



Child Protection Policy and Procedures

Definitions

Child – a person under the age of 18 years

Child abuse - When a child is used as a sexual object for the gratification of the older person's needs/desires or is unable to give consent due to unequal power in the relationship or is too young to be able to make a reasonable decision, that child is deemed to have been abused. Generally, sexual abuse does not include sexual activity between consenting peers. It should be noted that the school does not condone sexual activity outside a monogamous heterosexual marriage.

The Rights of Children – are generally summarised in a United Nations Convention which the school endorses. The Convention States: "Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."

The Act – refers to "The Children (Care and Protection) Act 1987 (as amended)"

Physical Abuse -is any action of an unwanted nature inflicted upon a person that causes hurt or harm to their bodies.

Sexual Abuse -is any sexual action of an uninvited or unwelcome nature by a person(s) on another person that has the effect of intimidating/harming/ violating/demeaning that person.

Psychological Abuse - is any action or comment of an unwanted nature directed towards a person which has the effect of creating fear, isolation, distress, humiliation or affront in the victim.

Duty of Care - is a legal term describing the responsibility of executive and teaching staff to be aware of and protective of the students' well-being while under their supervision. If an outcome is foreseeable, the school and therefore its staff have a "duty of care" to take action to protect their well-being. The executive also have a duty of care to ensure that there is appropriate policy and that the policy is being monitored and enforced.

Harassment - is any unwanted, unsolicited and unreciprocated behaviour or statement that offends someone or humiliates them.

Child protection is any action that safeguards a child against any sort of harm.

Framework and Rationale

All children are precious in the sight of God. The Bible indicates that the nurture of children is a high priority in the community with specific responsibility being given to parents.

"Fathers, do not exasperate your children, instead, bring them up in the training and instruction of the Lord." Ephesians 6:4 (NIV)

“Do not forget the things your eyes have seen or let them slip from your heart as long as you live. Teach them to your children and to their children after them.” Deuteronomy 4:9 (NIV)

In the context of a community of believers (e.g. a Christian School), it is the responsibility of all members to love the children in their care. This love, so clearly described in 1 Corinthians 13, must guide the staff’s words and actions as they stand in the place of parents.

“Love does not delight in evil, but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres.” 1 Corinthians 13:6-7 (NIV)

It is therefore right that all adults in the community be committed to the care and protection of children, and particularly from any kind of abuse or neglect.

When a child is enrolled at Parkes Christian School, the school enters a contract with parents to assist them in their God given responsibility for the nurture of their children. The school strives to fulfil their contract to support parents but not to the detriment of the welfare of the child. It is part of the school’s particular (i.e. legal) “Duty of Care” to ensure that children receive the protection that is due to them because they are of an age where they could not be expected to know their rights nor to assert them if they became subject to abusive behaviours from another person. Therefore, in every action taken in response to a case of suspected child abuse (see Definitions), the best interest of the child is of paramount consideration.

It is the role of the school to focus specifically on a broad education for the children. In this regard, the School provides a curriculum which fosters their health spiritually, morally, emotionally, physically, intellectually and socially. This education must include an awareness of issues associated with their protection from unwanted and/or unwelcome actions from older people or peers.

This policy satisfies government requirements in relation to Child Protection at Parkes Christian School. It relates to suspected or reported cases of abuse against students by staff, parents, other students or by other persons outside the school.

The sin of child abuse often has horrific consequences that can damage children for the rest of their lives. While the school is committed to making every effort to protect children from abuse, it must be recognised that we all fall short, at times, of the standards of behaviour the Lord would have us apply in our relationships. Therefore all persons allegedly involved in situations where abuse is suspected or disclosed are to be treated with sensitivity, dignity and respect because they too are loved by the Lord.

Governments have the responsibility to punish those who do wrong and endeavour to protect their citizens. The school recognises that Community Services NSW, the NSW Police Service and the Attorney General’s Department are the government agents in this process. The school aims to maintain a relationship with the Community Services NSW that will enable the school to be appropriately and constructively involved throughout any process conducted by the Government agencies for the protection of a student from this school.

Note: Abuse can also be perceived to exist in situations of sexual harassment and/or bullying (verbal or physical). Therefore, this policy is to be read in conjunction with the Harassment, Victimisation and Bullying Policy of Parkes Christian School.

Policy Statements

Parkes Christian School is committed to;

- providing a safe environment for students;

- preventing child abuse in any form within the school
- dealing seriously with any reports of abuse promptly and appropriately
- educating students concerning their rights and equipping them with appropriate skills for avoiding and reporting uncomfortable/ abusive situations.

The Principal is responsible for the administration and conduct of the school and all that relates to it. Therefore, the Principal must be informed promptly of all serious matters concerning the suspected/disclosed abuse of students unless the Principal is the subject of a complaint, in which case, the Chairman of the Board must be informed.

All staff are required to undertake regular annual professional development and training in the area of Child Protection report any suspicions or disclosures of abuse to the Principal who will report it to Community Services NSW, if in the opinion of the staff member, reasonable grounds exist. Records of attendance at Child Protection PD are kept in the office.

Cases of child sexual assault (see Definitions) must be reported to Community Services NSW by the Principal (or delegate) who will involve the teacher if required. (Mandatory reporting is required by law for teachers, counsellors, principals and heads of schools for any child under the age of 16 years – or 17 in some instances – for cases of sexual assault only).

Staff who have access to information regarding suspected or disclosed child sexual abuse or physical abuse are to observe strict confidentiality in relation to the entire matter unless required by the Principal to disclose that information.

Note: Where it is in the interest of a child, who may be at risk of harm, to disclose confidential information to a parent caregiver or agency, the staff member should seek advice from the Principal. The Principal may then advise the staff member on the appropriate course of action or action the matter themselves. In all cases it is imperative that the interests of the child and the possible risk of harm are considered as a priority in relation to any confidentiality requirements.

Accurate documentation must be kept by all parties concerning any reports made about possible child sexual abuse, physical abuse or psychological abuse, details of notification, actions taken within the school resulting from notification and other details related to reported cases of abuse.

Staff employment policy and procedures require that staff who are appointed to positions in the school are fit and proper persons to occupy those positions (See “Staff Employment Declaration” – Appendix 2 and “Staff Code of Conduct” – Appendix 3). They are also required to declare their understanding of their responsibilities in the area of “Protective Behaviours”.

The school will appoint trained investigators to carry out investigations in relation to allegations of reportable conduct. The results of such investigations will be reported to the Principal (or Head of Agency) who will make a finding in light of the facts. Such investigations and the accompanying reports to the Ombudsman must be under the direction of the Principal unless the allegation is made against the Principal, in which case the Board Chairman will oversee the investigation.

A Staff Code of Conduct (See Appendix 3) will be actively monitored. Staff members who the Board and Principal reasonably believe, on the face of evidence, to have breached this code or any part of this policy may be stood down subject to the nature of the incident, the reliability of the evidence and/or pending the outcome of enquiries.

This policy and associated procedures will be reviewed on a regular basis to ensure their

appropriateness to the experiences of the school.

Implementation and Communication

The Principal is responsible to ensure that this policy and the principles upon which it is developed are effectively understood and implemented by all staff and students.

Communication of Policy to Staff

All staff will be required at the time of their appointment to sign an Employment Declaration indicating that they have no police record and that they have no case pending against them of abusive actions towards a minor.

All staff will be made aware of the Policy during Professional Development Week in January, where key elements will be read out and discussed. Training will occur every year during July Staff Week, conducted by an AIS trainer one year and the Principal on the other. Staff will also be reminded of the Policy as it applies to them and their students through staff development meetings. Records of attendance are kept in the office.

An explanation of the procedures for implementing this Policy shall form part of the new staff induction program.

All staff will be reminded and have the Policy verbally summarised for them at the beginning of year staff development sessions.

Communication of Policy to Students

The substance of the Child Protection Policy will, in every year from Years K-10, be integrated at appropriate levels into the Personal Development, Health and Physical Education lessons.

Child Protection and Site Security

All visitors to the school will be subject to child protection measures. Visitors passes issued for each visitor and the visitors book must be signed. Where visitors may have unsupervised access to children a current Child Protection Form must be kept on file.

Employment Screening

Paid Employees

Staff who are paid employees will be subject to the normal screening processes through the WWCC as directed under the Act. Copies of the confirmation from the WWCC will be kept on file in the Principal's Office. WWCC's will be verified by the principal's executive assistant.

Volunteers and Unpaid Staff

Volunteers and unpaid volunteers must complete a Child Protection Form indicating that they are not prohibited persons under the act. For regular volunteers Child Protection Forms will be completed annually and kept on file at the school.

Key Staff and Roles

Glen Westcott - Principal - Sole reporter of incidents where a student is at risk of significant harm - Child Protection Investigator - maintains records of CP reports

Jay Quince - Head of Mathematics - Child Protection Investigator

Lisa Gillow - E.A - maintains records of C.P training attendance

All staff- mandatory reporters to the principal

Procedures for Raising Allegations of Reportable Conduct or Misconduct of Staff Students

Students should raise concerns or complaints verbally with their Year Advisor, who will document the nature of the complaint. The Year Advisor will disclose that they are obligated to pass any concerns or complaints onto the principal.

If the complaint is about the student's Year Advisor, they should raise their concerns with the boys or girls Welfare Coordinator, or the principal.

If the student isn't comfortable with any of the assigned staff members, they should raise their concerns with a member of staff whom they are comfortable speaking to.

Parents/Caregivers

Parents should raise concerns or complaints directly with the principal in person or in writing. If the concern is regarding the principal, the complaint must be in writing, placed in an envelope addressed to 'The Chairman of the Board' and delivered in person to the Business Manager via the Front Office.

Staff

Staff should raise concerns against fellow staff members directly with the principal in person or in writing. If the concern is regarding the principal, the complaint must be in writing, placed in an envelope addressed to 'The Chairman of the Board' and delivered in person to the Business Manager via the Front Office.

Allegations of Reportable Conduct Against Employees -

a) Policy Statements:

The School will follow the Procedures as Specified by the Ombudsman's Act 1998 and the Protocols as agreed between Christian Schools Australia and The Ombudsman. Allegations will be investigated in a confidential manner. No staff member or student should be disadvantaged as a result of having complained/disclosed information.

During the process of investigation the following may occur:

- a strong recommendation for a student and/or a staff member to receive counselling/legal advice from an appropriate person(s)
- staff member and/or student(s) may have their duties/schedules adjusted so that they are removed from contact with others that may cause difficulties with the investigation
- suspension of a staff member and/or student(s) from school pending an outcome of investigations.
- notification of relevant government agencies
- involvement of parents/guardians when considered appropriate

Where the Principal reasonably concludes, after reviewing the evidence, that an act of abuse has taken place or the Staff Code of Conduct has not been complied with, or a loss of confidence in a member of staff exists, the Principal may make a recommendation to the Board of Directors that a staff member may be summarily dismissed from employment or a student expelled from the school. This action may occur irrespective of whether a conviction has been determined by a court of Law.

Head of Agency

The Principal is the Head of Agency under the Act.

What Must be Reported

All Reportable Allegations against employees must be notified to the Ombudsman regardless of whether the child has been harmed or not and regardless of whether the behaviour is thought to have occurred. In the case of psychological harm, there needs to be evidence that a child has been harmed as a result of the employee's behaviour.

Types of Reportable Conduct

Sexual Offences

Child Sex Offences

Summary Offences

- Filming for indecent purposes
- Installing a device to facilitate filming for indecent purposes

Sexual Misconduct

- Inappropriate conversations of a sexual nature
- Comments that express a desire to act in a sexual manner
- Unwarranted and inappropriate touching
- Sexual exhibitionism
- Personal correspondence (including email and text messages)
- Exposure of children to the sexual behaviour of others including pornography
- Watching children undress (eg. in change rooms or toilets when supervision is not required or justified.)

Grooming Behaviour

- Persuading the child that a special relationship exists
- Testing of boundaries

Child Pornography

It is a criminal offence to download from the internet, possess or publish child pornography. Any allegation of this nature should be notified to the Ombudsman as an allegation of reportable conduct and should also be referred to the Police.

Child Sexual Assault

It is a sexual offence against, with, or in the presence of a child. It includes the involvement of children in sexual acts or acts of indecency and any sexual threat imposed on a child.

Physical Assault

Physical assault is the assault and/or non-accidental injury and/or harm to a child by a parent, caregiver or another person responsible for the child. It is a hostile act towards the child and occurs regardless of the adult's intention to harm and regardless of the child's or young person's consent. Assault can include pushing, shoving, throwing objects, hitting, or threatening behaviour (either verbal or actions) that causes the child to fear that an assault is likely to occur. Under common law principles an act of assault must include:

- an act committed on or towards a child
- either the application of force or an act that causes a child to think that immediate force will be used on them
- either hostility or recklessness.

Ill-Treatment

Ill-treatment of a child occurs where an employee, such as a foster carer or teacher, disciplines or corrects a child in excess of what is reasonable or appropriate for the situation.

Neglect

Neglect occurs where a child is harmed by the failure of a person, whose job includes care

responsibilities towards a child, to provide basic physical and emotional necessities of life including food, nursing, clothing, medical attention or lodging.

Psychological Harm

Psychologically harmful behaviour is behaviour that results in significant emotional harm or trauma to a child. There needs to be a causal link between the inappropriate behaviour and the harm.

Misconduct that may involve Reportable Conduct

Misconduct means misbehaviour or wrongdoing. This category should be used where the initial information suggests that the allegation may be part of a pattern of behaviour which may indicate misconduct that poses a significant risk to children. Such patterns need to be investigated to ascertain whether grooming has occurred or whether the child has actually already been abused by the employee. Examples would include:

- socialising with a child outside the workplace
- purchasing gifts or paying special attention to the child attempts to isolate the child from a group
- attempts to befriend the child's family and offers to take the child to various places, assist with their schooling, etc outside the workplace and in breach of school's code of conduct
- touching that may not be sexual in nature but may elicit a level of discomfort
- inappropriate or suggestive comments or jokes directed toward the child providing alcohol or drugs to children
- an employee taking children to their own home, or transporting children to and from school or any other place in breach of the school's code of conduct.

Allegations involving inappropriate comments or swearing at a child whilst constituting inappropriate behaviour or misconduct **will not** on their own be regarded as 'allegations of misconduct that may involve reportable conduct', where they are not being reported as part of a pattern of behaviour. The Ombudsman expects that these would be dealt with by the school as misconduct.

Checklist

- Does the allegation involve behaviour that is inappropriate or in breach of the school's code of conduct, policies and procedures?
- Does the allegation relate to a pattern of inappropriate behaviour?
- Does the alleged behaviour pose a significant risk to the child (eg, grooming behaviour)?
- At the end of an investigation of 'misconduct that may involve reportable conduct', the principal must decide whether the alleged conduct occurred, and if it did, whether or not it constituted reportable conduct.
- If the misconduct did not involve reportable conduct the school should follow its normal disciplinary procedure.

The school should NOT make a finding that an employee's behaviour was 'misconduct that may involve reportable conduct'.

Not Reportable Conduct

The Act Section 25A(1) makes it clear that certain classes of matters do not need to be reported to the Ombudsman. Reportable conduct does not extend to:

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of

- the children and to any codes of conduct or professional standards
- the physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures.
- Conduct of a class or kind exempted from being reportable conduct by the Ombudsman under Section 25CA.

Allegations against employees of the use of trivial or negligible physical force do not have to be notified to the Ombudsman because they are specifically excluded from the definition of 'reportable conduct'.

When does a complaint against an employee become a reportable allegation?

Employers are required to deal with a wide variety of complaints relating to employees' professional practice or conduct, eg: rudeness, punctuality, failure to achieve expected outcomes, management issues. Although most complaints about employees will not fall into the category of reportable allegations, **all** allegations against employees should be recorded and responded to appropriately. (See Child Protection Procedures)

Procedures for Dealing with Allegations Against an Employee.

a) Receipt of an Allegation

Allegations against employees must be dealt with in accordance with the 'Child Protection in the Workplace Manual'. Complaints of information, where it is considered some form of reportable behaviour may have occurred, should be made to the Principal.

Initial Response

The Principal will clarify the information to ascertain whether the complaint or information constitutes an 'allegation of reportable conduct'.

The Principal should decide whether or not, on the face of the information provided, the matter is reportable to the Ombudsman. This decision should be made as soon as the allegation is received so that an investigation into the matter can commence and be concluded in a timely manner. Clarification may be sought as to the nature of the alleged behaviour, from the person making the allegation. Any further enquiry would constitute an investigation. Such clarification may be necessary to establish:

- the identity of persons involved
 - when and where the alleged incident occurred
 - a description of the acts and/or omissions which form the basis of the allegation.
- (See Flowchart p33 'Child Protection in the Workplace Manual')

Notification to the Ombudsman

If the allegation is deemed to be an allegation of reportable conduct then the allegation should be notified to the Ombudsman's Office **within 30 days** of its receipt with subsequent submission of the findings at the conclusion of the investigation.

Investigations

If it is deemed that an allegation of reportable conduct (*or Misconduct that may involve reportable conduct*) has been made, then the Principal shall cause an investigation to be carried out by an Approved Investigator (as described under the Act).

Preliminary Findings

The approved investigator will make a 'Recommended Finding' to the Principal who will inform the employee of the outcome of the investigation and inform him/her of the 'Preliminary Finding'.

f) Employee's Response

The employee will be afforded the opportunity to respond to the finding in writing.

g) Final Finding

The Principal will then make a Final Finding in relation to the allegation and:

- inform the employee of the Final Finding
- submit a Report to Ombudsman
- make any necessary notifications to the CCYP, depending on the outcome.
- ensure that any disciplinary proceedings in relation to the employee are carried out.

h) Record Keeping

Information relating to the handling of all allegations (whether reportable or exempt from notification), including inquiries, investigations, findings, decisions and action taken must be appropriately recorded by agencies.

Records of all allegations must be accessible for audit by the Ombudsman

PROTOCOLS FOR INVESTIGATIONS

- a) Decide if it is an allegation of child abuse or professional misconduct involving child abuse.
- b) Offer support for student, advise on confidentiality
- c) If necessary notify Community Services NSW and or Police.
- d) Perform an initial risk management.
- e) Inform the employee that an allegation has been made, and from the risk management what measures, if any, will be taken during the investigation.
- f) Inform Person Subject Of Allegations of support available. Advise on confidentiality.
- g) Conduct or cause to be conducted, an investigation of the allegation.
- h) Collect all relevant information
- i) Interview all relevant witnesses
- j) Interview employee:
 1. giving reasonable advance notice details of the allegation
 2. entitlement of a support person/witness to be present
- k) Make a preliminary finding, on the balance of probability, if the allegation is:
 1. false (did not occur)
 2. vexatious (did not occur, reported with malice intent)
 3. not sustained (insufficient evidence to determine)
 4. not child abuse but may be a breach of professional behaviour (some professional disciplinary action required)
 5. sustained and requiring disciplinary action
- l) Decide on the disciplinary action, if any.
- m) Inform the employee of:
 1. details of the finding and possible disciplinary action, if any
 2. if the finding is to be reported to the CCYP (findings d and f only)

3. his/her right to ask for the Ombudsman to review the investigation
 4. give above findings in a letter to PSOA
- n) Notify the Ombudsman, within 30 days of your awareness of an allegation, with a complete report of the investigation including findings, any disciplinary action and any other recommendation.
 - o) Report to the Commission of Children and Young People (CCYP) any relevant completed disciplinary procedures unless the findings are false, vexatious or misconceived. Advise employee that this has been done.
 - p) Advise parents of the child.
 - q) Inform CSA of Class and Kind Investigation.

Appendix 1-Identifying Abuse

GUIDELINES AND PROCEDURES FOR IDENTIFYING ABUSE

Identifying Abuse

There are four areas of abuse that may impact upon children. They are

- a) Physical abuse
- b) Sexual abuse
- c) Psychological abuse (Harassment)
- d) Neglect

Indicators of Abuse and Neglect

In assisting staff to identify suspected cases of abuse, indicators of abuse or neglect may include, but are not limited to, the following: (None of these indicators, on their own, should be taken as clear evidence of abuse.)

General Indicators

- history of previous harm to the child abuse or neglect of a sibling
- social or geographic isolation of the child or family
- family history of violence including injury to children domestic violence
- physical or mental health issue affecting the parent or caregiver the parent or caregivers' abuse of alcohol or other drugs
- a developmental disability affecting the parent or caregiver
- parent or caregiver experiencing significant problems in managing the child's behaviour a history of injury which is vague, bizarre or variable
- marked delay between injury and presentation for medical assistance
- the child tells you he or she has been abused, or he or she knows someone who has been abused and may be referring to themselves
- a friend, relative etc. tells you that the child may have been abused

Specific Indicators

Sexual Abuse

- direct or indirect disclosures describing sexual acts
- age inappropriate behaviour and/or persistent sexual behaviour age inappropriate knowledge
- self-destructive behaviour (e.g. self-mutilation, suicide attempts)
- overtly sexual themes in play, artwork or writing persistent running away from home
- anorexia, over eating
- unexplained accumulation of money or gifts
- adolescent pregnancy
- injuries to the breasts, buttocks, lower abdomen, thighs and genitalia
- other child stress indicators (e.g. poor concentration, nightmares and bed wetting, marked changes in behaviour, complaints of stomach aches and headaches with no physical findings)

If a child tells you about abuse

Staff need to be well prepared so that they can be supportive of the student and clear about their responsibilities at the same time. It is essential that the staff member remains calm and

supportive of the student.

The staff member should:

- disclose that you have a responsibility to tell the Principal.
- be aware of the common indicators of abuse and neglect
- actively listen to the student and never probe for details or ask leading questions;
- refrain from questioning excessively even if unsure of whether to notify;
- talk gently and reassuringly, pointing out that you are there to help;
- only ask open ended questions that are designed to provide sufficient information about whether the suspicion of abuse is reasonable and therefore sufficiently strong enough to warrant a report being made, without suggesting the complaint is not believed
- where the abuse is taking place outside the school's control, never assure the student that the abuse will stop as that cannot be guaranteed; do not make promises that you will not tell anyone. In fact, you should disclose that you have a responsibility to tell the Principal.

If a student begins to make a disclosure in a group situation (say in a sharing time)

Staff are required to:

- acknowledge that they have heard the student;
- indicate support by explaining that what the student has said sounds important and that it would be better to talk about it later;
- immediately, yet discreetly, arrange an appropriate time to see the student away from other students.

If you have reason to suspect abuse:

From time to time staff may suspect that child abuse might have occurred or may be about to occur. Staff need to be aware of the indicators of child abuse. If the school has evidence of a crime, the matter will be reported directly to the Police by the Community Services NSW.

If someone, other than the child concerned, reports abuse to you:

Staff or students who, in good faith, make a report of suspected/alleged improper conduct of a sexual or abusive nature by a person against a student will not be prejudiced in any way. Assure them you will do everything you can to assist.

In appropriate circumstances, staff may seek the advice of the Principal without derogating from their responsibility under the Child Welfare legislation.

**STAFF CODE OF CONDUCT
FOR THE
CARE AND PROTECTION OF CHILDREN**

CONTENTS:

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2. The Legislative Context
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4. General Guidelines
5. Resources:

Responding to Allegations: Protocols for Investigations
(To be reviewed following implementation of amendments to the legislation)

<http://portals.studentnet.edu.au/industrial>

The Working with Children Check Guidelines:

www.kids.nsw.gov.au/check/employer.html

NSW Ombudsman – Child Protection Guidelines:

www.nswombudsman.nsw.gov.au/publications

Introduction

The care and protection of children according to the parameters set out in NSW legislation is both complex and sensitive. Since the NSW Government introduced its legislation in 1998 there have been a number of significant developments which have resulted in the passing through both Houses of Parliament the ‘Child Protection Legislation Amendment Act 2003’. Both the NSW Ombudsman and the Commission for Children and Young People have re-drafted their guidelines in relation to child protection as a result of these amendments.

The 2004 amendments to the child protection legislation requires agencies to develop a Code of Conduct which will apply to its employees. Such a Code should help establish parameters for employees who work in child related employment. This Code of Conduct has therefore been formulated to identify to staff of Parkes Christian School the type of conduct that is required of them in the way they deal with children in the performance of their duties. It is also intended to provide practical assistance for staff members if they encounter ethical problems.

The Legislative Context

Everyone who is concerned in a professional capacity with the care and protection of children needs to have a clear understanding of the essential elements of the law as it applies to the care and protection of children.

Legislation in NSW relating to the care and protection of children is currently contained in the following Acts of Parliament:

- Children and Young Persons (Care and Protection) Act 1998
- Commission of Children and Young People Act 1998
- Child Protection (Prohibited Employment) Act 1998
- Ombudsman Act 1974 (Part 3A)
- Child Protection Legislation Amendment Act 2003

Duty of Care and Legal Liability

Staff can be deemed legally liable if they have been negligent in relation to their responsibilities under the legislation as it pertains to the care and protection of children.

Generally speaking, a person owes a duty not to injure another as a result of his or her own negligent act or omission. The duty does not usually extend to the taking of steps to prevent injury where one has not caused or contributed to the risk giving rise to the injury.

There exists, however, special duty relationships between some members of our society which give rise to more onerous duties of care. The relationship between teacher and pupil is one of these.

The general law of negligence provides that a person may be negligent if:

- They owe a duty of care to the person injured, that is, the standard judged reasonable in all of the circumstances, and
- They did not carry out that duty to the legal standard required, and
- The person suffered damage as a result of the failure to observe the duty of care.

With regard to care and protection the following general principles apply:

- Staff must take reasonable care to ensure that their students are not harmed.
- They have a duty to protect their students against foreseeable risks of personal injury or harm.

The standard of care is that of a reasonably prudent parent. The degree of care depends on such factors as the age of the students. There must be an efficient system of supervision in operation in the school.

Duty of care applies while the students are under the care of the school. This applies equally to school based activities and out of school activities. The same duty of care applies to employees who volunteer their services to the school.

Employees are required to follow good standards and approved practice. An example of good standards or approved practice would be compliance with the school's Code of Conduct.

4. General Guidelines

Parke Christian School is committed to the achievement of the highest standards of education in which the security protection and comfort of students is a high priority. The following guidelines are to be adopted for the care and protection of students and staff.

Supervision of Students

Staff must take all reasonable care to ensure that no student is exposed to any unnecessary risk of injury. Staff are to remember that they are in *loco parentis* – the standard of care required is that of a skilled professional.

Staff should be familiar with and adhere strictly to the school's current evacuation procedures. Ill or injured students should be attended to by the supervising staff member. Should additional assistance be required contact should be made with the central office.

Staff are responsible to ensure that students are appropriately supervised at all times. Staff are reminded of their duty of care obligations in this regard. Staff should be punctual to class and allocated supervision.

It is recognized that some staff members such as Individual Music Tutors, Educational Support Staff must work with students alone in enclosed areas. Staff should always ensure that external monitoring is made possible with a window in each area used. Staff should remain with students at after school activities until all students have been collected. In the

event that a student is not collected staff should remain with the student, or ensure that arrangements are in place for the supervision of the student, until collected, or return to school with the student.

Playground supervision is an integral part of the responsibility of staff. It must take precedence over other activities. It is unacceptable to be late. Staff should actively supervise their designated area, being vigilant and constantly moving around.

Staff should be alerted to bullying or any other form of discriminatory behaviour, and report incidents to the appropriate staff member.

Relationships with Students

Staff should avoid situations where they are alone in an enclosed space with a student. Where staff are left with the responsibility of a single student they should ensure that this is in an open space in view of others. Where this is not possible or practical it should be discussed with the immediate supervisor.

When staff wish to conduct a private conversation with a student they should consider the time and venue carefully to avoid placing themselves in a vulnerable situation. It is preferable to leave the door open. The staff member should not locate themselves between the student and the door.

Staff may as part of their pastoral care role engage in discussion with students. This is entirely appropriate. However staff must be cautious of making personal comments about a student or asking questions that probe their own or a student's sexuality or relationships.

Staff may **not** have private conversations with students that are of a lewd or sexually suggestive or explicit nature (i.e. outside of the requirements of the school curriculum and Board of Studies syllabi). Comments of this nature to any student must also be avoided. Staff should not facilitate access to lewd or sexually suggestive material.

Staff should never drive a student alone in their car unless they have specific permission from their supervisor to do so. Appropriate forms and permissions must be obtained before using private vehicles on excursions. In the event of an emergency staff should exercise discretion but then report the matter to the appropriate supervisor.

Staff should notify the Principal or Head of Agency immediately should they suspect a situation involving any form of reportable conduct, or child abuse. It is not staff responsibility to investigate. Similarly staff should report to the Principal or Head of Agency any suspected case of neglect.

Staff members should be aware that young people becoming sexually aware may be confused by actions of a staff member. Staff members may not court, date or develop a romantic relationship with students enrolled at the school. Appropriate professional relationships between teachers and students must be encouraged at all times.

Social relations between staff and students outside the school can be problematic. Staff should refrain from visiting students at their home without the parents present unless they have the expressed permission of the Principal and /or parents. Where familial or friendship relationships exist between families and staff then staff must ensure that they are mindful of the possible risks involved. Staff must be alert at all times to the risk involved in social relations with students and be conscious that their position places extra obligations on them.

Staff should not engage in tutoring or coaching students from the school for monetary return.

When physical contact with a student is a necessary part of the teaching/learning experience staff must exercise caution to ensure that the contact is appropriate and acceptable. Staff should seek reassurance from the student by asking for a volunteer to demonstrate a particular activity.

Attention to the toileting needs of young children should be done with caution. It may be appropriate to have the door open. In respect to students with a disability the management of toileting needs should be included in the student's individual management plan.

Staff should not supply or condone the use of alcohol, tobacco or other drugs for any student in their care. Staff must not refer to their own views on this as a means of condoning student use.

When congratulating a student, a handshake, pat on the shoulder or brief hug are acceptable as long as the student is comfortable with this action. Kissing of students is not acceptable.

Assessing a student who is injured or ill may necessitate touching. Always advise the student of what you intend doing and seek their concurrence.

Staff must always treat students with respect and without favouritism. Care should be taken especially when in situations relating to discipline of students. Put-downs or sarcasm, derogatory remarks, inappropriate familiarity or offensive comments must not be used to demean students.

Staff who communicate with students electronically must abide by the terms of the school's Communication Policy. Transmission of messages or files which are sexually explicit or offensive are totally inappropriate.

Sometimes during the course of your work you may be in receipt of a gift from a student. In such circumstances where the receipt of a gift could be considered outside of usual custom or accepted norms, you are to inform your immediate supervisor.

Staff should ensure that they are familiar with and adhere to the school's policy in regard to the storage and administration of medical products for students.

Sometimes in ensuring duty of care, staff may be required to restrain a student from harming him or herself or others using reasonable force. Any such strategy must be within the bounds of what is acceptable and reasonable in order to safely restrain the student(s).

Discipline of Students

All staff should be familiar with and adhere to the school's Student Welfare and Discipline Policy.

Smoking is not permitted on the school premises. Furthermore smoking is not permitted at any school function or activity whether these functions/activities are on the school premises or not.

Alcohol is not to be consumed on the school premises or at school camps or excursions. The only exceptions will be those occasions deemed appropriate by the Principal, but in any case will not include occasions where students are in attendance.

No student should be allowed to leave or be sent from a class alone other than for personal hygiene or administrative matters. In cases where a student must be excluded from a class or activity students can be sent to another teacher or to the Principal. However they should not be sent alone and a note detailing the reason for the exclusion should accompany them.

At all times when speaking with students care must be taken to use appropriate language.

Communication Issues

Staff are required to respect and adhere to the established lines of communication in the school.

Staff should be mindful of confidentiality when in discussion with parents. Staff can never guarantee confidentiality if the matter under discussion requires mandatory reporting. (See Appendix 4 Legal Responsibility for Reporting Abuse)

Staff should not speak about another staff member to students or parents.

Staff should present a courteous professional manner to students, parents, visitors and other staff members. Confrontation and criticism in public is to be avoided at all times.

All matters discussed in staff meetings and staff memos are to be treated confidentially and not discussed with students.

The media should not be given access to students or allowed entry to the school without the expressed permission of the Principal.

Camps/Excursions

In the case of activities involving overnight accommodation of boys and girls, both genders should be represented in the group of supervisors.

Camp and /or Excursion information must be communicated to parents using the appropriate forms. Staff must follow the school's policy in relation to the completion of risk assessments in relation to all camps and excursions.

A mobile phone must be taken on all excursions. The teacher in charge must always have a complete list of contact numbers with them on the excursion.

Duty to Disclose

Staff are required to report to the Principal any allegation of 'reportable conduct' or child abuse.

Staff, who are the subject of an Apprehended Violence Order or a Reportable Conviction, are required to inform the Principal immediately they are in receipt of such an Order or Conviction.

Appendix 4

LEGAL RESPONSIBILITY FOR REPORTING OF ABUSE

The Role of Community Services (NSW) and Other Government Agencies

Scripture assigns Governments the role of punishing wrong doers and endeavouring to protect their citizens and the school supports the role the Government plays in protecting children through the Department of Community Services, the NSW Police Service and the Attorney General's Department. The school aims to develop a relationship with the Department of Community Services that will enable the school to be involved in the process of protecting children.

The Children (Care and Protection) Act 1987 (as amended)

In proceeding to take action under the Children (Care and Protection) Act 1987 school staff must satisfy themselves that they are acting on reasonable grounds. This Act forms the statutory basis for the role of the Department of Community Services for the investigation of cases of suspected child abuse and the responsibilities borne by schools in relation to such cases. A child is defined as a person under the age of 18 years.

Abuse in relation to a child means to:

- assault (including sexually assault) the child; or ill treat the child; or
- expose or subject the child to behaviour that psychologically harms the child, whether or not, in any case, with the consent of the child.

Mandatory Reporting

Mandatory reporting of suspected child sexual assault to the Department of Community Services is required under the Children (Care the Protection) Act 1987 for teachers, counsellors, principals and heads of schools for any child under the age of 16 years, even if reporting is against the wishes of the child.

All staff are to report cases of suspected sexual assault to the Principal, who will promptly notify the Department of Community Services should he/she consider the information constitutes reasonable grounds for suspicion. If the staff member reporting to the Principal believes they have reasonable grounds for suspicion of sexual abuse they must also report the matter to the Department of Community Services regardless of the Principal's decision.

Notification to the Community Services NSW shall occur if a staff member (or any other person) forms a belief that a child under 16 years of age or a child who is 16 or 17 years of age has **been, or is in danger of being abused** (other than sexual assault); or is a child in need of care.

A child is defined as being "in need of care" if adequate provision is not being made or is likely not to be made for the child's care, if the child is being or likely to be abused, or there is a substantial and presently irretrievable breakdown in the relationship between the child and one or more of the child's parents.

All notifications that involve a criminal offence under the Children (Care and Protection) Act, the Crimes Act 1900 or the Crimes (Female Genital Mutilation) Act 1995 must be referred by Community Services NSW to the Police. This includes all cases of sexual abuse. Child abuse under the Crimes Act 1900 refers to a range of offences that result in harm to a child victim or which involve behaviours to which a child cannot give consent. Offences include sexual intercourse, indecent assault and indecent acts. The practising, aiding, abetting, towards or procuring of someone to practise female genital mutilation is an offence under the Crimes (Female Genital Mutilation) Act 1995.

Appendix 5

PROCEDURE FOR STUDENT INTERVIEW CONDUCTED BY POLICE OR FAMILY and COMMUNITY SERVICES (NSW) OFFICERS AT SCHOOL

In relation to reportable cases of abuse where Family and Community Services (NSW) has been notified, officers of the Department and the NSW Police Service may wish to carry out student interviews, sometimes jointly, at school.

Before allowing any officers access to information or students, the Principal should sight the officer's identification and may choose to confirm this with a phone call to their office.

No student will be interviewed at the school against the wishes of the student and it is the Principal's responsibility to inform the student of this. The Officers should give the school, in writing, an official confirmation of an investigation involving a particular child.

At the commencement of the interview, the Principal should ask the investigating officers to explain to the student, in the presence of the Principal, the purpose of the interview and their role. The Principal will inform the student of his or her right to choose a supportive adult to be present at the interview. If a person is nominated by the student, the interview must not commence until that person has arrived.

What takes place in the interview becomes part of the investigation and must remain confidential. The interview may be taped by the support person if all parties agree, otherwise notes should be taken by the support person as a record of interview for the school.

Except in cases which involve a member of the family it is expected that a parent of the child concerned will be present at any interview with the child. Should the allegations be made against a family member the parents will be informed of the interview as soon as possible after it has commenced.

Family and Community Services (NSW) or Police Officers are responsible for communicating with parents about any further matters related to an interview.

EXCHANGE OF INFORMATION WITH FAMILY and COMMUNITY SERVICES (NSW)

Before any phone discussion occurs between officers of the Department of Family Community Services and the Principal, the Principal must always confirm the identity of the caller by phoning the known number of the Community Services Office before any discussions occur.

Any information requested verbally must be confirmed in writing promptly.

Any staff member that receives a call from Family and Community Services (NSW) must refer the officers to the Principal.

The Principal should inform parents immediately that the school has supplied information to Family and Community Services (NSW) unless the Department supplies the school with a written direction that the parents are not yet excluded from suspicion and hence not entitled to receive information.

Appendix 7

REMOVAL OF STUDENTS BY FAMILY and COMMUNITY SERVICES (NSW) OFFICERS

From time to time the Principal may be approached by officers from Family and Community Services (NSW) to remove a student from school premises. This approach will be supported by a Section 60 notice. If a student is to be removed from School (Section 60) or ordered to remain at the school (Section 62A) the Principal must:

- sight the identification of the officers;
- take a copy of the Section 60 or Section 62A notice;
- record details of the actions, names of officers and, where possible, place of lodgement of the student;
- gain an assurance from officers of Family and Community Services NSW that they will immediately inform the parent or caregiver that the student has been removed from the school or has been ordered to remain at the school.

Policy Review Date	12/4/19
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