

<b>Section of Manual:</b>	<b>5. SAFE AND SUPPORTIVE ENVIRONMENT – 5.1 LEGISLATIVE: RESPONSIBILITY AND REPORTING</b>		
<b>Document</b>	5.1.1: PROTECTING CHILDREN AND YOUNG PEOPLE		
<b>Endorsement:</b>		<b>Review Date:</b>	July 2019
<b>Review Panel</b>	The Chief Executive Officer, Principal and Compliance Manager must be a part of the review of this Policy.		
<b>Purpose:</b>	<p>Shoalhaven River College has a duty of care to ensure that students are protected when they are at school.</p> <p>Schools also have a critical role to play in protecting children and young people by identifying and reporting reasonable suspicion of children and young people being at risk of significant harm.</p> <p>Under new reforms, Shoalhaven River College also has an obligation to share information as required by CS with other agencies to work together to keep children and young people safe.</p> <p>This policy and procedure outlines the obligations of various stakeholders and the processes to be followed to ensure young people receive this protection.</p>		
<b>Legislation</b>	<p>The <i>Children and Young Persons Act 1998</i> (NSW) (the <b>Care and Protection Act</b>).</p> <p>The <i>Ombudsman Act 1974, Education Act 1990</i> (NSW) (the <b>Ombudsman Act</b>).</p> <p>The <i>Child Protection (Working With Children) Act 2012</i> (NSW) (the <b>WWC Act</b>).</p>		
<b>Scope:</b>	Relates to all staff, external providers/ tutors, cleaners, contractors, guest speakers, volunteers and work experience hosts		
<b>RANGS Manual:</b>	3.6 Safe and Supportive Environment; 3.6.1		
<b>NOTE</b>	<p>The term “Community Services”, used throughout this policy, relates to the NSW Government department with the responsibility for managing the safety and wellbeing of children and young people and protecting them from risk of harm, abuse and neglect. At the writing of this policy, this department is:</p> <ul style="list-style-type: none"> <li>NSW Family and Community Services - <a href="https://www.facs.nsw.gov.au/families">https://www.facs.nsw.gov.au/families</a></li> </ul> <p>NSW Ombudsman - <a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a></p> <p>Office of The Children’s Guardian - <a href="https://www.kidsguardian.nsw.gov.au/">https://www.kidsguardian.nsw.gov.au/</a></p> <p>Department of Premier and Cabinet – Keep Them Safe - <a href="http://www.keepthemsafe.nsw.gov.au">www.keepthemsafe.nsw.gov.au</a></p>		
<b>POLICY:</b>			
	<p><b>1. Introduction</b></p> <p>The safety, protection and well-being of all students is of fundamental importance to Shoalhaven River College. Young people, by virtue of their age, are vulnerable.</p> <p>Shoalhaven River College has a moral and legal duty of care to ensure that students are protected when they are at school.</p>		

<b>Document : 5.1.1 Protecting children and young people v9</b>		
Version #9		Date: February 2020

In addition, school staff (including external providers/ tutors) spend a considerable amount of time observing and working closely with young people, and as a result, Shoalhaven River College also has a critical role to play in protecting children and young people by identifying and reporting reasonable suspicion of children and young people being at risk of significant harm.

Under new reforms to The Children & Young Persons (Care and Protection) Act 1998, Shoalhaven River College also has an obligation to exchange information as required by Community Services (CS) with other agencies to work together to keep children and young people safe. By working together, agencies and schools can more effectively create a better picture of young people to keep them safe.

Shoalhaven River College is committed to ensuring that there are systems, procedures and training regimes in place to comply with child protection legislation to enhance the physical and psychological wellbeing of our students. The following procedures outline the obligations of various stakeholders and the processes to be followed to ensure young people receive this protection.

Obligations in relation to each Act is outlined in the subsections of this document titled:

[PART A: Obligations under The Care and Protection Act –](#)

[i\)Mandatory Reporting](#)

[ii\)Exchange Of Information](#)

[PART B: Obligations under The Ombudsman Act –Reportable Conduct](#)

[PART C: Obligations under WWC Act](#)

**PROCEDURES**

**1.1. Staff obligations to report**

While we set out below circumstances in which the **legislation** requires reporting of particular child protection issues, the School requires you to report **any concern** you may have about the safety, welfare or wellbeing of a child or young person to **the Principal**.

If the allegation involves the **Principal**, you are required to report to **the EO of the College** who will then assume the role and duties of **‘The Head of Agency’**.

This obligation is part of the School's overall commitment to the safety, welfare and well-being of children.

**1.2. Communication Of Responsibilities**

The Principal will ensure that staff (teachers, Student Wellbeing Officer , SLSO, external

providers/ tutors and any ongoing volunteers) are reminded of their responsibilities under this policy and associated procedures through the following avenues:

- Induction and orientation process – conducted by the Principal which includes the reading, discussion and signing of the Code of Conduct document (Policy 2.3.1). This is to be undertaken before commencement of employment.
- Regular supervision and mandatory weekly team meetings facilitated by the Principal. At each meeting staff are reminded to observe and report to the Principal any child protection concerns.
- Annual participation in the Association of Independent Schools (AIS) “**Obligations in identifying and responding to children and young people at risk.**” online workshop. Completion by all staff is mandatory and will be need to be completed in Term 1, week 1. A print out of the transcript/ certificate is to be provided to SRC administration staff whom will scan a copy to the Principal and will file in personnel files located in SRC administration office. The principal is to ensure that all staff have undertaken this training. Therefore, if a new staff member commences any other time following the undertaking of the training, this is required to be undertaken before commencement of employment via the induction process.
- The Principal is to annually (week 1, term 1) discuss and provide face to face training on the “Protection and Support of children and young people” policy. The principal is to ensure that all staff have undertaken this training. If a new staff member commences at any other time following the undertaking of the training, this is required to be undertaken before commencement of employment via the induction process. If an existing staff member is away when annual training has taken place, they are required to undertake this training at the earliest possible time with the Principal and at the latest, by the end of term 1, week 2. Following this annual training, all staff must sign a declaration (see end of this document) that they have undertaken the training and understand the implications of the policy. SRC Administration staff will scan a copy of these declarations to the Principal and will also file in personnel files located in the SRC administration office. All staff are to ensure that they have an up to date WWCC clearance (refer to Part C in this

document) and that SRC administration staff ensure the WWCC register (2.4.1) and personnel files hold this information.

**PART A: OBLIGATIONS UNDER THE CARE AND PROTECTION ACT**

**i) The Care and Protection Act provides for mandatory reporting of children at risk of significant harm.**

NOTE: Any concern regarding the safety, welfare or well-being of a student must be reported to the Principal

**1. Who is a mandatory reporter?**

Under the Care and Protection Act persons who:

- a) in the course of their employment, deliver services including health care; welfare, education, children's services and residential services, to children; or
- b) hold a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services including health care, welfare, education, children's services and residential services, to children, are mandatory reporters.

At SRC, the Principal, teachers, SLSO's, administration, Student Wellbeing Officer, external providers/ tutors and ongoing volunteers are mandatory reporters.

**2. When must a report be made to Community Services?**

**2.1 What is the threshold?**

A mandatory reporter must, where they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm, report to Community Services as soon as practicable, the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

In addition, while not mandatory, the School considers that a report should also be made to Community Services where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare and well-being of the young person.

**2.2 Reasonable grounds**

'Reasonable grounds' refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:

- a) first hand observations of the child, young person or family.
- b) what the child, young person, parent or another person has disclosed.
- c) what can reasonably be inferred based on professional training and / or experience.

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

### **2.3 Significant harm**

A child or young person is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, 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) In the case of a child or young person who is required to attend school in accordance with the Education Act 1990 —the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act.
- d) The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated.
- e) 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.
- f) 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.
- g) The child was the subject of a pre-natal report under section 25 of the Care and

Protection Act and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

**2.4** The Principal and staff should consult the community services decision tree in determining whether to mandatorily report. This decision tree is located at <https://reporter.childstory.nsw.gov.au/s/mrg>. If the decision tree is below the mandatory reporting requirement (ie a report does not need to be made) the Principal and Staff may contact the Child Wellbeing Unit for assistance with the student's situation.

### **2.5 Allegations against a student**

Where concerns about risk of significant harm relates to an alleged perpetrator who is a student of any age, the same procedures for reporting to CS are followed. It may also be appropriate to refer the matter to the police.

### **2.6 Discussing reports to CS with the children and young people involved**

The decision about whether a report should be discussed with **a child** needs to be carefully considered, taking into account factors such as the risk of significant harm suspected, the type of abuse, the age and capacity of the child to make sense of the information, the additional stress that may be placed on the child within a family or other context and the immediate needs of the child.

Where concerns have arisen in the course of discussions with a **child or young person**, it is particularly important for the staff member to continue to play a support role with the child or young person or to ensure that he or she is encouraged to link with available support. It is also important for the staff member to reassure the child or young person in this situation without making promises (e.g. promises that no-one else will be told) that cannot be kept.

A **young person** should be provided with the opportunity to express his or her views unless there would be serious risks in doing so (e.g. a possible escalation of self-harming behaviour or creating further risks of harm). Any views expressed should be indicated to CS in the telephone report and noted on the Form A when the report is confirmed. **However it is important to note that it is not necessary to gain permission from a student to make a**

Document : 5.1.1 Protecting children and young people v9		
Version #9		Date: February 2020

**report to CS. If it is determined that the threshold for reporting has been met, the report must be made.**

### **3 What should you do if you consider that a mandatory report is required?**

#### **Who Should Report:**

Reporting by the School about these matters to Community Services and, where necessary, the police, is generally undertaken by the **Principal**.

If any staff member or other mandatory report has a concern that a child or young person is at risk of significant harm you should contact the Principal as soon as possible to discuss whether the case reaches the threshold of 'risk of significant harm' and the steps required to report the matter.

However, there are circumstances in which a staff member might report this matters to Community Services:

- i) if there is an immediate danger to the child or young person and the Principal or Chief Executive Officer is not contactable you should speak to the Police and/or the CS Helpline directly and then advise the Principal or the Chief Executive Officer at the School as soon as possible.
- ii) if a staff member disagrees with the Principal's decision not to report, a staff member has the right to lodge a report but must advise the Principal that they have done this.

There are two ways mandatory reporters can make a child protection report:

- 1) By eReport through the [ChildStory Reporter website](#).
- 2) By calling the Child Protection Helpline on [132 111](#).

Where circumstances are serious and the child could be in imminent or serious danger, a report must be made via the telephone (see

<https://www.facs.nsw.gov.au/providers/children-families/interagency-guidelines/child-protection-report/chapters/making-a-report>).

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

Document : 5.1.1 Protecting children and young people v9		
Version #9		Date: February 2020

It is good practice to advise parents, carers and students of your legal or professional obligations to report your concerns to Family and Community Services (FACS). The decision to inform the family of a report should be guided by professional judgement and circumstance and should be a decision made by the Principal.

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

#### **4 What should you do if you have a concern that is below the mandatory reporting threshold?**

While the Care and Protection Act outlines a mandatory reporter's obligation to report to Community Services, as an employee of this School, any concern regarding the safety, welfare and wellbeing of a student must be reported to the Principal.

You are required to deal with all reports regarding the safety, welfare or wellbeing of a student with confidentially and only disclose it to the Principal and any other person the Principal nominates. Failure to do so will be a breach of this policy.

#### **5) Exchange of Information –Requesting/Providing Information**

The exchange of information is the responsibility of The Youth Support Worker & The Principal.

a) The exchange of information between The School and other prescribed bodies will only be conducted by the Student Wellbeing Officer or the Principal.

If deemed necessary, request information from another prescribed body or receive a request from another prescribed body relating to the care and welfare of a student. Information may include information held on:

- a child or young person's history or circumstances;
- a parent or other family member;
- people having a significant or relevant relationship with a child or young person or a group of children or young persons, such as a teacher; or
- the other agency's dealings with the child or young person, including past support or service arrangements or with a teacher or other staff member that it previously employed.

As suggested in the Child Protection Guidelines, on requesting information from another prescribed body or responding to a request for information:

<b>Document : 5.1.1 Protecting children and young people v9</b>		
Version #9		Date: February 2020



- explain/seek clarification of how the request for information relates to the safety, welfare and well-being of the child or young person;
- explain/seek clarification for why the information is needed to make a decision about service provision or to manage any risk to the child or young person;
- identify/seek clarification on the subject of the information request and (if it is not the child or young person) identify the subject's relationship to the child or young person;
- make sure/seek clarification that the person who is the subject of the request is clearly identified so that there can be no mistake as to identity;
- provide/ask to be provided with a background to the request, including whether or not consent has been requested and where it has not, why the agency should not inform a child, young person, parent or teacher that the information has been requested (for example, safety concerns); and
- ask for/suggest advise of the time frame for providing the information, giving the agency a realistic time frame within which to report, unless the information is required for court proceedings where a more limited time frame may be required.

b) Reserve the right to decline a request to share information with another prescribed body should the Student Wellbeing Officer in consultation with the Principal deem that the information requested may:

- prejudice a criminal investigation or coronial inquest;
- prejudice care proceedings;
- contravene legal professional or client legal privilege;
- enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained;
- endanger a person's life or physical safety; or
- not be in the public interest.

All other staff members are **not permitted** to share any information deemed to be confidential or of a delicate nature with any other organisations other than CS.

#### PART B: OBLIGATIONS UNDER THE OMBUDSMAN ACT

### 1 Responsibilities

#### 1.1 General

Part 3A of the Ombudsman Act 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. In this part where there is a reference to an employee it includes all of these persons.

### **1.2 The Ombudsman**

The Ombudsman must keep under scrutiny the systems for preventing reportable conduct by employees of non-government schools and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions. The Ombudsman:

- a) Must receive and assess notifications from non-government schools concerning reportable conduct or reportable convictions.
- b) Is required to oversee or monitor the conduct of investigations by non-government schools into allegations of reportable or reportable convictions.
- c) Must determine whether an investigation that has been monitored has been conducted properly, and whether appropriate action has been taken as a result of the investigation.
- d) May directly investigate an allegation of reportable conduct or reportable conviction against an employee of a non-government school, or the handling of or response to such a matter (eg arising out of complaints by the person who is the subject of an allegation).
- e) May undertake 'own motion' investigations of non-government schools where the Ombudsman considers it appropriate to do so, including where there is evidence of systemic failure or serious conflict of interests.

### **1.3 Head of Agency**

**The Head of Agency is the Principal of the School.**

Under the Ombudsman Act the Head of Agency must:

- a) Set up systems within their organisation to ensure that they are advised of any allegations of reportable conduct against employees.

<b>Document : 5.1.1 Protecting children and young people v9</b>		
Version #9		Date: February 2020

- b) Notify the Ombudsman (using a NSWO Part A notification form) as soon as possible as and no later than thirty days after being made aware of an allegation.
- c) 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 and
- d) 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.

This will typically include the NSWO Part B notification form and risk assessments.

#### **1.4 Your obligations to report**

You must report any concerns you may have about any other employee engaging in reportable conduct or any allegation of 'reportable conduct' that has been made to you, to the Principal, including information about yourself. If you are not sure whether the conduct is reportable conduct but consider that it is inappropriate behaviour you must still report it.

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

This includes information relating to yourself.

If the allegation involves the Principal you are required to report to the Chief Executive Officer.

#### **1.5 Contact for parents**

The Principal is the contact point for parents if they wish to report an allegation of reportable conduct against an employee. The Chief Executive Officer is the contact point for parents if they wish to report an allegation of reportable conduct against the Principal

## **2 What is reportable conduct?**

### **2.1 Definition of reportable conduct**

**Reportable conduct is defined as:**

- a) Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence, behaviour that is considered as sexual grooming, an offence involving child abuse material etc).
- b) Any assault, ill-treatment or neglect of a child; and
- c) Any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the child.

**Reportable conduct does not extend to:**

- 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; or
- 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 by the Ombudsman under section 25CA. **What happens when an allegation of reportable conduct is made?**

**3.1 Initial steps**

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

- a) Determine on face value whether it is an allegation of reportable conduct..
- b) 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 a potential criminal offence). If they have been notified, seek clearance from these statutory agencies prior to the school proceeding with the Reportable Conduct investigation .
- c) 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) .
- d) Notify the Ombudsman within 30 days of receiving the allegation.
- e) Carry out a risk assessment and take action to reduce/remove risk, where appropriate.
- f) Investigate the allegation or appoint someone to investigate the allegation.

Document : 5.1.1 Protecting children and young people v9		
Version #9		Date: February 2020

### **3.2 Investigation principles**

**The School will:**

- a) Be mindful of the principles of procedural fairness;
- b) 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;
- c) Make reasonable enquiries or investigations before making a decision;
- d) Avoid conflicts of interest;
- e) Conduct the investigation without unjustifiable delay;
- f) Handle the matter as confidentially as possible; and
- g) Provide appropriate support for all parties including the child/children, witnesses and the PSOA.

### **3.3 Investigation steps**

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

- a) Interview relevant witnesses and gather relevant documentation.
- b) Provide a letter of allegation to the PSOA.
- c) Interview the PSOA.
- d) Consider relevant evidence and make a preliminary finding in accordance with the NSW Ombudsman guidelines.
- e) Inform the PSOA of the preliminary finding and provide them with an opportunity to respond.
- f) Consider any response provided by the PSOA.
- g) Make a final finding in accordance with the NSW Ombudsman Guidelines.
- h) Decide on the disciplinary action, if any, to be taken against the PSOA.
- i) Apply the NSW Office of the Children’s Guardian (OCG) Guidelines and decide if the matter is reportable to the OCG.
- j) Send the final report to the Ombudsman and report to the OCG (where required) (see Part C).

The steps outlined above may need to be varied on occasion to meet particular

<b>Document : 5.1.1 Protecting children and young people v9</b>		
Version #9		Date: February 2020

circumstances. For example it may be necessary to take different steps where the matter is also being investigated by Community Services or the NSW Police.

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.

### **3 Risk management**

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

The Head of Agency is responsible for risk management throughout the investigation and will assess risk at the beginning of the investigation, during and at the end of the investigation.

#### **4.1 Initial risk assessment**

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

- a) The child(ren) who are the subject of the allegation.
- b) Other children with whom the employee may have contact.
- c) The PSOA.
- d) The School.
- e) the proper investigation of the allegation.

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

- a) The nature and seriousness of the allegations.
- b) The vulnerability of the child(ren) the PSOA has contact with at work.
- c) The nature of the position occupied by the PSOA.
- d) The level of supervision of the PSOA.
- e) The disciplinary history or safety of the PSOA and possible risks to the investigation.

The Head of Agency will take appropriate action to minimise risks. This may include the PSOA being temporarily relieved of some duties, being required not to have contact with certain

<b>Document : 5.1.1 Protecting children and young people v9</b>		
Version #9		Date: February 2020

students, or being suspended from duty. When taking action to address any risks identified, the School will take into consideration both the needs of the child(ren) and the PSOA.

Please Note: A decision to take action on the basis of a risk assessment is not indicative of the findings of the matter. Until the investigation is completed and a finding is made, any action, such as an employee being suspended, is not to be considered to be an indication that the alleged conduct by the employee did occur.

#### **4.2 Ongoing Risk Management**

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

#### **4.3 Risk Management at the Conclusion of the Investigation**

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

### **5. What information will be provided to the PSOA?**

The PSOA will be advised:

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

The PSOA does not automatically have the right to:

- a) Know or have confirmed the identity of the person who made the allegation or
- b) Be shown the content of the Ombudsman notification form or other investigation material that reveals all information provided by other employees or witnesses.

The WWC Act enables a person who has a finding referred to the OCG under the Act to request access to the records held by the School in relation to the finding of misconduct involving children (see Part C section 3).

### **6. 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).

<b>Document : 5.1.1 Protecting children and young people v9</b>		
Version #9		Date: February 2020

In relation to any disciplinary action the School will:

- a) Give the PSOA details of the proposed disciplinary action; and
- b) Give the PSOA a reasonable opportunity to respond before a final decision is made.

## **7. Confidentiality**

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

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

Records about allegations of reportable conduct against employees will be kept in a secure area and will be accessible by the 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.

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

### **PART C: OBLIGATIONS UNDER WWC ACT**

#### **1. General**

The Office of the Children's Guardian (OCG) is responsible for employment screening for child related employment. A Working With Children Check is a prerequisite for anyone in child-related work. It involves a national criminal history check and review of reported workplace misconduct findings. The result of a Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring by the OCG, and any relevant new records which appear against a cleared applicant's name may lead to the Check being revoked.

It is the responsibility of the child-related worker to ensure that when they are eligible to apply for a Check or when their Check is up for renewal that they do so.

#### **2. Responsibilities**

The object of the WWC Act is to protect children:



- a) By not permitting certain persons to engage in child-related work.
- b) By requiring persons engaged in child-related work to have working with children check clearances.

**3. Specifying who requires a WWCC at SRC.**

Under Part 2, section 6 of the CHILD PROTECTION (WORKING WITH CHILDREN) ACT 2012, child-related work is defined as work in a specific, child-related role or face-to-face contact with children in a child-related sector.

In support of Part 2 of Child Protection (Working with Children) Regulation 2013, the following are considered to be “*child-related workers*” at SRC and will be required to undertake a WWCC clearance:

- The Principal and Chief Executive Officer (regulation 10)
- Teaching Staff (regulation 10) including external providers/ tutors
- Administrative Staff (regulation 10)
- Student Wellbeing Officer (regulation 16)
- Teacher’s Aide (regulation 10)
- Guest Speakers (regulation 10)
- Volunteers (regulation 10)
- Cleaners (regulation 16A)
- Work experience supervisors (regulations 7, 10)

All of the above listed child-related workers may commence only once they have completed and obtained a cleared WWCC.

**4. The process for obtaining a WWCC is as follow:**

- i. Complete online application <https://www.service.nsw.gov.au/transaction/apply-working-children-check>
- ii. Identity has been proven at the NSW motor registry or Council Agency or Government Access Centre and application fees have been paid if required. The application fee for a clearance is as follows: (a) for a volunteer clearance — nil, (b) for any other clearance — \$80. SRC will reimburse WWCC fees associated with paid employment positions at SRC.

Document : 5.1.1 Protecting children and young people v9		
Version #9		Date: February 2020

- iii. Within a few days and up to four weeks after identify checks, the OCG will provide, by notice in writing: (a) an application number to each applicant who applies for a clearance, and (b) a clearance number to each applicant who is granted a clearance. A bar against working with children means that the applicant is not able to work in child-related work or environments and, hence, the applicant will not be offered employment at SRC.
- iv. Applicants are to provide SRC administrative staff with their WWCC Number, full name and date of birth which will then be used by administration staff to verify clearance online (<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>) and record the status of each child-related worker's check. SRC will only employ or engage child-related workers or eligible volunteers who have a valid WWCC.
- v. It is the responsibility of all child-related workers to ensure that when they are eligible to apply for a Check or when their Check is up for renewal (every 5 years) that they do so. The Children's Guardian will also remind workers to renew their Check three months before it expires.
- vi. Child-related workers must report immediately to the Principal if they are no longer eligible for a cleared WWCC.
- vii. Copies of WWCC clearances are to be filed by SRC administration staff in two locations:
  - i) Secure electronic personnel file
  - ii) A hard copy folder which houses all undertaken WWCC's. These are to be sectioned by years so that it is clear when the five year period is over and an child-related worker requires a new WWCC. The front cover sheet should be the WWCC register (2.4.1) and will be updated each time a WWCC is filed. This information may be audited by OCG. These files are to be located in the SRC administration office in a locked cabinet.
- viii. SRC will again verify all existing staff, contractors and volunteers on the WWCC Register every year in February, notifying the Principal immediately of any change in status that prevents personnel from working with children.

**The Principal is required to:**

- a) Ensure verification online and record the status of each child-related worker's check on the WWC Register prior to commencement and annually thereafter.
- b) Only employ or engage child-related workers, including staff, guest speakers, cleaners, contractors, volunteers, outside tutors, work experience hosts that are not under the constant supervision of a staff member, who have a valid check.
- c) Report findings of misconduct involving children made against school staff or volunteers, keeping a record of reports securely in personnel files in SRC administration office

**All SRC staff, guest speakers, outside tutors, work experience hosts, contractors, cleaners and volunteers that are not under the direct and constant supervision of an SRC staff member are required to:**

- (a) Hold and maintain a valid check by following the process outlined above in item 4
- (b) Not engage in child-related work at any time that they are subjected to an interim bar or a bar.
- (c) Report to the Principal if they are no longer eligible for a Check, the status of their Check changes or are notified by the OCG that they are subjected to a risk assessment.

**Additional Procedures for Cleaners**

Any cleaner who is contracted to undertake cleaning of the SRC premises is required to have a valid WWCC. This above procedure is to be followed and adhered to. Cleaners are to clean outside of school hours (before 8.20am and after 3.15pm) so as to not have contact with any student of SRC.

**Additional Procedures for Work Experience Supervisors**

When a student has been allocated a Work Experience Placement, the staff member

Document : 5.1.1 Protecting children and young people v9		
Version #9		Date: February 2020

	<p>coordinating the Work Experience component must ensure that information relating to the Working With Children’s Check is forwarded to all work places and that ANY staff member who will be responsible for directly supervising a young person has undertaken and completed the above process. Work experience is not to commence until the WWCC has been received by administration staff and a clearance has been administered.</p> <p><b>Additional Procedures for Guest Speakers and Volunteers</b></p> <p>Staff members of SRC who are organising guest speakers and volunteers to engage with the students (on site at SRC or on excursions) are to ensure they communicate with guest speakers and volunteers the process for obtaining a WWCC and ensure that sufficient time is allowed for the guest speakers or volunteers to undertake and complete the WWCC process. Unless they are under the constant supervision of a SRC staff member, guest speakers or volunteers are NOT to commence engagement with students without a valid WWCC.</p>
Supporting Documentation	<ul style="list-style-type: none"> <li>2.1.1 Recruitment of staff</li> <li>2.1.2 Induction and commencement of new staff</li> <li>2.3.1 Staff code of conduct</li> <li>2.4.2 Induction Checklist</li> <li>2.4.3 Staff Handbook</li> <li>5.3.1 Duty of Care</li> </ul>

## REFERENCES

Association of Independent Schools (AIS)

This procedure has been modified from the document: A Guide for NSW Non-Government Schools on Reporting, Disclosing or Exchanging Personal Information for the purposes of Child Wellbeing and Exchange of Information between Schools relating to Welfare of Children 2010, from NSW Association of Independent Schools – member schools site. Wherever possible this document has been altered to reflect the School context.

NSW Family and Community Services

[www.community.nsw.gov.au](http://www.community.nsw.gov.au)

NSW Ombudsman

[www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

The Children's Guardian (formerly the NSW Commission for Children and Young People)

[www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

Department of Premier and Cabinet – Keep Them Safe

[www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au)

Document : 5.1.1 Protecting children and young people V9		
Version #9		Date: February 2020

ACKNOWLEDGEMENT (to be completed annually in Week 1, Term 1)

I \_\_\_\_\_ have read, understood and agree to comply with the terms of this 5.1.1 Protecting Children and Young People Policy & Procedures.

\_\_\_\_\_

Signed

\_\_\_\_\_

Dated

Please return to the Administration Staff.

Document : 5.1.1 Protecting children and young people v9		
Version #9		Date: February 2020