

# KINGDOM CULTURE CHRISTIAN SCHOOL

## CHILD PROTECTION POLICY



### **PART A: CHILD PROTECTION (WORKING WITH CHILDREN) ACT 2012 AND CHILD PROTECTION (WORKING WITH CHILDREN) REGULATION 2013 (NSW)**

Sets out requirements of obtaining working with children check clearances for all persons engaged in child-related work including but not limited to employees, contractor (sub-contractors) and volunteers. ([legislation.nsw.gov.au](http://legislation.nsw.gov.au))

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

Sets out the shared responsibilities of all staff members to protect children from harm, fulfil reporting obligations and share necessary information for the assessment of risk to children with other prescribed bodies. ([legislation.nsw.gov.au](http://legislation.nsw.gov.au))

### **PART C: THE CHILDREN'S GUARDIAN ACT 2019 (NSW)**

Part 3A sets out the responsibility of child-related organisations including the Education sector to implement Child Safe Standards. Part 4 sets out the responsibilities of relevant entities to prevent, identify and respond to reportable conduct by employees. ([legislation.nsw.gov.au](http://legislation.nsw.gov.au))

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# MISSION

## ***Raising Tomorrow's Leaders***

All children and young people are made in the image of God with intrinsic worth and dignity. Therefore, all students who are enrolled at Kingdom Culture Christian School (KCCS) are to be protected and kept safe from abuse, harm and mistreatment.

### **1. Mission and Values**

KCCS 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 wellbeing of the students entrusted to it.

### **2. 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 four key pieces of child protection legislation in New South Wales:

- The *Child Protection (Working With Children) Act 2012* and Child Protection (Working with Children) Regulation 2013 (the WWC Act)
- The *Children and Young Persons (Care and Protection) Act 1998* (Care and Protection Act)
- The *Children's Guardian Act 2019* (*Children's Guardian Act*)
- *The Crimes Act 1900* (*Crimes Act*).

- (b) Guide staff, volunteers and students on how to behave with students in KCCS.
- (c) Clarify the parameters of appropriate and inappropriate conduct for staff and volunteers of KCCS in order to create a safe and supportive environment for students in accordance with KCCS's mission and values and the Christian commitment we embrace.
- (d) Model a contemporary workplace at KCCS 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
  - Under the specifications of the legislation in terms of having a valid Working with Children Check and appropriate conduct
  - To report inappropriate community conduct directed towards children and young people
  - As Mandatory reporters of concerns for children and young people at risk of significant harm.

### 3. Scope

This policy sets out staff responsibilities for child protection and processes that Staff members must follow in relation to child protection matters. This policy applies to all staff members, which includes employees, contractors and volunteers. Some contractors may not be required under the relevant legislation to hold a Working with Children Clearance, for the purposes of their engagement with KCCS.

Staff members who fail to adhere to this policy may be in breach of their terms of employment, contract or terms of engagement.

This policy applies to all Workers engaged by KCCS including employees, volunteers, sub-contractors, and ministers.

This policy sets out staff responsibilities for child protection and processes that staff must follow in relation to child protection matters. This policy applies to all Staff members, which includes employees, contractors and volunteers. Some contractors may not be required under the relevant legislation to hold a Working with Children clearance, for the purposes of their engagement with the School.

Staff members who fail to adhere to this policy may be in breach of their terms of employment, contract or terms of engagement.

### 4. Related Codes and Policies

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

- Child Protection Code of Conduct
- Guidelines for Protecting Children and Young People
- Casual / Alternative Staff Policies
- Critical Incidents Policy
- Grievance Policy
- Safe and Supportive Environment Policy (ie Pastoral Care, Student Behaviour and Discipline policies), Maintaining School Enrolment and Attendance Registers Policy, Medication and First Aid Policy, Special Needs Policy.
- Risk Management policies: School WHS Policy, Premises, Buildings and Facilities Policy, Emergency Events Policy, Excursion Policy, Playground Supervision Policy

### 5. Duty of Care

All Staff 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 Staff member must take into consideration various factors such as a student's age, maturity and ability.

This duty of care owed to students by all Staff members applies during all activities and functions conducted or arranged by KCCS where a student is in the care of a Staff member. The risk associated with any activity needs to be assessed and managed by Staff 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. Maintaining professional relationships with students**

KCCS expects all Staff members to be caring, compassionate adults who take an interest in the well-being of students, and who set appropriate boundaries for staff-student relations.

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

At all times, Staff members must treat students with respect and behave in ways that promote their safety, welfare and wellbeing.

Staff members should act professionally at all times. *“The KCCS Guidelines for Teaching and Protecting Children and Young People”* (see Appendix 6). This outlines ways to assist teachers in maintaining appropriate professional relationships and boundaries with children.

## **7. Child-Focused Risk Management**

All Staff members will ensure that they use child-focused risk management practices in all their activities in accordance with KCCS’s policies and procedures. In this regard, all Staff 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 issues, KCCS 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 delegate. If the allegation involves the Principal, staff and community members are required to report to the Chairman of KCCS Board or the appropriate authority.

This obligation is part of KCCS's overall commitment to the safety and wellbeing 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, minister or volunteer of KCCS must report incidents of child abuse with KCCS’s Protection Policy which should include a direct report to police in appropriate circumstances. This is in addition to mandatory reporting obligations. (see Appendix 1a and 1b for further information). This will also be included in the mandatory Child Protection training.

## **10. Obligations of Adults Working in a School**

Any 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 do so by either acts and/or omissions. This is directed at School Board members, Principals and Senior Executive Members. This will be included in mandatory Child Protection Training (see Appendix 1a and 1 b for further information).

## PART A: CHILD PROTECTION (WORKING WITH CHILDREN) ACT 2012

Relating to working with children check clearances for all persons engaged in child related work  
([legislation.nsw.gov.au](http://legislation.nsw.gov.au))

### 1. General

A Working with Children Check (WWCC) clearance is required for anyone engaged by KCCS in child-related work. An exemption may be applied if the Worker meets the provisions for a WWCC exemption under the WWCC legislation.

A WWCC includes a national police check and review of findings of misconduct involving children. The result is either application in progress; cleared; barred; interim barred; not found; expired; closed. 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. They must also notify the OCG if their personal details change.

It is an offence for KCCS to commence employing or continue to employ a worker in child-related work if KCCS knows or has reasonable cause to believe that:

- a) The worker is not the holder of a WWCC Check Clearance that authorises that work and that there is no current application by the worker to the Office of the Children's Guardian for a clearance of a class application to that work, or
- b) The worker is subject to an interim bar.

### 2. Responsibilities

Kingdom Culture Christian School Staff members have a number of responsibilities and obligations under the Act and the Regulation which are outlined in this policy.

#### 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 within 5 working days
- 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.

The only way to accurately determine a person's clearance status is by verifying their WWCC online. The worker must provide their WWCC number , along with their full name and date of birth for online verification. KCCS will not accept the worker's notification letter or email or application number as proof of their clearance.

## **2.3 Responsibilities of Child-related workers**

Child-related workers 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.
- 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 have a risk assessment.
- d) Under the Reportable Conduct Scheme, all WWCC holders engaged in child-related work at KCCS are required to report any reportable conduct allegations to the principal.

## **2.4 Employer Responsibilities and Procedures**

### **2.4.1 Employer responsibilities in relation to paid workers**

Employers must:

- a) Register online as a child-related employer and verify every child-related worker's details through the online verification system. Using the NSW Office of the Children's Guardian Working with Children Check employer log in, the Office Manager will complete the verification.
- b) Ensure an applicant for child-related work has a current, verified WWCC to commence working at KCCS. Cleared applicants may use their WWCC for any child-related work in NSW for five years.
- c) Not accept paper evidence or application number of a clearance as the person may have been barred, interim barred or had their WWCC status cancelled.
- d) Ensure current paid workers and volunteers apply for the check



- e) Ensure their own WWCC is verified online by the Office Manager in the organisation (employers cannot self-verify). The KCCS Chairperson of the Board will acknowledge the verification of the WWCC of the Principal.

Report finding of misconduct under the Reportable Conduct Scheme to the OCG. The Principal will report to the OCG when a finding of Sexual Offence; Sexual Misconduct and Serious Physical Assault has been made. KCCS will advise the Worker that the OCG has been notified of a finding of misconduct involving children.

- f) If requested, the Principal will provide access to records of the person who has a finding of misconduct involving children referred to the OCG under the Act.
- g) Immediate removal of any interim/banned or unauthorised person from child-related work if KCCS receives a letter advising that a current employee or volunteer has become barred (or has an interim bar). It does not matter whether they are paid or unpaid; supervised or unsupervised. The following are options the Principal may follow:
- Dismiss the Worker
  - Suspension from child-related work pending the outcome of an appeal
  - Transfer to a non-child related role within KCCS (although KCCS is under no legal obligation to find an alternative position for a barred worker).
- h) Maintain all records of verifications and other WWCC documentation in accord with this policy.

The Principal will be responsible to ensure each of these responsibilities are carried out. The Office Manager is responsible for monitoring WWCC's of all Workers and keeping details up-to-date. Reminders are sent out by email to staff and volunteers when their WWCC's are nearing their due date.

#### **2.4.2 Employer responsibilities in relation to all KCCS 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.
- b) The Office Manager confirms the WWCC clearance and informs the Principal and volunteer.
- c) The volunteer is then able to commence volunteering in KCCS.
- 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.
- f) A volunteer at KCCS assists under the direction of School staff and must sign in and out of KCCS Office. The volunteer is then able to commence volunteering in KCCS.
- g) KCCS is required to immediately remove any interim/barred or unauthorised volunteer from child-related work if KCCS receives notification from the OCG advising that a current Worker has become barred (or has an interim bar), and will no longer allow any barred or unauthorised volunteers to assist onsite until such time as a reinstated WWCC clearance is provided.

### 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*. KCCS related personnel covered by these exemptions are not required to have a WWCC:

- Persons who 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.
- Visiting speaker, adjudicator, performer, assessor or other similar visitor at KCCS or other place where child-related work is carried out if the work at that place is for a one off occasion and is carried out in the presence of one or more other adults
- 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 WWCC, 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.

Whilst acknowledging the exemptions under the Working with Children Act 2012 and its associated regulations, such as section 20(d), KCCS has adopted a stricter standard to ensure the highest level of child protection. All persons over the age of 18 who have any contact with KCCS students must have a current WWCC clearance, except in cases of one-off events during which they are supervised at all times by a KCCS staff member. For overnight camps or activities where adults may have unsupervised contact with students, a valid WWCC is mandatory, without exception. This policy seeks to build on the legal obligations under the WWCC regulations, and to ensure the safety and wellbeing of every child under KCCS's care. All persons who come on-site will have signed in agreeing to our Child Protection, Code of Conduct & WHS policies on the sign-on sheets in KCCS Office.

## **4. Relevant Definitions**

### **4.1 In Relation to Verification**

#### **4.1.1 Application in progress**

A child-related worker (whether paid or volunteer) must have a verified WWWC before commencing work with children at KCCS. A child-related worker may not continue working at KCCS if their WWWC expires. If he or she becomes barred, KCCS will receive notification.

#### **4.1.2 Cleared**

This applicant has a WWCC clearance that is valid until the listed expiry date and can be used in NSW for child-related work (either paid or voluntary). Where the outcome is a clearance, the applicant receives a WWC Check number that must be provided to KCCS and is valid for 5 years. Cleared applicants will be subjected to ongoing monitoring for relevant new records which could lead to a bar and the clearance being revoked before the expiry date. However, Workers are required to inform the OCG of any changes to their details and notify KCCS of any changes to their circumstances that may impact their WWCC clearance status.

#### **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.

The Children's Guardian may issue a Notice of Intent to Bar (if certain offences are found that automatically disqualify someone from a WWC Check) or it may conduct a risk assessment.

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. A risk assessment will also occur if a Reportable Conduct finding of a sexual offence, sexual misconduct or any serious physical assault of a child is made or the NSW Children's Guardian considers there are other circumstances relevant to the safety of children. 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 A WWCC not found**

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

- The data entered for verification (name, date of birth and WWCC number or application number) has errors.
- The person's application has been withdrawn or terminated without an outcome.
- The person has not completed an application for a WWCC (filled in the online form, presented proof of identity and paid any applicable fee).
- 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 involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work. Child related work includes, but is 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, homestays 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; and
- f. counselling, mentoring or distance education not involving direct contact.

Child-related work includes paid and volunteer work. An application is completed when the online application form is complete and the worker's identity has been proven at Services NSW 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 WWCC 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 [Kingdom Culture Christian School](#)

interim bar. It is an offence for an employee to engage in child-related work when they do not hold a WWCC or have a bar or an interim bar.

## 5. Reporting

### 5.1 KCCS

Independent Schools are defined as a reporting body by the WWC Act.

KCCS is required to advise the OCG of the findings they have made after completing a reportable conduct investigation, including whether they have made a finding of reportable conduct. A finding of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault, must be referred to the OCG's WWCC Directorate. Information must also be referred internally to the OCG's WWCC Directorate if it meets the threshold for consideration of an interim WWCC bar, as per Section 17 of the WWC Act, pending a formal risk assessment.

KCCS may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act and the Children's Guardian Act.

### 5.2 Finding of misconduct involving children

KCCS will report any finding of reportable conduct to the OCG.

When informing an employee of a finding of reportable conduct against them, KCCS should alert them to the consequent report to the WWCC Directorate in relation to sustained findings of sexual misconduct, a sexual offence or a serious physical assault.

The WWC Act enables a person who has a sustained finding referred to the OCG to request access to the records held by KCCS in relation to the finding of misconduct involving children, once final findings are made. The entitlements of a person to request access to information in terms of section 46 of the WWC Act is enlivened when a finding of misconduct involving children has been made.

### 5.3 Other information

KCCS may also be required to provide information to the OGC that is relevant to an assessment of whether a person poses a risk to the safety of children or the OCG's monitoring functions.

**NOTE:** any concern regarding the safety, welfare and wellbeing of a student must be reported to **the Principal or their delegate if the Principal is not available.**

The Care and Protection Act provides for mandatory reporting of children at risk of significant harm. See Part B for further guidance.

## PART B: THE CHILDREN & YOUNG PERSONS (CARE & PROTECTION) ACT 1998 (NSW)

Which sets responsibilities of Community Services with regard to child protection

### 1. Who is a mandatory reporter?

Under the Care and Protection Act, a mandatory reporter is a person who:

- a) in the course of their employment, deliver services including health care, welfare, education, children's services and residential services, to children;
- b) holds 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;
- c) is in religious ministry, or a person providing religion-based activities to children;
- d) is a registered psychologist providing a professional service as a psychologist.

At KCCS, a mandatory reporter refers to a person who delivers education or religious ministry wholly or partly to children and/or who holds a management position, which includes direct responsibility for children. (For example: School Board members)

All teachers and ministers providing religious ministry 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 is a Report to 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 their delegate) 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. **Although not required by law, it is KCCS's policy that a Mandatory Report must also be made where there is reasonable grounds to suspect that a young person(aged 16-17) is at risk of significant harm, and those grounds arose in the course of your work.**

Suspecting on **reasonable grounds** that a child is **at risk of significant harm** is the standard that reporters must use in deciding whether or not to report abuse to the Department of Communities and Justice (DCJ). **Significant** means that which is sufficiently serious to warrant a response by a statutory authority irrespective of family consent. It is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing. This can result from a single act or omission or an accumulation of these. It does not mean that reporters must know for certain but should ensure their concerns are well grounded and/or come from a reliable source.

'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:

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

## Principal's Responsibility and Reporting

The Principal is responsible for the administration and conduct of KCCS and, as part of this role, must report any concerns to the Department of Communities and Justice (DCJ) as required.

An online Mandatory Reporter Guide has been developed to assist mandatory reporters. This guide uses a series of decision trees (Yes/No) to help determine whether the threshold for significant harm is met. The guide focuses on whether the concern is significant, rather than whether abuse or neglect meets a specific definition. Mandatory reporters in non-government schools are strongly encouraged to use the Mandatory Reporter Guide before making a report to the Helpline.

Reporting is mandatory, even if it goes against the wishes of the organisation, student, or parents. If the Principal has evidence of a crime, the matter must be reported directly to the police.

### 2.1 Mandatory Reporting of Child Abuse and Harm to the Department of Communities and Justice (DCJ)

Where a Mandatory Reporter has concerns that a child or young person is at risk of being abused or harmed, or has been, the Mandatory Reporter Guide (MRG) must be used to determine if these concerns meet the threshold for the Risk of Significant Harm (ROSH). If they do, the concerns must be reported to the DCJ on the Child Protection Helpline (132 111) by the Principal.

Mandatory reporters are also able to submit eReports to the Child Protection 'ChildStory' website. If the MRG outcome is "Report to DCJ" or "immediately report to DCJ", mandatory reporters can create and submit eReports as an alternative to calling the Helpline (if calling is not possible at the time). They will be notified by email if there is a change of status for a report and can log into the ChildStory Reporter Community website to see the status of any previous reports that have been submitted.

At KCCS, if the allegation involves the Principal, the report is made to the Chair of KCCS Board.

However, any person who believes on reasonable grounds that a child is suffering abuse or harm should call the Child Protection Helpline (132 111) or Police (000).

#### 2.1.1 What happens after the report is made?

When the Child Protection Helpline assesses the information, along with information known to the DCJ, to determine if the child or young person is at risk of significant harm, then the DCJ may:

- Screen out the report if it does not meet the threshold of significant harm.
- Refer the family to an early intervention program.
- Arrange ongoing services/ assessment of the child, other individual family members or the family together.
- Arrange protective placement of the child or young person.
- Mandatory reporters will be informed in writing of the action taken by the DCJ. Even after a report has been made, reporters must continue to respond to the needs of the child/young person within the terms of their work role. This may include a report to NSW police and/or arranging for medical care.

#### 2.1.2 Report to DCJ threshold Not Met

If the Risk of Significant Harm threshold is not met or the outcome of the MRG does not involve a report to DCJ, but concerns still exist, schools need to consider:

- **Referring** – can the needs of the child, young person or the family be met by KCCS or an outside agency?
  - If the perpetrator is not family, the family is contacted by close of day - or no later than twenty- four hours after concerns have been raised and require the child to see a Health Professional through their GP Services.

- o If the perpetrators are from the family unit, the child (if older than 14) can consent to own medical treatment if needed.
- **Continuing Support** – what support can be provided within School resources to assist the child, young person or family? KCCS practice is to offer:
  - o regular appointments for the student with KCCS Counsellor
  - o advocacy for them with their parents
  - o sessions (if desired) with parents/caregivers to help process the concerns raised
  - o relevant Health Professional sources
- **Monitoring** – what specific indicators would prompt reconsideration to report?
  - o no response/poor response/inappropriate response from parents/caregivers
  - o deterioration in perceived well-being of the student/failure to see the GP in circumstances where medical/mental health assessment and treatment is necessary
- **Documenting** – all information provided, information relied upon and decisions are to be documented and kept in a secure location at KCCS.

Where KCCS 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 assisted 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](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 KCCS has spoken with other agencies who may be 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. The Principal will liaise with external agencies for the students at KCCS.

If KCCS perceives that an inappropriate, but non-reportable behaviour/incident has occurred, and has the potential to escalate into a reportable incident, KCCS reports to DCJ because KCCS is committed to building a complete picture of the child's world over time.

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. Such situations are documented because if a family does not 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.

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

Reporting by KCCS about these matters to DCJ and, where necessary, the Police, is generally undertaken by **the Principal** or person delegated by the Principal. This is in accordance with best practice principles and is the expectation of KCCS. 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** is not contactable, staff should speak to the Police and/or the Child Protection Helpline directly and then advise **the Principal** of KCCS 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 DCJ 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 and the student to further abuse/harm by the perpetrator.

#### 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 DCJ, as an employee of this School, any concern regarding the safety, welfare and wellbeing of a student must be reported to the Principal **immediately**.

Staff are required to deal with all reports regarding the safety, welfare or well-being of a student with confidence.

#### 5. Procedures for Student Disclosures

##### Responding to Student Disclosures:

If a child discloses any indicators of risk of harm to a staff member, it is important that the staff member is clear about their responsibilities and remains calm and supportive of the student. The staff member should:

- a. **Actively listen** to the student, speaking gently and reassuringly, and let the student know that there is help and support available to them.
- b. **Never probe for details** or ask leading questions, but **allow** the student to disclose at their own pace. If the student feels more comfortable, they may be asked to write the details or draw a diagram.
- c. If the harm is taking place **outside KCCS's control**, **never assure the student** that the harm will stop, as this cannot be guaranteed.
- d. **Do not give assurances of confidentiality**. Instead, explain that the staff member has a responsibility to report the disclosure to the Principal.
- e. **Report the disclosure** to the Principal either orally or in writing. If a report is made to a staff member other than the Principal, that staff member should **immediately** report the matter to the Principal.

**Disclosure in Group Situations:** If a student begins to disclose in a group situation (e.g., during a lesson or a seminar conducted by Counsellors/Police Safety Personnel):

- a. **Gently interrupt** and explain that the disclosure sounds important, but it is better to discuss it privately at a later time.
- b. **Acknowledge** that the student has been heard and reassure them of the support available.
- c. **Ensure prompt follow-up** with the student to gather necessary details, such as the level of risk, the access the perpetrator has, the immediate safety of the student, and whether the parents are protective.
- d. Use **clarifying questions** to assess the situation and determine the next steps, ensuring all reporting obligations are met.
- e. **Arrange a private meeting** with the student, ideally with the Counsellor, Principal, or other designated personnel, as needed.

##### Private and Public Disclosure:

- a. **Private Disclosure:** If a student discloses a situation of abuse or harm privately, the staff member should support the student's decision to disclose, listen carefully, and reassure them that they have a right to feel safe. The staff member should **not promise confidentiality** but instead explain that the matter will be reported to the Principal.

If the staff member is a **mandatory reporter**, they are responsible for reporting the matter externally according to KCCS Child Protection Policies and are **not responsible for investigating** the matter.

b. **Public Disclosure:** If a disclosure occurs in a group setting, such as among other students, the staff member should use a **protective strategy** by:

- **Acknowledging** that the student has been heard, but stopping the disclosure to encourage the student to share the details in a private setting.
- **Arranging a private meeting** with the student as soon as possible, away from other students.
- **Not allowing** other students to ask questions or discuss the matter.

## 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. Witnessing an Incident of Child Abuse or Harm

If you witness an incident that you believe constitutes abuse or harm to a **student** (or students), you must take immediate action to protect the safety and well-being of the student(s) involved. This applies to both **physical** and **online incidents**, in line with Standard 8 of the **Child Safe Standards** on providing safe physical and online environments.

In the event of immediate risk to the health or safety of the student(s):

- a. **Separate** the alleged victims from others involved or present to prevent further harm or distress. This is done to safeguard the victims, maintain privacy, and minimize further risk of escalation.
- b. **Administer first aid** if required, and ensure that medical attention is sought immediately.
- c. **Call 000** (or the relevant emergency number) where urgent **medical** assistance and/or **police** intervention is required.

**For incidents occurring at school or during a school event:**

- a. **Preserve evidence:** Do not clean or disturb the scene; leave physical items untouched.
- b. Ensure the student remains in the clothing they were wearing at the time of the incident, unless there is a safety concern.
- c. Take **reasonable precautions** to prevent discussion of the incident among those involved or witnesses, ensuring confidentiality and minimizing the risk of tampering with evidence or influencing testimonies.

## 8. Record Keeping

Staff members, including teachers, are required to keep records of any concerns they have regarding a child's safety or well-being on **Compass**. While teachers, as mandatory reporters, must document their concerns, **all reports** should be made to the **Principal**, or their delegate, who will be responsible for reporting to the DCJ (Department of Communities and Justice).

Cumulative harm refers to a series of acts or omissions that, when viewed separately, may not indicate significant risk. However, when viewed together, they can suggest a pattern of significant harm. Staff members should be vigilant to potential patterns of harm and ensure that concerns are consistently documented.

Mandatory reporters are responsible for recording any concerns about a child, as these concerns may continue over time, and the pattern could ultimately constitute a report to the **Child Protection Helpline**.

The **documentation** relating to the making of a mandatory report will be maintained by the Principal and securely stored in a confidential location.

## 9. **Voluntary Reporting to DCJ**

Any person who believes, on reasonable grounds, that a child or young person is at risk of harm may voluntarily report to the DCJ even if they are not mandated to report as a requirement of their role.. If you suspect that the child/young person is suffering abuse or harm, you can call the Child Protection Helpline on 132 111 or 1800 212 936 (24/7) or speak to the Principal for advice. Call the police on 000 in an emergency or the Police Area Command or Police Assistance Line in non-urgent circumstances.

## PART C: THE CHILDREN'S GUARDIAN ACT 2019 (NSW)

### 1. Responsibilities

- 1.1 **Under the Children's Guardian Act (NSW)**, Kingdom Culture Christian School is required to notify the NSW Office of the Children's Guardian (OCG) all allegations of reportable conduct, the outcome of KCCS's investigation of these allegations and any conviction of an employee for an offence involving reportable conduct as defined by the Children's Guardian Act.

If a child safety incident or concern involves conduct by an employee that meets the threshold for mandatory reporting to the DCJ (Department of Communities and Justice) or the Police, the school is obligated to report the matter directly to these authorities. Additionally, under this school policy, any such conduct must also be reported to the OCG (Office of the Children's Guardian) as reportable conduct. It is important to note that the OCG does not report internally to the DCJ or the Police; the responsibility for such reporting lies with the school. An 'employee' includes employees teaching and non-teaching staff, direct contact volunteers, direct contact contractors and external educators.

#### 1.2 Head of Entity (HoE)

The Head of Entity is the Principal of KCCS. Under the Office of the Children's Guardian Act, the Head of Entity must:

- a) set up systems within their organisation to ensure that they are advised of any allegations of reportable conduct against employees;
- b) upon receiving a reportable allegation from any person, including a staff member, notify the Office of the Children's Guardian of a reportable conduct/conviction against school employees;
- c) ensure that an appropriate internal investigation of the reported allegation/conviction is conducted and completed in a reasonable time;
- d) notify the Office of the Children's Guardian regarding the findings of the internal investigation;
- e) inform the parent/caregiver of the affected child about the investigation into the reportable conduct unless it is 'not in the public interest' to inform them.

NB. Under the Children's Guardian Act (2019), it is a criminal offence to fail to report a reportable allegation/conviction to the Children's Guardian.

For more information see the **Office of the Children's Guardian Fact Sheet: Heads of entities and reportable conduct**

<https://ocg.nsw.gov.au/organisations/reportable-conduct-scheme/reportable-conduct-fact-sheets>

[https://ocg.nsw.gov.au/sites/default/files/2022-02/fs\\_rc\\_head\\_of\\_entity\\_responsibilities.pdf](https://ocg.nsw.gov.au/sites/default/files/2022-02/fs_rc_head_of_entity_responsibilities.pdf)

#### 1.3 Staff obligations to report

All WWCC must report reportable conduct allegations. However, KCCS requirements for all Workers is that they 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 **as soon as possible to the Principal**.

Staff must also report to the Principal **as soon as possible** 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 KCCS Board. ESOA is the Person Subject of the Allegation.

If a staff member has themselves been the subject of a reportable conviction, the staff member is required to immediately inform the Principal.

For more information see the **Office of the Children's Guardian Fact Sheet:FAQ for employees**

## 1.4 Mandatory Reporting of Child Abuse Offences to Police

### Legislative Requirement

Under section 316A of the Crimes Act 1900 (NSW), any adult who:

- a. **knows, believes or reasonably ought to know** that a **child abuse offence** has been committed against another person; and
- b. **knows, believes or reasonably ought to know** that he or she has information that might be of material assistance in securing the apprehension of the offender of the prosecution or conviction of the offender for that offence

must bring that information to the attention of a member of the NSW Police Force as soon as it is practicable to do so.

### Definitions

#### Child Abuse Offence

Child abuse offences requiring Mandatory Reporting to Police includes but is not limited to sexual offences such as rape, sexual abuse, sexual touching, production of child abuse material, voyeurism and grooming offences, stalking, harassing or intimidating, causing grievous bodily harm or attempts to commit those offences.

It also includes assaults and physical harm, such as wounding and assault causing actual bodily harm, assault at a school (whether or not causing actual bodily harm), causing the ingestion of an intoxicating substance, and female genital mutilation.

#### Knows, believes or reasonably ought to know

It would likely be considered that you know, believe or reasonably ought to know that a child abuse offence has been committed if:

- a. a student tells you that they have been sexually abused or physically assaulted
- a. a student tells you that they know someone who has been sexually abused or physically assaulted
- b. someone who knows the student tells you that the student has been sexually abused or physically assaulted
- c. signs of sexual abuse or physical assault should or do lead to a belief that the student has been sexually abused or physically assaulted.

## **A Report to the Police**

Information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for a child abuse offence.

Mandatory Reporting to Police under section 316A by a person in good faith does not constitute unprofessional conduct or a breach of professional ethics and does not make the person subject to any civil liability (including liability for defamation).

The information must be brought to the attention of a member of the NSW Police as soon as it is practicable to do so.

In emergencies, or if the child abuse offence is happening now or has just happened and the suspected offender may still be in the area, call 000.

Otherwise, call the Police Assistance Line on 131 444

## **When is a Report to Police Not Required?**

Under the Crimes Act 1900, all adults in NSW who know, believe or reasonably ought to know that a child abuse offence has been committed, and fail to report the information to the police as soon as practicable, are guilty of an offence. A person will not be guilty of an offence if they have a reasonable excuse for not reporting the information to police. This includes knowing or reasonably believing that:

- a. the Police already know the information
- b. they have made a mandatory report to DCJ under Mandatory Reporting laws or believe another person has made one.
- c. they have reasonable grounds to fear for their own safety or another person's (not offender) if information is reported to Police.
- d. the alleged victim was an adult at the time that the information was obtained by the person and the person believes on reasonable grounds that the alleged victim does not wish the information to be reported to Police.

Unacceptable reasons for not reporting include concern for:

- a. the person who may have committed a child abuse offence,
- b. KCCS's reputation, legal liability or financial status

## **Record Keeping**

The documentation relating to the making of a mandatory report to Police is maintained by the Principal located

### **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. If the allegation involves the Principal, it is reported to the Chairperson of the Board.

## 2. What is reportable conduct?

### 2.1 Definition of reportable conduct (according to the Children's Guardian Act for the Reportable Conduct framework only)

Under the Children's Guardian Act 2019, *reportable conduct* is defined as:

- g. a sexual offence;
- h. sexual misconduct;
- i. an assault against a child;
- j. ill-treatment of a child;
- k. neglect of a child;
- l. an offence under section 43B (failure to protect) or section 316A (failure to report) of the Crimes Act 1900; and
- m. behaviour that causes significant emotional or psychological harm to a 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. For more information see the Office of the Guardian Fact Sheet: Identifying Reportable Allegations [www.kidsguardian.nsw.edu.au](http://www.kidsguardian.nsw.edu.au)

#### **Behaviour that causes Emotional or Psychological Harm to a Child (not defined in the Children's Guardian Act)**

- 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.

#### **Ill-treatment**

- Circumstances where a person treats a child in an obviously or very clearly improper and/or inhumane 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 (inappropriate forms of behaviour management)

- **Neglect**

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

- 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.
- 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.
- 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.
- 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.

## **Assaults**

- Any act by which a person intentionally inflicts unjustified or unlawful use of physical force against another. An assault can also occur if a person causes another person to reasonably conclude 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'. This involves 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.

## **Sexual Offence**

A sexual offence is of a sexual nature (as set out in NSW, other state or Federal Law) that is committed against, with or in the presence of a child. Examples of this include sexual touching of a child, a child grooming offence (refer to pages ...) and the production, distribution or possession of child abuse material.



## **Sexual Misconduct**

This refers to conduct that is sexual in nature towards or in the presence of a child, but is not a sexual offence.

This can include:-

- describing sexual acts to a child, without a legitimate reason to do so
- sexual comments (explicit or implicit) with or in the presence of a child
- comments that express a desire to act in a sexual manner to a child or another child
- sexualised exhibitionism
- exposing children to pornography
- observing children undress where supervision is not needed or inappropriate.

## **An offence under 43B or 316A of the Crimes Act 1900 (NSW)**

- Failing to prevent child abuse,
- Concealing child abuse.

## **CRIMINAL OFFENCES**

In 2018 the Crimes Act was amended to adopt recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse*. The new offences are designed to prevent child abuse and to bring abuse that has already occurred to the attention of the Police.

### **1. Failure to protect offence (Crimes Act 1900 – NSW)**

An adult working in a school, therefore all staff members, 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 the risk, and they negligently fail to do so either by acts and/or omissions.

This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to a known and serious risk rather than using their power to protect children.

### **2. Failure to report offence (Crimes Act 1900 – NSW)**

Any adult, and therefore all staff members, will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to Police, without a reasonable excuse. A reasonable excuse would include where the adult has reported the matter to the Principal and is aware that the Principal has reported the matter to the Police.

### **3. Special Care Relationships (Crimes Act 1900 – NSW)**

It is a crime in NSW for a staff member, volunteer or contractor to have a sexual relationship with a student where there is a special care relationship. The Act provides that a young person is under an adult's special care if the adult is a member of the teaching staff of KCCS at which the young person is a student; or has an established personal relationship with the young person in connection with the provision of religious, sporting, musical or other instruction.

The Special Care (sexual intercourse) offence under s73 was supplemented by an additional special care offence involving sexual touching now under s73A of the Crimes Act. The new offence under s73A will expand special care offences to also apply to non-penetrative sexual touching. The offence will protect children aged 16-17 years from inappropriate sexual contact with teachers and others who have special care of the child.

### 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/conviction against an employee is received, the Head of Entity (Principal) is required to:

- a) Clarify the allegation, the identity of the person making the allegation, the name of the employee and the actions involved in the allegation.
- b) Conduct a risk assessment and assess risks to all children/young people in KCCS's care and take any immediate measures to ensure their well-being and safety.
- c) Consider whether the child/young person is 'at risk of significant harm' (reportable to DCJ) or whether the allegation constitutes a criminal act (reportable to the Police)
- d) fulfil other requirements that may be needed for communicating the details of the allegation/conviction both internally and externally.
- e) Seek to meet the support needs of both the child/young person affected and the employee who is the subject of the allegation/conviction.

Prior to making a report to the Children's Guardian, KCCS may contact the Children's Guardian on (02) 8219 3800 or at [reportableconduct@kidsguardian.nsw.gov.au](mailto:reportableconduct@kidsguardian.nsw.gov.au) for guidance on how to manage the reporting process.

**Note: Mandatory reporters use the Mandatory Reporting Guide (MRG) to determine whether or not a child or young person (at KCCS inclusive of 16 and 17 year olds) has been abused or at risk of significant harm.**

### 3.2 Notification to the Office of the Children's Guardian

When the Principal receives a reportable allegation or becomes aware of a reportable conviction for a staff member (or any person), they must:

- a) Provide written notice of the allegation/conviction within seven working days (unless there is a justifiable reason not to)(**use the 7-day notification form**)
  - b) Provide within 30 days an interim report of actions taken since the initial notification, any further actions proposed and an estimated timeframe for the final report(use the **30-day Interim report** form)  
OR
  - c) Provide a final report stating the outcome of the investigation or determination(use the **Entity Report** Form).
- all forms linked to [www.kidsguardian.nsw.gov.au](http://www.kidsguardian.nsw.gov.au)

### **Note the following**

**Prior to commencing any internal investigation the Head of Entity must receive necessary clearance from the police and DCJ.**

Where an internal investigation of an allegation has led to a finding of an offence under the Crimes Act 1900 (NSW), the Principal must notify the Police as a priority. The Police, for example, may advise that the internal investigation be suspended. In this case, the Children's Guardian must be notified that the internal investigation is suspended and what actions are to be taken to manage the risks.

The Office of the Children's Guardian may also require the Principal not to commence, or to postpone or grant an exemption from internal investigation if for example the matter has been reported to and being investigated by the police or DCJ or investigated by other relevant entity.

## **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 Principal 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**

For more information see the **Office of the Children's Guardian Fact Sheet: Risk management following an allegation**

One of the first steps following an allegation of reportable conduct/conviction against an employee is for the Principal 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, the Child Protection Helpline ([132 111](tel:132111)) 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:

- The child(ren) who are the subject of the allegation;
- Other children with whom the staff member may have contact;
- The Employee Subject of Allegation (ESOA);
- KCCS, and
- The proper investigation of the allegation.

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

- The nature and seriousness of the allegations;

- The vulnerability of the child(ren) the ESOA has contact with at work;
- The nature of the position occupied by the ESOA;
- The level of supervision of the ESOA; and
- The disciplinary history or safety of the ESOA and possible risks to the investigation.

The Principal will take appropriate action to minimise risks. This may include the ESOA 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, KCCS will take into consideration both the needs of the child(children) and the ESOA.

**NB:** 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 an indication that the alleged conduct by the employee did occur.

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

#### **4.2 Ongoing Risk Management during the Investigation**

The Principal will continually monitor risk during the investigation including in the light of any new relevant information that emerges. Support needs to be given to the children, ESOA and relevant parties such as families.

#### **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 Principal regarding what action, if any, is required in relation to the ESOA, the child(children) involved and any other parties.

#### **4.4 What information will be provided to the ESOA?**

The ESOA will be advised:

- That an allegation has been made against them (at the appropriate time in the investigation); and
- About the substance of the allegation, or of any preliminary finding and the final finding. The ESOA does

not automatically have the right to:

- Know or have confirmed the identity of the person who made the allegation; or
- Be shown the content of the Office of the Children's Guardian notification or other investigation material that reveals all information provided by other employees or witnesses.

## 5. Investigation principles

For more information see the **Office of the Children's Guardian Fact Sheet: Planning and Conducting an Investigation**

The Principal (or another person on behalf of the Principal) will:

- provide appropriate support for all parties including the child/children, witnesses and the ESOA.
- be mindful of the principles of procedural fairness;
- at the appropriate time inform the person subject of the allegation (ESOA) of the substance of any allegations made against them and provide them with a reasonable opportunity to respond to the allegations;
- consider the codes of conduct, professional, ethical and community standards;
- make reasonable enquiries or investigations before making a decision;
- avoid conflicts of interest;
- conduct the investigation without unjustifiable delay;
- handle the matter as confidentially as possible.

## 6. Internal Investigation steps

In an investigation the Principal or an appointed investigator will generally:

- Interview relevant witnesses, the children and the employee and gather relevant documentation;
- Advise the child/young person and/or parent/caregiver of the steps and progress of the investigation, unless it is not in the public interest to do this
- Collect physical evidence (eg from emails, mobile phones)
- If the police/DCJ are involved, information from these agencies (Chapter 16A CYP Act)
- If the Police or DCJ are investigating, the Principal must consult with these agencies before proceeding with any internal investigation. Best practice is to pause the internal investigation until clearance is provided by the external agencies.
- When all the relevant information is collected, the allegation will be formally put to the ESOA and given the opportunity to respond (either in an interview or writing)
- Interview the ESOA - A ESOA 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;
- Consider relevant evidence and make a preliminary finding in accordance with the Office of the Children's Guardian guidelines;
- Inform the ESOA of the preliminary finding and provide them with a further opportunity to respond;
- Make a final finding in accordance with the Office of the Children's Guardian Guidelines;
- Decide on the disciplinary action, if any, to be taken against the ESOA;
- Apply the Office of the Children's Guardian Guidelines and decide if the matter is a finding of Reportable Conduct; and
- Send the final entity report including final findings, outcome, reporting and risk management actions and details of the investigation to the Office of the Children's Guardian). If the entity was exempted by the Office of the Children's Guardian from investigating the reportable conduct allegation the entity is not required to provide the final report.

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.

## 7. The Process of Making a Finding

Regardless of whether the investigation has been made by the Head of Entity or an external 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. If the Principal is satisfied that the reportable allegation is proved on the balance of probabilities, the Principal must make a finding of Reportable Conduct.

For more information see the **Office of the Children’s Guardian Fact Sheet: Making a Finding of Reportable Conduct**

## 8. Disciplinary Action

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

In relation to any disciplinary action KCCS will:

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

Note: If the allegation was shown to be false or vexatious, decide what action should be taken against the person who made it. However, it is a criminal offence to threaten or take action against that person who made the allegation in good faith.

## 9. Disclosure and Confidentiality

- It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible. KCCS requires that all parties maintain confidentiality during the investigation including in relation to the handling and storing of documents and records.
- The Principal must inform the affected child and their parents/carers about the Reportable Conduct Investigation (unless ‘not in the public interest’ to do so). Refer to the Children’s Guardian guidelines about what the Principal must have regard to when deciding to disclose or not to disclose information.
- The Principal MUST NOT disclose reportable information to anyone else except where
  - the disclosure is made for the safety and wellbeing of the child/children/young person and is made to:-
    - (a) the Office of the Children’s Guardian
    - (b) to an investigator appointed by the Principal
    - (c) an external company that employs the person (for example, a contractor)
    - (d) the Minister of Community Services (if the affected child is under their care)
    - (e) a person who has daily care and control of the affected child
- 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/conviction allegation they must advise the Principal.

**Note:** The ESOA may be given a copy of the final report that is provided to the Children’s Guardian (section 36 of the Children’s Guardian Act).

For more information see the **Office of the Children’s Guardian Fact Sheet: Disclosing Information to children, parents and carers.**

#### 10. **Record Keeping of Allegations of Reportable Conduct**

All interviews should be recorded verbatim where possible, signed and dated by all involved. All decisions and discussions related to the investigation must be documented.

Records about allegations of reportable conduct against employees will be kept in a secure area and will be accessible by the Head of Entity or with the Head of Entity's express authority (Board Chair). 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 (only accessed by the Principal and where appropriate the Board Chairperson). The final entity report to the Office of the Children's Guardian is maintained by the Principal as the Head of Entity and located in an external secured file.

#### 11. **Principal Handover Procedure**

When a change of Head of Entity occurs, it is the obligation of the current Head of Entity or Board Chair to ensure that the new Head of Entity is notified of the location of the secure file containing records of allegations of reportable conduct.

## STAFF TRAINING

It is the obligation of KCCS 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 for new staff:

### 1. Orientation of staff members– 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 being inducted by the Principal regarding the Child Protection Policy.
- ii) Receiving, reading, have opportunities to discuss with the Principal and signing the Child Protection Code of Conduct within 7 days of receiving it.
- iii) Receiving, reading and having opportunities to discuss 'The KCCS Guidelines for Teaching and Protecting Children and Young People' (see Appendix 6).
- iv) Being informed about the compulsory attendance at the annual Child Protection Training session (and follow up sessions) led by the Principal(or delegate) and signing the KCCS Child Protection Code of Conduct (see Appendix 1a and 1b).

#### b) Casual teachers

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

- i) Receiving, reading and having the opportunity to be inducted by the Principal regarding the Child Protection Policy.
- ii) Receiving, reading, having opportunities to discuss with the Principal and sign the Child Protection Code of Conduct (see Appendix 1a) within 7 days of receiving it.
- v) Receiving, reading and having opportunities to discuss with the Principal 'The KCCS Guidelines for Teaching and Protecting Children and Young People' (see Appendix 6).
- vi) Being informed about, and invited to attend, the compulsory annual Child Protection Training session and signing the Child Protection Code of Conduct (see Appendix 1b).

#### c) Volunteers

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

- i) Receiving, reading and having the opportunity to discuss with the Principal the Child Protection Policy.
- ii) Receiving, reading, having opportunity to discuss with the Principal and signing the Child Protection Code of Conduct.



## 2. Annual Child Protection Training in Term 1

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

- The Office Manager will review and verify the staff obligations and responsibilities to notify KCCS if their Working with Children Check status changes from “Cleared”.
- The Principal will reinforce their obligations and responsibility as mandatory reporters of concerns about children or young people being at risk of significant harm. Consistent with Standard 1 of Child Safe Standards.
- The Trainer will reinforce their obligations and responsibility to inform the Principal of suspicion of reportable conduct of another community member.
- All staff members will review safety policies and procedures, with particular focus on duty of care and emergency situations. This review will be part of the professional training activities for all staff. While the training and discussion may be facilitated by AIS, it could also be led collaboratively by staff, promoting shared responsibility and engagement in ensuring the safety and well-being of students.

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

## CONSEQUENCES OF FAILURE TO COMPLY WITH THIS POLICY

All Staff 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 Staff member.

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

In relation to a Staff 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 KCCS.

## PROCEDURES FOR STAKEHOLDERS TO REPORT ALLEGATIONS OF STAFF MISCONDUCT OR REPORTABLE CONDUCT

The **stakeholders** include students, parents/carers, staff members, volunteers, the Principal, the KCCS Board Chairperson, and any other individuals or groups directly or indirectly involved with or affected by the school’s operations, safety standards, and complaint handling processes. KCCS will inform stakeholders of their complaint handling procedures and the nature of what is deemed reportable conduct in the Parents/Carers Information Booklet. All Staff members are informed of their obligation under the Child Protection Policy and the procedures to follow in relation to Staff misconduct.

All the stakeholders will be directed to report any allegation of Staff misconduct or reportable conduct in writing directly to the Principal. If the allegation is about the conduct of the Principal, the stakeholder is to report the allegation in writing to the KCCS Board Chairperson. Confidentiality is maintained as in accord with the Child Protection Policy. KCCS will acknowledge in writing the receipt of an allegation/complaint. KCCS will periodically update to the complainant the status of the investigation

and inform the complainant of the findings (within the limitations of what can be disclosed according to legislation). KCCS will seek to investigate the allegation within a reasonable timeframe (as allowed by the formal processes).

#### **PUBLICATION OF COMPLAINT HANDLING PROCEDURES**

KCCS publishes KCCS's complaint handling procedures regarding allegations of staff misconduct or reportable conduct in the Annual Report published on KCCS website annually.

#### **INFORMATION SHARING ABOUT STUDENTS' SAFETY AND WELL-BEING**

Prescribed bodies (such as non-government schools) **must** share information with other prescribed bodies under Chapter 16A of the Care and Protection Act regarding the safety, welfare or wellbeing of a particular child or young person or class of children or young persons.

It is KCCS's policy to voluntarily comply with Chapter 16A requests for Information by DCJ and other prescribed bodies regardless of whether DCJ or other prescribed bodies has requested the information.

KCCS may share information when it has formed the required reasonable belief under the relevant section and no exemption to the Information sharing exists. This can occur without the consent of the child, young person and/or parents/caregivers.

The Principal is authorised to exchange information on behalf of KCCS either verbally or in writing. Any request for Information directed to staff must be directed to the Principal.

The Prescribed bodies are:

- NSW Police
- A Public Service agency or Public Authority
- A government/non-government school
- TAFE
- Public Health Organisation
- A Private Health facility
- The Family Law Court of Australia
- The Federal Circuit Court of Australia
- The Commonwealth Department of Human Services
- The Commonwealth Department of Immigration and Border Protection
- Medical practitioners, nurses, midwives, psychologists, occupational therapists
- Speech pathologists eligible for membership of Speech Pathology Australia
- Community Housing Providers
- Any organisation whose duties include responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or part to children.

#### **Sharing Information**

Under 245C, KCCS or other prescribed body may provide Information (either voluntarily or mandatory sharing on request) if it will assist the recipient:

- Make any decision, assessment or plan or to facilitate an investigation, or to provide a service, related to the safety or well-being of a child/young person or class of children and young persons, or
- Manage any risk to a child/young person or class of children and young persons that might arise in the recipient's capacity as an employer or agency.

**For a request** for Information, sufficient information must be given to the KCCS Principal to support the request. **The**

**Information Exchange – Long Fact sheet** for human services workers provides guidance for what constitutes sufficient information upon which a request is to be based. If any information provided, acting in good faith, under Chapter 16A, that person cannot be held liable to any civil or criminal or disciplinary action. Records of all requests and Information provided must be documented and stored securely separate from the student's records.

### **Exemptions to Sharing Information**

Under Chapter 16A sharing information provisions, KCCS **does not** have to provide any requested Information if it reasonably believes it would:

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

### **Making a Request for Information to a Prescribed body**

The Principal will;

- try to first make contact by phone with the prescribed body to ensure the request is well targeted.
- If moving forward with the request, put in writing the following:
  - The person's identity, who is the subject of the request. If it is not the child/young person, state the relationship of the person to the child/young person.
  - An explanation of how the Information will assist KCCS to make decisions, plan ,assess or facilitate an investigation or manage risk.
  - Sufficient detail to assist the prescribed body to understand the purpose and nature of the request.
  - The background to the request, including if child/young person/parents/caregivers have been informed of the request and if not why not.
  - An indication of the timeframe in which the Information is sought.(for example for the past year)
  - A realistic time period (a negotiated date) for the request to be processed.

### **Restriction for Use of Information**

- Under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 (NSW), KCCS must not use or disclose information for any purpose that is not directly related to the safety, welfare, or well-being of the child/young person or the class of children/young persons, except where such use or disclosure is expressly permitted by law.

### **DISCIPLINE FOR BREACH OF POLICY**

Where a staff person breaches the Child Protection Policy, Kingdom Culture Christian School may take disciplinary action. In the case of serious breaches this may result in summary dismissal.

## **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.

Prepared by Pavina Lee

**Principal**

Reviewed January 2025

## **REFERENCES**

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

The Office of the Children's Guardian (OCG) <https://www.kidsguardian.nsw.gov.au>

Department of Premier and Cabinet – Keep Them Safe [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au)

# CHILD PROTECTION POLICY

## APPENDIX 1A: The Child Protection Code of Conduct

### 1. INTRODUCTION & PURPOSE

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

- |                |  |
|----------------|--|
| <b>Provide</b> | An open, welcoming and safe environment for everyone participating in KCCS's education programs, pastoral services and related programs.   |
| <b>Provide</b> | 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.              |
| <b>Seek</b>    | Input and guidance from students, parents, employees and others who make up the Staff, so these standards are maintained.  |
| <b>Require</b> | All Staff members are to demonstrate a commitment to the highest standards of ethics, professional behaviour and Christian standards in dealings with children and young people. |
| <b>Require</b> | All Staff members share a common responsibility to maintain KCCS's reputation for integrity in relation to child protection matters.   |

### 2. SCOPE

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

- (a) **Student or Students** refers to:
- A **Child** or **Children** which is defined in this Code as being a person under the age of 16 years
  - A **Young Person** or **Persons** which is defined in this Code as a person between the ages of 16 and 18 and
  - Any other student of KCCS over the age of 18 years.
- (b) **Staff members** refers to:
- All paid employees whether employed on a permanent, temporary or casual basis.
  - All persons who have been engaged to work within KCCS or who have face to face or online contact with students of KCCS 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.
  - Students enrolled at KCCS.

### 3. MISSION & VALUES IN RELATION TO STUDENTS

#### *'Raising Tomorrow's Leaders'*

In fulfilling this mission, KCCS 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 Staff members, and all students, parents and visitors connected with KCCS, 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 Staff MEMBERS

All Staff members:

- |             |  |
|-------------|--|
| <b>Will</b> | Treat everyone with respect and honesty.   |
| <b>Will</b> | Behave as a positive role model to students in all interactions with them.   |
| <b>Will</b> | Follow School policy and procedures for the safety of students as outlined in KCCS's Child Protection Policy and related materials.  |
| <b>Will</b> | When conducting any one-to-one activity with a student: <ul style="list-style-type: none"><li>● Ensure that another adult is present or within sight at all times during one-to-one activity</li><li>● Ensure that this adult is actively engaged and aware of the action of the Staff member at all times during the one-to one activity</li><li>● 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 Staff member's immediate supervisor.</li></ul> |
| <b>Will</b> | Record and act on a complaint of abuse, ill-treatment or neglect of a student.   |
| <b>Will</b> | 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.  |
| <b>Will</b> | Respect the duty to take reasonable care for the safety and welfare of students.   |
| <b>Will</b> | Complete and maintain a current Working with Children Check with the Office of the Children's Guardian.  |
| <b>Will</b> | Inform KCCS 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.   |
| <b>Will</b> | Report to KCCS any allegations or convictions of Reportable Conduct involving any Staff member.  |
| <b>Will</b> | Report to KCCS any information or concerns about inappropriate behaviour by any Staff member that involves a student.  |
| <b>Will</b> | Fulfil their legal obligation to report risk of significant harm, or to report possible criminal activity, in accordance with local procedures.  |
| <b>Will</b> | 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 Staff member’s immediate supervisor, or without the active participation of another adult, engage in one-to-one contact with a student such as:
- 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
  - Individual tutoring or mentoring a single student alone, one-on-one
  - Disciplining or counselling a single student alone, one-on-one
- 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 KCCS’s Child Protection Policy. With acknowledgement to KCCS’s Code of Conduct.

# THE CHILD PROTECTION CODE OF CONDUCT ACKNOWLEDGEMENT

## APPENDIX 1B

### ACKNOWLEDGEMENT BY STAFF MEMBER / WORKER

I [insert full name] \_\_\_\_\_

being employed or engaged by KCCS in the following role [insert position] \_\_\_\_\_

hereby acknowledge that I:

- Have received the above Child Protection Code of Conduct, and the KCCS Guidelines for Teaching & Protecting Children and Young People
- 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 KCCS from time to time
- Am obliged to notify KCCS 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
- Am aware that a current copy of the Child Protection Code of Conduct and Child Protection Policy is available on *Google drive*

Signature \_\_\_\_\_

Date \_\_\_\_\_

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



## APPENDIX 2: INDICATORS OF RISK OF SIGNIFICANT HARM

### INDICATORS OF RISK OF SIGNIFICANT HARM

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#### Risk of Significant Harm Definition

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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.

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#### Forms of Child Abuse

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

##### Neglect

Child neglect is the failure or significant risk of 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, and adequate supervision to such an extent that it can reasonably be expected to produce a substantial and demonstrably adverse impact on the child/young person's safety, welfare or wellbeing. This includes lack of enrolment in and attendance at School. This lack of care can be by a single act or an ongoing series of acts or omissions.

##### Sexual Abuse

Sexual abuse is when someone involves a child or young person in sexual activity by using their power over them or taking advantage of their trust. Often children or young people are groomed, bribed, coerced or threatened physically and psychologically to make them participate in the activity. Sexual abuse also includes exposing the child/young person to situations or circumstances which place them at risk of sexually abused and/or exploited.

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 punish 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 negative 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 a single severe incident of or ongoing domestic violence, intimidation or threatening behaviour.

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## **Possible Signs of Abuse**

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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 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 the Office of Children's Guardian.

### **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 overeating
  - 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.

### **Domestic or Family Violence**

Domestic or family violence is behaviour toward a family member that may include:

- physical violence or threats of violence,
- verbal abuse, including threats,
- emotional or psychological abuse,
- sexual abuse,
- financial and social abuse.

Exposure to family violence constitutes a risk of significant harm under the Children and Young Person's (Care and Protection) Act 1998.

Possible signs - As family violence can include one or more forms of abuse (physical or sexual abuse, neglect, or emotional and psychological harm), their physical and behavioural indicators may be also signs of domestic violence.

Possible signs in older children and young people may include:

- moving away or running away from home,
- involvement in criminal activity,
- alcohol and substance abuse,
- violence in their own relationships.

### Additional Vulnerabilities

- All children and young people are vulnerable to abuse and other harm because of their dependence upon adults. Being vulnerable does not mean that a child or young person will be abused although it does increase the risk.

This may include children and young people who:

- are Aboriginal and Torres Strait Islanders,
- have a disability,
- from culturally and linguistically diverse backgrounds. They may encounter circumstances that:
  - make it more likely that they will receive an inadequate response to abuse or other harm,
  - make it less likely that they will disclose abuse or other harm, than other children or young people.

A variety of factors may influence the vulnerability of a child or young person such including:

- the experience of previous maltreatment,
- the nature of a disability,
- the family characteristics and circumstances,
- involvement with an institution where they are at higher risk,
- other factors- physical characteristics, social isolation, high achievement and sexual orientation.

### Grooming Behaviours

#### Identifying, Reporting and Addressing Grooming Behaviours

Grooming behaviours can be the precursor (in some cases) to abuse.

#### Legal Obligation:

#### Section 66EB - Procuring or Grooming a Child Under 16 for Unlawful Sexual Activity

- **Subsection (2) – Procurement for Unlawful Sexual Activity:**
  - **Offense Description:** An adult person who **intentionally procures** a child for unlawful sexual activity with themselves or any other person is guilty of an offense.
  - **Penalty:** Penalties may include a maximum of **12 years' imprisonment**.
- **Subsection (2A) – Meeting a Child Following Grooming:**
  - **Offense Description:** An adult person is guilty of an offense if:
    - They **intentionally meet** a child (or travel with the intention of meeting) whom the adult person has **groomed** for sexual purposes, and
    - They do so with the intention of **procuring** the child for unlawful sexual activity with either the adult or another person.
  - **Penalty:** The penalty for this offense is **12 years' imprisonment**.
- **Subsection (2B) – Definition of Grooming for Sexual Purposes:**
  - **Explanation:** For the purposes of **subsection (2A)**, a child is considered to have been **groomed for sexual purposes** if, on one or more previous occasions, the adult person has engaged in conduct that exposed the child to **indecent material**.
  - **Key Point:** The act of exposing a child to inappropriate material forms part of the grooming process.

## Section 474.27 – Using a Carriage Service to "Groom" Persons Under 16 Years of Age

- **Offense Description:**

- A person (the sender) commits an offense if:
  - **(a)** The sender uses a **carriage service** (such as the internet, phone, or other telecommunications) to **transmit a communication** to another person (the recipient).
  - **(c)** The sender does this with the **intention** of making it easier to **procure** the recipient to engage in **sexual activity** with the sender.
  - **(d)** The recipient is someone who is, or whom the sender believes to be, **under 16 years of age**.
  - **(e)** The sender is **at least 18 years of age**.

- **Penalty:**

- The penalty for committing this offense under **Section 474.27** can be up to **12 years' imprisonment**.

### Key Elements:

- **Carriage Service:** This refers to any telecommunications or internet service (such as phone calls, text messages, social media, email, etc.).
- **Grooming Intention:** The sender's intention must be to make it easier to **procure** the recipient (a person under 16) for sexual activity.
- **Age of the Sender:** The sender must be at least 18 years old.
- **Belief about the Recipient's Age:** The sender's belief that the recipient is under 16 years of age is sufficient, even if the recipient is not actually under 16, provided the sender has this belief.

### Context and Application:

This law specifically addresses **online grooming** and **sexting**, where an adult uses digital or telecommunication methods to influence, manipulate, or "groom" a child for sexual exploitation. The legislation is crucial for protecting children from online predators, particularly in the context of increasing online interactions.

This law reflects a strong stance against online grooming and the use of technology to exploit children, with significant penalties attached to those who commit such offenses.

**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. It is not a single act of unprofessional or inappropriate behaviour, but a pattern of behaviour that seeks to gain the trust of the child as well as other people in the child's life such as parents and other teachers.

Grooming behaviour is indicated by any or all of the following elements:

- Persuading a child that they have a 'special' relationship, for example, by spending inappropriate special time alone 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 (for example, sports coaching, family level social contact within a small community)
- Inappropriate personal correspondence, including electronic communication, that explores sexual feelings or intimate personal feelings.
- taking photographs, audio recording, or filming students via any medium without School authorisation based on parental consent.
- Inviting, allowing or encouraging students to attend a staff members house
- making inappropriate comments about a student's appearance or excessive flattery.

Where the above actions do not constitute grooming behaviour, they may be a violation of KCCS's Code of Conduct or constitute professional misconduct and need to be reported to the Principal.

Physical contact with students that does not constitute grooming behaviour is:

- Assisting students who hurt themselves
- Assisting students when they pose a physical threat to themselves or others
- Delivery of first-aid
- Non-intrusive gestures when a child is experiencing distress (such as a pat on the upper back)
- Non-intrusive touching such as a handshake

**NB:** Refer to KCCS 'Guidelines for Teaching and Protecting Children and Young People', and KCCS Code of Conduct

## Reporting Grooming

A school culture should provide a safe and supportive environment where Staff members feel confident to make a report about another Staff member. Reports should be made honestly and without recklessness.

- If a staff member (or any other stakeholder) has a reasonable suspicion or belief that grooming behaviour is occurring, they must report it to the Principal (or delegate).
- Grooming behaviour can place a child at risk of significant harm and must be reported as reportable conduct if the person subject to the allegation holds a Working With Children Check (WWCC). Consideration should also be given to reporting the matter to the Police and the Department of Communities and Justice (DCJ) (see Mandatory Reporting guidelines).
- Incidents of substantiated sexual misconduct, which includes grooming behaviour, involving staff members must be reported to the Office of the Children's Guardian.
- Allegations of sexual misconduct against a staff member or any person engaged by KCCS, including volunteers, must also be reported to the Office of the Children's Guardian.

**Note:** If evidence of grooming is found through electronic communications, the staff member reporting the grooming behaviour must take steps to preserve the electronic evidence.



## **KCCS Responsibility**

- KCCS will ensure the safety and well-being of the student if they are the alleged victim of grooming behaviour.
- The Principal (or delegate) will contact the staff member who is the subject of the reported allegation in accordance with principles of procedural fairness.
- KCCS will conduct an internal investigation into the allegation. If the matter is of a serious nature, the Principal will refer the issue to the Police and relevant Child Protection agencies.
- KCCS may suspend the staff member while the investigation is underway.

## **Record Keeping**

- All forms of communication (including verbal, written, and digital) related to child protection matters must be accurately documented. This documentation should include dates, times, details of the communication, and any disclosures made by the student.
- KCCS maintains secure records of all evidence or documentation related to allegations. These records are stored securely in the Principal's office.

## **Confidentiality**

Staff members who have access to information related to grooming behaviour must maintain confidentiality and disclose the information only as part of an investigation. If a student discloses alleged grooming behaviour, staff must report it to the Principal.

Any inappropriate breach of confidentiality may result in disciplinary action by KCCS, which, in serious cases, may include summary dismissal.

## APPENDIX 3: DEFINITION OF REPORTABLE CONDUCT OF A WORKER

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

See page 16 of the policy for definition of reportable conduct.

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#### Reportable conduct does not extend to:

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- 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
- 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
- c) conduct of a class or kind exempted from being reportable conduct

**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.

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#### Conduct Exempted from Reporting

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- Finding made that allegation related to physical assault:
  - o Assault did not occur,
  - o Inappropriate professional behaviour occurred, or
  - o There is some evidence that inappropriate professional behaviour occurred but the allegation is not sustained because of insufficient evidence.

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#### Inappropriate Professional Behaviour

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'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".'

APPENDIX 4: RISK ASSESSMENT & INITIAL DECISION MAKING FLOWCHART IN DETERMINING IF AN ALLEGATION IS REPORTABLE

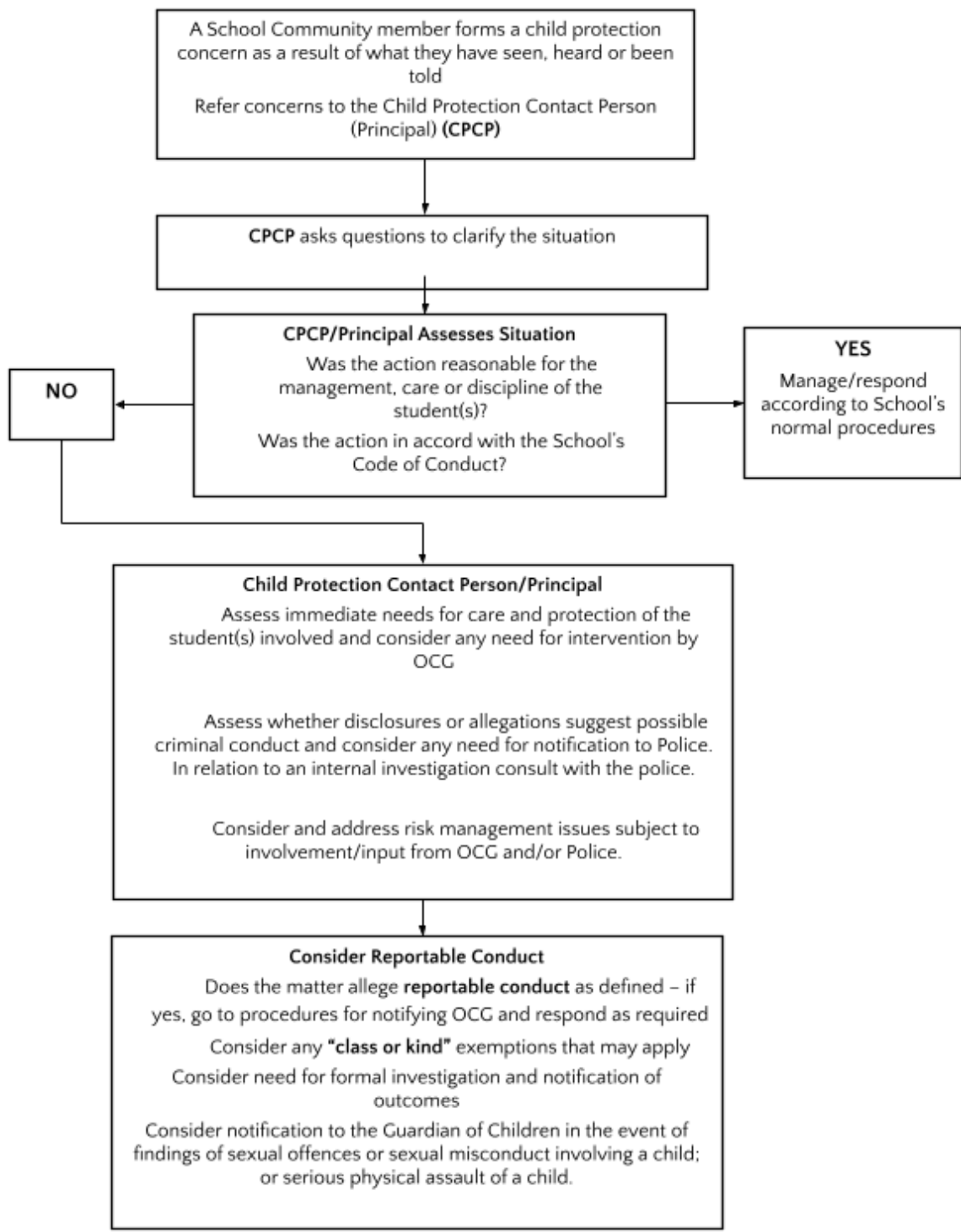
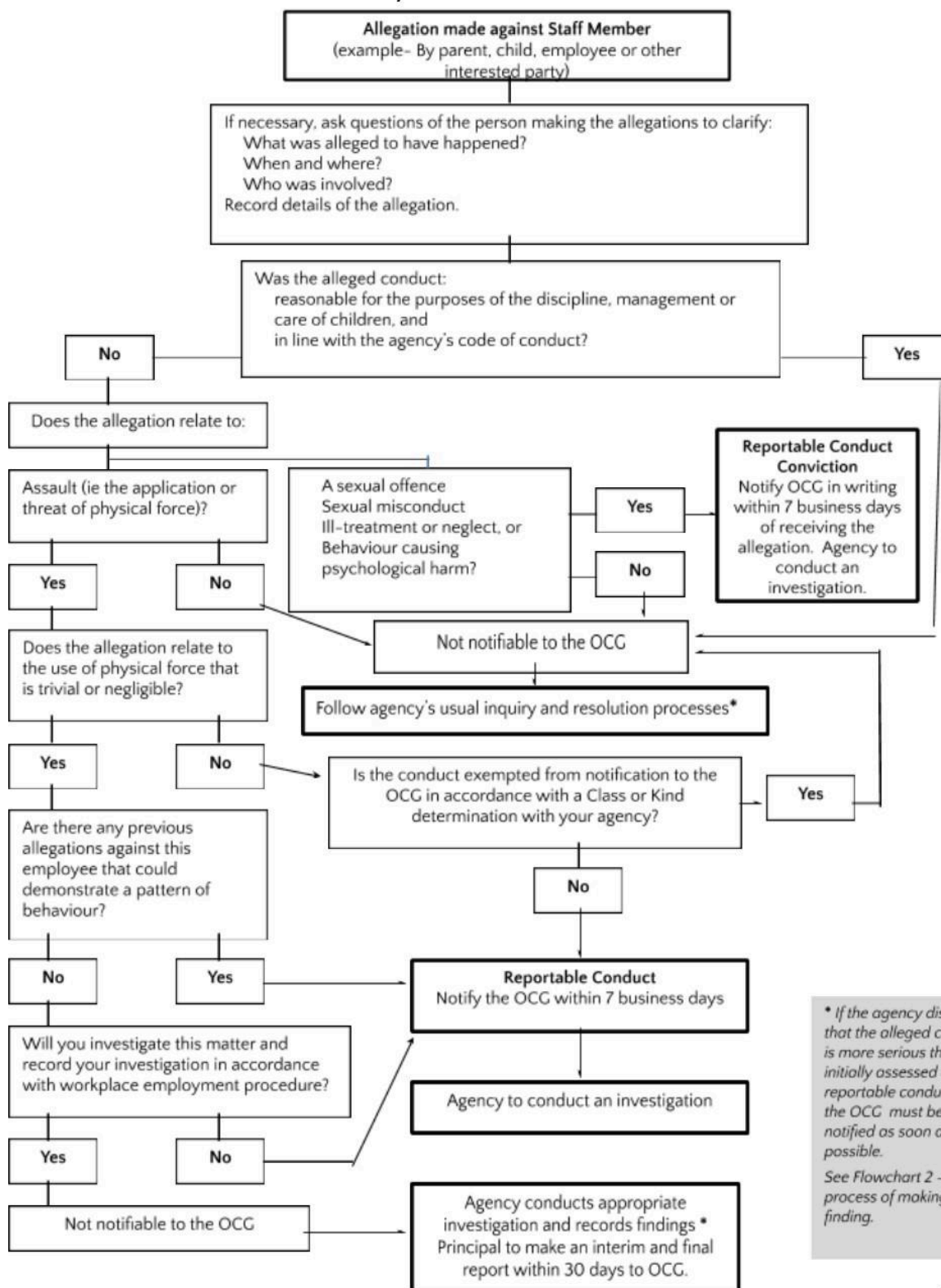


Figure 1 Suggest: reviewing content, note it should be considered reporting to OCG or intervention by OCG?

## APPENDIX 5A: DETERMINING IF AN ALLEGATION IS REPORTABLE

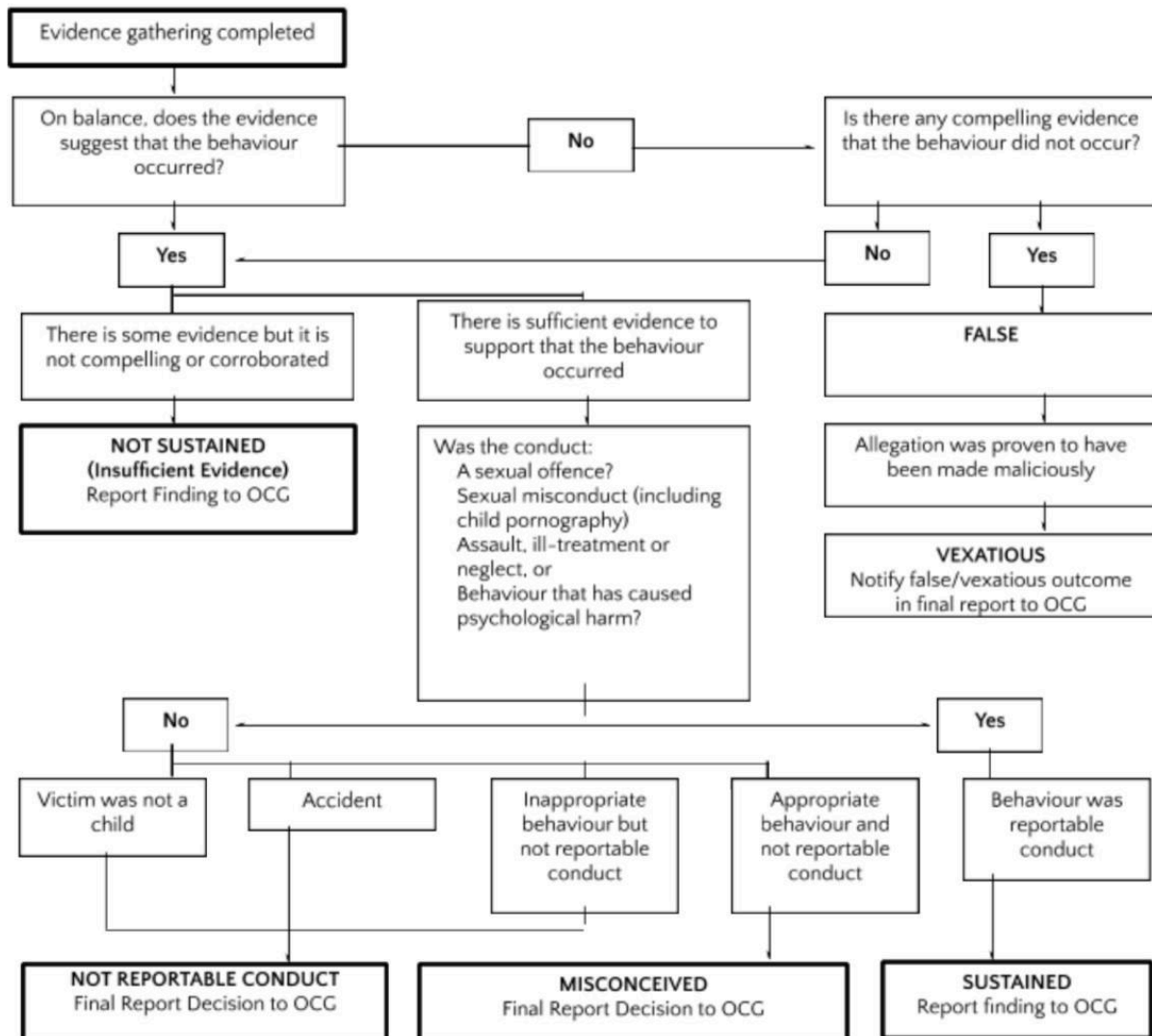
### ■ FLOW CHART 1: DETERMINING IF AN ALLEGATION IS A REPORTABLE CONDUCT/CONVICTION ALLEGATION



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

## APPENDIX 5B: THE PROCESS OF MAKING A FINDING

### ■ FLOW CHART 2: THE PROCESS OF MAKING A FINDING



## APPENDIX 6: GUIDELINES FOR TEACHING AND PROTECTING CHILDREN AND YOUNG PEOPLE

KCCS expects all Staff members to be caring, compassionate adults who take an interest in the wellbeing of students, and who set appropriate boundaries for worker-student relations.

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

At all times Staff members must treat students with respect and behave in ways that promote their safety, welfare and wellbeing.

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

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#### School and classroom culture

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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 KCCS's Child Protection, Emergency Events, Safe and Supportive Environment Policy (Student Welfare, Behaviour and Discipline policies) and use behaviour management strategies that follow these policies.
4. Respond to provocative behaviour by students, parents or members of the Staff 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.

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#### Care and management of students

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1. 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.
2. Actively supervise students when on playground duty.
3. Provide feedback on student work in a constructive way.
4. 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.
5. When playing physical sport with children, consider the physiques of students, along with the relative ages and stages of development of all participants.

6. When conducting any one-to-one activity with a student:
  - o Ensure that another adult is present or within sight at all times during one-to-one activity
  - o Ensure that this adult is actively engaged and aware of the action of the Staff member at all times during the one-to one activity
7. 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 Staff member's immediate supervisor.

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### **Teacher-student relationships**

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1. Avoid 1:1 contact with a student and only participating in contact with a student if it is necessary under the requirements of the role and 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 text messages. Teachers are not to have contact with students via their personal social networking pages/sites unless they are family members. (See also KCCS Staff Handbook and KCCS Code of Conduct)
2. If a student crosses emotional boundaries, inform supervisors so independent, sensitive advice and support are available.
3. Praise and recognise all students when appropriate, so they all feel they are being treated fairly.
4. Avoid physical contact with students unless the contact was necessary for the purpose of discipline, management or care of a child having regard to the child's age, maturity, health or other characteristics.
5. When students, particularly very young children, are hurt and seek comfort it is appropriate to provide reassurance by putting an arm around them.
6. Be alert to cues from students about how comfortable they are in your proximity and respect individual needs for personal space. Physical contact must be avoided but if it is necessary for the purpose of the lesson, such as a demonstration in PE or drama lessons, explain the activity involved, what you will do and ask for the student's consent.
7. Be aware of cultural norms that may influence the interpretation of your behaviour towards students and perceptions of your behaviour that may lead to you being the subject of an allegation.

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### **Interaction with students with identified needs**

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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. As the adult and professional, it is always the staff member's responsibility to maintain professional boundaries and be aware of power imbalances.

# Poor or Unacceptable Practice

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

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## School and classroom culture

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1. Failure to 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. Engaging in inappropriate physical contact/force with a student including physical punishment of a child in the course of their role at KCCS.
6. Closing doors or windows to rooms without checking students is 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.

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## Care and management of students

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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. Use of physical discipline such as smacking.
5. Providing inadequate supervision for students while on duty during excursions and camps.
6. Not appropriately responding to or referring to 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.

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## Teacher-student relationships

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A Staff member must not act recklessly in this regard. A single serious 'crossing of the boundaries' by a Staff member, or persistent less serious breaches of professional conduct in this area, may constitute serious misconduct, particularly if a Staff 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. Acting 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. Having any part of your body come into physical contact with a student without any justifiable reason or necessity to do so. For example, leaning towards a student while they are at their desk, standing very close next to a student while providing instructions.
7. Disregarding personal space practices.
8. Developing a practice of cheek kissing as a greeting or for congratulating students.
9. Repeatedly and unnecessarily touching students on the back, shoulders, arms or legs, or allowing a student to sit on your lap.
10. Disregarding policies relating to ICT and social media. Staff members are prohibited from photographing or filming a student other than for purposes approved by KCCS. Secretly taking photographs or other images of students is strictly prohibited.
11. Connecting with a student on your PERSONAL social media platform (eg Facebook, Twitter, Snapchat, Instagram, etc...).
12. Giving gifts of money to students as a reward or incentive for good behaviour or as a gesture of friendship.
13. Conversing about sexual matters unrelated to a syllabus.
14. Telling jokes of a sexual nature.
15. Making sexually explicit or suggestive remarks or engaging in other sexually overt behaviours towards, or in the presence, of, a student.
16. Showing inappropriate videos.
17. Deliberately exposing a student to the sexual behaviour of others, including access to pornography.
18. Staff 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.

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

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1. Having sexual relationships with students – 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 irrelevant).
2. 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.
3. Encouraging or condoning the use of alcohol or other drugs by students.
4. Possessing, downloading or distributing child abuse material. If you become aware of students being in the possession of child abuse material, follow KCCS's reporting procedures ensuring a report to the Principal who will in turn fulfill mandatory reporting obligations.
5. Commit a criminal offence involving a sexual activity that is committed against, with or in the presence of a student or any child or children in any other circumstances.

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**Interaction with students with identified needs**

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1. Using unnecessary force to make physical contact with a student as a prompt for a verbal instruction, or to force compliance.
2. Failing to implement strategies negotiated and outlined in individual student management programs.
3. 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.

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**Procedures for Visitors to KCCS**

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1. Parents/Caregivers who wish to see the teacher of their own child during the day (whether by appointment or otherwise) 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.
2. Visitors who have been invited to KCCS for an event, activity or an incursion need to be informed by staff to report to the Front Office on their arrival and sign in. Staff members are encouraged to give the Front Office prior notice of when their visitors are expected.
3. 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 Office Staff, or if a Primary School aged student, their Primary teacher or Secondary student with their roll call teacher (See also Maintaining School Enrolment and Attendance Registers Policy).
4. During School hours, students cannot be given into the care of a non-custodial parent without the written permission of the custodial parent. (See also Maintaining School Enrolment and Attendance Registers Policy). All staff should be informed about these circumstances.
5. Adult visitors to KCCS are not to use the children's toilets. They are to use the staff toilets in the auditorium.

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**Applying the Guidelines to Certain Situations**

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In the day-to-day activities of KCCS, 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
<b>Class /Office</b>	<ul style="list-style-type: none"> <li>A staff member and one student, only, should not remain in a room together where they cannot be observed.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure lunchtime discipline involves more than one student. Where this is not possible avoid being alone with the student in an enclosed area. Consider being highly visible in an open space within clear line of sight of other staff.</li> <li>Combine lunchtime detentions with those of another teacher.</li> <li>Provide additional help and assistance to a student in a small group.</li> <li>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).</li> <li>Interview/counsel a child in a room with door wide open &amp; blinds up to allow observation, by others, from outside the room.</li> <li>Ask another member of staff to observe/participate in an interview with a student.</li> <li>Use more than one student helper when working in the classroom before and after school, or during breaks</li> <li>The Principal should keep their office door open.</li> <li>In case of a sensitive issue, if possible another person could be included in the interview with a student.</li> </ul>
<b>Playground / Toilets</b>	<ul style="list-style-type: none"> <li>A staff member and one student, only, should not remain together in a situation where they cannot be observed.</li> </ul>	<ul style="list-style-type: none"> <li>Except in the case of a situation involving student safety and welfare, staff must always respect a student's privacy when using toilet/change-room facilities by not entering.</li> <li>Staff must not use student toilets. They are to use the staff toilets in the Administration building or Library building.</li> </ul>
<b>Touch for encouragement and comfort</b>	<ul style="list-style-type: none"> <li>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.</li> </ul>	<p>For encouragement and positive interaction, or to comfort a <i>K-6 student</i>, there is a place for:</p> <ul style="list-style-type: none"> <li>the hand of the child to be held</li> <li>a gentle touch on the shoulder</li> </ul> <p><i>For a Secondary student:</i></p> <ul style="list-style-type: none"> <li>generally no physical contact</li> <li>only a pat on the back for congratulations, or shaking hands is recommended and always in a public space</li> </ul>
<b>Responding to student-initiated physical contact</b>	<ul style="list-style-type: none"> <li>In the context of the caring Christian community of KCCS, it is fitting to respond to appropriate physical contact initiated by younger children (e.g. hand hold, hug).</li> <li>Staff should not initiate physical contact</li> </ul>	<ul style="list-style-type: none"> <li>Staff should not initiate physical contact.</li> <li>Respond using one of the suggestions listed above (eg hug shoulder, shake hands or pat on the back for Secondary students).</li> <li>Responses should be governed by the context of the situation.</li> </ul>

Environment	General Principles	Alternatives & Suggestions
<b>Touch for discipline and management</b>	<ul style="list-style-type: none"> <li>● Except 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.</li> <li>● Students should not be grasped, held, physically moved, tapped or restrained.</li> <li>● No form of corporal punishment should be used.</li> </ul>	<ul style="list-style-type: none"> <li>● Give verbal instructions along with relevant hand or body-language indications.</li> <li>● Maintain effective management routines and positive staff/student rapport. Reinforce positive behaviours.</li> <li>● Use discipline strategies outlined in Discipline Policy.</li> <li>● Move danger away from a child/young person, if possible.</li> <li>● Provide physical barriers to protect children from danger.</li> <li>● Provide children with appropriate behavioural models (Either the staff member, themselves, or another student).</li> </ul>
<b>Camps and Excursions:</b>	<ul style="list-style-type: none"> <li>● A staff member and one child/young person, only,</li> </ul>	<ul style="list-style-type: none"> <li>● Staff should only supervise same-gender bathrooms, and only when more than one student is present in</li> </ul>
<b>Touch for discipline and management</b>	<ul style="list-style-type: none"> <li>● Except 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.</li> <li>● Students should not be grasped, held, physically moved, tapped or restrained.</li> <li>● No form of corporal punishment should be used.</li> </ul>	<ul style="list-style-type: none"> <li>● Give verbal instructions along with relevant hand or body-language indications.</li> <li>● Maintain effective management routines and positive staff/student rapport. Reinforce positive behaviours.</li> <li>● Use discipline strategies outlined in Discipline Policy.</li> <li>● Move danger away from a child/young person, if possible.</li> <li>● Provide physical barriers to protect children from danger.</li> <li>● Provide children with appropriate behavioural models (Either the staff member, themselves, or another student).</li> </ul>
<b>Camps and Excursions:</b>	<ul style="list-style-type: none"> <li>● A staff member and one child/young person, only,</li> </ul>	<ul style="list-style-type: none"> <li>● Staff should only supervise same-gender bathrooms, and only when more than one student is present in</li> </ul>

## APPENDIX 7: COMPLAINTS REGISTER

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