

Child Protection Policy and Procedures

This policy states the reasons for legislation to protect children and young people and provides a framework that describes Australian Pacific College's (the College's) commitment, responsibilities and expectations under the child protection legislation. The College is committed to ensuring that the safety, welfare and wellbeing of students are maintained at all times during their participation in activities run by the College. The College aims to promote a safe environment for all children and to assist all staff, students and volunteers to recognise child abuse and neglect and follow the appropriate notification procedures when reporting alleged abuse.

1. Rationale

The focus of the policy and guidelines is the provision of a safe and protective environment for the students.

This policy and guidelines promote the care and protection of students and provide information and direction for employees and students.

This policy and guidelines will assist the College in establishing coordinated strategies for dealing with the problem of child abuse and neglect in a responsible, effective and consistent manner.

2. Notification Procedures for Allegations of Child Abuse

The policy outlines the procedures to be followed when allegations of child abuse are reported. It identifies the responsibilities of individuals, the processes that must be undertaken, aspects relating to confidentiality and the requirements of the legislation.

3. Objectives

Through the development of this policy objectives are to:

- provide information to assist staff and volunteers in dealing with all forms of child abuse
- provide comprehensive guidelines relating to risk minimisation and reporting/ notification procedures
- provide direction to all staff and volunteers regarding their legal responsibilities under child protection legislation
- promote and adopt the College principles for child protection and intervention amongst staff and parents/carers.

4. Scope

This policy applies to all employees and contractors of the College.

5. Definitions

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 agency.

Child: Includes all children and young people up to the age of 18 years.

Conviction of reportable conduct: This means any conviction of a person, in New South Wales (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.

Employee: An employee is any 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, volunteers, students on placement, instructors of religion.

Exempt conduct: An allegation of reportable conduct may be exempt from notification to the NSW Ombudsman or the NSW Commission for Children and Young People if it involves:

- 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 matter is to be investigated and the result of the investigation recorded under workplace employment procedures, or
- conduct of a class or kind exempted from being reportable conduct by the Ombudsman or by the *Working With Children Check* guidelines.

False: A false allegation is one where it is determined that the alleged conduct did not occur.

Grooming behaviour: For the purposes of relevant employment proceedings, grooming behaviour constitutes a form of sexual misconduct. This is also referred to as coercion.

Head of Agency: Principal Executive Officer/Owner. The Ombudsman Act 1974 uses the term 'agency' to refer to all public authorities and certain non-government service providers or organisations that fall within the Ombudsman's child protection jurisdiction, including the College. 'Agency' is used throughout the Ombudsman's guidelines and when used in this policy shall refer to the College.

Internal investigation of an allegation: This involves a process where the College:

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

Mandatory Reporting: Certain groups of people are required by law to report to DoCS if they suspect (using their professional judgement and training), on reasonable grounds, that a child or young person is at risk of harm.

Malicious: An allegation that is intended to cause distress to the person against whom the allegation was made.

Misconceived: If the investigation has concluded that, whilst the allegation was made in good faith, a misunderstanding on behalf of the person making the allegation occurred, a finding of misconceived may be reached.

Not sustained: If the investigation has concluded that there is insufficient evidence available to establish that the alleged conduct did or did not occur it will be found to be not sustained.

Not reportable conduct: If the investigation concluded that the alleged conduct did not fall within the definition of reportable conduct it will be found to be not reportable conduct.

Prohibited person: Under New South Wales law, a prohibited person is one who has been convicted of a serious sex offence in NSW or anywhere else, or a registrable offence under the Child Protection (Offenders Registration) Act 2000.

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 agency,
- 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.

All allegations of reportable conduct must be reported to the Ombudsman.

Reportable conduct: In relation to both Part 3A Ombudsman Act 1974 and Part 7 Commission for Children and Young People Act 1998, an allegation of 'reportable conduct' is one involving:

- 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.

Risk of significant harm: A child/young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or well-being of the child/young person are present to a significant extent. 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/young person's safety, welfare or well-being. The significance can result from a single act or omission or an accumulation of these.

A safe environment is one where the risk of harm is minimised and employees and students feel secure. Harm relates not only to dangers in the physical environment, involving such matters as architecture and construction, lighting, space, facilities and safety plans, but also refers to violence, physical threats, verbal abuse, threatening gestures, emotional or psychological harm, sexual harassment, and racial vilification.

Sexual misconduct: A range of behaviours or a pattern of behaviour aimed at the involvement of others in sexual acts, including inappropriate conversations of a sexual nature, comments that express a desire to act in a sexual manner, unwarranted and inappropriate touching, sexual exhibitionism, personal correspondence (including electronic communication) in respect of sexual feelings, deliberate exposure to sexual behaviour of others including display of pornography, and the possession of child pornography.

Sexualised behaviour: Behaviour including sexual relations, harassment, molestation, and any other conduct of a sexual nature which is inconsistent with the integrity of a person in a position of authority within the College. It includes behaviour that may reasonably be perceived to be of a sexual nature according to the standards of the time by the person to whom it is directed.

A *supportive environment* facilitates and enhances the social, academic, physical and emotional development of students, employees and other members of the College community. A supportive environment strives to be one in which:

- all members of the College community are treated with respect and fairness
- members of the College community feel valued
- effective teaching and learning takes place
- positive support and encouragement are provided by members of the College community
- non-discriminatory language and behavioural practices are defined, modelled and reinforced by members of the College community
- consultation takes place on matters relating to students' education and welfare
- consultation as appropriate takes place on matters relating to the health, safety and welfare of members of the College community.

Sustained: An allegation found to be true is sustained.

Vexatious: An allegation made without substance and with the intent of being malicious.

6. Preamble

The issue of child abuse is a complex problem that has an impact on all areas of society, including participation in sport and recreation activities.

The Wood Royal Commission into the NSW Police Service led to increased community awareness of the significant number of child sexual assaults and incidents of abuse which occur. It also highlighted the need for the development and implementation of strategies to protect children from abusive situations.

Protecting children from abuse is a responsibility that we must all undertake. Through the implementation of strategies that assist in preventing child abuse from occurring, the College has taken a pro-active role in relation to child protection and intervention. These strategies will help to foster a safe and positive environment for children and young people to participate in physical activities.

In addition, development of Child Protection and Intervention Policy and Guidelines provides the College with an excellent risk management tool for developing prevention strategies and for the effective management of child abuse issues within sport.

Information contained in this document will create a framework and provide direction for staff, students, volunteers and parents /carers involved in the College. It will help deliver a consistent approach to child abuse prevention at all levels of the College.

7. Relevant legislation

The College is committed to compliance with the NSW Child Protection Legislation, general principles of duty of care, as well as other legislative obligations that impact upon the provision of safe and supportive environments. In this policy, the College reaffirms its commitment to the legislative requirements contained in the following Acts that relate to child protection in New South Wales:

7.1 Part 3A Ombudsman Act 1974

This legislation requires that designated government and non-government agencies (including non-government Colleges) must notify the NSW Ombudsman of any allegation of 'reportable conduct' or conviction related to 'reportable conduct' involving an employee. These agencies are also required to properly investigate and respond to reportable allegations and convictions, and 'exempt' allegations involving misconduct by an 'employee' towards a child. For the purposes of this legislation, a 'child' is a person under the age of 18 years.

For the purposes of *Part 3A Ombudsman Act 1974*, the definition of 'employee' is very broad. In keeping with the legislative definition, for the purposes of this policy, an 'employee' includes paid employees, whether or not employed in connection with work that relates to children, and also includes 'any individual engaged to provide services to children'.

The role of the NSW Ombudsman is to audit, oversee, monitor or review the employer's response to 'reportable' or 'exempt' allegations including intake decision-making and appropriate risk assessment and risk management. The College acknowledges its responsibility to establish and maintain appropriate procedures for responding to allegations including the implementation of intake, intake assessment and risk management processes.

The College is required to respond to allegations against employees and to notify the Ombudsman of reportable allegations or convictions.

Legislative obligations under the Ombudsman Act 1974

The **Head of Agency** is required to:

- a) report to the Ombudsman (within 30 days of becoming aware) any reportable allegations or convictions relating to an employee,
- b) conduct investigations (which can be preliminary or other enquiries or assessment) into reportable allegations or convictions, and
- c) notify the Ombudsman when the decision made is sustained or not sustained.

All **employees** are required to inform the Principal or the Principal's nominee of any reportable allegation against an employee, which occurs either within or outside the work place. If this is not appropriate, for example where the allegation relates to the Principal, all employees are required to inform the Head of Agency.

Parents have the right to make a complaint to the Ombudsman's Office if they are dissatisfied with the conduct of such an investigation.

The College will ensure that requirements to notify and investigate allegations of reportable conduct in compliance with the *Ombudsman Act 1974* are known and observed.

7.2 Commission for Children and Young People Act 1998 and Child Protection (Prohibited Employment) Act 1998

These two pieces of legislation and associated guidelines comprise the NSW *Working With Children Check* that is administered by the NSW Commission for Children and Young People.

The *Working With Children Check* requires employment screening for preferred applicants for paid child-related employment and prohibits persons who have been convicted of a 'serious sex offence' or the murder or kidnapping of a child (under 18 years old) from applying for, undertaking or

remaining in child-related employment.

All 'employees' whether paid or voluntary are required to sign a **Prohibited Employment Declaration** stating whether or not they are a 'prohibited person'. A 'prohibited person' may apply for an exemption permitting the person to remain or engage in child-related employment (subject to or without conditions). Child-related employment screening of a prospective employee involves:

- a national relevant criminal record check (child-related offences)
- a check of relevant Apprehended Violence Orders (involving children), and
- a review of relevant employment proceedings completed by a previous employer and notified to the employment screening database maintained by the NSW Commission for Children and Young People.

The *Working With Children Check* legislation and Guidelines require employers to notify the Commission for Children and Young People of 'relevant employment proceedings' for inclusion in the employment screening database.

A 'relevant employment proceeding' means a disciplinary proceeding against an employee by an employer that involves 'reportable conduct' or an 'act of violence committed by the employee in the course of employment and in the presence of a child'. The College acknowledges its responsibility to establish and maintain appropriate recruitment, selection and screening processes in accordance with this aspect of the child protection legislation. This includes ensuring that all staff are informed of their legal responsibility related to child protection legislation, mandatory reporting and other relevant College expectations.

Legislative obligations under the Commission for Children and Young People Act 1998

The **Principal or Principal's nominee** is required to:

- a) conduct employment screening, through the Commission for Children and Young People before employing employees,
- b) notify the Commission for Children and Young People of relevant disciplinary proceedings taken as result of an allegation/conviction of reportable conduct by an employee,
- c) notify Commission for Children and Young people of applicants who have not been offered child-related employment as a result of screening, and
- d) securely retain relevant records.

Legislative obligations under the Child Protection (Prohibited Employment) Act 1998

The **Principal or the Principal's nominee** is required to:

- a) establish that existing employees are not 'prohibited' persons,
- b) employ only persons who are not 'prohibited' persons, and
- c) notify the Commission for Children and Young People of the names of anyone refused employment primarily as a result of risk assessment in employment screening.

All **employees** are required to:

- a) disclose to the College their status relating to the definition of a prohibited person, and
- b) not apply for or remain in child-related employment if a prohibited employee.

The College acknowledges its responsibility to establish and maintain appropriate procedures for responding to allegations of 'reportable' and 'exempt' conduct by an employee towards a child.

7.3 Children and Young Persons (Care and Protection) Act 1998

This Act sets out the means by which the Department of Community Services (DoCS) can intervene to protect children and young persons from risk of harm. The Act requires persons in certain professions and management positions, including teaching and College leadership, to report to

DoCS a 'current concern of risk of harm' to a child (up to 15 years old) or (in certain circumstances) to a young person (16 and 17 year olds). The College acknowledges all its staff dealing with children and all its managers are mandatory reporters in the case of any reasonable suspicion of harm to a child. The College acknowledges its responsibility to establish and maintain appropriate procedures to support mandatory reporters in fulfilling their reporting obligations to DoCS.

Legislative obligations under the Children and Young Persons (Care and Protection) Act 1998

The **Head of Agency** is required to:

- a) ensure that all employees are aware of their obligations to report to the DoCS a child or young person who is considered to be at risk of harm, and
- b) ensure that the College policies, procedures and practices are in line with the Act in relation to child protection.

All **employees** are required to:

- a) ensure that practice is consistent with the principles, objectives and provisions of the Act, and
- b) report concerns that a child or young person is “at risk of harm” to the Principal or the Principal’s nominee, or where this is not appropriate, for example where the allegation relates to the Principal, all employees are required to inform the Head of Agency

Indicators that establish reasonable grounds to suspect a child is at risk of harm are when:

- a) a child speaks about being at risk of harm,
- b) someone else informs an employee that a child is or has been at risk of harm,
- c) a child tells an employee that they know someone who has been or is at risk of harm, or
- d) an employee observes a particular child’s physical appearance, condition or behaviour; or their knowledge generally leads to suspicion of abuse

7.4 Requirements under these legislations are outlined in the table in appendix 1

8. Roles and responsibilities

8.1 Head of Agency

The Head of Agency is responsible for ensuring systems are in place for recording and responding to all allegations or convictions against an employee, including matters that are required to be notified to the Ombudsman. The Head of Agency is responsible for:

- a) recording the allegation,
- b) notifying the Ombudsman,
- c) reporting to the ‘Helpline’ (DoCS) or the Police, if necessary
- d) conducting a risk assessment,
- e) investigating an allegation,
- f) responding to an allegation concerning the head of agency, manager or supervisor,
- g) responding to a reportable allegation against an employee where the conduct occurred outside work hours if required,
- h) taking relevant employment proceedings (if any) in relation to the employee who has had an allegation of reportable conduct made against them, and notifying the Ombudsman of that action,

- i) sending the report and findings of the outcome of the agency investigation of reportable allegation or conviction to the Ombudsman,
- j) notifying the CCYP of completed relevant employment proceedings,
- k) determining the action that may be taken if it is found, at the end of the investigation, that an employee has made an allegation that has been found to be false or vexatious.

Although the Head of the Agency remains responsible for the above, the Head of Agency may delegate the performance of the tasks above to employees or contractors of the College.

8.2 Principal

The Principal or Principal's nominee is to report to the appropriate authorities and to the Head of Agency any situation where he/she:

- a) becomes aware that there has been a reportable allegation made in relation to an employee, or
- b) has formed a belief on reasonable grounds that a child or young person has been harmed or is at risk of harm.

The Principal or Principal's nominee is also required to:

- a) establish and maintain systems for preventing, handling and responding to reportable allegations or reportable convictions involving an employee of the College,
- b) provide when requested by the Ombudsman information about the type and operations of those systems, and
- c) make arrangements within the College to require all employees to notify the Head of Agency of any reportable allegation or conviction of which they become aware.

When the Police or the Department of Community Services are investigating an allegation or incident, the Principal or Principal's nominee is responsible for:

- a) assessing the risk posed by the employee if the allegation were to be sustained, and
- b) liaising and coordinating with the Department of Community Services or the Police regarding specific roles.

8.3 Employees

College employees must report to the Head of Agency or Principal any situation where he/she:

- a) becomes aware that there has been a reportable allegation made in relation to an employee, or
- b) has formed a belief on reasonable grounds that a child or young person has been harmed or is at risk of harm.

In most instances reports should be made to the Principal or the Principal's nominee. However, where this is not appropriate, for example where the allegation relates to the Principal or where there is a clear conflict of interest, employees are required to inform the Head of Agency.

Employees should also note that:

- a) Failure to report allegations of child sexual abuse of a child who is under 16 years of age, based on reasonable grounds, is an offence under Section 316 of the NSW Crimes Act.
- b) Employees are required to report any allegations or evidence of abuse only to the nominated person and discussion with others should be avoided or limited to persons in their normal reporting line. Failure to limit communication in this way will not only be a breach of this policy, but will result in the employee not being protected under the law from potential civil proceedings for defamation.
- c) The Principal or the Principal's nominee will report any matter that must be notified to the

Department of Community Services as required by the relevant legislation. The employee will be advised of the action taken. If it is decided that there are no reasonable grounds to suspect abuse and consequently the matter is not going to be reported by the Principal or the Principal's nominee, the employee, as the original notifier, will have an obligation to report under legislation if they believe that reasonable grounds exist.

- d) All reportable allegations against an employee of the College must be reported to the Ombudsman within 30 days of the allegation being raised. This will be done by the Head of Agency. No investigation shall take place until a reportable allegation has been reported.
- e) If a student discloses abuse to an employee, that employee is obligated to report the disclosure as stated above but the employee must not investigate the matter.
- f) Employees are required to confer with the Principal or the Principal's nominee before responding to a request by the Department of Community Services or any other requests to attend an interview with a child.
- g) Employees may be required to provide a detailed written report on any matter regarding reportable conduct about which they have notified or been notified. The confidentiality of such a report will be maintained unless otherwise required under law. Employees are advised to keep accurate notes.
- h) Employees are required to give the College an assurance that they have not been found guilty of a sexual offence or an offence against the person of a student or a child (Child Protection (Prohibited Employment) Act, 1988). This is done by completing the Prohibited Persons Declaration.
- i) The Ombudsman Act, 1974 requires that employees disclose to the Principal or Principal's nominee:
 - if they have been charged and/or convicted of a reportable offence, and/or
 - any information about misconduct that they become aware of concerning an employee of the College involving reportable conduct.

8.4 The Ombudsman

Under the Ombudsman Act, the Ombudsman must keep under scrutiny the systems agencies have in place for:

- a) preventing reportable conduct by employees, and
- b) handling and responding to reportable conduct allegations or convictions, involving those employees.

If the matter is within the jurisdiction of the Ombudsman, the assigned investigation officer will:

- a) conduct an assessment of notification of allegation,
- b) monitor the investigation conducted by the College, or directly investigate the allegation,
- c) investigate the complaints, and
- d) audit the College's systems.

8.5 The Department of Community Services (DoCS)

8.6

The role of the Department of Community Services includes, but is not limited to providing or arranging services to children, young people and parents when a request for assistance is received; receiving or assessing reports of abuse or neglect; and acting to maintain the safety of children.

The main purpose of an investigation by the DoCS is to identify whether a child is at risk of harm and whether any care and support issues exist. From time to time the Principal may be approached by DoCS to remove a student from College premises. This approach must be supported by a

Section 60 notice. If a student is to be removed from College or ordered to remain at College (Section 62 A) the Principal must:

- Confirm the identification of the officers;
- Take a copy of the Section 60 or Section 62A notice;
- Record details of actions, names of officer and where possible place of lodgement of the student;
- Gain assurance from DoCS that they will immediately inform the parent or caregiver that the student has been removed or ordered to remain at the College;

Before any phone conversation with DoCS concerning a student the Principal must confirm the identity of the caller by phoning a known DoCS number. Any information requested verbally must be confirmed in writing promptly. Any staff who receive a request for information from DoCS must immediately refer the matter to the Principal. The Principal should inform the parents or caregivers that a request has been made unless DoCS informs the College that the parents are not permitted to be told.

8.6 The Police

The main purpose of an investigation by Police is to obtain information upon which a sound and proper decision can be made about the validity of the allegation. This means:

- a) gathering all the relevant facts and making decisions as to whether on balance of probabilities, the allegation has been sustained/not sustained, and
- b) providing information to assist in any disciplinary proceedings.

The Joint Investigative Team (JIT) consists of a member of the DoCS working with a member of the NSW Police Force to conduct an investigation.

8.7 Student interviews conducted by DoCS or the Police

8.8

DoCS and/or the Police may wish to carry out student interviews, sometimes jointly, at the College. In this case:

- Before allowing any officers access to information or students, the Principal should confirm the identification of the officers.
- No student will be interviewed at the College against the wishes of the student and it is the Principal's responsibility to inform the student of this.
- 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. If a person is nominated by the student the interview must not commence until that person has arrived.
- What takes place in the interview becomes part of the investigation and must remain confidential.
- Except in cases which involve a member of the family it is expected that a parent of the child concerned will be present at any interview with the child. Should the allegations be made against a family member DoCS or the Police will communicate with parents. The Principal will confirm that this has happened.

8.8 The Commission for Children and Young People (CCYP)

The Commission for Children and Young People receive notification from the College in relation to:

- a) relevant disciplinary proceedings taken as a result of a reportable allegation or conviction

concerning an employee, and

b) applicants who have not been offered child-related employment as a result of appropriate assessment or screening.

9. Implementation

In order to implement the child protection legislation the College will undertake to:

- implement strategies and procedures that **focus on the best interests of children** and meet the requirements of child protection legislation
- **promote a safe and supportive environment** for all children and young people participating in activities of the College
- **increase awareness and emphasise the importance of child protection issues** to all those involved with the activities of the College. This includes managers, staff, parents and their children.
- **ensure that all staff of the College are aware of their responsibilities** arising from child protection legislation, in particular, the requirement under the Commission for Children and Young People Act 1998, to inform their employers if they have been convicted of a serious sex offence.

The College will ensure that operational policies and procedures are implemented in accordance with each Act that comprises the NSW child protection legislation so that:

- employees, outside tutors and contractors and volunteers who have direct contact with students have undertaken training about their legal responsibilities in relation to child protection, mandatory reporting, and other relevant expectations as to appropriate and professional conduct
- all employees, volunteers, outside tutors and external providers are informed of the requirements for the College to notify and investigate allegations of 'reportable conduct' and investigate 'exempt allegations' in compliance with *Part 3A Ombudsman Act 1974*
- the College meets the employment screening and notification requirements of *Part 7 Commission for Children and Young People Act 1998*
- all employees, volunteers, outside tutors, and external providers are informed of their obligations under the *Child Protection (Prohibited Employment) Act 1998*
- all employees who are mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998* are informed of their obligations and the process that Colleges have in place in relation to mandatory reporting,
- responses to the child protection legislative responsibilities will be in accordance with the principles of privacy and procedural fairness.

Procedures

The College adopts the following principles in its investigation of reportable conduct:

- a) establishing whether the agency has the reporting responsibilities as indicated under the Ombudsman's Act using the checklist 2.2 from *Child Protection in the Workplace, 2004*,
- b) informing the person who is the subject of allegations of the substance of any allegations made against them and providing them with a reasonable opportunity to respond,
- c) taking necessary steps to protect the person who made the allegation at all times,
- d) making reasonable inquiries or investigations before making a decision,
- e) ensuring that no person decides a case in relation to which they have a conflict of interest,
- f) ensuring that all action is taken fairly and without bias, regardless of the background of any party involved,
- g) conducting the investigation without undue delay, and

h) emphasising the need for confidentiality throughout the process.

The College has an obligation to investigate all allegations, regardless of the source (eg self disclosure).

Once an allegation of reportable conduct against an employee is received the Head of Agency must:

- a) Clarify the allegation and determine that it is an allegation of reportable conduct;
- b) Assess whether the Department of Community Services or the Police need to be notified;
- c) Complete the initial notification to the Ombudsman, noting that this is required within 30 days of receiving the allegation. Where the investigation will be finalised within 30 days the initial notification may be made at the same time as the findings.

If DoCs or Police **will not** be involved in investigation, a sole investigation must be carried out by the College, involving the following steps:

- Put in place appropriate support measures for all involved as detailed in this policy.
- Carry out a risk assessment and take action to reduce/remove risk, where appropriate. NB: Risk to child, employee or other children with whom the employee has been in contact must be monitored throughout the investigation as per the risk management section of this policy
- Collect all available relevant information, ensuring full documentation throughout the process;
- Interview, or arrange interviews to be conducted by an appropriate person, all relevant witnesses, ensuring all interviews are adequately recorded. Interviews must be recorded verbatim;
- Make the employee fully aware of the allegation(s) noting that the degree of disclosure will vary, depending on the circumstances;
- Interview the employee subject to the allegation(s);
- Consider all evidence and make a preliminary finding as to whether the allegation is sustained, false, vexatious, misconceived, not reportable conduct or not sustained;
- Inform the employee of preliminary findings and provide opportunity to respond;
- Make the final finding;
- Send the final report to the Ombudsman;
- Inform the employee of the findings and actions to be taken;
- Implement the final actions:
 - (i) The employee is entitled to ask the Ombudsman to review the investigation and findings if the employee believes the investigation was unfair, biased, incomplete or suffered some other deficiency giving rise to an incorrect finding;
 - (ii) The employee must be advised if the employer has notified completed disciplinary proceedings to the Commission for Children and Young People; and
 - (iii) If the completed disciplinary proceedings is notified to the Commission for Children and Young People the employee may be entitled to inspect the employer file subject to Freedom of Information principles subject to any exemptions which may exist under the act.

10. Support

The College will provide support for the child or young person, through:

- a) appointing an appropriate person to provide support,
- b) providing appropriate pastoral care,
- c) providing access to counselling where appropriate,
- d) acknowledging the impact of the process on academic performance and co-curricular commitments.

The College will provide support for the employee through:

- a) appointing an appropriate person to provide support,
- b) providing access to counselling where appropriate,
- c) acknowledging the impact of the process on work performance, and
- d) applying principles of procedural fairness as outlined in this policy.

The College will provide support for the reporting employee through:

- a) appointing an appropriate person to provide support,
- b) providing appropriate pastoral care,
- c) providing access to counselling where appropriate, and
- d) acknowledging the impact of the process on work performance.

The College will provide support for the parents/carers of the child or young person through:

- a) appointing an appropriate person to provide support,
- b) providing appropriate pastoral care, and
- c) providing access to counselling where appropriate.

The College will assess the impact of an investigative process or action following the process on any group within the College community and will provide support to such a group in accordance with the pattern indicated above.

NOTE: Support will not be provided to the employee against whom the allegation has been made by the same person providing support to the employee who made an allegation or the child/young person and his/her family.

11. Risk Management

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

All employment situations do not carry the same risks; nor do all employees. Neither will all young people have the same vulnerability. Recognising and acknowledging that the risk of reportable conduct is present in any child-related employment situation is the first critical step towards effective risk management. In dealing with any specific allegations the College will put a risk management plan in place in relation to that specific allegation that will include procedures to prevent reportable conduct occurring in the workplace as well as procedures for responding to incidents or allegations of reportable conduct against an employee.

11.1 Initial risk assessment

One of the first steps following a reportable allegation is to conduct a risk assessment. The purpose of undertaking a risk assessment when an allegation is made is to identify and minimise the risks to:

- a) the child or young person who is alleged to have been harmed by an employee,
- b) the other children or young people with whom the employee may have contact,
- c) the employee against whom an allegation of reportable conduct has been made,
- d) the College, and
- e) the proper investigation of the allegation.

When taking action to address the identified risks, the College will take into consideration both the needs of the child/young person who is alleged to have been harmed and the needs of the employee against whom the allegation is made. This includes the nature of the allegation, the vulnerability of children, the nature of the position occupied by the employee and the level of supervision of the employee. The disciplinary history, safety of the employee and the risk to the

investigation may also be factors in considering whether to leave the employee in their position while the investigation is conducted. The College will take appropriate action to minimise risks should they be identified as significant.

11.2 Ongoing risk management

During the investigation period it is important to manage any risks that arise and to review the risk management plan in the light of new information that emerges during the process. It is important that the College also ensures that adequate/necessary support is being provided for all those involved as detailed in the support section of this policy.

11.3 Risk Management at the conclusion of the investigation

At the completion of the investigation, a finding is made in relation to the allegation. A review of the investigation should then be conducted to ensure that all relevant "risk" issues have been considered. This information will provide the College with an opportunity to put in place measures to minimise any further risk of harm to children/young people in its care. Such measures may include, but will not be limited to:

- a) training for one or more employees,
- b) changing work practices in certain situations,
- c) changing the physical environment, and
- d) reviewing the Child Protection Policy and Code of Conduct.

12. Documentation and record-keeping

In order to ensure procedural fairness, all information related to reportable allegations will be well documented with strict confidentiality maintained throughout the process. This will include the following:

- a) the allegation (a brief summary of what has been said and by whom);
- b) the initial response provided to the person making the allegation, the alleged victim(s) and the person the subject of the allegation;
- c) the plan detailing how the investigation is to be carried out, including whether Department of Community Services or Police need to be notified;
- d) the interim risk assessment, including any interim management arrangements/decisions made about the employee and the rationale/support and/or counselling for child or employee;
- e) the interviews conducted, including details of who is being interviewed, any other people present, the name and position of the interviewer, and the date of the interview;
- f) records or notes from interviews, including details of questions and responses, and be signed by the interviewee;
- g) the decisions made, during and at the conclusion of the investigation, including their rationale, the position and name of person making the decision and the date;
- h) all contact, discussion, emails etc with anyone about the matter, including the date, the content, the name of the person making contact, details of their position or College and where appropriate the reason for the contact.

A summary report will also be produced, that will detail:

- a) the allegation,
- b) the investigation process,
- c) the final determination including the reason,
- d) the final risk assessment which includes any final decision about the employee,
- e) the factors that have been considered, and
- f) any subsequent action that is to be/had been taken.

All documents relating to a matter will be kept together in a clearly marked file in a separate location to the employee's file. Records will be kept in a safe and secure location and must be kept indefinitely. Access to these records will be restricted to the Head of College, Principal, the Principal's nominee and the employee. Any other requests for access to files will be made through the Principal, who will decide on a case-by-case basis.

13. Expectations

Staff, especially teachers, have a high level of contact with children and play a major part in the successful delivery of educational programs.

Teachers are often seen as role models. They have significant influence on the children they come into contact with and therefore have significant responsibilities.

The College expects that all staff will commit to implementing risk management strategies developed by the College for child protection and intervention.

14. Recruitment of staff

In addition to complying with legislation with regard to the prohibited employment screening, the College will seek to recruit employees that would be strongly supportive of the pastoral needs of students. The College will also use the "Structured Referee Checks" guidelines prepared by the Commission for Children and Young People.

15. Professional development of staff

The College has duty of care and statutory responsibilities which require that all relevant employees (including volunteers where appropriate) be appropriately trained.

Existing employees will be required to attend regular training that will:

- a) reinforce the College Child Protection Policy and more specifically, the Code of Conduct,
- b) raise their awareness of child protection issues including recognising signs of reportable conduct and abuse,
- c) advise them of their statutory obligations under the College policy, and
- d) provide clear guidance in relation to appropriate and inappropriate behaviour.

As part of their induction to the College, newly recruited employees will be assessed as to their knowledge and training requirements in this area and appropriate training will be undertaken in need.

All employees will receive a copy of the Child Protection Policy and the Code of Conduct and are required to formally acknowledge that they have read, understood and are willing to comply with these.

All employees will be trained in relation to the indicators of abuse as outlined in Appendix 2

16. Notification Procedures for Allegations of Child Abuse

The College acknowledges that issues regarding child abuse and the reporting of allegations of child abuse are highly sensitive, and should be dealt with in a confidential manner. The College has developed these notification procedures to ensure that confidentiality is maintained throughout the process and that consistent procedures for reporting are encouraged. The College will be proactive

in its role to protect children and encourage an open environment that allows employees and students to be aware of their rights and responsibilities within the College.

16.1 Some incidents may seem minor, however, they may in fact reveal more serious concerns of misconduct or a pattern of behaviour that requires further scrutiny. All people associated with the College should be aware of the indicators for child abuse and sexual abuse so that they may make an informed decision on what to report.

Any staff member who has have reasonable grounds to suspect that a child participating in any organised activities conducted by the College is at risk must report the matter to the child protection officer.

16.2 Verbal notification of alleged child abuse must be followed up in writing within 24 hours to the Department of Community Services using the child protection notification form provided.

16.3 If an incident of child abuse occurs in the College it is not the responsibility of persons within the College to take it upon themselves to determine whether the allegation is true or false. This responsibility belongs with the Department of Community Services and the Judiciary. Depending on the nature of the allegations and the extent of the situation, the department of Community Service will determine the manner in which the matter will be investigated. This may involve the NSW Police Service.

16.4 All matters regarding allegations of child abuse are to be treated as confidential. The person designated as the child protection officer is the contact person for any incident involving allegations of child abuse. This is essential for confidentiality. Confidentiality protects all individuals involved:

- the alleged victim
- the alleged offender, and
- the person making the notification.

Under the Commission for Children and Young People Act 1998 the College

- will not commence employing a person in a child-related position without first requiring them to sign the Applicant Declaration and Consent form (if paid) or the Volunteer/Student Declaration form (if unpaid).
- will not commence employing, or continue to employ, in child-related employment, a person that has been identified as a 'prohibited person'.

17. Policy review

The Child Protection and Intervention Policy and Guidelines will be reviewed annually and updated in line with any legislative changes that have significant impact on the manner in which child protection and intervention issues are to be dealt with.

18. Contact details

Community Services helpline: 13 21 11
Police Assistance Line: 13 14 44

Appendix 1

Summary of Responsibilities

Area	Principal's responsibilities	Employees' responsibilities
Allegations against employees	a) report to the Ombudsman (within 30 days of becoming aware) any reportable allegations or convictions relating to an employee, b) conduct investigations (which can be preliminary or other enquiries or assessment) into reportable allegations or convictions.	All College employees are required to inform the Principal or the Principal's nominee of any reportable allegation against an employee, which occurs either within or outside the work place. If this is not appropriate, for example where the allegation relates to the Principal, all employees are required to inform the Principal Executive Officer.
Risk of Harm	a) ensure that all employees are aware of their obligations to report to the Department of Community Services a child or young person who is considered to be at risk of harm, b) ensure that College policies, procedures and practices are in line with the Act in relation to child protection.	a) ensure that practice is consistent with the principles, objectives and provisions of the Act, b) report concerns that a child or young person is "at risk of harm" to the Principal or the Principal's nominee, or where this is not appropriate, for example where the allegation relates to the Principal, all employees are required to inform the Principal Executive Officer
Prohibited employment	a) establish that existing employees are not 'prohibited' persons, b) employ only persons who are not 'prohibited' persons, c) notify the Commission for Children and Young People of the names of anyone refused employment primarily as a result of risk assessment in employment screening.	a) disclose to the College their status relating to the definition of a prohibited person, b) not apply for or remain in child-related employment if a prohibited employee.
Employment screening	a) conduct employment screening, through the Commission for Children and Young People before employing employees, b) notify the Commission for Children and Young People of relevant disciplinary proceedings taken as result of an allegation/conviction of reportable conduct by an employee, c) notify Commission for Children and Young people of applicants who have not been offered child-related employment as a result of screening, d) securely retain relevant records.	
Investigation and notification	a) investigate matters falling within the 'class or kind' classification, and b) notify the Ombudsman when the decision made is sustained or not sustained.	

Appendix 2

Indicators of abuse

	Physical Indicators	Behavioural indicators	Carer behavioural indicators
Neglect	<ul style="list-style-type: none"> • consistent hunger, poor hygiene, inappropriate dress, chronically unclean, • consistent lack of supervision, especially in dangerous activities, for long periods, • unattended physical problems, medical or dental needs, • often tired or listless, • abandonment, • underweight 	<ul style="list-style-type: none"> • begging or stealing food, • extended stays in College, • attendance at College infrequent, • substance abuse • states there is no carer or parent. 	<ul style="list-style-type: none"> • disorganised, chaotic and upsetting home life, • feels apathetic and that nothing will change, • isolated from friends, relatives, neighbours, • cannot be found, • expects too much of the child • substance abuse, and • exposes child to unsafe living conditions.
Emotional Abuse	<ul style="list-style-type: none"> • speech disorders, • lags in physical development or failure to thrive, • attempted suicide 	<ul style="list-style-type: none"> • habit disorders • low self-esteem, • difficulty forming positive relationships, • inability to trust, • neurotic traits (sleep disorders, etc), • behavioural extremes (compliant, passive, shy, aggressive,) • apathetic, • withdrawn • reports emotional maltreatment. 	<ul style="list-style-type: none"> • treating children in family unequally, • does not appear to care much about the child's problems, blames or belittles the child, • is cold or rejecting, • withholds love, • finds nothing good or attractive in the child, • demonstrates inconsistent behaviour toward the child.
Physical Abuse	<ul style="list-style-type: none"> • unexplained welts and bruises, • unexplained burns, • unexplained fractures, • unexplained lacerations or abrasions, • head injuries, • human bite marks, and • premature loss of teeth. 	<ul style="list-style-type: none"> • verbally reports abuse, • wary of adults and adult contact, • consistent anger, aggression, hyperactivity, • behavioural extremes, • role reversal (such as the child pretending to be an abusive parent), • developmental lags, • appears frightened of carer, • apprehensive when other children cry, • wears clothes over injuries, • seeks affection from any adult with no discrimination, • non-expression of needs, • non-communicative. 	
Sexual abuse	<p>difficulty walking or sitting, venereal disease (especially in pre-teens), pregnancy, other physical signs that a medical practitioner may identify, recurrent urinary tract infections.</p>	<ul style="list-style-type: none"> • aggressive, overt sexual behaviour, • cruelty to animals without physiological basis, • sleep disorders, • starting fires, • poor peer relations, • wary of physical contact, especially with an adult, • reports of sexual abuse, • self inflicted injury. 	<p>very protective or jealous of child, extremely protective of family privacy, does not allow child to be involved in extra-curricular activities, encourages child to engage in prostitution, substance abuse, geographically isolated and/or lacking in social and emotional contacts outside the family, low self-esteem.</p>