CHILD PROTECTION POLICY

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1. INTRODUCTION:

As a result of public concerns about issues of child abuse in Australia over the past several years and in response to the Wood Royal Commission, the New South Wales Government has passed a number of Acts for the optimal protection of children and young people from abuse. The welfare of the child or young person is the paramount consideration. Schools and other agencies looking after children and young people in New South Wales must comply with the legislation St Augustine’s College - Sydney is committed to the security and well being of its students.

RATIONALE

St Augustine’s College affirms that, consistent with the purpose of Catholic education to be a centre of formation in Catholic discipleship, all students and their families and employees, within Catholic education, have the right to a learning and work environment that is safe and supportive.

In essence, this policy emphasises the responsibility of the College that is entrusted to all members to provide high quality interpersonal relationships of care and support. On the basis of these foundational principles, staff and students, and other members of our school community are called to establish working, teaching, and learning relationships which are grounded in mutual respect, dignity, fairness, reconciliation, restoration, compassion and justice.

In complying with Statutory and Church requirements in the treatment of issues relating to child protection and reportable conduct the College will provide staff with advice and training to assist them in their duty of care.

1.1 Relationships of quality

High-quality, positive relationships are fundamental to the provision of quality teaching and learning and are inseparable from the provision of a safe and supportive school environment. The development of high-quality interpersonal relationships is a responsibility shared by all people involved in our school community. Where high-quality, respectful relationships exist, the risk of harm to children and the risk of complaints involving employees are both minimised.

Where high-quality, respectful relationships are not present there is a risk of harm to students and an increased risk of complaints involving staff. When such concerns arise, they are to be addressed in restorative ways: ways that recognise conflicts, disputes, misbehaviour, or misconduct as opportunities for understanding; for acknowledging the impact of individual actions; for repairing harm; and for fostering responsible, accountable relationships and behaviours that take others’ perspectives into account.

Restorative approaches encourage members of the school community to take responsibility for creating positive, quality relationships in a climate of respect, dignity and safety. Concerns about a staff member’s conduct towards a child may arise from an absence or deterioration in positive relationships. Where such concerns involve conduct that may constitute ‘reportable’ or ‘exempt’ conduct or misconduct, these concerns will also be managed in accordance with the requirements of the NSW child protection legislation.
1.2 A safe environment

A safe environment is one where the risk of harm is minimised and employees and clients feel secure. Harm relates not only to dangers in the physical environment, but also refers to violence, physical threats, verbal abuse, threatening gestures, neglect, social isolation, emotional or psychological harm, sexual harassment and abuse, grooming behaviour and racial vilification.

1.3 A supportive environment

A supportive environment facilitates and enhances the social, academic, psychological, physical and emotional development of children, young people, employees and all those involved with the work of the organisation. A supportive environment strives to be one in which:

- clients are treated with respect and fairness by staff and other clients;
- members of the organisation feel valued;
- effective professional relationships are established and maintained;
- support and encouragement are essential aspects of the working environment;
- non-discriminatory language and behavioural practices are defined, modelled and reinforced by members of the organization; consultation takes place on matters relating to the organisation’s work.

Because of our Catholic mission the College has strong imperatives for committing ourselves to fostering the well being of children and young people, and to protecting them from any form of neglect or abuse.

St Augustine’s College - Sydney is totally committed to maintaining practices that create a culture of safety within which children, young people and employees are supported and protected.

This policy outlines St Augustine’s College - Sydney’s preventative aspects of child protection, as well as guidelines for responding to child protection issues. This policy will assist the College community to understand the broader concepts of child protection and their specific responsibilities in relation to child protection by providing clear and consistent guidelines for all to follow.

Purpose:
- to provide a safe, secure environment for every student at the College;
- to inform staff of their moral and legal obligations in the area of child protection;
- to provide for staff clear and unambiguous procedures for appropriate response to all aspects of Child Protection;
- to comply and to be seen to comply with Church guidelines and statutory requirements in this area.
2. LEGISLATIVE REQUIREMENTS

St Augustine’s College - Sydney is committed to compliance with the NSW Child Protection Legislation, principles of duty of care, and other legislative obligations that impact upon the provision of safe and supportive environments. To this end, we have processes in place to ensure that all NSW Child Protection legislative requirements are met.

In this policy, St Augustine’s College - Sydney reaffirms its commitment to the legislative requirements contained in the following Acts that relate to child protection in New South Wales:

<table>
<thead>
<tr>
<th>Act</th>
<th>Key Issue</th>
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</thead>
<tbody>
<tr>
<td><strong>Ombudsman Act 1974</strong></td>
<td><em>The College is required to respond to allegations against employees and to notify the Ombudsman of reportable allegations or convictions.</em></td>
</tr>
<tr>
<td></td>
<td><em>The Ombudsman Act 1974 relates to allegations or convictions of child abuse against an employee. The Act mandates notification to the Ombudsman of any allegation/conviction of child abuse against an employee (whether in the course of their employment or outside working hours) of which an employer becomes aware.</em></td>
</tr>
<tr>
<td><strong>Commission for Children and Young People Act 1998</strong></td>
<td><em>The College must conduct employment screening on all people commencing paid work that primarily involved direct contact with children where the contact is unsupervised and inform them of their responsibilities under the Act.</em></td>
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<tr>
<td></td>
<td><em>The Child Protection (Prohibited Employment) Act and Commission for Children and Young People Act 1998 prohibits employment in child related employment of persons found guilty of committing certain serious sex offences. The legislation requires employers to ascertain initially from employees or applicants whether they are a prohibited person. Further, preferred applicants seeking employment in child related employment, and this includes paid volunteers, contractors and ministers of religion, must undergo a criminal record check.</em></td>
</tr>
<tr>
<td><strong>Children and Young Persons (Care and Protection) Act 1998</strong></td>
<td><em>Mandated employees are required to report to the ‘Helpline’ of DoCS any children whom they suspect to be at ‘significant of harm’.</em></td>
</tr>
<tr>
<td></td>
<td><em>The Children and Young Persons (Care and Protection) Act 1998 requires staff who, in the course of their work, have reasonable grounds to suspect that a child enrolled in the College is at risk of harm in that current concerns exist for the safety, welfare or wellbeing of the child, to report the name, or a description, of the child and the grounds for suspecting that the child is at risk of harm. A report may be made, but is not mandatory, in respect of a young person at risk of harm.</em></td>
</tr>
</tbody>
</table>
3. DEFINITIONS

3.1 Risk of Harm

‘A child or young person is at ‘risk of harm’ if current concerns exist for the safety, welfare and wellbeing of the child and young person because of the presence of one or more of the following circumstances:

a) The child’s or young person’s basic physical or physiological needs are not being met or at risk of not being met;

b) The parents or other care givers have not arranged and are unable or are unwilling to arrange for a child or young person to receive necessary medical care;

c) The child or young person has been, or is at risk of being, physically or sexually abused or ill treated;

d) 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 physiological harm;

e) A parent or other caregiver 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 physiological harm.

Note: Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given. Children & Young Persons (Care & Protection) Act 1998 section 23

Risk of Significant harm - Policy Definition

Members of the general community who suspect that a child or young person is at risk of significant harm (the new statutory threshold) should report their concerns to the Child Protection Helpline on 132 111. This statutory threshold has replaced risk of harm in the Children and Young Persons (Care and Protection) Act 1998.

Mandatory reporters should now consult the Mandatory Reporter Guide. If significant harm is indicated after following the steps in the Guide, they should contact the Child Protection Helpline on 133 627.

Agreed policy definition of significant harm

What is meant by "significant" in the phrase "to a significant extent" 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 or young person’s safety, welfare or wellbeing.

3.2 Allegation

An allegation against an employee might involve behaviour that is reportable conduct or behaviour that is exempt from notification to the Ombudsman but is required to be investigated by the organisation, (see 3.8).
3.3 Child
Includes all children and young people up to the age of 18 years - *Ombudsman Act 1974*.

Includes all children under the age of 16 years - *Children and Young Persons (Care and Protection) Act 1998*.

3.4 Conviction of reportable conduct
This means any conviction of a person, in NSW or elsewhere, of an offence involving reportable conduct, and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction - *Ombudsman Act 1974*.

3.5 Employee
An employee is a person who is employed by the agency, whether or not they are employed to work directly with children, as well as anyone from outside the agency who is engaged to provide services to children such as contractors, foster carers, volunteers, students on placement, instructors of religion - *Ombudsman Act 1974*.

An employee is any person who is engaged in employment. Under the *Commission for Children and Young People Act 1998* employment is:

- performance of work under a contract of employment; or
- performance of work as a self-employed person; or
- performance of work as a subcontractor; or
- performance of work as a volunteer for an organisation; or
- undertaking practical training as part of an educational or vocational course; or
- performance of work as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation; or
- performance of the duties of an authorised carer within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*.

3.6 Exempt behaviours
Allegations against employees that are exempt from notification to the Ombudsman are:

a) 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;

b) The use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or

c) Conduct of a class or kind exempted from being reportable conduct under section 25CA of the *Ombudsman Act 1974* (or under the Working With Children Employer Guidelines under section 35 of the *Commission for Children and Young People Act 1998*).

3.7 Head of Agency
The Head of Agency is the College Principal.
3.8 Internal investigation of an allegation

This involves a process where an organisation:

- gathers all relevant facts;
- makes a decision as to whether an allegation is sustained or not sustained;
- provides information to assist any relevant employment proceedings.

3.9 Reportable allegation

An allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct and must include:

- identification of a person who is a current employee of the organisation
- an alleged offence or description of offending behaviour that meets the definition of reportable conduct
- a person who was a child at the time of the alleged offence or behaviour described.

3.10 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
- Any assault, ill treatment or neglect of a child; or
- Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Note: The above definition is the same for the Ombudsman Act 1974 and the Commission for Children and Young People Act 1998.

4. PREVENTION STRATEGIES

St Augustine’s College - Sydney opposes any child abuse practices and absolutely supports and fosters child protection and child abuse prevention.

Preventative steps that St Augustine’s College - Sydney will take include:

- developing policies, procedures and support materials in accordance with the child protection legislation to facilitate the implementation of all child protection responsibilities the organisation has;
- requiring employees to sign off their acknowledgement and understanding of the child protection policy and procedures;
- ensuring the policy is dated and a review date is set;
- having a code of conduct that defines appropriate and inappropriate behaviour;
- providing information and training in best practices to members of the College community relevant to their respective roles and responsibilities in creating a safe and supportive work environment to minimise reportable conduct occurring;
- providing information and training in the associated areas of confidentiality, privacy, and freedom of information to relevant employees;
- implementing thorough employment procedures;
- providing information to families/carers and the community on the child protection strategies that have been adopted by the College to help raise awareness of child protection issues.
5. ROLES AND RESPONSILITIES

5.1 General

- To protect children and young people from risk of harm and to promote and safeguard the safety, welfare and wellbeing of children and young people.
- The Principal, teachers and other staff are required to report any child or young person suspected to be at risk of harm from abuse and neglect to DOCS; reporting to the employer allegations of reportable conduct against employees, which must ultimately be reported to the NSW Ombudsman’s Office.
- To provide appropriate preventative programs that aim to protect children and young people from abuse, assist them to seek help effectively, and to develop skills for positive, non-coercive relationships.

5.2 Department of Community Services (DOCS)

DOCS has the lead responsibility in providing and coordinating the community response where intervention is necessary for the care and protection of children and young people.

DOCS has wide ranging statutory powers to enable it to carry out its role in protecting children and young people from abuse and neglect.

Its lead role does not detract from the joint responsibilities of all relevant agencies to protect children and young people who are at risk of harm and to work together to provide a coordinated and comprehensive response to their needs.

5.3 St Augustine’s College, Sydney

- To protect children and young people from risk of harm and to promote and safeguard the safety, welfare and well being of children and young people.
- The Principal, teachers and other staff are required to report any child or young person suspected to be at risk of harm from abuse and neglect to DOCS; reporting to the employer allegations of reportable conduct against employees, which must ultimately be reported to the NSW Ombudsman’s Office.
- To provide appropriate preventative programs that aim to protect children and young people from abuse, assist them to seek help effectively, and to develop skills for positive, non-coercive relationships.

(a) As service providers
- Protecting children and young people in their care from risk of harm
- Informing students that they have a right to be protected from abuse or neglect and of the avenues for support available to them
- Educating children and young people about child abuse and neglect

(b) As employers
- Ensuring that staff are aware of their legal obligations to report suspected risk of harm and procedures for reporting
- Ensuring that staff are aware of the indicators of child abuse and neglect
- Providing training and development for staff in the recognition and reporting of suspected risk of harm and professional standards for teacher/student relationships
- Implementing relevant curricula
- Conducting the Working With Children Check
- Reporting to the Ombudsman any child abuse allegations and convictions made against an employee.
- Investigate reportable allegations and reportable convictions against employees and to make findings and determinations as a result of investigations.

(c) Interagency partners
- Working with other agencies within agreed, coordinated procedures, to plan and provide services for the care and protection of children and young people, and to strengthen and support the family
- Liaising with the DOCS about requests for services
- Exchanging relevant information to progress investigations, assessments and case management as permitted by law.

(d) Guiding Principles
- A child's or young person's immediate needs and assessed longer term needs for safety, nurturing and specialised assistance
- The need for prompt and purposeful information exchange between agencies in the interests of the immediate and ongoing safety of the child or young person
- Interagency guidelines for child protection intervention
- Clear division of responsibilities for the practitioners and agencies involved
- The importance of a case manager for every case
- The importance of following the processes for interagency planning in assessments and investigations in order to minimise trauma to families and protect the best interests of children and young people
- The need to deal constructively and promptly with difficulties and differences resulting in conflict between agencies
- Differing experiences of child abuse and neglect for individuals that require individually planned responses.

(e) Recognition
- Recognizing indicators of child abuse and neglect is about forming a responsible concern or well-founded suspicion that there is a risk of harm from neglect or abuse, which is current or likely to occur. In recognizing indicators and risk of harm from abuse or neglect, it is not necessary to prove that abuse or neglect has occurred or who is responsible for it
- It is a matter for the courts to determine whether or not a criminal offence relating to child abuse or neglect has occurred, or if a child is in need of care
- Having recognized the indicators and risk of harm from abuse and neglect action should be taken to protect the child or young person and assist the family by making a report
- It is not the duty of St Augustine’s College, Sydney staff to conduct assessment and investigation activities

(f) Being alert
- Staff at the College may observe situations that raise concerns about risk of harm to a child or young person because of appearance, condition, and behaviour or family circumstances
- A child, the parents or caregiver, a sibling or another person may tell a staff member about what has been happening, what they fear or how they feel. This may raise concerns about abuse or neglect
- Staff in their work with a parent, caregiver or other adult may observe interactions between that adult and a child or young person, which may raise concerns.
- In any circumstances, employees should take special notice of changes in a child or young person including regression, physical deterioration, or frequency of presentation for assistance in a health, education, community or youth services setting.

### (g) Mandated Notifiers

All teaching, support, supervisory and management staff at St Augustine’s College, Sydney are legally bound to notify DOCS of any current concerns about significant risk of harm to a child or young person.

A person who has a mandated responsibility has that responsibility personally. They should follow the College procedures, but the responsibility for making a judgement and acting on it rests with the person who has perceived a risk of harm.

#### 6. WHEN TO MAKE A NOTIFICATION TO DOCS

##### 6.1 Risk of harm

Risk of harm is the grounds for making a report to DOCS in relation to the safety, welfare or well being of a child or young person. Pursuant to s.23 of the CYP (CP) Act:

A child or young person is at risk of harm, if current concerns exist for the safety, welfare or well being of the child or young person because of the presence of any one or more of the following circumstances:

a) The child's or young person's basic physical or psychological needs are not being met or are at risk of not being met.

b) The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care.

c) The child or young person has been or is at risk of being, physically or sexually abused or ill-treated.

d) 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.

e) A parent or other caregiver 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.

**Risk of Significant Harm - Policy Definition**

Staff members who suspect that a child or young person is at risk of **significant harm** (the new statutory threshold) should report their concerns to the Child Protection Helpline on 132 111. This statutory threshold has replaced **risk of harm** in the Children and Young Persons (Care and Protection) Act 1998.
Agreed policy definition of significant harm
What is meant by "significant" in the phrase "to a significant extent" 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 or young person’s safety, welfare or wellbeing.

Risk of harm refers to current concerns that a child or young person may suffer physical, psychological or emotional harm as a result of what is done (physical, sexual or psychological abuse) or not done (neglect) by another person, often an adult responsible for their care.

Risk of harm can also refer to young people who may suffer physical, psychological, sexual or emotional harm as a result of environmental factors (for example homelessness), or self-harming behaviours.

Staff at St Augustine’s College - Sydney are required to make judgements about the risk of significant harm to a child or young person from abuse or neglect. This requires a consideration of the likely degree of harm taking into account the age, development and vulnerability of the child or young person.

Mandatory reporters should now consult the Mandatory Reporter Guide If significant harm is indicated after following the steps in the Guide, they should contact the Child Protection Helpline on 133 627.

There are a number of elements that will assist staff in analysing and deciding whether a child or young person is at risk of significant harm from abuse or neglect. These elements may include:

- The age, development, functioning and vulnerability of the child or young person
- The behaviour of a child or young person which suggests they may have been or are being harmed by another person
- Behaviour from another person, that has had, or is having, a demonstrated negative impact on the healthy development, safety, welfare and well-being of the child or young person (for example, drug and alcohol abuse or domestic violence)
- Contextual risk factors, for example, recent abuse or neglect of a sibling, or a parent recently experiencing significant problems in managing a child or young person’s behaviour
- Indications that a child’s or a young person’s emotional, physical or psychological well being are significantly affected as a result of abuse and neglect.

In making judgments about risk of harm, practitioners need to give consideration to the factors that may heighten the risk of harm such as poverty, social isolation, presence of disability, or absence of educational opportunities. These factors do not of themselves constitute risk of harm in relation to Section 23 of the Children and Young Persons (Care and Protection) Act but may influence a judgment on both the level of risk and the degree of harm that may occur.

Alternatively, there are factors that may help reduce the risk of harm and provide protective factors for children and young people. These include nurturing and secure relationships with at least one parent and another adult such as an uncle, aunt or teacher;
positive school or child care environments; positive personal achievements (e.g., academic, sporting); involvement in pro-social peer groups.

6.2 Current concerns

The CYP (CP) Act does not define the term ‘current concerns.’ Given its ordinary everyday meaning, the term ‘current concerns’ simply means that at the time of making a report to DOCS, the person making the report was concerned about the safety, welfare or well-being of the child or young person. Staff may also have concerns about other children or young people who may have current contact with the alleged abuser.

Current concerns may also exist for a child or young person where abuse has happened in the past, and/or where the alleged perpetrator still has contact with children.

This includes concerns about physical and psychological safety. It may also include a situation where a child or young person has recounted a past event that has happened to him or her. An example of this type of situation could be one in which the child or young person discloses that he or she has been physically or sexually assaulted or abused.

6.3 Reasonable Grounds

Reasonable grounds to suspect potential or actual risk of harm may exist when:

- A child or young person speaks about being abused - about what is happening, what they feel.
- Someone else (perhaps a relative, friend, acquaintance or sibling of the child or young person) informs a member of staff.
- A child or young person tells a staff member that they know of someone who is at risk of harm.
- A member of staff observes a particular child or young person's behaviour, physical appearance, condition or behaviour; or their knowledge of children and young people leads them to suspect actual of potential risk of harm.

A STAFF MEMBER THAT FORMS THE BELIEF ON REASONABLE GROUNDS THAT THERE ARE CURRENT CONCERNS FOR A CHILD, YOUNG PERSON OR CLASS OF CHILDREN DUE TO RISK OF HARM FROM ABUSE OR NEGLIGENCE MUST NOTIFY THE DEPARTMENT OF COMMUNITY SERVICES

6.4 Responding to a Disclosure of Reportable Conduct

- It is important to remember that staff at St Augustine’s College, Sydney are not to investigate disclosures, nor is it within their role to decide if the disclosure is truthful.
- It is the role of the staff at the College to notify DOCS.
- If a child or young person discloses to you:
  - Listen
  - Tell them you believe them
  - Tell them you are pleased they have told
  - Emphasise that what has happened is not their fault
  - Acknowledge how difficult it is to talk about
  - Do not make promises you cannot keep – like not telling anyone
  - Tell the child or young person what will happen next
  - Include the child or young person in as much of the early process as possible
6.5 The Process

1. A staff member with a concern about a student’s safety, well being and welfare will discuss it directly and promptly with the Principal or his or her delegate. The student may accompany the employee if a disclosure has been made.

2. If, in consultation, the Principal decides:
   - It is notifiable; they will contact DOCS Helpline either via phone or fax. The staff member may be required to provide information then or at a later time (see interagency work and exchange of information)
   - Not to notify he or she must inform the staff member that it is within their legal rights to notify personally
   - If the allegation involves a staff member the Principal also follows procedures as set out in 'Allegation of abuse against Staff Members Policy'

3. The staff member makes a written report of his or her concerns.

4. The employee will not discuss the concerns or notification with any person. However, they can seek support from the Counselling Team.

5. No member of the College will inform any family members of concerns or notifications.

6. If DOCS decides to investigate and wishes to interview the child or young person at the College, the child or young person must first consent.

7. The Principal or delegate will inform the child or young person of their right to have a supportive adult present.

8. DOCS are not obliged to inform the College or the notifier of the outcome of any investigation.

6.6 Exchanging Information

Arrangements for the care and protection of children can be successful only if professionals and agencies with responsibilities and obligations to ensure their protection have access to accurate information relevant to the assessment of risk and the needs of the child, young person and family.

(a) Who Can Exchange Information

DOCS has the power to direct the staff at St Augustine’s College, Sydney to provide information relating to the safety, welfare and well-being of a child or young person, or class of children and young people. DOCS can also furnish such information to the College. This is a necessarily broad power that can be exercised at any stage in child protection intervention.

The Commission for Children and Young People can request information on the Working with Children Check, and agencies have a duty to comply with such requests.

The NSW Ombudsman can require any information relating to an investigation it is undertaking. The Ombudsman can also require an agency to provide information and/or documents, including records of interview with respect to agency investigations of reportable conduct allegations against an employee.
Exchanging information for requests for assistance and in child protection intervention is not a breach of professional ethics or standards of professional conduct and does not carry liability for defamation or constitute grounds for civil action.

The *Children and Young Persons (Care and Protection) Act 1998* protects people who provide information about risk of harm and allows DOCS to seek or provide information which will contribute to the safety, welfare and well being of children, young people or families.

Because the protection of children and young people from abuse and neglect is deemed more important in some situations than an individual's right to privacy, there are statutory provisions that override restrictions on disclosure of personal information. For example, section 248 of the *Children and Young Persons (Care and Protection) Act 1998* overrides the privacy principles outlined in the *Privacy and Personal Information Protection Act 1998* where there is a risk of harm to a child or young person.

(b) **Information requested by DOCS**
- Information about the child's or the young person's history, current circumstances and their views
- Information about the parent or family
- Information about relationships
- Information about the agency's role and relationship with the child, young person and family

(c) **DOCS should make clear to the agency:**
- Who is the subject of the information request and their relationship to the child or young person
- How the request for information relates to safety, welfare and well being and/or risk of harm issues
- Identifying information so staff can check they are talking about the appropriate person
- Whether or not consent has been sought and where it has not, any reasons why the agency should not inform a child, young person or parent that the information has been requested (e.g., safety concerns)
- The time frame for providing the information

DOCS should make any requests for information at the earliest possible opportunity to give the agency adequate time to respond. Requests for files and formal reports should be followed up in writing.

(d) **Responding to requests for information**
- The Principal will decide who will respond to the Exchange of Information Request
- The Principal will take responsibility for identifying which parts of the College may hold the information relevant to the request
- The Principal is responsible for identifying information that may assist DOCS in determining the risk to the child or young person
• The Principal is responsible for identifying how this information will be collected, who will be responsible for collecting it and for providing it to DOCS promptly

• Exchanging relevant and accurate information requires that staff pay careful attention to the situation being described by the DOCS and assist DOCS as it seeks information that may be relevant to risks to the child or young person's safety, welfare and well-being

• It is important that all staff exercise a high degree of confidentiality in terms of information they receive as part of their child protection work

(e) Interagency Co-operation
Child protection is a responsibility of the whole community and one specifically shared by those government and non-government agencies which provide any form of care for children, young people and their families or which come into contact with them in the course of their work. No single agency has all the knowledge, skills or authority to safeguard a child or young person from abuse or neglect and to prosecute an alleged offender. Child protection requires the best expertise and resources available and this is only achieved by coordination. In child protection the emphasis is on the child, young person or family receiving a service so that the child or young person is safe. It is the task of agencies to coordinate their efforts to achieve a good outcome for the child and young person.

(f) Expectations for Interagency Work
St Augustine's College, Sydney endorses an Interagency Approach. As a basis for interagency child protection work, it is expected that the staff of St Augustine’s College, Sydney will share the following:

• An understanding of the aims of intervention and of what is good practice
• An appreciation of and respect for different roles and different contributions
• Commitment to partnership between the government and non-government sectors in achieving good practice responses
• An understanding of the context in which agencies work and acknowledgment of their constraints
• Preference for coordinated effort rather than unilateral action by a single agency or uncoordinated action by a number of agencies
• A willingness to learn from each other
• Belief in accountability to clients, to each other, and to the community.

7. CHILD ABUSE ALLEGATION AGAINST EMPLOYEES UNDER THE OMBUDSMAN ACT 1974

7.1 Responsibilities

(a) St Augustine’s College, Sydney is a designated non-government agency under the Ombudsman Act 1974. Designated agencies must report any reportable conduct against an employee regardless of where the alleged abuse occurred.

In the case of any reportable conduct against a person employed or engaged by St Augustine’s College, Sydney, such allegation / conviction must be notified to the Ombudsman whether or not there are reasonable grounds to believe abuse has taken place.
Under the **Ombudsman Act 1974**, the element of ‘reasonable grounds’ does not apply to the notification requirements which are against a person employed or engaged by the College. The Ombudsman must be notified of any allegation of reportable conduct against a person employed by the College whether or not there are ‘reasonable grounds’ to believe that reportable conduct has taken place.

(b) Notification to the Ombudsman must be made by the Principal or his delegate within 30 days of becoming aware of the allegation / conviction.

For an allegation to be notified to the Ombudsman the following components are necessary:

- The person who is the subject of the allegation must be a current employee of the College or have been an employee at the time to which the allegation or the time when the allegation was made and must be identifiable. This does not necessarily mean identified by name, as a person may be identifiable by other information including their description and work schedules.

- The allegation must describe behaviour that may constitute reportable conduct.

- The alleged victim must have been under 18 years at the time of the alleged offence or behaviour.

(c) In the case of any allegation / conviction of child abuse against an employee it will be the responsibility of the Principal or his delegate to assess and monitor the risk of continued access of the employee to children in the care of the College. Depending on the nature of the allegation and all other relevant factors, the Principal or his delegate may take such action as is considered necessary to minimize such risk.

(d) An employee is defined in the **Ombudsman Act 1974** as:

- Any employee of the agency, whether or not employed in connection with any work or activities of the agency that relates to children, and

- Any individual engaged by the agency to provide services to children (including in the capacity of a volunteer)

Clergy and a religious are employees for the purpose of the relevant legislation where they provide services to children in designated non-government agencies.

(e) Complaints made against employees may prove baseless and may be prompted by malice or vindictiveness. This possibility is to be kept in mind.

(f) Administrative steps may be necessary to remove some or all of the responsibilities of an employee who is accused of wrong-doing. Any such action should be limited to the minimum considered necessary, should be private and temporary and must not be understood or depicted as implying guilt. Such measures are intended for the protection of the member of staff as well as the student and to facilitate a prompt resolution.

(g) All practicable measures should be taken to preserve the good name of the employee affected and to maintain his or her professional standing and self-esteem.

(h) Employees should be informed that the school will regard false allegations against employees as a grave wrong.
When an allegation of reportable conduct is made against an employee, certain principles must be observed:

- The well-being of the child/children is of paramount concern
- Such an allegation is a statement which is, at that point, unproven
- The dignity and privacy of all those involved, directly or indirectly, must be maintained
- Care must be given to ensuring the continuing trust and confidence of the school community

Where such an allegation is made, therefore, the following procedures will be followed:

- The Principal or his delegate must be informed of the allegation, complaint or concern as soon as possible whether they relate to the layperson, a clergyman or a member of a religious congregation.
- If the allegation, complaint or concern relates to the Principal, the Chairman of the College Board must be informed directly.
- The Principal or his delegate must inform the person making the allegation or complaint or raising the concern (the reporting persons) of the procedures which must be followed under the law and under these Guidelines.
- The Principal or his delegate must notify the appropriate authority (including the Ombudsman) and the Provincial of the allegation, complaint or concern and of the action taken by the Principal or his delegate in response to it.
- The Principal or his delegate must inform any employee to whom the allegation, complaint or concern relates of:
  - The nature of the allegation (but nothing which may identify the person making the allegation or the victim); and
  - His or her right to obtain advice or assistance from his or her Union, a lawyer or other support person of his or her choice.
- The Principal or his delegate must inform the reporting person whether he has notified the appropriate authority.
- If the Principal or his delegate has not notified the appropriate authority and the reporting person still believes on reasonable grounds that such a notification should be made, the reporting person may directly inform the appropriate authority (including the Ombudsman).

7.2 Documentation and Record Keeping

- All documents relating to all allegations against employees are confidential.
- Information regarding notifications to the Ombudsman are kept indefinitely and are stored in a secure location separate to the employee’s file.
- At employer level, the person responsible for the security of records is the Principal and he is the only person who needs to know about the allegation.
7.3 Rights of all Parties

The policy should include the following information:

- The decision making processes are in place to ensure the safety and the well being of children and employees during the investigative process;

- Any allegation or conviction of reportable conduct will be forwarded to the Ombudsman (for employees of designated agencies, this also includes any allegations or convictions for reportable conduct outside work hours or outside the workplace);

- Employees’ rights will be upheld in the event of an allegation being made against them e.g.
  - When investigating an allegation against an employee, the HOA will inform the employee of the substance of any allegation against them and provide the employee with a reasonable opportunity to put their case forward (The HOA will decide the timing and the particular form this will take, ensuring the investigation is not compromised);
  - If the finding is adverse, the employee will be invited to provide a response in relation to the finding;
  - Any other local provisions for upholding employee’s rights.

- Any appeal or review mechanisms available if the employee is dissatisfied with the process or the outcome of the investigation (this includes notification of the matter to CCYP);

- The employer is committed to;
  - Acting fairly and without bias,
  - Conducting an investigation without undue delay,
  - Ensuring that the case is not investigated or determined by someone with a conflict of interest,
  - Encouraging all parties to maintain confidentiality during the investigation,
  - Ensuring that the outcome is supported by evidence and the standard of proof used is on the ‘balance of probabilities’.

Employees and parents have the right to complain to the Ombudsman if they are not satisfied with the agency’s response to their complaint about the outcome or the way the agency investigation was conducted.

7.4 Support Available

Children who are involved or affected in any way will be supported through the College’s pastoral care arrangements.
Employees who have received disclosures, or who have been the subject of allegations, will be offered appropriate and timely support by the College Employees’ Assistant Program ACCESS.

8. EMPLOYMENT PROCEDURES

8.1 Procedure for Screening New Staff

- All applicants interviewed for a position must be questioned about child-related offences.
- The preferred applicant is selected but not offered the position. At least two referees must be contacted.
- Preferred applicant must complete and submit to the Deputy Principal a signed Applicant Declaration and Consent Form as well as 100 points of identification (passport or birth certificate and driver’s licence). Originals of these documents are to be sighted.
- Page 1 of the Applicant Declaration and Consent Form along with the Employer Request for Background Check is to be faxed to the Catholic Commission for Employment Relations (CCER).
- All New Scheme teachers must provide documentation that states whether they are either provisionally or conditionally accredited with the NSW Institute of Teachers.
- CCER will advise the Principal whether the applicant is suitable for employment.
- If clear, then the position is offered to the applicant, and all forms are given to the Accounts Manager for filing.
- If not clear, then risk assessment will need to be undertaken.
- Non-teaching new staff members must complete the Applicant Declaration and Consent Form and provide 100 points of identification. A meeting with the Deputy Principal is also required.

8.2 Procedure for Religious Staff

- All religious personnel are subject to the same screening process as all teaching staff.
- Contact must be made with referees provided by religious staff members. One of these referees must be the last employer.

8.3 Procedure for Casual Staff

- On application for casual work all new casual staff are required to provide documentation that they have been screened by either the Department of Education and Training, or one of the Catholic Dioceses. Originals of these documents are to be sighted. This documentation must show the date and result of the screening.
- All new casual staff must provide 100 points of identification (passport or birth certificate and driver’s licence). Original copies must be sighted.
- All New Scheme casual staff must provide documentation that states whether they are either provisionally or conditionally accredited with the NSW Institute of Teachers.
- At least one of the nominated referees is to be contacted before the applicant is placed on the casual teacher’s list.

8.4 Procedure for Volunteers

- Screening is not required. However, all volunteers must complete the Volunteer/Student Declaration before taking on any duties at the College.
Volunteer/Student Declarations are to be signed by the volunteer and returned to the Deputy Principal. All Volunteer/Student Declarations are to be added to the database and then filed.

Volunteer/Student Declarations are available from the Deputy Principal’s Office or from the website https://check.kids.nsw.gov.au/handler/volunteer_declarations.

8.5 Procedure for Visitors

- All visitors to the College are to sign in at the Front Office and collect a visitor’s badge. On leaving the visitor must sign out and return the visitor’s badge.

8.6 Procedure for Tutors and Peripatetics

- On application Tutors and Peripatetics are asked to complete and submit the Applicant Declaration & Consent Form which is available from the Deputy Principal’s Office or the website https://check.kids.nsw.gov.au/handler/background_check_consents.
- On meeting with the Deputy Principal, all applicants must provide 100 points of identification (passport or birth certificate and driver’s licence). Original copies must be sighted.
- Page 1 of the Applicant Declaration and Consent Form along with the Employer Request for Background Check is to be faxed to the Catholic Commission for Employment Relations (CCER).

8.7 Procedure for Practicum/Student Teachers

- On meeting with the Deputy Principal, all Practicum/Student Teachers must provide evidence that they have been screened in accordance with the Child Protection Legislation. This documentation is to be filed and then shredded on the completion of the student teacher’s practicum.