

KCCS SAFE & SUPPORTIVE ENVIRONMENT CHILD PROTECTION POLICY

PART A CHILD PROTECTION (WORKING WITH CHILDREN ACT)

**PART B THE CHILDREN & YOUNG PERSONS (CARE & PROTECTION)
ACT 1998**

PART C THE OMBUDSMAN ACT 1974

APPENDICES (1-6)

UPDATED MARCH 2018

REVIEWED & UPDATED NOVEMBER 2018 (PAVINA LEE)

Kingdom Culture Christian School

SAFE & SUPPORTIVE ENVIRONMENT: CHILD PROTECTION POLICY

Updated March 2016

Re

MISSION

“Raising Tomorrow’s Leaders”

1. Introduction and Purpose

This Policy is intended to:

- (a) Meet the legislative obligations in relation to child protection. Child protection legislation has been enacted by every state and territory of Australia. This legislation sets out legal and regulatory requirements around the interaction with students, the care of students, and the reporting of conduct of concern.
There are three key pieces of child protection legislation in New South Wales:
 - i. The *Child Protection (Working With Children) Act 2012* (NSW) (the WWC Act)
 - ii. The *Children and Young Persons (Care and Protection) Act 1998* (NSW) (the Care and Protection Act)
 - iii. The *Ombudsman Amendment (Child Protection and Community Services) Act 1998* which added Part 3 A to the Ombudsman Act 1974.
- (b) Guide staff, volunteers and students on how to behave with students in the School.
- (c) Clarify the parameters of appropriate and inappropriate conduct for staff and volunteers of the School in order to create a safe and supportive environment for students in accordance with the School’s mission and values and the Christian commitment we embrace.
- (d) Model a contemporary workplace at the School that is faith-filled, collaborative, consultative and lawfully compliant in relation to contemporary child protection practice.
- (e) Outline procedures for training staff to fulfil their responsibilities
 - i. Under the specifications of the legislation in terms of having a valid Working with Children’s Check and appropriate conduct
 - ii. to report inappropriate community conduct directed towards children and young people
 - iii. as Mandatory reporters of concerns for children and young people at risk of significant harm.

2. Scope

This Policy applies to all persons engaged to work in, or to provide services to, the School and to all students of the School.

3. Related codes & policies

The policies and codes which are to be read in conjunction with this Policy are:

- (a) Child Protection Code of Conduct
- (b) Guideline for Protecting Children and Young People
- (c) Casual / Alternative Staff Policies
- (d) Critical Incidents policy
- (e) Grievance Policy
- (f) Welfare policies: Pastoral Care, Student Behaviour and Discipline Policy , Attendance, First Aid and medications
- (g) Risk Management policies: School WHS and security, Excursion, Emergency, Evacuation, Playground Supervision

4. Mission and Values

The School seeks to create a caring environment where Christian values inspire and affirm the highest standards of ethical conduct in relation to the care, support, and welfare of the students entrusted to it.

5. Duty of Care

All School Community Members have a duty to take reasonable care for the safety and welfare of Students in their care. That duty is to consider and take all reasonable action to protect students from known hazards or risk of harm that can be reasonably predicted. The standard of care that is required of a School Community member must take into consideration various factors, such as a student's maturity and ability.

This duty of care owed to students by all School Community members applies during all activities and functions conducted or arranged by the School where a student is in the care of a School Community Member.

The risk associated with any activity needs to be assessed and managed by school community members before the activity is undertaken. A single serious failure to exercise appropriate duty of care, or persistent repeated failures, may constitute neglect or negligence according to the law if actual harm is caused, or if there is the potential to cause significant harm to a student.

6. Professional relations with Students

The School expects all School Community Members to be caring, compassionate adults who take an interest in the well-being of Students, and who set appropriate boundaries for worker-student relations.

School Community Members must be aware that their interactions with students are based on a trusting relationship arising from the nature of their role in the School, and that those relationships are open to scrutiny.

At all times School Community members must treat students with respect and behave in ways that promote their safety, welfare and well-being.

School Community members should be act professionally at all times. "The KCCS Guidelines for Teaching and Protecting Children and Young People" (see Appendix 6) outlines ways to assist teachers in maintaining correct professional relationships and boundaries with children.

7. Child-Focused Management

All School Community members will ensure that they use child-focused risk management practices in all their activities in accordance with the School's policies and procedures.

In this regard all School Community members must ensure that they comply with all legislative and policy obligations.

8. Staff obligations to report

While we set out below circumstances in which the legislation requires reporting of particular child protection issue, the School requires staff to report any concern they may have about the safety, welfare or wellbeing of a child or young person to the Principal, or in the absence of the Principal the Staff Student Relations Adviser. If the allegation involves the Principal, staff and community members are required to report to the Chairman of the School Board.

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

9. Failure to Report an Offence

ANY adult will commit an offence, including members of the clergy and minister of religion, if they fail to report a child abuse offence that has been believed to have been committed or known to be committed or reasonably ought to have been known, unless there is a reasonable excuse not to do so. Any adult employee, contractor or volunteer of the school must report incidents of child abuse with the school's protection policy which should include a direct report to police in appropriate circumstances. This is in addition to mandatory reporting obligations. (see Appendix? for further information. This will also be included in the mandatory Child Protection training.

10. Obligations of Adults Working in a School

An adult working in a school will commit an offence if they know another adult working there poses a serious risk of committing a child abuse offence and they have the power to reduce or remove that risk, and they negligently fail to so by either acts and/or omissions. This is directed at school Board members, principals and senior executive. This will be included in mandatory Child Protection Training.

KINGDOM CULTURE CHRISTIAN SCHOOL CHILD PROTECTION POLICY

PART A: Child Protection (Working With Children Act)

1. General

The Office of the Children's Guardian (OCG) is responsible for employment screening for child related employment. A Working With Children Check (WWCC) is a prerequisite for anyone in child-related work in NSW.

A WWCC includes a national police check and review of findings of misconduct involving children. The result is either a clearance or a bar. The new WWCC covers more people, is more comprehensive and provides better protection for children than the previous model. It is also more consistent with other state and territory checks.

The result of a WWCC is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring by the OCG, and any relevant new records which appear against a cleared applicant's name may lead to the Check being revoked.

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

If staff are existing employees, employed at this school in paid child related work prior to the commencement of the new Working With Children Check, or a volunteer, the requirement to obtain a WWCC will be phased in according to the phase in schedule developed by the OCG.

2. Responsibilities

2.1 The object of the WWCC Act is to protect children:

- a) By not permitting certain persons to engage in child-related work
- b) By requiring persons engaged in child-related work to have a WWCC clearance.

2.2 Schools are required to:

- a) Verify online and record the status of each child-related worker's WWCC
- b) Only employ or engage child-related workers or eligible volunteers who have a valid WWCC; and
- c) Report findings of misconduct involving children made against child-related workers or volunteers.

Before engaging a new, paid, child-related worker, an employer must ensure the worker has a clearance to work with children, or a completed WWCC application in progress. Existing workers and volunteers should be verified online as they are phased in to the new WWCC.

The only way to accurately determine a person's clearance status is by verifying their WWCC online; paper evidence of a clearance should not be accepted. The worker must provide this number to their employer, along with their surname and date of birth for online verification. TCS will not accept the worker's notification letter or email as proof of their clearance.

2.3 Child-related workers and eligible volunteer's responsibilities

Child-related workers and eligible volunteers are required to:

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

2.4 Employer Responsibilities and Procedures

The KCCS Principal will be responsible to ensure each of these responsibilities is carried out.

2.4.1 Employer responsibilities in relation to paid workers

Employers must:

- a) Register online with the new Working With Children Check and verify every new paid employee online before hiring them. The Office Manager will do the verification.

If the outcome of online verification is 'cleared' or 'application in progress' the worker may begin working with children immediately. Cleared applicants may use their WWCC for any child-related work in NSW for five years. They are also subject to ongoing monitoring for relevant new records which may lead to the clearance being revoked before it is expired (ie barred from working with children). See below for definitions. (Section 4.1).

- b) Verify current paid workers and all volunteers (new and current) online as they are phased in to the new WWCC (see Fact Sheet 2 of the Office of the Children’s Guardian Sector Guide – Information for Employers December 2014). The Office Manager does the verification.
- c) Ensure their own WWCC is verified online by an appropriate person in the organisation (employers cannot self-verify). The KCCS chairperson of the Board will acknowledge the verification of the WWCC of the Principal .
- d) Report findings of misconduct involving children to the OCG. The School will report to the OCG when a finding has been made that the person (an employee of the School) subject to the finding engaged in:
 - i. Sexual misconduct committed against, with or in the presence of a child, including grooming of a child
 - ii. Any serious physical assault of a child
 - iii. The school will advise the person that the OCG has been notified of a finding of misconduct involving children.
- e) If requested, the Principal will provide access to records to the person who has a finding of misconduct involving children referred to the OCG under the Act.
- f) Immediate removal of any barred or unauthorised person from child-related work if the School receives a letter advising that a current employee or volunteer has become barred (or has an interim bar). It doesn’t matter whether they are paid or unpaid; supervised or unsupervised. The following are options the Principal may follow:
 - Dismiss the worker
 - Suspend them from child-related work pending the outcome of an appeal
 - Transfer them to a non-child related role within the business (although the School is under no legal obligation to find an alternative position for a barred worker).

2.4.2 Employer responsibilities in relation to all TCS volunteers except for those exempted from requiring WWCCs (See Section 3):

- a) All KCCS volunteers are required to:
 - Provide a current WWCC number and their date of birth (so that the WWCC clearance can be verified)
 - Sign the KCCS employees and volunteers Child Protection Code of Conduct
 - Return the above documents in a sealed envelope to the KCCS office.
 - The Office Manager will notify the Principal if an employee’s working with WWCC clearance has expired. The person will not be able to return to school until they have a current WWCC clearance.
- b) The Office Manager confirms the WWCC clearance and informs the Principal and volunteer.
- c) The volunteer is then able to commence volunteering in the School.
- d) The volunteer works under the direction of school staff and must sign in and out of the Office. On the first occasion the volunteer should arrive early for orientation with the Office Manager of days, times and the location of their visit. The Office Manager will maintain a list of volunteers.
- e) Copies of volunteer documents are kept by the Office Manager

3. Exemptions relevant to KCCS

There are specified exemptions from the WWCC under Part 4, Clause 20 of the *Child Protection (Working With Children) Regulation 2013*. People at KCCS covered by these exemptions are not required to have a Working With Children Check are:

- Work for a period of no more than five days in a calendar year, if the work involves minimal direct contact with children or is supervised when children are present.
- A visiting speaker, adjudicator, performer, assessor or other similar visitor at the School or other place where child-related work is carried out if the work of the person at that place is for a one off occasion and is carried out in the presence of one or more other adults
- Work by an interstate visitor:
 - In a one-off event such as a sporting or religious event or tour, if the event is the only child-related work carried out by the worker in NSW in that calendar year and the period of work does not exceed 30 days
 - Who holds an interstate working with children check, or is exempt from the requirement to have such a check in his or her home jurisdiction, whose child related work in NSW is for no more than 30 days in any calendar year.
- NSW Police, Police Officers from other States and Territories or Australian Federal Police officers in their capacity as police officers.
- People under the age of 18.

4. Relevant Definitions

4.1 In Relation to Verification

4.1.1 Application in progress

A WWCC application is being processed and the applicant may work with children.

If the applicant becomes barred, the Commission will contact the employer and advise KCCS what they do next.

4.1.2 Cleared

This applicant has a WWCC clearance that is valid until the listed expiry date.

4.1.3 Barred

The applicant has been barred from working with children and it is an offence to engage this person in child-related work or child-related roles. This bar is applied based on a decision made by the OCG, following a risk assessment.

4.1.4 Interim bar

The applicant has been barred from working with children during the course of a risk assessment. It is an offence to engage this person in child-related work or child-related roles.

Risk assessment is an evaluation of an individual's suitability for child related work. The OCG will conduct a risk assessment on a person's suitability to work with children when a new record is received which triggers a risk assessment. This may include an offence under Schedule 1 of the Act. In assessing applicants and holders, the following factors set out in section 15 of the *Child Protection (Working With Children) Act 2012* must be considered:

Factors relating to the conduct:

- seriousness (as demonstrated by details of the conduct, court outcome and penalty)
- length of time since it occurred
- age and vulnerability of the victims
- relationship between offender and victim(s)
- age difference between offender and victim
- whether the offender knew or could have known the victim was under 18

Factors relating to the applicant:

- conduct since the offence
- age at the time
- current age
- seriousness of total criminal and misconduct records

Factors relating to recurrence:

- likelihood of the offences being repeated
- impact on children of the offences being repeated.

4.1.5 Not found

The database cannot find a matching WWCC for any one of these reasons:

- a) The data entered for verification (name, date of birth and WWCC number or application number) has errors.
- b) The person's application has been withdrawn or terminated without an outcome.
- c) The person has not completed an application for a WWCC (filled in the online form, presented proof of identity and paid any applicable fee).
- d) It is an offence to engage this person in child-related work or child-related roles.

4.2 Child Related Work and Workers

4.2.1 Child-related work

Child-related work includes, but not limited to work in the following Sectors

- a) Early education and child care including education and care service, child care centres and other child care
- b) schools and other educational institutions and private coaching or tuition of children
- c) Religious services
- d) Residential services including boarding schools, home stays more than three weeks, residential services and overnight camps
- e) Transport services for children including school bus services, taxi services for children with disability and supervision of school road crossings.

4.2.2 Child-related worker

A person who has physical contact or face to face contact with children in work outlined above in 3.2, including schools. This may include volunteer work. A child-related worker may commence work once they have completed the WWCC application process. An application is completed when the online application form is complete and the worker's identity has been proven at the NSW motor registry and the fee has been paid (if in paid work).

If staff are unclear if their role is child-related they should speak with the Principal.

4.3 Disqualified person

A disqualified person is a person who has been convicted, or against whom proceedings have been commenced for a disqualifying offence outlined in Schedule 2 of WWC Act.

A disqualified person is a person who has a bar preventing them from working with children in child-related work. It is an offence for an employer to knowingly engage a child-related worker when they do not hold a WWCC or who has a bar or an interim bar. It is an offence for an employee to engage in child-related worker when they do not hold a WWCC or has a bar or an interim bar.

5. Reporting

Section 35 of the WWC Act requires KCCS to notify the OCG findings of misconduct involving children made against a child-related worker. The school may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act.

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

NOTE: Any concern regarding the safety, welfare or wellbeing of a student must be reported to the **Principal**.

1. Who is a mandatory reporter?

Under the Care and Protection Act persons who:

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

At KCCS, a mandatory reporter refers to a person who delivers education wholly or partly to children and who holds a management position, which includes direct responsibility for children.

All teachers are mandatory reporters. Other school employees may also be mandatory reporters. If staff members are not sure whether they are a mandatory reporter they should speak to the Principal.

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

If a staff person suspects that a child is at risk of harm or has been the victim of abuse or suspected abuse and those grounds arise during the course of or from their work, it is **mandatory** for the person to report, as soon as practicable to the Principal (or the Staff Student Relations Adviser) if the Principal is not available.

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

The Principal is responsible for the administration and conduct of the School and in this role is to report to FACS (CS).

A **Mandatory Reporter Guide** has been developed to assist mandatory reporters. The Mandatory Reporter Guide is a series of decision trees (Y/N) which ask a number of questions to determine if the risk of significant harm threshold is met. The Mandatory Reporter Guide focuses on whether a concern is significant or not, and not whether abuse or neglect is present according to a specific definition.

Mandatory reporters in a non-government school are encouraged to use the Mandatory Reporter Guide before making a report to the Helpline.

Reporting is mandatory even if it is against the wishes of the organisation, student and parents. If the Principal has evidence of a crime, the matter will be reported directly to the Police.

2.1 What is the threshold?

2.1.1 Threshold Met

If the outcome of the MRG is "**Immediate Report to Community Services**" OR if there are concerns of a high risk of significant harm and/or imminent risk of significant concerns for the safety of a child or young person, an urgent report must be made by phone to the Helpline on 133 627 (13 DOCS).

A mandatory reporter can make a **non-imminent** suspected risk of significant harm report to the Child Protection Helpline either by phone or using eReporting <https://kidsreport.facs.nsw.gov.au/captchalmagePROD/default.aspx>

eReporting must only be used for **non-imminent** suspected risk of significant harm reports. **ALL urgent reports** must still be made by phone to the Helpline on 133 627 (13 DOCS). eReporting is an internet-based system used to make child protection reports to FACS if there are current concerns about the safety, welfare or wellbeing of a child or young person. eReporting is easily accessible and simple to use and does not require user registration. eReports are delivered securely and automatically to the Child Protection Helpline for assessment. eReporting is only available for mandatory reporters.

The general public should call the Child Protection Helpline on 132 111.

2.2.2 Threshold Not Met

If the threshold is not met, but there are still concerns, schools need to consider:

- **Referring** – can the needs of the child, young person or the family be met by the School or an outside agency?
- **Continuing Support** – what support can be provided within school resources to assist the child, young person or family?
- **Monitoring** – what specific indicators would prompt reconsideration to report?
- **Documenting** – information provided, information relied upon and decisions.

Where the School is able to assist the child and family it should do so. If the family would benefit from additional services, this should be discussed with the family and assist in referral to services in their local area for support. Suitable services can be identified through:

http://www.community.nsw.gov.au/docs_menu/about_us/contact_us/support_and_counselling_numbers.html

Where there are concerns that don't meet the threshold and the School has spoken with other agencies who are working with the child and family, it may be appropriate for one mandatory reporter to coordinate service delivery. Generally this would be the person working most closely with the child and family, but this may change depending on what the family's needs are and what they want to do.

It is important to remember that, where the risk of significant harm threshold has not been met, families can choose to engage with services or to refuse the offer of support. This should be documented because if a family doesn't want to engage in services, this may increase the risk – the Mandatory Reporter Guide includes questions about whether the family has refused assistance in the past. Future concerns may arise which may then meet the reporting threshold.

2.2 Reasonable grounds

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

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

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

3. What should staff do if they consider that a mandatory report is required?

Reporting by the School about these matters to FACS and, where necessary, the Police, is generally undertaken by **the Principal** or delegated by the Principal. This is in accordance with best practice principles and is the expectation of the School. If staff have a concern that a child or young person is at risk of significant harm they should contact **the Principal** as soon as possible to discuss whether the case reaches the threshold of 'risk of significant harm' and the steps required to report the matter. However, if there is an immediate danger to the child or young person and **the Principal** or the Staff Student Relation Adviser is not contactable staff should speak to the Police and/or the Child Protection Helpline directly and then advise **the Principal** or the Staff Student Relations Adviser at the School as soon as possible.

Staff are not required to, and must not, undertake any investigation of the matter themselves.

Staff are not to inform the parents or carers that a report to FACS has been made.

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

4. What should staff do if they have a concern that is below the mandatory reporting threshold?

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

Staff are required to deal with all reports regarding the safety, welfare or well-being of a student with confidentiality and only disclose it to the Principal or the Primary/Secondary Assistant Principal.

5. Procedures for Student Disclosures

If a child discloses any of the indicators of risk of harm to a staff member it is important that he/she is clear about their responsibilities and be calm and supportive of the student. Staff need to:

- Actively listen to the student. Talk gently, reassuringly; point out that there is help and support for them.
- NEVER probe for details or ask leading questions. Students may be asked to simply write the details or draw a diagram.
- Where the harm is taking place outside the School's control, NEVER assure the student that the harm will stop, as this cannot be guaranteed.
- DO NOT give the student any assurance of confidentiality, in fact, state that there is a responsibility to tell the Principal.
- Disclosures must be reported to the Principal either orally or in writing. Where a report is made to a staff member other than the Principal, (such as the Staff Student Relations Adviser) that other staff member should immediately report the matter to the Principal.
- If a student begins to make a disclosure in a group situation (for example, in a lesson time)
 - Wisely prevent the sharing from continuing. Indicate support by explaining that what the student has said sounds important but it would be better to talk about it later.
 - Acknowledge that the student has been heard
 - Arrange an appropriate time to see the student away from other students.

6. Indicators of Risk of Significant Harm and Other Reasons to Notify the Child Protection Helpline

Please refer to **Appendix 2** for indicators of significant harm and other reasons to notify the Child Protection Helpline.

7. Record Keeping

Staff members are to keep records of their concerns and reports made to the Principal (or FACS). Cumulative harm can constitute significant risk of harm. Cumulative harm refers to a series of acts or omissions that, when viewed separately may not indicate significant risk, but when viewed together suggest a pattern of significant harm. Mandatory reporters are to record concerns they have about a child as these concerns may continue, and the pattern may constitute a report to the Child Protection Helpline.

1. Responsibilities

1.1 General

Part 3A of the Ombudsman Act requires the Heads of certain agencies, including non-government schools in New South Wales, to notify the New South Wales Ombudsman of all allegations of reportable conduct by an 'employee' and the outcome of the School's investigation of these allegations.

An 'employee' includes employees, contractors, volunteers, work experience participants, clergy, ministers of religion and instructors of religion who provide pastoral or liturgical services. In this part where there is a reference to an employee it includes all of these persons.

1.2 The Ombudsman

The Ombudsman:

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

1.3 Head of Agency

The Head of Agency is the Principal of the School. Under the Ombudsman Act the Head of Agency must:

- a) set up systems within their organisation to ensure that they are advised of any allegations of reportable conduct against employees;
- b) notify the Ombudsman as soon as possible and no later than thirty days after being made aware of an allegation;
- c) notify the Ombudsman whether or not the School plans to take disciplinary or other action in relation to an employee who is the subject of a reportable allegation or conviction, and the reasons for taking or not taking any such action as soon as practicable; and
- d) provide the Ombudsman with any documentary and other information as the Ombudsman may from time to time request to assist in the Ombudsman's monitoring of an investigation.

1.4 Staff obligations to report

Staff must report any concerns they may have about any other employee engaging in reportable conduct or any allegation of 'reportable conduct' that has been made to them to the Principal. If staff are not sure whether the conduct is reportable conduct but consider that it is inappropriate behaviour they must still report it.

Staff must also report to the Principal if they become aware that an employee has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct. This includes information relating to yourself.

If the allegation involves the Principal, staff are required to report to the Chairperson of the School Board.

1.5 Contact for parents

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

2. What is reportable conduct?

2.1 Definition of reportable conduct

Reportable conduct is defined as:

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

Reportable conduct does not extend to:

- a) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards; or
- b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- c) conduct that is exempted from notification by a Class or Kind Agreement. (See Section 8 about the Class or Kind Agreement)

2.2 Other relevant definitions

Set out below are definitions of the various terms referred to above in relation to reportable conduct.

Behaviour that causes psychological harm to a child is behaviour that is obviously or very clearly unreasonable and results in significant harm or trauma to a child. There needs to be a proven causal link between the inappropriate behaviour and the harm, and the harm must be more than transient.

Child is a person under the age of 18 years for the purposes of the Ombudsman Act.

Ill-treatment captures those circumstances where a person treats a child in an obviously or very clearly improper manner. The focus is on the alleged conduct rather than the actual effect of the conduct on the child.

Ill-treatment can include disciplining or correcting a child in an obviously unreasonable or inappropriate manner; making excessive and obviously unreasonable demands on a child; malevolent acts towards children; and inappropriate and hostile use of force against a child.

Neglect includes either an action or inaction by a person who has care responsibility towards a child. The nature of the employee's responsibilities provides the context against which the conduct needs to be assessed.

1. Supervisory neglect
 - An intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child, or
 - An intentional or reckless failure to adequately supervise a child or a significantly careless act or failure to act, that:
 - Involves a gross breach of professional standards, and
 - Has the potential to result in the death or significant harm to a child.
2. Carer neglect
 - Grossly inadequate care that involves depriving a child of the basic necessities of life: such as the provision of food and drink, clothing, critical medical care or treatment, or shelter.
3. Failure to protect from abuse
 - An obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child.
4. Reckless act (or failure to act)
 - A reckless act, or failure to act, that:
 - Involves a gross breach of professional standards, and
 - Has the potential to result in the death of, or significant harm to, a child.

Physical Assault is any act by which a person intentionally inflicts unjustified use of physical force against another. An assault can also occur if a person causes another person to reasonably apprehend that unjustified force is going to be used against them. Even if a person who inflicts physical harm or causes another person to reasonably apprehend physical harm does not actually intend to inflict the harm or cause fear, they may still have committed an assault if they acted 'recklessly'.

Recklessness in this context relates to circumstances when the person ought to have known that their actions would cause a person physical harm or cause them to fear injury.

Assaults can include hitting, pushing, shoving, throwing objects or making threats to physically harm a child.

PSOA is the person subject to the allegation

Sexual Misconduct has two categories which include:

- (1) crossing professional boundaries, and
- (2) sexually explicit comments and other overtly sexual behaviour.

The alleged conduct must have been committed against, with or in the presence of a child.

Crossing professional boundaries

Sexual misconduct includes behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate:

- relationship with;
- conduct towards; or

- focus on;
a child or young person, or a group of children or young persons.

Codes of conduct that outline the nature of the professional boundaries which should exist between employees and children/young people can be particularly useful. For employees who either intentionally breach such codes or have demonstrated an inability to apply them appropriately, it may be necessary to provide more detailed written advice about what constitutes appropriate behaviour. This includes but is not exclusive to the KCCS Child Protection Code of Conduct (See Appendix 1)

Sexually explicit comments and other overtly sexual behaviour

Behaviour involving sexually explicit comments and other overtly sexual behaviour which can constitute sexual misconduct. Some forms of this behaviour also involve crossing professional boundaries. This conduct may include:

- inappropriate conversations of a sexual nature
- comments that express a desire to act in a sexual manner
- unwarranted and inappropriate touching
- sexual exhibitionism
- personal correspondence (including electronic communications such as emails and text messages) with a child or young person in relation to the adult's sexual feelings for a child or young person
- exposure of children and young people to sexual behaviour of others including display of pornography
- watching children undress. For example, in change rooms or toilets when supervision is not required or justified.

Sexual Offences encompasses all criminal offences involving a sexual element that are 'committed against, with or in the presence of a child'. These offences include (but are not limited to) the following:

- indecent assault
- sexual assault
- aggravated sexual assault
- sexual intercourse and attempted sexual intercourse
- possession/dissemination/ production of child pornography or child abuse material
- using children to produce pornography
- grooming or procuring children under the age of 16 years for unlawful sexual activity.

Grooming behaviour refers to the manipulative cultivation of relationships by an adult in order to develop or maintain a sexual relationship with a child (or children) or young person (or persons). Typically the cultivation of relationships will be extended to gain the confidence of the child or young person who is the intended target of the behaviour, his or her family, and others around them including teachers and persons in support relationships such as church workers and volunteers, sports coaches and fellow students.

Grooming behaviour typically involves any or all of the following elements:

- persuading a child that they have a 'special' relationship, for example, by spending inappropriate special time with the child, inappropriately giving gifts, showing special favours to them but not other children, allowing the child to overstep rules
 - testing of boundaries, for example, by undressing in front of the child, encouraging inappropriate physical contact (that is not overtly sexual), talking about sex, 'accidental' touching of genitals
 - extending a relationship outside the employment situation. This should not be assumed to constitute grooming where an existing relationship pre-dates the employment or where the extended relationship arises through a reasonable level of social engagement in the relevant community (eg sports coaching, family level social contact within a small community)
 - inappropriate personal correspondence, including electronic communication, that explores sexual feelings or intimate personal feelings.
- h) deemed non-consensual sexual activity on the basis of special-care relationships

Exempted from Reporting

Examples of conduct that would not constitute reportable conduct include (without limitation) touching a child in order to attract a child's attention, to guide a child or comfort a distressed child; a school teacher raising his or her voice in order to attract attention or to restore order in the classroom; and conduct that is established to be accidental.

3. What happens when an allegation of reportable conduct is made?

3.1 Initial steps

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

- determine on face value whether it is an allegation of reportable conduct;
- assess whether FACS or the Police need to be notified (ie, if reasonable grounds to suspect that a child is at risk of significant harm or criminal offence);

- c) notify the child's parents (unless to do so would be likely to compromise the investigation or any investigation by FACS or the Police);
- d) notify the Ombudsman within 30 days of receiving the allegation;
- e) carry out a risk assessment and take action to reduce/remove risk, where appropriate; and
- f) investigate the allegation or appoint someone to investigate the allegation.

4. Risk management

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

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

4.1 Initial risk assessment

One of the first steps following an allegation of reportable conduct against an employee is for the Head of Agency to conduct a risk assessment. The flowchart entitled, "Child Protection Risk Assessment and Initial Decision Making" in Appendix 4 will be consulted at the start of the process.

If the matter / circumstances may be of a criminal nature the police will be notified. The following is a guide to those circumstances:

- When there are emergency situations relating to risk to children and young people and the possibility of immediate harm occurring
- Where the alleged conduct may be a criminal offence
- When you are not sure if police should be notified
- Child Protection Helpline ([132 11](tel:13211)) may also be called for advice in serious situations

Discounting the need to consult the police, the continuation of the risk assessment is to identify and minimise risk to:

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

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

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

The Head of Agency will take appropriate action to minimise risks. This may include the PSOA being temporarily relieved of some duties, being required not to have contact with certain students, or being suspended from duty. When taking action to address any risks identified, the School will take into consideration both the needs of the child(ren) and the PSOA.

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

In assisting the Head of Agency in determining whether an allegation is reportable, the flowchart in Appendix 5A will be of use.

4.2 Ongoing Risk Management

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

4.3 Risk Management at the Conclusion of the Investigation

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

4.4 What information will be provided to the PSOA?

The PSOA will be advised:

- a) that an allegation has been made against them (at the appropriate time in the investigation); and
- b) of the substance of the allegation, or of any preliminary finding and the final finding.
- c) The PSOA does not automatically have the right to:
- d) know or have confirmed the identity of the person who made the allegation; or

- e) be shown the content of the Ombudsman notification form or other investigation material that reveals all information provided by other employees or witnesses.

Under the CCYP Act once the 'relevant employment proceedings' have been completed a PSOA can seek access to the records held by the School on their 'relevant employment proceedings.' (see Part C section 3).

5. Investigation principles

The Principal will:

- a) provide appropriate support for all parties including the child/children, witnesses and the PSOA.
- b) be mindful of the principles of procedural fairness;
- c) inform the person subject of the allegation (PSOA) of the substance of any allegations made against them and provide them with a reasonable opportunity to respond to the allegations;
- d) make reasonable enquiries or investigations before making a decision;
- e) avoid conflicts of interest;
- f) conduct the investigation without unjustifiable delay;
- g) handle the matter as confidentially as possible.

6. Investigation steps

In an investigation the Head of Agency (The Principal) or appointed investigator will generally:

- a) interview relevant witnesses and gather relevant documentation;
- b) provide a letter of allegation to the PSOA;
- c) interview the PSOA – A PSOA may have an appropriate support person with them during the interview process. Such a person is present for support only and as a witness to the proceedings and not as an advocate or to take an active role;
- d) consider relevant evidence and make a preliminary finding in accordance with the NSW Ombudsman guidelines;
- e) inform the PSOA of the preliminary finding and provide them with an opportunity to respond;
- f) consider any response provided by the PSOA;
- g) make a final finding in accordance with the NSW Ombudsman Guidelines;
- h) decide on the disciplinary action, if any, to be taken against the PSOA;
- i) apply the NSW Commission for Children and Young People (CCYP) Guidelines and decide if the matter is reportable to CCYP; and
- j) send the final report to the Ombudsman and report to the CCYP (where required).

The steps followed in the investigation process will be guided by the "Recommended Protocols for Internal Investigative and Disciplinary Proceedings, 2001" (IEU/AIS) as updated from time to time.

The steps outlined above may need to be varied on occasion to meet particular circumstances. For example it may be necessary to take different steps where the matter is also being investigated by FACS or the NSW Police.

7. The Process of Making a Finding

Regardless of whether the investigation has been made by the head of Agency or an outside investigator the finding should follow the guide outlined in Flowchart 2 – The Process of Making a Finding – (Appendix 5B). KCCS will engage an investigator through the Association of Independent Schools where deemed necessary.

8. Class or Kind Determination

If the finding is that the allegation was not sustained but is categorised within the Class or Kind Determination, then the results of the investigation will be held in the school records.

9. Disciplinary Action

As a result of the allegations, investigation or final findings, the Principal may take disciplinary action against the PSOA (including termination of employment).

In relation to any disciplinary action the School will:

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

10. Confidentiality

It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible. The School requires that all parties maintain confidentiality during the investigation including in relation to the handling and storing of documents and records.

No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the Principal to do so. If staff become aware of a breach of confidentiality in relation to a reportable conduct allegation they must advise the Principal.

11. Record Keeping of Allegations of Reportable Conduct

Records about allegations of reportable conduct against employees will be kept in a secure area and will be accessible by the Head of Agency or with the Head of Agency's express authority. All documents pertaining to the allegation, investigation process and determination will be retained on file even if the allegation is found to be unsustainable. They will not be placed in to the Staff member's personal staff file. The executive Secretary will be informed of the location of the secure files.

12. Head of Agency Handover Procedure

When a change of Head of Agency occurs, it is the obligation of the current Head of Agency and the Chairman of the TCS Board to ensure that the new Head of Agency is notified of the location of the secure file containing records of allegations of reportable conduct.

▪ STAFF TRAINING

It is the obligation of the school to ensure that staff members have a clear understanding of their obligations in relation to the Child Protection legislation. The following staff training procedures will occur:

1. Orientation of staff members new to the School – to be completed within four weeks of commencing at KCCS

a) Part-time and permanent staff

This process will be the responsibility of the Principal and will include new part-time and permanent staff:

- i) receiving, reading and have opportunities to discuss the Child Protection Policy.
- ii) receiving, reading, have opportunities to discuss and signing the Child Protection Code of Conduct within 7 days of receiving it.
- iii) receiving, reading and have opportunities to discuss The KCCS Guidelines for Teaching and Protecting Children and Young People. This document will be used several times in later staff training.
- iv) being informed about the compulsory attendance at the annual Child Protection Training session (and follow up sessions) led by the Principal.

b) Casual teachers

This process will be the responsibility of the Principal and will include new casual staff:

- i) receiving, reading and have opportunities to discuss the Child Protection Policy.
- ii) receiving, reading, have opportunities to discuss and signing the Child Protection Code of Conduct within 7 days of receiving it.
- v) receiving, reading and have opportunities to discuss The KCCS Guidelines for Teaching and Protecting Children and Young People. This document will be used several times in later staff training.
- vi) Being informed about the compulsory attendance at the annual Child Protection Training session (and follow up sessions) led by the Principal.

c) Volunteers

i) This process will be the responsibility of the Principal and will include all volunteers:

- ii) receiving, reading and having opportunities to discuss the Child Protection Policy
- iii) receiving, reading, have opportunities to discuss and signing the Child Protection Code of Conduct within 7 days of receiving it.
- iv) Being informed about the compulsory attendance at the annual Child Protection Training session (and follow up sessions) led by the Principal.

2. Annual Child Protection Training in Term 1

Within the first five weeks of Term 1 an Annual Child Protection Staff training afternoon will occur. This will involve:

- review of staff obligations and responsibilities notify the school if their Working with Children Check status changes from "Cleared".
- reinforcing their obligations and responsibility as mandatory reporters of concerns about children or young people being at risk of significant harm.
- reinforcing their obligations and responsibility to inform the Principal of suspicion of reportable conduct of another community member.
- reviewing safety policy and procedures especially with regards to duty of care and emergency situations.

A record of staff attendance will be taken by the Office Manager. This record will be retained in an electronic file entitled "Child Protection Training Records" in the Office.

3. Ongoing Training

a) Part-time and permanent staff

One staff session, usually within the first three weeks of the term in Term 3 will be devoted to aspects of Child Protection.

- i. The KCCS Child Protection Policy and The KCCS Guidelines to Teaching and Protecting Children and Young People documents will be used as a basis of training.
- ii. The sessions will be taken by the Principal.

A record of staff attendance will be taken by the office Manager. This record will be retained in an electronic file entitled "Child Protection Training Records" in the Office.

b) Casual teachers

- i) Casual teachers will be invited to attend the above staff training sessions.
- iii) A record of staff attendance will be taken by the Office Manager. This record will be retained in an electronic file entitled "Child Protection Training Records" in the Office.

▪ CONSEQUENCES OF FAILURE TO COMPLY WITH THIS POLICY

All School Community Members are required to be aware of and comply with this Policy. There may be consequences for a breach thereof.

An alleged breach of this Policy may require:

a) An internal report to be made

A referral to external authorities under relevant legislation

b) An investigation to be conducted.

If a breach of this Policy is established this may result in disciplinary action being taken against any School Community member.

In relation to a School Community member who is an employee, such disciplinary action may result in termination of their employment.

In relation to a School Community member who is a person holding a church ministry license or church-appointed position, or any consultant, student on tertiary practicum placement, or volunteer; conduct that is assessed as being a breach of this policy may lead to the termination of their engagement with the School.

POLICY IMPLEMENTATION RESPONSIBILITIES

Implementation and Practice

The Principal is responsible for the implementation of the policy, and any changes, and for ensuring that the formation of staff who nurture a safe and supportive relational community is embedded in the KCCS school culture. The Principal is responsible to monitor legislation and evaluate and review the guidelines as necessary. The policy is accessed on "Google Drive".

Acknowledgement

This policy acknowledges the support of the Toongabbie Christian School Child Protection Policy documents.

Prepared by Helen Blanch

Principal

March 2016

Reviewed and Updated by Pavina Lee

Principal

August 2018

■ CHILD PROTECTION CODE OF CONDUCT

1. INTRODUCTION & PURPOSE

This Child Protection Code of Conduct outlines the school's values, commitments and expectations in relation to child protection matters, and reflects its commitments to:

- Provide** An open, welcoming and safe environment for everyone participating in the School's education programs, pastoral services and related programs.
- Provide** High quality education, pastoral services and related programs for students and their families that are safe and welcoming for them and set in a Christian context.
- Seek** Input and guidance from students, parents, employees and others who make up the School Community, so these standards are maintained.
- Require** All School Community members to demonstrate a commitment to the highest standards of ethics, professional behaviour and Christian standards in dealings with children and young people.
- Require** All School Community members to share a common responsibility to maintain the School's reputation for integrity in relation to child protection matters.

2. SCOPE

This Child Protection Code of Conduct applies to all School Community members. Definitions in this Code of Conduct:

- (a) **Student or Students** refers to:
- (i) A **Child** or **Children** which is defined in this Code as being a person under the age of 16 years
 - (ii) A **Young Person** or **Persons** which is defined in this Code as a person between the ages of 16 and 18 and
 - (iii) Any other student of the School over the age of 18 years.
- (b) **School Community members** refers to:
- (i) All paid employees whether employed on a permanent, temporary or casual basis.
 - (ii) All persons who have been engaged to work within the School or who have face to face contact with students of the School in any place and on any basis, including persons holding a church ministry license or church-appointed position, consultants, students on tertiary practicum placements, or volunteers working with students in any capacity.
 - (iii) Students enrolled at the School.

3. MISSION & VALUES IN RELATION TO STUDENTS

"Raising Tomorrow's Leaders"

In fulfilling this mission, the School seeks to create a caring environment where Christian values inspire and affirm the highest standard of ethical conduct in relation to the care, support and welfare of students entrusted to it.

4. CODE OF CONDUCT

All School Community members, and all students, parents and visitors connected with the School, must keep to the Child Protection Code of conduct. The Child Protection Code of Conduct should be enacted with reference to "The KCCS Guidelines of Teaching and Protecting Children".

5. EXPECTATIONS OF SCHOOL COMMUNITY MEMBERS

All School Community members:

- Will** Treat everyone with respect and honesty.
- Will** Behave as a positive role model to students in all interactions with them.
- Will** Follow School policy and procedures for the safety of students as outlined in the School's Child Protection Policy and related materials.
- Will** When conducting any one-to-one activity with a student:
- Ensure that another adult is present or within sight at all times during one-to-one activity
 - Ensure that this adult is actively engaged and aware of the action of the School Community member at all times during the one-to one activity
 - If the active engagement and awareness of another adult is not possible or practicable, ensure that prior approval for the one-to-one activity has been obtained from the School Community member's immediate supervisor.

Will	Record and act on a complaint of abuse, ill-treatment or neglect of a student.
Will	Behave in a caring, compassionate manner following the example left for us by Jesus Christ, as a person who takes an interest in the well-being of students and who sets appropriate boundaries in their interaction with students.
Will	Respect the duty to take reasonable care for the safety and welfare of students.
Will	Complete and maintain a current Working With Children Check with the Office of the Children's Guardian.
Will	Inform the School if they are charged or convicted of an offence relevant to working in child-related employment, or if they have had any reportable allegation made against them.
Will	Report to the School any allegations or convictions of Reportable Conduct involving any School Community Member.
Will	Report to the School any information or concerns about inappropriate behaviour by any School Community member that involves a student.
Will	Fulfil their legal obligation to report risk of significant harm, or to report possible criminal activity, in accordance with local procedures.
Will	Maintain the confidentiality of all parties concerned.
Will Not	Develop any "special" or selective relationships with a student that could be seen as favouritism such as the offering of gifts or special treatment.
Will Not	In the absence of the prior approval from the School Community member's immediate supervisor, or without the active participation of another adult, engage in one-to-one contact with a student such as: <ul style="list-style-type: none"> ▪ Doing things of a personal nature that students can do for themselves, such as entering a toilet when a student is present or a student changing clothes ▪ Accompanying a student alone in a vehicle ▪ Visiting a student's home in circumstances where the student is alone ▪ Tutoring a student ▪ Disciplining or counselling a student
Will Not	Engage in grooming behaviour of a student or their close family or friends.
Will Not	Engage in inappropriate physical contact/force with a student including physical/corporal punishment of a student.
Will Not	Act in ways which may cause a student to reasonably fear that unjustified force will be used against them, even if this is not their intention.
Will Not	Behave in a manner which may cause psychological harm to the student.
Will Not	Correct or discipline a student in excess of what is reasonable or appropriate for the situation.
Will Not	Engage in crossing professional boundaries through behaviour that can reasonably be construed as involving an inappropriate and/or overly personal intimate relationship with, conduct towards, or focus on a student or a group of students.

6. FURTHER INFORMATION

Further reference should be made to the School's Child Protection Policy.

Kingdom Culture Christian School

THE CHILD PROTECTION CODE OF CONDUCT

▪ ACKNOWLEDGEMENT BY SCHOOL COMMUNITY MEMBER

I [insert full name]

being employed or engaged by the School in the following role [insert position]

hereby acknowledge that I:

- have received the above Child Protection Code of Conduct and the School's Child Protection Policy
- have read the Child Protection Code of Conduct and Child Protection Policy and am obliged to comply with the Code and Policy, including any amendments made by the School from time to time
- am obliged to notify the School if my Working With Children Check status changes from "Cleared"
- am a Mandatory Reporter of concerns about children or young people being at risk of significant harm
- am obliged to inform the Principal of suspicion of reportable conduct of another community member
- have received training in aspects of the Child Protection Policy
- that I am aware that a current copy of the Child Protection Code of Conduct and Child Protection Policy is posted on the School's website.

Signature

Date

NB: This signed and completed form must be returned within 7 days of commencement of employment or engagement with the School to the office Manager. Failure to do so will not affect the applicability of this Child Protection Code of Conduct or any of its provisions.

■ INDICATORS OF RISK OF SIGNIFICANT HARM

Risk of Significant Harm Definition

A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing are:

- Present to a significant extent
- Sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent
- Not minor or trivial
- May reasonably be expected to produce a substantial and demonstrable adverse impact on their safety, welfare or wellbeing, (or in the case of an unborn child, after the child's birth)
- May be a single act or omission or an accumulation of these.

Forms of Child Abuse

There are different forms of child abuse. These include neglect, sexual, physical and emotional abuse.

■ Neglect

Child neglect is the continued failure by a parent or carer to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care, adequate supervision, and enrolment in and attendance at school.

■ Sexual Abuse

Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust.

Often children or young people are bribed or threatened physically and psychologically to make them participate in the activity. Sexual abuse is a crime.

■ Physical Abuse

Physical abuse is a non-accidental injury or pattern of injuries to a child or young person caused by a parent, carer or any other 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.

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.

Hitting a child or young person around the head or neck and/or using a stick, belt or other object to discipline or punishing a child or young person (in a non-trivial way) is a crime.

■ Emotional Abuse or Psychological Harm

Serious psychological harm can occur where the behaviour of their parent or carer damages the confidence and self-esteem of the child or young person, resulting in serious emotional disturbance or psychological trauma.

Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child or young person.

This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

Possible Signs of Abuse

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Other things need to be considered, such as the circumstances of the child, young person or family.

When considering if a child or young person has been abused or neglected, or is at risk of this, it is important to keep in mind the life circumstances of the child, young person and their family.

The following risk factors (either singularly or in combination) are associated with increased risk of harm for children and young people:

- social or geographic isolation of the child, young person or family, including lack of access to extended family
- previous abuse or neglect of a brother or sister

- family history of violence including domestic violence
- physical or mental health issues for the parent or carer which affects their ability to care for the child or young person in their care
- the parent or carers' abuse of alcohol or other drugs which affects their ability to care for the child or young person in their care.

The signs below are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been or is, occurring.

The child or young person's circumstances and their age or other vulnerabilities, for example disability or chronic illness, also need to be taken into consideration. If you have concerns then you should report them to FACS.

■ **Neglect**

Signs in children or young people

- low weight for age and/or failure to thrive and develop
- untreated physical problems eg sores, serious nappy rash and urine scalds, significant dental decay
- poor standards of hygiene ie child or young person consistently unwashed
- poor complexion and hair texture
- child not adequately supervised for their age
- scavenging or stealing food and focus on basic survival
- extended stays at school, public places, other homes
- longs for or indiscriminately seeks adult affection
- rocking, sucking, head-banging
- poor school attendance

Signs in parents or carers

- unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions
- leaving the child without appropriate supervision
- abandons the child or young person
- withholding physical contact or stimulation for prolonged periods
- unable or unwilling to provide psychological nurturing
- has limited understanding of the child or young person's needs
- has unrealistic expectations of the child or young person

■ **Physical abuse**

Possible signs in children or young people

- bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it , for example, belt buckle, hand print
- lacerations and welts
- drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury
- adult bite marks and scratches
- fractures of bones, especially in children under three years old
- dislocations, sprains, twisting
- burns and scalds (including cigarette burns)
- multiple injuries or bruises
- explanation of injury offered by the child or young person is not consistent with their injury
- abdominal pain caused by ruptured internal organs, without a history of major trauma
- swallowing of poisonous substances, alcohol or other harmful drugs
- general indicators of female genital mutilation, for example, having a 'special operation'

Possible signs in parents and carers

- frequent visits with the child or young person in their care to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or with internal complaints
- explanation of injury offered by the parent is not consistent with the injury
- family history of violence
- history of their own maltreatment as a child
- fears injuring the child or young person in their care
- uses excessive discipline

▪ **Sexual abuse**

Possible signs in children or young people

- bruising or bleeding in the genital area
- sexually transmitted diseases
- bruising to breasts, buttocks, lower abdomen or thighs
- child or young person or their friend telling you about it, directly or indirectly
- describing sexual acts
- sexual knowledge or behaviour inappropriate for the child's age
- going to bed fully clothed
- regressive behaviour eg sudden return to bed-wetting or soiling
- self-destructive behaviour eg drug dependency, suicide attempts, self-mutilation
- child being in contact with a known or suspected paedophile
- anorexia or over-eating
- adolescent pregnancy
- unexplained accumulation of money and gifts
- persistent running away from home
- risk taking behaviours – self harm, suicide attempts

Possible signs in parents or carers

- exposing a child or young person to prostitution or pornography or using a child for pornographic purposes
- intentional exposure of a child to sexual behaviour of others
- previous conviction or suspicion of child sexual abuse
- coercing a child or young person to engage in sexual behaviour with other children
- verbal threats of sexual abuse
- denial of adolescent's pregnancy by family

▪ **Emotional abuse**

All types of abuse and neglect harm children psychologically, but the term 'psychological harm' or 'emotional abuse' applies to behaviour which damages the confidence and self-esteem of a child or young person, resulting in serious emotional deprivation or trauma.

Possible signs in children or young people

- constant feelings of worthlessness about life and themselves
- unable to value others
- lack of trust in people
- lack of people skills necessary for daily functioning
- extreme attention-seeking behaviour
- is obsessively eager to please or obey adults
- takes extreme risks, is markedly disruptive, bullying or aggressive
- is highly self-critical, depressed or anxious
- suicide threats or attempts
- persistent running away from home.

Possible signs in parents or carers

- constant criticism, belittling, teasing of a child or young person, or ignoring or withholding praise and attention
- excessive or unreasonable demands
- persistent hostility and severe verbal abuse, rejection and scapegoating
- belief that a particular child or young person in their care is bad or 'evil'
- using inappropriate physical or social isolation as punishment
- domestic violence.

Remember, the above are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been or is, occurring.

Other Reasons to Notify the Child Protection Helpline

The Child Protection Helpline should be notified if a child/young person is under the parental responsibility of the Minister, and there is no concern that reaches the threshold of risk of significant harm **but** the child/young person is:

- pregnant
- runaway
- missing
- homeless (in the case of homelessness review the Neglect: Physical Shelter / Environment tree first. If that leads to a report to Community Services, report as neglect. If it does not lead to a report to FACS, advise the Child Protection Helpline 132 111 that the information is being provided solely because child/young person is in care, not due to neglect.

▪ DEFINITION OF 'REPORTABLE CONDUCT' (SEE FLOW CHARTS 1 & 2)

Section 25A(1) of the *Ombudsman Act* defines 'reportable conduct' as:

- a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence)
- b) any assault, ill-treatment or neglect of a child
- c) any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to:

- d) conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards
- e) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures
- f) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA (see Appendix 2D).

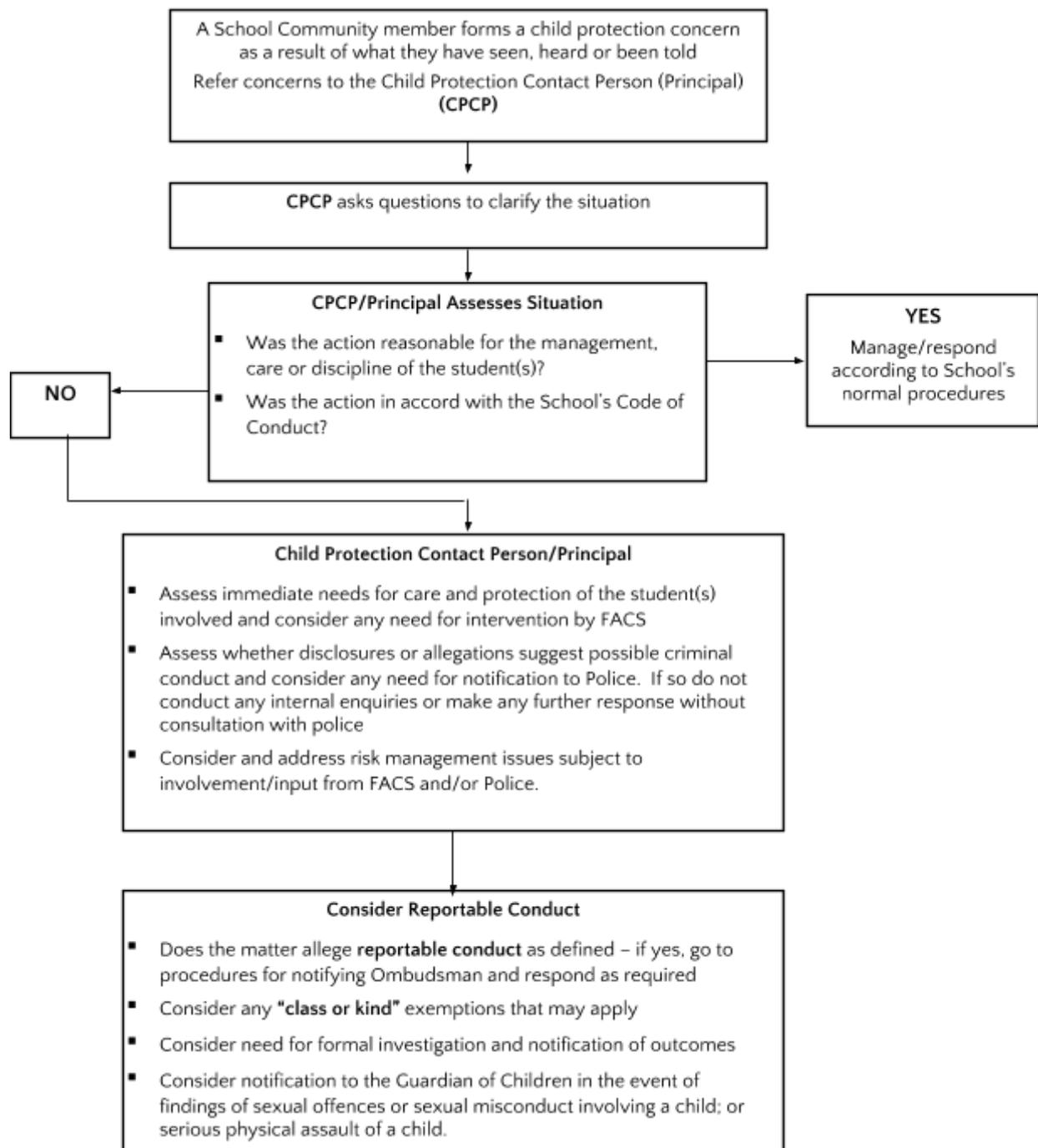
NOTE: Examples of conduct that would not constitute reportable conduct include (without limitation) touching a child in order to attract a child's attention, to guide a child or comfort a distressed child; a school teacher raising his or her voice in order to attract attention or to restore order in the classroom; and conduct that is established to be accidental.

Conduct Exempted from Reporting

- Investigation undertaken by accredited investigator (or the Principal)
- Finding made that allegation related to physical assault:
 - Assault did not occur,
 - Inappropriate professional behaviour occurred, or
 - There is some evidence that inappropriate professional behaviour occurred but the allegation is not sustained because of insufficient evidence.

Inappropriate Professional Behaviour

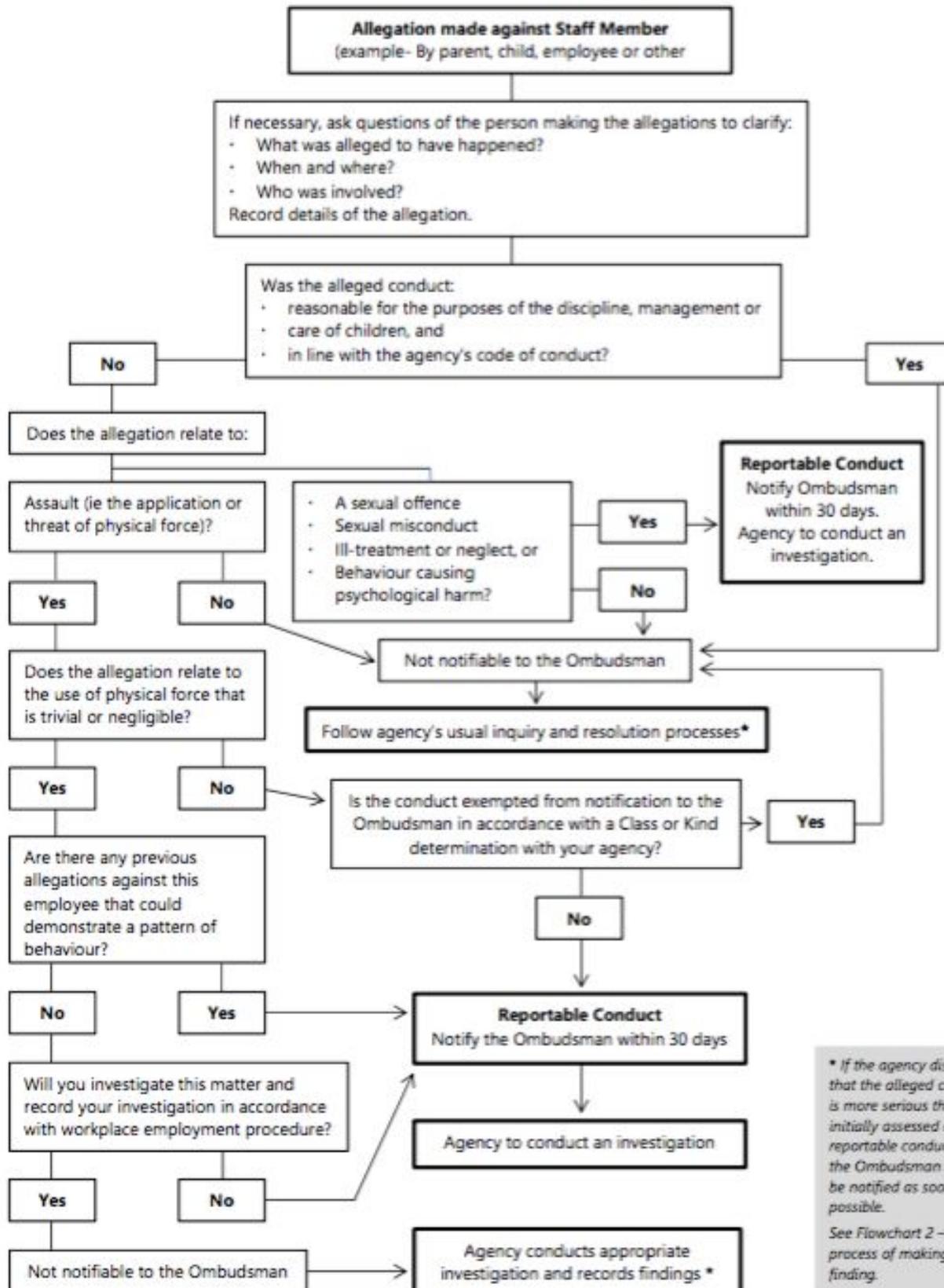
'Teachers are required to manage students' behaviour and sometimes they use inappropriate professional behaviour. This may involve inappropriate physical contact with a child or the throwing of a light object at a child. Some force may have been used but it is not excessive given the age or size of the child relative to the teacher, nor has it caused physical harm. Such behaviour management does not meet professional standards but it is not reportable to the Commission. These matters are categorised as "inappropriate professional behaviour". *Class or Kind Agreement (Education) – April 2004.*



CHILD PROTECTION POLICY

APPENDIX 5A: Determining if an Allegation is Reportable

▪ **FLOW CHART 1: DETERMINING IF AN ALLEGATION IS A REPORTABLE ALLEGATION**

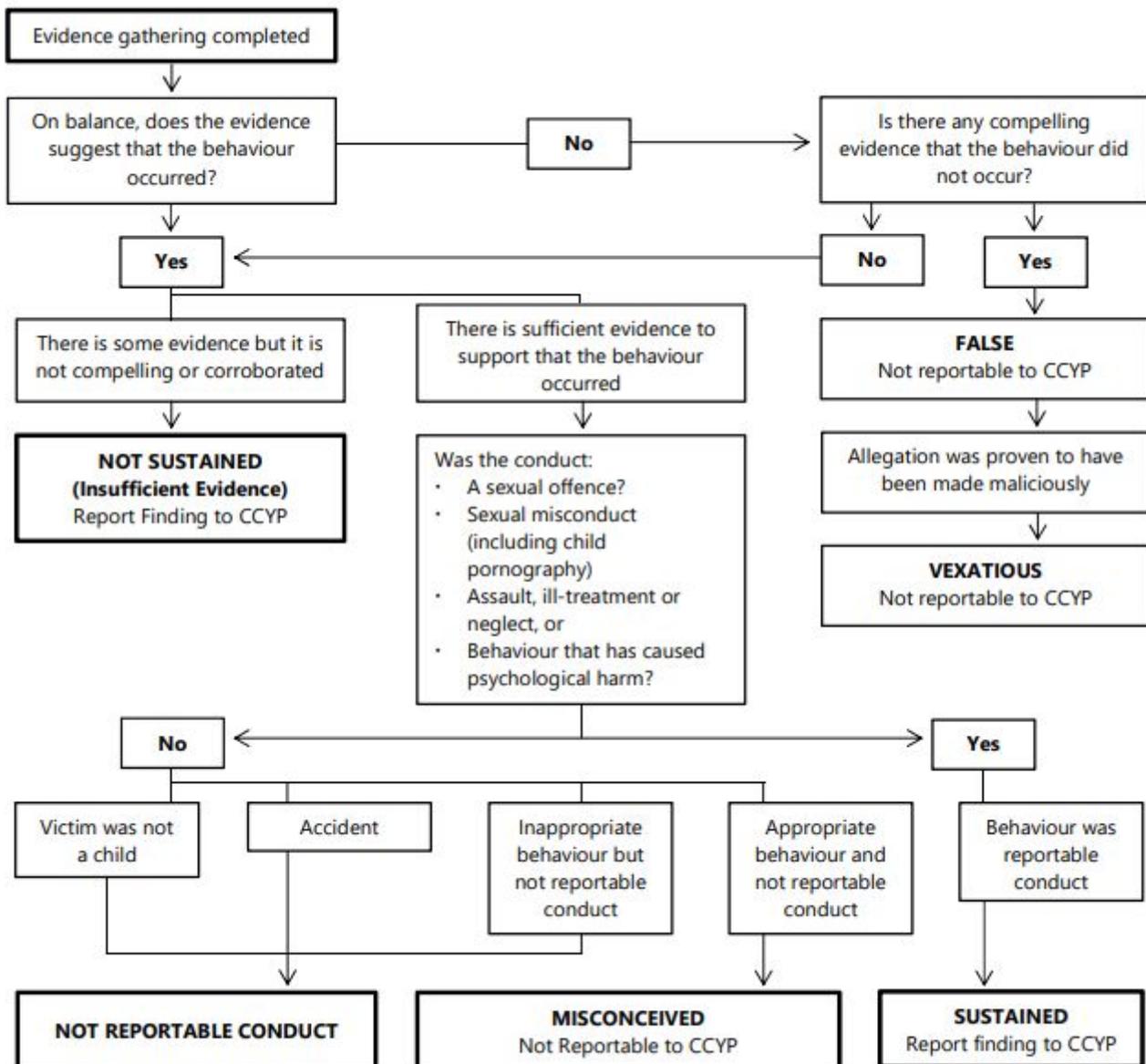


* If the agency discovers that the alleged conduct is more serious than initially assessed and is reportable conduct, then the Ombudsman must be notified as soon as possible.
See Flowchart 2 – The process of making a finding.

Kingdom Culture Christian School CHILD PROTECTION POLICY

APPENDIX 5B: The Process of Making a Finding

■ FLOW CHART 2: THE PROCESS OF MAKING A FINDING



Kingdom Culture Christian School

CHILD PROTECTION POLICY – APPENDIX 6

The KCCS Guidelines for Teaching and Protecting Children and Young People

The School expects all School Community members to be caring, compassionate adults who take an interest in the well-being of Students, and who set appropriate boundaries for worker-student relations.

School Community members must be aware that their interactions with students are based on a trusting relationship arising from the nature of their role in the School, and that those relationships are open to scrutiny.

At all times School Community members must treat students with respect and behave in ways that promote their safety, welfare and well-being.

The following guide will help teachers (and community members) to identify appropriate and unacceptable professional practice in their conduct with students. The material below is not exhaustive but is provided as a guide to common situations. It works in tandem with the KCCS Child Protection Policy.

Good or Acceptable Practice

School and classroom culture

1. Develop school and classroom routines or structures that have clear boundaries of acceptable and professional student/teacher interaction.
2. Implement school guidelines that help prepare and plan such educational activities as excursions. Professional behaviour and supervision levels need to take into account the age of students and the educational context.
3. Know the school's child protection, emergency, student welfare, behaviour and discipline policies and use behaviour reinforcement strategies that follow these policies.
4. Respond to provocative behaviour by students, parents or members of the School Community in a non-confrontational, calm manner to help defuse difficult situations. Seek support from colleagues or supervisors where needed. In extreme situations the Principal can call Police to protect staff and students.

Care and management of students

5. Report and document incidents involving physical restraint of students or violence involving students. This provides important information if an allegation is made about the related conduct of a staff member.
6. Actively supervise students when on playground duty.
7. Provide feedback on student work in a constructive way.
8. When confiscating personal items, such as mobile phones or hats, ask students to hand them to you. Only take items directly from students in circumstances where concern exists for the safety of the student or others, and your own safety is not jeopardised by this action.
9. When playing physical sport with children, consider the physiques of students, along with the relative ages and stages of development of all participants.
10. When conducting any one-to-one activity with a student:
 - Ensure that another adult is present or within sight at all times during one-to-one activity
 - Ensure that this adult is actively engaged and aware of the action of the School Community member at all times during the one-to-one activity
 - If the active engagement and awareness of another adult is not possible or practicable, ensure that prior approval for the one-to-one activity has been obtained from the School Community member's immediate supervisor.

Teacher-student relationships

11. Participate in social contact with a student only after obtaining informed consent of the student, the parent and the principal; such contact includes meetings, sporting events, phone calls or electronic communications, such as emails and text messages. Teachers are not to have contact with students via their personal social networking pages/sites unless they are family members.
12. If a student crosses emotional boundaries, inform supervisors so independent, sensitive advice and support are available.
13. Praise and recognise all students when appropriate, so they all feel treated fairly.

14. Make physical contact with students in a way that makes them comfortable, such as shaking hands, a congratulatory pat on the back, or with very young students, by gently guiding them or holding their hand for reassurance or encouragement.
15. When students, particularly very young children, are hurt and seek comfort it is appropriate to provide reassurance by putting an arm around them.
16. Be alert to cues from students about how comfortable they are in your proximity and respect individual needs for personal space. If you make physical contact with students in class demonstrations, such as PE or drama lessons, explain the activity involved, you will do and gain consent.
17. Be aware of cultural norms that may influence the interpretation of your behaviour towards students.

Interaction with students with identified needs

18. Be especially sensitive when interacting with students who may have poor 'boundaries' for appropriate behaviour after being traumatised by physical, emotional or sexual abuse, because they may misinterpret your action.

Poor or Unacceptable Practice

The following under each heading are considered poor or unacceptable practice:

School and classroom culture

1. Develop school and classroom routines or structures that have clear boundaries of acceptable and professional student/teacher interaction.
2. Leaving a class unattended or dismissing students early from a lesson so that they are unsupervised.
3. Not reporting concerns about risk of harm to a child or misconduct of a staff member towards a student.
4. Attempting to physically prevent a student from entering or leaving a classroom, unless there is a concern for the safety of the student, other students or staff.
5. Engage in inappropriate physical contact/force with a student including physical/corporal punishment of a child in the course of their role at the School.
6. Closing doors or windows to rooms without checking students are safely out of the way.
7. Correcting or disciplining a student in excess of what is reasonable or appropriate for the situation.
8. Shouting angrily at students to intimidate them.
9. Commenting to or about students on the basis of disability, gender, sexuality, cultural or racial stereotypes.

Care and management of students

1. Public disciplining or humiliating a student as punishment or as an example to other students.
2. Throwing an object such as a ball or book at a student to get their attention.
3. Threatening students with physical punishment.
4. Corporal punishment, such as hitting, smacking or caning of students.
5. Providing inadequate supervision for students while on duty during excursions and camps.
6. Not appropriately responding to or referring clear requests from students for medical attention or first aid.
7. Arranging activities or meetings alone with a student that are not within school guidelines or that are without the informed approval of a supervisor and, if appropriate, the parent or carer.
8. Targeting students unfairly for criticism or prejudging complaints from other staff or students about their behaviour based on past conduct.

Teacher-student relationships

A School Community member must not act recklessly in this regard. A single serious 'crossing of the boundaries' by a School Community member, or persistent less serious breaches of professional conduct in this area, may constitute serious misconduct, particularly if a school community member either knows, or ought to have known, that such behaviour was unacceptable.

1. Crossing professional boundaries through behaviour that can reasonably be construed as involving an inappropriate and / or overly personal or intimate relationship with, conduct towards, or focus on a student or a group of students.
2. All school members, including teachers, must not engage in grooming behaviour in relation to a student, their family or friends.
3. Act in ways which may cause a student to reasonably fear that unjustified force will be used against them, even if this is not their intention.

4. Teasing students or unfairly withholding praise from them.
5. Putting your arms around students while instructing them on the computer or a desk.
6. Disregarding personal space practices.
7. Developing a practice of cheek kissing as a greeting or for congratulating students.
8. Repeatedly and unnecessarily touching students on the back, shoulders, arms or legs, or allowing a student to sit on your lap.
9. Disregarding policies relating to ICT and social media. School Community members are prohibited from photographing or filming a student other than for purposes approved by the School. Secretly taking photographs or other images of students is strictly prohibited.
10. Connecting with a student on your PERSONAL social media platform (eg Facebook, twitter, Snapchat, Instagram).
11. Giving gifts of money to students as a reward or incentive for good behaviour or as a gesture of friendship.
12. Conversing about sexual matters unrelated to a syllabus.
13. Telling jokes of a sexual nature.
14. Making sexually explicit or suggestive remarks or engage in other sexually overt behaviours towards, or in the presence, of, a student.
15. Showing inappropriate videos.
16. Deliberately exposing a student to the sexual behaviour of others, including access to pornography.
17. School Community members must not consume illegal drugs, restricted substances, alcohol or tobacco (inclusive of e-cigarettes) on school premises or at any school-related activity where a student is present.

Practices in the following bullet points are prohibited (and may also be criminal acts):

18. Having sexual relationships with students – it is irrelevant whether the relationship is homosexual or heterosexual, consensual or non-consensual, or condoned by parents or carers (the ages of the students or staff members involved are also irrelevant).
19. Purchase for, offer, supply, give or administer to a student, including those over the age of 18, illegal drugs, restricted substances, prescribed or non-prescribed medication (unless dealing with or administering medication in accordance with relevant policy), alcohol, and/or tobacco.
20. Encouraging or condoning the use of alcohol or other drugs by students.
21. Possessing, downloading or distributing child pornography.
22. Commit a criminal offence involving a sexual element that is committed against, with or in the presence of a student or any child or children in any other circumstances.

Interaction with students with identified needs

23. Using unnecessary force to make physical contact with a student as a prompt for a verbal instruction, or to force compliance.
24. Failing to implement strategies negotiated and outlined in individual student management programs.
25. Using physical contact to contain confrontational behaviour of students of all ages (particularly those with identified behaviour or conduct disorders), unless there is a concern for the safety of the student, other students or staff.

Applying the Guidelines to Certain Situations

In the day-to-day activities of the School, a full range of situations arise during which individuals and groups of students interact with staff members.

These guidelines provide staff with examples of general directions that should be applied in most situations. It is recognised, however, that unusual circumstances, or concerns regarding student welfare and safety, may require a staff member to exercise their own professional judgement when interpreting the guidelines in particular situations.

Environment	General Principles	Alternatives & Suggestions
Class /Office	A staff member and one child, only, should not remain in a room together where they cannot be observed.	<ul style="list-style-type: none"> ▪ Ensure lunchtime detentions involve more than one student. Where this is not possible be highly visible. ▪ Combine lunchtime detentions with those of another teacher. ▪ Provide additional help and assistance to a student in a small group.

		<ul style="list-style-type: none"> ▪ Interview/counsel an individual student in full view of others (such as on playground seating, in a quiet corner of the class area with other students in the room). ▪ Interview/counsel a child in a room with door wide open to allow observation, by others, from outside the room. ▪ Ask another member of staff to observe/participate in an interview with a student. ▪ Use more than one child helper when working in the classroom before and after school, or during breaks ▪ The Principal should keep their office door open. ▪ In case of a sensitive issue, if possible another person could be included in the interview with a student.
Playground / Toilets	A staff member and one child, only, should not remain together in a situation where they cannot be observed.	<ul style="list-style-type: none"> ▪ Except in the case of a situation involving student safety and welfare, staff must always respect a student's privacy when using toilet facilities by not entering. ▪ Staff must not use student toilets. They use the toilet near the front office area.
Touch for encouragement and comfort	In the context of a caring Christian community, there is a place for appropriate physical contact between a staff member and a student, especially a younger student. However, a staff member should not touch a student on the chest or below the waist.	<p>For encouragement and positive interaction, or to comfort a K-6 student, there is a place for:</p> <ul style="list-style-type: none"> ▪ the hand of the child to be held ▪ a gentle touch on the shoulder <p>for a Years 7, 8 student :</p> <ul style="list-style-type: none"> ▪ generally no physical contact ▪ only a pat on the back for congratulations is recommended and always in a public space
Responding to student-initiated physical contact	<ul style="list-style-type: none"> ▪ Within the context of the caring Christian community of the school, it is fitting to respond to appropriate physical contact initiated by younger children (eg hand hold, hug, etc). ▪ Staff should not initiate physical contact 	<ul style="list-style-type: none"> ▪ Staff should not initiate physical contact. ▪ Respond using one of the suggestions listed above (hug shoulder, hand-hold or pat on the back for secondary students). ▪ Responses should be governed by the context of the situation.
Touch for discipline and management	<ul style="list-style-type: none"> ▪ Excepting where physical intervention is necessary to ensure a student's safety, staff should not touch a student for the purposes of discipline or student management. ▪ Students should not be grasped, held, physically moved, tapped or restrained. ▪ No form of corporal punishment should be used. 	<ul style="list-style-type: none"> ◇ Give verbal instructions along with relevant hand or body-language indications. ◇ Maintain effective management routines and positive staff/student rapport. Reinforce positive behaviours. ◇ Use discipline strategies outlined in Discipline Policy. ◇ Move danger away from child/young person, if possible. ◇ Provide physical barrier to protect child from danger. ◇ Provide children with appropriate behavioural model (Either the staff member, themselves, or another student).
Camps and Excursions:	<ul style="list-style-type: none"> ▪ A staff member and one child/young person, only, 	<ul style="list-style-type: none"> ▪ Staff should only supervise same-gender bathrooms, and only when more than one student is present in those

Bathrooms, toilets, bedrooms, changing facilities.	<p>should not remain together in a situation where they cannot be observed.</p> <ul style="list-style-type: none"> ▪ It should be noted, however, that staff should maintain appropriate supervision of these areas to ensure student safety and well-being. 	<p>facilities. Except in the case of a situation involving student safety and welfare, staff must always respect a student's privacy when using bathroom facilities.</p> <ul style="list-style-type: none"> ▪ When students use public toilets on an excursion, the boys also are to use a toilet in a closed cubicle. The staff member of the same sex is to wait for a child inside the toilet block at the wash basins. ▪ Staff should not use bathrooms and toilets that the students use. If there is no staff only facilities, a specified time needs to be arranged where staff can use the amenity block in private. The School will aim to use campsite facilities that ensure separate staff facilities. ▪ Bedrooms should not be entered when it is known that students are dressing or changing. ▪ Wherever possible staff of both genders should accompany excursion groups, wherever possible. If it is a relatively small group, then two staff members will not be required except if there is only one male or one female in the group. For overnight and extended excursions this is a necessity for staff of both genders.
Staff or Parent Vehicles- Transporting students	<p>A student should not be transported in a vehicle with only the driver, excepting in the case of an emergency.</p>	<ul style="list-style-type: none"> ▪ Arrange for ambulance or parent to transport student. ▪ Transport student in the company of another adult or another student.
First Aid / Sick Bay	<ul style="list-style-type: none"> ▪ When administering first aid, or assessing illness, physical contact with the child should be limited to only that which is necessary to comfort and reassure the child, if necessary. 	<ul style="list-style-type: none"> ▪ Other than in a case of emergency, where treatment may cause embarrassment to the child or where treatment is necessary on a part of the body usually covered by basic clothing: <ul style="list-style-type: none"> ▪ a parent should be called to treat the injury, or ▪ if a parent is not readily available, a staff member should treat the injury with the child's consent (if possible) and only after another adult has been informed of the staff member's intentions. ▪ Where a parent is not readily available, a second adult should observe treatment, if the child consents to the presence of the second adult.

Procedures for Visitors to the School

- Parents who wish to see the teacher of their own child during the day (whether by appointment or otherwise) he/she must first report to the Front Office. When teaching staff organise interviews they need to inform parents to report to the Front Office when they arrive, so that staff can be notified of their arrival.
- Visitors who have been invited to the School for an event, activity or an incursion need to be informed by staff to report to the Front Office on their arrival. Staff members are encouraged to give the Front Office prior notice of when their visitors are expected.
- Within school hours, students are not allowed to go home with other people (such as their friend's parents) without written permission from their parents or direct verbal contact of parents with the Office Manager or their Primary teacher. During school hours, students cannot be given into the care of a non-custodial parent without the permission of the custodial parent. All staff should be informed about these circumstances.
- Adult visitors to the School are not to use the children's toilets. They may use the toilet adjacent to the Front Office area.

CHILD PROTECTION: COMPLAINTS REGISTER (Appendix 7)

Date	Staff Member (complaint made against)	Complainant (Title & Name)	Advice to Principal received from	Allegation	Action / Advice sought & received	Outcome of Investigation	Reportable Conduct	Class or Kind