

Section of Manual:	5. SAFE AND SUPPORTIVE ENVIRONMENT – 5.1 LEGISLATIVE: RESPONSIBILITY AND REPORTING		
Document	5.1.1: PROTECTING CHILDREN AND YOUNG PEOPLE		
Endorsement:		Review Date:	June 2020
Review Panel	The Chief Executive Officer, Principal and Compliance Manager must be a part of the review of this Policy.		
Purpose:	<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>		
Legislation	<p>The <i>Children and Young Persons Act 1998</i> (NSW) (the Care and Protection Act).</p> <p>The <i>Children’s Guardian Act 2019</i> (NSW)</p> <p>The <i>Child Protection (Working With Children) Act 2012</i> (NSW) (the WWC Act).</p>		
Scope:	Relates to all staff, external providers/ tutors, cleaners, contractors, guest speakers, volunteers and work experience hosts		
RANGS Manual:	3.6 Safe and Supportive Environment; 3.6.1		
NOTE	<p>The term “Community Services” (CS), 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"> • NSW Department of Communities and Justice - https://www.dcj.nsw.gov.au/ • Office of The Children’s Guardian - https://www.kidsguardian.nsw.gov.au/ 		
POLICY:			
	<p>1. Introduction</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> <p>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</p>		

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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.

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 Children and Young People (Care and Protection Act) 1998–

PART B: Obligations under the Children’s Guardian Act 2019

PART C: Obligations under the Child Protection (Working with Children) Act 2012 (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 all Staff and volunteers to report **any concern** they 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 CEO of the College** who will then assume the role and duties of **‘The Head of Agency’ or ‘Head of Relevant Entity’**.

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

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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 and ongoing volunteers is mandatory and will need to be completed in **Term 1, week 1**. A copy 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 or ongoing volunteer 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 all aspects of 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 CHILDREN AND YOUNG PERSONS (CARE AND

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PROTECTION ACT 1998

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?

Under the Children & Young Persons (Care and Protection) Act 1998, Shoalhaven River College 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.

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,

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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

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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 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 on [132 111](tel:132111).

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

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It is good practice to advise parents, carers and students of your legal or professional obligations to report your concerns to Department of Communities and Justice (DCJ). 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 Student Welfare Officer and 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:

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- 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 CHILDREN'S GUARDIAN ACT 2019

This section of the SRC Child Protection policy relates to reportable conduct or reportable convictions concerning an employee of SRC.

From 1 March 2020, the School came under obligations as detailed in the Children's Guardian Act, replacing obligations under the Ombudsman Act 1974 Part 3A. The Children's

Guardian Act 2019 promotes the quality of organisations and persons providing services to children and regulates these. It details matters of prevention, identifying, reporting and investigating allegations of reportable conduct.

As a non-government school SRC is a “Schedule 1 entity.” An “**employee**” of a Schedule 1 entity includes **all paid school staff, volunteers and contractors** (for example **trainers and guest speakers**). The “**Head of the Relevant Entity**” is the **School Principal**. In the Principal’s absence, or if an allegation is concerning the Principal, the CEO of KCC Ltd is delegated the Head of the Relevant Entity responsibilities.

1. Reportable Conduct

Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- (a) a sexual offence (for example, sexual touching of a child, a child grooming offence, production, dissemination or possession of child abuse material),
- (b) sexual misconduct (for example, descriptions of sexual acts without a legitimate reason to provide the descriptions, sexual comments, conversations or communications, comments to a child that express a desire to act in a sexual manner towards the child or another child).
- (c) ill-treatment of a child (for example, making excessive or degrading demands of a child, a pattern of hostile or degrading comments or behaviour towards a child, using inappropriate forms of behaviour management towards a child),
- (d) neglect of a child (for example, failing to protect a child from abuse, exposing a child to a harmful environment, for example, an environment where there is illicit drug use or illicit drug manufacturing),
- (e) an assault against a child (for example, hitting, striking, kicking, punching or dragging a child, threatening to physically harm a child),
- (f) an offence under section 43B or 316A of the Crimes Act 1900- failure to reduce or remove risk of child becoming a victim of child abuse or concealing a child abuse offence.
- (g) behaviour that causes significant emotional or psychological harm to a child (for example, displaying behaviour patterns that are out of character, regressive behaviour, anxiety or self-harm).

The Principal (or CEO if concerning the Principal) must make a finding of reportable conduct if satisfied that the case against the employee the subject of the reportable allegation has been proved against the employee on the balance of probabilities. The Principal (or CEO if concerning the Principal) must consider whether the reportable allegation relates to conduct that is in breach of established standards applying to the employee having regard to the following—

- (a) professional standards,
- (b) codes of conduct, including any professional or ethical codes,
- (c) accepted community standards.

Who must give a report?

Any **employee** of SRC must, **as soon as practicable** after becoming aware of a reportable conduct or allegation incident **report the matter to the Principal**. If the allegation is against the Principal, the employee must report the incident to KCC CEO. If the allegation is against the KCC Ltd CEO, the report must be made directly to Children’s Guardian.

If a person who gives a report or another person or another entity is dissatisfied with the response of the head of the relevant entity to the report, the person may make a complaint to the Children’s Guardian.

Written notice to the Children’s Guardian

Should the Principal or CEO receive a report in relation to an employee of SRC, they must, **within 7 business days** after being made aware of the report, provide a written notice of the allegation or conviction considered to be a reportable allegation or conviction to the Children’s Guardian. This notification must detail:

- the name of the employee,
- the type of reportable conduct and, if known, details,
- contact details of the employee and Principal or CEO, as well as, if known, their

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WWCC number and date of birth,

- whether the Commissioner of Police has been notified (if an allegation) and, if known, the police report reference number,
- If a report has been made under section 24 of the Children and Young Persons (Care and Protection) Act 1998 (reasonable grounds to suspect that a child or young person is, or that a class of children or young persons are, at risk of harm) and, if known, the reference number,
- the nature of the relevant entity’s initial risk assessment and risk management action,
- if known, the names of other relevant entities that employ or engage the employee, whether directly, to provide a service to children, including as a volunteer or contractor and
- any other information.

The Principal (or CEO if concerning the Principal) may give the employee the subject of the report written notice that a report about a reportable allegation or conviction considered to be a reportable conviction has been made. The Children’s Guardian may provide guidelines in relation to the matters that are appropriate for the Principal (or CEO if concerning the Principal) to have regard to in deciding whether to provide the employee with written notice that a report has been made.

Investigation by The Principal

An investigation or determination must be completed within a reasonable time. **As soon as practicable after receiving a report**, the Principal (or CEO if concerning the Principal) must investigate, or arrange for an investigator to investigate, the reportable allegation, or determine whether the conviction (in respect of conduct occurring before the commencement) considered to be a reportable conviction is a reportable conviction.

During an investigation or a determination, an employee the subject of a reportable

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allegation or a conviction considered to be a reportable conviction may give the Principal (or CEO if concerning the Principal) a written submission concerning the allegation or conviction for the purpose of determining what, if any, disciplinary or other action should be taken in relation to the employee.

Entity Report to the Children’s Guardian

After an investigation or determination is completed, the Principal (or CEO if concerning the Principal) must prepare a report for the Children’s Guardian (an entity report) **within 30 days** after receiving the report of the reportable allegation or conviction considered to be a reportable conviction.

The report must include:

- in relation to a reportable allegation— (i) information about the facts and circumstances of the reportable allegation, and (ii) the findings made about the reportable allegation after completing the investigation, including if the Principal (or CEO if concerning the Principal) made a finding of reportable conduct, and (iii) an analysis of the evidence and the rationale for the findings
- in relation to a conviction considered to be a reportable conviction— (i) information about the conviction considered to be a reportable conviction, and (ii) the determination the Principal (or CEO if concerning the Principal) has made about the conviction, including whether the Principal (or CEO if concerning the Principal) has determined the conviction is a reportable conviction,
- a copy of any written submission made by the employee,
- information about what action has been, or will be, taken in relation to the reportable allegation or conviction considered to be a reportable conviction, including the following— (i) remedial or disciplinary action in relation to the employee, (ii) whether information about the matter has been referred to a different entity, (iii) changes to systems or policies, (iv) if no further action is to be taken—that no further action is to be taken

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- the reasons for the action taken, including taking no further action,
- any other information prescribed by the regulations.

The entity report must also be accompanied by any copies of documents in the relevant entity's possession that are relevant to the report, including transcripts of interviews and copies of evidence.

Interim Report to the Children's Guardian

If the Principal (or CEO if concerning the Principal) is unable to provide an entity report, they may provide an *Interim* report **within 30 days** after receiving the report of the reportable allegation or conviction considered to be a reportable conviction. This must include:

- if known, the facts and circumstances of the reportable allegation,
- any known information about the conviction,
- action taken since the Children's Guardian received a notification about the reportable allegation or the conviction considered to be a reportable conviction,
- further action the head of the relevant entity proposes to take in relation to the reportable allegation or conviction considered to be a reportable conviction, including if the head of the relevant entity proposes to take no further action,
- the reasons for the action taken and the action proposed to be taken or the reasons for the decision to take no further action,
- other information prescribed by the regulations,
- copies of documents in the relevant entity's possession, including transcripts of interviews and copies of evidence.

After receiving the report, the Children's Guardian may require the Principal or CEO to provide additional information and be the subject of an investigation. The CEO, Principal and employees will be cooperative and respond in a timely manner to all requests made by the Children's Guardian. Following this, and upon receiving any recommendations in the Children's Guardian report, the Principal, CEO and School employees will consider all recommendations outlined in the report and notify the Children's Guardian of any action

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taken as a result of the recommendations.

2. Systems Concerning Reportable Conduct

The School has in place policies and procedures in relation to:

- Child protection within employee Code of Conduct - Policy 2.4.7 “ Staff Code of Conduct”
- Enabling a person, other than an employee of the School, to give a report to Principal (or CEO if concerning the Principal) about a reportable allegation or conviction - Policy 9.3.3 “Complaints or grievances received by the School”
- Requiring an employee of the relevant entity to give a report - see above under “who must give a report”.
- Handling or responding to a reportable allegation or conviction considered to be a reportable conviction involving an employee of the relevant entity, having regard to principles of procedural fairness – Policy 9.3.3 “Complaints or grievances received by the School”
- Receiving, handling and disclosing information relating to reportable allegations, convictions considered to be reportable convictions and information relating to investigations and determinations -See above under “Reportable Conduct.”
- Identifying and dealing with matters relating to the prevention of reportable conduct by employees of the relevant entity. Policies –
 - 2.3.5 “Staff Relationships to Students,”
 - 2.3.6 “Disciplinary Proceedings Against Staff”
 - 2.4.7 “ Staff Code of Conduct”
 - 5.4.7 “Use of Private Vehicles”
 - 5.5.5 “Grievance Policy and Procedures”
 - 5.6.5 “Student Transport”
 - 7.1 “Student Discipline”
 - 7.2 “Procedural Fairness”
 - 7.3 “Corporal punishment”

The School will respond to any written notice made by the Children’s Guardian within the

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reasonable time stated in the notice concerning information about the School's systems.

3. Information Sharing

The Principal (or CEO if concerning the Principal) must disclose relevant information to the following persons unless the person is satisfied the disclosure is not in the public interest—

- (a) a child to whom the information relates,
- (b) a parent of the child,
- (c) if the child is in out-of-home care—an authorised carer that provides out-of-home care to the child.

The School will adhere to any published guidelines from the Children's Guardian concerning whether or not to disclose relevant information. Relevant information may be disclosed if it is for the purpose of promoting the safety, welfare or wellbeing of a child or to children within the School body. Relevant information includes information about the progress and findings of the investigation, and information about action taken in response to the findings.

4. Liability

A person who gives a report, who makes a complaint, or who gives the Children's Guardian a notification is not subject to any civil or criminal liability or any liability arising by way of administrative process, including disciplinary action, for giving the report, complaint or notification, if the person is acting in good faith.

PART B: OBLIGATIONS UNDER THE CHILD PROTECTION (WORKING WITH CHILDREN) ACT 2012 (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:

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- 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.
- 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

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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

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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 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.

Additional Procedures for Guest Speakers and Volunteers

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.

Supporting Documentation

- 2.1.1 Recruitment of staff
- 2.1.2 Induction and commencement of new staff
- 2.3.1 Staff code of conduct
- 2.3.5 Staff Relationships to Students
- 2.3.6 Disciplinary Proceedings Against Staff
- 2.4.2 Induction Checklist
- 2.4.3 Staff Handbook
- 2.4.7 Staff Code of Conduct
- 5.3.1 Duty of Care
- 5.4.7 Use of Private Vehicles
- 5.5.5 Grievance Policy and Procedures
- 5.6.5 Student Transport
- 7.1 Student Discipline
- 7.2 Procedural Fairness
- 7.3 Corporal punishment

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REFERENCES

Association of Independent Schools (AIS) <https://www.aisnsw.edu.au/school-leaders/workplace-management/child-protection>

Child Abuse Royal Commission “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”

<https://www.childabuseroyalcommission.gov.au/sites/default/files/STAT.1203.001.0141.pdf>

Office of The Children’s Guardian - <https://www.kidsguardian.nsw.gov.au/>

NSW legislation

- The Children and Young Persons (Care and Protection) Act 1988
<https://www.legislation.nsw.gov.au/#/view/act/1998/157>
- The Children’s Guardian Act 2019 <https://legislation.nsw.gov.au/#/view/act/2019/25/full>
- Child Protection (Working with Children) Act 2012 (WWC Act)
<https://www.legislation.nsw.gov.au/#/view/act/2012/51>

NSW Department of Communities and Justice - <https://www.dcj.nsw.gov.au/>

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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.

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