is responsible to ensure that this policy, and the principles upon which it is developed, are effectively understood and implemented by all staff and students.

a. **Staff Responsibilities**

Prior to employment at the school, it is incumbent upon all prospective staff members to ensure they understand their responsibility of disclosure in relation to child protection.

Inservice and induction processes will ensure all staff are thoroughly conversant with the School’s Child Protection Policy and related procedures.

All staff are to report any suspicions of abuse to the Principal. The Principal will assist the teacher to determine whether this constitutes reasonable grounds for suspicion and whether further action is required. Cases of a reasonable suspicion of child sexual assault must be reported to the Department of Community Services (DoCS) as well as the Principal. Mandatory reporting is required by Law for Teachers, Counsellors, Principals and Heads of Schools for any child under the age of 16 years for cases of sexual assault only.

Staff members who the Board reasonably believe, on the face of evidence, to have breached this policy may be summarily dismissed from employment.

b. Communication of Policy to Students

The substance of the Child Protection Policy will, in every year, be integrated at appropriate levels into the Personal Development, Health and Physical Education lessons.

c. Communication of Policy to Parents

The Child Protection Policy will be made available for parents' knowledge & appropriate input.

d. Investigation of Complaints/Enquiries

Complaints/enquiries will be investigated in a confidential manner. No staff member or student should be disadvantaged as a result of having complained/disclosed information.

During the process of investigation the following may occur:

- a strong recommendation for a student and/or a staff member to receive counselling/legal advice from an appropriate person(s)
- staff member and/or student(s) may have their duties/schedules adjusted so that they are removed from contact with others that may cause difficulties with the investigation
- suspension of a staff member and/or student(s) from school pending an outcome of investigations
- notification of relevant government agencies
- involvement of parents/guardians when considered appropriate.

Where the Principal reasonably concludes, after reviewing the evidence, that an act of reportable conduct has taken place or the Staff Code of Conduct has not been complied with, or a loss of confidence in a member of staff exists, the Principal may make a recommendation to the Board that a staff member may be summarily dismissed from employment or a student expelled from the school. This action may occur irrespective of whether a conviction has been determined by a court of Law.

4. SUSPECTED IMPROPER REPORTABLE CONDUCT BY A STAFF MEMBER AGAINST A STUDENT

(See also “Legal Responsibility for Reporting Allegations” – Appendix 4).

A signed written statement from the student/informant detailing the nature of the allegation will be sought by the Principal, where possible. Where the person making the allegation is unable or unwilling to sign a written statement, the Principal is to record details of the allegation as reported using, as far as possible, the words used by the person making the allegation.

The Principal may advise the person making the allegation to recognize the sensitivity of the situation for all the parties and to therefore act discreetly with the information until the matter is further investigated and resolved.

Upon receiving the allegation, the Principal, having satisfied him/herself that there is potentially substance to the reported events, shall contact the Department of Community Services promptly and report details of the allegation.

Any allegation of improper sexual conduct made against a staff member will be reported to the NSW Ombudsman’s Office. (See Appendix 8).

The Principal should advise the parents or care givers of the student(s) concerned as soon as possible after the allegations are reported; the fact that the matter has been notified to the Department of Community Services; and the course(s) of action to follow from the school.

The Principal will then make an appointment with the staff member against whom the allegation has been made.

When making the appointment, the staff member will be informed that, because of the serious nature of the allegation(s), with possible grave consequences impacting on the staff member’s employment (including possible criminal charges), a support person (including a lawyer) may be invited to be present during the meeting.

During the interview the Principal will inform the staff member:

- that an allegation has been made and the nature of that allegation;
- the steps the school has taken in accordance with policy and/or the law;
- that a response is not required at the time of this interview;
- that counselling support is available for the staff member;

- that steps will be taken to:
 - severely restrict the staff member's contact with the student involved.
 - restrict contact with other students within or outside school hours.
 - be absent from the school during the Department of Community Services investigation.

This may involve a direction to undertake other duties at a different location or a direction to remain at home on pay. These changes to normal working arrangements should be given to the staff member in writing.

APPENDIX 1

GUIDELINES AND PROCEDURES FOR IDENTIFYING REPORTABLE CONDUCT

a. Reportable Conduct may include any of the following behaviours:

1. Physical assault
 2. Sexual assault
 3. Psychological harm (Harassment)
 4. Neglect
- (see page 2 for full description)

b. 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, or
- the use of physical force that, in all the circumstances, is trivial or negligible, but only if the employer is an agency to which Part 3A of the Ombudsman Act 1974 applies and the matter is to be investigated and the result of the investigation recorded under workplace employment procedures,
or
- conduct of a class or kind (3) that is exempted from being reportable conduct by the guidelines under section 35.

The Act states:

- *Examples of conduct that would not constitute reportable conduct include (without limitation) touching a child in order to attract a child's attention, to guide a child or to comfort a distressed child; a school teacher raising his or her voice in order to attract attention or to restore order in the classroom; and conduct that is established to be accidental.*

Class or kind

Class or Kind Agreement outlines additional provisions for certain education sector employers regarding notifying findings of relevant employment proceedings to the Commission for Children and Young Persons.

The Commission recognises:

Teaching is a nurturing profession. Teachers are significant in children's lives and the relationships involved are highly valued by children, especially when teachers give them someone to turn to for help.

Physical contact is an essential part of the teacher student relationship, especially with younger children. The very high volume of interactions between children and their teachers each day means that the possibility of inappropriate professional behaviour occurring, or for misunderstandings to form, is higher than in most other employment settings.

The "class or kind" determination allows a "minor physical assault" to be classified as Category Two.

Teachers are required to manage students' behaviour and sometimes they use inappropriate professional behaviour. This may involve inappropriate physical contact with a child or the throwing of a light object at a child. Some force may have been used but it is not excessive given the age or size of the child relative to the teacher, nor has it caused physical harm. Such behaviour management does not meet professional standards however it is not reportable to the Commission. These matters are categorised as "inappropriate professional behaviour".

More information is available: www.kids.nsw.gov.au

c. Indicators of Reportable Conduct

In assisting staff to identify suspected cases of reportable conduct, indicators may include, but are not limited to, the following: (None of these indicators, on their own, should be taken as clear evidence of harm).

i) General Indicators

History of previous harm to the child :

- Assault or neglect of a sibling.
- Social or geographic isolation of the child or family.
- Family history of violence including injury to children.
- Domestic violence.
- Physical or mental health issue affecting the parent or care giver.
- The parent or care giver's abuse of alcohol or other drugs.

- A developmental disability affecting the parent or care giver.
- Parent or care giver experiencing significant problems in managing the child's behaviour.
- A history of injury, which is vague, bizarre or variable.
- Marked delay between injury and presentation for medical assistance.
- The child tells you he or she has been harmed, or he or she knows someone who has been harmed/assaulted and may be referring to themselves.
- A friend, relative, etc. tells you that the child may have been harmed.

ii) Specific Indicators

- Direct or indirect disclosures.
- Describing sexual acts.
- Age inappropriate behaviour and/or persistent sexual behaviour.
- Age inappropriate knowledge.
- Self-destructive behaviour (eg self mutilation, suicide attempts).
- Overtly sexual themes in play, artwork or writing.
- Persistent running away from home.
- Anorexia, over-eating.
- Unexplained accumulation of money or gifts.
- Adolescent pregnancy.
- Injuries to the breasts, buttocks, lower abdomen, thighs and genitalia.

- Other child stress indicators (eg poor concentration, nightmares and bed wetting, marked changes in behaviour, complaints of stomach aches and headaches with no physical findings).

iii) If a child tells you about a reportable conduct

Staff need to be well prepared so that they can be supportive of the student and clear about their responsibilities at the same time. It's essential that the staff member remains calm and supportive of the student. The staff member should:

- be aware of the common indicators of harm and neglect (see Section i above),
- actively listen to the student and never probe for details or ask leading questions,
- refrain from questioning excessively even if unsure of whether to notify,
- talk gently and reassuringly, pointing out that you are there to help,
- only ask open ended questions that are designed to provide sufficient information about whether the suspicion of harm/assault is reasonable and therefore sufficiently strong enough to warrant a report being made, without suggesting the complaint is not believed,
- where the harm/assault is taking place outside the school's control, never assure the student that the harm will stop as that cannot be guaranteed,
- do not make promises that you will not tell anyone. In fact, you should disclose that you have a responsibility to tell the Principal and relevant government departments.

iv) If you have reason to suspect a reportable conduct

From time to time staff may suspect that reportable conduct might have occurred or may be about to occur. Staff need to be aware of the indicators of child abuse. (See section i) above).

If the school has evidence of a crime the matter will be reported directly to the Police by the Department of Community Services.

v) If someone, other than the child concerned, submits a reportable allegation

Staff or students who, in good faith, make an allegation of suspected/alleged improper conduct by a person against a student will not be prejudiced in any way. Assure them you will do everything you can to assist.

In appropriate circumstances, staff may seek the advice of the Principal without delegating from their responsibility under the Child Welfare legislation.

Staff who have access to information regarding suspected or disclosed reportable conduct are to observe strict confidentiality in relation to the entire matter.

APPENDIX 2

STAFF EMPLOYMENT DECLARATION

- **The Working with Children Check Forms from the Commission for Children & Young Persons (CCYP)**
 - Attachment 3 - (Working with Children Check) - to be completed by all Paid Staff
 - Attachment 4 - (Prohibited Employment Declaration) - to be completed by all Paid Staff & Volunteers
 - Attachment 6 - to be faxed to the CCYP

Presently, the CCYP do not do police checks on volunteers.

A Register of Completed Forms will be kept by the School Office and be placed in the staff file of the person named on the Form.

This Policy works with our “Procedure for Appointing New Staff” & “Staff Employment Policy”.

Refer to SMCS PROCEDURE FOR WORKING WITH CHILDREN CHECK for detailed instructions on this procedure.

APPENDIX 3

STAFF CODE OF PRACTICE

As staff we recognise that children are made in God’s image (Genesis 1:27); even though they are fallen they are still very special and precious Persons. The Bible warns us of the dire consequences of letting a child stumble (Matthew 18:6).

We affirm that our primary responsibility is to assist students to grow in all of the facets of life (Ephesians 4: 12-13). In order to maximise children’s nurture and growth we, therefore need to provide a loving, supporting and safe environment. All actions of staff towards children must always be motivated by a desire for the welfare of the child. “Love always protects” - 1 Corinthians 13:7.

With this in mind we commit ourselves to the following:

Code of Practice	Some Examples of How We Achieve
<ul style="list-style-type: none"> • Maintaining a professional relationship with students 	<ul style="list-style-type: none"> • Staff must act in a professional manner toward students at all times. • Generally staff should only touch students on the shoulders, upper arms or head. Staff must never touch students on the thighs, buttocks, lips, genitalia or breasts except in cases where not doing so would threaten the safety of the student. • Staff may not have private conversations with students that are of a lewd or sexually suggestive or explicit nature (i.e. outside of the requirements of the school curriculum and Board of Studies syllabi). • It is not permissible to liaise with students via chat rooms outside of school hours • Emails should be confined to educational matters only and using school address
<ul style="list-style-type: none"> • Providing an environment, which is free from bullying 	<ul style="list-style-type: none"> • Implementing school anti-bullying policy
<ul style="list-style-type: none"> • Making the Principal aware of any students who are perceived to be in danger of harm so that they may be referred to DoCS as required by legislation 	<ul style="list-style-type: none"> • Implementing school Child Protection Policy
<ul style="list-style-type: none"> • Banning hostile acts of physical contact, emotional, psychological or verbal abuse towards children 	<ul style="list-style-type: none"> • Implementing school Child Protection Policy, Discipline Policy • Must never demean a student publicly
<ul style="list-style-type: none"> • Not placing ourselves in a position where students or the staff member can feel threatened 	<ul style="list-style-type: none"> • One to one meetings with students should be held in room with open door. Staff should

Code of Practice	Some Examples of How We Achieve
	consider use of 'time out' room next to Principal's office. <ul style="list-style-type: none"> • There must always be professional space maintained between teacher and student • Both student and staff member must feel 'safe' in such an environment
<ul style="list-style-type: none"> • Modelling appropriate behaviour, dress and language codes 	<ul style="list-style-type: none"> • Implementing dress code in Staff Handbook • Using Matthew 7:12 as model of behaviour
<ul style="list-style-type: none"> • Respecting student's cultural and individual differences 	<ul style="list-style-type: none"> • Assisting students, bearing in mind personal backgrounds and individual differences
<ul style="list-style-type: none"> • Not exasperating children (Ephesians 6:4) That is not treating students with procedural fairness 	<ul style="list-style-type: none"> • Providing work which is not too difficult/easy • Implementing school discipline policy especially acting in fairness to a child by allowing them to state their case. Making sure discipline is appropriate to the age and temperament of the child. • Speaking to students in an acceptable way • Reminding students of school rules as outlined in the School Code of Conduct. • Maintaining appropriate confidentiality when appropriate (especially in matters of child protection investigations)
<ul style="list-style-type: none"> • Maintaining an acceptable standard of discipline both inside and outside of the classroom 	<ul style="list-style-type: none"> • Implementing school's discipline policy
<ul style="list-style-type: none"> • Knowing how to keep children safe in both the classroom and playground in a time of emergency. 	<ul style="list-style-type: none"> • Implementing school evacuation policy
<ul style="list-style-type: none"> • Providing an environment both inside and outside of the classroom which is safe and free from harm 	<ul style="list-style-type: none"> • Keeping classes controlled at all times • Carefully preparing lessons • Supervising classes effectively at all times including arriving promptly to class/duties, • Making sure students are aware of teacher expectations • Employing methods of discipline as outlined in school discipline policy • Employing effective classroom management strategies • Making Principal/Teacher rep. aware of occupational, health and safety issues • Giving students an adequate time to attend to personal needs if on detention at lunchtime

Code of Practice	Some Examples of How We Achieve
	<ul style="list-style-type: none"> • Keeping staff first aid certificates up to date • Maintaining appropriate first aid facilities • Implementing school OH&S Policy especially reporting OH&S issues to Principal through staff meetings and carefully preparing and following risk assessments
<ul style="list-style-type: none"> • Letting your Coordinator know of any children who are unresponsive to our lawful discipline and directives 	<ul style="list-style-type: none"> • It is important that school executive are aware of difficulties staff may be having with student discipline and classroom management uses • It is not a sign of weakness to report difficulties with students
<ul style="list-style-type: none"> • Dealing with students who are upset or require medical attention in an acceptable fashion 	<ul style="list-style-type: none"> • Should a student require urgent medical attention to an area of their body where they cannot help themselves, they must ask an adult to help them. Where practicable this help should be given by an adult of the same sex as the student with at least another adult present • Staff members should generally refrain from hugging or embracing students except in genuine congratulatory or comforting gestures that are clearly appropriate to the circumstances. • At times when a student is upset and a staff member believes the student would be comforted by a hug, this may only happen in public view and preferably with another adult present. In this regard, the staff member must be reasonably confident that the act of physical comfort is acceptable to or not uncomfortable for the child. The staff member must always ask in a way that does not risk imposing the staff member's will on the child. Any act of physical comfort should not be prolonged or frequently repeated. (The following questions are recommended: Would a hug help? Should I get someone you would like to give you a hug or would you like a hug from me?) • Hugs that are initiated by the student are acceptable provided other conditions in this Code are met. These notes on hugging applicable to lower Primary students
<ul style="list-style-type: none"> • Protection of students when on school camp/ overnight excursions 	<ul style="list-style-type: none"> • The campsite must be thoroughly checked and risk assessment completed before the camp commences to satisfy OH&S and child protection requirements

Code of Practice	Some Examples of How We Achieve
	<ul style="list-style-type: none">• Staff must not sleep in the same rooms as students.• Camp staff must be aware of this code of practice• There must be acceptable numbers of male and female staff to adequately supervise students at all times• Staff must make sure that adequate first aid equipment is available and at least one first aid certificate holder is in attendance

APPENDIX 4

LEGAL RESPONSIBILITY FOR THE REPORTING OF ALLEGATIONS

Responding to an allegation

Allegations must be reported to the Principal either orally or in writing. Where an allegation is made to a staff member other than the Principal, the staff member should immediately report the matter to the Principal. In cases of allegations against the Principal the Board Chairman should be contacted.

Staff or students who, in good faith, make an allegation of improper conduct of a reportable nature by a person against a student will not be prejudiced in any way.

Efforts will be made to offer advice and counsel to all parties in relation to a reported allegation.

The Principal must respond promptly and sensitively to any allegation.

When an allegation is made against a staff member, the Principal is required to:

- decide whether the allegation involves reportable conduct (see FORM 1 & FORM 2).
- the allegation concerns behaviour that is required to be investigated by the school but is exempt from notification to the Ombudsman, and
- notify the Ombudsman, under the Ombudsman Act, of reportable allegations within 30 days of becoming aware of the allegation, and
- determine if there are reasonable grounds to believe a child or young person is a “child at risk of harm”, under The Children & Young Persons (Care & Protection) Act, and to make a report to the Helpline of Department of Community Services (DoCS), and
- report completed relevant employment proceedings to the Commission for Children and Young Persons Act (CCYP) – See “The Working With Children Check Guidelines”.

See: FORM 1 – Flow chart of actions for allegations made (Reportable to CCYP).
FROM 2 – Flow chart of actions for allegations made (Reportable to Ombudsman).

The Role of the Department of Community Services and Other Government Agencies

Scripture assigns Governments the role of punishing wrong doers and endeavouring to protect their citizens. The school supports the role the Government plays in protecting children through the Department of Community Services, the NSW Police Service and the Attorney General's Department. The school aims to develop a relationship with the Department of Community Services that will enable the school to be involved in the process of protecting children.

Children and Young Persons (Care and Protection) Act 1998

The *Children and Young Persons (Care and Protection) Act 1998* prescribes the role of the Department of Community Services in child protection. This role includes, but is not limited to, providing or arranging services to children, young Persons and parents when a request for assistance is received; receiving and assessing reports of children or young Persons at risk of harm; and acting to maintain the safety of children and young Persons.

DoCS has the lead responsibility under the *Children and Young Persons (Care and Protection) Act*. It has:

Wide ranging statutory powers to enable it to carry out its role in protecting children and young Persons from abuse and neglect on behalf of the community ...the Department of Community Services has the mandate to coordinate responses and to ask other agencies to provide appropriate care and support to children, young Persons and their families.

Note: For the purposes of the Children and Young Persons (Care and Protection) Act a child is a 'person who is under the age of 16 years' and a young person is a 'person who is aged 16 years or above but who is under the age of 18 years'.

In proceeding to take action under the Children (Care and Protection) Act, 1998 school staff must satisfy themselves that they are acting on reasonable grounds.

Mandatory reporting of any children & young Persons suspected to be 'at risk of harm' even if reporting is against the wishes of the child.

All staff are to report cases of suspected sexual assault to the Principal, who will promptly notify the Department of Community Services should he/she consider the information constitutes reasonable grounds for suspicion. If the staff member reporting to the Principal believes they have reasonable

grounds for suspicion of 'being at risk of harm' **they must also report** the matter to the Department of Community Services regardless of the Principal's decision.

All notifications that involve a criminal offense under the Children (Care and Protection) Act, the Crimes Act 1900 or the Crimes (Female Genital Mutilation) Act 1995 must be referred by the Department of Community Services to the Police. This includes all cases of sexual abuse. Child abuse under the Crimes Act 1900 refers to a range of offences that result in harm to a child victim or which involve behaviours to which a child cannot give consent. Offences include sexual intercourse, indecent assault and indecent acts. The practicing, aiding, abetting, towards or procuring of someone to practise female genital mutilation is an offence under the Crimes (Female Genital Mutilation) Act 1995.

It is the responsibility of staff to report to the "Helpline", of DoCS any children & young Persons whom they suspect to be 'at risk of harm'. (Children & Young Persons – Care & Protection Act – 1998).

APPENDIX 5

PROCEDURE FOR STUDENT INTERVIEW CONDUCTED BY POLICE OR DEPARTMENTAL OFFICERS AT SCHOOL

In relation to reportable cases of abuse where Department of Community Services has been notified, officers of the Department and the NSW Police Service may wish to carry out student interviews, sometimes jointly, at school.

Before allowing any officers access to information or students, the Principal should sight the officer's identification and may choose to confirm this with a phone call to their office.

No student will be interviewed at the school against the wishes of the student and it is the Principal's responsibility to inform the student of this.

The Officers should give the school, in writing, an official confirmation of an investigation involving a particular child.

At the commencement of the interview, the Principal should ask the investigating officers to explain to the student, in the presence of the Principal, the purpose of the interview and their role.

The Principal will inform the student of his or her 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. The interview may be taped by the support person if all parties agree, otherwise notes should be taken by the support person as a record of interview for the school.

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. Should the allegations be made against a family member the parents will be informed of the interview as soon as possible after it has commenced.

Department of Community Services or Police Officers are responsible for communicating with parents about any further matters related to an interview.

APPENDIX 6

EXCHANGE OF INFORMATION WITH DEPARTMENT OF COMMUNITY SERVICES

Before any phone discussion occurs between officers of the Department of Community Services and the Principal, the Principal must always confirm the identity of the caller by phoning the known number of the Community Services Office before any discussions occur.

Any information requested verbally must be confirmed in writing promptly.

Any staff that receive a call from the Department of Community Services must refer the officers to the Principal.

The Principal should inform parents immediately that the school has supplied information to the Department of Community Services unless the Department supplies the school with a written direction that the parents are not yet excluded from suspicion and hence not entitled to receive information.

APPENDIX 7

REMOVAL OF STUDENTS BY DEPARTMENT OF COMMUNITY SERVICES' OFFICERS

From time to time the Principal may be approached by officers from the Department of Community Services to remove a student from school premises. This approach will be supported by a Section 60 notice. If a student is to be removed from School (Section 60) or ordered to remain at the school (Section 62A) the Principal must:

- sight the identification of the officers,
- take a copy of the Section 60 or Section 62A notice,
- record details of the actions, names of officers and, where possible, place of lodgement of the student,
- gain an assurance from officers of the Department of Community Services that they will immediately inform the parent or care giver that the student has been removed from the school or has been ordered to remain at the school.

APPENDIX 8

THE ROLE OF THE NSW OMBUDSMAN

The role of the Ombudsman is to monitor the way an allegation or conviction of child abuse is managed by the employer. The Ombudsman monitors the progress of an investigation conducted by the School concerning child abuse allegations or convictions relating to staff members. The Ombudsman may observe interviews conducted by or on behalf of the School, and may confer with the persons conducting the investigation about the conduct and progress of the investigation.

If asked, the School must provide the Ombudsman with any information relating to the investigation.

When notifying the Ombudsman of a reportable allegation or conviction against an employee, the School must provide:

- details of the reportable allegation or conviction;
- advice as to whether or not the School proposes to take disciplinary or other action in relation to the employee, and the reasons for taking or not taking any action, and;
- any written submissions made to the School by the employee about what action should be taken against him or her.

Allegations, which are found to be false, will be reported in writing by the school, and by the Ombudsman to the employee and will not be forwarded to other parties. The School is obliged to notify all employees, including volunteers, of this process.