



**SHOALHAVEN  
RIVER COLLEGE**  
YEARS 9 TO 12

# ANNUAL REPORT 2024



This report is prepared by Shoalhaven River College to meet educational and financial reporting requirements for the 2024 reporting year. It fulfils the NSW Education Standards Authority (NESA) requirement for registration and accreditation for Non-Government Schools in NSW.

Shoalhaven River College would like to thank:

- NSW Education Standards Authority
- The Australian Government Department of Education and Training
- The NSW Department of Education
- The Association of Independent Schools NSW
- The Board of Directors, staff and students of Shoalhaven River College

Report completed and published June 2025.

This report was compiled by:

Linda Livingstone: CEO, Kiama Community College Ltd

Patricia Ikin: Principal, Shoalhaven River College

©2025 Shoalhaven River College. Except as provided for under legislation and Shoalhaven River College's Government funding agreements and Registration and Accreditation requirements, no part of this report may be copied or reproduced without the permission of Shoalhaven River College.

## Contents

Messages from key school bodies .....	4
Chairperson's message .....	4
Principal's message .....	5
Contextual information about Shoalhaven River College .....	6
About Kiama Community College Ltd .....	6
Shoalhaven River College .....	6
Who we are and our values .....	7
Our staff .....	7
Our classes .....	7
Our learning approach .....	7
Our core values .....	8
Student outcomes .....	9
NAPLAN .....	9
2024 Record of School Achievement (RoSA) .....	9
Comparative Record of School Achievement (RoSA) .....	10
Comparative Higher School Certificate Data 2021 - 2024 .....	13
Results of the Higher School Certificate 2024 .....	15
Professional learning and teacher standards .....	16
Workforce and student profile .....	18
Workforce composition .....	18
Student profile .....	18
Student attendance and retention .....	19
Attendance .....	19
Management of non-attendance .....	19
Retention .....	20
Post school destination survey .....	20
School Determined Improvement Targets .....	21
Initiatives Promoting Connection to Community .....	22
Carer, student and teacher satisfaction .....	23
Carer survey results .....	23
Student survey results .....	23
Staff survey results .....	24
Continual Improvement .....	25
Staff and Student Focus .....	25
Financial information .....	26
Income .....	26
Expenditure .....	26
School policies (appendix) .....	27
Student welfare and Child protection .....	27
Anti bullying .....	27
Enrolment .....	27
Discipline .....	27
Complaints .....	27



## Messages from key school bodies

### Chairperson's message

Learn Local, Thrive Anywhere is a phrase that has held great meaning for our organisation in 2024. Throughout the year we have embraced opportunities for growth and transformation within Shoalhaven River College. Our staff team have continued to demonstrate enormous skill, passion and commitment in delivering quality education to students attending the College and their families and carers. We are looking forward to increasing our capacity to adapt to changing student needs in 2025 and beyond.

SRC continued to thrive in its 6th year of operation, with many referrals now coming through family and friend connections as former students are able to describe the positive impact the school had had in their education and personal development. The Presentation Night in November was an incredible way to celebrate all that each student and staff member achieved throughout the year.

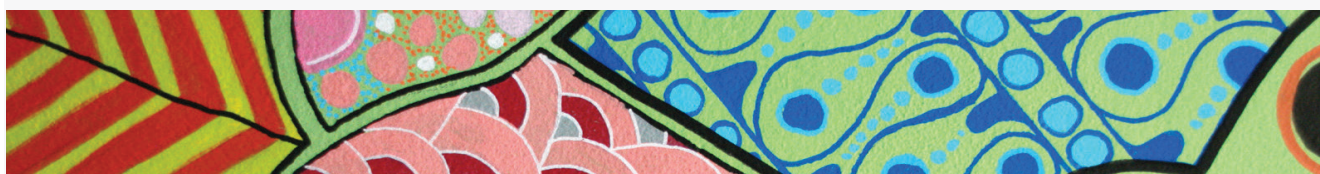
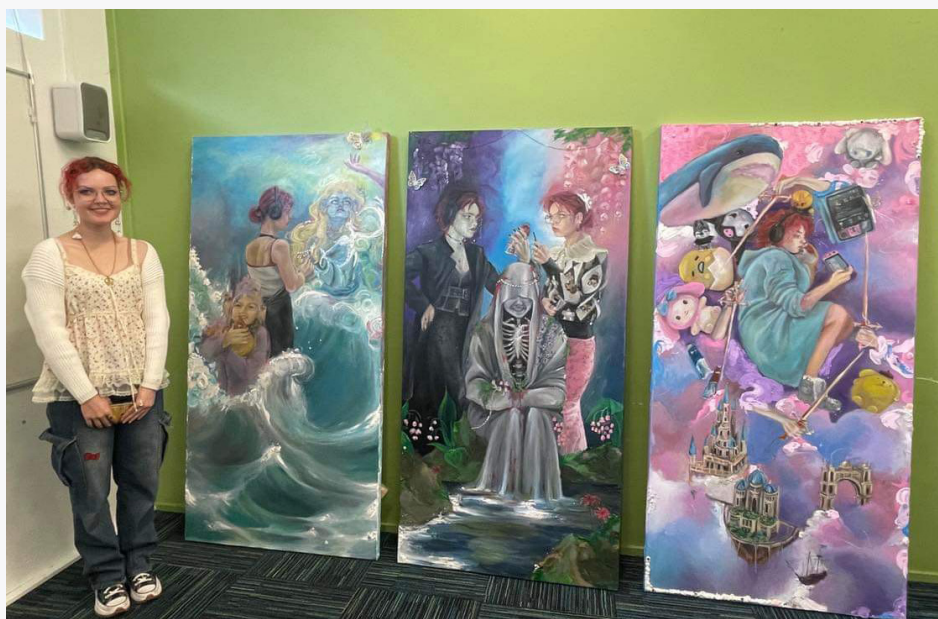
During 2024 SRC was able to successfully renew its registration with NESA (NSW Education Standards Authority) for another five years. As part of continuous improvement, it also reviewed aspects of its curriculum resulting in the introduction of Exploring Early Childhood Studies in 2025, as more students expressed interest in developing skills that may provide opportunities for a career within childcare; and additional literacy and numeracy diagnostic support.

We continued to explore opportunities for a permanent purpose built site for the school and are optimistic this issue will be resolved in 2025.

I thank our staff for their commitment, contribution and resilience throughout 2024. I also acknowledge the support of the Board and the trust of our students and partners to continue to operate as an organisation that values 'local' and the ability for all to thrive anywhere!

Kate Wadwell

Chairperson





## Principal's message

2024 was our 6th year of operation and our fourth year of HSC students. Our enrolments this year declined and this was considered to be due to a number of fluctuating factors occurring across the general educational community, including post covid effects.

### Matching Enrolments with Resources

Shoalhaven River College (SRC) is always working towards ensuring that student selection aligns effectively with its supportive capacity and resources. This theory and related strategies are based in equity, data-driven decision-making, and targeted support for student needs. Rather than solely selecting students based on traditional surface-level criteria, SRC adopts an holistic, needs-based approach, to ensure that students who will most benefit from available resources and support programs are prioritized in the enrolment process.

This occurs through thorough assessments of potential students' academic, social, emotional, and wellbeing needs during the application process. We use tools such as interviews, questionnaires, and data from previous schools or assessments to understand each individual's circumstances. SRC also regularly evaluates the ability of each enrolled student to engage and access our resources to determine whether their enrolment continues.

### Academic Achievement

SRC graduated 6 students through the HSC program in 2024. Subjects studied were: English, Mathematics, Biology, Community and Family Studies and Visual Art. The range of marks for these HSC students were Bands 2 - 6.

SRC had 20 students attain their Year 10 Record of School Achievement and 17 of the students enrolled in the 2025 Year 11 course at SRC.

### Innovations and STEM

SRC continued to provide students with access to current technologies and encourage students to increase their capacity to be self-directed learners in Science, Technology, Engineering and Mathematics. In 2024 SRC held 2 dedicated STEM workshops where students participated in cross Stage collaborative activities. These events enhanced student understanding of complex concepts, fostered teamwork, and encouraged practical skills. Students engaged with real-world technologies, including 3D printers, to increase inspire innovation, and prepare students for potential careers in science, technology, engineering, and mathematics.

Trish Ikin,  
Principal



# Contextual information about Shoalhaven River College

Shoalhaven River College opened in 2019 and is auspiced by Kiama Community College Ltd. The school is located in Bomaderry, Nowra and is co-located with Shoalhaven Community College.

## About Kiama Community College Ltd

Kiama Community College Ltd is a community-based adult education provider offering both accredited vocational training and non-accredited courses. Kiama Community College is a vibrant hub for adult learners in Kiama, the Shoalhaven, and beyond, focused on empowering you to reach your full potential. Established in 1986, we're an independent not-for-profit company, managed by passionate volunteer board members from the very community we serve.

## Shoalhaven River College

Opened in:	January 2019
Recognition as a Special Assistance School:	January 2019–December 2024
Initial Stage 5 (RoSA) accreditation and registration by NES:	January 2019–December 2019
Re-registered and accredited Stage 5 (RoSA):	January 2020–December 2024
Initial Stage 6 (HSC) accreditation and registration by NES:	January 2020–December 2020
Re-registered and accredited Stage 6 (RoSA):	January 2021–December 2024



## Who we are and our values

Shoalhaven River College (SRC) is a small registered non-government school located in Bomaderry, operating under the auspices of Kiama Community College Ltd. SRC is a minimal fee paying, small, independent school. SRC has been designated by NESA as a 'Special Assistance' School. SRC provides an alternative high school educational environment where students are provided with the opportunity to undertake Stage 5 curriculum and gain their ROSA, as well as Stage 6 curriculum to gain their Higher School Certificate. SRC is ideal for students who may experience difficulty in succeeding in mainstream education or may feel uncomfortable in a mainstream high school.

Our School provides an empowering and engaging education environment so that students can progress to live productive and satisfying lives beyond high school. SRC uses a balanced welfare/ learning model of support as we understand that learning cannot take place if a student does not first have a sense of security and belonging. SRC is not an 'easier' option for school life, nor is it a behavioural school. While our school environment and delivery are different, students need to demonstrate effort and determination in order to succeed at SRC and beyond.

### Our staff

Our staff are approachable so that students can discuss any concerns about their schooling or life in general. Our Student Wellbeing Officers provide students with ongoing additional whole of life support. Staff are committed to enhancing and individualising learning opportunities and strengthening the wellbeing of every student.

### Our classes

We have small class sizes (average of 15 students per class) so that each student's individual learning needs are considered. In 2024 there was a maximum of 61 students attending SRC in Years 9 to 12. Teachers may choose a change in environment to deliver the lesson, for example, by going outside to the courtyard, the local bush area, etc. Staff and students refer to each other on a first name basis.

### Our learning approach

The school applies self-managed learning principles, based on mutual respect and celebrating difference. Students have the opportunity to embrace the responsibilities of learning as a mature person where academic achievement, independence and belonging are fostered. Opportunities for success come every day for students at SRC. SRC encourages students to have a sense of working in collaboration with staff to succeed.



# OUR CORE VALUES

OUR SCHOOL HAS THREE CORE VALUES WHICH OUR STAFF AND STUDENTS OBSERVE IN DAILY SCHOOL LIFE.

## Respect Yourself and Others

Our school environment is respectful, friendly and inclusive. We foster an environment where all students and staff feel a sense of belonging to the SRC community, with respect being the foundation of this. Students will be accepted for who they are and embraced and encouraged for what they can bring to the school community. Students are expected to respect themselves and to respect others, including respecting the rights of others to have a productive learning environment.

## Take Responsibility

We are a school community where all individuals take responsibility for their learning and relationships as well as their academic and personal growth. When things don't go to plan we use it as an opportunity to reflect, learn, be responsible for our actions and mature. Students are expected to take responsibility for their attendance, behaviour, choices and their engagement with their learning.

## Strive

All individuals are encouraged and supported to move forward and grow in all areas of their life, be that within SRC, outside of, or beyond SRC. Learning opportunities should be valued and active participation given. Students are encouraged to set and pursue individualised goals. Students are celebrated when they achieve a success of any kind and are supported and encouraged as needed so that they continue to strive.

# Student outcomes

## NAPLAN

	Reading	Writing	Spelling	Grammar	Numeracy
National Average	569	580	573	560	572
School Average	530	501	590	569	570

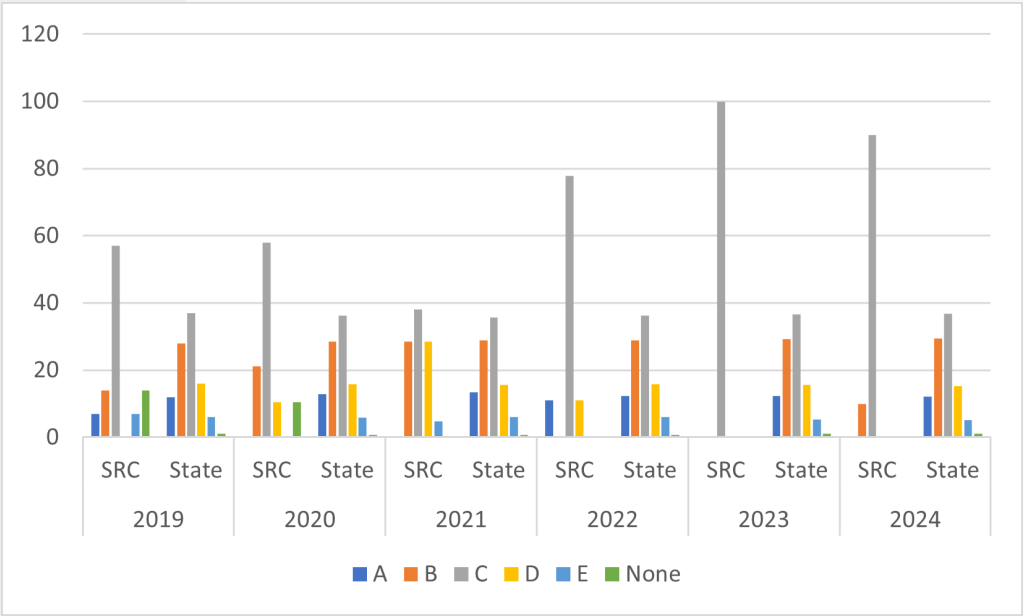
## 2024 Record of School Achievement (RoSA)

Course	School total students	State total students	GRADE School Pattern (%)						GRADE State Pattern (%)					
			A	B	C	D	E	None	A	B	C	D	E	None
English (200 hrs)	20	93089		10.00	90.00					12.17	29.48	36.83	15.32	
Maths (200 hrs)	20	86943	15.00	15.00	30.00	30.00	10.00			14.95	22.55	32.16	23.20	
Science (200 hrs)	20	93183	15.00	20.00	35.00	30.00				12.90	24.28	36.51	19.19	
Geography (100 hrs)	20	93128	20.00	10.00	45.00	25.00				14.82	29.28	35.09	14.55	
History (100 hrs)	20	93091		5.00	95.00					14.92	28.36	35.21	15.06	
PDHPE (100 hrs)	20	19711	25.00	40.00	25.00	10.00				17.15	39.61	31.23	8.64	

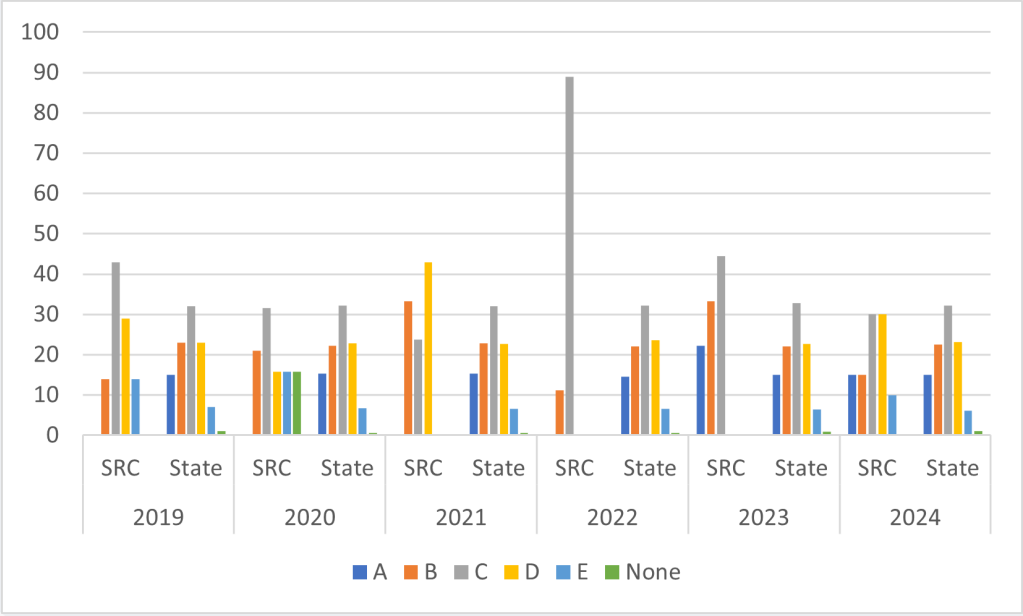


Comparative Record of School Achievement (RoSA)

English

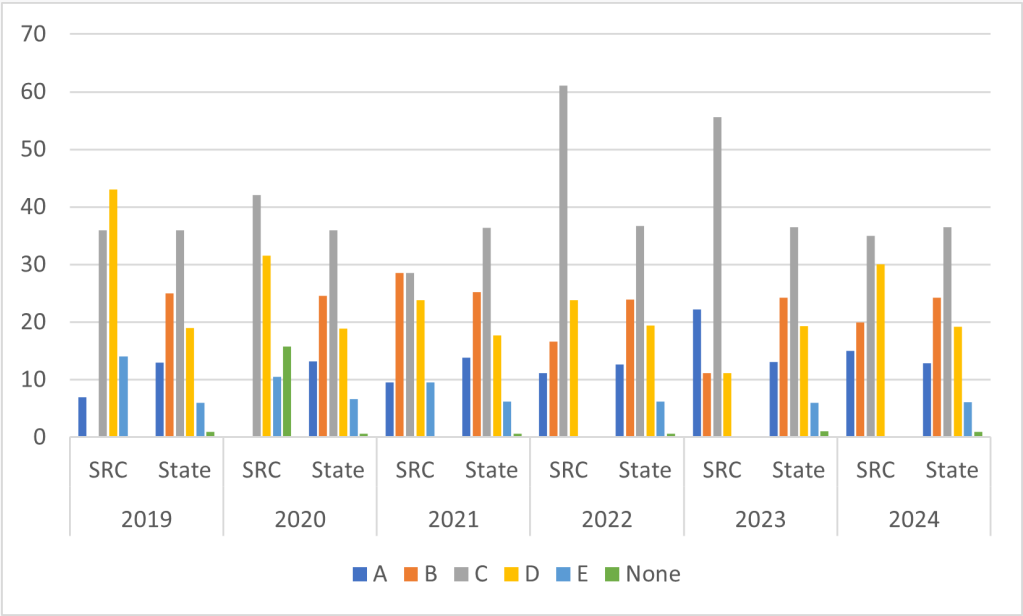


Math

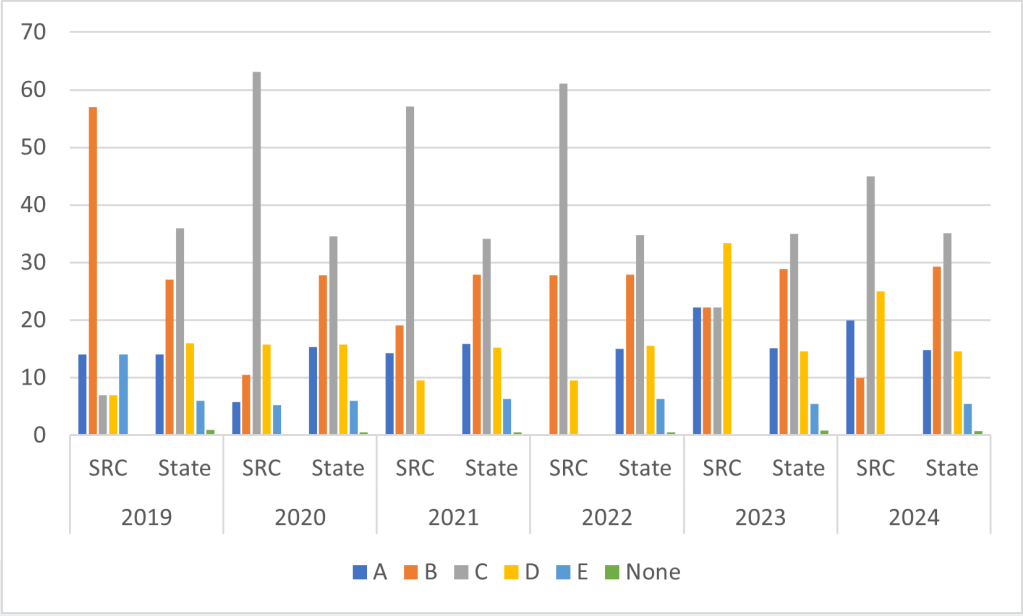




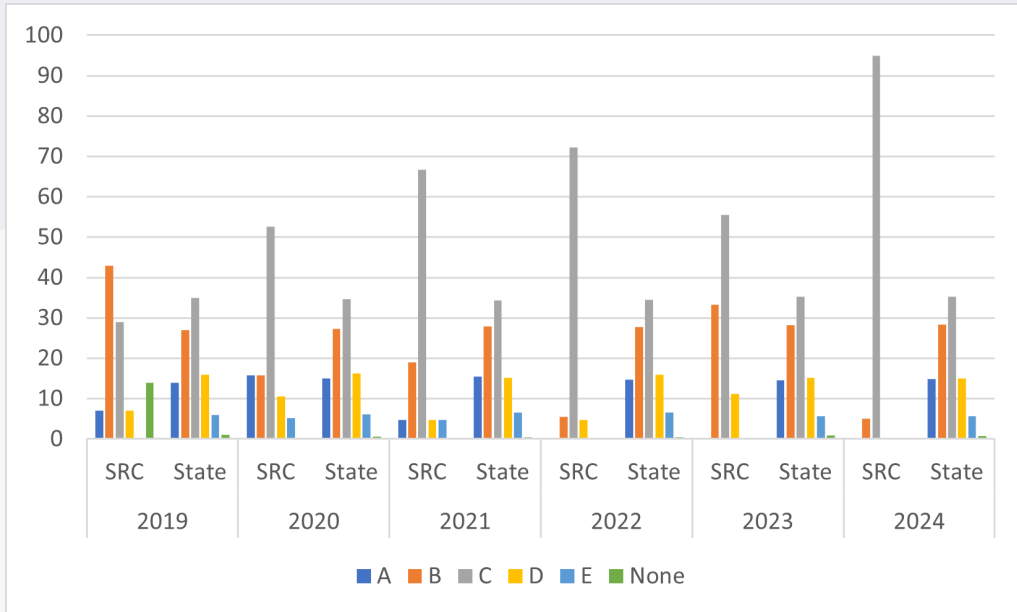
Science



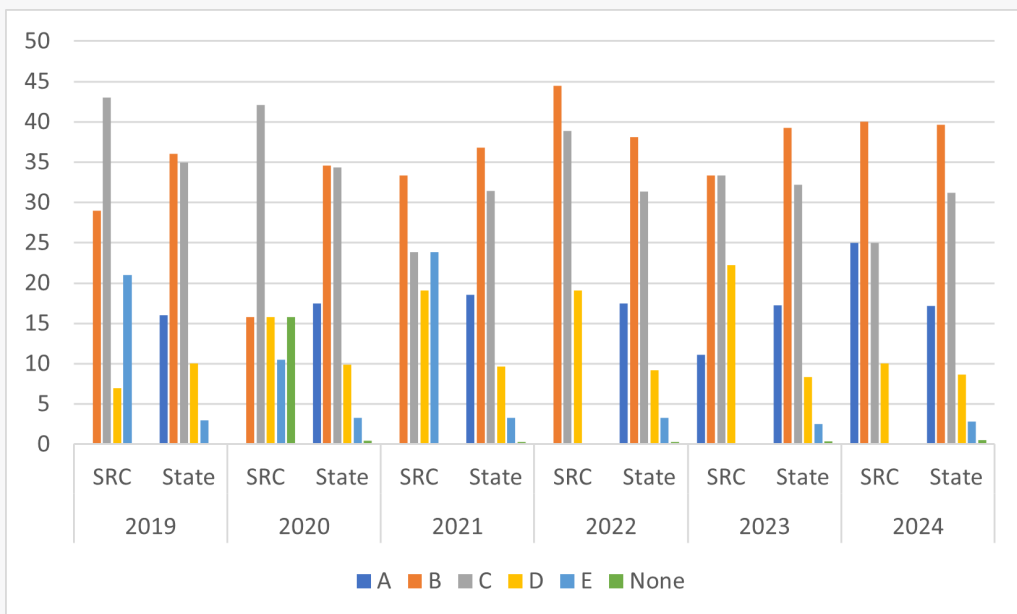
Geography



## History

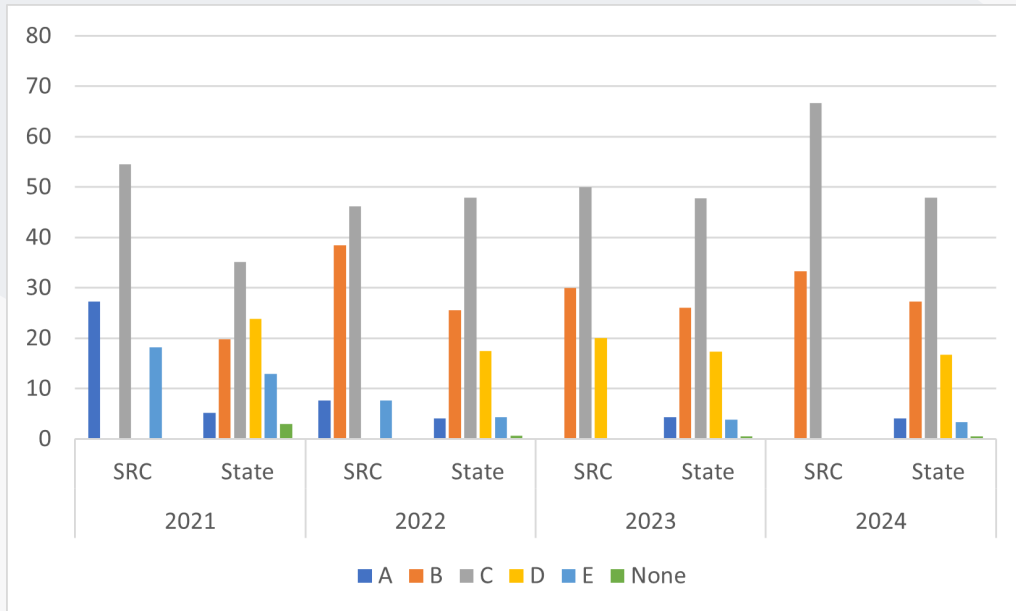


## PDHPE

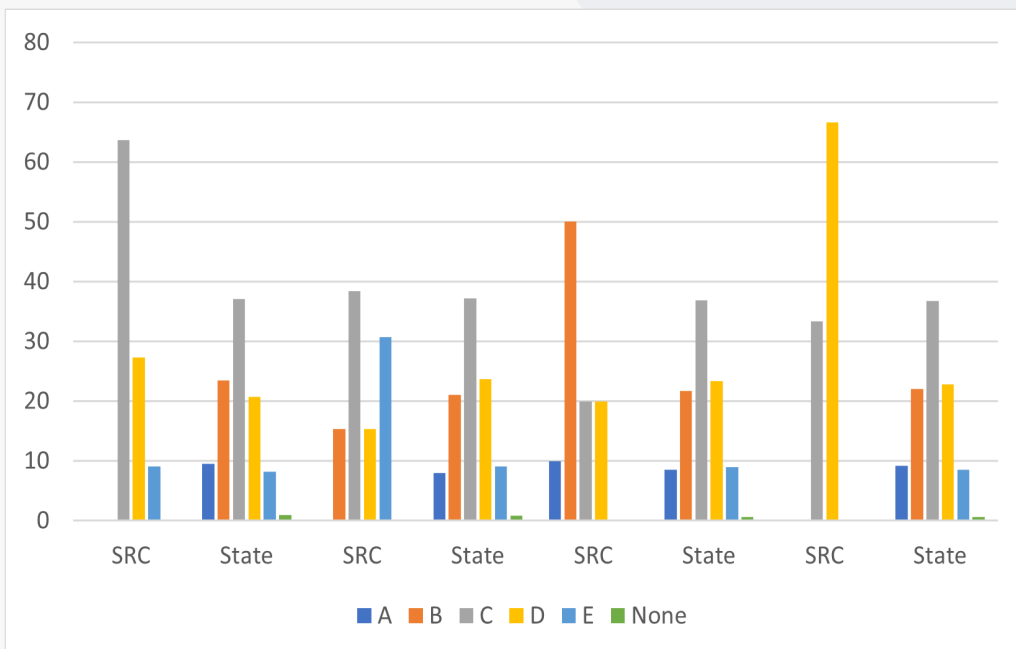


## Comparative Higher School Certificate Data 2021 - 2024

### English Standard

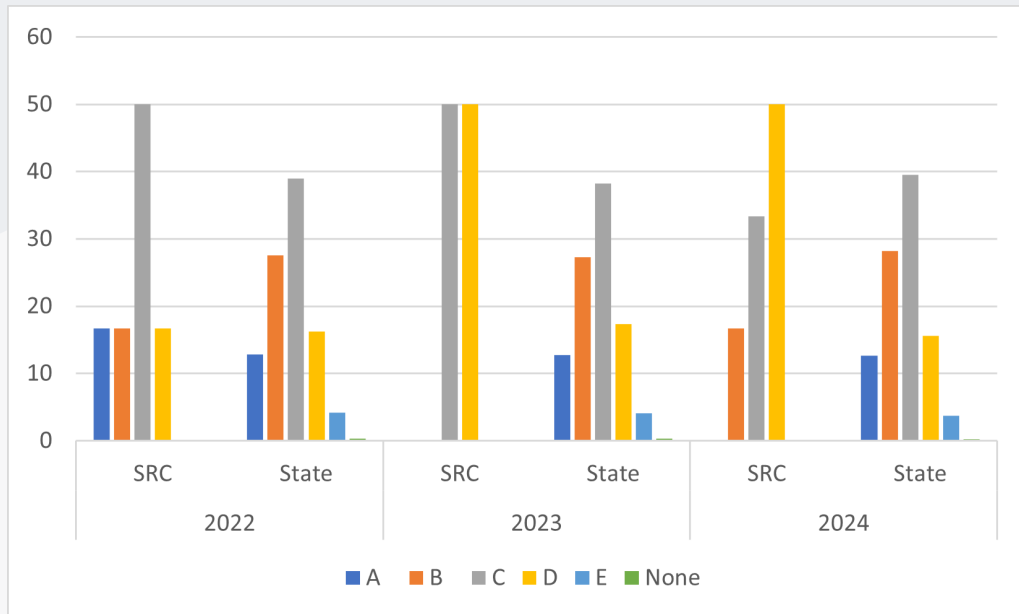


### Math Standard

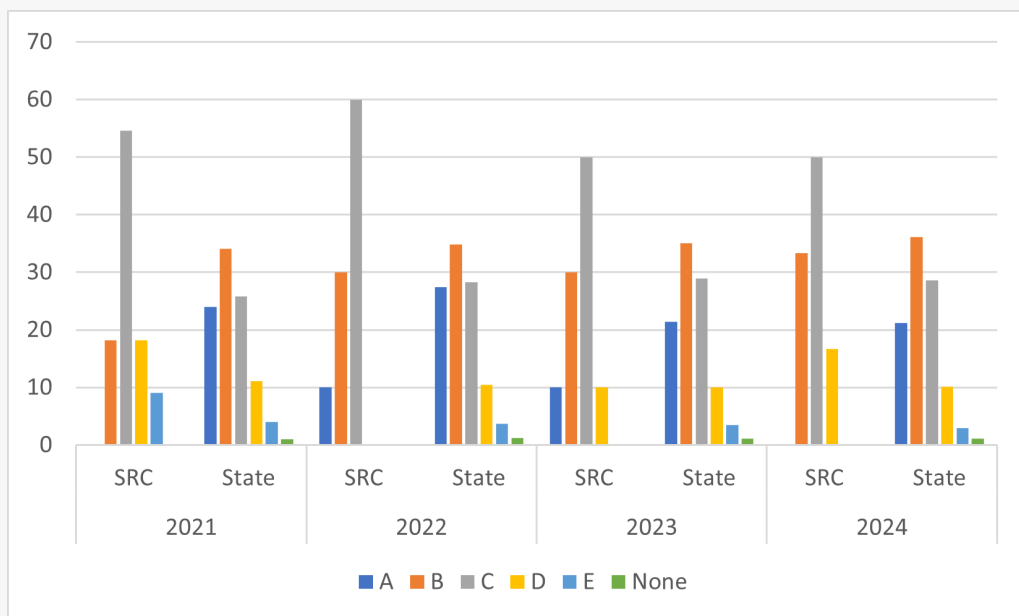




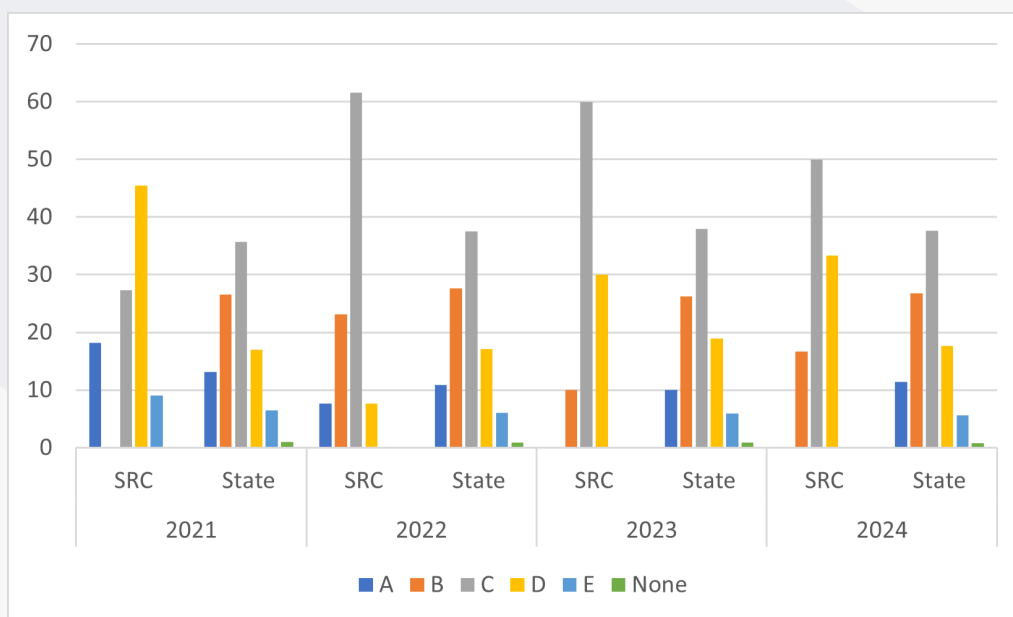
## Biology



## Visual Arts



## Community and Family Studies



## Results of the Higher School Certificate 2024

Course	School total students	State total students	GRADE School Pattern (%)						GRADE State Pattern (%)					
			A	B	C	D	E	None	A	B	C	D	E	None
English Studies 2 unit (11130)	6	6318		33.33	66.67				4.13	27.27	47.95	16.74	3.38	0.53
Mathematics Standard 2 unit (11236)	6	43006			33.33	67.67			9.16	22.09	36.80	22.85	8.49	0.60
Biology 2 unit (11030)	6	26946		16.67	33.33	50.00			12.65	28.24	39.55	15.60	3.70	0.26
Visual Arts 2 unit (11380)	6	11722		33.33	50.00	16.67			21.19	35.09	28.63	10.08	2.93	1.07
Community and Family Studies 2 unit (11060)	6	12837		16.67	50.00	33.33			11.38	26.82	37.67	17.68	5.61	0.84

## HSC 2024 Minimum standard band results

Student	Numeracy	Reading	Writing
1			3
2	3	3	3
3	3	4	3
4			3
5	3	4	3
6			

## Professional learning and teacher standards

All teaching staff met the professional requirements for teaching in NSW according to the following categories:

Category	Number of Teachers
Teachers having teacher education qualifications from a higher education institution within Australia or as recognised within the National Office of Overseas Skills Recognition (AEI-NOOSR) guidelines	9
Teachers having a bachelor degree from a higher education institution within Australia or one recognised within the AEI-NOOSR guidelines but lack formal teacher education qualifications	0

### Teacher Qualifications, Accreditation and Professional Development

- **Principal:** Bachelor of Education – Primary, University of Wollongong; Graduate Diploma in Special Education: Charles Sturt University.
- **Teacher 1:** Bachelor of Economics (Syd Uni), Diploma of Education (Syd Uni) and Dept of Ed. NSW (DoE) Teaching Certificate.
- **Teacher 2:** Bachelor of Education, Home Economics, Hawkesbury Agricultural College and Nepean CAE.
- **Teacher 3:** Bachelor of Teaching PDHPE (Secondary), Bachelor of Social Science (Psychology) Charles Sturt University (Bathurst).
- **Teacher 4:** Bachelor of Science (Zoology), Post Graduate Certificate in Education.
- **Teacher 5:** UoW Certificate of Special Education, UTS Graduate Certificate in TESOL, UTS Graduate Diploma in Education, GCAE Diploma in Teaching.
- **Teacher 6:** Bachelor of Arts in Outdoor Education and Geography, Diploma of Education (Secondary) LaTrobe University Bendigo.
- **Teacher 7:** Bachelor of Science - Biology and Chemistry (with Mathematics), Macquarie Univ, 1982, Dip Educ, UoW, 1986.
- **Teacher 8:** Bachelor of Fine Art and Education (UNSW), Master of Social Science – International Development (RMIT).





NESA Teacher Accreditation Status	Number of SRC Teachers
Lead Teacher Accreditation	
Highly Accomplished Teacher Accreditation	
Proficient Teacher Accreditation	8
Conditional Accreditation	
Provisional Accreditation	1
Pre-2004 Teacher accredited at Proficient level	8
Not accredited with TAA	

In 2024, staff and Board Directors undertook the following professional development:

Training Event	Number of Staff/ Board Attended
Identifying and Responding to Children and Young People at Risk (AIS)	17
Fire Warden (Chubb)	2
First Aid (Asthma Australia)	17
Child Protection Training (school staff with Principal on policy 5.1.1)	17
Youth Mental Health	17
First Aid	17
First Aid CPR	4
Alternative Schools Conference - 2 Day	1

## Workforce and student profile

### Workforce composition

- 1 x full-time Principal
- 1 x full-time teachers (KLA – Art and English)
- 5 x part-time teachers KLA (English, HSIE, Maths, Biology, Science, PE/PD/H)
- 1 x 0.8 Head Teacher position also teaching Stage 6 Community and Family Studies
- 1 x full-time Student Learning Support Officer position
- 1 x 0.4 x Student Learning Support Officer position
- 1 x full-time Administration Officer
- 1 x 0.6 Administration Officer
- 1 x 0.4 Mentor Pathways teacher
- Kiama Community College Ltd employs one non-accredited trainer 0.45 load to facilitate elective of Life and Work Matter for Stages 5 & 6
- Kiama Community College Ltd employs one accredited training 0.2 load to facilitate Cert II in Hospitality.

### Student profile

In its first year of operation, Shoalhaven River College commenced with 31 enrolments across years 9 and 10. The NSW Minister for Education granted Shoalhaven River College Special Assistance School status. Therefore, SRC's target student profile are students "at risk", primarily aged 14-18 years, unable to complete their education within the traditional school environment and experience some level of behaviour or learning need.

SRC students have experienced social, emotional or behavioral difficulties in mainstream schooling. The selection criterion for the School focuses on the following priorities:

- A demonstrated desire to learn.
- Capacity to learn in a mature learning environment with the ability to work independently for short periods of time.
- Barriers to effective participation in mainstream education and/or experience of disadvantage.
- An acceptable level of risk posed to other students.
- A level of functional literacy and the ability to function independently
- At the time of the 2024 census, 91% of students had a diagnosed disability while 30% of students identified as Indigenous.

## Student attendance and retention

### Attendance

Year	9	10	11	12
Total Attendance %	74%	67%	70%	65%

### Management of non-attendance

SRC recognises that many students who attend our School have a history of disengagement and may also have barriers to overcome to attain full school attendance. Therefore, attendance goals are outlined in each student's Individual Education Plan and will be set individually for each student. Attendance progression is monitored weekly with the expectation that each student's goal will be to move towards having 85% attendance and that students will actively work towards overcoming barriers which make attending difficult.

The School takes a proactive approach in consistently managing incidences of non-attendance. Noticeable patterns or concerns regarding students' attendance are addressed in a timely manner. All instances of non-attendance must be accounted for by:

- Parental communication via text, phone call, email and direct Sentral messaging and/or
- A medical certificate and/or
- A confirmation of appointment attended slip (i.e. for attendance at Centrelink etc.).

SRC undertakes the following proactive strategies to monitor and progress attendance:

- Whole day, partial day and each class school attendance marked.
- Support staff follow up instances of absences. Principal is involved as required.
- Attendance records are discussed at weekly welfare meetings including:
  - Patterns for individual students, year cohorts and entire school in the current week
  - The Student Welfare Officer will share possible insight within the confines of confidentiality
  - Follow up strategies will be determined, minuted and actioned.
- Attendance is included in the Individual Education Plan for each student and is referred to frequently.
- Attendance is discussed with individual students and the whole School body frequently so that students' have a clear understanding of expectations regarding attendance.
- A wholistic approach to attendance issues which may involve several staff members, family and caregivers and the student working in collaboration to address attendance barriers.
- Provision of basic food and hygiene supplies to encourage ongoing attendance for our students who may experience disadvantage in these aspects.

## Retention

In 2024 SRC enrolled approximately 53 students, including some students leaving and some commencing throughout the year.

At the end of 2024:

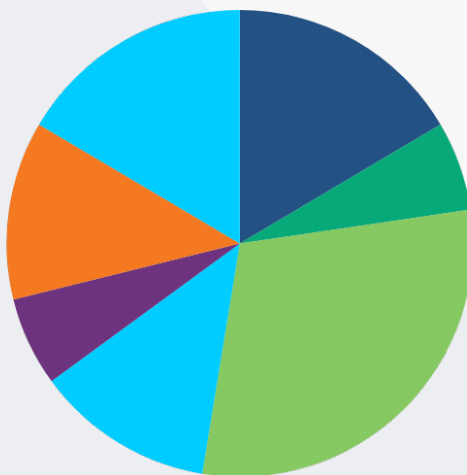
- 7 Year 9 students enrolled in Year 10 for 2025.
- 12 Year 10 students enrolled in Year 11 for 2025.
- 6 of the Year 11 students enrolled in Year 12 for 2024/25.

This equates to a 47% retention rate for 2024.

## Post school destination survey

Of the 31 students who left SRC:

- 5 (16%) commenced studies at TAFE
- 2 (6%) students resumed their schooling at a local mainstream high school
- 9 (29%) commenced employment
- 4 (12%) commenced a medical support program
- 2 (6%) left with no destination disclosed
- 4 (12%) moved out of area
- 5 (16%) had completed their HSC at SRC



	Commenced studies at TAFE
	Students resumed their schooling at a local mainstream high school
	Commenced employment
	Commenced a medical support program
	Left with no destination disclosed
	Moved out of Area
	Had completed their HSC at SRC

## School-determined improvement targets

The School set targeted areas where we prioritised seeing success in:

Target Area	Reflections/ Observations of 2024
Increase students interpersonal communications	<ul style="list-style-type: none"> <li>At SRC we explicitly taught active listening, how to be empathic, and the effective expression of feelings. Students also participated in mentoring and peer mediation, group projects, peer mentoring, and team-based activities encourage students to work together and communicate openly.</li> </ul>
Increase community networks to further support students and families	<ul style="list-style-type: none"> <li>SRC collaborated with local organisations, health services, social services, and businesses to create a network of resources. These partnerships were connected to students and families to allow access to additional support like counseling, health care, and mentoring. The Student Wellbeing Officer and Principal played a critical role in liaising with families, to ensure these connections were created and sustained throughout the year.</li> </ul>
Promote Mental Health and Wellbeing	<ul style="list-style-type: none"> <li>SRC incorporates curricula that explicitly teaches students about mental health, emotional regulation, stress management, and resilience. By raising awareness and implementing these issues in all areas of teaching and learning, it helps reduce stigma and encourages students to seek help when needed. Students access pre counselling and support services at school, in preparation for their own appointments with clinicians. This makes clinician appointments more meaningful.</li> </ul>
Support student/ carer conversations about learning and development progressions.	<ul style="list-style-type: none"> <li>Carers are provided with clear progress reports each semester, each term or each week as appropriate for the individual. Staff regularly share easy-to-understand data of student POSITIVE write ups that highlight students' strengths. This helps carers understand their young person's development and facilitates meaningful conversations. Students are encouraged to have a voice and reflect their own thoughts on their progress, with staff and the carers. Students involved in discussions foster collaborative conversations about learning progressions.</li> </ul>



## Initiatives Promoting Connection to Community

SRC aims to model and teach students how to better connect with their own community:

### Create Awareness and Educational Program

- Workshops and Assemblies: Organise regular sessions on mental health, well-being, and available services, featuring local health professionals.
- Curriculum Integration: Include mental health education in health classes to normalize conversations and reduce stigma.

### Develop Clear Referral Pathways

- Designate a Well-being Coordinator: Appoint staff members trained to guide students to appropriate services.
- Resource Guides: Provide students with brochures, flyers, or digital resources listing local mental health and general health services, including contact details and how to access them

### Build Partnerships with Local Services

- Collaborate with Shoalhaven Health Services: Invite local GPs, psychologists, counselors, and youth health workers to visit the school or run outreach programs.
- On-site Support: Arrange for mental health professionals to hold regular clinics or drop-in sessions at the school.

### Promote Confidentiality and Reduce Barriers

- Ensure Privacy: Make sure students feel safe seeking help without fear of stigma or breach of confidentiality.
- Accessible Services: Highlight services that are youth-friendly, free or low-cost, and easy to access.



## Carer, student and teacher satisfaction

Throughout 2024, no formal complaints were logged during the calendar year.

At the end of the year a survey was issued to all carers. Of the respondents:

- 46% said their young person was doing really well at SRC
- 31% said their young person was going well
- 77% said staff have a good understanding of the emotional needs of their young person
- 23% said staff are still learning about my young person
- 100% of respondents rated SRC as a better educational environment than their young person's previous school

Other correspondence from carers included:

"Great communication, great understanding of our child's needs, great learning environment, and excellent support for our child"

"I like the commitment to each child's individual needs, both emotionally and educationally. SRC has really helped with her confidence and self belief and ensured that she doesn't get lost in the crowd, which has really helped to build her skills and talents".

[I love] ... "The staff, how they respond to challenges. The excursions and much more creative teaching. The communication between staff, student and parent. That kids are treated as individuals."

### Student survey results

Students were asked what they like the most about being a student at SRC. These were some of the responses:

- My friends and the staff members
- Coco and Buddy
- Childcare and art
- Chill out
- Teachers are nice and care
- Shorter School Days
- Getting time to hangout with friends
- The dogs
- Small school
- Everything
- The Rec Room
- The teachers and people are nice
- Lunch choices
- Excursions
- That fact that you're treated like an adult really make it feels like you're in control of your schooling... it's very refreshing.
- Friends



### Staff survey results

Staff completed satisfaction surveys and reported the following highlights for 2024:

- Student successes, our team achievements.
- We had a great Y12 cohort (many of which I had taught from Y9) so watching them mature and reach this final point of their secondary educational journey was a highlight.
- PE outings with both classes and geography classes with Bundewallah in particular, thanks to quality class discussions.
- Being able to support the kids with wellbeing support, and to pathway to employment/TAFE.
- Working with the students to get the best outcomes for them.
- Lots of highlights! But probably having a really dedicated Y12 art student, it can make all the difference sometimes if you have someone that loves your subject as much as you do.
- Watching students thrive
- Seeing students achieve results they didn't believe they were capable of achieving.

The following were what staff found most challenging in 2024:

- Space remains an issue with a lack of outside space and having a dedicated art room
- Staying on top of work, smaller numbers for Stage 6 (or dwindling numbers), the extremely complex issues that some students experience can be really overwhelming for staff but also solidified how well we come together as a team to support each other.
- Supporting students to complete an external subject (Cert II in Hospitality).
- Size of our space on site - particularly the lack outdoor areas.
- Smaller classes allow better more valuable connections with students and staff.
- Learning a new role, witnessing high academic achievers struggle and leave school due to ongoing mental health issues.



### Continual Improvement

In 2024 SRC evaluated and improved its 3pm debrief structure. The purpose of this meeting is for staff to:

- Share information about current student issues.
- Develop our team's understanding of student needs.
- Allow constant improvement for our management strategies.
- Allow IEPs and PLPs to be updated in real time.
- Allow staff to share stressful events or issues and seek guidance or support.
- Allow executive/SWO staff to be aware of reportable issues

Staff evaluated the process and data collected from this meeting and made appropriate improvements to increase efficiency and accuracy of information of students' needs.

### Staff and Student Focus

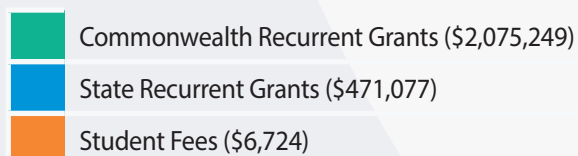
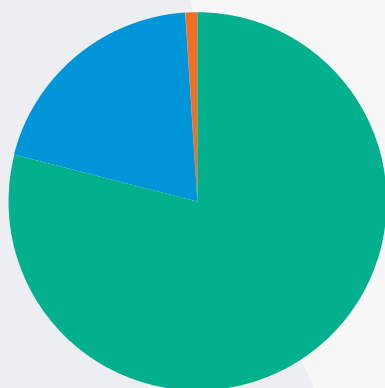
In 2024 the staff implemented periodic staff and student focus to create more intentional learning and development opportunities for students. In 2024 the topics were:

- Working with students using a Consistent and Measured Response
- Effectively Applying educational and emotional adjustments
- Staff building their capacity of self-awareness
- More efficient acknowledgement of student success
- Closer adherence to staff KPIs

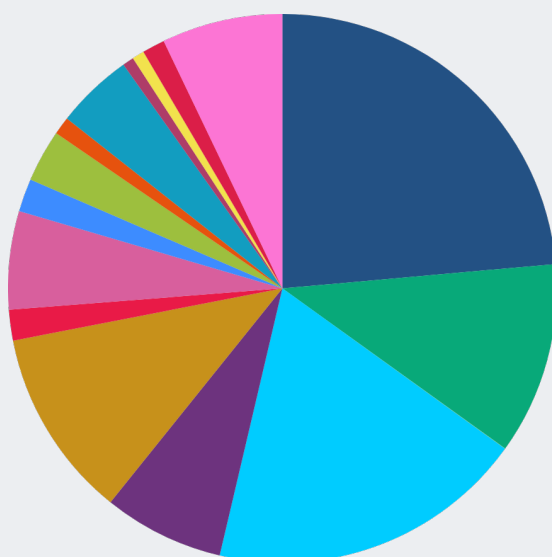


## Financial information

### Income



### Expenditure



	Salaries, Allowances and related expenses (\$1,590,493)
	Admin and Professional Services (\$76,490)
	Course fees - External courses (\$0)
	Amortisation and depreciation (\$126,355)
	Consumables, printing and resources (\$49,747)
	Computer, Phones, IT & data (\$75,395)
	Travel and Excursions (\$12,245)
	Cleaning (\$39,062)
	Repairs & Maintenance (\$13,146)
	Insurance (\$20,877)
	Auditor, Accounting & Professional Services (\$7,187)
	Rent & Venue Costs (\$30,611)
	Advertising (\$4,570)
	Interest expense (\$4,587)
	Security and Fire Safety (\$9,042)
	Make Good Provision (\$48,000)



## School policies (appendix)

The following policies and procedures are available on the school website and available in hard copy from the school administration office.

### Student welfare and Child protection

- 5.3.1 Duty of care
- 5.3.2 Notification of concern for student welfare
- 12.1 Child Safe Policy
- 12.2 Child Safe Procedure - Mandatory Reporting
- 12.3 Child Safe Procedure - Reportable Conduct
- 12.4 Child Safe Procedure - Reporting to Police
- 12.5 Child Safe Procedure - Sexual Behaviour by Students
- Code of Conduct Kiama Community College Ltd

### Anti bullying

- 5.3.5 Harrassment, Discrimination and Anti bullying

### Enrolment

- 6.1.1 Enrolment and Ongoing Enrolment

### Discipline

- 7.1. Student Discipline

### Complaints

- Complaints or Grievances received by the School



Section of Manual:	<b>5. SAFE AND SUPPORTIVE ENVIRONMENT – 5.3 STUDENT WELFARE – DUTY OF CARE</b>		
Document	<b>POLICY 5.3.1: DUTY OF CARE</b>		
Date of Endorsement:		Review Date:	
Review Panel	The Chief Executive Officer, Principal and Compliance Manager must be a part of the review of this Policy.		
Purpose:	To ensure: the School exercises its Duty of Care in relation to the supervision of young people on and off the premises and the referral of young people for support services.		
Scope:	Relates to all staff.		
RANGS Manual:	3.6 Safe & Supportive Environment; 3.6.1		
Policy	<p>The School supports the philosophy that all students are capable of exercising control over their own lives with degrees of support that may be afforded by the School staff, Auspicing Body and parents and caregivers.</p> <p><b>Supervision whilst on The School premises</b></p> <p>All students whilst on the property of the School shall be afforded supervision by staff in the breaks and during class time.</p> <p>Generally, students are unable to leave the premises unless they have parent/ caregiver permission. However, the Principal may use discretion in extreme circumstances to allow particular students to exit for specific reasons.</p> <p>When a student has left the property, the School still maintains a Duty of Care that is <b>within reason</b>.</p> <p>This is;</p> <ul style="list-style-type: none"> <li>• We expect the students to maintain a level of behaviour and responsibility that is governed by general law.</li> <li>• If the School believes the student is a direct harm to themselves or other people in the community the school will take steps to contact parents, guardians, police or ambulance if required.</li> </ul>		

Document : 5.3.1 Duty of Care v4

Version #4

Date: February 2021

### **Supervision whilst off The School premises on excursions**

The school will ensure that there are sufficient staff attending for the supervision of excursions. At a minimum, there will be 2 staff per 15 students. Should an excursion be considered to have greater risk, more staff members will be in attendance. For all excursions, The School will follow the policy and procedures as outlined in 5.4.3 Student Excursions.

### **Referrals**

This support may be by way of providing referral options and advocacy to the student in relation to school issues such as student to student or a study issue.

A student may determine that they wish to be referred to other services or would like the School to act as advocates for them. The School will encourage the student to involve the parents/ caregivers in the referral and support process. This is in all situations except where there may be any child protection concerns potentially involving the parent/s/caregiver/s.

Advocacy and referral will be undertaken by the Principal or Student Wellbeing Officer unless delegated to another staff member by the Principal. In this instance, the referral and support process undertaken by the alternate staff member will be carried out under the close supervision of the Principal.

In each case, whether it be referral or advocacy, advice will not be offered to the students, rather choice will be provided, which can be engaged at any time and also withdrawn at any time as determined by the student.

If a student presents with an issue which may be outside of the referral support of the School, the School will call upon Nowra Community Services or a GP and they will support the student with advocacy, referrals, presenting options and advising on the legal level of involvement, if any, of the parents/ caregivers.

For all situations which are unique and may not have a definitive and clear course of action, the Principal or CEO will contact AIS for advice.

Supporting Documentation	5.4.3 Student Excursions 4.1.1 Referral to support services
--------------------------	--

Document : 5.3.1 Duty of Care v 3		
Version #3		Date: March 2020

<b>Section of Manual:</b>	<b>5. SAFE AND SUPPORTIVE ENVIRONMENT – 5.3 STUDENT WELFARE – DUTY OF CARE</b>		
Document	<b>POLICY 5.3.2: NOTIFICATION OF CONCERN FOR STUDENT WELFARE</b>		
Date of Endorsement:		Review Date:	
Review Panel	The Chief Executive Officer, Principal and Compliance Manager must be a part of the review of this Policy.		
Purpose:	To ensure a process for notification regarding concern for student welfare.		
Scope:	Relates to: staff; students.		
RANGS Manual:	3.6 Safe & Supportive Environment; 3.6.1		
Policy	<p>Should a staff member have concerns regarding the welfare of a student they are required to raise this issue as soon as possible with the Principal or the Student Wellbeing Officer . If the situation is deemed critical the Principal or Student Wellbeing Officer will inform the other staff members.</p> <p>Unless deemed urgent the issue will be raised at the weekly staff meeting for input from other teaching staff.</p> <p>If considered urgent, the Student Wellbeing Officer will remove the student in question and address the issue immediately.</p> <p>A decision regarding action may be discussed with staff and will be finalised by the Principal.</p>		
Supporting Documentation			

**Document : 5.3.2 Notification of concern for student welfare v3**

Version #3

Date: February 2020



<b>Section of Manual:</b>	<b>6. ENROLMENT &amp; ATTENDANCE – 6.1 ENROLMENT</b>		
<b>Document</b>	<b>POLICY 6.1.1: ENROLMENT AND ONGOING ENROLMENT</b>		
<b>Date of Endorsement:</b>		<b>Review Date:</b>	
<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>	To ensure the consistency of enrolment across the School.		
<b>Scope:</b>	Relates to school staff and programs.		
<b>RANGS Manual:</b>	3.8 Enrolment; 3.6.2 Safe & Supportive Environment		
<b>Policy:</b>	<p>The School is a school specifically designed to re-engage disenfranchised and ‘at risk’ young people.</p> <p>Our school aims to provide opportunities to young people, primarily aged 14-18 years, who are unable to complete their education within the traditional school environment.</p> <p>The School caters for young people who may have a variety of learning needs and/ or disabilities.</p> <p>The Disability Discrimination Act 1992 defines disability as:</p> <ul style="list-style-type: none"> <li>• total or partial loss of the person's bodily or mental functions</li> <li>• total or partial loss of a part of the body</li> <li>• the presence in the body of organisms causing disease or illness</li> <li>• the presence in the body of organisms capable of causing disease or illness</li> <li>• the malfunction, malformation or disfigurement of a part of the person's body</li> <li>• a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction</li> <li>• a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour.</li> </ul> <p>And includes a disability that:</p> <ul style="list-style-type: none"> <li>• presently exists; or</li> <li>• previously existed but no longer exists; or <ul style="list-style-type: none"> <li>• may exist in the future (including because of a genetic predisposition to that disability); or</li> </ul> </li> <li>• is imputed to a person. To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.</li> </ul> <p>The School, however, cannot cater to students who are functionally illiterate or who require intensive behaviour or health support; such students would be more fully catered for in a smaller environment, of which there are several in the local environment. The School will offer suggestions for such facilities should the need arise.</p>		

We provide case management to all students who are enrolled in the School but are not able to manage students who cannot function independently within the adult learning environment.

Enrolment at SRC is for students who have experienced social, emotional or behavioural difficulties in mainstream schooling. The selection criterion for the School focuses on the following priorities:

- ☐ A demonstrated desire to learn. Students who enrol have to *want* to attend and participate in all activities.
- ☐ A maturity to learn in an adult learning environment with the ability to work independently for short periods of time.
- ☐ Barriers to effective participation in mainstream education and/or experience of disadvantage. These barriers may include challenges associated with: mental health, social inclusion, financial disadvantage, Aboriginal or Torres Strait Islander background, family breakdown or educational disengagement.
- ☐ An acceptable level of risk posed to other students.
- ☐ A level of functional literacy and the ability to function independently.

#### **The enrolment and acceptance process**

Students and parents/ caregivers are required to complete and submit an “Application for Enrolment” form and accompanying requested documentation. Students who apply to attend the School will be offered an interview as part of the application process. A student’s acceptance into the program is dependent on their presentation at interview and their demonstrated ability to work within the policies and philosophy of the School. Should the school presently have no student vacancies, suitable students will be placed on a waiting list.

Enrolment at the school is a two phase process:

- **Phase 1** – Initial enrolment at the school for a limited period of two weeks
- **Phase 2** – Renewal of enrolment after the initial enrolment period. Phase 2 enrolment is not guaranteed and is subject to the student meeting additional enrolment criteria for renewal of enrolment that will be assessed during the initial enrolment period.

#### *Phase 1 – Initial enrolment – Two week period*

During the two week initial enrolment period the school will assess how the student is responding to the school environment in relation to the following criteria for renewal of enrolment:

- ✓ Attendance
- ✓ Engagement
- ✓ Social interaction
- ✓ Attitude towards learning

The school will communicate with the student and their parents/carers during the

initial enrolment period the about how the student is progressing in relation to the criteria for renewal of enrolment as identified above.

If the student's enrolment is not renewed the student's enrolment at the school will cease at the end of the initial enrolment period.

#### *Phase 2 – Renewal of enrolment*

At the end of the initial enrolment period, the School may offer the student renewal of enrolment based on the school's assessment of the student against the criteria for renewal of enrolment (attendance, engagement, social interaction and attitude towards learning).

Renewal of enrolment provides ongoing enrolment at the school subject to the student and their parents/carers meeting the school's requirements for continuing enrolment.

#### **Ongoing enrolment at SRC**

Continuing enrolment at the school is subject to the student abiding by the School's code of conduct and rules outlined in the student handbook. Breaches will result in students progressing through the discipline process (see policy 7.1).

#### **Cessation of enrolment**

A student's enrolment may cease in the following circumstances:

1. expiry of the initial enrolment period, with no renewal of enrolment offered
2. withdrawal of enrolment by the student and their parents/carers
3. withdrawal of the enrolment by the school on the grounds of discipline or a breach of the School's Code of Conduct.

Where a student's enrolment ceases, the student and their parents/carers are required to inform the school of their post-school destination, that is whether the student has enrolled in education or training at another education provider or is in employment and who the education/training and/or employment is with. Where a student is under the age of 17 and the school has not been informed of their post-school destination, the school is required to report that the student's destination is unknown to the NSW Department of Education.

#### **Re-enrolment of Previously Withdrawn Student**

Should a previously withdrawn student wish to apply to re-enrol they are only able to do so after twelve (12) months from the date of withdrawal of enrolment or earlier upon application to the Principal if there is evidence that behaviours have changed.

The student will be interviewed by the Principal and must explain how they will comply with the code of conduct and rules of SRC. In the application to enrol assessment, the school will consider whether the student is now ready to take up the

	<p>challenge of an adult learning environment.</p> <p>Should a student's application for re-entry after withdrawal be accepted, a written and agreed to individual plan will be written by the Principal in conjunction with Student Wellbeing Officer and/or teachers. This plan will outline what is mandatory for the student to comply with in re-commencing their education with SRC and will be written on a case by case basis. The plan will consider appropriate behaviour, transition process and the length of transition.</p>
Supporting Documentation	<p>6.1.2 Maintaining Register of Enrolment</p> <p>6.1.3 Information required upon application to the School</p> <p>6.1.4 Retaining of School records</p> <p>6.4.2 Enrolment agreement</p>
Cross reference	

<b>Section of Manual:</b>	<b>7. DISCIPLINE</b>		
<b>Document</b>	<b>7.1: STUDENT DISCIPLINE</b>		
<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>	To ensure the School has a disciplinary process in place for students that incorporate procedural fairness.		
<b>Legislation</b>	Education Act, 1990		
<b>Scope:</b>	Relates to teaching staff, students, parents & guardians, Principal.		
<b>RANGS Manual:</b>	3.7.1 Discipline		
<b>Policy</b>	Clarification of Terms:		
		NESA/The Act	The School
	Suspension	is a temporary removal of a student from all of the classes that a student would normally attend at a school for a set period of time	is a temporary removal of a student from all of the classes AND from the school for a set period of time with the expectation that when they return they will undertake a return to school meeting with the Principal and SWO. During a suspension, students are issued with learning activities from their teacher or via Google Classroom or the SRC Facebook page.
	Expulsion	is the permanent removal of a student from one particular school	is the permanent removal of a student from the school and will preclude them from re-applying at a later date
	Withdrawal of enrolment	NA	is the removal of a student from the school and cancellation of their enrolment. This may also include the parent or student deciding to withdraw their enrolment at SRC. If a student's enrolment is withdrawn, they can no longer attend SRC. They may however re-apply after 12 months or earlier upon application to the Principal if there are evidences that behaviours and circumstances



		<p>have changed. The student will be interviewed by the Principal and must explain how they will abide by the Code of Conduct of SRC. It is expected that when they return they will undertake a return to school meeting with the Principal and Student Wellbeing Officer.</p> <p>If a student is under 17 years of age, they will be legally required to enrol in another school or training opportunity or access 25 hours of paid work per week.</p>
<p>Any student who is believed to be in breach of the discipline policy or is displaying continual offensive behaviour or ongoing unsatisfactory attendance may be subject to actions under the discipline policy.</p> <p><b>1. A student commits a breach of discipline if the student does any of the following:</b></p> <p>(a) Engages in conduct that impairs the reasonable freedom of any person (whether or not a student) to pursue his or her studies or work with the Auspicing Body.</p> <p>(b) Assaults, or threatens to assault, another person.</p> <p>(c) Engages in any offensive conduct or any unlawful activity.</p> <p>(d) Removes/damages or inappropriately uses any property of the School or Auspicing Body without having permission from the organisation or a member of staff.</p> <p>(e) Obstructs a member of staff in the performance of the member's duties especially where this may raise safety concerns.</p> <p>(f) Repeatedly and wilfully disobeys or disregards and order or direction of a member of staff, including a direction regarding appropriate behaviour or safety, repeatedly behaves in a manner that threatens the psychological safety of others.</p> <p>(g) Repeatedly commits or engages in any dishonest or unfair act in relation to an examination or other form of academic assessment.</p> <p>(h) Repeatedly discriminates against a person on the grounds of the person's age, race, sex, homosexuality, transgender, marital status, physical or intellectual disability, or religion.</p> <p>(i) Incites hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the grounds of the age, race, sex, homosexuality, transgender, marital status, physical or intellectual disability, or religion of the person or members of the group.</p> <p>(j) Engages in unlawful activity</p>		

- (k) Engages in unwanted sexual advances
- (l) Carrying anything that could be construed as a weapon
- m) Repeatedly disrupts the learning environment of others
- n) Contravenes any responsibilities listed in the Student Code of Conduct
- o) Displays ongoing unsatisfactory attendance which has been addressed as per attendance policy and procedure (6.2.1)
- p) Any behaviour or attitude which is contrary to the School's values, mission or culture.

**2. It is important to note that a single act or incident may be sufficient to trigger disciplinary action if it is deemed to be serious.**

This may lead to immediate suspension, expulsion or withdrawal of enrolment. Should students conduct themselves in a manner that constitutes a serious breach of discipline they can be suspended, expelled or withdrawn immediately with parental notification occurring as soon as practical after the fact.

**3. Conduct does not cease to be a breach of discipline merely because it takes place elsewhere than on the premises of the School or outside school hours.**

**4. A breach of discipline may be committed by an act that involves:**

- (a) A communication in person or in writing or by telephone or other telephonic or electronic means which may include any and all forms of social media, or
- (b) A transaction using telephonic or electronic means which may include any and all forms of social media.

**5. Offensive conduct includes any of the following:**

- (a) Spitting,
- (b) Littering,
- (c) Using offensive language,
- (d) Being under the influence of alcohol,
- (e) Being under the influence of a drug (other than medication that has been prescribed by, and taken in accordance with the instructions of, a registered medical practitioner) and/or
- (f) Unwanted sexual advances or inappropriate sexual behaviour.

**Unlawful activity includes any of the following:**

	(a) Using, possessing or supplying any prohibited drug, substance or, (b) Stealing the property of another person.

	<p><b>6. A member of staff who believes that a student has committed a breach discipline:</b></p> <p>(a) Must, as soon as practicable, report the alleged breach to the Principal, or in their absence, the Executive Officer and</p> <p>(b) May exclude the student from participation in class for the remainder of the day on which the alleged breach occurred, or until a decision can be made regarding the consequences of the breach.</p> <p><b>7. Ensure the students right to a procedurally fair process:</b></p> <p>Procedural fairness is a basic right of all individuals. In cases where there is a perceived incongruence between an individual's actions and the School rules and expectations, the School will aim for a fair decision, reached by an objective decision-making process.</p> <p>Procedural fairness seeks to ensure that decisions affecting students are reached only after the individual student has been made aware of the allegations made against him or her. It also seeks to ensure that the student has had the opportunity to present his or her claims in relation to the issues and the proposed decisions affecting him or her.</p> <p>Procedural fairness also requires that the decision maker reaches a decision on the issue in an impartial manner. Care should be exercised to exclude real or perceived bias from the process.</p> <p>The School will follow the principles set out below in circumstances involving disciplinary matters, including dealings with students potentially facing suspension and withdrawal of enrolment.</p> <p><b>Providing an interpreter, where required:</b></p> <p>Any student or parent/guardian that requires an interpreter to participate in disciplinary discussions will be provided with one.</p> <p><b>Right to a support person:</b></p> <p>All students or parents participating in a disciplinary discussion will have the right to have a support person present during this conversation. Participants will be made aware of this right. Support people's role is to support- not to answer questions on behalf of a participant or to advocate for a participant. A parent/guardian is considered a participant, rather than a support person.</p> <p><b>Procedural fairness:</b></p> <p>Is generally recognised as having two essential elements.</p> <p>i) The right to be heard</p>
--	---

This includes:

- The right to know why the action is happening.
- The right to know the way in which the issues will be determined.
- The right to know the allegations in the matter and any other information that will be taken into account.
- The right of the person against whom the allegations have been made to respond to the allegations.

ii) The right of a person to an impartial decision,

Students have the right to impartiality in the investigation and decision-making phases.

The schools disciplinary process is not only based on procedural fairness but also on a strong belief in the importance of allowing students the opportunity to learn by their mistakes.

Although the school believes in allowing students the opportunity to learn by their mistakes within reasonable limits, it will not condone consistent and/or persistent breaches to occur. Should a student persist in breaching the guidelines of the School the following outlines the discipline process that can be progressed through.

### Discipline Process

In the first instance of non-dangerous or minor inappropriate behaviour, all students are supported in conversations around reflection of their behaviour and given opportunity for behaviour modification. At the Principal's discretion, if there is no change, the following discipline policy will be implemented.

**It is important to note that a single act or incident may be sufficient to trigger disciplinary action if it is deemed to be serious.**

#### **1. Student and Parent Communication**

- Undertaken at the earliest possible time following breach of discipline policy.
- Communication in writing via email, text or letter or face to face with student and parent concerning inappropriate behaviour. All communication is to be recorded in Sentral. The School's unsatisfactory participation letter may be issued.
- Outline inappropriate behaviour and clarification of code of conduct and expectations.
- Suggestions for addressing said issue.
- Opportunity for the student/s to determine what they will do to address the incident/issue
- Encourage restorative justice - engagement, accountability and restoration.
- Outline action to be taken should issue continue.



#### **2. Written Warning**

Written Warning (or "Inappropriate/ Unacceptable Behaviour" letter) from the Principal outlining:

- The incident/issue to be addressed.
- Relevant dates/times and persons involved.
- Clarification of code of conduct and expectations.
- Suggestions for addressing said issue.
- Action to be taken should issue continue. Student may be advised that should behaviour continue their enrolment at SRC may be withdrawn
- Letter to be addressed to parent/caregiver or student but parent/caregiver is to receive a copy.
- Copy of letter to be located on students file.





### 3. Suspension- length of time to be negotiated- usually not more than 4 days

- A suspension is utilised if appropriate at the discretion of the Principal.
- When a student receives notification of the likelihood of suspension from the School, the Principal will contact the parents to offer inclusion of involvement in the increased support the student requires at this time
- A letter must be provided to the student and parents/ caregivers which:
  - outlines all of incident/issue to be addressed
  - details relevant dates/times and personas involved
  - clarifies code of conduct and expectations
- Upon return, the Principal and SWO will meet with the student for a return to school meeting focussing on what is mandatory for the student to comply with in re-integrating into school life and opportunity for the student/s to determine what they will do to address the incident/issue as well as action to be taken should issue continue. The return to school plan will be uploaded/documentated in Sentral.



### 4. Withdrawal of Enrolment at SRC

- Withdrawal of enrolment may occur when the student has had several disciplinary actions taken and the student continues to disregard the SRC Code of Conduct. Withdrawal in these instances will be on a case by case basis and is dependent on the student, their circumstances, their attitude towards their learning at SRC and the severity of the breaches.
- The parent or student may also choose to withdraw their enrolment.
- There may also be mutual agreement between the parents/ caregivers, student that SRC is not a suitable educational environment for the student to participate in.
- The student and parent will be notified in writing of their withdrawal.
- The Dept of Education will also be notified via the required channels that student has been withdrawn from SRC.
- In the event of withdrawal of enrolment, the appeals process may be followed.

### Appeals Process

If a student's enrolment is withdrawn by SRC, the students and/or their parents/guardians have a right to appeal the decision. The following process can be used:

### **Formal Grievance Procedure**

#### **Stage One**

Formal appeals should be submitted in writing and sent to the Chief Executive Officer at Kiama Community College, PO Box 52, Kiama NSW 2533.

The Chief Executive Officer will notify the person lodging the appeal of receipt of the appeal within 5 working days.

The Chief Executive Officer will then assess the appeal, conducting necessary consultations with the person lodging the appeal and other relevant persons and make a determination regarding the appeal. The Chief Executive Officer will advise the person lodging the appeal in writing of their decision, and reasons for the decision, within 20 working days. A copy of this written response will be kept in the secure student file in the SRC administration office.

The person lodging the appeal will be made aware of their options through the provision of a copy of this policy.

#### **Stage Two**

If the person lodging the appeal is not satisfied with the outcome of their appeal then an independent mediator will be sourced by the School through LEADR, the Association of Dispute Resolvers. The person lodging the appeal may request that their appeal is referred to the independent mediator by writing to the Chairperson of the Board of Management, Kiama Community College, PO Box 52, Kiama NSW 2533.



Costs of such mediation will be shared equally by Kiama Community College Inc. and the person lodging the appeal. As a guide mediator's costs would be \$385 for the first four hours (or part thereof). Subsequent hours would be \$137.50 per hour. It is common for most disputes to be resolved within the initial four hour allocation.

#### **Stage Three**

If the person lodging the appeal is not satisfied that Shoalhaven River College Discipline Policies & Procedures have been followed, then they may contact NESA. For contact details and information please see: <https://educationstandards.nsw.edu.au/wps/portal/nesa/about/who-we-are/contact-us>.

*See flowchart of formal appeals process following:*

### **Formal Grievance Procedure Flowchart**

	<p>Please view this flowchart in conjunction with detailed explanation of each step</p>
	<p><b>Stage 1</b></p> <p>Submit a written appeal to the Chief Executive Officer.</p>
	
	<p><b>Stage 2</b></p> <p>If not satisfied with the outcome of their appeal, the person appealing can write to the Chairperson of the Board of Management to request an independent mediator.</p>
	
	<p><b>Stage 3</b></p> <p>If a Student believes that Shoalhaven River College disciplinary policy &amp; procedure has not been followed, they may contact NESA.</p>
<p>Supporting Documentation</p>	



<b>Section of Manual:</b>	<b>12. CHILD PROTECTION</b>		
<b>Document</b>	<b>12.1 CHILD SAFE POLICY</b>		
<b>Endorsement:</b>	December 2023	<b>Review Date:</b>	03/25
<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>	Kiama and Shoalhaven Community College (KSCC) and Shoalhaven River College (SRC) are committed to ensuring that all children and young people are protected and kept safe from harm. This policy summarises the actions taken by KSCC and SRC to operate as child safe organisations. It outlines how the Child Safe Standards are implemented and how other relevant legislative obligations are met.		
<b>Scope:</b>	<p>This policy applies to all adults associated with KCC Ltd and SRC including those working for, or engaged by, the Colleges, regardless of whether their involvement or work is paid or unpaid or child-related, and members of the Board of Directors.</p> <p>The policy applies to all KSCC and SRC activities which result in or relate to contact with young people, both face-to-face and online, both on-site and off-site (including, for example, sporting events, camps, excursions, approved home-stay accommodation).</p> <p>The policy is made available and accessible to all students, families, and the community and is distributed to all new and existing employees. All employees are required to read, sign, and adhere to the policy, whether or not they are engaged in child-related work.</p> <p>The policy should be read together with the Definitions, Related Policies and Procedures, and Key Legislation.</p>		
<b>RANGS Manual:</b>	3.6 Safe and Supportive Environment; 3.6.1		
<b>Statement of Commitment</b>	<p><b>Statement of Commitment to Child Safety</b></p> <p>Kiama and Shoalhaven Community College and Shoalhaven River College are committed to being child safe organisations. This means:</p> <ul style="list-style-type: none"> <li>• We acknowledge that children and young people have a right to be and feel safe.</li> <li>• The safety of children and young people is everyone's responsibility.</li> <li>• Abuse and harm of children and young people is not tolerated.</li> <li>• The rights of children and young people are understood and respected.</li> <li>• Staff are dedicated, supportive and trustworthy, providing an inclusive and positive environment that allows students to be themselves and communicate any issues.</li> <li>• Classrooms are safe places, where students' physical and mental health are paramount, ensuring students can safely participate and thrive in their learning.</li> <li>• Child safety is reflected in our governance, policies, and procedures.</li> <li>• We have systems, policies, and processes in place to prevent, identify and respond to child abuse and harm.</li> </ul>		

	<ul style="list-style-type: none"> <li>• Reporting concerns about child abuse and harm is actively encouraged.</li> <li>• All concerns about child abuse and harm are treated seriously and responded to appropriately.</li> </ul>
<b>Policy and Procedure</b>	<p><b>Governance and leadership</b></p> <p>The Board of Directors, CEO and Principal are responsible for ensuring KSCC and SRC are safe for children and young people. They will:</p> <ul style="list-style-type: none"> <li>• Personally uphold and promote behaviour consistent with the Code of Conduct.</li> <li>• Champion and implement the Child Safe Standards through our systems, policies, and processes.</li> <li>• Ensure KSCC and SRC meets its statutory duty of care to prevent child abuse.</li> <li>• Ensure the Child Safe Policy and related procedures are publicised and available to the College communities, provide opportunities for employees, students, parents/carers, and other stakeholders to provide input, and respond to feedback.</li> <li>• Identify and take opportunities to promote whole of community awareness of children's rights and child safety.</li> <li>• Promote an inclusive, respectful, and responsive approach to the diverse backgrounds and needs of children and young people, recognising those factors which place some children and young people at increased risk of abuse and harm.</li> <li>• Taking all possible steps to ensure that only safe and suitable people are engaged to work with children and young people.</li> <li>• Ensure employees are trained, empowered, and supported to take responsibility for safeguarding and provide opportunities for them to have input into improving safeguarding practices.</li> <li>• Encourage people to bring forward concerns or complaints about the safety of children and make it easy for them to do so.</li> <li>• Ensure all child safety concerns and complaints are treated seriously and appropriately responded to.</li> <li>• Ensure KSCC and SRC comply with all relevant legislation and statutory requirements and cooperate with regulators and other external agencies.</li> </ul> <p>Child safety and wellbeing is a standing agenda item at Board, executive and staff meetings. The Board ensures ongoing monitoring of the implementation of safeguarding practices, policies, and procedures. Operational leadership of safeguarding day-to-day is the responsibility of the CEO and Principal. They are assisted by senior managers.</p> <p><b>Encouraging participation</b></p> <p>Staff identify opportunities to seek the views of children, young people and their families and encourage them to participate in decision making on matters that are important to them. This includes the development of policies, organisational planning, delivery of services, programs, events, curriculum, and events, management of facilities, and classroom learning and assessment environments.</p>



Staff are responsive to student contributions to strengthen confidence and engagement. Strategies and actions for student empowerment are implemented, including the Shoalhaven River College Student Representative Council which advocates for the rights, needs and voices of children.

Shoalhaven River College provides students and families with accessible and age-appropriate education and resources about their rights to safety, information, and participation; mental health; bullying; consent; respectful relationships; and personal and online safety. Students develop knowledge, skills, and confidence to identify and communicate when they feel unsafe. Positive friendships and peer support are encouraged.

#### **Promoting inclusion and respecting diversity**

The Colleges value and support diversity, inclusion, and equality for all students. Discrimination on the basis of race, gender, disability, religion, or other individual characteristics is not tolerated. Staff are provided with training about Aboriginal cultures, Torres Strait Islander cultures, disability, culturally and/or linguistically diverse backgrounds, and LGBTQIA+ people. Shoalhaven River college appoints an Inclusive Committee and employs a First Nations Engagement Officer.

We acknowledge that children and young people have diverse needs, abilities, and backgrounds. We strive to provide inclusive services and curriculum that consider, respect and value this diversity. We work hard to anticipate and respond effectively to individual needs, including by providing access to information and support.

We recognise that children and young people may be at increased risk of abuse or harm if they:

- have a disability
- have experienced trauma
- feel vulnerable because of their gender identity or sexuality
- identify as Aboriginal or Torres Strait Islander

All children and young people at increased risk have a detailed individual plan. Shoalhaven River College facilitates a range of early interventions for students at risk.

#### **Recruiting and supporting safe and suitable people**

Child safety is prioritised when recruiting and training staff. Robust probity checking is conducted. This includes ensuring that prospective workers in child-related roles hold a current Working with Children Check (WWCC) clearance and a current National Criminal Record Check. Checks are monitored to ensure they remain current and satisfactory. At KSCC and SRC the monitoring of staff probity checks is done by Human Resources through the use of our Human Resource software, Employment Hero. If an employee who requires a WWCC becomes a disqualified person (barred or interim-barred) during the course of their employment, or their WWCC expires, they will be immediately removed from child-related work and may be suspended from duty and/or terminated pending the outcome of an investigation.

All employees are required to agree to adhere to the Code of Conduct which provides clear information about acceptable and unacceptable conduct towards children. Breaching the Code of Conduct may constitute misconduct and result in disciplinary proceedings up to and including immediate dismissal. Some breaches may also need to be reported to police, the Department of Communities of Justice (DCJ), or the Office of the Children's Guardian (OCG).

Employees are provided with induction, training, ongoing supervision, and support to meet their safeguarding responsibilities. Safeguarding training must be undertaken prior to commencing work in child-related roles. Employees of SRC, working with children participate annually in the Association of Independent Schools (AIS) "Obligations in identifying and responding to children and young people at risk" online workshop. Employees of KSCC working directly with children or in a "forward facing role" are required to complete annual Child Protection refresher training. KCC staff complete this training through KCC's online learning management system (Employment Hero). Staff completion of this training is recorded in Employment Hero and managed by Human Resources in conjunction with the employee's direct supervisor.

Performance reviews for employees in child-related roles include a specific focus on safeguarding responsibilities. Comprehensive records are kept securely and permanently of all staff training and education.

Employees are required, encouraged, and supported to respond appropriately to concerns about child safety. Responsibilities are clearly articulated in the Code of Conduct and in operational procedures. New and existing employees are provided with regular training that empowers them to understand and implement their safeguarding responsibilities, including:

- acceptable and non-acceptable behaviour
- upholding children's rights
- identifying and managing risks
- responding to disclosures
- reporting concerns about child abuse and harm
- record keeping and confidentiality

Refer to Kiama Community College Code of Conduct; Shoalhaven River College Code of Conduct; Staff Selection and Recruitment Policy.

#### **Risk management**

Processes are in place to identify and manage risks to children and young people, including physical and online risks and risks associated with specific activities, events, programs, or services.

The Kiama Community College Risk Register includes child safety. Shoalhaven River College develops and implements an approved Child Safe Risk Management Framework based on resources developed by the OCG. We document, implement, monitor, and annually review our risks and risk management controls for child

safety and wellbeing, evaluate the effectiveness of the implementation of our controls and ensure changes are made as needed and as new risks arise.

The Child Safe Risk Committee, comprising the Kiama Community College Leadership Team, oversee risk management. Shoalhaven River College also employs a Compliance, Admin and Risk Manager, who along with the Principal/CEO, ensures risk informs the design and implementation of policies, procedures, and practices.

#### Physical safety

Risk assessments of physical environments are completed by KSCC and SRC prior to the commencement of any program or activity to identify and mitigate safety risks. For example, at the beginning of the year, the Perfect Presence program complete an annual risk assessment, utilising a template provided by the NSW Department of Education..

A Supervision Policy and Plan is in place to ensure Shoalhaven River College satisfies its duty of care in supervising students in the physical and online environments. At all times staff will take reasonable steps to protect children from foreseeable risks of harm.

One-to-one interactions between an adult and a child will not take place, whether on College premises or elsewhere, unless in an open or visible space, or within the clear line of sight of another adult. Interactions between children and young people will occur within clear line of sight of an adult. Employees will follow the Student Discipline Policy in applying discipline to students that is fair and appropriate.

If KSCC or SRC become aware that a person enrolled or attending their premises poses an unacceptable risk to others (e.g., those with a serious criminal conviction resulting in parole conditions, domestic and family violence orders) the risks posed by the person's ongoing enrolment or attendance will be appropriately managed by the CEO/Principal. This will be documented appropriately and saved to a secure file with access strictly controlled. Advice will be sought from police as appropriate.

Where KSCC or SRC engage an external contractor the contractor will be required to provide KSCC or SRC with copies of all probity checks including WWCC and National Criminal Record Checks prior to delivering services. All third parties, visitors, and volunteers are supervised whilst on KSCC and SRC premises. Comprehensive records of any third-party operators are retained. Refer to Procurement Policy and External Providers Policy.

#### Online safety

Employees are required to use appropriate and safe online applications to minimise risks to the safety of children. Electronic devices will be appropriately secured to prevent unauthorised access and usage may be intrusively monitored to ensure compliance with the Code of Conduct.

Where appropriate in the context of programs, services, or activities we provide, KSCC and SRC will provide children with safe online applications to learn,

communicate and seek help. Shoalhaven River College has a strong prevention and awareness focus and regularly educates students, parents, and staff about online safety. Online safety education is informed by resources developed by the eSafety Commissioner.

Employees must obtain written permission from the child or young person and their parent/carer before photographing or filming a child or young person or sharing images. Where permission has been obtained to share images, appropriate privacy and security settings are used to protect children.

#### **Identifying concerns about child safety**

Employees are provided with information and equipped with skills to identify safety concerns and potential indicators of abuse or harm. Concerns about the safety of children and young people may include the following:

Sexual abuse: any act which exposes the child to, or involves them in, contact or non-contact sexual activity that results in harm, or is likely to result in harm, to the child. Child sexual abuse can be perpetrated by an adult, another child, or a group.

Sexual misconduct: conduct by an employee with, towards or in the presence of a child that is sexual in nature but is not a criminal offence, for example, sexual comments, conversations, or communications.

Harmful sexual behaviour: sexual behaviours by a child or young person which are developmentally inappropriate and cause harm to themselves, or to others.

Physical abuse: a non-accidental injury or pattern of injuries to a child or young person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation, and female genital mutilation.

Emotional abuse or psychological harm: behaviour that damages the confidence and self-esteem of the child or young person, resulting in serious emotional disturbance or psychological trauma (e.g., excessive criticism, intimidation, or threatening behaviour).

Neglect: when a parent or caregiver cannot regularly give a child the basic things needed for his or her growth and development, such as food, clothing, shelter, medical and dental care, education, adequate supervision, and enough parenting and care.

Ill-treatment: conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel (e.g., making excessive or degrading demands, engaging in a pattern of hostile or degrading comments or behaviour, or using inappropriate forms of behaviour management)

**Domestic or family violence:** the child is living in a household where there have been incidents of domestic violence and as a consequence the child is at risk of serious physical or psychological harm.

Refer to Child Safe Procedure – Mandatory Reporting; Child Safe Procedure – Reportable Conduct; Child Safe Procedure – Responding to Student Sexual Behaviour for additional guidance.

#### **Complaints about child safety**

All concerns and complaints of child abuse or harm, including historical allegations, will be taken seriously. Any student, parent/carer, family member, employee or community member associated with Kiama and Shoalhaven Community College or Shoalhaven River College can make a complaint about child abuse or harm or any aspect of child safety by:

- phoning to make an appointment to speak to the Principal ((02) 4243 8824) or CEO ((02) 4232 1050)
- emailing the Principal (sccreception@kcc.nsw.edu.au) or CEO (info@kcc.nsw.edu.au)
- writing to the Principal or CEO (1 Mattes Way, Bomaderry NSW 2541)
- contacting an advocacy organisation to request help to make a complaint

Any matter where there is an immediate risk to the safety of a child or young person should be reported directly to police and then to the CEO or Principal.

Complaints will be handled in a way that is sensitive, fair, and respectful to individuals and which prioritises the safety of children and young people. Support and reasonable adjustments will be provided. Where required, KCC and SRC will notify/cooperate with other relevant organisations including police, DCJ and the OCG. No one will be penalised or suffer adverse consequences for making a complaint or raising a concern.

Any person who is dissatisfied with the response to a complaint can request a review by contacting the CEO or Principal. In addition, if dissatisfied with the handling of a complaint by Shoalhaven River College, a person can contact the NSW Education Standards Authority (NESA) which is responsible for regulating non-government schools.

Data about complaints will be reviewed and analysed to identify trends and systemic issues and continuously improve how KCC and SRC prevent and responding to child abuse and harm.

Refer to Complaints and Grievances Policy.

#### **Handling disclosures**

Disclosures of child abuse or harm will be handled sensitively and appropriately. When there is any disclosure of child abuse or neglect, employees are expected to:

- Move to a suitable environment.

- Listen carefully and take the person seriously.
- Be calm and patient — allow the person to be heard.
- Let the person use their own words.
- Reassure the person that they have done the right thing in speaking up.
- Address any concerns or questions appropriately.
- Explain that they need to tell their supervisor what has been disclosed, and that the College will take steps to ensure their safety.
- At the first opportunity, write down the disclosure using the person's own words as far as possible, using the Child Abuse Incident Form. The record should include the key details of the disclosure with any times, dates, places, and people concerned.
- Report the disclosure to their supervisor.
- Treat the disclosure confidentially, only informing those people who need to know.

Employees will not ask leading questions or probe for more details.

#### **Reporting obligations**

Employees are required to internally report any breaches of the Code of Conduct, and any concerns or complaints about child safety. In addition, employees must:

- call 000 if there is an immediate risk to the safety of a child or young person.
- make a report to the Child Protection Helpline if they are a mandatory reporter and have reasonable grounds to believe a child or young person is at Risk of Significant Harm. Any staff member may also make a voluntary report to the Child Protection Helpline as a community member.
- ensure any suspected or known criminal child abuse offences are immediately reported to police.

The CEO and Principal are responsible for ensuring the above responsibilities are met. The CEO is responsible for ensuring allegations of reportable conduct are notified to the OCG and delegates this responsibility to the Principal. The Principal/CEO are required to report on significant child safe related concerns or risks, including breaches of the Code of Conduct and/or this Policy, and reportable allegations, to the Board of Directors.

No employee will be penalised or suffer adverse consequences for raising a concern or making a complaint about child safety.

Refer to Kiama Community College Code of Conduct; Shoalhaven River College Code of Conduct; Child Safe Procedure – Mandatory Reporting; Child Safe Procedure – Reporting to Police; Child Safe Procedure – Reportable Conduct; Child Safe Procedure – Responding to Student Sexual Behaviour.

#### **Information-sharing**

Shoalhaven River College is a 'prescribed body' under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 and will make proactive use of



the provision to share information that is relevant to the safety, welfare or wellbeing of a child (or a class of children) with other prescribed bodies.

Such information may include information about:

- 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.

When information is requested, the other agency/s will be given enough detail to allow them to form the reasonable belief that the test required to disclose the information has been met (i.e., that it is relevant to child safety, welfare or wellbeing and will assist the requesting agency to carry out its functions). Subject to limited exceptions, the other body must comply with the request if the relevant test is met. Refer to Record-keeping and Information Sharing Policy.

#### **Record-keeping**

Records about children and young people are kept in accordance with legislative and policy requirements.

Complete and accurate records will be created and maintained for all incidents, complaints (including disclosures/allegations), responses and decisions that relate to abuse or harm to children or adults at risk. Records will be created at the time of, or as soon as practicable following, an incident, complaint, response, or decision. We will uphold and facilitate, to the fullest extent possible, individuals' rights to access, amend or annotate records about themselves. Access may be requested in writing to the CEO.

Records relating to child safety concerns are maintained in secure electronic files and access is strictly controlled. Records must be retained for a minimum of 30 years. Records that relate to the alleged sexual abuse of a child or young person must be retained indefinitely.

Refer to Record keeping and Information Sharing Policy.

#### **Privacy and confidentiality**

Informed consent is obtained to collect, share, and use personal and sensitive information. Information about child safety concerns is handled confidentially, except where the sharing or distribution of information and/or records is mandated by statutory requirements or principles of natural justice. In this regard, any legal obligations to report relevant information to bodies such as police, DCJ or the OCG will over-ride confidentiality.

Refer to Privacy Policy.

<p><b>Review of Child Safe Policy and procedures</b></p> <p>The Child Safety Policy and related procedures will be updated as required and reviewed at least annually to ensure they comply with current legislation and best practice.</p> <p>Reviews will be informed by and responsive to stakeholder consultation. Stakeholders include children and young people, their families, staff, other members of the College communities, and external agencies including the Office of the Children's Guardian and the NSW Education Standards Authority.</p>		
<b>Definitions</b>	CEO	Chief Executive Officer, Kiama Community College Ltd
	Child or young person	A person below the age of 18 years.
	Child safety concern or complaint	A concern or complaint may include any incident, disclosure, allegation, suspicion related to child abuse or harm (whether by an adult or another child or young person), including a breach of the Code of Conduct.
	Child-related work	Involves direct contact (face to face, online or physical) with people under the age of 18 years, where this contact is a usual part of and more incidental to the work or engaged in work in a child-related role. People engaged in child-related work must hold a Working with Child Check clearance.
	Child Safe Standards	<p>Child-related organisations are legally required to implement the 10 Child Safe Standards:</p> <p>Standard 1: Child safety is embedded in organisational leadership, governance, and culture</p> <p>Standard 2: Children participate in decisions affecting them and are taken seriously</p> <p>Standard 3: Families and communities are informed and involved</p> <p>Standard 4: Equity is upheld, and diverse needs are taken into account</p> <p>Standard 5: People working with children are suitable and supported</p> <p>Standard 6: Processes to respond to complaints of child abuse are child focused</p> <p>Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training</p> <p>Standard 8: Physical and online environments minimise the opportunity for abuse to occur</p> <p>Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved</p> <p>Standard 10: Policies and procedures document how the organisation is child safe</p> <p>The OCG monitors the implementation of the Standards.</p>
	Colleges	Kiama Community College and Shoalhaven River College
	DCJ	Department of Communities and Justice
	Employee	All adults working for, or engaged by Kiama Community College Ltd or Shoalhaven River College, whether in a paid or

		unpaid capacity or in a child-related role, including employees, volunteers, contractors, and members of the Board of Directors.
	Historical allegation	An allegation that an adult was abused or harmed when they were a child.
	KSCC	Kiama and Shoalhaven Community College
	Mandatory reporting	The legal requirement for certain employees to make a report to the Child Protection Helpline (DCJ) if they have reasonable grounds to believe a child is at Risk of Significant Harm.
	NESA	NSW Education Standards Authority
	OCG	Office of the Children's Guardian
	Reportable conduct	Certain conduct towards children by employees of child-related organisations. Organisations within the Reportable Conduct Scheme are legally required to notify, investigate, and make findings about allegations of reportable conduct to the OCG.
	Student	A person who is enrolled at Kiama and Shoalhaven Community College or Shoalhaven River College
	Third Party	Service providers and partner organisations, or a person, group, or entity who/which uses Kiama and Shoalhaven Community College or Shoalhaven River facilities
	WWCC	Working with Children Check. All adults in child-related work must have a current WWCC. The WWCC involves a national criminal history check and review of reported workplace misconduct findings. The result of a WWCC is either a clearance to work with children for five years, or a bar against working with children (whether paid or unpaid). 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 clearance being revoked.
<b>Related Policies &amp; Procedures</b>	<p>Kiama and Shoalhaven Community College Code of Conduct</p> <p>Child Safe Procedure – Mandatory Reporting</p> <p>Child Safe Procedure – Reporting to Police</p> <p>Child Safe Procedure – Reportable Conduct</p> <p>Child Safe Procedure – Responding to Student Sexual Behaviour</p> <p>Duty of Care Policy</p> <p>Student Discipline Policy</p> <p>Anti-Bulling and Harassment Policy</p> <p>Critical Incidents and Emergencies Policy</p> <p>Responding and Managing Incidents of Self Harm and Attempted Suicide Policy</p> <p>Responding to the Suicide or Suspected Suicide Policy</p> <p>Student Crime Prevention, Response and Reporting Policy</p> <p>Record-keeping and Information Sharing Policy</p> <p>Privacy Policy</p> <p>Procurement Policy and External Providers Policy</p> <p>Cultural Safety Policy</p> <p>Disability Policy</p> <p>Access and Equity Policy</p> <p>Selection and Recruitment of Staff Policy</p> <p>Complaints and Grievances Policy</p>	

<b>Key legislation</b>	<p><i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i>  <i>Children's Guardian Act 2019 (NSW)</i>  <i>Child Protection (Working with Children) Act, 2012 (NSW)</i>  <i>Crimes Act 1900 (NSW)</i>  <i>Civil Liability Act 2002 (NSW)</i></p> <p>Other legislative obligations may apply and are contained in related policies and procedures.</p>
<b>Acknowledgement</b>	<p>I _____ have read, understood, and agree to comply with the terms of this Child Safe Policy.</p> <p>_____          _____ Signed _____ Date _____</p>

<b>Section of Manual:</b>	<b>12. CHILD PROTECTION</b>		
Document	<b>12.2: CHILD SAFE PROCEDURE – MANDATORY REPORTING (RISK OF SIGNIFICANT HARM)</b>		
Endorsement:		<b>Review Date:</b>	
Review Panel	The Chief Executive Officer, Principal and Compliance Manager must be a part of the review of this procedure. The procedure will be reviewed and updated as required and at least every two years.		
Purpose:	<p>Shoalhaven River College (SRC) is committed to ensuring that all children and young people are protected, and kept safe from harm.</p> <p>To purpose of this procedure is to provide guidance about mandatory reporting of risk of significant harm (ROSH) to a child. Mandatory reporting of ROSH to the Child Protection Helpline operated by the Department of Communities and Justice (DCJ) is a legal requirement. Failing to make a mandatory report when a child is at ROSH is a criminal offence.</p>		
Scope:	This procedure applies to all mandatory reporters engaged by SRC and all activities which result in or relate to contact with children or young people, both face-to-face and online, whether on-site or off-site.		
RANGS Manual:	3.6 Safe and Supportive Environment; 3.6.1		
Policy and Procedure	<p>The <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> requires a mandatory reporter to make a report, as soon as practicable, if they have reasonable grounds to suspect that a child under the age of 16 years is at risk of significant harm (ROSH), and the grounds arise during or from their work or role. While it is not mandatory under the Act, SRC also requires reporting when a mandatory reporter has reasonable grounds to suspect that a young person aged 16 or 17 years is at ROSH.</p> <p><b>Who is a mandatory reporter?</b> At SRC, mandatory reporters are:</p> <ul style="list-style-type: none"> <li>• Members of the Board of Directors</li> <li>• Principal</li> <li>• Teachers</li> <li>• Student Learning Support Officers</li> <li>• Administration staff</li> <li>• External providers/contractors who deliver services to children requiring a Working with Children Check</li> </ul> <p>If you are not sure whether you are a mandatory reporter, please speak to the CEO or Principal.</p> <p><b>What are ‘reasonable grounds’?</b> Reasonable grounds require concerns to be well founded and based on information you know or have received from a reliable source. They may be formed based on first-hand observations of the child or their family and/or information shared with</p>		



you by the child, young person, parent or another person. They may also be reasonably inferred based on professional training and/or experience. You are not required to confirm your suspicions or have clear proof or evidence before making a report, and you should not wait for this to occur before reporting.

#### **What is 'risk of significant harm'?**

A child or young person is at risk of significant harm (ROSH) if current concerns exist for their safety, welfare or well-being because of the presence, to a significant extent, of any one or more of the following circumstances:

- the basic physical or psychological needs of the child or young person are not being met (neglect)
- the parents or caregivers have not arranged necessary medical care for the child or young person (unwilling or unable to do so)
- the parents or caregivers have not arranged for the child or young person to receive an education in accordance with the Education Act 1990 (unwilling or unable to do so)
- risk of physical or sexual abuse or ill-treatment
- parent or caregiver's behaviour towards the child causes or risks serious psychological harm (emotional abuse)
- incidents of domestic violence and as a consequence a child or young person is at risk of serious physical or psychological harm (domestic or family violence)
- the child was the subject in a prenatal report and the birth mother did not engage successfully with support services.

What is 'significant' is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare, or wellbeing, or in the case of an unborn child, after the child's birth.

#### Historical allegation

Historical allegation is a term used to describe an allegation of abuse that happened to someone (now an adult) when they were under the age of 18. Sometimes, historical allegations arise many years or decades after the abuse allegedly occurred. Information about an historical allegation may be reasonable grounds to suspect that a child (or a class of children – see below) is at ROSH if they have current contact with the person who is alleged to have committed the abuse, for example, the person is their parent, teacher or sports coach. For this reason, if an employee becomes aware of an historical allegation, they must consider if a mandatory report is required.

#### ROSH to a class of children or young people

A single child, or a 'class of children or young people', may be at ROSH. A 'class of children or young people' means more than one child or young person in an identifiable group. For example, information that an individual who works as a sports coach has abused a child may be reasonable grounds for suspecting that children in the team currently coached by the individual are at ROSH. The

Mandatory Reporter Guide prompts reporters to consider if a class of children or young people are at ROSH.

#### Cumulative risk

The Child Protection Helpline will have regard to 'cumulative risk' when assessing a report. A mandatory report should be made on each occasion that a reporter has reasonable grounds to believe a child is at ROSH. On each occasion, the reason for the report and any new or additional information about the nature of the ROSH should be provided.

#### Students aged 18 or over

Concerns about ROSH to a child or young person due to the actions of a student aged over 18 years or over will be dealt with in the same way as any other concerns about ROSH.

#### **Types of significant harm**

The information below is intended to provide guidance about the types of significant harm to which children may be at risk.<sup>1</sup> Staff must consult the [Mandatory Reporter Guide](#) (see below) when determining whether they need to make a mandatory report.

Neglect: a failure by a person to provide adequate and proper food, supervision, clothing, medical care or lodging for the child that causes or is likely to cause harm to the child. In the case of a child who is required to attend school, parents or care givers not arranging for a child to attend school can be neglect. Not providing for a child's psychological needs can also be neglect.

#### Educational neglect

Under the *Education Act 1990 (NSW)* parents have a duty to ensure that children of compulsory school age are enrolled at, and attend, a government or registered non-government school, or registered for home schooling and receive instruction in accordance with the conditions to which the registration is subject.

A child is of compulsory school-age if they are of or above the age of 6 years and below the minimum school leaving age. The minimum school leaving age is the age at which the child completes year 10, or the age of 17 years (whichever occurs first). A child who completes Year 10 but who is below the age of 17 years is of compulsory school-age unless the child participates on a full-time basis in approved education or training, or (if over 15) paid work, or a combination of both.

Habitual non-attendance at school can be described notionally as 30 unjustified/unexplained days out of 100 days. However, this is only a guide for assessing education neglect and staff should consider other contextual information, including any other single or repeated indicators of child abuse or neglect.

<sup>1</sup> [https://www.facs.nsw.gov.au/providers/children-families/interagency-guidelines/reporting-and-responding-to-child-wellbeing-and-safety-concerns?merge\\_chapters=true](https://www.facs.nsw.gov.au/providers/children-families/interagency-guidelines/reporting-and-responding-to-child-wellbeing-and-safety-concerns?merge_chapters=true)

Physical abuse: any non-accidental physical act inflicted upon a child which has the potential to injure the child, with or without the presence of external injuries.

Sexual abuse: any act which exposes the child to, or involves them in, contact or non-contact sexual activity that results in harm, or is likely to result in harm, to the child. Child sexual abuse can be perpetrated by an adult, another child or a group. N.B: Age or developmentally appropriate peer consensual sexual activity may not be sexual abuse. The Mandatory Reporter Guide (MRG) provides further guidance on what is considered problematic, abusive or inappropriate for age and development, and what action to take.

Emotional abuse or psychological harm: any act by a person that results in a child suffering any kind of significant emotional deprivation or trauma.

Ill-treatment: conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel (e.g., making excessive or degrading demands, engaging in a pattern of hostile or degrading comments or behaviour, or using inappropriate forms of behaviour management)

Domestic or family violence: the child is living in a household where there have been incidents of domestic violence and as a consequence the child is at risk of serious physical or psychological harm.

#### **Responding to immediate safety risks**

If there is an immediate risk to the safety of a child or young person, an employee must immediately make a report to police by contacting 000 and follow their directions. They must then contact the Principal or CEO of Kiama Community College as soon as practical but no later than the end of the day.

#### **Responding to a known or suspected criminal offence**

Where an employee knows or suspects that a criminal offence has occurred, they must follow the Reporting to Police Procedure. Shoalhaven River College will report all criminal offences to police. The obligation to report to police is separate and additional to other reporting obligations, including (where required) mandatory reporting and notifying reportable conduct to the Office of the Children's Guardian (OCG). Child abuse offences should always be reported to police before they are reported to other relevant organisations. Failing to report a child abuse offence to police may be a criminal offence.

#### **Process for making a mandatory report**

A mandatory report to the Child Protection Helpline can be made by:

- eReport through the ChildStory Reporter website
- calling the Child Protection Helpline on 132 111.

Suspected ROSH must be reported to the Helpline within 24 hours. Imminent suspected ROSH should be reported to the Child Protection Helpline immediately by phone.

1. An employee who has concerns about a child or young person, or who has reasonable grounds to believe a child or young person is at ROSH, must notify the Principal. If the Principal is absent, the staff member should notify the Head Teacher or CEO of KCC.
2. The employee and Principal will discuss the concerns and complete the [Mandatory Reporter Guide \(MRG\)](#).
3. The Principal will follow the MRG's recommended actions, which may include reporting to the Helpline, or liaising with other agencies or support services to provide a local response.
4. The Principal will maintain and securely store records of all relevant information, including information reported by staff, copies of the MRG outcome and e-report, the report reference number (if reporting by phone), advice provided by the Helpline, and records of liaison with other agencies/services.
5. The Principal will advise the CEO that a mandatory report has been made.
6. The Principal will be responsible for ongoing liaison with DCJ as required.

#### Exceptions to the above process

1. If the suspected ROSH is imminent and the employee cannot immediately notify the Principal/CEO, they should make the report directly by phone to the Child Protection Helpline.
2. If an employee disagrees with the Principal's decision not to make a report, they may directly make a report to the Child Protection Helpline.
3. If the concerns relate to the Principal, the employee should first notify the CEO.

Where an employee makes a direct report to the Helpline, they must complete the [Mandatory Reporter Guide \(MRG\)](#) and advise the Principal as soon as possible on the same day. The employee is responsible for providing the Principal with all relevant documentation associated with making the report.

**Mandatory reporters must always ensure they meet their legal obligations regardless of any advice or direction provided by the Principal or any other individual.**

#### **Using the Mandatory Reporter Guide**

The [Mandatory Reporter Guide \(MRG\)](#) assists mandatory reporters to determine whether to make a report to the Child Protection Helpline or take alternative actions to support vulnerable children and young people.

1. Select the main decision tree in the MRG that most closely matches the concern(s) you have. If you have more than one concern, you should start with your most serious concern.
2. After selecting the applicable decision tree, answer each question. It is important to read the accompanying definitions to complete a 'yes' or 'no' answer until a final decision is reached. At the end, a decision report will be issued with an explanation of the outcome based on your completed decision tree.

	<p>3. Follow any advice provided by the MRG, including guidance on next steps if a report to the Child Protection Helpline is not required.</p> <p>4. <b>If you do not agree with MRG advice to not make a report to the Helpline, you should still make the report, clearly stating your reason for doing so.</b></p> <p><b>Disclosing to young people and their families</b> The Principal will determine if and when the young person and/or their parent/carer should be advised that a ROSH report has been made. The decision will be made on a case-by-case basis in consultation with DCJ and police (where relevant). The Principal will follow any directions given by police. Consideration will be given to:</p> <ul style="list-style-type: none"> <li>• the immediate needs and safety of the child</li> <li>• the type of abuse that has been reported</li> <li>• the age and capacity of the child to make sense of the information</li> <li>• the additional stress that may be placed on the child or family, which may in turn increase the risk of further abuse to the child</li> <li>• the impact of doing so on any investigation that may be undertaken.</li> </ul> <p><b>Confidentiality</b> Employees must treat all child protection concerns confidentially, while meeting internal and external reporting obligations, and only disclose information to those that need to know.</p> <p><b>Record keeping</b> Employees must promptly and comprehensively document all information related to concerns about ROSH and mandatory reporting (even if the MRG advises against reporting to the Child Protection Helpline).</p> <p>The Principal is responsible for ensuring there are adequate systems and practices for recording child protection concerns and the actions taken in response, including mandatory reporting, and that staff understand and comply with requirements. Records will be stored securely and permanently in accordance with the Record keeping and Information Sharing policy and procedures, which are informed by the Australian Privacy Principles (APPs) and other relevant legislation, and the recommendations by the Royal Commission into Institutional Responses to Child Sexual Abuse report on record keeping and information sharing.</p> <p><b>Protections for mandatory reporters</b> There are protections under the <i>Children and Young Persons (Care and Protection) Act 1998</i> for a person who makes a report in good faith (s.29). These include no liability for defamation and no grounds for civil or criminal liability due to making the report. It is a criminal offence (s.29AB) to take, or threaten to take, detrimental action against a person acting in good faith, who makes, or plans to make, a report. It is also a criminal offence (s.29f) to disclose the identity of the person who made a report, or information from which their identity could be deduced, except with the consent of the person who made the report, or by court order.</p>
<b>Related Policies</b>	<p>Child Safe Policy</p> <p>Child Safe Procedure – Reporting to Police</p>

	<p>Child Safe Procedure – Reportable Conduct Duty of Care Policy Request for Police Assistance Policy Critical Incidents and Emergency Policy Record keeping &amp; Information Sharing Policy</p>
--	---



Section of Manual:	<b>12. CHILD PROTECTION</b>		
Document	<b>12.3: CHILD SAFE PROCEDURE – REPORTABLE CONDUCT</b>		
Endorsement:		<b>Review Date:</b>	
Review Panel	The Chief Executive Officer, Principal and Compliance Manager must be a part of the review of this procedure. The procedure will be reviewed and updated as required and at least every two years.		
Purpose:	<p>Shoalhaven River College (SRC) is committed to ensuring that all children and young people are protected, and kept safe from harm.</p> <p>This procedure explains how the College meets its obligations under Part 4 of the <i>Children's Guardian Act 2019</i>, which governs the Reportable Conduct Scheme, and provides related guidance for staff.</p>		
Scope:	<p>This procedure applies to all adults associated with Shoalhaven River College including those working for, or engaged by, the College, regardless of whether their involvement or work is paid or unpaid or child-related, and members of the Board of Directors.</p> <p>The policy applies to all Shoalhaven River College activities which result in or relate to contact with young people, both face-to-face and online, both on-site and off-site during and outside Shoalhaven River College hours (including, for example, sporting events, camps, or excursions).</p>		
RANGS Manual:	3.6 Safe and Supportive Environment; 3.6.1		
Policy and Procedure	<p><b>Reportable Conduct Scheme</b></p> <p>The Reportable Conduct Scheme monitors how certain organisations (relevant entities) investigate and report on allegations of 'reportable conduct' towards children by employees. Relevant entities must have systems in place for preventing, detecting, and responding to reportable conduct. The 'head of the entity' must notify the Office of the Children's Guardian (OCG) of any reportable allegations or convictions that they become aware of. They must also investigate the allegation and report the outcome to the OCG.</p> <p>Shoalhaven River College is a 'relevant entity' for the purpose of the NSW Reportable Conduct Scheme. The 'head of entity' is the CEO of KCC Ltd.</p> <p><b>What is 'reportable conduct'?</b></p> <p>Under s.20 of the <i>Children's Guardian Act 2019</i>, reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:</p> <ul style="list-style-type: none"> <li>• <b>Sexual offence</b> committed against, with, or in the presence of a child (for example, sexual touching of a child, a child grooming offence, production, dissemination, or possession of child abuse material).</li> <li>• <b>Sexual misconduct</b> with, towards, or in the presence of a child (for example, descriptions of sexual acts without a legitimate reason to provide the descriptions, sexual comments, conversations or</li> </ul>		

Document : 51.3 Protecting children and young people – Reportable Conduct Scheme V11

Version #13

Date: Dec 2023

communications, comments to a child that express a desire to act in a sexual manner towards the child or another child).

- **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).
- **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).
- **Assault** against a child (for example, hitting, striking, kicking, punching, or dragging a child).
- **An offence under Section 316A** of the Crimes Act 1900 (failure to report a child abuse offence) **or 43B** of the Crimes Act 1900 (failure to protect a child from child abuse).
- **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).

Reportable conduct does not extend to:

- Conduct that is reasonable for the purposes of the discipline, management or care of a child, having regard to the age, maturity, health or other characteristics of the child and to any relevant codes of conduct or professional standards.
- 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 procedures.

A **reportable allegation** means an allegation that an employee has engaged in inappropriate conduct either in their place of employment or outside of work.

A **reportable conviction** means a conviction including a finding of guilt without the court proceeding to a conviction, in NSW or elsewhere, of an offence involving reportable conduct.

A reportable allegation or conviction must be notified to the OCG and investigated if the SOA is engaged by Shoalhaven River College at the time the head of entity becomes aware of the allegation, regardless of whether the alleged conduct occurred at or outside of work.

#### Historical allegations

Historical allegation is a term used to describe an allegation of abuse that happened to someone (now an adult) when they were under the age of 18. Sometimes, historical allegations arise many years or decades after the abuse allegedly occurred. An historical allegation will be a reportable allegation if the person the subject of the allegation (SOA) is an employee of Shoalhaven River College at the time the head of entity becomes aware of the allegation.

### Who is an employee?

For the purposes of the Reportable Conduct Scheme, an employee at Shoalhaven River College includes:

- paid staff
- volunteers providing services to children
- a contractor engaged directly by the Shoalhaven River College (or by a third party) where the contractor holds, or is required to hold, a Working with Children Check for the purposes of their work with the College
- a member of the Board of Directors

### Employee responsibilities

All employees (including volunteers, contractors and members of the Board of Directors) must:

- Be familiar with and observe the Child Safe Policy and related procedures.
- Uphold the Code of Conduct for Shoalhaven River College and report any known or suspected breaches of the Code to the Principal (or the CEO of KCC if the concern relates to the Principal).
- Take action to respond to any immediate risk to the safety of a child or young person by calling Police and/or providing first aid or arranging for medical assistance.
- Report any child protection concerns involving employees to the Principal, including any reportable allegation or reportable conviction.
  - If the concern relates to the Principal, it should be reported to the CEO of KCC.
  - If the concern relates to the CEO of KCC, it should be reported to the Chairperson of the Board of Directors.
  - If the concern relates to another board director, then it should be reported to the CEO of KCC in the first instance.
  - Employees may also directly notify the OCG of a reportable allegation or contact the OCG if they are unsatisfied with Shoalhaven River College's response to a reportable allegation.
- Treat all child protection concerns confidentially. This means they will not discuss the matter with any other person except to meet their reporting responsibilities.

Under no circumstances should the AV, SOA, or witnesses be interviewed or asked leading questions in the initial stages of identifying and responding to a child protection concern that may be a reportable allegation. These actions may compromise a criminal investigation, legal proceedings, child protection assessment or future reportable conduct investigation.

If necessary, open questions (e.g. 'What happened next?', 'Can you tell me more about that?', 'Who hurt you?') may be asked to gain a clear understanding of the allegation – stop as soon as there is enough basic information to clarify the allegation or if the person providing the information

### **Board of Directors responsibilities**

The Board of Directors must:

- Be satisfied that Shoalhaven River College has appropriate systems in place for preventing, detecting, and responding to reportable conduct.
- Ensure Shoalhaven River College meets its obligations under Part 4 of the Children's Guardian Act 2019.
- Monitor reportable conduct to identify trends and inform improvements to systems, policies and practices.

### **Head of entity responsibilities**

As the head of entity, the CEO of KCC must:

- Ensure systems are in place for preventing, detecting, and responding to reportable allegations or convictions.
- Make a notification to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity.
- As soon as practicable after receiving the reportable allegation/conviction, arrange for it to be investigated/determined (including appointing a suitable investigator).
- Ensure the investigation is completed within a reasonable time, having regard to the principles of procedural fairness and the mandatory considerations outlined in Division 6 of the Act.
- Provide information about the allegation, the progress of the investigation and the finding and action taken to the alleged victim and their parent/carer unless the head of the relevant entity considers that it is not in the public interest to do so.
- By 30 calendar days after the head of the entity becomes aware of the reportable allegation, provide either a finalised entity report or an update (an interim report, reasons the investigation has not been completed and an estimated timeframe for completion).
- Make a finding of reportable conduct if satisfied, on the balance of probabilities, that the case against the employee the subject of the reportable allegation has been proved.
- Provide information to the OCG that the Guardian requires under relevant provisions of the Act, which may include information about a reportable allegation, the relevant entity's response to a reportable allegation, and systems for preventing and responding to reportable allegations.
- Ensure an appropriate level of confidentiality of information relating to reportable allegations and only disclose information about the allegations in circumstances permitted by the Act or other legislation.
- At the end of the investigation of a reportable allegation, the head of agency must send a report to the OCG that enables the OCG to determine whether the investigation was carried out in a satisfactory manner and whether appropriate action was or can be taken.
- Advise the Board of Directors of investigation outcomes.
- Monitor and notify the Board of Directors of any feedback provided by the OCG.

- Assign recommendations/actions arising from the investigation to a suitable staff member for follow up and track compliance with the implementation of any recommendations or actions arising from reportable conduct investigations.
- Monitor and track all reportable allegations to ensure legislative obligations are met.

If a reportable allegation involves the head of entity, the Chairperson of the Board of Directors will fulfil the head of entity responsibilities.

### **Principal responsibilities**

The CEO as head of entity delegates certain responsibilities to the Principal. The Principal will:

- Risk assess all reportable allegations and take all reasonable steps to mitigate risk of harm to children and young people who are owed a duty of care by Shoalhaven River College, or children more generally, and any risk to the SOA and/or to the reportable conduct investigation. (See 'Risk assessment and management').
- If an allegation involves a criminal offence, report it to Police and follow any directions provided (See Reporting to Police Procedure). It is an offence to fail to report a child abuse offence.
- If an allegation meets the threshold of Risk of Significant Harm, make a report to the Child Protection Helpline (see Mandatory Reporting Procedure).
- Advise the CEO as soon as they become aware of a reportable allegation or conviction. If the allegation concerns the CEO, the Principal will advise the Chairperson of the Board of Directors who will seek advice from the OCG.
- Submit the [Reportable Conduct Notification Form](#) and other required documentation to the OCG within 7 business days of the head of entity becoming aware of a reportable allegation or conviction. A dated copy of the 7 Day Notification and relevant attachments must be saved in the investigation file.
- Notify the Chairperson of the Board of Directors that a reportable allegation has been received (unless the allegation concerns the Chairperson).
- In liaison with the CEO of KCC (and obtaining advice from the OCG, if required):
  - If an employee has approval for secondary employment with another agency that delivers services to children, determine if they should be provided with relevant information to assist them to take any necessary risk management actions. If required, this will occur via Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998.
  - For very serious matters such as sexual misconduct or sexual offences or serious physical abuse, consider if the OCG's WWCC

	<p>Division should be directly notified (in addition to the 7 Day Notification of the reportable allegation to the OCG).</p> <ul style="list-style-type: none"> <li>• If the OCG decides to monitor or directly investigate a reportable allegation, for liaising/ensuring cooperation with the OCG.</li> <li>• Notify the College's insurance company and seek legal advice as to next steps when appropriate.</li> <li>• Liaise with and assist the investigator as required.</li> <li>• Provide the final Entity Report to the OCG and notify the CEO of any feedback provided by the OCG using the notification form.</li> <li>• Implement any recommendations/actions arising from the investigation, at the direction of the CEO, and record evidence of this.</li> </ul> <p>If the reportable allegation involves the Principal, the CEO of KCC will fulfil the above responsibilities.</p> <p><b>Risk assessment and management</b></p> <p>The risk assessment of the reportable allegation, including decisions, reasons and actions, must be documented and updated as new information becomes known. A final risk assessment should be undertaken at the end of the investigation of the conduct, the staff member and the circumstances and takes action to mitigate ongoing risk. See the OCG's <a href="#">related factsheet</a> on risk management.</p> <p>The risk assessment will identify and plan to avoid or minimise the risks to:</p> <ul style="list-style-type: none"> <li>• the child(ren) the alleged victim (AV)</li> <li>• other children with whom the SOA may have contact (including their own children)</li> <li>• the SOA</li> <li>• other parties to the alleged incident (such as other employees, witnesses or reporters); and</li> <li>• the proper investigation of the allegation.</li> </ul> <p>The risk assessment will:</p> <ul style="list-style-type: none"> <li>• Have regard to any directions or advice provided by Police and/or DCJ.</li> <li>• Identify any evidence that may need to be urgently obtained/secured – if the matter may be a criminal offence, urgent advice should be sought from Police.</li> <li>• Consider whether other steps, aside from reporting to the OCG and Police/DCJ (where required), need to be taken to manage risks, such as standing aside the SOA from work duties.</li> <li>• Consider what and when information can be initially provided to the SOA.</li> <li>• Consider who else needs to know about the allegation and what information they should be provided, including what information (if any) should be provided to others who are not involved but aware (e.g., parents, other employees).</li> <li>• Ensure the AV and other relevant individuals (e.g., other witnesses; the reporter) are provided with appropriate initial and ongoing support.</li> </ul>
--	--

Document : 51.3 Protecting children and young people – Reportable Conduct Scheme V11		
Version #13		Date: Dec 2023



- Ensure duty of care and procedural fairness obligations to the SOA are met.

#### Managing risks posed by the SOA

The CEO and Principal will consider whether SOA should remain in their current position, be moved to another area or be suspended. When the allegation has been reported to Police, the SOA will not be informed of any risk management decision until Police have provided advice and direction. Any decision of this kind will be documented, and details provided to the OCG. The employee will be advised that any action taken by the CEO/ Principal is not an indication that a particular finding has been made in relation to the allegation against the employee.

#### **Commencing an investigation**

Where Police/DCJ are involved in responding to an allegation, Shoalhaven River College will assist with information gathering as required while managing any identified risks and providing appropriate care and support to the AV. The College will not commence its own investigation until it receives clearance from authorities.

As soon as practical after becoming aware of a reportable allegation, the CEO of KCC will appoint a suitably qualified investigator. The investigator must have a current Working with Children Check.

An external investigator will be appointed if the Principal or another member of staff does not have the capacity given other work demands, or the right skills and experience, to ensure the investigation is handled fairly, competently, and thoroughly. The Principal will engage an external investigator for more serious reportable conduct matters or where there could be a perception of a conflict of interest. Any conflict of interest (actual, potential or reasonably perceived) must be identified and effectively managed having regard to the [OCG's related factsheet](#).

A reportable conduct investigation will only commence:

- For criminal allegations, after clearance is provided by Police (or the Office of the Director of Public Prosecutions).
- In consultation with DCJ, if DCJ is assessing a ROSH report relating to the allegation.
- Having regard to any advice provided by the OCG in relation to an exemption from the requirement to investigate, deferring an investigation, or the OCG conducting its own investigation.

The CEO will ensure the investigator is provided with clear terms of reference that establish the focus of the investigation and identify which legislation, policies, procedures and practices are relevant to the issues being examined. The

Principal/CEO will support the investigator to obtain the necessary information to inform the investigation and will work with them to coordinate key investigation tasks, e.g., planning and conducting interviews and communicating with involved parties, as well as ensuring support is provided to the AV and SOA.

The investigator will conduct the investigation in liaison with the Principal/CEO and in accordance with the following key investigation principles:

- Investigations will be conducted without bias, in an impartial and objective manner.
- Actual or perceived conflict of interest will be disclosed and appropriately managed at the outset and for the duration of the investigation.
- The scope and extent of the investigation will be proportionate to the circumstances and seriousness of the matter.
- Sufficient enquiries will be made to obtain all relevant information.
- Procedural fairness will be afforded to all parties.
- Investigations will be completed without unnecessary delay.
- Confidentiality will be maintained to the extent that is possible (having regard to legal obligations and the principles of procedural fairness).
- Involved parties will be appropriately supported throughout the investigation.
- Full and accurate records of the investigation and its outcome will be made and securely stored.

#### **Planning the investigation**

- The investigator will document the plan for conducting the investigation (which will also be reflected in the 30-Day and final report). The plan will:
- Define the allegation(s), when and where it happened and who was present.
- Identify which legislation, policies, procedures and practices are relevant to the issues being examined.
- Identify appropriate sources of evidence (e.g., witnesses, documents, records, photographs, electronic evidence, expert evidence).
- Identify whether Chapter 16A should be used to request or provide information to other prescribed bodies including Police and DCJ and the nature of the information.
- Identify key tasks (e.g., interviewing witnesses) and the order in which they will be completed and approximate timeframes.
- Include a strategy for communicating with involved parties and key stakeholders (including the disclosure of information to the child and their parents/carers under s57 of the *Children's Guardian Act 2019*).
- Include a plan for involving the AV (and any other involved person including witnesses) in the investigation, making clear (where relevant) how each person's safety and wellbeing will be prioritised.
- Identify and address any cultural issues or special needs of relevant parties, such as the need for interpreters or appropriate support people.

- Identify other people or agencies to consult for advice about the investigation process required.
- The investigator will liaise directly with the Principal/CEO about obtaining relevant Shoalhaven River College records, obtaining information from DCJ/Police and other parties, and consulting with external authorities (including drafting correspondence for them to issue where appropriate).

#### **Notifying the SOA**

The investigator will draft an initial letter of allegation to the SOA (for the signature of the CEO) as soon as possible and for criminal matters, following clearance from Police.

The letter will inform the SOA that a reportable allegation has been made against them and that Shoalhaven River College is required to notify the OCG and investigate it. Detailed information about the allegation will not be provided at this stage. The investigation process will however be explained and support will be offered.

The Principal/CEO will meet with the SOA and take them through the letter before providing them with a copy (or arrange for a suitable staff member to do so). The SOA may bring along a support person or advocate. If the SOA does not wish to meet, the letter will be sent by post and/or email. A copy of the letter together with the date and method it was provided to the SOA must be made on the investigation file.

#### **Managing risks during the investigation**

The investigator is responsible for managing risks to the investigation with the support of the Principal/CEO. Factors to consider in relation to managing risks during the investigation include:

- Maintaining confidentiality and procedural fairness.
- Protecting evidence (including securing evidence and preventing and managing unauthorised access to information).
- Ensuring timeliness, including in relation to external reporting requirements.
- Ongoing assessment and management of risks to the complainant, AV, SOA, witnesses, other employees and any other person or body associated with the investigation. Particular care is required to mitigate risks to the safety of any child.
- Meeting the care and support needs of the AV and their family as required.
- Managing key stakeholders, including but not limited to the OCG, Police, DCJ, other employees/carers.
- Appropriate management of involved employees, including the SOA.
- Compliance with legislative obligations relating to the disclosure and sharing of relevant information.
- All risk assessment and management decisions, supported by reasons, must be clearly documented on the investigation file.

#### **Communicating and disclosing information**

The investigator should be consulted about the nature and timing of information to be shared while the investigation is underway.

The CEO will ultimately determine what information will be provided to people involved in the matter and other stakeholders during the investigation, having regard to procedural fairness obligations and s.57 of the *Children's Guardian's Act 2019* (see below). They will ensure all parties are advised of the need to maintain confidentiality.

Records will be made of all decisions to disclose information, together with a copy of the information that has been disclosed.

#### Disclosing information to children and parents/carers

Under section 57 of the *Children's Guardian Act 2019*, relevant information about the reportable conduct investigation must be shared with the child and their parent/carer, unless Shoalhaven River College believes (and can demonstrate) that it is not in the public interest to do so. Section 57 does not prescribe the amount of information that must be disclosed – only the type:

- information about the progress of the investigation
- information about the findings of the investigation
- information about action taken in response to the findings

A decision may be made to not disclose information if:

- it is not in the interests of the child's safety, welfare or wellbeing
- it may jeopardise a current or future police investigation or other proceeding
- it may endanger a person's health or safety
- it may result in a waiver of legal privilege
- result in unfairness to the employee to an extent that is not outweighed by the interest of the relevant party; and
- enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained.

The disclosure of information under section 57 will be considered at the outset of the investigation, continuously reviewed during the investigation, and considered again at its conclusion. See the [OCG's related factsheet](#).

#### Disclosing information to the Shoalhaven River College community

In limited circumstances, it may be necessary to consider providing some information to the broader Shoalhaven River College community. The CEO will follow directions from Police/DCJ when deciding whether or not to disclose information about a reportable allegation to other members of the College community, and determining the type of information that is disclosed, when to disclose information, and how much information to disclose. In some cases it may be preferable for information to be communicated by Police.

#### Sharing and requesting information under Chapter 16A

As a prescribed body, Shoalhaven River College has an obligation under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* to share information that is relevant to the safety, welfare or wellbeing of a child (or a class of children) with other prescribed bodies.

Where relevant, consideration will be given to information sharing/provision at the start of the investigation (as part of gathering relevant evidence) as well as during and at the conclusion of the investigation (including where providing certain information may assist another body to manage child protection risks, for example as an employer, volunteer body or employment screening body). Information will generally be requested from Police and DCJ at the start of a reportable conduct investigation.

When information is requested, the other agency/s will be given enough detail to allow them to form the reasonable belief that the test required to disclose the information has been met (i.e., that it is relevant to child safety, welfare or wellbeing and will assist the requesting agency to carry out its functions). Subject to limited exceptions, the other body must comply with the request if the relevant test is met.

#### **Providing support to involved parties**

The Principal/CEO will ensure all parties involved in the investigation are offered appropriate support. This includes the AV, SOA, witnesses, and any other affected individuals.

Children and young people will be asked about the support they need to participate in the investigation process. The AV and their parent/carers will be offered ongoing support. This may include referrals to appropriate counselling and support services. Once advised that a reportable allegation has been received, the SOA will be advised of their rights and offered support. The SOA will also be provided with the contact details of an appropriate liaison person if they have any questions or concerns during the investigation process.

Other affected parties, such as other children, other employees and witnesses, may also require support and this will be offered on a case-by-case basis.

All offers/referrals to support services will be documented.

#### **Obtaining and preserving evidence**

- As part of the initial risk assessment, any evidence needing to be urgently obtained/secured will have been identified.
- The investigation will have regard to internal sources of evidence as well as evidence that other relevant bodies (particularly Police and DCJ) may hold. The main sources of evidence are usually oral (recollections), documentary (records) or electronic (images and communications).
- Although only one witness may be required to establish any fact or set of facts, additional evidence in the form of corroboration is desirable.
- The evidence obtained and the order in which it is obtained will depend on a range of factors including:
  - the nature and seriousness of the allegation
  - the need to avoid prejudicing an external investigation, and/or manage any risks to the reportable conduct investigation

- evidence that Police/DCJ may have access to or be able to obtain, which Shoalhaven River College might not otherwise be able to access, that could be requested under information sharing provisions.
- All evidence must be logged and stored securely on the investigation file.

#### **Conducting interviews**

- Interviews are usually conducted with the AV and any additional witnesses (including the 'complainant', if not the AV). The SOA will also be interviewed if they choose this method to respond to the allegation/s.
- The time and location of interviews will be chosen in a way that seeks to minimise inconvenience to the interviewee and ensures their privacy. All interviewees will be offered to have a support person present. The proposed support person must not have a potential conflict of interest.
- Prior to being interviewed, each interviewee will be advised in writing of:
  - the purpose of the interview (i.e., to assist an investigation)
  - the time, date, location and purpose of the interview
  - their right to bring a support person to the interview and the role of a support person
  - the requirement to maintain confidentiality
  - available support
  - the relevant contact person for enquiries
- Witnesses must be interviewed separately. Usually, the complainant (if not the AV) and AV should be interviewed first, followed by other witnesses.
- Where there are several witnesses, the order of interviews will be carefully weighed. The preference will be to first interview witnesses who are likely to have a more independent perspective however, the witness who may have the most information (i.e., the person who saw the most or knows the most) is usually best to interview last (but before the SOA).
- The SOA will generally be interviewed last, once the investigator has been able to obtain as much other evidence as possible. The SOA's version of events will be sought before the investigator reveals too much of the evidence. Each allegation will be put individually and clearly, and the SOA given every opportunity to respond.
- When conducting the interviews, the investigator will:
  - inform the interviewee and their support person of the support person's role which is limited to providing emotional support – they must not try to control the process, provide answers on behalf of the person; or influence the person in any way, however, they can indicate if they believe that the SOA is experiencing some type of difficulty during the process
  - be objective and unbiased
  - invite the person to provide a free narrative
  - use open questions when required to elicit more detail
  - not use leading questions
  - provide procedural fairness
  - remind all parties that they need to maintain confidentiality



- Interview notes will be comprehensive (including a record of the observed behaviour of the person at the time of interview), recorded verbatim wherever possible, dated and signed and stored on the investigation file.
- Following the interview, the investigator will provide the SOA with a record of the evidence they provided during the interview. The SOA will be asked to provide written confirmation (email is acceptable) that the record accurately reflects their evidence.

#### Interviewing children and young people

If Police or DCJ have already interviewed a child, the investigator will assess whether it is necessary to re-interview them, taking into consideration the issues covered by the Police/DCJ interview, the quality of the evidence elicited from the child, and the child's circumstances and needs, including the potential for a further interview to cause unnecessary trauma or potentially a less reliable account given the passage of time and/or vulnerability of the child or young person. The views of parents/carers will be sought where necessary. The investigator will document the reason for their decision regarding the child interview.

Parental permission is required to interview the child. The Principal or their delegate may act as a supportive adult when a child or young person is being interviewed, if the child and their parent/carer agrees to this, and if the investigator is satisfied that doing so will not create a conflict of interest.

#### **Assessing evidence**

The investigator will assess all of the evidence once it has been gathered. The strength or weight of each piece of evidence will be assessed, having regard to the source and reliability of the evidence; whether it is relevant to the alleged incident; whether accounts are consistent (over time, with other evidence, and more or less plausible); and whether there is any other evidence to support or contradict an allegation.

#### **Making evidence-based findings**

Once the evidence has been assessed, the investigator will recommend to the head of entity (the CEO), a finding for each separate allegation, having regard to the relevant thresholds outlined in the [OCG's related factsheet](#) about making a finding, and the mandatory considerations outlined in Division 6 of the Children's Guardian Act 2019. (Such a recommendation will only be made after the SOA has been given a further opportunity to comment on any proposed adverse findings – see below.)

Findings will be based on cogent evidence and supported by clear reasons. A substantiated finding must be based on material that logically tends to show that all the facts necessary to establish the allegation are made out to the reasonable satisfaction of the decision maker.

Caution will be exercised when substantiating an allegation about a criminal offence (e.g., sexual offence or assault) in the absence of a criminal conviction. Where a criminal offence cannot be substantiated, consideration will be given to whether there is adequate evidence to substantiate conduct of another type e.g., inappropriate sexual contact or unreasonable use of force.

Section 35 of the *Children's Guardian Act 2019* requires that when making a finding, consideration must also be given to whether reportable allegations relate to conduct that is in breach of established standards that apply to the SOA e.g., Codes of Conduct, (professional standards and accepted community standards). There may be insufficient evidence to make a finding of reportable conduct, but sufficient evidence to find that an employee/carer breached the Code of Conduct or another policy.

#### **Making additional recommendations**

In addition to recommending conduct findings, the investigator will also consider making additional relevant recommendations. In doing so they will consider:

- Whether there are any ongoing risks to the AV or any other person and what strategies can be implemented to remove or minimise these risks
- Whether the investigation has identified deficiencies requiring changes to Shoalhaven River College's systems, policies, procedures or practices.
- If an adverse finding has been made against the SOA, whether their ongoing employment presents an unacceptable risk and/or what disciplinary action (e.g., probation, performance management, dismissal) may be appropriate.
- Any additional actions that can be taken to address the impact of the allegation on the AV or another affected person (e.g., family). For example, counselling, practical support, referrals to other services, an apology, other actions that may be considered appropriate on a case-by-case basis.
- Having regard to relevant legislative obligations and safety risks, which people and/or external agencies should be provided with information about the outcome of the investigation and what information should be provided.

If an allegation is sustained and it involves the removal of a person's WWCC, then they cannot continue to perform their role within the agency. If an allegation is sustained, but their clearance has not been removed, then consideration must be given to whether any action should be taken as a result of the investigation, including possible disciplinary action and strategies to minimise future risk of similar conduct occurring.

Risk management action does not require an adverse finding against an SOA to have been made. Disciplinary action towards an individual is usually not appropriate unless sustained misconduct findings have been made. Termination of employment or formal warnings need to be supported by a robust investigation and sufficient evidence, and separate legal advice should generally be sought. Any

disciplinary action is a confidential matter between the affected employee and Shoalhaven River College.

#### Remedial and disciplinary actions

Examples of remedial and disciplinary action include:

- providing training
- increased supervision
- ongoing monitoring
- implementing a new policy
- mentoring and support from senior management
- requiring a written or verbal apology or an undertaking
- participation in counselling or mediation
- changing work arrangements
- transferring to another work area
- issuing a written warning (first or final warning depending on the circumstances)
- demotion
- dismissal

#### **Providing the SOA with details of the allegation and an opportunity to respond**

At the appropriate stage of the investigation, before interviewing the SOA, the investigator will prepare a detailed letter of allegation/s to the SOA (signed by the CEO) that includes enough information to allow the SOA to respond to the allegation/s. The letter will invite the SOA to participate in an interview (with a support person if they prefer) and/or to make a written submission.

The investigation process following the interview and/or receipt of a written submission will be explained to the SOA and they will be reminded of support options.

The Principal/CEO may arrange for a suitable staff member to meet with the SOA and personally provide the letter. If the SOA does not wish to meet, the letter will be sent via post and/or email. A copy of the letter together with the date and method it was provided must be kept on the investigation file. There may be some instances where the letter is provided directly by the investigator.

#### **Notifying the SOA of proposed adverse findings**

If adverse findings are proposed, the SOA should be advised of the proposed finding and any actions that may result from the finding. The Principal/CEO may arrange to personally provide the letter to the SOA. If the SOA does not wish to meet, the letter will be provided by post and/or email. A copy of the letter and the date and method of providing it must be made on the investigation file.

The SOA should be given at least 14 days to respond. If the SOA does not acknowledge the letter, the SOA must be contacted, and their response recorded and confirmed in a follow-up email to the SOA.

Any submissions by the SOA must be fully considered by the investigator and reflected in their investigation report.

#### **Providing the OCG with an interim 30-day report (if necessary)**

The OCG does not expect the investigation to be conducted within the 30-day timeframe if doing so would compromise the quality of the investigation. It is essential that all relevant information is assessed as part of the investigation process, including interviews with relevant witnesses and the SOA and reviewing information requested from other agencies. It is not uncommon for relevant information to take several weeks or longer to arrive and outside of the 30-day timeframe.

If the investigation is not complete within 30 days, the investigator must provide an [interim report](#) and relevant supporting documents to the OCG and an estimated timeframe (ideally, no longer than six months but this will be affected by any related investigation process underway) for completing the final entity report.

#### **Finalising the investigation report**

The investigator will document the investigation and recommended findings as well as any other recommendations in an investigation report. The report will clearly set out the evidence relied upon, how the evidence was assessed and weighed, the investigator's observations and the reasons for the findings and recommendations made. Sources will be clearly referenced and where relevant, supporting records will be attached.

The investigation report will be provided to the CEO who acts as the final decision maker in relation to the investigation findings and recommendations. The CEO will determine the outcome of the investigation and actions moving forward, including taking any disciplinary action.

The CEO will not depart from the investigator's findings and/or recommendations unless they have good reasons for doing so. If they decide not to accept the investigator's findings and/or recommendations, they will clearly document this, together with the reasons, in the investigation file. If the CEO wishes to make different adverse findings to those proposed by the investigator, the SOA should be given an opportunity to respond to them before the investigation outcomes are finalised.

At the of the investigation, the investigation report and related documentation will be provided by the investigator to the CEO. The Principal/CEO will ensure that all investigation documentation is securely recorded. They will record the investigation outcomes (findings and related actions) on the SOA's employee file and the relevant child's file. However, the full investigation details will be stored separately with access restricted to the CEO and Principal (unless the investigation involves them).

#### **Communicating investigation outcomes to involved parties**

The CEO is responsible for deciding what information about the investigation outcomes should be communicated to involved parties, having regard to section 57 of the *Children's Guardian Act 2019* and other relevant information.

- **SOA:** The investigation findings, and reasons for the findings, will be provided to the SOA. The SOA will be advised of any actions that will be taken in response to the findings (including disciplinary actions and the

reporting of sustained findings of sexual misconduct, a sexual offence or a serious physical assault to the OCG's WWCC Directorate) and their internal and external review options.

- **AV and parents/carers:** The outcome of the investigation will be communicating to the AV and their parents/carers in writing where appropriate (having regard to considerations outlined below about communicating with children and young people, and in the Complaints Guide: Upholding the Rights of children and young people. The AV and their parents/carers may also be provided with specific details of any actions taken to manage direct risks to the AV, however only general information about broader risk management actions will be given.

Detailed information about disciplinary proceedings will not be provided to parties other than the SOA, however other parties may be advised that relevant formal action has or will be taken to address substantiated reportable conduct.

All parties will be advised of their right to complain to the OCG if they are dissatisfied with the investigation.

The investigator will prepare/review correspondence (for the CEO's signature) to the AV (and their parents/carers), the complainant (if not the AV) and the SOA about the investigation outcomes. The Principal/CEO may arrange to personally provide the letters. Otherwise, correspondence will be sent by post and/or email. Copies of all correspondence about the investigation outcomes, together with the date and method it was provided, will be recorded on the investigation file.

#### Communicating outcomes to children/young people

Careful consideration will be given when communicating outcomes to children and young people, especially if they have made a disclosure that has resulted in a finding that has not been sustained. The focus should be on the steps that Shoalhaven River College has taken to thoroughly investigate the matter and the reasons for the decision, that is, whether or not the allegations were substantiated, and ensuring the child is supported. In providing outcomes, the privacy rights of the subject of allegation should be considered and care should be taken not to provide more information than is necessary about the actions taken.

Children and young people should also be given the opportunity to provide feedback about how the investigation was carried out and its outcome and to participate in a clear discussion about 'what is next' once an investigation process is finished – but this depends on their age, development and other relevant considerations.

#### **Providing the entity report to the OCG and monitoring feedback**

Once the CEO has made the final determination, the Principal (or their delegate) will submit the final [Entity Report](#) to the OCG together with all relevant attachments, including the investigation report and final letter of advice to the SOA.

The OCG's Reportable Conduct Division will internally notify the WWCC Unit of any sustained finding of sexual misconduct, a sexual offence, or a serious physical assault, which are automatic triggers for a WWCC risk assessment.

### **Notifying investigation outcomes to the Board and relevant agencies**

The CEO will advise the Board of Directors of investigation outcomes and OCG feedback. The CEO will also consider, in consultation with the investigator, if the investigation outcomes should be shared with any other agency that is a prescribed body/s under Chapter 16A to assist the agency to assess and manage any child protection risks.

### **Implementing actions**

The CEO will assign recommendations/actions arising from the investigation to a suitable staff member for follow-up. In most cases this will be the Principal. The Principal is responsible for ensuring the recommendations/actions are implemented and that evidence of this is recorded. The CEO will track compliance with the implementation of any recommendations or actions arising from reportable conduct investigations.

### **Record-keeping**

Reportable conduct records must be kept in accordance with the Record keeping and Information Sharing Policy. Records will be maintained in secure electronic files and access will be strictly controlled.

All records relating to a reportable allegation and the investigation will be stored on a separate, secure investigation file. Records include notes of discussions and phone calls, emails/correspondence, notifications/reports to external agencies (e.g. Police/DCJ/OCG) risk assessment, interviews and other evidence, records of decisions (and reasons) and actions, investigation report.

Only the reportable allegation and the outcome of the investigation is to be recorded on the relevant child/young person's student file and the SOA's file. The Principal is responsible for ensuring this occurs.

All records about reportable allegations and investigations must be retained for a minimum of 30 years. Records that relate to the alleged sexual abuse of a child or young person must be retained indefinitely.

### **Confidentiality**

Reportable allegations will be dealt with confidentially at all stages of the process.

Employees must not discuss a reportable conduct matter except to meet their responsibilities. They must not inform another staff member, parent, carer, student or any other person that an allegation or conviction of reportable conduct has been made, or try to discuss the allegation with the SOA.

No staff member may comment to the media or other person about any reportable allegation unless expressly authorised by the CEO to do so. Known or suspected breaches of confidentiality must be immediately reported to the



	<p>Principal/CEO who will ensure appropriate risk management in consultation with the investigator and privacy obligations.</p> <p><b>Tracking and monitoring of reportable conduct</b></p> <p>The CEO is responsible for centrally tracking and monitoring all reportable allegations to ensure legislative obligations are met.</p> <p>The CEO will notify the Board of Directors of reportable allegations as part of regular reporting to the Board (allegations that involve a Board member will not be notified via the usual reporting procedures). Serious reportable allegations will be notified to the Board by the CEO as soon as possible.</p> <p>The CEO is responsible for reporting OCG feedback, and for ensuring that Shoalhaven River College continues to have appropriate systems and processes in place for preventing, detecting and responding to reportable conduct.</p> <p>The Board is responsible for reviewing data and analysis about reportable conduct provided by the CEO to identify trends and opportunities to improve Shoalhaven River College's systems and processes for preventing, detecting and responding to reportable conduct.</p>
<b>Related Policies</b>	<p>Shoalhaven River College Code of Conduct</p> <p>Child Safe Policy</p> <p>Child Safe Procedure – Mandatory Reporting</p> <p>Child Safe Procedure – Reporting to Police</p> <p>Duty of Care Policy</p> <p>Student Discipline Policy</p> <p>Critical Incidents and Emergencies Policy</p> <p>Record-keeping and Information Sharing Policy</p> <p>Privacy Policy</p>

<b>Document : 51.3 Protecting children and young people – Reportable Conduct Scheme V11</b>		
Version #13		Date: Dec 2023

<b>12. CHILD PROTECTION</b>	<b>12. CHILD PROTECTION</b>		
Document	12.4: CHILD SAFE PROCEDURE – REPORTING TO POLICE		
Endorsement:		<b>Review Date:</b>	
Review Panel	The Chief Executive Officer, Principal and Compliance Manager must be a part of the review of this procedure. The procedure will be reviewed and updated as required and at least every two years.		
Purpose:	<p>Shoalhaven River College (SRC), is committed to ensuring that all children and young people are protected, and kept safe from harm.</p> <p>The purpose of this procedure is to explain when a report to police is required to meet the organisation’s child safe responsibilities, and to provide related guidance to employees. It includes information about criminal offences for failing to report child abuse to police.</p>		
Scope:	<p>This procedure applies to all adults associated with SRC including those working for, or engaged by, the College, regardless of whether their involvement or work is paid or unpaid or child-related, and members of the Board of Directors.</p> <p>The procedure applies to all SRC activities which result in or relate to contact with children and young people, both face-to-face and online, whether on-site or off-site (including, for example, sporting events, camps, or excursions).</p>		
RANGS Manual:	3.6 Safe and Supportive Environment; 3.6.1		
Policy	<p>When SRC knows or suspects that a child abuse offence has occurred, a report will be made to police. The obligation to report to police is separate and additional to other reporting obligations, including (where required) mandatory reporting and notifying reportable conduct to the Office of the Children’s Guardian (OCG). Child abuse offences should always be reported to police before they are reported to other relevant organisations. Failing to report a child abuse offence to police may be a criminal offence.</p> <p><b>Types of child abuse offences</b></p> <p>Child abuse offences include (but may not be limited to):</p> <ul style="list-style-type: none"> <li>• sexual offences, including sexual assault, sexual touching, and sexual acts</li> <li>• special care offences (engaging in sexual intercourse or sexual touching with a student aged 16 or 17 year old in a special care relationship) – staff must not engage in sexual activity with a student aged 16 or 17</li> <li>• procuring or grooming a child under 16 for unlawful sexual activity</li> <li>• grooming a person for unlawful sexual activity with a child under the person’s authority</li> <li>• assault</li> <li>• possessing, making, or distributing child abuse material (pornography)</li> <li>• spiking drink or food</li> <li>• murder, intent to murder and manslaughter</li> <li>• choking, suffocation and strangulation</li> </ul>		

- female genital mutilation
- forced marriage under the age of 18
- failing to provide the necessities of life
- failing to reduce or remove the risk of a child becoming the victim of child abuse
- concealing a child abuse offence
- attempting to commit any of the above

#### **Procedure for reporting child abuse offences**

1. If there is an immediate risk to the safety of a child or young person, an employee must immediately make a report to police by contacting 000 and follow their directions. They must then notify the Principal or CEO of Kiama Community College as soon as practical but no later than the end of the day.
2. Otherwise, any employee who has a child protection concern, including information about a child abuse offence, must report it to the Principal. If the concern or offence involves the Principal, or the Principal is absent, report it to the CEO.
3. The Principal/CEO will immediately report any allegation of a criminal offence to police (131 444 for non-emergencies) and follow their directions/advice in relation to risk management, securing evidence and communicating with others about the report. They will then ensure any reporting obligations to other authorities are met.
4. Any employee who makes a report to police must record the date the report was made and who the report was made to and obtain an Event Number from police.
5. Employees will cooperate with police and follow their directions.

#### **Historical allegations**

Under no circumstances should any individual be interviewed or asked leading questions in the initial stages of identifying and responding to a child protection concern that may be a criminal offence. These actions may compromise a criminal investigation or legal proceedings.

If necessary, open questions (e.g. 'What happened next?', 'Can you tell me more about that?', 'Who hurt you?') may be asked to gain a clear understanding of the allegation – stop as soon as there is enough basic information to clarify the allegation or if the person providing the information becomes distressed.

Historical allegation is a term used to describe an allegation of abuse that happened to someone (now an adult) when they were under the age of 18. Sometimes, historical allegations arise many years or decades after the abuse allegedly occurred.

The Principal/CEO will report information about historical allegations of child abuse offences to police. The alleged victim will be informed of this. If the alleged victim does not want to speak to police, SRC will provide this advice to police and

endeavour to protect the confidentiality of their personal information while complying with the s.43B of the *Crimes Act 1900*. In some circumstances, where there are current risks to a person's safety or to meet the organisation's legal obligations, SRC will be required to provide personal information to police.

#### **Police investigation of child abuse offences**

The most serious child abuse offences (sexual assault, serious physical abuse and extreme neglect) are investigated by the NSW Police Force Child Abuse and Sex Crimes Squad, as part of the multi-agency Joint Child Protection Response Program (JCPRP), which also includes the Department of Communities and Justice (DCJ) and NSW Health. Child abuse offences which do not meet the criteria for referral to JCPRP, including historical allegations, are investigated by local police districts. SRC will cooperate fully with the JCPRP and police in relation to reported child abuse offences.

#### **Offences for failing to protect a child/failing to report child abuse**

There are specific offences in the *Crimes Act 1900* for failing to protect a child from abuse and failing to report child abuse.

##### Failure to reduce or remove the risk of a child becoming victim of child abuse

Under s.43B of the *Crimes Act 1900* it is an offence to fail to reduce or remove the risk of a child (under 18 years) becoming a victim of child abuse.<sup>1</sup> The provision applies to adults ('position holders') working for an organisation which carries out child-related work, including schools or other educational institutions (other than universities). All staff, volunteers, contractors and members of the Board of Directors engaged by SRC are considered by the organisation to be 'position holders'.

If there is a serious risk that an adult worker employed by the organisation will commit a child abuse offence against a child who is, or may come, under the care, supervision or authority of the organisation, and the position holder knows that the risk exists, and has the power or responsibility to reduce or remove that risk, the position holder commits an offence if they negligently fail to reduce or remove that risk. It is not a requirement that a child abuse offence has been committed.

##### Concealing a child abuse offence

Under s.316A of the *Crimes Act 1900*, any adult person living in NSW, commits an offence if they know, believe or reasonably ought to know that a child abuse offence<sup>2</sup> has been committed against a child under 18 years, and they fail to report that information to the police immediately, without a reasonable excuse.<sup>3</sup> Reasonable excuses include (but are not limited to):

- believing on reasonable grounds that the information is already known to police (e.g. where the person has reported the matter to the Principal and is aware that the Principal has reported the matter to the police).
- having reported the information to the Child Protection Helpline, or the Office of the Children's Guardian, or believing on reasonable grounds that another person has done so.

<sup>1</sup> 'Child abuse' for the purpose of this offence is specifically defined at s43.B(3).

<sup>2</sup> 'Child abuse offence' for the purpose of this offence is specifically defined at s.316A(9).

<sup>3</sup> Reasonable excuses are listed at s.316A(2).

	<p>Failing to disclose an offence based on concerns for the interests of the perpetrator or organisation (concerns about reputation, legal liability or financial status) will not be regarded as a reasonable excuse.</p> <p><b>Confidentiality</b> Employees must treat any child protection concerns, including information about a child abuse offence, confidentially and only disclose information to comply with their obligations. Employees must not inform a parent, carer, another child or anyone else (apart from DCJ or the OCG) that a report has been made to the police or provide any details. Only the CEO/Principal may disclose information about a report to police, and they will do so having regard to any directions or advice provided by police and DCJ (where required).</p> <p><b>Record-keeping</b> Records about child protection concerns, including child abuse offences, must be kept in accordance with the Recordkeeping and Information Sharing Policy. Records will be maintained in secure electronic files and access will be strictly controlled.</p> <p>Employees will promptly and comprehensively document all information about child protection concerns and child abuse offences and provide relevant records to the Principal.</p> <p>All records about child abuse offences must be retained for a minimum of 30 years. Records that relate to the alleged sexual abuse of a child or young person must be retained indefinitely.</p>
<b>Related Policies</b>	<p>Shoalhaven River College Code of Conduct  Child Safe Policy  Child Safe Procedure – Mandatory Reporting  Child Safe Procedure – Reportable Conduct Scheme  Duty of Care Policy  Request for Police Assistance Policy  Critical Incidents and Emergency Policy  Recordkeeping &amp; Information Sharing Policy  Privacy Policy</p>

<b>Section of Manual:</b>	<b>12. CHILD PROTECTION</b>		
<b>Document</b>	<b>12.5: CHILD SAFE PROCEDURE – SEXUAL BEHAVIOUR BY STUDENTS</b>		
<b>Endorsement:</b>		<b>Review Date:</b>	
<b>Review Panel</b>	The Chief Executive Officer, Principal and Compliance Manager must be a part of the review of this procedure. The procedure will be reviewed and updated as required and at least every two years.		
<b>Purpose:</b>	<p>Shoalhaven River College is committed to ensuring that all children and young people are protected, and kept safe from harm.</p> <p>The purpose of this procedure is to provide guidance to staff about responding to sexual behaviour by students, including developmentally appropriate sexual behaviour, concerning and harmful sexual behaviour, and behaviour that may be a criminal offence.</p>		
<b>Scope:</b>	<p>This procedure applies to all adults associated with Shoalhaven River College including those working for, or engaged by, the College, regardless of whether their involvement or work is paid or unpaid or child-related.</p> <p>The policy applies to all Shoalhaven River College activities which result in or relate to contact with young people, both face-to-face and online, both on-site and off-site during and outside Shoalhaven River College hours (including, for example, sporting events, camps, or excursions).</p> <p>The term ‘young people’ is used in this policy to refer to children under the age of 18 years. It is used in preference of ‘children’ in recognition that students who attend Shoalhaven River College are adolescents.</p>		
<b>RANGS Manual:</b>	3.6 Safe and Supportive Environment; 3.6.1		
<b>Policy and Procedure</b>	<p><b>Introduction and overview</b></p> <p>Young people’s sexual behaviour exists along a continuum. Most young people display developmentally appropriate sexual behaviour. Some young people display concerning sexual behaviour. A small number of young people display harmful sexual behaviour.</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>The ‘traffic light’ system at Appendix 1 is a guide to developmentally appropriate sexual behaviour, concerning sexual behaviour and harmful sexual behaviour by young people between the ages of 14 and 17.</p> </div> <p>All young people have the right to be safe and supported at school. All young people can be negatively affected by concerning or harmful sexual behaviour including:</p> <ul style="list-style-type: none"> <li>• those who have engaged in the behaviour</li> <li>• those at whom the behaviour is directed</li> <li>• those who witness the behaviour</li> </ul>		



Young people can also be harmed by adults failing to respond proportionately to concerning or harmful sexual behaviour.

**Some harmful sexual behaviour by young people over the age of 10 (and by adult students over the age of 18) may fall within the legal definition of a sexual offence, meaning they could be held criminally responsible for their conduct. It is the role of police to determine a sexual offence. When there is any suspicion of a criminal offence, Shoalhaven River College will report a matter to police.**

All reported or observed incidents of sexual behaviour by students must be reported to the Principal, Shoalhaven River College or the CEO, Kiama Community College. This includes:

- developmentally appropriate sexual behaviour that is engaged in at school
- concerning or harmful sexual behaviour (including criminal offences) at or outside the school

### **Principles**

The following principles underpin Shoalhaven River College's response to sexual behaviour by students:

- Shoalhaven River College acknowledges that most sexual behaviour by students will be developmentally appropriate.
- The College will respond to sexual behaviour by young people when:
  - a young person makes a disclosure or complaint
  - any another person (including a student, parent/carer, staff member or another individual) reports the behaviour
  - a staff member directly observes the behaviour
- Responses to sexual behaviours will be proportionate, considering the nature and circumstances of the behaviour and the impact on the students involved.
- Where a criminal offence may have occurred, the College will make an immediate report to Police.
- In responding to harmful sexual behaviour, including sexual offences, the welfare of the victim will always be paramount, and this overrides all other considerations.
- The needs of a young person who has engaged in harmful sexual behaviour, including sexual offences, will be considered separately from the needs of the victim/s.
- Any young person who has engaged in harmful sexual behaviour will be held accountable for his/her actions, with consideration given to his/her age, understanding, level of maturity and the nature of the behaviour.
- Young people engaging in concerning or harmful sexual behaviour, and their parents/carers, will be provided with appropriate support and referrals.
- Shoalhaven River College will cooperate with other relevant agencies, including but not limited to Police, Department of Communities and Justice (DCJ), NSW Health, and NGOs, to prevent and respond to harmful sexual behaviour. This will include appropriate communication between

professionals working with a young person who has engaged in/been the victim of harmful sexual behaviour.

### **Developmentally appropriate sexual behaviour**

Adolescence is a time of major social role transition from childhood to adulthood, characterised by significant cognitive development and biological growth, including puberty and sexual development. Many adolescents commence sexual activity. Sexual activity exists on a spectrum. It may include viewing sexually explicit material, sexual touching (including masturbation), oral sexual activity and intercourse. It is not appropriate for young people to engage in sexual behaviour at school, regardless of whether the behaviour is otherwise developmentally appropriate.

### **Promoting safe behaviour**

Keeping children and young people safe is the responsibility of all educators and care providers. Shoalhaven River College will:

- Create and maintain supportive, safe, and inclusive learning environments.
- Support young people to develop knowledge, understanding and skills to have respectful relationships and behave in ways that protect their own safety and the safety of others.
- Explicitly teach behaviour expectations, social and emotional skills, child safety, respectful relationships, consent, and sexual health education (as appropriate to year level).
- Adjust curricula so that children and young people can access the required learning.
- Inform parents/carers about developmentally appropriate behaviour and expectations and how they can support young people to keep themselves and others safe.

### **Responsibilities when responding to sexual behaviour**

Employees who receive a disclosure/complaint about an incident of sexual behaviour should:

- Remain calm and control any expressions of panic or shock.
- If they observe the behaviour occurring, safely intervene to stop it.
- Respond to any immediate concerns:
  - call 000 in an emergency
  - provide first aid if required or arrange for medical assistance
- If the behaviour is potentially criminal (see below), follow the process outlined in the Reporting to Police Procedure.
- Notify the Principal, Shoalhaven River College or the CEO, Kiama Community College (if the Principal is not available).
- Ensure the young people involved are supported and supervised until police have provided advice (if the behaviour is potentially criminal), or the Principal /CEO has provided direction (for other behaviours).
- If the circumstances of the behaviour meet the threshold for a mandatory report to the Child Protection Helpline, follow the advice outlined in the Mandatory Reporting Procedure.

- Document the incident and your actions and provide a copy to the Principal/CEO. Record what you heard, saw, and did, including any questions asked of or responses from the young people or others involved.

### **Identifying behaviour that is potentially criminal**

Shoalhaven River College will report all known or suspected criminal offences to police. Types of criminal offences that include sexual behaviour include:

- sexual assault, sexual touching and sexual acts
- making, possessing, or sharing child abuse material
- 'sexting'<sup>1</sup> involving anyone under the age of 18 (even if they have consented)
- image-based abuse:
  - taking or recording an intimate image of someone without their permission
  - filming a person's private parts for the purpose of sexual pleasure if the person in the video has not consented
  - sending, sharing, or posting online an intimate image of someone without their consent
  - threaten to do any of the things listed above.

### Consent

In NSW, the age of consent to sexual activity is 16 years. A person who is under 16 years of age cannot lawfully consent to sexual activity. Any person who engages in sexual activity with a person who is under the age of consent may be guilty of a crime. The defence of 'similar age' can be raised where the age difference between the alleged victim and the accused is less than 2 years, provided the victim is 14 years of age or older.

Sexual consent is when people freely and voluntarily agree, through words or actions, to engage in sexual activity. Consent to one sexual activity does not mean consent to all sexual activities. A person cannot consent to sexual activity if they are heavily affected by drugs or alcohol, unconscious, or asleep, or if they have been manipulated or threatened.

### **Responsibilities of the Principal/CEO**

When the Principal/CEO receives a report about sexual behaviour, they will:

- Clarify the nature of the incident and who was involved.
- Identify if a report should be made to police (criminal offences) and/or the Child Protection Helpline (Risk of Significant Harm) and ensure this occurs. A report to the Child Protection Helpline may be required for the victim of harmful sexual behaviour and/or the young person who has engaged in the harmful sexual behaviour, where the behaviour is a result of, or places them at risk of, abuse or other harm.

---

<sup>1</sup> 'Sexting' is using a phone, computer, or internet to send highly suggestive or sexually explicit images. This includes sending, receiving, or sharing a nude or sexual image, or asking someone to take an image of that kind.

	<ul style="list-style-type: none"> <li>• Seek and follow police advice about incident management, what information can be given to others, how to support and protect those involved, and how to secure evidence.</li> <li>• Seek and follow DCJ advice about current or likely DCJ involvement, incident management, what information can be provided to others, how to support and protect those involved.</li> <li>• Notify the parent/carer of the involved young people after receiving advice and following any direction from police and/or DCJ (where relevant). Advise parents of those directly involved at the earliest possible opportunity (unless otherwise directed by police or DCJ).</li> <li>• Consider the individual needs of the child or young person (for example, culture and disability).</li> <li>• Develop an initial response plan, having regard to any advice provided by police and/or DCJ (where relevant). This may include developing or updating a behaviour support plan, providing appropriate educational material, and/or making appropriate referrals to relevant agencies/services, e.g. NSW Health New Street program.</li> <li>• Nominate an appropriate person to regularly liaise with and provide immediate and ongoing support to each involved young person and their parent/carer.</li> <li>• Cooperate with police, DCJ, or any other agency involved in responding to the behaviour or working with the involved young people.</li> <li>• Ensure relevant documentation of incidents and responses is confidentially stored in the involved student/s file.</li> <li>• Offer support and debriefing for educators and care providers (e.g. EAP, counselling, GP) where required.</li> <li>• Monitor the matter, check the wellbeing, and support needs of those involved for as long as necessary and as frequently as required.</li> </ul>
<b>Related Policies</b>	Shoalhaven River College Code of Conduct Child Safe Policy Child Safe Procedure - Mandatory Reporting Child Safe Procedure - Reporting to Police Duty of Care Policy Request for Police Assistance Policy Critical Incidents and Emergency Policy Recordkeeping & Information Sharing Policy Privacy Policy

### Appendix 1: The 'traffic light' system for assessing sexual behaviour 14-17 year olds

The 'traffic light' system<sup>2</sup> provides an overview of sexual behaviours that may be exhibited by young people to assist identification of age appropriate and inappropriate sexual behaviours. It is not intended to be used as a diagnostic tool.

<sup>2</sup> Source: ACT Government, Education. <https://www.education.act.gov.au/support-for-our-students/feeling-safe-at-school/national-child-safe-principles/responding-to-student-harmful-sexual-behaviour/traffic-light-system-to-assess-sexual-behaviour>



### **RED (harmful)**

- compulsive masturbation e.g. self-harming, in public, seeking an audience
- preoccupation with sexually aggressive and/or illegal pornography
- sexual contact with others of significant age and/or developmental difference
- engaging others in a process to gain sexual activity by using grooming techniques e.g. gifts, manipulation, lies
- deliberately sending and/or publishing sexual images of another person without their consent
- arranging a meeting with an online acquaintance without the knowledge of a peer or known adult
- sexual contact with animals
- sexual activity in exchange for money, goods, accommodation, drugs or alcohol
- forcing or manipulating others into sexual activity
- possessing, accessing or sending child exploitation materials.

### **ORANGE (concerning)**

- sexual preoccupation which interferes with daily function
- intentional spying on others while they are engaged in sexual activity or nudity
- explicit communications, art or actions which are obscene or sexually intimidating
- repeated exposure of private parts in a public place with peers e.g. flashing
- unsafe sexual behaviour, including unprotected sex, sexual activity while intoxicated, multiple partners and/or frequent change of partner
- presence of sexually transmitted infection or unplanned pregnancy
- oral sex and/or intercourse with known partner of more than two years age difference or with significant difference in development

- arranging a meeting with an online acquaintance accompanied by a peer or known adult
- using mobile phones and internet to send or receive sexual images of another person with their consent.

#### **GREEN (normal)**

- need for privacy
- masturbation in private
- accessing information about sexuality
- viewing materials for sexual arousal e.g. music videos, magazines, movies
- sexually explicit mutual conversations and/or use of humour and obscenities with peers
- interest and/or participation in a one-on-one relationship with someone of the same or other sex
- sexual activity with a partner of similar age and developmental ability (ability to consent must be considered)
- use of mobile phones and internet in relationships with peers.



---

# Anti-Discrimination & Equal Employment Opportunity Policy

## Contents

1	Purpose .....	2
2	Scope.....	2
3	EEO.....	2
4	Discrimination .....	2
5	Indirect discrimination .....	3
6	Vilification .....	3
7	Rights and responsibilities .....	3
8	Breach of this Policy.....	4
9	Complaint handling procedure .....	4
10	Victimisation .....	4
11	Related Documents .....	4
12	Document control.....	4
13	Policy Version and Revision Information.....	4

## 1 Purpose

Kiama Community College Ltd (KCC) is committed to providing an environment where workers and others in the workplace are treated fairly and with dignity and respect and are free from unlawful discrimination.

KCC is committed to ensuring that all workers have equal opportunities for employment, limited only by the existence of genuine opportunities (such as vacancies, promotion opportunities, access to training and so forth) and the suitability of applicants for such opportunities.

All placements and promotions are based on factors of merit, such as skills, experience, qualifications and other relevant competencies.

Equal Employment Opportunity (EEO) laws apply to all areas of employment, as well as the provision of goods and services.

## 2 Scope

This Policy covers all workers of KCC (whether full-time, part-time or casual) **and** all persons performing work at the direction of, in connection with, or on behalf of KCC (for example trainers, contractors, subcontractors, volunteers, agents, consultants, and temporary staff) (collectively '**workers**').

This Policy extends to all functions and places that are work related, for example, work lunches, conferences, Christmas parties and client functions.

## 3 EEO

Under EEO laws, discrimination and vilification are unlawful and strictly prohibited.

Workplace discrimination can occur in a variety of instances, including:

- Recruiting and selecting staff
- Terms, conditions and benefits offered as part of employment
- Who receives training and what sort of training is offered
- Who is considered and selected for transfer, promotion, retrenchment or dismissal

## 4 Discrimination

Direct discrimination in employment occurs when a person is treated less favourably than another in their employment because of a reason or ground which is prohibited by law. The prohibited grounds of discrimination are set out in the Federal, State and Territory anti-discrimination laws and include:

- Race (including colour, nationality, descent, ethnic, ethno-religious or national origin)
- Sex, gender identity, intersex status
- Marital status, domestic status, relationship status
- Age

- Religious belief, affiliation, conviction or activity
- Homosexuality, transsexuality, sexuality, sexual preference/orientation, lawful sexual activity
- Disability/impairment, including physical, mental and intellectual disability
- Pregnancy and breastfeeding
- Carers' responsibilities, family responsibilities, carer or parental status, being childless
- Industrial/trade union membership, non-membership or activity
- Employer association membership, non-membership or activity
- Political belief, opinion, affiliation, conviction or activity
- HIV/AIDS status
- Association (i.e. association with a person who has one or more of the attributes for which discrimination is prohibited)

## 5 Indirect discrimination

Indirect discrimination may occur when an employer imposes a policy, requirement or condition which applies to everyone equally, but it, in fact, operates to disadvantage a particular group because of a characteristic of that group, such as their sex, age, race (ie. a prohibited ground of discrimination).

Discrimination also includes the situation where an employee harasses another person based on a ground of discrimination. Harassment is unwelcome conduct that a reasonable person would expect to offend, humiliate or intimidate. See the Workplace Bullying and Harassment Policy for further information.

## 6 Vilification

Vilification is a public act which incites hatred, severe contempt or severe ridicule of a person or group, because of race, gender identity, sexuality, HIV/AIDS status or disability. Vilification is a particularly serious breach of laws and will be dealt with accordingly.

## 7 Rights and responsibilities

All workers must:

- understand and comply with this Policy
- ensure they do not engage in any unlawful conduct towards other workers, customers/clients or others with whom they come into contact through work
- ensure they do not aid, abet or encourage other persons to engage in unlawful conduct
- follow the complaint procedure in the Grievance Policy if they experience any unlawful conduct
- report any unlawful conduct they see occurring to others in the workplace in accordance with the complaint procedure in this Policy
- maintain confidentiality if they are involved in the complaint procedure

Workers should be aware that they can be held legally responsible for their unlawful conduct.

Workers, who aid, abet or encourage other persons to engage in unlawful conduct, can also be legally liable.

## 8 Breach of this Policy

All employees are required to comply with this Policy at all times. If an employee breaches this Policy, they may be subject to disciplinary action. In serious cases this may include termination of employment. Agents and contractors (including temporary contractors) who are found to have breached this Policy may have their contracts with Kiama Community College Ltd terminated or not renewed.

## 9 Complaint handling procedure

If an employee feels that they have been subjected to any form of unlawful conduct contrary to EEO laws or this Policy, they should not ignore it. Employees should use the Grievance Policy for dealing with these issues.

## 10 Victimization

Victimization is where a person is retaliated against or subjected to a detriment because they have lodged a complaint, they intend to lodge a complaint, or they are involved in a complaint of unlawful conduct. Employees must not retaliate against a person who raises a complaint or subject them to any detriment.

## 11 Related Documents

- Code of Conduct Policy
- Performance Management Policy
- Workplace Bullying and Harassment Policy
- Sexual Harassment Policy
- Grievance Policy

## 12 Document control

Date reviewed	Date adopted	Amendment
January 2025	January 2025	N/A

## 13 Policy Version and Revision Information

Policy Authorised by:	Chief Executive Officer
Effective date of Original Version:	13 January 2025
Policy Maintained by:	HR Lead
Version Number/Effective date:	1.0 13 January 2025
Review Date:	13 January 2027

# Code of Conduct

## Contents

1	Purpose .....	2
2	Scope.....	2
3	Policy.....	2
4	Related Documents .....	3
5	Document control.....	4
6	Policy Version and Revision Information.....	4

## 1 Purpose

Kiama Community College Ltd (KCC) recognises the importance of a work environment which actively promotes best practice. The purpose of this Code is to describe the standards of behaviour and conduct expected from employees in their dealings with employees, management, volunteers and students.

This Code of Conduct where relevant, operates in conjunction with other policies relating to minimum standards of behaviour and conduct and the Contract of Employment.

## 2 Scope

The policy applies to all employees, volunteers, contractors and members of the Board of Directors of KCC, collectively referred to as “employees”.

## 3 Policy

All employees are expected to observe the highest standards of ethics, integrity and behaviour during the course of their employment or engagement with KCC. This Code provides an overview of KCC’s fundamental values. It is by no means exhaustive, but summarises some of KCC’s most important policies, which are based on standards that underlie ethics and professional integrity, standards that apply to all employees.

As representatives of KCC, all employees are expected to conduct themselves in a professional and courteous manner and observe the following standards of behaviour both inside the workplace and outside the workplace where the employees can be perceived as representing KCC:

- Understand and comply with the Code of Conduct
- Comply with all laws, policies, procedures, rules, regulations and contracts
- Comply with all lawful and reasonable directions from KCC
- Be honest and fair in dealings with employees, management, clients and suppliers
- Display the appropriate image of professionalism at the workplace. This may include wearing the required safety equipment or work clothes, and ensuring their appearance is neat, tidy, and appropriate for the workplace and work tasks.
- Treat employees, management, clients and suppliers in a non-discriminatory manner with proper regard for their rights and dignity.
- Safeguard children and young people from abuse and harm
- Report any conflicts of interest to their manager or the CEO
- Promptly report to KCC any violations of law, ethical principles, policies or this Code
- Maintain punctuality. If an employee is late or cannot report for work, telephone and let the supervisor know prior to the commencement of work
- Respect KCC property and equipment, and assets must not be used for personal gain
- The employee must not bring KCC or its students, clients, suppliers, and the general public at large into disrepute
- Maintain and develop the knowledge and skills necessary to carry out duties and responsibilities
- Observe health and safety policies and obligations, and co-operate with all procedures and initiatives taken by KCC in the interests of work health and safety



- Employees must not abuse the advantages of their position for private purposes, or solicit or accept any gift or benefit in connection with their employment or engagement which might compromise, or be seen to compromise their integrity or KCC's reputation
- Maintain during their employment or engagement with KCC and after the termination of employment or engagement, the confidentiality of any confidential information, records or other materials acquired during the employment or engagement with KCC
- While employed at KCC, not accept any employment with another organisation that is a supplier or competitor of KCC, or any other employment that is in conflict with your position at KCC, without the written approval of KCC.
- Never report for work in circumstances where there is a risk that you could be affected by or 'under the influence' of illicit drugs or alcohol (eg. if you have ingested or otherwise taken drugs or alcohol the night before or in the period leading up to your next work period). Refer to the Drug and Alcohol Policy.
- Refrain from allowing personal relationships to affect professional relationships.
- No smoking or vaping in the workplace, including in stairwells, fire escapes and foyers and before, during and after normal office hours.

All employees are expected to engage in appropriate conduct outside business hours. Employee conduct outside of hours may warrant investigation and discipline if it:

- Is likely to cause serious damage to the relationship between KCC and the employee
- damages KCC's interests; or
- Is incompatible with the employee's duty as an employee.

Managers should:

- Ensure employees have read and understood our Code of Conduct
- Promote a team spirit
- Maintain confidentiality so far as is reasonably practicable when conducting investigations into grievances and disputes
- Avoid bias in decision making
- Ensure compliance with KCC's procedures when carrying out counselling and discipline
- Exercise objectivity when administering rewards or discipline
- Not condone, permit, or fail to report any breaches of the Code as outlined above by employees under their supervision

#### 4 Related Documents

- Anti-Discrimination & EEO Policy
- Workplace Bullying & Harassment Policy
- Sexual Harassment Policy
- Grievance Policy

## 5 Document control

Date reviewed	Date adopted	Amendment
January 2025	January 2025	N/A

## 6 Policy Version and Revision Information

Policy Authorised by:	Chief Executive Officer
Effective date of Original Version:	13 January 2025
Policy Maintained by:	HR Lead
Version Number/Effective date:	1.0 13 January 2025
Review Date:	13 January 2027

# Grievance Policy

## Contents

1	Purpose .....	2
2	Scope.....	2
3	Policy Statement.....	2
4	Guiding Principles .....	2
5	Procedural Fairness .....	3
6	Informal complaint procedures .....	3
6.1	Self-help.....	3
6.2	Intervention by a contact person, supervisor and/or manager.....	3
6.3	Independent management action .....	3
7	Formal grievance procedure.....	4
7.1	Meet with the complainant .....	4
7.2	Investigate the allegation.....	4
8	Documentation .....	5
9	Confidentiality.....	5
10	Advise parties of the outcome .....	5
11	Mediation .....	5
12	Appeals Process .....	5
13	Definitions.....	6
14	Related Documents .....	6
15	Document control.....	6
16	Policy Version and Revision Information.....	6

## 1 Purpose

Kiama Community College Ltd (KCC) is committed to providing a harmonious work environment for all employees.

KCC acknowledges that employees may have a grievance with another employee. To assist employees in resolving any issues that may arise, KCC has established this policy.

## 2 Scope

The policy applies to all employees and contractors (including temporary contractors) of KCC, collectively referred to as “employees”.

## 3 Policy Statement

A grievance is a decision, behaviour, act or omission that an employee feels is unfair, discriminatory, unjustified, bullying or perceived harassment.

KCC is committed to:

- Ensuring that KCC is a safe, fair and just place in which to work.
- Actively promoting the development of positive personal relationships, where persons respect one another and being pro-active in seeking to minimise the incidence of conflict that might otherwise give rise to a complaint or grievance.
- Supporting the right of every member of KCC to have their grievances listened to, addressed fairly and dealt with expeditiously.
- Attempting to resolve disputes and grievances in a non-threatening, respectful manner and in a supportive environment.

## 4 Guiding Principles

The following principles guide KCC:

- The health, safety and wellbeing of all members of KCC remains the highest priority.
- Employees are entitled to lodge a grievance.
- Grievances should be lodged in good faith and without frivolous, malicious or vexatious intent.
- All resolution policies and processes acknowledge and value different perspectives and operate under the principles of impartiality, promptness and protection from victimisation.
- Every reasonable effort will be made by KCC and its representatives to ensure that an employee who lodges a grievance will not be treated unfairly or victimised because of the grievance nor will anyone dealing with the grievance be coerced or intimidated.
- KCC supports, where possible, an informal, amicable and equitable resolution of grievances through discussions, mediation and/or conciliation to achieve an agreed course of conduct and behaviour aimed at enabling all parties to continue at KCC.

All complaints should be regarded as serious matters and handled with discretion, understanding and a high level of professionalism. Confidentiality must be maintained to ensure each grievance is impartial and free from interference, restraint and reprisal.

Managers and Coordinators all have a responsibility to act promptly after receiving a complaint. Any delay in taking action may be interpreted by employees and independent government agencies as management condoning the action that has led to the complaint. If a situation involves a criminal offence, the police should be notified after the victim's consent has been obtained, unless mandatory reporting is required.

## 5 Procedural Fairness

In dealing with a complaint, informally or formally, every reasonable effort shall be made to ensure that procedural fairness is afforded to all parties. This means, in practical terms:

- Subject to duty of care or other legal obligations, respondents should normally be informed of all allegations, and the basis for and the specific circumstances which give rise to the grievance
- The right of all parties to be heard and to put their case
- Investigations into the grievance must be undertaken expeditiously and thoroughly.
- Only matters that are relevant to the grievance under consideration should be taken into account
- It is recognised that the application of the principles of procedural fairness can vary, depending upon the context and nature of the grievance and the nature of the response proposed or sought

## 6 Informal complaint procedures

Complainants are encouraged to firstly and, where practicable, seek to resolve a complaint informally.

### 6.1 Self-help

In some circumstances, it may be appropriate to discuss the perceived grievance with the person responsible for the relevant decision, behaviour or activity. If a resolution to the grievance is not forthcoming, or the complainant feels uncomfortable approaching the person involved, they may wish to consider the other alternatives as outlined below.

### 6.2 Intervention by a contact person, supervisor and/or manager

The employee may raise the matter with a contact person and/or their supervisor and discuss possible solutions or request that a third party speak to the person concerned about the allegations. If raising the matter with their supervisor is not appropriate, the employee should raise the matter with the relevant manager.

If the alleged respondent accepts the allegations, the third party may be able to negotiate a resolution of the complaint. If the allegations are denied, the third party should inform the complainant who will then decide whether they want to proceed through KCC's formal grievance procedures.

### 6.3 Independent management action

If a manager becomes aware, or is made aware, of a situation where inappropriate behaviour has occurred, they may decide to take action to address this, even if no complaint, informal or formal, has been made.

## 7 Formal grievance procedure

An employee may seek to lodge a formal grievance with their supervisor or manager, either verbally or in writing. The supervisor/manager will then expeditiously put in place a process, staffed by an appropriate and impartial person to investigate the complaint. The investigator will have no connection to the complaint. Where appropriate, an independent third party external to the organisation may be contracted by the Chief Executive Officer to conduct a grievance investigation and provide a report on the findings.

If the subject of the complaint is the CEO, the grievance must be directed to the Chair of the Board by letter marked "Confidential for attention of the Chair" to PO Box 52, Kiama NSW 2533.

All formal complaints will be investigated, as per the following process:

### 7.1 Meet with the complainant

Once a complaint has been made, an initial interview should be conducted as soon as possible between the person managing the complaint and the complainant in order to establish the circumstances of the complaint first-hand. Aspects of the complaint that are unclear or require elaboration should be identified and addressed.

The complainant is permitted to bring another person to the meeting for personal support. A support person may provide moral/emotional support to the complainant and is permitted to take notes during the meeting. A support person is not an advocate and is not permitted to answer questions on behalf of the complainant or interject in the proceedings. The complainant must notify the person managing the complaint who their intended support person is in advance of the meeting. KCC Ltd reserves the right to insist upon an alternative support person in the event that confidentiality or a conflict of interest is of genuine concern.

### 7.2 Investigate the allegation

The person investigating the complaint will meet with the alleged party(s) involved to discuss the complaint.

The person against whom the allegation/complaint has been made should be advised of the details of the complaint and given an opportunity to respond to the allegations. The person investigating the allegation should interview the alleged respondent in private.

The alleged respondent is permitted to bring another person to the meeting for personal support. A support person can be a family member or friend. Employees of the organisation are generally not permitted in order to manage confidentiality and conflict of interest concerns.

It may be necessary to speak with other employees in order to determine what happened, to legal representatives or KCC's managers.

If the CEO and HR Lead considers it appropriate for the safe and efficient conduct of an investigation, employees may be required not to report for work during the period of an investigation. KCC may also provide alternative duties or work during the investigation period. Generally, employees will be paid their normal pay during any such period.



## 8 Documentation

Accurate and complete documentation must be maintained relating to all discussions. During the initial interview with both the complainant and alleged respondent the person managing the complaint and investigation should explain that they will be taking notes throughout the interview processes. Exact quotations should be used wherever possible.

## 9 Confidentiality

The allegations and details of the investigation should be disclosed only to persons who are involved in the complaint investigation procedure, as required and appropriate.

Witnesses must be briefed on the importance of maintaining strict confidentiality about details relating to the complaint.

## 10 Advise parties of the outcome

All involved parties should be notified of the outcome of the investigation and the reasons for that outcome as soon as possible. The rationale supporting the outcome should be well documented and will be placed on an employee's personnel file.

Depending on the results of the investigation, disciplinary action may be required. Refer to the Conduct and Performance Policy. Any disciplinary action is a confidential matter between the affected person(s) and KCC.

KCC may take a range of other non-disciplinary outcomes to resolve a grievance. Examples include, but are not limited to:

- training to assist in addressing the problems underpinning the grievance;
- monitoring to ensure that there are no further problems;
- implementing a new policy;
- requiring an apology or an undertaking that certain behaviour stop; and/or
- changing work arrangements.

## 11 Mediation

Third party mediation is an option if it becomes clear to the person managing the complaint that the complaint cannot be resolved internally. The person managing the complaint should speak to the CEO for assistance in organising mediation.

## 12 Appeals Process

An employee may make an appeal to the CEO where the resolution processes within KCC Ltd have failed or are otherwise felt by the employee to be inappropriate. In such instances, the CEO will take advice from appropriate persons and make a determination as to how the grievance should thereafter be dealt with.

Any determination made by the CEO in regard to a grievance will be final, subject to the

complainant's capacity to take the grievance to an independent external body.

Where an appeal is in relation to the CEO, the complainant may make an appeal to the Chairperson of the Board of KCC by letter marked "Confidential for attention of the Chair" to PO Box 52, Kiama NSW 2533.

## 13 Definitions

Term	Definition
Kiama Community College Ltd (KCC)	Kiama Community College, Shoalhaven Community College and Shoalhaven River College.

## 14 Related Documents

- Code of Conduct Policy
- Performance Management Policy
- Anti-Discrimination and EEO Policy
- Bullying and Harassment Policy
- Sexual Harassment Policy

## 15 Document control

Date reviewed	Date adopted	Amendment
March 2025	March 2025	N/A

## 16 Policy Version and Revision Information

Policy Authorised by:	Chief Executive Officer
Effective date of Original Version:	12 March 2025
Policy Maintained by:	Human Resources Lead
Version Number/Effective date:	1
Review Date:	12 March 2027



# SHOALHAVEN RIVER COLLEGE

YEARS 9 TO 12

1 Mattes Way, Bomaderry NSW 2541

P 0475 081 630

E [info@src.nsw.edu.au](mailto:info@src.nsw.edu.au)

[www.shoalhavenrivercollege.org.au](http://www.shoalhavenrivercollege.org.au)