



CHILD PROTECTION POLICY

PREAMBLE

The safety, protection and wellbeing of all students is of fundamental importance to St Patrick's College.

The College has a range of different obligations relating to the safety, protection and welfare of students including:

- A duty of care to ensure that reasonable steps are taken to prevent harm to students.
- Obligations under child protection legislation.
- Obligations under work health and safety legislation.

College policies and procedures are designed in response to the legislation provided on child protection:

- *Ombudsman Amendment (Child Protection and Community Services) Act 1998.*
- *Child Protection (Prohibited Employment) Act 1998.*
- *Child Protection (Working with Children) Act 2012.*
- *Ombudsman Act 1974 (Part 3A).*
- *Children and Young Persons (Care and Protection) Act 1998.*
- *Child Protection Legislation Amendment Act 2003.*

RATIONALE

The aim of this policy is to ensure child protection legislation is adhered to and that investigation of reportable conduct allegations and other related matters is followed to ensure the protection of students from abuse.

All teaching staff are mandatory reporters and are required to report to the Principal or Principal's delegate any situation where the staff member becomes aware that there may be an issue in relation to child protection and also where there may be an allegation of reportable conduct.

Reportable conduct includes:

- Physical abuse.
- Sexual abuse.
- Psychological/emotional abuse.
- Ill treatment.
- Neglect.
- Misconduct that may involve child abuse.

An allegation of reportable conduct made against an employee of the College is to be directed to the Principal.



PROCEDURES

Preventing issues arising in relation to child protection

Pre-employment screening, including a Working With Children Check (WWCC), is a prerequisite for any child related work in New South Wales. It involves a national police check and a review of findings of misconduct involving children.

Anyone seeking engagement by the College (teaching staff, support staff, volunteers, outside tutors and external providers) must supply their WWCC clearance. It is the responsibility of the employee to gain his or her own WWCC clearance, which remains valid for a period of five years (refer to Appendix 1, Procedures for Employing Staff).

It is the College's responsibility to ensure all current paid workers and volunteers apply for a WWCC in accordance with the Office of the Children's Guardian. The WWCC is verified and records kept with the payroll/personnel office.

All staff are trained in the requirements and protocols surrounding child protection at induction in terms of mandatory reporting and other school matters by the Head of Agency, or her delegate.

Examples of such training for College staff include the following online modules provided by the AIS:

- *Reportable Conduct and Allegations against Employees.*
- *School Communities working together.*
- *Creating Safer Independent Schools.*

These protocols and requirements are then updated and refreshed annually through staff professional development, presented by the Head of Agency or her delegate. Signed lists of attendees are kept for those training sessions relevant to child protection.

Follow up sessions are provided for staff who may have been absent for these presentations.

REPORTING ISSUES IN RELATION TO CHILD PROTECTION

Students

All staff are required to report to the Principal or the Principal's nominee any situation where the staff member has formed a belief on reasonable grounds that a student is at risk of harm. This may include incidents involving:

- Physical assault.
- Sexual assault or sexual misconduct.
- Psychological harm.
- Professional misconduct that may involve reportable conduct.
- Any act of violence that occurs in the presence of a student.
- Sexual misconduct that occurs in the presence of a student.



The Principal or the Principal's nominee will report immediately relevant child protection issues to the NSW Department of Family and Community Services. Any guidelines supplied by the Office of the Children's Guardian in relation to the *Child Protection (Working with Children) Act 2012* must be followed.

Any relevant disciplinary proceedings will be notified to the Office of the Children's Guardian on completion.

Mandatory Reporting

All teachers are mandatory reporters and as a mandatory reporter they must, where they have reasonable grounds to suspect that a child is at risk of significant harm, report this concern.

All teachers must report any concerns they may have about any other employee engaging in reportable conduct or any allegation of reportable conduct to the Principal. If a staff member is not sure whether the conduct is reportable conduct but consider that it is inappropriate behaviour they must still report it.

A staff member must also report to the Principal if they become aware that an employee has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct.

If the allegation involves the Principal, the staff member is required to report to the Chairperson of the Board.

Investigation

Part 3A of the *Ombudsman Act 1974* requires the heads of certain agencies, including non-government schools in New South Wales, to notify the New South Wales Ombudsman of all allegations of reportable conduct by an employee and the outcome of the school's investigation of these allegations.

An 'employee' includes employees, contractors, volunteers, work experience participants, clergy, ministers of religion and instructors of religion who provide pastoral or liturgical services.

The College also has two trained investigators on staff to undertake any investigation of reportable conduct.

Head of Agency

The Head of Agency is the Principal of the School. Under the *Ombudsman Act 1974*, the Head of Agency must:

- Set up systems within their organisation to ensure that they are advised of any allegations of reportable conduct against employees.
- Notify the Ombudsman as soon as possible and no later than 30 days after being made aware of an allegation.
- Notify the Ombudsman whether or not the school plans to take disciplinary or other action in relation to an employee who is the subject of a reportable allegation or conviction and the reasons for taking or not taking any such action as soon as practicable.



- Provide the Ombudsman with any documentary and other information as the Ombudsman may from time to time request to assist in the Ombudsman's monitoring of an investigation.

WHAT HAPPENS WHEN AN ALLEGATION OF REPORTABLE CONDUCT IS MADE?

Initial Steps

Once an allegation of reportable conduct against an employee is received, the Head of Agency is required to:

- Determine on face value whether it is an allegation of reportable conduct.
- Assess whether Community Services or the Police need to be notified (ie if reasonable grounds to suspect that a child is at risk of significant harm or criminal offence).
- Notify the child's parents (unless to do so would be likely to compromise the investigation or any investigation by Community Services or the Police).
- Notify the Ombudsman within 30 days of receiving the allegation.
- Notify Good Samaritan Education (Form A).
- Notify Catholic Church Insurances, Special Issues Claims.
- Carry out a risk assessment and take action to reduce/remove risk, where appropriate.
- Investigate the allegation or appoint someone to investigate the allegation.

Refer to Appendix 2, Managing Concerns in Relation to Children and Young Persons.

Investigation Principles

The College will:

- Be mindful of the principles of procedural fairness.
- Inform the person subject of the allegation (PSOA) of the substance of any allegations made against them and provide them with a reasonable opportunity to respond to the allegations.
- Make reasonable enquiries or investigations before making a decision.
- Avoid conflicts of interest.
- Conduct the investigation without unjustifiable delay.
- Handle the matter as confidentially as possible.
- Provide appropriate support for all parties including the child/children, witnesses and the PSOA.

Investigation Steps

In an investigation the Head of Agency or appointed investigator will generally:

- Interview relevant witnesses and gather relevant documentation.
- Provide a letter of allegation to the PSOA.
- Interview the PSOA.
- Consider relevant evidence and make a preliminary finding in accordance with the NSW Ombudsman guidelines.
- Inform the PSOA of the preliminary finding and provide them with an opportunity to respond.
- Consider any response provided by the PSOA.
- Make a final finding in accordance with the NSW Ombudsman Guidelines.
- Decide on the disciplinary action, if any, to be taken against the PSOA.
- Apply the Office of the Children's Guardian guidelines and decide if the matter is reportable.



- Send the final report to the Ombudsman and report to the Office of the Children's Guardian (where required).
- Notify Good Samaritan Education (Form B).
- Notify Catholic Church Insurances, Special Issues Claims.

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

Procedural fairness must be ensured in any investigation undertaken. Procedural fairness is a basic right of all when dealing with authorities. Procedural fairness refers to what is sometimes described as the 'hearing rule' and the 'right to an unbiased decision'.

The hearing rule includes the right of the person against whom an allegation has been made to:

- Know the allegations related to a specific matter and any other information which will be taken into account in considering the matter.
- Know the process by which the matter will be considered.
- Respond to the allegations.
- Know how to seek a review of the decision made in response to the allegations.

The right to an unbiased decision includes the right to:

- Impartiality in an investigation and decision-making.
- An absence of bias by a decision-maker.

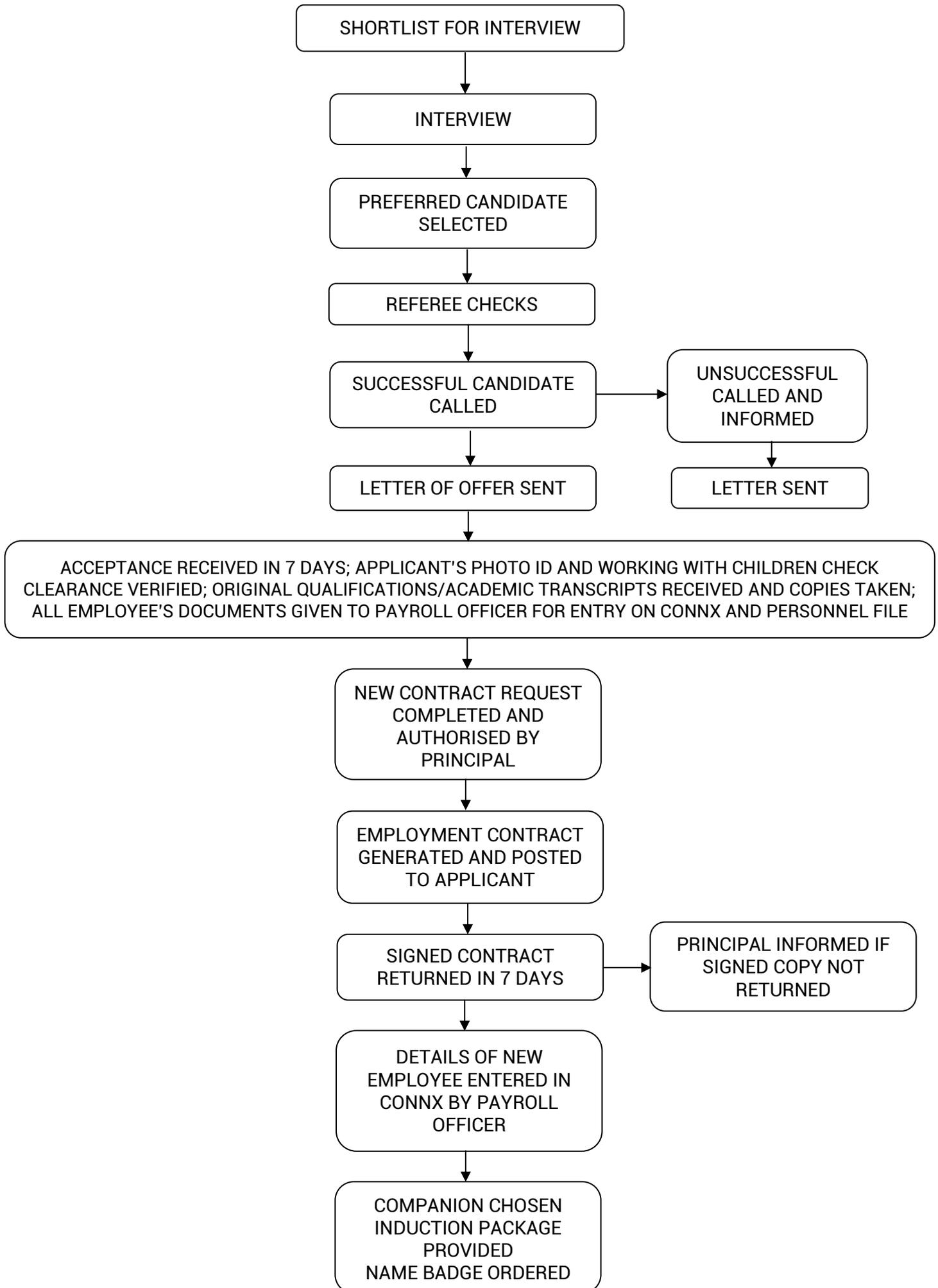
Disciplinary Action

- As a result of the allegations, investigation or final findings, the school may take disciplinary action against the PSOA (including termination of employment).
- In relation to any disciplinary action the College will:
 - give the PSOA details of the proposed disciplinary action;
 - give the PSOA a reasonable opportunity to respond before a final decision is made.

Confidentiality

- It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible.
- The College requires that all parties maintain confidentiality during the investigation including in relation to the handling and storing of documents and records.
- Records about allegations of reportable conduct against employees will be kept in a secure area and will be accessible by the Head of Agency or with the Head of Agency's express authority.
- No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the Principal to do so.

APPENDIX 1 – PROCEDURES FOR EMPLOYING STAFF



APPENDIX 2 – MANAGING CONCERNS IN RELATION TO CHILDREN AND YOUNG PERSONS

The Principal is the Head of Agency for reportable matters

