



# Shellharbour Anglican College

## Child Safe Program

### Executive Summary

We want all children and young people who attend Shellharbour Anglican College to feel and be safe. We are committed to providing a child safe and child friendly environment, where children and young people are safe and feel safe and are able to participate in decisions that affect their lives.

We have a zero tolerance for child abuse and are committed to doing what we can to keep students safe from harm.

The College regards its child safety responsibilities with the utmost importance and is committed to providing the resources required to ensure compliance with all relevant child protection laws and regulations and maintaining a child safe culture, including implementing the NSW Child Safe Standards.

Our Child Safe Program sets out the policies, processes and systems that have been established to meet our commitment to child safety. The program comprises our:

- Child Safe Policy, which has been approved by the Anglican Schools Corporation (ASC) Board
- Child Safe Codes of Conduct
- Procedures for responding to and Reporting Child Safety incidents
- Information sharing and record-keeping practices
- Child Safe Complaints Management
- Procedures to create and maintain a Child Safe environment and
- Processes for Child Safe Program Compliance, Review, and Improvement.

### CompliSpace-Provided Templates & Resources

CompliSpace has prepared the following Template Documents that can be downloaded, amended and used by your school.

- [Child Protection Incident Reporting Form Template](#) (Responding to an Incident, Disclosure or Suspicion of Child Abuse or Other Harm)
- [Public-facing Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct](#)
- [Public-facing Procedures for Managing Child Safety Incidents or Concerns Involving the School](#)
- [Public-facing Complaints Handling Policy](#)

As part of the Policy product, your organisation has access to the following resources:

### [Child Safe Risk Register and Compliance Framework Practical Implementation Guide](#)

This webpage provides a practical implementation guide to walk schools through understanding the new Child Safe Risk Register, their compliance obligations, how to adopt and set-up a child safe risk register and the risk management process.

### [Child Safe Risk Register and Compliance Framework Resources](#)

This webpage provides an overview of the range of resources that CompliSpace has developed to assist schools in implementing a Child Safe Risk Register. These resources aim to provide practical guidance and support to schools to ensure that they meet their obligations to create a safe environment for children.

## **Key Information for Staff, Volunteers and Contractors**

There are a variety of different child safety incidents and concerns that you as a staff member must report to the College and/or external authorities.

This section of the Child Safe Program summarises these reporting obligations and links to the relevant policies and procedures for more guidance.

## **Definition of “Child Safety Incident or Concern”**

At Shellharbour Anglican College, we use the phrase “child safety incident or concern” to mean:

- a child or young person being at risk of significant harm, as defined in the Children and Young Persons (Care and Protection Act) 1998 (NSW) (Care and Protection Act)

- a child, young person or student aged 18 or over being, or at risk of being, the victim of a “child abuse offence” as defined in the Crimes Act 1900 (NSW)
- Reportable Conduct, as defined in the Children’s Guardian Act 2019 (NSW) (Children’s Guardian Act)
- a breach of our Child Safe Codes of Conduct.

For more information, refer to the full definition of “child safety incident or concern” on the [Responding to and Reporting Child Safety Incidents or Concerns](#) landing page.

## The College’s Policy

The College will take appropriate, prompt action in response to all child safety incidents or concerns, including suspicions, allegations or disclosures of abuse or other harm, that are reported internally by Staff. Where appropriate, all matters that meet the required thresholds will be reported externally to the DCJ, the Office of the Children’s Guardian, and/or the Police, depending on the information contained in the report.

The welfare and best interests of the student are paramount. Whenever there are concerns that a child or young person is in immediate danger, call the Police on 000.

## Key Documents for Staff, Volunteers and Contractors

- [The College’s Child Safe Officers - Who to Speak to if You Have a Concern](#)
- [Response and Reporting Obligations](#)

## The College’s Child Safe Officers – Who to Speak to if You Have a Concern

### Our Child Safe Officers

You **must** report all child safety incidents or concerns internally to a Child Safe Officer or the Principal. For more information, refer to [Reporting a Child Safety Incident or Concern Internally](#).

Shellharbour Anglican College has appointed one or more Child Safe Officers as your first port of call for most situations involving child safety incidents or concerns.

They can assist in clarifying your reporting obligations and managing the next steps.

They can also answer any questions that you may have with respect to our [Child Safe Policy](#), and the Child Safe Program more generally.

Please be aware that reporting to or consulting with a Child Safe Officer does not change any obligation that you have under legislation to report to an external authority. For more information, refer to [Responding to and Reporting Child Safety Incidents or Concerns](#).

Our Child Safe Officers are:

<b>Principal</b>	Mrs Megan Hastie
<b>Deputy Principal - Strategy &amp; Innovation</b>	Mr Liam Bailey
<b>Head of Senior School</b>	Mr Liam Bailey
<b>Head of Junior School</b>	Mr Brian Host

While students can also talk to a Child Safe Officer if they have a child safety concern, the College does not place any limits on to whom or the ways in which students can disclose child safety incidents or concerns. Students therefore may raise child safety incidents or concerns, including about inappropriate behaviour by Staff, Volunteers and Contractors, via any means. For more information, refer to [Child Safe Complaints Management](#).

## Our Senior Child Safe Officer

Shellharbour Anglican College has also appointed at least one Senior Child Safe Officer. Their contact details are listed in the [Child Safe Policy](#).

The Senior Child Safe Officer has additional child safe responsibilities, such as being a first point of contact for all child safety concerns or queries for the wider community, and coordinating the College's response to child safety incidents in consultation with the Executive Leadership Team and Anglican Schools Corporation Board and College Council.

For more information about Child Safe Officers' and Senior Child Safe Officer's responsibilities, refer to [Child Safe Responsibilities](#).

## Response and Reporting Obligations

Below are high-level summaries of the various response and reporting obligations that all College Staff may have, and links to the College's policies and procedures for responding and for reporting to external agencies.

## Responding to an Emergency

If a student has been harmed or is at immediate risk of harm you must ensure their immediate safety by:

- separating alleged victims and others involved
- administering first aid if needed
- calling 000 for urgent medical assistance and/or Police assistance to address immediate health and safety concerns
- briefing the Senior Child Safe Officer to be the future liaison with the Police on the matter

For more information, refer to [Responding to an Emergency](#).

## Managing Your Initial Response to a Child Safety Incident or Concern

There are six different ways that you may become aware of a child safety incident or concern involving a student. The links below take you to the strategies, guidelines and requirements for managing each situation and for assisting students involved:

- [Witnessing a Child Safety Incident](#)
- [Observing Indicators of Abuse and Other Harm](#)
- [Private Disclosure by a Student](#)
- [Public Disclosure by a Student](#)
- [Third Party Disclosure](#)
- [Disclosure by a Former Student](#).

You must also follow procedures for [Preserving Evidence](#) and [Documenting Your Observations and Actions](#).

Information on how you and the College should support students following an incident or a disclosure of abuse, harm or inappropriate behaviour is also found in [Support Following Child Safety Incident or Disclosure](#).

## Reporting a Child Safety Incident or Concern Internally

Child safety situations can be very complex, not only from the perspective of ascertaining whether abuse or other harm has occurred but also in terms of understanding what steps to take to protect the student/s involved. It is important to remember at all times that the safety and welfare of the student are paramount.

## Obtain Advice

If you **suspect** that a student may be experiencing abuse or other harm or that their safety may be at risk, **but you are unsure** whether your concern rises to the levels required for external reporting to the relevant authority, you should immediately raise your concerns with a Child Safe Officer. They can assist you in clarifying your concerns and managing the next steps.

## Internal Reporting Procedure

If you **know** or have **reasonable grounds to suspect** that a student:

- has been abused or otherwise harmed; or
- is at risk of significant harm, for any reason,

such that a [Mandatory Report to DCJ](#), a [Voluntary Report to DCJ](#), or a [Report to Police](#) is required, you must – in addition to reporting externally – report the matter internally to the College.

These reports can be made to a Child Safe Officer or the Principal.

For more information, refer to [Reporting a Child Safety Incident or Concern Internally](#).

### Reporting a Child Safety Incident or Concern Involving Staff

If the child safety incident or concern involves conduct by a staff member, Volunteer or Contractor, then you may instead report directly to the Principal or, if the allegations are about the Principal, to the Chair of the School Council.

For more information, refer to Reportable Conduct, below, or for more detailed guidance, [Reportable Conduct for Staff: Making a Reportable Conduct Report Internally](#).

## Other Actions

In addition to reporting internally, you must also follow any appropriate external reporting procedures listed below.

You must document your internal report. For more information, refer to [Child Safe Record Keeping](#).

## Duty to Protect/Failure to Protect

In NSW, it is a crime if an adult (aged 18 or over), who works at the College:

- **knows** that another adult who is engaged in **child-related work** at the College poses a **serious risk** of physically or sexually abusing a child (aged under 18); and
- has the power or responsibility, by reason of their position, to reduce or remove that risk; and
- negligently fails to do so.

This criminal offence is known as “Failure to Protect” and, in the College context, it covers failures to protect a student aged under 18 from sexual or serious physical abuse by an adult staff member, Direct Contact Volunteer or Direct Contact Contractor.

Further, under NSW civil law, the College is required to take reasonable precautions to prevent the physical or sexual abuse of students aged under 18 by a **person associated with the College**.

And finally, the College also has a common law duty to protect **all** students from reasonably foreseeable risks of harm, including risks of child abuse or other harm that may arise from Staff, Volunteers and Contractors who are not engaged in child-related work as well as from others.

To ensure that these obligations are met, it is the College’s policy that:

- if you know that **any** adult associated with the College (including Staff, Volunteers, Contractors, students aged 18 or over, parents/carers and other family members of students) poses a serious risk of sexual or physical abuse or a reasonably foreseeable risk of any kind of harm to a student
- you **must** take any actions to reduce or remove that risk that are within your power or responsibilities to take.

In addition, you **must** report the matter directly to the Principal or College Council Chair.

You **must** also follow the appropriate external reporting procedures listed below.

For more information, refer to [Duty to Protect/Failure to Protect](#).

## Mandatory Reporting to DCJ

Although everyone has a moral and social responsibility to report concerns about child abuse or other harm, some professionals **must** make a report to the Department of Communities and Justice (DCJ). These people are called Mandatory Reporters.

Mandatory Reporters must make a Mandatory Report to DCJ if – **during the course of their work** – they:

- have **reasonable grounds to suspect**
- that a child (aged under 16) is, or a particular group of children are, **at risk of significant harm**.

In NSW, the following people are Mandatory Reporters:

- anyone who in the course of their professional work or other paid employment delivers health care, welfare, education, children’s services, residential services or law enforcement wholly or partly to children
- anyone who holds a management position in an organisation and whose duties include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services or law enforcement wholly or partly to children
- anyone in religious ministry or who provides religion-based activities to children
- all registered psychologists, when providing professional services as a psychologist.

At the College, the most likely Mandatory Reporters are:

- the Principal
- teachers, including casual or temporary teachers
- all other paid employees at the College who interact with students
- the College nurse
- the College counsellor
- any person in religious ministry (such as clergy) or other religious leadership roles (including voluntary roles)
- any Staff, Volunteers or Contractors who provide religion-based activities to students
- Direct Contact Contractors (including External Education Providers engaged by the College).

To make a Mandatory Report to DCJ, you may report either directly to DCJ by calling 132 111 or, under the Memorandum of Understanding between DCJ, Catholic Schools NSW and the Association of Independent Schools of NSW, to:

- the Principal; or



- if the allegation involves the Principal, the Principal's supervisor, who is the Chair of School Council. They will then make the necessary report to DCJ.

You should also consider whether you are required to take any other action or make any other external reports (e.g. [Duty to Protect/Failure to Protect](#), [Reporting to Police](#) and [Reportable Conduct](#)).

For more information, refer to [Mandatory Reporting to DCJ](#).

## Voluntary Reporting to DCJ

Reporting to DCJ, of children and young people who may be at risk of significant harm, by anyone other than Mandatory Reporters is voluntary under the law. We call this Voluntary Reporting to DCJ.

Although Voluntary Reporting to DCJ is voluntary under the law, it is the College's policy that, in addition to their Mandatory Reporting obligations, Mandatory Reporters **must** make a Voluntary Report to DCJ when they have reasonable grounds to suspect that a young person aged 16 or 17 at the College is at risk of significant harm. Wherever possible, this report should be made with the informed consent of the young person.

Voluntary Reporting to DCJ may occur when College Staff, Volunteers or Contractors who are not Mandatory Reporters, parents/carers, or students are concerned that a child or young person is at risk of significant harm. Voluntary Reporting to DCJ could also occur when a Mandatory Reporter's concerns about a child are formed outside the course of their work at the College.

For more information about when you may be required by College policy to report to DCJ, other than through Mandatory Reporting, refer to [Voluntary Reporting to DCJ](#).

## Reporting to Police

### The Failure to Report Offence: Mandatory Reporting to Police

NSW law requires that any adult who:

- knows, believes or reasonably ought to know that a child abuse offence has been committed against another person; and
- 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 or the prosecution or conviction of the offender for that offence,

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

We call this “Mandatory Reporting to Police”.

Failure to do this is a criminal offence known as “Failure to Report”.

If you have concerns that any person, including a staff member, Volunteer, Contractor, or student aged 10 or over, has committed a child abuse offence, you **must** immediately report your concerns to the NSW Police.

You should also consider whether you are required to take any other action (see e.g. Duty To Protect/Failure to Protect).

## Voluntary Reporting to Police

Although not required by law, it is the College’s policy that the following **must** be reported to Police:

- concerns for a student’s immediate safety (for more information, refer to Responding to an Emergency)
- knowledge or suspicions that a student aged 18 or over is being abused or harmed, but only if the student consents to the report or, if they do not consent, to lessen or prevent a serious or imminent threat to an individual’s life, health, safety or welfare (for more information, refer to Information Sharing With Consent and Information Sharing Without Consent)
- Where a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student (for more information, refer to Responding to Other Concerns about the Wellbeing of a Student).

If you have any concern that a student is in the above situations, you **must** immediately report your concerns to the NSW Police. Other situations in which a report **may** be made to Police are set out in Responding to Other Concerns About the Wellbeing of a Student.

## How to Report to Police

- In emergencies, or if the crime is happening now or has just happened and the suspected offender may still be in the area: call 000
- All other matters: call the Police Assistance Line on 131 444. This line operates 24 hours per day, 7 days per week.

For more information, refer to [Reporting to Police](#).

## Reportable Conduct

NSW law requires the “head” of the College to report to the Office of the Children’s Guardian any allegation that a College staff member, Volunteer or Contractor has committed Reportable Conduct or misconduct that may involve Reportable Conduct.

The “head” of the College for the purposes of the Reportable Conduct Scheme is the Chief Executive Officer, who has authorised the Principal to receive internal reports of Reportable Conduct.

Reportable Conduct includes:

- sexual offences, committed against, with or in the presence of a child (including child pornography offences, child abuse offences and grooming offences)
- sexual misconduct with, towards or in the presence of a child (including grooming behaviours that do not meet the definition of a grooming offence)
- any assault, ill-treatment or neglect of a child
- any behaviour that causes significant emotional or psychological harm to a child
- the criminal offences of Failure to Protect and Failure to Report.

For the purposes of Reportable Conduct, a child is defined as a person under the age of 18 years.

To enable the “head” of the College to fulfil their legal obligations, it is the College’s policy that if you have any concern that a staff member, Volunteer or Contractor has engaged in Reportable Conduct, you **must** immediately report your concerns to the Principal a Child Safe Officer or the Principal (or the Chair of the School Council if the allegation involves the Principal).

You should also consider whether you are required to make a Mandatory Report to DCJ, take any other action or make any other external reports (see e.g. [Mandatory Reporting to DCJ](#), [Failure to Protect](#) and [Reporting to Police](#)).

For more information, refer to [Reportable Conduct](#).

## Recognising and Responding to Sexual Behaviour in Children and Young People

Knowing how to identify and respond to all sexual behaviour in students, whether it be age-appropriate, concerning, or harmful, helps Staff to support the development of healthy sexuality and

protect students from child abuse and other harm.

It can be hard to distinguish between developmentally appropriate sexual behaviours and harmful sexual behaviours. It may be difficult to know if there is a problem and, if there is, how best to respond.

The College references the True Traffic Lights® Framework to enable Staff to identify, recognise and respond to all forms of sexual behaviour. The Traffic Lights® Framework categorises sexual behaviour as green, orange or red light.

As a general guide:

- red light sexual behaviours are those that are problematic or harmful, including forceful, secretive, compulsive, coercive or degrading sexual behaviours. These behaviours signal the need to provide immediate protection and follow up support.
- orange light sexual behaviours are those that are outside normal behaviour in terms of persistence, frequency or inequality in age, power or ability. These behaviours signal the need to monitor and provide extra support.
- green light sexual behaviours are those that are normal, age-appropriate, spontaneous, curious, mutual, light-hearted and easily-diverted experimentation. These behaviours provide opportunities to talk, explain and support.

All green, orange and red light sexual behaviours by students require some form of action and support. In particular, you **must** report all red and orange light sexual behaviour internally.

All red light sexual behaviour, and some orange light sexual behaviour, may also require external reporting to DCJ or to Police, depending on the circumstances.

For more information, refer to [Recognising and Responding to Sexual Behaviour in Children and Young People](#).

## **Responding to Other Concerns About the Wellbeing of a Student**

If you have any concerns about the wellbeing of a student, regardless of whether it has been caused by abuse or other harm, your concern should be taken seriously and acted on.

The College and its Staff (including teaching and non-teaching Staff), the Principal, Volunteers, and Contractors owe a duty of care to all students at the College to ensure that they feel safe and are supported at the College.

Concerns about the wellbeing of a student, that do not appear to be the result of abuse or other harm, may still be reported to:

- internally, to a Child Safe Officer
- DCJ
- NSW Police,

depending on the age of the student and the nature of the concern.

For more information, refer to [Responding to Other Concerns About the Wellbeing of a Student](#).

## **Making Additional Reports**

There are some circumstances in which you will be required to make an additional report to an appropriate external authority.

For more information, refer to [Making Additional Reports](#).

## **Child Safe Policy**

### **1. Purpose and Scope**

Our Child Safe Policy outlines the key elements of our approach to child protection as a child safe organisation and sets the tone for Shellharbour Anglican College's entire Child Safe Program. Together, our Child Safe Policy and Child Safe Program are intended to:

- Demonstrate our strong commitment to the safety and welfare of children and young people
- Minimise the risk of abuse, misconduct, and the misuse of positional power, and
- Inform all adults in the school community of their obligations and responsibilities in keeping children safe.

The Board of the Anglican Schools Corporation (ASC or the Corporation) is committed to providing for the safety and wellbeing of all children and young people entrusted to our care. This Child Safe Policy has been approved by the Board for implementation across ASC schools.

#### **1.1 Our Commitment to Child Safety**

We want all children and young people who attend Shellharbour Anglican College to feel and be safe, and to regard Shellharbour Anglican College as a trusted organisation. We are committed to

providing a child safe and child friendly environment, where children and young people are safe and feel safe and are able to participate in decisions that affect their lives.

We have a zero tolerance for *child abuse* and are committed to doing what we can to keep students safe from harm.

The College regards its child safety responsibilities with the utmost importance and is committed to providing the resources required to ensure compliance with all relevant child protection laws and regulations and maintaining a child safe culture.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of students is at the forefront of all that they do and every decision that they make. Key responsibilities include:

- Implementing the Child Safe Standards, including through this Policy and our Child Safe Program (refer Section 2 below)
- Educating and involving our students (refer Section 3 below)
- Involving and informing families and the community (refer Section 4 below)
- Respecting diversity and promoting equity (refer Section 5 below)
- Adhering to child safe practices in managing human resources (refer Section 6 below), including maintaining an up to date Working with Children Check clearance
- Participating in child safe induction and training as required by the College Principal (refer Section 7 below)
- Understanding and managing risks to child safety (refer Section 8 below)
- Responding to child safety incidents or concerns (refer Section 9 below)
- Recognising and reporting where students may be at Risk of Significant Harm (refer Section 10 below)
- Recognising and reporting where *workers* engage in *reportable conduct* or other inappropriate behaviour (refer Section 11 below)
- Recognising and reporting where students engage in concerning or harmful sexual behaviour (refer Section 12 below)
- Compliance, monitoring and continuous improvement (refer Section 13 below)
- Taking appropriate action if there is a breach of our Child Safe Policy or codes of conduct (refer Section 14 below).

Further information on roles and responsibilities is provided in Section 15 of this Policy.

## 2. Application and Scope

The College Child Safe Policy applies to all adults in the College community, including employees, volunteers, contractors, external education providers, parents/carers and other family members. This policy applies in all College environments, both physical and online, and on-site and off-site College grounds (e.g., camps and excursions).

Where the term student is used in this Policy, it is referring to all students enrolled at the College regardless of age. Words *italicised* in this policy are defined in Section 16.

### 2.2 Child Safe Standards

The College Child Safe Policy and the broader program of works to implement the Policy (our Child Safe Program) has been developed taking into account the NSW Child Safe Standards, which in turn are based on the National Principles for Child Safe Organisations developed by the National Office for Child Safety in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Child Safe Standards are:

1. Child Safety is embedded in organisational leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child abuse are child focused.
7. Employees are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the organisation is child safe.

## 3. Educating and Involving Our Students

Shellharbour Anglican College is a child safe and child-centred organisation. Our environment is friendly and welcoming to all students.

We seek to give students a voice in relation to the decisions that affect them. We also recognise the importance of friendships to students, and support from peers is encouraged.

We have simple and accessible information and processes in place to assist all students to develop appropriate knowledge and skills to identify and communicate when they do not feel safe.

The College will educate students on respectful relationships, their rights and how to speak up and report concerns. This will be achieved by:

- Facilitating developmental age-appropriate conversations about consent, sex and abuse and how adults should behave, including healthy and respectful relationships
- Ensuring students can raise concerns with the College about safety, abuse or other harm through maintaining accessible student friendly reporting systems throughout the College
- Regularly communicating and consulting with students
- Seeking input from students when developing the Child Safe Program.

## **4. Involving and Informing Families and Our Community**

The families of our students have primary responsibility for raising their children and we will work with them to enable families to be informed about, and participate in, decisions affecting their children.

The College will make our Child Safe Policy, Code(s) of Conduct, and our [Complaints Handling Policy and Procedure](#) and related procedures for managing child safe incidents and allegations of reportable conduct available on the College's public website to ensure that they are readily accessible to all members of the Community.

## **5. Respecting diversity and promoting equity**

Shellharbour Anglican College respects diversity and promotes equality and equity. We recognise that students have diverse needs, abilities and backgrounds, and that some children and young people may be more vulnerable because of their background, life experience or their sexuality or gender.

We seek to understand the needs of students with the aim of providing them with reasonable support so that they are able to appropriately participate in College life, feel culturally safe, and know that they are valued and welcome. We consider the additional risks to safety that students with diverse needs, abilities and backgrounds may face and implement strategies to address these risks.

## **6. Child Safe Human Resources Management**



When making employment decisions and managing our workers (including employees, volunteers and contractors), Shellharbour Anglican College takes proactive steps to only engage people who are suitable to work with children and young people, including:

- Requiring all workers to hold and maintain a valid Working with Children Check (WWCC) clearance from the Office of the Children’s Guardian (OCG), in accord with our **Working with Children Check Procedure**, even if they do not engage in child related work – with this requirement also extending to the members of the ASC Board and ASC Board Committees and School Councils (collectively referred to as governors)
- Undertaking screening measures, including reference checks, to assess the suitability of all employees and governors with regards to working with children
- Undertaking screening measures to assess the suitability of volunteers or contractors who have direct contact with students to confirm suitability for working with children
- Providing all employees, governors and other relevant contractors and volunteers child safe induction and ongoing education and training as appropriate to their role
- Providing appropriate supervision and performance monitoring for all employees and for volunteers and contractors who have direct contact with students, and
- Ensuring that professional development programs for employees include Child Safe education and training programs.

Our Child Safe Human Resources Management procedure provides further information to enable compliance with the Policy.

## 7. Child Safe Induction, Training and Education

As part of Shellharbour Anglican College’s induction process, we require all workers to complete induction in our child safety policies, practices and procedures.

The College will ensure all employees and governors are provided with a copy of this Policy. All new employees and governors will be required to read this Policy and acknowledge that they have read and understood the Policy and related procedures and codes of conduct as part of their induction process.

New employees and other workers who undertake child related work (including Direct Contact Contractors and Direct Contact Volunteers) must complete Child Safe training as part of their induction training – ideally prior to commencement but no later than one month after commencement if approved by the College Principal.

All employees at the College and all Corporation governors and other workers who undertake child related work (including Direct Contact Contractors and Direct Contact Volunteers) must complete mandatory child safe refresher training at least every 12 months, and any other training, as required by the College Principal. Additional role-based training needs will be assessed, and specific training provided to meet the specific needs of roles, including, for example, additional targeted training for Child Safe Officer.

The College will monitor the completion of training and report completion rates to the School Council. Our Child Safe Training, Supervision, Performance Monitoring and Professional Development procedure provides further information on training requirements and how monitoring of training occurs.

The College provides all other workers and visitors with information on child safe codes of conduct, legal obligations and how to report child safe incidents or concerns to the College or to relevant external authorities through posters, our website or other means.

## **8. Risk Management**

Anglican Schools Corporation and Shellharbour Anglican College recognise the importance of a risk management approach to minimising the potential for child abuse or harm to occur, and we use this information to inform our policies, procedures and activity planning.

The College has implemented the Anglican Schools Corporation Risk Management Framework to assist in the identification, assessment and management of child safety risks in all College environments.

We identify, assess and manage Child Safe risks in all school environments based on a range of factors, including the nature of our College's activities, physical and online environments and the characteristics of the student body. We document child safe risks and risk management plans, and regularly review child safe risks and controls, as required under the Risk Management Framework.

## **9. Responding to Child Safety Incidents or Concerns**

Shellharbour Anglican College will take appropriate, prompt action in response to child safety incidents or concerns, including all complaints, allegations or disclosures of abuse or other harm made to the College.

The College's response will include:

- externally reporting all matters that meet the required relevant thresholds to the Department of Communities and Justice (DCJ) (Mandatory Reports), the Police (Mandatory Reporting of Child Abuse Offences), and/or the OCG (Reportable Conduct), depending on the issues raised
- fully cooperating with any resulting investigation by an external agency
- protecting any student connected to the child safety incident or concern until it is resolved and providing ongoing support to those affected
- sharing information with, or requesting information from, external people or agencies as permitted or required under the law
- securing and retaining records of the child safety incident or concern and the College's response to it
- taking broader actions to improve child safety at the College (including systemic reviews and resulting improvements).

## 10. Recognising and Reporting Student Wellbeing Concerns

### 10.1 Reporting Requirements

All *workers* should immediately report to the College Principal or a designated Child Safe Officer (refer Definitions) if they have *reasonable grounds to suspect* that a student is at *risk of significant harm* or they have any other *wellbeing concerns* regarding a student. Child Safe Officers must inform the College Principal of any report as soon as possible.

*Workers* are not required to and must not undertake any investigation of the matter.

The College Principal/Child Safe Officer will:

- Make an assessment to determine whether there are *reasonable grounds to suspect* that the *child or young person* is at risk of significant harm
- Make relevant mandatory reports to the DCJ and, if required, the Police
- Determine what action must be taken within the College community to support and protect the student.

The College Child Safe Officer(s) are:

<b>Principal</b>	Mrs Megan Hastie
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<b>Deputy Principal - Strategy &amp; Innovation</b>	Mr Liam Bailey
<b>Head of Senior School</b>	Mr Liam Bailey
<b>Head of Junior School</b>	Mr Brian Host

All teachers are *mandatory reporters* under the Child and Young Persons (Care and Protection) Act 1998 NSW (the Act) and some other *workers* may also qualify as *mandatory reporters* under the Act (refer Definitions). *Mandatory reporters* are legally required to make a report if they have *reasonable grounds to suspect* a child (under 16 years of age) is at Risk of Significant Harm. This obligation can be met by making a report to the College Principal. Centralised reporting is best practice, enabling a more holistic view of matters related to a student and assuring appropriate action.

However, if the College Principal does not agree with the *mandatory reporter's* view that a *child or young person* is at Risk of Significant Harm, having worked through the DCJ NSW Mandatory Reporter Guide, and the *mandatory reporter* remains of the view that the *child or young person* is at Risk of Significant Harm, the *mandatory reporter* has a legal duty to make a report to the DCJ.

## 10.2 Immediate Danger

If there is an immediate danger to the *child or young person* and the College Principal or next most senior employee is not contactable, the employee should contact the Police (000) and/or the Child Protection Helpline (13 21 11) directly and then advise the College Principal or next most senior employee (at the College) as soon as possible.

## 10.3 Risk of Significant Harm

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

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care

- in the case of a child or young person who is required to attend school in accordance with the Education Act 1990, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act
- the child or young person has been, or is at risk of being, *physically* or *sexually abused* or *ill-treated*
- the child or young person is living in a household where there have been incidents of *domestic violence* and as a consequence, the child or young person is at risk of serious *physical* or *psychological harm*
- a parent or other caregiver has behaved in such a way towards the child or young person, that the child or young person has suffered or is at risk of suffering serious *psychological harm*
- the child was the subject of a pre-natal report under section 25 of the Children and Young Persons (Care and Protection Act) 1998 (NSW) and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

What is meant by 'significant' in the phrase 'to a significant extent', is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is significant, is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare or well-being.

The significance can result from a single act or omission or an accumulation of these.

## 10.4 Student Wellbeing Concerns

A *worker* may have a wellbeing concern for a student that does not meet the threshold of risk of significant harm or where the student is not a child or young person. Such concerns must still be reported to the College Principal or Child Safe Officer to enable:

- Assessment of concerns in conjunction with other information of which the College Principal or Child Safe Officer may be aware, and
- Determining whether the College should take action to support and protect the wellbeing of a student, regardless of whether the risk of significant harm threshold has been met.

## 10.5 Confidentiality and Record Keeping

*Workers* are required to deal with all reports regarding the safety, welfare or wellbeing of a student confidentially and only disclose it to the College Principal and any other person the College Principal nominates (such as a Child Safe Officer), and, if required, the DCJ or Police.

*Workers* are not permitted to inform the parents or caregivers that a report to the DCJ has been made.

The College Principal will maintain records of all mandatory reports to the DCJ in a secure location.

## **10.6 Related Procedures**

To make a report regarding student wellbeing concerns, including Risk of Significant Harm, refer to our Procedures for Responding to and Reporting Child Protection Concerns.

# **11. Recognising and Reporting Reportable Conduct**

## **11.1 Reporting Requirements**

A *worker* at the College who has any concern about any other *worker* at the College engaging in conduct that is considered inappropriate or is *reportable conduct* (refer Section 11.2) must report their concerns to the College Principal as soon as possible.

*Workers* must also report immediately to the College Principal if they become aware of any allegation of inappropriate conduct or *reportable conduct* in relation to themselves or another *worker* at the College.

The conduct does not have to have occurred at or in the course of the *worker's* work at or for the College.

Where it is uncertain if the conduct is *reportable conduct* but is considered inappropriate behaviour, this must also be reported.

If the concern or allegation involves the College Principal the *worker* must report to the Chair of the School Council. If this is not appropriate, the Your Call Disclosure Management Service can be used.

[1]

*Workers* must also report to the College Principal if they become aware that a *worker* 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 the *worker* themselves.

*Workers* are not required to and must not undertake any investigation of the matter. The College Principal, as the delegated Head of Entity under the Children's Guardian Act 2019 must submit a 7-day notification form to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity (unless the Head of the Entity has a reasonable excuse) and then investigate the allegation of *reportable conduct* in accordance with our Reportable Conduct Procedure.

## 11.2 What is Reportable Conduct?

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

- a *sexual offence* (with examples including sexual touching of a child; a child *grooming* offence; and production, dissemination or possession of child abuse material)
- *sexual misconduct*
- an *assault* against a child
- *ill-treatment* of a child
- *neglect* of a child
- an offence under section 43B (*failure to protect*) or section 316A (*failure to report*) of the Crimes Act 1900, and
- *behaviour that causes significant emotional or psychological harm* to a child.

For the purposes of *reportable conduct*, a child is defined as a person under the age of 18 years. The child or young person does not have to be a student at the College.

*Reportable conduct* does not include:

- conduct that is reasonable for the purpose of discipline, management or care of children, having regard to age, maturity, health or other characteristics of the children and any relevant codes of conduct or professional standards, or
- the use of physical force that, in all the circumstances, is trivial or negligible and the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate procedures.

## 11.3 Inappropriate Behaviour

Behaviour that is not in accordance with the Child Safe Code of Conduct and/or Professional Boundaries Policy should be reported to the College Principal in accordance with Section 11.1. Breaches of the Child Safe Code of Conduct and related professional boundaries will not always constitute *reportable conduct* and may not result in a report to the OCG but must be reported internally to enable assessment and appropriate action to be taken.

## 11.4 Confidentiality and Record Keeping

It is important when dealing with allegations of *reportable conduct* that the matter be dealt with as confidentially as possible.

*Workers* who make reports to the College Principal regarding concerns of *reportable conduct* or inappropriate behaviour must not discuss these concerns with anyone other than persons nominated by the College Principal.

The College requires that all parties maintain confidentiality during any investigation of *reportable conduct* including in relation to the handling and storing of documents and records.

The College Principal will maintain records of all reports of *reportable conduct* allegations and the outcomes of *reportable conduct* investigations, in a secure location.

## 11.5 Related Procedures

To make a report regarding *reportable conduct* or inappropriate behaviour, refer to our Procedures for Responding to and Reporting Child Protection Concerns.

[1] The Your Call service reporting options include:

<https://www.yourcall.com.au/report>

*Telephone* 1300 790 228 9am and 12am, recognised business days, AEST

Online reports can be made via the website address listed above. You will be required to enter the Corporation's unique identifier code: **ASC**

# 12. Recognising and Reporting Harmful or Concerning Sexual Behaviour in Students

## 12.1 Harmful or Concerning Sexual Behaviours



College employees respond to a range of student behaviour as a part of their everyday role at the College. It can be hard to distinguish between developmentally appropriate sexual behaviours and harmful sexual behaviours. It may be difficult to know if there is a problem and, if there is, how best to respond.

As a general guide:

- Harmful “Red light” sexual behaviours are those that are problematic or harmful, forceful, secretive, compulsive, coercive or degrading. These behaviours signal the need to provide immediate protection and follow up support
- Concerning “Orange light” sexual behaviours are those that are outside normal behaviour in terms of persistence, frequency or inequality in age, power or ability. These behaviours signal the need to monitor and provide extra support
- Age-appropriate “Green light” sexual behaviours are those that are normal, age-appropriate, spontaneous, curious, mutual, light-hearted and easily diverted experimentation. These behaviours provide opportunities to talk, explain and support.

## 12.2 Reporting and Response Requirements

All sexual behaviour displayed or disclosed by students, whether it is age-appropriate, concerning, or harmful, requires some level of information, support and a proactive response from the College. Responding to a student with harmful sexual behaviours involves considering the College's duty of care to any student who is an alleged victim and to the student who may be exhibiting harmful sexual behaviours.

*Workers* are required to report immediately to the College Principal or a designated Child Safe Officer any incident where a student is exhibiting Harmful or Concerning Sexual Behaviour (refer 12.1 above). This may include behaviour outside the College which has the potential to impact on student relationships or wellbeing.

If such behaviour is directed at another student, immediate steps must be taken to protect the other student.

If there is an immediate danger to a child or young person and the College Principal or next most senior employee is not contactable, the employee should contact the Police (000) and/or the Child Protection Helpline (13 21 11) directly and then advise the College Principal or next most senior employee (at the College) as soon as possible.

The College Principal or a designated Child Safe Officer will determine actions to be taken, based on an assessment of the behaviour outlined in 12.1 above, which may include:

- Where the behaviour is directed at another student, reporting the matter to the Police and/or DCJ
- Plans to support the student exhibiting Harmful or Concerning Sexual Behaviours and any students at which behaviour has been directed
- Whether the behaviour is a result of, or places the student at, risk of abuse or serious harm and a Mandatory Report is required to the DCJ and/or Police (Section 9) – including where the harmful sexual behaviour is not directed at another child or young person, or where the student exhibiting the behaviour is under the age of 10, and there is reason to suspect that the student's behaviour is a result of or places them at risk of abuse or other harm.

### **12.3 Related Procedures**

To further understand what student sexual behaviour may be concerning or harmful and making a report regarding concerns in the regard, refer to our Recognising and Responding to Sexual Behaviour in Children and Young People Procedure.

Our Student Duty of Care policies and procedures are also relevant, particularly in relation to Student Behaviours.

## **13. Compliance, Monitoring and Continuous Improvement**

Shellharbour Anglican College is committed to the continuous improvement of our Child Safe Program. An annual self-assessment is completed to confirm the effectiveness of the Program and compliance with relevant laws, regulations and standards, and determine areas for improvement.

The College seeks feedback from students, families, workers and the wider school community on the Child Safe Program, and will communicate any adjustments or amendments throughout the College community.

The College also analyses child safe related complaints and investigations and other child safe related concerns and incidents to inform continuous improvement of child safe related policies, procedures, systems and practice.

The College Principal is required to provide an annual statement and other ongoing relevant reporting regarding compliance with, and the effectiveness of, this Policy and the Child Safe Program

to the School Council and the Corporation Board.

The College Principal is required to report on significant Child Safe related concerns or risks and any significant breaches of this Policy to the School Council and the Corporation Board.

## 14. Breach of the Child Safe Policy

Shellharbour Anglican College enforces our Child Safe policy and our Child Safe Code of Conduct. In the event of any non-compliance, we will instigate a review that may result in a range of measures including (depending on the severity of the breach):

- Remedial education
- Counselling
- Increased supervision
- The restriction of duties
- Suspension, in the case of serious breaches, termination of employment, contract or engagement
- Other action as may be required in the circumstances.

## 15. Roles and Responsibilities

Child safety and child protection is everyone’s responsibility. Specific responsibilities are summarised in Table 1.

Role	Responsibilities
Workers	<p>All workers (refer definitions) are required to:</p> <ul style="list-style-type: none"> <li>• comply with our Child Safe Policy and <u>Child Safe Code of Conduct</u></li> <li>• complete induction in our child safety policies, practices and procedures</li> <li>• hold a current Working with Children Check clearance in accord with our Working with Children Check Procedure.</li> <li>• All employees, and other workers who have <i>direct contact</i> with students, must</li> </ul>

	<p>also:</p> <ul style="list-style-type: none"> <li>• be aware of key indicators of abuse and other harm, be observant, and raise all child safety incidents and concerns with one of the College’s Child Safe Officer</li> <li>• be familiar with our Child Safe Program and understand their legal obligations with respect to the reporting of child abuse and other harm</li> <li>• participate in ongoing child safe training provided by the College</li> <li>• always follow the College’s child safety policies and procedures in the Child Safe Program</li> <li>• act in accordance with the <u>Child Safe Code of Conduct</u></li> <li>• seek to ensure students views are taken seriously and their voices are heard when making decisions that affect them</li> <li>• implement inclusive practices that respond to the diverse needs of students.</li> </ul>
<p>College Child Safe Officer</p>	<p>A number of senior staff members are nominated as the College’s Child Safe Officers. Our Child Safe Officers receive additional specialist training with respect to child safety and protection issues. They are a point of contact for raising child safety concerns within the College. They are also responsible for championing child safety within the College and assisting in coordinating responses to child safety incidents.</p>
<p>The Principal</p>	<p>The Principal is responsible, and will be accountable for the operational management of</p>

	<p>the College, and the Child Safe Program. The Principal is responsible for taking all reasonable measures to ensure that this Child Safe Policy and the College’s Child Safe Program is implemented effectively and that a strong and sustainable child safe culture is maintained within the College.</p>
College Council	<p>The College Council is responsible for ensuring that the College has appropriate resources to effectively implement the NSW Child Safe Standards and our Child Safe Program, and to support the Principal in the practical application of the College’s child safety strategies, policies, procedures and work systems. The Council receives regular reporting on Child Safe matters.</p>
ASC Board	<p>The ASC Board is responsible for approving the Child Safe Policy and establishing appropriate oversight to assure itself of the effectiveness of the Child Safe Policy and related programs at each ASC school and the effective implementation of the Child Safe Standards.</p>

*Table 1 – Roles and Responsibilities*

## 16. Definitions and Explanation

<b>Term</b>	<b>Meaning</b>
Assault	(a) The intentional or reckless application of physical force without lawful justification or

excuse, or

(b) Any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence

An assault can occur when a person intentionally or recklessly (ie. knows the assault is possible but ignores the risk):

- applies physical force against a child without lawful justification or excuse – such as hitting, striking, kicking, punching or dragging a child (actual physical force); or
- causes a child to apprehend the immediate and unlawful use of physical force against them – such as threatening to physically harm a child through words and/or gestures regardless of whether the person actually intends to apply any force (apprehension of physical force)

Behaviour that causes significant emotional or psychological harm

Behaviour that causes significant ***emotional or psychological harm*** to a child is conduct that is intentional or reckless (without reasonable excuse), obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child.

For an allegation of *reportable conduct* involving psychological harm, the following elements must be present:

- An obviously or very clearly unreasonable or serious act or series of acts that the employees knew or ought to have known was unacceptable, and

	<ul style="list-style-type: none"> <li>• Evidence of psychological harm to the child that is more than transient, including displaying patterns of ‘out of character behaviour’, regression in behaviour, distress, anxiety, physical symptoms or self-harm, and</li> <li>• An alleged causal link between the employee’s conduct and the significant emotional or psychological harm to the child.</li> </ul>
<p>Child</p>	<p><b>Child</b> is defined in the Children and Young Persons (Care and Protection) Act 1998 (NSW) as a person who is under the age of 16 years. For the mandatory reporting regime, therefore, a Child is under 16 years, and a young person is aged 16 or 17.</p> <p>For the purpose of the Children’s Guardian Act reportable conduct scheme, a Child is a person aged under 18 years.</p>
<p>Child Abuse</p>	<p>Child abuse includes <u>neglect</u>, <u>sexual abuse</u>, <u>physical abuse</u>, and emotional abuse that can lead to serious <u>psychological harm</u>.</p>
<p>Child Safe Officer</p>	<p>Person nominated by the College Principal to act as a point of contact for <i>workers</i> and students on child protection matters. Child Safe Officers need to take action when any child protection incidents are reported to them, including immediately informing College Principal and providing support to affected members of the College community. CPOs may also be required to review and monitor the</p>

effectiveness of the College's processes and procedures to respond to allegations or disclosures.

## Child Related Work

Under the Act and related Regulation (and of relevance to the College), child-related work is work for, or in connection with, any of the following:

- mentoring and counselling services for children
- direct provision of child health services
- disability services for children with a disability
- clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for children
- education and care services, child care centres, nanny services and other child care
- sporting, cultural or other entertainment venues used primarily by children and entertainment services for children
- justice services, such as detention centres
- any religious organisation where children form part of the congregation
- private coaching or tuition to children
- boarding houses or other residential services for children and overnight camps for children
- transport services especially for children, including College bus services and taxi services for children with a disability and supervision of School road crossings



	<ul style="list-style-type: none"> <li>• a cleaner providing cleaning services at the College is child-related work, and</li> <li>• a worker providing ongoing, counselling, mentoring or distance education using any form of communication that does not primarily involve direct contact (physical or face-to-face contact, where that contact is a usual part of and more than incidental to the work).</li> </ul> <p>An employer can also require a <i>worker</i> to have a WWCC clearance if they have access to confidential records or information about children, and as such, the Anglican Schools Corporation requires all <i>workers</i> to have a WWCC clearance.</p>
<p>Contractor</p>	<p>Any person who is not an employee of ASC but who performs services for ASC (including for any ASC School or Group Office) under a contractual arrangement, either directly with the person, or with an organisation that employs or subcontracts the person.</p>
<p>Direct Contact</p>	<p>Section 6 of the Child Protection (Working with Children) Act 2012 (NSW) defines “direct contact” as physical contact or face-to-face contact.</p> <p>Direct contact contractors or volunteers may have direct contact with students in circumstances where:</p> <ul style="list-style-type: none"> <li>• they may be left alone, one-on-one, with a student (for example, 1:1 tutoring or learning support), or</li> </ul>

- a reasonable person would consider that the contact may enable the individual to form a relationship of trust with a student (for example, coaching a sports team, helping with a drama production, or regularly working in a canteen or library), or
- a reasonable person would consider that the contact could create a potential risk to the safety of a student (for example, responsibility for a group of students during an excursion without a member of Staff present).

Examples of direct contact contractors may include:

- maintenance workers who regularly work at times when students are present
- tutors
- specialist music or drama teachers
- casual teachers
- sporting team coaches
- outdoor education specialists
- physical education service providers.

Examples of direct contact volunteers include individuals who:

- attend a school camp or excursion
- assist a student during a learning activity
- assist a student to complete tests or exams (e.g. as a scribe or reader)
- coach, manage, or assist with the coaching or managing, of sports at a school
- assist with theatre or music productions

	<ul style="list-style-type: none"> <li>• tutor, or assist with the tutoring of, a student in extracurricular activities such as music, choir or debating</li> <li>• assist or volunteer in a School canteen or uniform shop.</li> </ul>
<p>Direct contact contractor or direct contact volunteer</p>	<p>Means a contractor or volunteer who, in the usual course of providing services, could potentially have “direct contact” with students.</p>
<p>Domestic Violence</p>	<p>Domestic violence is behaviour towards a family member that may include:</p> <ul style="list-style-type: none"> <li>• physical violence or threats of violence</li> <li>• verbal abuse, including threats</li> <li>• emotional or psychological abuse</li> <li>• sexual abuse</li> <li>• financial and social abuse.</li> </ul>
<p>Failure to Protect Offence</p>	<p>Under section 43B of the Crimes Act 1900 (NSW) – Failure to reduce or remove risk of child becoming victim of child abuse – an adult working in a school (therefore all <u>workers</u>) 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.</p> <p>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.</p>

<p>Failure to Report Offence</p>	<p>Under section 316A of the Crimes Act 1900 (NSW) – Concealing a child abuse offence – Any adult 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 College Principal and is aware that the College Principal has reported the matter to the Police.</p>
<p>Grooming</p>	<p>Definitions of ‘grooming’, within child protection legislation, are complex. Under the Crimes Act, grooming or procuring a child under the age of 16 years for unlawful sexual activity is classed as a sexual offence. The Crimes Act (s73) also extends the age of consent to 18 years when a child is in a ‘special care’ relationship. Under Schedule 1(2) of the Child Protection (Working with Children) Act, grooming is recognised as a form of sexual misconduct. The Children’s Guardian Act 2019 and this Child Safe Policy reflect these definitions within the context of the Reportable Conduct Scheme (Division 2).</p> <p>In general terms, grooming refers to behaviours that manipulate and control a child or young person, their family and other support networks, or institutions, with the intent of gaining access to the child or young person for the purposes of engaging in sexually harmful behaviour, obtaining the child or young person’s compliance, maintaining the child or young</p>

person's silence, and avoiding discovery of the sexual abuse.

Grooming is often defined as the use of a variety of manipulative and controlling techniques with a vulnerable subject in a range of inter-personal and social settings in order to establish trust or normalise sexually harmful behaviour with the overall aim of facilitating exploitation and/or prohibiting disclosure of the harmful behaviour.

Ill-treatment

Of a child, means conduct towards a child that is:

- unreasonable, and
- seriously inappropriate, improper, inhumane or cruel.

Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.

Mandatory Reporter

Under section 27 of the Children and Young Persons (Care and Protection) Act 1998, the following persons are required to make mandatory reports:

(a) A person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children

(b) a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children

(c) a person in religious ministry, or a person providing religion-based activities to children, and

(d) a registered psychologist providing a professional service as a psychologist.

## Neglect

Of a child, means a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by—

(a) a person with parental responsibility for the child, or

(b) an authorised carer of the child, or

(c) an employee, if the child is in the employee's care.

Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child's physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child where there is the potential for significant harm to a child. Examples of neglect

	<p>include failing to protect a child from abuse and exposing a child to a harmful environment.</p>
<p>Physical abuse</p>	<p>A non-accidental injury or pattern of injuries to a child or young person caused by a parent, carer or any other person.</p> <p>It includes, but is not limited to, injuries which are caused by:</p> <ul style="list-style-type: none"> <li>• excessive discipline</li> <li>• severe beatings or shakings</li> <li>• cigarette burns</li> <li>• attempted strangulation</li> <li>• female genital mutilation.</li> </ul> <p>Injuries can include bruising, lacerations or welts, burns, fractures or dislocation of joints.</p>
<p>Psychological Harm</p>	<p>Refers to a parent or caregiver's inappropriate verbal or symbolic acts towards a child and/or a pattern of failure over time to provide a child with adequate non-physical nurturing and emotional availability. The behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.</p>
<p>Reasonable grounds to suspect</p>	<p>'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:</p>

- 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.

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

## Reportable conduct

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

- (a) a sexual offence
- (b) sexual misconduct
- (c) ill-treatment of a child
- (d) neglect of a child
- (e) an assault against a child
- (f) an offence under section 43B (failure to protect offence) or 316A (failure to report offence) of the Crimes Act 1900
- (g) behaviour that causes significant emotional or psychological harm to a child.

Reportable Conduct does not include:

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



	<p>the children and any relevant codes of conduct or professional standards, or</p> <ul style="list-style-type: none"> <li>• the use of physical force that, in all the circumstances, is trivial or negligible and the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate procedures.</li> </ul>
<p>Sexual abuse</p>	<p>Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children and young people are bribed or threatened physically or psychologically to make them participate in the activity.</p> <p>Sexual abuse includes sexual activity or behaviour that is imposed, or is likely to be imposed, on a child or young person by another person</p>
<p>Sexual misconduct</p>	<p>Conduct with, towards or in the presence of a child that—</p> <p>(a) is sexual in nature, but</p> <p>(b) is not a sexual offence.</p> <p>The Act provides the following (non-exhaustive) examples:</p> <ul style="list-style-type: none"> <li>• descriptions of sexual acts without a legitimate reason to provide the descriptions</li> <li>• sexual comments, conversations or communications</li> </ul>

	<ul style="list-style-type: none"> <li>• comments to a child that express a desire to act in a sexual manner towards the child, or another child.</li> </ul> <p>Note – crossing professional boundaries comes within the scope of the scheme to the extent that the alleged conduct meets the definition of sexual misconduct. That is, the conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).</p>
Sexual offence	<p>An offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child, such as:</p> <ul style="list-style-type: none"> <li>• sexual touching of a child</li> <li>• a child grooming offence</li> <li>• production, dissemination or possession of child abuse material.</li> </ul> <p>An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of sexual offence.</p>
Student	<p>Any person enrolled at the College regardless of age.</p>
Worker	<p>Means any person who is engaged in work in any of the following capacities:</p> <p>(a) as an employee,</p>

	<p>(b) as a self-employed person or as a contractor or subcontractor,</p> <p>(c) as a volunteer (including governors),</p> <p>(d) as a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience),</p> <p>(e) as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation.</p>
<p>Young Person</p>	<p>Defined in the Children and Young Persons (Care and Protection) Act 1998 (NSW) as a person who is aged 16 years or above, but who is under the age of 18 years.</p>

*Table 2 – Definitions*

## 17. Relevant Legislation

- Education Act 1990 (NSW)
- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Child Protection (Working with Children) Act 2012 (NSW)
- Child Protection (Working with Children) Regulation 2013
- Child Protection (Working with Children) Regulation 2013 (NSW)
- Children’s Guardian Act 2019 (NSW)
- Crimes Act 1900 (NSW)
- Civil Liability Act 2002 (NSW)

## 18. Related Policies

- Shellharbour Anglican College Codes of Conduct for employees, parents and other persons, including professional boundaries
- [Complaints Handling Policy and Procedure](#)
- Privacy Policy
- Reporting of Significant Matters to the Board
- Risk Management Framework
- Whistleblower Policy
- Procedures for Handling Allegations of Staff misconduct and Reportable Conduct
- Procedures for Managing Child Safety Incidents at or involving the School
- Anti-Bullying Policy

## 19. Policy Review and Administration

The Policy shall be reviewed annually or in the event of any information arising that would demonstrate the need for a review or resulting from any legislative or organisational change that would warrant a review.

Version	Approved By	Approval Date	Effective Date	Next Review Date
4.0	ASC Board	1 October 2024	2 October 2024	September 2025
Resolution Number		24/150		
Responsible Officer		Chief Risk Officer		
First Published		22 June 2021		
Ref		POL-68		

## Child Safe Codes of Conduct

All children and young people who come to Shellharbour Anglican College have a right to feel and be safe. We are committed to the safety and wellbeing of all children and young people.

Each member of the College community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

Section 47(1) of the Education Act 1990 (NSW) sets out 14 requirements for registration for non-government schools in NSW. One of these requirements, under section 47(1)(g) of the Education Act, is that “a safe and supportive environment is provided for students”.

The NSW Education Standards Authority’s (NESA) provides guidance on how to meet these obligations in section B8.1 of the [Registered and Accredited Individual Non-government Schools Manual \(NSW\) Manual](#) (Registration Manual).

One of the requirements for registration is that the College has and implements codes of conduct for members of the College community, with specific references to the rights and responsibilities of students and staff.

Standards 1 and 2 of the NSW Child Safe Standards and Principles 1 and 2 of the National Principles for Child Safe Organisations require the College to have a child safe code of conduct for Staff and Volunteers, as well as guidelines for children that set out expectations about safe and respectful peer relationships.

This section of the Child Safe Program describes the Child Safe Codes of Conduct that Anglican Schools Corporation Board and College Council and the College have developed to meet these requirements.

Each Policy and Procedure in this section also contains additional guidance for Staff, Volunteers, Contractors and the College to assist them to understand and comply with it.

## **The Policies and Procedures in this Section**

- [Child Safe Code of Conduct](#)
- [Staff and Student Professional Boundaries](#)
- [Student Child Safe Code of Conduct](#)
- [Student Code of Conduct](#)
- [Shellharbour Anglican College Staff Code of Conduct](#)
- [Code of Conduct Parents and Guardians](#)

- [Code of Conduct for External Contractors](#)
- [Code of Conduct for Helpers and Volunteers](#)

## Source of Obligation

- Education Act 1990 (NSW), section 47(1)(g)
- Registered and Accredited Individual Non-government Schools Manual (NSW) Manual, section B8.1
- NSW Child Safe Standards, Standards 1 and 2
- National Principles for Child Safe Organisations, Principles 1 and 2

## Child Safe Code of Conduct

This [Child Safe Code of Conduct](#) outlines appropriate standards of behaviour towards students for all adults in the College environment. It serves to protect students, reduce any opportunities for abuse or harm to occur, and promote child safety in the College environment. It provides guidance on how to best support students and how to avoid or better manage difficult situations.

***It is the College's policy that any breach of the [Child Safe Code of Conduct](#) is a child safety incident that must be reported internally.***

***Any breach that meets the threshold for external reporting must also be reported to the relevant external authority.***

For more information, refer to our procedures for [Responding to and Reporting Child Safety Incidents or Concerns](#).

The College reviews the [Child Safe Code of Conduct](#) annually. Anglican Schools Corporation Board and College Council has endorsed this [Child Safe Code of Conduct](#).

Our [Child Safe Code of Conduct](#) is published on our public website.

Our Child Safe Program also includes a [Staff and Student Professional Boundaries Policy and Procedures](#) that provides detailed guidance for all Staff, Volunteers and Contractors on how to maintain professional boundaries with students.

## Scope

The [Child Safe Code of Conduct](#) applies to all adults in the College community, including:

- the Principal and the Executive Leadership Team
- all staff members, including non-teaching Staff and temporary or casual Staff
- all Volunteers
- all Contractors
- External Education Providers
- teaching students on placement at the College
- Visitors

(together referred to as “the College Community” for the purposes of the Child Safe Code of Conduct).

The Child Safe Code of Conduct applies in all College environments. College environments include both physical and online environments, as well as any environment (including those outside the College’s grounds) where College-related activities are occurring.

Some staff members, Volunteers and Contractors at the College may have other professional or occupational codes of conduct that regulate their profession or occupation. These staff members, Volunteers and Contractors must comply with these other codes of conduct. If a staff member, Volunteer or Contractor considers that there is a conflict between their professional or occupational code of conduct and the Child Safe Code of Conduct in a particular matter, they must seek advice from their professional or occupational regulatory body and/or a Child Safe Officer, and must advise the Principal of their proposed course of action.

## **The Child Safe Code of Conduct**

Each member of the College Community is responsible for promoting the safety and wellbeing of students by adhering to the following standards of behaviour.

### **Do:**

- Uphold and act in accordance with Shellharbour Anglican College's Child Safe Policy at all times.
- Comply with applicable guidelines published by the College with respect to child safety, such as the Staff and Student Professional Boundaries Policy and Procedures.
- Behave as a positive role model to students.
- Promote the safety, welfare and wellbeing of students.
- Be vigilant and proactive with regard to child safety and protection issues.
- Provide age-appropriate supervision for students.

- Treat all students with respect.
- Promote the safety, participation and empowerment of students with disability.
- Promote the cultural safety, participation and empowerment of linguistically and culturally diverse students and Aboriginal and Torres Strait Islander students.
- Use positive and affirming language towards students.
- Encourage students to 'have a say' and participate, then listen to them with respect.
- Respect cultural, religious and political differences.
- Help provide an open, safe and supportive environment for all students to interact and socialise.
- Intervene when students are engaging in bullying or inappropriate behaviour towards others, for example humiliating or vilifying others.
- Ensure as far as practicable that adults are not left alone with a child.
- Report any breaches of this [Child Safe Code of Conduct](#).
- Report concerns about child safety to a Child Safe Officer and ensure that your legal obligations to report child abuse or other harm externally are met.
- Where an allegation of child abuse or other harm is made, ensure as quickly as possible that the student involved is safe.
- Call the Police on 000 if you have immediate concerns for a student's safety.
- Respect the privacy of students and their families and only disclose information to people who have a need to know.

## **Do Not:**

- Engage in any form of inappropriate behaviour towards students or expose students to such behaviour.
- Engage in prejudicial or oppressive behaviour or use inappropriate language with students.
- Discriminate against any student on the basis of characteristics that are protected in anti-discrimination legislation or express personal views that support or promote such discrimination.
- Engage in open discussions of an adult nature in the presence of students.
- Engage in any form of sexual conduct with a student including making sexually suggestive comments and sharing sexually suggestive material.
- Engage in inappropriate or unnecessary physical conduct or behaviours including doing things of a personal nature that a student can do for themselves, such as toileting or changing clothes.



- Engage in any form of physical violence towards a student including inappropriately rough physical play.
- Use physical means (other than as expressly outlined in our [Restraint of Students Policy](#)) or corporal punishment to discipline or control a student.
- Engage in any form of behaviour that has the potential to cause a student serious emotional or psychological harm.
- Develop 'special' relationships with students that could be seen as favouritism (for example, the offering of gifts or special treatment for specific students).
- Engage in undisclosed private meetings with a student who is not your own child.
- Engage in activities with a student who is not your own child, outside of school hours and without permission from the student's parent/carer.
- Take or publish (including online) photos, movies or recordings of a student without parental/carer consent.
- Post identifying information about a student online unless it is necessary for the College's activities or you have consent from the student and/or their parent/carer. Identifying information includes things such as the student's full name, age, e-mail address, telephone number, residence, school, or details of a club or group they may attend.
- Ignore or disregard any suspected or disclosed child abuse or other harm.

## **Agreement to the Child Safe Code of Conduct**

The College provides a copy of the [Child Safe Code of Conduct](#) to all Staff, relevant Volunteers and relevant Contractors at induction, or otherwise prior to them commencing work at the College. The College also communicates it via refresher training at regular intervals for all Staff, as well as relevant Volunteers and Contractors.

All Staff, and Direct Contact and Regular Volunteers must sign an agreement to adhere to the [Child Safe Code of Conduct](#) prior to commencing work at the College.

The [Child Safe Code of Conduct](#) forms part of the contract between the College and any Direct Contact and Regular Contractors. Therefore, all Direct Contact and Regular Contractors are deemed to have agreed to adhere to the [Child Safe Code of Conduct](#) on signing the contract or on commencing work at the College.

## **The Child Safe Code of Conduct and Reportable Conduct**

Our Child Safe Codes of Conduct outline expected standards of behaviour for all Staff at the College. However, breaches of these Codes of Conduct will not always be Reportable Conduct. For example, a Volunteer accepting a social media 'friend' request from a student would be a breach of our Child Safe Codes of Conduct but may not amount to Reportable Conduct.

These kinds of breaches of our Child Safe Codes of Conduct can be dealt with at the College level and the College does not need to report them to the Office of the Childrens' Guardian.

For more information, refer to our [Reportable Conduct](#) policies and procedures.

## **Consequences for Breaching this Child Safe Code of Conduct**

Staff, including the Executive Leadership Team and Principal, Volunteers and Contractors who breach the [Child Safe Code of Conduct](#) may be subject to disciplinary actions that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- appointment to an alternate role
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

Where any other member of the College community breaches any obligation, duty or responsibility within our [Child Safe Code of Conduct](#), Shellharbour Anglican College will take appropriate action.

## **Report Any Concerns**

*Whenever there are concerns that a child or young person is in immediate danger, call the Police on 000.*

## **Staff**

It is the College's policy that any breach of the [Child Safe Code of Conduct](#) is a child safety incident. Therefore, all Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors who witness, or suspect, any breach of this Code of Conduct must report their concern

internally to a Child Safe Officer or the Principal. Where the child safety incident or concern involves the Principal, internal reports should instead be made to the College Council Chair by

College Council Chair

Marked "Confidential"

PO Box 4147

Shellharbour PO 2529

Note that reporting internally does not change any obligation that Staff may have under legislation to report to an external authority.

Our Child Safe Program includes information for Staff, Volunteers and Contractors about how to identify key indicators of abuse or other harm and how to report child safety incidents or concerns internally. It also contains detailed procedures with respect to the reporting of child safety incidents or concerns to relevant external authorities. For more information, refer to our [Responding to and Reporting Child Safety Incidents or Concerns](#).

## Students

Students who are the victim of, or who witness or suspect a breach of the [Child Safe Code of Conduct](#) can:

- disclose the child safety incident or concern to any staff member, Volunteer or Contractor. This might be done:
  - verbally
  - in writing
  - through electronic means (such as email)
  - indirectly (such as in written assignments, in artworks or in any other way)
- disclose anonymously, using the College's anonymous suggestion box, online form ShellharbourCares, which is located in the Senior and Junior School Library
- contact Office for the Advocate for Children and Young People.

## Parents/Carers, Family Members or Other Community Members

Parents/carers, family members or other community members who witness or suspect that there has been a breach of the [Child Safe Code of Conduct](#), or have concerns that a child or young person

associated with the College may be subject to abuse or harm from a member of Staff, a Volunteer or a Contractor, should contact:

- the College's Senior Child Safe Officer Mrs Megan Hastie, by phoning 02 42976029 or emailing [principal@shellharbourac.nsw.edu.au](mailto:principal@shellharbourac.nsw.edu.au)
- if the concern relates to the Principal, the College Council Chair by  
College Council Chair  
Marked "Confidential"  
PO Box 4147  
Shellharbour PO 2529

Communications will be treated confidentially on a 'need to know basis'.

## Source of Obligation

- Education Act 1990 (NSW), section 47(1)(g)
- Registered and Accredited Individual Non-government Schools Manual (NSW) Manual, section B8.1
- NSW Child Safe Standards, Standard 1
- National Principles for Child Safe Organisations, Principle 1

## Staff and Student Professional Boundaries Policy and Procedures

### Purpose

Shellharbour Anglican College is committed to providing a safe physical, online and emotional environment, where all of our students are respected and treated with dignity in an appropriate professional and caring manner, the risk of child abuse is minimised, and a safe and supportive child safe environment is maintained.

Shellharbour Anglican College Staff, Volunteers and Contractors hold a unique position of influence, authority, trust and power in relation to students at the College. As such, it is their duty, at all times, to maintain professional boundaries with students.

A breach of professional boundaries may in some circumstances be a criminal offence. The Crimes Act 1900 (NSW) includes certain offences for persons, including teachers, Direct Contact Volunteers

and Direct Contact Contractors, whose position places them in a position of authority, with a child or young person. For more information, refer to [Offences Under the Crimes Act 1900 \(NSW\)](#).

The following policy and guidelines are designed to raise awareness of situations where professional boundary violations may occur and provide strategies to minimise the risk of boundary violations.

The practice of protective behaviours at all times will also reduce the possibility of vexatious claims being brought against Staff.

## Scope

This Policy applies to:

- College Council Chair members
- all Staff, including the Principal and the Executive Leadership Team, teaching and non-teaching Staff
- all Volunteers
- all Contractors

(together referred to as “Staff” or “staff members” for the purposes of this Policy only). Their age does not matter.

The Staff and Student Professional Boundaries Policy and Procedures applies in all College environments. College environments include both physical and online environments, as well as any environment (including those outside the College’s grounds) where College-related activities are occurring.

## Shellharbour Anglican College's Policy

All staff members **must**:

- follow the guidelines for professional boundaries set out below
- exercise their responsibilities in a way that recognises professional boundaries with regard to their relationships with students at all times
- identify, discourage and reject any advances of a sexual nature initiated by a student
- interact with students in a manner that is professional at all times, including inside and outside of school hours
- report conflict of interest issues to the Principal, or the College Council Chair, as soon as practicable

- give equal learning opportunities to each student without discrimination.

The College considers that any breach of professional boundaries to be a child safety incident. As a result, all staff members must report all breaches of this Policy internally to the College.

Any breach that meets the threshold for external reporting must also be reported to the relevant external authority.

For more information, refer to our [Responding to and Reporting Child Safety Incidents or Concerns](#).

The College will protect staff members who, in good faith, make an internal report alleging a breach of professional boundaries from victimisation or other adverse consequences.

## What are Professional Boundaries?

Professional boundaries are parameters that describe the limits of a relationship in circumstances where one person (a student) entrusts their welfare and safety to another person (a staff member), in circumstances where a power imbalance exists.

The fact that Staff are in a unique position of trust, care, authority and influence with students means that there is always an inherent power imbalance that exists between them. It also means that professional boundaries must be established, maintained and respected at all times.

In most cases this power imbalance is clear, however, sometimes it may be more difficult to recognise, especially for younger staff members who may only be a few years older than their students.

The following guidelines are not exhaustive, and given that sometimes 'grey areas' may occur, it is expected that all Staff (no matter their age or experience) use their own good judgment, think very carefully about the implications and potential consequences of engaging in certain behaviours with students, and always err on the side of caution.

***When unsure about whether professional boundaries are being, or have been, or will be breached, ask yourself:***

- Would I modify my behaviour if a colleague was present?
- Should I discuss this matter with another colleague?
- How would I feel about explaining my actions at a staff meeting, to the Principal, or to parents/carers?

- Am I sharing information for the student's benefit, or for my benefit?
- Am I dealing with this student differently from others in similar circumstances?
- Is my language or demeanour different from usual when dealing with this particular student?

## **Intimate Relationships**

Staff must not initiate or develop a relationship with any student that has, or can be interpreted as having, a romantic or sexual, rather than professional basis. It is not relevant that the relationship is consensual, non-consensual, or condoned by parents/carers.

Such relationships have a negative impact on the teaching and learning of students and colleagues and may carry a serious reputational risk for the staff member and, in turn, the College.

The professional relationship between Staff and students may be breached by:

- flirtatious behaviour or dating
- development of an intimate personal relationship
- sexual relations
- the use of sexual innuendo, inappropriate language and/or material with students
- unwarranted and inappropriate touching
- unwarranted and inappropriate filming or photography
- deliberate exposure to sexual behaviour of others (e.g. pornography)
- having intimate contact without a valid context via written or electronic means (e.g. email, letters, telephone, text messages, social media sites or chatrooms)
- going out, whether alone or in company, to social events such as the movies or dinner
- exchanging gifts of a personal nature that encourages the formation of an intimate relationship.

## **Relationships with Former Students**

Staff should also be aware that developing or encouraging romantic or sexual relationships with recent former students (over 18 years of age) may violate professional boundaries and are therefore strongly discouraged from doing so.

The imbalance of power and authority that exists in the Staff/student relationship does not suddenly disappear after the student finishes their schooling. Staff should not assume that they will be protected from disciplinary action by claiming that a relationship began only after the student left the

College as there may be a reasonable belief that the emotional intimacy of the relationship developed while the Staff/student relationship existed.

If **any** staff member engages in a romantic/sexual relationship with a person who was previously a student at the College, this may generate concerns that the staff member previously crossed professional boundaries while the former student was under the care of the staff member. In particular, concerns may arise that the staff member engaged in grooming behaviour while the person was still a student.

The College will investigate any complaint that a staff member has abused their position and acted unprofessionally by engaging in a relationship with a former student. In considering whether there has been a breach of professional boundaries, the College may take the following factors into account:

- the nature of the relationship, including its closeness, dependence and significance
- the length of the relationship while the former student was attending the College
- any conduct that the staff member undertook which gives cause for concern
- the length of time that has passed between when the person was a student at the College and the commencement of the relationship.

By ensuring that their relationships with students do not breach professional boundaries, a staff member who subsequently forms a relationship with a former student will be less likely to be considered to have breached professional boundaries in relation to that former student.

## Personal Relationships

Staff must not initiate or develop a relationship with any student that is or can be perceived or misinterpreted as having a personal rather than professional basis. This is regardless of whether the relationship is consensual, non-consensual, or condoned by parents/carers.

It is the **student's perception** of Staff behaviour and not the intention of the staff member that is important.

An established and expected professional relationship between Staff and students may be compromised by Staff:

- attending parties or socialising with students outside of organised College events (without parental/carer permission)
- sharing personal details about their private lives with students



- meeting with students outside of school hours without permission from the College.

Staff must recognise at all times that their role is not to be a 'friend' or 'parent' to a student.

## **Fair Learning Opportunities**

The focus of teaching is effective student learning and as such, teachers are expected to support their students with their professional expertise so as to offer them the best education in their individual circumstances. The quality of teaching and learning between teachers and students characterises their relationship.

Teachers should demonstrate their commitment to student learning by:

- maintaining a safe and challenging learning environment that promotes mutual respect
- recognising and developing each student's abilities, skills, and talents by catering to their individual abilities and respecting their individual differences
- encouraging students to develop and reflect on their own values
- interacting with students without bias
- not engaging in preferential treatment
- not discriminating against any student on the basis of race, sex, sexuality, disability or religious or political conviction
- always making decisions in students' best interests.

## **Electronic Communications between Staff and Students**

It is expected that all Staff at the College will adhere to the following guidelines:

- all use of technology should be for educational purposes or for the organisation of co-curricular activities
- all email communication between Staff and students should be via the College email system and reflect a professional Staff/student relationship
- Staff should not communicate with students via text message where it is not in a professional context
- Staff should not give out their personal telephone numbers or social media contact details
- Staff are not to accept or request students as 'friends' on social media or otherwise use social media to communicate in any way that is not condoned or approved by the College
- Staff should not exchange personal pictures with a student

- teachers are not expected or encouraged to respond to concerns of parents/carers or students on holidays, weekends or in the evening
- any student personal contact numbers or other personal contact details made available to the College should only be used for College communications.

## Physical Contact with Students

All Staff should be aware that situations may arise that can be perceived in a manner that was not intended. For this reason, all Staff at the College should adhere to the following guidelines for contact with students both in and outside of College grounds:

- Staff should avoid unnecessary physical contact with students
- minimal, non-lingering, non-gratuitous physical contact in the context of the situation is acceptable (e.g. congratulatory pat on the back or handshake)
- contact for sport, drama and dance instruction is acceptable in a class situation but not in a 1:1 situation. If physical contact is required for specific technical instructions, it must be brief and only with the consent of the student. Note that a student may withdraw consent for this contact either verbally or gesturally and Staff must remain vigilant while engaging in necessary contact situations. Once consent has been withdrawn no further contact can be or should be made.

## Off-Campus Excursions and Camps

During off-campus excursions or camps, the same physical contact guidelines apply as well as the following:

- checking of sleeping arrangements, or supervising of students changing should be done, where possible, with another staff member present and always in a manner that respects students' privacy and personal space
- Staff should always knock and advise of their presence prior to entering a bedroom or dormitory
- ensure that while in a bedroom or dormitory a strict Staff/student relationship is upheld and that Staff do not engage in inappropriate behaviour, such as sitting on a student's bed

## Managing Conflicts of Interest

Where personal relationships with students such as family relationships and close friendship networks exist, questions of conflicts of interest may arise.

This may be more prevalent in close or rural communities where professional boundaries may be tested due to the nature and size of the community. In these circumstances, Staff need to be far more diligent in developing and maintaining these boundaries.

Where a staff member feels that a conflict of interest may exist, they should notify the Principal, or the College Council Chair if the conflict involves the Principal, and arrangements should be implemented to avoid the conflict situation if possible. For example, the teaching of students by a staff member with a conflict should be avoided.

Any significant decisions relating to these students in the College (such as the appointment of classes or selection in sports teams) should be referred to another staff member and endorsed by a supervisor.

## **Declarations of Staff/Student Interactions**

To enable the College to be aware of appropriate and inappropriate interactions between Staff and students, and to provide context in situations where an allegation of unprofessional conduct may be made, the College encourages Staff to declare any interactions with students outside school hours. These interactions may include instances where the staff member is:

- related to the student
- friends with the student's parents or family
- given parental consent to interact with the student for academic purposes outside of school hours and the parent/carer has notified the College.

The parent/carer of the student must verify declarations by Staff about a relationship with the student and their family outside of the College context or about interactions that occur with the consent of the parent/carer.

Shellharbour Anglican College maintains records of all declarations made by staff members related to their interactions with students, or relationships with students, that exist outside of school hours or College premises. These records are made available to the parents/carers of a student on request.

These records are kept in accordance with our [Child Safe Record Keeping](#) and Human Resources policies.

## **Professional Boundaries and Reportable Conduct**

Our Child Safe Codes of Conduct outline expected standards of behaviour for all Staff at the College. However, breaches of these Codes of Conduct will not always be Reportable Conduct. For example, a Volunteer accepting a social media 'friend' request from a student would be a breach of our Child Safe Codes of Conduct but may not amount to Reportable Conduct.

These kinds of breaches of our Child Safe Codes of Conduct can be dealt with at the College level and the College does not need to report them to the Office of the Children's Guardian.

For more information, refer to our [Reportable Conduct](#) policies and procedures.

## **Consequences for Breaching the Staff and Student Professional Boundaries Policy and Procedures**

Where a staff member breaches this Policy, Shellharbour Anglican College may take disciplinary action that may include (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

## **Implementation**

These guidelines are implemented through a combination of:

- staff training and development in professional conduct
- student and parent/carer education and information
- effective management of teachers engaging in inappropriate relationships with students
- effective management of conflicts of interest
- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary

## **Report Any Concerns**

***Whenever there are concerns that a child or young person is in immediate danger, call the Police on 000.***

## Staff

It is the College's policy that any breach of the Staff and Student Professional Boundaries Policy and Procedures is a child safety incident. Therefore, all Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors who witness, or suspect, any breach of professional boundaries must report their concern internally to a Child Safe Officer or the Principal. Where the child safety incident or concern involves the Principal, internal reports should instead be made to the College Council Chair by

College Council Chair

Marked "Confidential"

PO Box 4147

Shellharbour PO 2529

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Our Child Safe Program includes information for Staff, Volunteers and Contractors as to how to identify key indicators of child abuse or other harm and how to report child safety concerns to relevant external authorities. For more information, refer to [Responding to and Reporting Child Safety Incidents or Concerns](#).

## Students

Students who are the victim of, or who witness or suspect a breach of professional boundaries can:

- disclose the child safety incident or concern to any staff member. This might be done:
  - verbally
  - in writing
  - through electronic means (such as email)
  - indirectly (such as in written assignments, in artworks or in any other way)
- disclose anonymously, using the College's anonymous suggestion box, online form ShellharbourCares, which is located in the Senior and Junior School Library
- contact Office for the Advocate for Children and Young People.

## Parents/Carers, Family Members or Other Community Members

Parents/carers, family members or other community members who witness or suspect that there has been a breach of professional boundaries, or have concerns that a child or young person associated with the College may be subject to abuse or harm from a staff member, should contact:

- the College's Senior Child Safe Officer Mrs Megan Hastie, by phoning 02 42976029 or emailing [principal@shellharbourac.nsw.edu.au](mailto:principal@shellharbourac.nsw.edu.au)
- if the concern relates to the Principal, the College Council Chair by  
College Council Chair  
Marked "Confidential"  
PO Box 4147  
Shellharbour PO 2529

Communications will be treated confidentially on a 'need to know basis'.

## Student Child Safe Code of Conduct

### Overview

This Code applies to all Shellharbour Anglican College students (the students) and is based on the College's core values being Faith, Wisdom, Compassion, Respect:

- We commend and invite our community into **FAITH** in God, who makes himself known to us in and through Jesus Christ.
- We seek **WISDOM**, celebrating the gift of learning so we will live well in God's world.
- We devote ourselves to **COMPASSION**, because Christ gave freely to us.
- We cherish **RESPECT** for every person, recognising the image of God in every individual.

Shellharbour Anglican College recognises that effective learning can only occur in a

	<p>safe environment where the rights and responsibilities of others are known and respected and where standards and rules are fairly and consistently applied.</p> <p>This Student Code of Conduct has been developed to clearly set out standards of behaviour that students are expected to meet and these behaviours are not limited to just the College site and school hours. The behaviours outlined below includes all activities and events that are college-related and include when students are visiting or representing the College.</p>
<b>Definition of a 'Student'</b>	<p>For the purpose of this code, a 'student' is a young person that is currently enrolled at Shellharbour Anglican College until such time that their enrolment is withdrawn and they are no longer enrolled at this College or (in the case of graduating Year 12 Students) the day after Presentation Evening.</p>
<b>Responsibilities of all students:</b>	<p>It is expected that every student will:</p> <ul style="list-style-type: none"><li>• be respectful and supportive of the College's goals and values;</li><li>• behave in a manner that does not endanger the health, safety and wellbeing of themselves or others;</li><li>• abide by all health and safety rules and procedures operating within the College and other locations at which</li></ul>

they may visit while representing the College;

- uphold the reputation of the College by
  - observing an appropriate standard of behaviour in transit to and from the College and when wearing College uniform;
  - always behaving and speaking in a way that reflects positively on the College including in print, or on social or other electronic media whether during or outside of school hours;
- respect the authority of all members of staff and observe College rules as required;
- behave with courtesy and consideration to each other and to staff, visitors and other members of the College community at all times.
- always exhibit behaviour that helps and encourages others to learn;
- respect College property and the property of staff, contractors, visitors and other students;
- attend and, as required, participate in
  - chapel services and assemblies;
  - the College's sports program including various carnivals;
  - important College events such as Presentation Evening or other events determined by the Principal;
  - Christian studies classes;



- activities including camps and excursions that are an integral part of the college curriculum
- be in attendance, punctual to classes, and properly equipped and prepared for lessons.
- always treats others with respect by refraining from all forms of bullying and harassment. See also: [Bullying Prevention and Intervention Policy](#) ;
- complete work set by teachers promptly and to the best of their ability and to take full advantage of the educational opportunities offered at the College;
- wear the College uniform, in accordance with the College's uniform requirements, at school, when travelling to and from the College and on all College occasions, unless otherwise authorised by a member of staff.

## **Unacceptable Conduct**

Unacceptable conduct includes, but is not limited to:

- touching, handling, pushing or otherwise physically or sexually engaging with students or others in a manner which is not appropriate and may endanger the health, safety and wellbeing of that person;
- any form of physical or verbal violence including fighting, assault or threats of violence;

- any form of cyber bullying or cyber abuse,
- sending inappropriate, offensive or explicit text messages, photos or videos;
- gambling of any form (both on-line gambling and in person) during school time, whilst undertaking College activities or whilst wearing the College uniform;
- language or conduct which is likely to offend, harass, bully or unfairly discriminate against any student, teacher, contractor or visitor;
- theft, fraud, graffiti or misuse College equipment, furniture, buildings and grounds;
- the use of inappropriate or profane words or gestures and images;
- smoking or consuming alcohol or illicit drugs at school, on College excursions, camps, in transit between College and home or otherwise while wearing College uniform;
- attending College, social, sporting or other functions as a representative of the College whilst under the influence of alcohol, illicit drugs or other substances harmful to health.

## Reporting and Responses

The College acknowledges students who uphold this Code of Conduct and seeks to encourage all members of the community to live the College values. Students exhibiting behaviour that upholds this Code of Conduct

can have this behaviour recognised both formally and/or informally.

It is expected that all students will report any cases to a teacher or senior staff member (in confidence) of unlawful behaviour or behaviour in breach of this conduct which may have been observed or reported to them.

If a student has breached this Code of Conduct, they will be offered guidance to help them understand the nature of the offence in order to be able to avoid making the same mistake in the future. Principles of restorative justice will be implemented. This can be from the attending staff member or, in more serious instances, be directed to the relevant Coordinator of Pastoral Care or Head of School to discuss the breach and then to make appropriate judgements on consequences.

The College offers guidelines for dealing with significant behaviour management issues that may lead to significant disciplinary responses. Parents are invited to discuss matters of behaviour management with relevant College staff.

These Behaviour Management Guidelines complement our Pastoral Care Program. The aim of these guidelines is to ensure that student management issues are dealt with in a procedurally fair and consistent manner.

## School Representative Expectations

We will field a team that not only excels in skill but also embodies the values of Shellharbour Anglican College.

### Selection Criteria:

#### 1. **Personal Character and Sportsmanship:**

- Recent disciplinary record: A history of good behaviour and a positive attitude are essential.
- Demonstration of sportsmanship: This includes treating teammates, opponents, teachers, coaches, and referees with respect, win or lose.
- Commitment to teamwork: A willingness to put the team's success above individual glory.
- Leadership capacity: The ability to motivate and inspire others.

#### 2. **Skill and Sporting Results:**

- Skill level: Meeting the baseline skill required for the sport and the specific competition.
- Performance in tryouts, qualifiers or carnivals (if applicable): Demonstrating your abilities through trials or past performance in the activity.
- Experience: A track record of relevant experience can be an asset.

### Selection Process:

1. **Application:** Students interested in representing the school must apply and indicate their desire to be on the team. Automatic selection is not guaranteed.

2. **Evaluation:** The staff in charge of selection will review applications based on the outlined criteria in consultation with the appropriate school leadership and head of school.
3. **Selection:** Students who meet the criteria will be invited to join the team and parent permission sought. Parents would be told that the student must maintain a high level of personal character and disciplinary record to remain on the team.
4. **Ongoing Monitoring:** Maintaining good behaviour and sportsmanship is an ongoing requirement. Students who violate these expectations may face disciplinary action, including the potential withdrawal of their invitation to represent the school.

Being selected is a privilege, not a right. Representing Shellharbour Anglican College is about more than just winning. It's about demonstrating the values of faith, wisdom, compassion and respect.

## Related Policies

[Child Safe Code of Conduct](#)

[Bullying Prevention and Intervention](#)

[Information and Communication Technology \(ICT\)](#)

[Staff and Student Professional Boundaries](#)

[SAC Behaviour Management Guidelines](#)

<b>Version</b>	This policy has been reviewed and updated and is current as at 27 January 2022
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## Responding to and Reporting Child Safety Incidents or Concerns

Standard 6 of the NSW Child Safe Standards and Principle 6 of the National Principles for Child Safe Organisations require the College to:

- respond effectively to different types of child safety complaints, incidents or concerns
- ensure that Staff and relevant Volunteers and Contractors understand their reporting obligations and
- ensure that relevant legal reporting obligations are met.

To be and remain a registered non-government school, the College must also meet NSW Safe and Supportive Environments requirements in the Education Act 1990 (NSW) and the guidance in the relevant NESR Registration Manual. These include requirements to:

- inform Staff who have direct contact with students about their legal responsibilities related to child protection and other relevant College expectations
- ensure that Staff know about legal requirements to notify and investigate allegations of Reportable Conduct
- respond to reportable matters in accordance with legislative requirements
- inform Mandatory Reporters of their obligations and the processes that the College has in place in relation to mandatory reporting
- set clear guidelines and expectations for stakeholders regarding complaints and allegations of staff misconduct or Reportable Conduct.

This section of the Child Safe Program assists the College to comply with the NSW Safe and Supportive Environments requirements for registration as well as Standard 6 of the NSW Child Safe Standards and Principle 6 of the National Principles for Child Safe Organisations. It describes our work systems, practices, policies and procedures for responding to and reporting all child safety complaints, incidents or concerns.

## The Policies and Procedures in this Section

The policies and procedures in this section of our Child Safe Program are:

- [Managing Your Initial Response to a Child Safety Incident or Concern](#)
- [Reporting a Child Safety Incident or Concern Internally](#)
- [Duty to Protect/Failure to Protect](#)
- [Mandatory Reporting to DCJ](#)
- [Voluntary Reporting to DCJ](#)
- [Reporting to Police](#)
- [Reportable Conduct](#)
- [Recognising and Responding to Sexual Behaviour in Children and Young People](#)
- [Responding to Other Concerns About the Wellbeing of a Student](#)
- [Support for Students Interviewed at the College](#)
- [Making Additional Reports](#)

## **Key Definition: Child Safety Incident or Concern**

At Shellharbour Anglican College, and in our Child Safe Program, we use the phrase “child safety incident or concern” to mean an incident of or concern about:

- a child or young person being at risk of significant harm, as defined in the Children and Young Persons (Care and Protection Act) 1998 (NSW) (Care and Protection Act)\*\*
- a child, young person or student aged 18 or over being, or at risk of being, the victim of a “child abuse offence” as defined in the Crimes Act 1900 (NSW)\*\*\*
- Reportable Conduct, as defined in the Children’s Guardian Act 2019 (NSW) (Children’s Guardian Act)\*\*\*\*
- a breach of our Child Safe Codes of Conduct.

\*\* Section 23 of the Care and Protection Act 1998 (NSW) defines a child (aged under 16) or a young person (aged 16 or 17) to be “at risk of significant harm” if current concern exists for the safety, welfare or wellbeing of the child or young person because:

- the child’s or young person’s basic physical or psychological needs are not being met or are at risk of not being met
- the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care
- the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with the Education Act 1990 (NSW)
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated

- the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm
- a parent or other carer has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

\*\*\* Sections 316A and 43B of the Crimes Act 1900 (NSW) define “child abuse offences” as sexual offences (and attempts to commit these offences) such as:

- sexual acts
- sexual intercourse
- sexual touching
- production of child abuse material
- voyeurism
- grooming.

It also includes assaults and physical harm (and attempts to commit these offences), such as:

- wounding or causing grievous bodily harm
- assault causing actual bodily harm
- assault at a school (whether or not causing actual bodily harm)
- administering or causing the ingestion of an intoxicating substance
- female genital mutilation.

\*\*\*\* Section 20 of the Children’s Guardian Act defines Reportable Conduct as the following conduct by an employee, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- a sexual offence against, with or in the presence of a child or young person
- sexual misconduct against, with or in the presence of a child or young person
- ill-treatment of a child
- neglect of a child
- an assault against a child
- an offence under 43B or 316A of the Crimes Act 1900 (NSW) (failing to prevent child abuse or concealing child abuse)
- behaviour that causes significant emotional or psychological harm to a child.



## Overview of Procedures for Responding to and Reporting Child Safety Incidents and Concerns

Child safety incidents or concerns can take many forms. Unfortunately, the nature of child abuse and other harm is complex. Abuse or other harm may occur over time and potential indicators are often difficult to detect. The perpetrator may be a parent, carer, other family member, staff member, Volunteer, Contractor, another adult or even another child or young person. The legal obligations for reporting allegations of child abuse or other harm can vary depending on the circumstances of the child safety incident or concern.

All of the College's procedures for reporting and responding to child safety incidents or concerns are designed and implemented taking into account the diverse characteristics of the College community.

### Internal Reporting by Students, Parents/Carers and the Community

There are no limits on how or to whom students at the College can disclose any child safety incident or concern or make a complaint about a staff member, Volunteer or Contractor. The [Child Safe Complaints Management](#) Policy provides multiple, child-focused pathways, including a pathway for anonymous disclosure, to enable all students to raise child safety incidents or concerns in the way with which they are most comfortable.

Parents/carers, family members and other community members who have child safety concerns about a student at the College are asked to follow the procedures set out in our [Child Safe Policy](#) which is available on our public website.

### Internal and External Reporting by Staff, Volunteers and Contractors

The policies and procedures in this section of our Child Safe Program set out how Staff, Volunteers and Contractors should respond to child safety incidents or concerns. These include procedures for responding to incidents or disclosures of child abuse or other harm, or suspected child abuse or other harm, and simple and accessible procedures for Staff, Volunteers and Contractors to report a child safety incident or concern internally.

Under these policies and procedures Staff, and relevant Volunteers and Contractors, **must** report all child safety incidents and concerns internally. They **must** also report these to external authorities when required to do so by law or by College policy.

These policies and procedures make clear that reporting internally to or consulting with a Child Safe Officer does not change any obligation under legislation to report to an external authority.

## **The College's Response to Internal Reports**

The College will take appropriate, prompt action in response to all child safety incidents or concerns, including all allegations or disclosures of abuse or other harm, that are reported internally to the College, including by:

- externally reporting all matters that meet the required relevant thresholds to the Department of Communities and Justice (DCJ), the Office of the Children's Guardian, or the Police, depending on the issues raised
- reporting all child safety incidents or concerns that occur at or involve the College or its Staff, Volunteers and Contractors to Anglican Schools Corporation
- fully cooperating with any resulting investigation by an external agency and/or Anglican Schools Corporation
- protecting any student connected to the incident or concern until it is resolved and providing ongoing support to those affected
- taking particular measures in response to child safety incidents or concerns about an Aboriginal or Torres Strait Islander student, a student from a culturally and linguistically diverse background, a student with disability and other vulnerable students (such as students who are unable to live at home or LGBTQIA+ students)
- sharing information with, or requesting information from, external people or agencies as permitted or required by law
- securing and retaining records of the child safety incident or concern and the College's response to it
- taking broader actions to improve child safety at the College (including systemic reviews and resulting improvements).

Child safety incidents or concerns involving the conduct of a staff member, Volunteer or Contractor that are raised by a parent/carer or family or community member will be addressed in accordance with the policies and procedures in [Child Safe Complaints Management](#).

## **Implementation of Procedures for Responding to and Reporting Child Safety Incidents or Concerns**

All of the policies and procedures in this section of the Child Safe Program are made available to all Staff, Volunteers, and Contractors via the College's PolicyConnect site, and through the induction training and ongoing refresher training provided to Staff and to relevant Volunteers and Contractors. For more information, refer to [Child Safe Training](#).

The policies and procedures are made available to Staff, students, parents/carers and the wider College community in summary in our Child Safe Policy, which is available on our public website.

The College's responding and reporting policies and procedures are also summarised for students, parents/carers and other community members in our [Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct](#) and [Procedures for Managing Child Safety Incidents or Concerns At or Involving the College](#) which are also available on our public website.

They are also available in hard copy by request.

## Source of Obligation

- NSW Child Safe Standards, Standard 6
- National Principles for Child Safe Organisations, Principle 6
- Education Act 1990 (NSW), section 47(1)(g)

Legislative obligations relevant to specific policies and procedures in this section of the Child Safe Program are set out in the various policies.

## Managing Your Initial Response to a Child Safety Incident or Concern

This section of the Child Safe Program outlines, in its subsections, the College's policies regarding, and the procedures that Staff, Volunteers and Contractors (together referred to as "Staff" or "staff members" for the purposes of this section) should follow immediately after witnessing or being told about a child safety incident or concern.

The following subsections explain the ways that Staff may become aware that a student may be experiencing abuse or other harm, and strategies, guidelines, and requirements for responding to these situations and for assisting students involved.

- [Responding to an Emergency](#)
- [Preserving Evidence](#)
- [Documenting Your Observations and Actions](#)
- [Witnessing a Child Safety Incident](#)

- [Observing Indicators of Abuse and Other Harm](#)
- [Private Disclosure by a Student](#)
- [Public Disclosure by a Student](#)
- [Third Party Disclosure](#)
- [Disclosure by a Former Student](#)
- [Support Following Child Safety Incident or Disclosure](#)

## **Responding to an Emergency**

All Staff must act as soon as they witness a child safety incident or form a reasonable belief that a student has just been or is at immediate risk of being abused or harmed.

If a student has just been or is at immediate risk of being harmed, you must ensure their immediate safety by:

- separating alleged victims and others involved
- administering first aid
- calling 000 for urgent medical assistance or Police assistance to address immediate health and safety concerns
- notifying the Principal or the College Council Chair
- briefing the [Senior Child Safe Officer](#) to be the future liaison with the Police on the matter.

## **Preserving Evidence**

When a child or young person is harmed, or suspected to have been harmed, at the College or at a College event, preserving as much evidence as possible is crucial. Staff should take the following steps (provided that it is safe to do so):

- [Environment](#): do not clean up the area and preserve the sites where the alleged incident occurred.
- [Clothing](#): take steps to ensure that the person who has allegedly committed the abuse and the child or young person who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag.
- [Other physical items](#): ensure that items such as weapons, bedding and condoms are untouched.
- [Potential witnesses](#): reasonable precautions must be taken to prevent discussion of the incident between those involved in or witnesses of the alleged incident.

## **Documenting Your Observations and Actions**

It is critical that all Staff keep clear and comprehensive notes relating to any incidents, disclosures and allegations of child abuse and other harm. This information may be sought at a later date if there are court proceedings. Your notes may also assist you later if you're required to provide evidence to support your decisions regarding the handling of child safety incidents.

The College requires all Staff, Volunteers, and Contractors to record all child safety incidents and concerns, including observations, beliefs, suspicions, disclosures or allegations of child abuse, neglect or other harm.

For more information about how to record observations, disclosures or allegations refer to the [Child Safe Record Keeping](#) section of this Program.

## **Witnessing a Child Safety Incident**

Staff who witness an incident where they believe that a student has been subject to abuse or other harm you must take immediate action to protect the safety of the student/s involved.

Where there is an immediate risk to the health and/or safety of a student, follow the steps outlined in [Responding to an Emergency](#).

After the immediate health and safety of the student/s involved is ensured, follow any and all relevant procedures for [Responding to and Reporting Child Safety Incidents or Concerns](#).

## **Observing Indicators of Abuse and Other Harm**

The different definitions of child abuse or other harm and their key indicators are set out in detail in [Definitions and Key Indicators of Abuse and Other Harm](#).

The process of identifying child abuse or other harm purely through observation of these indicators can be complex and may occur over time. The complexity is magnified by the fact that many of the key indicators described may also occur as a result of other factors, not related to child abuse or other harm.

Further, whether a staff member can be said to have "observed" an indicator of abuse or other harm can, in some cases, be subjective, and can depend on the staff member's own skills, attributes and experiences.

Therefore, it is not possible for the College to require that all Staff respond in a particular way when they observe key indicators of abuse and other harm.

If you observe indicators that raise a concern that a student may be experiencing abuse or other harm, you should:

- make written notes of your observations recording both dates and times.
- discuss the matter with a [Child Safe Officer](#) who can assist you in clarifying your concerns and managing the next steps.

## Private Disclosure by a Student

### During the Disclosure

If a current student discloses a situation of abuse or other harm to Staff privately, they should stay calm and not display expressions of panic or shock.

Staff should reassure and support the student. You can do this by:

- stating clearly that the abuse or other harm is not the student's fault
- reassuring the student that you believe them
- telling the student that disclosing the matter is the right thing to do.

You should be patient and allow the student to talk at their own pace. When responding you should use the student's language and vocabulary.

Sometimes a student may try to elicit a promise from you that you will not tell anyone about the disclosure. You must not make this promise, as you are responsible for reporting the matter.

It is not your role to investigate the allegation. You should not interrogate the student and pressure them to tell you more than they want to.

### Responding to and Reporting the Disclosure

When a disclosure is made to a staff member, they **must**:

- report the matter internally to a [Child Safe Officer](#) or the Principal (or to the College Council Chair if the child safety incident or concern involves the Principal) as soon as possible
- comply with any external reporting requirements

- make written notes of the circumstances of the disclosure recording both dates and times. For more information, refer to [Child Safe Record Keeping](#).
- follow the steps set out in [Support Following Child Safety Incident or Disclosure](#).

## **Public Disclosure by a Student**

Public disclosure occurs where a staff member observes a student disclosing abuse or other harm to another student or group of students.

In this circumstance you should use a strategy of “protective interrupting”.

The aim of protective interrupting is to prevent a student from disclosing details of abuse or other harm in front of other students, while at the same time providing the student with the opportunity to disclose later, in a safe and confidential manner.

You can do this by:

- asking the student if you can talk privately
- moving the student away from the other students to a quiet space,

and then following the guidelines with respect to [Private Disclosure by a Student](#).

## **Third Party Disclosure**

A third party may provide Staff with information relating to a child safety concern/incident.

## **Key Definition**

### **Third Party**

A “third party” may be friend of the student, a family member or the parent/carer of another student.

## **During the Third Party Disclosure**

When a third party makes a disclosure, you should:

- listen to the person’s concerns seeking clarification where required
- thank the person for raising their concern
- advise the person that we have procedures for dealing with situations like this
- advise the person that you will discuss their concerns with the relevant authorities.

As with [Private Disclosure by a Student](#), you should reassure and support the person providing the information.

Sometimes a person may try to elicit a promise from you that you will not tell anyone about the allegation. You **must not** make this promise, as you are responsible for reporting the matter.

Remember that it is not your role to investigate the allegation. You should not interrogate the third party and pressure them to tell you more than they want to.

## Responding to and Reporting the Third Party Disclosure

When a third party disclosure is made to a staff member, they **must**:

- report the matter internally to a [Child Safe Officer](#) or the Principal (or to the College Council Chair if the child safety incident or concern involves the Principal) as soon as possible
- comply with any external reporting requirements
- make written notes of the circumstances of the disclosure recording both dates and times. For more information, refer to [Child Safe Record Keeping](#).

In some circumstances, such as when the disclosure relates to a child safety incident occurring at the College or a College event or the conduct of a staff member, a third party disclosure should be considered a child safe-related complaint and must be managed pursuant to [Child Safe Complaints Management](#).

### Disclosure by a Former Student

A former student of the College may come forward to a current staff member and disclose past abuse or other harm from their time at the College.

## Key Definitions

### Former Student

A former student of the College is a person who attended the College as a student but no longer does so. They may be a child or an adult.

### Historical Abuse or Other Harm



“Historical abuse or other harm” is abuse or other harm that is alleged to have occurred at or involved the College in the past. This could be months, years or even decades ago.

## Responding to and Reporting the Disclosure

Disclosures of historical abuse or other harm by a former student should be considered a Child Safe-related complaint and must be managed pursuant to Child Safe Complaints Management.

If you receive a disclosure from a former student about historical abuse or other harm that is alleged to have occurred at the College, you **must** also take any immediate actions that may be required, including but not limited to:

- if the former student is still a child or young person, you must follow any and all relevant policies and procedures for responding to and reporting child safety incidents or concerns, specifically the obligations you may have under:
  - Reporting a Child Safety Incident or Concern Internally
  - Duty to Protect/Failure to Protect
  - Mandatory Reporting to DCJ
  - Voluntary Reporting to DCJ
  - Reporting to Police
  - Reportable Conduct
- if the former student is an adult, you must still act. For example, if the disclosure includes an allegation against a current staff member or teacher at the College this may trigger obligations under the Duty to Protect/Failure to Protect policy to remove the risk of abuse or harm to current students.

### Support Following Child Safety Incident or Disclosure

Child safety incidents or concerns can cause trauma and significantly impact on the mental health and wellbeing of children and young people. In addition to reporting and referral to the relevant authorities, the College plays a central role in addressing this trauma and has a duty of care to ensure that the students feel safe and supported at College.

The College also has a duty of care to staff members who may witness a child safety incident or who receive a disclosure of child abuse and other harm.

## Key Definition

## Trauma Informed Care

Trauma informed care is an approach to providing support to victims that aims to do no harm, i.e. the process of providing support does not re-traumatise or blame victims for their efforts to manage their traumatic reactions and it embraces a message of hope and optimism that recovery is possible.

The core trauma-informed care principles, as described by the Blue Knot Foundation, are:

- Safety – emotional as well as physical
- Trust – being sensitive to people’s needs
- Choice – providing the opportunity for choice
- Collaboration – ‘doing with’ rather than ‘doing to’
- Empowerment – empowering people is a key focus
- Respect for Diversity – in all its forms.

## Support for the Student Immediately Following Incident or Disclosure

Staff members should take the steps outline below to support and assist a student after a child safety incident or a disclosure of child abuse or other harm is made.

The range of measures employed will depend on:

- the degree of severity of the situation
- the risk of harm to the student
- the capability and willingness of the parent/carer to protect the student from harm.

When a disclosure is made:

- do not promise the student that you will not tell anyone about the allegation
- do not confront the person believed to be the perpetrator
- reassure the student that it was the right thing to do to tell an adult

Steps following child safety incident or disclosure:

- tell the student what you plan to do next
- discuss the matter with a Child Safe Officer who will assist you in developing additional support strategies for the student
- whenever there are concerns that a student is in immediate danger, call the Police on 000.

## Ongoing Support for the Student and Family: Student Support Plan

If a student is impacted by a child safety incident or concern, a Child Safe Officer will work with the student, and their family where appropriate, to develop a Student Support Plan and engage external support services, using trauma-informed care principles.

Students and parents/carers are also able to contact a Child Safe Officer to access support.

## **Guidelines for Developing the Student Support Plan**

Support strategies that could be considered for students and/or their families following an incident or disclosure might include offering or organising referrals to internal or external support, such as the College Counsellor, bi-cultural workers and/or translators, or an external support agency and/or child advocacy organisation which specialises in supporting children and young people impacted by abuse or other harm.

When supporting a student with disability who has been impacted by a child safety incident or concern, the College considers:

- the chronological age, developmental age and cognitive function of the student in order to tailor developmentally appropriate support strategies
- the student's vulnerability to ongoing abuse and other harm when considering the need to make a further report and/or implement further risk mitigation strategies.

When supporting students from culturally diverse backgrounds, including Aboriginal or Torres Strait Islander students, the College provides culturally appropriate support. Where possible the College will work with relevant cultural support groups, ensure that the family's privacy is maintained, and engage an interpreter when communicating with the student's family.

Students from refugee backgrounds who have been impacted by abuse may also be experiencing trauma, dislocation and loss. Sensitive consideration should be given when determining how to support the student and their family.

## **Support for Former Students**

Staff members should take the following steps to support and assist a former student after a disclosure of past abuse or other harm during their time at College. The range of measures employed will depend on:

- the degree of severity of the situation
- the risk of harm to current students

- if the former student is still a child or young person, the capability and willingness of their parent/carer to support the former student.

When a disclosure is made:

- do not promise the former student that you will not tell anyone about the allegation
- do not confront the person believed to be the perpetrator
- reassure the former student that it was the right thing to do to tell College about the allegation.

Steps following disclosure:

- tell the former student what you plan to do next
- discuss the matter with a Child Safe Officer who can assist you in developing additional support strategies for the former student
- whenever there are concerns that there may be immediate danger, call the Police on 000.

Additional support strategies that could be considered, in consultation with a Child Safe Officer, for former students following disclosure might include offering or organising referrals to internal or external support, such as the College Counsellor, bi-cultural workers and/or translators, or an external support or advocacy organisation.

## **Support for Staff, Volunteers and Contractors**

Witnessing a child safety incident or receiving a disclosure of abuse or other harm can be a distressing experience for the staff members involved. The College assists impacted Staff, Volunteers and Contractors to access necessary support.

Refer to our Employee Assistance Program.

The College has also appointed one or more Child Safe Officers, including at least one Senior Child Safe Officer, who can support staff members, Volunteers and Contractors when responding to child safety issues and disclosures of abuse or other harm.

## **Procedures for Managing Child Safety Incidents or Concerns At or Involving the College**

### **Introduction**

Complaints about “child safety incidents or concerns” that are alleged to have occurred on College premises or at College events are managed in a different way to other complaints received by the

College. These kinds of complaints are instead managed using the same procedures that we use for managing incidents of or internal reports about this kind of behaviour.

This is because these kinds of incidents, complaints, allegations or concerns are all of a similar sensitive nature and raise potential privacy and confidentiality issues.

For the purposes of this policy, we use the terms “staff” and “staff member” to include all teaching and non-teaching staff, College Council members, volunteers, contractors and external providers.

## **Definition of Child Safety Incident or Concern**

We call **any** behaviour, that may:

- place a student “at risk of significant harm”, as defined in the Children and Young Persons (Care and Protection) Act 1997 (NSW)
- be, or place a student at risk of being the victim of, a “child abuse offence”, as defined in the Crimes Act 1900 (NSW)
- be “reportable conduct” by a staff member, as defined in the Children’s Guardian Act 2019 (NSW) (Children’s Guardian Act)
- be other “staff misconduct”, as defined in our Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct
- a breach of our Child Safe Codes of Conduct

a “child safety incident or concern”.

It does not matter whether the behaviour is by a staff member, another student, a parent/carer or any other person on College premises or at College events.

## **Breaches of the Child Safe Codes of Conduct**

Shellharbour Anglican College requires that all staff members, parents/carers, visitors and other adults in the College community comply with our **Child Safe Adult Code of Conduct**.

Staff members must also comply with our **Staff and Student Professional Boundaries** policy.

Students must comply with our **Student Code of Conduct**.

Any breach of these Child Safe Codes of Conduct is considered a child safety incident.

## **“Risk of Significant Harm” and “Child Abuse Offences”**

Our Child Safe policies set out the different definitions and key indicators of “risk of significant harm” and “child abuse offences”. The following is covered by these definitions and indicators:

- sexual abuse
- grooming and online grooming
- physical abuse
- significant emotional or psychological harm
- significant neglect.

In addition to family members, other adults associated with a student can subject the student to these behaviours, including staff members, other students and other people associated with the College.

## **Staff Misconduct and Reportable Conduct**

### Staff Misconduct

“Staff misconduct” is conduct by a staff member that:

- breaches the College’s Code of Conduct or other key policies/procedures
- displays purposeful neglect of duties/responsibilities
- involves alcohol and/or other substance abuse
- is physically, verbally or emotionally abusive
- endangers the safety or wellbeing of students or others at the College.

### Reportable Conduct

The Children’s Guardian Act defines “reportable conduct” as including:

- any sexual offence or sexual misconduct, committed against, with or in the presence of a child (including child pornography offences or an offence involving child abuse material) including grooming behaviours
- any assault, ill-treatment or neglect of a child
- any behaviour that causes significant emotional or psychological harm to a child.

Conduct by staff members that is reasonable in the circumstances or that is accidental is **not** reportable conduct.

## **Child Safety-Related Complaints**

It is critical that the broader College community tells us about all child safety incidents or concerns that occur at or otherwise involve the College. This enables the College to ensure the safety and wellbeing of students and to comply with its legislative reporting obligations.

We call reports made to the College about child safety incidents or concerns at or involving the College or its staff members a “Child Safety-related complaint.”

## **Making a Child Safety-Related Complaint to the College**

If you would like to make a Child safety-related complaint, you can do so by:

1. Sending an email to [principal@shellharbouac.nsw.edu.au](mailto:principal@shellharbouac.nsw.edu.au)
2. Writing a letter to the College addressed to the Principal
3. Telephoning the College and asking to speak to the Principal If the Principal is the subject of your complaint or allegation, please contact The College Council Chair, PO Box 4147, Shellharbour PO 2529. Mark the envelop 'Confidential'

## **Investigating and Managing Child safety-related Incidents and Complaints**

### **Immediate Actions**

Depending on the nature of the incident, complaint, allegation or concern, after receiving the internal report or the Child safety-related complaint, the College will – if required by law or by our Child safe policies and procedures – report the matter to the Department of Communities and Justice (DCJ), the Police, the Office of the Children’s Guardian and/or other relevant external agencies.

The College will conduct an initial risk assessment in consultation – if an external report has been made – with the Police or DCJ – to identify and mitigate any ongoing risks to student safety and wellbeing.

The College will also ensure that support is provided to any students, staff members and family members impacted by the incident, concern or complaint. In particular, we ensure that they are informed about advocacy and support services that may be available to assist them.

### **The Internal Investigation**

The College will then conduct an internal investigation of the incident or complaint, led by the Principal or an external investigator.

However, if DCJ or the Police are investigating the alleged conduct, that investigation takes precedence and the College's investigation will **only** proceed with their permission.

When conducting the internal investigation, the College follows the National Office of Child Safety's **Complaint Handling Guide: Upholding the Rights of Children and Young People**. The **flowchart** in the appendix sets out how these procedures work.

All internal investigations uphold the principles of procedural fairness and confidentiality – information is only shared with those who need to know.

## **Investigating and Managing Behaviour by a Student Against Another Student**

Responding to this kind of Child safety-related incident or complaint involves considering the College's duty of care both to any student who is a victim and to the student who is the alleged perpetrator, as well as to other students.

The Principal will follow our student discipline policies for these investigations.

## **Investigating and Managing Behaviour by Non-Staff Members on College Premises or at College Events**

Where the child safety incident, or the Child safety-related complaint, involves behaviour by a person who is neither a current or former College student nor a current or former staff member (for example they are a parent /carer or a visitor whose behaviour occurs on College premises or at a College event), the College's investigation is generally limited.

It may involve only the risk assessment and a subsequent review of our systems, policies and procedures to ensure the future safety and wellbeing of our students.

## **Investigating and Managing Complaints About Staff Misconduct and Reportable Conduct**

Our **Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct**, available on our public website, explain how the College investigates and manages these kinds of Child safety-related complaints.

## **Record Keeping About Investigations**

Records are kept at each step of the investigation process including:



- records received or created during investigations (such as notes of interviews and documents received)
- records of findings
- records of actions proposed and taken.

These are kept in a safe and secure location.

Reviews of Investigation Procedures and Outcomes

## **Internal Reviews**

Staff members, students and parents/carers of students who are involved in the Child safety-related complaint and who are not satisfied with an internal investigation or its outcome may request an internal review of:

- the procedures undertaken
- findings made
- disciplinary actions proposed or taken; and/or
- other outcomes (including a decision not to make a finding or to take disciplinary or other action).

Requests for internal reviews should be made to the Principal, email [principal@shellharbourac.nsw.edu.au](mailto:principal@shellharbourac.nsw.edu.au)

## **External Reviews for Overseas Students**

If an overseas student is not satisfied with the outcome of the College's internal investigation, they may lodge an external appeal through the Overseas Students Ombudsman (OSO) which investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The services of the OSO are free. The contact details for the OSO are as follows:

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Call: 1300 362 072 within Australia. Outside Australia call +61 2 6276 0111.

Enquiries: 9:00am to 5:00pm Monday to Friday, Australian Eastern Standard Time (Australian Eastern Daylight Time when daylight savings is in effect)

Postal: Commonwealth Ombudsman, GPO Box 442 Canberra ACT 2601.

Website: <https://www.ombudsman.gov.au/How-we-can-help/overseas-students>

Shellharbour Anglican College agrees to be bound to the OSO's recommendations, and will ensure that any recommendations made are implemented within 30 days of receipts of the report.

### Disclosing Information to the College Community

The College will consult with any relevant external agencies (such as DCJ or Police) to determine when, what and by whom information can be shared.

## Sharing Information With Parents/Carers and Students

The parent/carer of a student who is an alleged victim of a Child safety-related complaint, or any child safety incident or concern occurring at or involving the College, has a legitimate interest in being told that their child is an alleged victim and of the nature of the incident, complaint or allegation.

The parent/carer and student also has a legitimate interest in being informed of the process, progress and findings of any investigation, and of any action that might be taken after the investigation is completed.

However, special issues may arise that require an adjustment to normal information sharing practices. Legal impediments may impact the timeliness of disclosing information, the type or amount of information that is disclosed and to whom the information is disclosed, particularly in the case of incidents or allegations of staff misconduct and reportable conduct.

## Sharing Information With the Wider College Community

The College takes great care to assess the relevance and appropriateness of sharing information about a child safety incident or concern, or a Child safety-related complaint, before providing any information about it to the wider College community. This is because even the confirmation of an incident or allegation can lead to the identification of a victim.

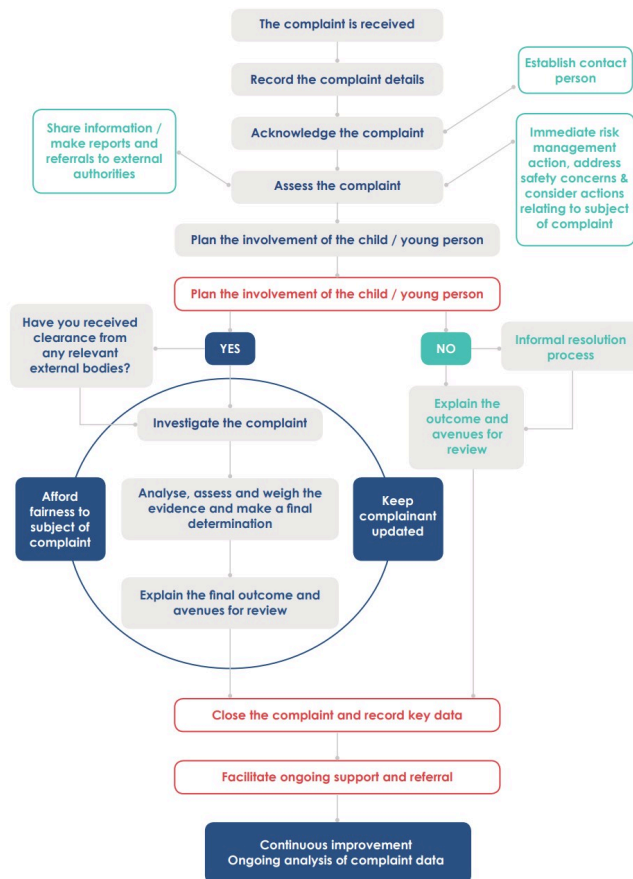
Information that may identify the victim of the incident, concern or complaint will not be shared with the wider College community without the consent of the victim and/or their parent/carer.

## Where to Find More Information

For more information about our policies and procedures relating to the College’s management of child safety incidents or concerns occurring at or involving the College or its staff members, Child safety-related complaints, or complaints handling generally, please contact **Mr Adam Lear, Deputy Principal, People and Culture**

## Appendix

### Complaint Handling: Upholding the rights of children and young people (an overview)



National Office for Child Safety, 2019, Complaint Handling Guide: Upholding the rights of children and young people [ONLINE], Available at: <https://childsafety.pmc.gov.au/sites/default/files/2020-09/nocs-complaint-handling-guide.pdf>

This policy was developed and approved 17 January 2023

## Reporting a Child Safety Incident or Concern Internally

This section of the Child Safe Program outlines when and how Staff, Volunteers and Contractors (together referred to as “Staff” or “staff members” for the purposes of this Policy) must report child safety incidents or concerns internally to the College.

While the Principal delegates certain responsibilities for receiving and managing internal reports to certain staff members, the Principal retains ultimate responsibility and accountability for the internal reporting process.

***It is important to remember at all times that the safety and welfare of the student are paramount.***

## Obtain Advice

Child safety situations can be very complex, not only from the perspective of ascertaining whether abuse or other harm has occurred but also in understanding what steps to take to protect the student/s involved.

If you suspect that a student may be experiencing abuse or other harm or that their safety may be at risk, but you are unsure whether your concern rises to the levels required for external reporting to the relevant authority, you should immediately raise your concerns with a Child Safe Officer. They can assist you in clarifying your concerns and managing the next steps.

You may at any time also or instead seek advice from the Principal, the Department of Communities and Justice (DCJ) or the Police.

## Internal Reporting Procedure

All Staff **may at any time** report **any** concerns that a child or young person has been, is being or is at risk of being abused or otherwise harmed to a Child Safe Officer, the Principal, DCJ or Police.

All Staff who know or have reasonable grounds to suspect that a student:

- has been, is being or is at risk of being abused or otherwise harmed; or
- is at risk of significant harm, for any reason,

such that Mandatory Reporting to DCJ or Reporting to Police is required, must – in addition to reporting externally – report the matter internally.

These internal reports can be made to a Child Safe Officer or the Principal.

If the child safety incident or concern involves Reportable Conduct by an employee, then you must report directly to the Principal, following the procedures for Reportable Conduct for Staff: Making a Reportable Conduct Report Internally.

If the matter involves the Principal, you must instead report internally to the College Council Chair.

Staff must document their internal report. For more information, refer to Child Safe Record Keeping.

In addition to reporting internally, Staff **must** also follow any appropriate external reporting procedures listed below.

- Duty to Protect/Failure to Protect
- Mandatory Reporting to DCJ
- Voluntary Reporting to DCJ
- Reportable Conduct
- Reporting to Police.

Reporting the matter internally does not release any staff member from other legal, regulatory or policy reporting obligations that may arise from the child safety concern.

Note that these external reporting obligations apply even if the Principal, the College Council Chair, or a Child Safe Officer to whom you have reported internally advises you not to report externally, but your concerns reach the threshold required for the external report.

## Internal Reporting to Anglican Schools Corporation

Child Safe incidents or reports that meet the definition of a 'significant incident' as defined in the ASC Board approved "Reporting Significant Matters to the Board Policy" must be reported to the ASC Board in accordance with the "Reporting Significant Matters to the Board Policy".

### Duty to Protect-Failure to Protect

Key terms in this Policy are **bolded**, and their definitions are listed at the end of this page.

## Source of Obligation

### The Common Law Duty to Protect

The College has a common law duty of care to protect all students from **reasonably foreseeable risks of harm** while at the College or engaging in College activities.

The College expects all Staff, Volunteers and Contractors to act to protect students from reasonably foreseeable risks of harm, including risks of harm that may arise from Staff, Volunteers and Contractors and other people who are associated with the College (such as other students and Visitors).

Failure to do this is not only a breach of your duty of care, but may also be, in certain circumstances, a criminal offence.

## **The Statutory Duty to Prevent Physical or Sexual Abuse**

Section 6F of the Civil Liability Act 2002 (NSW) (Civil Liability Act) imposes a duty of care on certain organisations (including schools) to take reasonable precautions to prevent an individual associated with the organisation from perpetrating physical or sexual abuse of a child (aged under 18) in connection with the organisation's responsibility for the child.

The Civil Liability Act is the principal legislation governing claims for damages for economic and non-economic loss arising from personal injury and death in NSW, as a result of negligence or fault. It is through the Civil Liability Act that child abuse victims may claim compensation for loss arising from child abuse and other harm.

Under section 6F of the Civil Liability Act, if the College is involved in a claim for damages arising from child abuse, the Court will presume that the College has breached its duty of care unless the College establishes that it took reasonable precautions to prevent the abuse.

Sections 6G and 6H of the Civil Liability Act hold certain organisations (including schools) vicariously liable for sexual or physical abuse of a child perpetrated by employees and other individuals who are akin to employees.

## **The Criminal Offence of Failure to Protect**

Under section 43B of the Crimes Act 1900 (NSW) (Crimes Act), an adult (aged 18 or over) who works (whether as an employee, Contractor, Volunteer or otherwise) at the College will commit a criminal offence if they:

- **know** that another adult who is engaged in **child-related work** at the College:
  - poses a **serious risk** of committing a **child abuse offence**,

- against a child (aged under 18) who is under the care, supervision or authority of the College; and
- have, by reason of their position, the power or responsibility to reduce or remove that risk; and
- negligently fail to do so.

This criminal offence is commonly known as “Failure to Protect”, although its full title is “Failure to reduce or remove risk of child becoming victim of child abuse”.

In the College context, the Failure to Protect offence means that action must be taken, by any adult staff member, Volunteer or Contractor who has the power or responsibility to do so, to protect students aged under 18 from a **known serious risk** of becoming the victim of a **child abuse offence** by another adult staff member, Direct Contact Volunteer or Direct Contact Contractor at the College (as these people are all considered to be “engaged in child-related work”).

## Shellharbour Anglican College's Policy – Obligations of Staff, Volunteers and Contractors

Staff, Volunteers and Contractors at the College must comply with their obligations under the common law duty to protect and the Failure to Protect offence.

To ensure that these obligations are met, and to help the College comply with its own statutory duty to prevent physical or sexual abuse, it is the College’s policy that if you **know** that a person associated with the College poses a **serious risk** of committing a **child abuse offence** against a student aged under 18 or a **reasonably foreseeable risk** of any kind of abuse or other harm to a student, you **must** take actions to reduce or remove that risk that are within your power or responsibilities to take.

In addition, you **must** report the matter directly to the Principal (or the College Council Chair if the adult who poses the risk is the Principal).

You **must** also follow the appropriate external reporting procedures. In particular, knowledge that an adult working at the College poses a serious risk of committing a child abuse offence against a student or a foreseeable risk of other kinds of abuse or other harm to a student may require reporting under:

- [Mandatory Reporting to DCJ](#)
- [Voluntary Reporting to DCJ](#)
- [Reporting to Police](#)

- Reportable Conduct

You **must** document the actions taken to protect students, your internal report and any external reports. For more information, refer to Child Safe Record Keeping.

## Who Has the Power or Responsibility to Act to Protect Students?

Whether a staff member, Volunteer or Contractor at the College has “power or responsibility to reduce or remove the risk” to a student will depend on their role at the College, the source of the risk and the action that is required to protect the student.

In a normal school context, the Principal and members of the Executive Leadership Team would **always** have the necessary degree of supervision, power and responsibility to remove or reduce a risk posed by a person associated with the College.

However, on a day to day basis, and on tours, excursions, or camps, others at the College may have the requisite power and responsibility.

Examples of other people who may have the power and responsibility, by reason of their position, to take action to protect a student from a person associated with the College could include:

- Anglican Schools Corporation Board and College Council members
- teachers
- Volunteers or Contractors where they are in a position of supervision over students or over other Staff, Volunteers or Contractors.

## When Should Action be Taken?

The Failure to Protect offence means that any adult staff member, Volunteer or Contractor who has the requisite power or responsibility must act when they:

- **know** that there is a **serious risk** that a student or students may become the victim of a **child abuse offence**, and
- the risk is caused by another **person who engages in child-related work for the College**.

In addition, it is the College’s policy that that any staff member, Volunteer or Contractor who has the requisite power or responsibility must act when they:

- **know** that any person associated with the College



- poses a **reasonably foreseeable risk** of any kind of abuse or other harm to a student.

Action must be taken as soon as the risk becomes known.

## **Actions That Can Be Taken to Reduce or Remove the Risk**

Where any staff member, Volunteer, or Contractor becomes aware that another adult working at College poses a serious risk of committing a child abuse offence, or that any person associated with the College poses a reasonably foreseeable risk of abuse or other harm, against a student or students under their care, they should immediately:

- take any and all reasonable steps to remove or reduce the risk to the student or students\*\*
- report the matter to the Principal (or the College Council Chair if the allegation is about the Principal), as soon as practicable
- record the report according to our [Child Safe Record Keeping](#) procedures
- report to external authorities, if appropriate.

\*\*Appropriate action that can be taken to protect students from a serious risk of a child abuse offence or a foreseeable risk of abuse or other harm may include, for example:

- immediately removing a current staff member, Direct Contact Volunteer or Direct Contact Contractor who is known to pose a risk of physical abuse to students from contact with students and reporting to external authorities
- banning a parent who is known to pose a risk of emotional or psychological harm to students from attending excursions as a parent helper.

Whenever there are concerns that a student is in immediate danger, call the Police on 000.

## **Key Definitions**

### **Know**

“Know” is not defined in the Crimes Act 1900. It is likely to be more than holding a tentative belief or mere suspicion. For example, under NSW common law and under Commonwealth criminal law, a person has ‘knowledge of’ a circumstance if “he or she is aware that it exists or will exist in the ordinary course of events”.

If a person with the power and responsibility to act, by reason of their position at College, has a suspicion or belief (rather than ‘knowledge’) that students are at risk of harm from an adult working

at the College they should take steps to follow up on that suspicion or belief by investigating further and should raise the issue with a Child Safe Officer.

## **Reasonably Foreseeable Risk of Harm**

Section 5B of the Civil Liability Act 2002 (NSW) defines a “foreseeable risk of harm” as a risk that a person knew or ought to have known about.

Whether a risk of harm is “reasonably foreseeable” is not about the probability of the harm occurring, although the more likely the harm is, the more readily it should be perceived – by a reasonable person – to be a risk. However, harm that is unlikely to occur can still be a risk of harm that should be reasonably foreseeable.

A reasonably foreseeable risk of harm is therefore one that is not far-fetched or fanciful.

## **Serious Risk**

A “serious risk” is not defined in the Crimes Act. It is likely that a serious risk would mean that a reasonable person would consider, on the balance of probabilities, that the risk of a child abuse offence being committed against the student to be probable.

A number of factors could contribute to determining if a risk is a serious risk, including:

- the likelihood or probability that a student will become the victim of a child abuse offence
- the nature of the relationship between a student and the adult who may pose a risk to the student
- the background of the adult who may pose a risk to the student, including any past or alleged misconduct
- any vulnerabilities particular to a student which may increase the risk that they may become the victim of a child abuse offence
- any other relevant fact which may indicate a serious risk of a child abuse offence being committed against a student.

A person with the power or responsibility to act, by reason of their position should not wait for a student to be actually harmed before acting.

## **Child Abuse Offence**

The list of “child abuse offences” that are captured by the Failure to Protect offence is extensive.

It includes sexual offences such as sexual acts, sexual intercourse, sexual touching, production of child abuse material, voyeurism and grooming offences or attempts to commit those offences.

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

For more information on what is a child abuse offence, refer to [Offences under the Crimes Act 1900 \(NSW\)](#).

## Child-related work

“Child-related work”, for the purposes of the Failure to Protect offence, has the same meaning as in the Child Protection (Working with Children) Act 2012 (NSW). Therefore, the workers from whom a student must be protected include:

- College Council Chair members
- the Executive Leadership Team, including the Principal
- all Staff (including teaching and non-teaching Staff)
- Direct Contact Volunteers (other than parents, except in certain circumstances)
- Direct Contract Contractors
- External Education Providers.

For more information, refer to [Working with Children Checks](#).

## Mandatory Reporting to DCJ

Key terms in this Policy are **bolded**, and their definitions are listed at the end of this page.

This Policy must be read in conjunction with the [Definitions and Key Indicators of Abuse and Other Harm](#), [Reporting a Child Safety Concern Internally](#), [Reportable Conduct](#) and [Reporting to Police](#).

## Source of Obligation

Section 27 of the Children and Young Persons (Care and Protection) Act 1998 (NSW) (Care and Protection Act) requires that certain people must make a report to the Department of Communities and Justice (DCJ) if they:

- have **reasonable grounds to suspect** that a child (aged under 16) is, or a particular group of children are, **at risk of significant harm**; and
- those grounds arise **during the course of the person's work**.

These people are called Mandatory Reporters.

Failure by a Mandatory Reporter to make a Mandatory Report is an offence.

A Memorandum of Understanding (MOU) between DCJ, Catholic Schools NSW and the Association of Independent Schools of NSW (AISNSW) enables centralised Mandatory Reporting via the Principal. The MOU applies to non-government schools co-ordinated and represented by the CECNSW or AISNSW and its procedures are referenced in this Policy.

## Who is a Mandatory Reporter?

In NSW, the following people are Mandatory Reporters:

- anyone who in the course of their professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement wholly or partly to children
- anyone who holds a management position in an organisation and whose duties include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement wholly or partly to children
- anyone in religious ministry or who provides religion-based activities to children
- all registered psychologists, when providing professional services as a psychologist.

This means that at Shellharbour Anglican College, the following persons are the most likely Mandatory Reporters:

- Anglican Schools Corporation Board and College Council members
- the Principal
- the Executive Leadership Team
- all teachers, including casual or temporary teachers
- all other paid employees at the College who interact with students
- any person in religious ministry (such as clergy) or other religious leadership roles (including voluntary roles)
- any Staff, Volunteers or Contractors who provide religion-based activities to children
- Direct Contact Contractors

- the College nurses

It is the responsibility of other Staff, Volunteers, Contractors or members of the College community to check whether they are Mandatory Reporters under child protection legislation.

## Application to Students Aged 16 or Over

The legislative requirements for Mandatory Reporting to DCJ apply only with respect to children aged under 16. Therefore, reasonable grounds to suspect that a student aged 16 or over may be at risk of significant harm cannot be the subject of a Mandatory Report. However, concerns about students aged 16 and 17 can still be reported to DCJ. For more information, refer to [Voluntary Reporting to DCJ](#).

In fact, the College requires that Mandatory Reporters **must** make a report when they have reasonable grounds to suspect that a young person (aged 16 or 17) is at risk of significant harm, and those grounds arose during the course of your work.

Reasonable suspicions, or even knowledge, of abuse or other harm of a student aged 18 years or older cannot be reported to DCJ. This should instead be reported to Police. Reporting to Police for students aged 18 or over can only occur if the student consents to the report or, if they do not consent, to lessen or prevent a serious or imminent threat to an individual's like, health, safety or welfare. For more information, refer to [Reporting to Police](#) and [Information Sharing with Consent](#).

It is the College's policy that all child safety incidents and concerns involving a student, including those involving students aged 16 and over, must be reported internally. Therefore, even if an external report is not possible, staff members have the same internal reporting obligations with respect to reasonable grounds to suspect that student aged 16 or over is at risk of significant harm as they do for students under 16. For more information, refer to [Reporting a Child Safety Incident or Concern Internally](#).

## Reporting by Non-Mandatory Reporters

Staff, Volunteers and Contractors who are not Mandatory Reporters, can still make a report to DCJ if they have reasonable grounds to suspect that a child (aged under 16) is, or a particular group of children are, at risk of significant harm. For more information, refer to [Voluntary Reporting to DCJ](#).

All College Staff, Volunteers and Contractors who have child safety concerns about a student should notify a College Child Safe Officer as soon as possible to discuss their concerns and next steps. For

more information, refer to [Reporting a Child Safety Incident or Concern Internally](#).

Even if you are not a Mandatory Reporter to DCJ under child protection legislation, you may still be required to make an external report to other agencies under other legislation or under our Child Safe Program. For more information, refer to [Reporting to Police](#).

## When to Make a Mandatory Report

If you are a Mandatory Reporter, you must make a Mandatory Report to DCJ when you have **reasonable grounds to suspect** that a child is, or a particular group of children are, at **risk of significant harm**, and those grounds arose **during the course of your work**.

If you have concerns that a child or young person has been or is at risk of being abused or otherwise harmed, you must use the Mandatory Reporter Guide (MRG) to determine whether or not your concerns reach the Risk of Significant Harm (ROSH) threshold.

The MRG can be accessed [here](#).

If your concerns do reach the ROSH threshold, you must make a report as soon as practicable after you consider that you have the required reasonable grounds to suspect the significant risk of harm.

If your concerns reach the ROSH threshold, you must make a report even if you have discussed the matter with a Child Safe Officer or the Principal and they do not share your belief that a report must be made.

You must make any additional reports if you become aware of any further reasonable grounds to suspect the significant risk of harm. For more information, refer to [Making Additional Reports](#).

## What if I am unsure if I have a 'reasonable ground to suspect' or if the risk of harm is 'significant'?

If you are concerned that a student may be experiencing abuse or other harm, or their safety may be at risk, but you are unsure whether your concern rises to the level of "reasonable grounds to suspect that a child is at risk of significant harm", you should immediately raise your concerns with a [Child Safe Officer](#). They can assist you in clarifying your concerns and managing the next steps.

You can also use the Mandatory Reporter Guide (MRG) to determine whether or not your concerns reach the Risk of Significant Harm (ROSH) threshold.

The MRG can be accessed [here](#).

For more information, refer to [Responding to Other Concerns About the Wellbeing of a Student](#).

## **How to Make a Mandatory Report**

### **Making a Mandatory Report Under the MOU**

In accordance with the terms of the MOU, where a Mandatory Reporter forms a reasonable belief that a child is at risk of significant harm, they must make a report either directly to DCJ or to the Principal, who will then make the necessary report to DCJ.

Should the allegation involve the Principal, the internal report must be made to the Principal's supervisor, who is the Chair of School Council.

The Principal, or their supervisor, must make the required Mandatory Report to DCJ and must provide feedback to the Mandatory Reporter that the report to DCJ has been made. Mandatory Reporters are encouraged to follow up with the Principal or their supervisor if a reasonable time has passed and they haven't received such feedback.

Nothing in the MOU precludes any person at the College, including Mandatory Reporters, from making a report directly to DCJ.

### **Making a Mandatory Report Directly to DCJ**

Concerns that require immediate attention should be made by calling the DCJ Child Protection Helpline on 132 111 or, if the child is in immediate danger or in a life-threatening situation, by calling the NSW Police on 000.

Shellharbour Anglican College is registered to lodge Reports via the DCJ Report Portal. Please contact the Principal should you wish to lodge an Report.

When preparing to make a Mandatory Report, to assist DCJ you should have available all information about the circumstances that supported your decision to report the matter, as well as the following information:

- full name, date of birth (or approximate age), address and phone number of the child or children you are concerned about

- full name (including any known aliases), approximate age, address and phone number of the parents/or carers
- a description of the child and their current whereabouts
- why you suspect the child is at risk of significant harm (what you have seen, heard or been told)
- whether a language or sign interpreter may be required
- cultural identity, including whether the child identifies as Aboriginal or Torres Strait Islander
- whether support is required for a person with a disability or an Aboriginal agency is involved
- your name and contact details

Sometimes all of this information will not be known to the reporter. At a minimum, you will need to provide DCJ with enough information to identify and locate the child.

Additionally, if you have it, you should provide DCJ with any information you may have about the child's reaction or likely reaction to the report to enable DCJ to take into account any view or wish expressed by the child, including their opposition to the report being made.

## **What Happens After I Make a Report?**

The Child Protection Helpline will assess the information that is provided, along with information that may be known to DCJ, to determine whether the child is actually at risk of significant harm.

Mandatory Reporters will be informed of the action that will be taken by DCJ in writing, including whether the report met the ROSH threshold and/or whether no further action was recommended.

Mandatory Reporters should note that the MRG is a tool that assists Mandatory Reporters to make an appropriate reporting decision. It is not designed to determine whether the matter involves an actual risk of significant harm. If a decision is made by DCJ that a report did not meet the ROSH threshold, even though the Mandatory Reporter used the MRG to guide the making of the report, this does not necessarily mean that the report should not have been made. Ultimately, every report made that raises a concern that a child or particular group of children is at risk of significant harm is in their best interests.

After making their report to the Child Protection Helpline, Mandatory Reporters must continue to respond to the needs of the child within the terms of their work role. This may include making a report to Police and/or arranging for medical care.

## **Record Keeping about Mandatory Reports**



When a Mandatory Report is made:

- by a staff member, Volunteer or Contractor directly to DCJ;
- by a staff member, Volunteer or Contractor to the Principal, or their supervisor, under the MOU; and/or
- by the Principal or their supervisor to DCJ under the MOU,

this must be recorded.

For more information on how to record Mandatory Reports, refer to [Child Safe Record Keeping](#).

However, if the person who made the Mandatory Report does not wish to be identified in the College's records, there are legislative protections for that person under the Care and Protection Act. The College will take all reasonable steps to de-identify that information in the event that this is necessary. For more information, refer to [Confidentiality and Privacy](#).

## **Mandatory Reporting to DCJ and Other Reporting Obligations**

Although a reasonable belief that a child or young person has been physically or sexually abused (i.e. they are a victim of a child abuse offence) would normally require to [Reporting to Police](#), you do not also need to report to Police if you make a Mandatory Report to DCJ. This is because DCJ notifies Police of all allegations of child abuse that amount to a child abuse offence and that it receives. However, you may still need to make a Report to Police if you have further information. You will also need to [report this internally](#).

A reasonable belief that a child has been physically or sexually abused by a staff member, Volunteer or Contractor must be reported to DCJ as a Mandatory Report as well as both internally and externally in accordance with [Reportable Conduct](#).

## **Key Definitions**

### **During the Course of the Person's Work**

The meaning of this phrase is not defined in the Care and Protection Act. It likely means that the reasonable grounds to suspect that the child is at risk of serious harm must arise as a result of the Mandatory Reporter's duties at or for the College. This includes duties that occur at College events that take place outside College grounds, such as sporting competitions, excursions and camps.

Incidents or concerns that arise outside of these duties (for example, while doing personal shopping outside school hours, a teacher witnesses a child being physically abused by their parent) do not fall into Mandatory Reporting requirements. The teacher can still make a Voluntary Report to DCJ but would not be subject to criminal charges if they fail to do so.

## **Reasonable Grounds to Suspect**

The concept of reasonable grounds to suspect requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure that their concerns are well founded and based on information from a reliable source. There may be reasonable grounds to suspect that a child or young person is at risk of significant harm if:

- a student states they have been physically or sexually abused
- a student states that they know someone who has been physically or sexually abused
- someone who knows the student states that the student has been physically or sexually abused
- a student shows signs of being physically or sexually abused
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a student's safety, stability or development
- the staff member observes signs of abuse or other harm, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- a student's actions or behaviour indicate that they may be at risk of significant harm and the student's parents are unwilling or unable to protect the student.

Grounds for belief include matters of which a person has become aware and any opinions based on those matters.

## **Risk of Significant Harm (ROSH)**

Significant harm is not minor or trivial. It is harm that may reasonably be expected to produce a substantial and demonstrably adverse impact on the student's safety, welfare or wellbeing.

Significant harm can result from a single act or omission or an accumulation of these.

Under the Care and Protection Act, the risk of significant harm must be as a result of one or more of the following circumstances:

- the child or young person’s basic physical or psychological needs are not being met or are at risk of not being met
- the parents/carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care
- the parents/carers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with the Education Act 1990 (NSW)
- the child or young person has been or is at risk of being physically or sexually abused or ill-treated
- the child or young person is living in a household where there have been incidents of domestic violence and as a consequence the child or young person is at risk of serious physical or psychological harm
- a parent/carer has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious physical or psychological harm
- the child was the subject of a pre-natal report (because there were reasonable grounds to suspect that the child could be at risk of significant harm after his or her birth) but the birth mother did not engage successfully with support services to eliminate or minimise that risk.

Additional grounds for making a Mandatory Report to DCJ, which are not included in the Care and Protection Act, are listed in the MRG, and include “Danger to Self or Others”, “Relinquishing Care” and “Unborn Child”. Refer to the MRG for more information on these grounds for making a Mandatory Report.

The circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person must be present “to a significant extent”.

“Significant” means sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

To assist in identifying whether a student may be at risk of significant harm, refer to the [Definitions and Key Indicators of Abuse and Other Harm](#).

## **Voluntary Reporting to DCJ**

Key terms in this Policy are bolded, and their definitions are the same as those set out in [Mandatory Reporting to DCJ](#).

This Policy deals with the reporting of child safety incidents or concerns to the Department of Communities and Justice (DCJ) when that reporting is not legally required under the Children and

Young Persons (Care and Protection) Act 1998 (NSW) (Care and Protection Act). You should make a Voluntary Report to DCJ under this Policy only if you do not have an obligation to report under [Mandatory Reporting to DCJ](#).

This Policy must be read in conjunction with the [Definitions and Key Indicators of Abuse and Other Harm](#), [Reporting a Child Safety Concern Internally](#), [Reportable Conduct](#) and [Reporting to Police](#).

## Source of Obligation

Under section 24 of the Care and Protection Act, any person (including all members of the College community) may make a report to the DCJ if they have **reasonable grounds to suspect** that a child or young person (aged under 18), or a particular group of children or young persons, are at **risk of significant harm**.

We call this Voluntary Reporting to DCJ.

Because Mandatory Reporting to DCJ applies only to children under the age of 16, Voluntary Reports to DCJ can be made about young people aged 16 and 17 who are at risk of significant harm.

## Reporting Abuse and Other Harm of Students Aged 16 or Over – Shellharbour Anglican College's Policy

It is the College's policy that, in addition to their Mandatory Reporting obligations, Staff, Volunteers and Contractors at the College who are Mandatory Reporters and who have reasonable grounds to suspect that a young person aged 16 or 17 attending the College is at risk of significant harm, **must** make a report to DCJ under section 24 of the Care and Protection Act as soon as practicable.

Wherever possible, this should be done with the consent of the young person. For more information, refer to [Information Sharing with Consent](#) and [Information Sharing Without Consent](#).

Reasonable knowledge or suspicions, or even knowledge, of abuse or other harm of a student aged 18 years or older cannot be reported to DCJ. These should instead be reported to Police. Reporting to Police for students aged 18 or over can only occur if the student consents to the report or, if they do not consent, to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare. For more information, refer to [Reporting to Police](#), [Information Sharing With Consent](#) and [Information Sharing Without Consent](#).

It is the College's policy that all child safety incidents and concerns involving a student, including those involving students aged 16 or over, must be reported internally, regardless of whether or not a report is made to DCJ. For more information, refer to [Reporting a Child Safety Incident or Concern Internally](#).

## **Voluntary Reporting by Non-Mandatory Reporters**

Anyone who suspects, on reasonable grounds, that a child or young person is at risk of significant harm can make a Voluntary Report to DCJ. You do not need to prove that the abuse or other harm, has taken place.

If you make a report in good faith, you cannot be held legally liable regardless of the outcome of the report. For more information, refer to [Confidentiality and Privacy](#).

Even if you are not a Mandatory Reporter to DCJ under child protection legislation, you may still be required to make an external report to other agencies under other legislation. For more information, refer to [Reporting to Police](#) and [Reportable Conduct](#).

## **When to Make a Voluntary Report to DCJ**

It is the College's policy that, where a Voluntary Report is to be made, it must be made without delay as soon as practicable after the reasonable grounds to suspect that the child or young person is at risk of significant harm arose. This must be done regardless of any other action that you take in relation to the child or young person.

## **What if I am unsure if I have a 'reasonable ground to suspect' or if the risk of harm is 'significant'?**

If you are concerned that a student may be experiencing abuse or other harm, or their safety may be at risk, but you are unsure whether your concern rises to the level of "reasonable grounds to suspect that a child is at risk of significant harm", you should immediately raise your concerns with a [Child Safe Officer](#). They can assist you in clarifying your concerns and managing the next steps.

Mandatory Reporters can also use the Mandatory Reporter Guide (MRG) to determine whether or not their concerns reach the Risk of Significant Harm (ROSH) threshold.

The MRG can be accessed [here](#).

For more information, refer to [Responding to Other Concerns About the Wellbeing of a Student](#).

## How to Make a Voluntary Report

If you suspect on reasonable grounds that a child or young person is suffering abuse or other harm, or you wish to discuss your concerns about a child or young person, you can call the Child Protection Helpline on 132 111 or 1800 212 936 (24 hours a day, 7 days a week).

If you need to report an offence that requires immediate Police attention, call the Police on 000.

For more information, support or advice on reporting you can contact a College Child Safe Officer, the Principal, or the Child Protection Helpline on 132 111 or 1800 212 936.

## Record Keeping about Voluntary Reports to DCJ

When a Voluntary Report to DCJ is made in response to a child safety incident or concern, this must be recorded. For more information about how to record Voluntary Reports, refer to [Child Safe Record Keeping](#).

## Reporting to Police

Key terms in this Policy are **bolded**, and their definitions are listed at the end of this page.

This Policy must be read in conjunction with [Definitions and Key Indicators of Abuse and Other Harm](#), [Reporting a Child Safety Incident or Concern Internally](#), [Mandatory Reporting to DCJ](#), and [Reportable Conduct](#).

## Mandatory Reporting to Police (Failure to Report)

### Source of Obligation

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

- **knows, believes or reasonably ought** to know that a **child abuse offence** has been committed against another person; and
- **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 or 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.

Failure to report this information to the Police without reasonable excuse is a criminal offence and carries a prison term.

This criminal offence is commonly known as “Failure to Report,” though its full title is “Concealing a child abuse offence.”

We call this reporting obligation Mandatory Reporting to Police.

Mandatory Reporting to Police applies to everyone in NSW aged 18 years or over.

## **Who at the College Must Report to Police?**

Mandatory Reporting to Police applies to all Staff, Volunteers, Contractors, parents/carers and students aged 18 and over at the College.

## **What Must Be Reported?**

All information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender must be reported to Police.

As children aged 10 or over can commit a criminal offence, information about sexual offences that are committed by children aged 10 or over against other children must be reported to Police. For more information, refer to [Recognising and Responding to Sexual Behaviour in Children and Young People](#).

## **Reasonable Excuse for Not Reporting to Police**

You will not need to report to Police if you have a reasonable excuse for not doing so. Under the Crimes Act, a reasonable excuse includes:

- believing, on reasonable grounds, that the Police already know the information
- making a mandatory report under [Mandatory Reporting to DCJ](#) laws or believing on reasonable grounds that another person has done so
- reporting the information to the Office of the Children’s Guardian under [Reportable Conduct](#) laws or believing on reasonable grounds that another person has done so

- having reasonable grounds to fear for the safety of the person or any other person (other than the offender) if the information were to be reported to the Police
- the information was obtained (received or become aware of) by the person when they were under the age of 18 years
- 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 if you are concerned about the interests (including the reputation, legal liability or financial status) of:

- the person who may have committed a child abuse offence
- any organisation (such as the College).

## Non-Mandatory Reporting to Police

Although not required by law, it is the College's policy that all Staff, Volunteers and Contractors **must** report the following to Police:

- concerns for a student's immediate safety (refer to [Responding to an Emergency](#))
- knowledge or suspicions that a student aged 18 or over is being abused or harmed, but only if the student consents to the report or, if they do not consent, to lessen or prevent a serious imminent threat to an individual's life, health, safety or welfare (refer to [Information Sharing with Consent](#) and [Information Sharing Without Consent](#))
- concerns that a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student (refer to [Responding to Other Concerns about the Wellbeing of a Student](#))

Other situations in which a report **may** be made to Police are set out in [Responding to Other Concerns About the Wellbeing of a Student](#).

## How to Report to Police

In emergencies, or if the crime is happening now or has just happened and the suspected offender may still be in the area: call 000

All other matters: call the Police Assistance Line on 131 444. This line operates 24 hours per day, 7 days per week.



## Record Keeping about Reports to Police

When a Report to Police is made in response to a child safety incident or concern, this must be recorded. For more information about how to record Reports to Police, refer to [Child Safe Record Keeping](#).

## Key Definitions

### Knows, Believes or Reasonably Ought to Know

“Knows, believes or reasonably ought to know” is not defined in the Crimes Act. Under NSW common law, and under Commonwealth criminal law, a person has “knowledge of” a circumstance if “he or she is aware that it exists or will exist in the ordinary course of events”.

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

- a student tells you that they have been sexually abused or physically assaulted
- a student tells you that they know someone who has been sexually abused or physically assaulted (sometimes the student may be talking about themselves)
- someone who knows the student tells you that the student has been sexually abused or physically assaulted
- signs of sexual abuse or physical assault should or do lead to a belief that the student has been sexually abused or physically assaulted.

### Child Abuse Offence

The list of child abuse offences that are captured by this provision is extensive.

It includes sexual offences such as rape, sexual abuse, sexual touching, production of child abuse material, voyeurism and grooming offences or attempts to commit those offences.

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

For more information, refer to [Offences Under the Crimes Act 1900 \(NSW\)](#).

### Reportable Conduct

Key terms in this Policy are **bolded**, and their definitions are listed in the [Reportable Conduct Key Definitions](#) section of this Policy.

This Policy must be read in conjunction with [Definitions and Key Indicators of Abuse and Other Harm](#), [Reporting a Child Safety Incident or Concern Internally](#), [Duty to Protect/Failure to Protect](#), [Mandatory Reporting to DCJ](#), and [Reporting to Police](#).

## Source of Obligation

Part 4 of the Children’s Guardian Act 2019 (NSW) (Children’s Guardian Act) sets out the Reportable Conduct Scheme in New South Wales.

Under section 12 and Schedule 1 of the Children’s Guardian Act, the College is an entity to which the Reportable Conduct Scheme applies.

Under sections 12 and 15A, Anglican Schools Corporation is a religious body to which the Reportable Conduct Scheme applies.

The Reportable Conduct Scheme requires the College to investigate and report to the NSW Children’s Guardian (Office of the Children’s Guardian) allegations of **Reportable Conduct** against **employees** or any conviction of an employee for an offence involving Reportable Conduct.

## What Must Be Reported?

Under the Children’s Guardian Act, the “head” of the College must notify the Office of the Children’s Guardian of any **reportable allegation** or **reportable conviction** against a staff member, Direct Contact Volunteer or Direct Contact Contractor (known in the Children’s Guardian Act as an “employee”) of which the “head” becomes aware. The “head” of the College must also notify the Office of the Children’s Guardian of the outcomes of the College’s internal investigation into the matter.

## Who is the “Head” of the College?

The “head” of the College for the purpose of the Reportable Conduct Scheme is the Chief Executive Officer of Anglican Schools Corporation.

The Chief Executive Officer has authorised the Principal to undertake certain functions to assist in meeting their obligations under the Children’s Guardian Act, set out in the relevant sections of the

Policy.

## Reportable Conduct Policy

This Policy sets out, in its subsections, Shellharbour Anglican College's policies, systems, procedures and guidelines for enabling persons to report Reportable Conduct both internally to the College and externally to the Office of the Children's Guardian, and for the College to investigate and respond to these reports.

The Office of the Children's Guardian's [website](#) provides additional guidance and materials which assist the College to understand and meet its obligations under the Children's Guardian Act.

The Policy is divided into the following subsections:

- [Reportable Conduct Key Definitions](#)
- [Reportable Conduct for Staff: Making a Reportable Conduct Report Internally](#)
- [Head of the College's Responsibilities](#)
- [Initial Response to Reportable Conduct](#)
- [Notifying the Office of the Children's Guardian](#)
- [Risk Management and Risk Assessments](#)
- [Investigating Reportable Conduct](#)
- [Making a Finding About Reportable Conduct](#)
- [Post-Investigation Actions](#)
- [Information Sharing about Reportable Conduct Investigations](#)
- [Record Keeping About Reportable Conduct](#)

### Reportable Conduct Key Definitions

The Children's Guardian Act requires the College to investigate and report to the Office of the Children's Guardian allegations of Reportable Conduct by, or any conviction of an offence involving Reportable Conduct of, an employee.

This section of our Reportable Conduct Policy defines the key terms in this obligation.

For more information, refer to the Office of the Children's Guardian's [NSW Reportable Conduct Scheme – Fact sheet 1: Identifying reportable allegations](#).

## **Aware: When is the Chief Executive Officer or the Principal “Aware” of a Reportable Allegation or Reportable Conviction?**

The Children’s Guardian Act does not explain how the “head” of the College may become, or define when the “head” of the College will be considered to be, “aware” of a reportable allegation or reportable conviction.

The Chief Executive Officer or Principal may become aware of a reportable allegation by:

- themselves witnessing a child safety incident or concern that involves an employee
- being told about it, or about a reportable conviction, by any person, including a student, a staff member or a parent/carer.

For more information about how a person may become aware of a child safety incident or concern involving an employee, refer to [Managing Your Initial Response to a Child Safety Incident or Concern](#), [Reporting a Child Safety Incident or Concern Internally](#) and [Child Safe Complaints Management](#).

### **Child**

Child is defined in the Children’s Guardian Act as a person under the age of 18.

The child does not have to be a student at the College.

### **Employee**

The Children’s Guardian Act defines an “employee” as:

- an individual employed by, or in, the College
- if an individual is engaged directly, or by a third party, as a volunteer to provide services to children – the Volunteer
- if an individual is engaged directly, or by a third party, as a contractor and the contractor holds, or is required to hold, a working with children check clearance for the purpose of the engagement – the Contractor
- any individual who is the “head” of a third party employer contracted to provide services to children on behalf of the College and who holds, or is required to hold, a WWCC clearance
- any individual who holds, or who is required by Anglican Schools Corporation to hold, a Working with Children Check clearance for the purposes of engagement with Anglican Schools Corporation-governed schools .

This means that, at the College, the following people are “employees” under the Children’s Guardian Act:

- Anglican Schools Corporation Board and College Council members
- the Principal
- Direct Contact Volunteers
- Direct Contact Contractors
- the “head” of any company or other contracted service provider with multiple employees that is engaged as a Direct Contact Contractor by the College
- ministers of religion and other individuals (such as Anglican Schools Corporation officers, employees, Volunteers and Contractors) who hold, or who are required by Anglican Schools Corporation to hold, a Working with Children Check clearance for the purposes of engagement with Anglican Schools Corporation-governed schools

The Children’s Guardian Act does not say that an employee needs to be 18 years or over. Therefore, “employees” include children and young people who work or volunteer at the College.

## Reasonable Belief

The concept of a “reasonable belief” requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean that you must be certain, but rather you should ensure your concerns are well founded and based on information from a reliable source.

## Reportable Allegations and Reportable Convictions

“Reportable allegation” means an allegation of Reportable Conduct against an employee, regardless of whether or not the conduct is alleged to have occurred during the course of employment.

If an allegation is, on the face of it, a reportable allegation, it must be reported to the Office of the Children’s Guardian even if other factors or information that may suggest that the allegation has no weight.

“Reportable conviction” is defined in the Children’s Guardian Act to mean the conviction of an employee for an offence involving Reportable Conduct, regardless of whether the offence occurred in NSW or elsewhere. It includes a finding of guilt without the court proceeding to record a conviction. If an employee has been convicted of an offence that involves, or may involve, Reportable Conduct, the Office of the Children’s Guardian must be notified.

## Reportable Conduct

Section 20 of the Children’s Guardian Act defines “Reportable Conduct”:

- a sexual offence against, with or in the presence of a child
- sexual misconduct with, towards or in the presence of a child
- ill-treatment of a child
- neglect of a child
- an assault against a child
- an offence under 43B or 316A of the Crimes Act 1900 (NSW) (the “Failure to Protect” and “Failure to Report” offences)
- behaviour that causes significant emotional or psychological harm to a child.

It does not matter whether or not a criminal proceeding in relation to the conduct has been commenced or concluded.

The conduct does not have to have occurred at or in the course of the employee’s work at or for the College.

The child does not have to be a student at the College.

## What is Not Reportable Conduct?

Section 41 of the Children’s Guardian Act makes clear that Reportable Conduct does **not** include:

- conduct that is reasonable for the purposes of the discipline, management or care of a child, having regard to the child’s age, maturity or other characteristics and any relevant code of conduct or professional standard
- using physical force if, in all the circumstances, the physical force is trivial or negligible and the College has investigated the circumstances in which it was used and recorded the results of the investigation.

Some examples of conduct that would not amount to Reportable Conduct include touching a child to get their attention, guide them or comfort them, a teacher raising their voice to attract attention or restore order in a classroom, or physical force that is established, after investigation, to be accidental or to have been both trivial/negligible and necessary to prevent the child from hurting themselves or others.

## Sexual Offence

A “sexual offence” is an offence of a sexual nature, as set out under NSW law or the law of another state, territory or the Commonwealth, and that is committed against, with or in the presence of a child. Examples of sexual offences set out in the Children’s Guardian Act include:

- sexual touching of a child
- a child grooming offence
- production, dissemination or possession of child abuse material.

For more information, refer to the descriptions of criminal offences relevant to child abuse and harm, including grooming, in [Definitions and Key Indicators of Abuse and Other Harm](#).

## Sexual Misconduct

“Sexual misconduct” means conduct with, towards or in the presence of a child that is sexual in nature but that is not a sexual offence.

Examples of sexual misconduct set out in the Children’s Guardian Act include:

- describing sexual acts to a child, without a legitimate reason to provide the descriptions
- sexual comments, conversations or communications with or in the presence of a child
- comments to a child that express a desire to act in a sexual manner towards the child or another child.

Sexual misconduct may also include:

- sexualised behaviour including exhibitionism
- exposing children to pornography
- watching children undress in circumstances where supervision is not required and clearly inappropriate.

For more information refer to [Staff and Student Professional Boundaries Policy and Procedures and Definitions and Key Indicators of Abuse and Other Harm](#).

## Ill-treatment

“Ill-treatment” is a term used to describe circumstances where a person treats a child in an unreasonable and seriously inappropriate, improper, inhuman or cruel manner.

Examples of ill-treatment set out in the Children’s Guardian Act include:

- making excessive or degrading demands of a child
- a pattern of hostile or degrading comments or behaviour towards a child
- using inappropriate forms of behaviour management towards a child.

## Neglect

“Neglect” of a child means a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by:

- a person with parental responsibility for the child; or
- an authorised carer of the child; or
- an employee, if the child is in the employee’s care.

Examples of neglect set out in the Children’s Guardian Act include:

- failing to protect a child from abuse
- exposing a child to a harmful environment, for example, an environment where there is illicit drug use or illicit drug manufacturing.

## Assault

“Assaults” that amount to Reportable Conduct are defined as:

- the intentional or reckless application of physical force without lawful justification or excuse; or
- any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence.

Examples of assault set out in the Children’s Guardian Act include:

- hitting, striking, kicking, punching or dragging a child
- threatening to physically harm a child.

Injury is not an essential element of assault, and, alternatively, the existence of an injury does not necessarily mean that there was an assault.

## Behaviour that Causes Emotional or Psychological Harm



“Behaviour that causes significant emotional or psychological harm” is not defined in the Children’s Guardian Act. However, in its [NSW Reportable Conduct Scheme – Fact sheet 1: Identifying reportable allegations](#), the Office of the Children’s Guardian defines behaviour that causes significant psychological or emotional harm as:

- an obviously or very clearly unreasonable or serious act or series of acts that the employee knew or ought to have known was unacceptable
- which results in significant emotional harm or trauma to a child.

The Children’s Guardian Act provides the following examples of indicators (in a child) of significant emotional or psychological harm:

- displaying behaviour patterns that are out of character
- regressive behaviour
- anxiety or self-harm.

There must be a causal link between the employee’s conduct and the significant emotional or psychological harm to the child.

## **Reportable Conduct for Staff: Making a Reportable Conduct Report Internally**

### **Scope**

This Policy applies to:

- College Council Chair members
- the Principal
- all Staff, including teaching and non-teaching Staff, casual Staff and teaching students on placement
- Direct Contact Contractors
- Direct Contact Volunteers

(together referred to collectively as “Staff” or “staff members”).

### **Responsibilities**

The Chief Executive Officer has authorised the Principal to receive internal reports of Reportable Conduct.

## Shellharbour Anglican College's Policy - Staff Obligations

To enable the College to meet its obligations under the Children's Guardian Act, if a **staff member** forms a **reasonable belief** that an **employee** at the College has engaged in **Reportable Conduct** or misconduct that may involve Reportable Conduct, or otherwise becomes aware of a **reportable allegation** or **reportable conviction** against an employee, the staff member **must** report this internally, as soon as possible, to:

- the Principal; or
- the Chief Executive Officer, if the matter involves the Principal.

Where the reportable allegation involves the Principal, the staff member may instead report directly to the Office of the Children's Guardian.

Staff members **must** also:

- cooperate in any internal investigation
- maintain confidentiality (refer to [Confidentiality and Privacy](#))
- ensure that records of all verbal and written communications are maintained and stored securely (refer to [Child Safe Record Keeping](#)).

Any incident or allegation that involves possible criminal conduct by an employee **must** also be reported to Police as the first priority. Criminal conduct could include physical assaults and sexual offences (including grooming offences). A Police investigation will take priority over any investigation conducted by the College under this Policy.

For more information, refer to [Responding to an Emergency](#) and [Reporting to Police](#).

The College protects all staff members from retribution if they make an internal report under this Policy in good faith. It is a criminal offence for the College to:

- dismiss or otherwise prejudice an employee for assisting the Office of the Children's Guardian
- take or threaten to take detrimental action against a person who has made a reportable allegation against an employee in good faith, even if the conduct is found – after investigation – to not constitute Reportable Conduct.

## How to Report Internally

Staff members can make their internal report to the Principal, Chair of the School Council or Child Safe Officer verbally or in writing.

Where the staff member makes a verbal report, this should be followed up with a written report within 48 hours of the verbal report.

Any member of the College community including Staff, parents/carers and students, may also, at any time, report directly to the Office of the Children’s Guardian by calling 02 8219 3800 or emailing [reportableconduct@ocg.nsw.gov.au](mailto:reportableconduct@ocg.nsw.gov.au).

## Who is an Employee?

“Employees” are defined in the Children’s Guardian Act and include all Staff, and Direct Contact Volunteers/Contractors, regardless of their age. For the full definition of “employee”, refer to [Reportable Conduct Key Definitions](#).

## What is Reportable Conduct?

Reportable Conduct is conduct by, or alleged to have been committed by, an employee that involves:

- **sexual offence** committed against, with or in the presence of, a child, such as child pornography offences, offences involving child sexual abuse, and grooming offences;
- **sexual misconduct** with, towards or in the presence of a child, such as sexual comments, conversations or communications with or in the presence of a child, and watching a child undress in circumstances where supervision is not required and clearly inappropriate;
- **assault, ill-treatment or neglect** of a child; or
- behaviour that causes **significant emotional or psychological harm** to a child.

The conduct does not have to have occurred at or in the course of the employee’s work at or for the College.

The child does not have to be a student at the College.

For more information, refer to [Reportable Conduct Key Definitions](#).

## What is not Reportable Conduct?

Reportable Conduct does not include:

- conduct that is reasonable for the purpose of discipline, management or care of children, having regard to age, maturity, health or other characteristics of the children and any relevant codes of conduct or professional standards
- the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter has been investigated and the result of the investigation recorded under workplace employment procedures.

Some examples of conduct that would not be Reportable Conduct include:

- a staff member touching a child to get their attention, guide them or comfort them
- a teacher raising their voice to attract attention or restore order in a classroom
- physical contact between a staff member and a child that is established to be accidental.

## Reportable Conduct and Our Child Safe Codes of Conduct

Our Child Safe Codes of Conduct outline expected standards of behaviour for all Staff at the College. However, breaches of these Codes of Conduct will not always be Reportable Conduct. For example, a Volunteer accepting a social media 'friend' request from a student would be a breach of our Child Safe Codes of Conduct but may not amount to Reportable Conduct.

These kinds of breaches of our Child Safe Codes of Conduct can be dealt with at the College level and the College does not need to report them to the Office of the Children's Guardian. However, all breaches of the Child Safe Codes of Conduct must still be reported internally.

## What to Do if Unsure Whether Employee Behaviour is Reportable Conduct

In some cases, it may be unclear whether the behaviour of an employee is Reportable Conduct. For example, you may be unsure whether you have grounds to form a **reasonable belief** that the employee has engaged in Reportable Conduct or you may be unsure whether the behaviour in fact amounts to Reportable Conduct.

In other cases, an investigation by the College may be needed to determine whether the alleged conduct is Reportable Conduct or not. For example, an investigation may be needed to determine whether the alleged behaviour was reasonable, accidental or – in the case of the use of physical force – trivial or negligible.

It is the College's policy that any use of physical force by an employee against a student must be reported internally, to enable such an investigation.

Staff members who are unsure whether they have a reasonable belief, whether employee behaviour amounts to Reportable Conduct, or whether an investigation may be necessary to determine whether an employee's behaviour is Reportable Conduct, should discuss this with a [Child Safe Officer](#), who can assist in clarifying concerns and reporting obligations under this Policy.

## Reportable Conduct and Other Reporting Obligations

In some cases, conduct that amounts to Reportable Conduct and that must be reported internally and/or to the Office of the Children's Guardian under this Policy would **also** be conduct that meets the threshold for reporting to the Department of Communities and Justice (DCJ) and/or to Police in accordance with:

- [Mandatory Reporting to DCJ](#) or [Voluntary Reporting to DCJ](#) under the Children and Young Persons (Care and Protection) Act 1998 (NSW); and
- [Reporting to Police](#) under the Crimes Act 1900 (NSW).

The Reportable Conduct reporting obligations covered in this Policy are separate and distinct from these other reporting obligations.

The threshold for reporting allegations of Reportable Conduct is much lower than the thresholds for Mandatory Reporting to DCJ, Voluntary Reporting to DCJ and Reporting to Police. Therefore, if a child safety incident or concern involves conduct by an employee and requires Mandatory Reporting or Voluntary Reporting to DCJ or Reporting to Police, it **must** also be reported internally and to the Office of the Children's Guardian by the College under this Policy.

A failure to make an internal report in accordance with this Policy may amount to the Failure to Protect offence under the Crimes Act 1900 (NSW). For more information, refer to [Duty to Protect/Failure to Protect](#).

## Complaints About the College's Response to an Internal Report of Reportable Conduct

Staff who make an internal report about Reportable Conduct, as well as employees who are the subject of a reportable allegation, and who are not satisfied with how the College has responded to

the reportable allegation can complain directly to the Office of the Children’s Guardian, by completing the Office of the Children’s Guardian’s [Reportable Conduct Complaint Form](#).

## Head of the College’s Responsibilities

### Source of Obligation

The “head” of an organisation to which the Reportable Conduct Scheme applies (referred to in the Children’s Guardian Act as the “head of a relevant entity”) has distinct responsibilities under the Reportable Conduct Scheme:

- The “head of a relevant entity” must set up systems at the College to prevent **Reportable Conduct** by an **employee** and to ensure that they are advised of any reportable allegations or convictions against their employees.
- The “head of a relevant entity” must notify the Office of the Children’s Guardian of all **reportable allegations** and **reportable convictions** against College employees.
- After the “head of a relevant entity” becomes aware of a reportable allegation or conviction against an employee, they must ensure that an appropriate investigation of the reportable allegation or conviction is conducted and completed within a reasonable time (unless exempted from doing so).
- The “head of a relevant entity” must notify the Office of the Children’s Guardian of the findings of the College’s internal investigation into the matter (unless exempted from doing so).
- The “head of a relevant entity” must inform the affected child and their parents/carers about any Reportable Conduct investigation unless it is “not in the public interest” to inform them.

It is a criminal offence under the Children’s Guardian Act for the “head of a relevant entity” to fail to disclose a reportable allegation or reportable conviction to the Office of the Children’s Guardian without lawful excuse.

A failure to make a report to the Office of the Children’s Guardian in accordance with this Policy may also amount to the Failure to Protect offence under the Crimes Act 1900 (NSW).

For more information, refer to [Notifying the Office of the Children’s Guardian](#) and the Office of the Children’s Guardian Fact Sheet: [Heads of entities and reportable conduct responsibilities](#).

### Who is the “Head of a Relevant Entity” for the College?

Section 17 of the Children’s Guardian Act defines who is the “head of a relevant entity”. It includes (relevant to the College):

- the chief executive officer of the entity (however described)
- if there is no chief executive officer, the principal officer of the entity (however described)
- if there no chief executive officer or principal officer, a person approved by the Office of the Children’s Guardian.

At the College, the “head” for the purpose of the Reportable Conduct Scheme is the Chief Executive Officer of Anglican Schools Corporation.

## **Fulfilling the Head of a Relevant Entity’s Responsibilities for the College Under the Children’s Guardian Act**

As the “head of a relevant entity” for the College, the Chief Executive Officer is responsible for ensuring that the College complies with the Reportable Conduct obligations under the Children’s Guardian Act. They can delegate their specific functions under the Children’s Guardian Act to another person employed by the College - however, they remain ultimately responsible for ensuring the College’s compliance with the Reportable Conduct Scheme.

The Chief Executive Officer may also seek help from other people within the College to fulfil their responsibilities. This may include creating and developing systems, sending approved notifications to the Office of the Children’s Guardian, or conducting investigations on behalf of the Chief Executive Officer.

The Chief Executive Officer has authorised the Principal to undertake certain functions to assist in meeting their obligations under the Children’s Guardian Act, as set out in the relevant Policies in this section of our Child Safe Program.

This includes in particular:

- Setting up systems at the **College** to prevent **Reportable Conduct** by an **employee** and to ensure that they are advised of any reportable allegations or convictions against their employees.
- Notifying the Children’s Guardian of all **reportable allegations** and **reportable convictions** against **College** employees.
- After becoming aware of a reportable allegation or conviction against an employee, ensuring that an appropriate investigation of the reportable allegation or conviction is conducted and

completed within a reasonable time (unless exempted from doing so).

- Notifying the Office of the Children’s Guardian of the findings of the **College’s** internal investigation into the matter (unless exempted from doing so).
- Informing the affected child and their parents/carers about any Reportable Conduct investigation unless it is “not in the public interest” to inform them.

The Chief Executive Officer may also authorise the Principal or any other person in writing, to carry out other physical or practical tasks in particular matters.

References in this section of the Child Safe Program to the Principal therefore include these other people when they are undertaking the “head” of the College’s function under the Children’s Guardian Act.

### **Initial Response to Reportable Conduct**

Section 54 of the Children’s Guardian Act requires the “head” of the College to ensure that the College has systems, policies and procedures in place to handle and respond to a **reportable allegation** or **reportable conviction** involving an **employee**.

When the “head” of the College becomes **aware** of a reportable allegation or conviction, they also have a number of obligations under the Children’s Guardian Act to take immediate and/or interim action and to provide interim support to relevant parties, pending the commencement or conclusion of an investigation.

### **Initial Response Procedures**

After the Principal becomes aware of a reportable allegation or conviction, they must:

- clarify the allegation or conviction, including the identity of the person making the allegation and the relevant employee, and the acts and/or omissions which form the basis of the allegation
- conduct an initial risk assessment to identify and avoid or minimise risks (refer to [Risk Management and Risk Assessments](#))
- consider whether a child or young person is “at risk of significant harm”, and if so, follow the procedures for [Mandatory Reporting to DCJ](#) or [Voluntary Reporting to DCJ](#)
- consider whether the allegation may constitute a criminal offence and if so, make a [Report to Police](#) before taking any further action
- notify the Chief Executive Officer



- if the employee is a direct contact contractor or direct contact volunteer who is employed or engaged by a third party to provide services to the College, notify the third party of the incident, allegation or conviction (refer to the **Information Sharing Policy (Child Safe)**)
- assess any possible risks posed by the relevant employee to all children and young people in the College's care and take any necessary interim action to ensure their safety and wellbeing (refer to [Risk Management and Risk Assessments](#) and [Failure to Protect](#))
- assess whether or not the allegation/conviction relates to Reportable Conduct and if so, notify the Office of the Children's Guardian within seven days (refer to [Notifying the Office of the Children's Guardian](#))\*\*
- consider other requirements for communicating details of the allegation/conviction within or outside the College (refer to [Sharing Information Relating to Students' Wellbeing](#))
- address any interim support needs of both the child and the employee who is the subject of the allegation/conviction
- where the reportable allegation or conviction relates to a sexual offence or sexual misconduct that occurred before the 1 July 2018, inform complainants about the National Redress Scheme for people who have experienced institutional child sexual abuse. The process for applications involving the College can be found on the [National Redress Scheme](#) website.

\*\*Prior to making a report, the Principal may call the Office of the Children's Guardian on 02 8219 3800 for guidance on how to manage the reporting process.

## Interim Action and Support

The Principal must take any necessary interim action to ensure the safety and wellbeing of the child/ren involved in the allegation and other children in the College, by considering whether:

- the child/ren involved in the allegation require protective intervention
- any steps need to be taken to prevent further Reportable Conduct
- the child/ren's daily circumstances can remain unchanged (such as whether the child is at risk of victimisation)
- support and counselling should be provided to the child/ren involved in the allegation
- support and counselling should be provided to the relevant employee.

If reports have been made to the Department of Communities and Justice (DCJ) or the Police in relation to the reportable allegation or conviction, the Principal must consult with them before taking any interim action, to ensure that any interim action taken does not interfere with an external investigation.

For more information, refer to the Office of the Children’s Guardian’s [NSW Reportable Conduct Scheme – Fact Sheet 3: Risk management following an allegation](#).

## Planning the Reportable Conduct Investigation

The reportable allegation or reportable conviction must be investigated as soon as practicable after the Principal becomes aware of it. The investigation may be conducted by the College, their regulator or an independent investigator.

For more information, refer to [Investigating Reportable Conduct](#).

## Notifying the Office of the Children’s Guardian

Where the Principal becomes aware of a reportable allegation or conviction, they must notify the Office of the Children’s Guardian at several stages of the matter as follows:

- the Principal must provide a written notice within seven business days after they are made aware of the reportable allegation or reportable conviction, unless the Principal has a reasonable excuse (use the [7-day notification form](#)), and
- the Principal must, within 30 days, provide:
  - if the investigation has not yet concluded, an interim report about the actions taken since the initial notification, any further actions proposed to be taken and an estimated time frame for providing the final report (use the [30-day interim report form](#))
  - a final report about the outcome of the investigation or determination (use the [Entity Report Form](#))
- if the Principal did not conclude the investigation within 30 days and provided an interim report, a final report about the outcome of the investigation or determination within the timeframe required by the Office of the Children’s Guardian (use the [Entity Report Form](#)).

However, the Principal need not provide an interim or final report if the Office of the Children’s Guardian has exempted the College from commencing or continuing its internal investigation or from providing the report (for more information, refer to [Investigating Reportable Conduct](#)).

## Disclosure to the Office of the Children’s Guardian of Information About Reportable Conduct

When notifying the Office of the Children’s Guardian, the Principal or other employee of the College may disclose to the Children’s Guardian or an officer of the Office of the Children’s Guardian any

information that gives the Principal or other employee reason to believe that Reportable Conduct by an employee of the College has occurred.

After receiving a notification, the Office of the Children's Guardian can ask for further information about the reportable allegation or conviction or about the College's response.

## **Risk Management and Risk Assessments**

The Principal is responsible for assessing the risk that the **employee** poses to students at three separate stages:

- after a **reportable allegation** is made
- during the investigation
- at the end of the investigation.

## **Stage One: After Becoming Aware of a Reportable Allegation or Conviction**

Immediately after becoming **aware** of a reportable allegation or conviction, the Principal will conduct an initial risk assessment which considers:

- the nature and seriousness of the allegation
- the vulnerability of the children who the employee would be in contact with while at the College - considering their age, communication skills etc.
- the nature of the position occupied by the employee including the level of contact and interaction they have with children
- the level of supervision available for the employee
- the availability of support for the employee on a day-to-day basis if their duties are unchanged
- the employee's disciplinary history
- other possible risks to the investigation.

These factors will assist the Principal to make an initial decision about whether the employee should remain in their current position, be moved to another area or be suspended during the investigation. If the employee remains at the College, a decision should be made about the duties that they will undertake and about conducting ongoing risk assessments.

When taking action to address any identified risks, the College must take into consideration the needs of the child and the employee against whom the allegation is made.

The decision that the Principal makes after the first risk assessment should not influence the final findings of the investigation.

For more information, refer to the Office of the Children’s Guardian’s NSW Reportable Conduct Scheme - Fact Sheet 3: [Risk management following an allegation](#).

## **Stage Two: Ongoing Risk Management During the Investigation**

New risks may emerge during the investigation into an allegation and these risks must be assessed and are managed as they arise. New information that comes to light during an investigation will influence ongoing decisions about whether to move the employee into indirect contact work or suspend them from work during the investigation.

## **Stage Three: At the end of the investigation**

For more information about final risk assessments, refer to [Making a Finding of Reportable Conduct and Post-Investigation Actions](#).

### **Investigating Reportable Conduct**

Section 34 of the Children’s Guardian Act requires that, as soon as practicable after receiving a report, the Principal must:

- investigate, or arrange for an investigator to investigate, the reportable allegation
- determine whether the conviction is a reportable conviction.

Therefore, it is the College’s policy that after the Principal becomes aware of a **reportable allegation or a reportable conviction** and they have notified the Office of the Children’s Guardian, they must ensure that an appropriate internal investigation of the reportable allegation or reportable convictions is conducted, in such a manner as the particular circumstances demand.

We refer to this investigation as an “internal investigation”.

## **Who Conducts the Internal Investigation?**

Internal investigations of reportable allegations or convictions can be conducted by the Principal, or the Chief Executive Officer or any person authorised by the Chief Executive Officer or another person on behalf of the Principal, such as an independent investigator appointed by the Principal.

We refer to anyone who conducts the internal investigation as the Investigator.

Internal investigations have the potential to create conflicts of interest. Conflicts may arise between an Investigator's official duties and their private interests, which could influence the performance of the official duties. Investigators should be objective and impartial and be seen as such. The College manages actual or reasonably perceived conflicts of interest through our Conflicts of Interest Policy.

## **Internal Investigations and Investigations by External Agencies**

### **Criminal Investigations**

Where allegations of Reportable Conduct by an employee involve, or an investigation into alleged Reportable Conduct has led to findings against the employee that involve, Offences Under the Crimes Act 1900 (NSW), the Principal must notify the Police as a priority over the College's own internal investigation.

If the Police or the Director of Public Prosecutions advise the Principal that the College's internal investigation of a reportable allegation is likely to prejudice their own investigation or a court proceeding, the Principal may – in consultation with the Police or the Director of Public Prosecutions – suspend the internal investigation until otherwise advised.

If the Principal decides to suspend the internal investigation, they must notify the Office of the Children's Guardian that the investigation is suspended and of steps taken to manage any risks.

If the Principal decides not to suspend the investigation, the Office of the Children's Guardian must ensure that the College's internal investigation is conducted in a way that does not prejudice the Police investigation or court proceeding.

### **Investigations by Other Agencies**

The Office of the Children's Guardian may require that the Principal defer or cease an internal investigation, so that the Office of the Children's Guardian can itself investigate the matter.

The Office of the Children's Guardian may also exempt the Principal from commencing or continuing an internal investigation, or from making a determination, if another relevant entity is investigating the matter. This may occur, for example, if the matter has been reported to and is being investigated by the Department of Communities and Justice (DCJ).

## **Establishing the Internal Investigation**

Whether the Investigator is the Principal or not, it is important to establish a focus and a clear purpose of the internal investigation.

If the Investigator is not the Principal, the Principal should develop, and give to the Investigator, Terms of Reference that describe the proposed scope of the internal investigation. The Terms of Reference should:

- set out whether or not the Investigator is to recommend possible findings regarding the reportable allegations
- be broad enough to enable the Investigator to consider and make recommendations about the College's policies for preventing or responding to Reportable Conduct
- set out the Investigator's powers, such as whether the Investigator can take photographs, interview staff members, obtain information from staff members about policies and practices, access relevant records and collect physical and documentary evidence.

## **Planning and Coordinating the Investigation: Key Considerations**

The internal investigation must be conducted in accordance with the rules of procedural fairness and natural justice. For example, the internal investigation should be conducted without bias and the person against whom the allegation is made should be given the right to respond.

The Office of the Children's Guardian's [NSW Reportable Conduct Scheme - Fact sheet 4: Planning and conducting an investigation](#) sets out key issues to consider when planning and conducting the College's response to an allegation.

Once the Investigator has permission to conduct an internal investigation into a reportable allegation or reportable conviction, they must:

- plan investigative actions and document any decisions that are made before the commencement of the investigation
- maintain effective records of the planning process
- consider any actual or potential conflict of interests by the investigator and other stakeholders
- review the initial risk assessment and if required take further action to address concerns
- identify and address any cultural issues and special needs of relevant parties
- identify people or agencies to consult for advice about the investigation process if required
- consider whether aspects of the investigation have been or can be conducted by another agency, such as DCJ or the Police.

To ensure that the internal investigation is properly conducted, the Investigator must:

- implement the College's systems to uphold confidentiality and must deal with any breaches of confidentiality
- remind everyone involved in the investigation of the importance of confidentiality
- if appropriate, advise the affected child or young person and/or their parents/carers of the steps involved in the investigation and of its progress (for more information, refer to [Information Sharing about Reportable Conduct](#))
- if appropriate, ask the child or young person and/or their parents/carers for permission to interview the child or young person
- record all interviews verbatim where possible, and ensure that all records are verified as a true record by being signed and dated by all involved
- document any other allegations that emerge during the investigation process together with details of any action taken by the College
- document all decisions, advice and discussions made in relation to the investigation
- if appropriate, advise all relevant parties of the outcome of the investigation (for more information, refer to [Information Sharing about Reportable Conduct](#)).

## Information Gathering

The first step in an internal investigation is to gather all relevant information. This can be obtained from a range of sources:

- direct evidence can be obtained by speaking with those involved in the alleged incident (e.g. the child, witnesses or the employee)
- physical evidence can be obtained by collecting documents (e.g. rosters, emails), securing and inspecting objects (e.g. mobile phones, computers) and inspecting locations to check the relevant positions of parties and witnesses to the alleged incident (e.g. playgrounds, classrooms). This process may include taking photographs and making drawings or diagrams of the location
- expert evidence can be obtained from people who have specialised knowledge in a specific field that the general public does not have, e.g. a medical practitioner may be relevant if they had examined a child.
- where the Police or DCJ have been involved, requests for information from, and the provision of information to, these agencies can occur in accordance with Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 (NSW) (refer to [Sharing Information with Other Agencies](#)).

All information collected in relation to the internal investigation must be kept in a safe and secure location. For more information, refer to [Record Keeping About Reportable Conduct](#). Records relating to a Reportable Conduct investigation are maintained in accordance with our [General Records Management Policy](#).

## Employee Response

The point at which an employee is told about the allegation and given an opportunity to respond can be critical to the success of an internal investigation and can affect degree and duration of stress experienced by the employee.

If DCJ and/or the Police wish to interview the employee, the Principal must consult with the relevant agency about what should or should not be disclosed to the employee during the internal investigation process and about whether or not to suspend the internal investigation pending these other agencies' investigations.

To ensure that an employee who is the subject of a reportable allegation knows what to expect during the internal investigation processes, the Investigator should, at an appropriate point in the internal investigation, advise the employee of the following key steps:

- Planning and Coordinating the Investigation: Key Considerations
- Information Gathering
- Employee Response
- Support During the Investigation
- Making a Finding About Reportable Conduct

After obtaining all relevant information, the Investigator will formally put the allegation to the employee and must give the employee an opportunity to respond, whether at an interview or in writing. At an interview, the employee may wish to have a support person there, who may observe only and must not interrupt. The interview will be recorded verbatim where possible and all records will be verified as a true record of the interview by being signed and dated by all involved.

It may be necessary to re-interview the employee if new information or allegations come to light during the investigation.

The employee must be given the opportunity to make further submissions prior to any adverse finding.



## Support During the Investigation

As part of managing the internal investigation, the Principal should ensure that appropriate ongoing support is provided for:

- the child/ren who were the subject of the allegation
- the employee who was the subject of the allegation
- other relevant parties, including parents/carers.

## Finalising the Investigation - The Investigation Report

Once the Investigator has concluded their investigation, they should assess the evidence regarding the reportable allegations, make any findings of fact that are required (the standard of proof for making any findings of fact is the 'balance of probabilities'), identify the findings in relation to each allegation that are best supported by the available evidence and, if requested, propose any recommendations about findings about each allegation arising from the investigation.

The Investigator must prepare an Investigation Report. The Investigation Report should reflect the Terms of Reference and should as a minimum:

- clearly and separately identify and particularise each reportable allegation
- summarise the internal investigation including:
  - the approach adopted by the Investigator
  - the evidence obtained
  - a summary of the evidence and the Investigator's assessment of the evidence
  - the importance the Investigator gave to each piece of evidence and why
- state the findings of fact made by the Investigator about whether the allegations are proved or disproved, and the evidence relied on in reaching those conclusions
- if requested as part of the Investigator's Terms of Reference, include recommendations about the findings that should be made (refer to [Making a Finding About Reportable Conduct](#)).

If the Investigator was not the Principal, all documentation related to the internal investigation must be provided to the Principal (or, if the Principal was the subject of the investigation, to the Chief Executive Officer for them, as decision-maker, to make any findings.

## Oversight of Internal Investigations by the Office of the Children's Guardian

Under section 43 of the Children’s Guardian Act, the Office of the Children’s Guardian can monitor the progress of an internal investigation, whether on its own initiative or because of a complaint. When doing so, the Office of the Children’s Guardian can:

- observe interviews
- discuss the internal investigation with the Principal
- provide guidance and advice about the internal investigation
- with written notice, require the Principal or the Investigator to provide documents or other information, such as records of interviews.

## **Making a Finding About Reportable Conduct**

Once the internal investigation has concluded, it is the Principal’s responsibility, as the decision-maker, to make any finding of **Reportable Conduct**. When considering whether to make such a finding, the Principal should consider the Investigator’s report if they were not themselves the Investigator, and assess the evidence regarding the reportable allegations against the employee, as well as any conclusions or recommendations made by others involved in the investigation.

The Principal must make a finding of Reportable Conduct against an employee if they are satisfied **on the balance of probabilities** that the case against the employee has been proved.

The Principal’s finding will inform the College’s child safe risk assessments and any future action taken to mitigate ongoing risks.

For more information, refer to the Office of the Children’s Guardian’s [NSW Reportable Conduct Scheme – Fact sheet 8: Making a finding of reportable conduct](#).

## **What is “On the Balance of Probabilities”?**

The “balance of probabilities” is the civil standard of proof. It means that the decision-maker is “reasonably satisfied” (i.e. actually persuaded) that the Reportable Conduct occurred.

When considering whether a case has been proved on the balance of probabilities, and without limiting other matters that they **may** take into account, the Principal may take into account:

- the nature of the reportable allegation and any defence
- the gravity of the matters alleged.

This does not mean that the standard of proof is more stringent for more serious allegations. It just means that the strength of the evidence necessary to sustain a finding of Reportable Conduct on the balance of probabilities may vary according to the nature of what is alleged.

The Principal must take care to base their decision on clear and cogent evidence, rather than guesswork, suspicion or rumour. The more serious the alleged wrongdoing, the more care the Principal should exercise in making their decision as to whether they are reasonably satisfied the alleged conduct has occurred.

## **Mandatory Considerations**

When determining whether or not to make a finding of Reportable Conduct, the Principal **must** consider whether the reportable allegation related to conduct that is in breach of established standards applying to the employee, having regard to:

- professional standards
- codes of conduct, including professional or ethical codes
- accepted community standards

For more information, refer to the Office of the Children’s Guardian Fact Sheet: [Making a finding of reportable conduct](#).

## **Thresholds for Making a Finding of Reportable Conduct**

The thresholds set out in the Children’s Guardian Act for each kind of Reportable Conduct must be met for the Principal to make a finding of Reporting Conduct:

### **Sexual Offence**

To make a sexual offence finding, the decision-maker must be reasonably satisfied that each element of the sexual offence has been proven on the balance of probabilities. However, in doing so, they can consider evidence that would not be admissible in criminal court proceedings, because the rules of evidence do not apply to internal investigations.

### **Sexual Misconduct**

To make a sexual misconduct finding, the decision-maker must be reasonably satisfied that the conduct occurred and that it was sexual in nature.

## Assault

To make an assault finding, the decision-maker must be reasonably satisfied that both the physical force (action or apprehension of action) and attitude (intention or recklessness) elements have been proven on the balance of probabilities.

## Ill-treatment

When making an ill-treatment finding, the decision-maker must consider codes of conduct relevant to the employee's profession and practice. These codes of conduct can inform not only whether the conduct was unreasonable but also whether it was seriously inappropriate, improper, inhumane or cruel.

## Neglect

To make a finding of neglect, the decision-maker must be reasonably satisfied that the employee engaged in the alleged conduct (including an omission to act), that it constituted a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child and that the child either was harmed, or it was likely that the child could have been harmed, as a result.

## Behaviour Causing Significant Emotional or Psychological Harm

To make a finding under this category, the decision-maker must be reasonably satisfied that the alleged inappropriate behaviour occurred, that the child suffered harm that was more than transient and that there was a causal link between the inappropriate behaviour and the harm.

## Post-Investigation Actions

The Principal has a number of obligations under the Children's Guardian Act and under other policies and procedures to take certain actions at the conclusion of an internal investigation, whether or not any findings of Reportable Conduct have been made.

Once the internal investigation has concluded, the Principal **must** take the following actions:

- send the final report and results of the investigation to the Office of the Children's Guardian as soon as possible after the investigation has been finalised (refer to [Notifying the Office of the Children's Guardian](#))

- review the internal investigation and ensure that all relevant risk issues have been considered, including environmental factors and work practices
- decide on what measures should be put in place to minimise any further risk of harm to children in the College's care, including possible disciplinary action in relation to the employee who is the subject of the allegation, amendments to policy and procedures, and any strategies to minimise future risk of Reportable Conduct by the relevant employee or other employees
- if the allegation was found to be false and vexatious, decide on what action, if any, should be taken against the person/s who made the vexatious allegation. However, it is a criminal offence to take or threaten to take detrimental action against a person who has made a reportable allegation against an employee in good faith, even if the conduct is found – after investigation – to not constitute Reportable Conduct.
- store all information relating to the investigation in a secure location, in accordance with our [General Records Management Policy](#).

Where the investigation into alleged Reportable Conduct has led to findings against the employee that involve [Offences Under the Crimes Act 1900 \(NSW\)](#), the Principal must notify the Police, if they are not already involved. For more information, refer to [Reporting to Police](#).

Where a finding of Reportable Conduct is made based on a sexual offence or sexual misconduct that occurred prior to 1 July 2018, the College must inform complainants about the National Redress Scheme for people who have experienced institutional child sexual abuse. The process for applications involving the College can be found on the [National Redress Scheme](#) website.

## **Complaints About the College's Response to an Internal Report of Reportable Conduct**

People who are not satisfied with how the College has responded to a reportable allegation can complain directly to the Office of the Children's Guardian, by completing the Office of the Children's Guardian's [Reportable Conduct Complaint Form](#).

These people may include:

- a staff member who made an internal report about Reportable Conduct
- a student, parent/carer or community member who made a reportable allegation
- an employee who is the subject of a reportable allegation
- a witness
- an investigator

- a whistleblower.

## **Information Sharing About Reportable Conduct Investigations**

Section 57 of the Children’s Guardian Act imposes disclosure obligations and prohibitions on the Principal.

The disclosure obligations and prohibitions apply to information about a Reportable Conduct investigation. This includes information about the progress of an investigation, the findings and any action taken in response to the findings.

For more information, refer to the [Office of the Children’s Guardian’s NSW Reportable Conduct Scheme – Fact sheet 7: Disclosing information to children, parents and carers](#).

## **The Principal Must Inform the Affected Child and Their Parents/Carers About the Reportable Conduct Investigation**

The Principal or an investigator working for the Principal must inform the affected child and their parents/carers about the Reportable Conduct investigation unless it is “not in the public interest” to inform them.

The Children’s Guardian Act does not give any guidance as to when it may not be in the public interest to inform the affected child or their parents/carers. However, in its [NSW Reportable Conduct Scheme – Fact sheet 7: Disclosing information to children, parents and carers](#), the Office of the Children’s Guardian gives some guidance about public interest factors that may weigh against disclosure. These include (but are not limited to) when disclosure may:

- not be in the interests of the child’s safety, welfare or wellbeing
- jeopardise a current or future police investigation or other proceedings (such as a coronial inquiry, Children’s Court proceedings, a statutory child protection response, the internal Reportable Conduct investigation)
- endanger a person’s health or safety
- result in a waiver of legal privilege
- result in unfairness to the employee to an extent that is not outweighed by the interest of the relevant party
- enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained.

The Office of the Children’s Guardian notes that, if one or more of these factors would be present if a full and detailed disclosure of information were to be made to the child or their parent/carer, the Principal should then consider whether limited information can still be disclosed.

## **The Principal Must Not Disclose Reportable Conduct Information to Anyone Else (Unless an Exception Applies)**

This is the basic rule: the Principal or an investigator working for the Principal must not disclose information about a Reportable Conduct investigation to anyone other than the affected child and their parents/carers.

However, there are exceptions to this rule.

The Principal or an investigator working for the Principal is allowed to disclose Reportable Conduct information if:

- the disclosure is made to promote the safety or wellbeing of a child or children and
- the disclosure is made to one of these people/entities:
  - the Office of the Children’s Guardian
  - a person who needs to be told for the purpose of investigating the Reportable Conduct
  - the head of the company that employs the person who is being investigated (if the person is a contractor and not employed by the College)
  - the Secretary or Minister (if the affected child is under the care of the Secretary or Minister)
  - a person who has “daily care and control” of the affected child (if the child is in care)
  - anyone else who, under Regulations made under the Children’s Guardian Act, is allowed to receive this information (however there are not yet any Regulations setting out who else may be told Reportable Conduct information).

These provisions permit the employee who is the subject of a reportable allegation, as well as any witnesses who are to be interviewed, to be told Reportable Conduct information, for the purposes of the internal investigation.

Under section 36 of the Children’s Guardian Act, the employee may also be given a copy of the final report that was provided to the Office of the Children’s Guardian.

## **The Children’s Guardian Must Not Disclose Reportable Conduct Information (Unless an Exception Applies)**

Although the general rule is that the Office of the Children’s Guardian must not disclose any information obtained in the course of an investigation or a determination (whether the information was obtained by itself or as a result of the College’s investigation and notifications), it has a wider list of exceptions that enable disclosure to a wider category of people.

In particular, the Office of the Children’s Guardian can disclose information relating to the safety, welfare or wellbeing of a child or a class of children to the Police, the Department of Communities and Justice or any other government agency that it considers appropriate.

In addition, under section 51 of the Children’s Guardian Act, if the Office of the Children’s Guardian has itself conducted an investigation and made a finding of Reportable Conduct, and has recommended dismissal, removal or punishment of the employee, it must advise the Principal of the recommendation and the reasons. It must also advise the employee of the recommendation and the reasons, unless it believes that doing so would:

- put a person’s health or safety seriously at risk
- put a person who made the report, complaint or notification – or another person – at risk of being harassed or intimidated
- prejudice any other investigation or inquiry.

## **Record Keeping About Reportable Conduct**

The following information must be documented in relation to each reportable allegation:

- the allegation
- the College’s initial response to the person making the allegation, the alleged victim(s) and the employee who is the subject of the allegation
- any communication with the Police or other authorities
- a plan detailing how the investigation is to be carried out including any notifications to Police or other authorities
- the Stage One risks assessment conducted by the Principal and outlined above
- all interviews including details of questions and responses. Details should also include the location of the interview, who was present and start and finish times
- any decisions made, both during and at the conclusion of the investigation, including their rationale, the position and name of the person making the decision and the date that the decision was made
- any personal contact, discussions or emails with anyone about the matter (including dates, details of discussions, questions, advice, outcomes, the name of the person making the



- contact, details of their position and where appropriate, the reason for the contact)
- a summary report that details the allegation, the investigation process, the findings in relation to each allegation (including the rationale for the finding), the final risk assessment which includes any final decision about the employee and the factors that have been considered (refer to [Making a Finding of Reportable Conduct](#)) and any subsequent action that is to be or has been taken (refer to [Post-Investigation Actions](#)).

Where possible, records should be verbatim, and verified, signed and dated by all involved.

For more information about our policies and procedures for maintaining Reportable Conduct records, refer to [Child Safe Record Keeping](#) and the Office of the Children’s Guardian Fact Sheet: [Keeping records](#).

## **Recognising and Responding to Sexual Behaviour in Children and Young People**

Staff respond to a range of student behaviour as a part of their everyday role at the College. However, Staff require specific guidance when responding to behaviour that is sexual in nature, because:

- the topic of student sexual behaviour can be uncomfortable, and this can affect the appropriateness of the responses Staff may make
- the way that staff members respond to age appropriate sexual behaviour is an important contribution to a student’s healthy sexual development
- responding to harmful sexual behaviours may require the involvement of other professionals such as the Police, counsellors and child protection workers.

Knowing how to identify and respond to all sexual behaviour in students, whether it be age-appropriate, concerning or harmful, helps Staff to support the development of healthy sexuality and protect students from abuse and other harm.

## **Recognising Sexual Behaviour**

Sexual behaviours are not just about sex – they include any talk, touch, questions, conversations and interests which relate to sexuality and relationships. Sexuality is integral to a person’s identity and develops throughout life. It’s natural for children and young people to express their sexuality through behaviour. Healthy sexual behaviour maybe expressed in a variety of ways through play and relationships and relates to the stage of development.

## **What is Harmful Sexual Behaviour?**

It can be hard to distinguish between developmentally appropriate sexual behaviours and harmful sexual behaviours. It may be difficult to know if there is a problem and, if there is, how best to respond.

The term “harmful sexual behaviours” covers a broad spectrum of behaviours that can range from those that are developmentally inappropriate and harm only the child or young person exhibiting the behaviours, such as compulsive masturbation or inappropriate nudity, to criminal behaviours such as sexual assault.

Whether a student’s harmful sexual behaviour might be a criminal offence depends on the nature of the behaviour and the age of the student with the behaviour. Different laws regarding criminal responsibility apply to children under or above 10 years of age. Children cannot be charged with a criminal offence until they are aged 10 or over.

Due to this broad spectrum, and the diversity of students’ backgrounds and circumstances, there is no one response or intervention suitable for all children and young people with harmful sexual behaviours.

## Identifying Sexual Behaviour

The College references the True Traffic Lights® Framework, as summarised and made publicly available in guidance for schools provided by a number of jurisdictions, to enable Staff to identify, recognise and respond to all forms of sexual behaviour. The Traffic Lights® Framework categorises sexual behaviour as green, orange or red light.

Below is a non-exhaustive list of specific examples of green, orange and red light sexual behaviour at various ages. It is important to understand that this is a guide only and that all behaviour must be considered in its contexts including religious and social values and the physical and intellectual capacity or mental health of the student/s involved.

As a general guide:

- Red light sexual behaviours are those that are problematic or harmful, forceful, secretive, compulsive, coercive or degrading. These behaviours signal the need to provide immediate protection and follow up support.
- Orange light sexual behaviours are those that are outside normal behaviour in terms of persistence, frequency or inequality in age, power or ability. These behaviours signal the need to monitor and provide extra support.

- Green light sexual behaviours are those that are normal, age-appropriate, spontaneous, curious, mutual, light-hearted and easily diverted experimentation. These behaviours provide opportunities to talk, explain and support.

## For Students Aged Under 5

Green light sexual behaviour may include:

- comfort in being nude
- body touching and holding own genitals
- unselfconscious masturbation
- interest in body parts and functions
- wanting to touch familiar children's genitals during play, toilet or bath times
- participation in make believe games involving looking at and/or touching the bodies of familiar children (e.g. "show me yours and I'll show you mine", playing 'family')
- asking about or wanting to touch the breasts, bottoms or genitals of familiar adults (e.g. when in the bath).

Orange light sexual behaviour may include:

- masturbation in preference to other activities
- preoccupation with sexual behaviours
- persistently watching others in sexual activity, toileting or when nude
- explicit sexual talk, art or play
- following others into private spaces (e.g. toilets, bathrooms to look at them or touch them)
- pulling other children's pants down or skirts up against their will
- touching the genitals/private parts of other children in preference to other activities
- attempting to touch or touching adults on the breasts, bottom, or genitals in ways that are persistent and/or invasive
- touching the genitals/private parts of animals after redirection.

Red light sexual behaviour may include:

- compulsive masturbation which may be self-injurious, of a persistent nature or duration
- persistent explicit sexual themes in talk, art or play
- disclosure of sexual abuse
- simulation of sexual touch or sexual activity
- persistently touching the genitals/private parts of others

- forcing other children to engage in sexual activity
- sexual behaviour between young children involving penetration with objects, masturbation of others, oral sex
- presence of a sexually transmitted infection.

## For Students Aged 5-9

Green light sexual behaviour may include:

- increased sense of privacy about bodies
- body touching and holding own genitals
- masturbation, usually with awareness of privacy
- curiosity about other children's genitals involving looking at and/or touching the bodies of familiar children (e.g. "show me yours and I'll show you mine", playing 'family')
- curiosity about sexuality (e.g. questions about babies, gender, relationships, sexual activity)
- telling stories or asking questions, using swear words, 'toilet' words or names for private parts
- use of mobile phones and internet in relationships with known peers.

Orange light sexual behaviour may include:

- masturbation in preference to other activities, in public, with others and/or causing self-injury
- explicit talk, art or play of sexual nature
- persistent questions about sexuality despite being answered
- persistent nudity and/or exposing private parts in public places
- persistently watching or following others to look at or touch them
- pulling other children's pants down or skirts up against their will
- persistently mimicking sexual flirting behaviour too advanced for age, with other children, young people or adults
- touching genitals/private parts of animals after redirection
- use of mobile phone and internet with known and unknown people which may include giving out identifying details.

Red light sexual behaviour may include:

- compulsive masturbation (e.g. self-injuring, self-harming, seeking an audience)
- disclosure of sexual abuse)
- persistent bullying involving sexual aggression (e.g. pulling/lifting/removing other children's clothing, sexually threatening notes, drawing, text messages)

- sexual behaviour with significantly younger or less able children
- accessing the rooms of sleeping children to touch or engage in sexual activity
- simulation of, or participation in, sexual activities (e.g. oral sex, sexual intercourse)
- presence of a sexually transmitted infection
- persistent sexual activity with animals
- using mobile phones and internet which includes giving out identifying details or sexual images.

## For Students Aged 10-13

Green light sexual behaviour may include:

- growing need for privacy
- masturbation in private
- curiosity and seeking information about sexuality
- use of sexual language
- interest and/or participation in girlfriend or boyfriend relationships
- hugging, kissing, touching with known peers
- exhibitionism among same age peers within the context of play (e.g. occasional flashing or mooning)
- use of mobile phones and internet in relationships with known peers.

Orange light sexual behaviour may include:

- masturbation in preference to other activities, in public and/or causing self-injury
- persistent explicit talk, art or play which is sexual or sexually intimidating
- accessing age restricted materials (e.g. movies, games, internet with sexually explicit content)
- persistent expression of fear of sexually transmitted infection or pregnancy
- marked changes to behaviour (e.g. older or adult flirting behaviours, seeking relationships with older children, young people or adults in preference to peers)
- engaging in sexual activities with an unknown peer (e.g. deep kissing, mutual masturbation)
- oral sex and/or intercourse with a known partner of similar age and developmental ability
- using mobile phones and internet with unknown people which may include giving out identifying details.

Red light sexual behaviour may include:

- compulsive masturbation (e.g. self-harming, seeking an audience)

- engaging vulnerable others in a process to gain sexual activity by using grooming techniques (e.g. gifts, lies, flattery)
- force or coercion of others into sexual activity
- oral sex and/or intercourse with a person of different age, developmental ability and/or peer grouping
- presence of sexually transmitted infection or pregnancy
- deliberately sending and/or publishing sexual images of self or another person
- arranging a face to face meeting with an online acquaintance
- sexual contact with animals
- sexual activity in exchange for money or goods
- possessing, accessing or sending child exploitation materials (e.g. photos of children naked or in sexual activities).

## For Students Aged 14-17

Green light sexual behaviour may include:

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

Orange light sexual behaviour may include:

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

- oral sex and/or intercourse with known partner of more than two years age difference or with significant difference in development
- arranging a meeting with an online acquaintance accompanied by a peer or known adult
- using mobile phones and internet to send or receive sexual images of another person with their consent.

Red light sexual behaviour may include:

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

True has produced a useful brochure that contains all this information and is available [here](#).

## Responding to Sexual Behaviour

All sexual behaviour displayed or disclosed by students, whether it is age-appropriate, concerning or harmful, requires some level of information, support and a proactive response from Staff. All green, orange and red light behaviours require some form of action and support.

Most sexual behaviours are normal and healthy and will be in the green category. Green light behaviours present opportunities to communicate with children and young people about healthy sexuality.

Orange or red light sexual behaviours are less common. They indicate the need to pay attention, monitor, supervise, provide sexuality and personal safety education and may also require therapy, protection from harm or a legal response.

All Staff, Volunteers, and Contractors (together referred to as “Staff” or “staff members for the purposes of this Policy) **must** take action if they suspect, or are witness to, a student with concerning or harmful sexual behaviour, whether towards another student or not, or if a student discloses concerning or harmful sexual behaviour.

Responding to a student with orange light (concerning) or red light (harmful) sexual behaviours involves considering the College’s duty of care both to any student who is a victim and to the student who is exhibiting the behaviours.

For orange light or red light sexual behaviours, Staff should follow these guidelines:

## **Orange Light Sexual Behaviour**

Staff **must** report all incidents of orange light sexual behaviour both internally to a Child Safe Officer or the Principal and, if the behaviour causes concerns that rise to the required threshold, externally to DCJ or Police, depending on the circumstances. For more information, refer to [Reporting a Child Safety Incident or Concern Internally](#), [Mandatory Reporting to DCJ](#) and [Voluntary Reporting to DCJ](#).

## **Red Light Sexual Behaviour**

All Staff **must** take immediate action if they suspect, or are witness to, a student with red light (problematic or harmful) sexual behaviour, whether towards another person or not, or if a student discloses harmful sexual behaviour. For more information, refer to [Managing Your Initial Response to a Child Safety Incident](#).

All Staff **must** report all incidents of red light sexual behaviour by students internally directly to the Principal. They **must** also report externally, to DCJ or to Police depending on the circumstances:

- where the harmful sexual behaviour is not directed at another child or young person, or where the student exhibiting the behaviour is under the age of 10, and Staff reasonably suspect that the student’s behaviour is a result of or places them at risk of abuse or other harm, the student should be considered at risk of significant harm such that a Mandatory Report is required (for more information, refer to [Mandatory Reporting to DCJ](#))
- where the harmful sexual behaviour is by a student aged 10 or over and is directed at another child or young person, this could be a child abuse offence and a Report to Police may need to be made instead of or in addition to a Mandatory Report to DCJ (for more information, refer to [Reporting to Police](#)).



The College will:

- ensure that adult supervision of children and young people who have exhibited or disclosed red light harmful sexual behaviour is maintained until other agencies provide advice on how to respond, or until the students' parents/carers arrive
- support any student who is the victim of another student's harmful sexual behaviour in accordance with our [Support Following Child Safety Incident or Disclosure](#) policy
- work with DCJ and Police to provide appropriate ongoing support to those involved.

Depending on the age of the student who is engaged in the behaviour and any previous incidents, the College will consider and take appropriate other responses, set out below.

## **The College's Response to Orange Light and Red Light Sexual Behaviour**

If red light sexual behaviour is by a student aged under 10, the Principal will:

- advise the parents/carers of the child (unless there are reasonable grounds to believe that this would not be in the best interests of the child), and will work with the parents/carers to ensure that the child is aware that their behaviour is not appropriate in the College environment (for more information, refer to [Communicating with Parents/Carers About Internal and External Reports](#) and [Support Following Child Safety Incident or Disclosure](#))
- if the behaviour leads to a reasonable belief that the child exhibiting the behaviour has themselves been the subject of sexual abuse or is otherwise at risk of significant harm for any reason, report to DCJ if a report has not already been made.

The College's response to orange light and red light sexual behaviour by a student may include:

- reporting to Police or DCJ, if a report has not already been made and the College has additional information that meets the required thresholds for reporting
- establishing prohibited areas/activities
- monitoring arrangements
- suspension/arrange for parents to pick the student up
- reinforcing to the student involved why the behaviour is unacceptable and the College's expectations of future behaviour
- where another student is affected by the behaviour, assessing and responding to the student's needs, including:
- respecting their preferences wherever possible about whether they would like to go home for the day, or stay at College

- advising the student about how to respond to questions from other students and which staff member will be supporting the student
- positively reinforcing the action in reporting the behaviour to adults (or through peers)
- if appropriate, developing a Student Support Plan and offering College-based support and/or referring the student to appropriate external support services. For more information, refer to [Support Following Child Safety Incident or Disclosure](#).

## Responding to Other Concerns About the Wellbeing of a Student

All Staff, Volunteers and Contractors who have any concern about the wellbeing of a student, regardless of whether it has been caused by abuse or other harm, must take their concerns seriously and must act on these.

Every report is critical to protecting a student by building evidence and enabling Child Safe Officers and external authorities to gain a clear understanding of the risks posed to the student.

All Staff, Volunteers, and Contractors owe a duty of care to all students at the College to ensure that they feel safe and supported in all College environments.

Concerns about the wellbeing of a student, that do not appear to be the result of abuse or other harm, Reportable Conduct or staff misconduct, may be reported to:

- internally, a Child Safe Officer
- NSW Police
- the Department of Communities and Justice (DCJ)

depending on the age of the student and the nature of the concern.

You could also consider whether a referral to a support service may assist.

## Reporting to a Child Safe Officer

Examples of concerns that might not be the result of abuse or other harm but that might warrant a discussion with a Child Safe Officer include:

- bullying, whether the student is the victim or the bully
- cyber safety issues that do not rise to the level of risk of significant harm
- family conflict or family breakdown that appears to be impacting on the student
- vulnerability due to isolation or significant social or economic disadvantage.

## Reporting Externally

Examples of concerns that might not meet the threshold for mandatory external reporting under the law, but that might still be the subject of an external report or the sharing of information with an external person or organisation include:

- a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student (may be reported to Police or DCJ)
- a student appears to have an undiagnosed or untreated disability but whose parents/carers appear unwilling or unable to address the concern (may be reported to DCJ)
- family conflict or family breakdown appears to be impacting on the student (may be reported to DCJ)
- a student is vulnerable due to isolation or significant social or economic disadvantage (may be reported to DCJ).

If you are unsure whether to take action, or what action to take, you can discuss your concerns with a member of the Executive Leadership Team or a [Child Safe Officer](#).

## NSW Police

As set out in [Reporting to Police](#), it is the College's policy that you **must** contact NSW Police if:

- there is any concern for a student's immediate safety
- a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student.

You may do this without the consent of the student, even if the student is aged 18 or over.

If the student who is partaking in illegal activity that is extreme in nature or that poses a high risk to the student is aged under 18, you could instead make a [Voluntary Report to DCJ](#) if you believe that the student needs protection or other assistance.

Extreme, risk-taking behaviour is behaviour that has potentially severe or life-threatening consequences. Examples include:

- severe alcohol or drug use
- unsafe sexual activity
- solvent abuse and chroming
- violent or dangerous peer group activity.

## DCJ

The Mandatory Reporting Guide (MRG) assists Mandatory Reporters to make an appropriate reporting decision. Where the result of going through the MRG process is that the student is not considered at risk of significant harm, the MRG provides some guidance for making referrals that might assist the student and/or their family to address the concerns.

The MRG is found at: <https://reporter.childstory.nsw.gov.au/s/mrg>

You should still contact DCJ if:

- after consideration of all the available information you form a view that the student may not be at risk of significant harm for one of the statutory reasons but may need prevention or early intervention services or other assistance; and
- the student's parents/carers are not, or you believe they will not be, open to referrals or support from the College to address their student's wellbeing.

For more information, refer to [Voluntary Reporting to DCJ](#).

## Record Keeping Obligations

For the College's record keeping obligations relating to other wellbeing concerns, refer to [Child Safe Record Keeping](#).

## Support for Students Interviewed at the College

The College has certain legal requirements when a request is made by the Police or the Department of Communities and Justice (DCJ) workers to interview students at school about child safety incidents or concerns. Students to be interviewed may include victims, witnesses or alleged perpetrators.

## Support for Students

All students interviewed by the Police or DCJ at the College must be offered support.

Where possible, the student's parents/carers should be present for any interview. Where this is not practicable or appropriate, one of the following persons may provide support to the student during the interview, as appropriate:

- the Principal
- a Child Safe Officer
- in the case of Police interviews, an **independent support person** over the age of 18 who is not connected with the College, for example a social worker or nurse.

The College should consider whether there may be a conflict of interest between the support person and the student being interviewed. For example, a situation may arise where the Principal or Child Safe Officer is related to the alleged perpetrator of the child safety incident or may be a witness in the investigation (such as a witness to the incident or the person to whom the student first disclosed), the student is a family member, or the Principal or Child Safe Officer may be the perpetrator.

## General Protocols

The Principal must:

- facilitate interviews requested by the Police or DCJ
- advise students of their right to have their parent/carer, or if not practicable or appropriate an independent support person, present at such an interview
- arrange for the student's parent/carer or their chosen independent support person to be present
- balance their obligation to protect the rights of students with their obligation to assist the Police and DCJ in their exercise of duty
- ensure that the College has arrangements for appropriate people to be available to act as independent support persons for students interviewed at the College by the Police or DCJ workers
- observe confidentiality at all times in the management of a mandatory reporting or criminal case.

## Contacting Parents/Carers

Before contacting a student's parents/carers, the Principal must seek advice from the Police or DCJ to determine if parents/carers should be present at the interview.

Where appropriate, parents/carers must be advised of the scheduling of an interview with the Police.

Parents/carers should also be advised of interviews that have been scheduled with DCJ where it is deemed to be appropriate, however DCJ may conduct interviews with students without

parental/carer knowledge or consent in exceptional circumstances.

## Student as a Victim/Witness

When the Principal allows interviews involving students who may be victims or witnesses, they should:

- support and encourage the student to provide as much information as possible
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible, unless doing so causes a risk of abuse or other harm.

## Student as a Suspect

If Police need to speak with a student who is suspected of criminal conduct, including conduct towards another child or student at the College, this should preferably be done in the presence of the student's parents/carers, or another **independent support person**.

## Making Additional Reports

There are some circumstances in which Staff, Volunteers and Contractors will be required to make an additional report to an appropriate external authority.

## Reporting Further Grounds for Belief or Suspicion

If you know or have reasonable grounds to suspect that a child is at risk of significant harm, you must still make a report to the relevant external authority about the child even if you are aware that:

- the Department of Communities and Justice (DCJ) or the Police have previously been advised of or involved with or are currently involved with the child and/or their family; or
- someone else, such as another staff member, Volunteer, Contractor or family member, has already raised other concerns with the relevant authorities.

Every report is critical to protecting a student by building evidence and enabling external authorities to gain a clear understanding of the risks posed to the student.

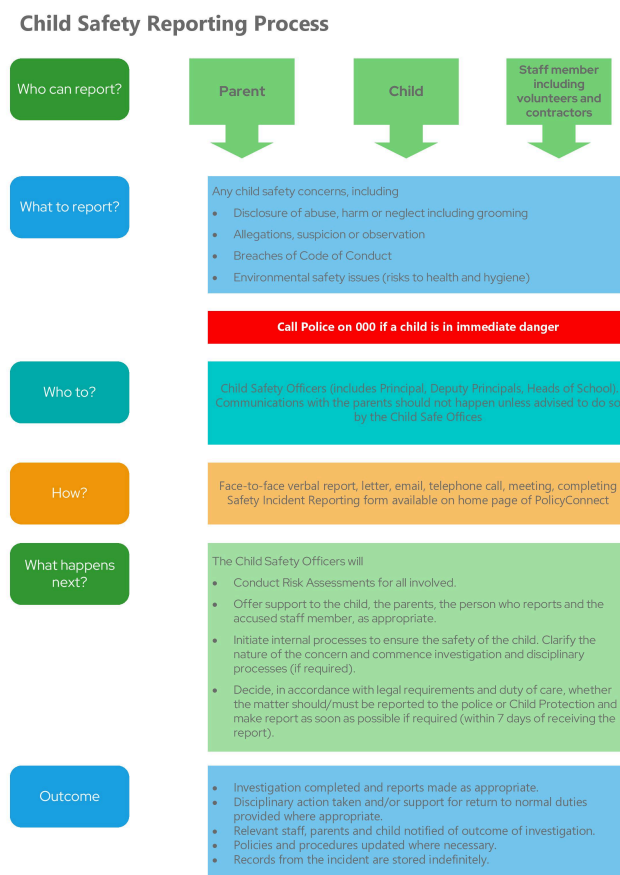
## Another Person Has an Obligation to Make a Report

There may be times when two or more staff members at the College (for example the Principal and a Child Safe Officer) know or have reasonable grounds to suspect a risk of significant harm about the same student on the same occasion and based on the same information.

In this situation, it is sufficient that only one of the staff members make a report to the relevant external authority, as the belief is based on the same information. However, the other staff member, who does not make the report, must ensure that the report has been made and that all grounds for their own belief were included in the report made to the authority.

If staff members do not agree on what should be reported, for example a staff member does not agree with the Principal’s decision not to make a report to an external authority, the staff member is legally obliged to make a report anyway.

## SAC Child Safe Reporting Process flowchart



Staff should refer to the Child Safe modules available on **PolicyConnect** for further details on Responding and Reporting Child Safe Incidents or concerns

## Child Safe Incident Triage Tool

This Triage Tool supports understanding of reporting requirements for Child Safe Incidents.

Access the tool [HERE](#)

## Information Sharing and Record Keeping

Standard 1 of the NSW Child Safe Standards and Principle 1 of the National Principles for Child Safe Organisations are about embedding a culture of child safety in organisational leadership, governance and culture. One of the core components/criteria set for this Standard is that the College's Staff and Volunteers understand their obligations on information sharing and record keeping.

The NSW Child Safe Standards do not set any particular requirements for compliance with this Standard. However, to meet the National Principles' criterion, the College must have documented information sharing and record keeping policies. These policies must ensure that information and records are treated as confidential and that the sharing or distribution of information and records be restricted to nominated personnel and be conducted in accordance with relevant legislative and statutory requirements.

This section of the Child Safe Program describes our policies, procedures, practices and work systems for child safe information sharing and record keeping.

Each policy or procedure in this section also contains additional guidance for Staff, Volunteers, Contractors and the College to assist in them to understand and comply with it.

The College's policies and procedures for child safe information sharing and record keeping are made available to Staff through our PolicyConnect, it is also made available in hard copy on request.

Our child safe information sharing and record keeping practices are summarised and made available to students, parents/carers and the College community in our Child Safe Policy, our public-facing [Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct](#) and our public-facing [Procedures for Managing Child Safety Incidents or Concerns At or Involving the College](#), which are available on our public website.

## The Policies and Procedures in This Section

The policies and procedures in this section of the Child Safe Program are:

- [Confidentiality and Privacy](#).
- [Communicating with Parents/Carers About Internal and External Reports](#)



- [Sharing Information Relating to Students' Wellbeing](#)
- [Child Safe Record Keeping](#)

## Source of Obligation

- NSW Child Safe Standards, Standard 1
- National Principles for Child Safe Organisations, Principle 1
- Education Act 1990 (NSW), section 47(1)(g)

Legislative obligations relevant to specific policies and procedures in this section of the Child Safe Program are set out in the various policies.

## Confidentiality and Privacy

The College makes everyone at the College, including students, aware that all child safety incidents and concerns will be reported internally and/or to the relevant external bodies, and that confidentiality cannot be maintained in these instances. You must not provide undertakings that are inconsistent with your reporting obligations in the College's Child Safe Program. You must not promise a student that you will not tell anyone about the student's disclosure.

However, in all other respects, all Staff, Volunteers and Contractors must maintain confidentiality and privacy and information regarding a child safety incident or concern should only be shared on a 'need to know' basis. For more information about when and how to share information, refer to [Sharing Information Relating to Students' Wellbeing](#).

Anyone who has access to information regarding a case of suspected child abuse or other harm must keep this information confidential and secure and must only disclose or discuss this information internally with those involved in managing the situation.

The College should inform students and any other parties who become involved in the investigation of a child safety concern or incident (this may include other students) of the reporting process and require them to maintain confidentiality.

Inappropriate disclosure will be subject to disciplinary action.

## Protection of Reporters' Identities

Reports or referrals made to the Department of Communities and Justice (DCJ), including Mandatory Reports, are confidential, and reporters' identities are generally protected by law.

It is important to note however that NSW Police may be granted access to the identity of the reporter if this is needed in connection with the investigation of a serious offence against a child or young person. The request must come from a senior NSW Police officer and the reporter must be informed that their identity is to be released, unless informing them of the disclosure will prejudice the investigation.

## **Reporter Liability**

A person who makes a Mandatory Report in accordance with the Children and Young Persons (Care and Protection) Act 1998 (NSW) or a report of Reportable Conduct under the Reportable Conduct Scheme will not be held liable for the eventual outcome of any investigation.

If a report is made in good faith, it does not constitute a breach of professional ethics on the part of the reporter and the reporter cannot be held legally liable in respect of the report.

## **Protection of Workers' Working with Children Check Outcome**

The NSW Office of the Children's Guardian maintains a register for Working with Children Checks.

### **Disclosure of Worker Information**

The NSW Office of the Children's Guardian may make the following information about a worker in its register available to an employer or proposed employer, on request in the approved format:

- particulars of applications for WWC Check clearances
- WWC Check application number of any worker
- current clearance status of a child-related worker
- number, class (volunteer or non-volunteer) and expiry date of a WWC Check clearance held by a child-related worker
- whether the clearance holder is subject to an interim bar or has had a clearance cancelled.

The Office of the Children's Guardian will therefore only inform the College of whether an individual passes or fails the WWCC. None of the information gathered for the WWCC, such as criminal or professional records, is provided on to Shellharbour Anglican College.

### **Disclosure of Employer Information**

The Office of the Children's Guardian may make the following information about an employer in the register publicly available:

- trading name or registered business name of the employer
- child-related work for which the employer engages a child-related worker
- postcode or name of the place in which the employer's business is located
- whether any requests for information regarding a Check status were made to the Office of the Children's Guardian by the employer within a specified period.

## Protection of Personal Information

How Shellharbour Anglican College handles the information we collect about individuals (referred to in the Privacy Act 1988 (Cth) as personal information) is very important, as the people we deal with expect us to handle their personal information properly and we have a legal obligation to do so. Personal information is information, or an opinion, about an identified individual, or an individual who is reasonably identifiable:

- whether the information, or opinion, is true or not; and
- whether the information, or opinion, is recorded in a material form or not.

The Privacy Act 1988 (Cth) only applies to personal information that is captured in a record.

For more information, refer to our [Privacy Policy](#).

## Requests for Information

If you receive a request from the Police or DCJ for information relating to a student who has been impacted (or is suspected to have been impacted) by child abuse or other harm, you should:

- obtain the request for information in writing; and
- ensure that the written request includes:
  - the name of the Police or DCJ officer, the organisation they work for and their contact details
  - a description of the information and/or documents being sought
  - the reasons why the information and/or documents are being sought
  - what authority the officer or the organisation believes that they have, to access the requested information and documents

If you receive a request to share information under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 (NSW), the request must be forwarded to the Principal or the Information Sharing Manager/s for a response.

For more information, refer to [Sharing Information with Other Agencies](#).

If the information is sought more informally, for example as background information in relation to a Police or DCJ investigation, then you may share the information. However, you are not compelled to do so. For more information, refer to [Sharing Information Relating to Students' Wellbeing](#).

## **Communicating with Parents-Carers About Internal and External Reports**

For many child safety incidents or concerns, it is critical that the student's parents/carers are notified as soon as practicable that an internal report has been received and/or that an external report has been or will be made to the appropriate external authority about a child safety incident or concern involving their child. This enables the student's parents/carers to take steps to:

- prevent or limit their child's exposure to further abuse or other harm
- ensure that their child receives the support that is needed.

For more information, refer to [Information Sharing Policy \(Child Safe\)](#).

However, there are some circumstances where sharing information about the report with parents/carers may not be appropriate.

## **Mandatory and Voluntary Reports to DCJ and Reports to Police**

It may not be appropriate to share some or all information about Mandatory or Voluntary Reports to the Department of Communities and Justice (DCJ) or reports to Police with parents/carers where:

- the parents/carers are alleged to have engaged in the abuse or other harm
- a disclosure to the parents/carers may subject the student to further abuse or other harm
- the student is a mature minor (assessed to be sufficiently intelligent and mature to make such decisions on their own behalf) and has requested that the parents/carers not be contacted (refer to [Information Sharing with Consent](#))
- disclosing some, or all, of the information about the report is likely to have an adverse effect on an ongoing investigation into the incident.

If a report is made to NSW Police or to DCJ, then **before contacting parents/carers** the Principal must seek advice from the Police or DCJ (depending on who the report has been made to). They will advise whether it is appropriate to contact parents/carers at this stage and if so, what information can be shared with the parents/carers.

Where advised that information about the report can be shared with parents/carers, the Principal must make sensitive and professional contact with the parents/carers as soon as possible after the incident, disclosure or suspicion occurred or arose.

## **Reportable Conduct Reports**

Section 57 of the Children’s Guardian Act imposes disclosure obligations and prohibitions on the Principal.

The disclosure obligations and prohibitions apply to information about a Reportable Conduct investigation. This includes information about the progress of an investigation, the findings and any action taken in response to the findings.

## **The Principal Must Inform the Affected Child and Their Parents/Carers About the Reportable Conduct Investigation**

The Principal or an investigator working for the Principal must inform the affected child and their parents/carers about the Reportable Conduct investigation unless it is “not in the public interest” to inform them.

The Office of the Children’s Guardian has published guidelines setting out what the Principal must have regard to when deciding whether or not to disclose information.

## **The Principal Must Not Disclose Reportable Conduct Information to Anyone Else (Unless an Exception Applies)**

This is the basic rule: the Principal or an investigator working for the Principal must not disclose information about a Reportable Conduct investigation to anyone other than the affected child and their parents/carers.

However, there are exceptions to this rule.

For more information about when Reportable Conduct Information can and cannot be disclosed, refer to [Information Sharing About Reportable Conduct](#).

## Sharing Information Relating to Students' Wellbeing

Standard 1 of the NSW Child Safe Standards and Principle 1 of the National Principles for Child Safe Organisations require that child safety and wellbeing is embedded in Shellharbour Anglican College's leadership, governance and culture. One of the criteria set for this Standard is that the College's Staff and Volunteers understand their obligations on information sharing.

Shellharbour Anglican College is committed to best practice in information sharing to protect the safety, welfare and wellbeing of children and young people in our care.

Our ability to identify and manage appropriate information sharing is an important aspect of the College's child safe culture and management.

Our information sharing policies set out how we manage sharing information about the safety, welfare or wellbeing of students with external people and organisations, parents/carers and the wider College community. Internal information sharing between Staff and with Volunteers and Contractors is managed through our internal College governance structure.

This section of the Child Safe Program includes:

- [Information Sharing Policy \(Child Safe\)](#)
- [Sharing Information with Other Agencies](#)
- [Complying with Court Orders \(Information Sharing\)](#)
- [Information Sharing Record Keeping](#)

### Information Sharing Policy (Child Safe)

This Policy applies to all Staff (including the College Executive Leadership Team), Volunteers and Contractors (together, known as "Staff" or "staff members" for the purposes of this Policy only).

Shellharbour Anglican College and the Executive Leadership Team are committed to appropriate information sharing to promote the safety, welfare and wellbeing of children and young people. This commitment is demonstrated through:

- the establishment, implementation and maintenance of this Policy
- the appointment of an Information Sharing Manager/s to oversee this Policy
- training of all Staff, Direct Contact Volunteers and Direct Contact Contractors about our information sharing procedures
- ensuring our information sharing guidelines are understood by all parents/carers and students

- keeping records of all information sharing requests and how they have been resolved.

This Policy sets out the overarching principles that apply when the College is considering sharing information about student's safety, welfare or wellbeing (Information):

- with anyone, where there is informed consent
- with parents/carers
- with the wider College community
- under a statutory regime or court order
- under exceptions to privacy law, where the consent of the person whose information is being shared is not required.

This Policy must be read in conjunction with:

- [Reporting a Child Safety Incident or Concern Internally](#)
- [Mandatory Reporting](#)
- [Reportable Conduct](#)
- [Reporting to Police](#)
- [Sharing Information with Other Agencies](#)
- [Complying with Court Orders \(Information Sharing\)](#),

which detail procedures by which Information may or must be shared within the College and, in specific circumstances, with other external authorities and agencies.

## **The Principles of Information Sharing**

Our Information Sharing Policy is based on the following principles:

- the safety, welfare and wellbeing of children and young people are the primary considerations when making Information sharing decisions
- Information sharing decisions are made on a case-by-case basis using best interest principles, and are supported by sound risk assessment
- the informed consent of the child or young person, and/or that of their parents/carers, is sought and obtained before sharing Information about a child, young person or their parents/carers, except where to do so would put the child or young person at an increased risk of harm to their safety, welfare or wellbeing
- when Information is shared under this Policy, it is done so respectfully in both verbal and written communication and using STAR (secure, timely, accurate, relevant) best practice

- an adult's wellbeing needs should not compromise a child or young person's safety and wellbeing
- a child or young person's right to privacy must also be managed while sharing Information.

## Who Manages Information Sharing at the College?

Where Information is requested or proposed to be shared under this Policy only an authorised information sharer can respond. At the College, our authorised information sharers are listed below.

Where a request for information exchange is made by or to a prescribed body under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998, only the Information Sharing Manager/s or the Principal can make or respond to this request. For more information, refer to [Sharing Information with Other Agencies](#).

## Authorised Information Sharers

The following people are "authorised information sharers" for the purposes of this Policy:

- Principal - Mrs Megan Hastie
- Deputy Principal - Strategy & Innovation

## Our Information Sharing Manager/s

We have appointed an Information Sharing Manager/s who is responsible for:

- ensuring that all Staff, Direct Contact Volunteers and Direct Contact Contractors are educated about our Information Sharing Policy (Child Safe)
- authorising staff members to share information and approving information sharing under this Policy
- investigating any information sharing complaints or incidents
- supervising Volunteers' involvement with information sharing
- maintaining accurate records about what Information has been shared and the reasons for sharing the Information
- monitoring the effectiveness of our Information Sharing Policy (Child Safe).

Information Sharing Manager is our designated Information Sharing Manager/s.

If an information sharing request is received about the Information Sharing Manager/s, we have appointed



- Deputy Principal - Strategy & Innovation

to act as an alternate Information Sharing Manager/s with respect to that information sharing request or proposal.

## Information Sharing and Volunteers at the College

Volunteers make substantial contributions at College and are also responsible for maintaining the safety, welfare and wellbeing of children and young people in their care.

The observations of Volunteers in their roles working with children and young people can be highly valuable to information sharing discussions.

A Volunteer's participation in information sharing under this Policy must be conducted under the direct supervision of the Information Sharing Manager/s and never undertaken alone.

## Who Can Information Be Shared With?

### Information Sharing in General

The College can share Information with anyone and for any purpose, with the informed consent of the student or their parent/carer. For more information, refer to **Information Sharing With Consent**, below.

The College can share Information with anyone who has a **legitimate purpose** (defined below) for having the Information, but only if:

- there is a **legitimate reason** (defined below) for sharing the Information without consent;
- all steps to information sharing are satisfied; and
- the Information Sharing Manager/s approves the sharing of the Information.

For more information, refer to **Information Sharing Without Consent**, below.

### Information Sharing With Parents/Carers

While it is important to involve parents/carers in any issues which affect the safety, welfare and wellbeing of their children and young people, Information provided through a confidential information sharing agreement must not be revealed to a parent/carer without the informed consent of the child or young person involved.

If a child or young person is unable to give informed consent due to insufficient capacity, it is the College's policy to share information with the parents/carers.

For more information and guidance on when Information might not be shared with parents/carers, refer to [Communicating with Parents/Carers About Internal and External Reports](#).

## **Information Sharing Under a Statutory Regime or Court Order**

The College can share Information without the consent of the student or their parent/carer if we are required or otherwise permitted to give Information through a statutory obligation or court order.

However, where practicable and reasonable, the College will seek the informed consent of the relevant student and/or their parents/carers before sharing Information under a statutory regime.

Where the Information is being shared under a statutory regime without consent, the staff member who is managing the Information sharing request or proposal (this will usually be the Principal) must follow the procedures for **Sharing Information Without Consent** below.

For more information, refer to [Sharing Information with Other Agencies](#) and [Complying with Court Orders](#) (Information Sharing).

## **Information Sharing With the Wider College Community**

The College takes great care to assess the relevance and appropriateness of sharing Information about a child safety incident or concern before providing any information about it to the College community. While the wider College community may have an interest in child safety incidents or concerns, particularly those that involve College events or Staff, Volunteers or Contractors, it is possible that even the confirmation of an incident or allegation can lead to the identification of a victim without their consent.

Therefore, it is the College's policy that:

- only the Principal or an authorised representative of Anglican Schools Corporation can disclose information about a child safety incident or concern to the wider College community
- when considering the appropriateness of sharing Information, they must follow the advice of any investigating agency (such as Police, the Department of Communities and Justice (DCJ) or the Office of the Children's Guardian)
- they must not share Information that may identify the victim of the incident or concern with the wider College community without the consent of the victim and/or their parent/carer.

## How Information Sharing Relates to External Reporting

This Information Sharing Policy supports prevention and early intervention in situations where the safety, welfare and wellbeing of children and young people are at risk or suspected to be at risk. Under this Policy, Information may be shared for [Voluntary Reporting to DCJ](#) and for [Responding to Other Concerns about the Wellbeing of a Student](#).

When Information is shared with external agencies under [Mandatory Reporting to DCJ](#), [Reporting to Police](#) and [Reportable Conduct](#), the sharing of that Information should not be viewed as an alternative to information sharing under this Policy, but rather this Policy provides an additional avenue of information sharing once the relevant threshold has been reached. Information about any external report's underlying allegations or concerns can still be shared with other people under this Policy.

For more information, refer to [Responding to and Reporting Child Safety Incidents or Concerns and Communicating with Parents/Carers About and External Report](#).

## Whose Information Can be Shared?

Information about:

- a child, a young person or a student aged 18 or over
- a person associated with a student at the College (such as parents/carers)
- a person associated with the College (such as staff members)

can be shared under this Policy.

## When Information Can and Cannot be Shared

Information **can** be shared:

- if there is informed consent; or
- if there is no consent, if:
  - the person or organisation receiving the information has a legitimate purpose for having it (defined below)
  - there is a legitimate reason for sharing the information without consent (define below)
  - the steps to information sharing have been followed; and
  - there is approval from the Information Sharing Manager/s.

Information **cannot** be shared, whether with or without consent, in any situation which would:

- interfere with current court proceedings including coronial inquests and care proceedings
- contravene any legal, professional or client legal privilege
- enable the existence or identity of a confidential source of information in relation to enforcement of a law to be determined
- endanger a child or young person's safety, welfare or wellbeing
- prejudice the effectiveness of a lawful method for dealing with an offence.

For more information, refer to [Confidentiality and Privacy](#).

## Information Sharing With Consent

Information can be shared with anyone and for any purpose, with the informed consent of the student or their parent/carer.

It is the College's policy to seek the informed consent of the child or young person, and/or that of their parents/carers, before sharing Information about a child, young person or their parents/carers, unless:

- the student or their parent/carer does not have the capacity to give informed consent\*\*
- seeking consent would put the student, or another child or young person, at an increased risk of harm to their safety, welfare or wellbeing.

\*\*As a general principle, a child or young person under the age of 18 has capacity to give informed consent when they have sufficient understanding and maturity to understand what is being proposed.

Sufficient understanding and maturity in students is assessed on a case-by-case basis, wherever practicable and reasonable.

If it is not practicable or reasonable for the College to assess the capacity of a student under the age of 18 on a case-by-case basis, the College will presume that:

- that a student aged 15 years or over has capacity to consent, unless there is something to suggest otherwise
- that a student aged under 15 years does not have capacity to give informed consent.

Where the student lacks or is presumed to lack the capacity to give informed consent, the College may seek the informed consent of a parent/carer to consent on the student's behalf.

## What is Consent?

In this Policy, we adopt the definition of consent as "a free and voluntary agreement".

For consent to be "informed consent" certain principles must be fulfilled:

- the person giving the consent must have the capacity to make the decision about the specific issue at the specific time
- the consent must be voluntarily given, free from manipulation or undue influence
- the consent discussion must be transparent, well-balanced and involve two-way communication sensitive to the situation
- the information is provided in a language or by a means that the person can understand
- the person has sufficient time to consider and clarify the issues in order to make an informed decision; and
- the information provided and the consent given relate to the specific Information sought to be shared.

Consent may be explicit, meaning agreement is given verbally or in writing. Consent can also be implied, meaning information sharing is inherent to the nature of the service sought.

## Protocols for Gaining Informed Consent

Informed consent in relation to information sharing means that the student and/or their parent/carer understands the purpose of the information sharing request and the likely outcomes of them giving consent.

To gain consent, use one or more of the following protocols:

1. Explain to the student, and/or their parent/carer, why information sharing is important, who is it designed to support and the intended outcomes.
2. Explain what circumstances may arise where Information may be shared without the consent – refer to Step 6 of the **Steps to Information Sharing** below, and [Sharing Information with Other Agencies](#) for more information.
3. Revisit a student's, and/or their parent/carer's, consent if the information sharing being considered is significantly different to the original consent or a significant amount of time has passed since

consent was first given.

4. Tailor the explanation approach to take account of students, and parents/carers, from culturally and linguistically diverse backgrounds or with different cognitive capabilities and communication needs.
5. Ask the student, or their parent/carer, to explain the request in their own words and why they have given or withheld their consent.
6. Gain explicit written consent if possible.

## Information Sharing Without Consent

The College may share Information without consent if:

- the receiving person or body has a legitimate purpose for having the Information,
- there is a legitimate reason for sharing the Information without consent
- all steps to information sharing are satisfied
- the Information Sharing Manager/s approves the sharing of the Information.

## What is a Legitimate Purpose?

A legitimate purpose for having the information may include, but is not limited to:

- where Information is being shared pursuant to a statutory regime, any purpose that is set out in the relevant legislation
- where Information is being shared pursuant to a court order, any purpose that is related to the relevant court proceedings
- in any other case, to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare, including but not limited to:
  - protecting a child or young person from being abused or otherwise harmed or from being at risk of abuse or other harm
  - protecting groups of children or young people from serious or imminent harm
  - protecting College community members from serious or imminent harm
  - protecting other organisations from situations of serious or imminent harm to children or young people
  - alerting a person or organisation to a child or young person's urgent need for a service (e.g. counselling)
  - diverting a child or young person from harming themselves.

Refer to [Sharing Information with Other Agencies](#) for more information about the purposes for which Information may be shared under Chapter 16A of the Care and Protection Act. These are all a “legitimate purpose” under this Policy.

## What is a Legitimate Reason?

A legitimate reason for sharing Information without consent may include, but is not limited to situations in which:

*Either:*

- the student, or their parent/carer, clearly does not have the capacity to give informed consent; or
- seeking consent would put the child or young person at risk of harm to their safety, welfare or wellbeing by seeking that consent;

*and:*

- the sharing of the Information will enable the provision of assistance to or the protection of a child, young person or their family, or a group of children or young people.

## Whose Information Can I Share without Consent?

Provided that the above requirements are met, the College may share Information about the following people *without* their consent:

- children and young people aged under 18 years, as well as students aged 18 or over, who are considered to face an immediate or anticipated serious threat to their safety, welfare or wellbeing, as well as:
  - any siblings of a child or young person under threat
  - any family member of a child or young person under threat
  - any other person who is a close associate of a child or young person under threat
- teachers who are transferring to another school (irrespective of jurisdiction) who may pose a threat to the safety, welfare or wellbeing of children or young people
- non-teaching Staff, including Direct Contact and Regular Volunteers and Direct Contact or Regular Contractors, who may be transferring to or working at another school (irrespective of jurisdiction) or another organisation, and who may pose a threat to the safety, welfare or wellbeing of children or young people

- students transferring to another school who:
  - may have engaged in harmful sexual behaviours that may pose a threat to the safety, welfare or wellbeing of other children or young people; or
  - may have particular educational or support needs for their safety, welfare and wellbeing.

## Procedure for Making Decisions about Information Sharing

Deciding whether to share Information can be difficult. If you are in an information sharing situation and are still unsure of whether the Information can be shared, the College may seek professional legal advice to assist.

### Steps to Information Sharing

When an authorised information sharer, whether pursuant to a request or at their own instigation, shares Information on behalf of the College, it is important to follow these steps to information sharing and to use **STAR best practice**, below, when sharing Information.

#### 1. Verify the Identity of the Person Receiving Information

If a person makes an information sharing request to the College or with whom it is proposed to share Information and is not known to the College, an authorised information sharer must verify the person's identity by:

- calling the individual back at the organisation's number; or
- calling a more senior person in the organisation to verify the identity of the individual.

Verification of the person's identity should be recorded in the information sharing records.

If an authorised information sharer believes that a person has misrepresented themselves when making an information sharing request or receiving information from College, this could be an offence of fraud.

#### 2. Determine the Reasons for Sharing Information

Information can be shared for any reason, at the request of or with the informed consent of the student or their parent/carer. Refer to **Information Sharing with Consent**, above.

In all other cases, the College may share information with anyone who has a **legitimate** purpose for having the information. For more information, refer to **Information Sharing Without Consent**, above.



The reasons for sharing Information could therefore include:

- the student and/or their parent/carer has requested that the Information be shared and has given informed consent
- the Information is being shared pursuant to a court order (refer to [Complying with Court Orders \(Information Sharing\)](#))
- the Information is being shared pursuant to a statutory regime (refer to [Sharing Information with Other Agencies](#))
- in all other cases, Information may only be shared to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare, including but not limited to:
  - protecting a child or young person from being abused or otherwise harmed or from being at risk of abuse or other harm
  - protecting groups of children or young people from serious or imminent harm
  - protecting College community members from serious or imminent harm
  - protecting other organisations from situations of serious or imminent harm to children and young people
  - alerting a person or organisation to a child or young person's need for a service (e.g. counselling)
  - diverting a child or young person from harming themselves.

### 3. Confidential Information

Confidential Information cannot be shared by the College in any situation which would:

- interfere with current court proceedings including coronial inquests and care proceedings
- contravene any legal, professional or client legal privilege
- enable the existence or identity of a confidential source of Information in relation to enforcement of a law to be determined
- endanger a child or young person's safety, welfare or wellbeing
- prejudice the effectiveness of a lawful method for dealing with an offence.

Authorised information sharers must determine whether there is any confidential Information involved in the information sharing request.

### 4. Gaining Consent

Authorised information sharers should follow the **Protocols for Gaining Consent**, above.

If they cannot or should not seek or obtain consent, authorised information sharers should follow Step 5 and Step 6.

## 5. Safety and Consent

Authorised information sharers should not seek consent from the child or young person, or their parent/carer, if:

- the student, or their parent/carer, clearly does not have the capacity to give informed consent; or
- seeking consent from them would put the student, or another child or young person, at risk of harm to their safety, welfare or wellbeing.

Examples of situations which may place a child or young person at risk if consent is sought could include when the child or young person may:

- be moved out of reach of the College
- be coached or coerced by other people to cover up harmful behaviour, incidents or evidence
- be at risk of significant harm as a result of having provided consent
- assault or threaten to assault others
- engage in self-harming behaviours.

If an authorised information sharer believes that they are unable to seek consent, whether from a student who otherwise would have the capacity to give informed consent or from a parent/carer, they should also consider whether it is appropriate to make a mandatory report or other external report in line with Step 7.

## 6. Sharing Without Consent

Authorised information sharers should only share Information without consent if the person receiving the Information has a legitimate purpose for having it, there is a legitimate reason for sharing the Information without consent, all steps to information sharing are satisfied and the Information Sharing Manager/s approves the sharing of the Information.

Authorised information sharers at the College should refer to **Information Sharing Without Consent**, above, for guidance on legitimate purpose and legitimate reason.

Gaining approval is outlined in Step 8: Information Sharing Process.

## 7. External Reporting

All Staff, including authorised information sharers, must comply with their external reporting obligations under [Mandatory Reporting to DCJ](#), [Voluntary Reporting to DCJ](#), [Reporting to Police](#) and [Reportable Conduct](#) as outlined in this Program.

## 8. Information Sharing Process

Staff should seek approval from the Information Sharing Manager/s before responding to an information sharing request, or before providing Information on their own initiative.

The Information Sharing Manager/s must then document the information sharing request or proposal and their approval before any information is supplied.

For more information, refer to [Information Sharing Record Keeping](#).

## 9. Record Management Procedures

Information sharing requests, decisions and disclosures must be recorded in the College's Information Sharing Register.

The Information Sharing Register, which is the responsibility of the Information Sharing Manager/s, provides a summary of key data about all information sharing requests that are in the system at any particular point in time.

For more information, refer to [Information Sharing Record Keeping](#).

## STAR Best Practice When Sharing Information

Authorised information sharers must use STAR best practice when sharing Information:

### (S) SECURE

- Information must be shared and stored securely.
- Email should not be used for disclosing sensitive Information when sharing Information under this Policy.
- Instead, authorised information sharers should establish the identity of the child or young person via phone or in person then de-identified documents can be sent via email.

## **(T) TIMELY**

- It is not appropriate to delay sharing information as sharing the Information may prevent harm or risks of harm to the safety, welfare or wellbeing of a child or young person.
- All information sharing requests will be dealt with within 14 business days from receiving the request.
- However, when an organisation contacts the College to request Information, the staff member dealing with the information sharing request should ask if their request has emergency status, in which case, the request must be completed within three business days or as soon as possible.

## **(A) ACCURATE**

- Accurate and up-to-date information is essential to any information sharing request that affects the safety, welfare and wellbeing of a child or young person.
- Authorised information sharers should clearly distinguish between facts and opinions in the Information being shared, and should clearly identify any limitations of the Information in writing to the other party.

## **(R) RELEVANT**

- Authorised information sharers should only share Information that is relevant for the information sharing request to be met.
- The Information that is shared must be proportionate to the purpose and Staff must not provide unnecessary detail.

## **Complaints About Information Sharing**

Complaints about the College's management of or conduct when information sharing will be processed using [Child Safe Complaints Management](#).

### **Sharing Information with Other Agencies**

The College may, or in some cases must, share information relating to the safety, welfare or wellbeing of children and young people (Information) with specific agencies or people.

Despite laws prohibiting or restricting the disclosure of personal information, under Chapter 16A and section 248 of the Children and Young Persons (Care and Protection) Act 1998 (NSW) (Care and

Protection Act), “prescribed bodies”, including non-government schools, must share Information with other prescribed bodies and with the Department of Communities and Justice (DCJ) when required to do so.

Chapter 16A of the Care and Protection Act also allows prescribed bodies to voluntarily share a broad array of Information with other prescribed bodies, including Information about the support or educational needs of students and Information about the risk of abuse posed by teachers and other Staff.

Chapter 16A prioritises the sharing of Information, to ensure the protection and wellbeing of children and young people, over the protection of an individual’s privacy and confidentiality.

Information sharing under Chapter 16A is separate from, and does not affect, the sharing of Information to fulfil Reportable Conduct obligations and Mandatory Reporting/Reporting to Police obligations.

## Source of Obligation

### Mandatory Information Sharing with DCJ and between Prescribed Bodies

Prescribed bodies **must** comply with a direction from DCJ made under section 248 of the Care and Protection Act to furnish DCJ with Information relating to a particular child or young person or a class of children or young people.

Prescribed bodies **must** also comply with a request from another prescribed body made under section 245D of the Care and Protection Act for information relating to a particular child or young person or a class of children or young people if:

- the prescribed body that hold the Information (the “providing” prescribed body) reasonably believes, after having been given sufficient information by the other prescribed body (the “receiving” prescribed body),
- that the information may assist the receiving prescribed body to:
  - to make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or well-being of the child or young person or class of children or young person; or
  - to manage any risk to the child or young person (or class of children or young persons) that might arise in the agency’s capacity as an employer or designated agency.

However, a prescribed body does not have to comply with requests under section 245D if the Information falls into an exemption to information sharing.

## Voluntary Information Sharing

Under section 245C of the Care and Protection Act, prescribed bodies **may** voluntarily share information relating to a particular child or young person or a class of children or young people with other prescribed bodies or DCJ if the providing prescribed body reasonably believes that the information may assist the receiving prescribed body to:

- to make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or well-being of the child or young person or class of children or young person; or
- to manage any risk to the child or young person (or class of children or young persons) that might arise in the agency's capacity as an employer or designated agency.

The providing prescribed body can share the Information regardless of whether or not the receiving prescribed body has requested it.

## Who is a Prescribed Body?

"Prescribed bodies" are set out in Schedule 5 of the Children and Young Persons (Care and Protection) Regulation 2022 (NSW) (Care and Protection Regulation).

The College is a "prescribed body".

Other prescribed bodies include:

- NSW Police
- a Public Service agency or public authority
- a government or non-government school
- a TAFE establishment
- a public health organisation
- early childhood centres
- a private health facility
- community housing providers
- designated agencies (agencies accredited to provide statutory out-of-home care or adoption services) the Australian Federal Police

- the Commonwealth Department of Health and Aged Care or its successor
- the Federal Circuit and Family Court of Australia
- the Commonwealth Department of Home Affairs or its successor
- the Commonwealth Department of Social Services or its successor
- Services Australia or its successor
- the NDIS Agency
- the NSIA Quality and Safeguards Commission
- the National Indigenous Australians Agency or its successor
- any organisation whose duties include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children
- nurses
- medical practitioners
- midwives
- psychologists
- occupational therapists
- speech pathologists eligible for membership of Speech Pathology Australia
- community housing providers.

While DCJ is not specifically included as a prescribed body in the Care and Protection Act or the Care and Protection Regulation, in 2010 DCJ began using Chapter 16A instead of section 248 to provide and request Information about children and young peoples from prescribed bodies.

## **The College's Policy**

### **Information Sharing Generally**

The College will comply with all Chapter 16A requests for Information by DCJ and receiving prescribed bodies whenever:

- the College has formed the required reasonable belief under the relevant section; and
- no exemption to the information sharing exists.

The College will voluntarily share information with DCJ and other prescribed bodies under Chapter 16A whenever:

- the College has formed the required reasonable belief under the relevant section; and
- no exemption to the information sharing exists,

regardless of whether DCJ or the receiving prescribed body has requested the Information.

Whenever Information is to be shared under this Policy, the College will follow the [Information Sharing Policy \(Child Safe\)](#), and in particular the Principles of Information Sharing and STAR best practice for information sharing.

## **Consent to Information Sharing between Agencies**

The College can share Information with or seek Information from DCJ or another prescribed body under Chapter 16A without the consent of the child or young person or their family.

However, it is the College's policy that:

- wherever possible, the College seeks informed consent to the information sharing from the child or young person and/or their parents/carers
- at enrolment, the College informs parents/carers that Information about students may be, or is, provided to other organisations.

For more information, refer to [Information Sharing with Consent](#).

## **Who Can Share Information Under the Care and Protection Act?**

At the College, only the Information Sharing Manager/s and the Principal (and the College Council Chair, if the requested information is about the Principal) are authorised to exchange Information with DCJ and with other prescribed bodies on behalf of the College.

References to the Principal in this Policy therefore include the Information Sharing Manager/s and the College Council Chair when they are undertaking the Principal's functions under this Policy.

If a staff member receives any request for Information from another prescribed body, they must direct the request to the Principal for response. However, if the information sharing request is about the Principal, the College Council Chair is responsible for recording, investigating and managing that request. Any such request should therefore instead be directed to the College Council Chair for response.

If a staff member proposes to voluntarily share Information with a receiving prescribed body without a request having been made, they must put their proposal to the Principal for their consideration and action.



If a staff member proposes to seek Information from another prescribed body, they must put their proposal to the Principal for their consideration.

## **Grounds for Sharing Information between Prescribed Bodies**

Sections 245C and 245D of the Care and Protection Act set out the grounds for sharing Information between prescribed bodies under Chapter 16A, a prescribed body may request information from, or provide Information to another prescribed body if it reasonably believes that providing the Information would assist the receiving prescribed body to:

- make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or wellbeing of the child or young person, or class of children or young persons
- manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient's capacity as an employer or designated agency.

## **Exemptions to Information Sharing**

Exemptions to the mandatory sharing of Information provisions in Chapter 16A of the Care and Protection Act (but not to directions by DCJ under section 248) are set out in section 245D(4).

Under that section, the College does not have to provide any requested information if it reasonably believes that to do so would:

- prejudice the investigation of a contravention (or possible contravention) of a law in any particular case
- prejudice any care proceedings
- contravene any legal professional or client legal privilege
- enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained
- endanger a person's life or physical safety
- prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention (or possible contravention) of a law
- not be in the public interest.

## **Procedure for Making a Request for Information to Another Prescribed Body**

If a staff member wishes to request Information from another prescribed body under Chapter 16A of the Care and Protection Act, they must make their request to the Principal, who will consider whether or not to request the Information from the other prescribed body.

If they decide to make the request, the Principal should first try to contact the providing prescribed body by phone, before making the request to discuss the College's Information needs and to ensure that the request is well targeted. Then, they must request in writing that the Information be provided, and must include **sufficient information** to enable the providing prescribed body to consider the request.

## Procedure for Responding to an Information Request from a Prescribed Body

When an information sharing request under Chapter 16A of the Care and Protection Act is received, the following steps must be followed:

- if the request is received by a person other than the Principal, they must forward the request to the Principal
- the Principal must determine if the receiving prescribed body has given **sufficient information** to enable them to determine whether they reasonably believe that the Information would assist the receiving prescribed body to:
  - make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or wellbeing of the child or young person, or class of children or young persons
  - manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient's capacity as an employer or designated agency.
- if **sufficient information** has not been given they may decline the request
- if **sufficient information** has been given and they do form the required reasonable belief the Principal must:
  - comply with the request and provide the information to the receiving prescribed body in accordance with section 245D(3); or
  - if an exemption applies, decline to comply with the request
  - provide the receiving prescribed body with reasons in writing for refusing the request.

When complying with a request for Information, the Principal or the College Council Chair can share the Information verbally or in writing.

## **Procedure for Providing Information to Another Prescribed Body Without a Request**

If a staff member proposes that Information should be shared with another prescribed body without a request having been made, they must put their proposal to the Principal for their consideration and action.

The Principal must determine whether they reasonably believe that providing the Information would assist the receiving prescribed body to:

- make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or wellbeing of the child or young person, or class of children or young persons
- manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient's capacity as an employer or designated agency.

If so, the Principal must share the information unless an exemption applies.

When providing Information without a request, the Principal or the College Council Chair can share Information verbally or in writing.

## **Restriction on Use of Information**

If any Information is provided to the College under Chapter 16A of the Care and Protection Act, the College must not, except as otherwise required or permitted by any law, use or disclose the Information for any purpose that is not associated with the safety, welfare or wellbeing of the child or young person (or class of children or young persons) to whom the Information relates.

## **Protection from Liability**

If any person, acting in good faith, provides Information in accordance with Chapter 16A or a direction under section 248 of the Care and Protection Act, that person is not liable to any civil or criminal action, or any disciplinary action, for providing the Information. The person cannot be held to have breached any code of professional etiquette or ethics or to have departed from any accepted standards of professional conduct.

## **Record Keeping about Chapter 16A and Section 248 Information Sharing**

For more information, refer to [Information Sharing Record Keeping](#).

## Key Definitions

### Sufficient Information

“Sufficient information” is not defined in Chapter 16A of the Care and Protection Act. However, [DCJ explanatory documents](#) set out the kind of information that should be included in any request to share Information:

- the identity of the person who is the subject of the Information request and, if it is not a child or young person, identify the subject’s relationship to the child or young person and provide any particular identifying information so that the prescribed bodies can be sure that they are talking about the same person
- an explanation of how the request for Information relates to the safety, welfare or wellbeing of the child or young person (or class of children or young people)
- an explanation of why the Information will assist the prescribed body to make a decision, assessment or plan, or to initiate or conduct an investigation, or to provide any service, or to manage any risk to the child or young person
- a sufficient level of detail to assist the other prescribed body to understand the purpose of the request and to locate the relevant Information in an efficient manner
- a background to the request, including whether or not the prescribed body has informed a child, young person or parent/carer that the Information has been sought and if not, why not (for example, where there are safety concerns)
- an indication of the time period for which the Information is sought (e.g. for the last six months, three years) and the type of information sought
- a realistic timeframe for the providing prescribed entity to provide the Information noting that communicating/negotiating a due date is best practice as it promotes collaboration and can ensure that urgent matters are prioritised (unless the Information is for court proceedings where a more limited time frame may be required).

### Complying with Court Orders (Information Sharing)

## Subpoena and Witness Summons

A subpoena or witness summons is a court order that compels the College and/or its Staff to produce documents or attend court and give evidence, or both. When the Principal or a staff member

is served with a subpoena or witness summons, this will generally be because a party to legal proceedings believes that the College, the Principal or a staff member has information or documents that are relevant to the proceeding.

In general, subpoenas and witness summonses must be complied with. The consent of the person to whom the information or documents pertain is not required and need not be sought.

However, subpoenas and witness summonses can be challenged in certain circumstances. The College will seek external legal advice and support for any staff member relating to complying with a subpoena or witness summons.

## **Court Ordered Restrictions on Information Sharing**

Courts may, in a variety of types of proceedings, restrict the sharing of information about children and young people. These can include:

- restrictions in Family Law Orders that may prevent information being shared with a parent/carer
- Family Law or Children's Court orders that remove parental responsibility from a parent/carer
- criminal law matters such as Apprehended Violence Orders that prevent a person from knowing the whereabouts of a parent/carer or their child.

If there is a court-ordered restriction on information sharing about a student at the College, the student's parent/carer or other guardian (such as DCJ) must provide a copy of the Court Order to the College. The College will keep this document with the student's records.

Where such a Court Order has been provided, staff members must not share the relevant information with the people set out in the order.

### **Information Sharing Record Keeping**

To meet information sharing best practice and to comply with the various information sharing obligations in the NSW Child Safe Standards and the National Principles for Child Safe Organisations, the College must record any sharing of, or requests to share, information relating to the safety, welfare or wellbeing of students (Information).

The College keeps these records in an Information Sharing Register, and stores these securely, separate from the student's records.

## How to Record Information Sharing

The Information Sharing Manager/s or the Principal (or the College Council Chair if the requested information is about the Principal) must record any Information sharing requests, decisions and disclosures in the College's Information Sharing Register.

### What Must be Recorded?

When a request has been received, the College should record the:

- name of the entity/individual making the request
- Information that was requested
- date on which the request was made.

When disclosing voluntarily or in response to a request, the College should record:

- the name of the entity/individual who received the information
- the reason that the Information was shared, including whether there was a legitimate purpose for sharing the Information
- if the request was made by a prescribed body, whether sufficient information has been given to meet the required threshold for sharing the Information
- the date on which the Information was disclosed
- a description of the Information that was disclosed
- whether the views of the child or young person and/or their relevant family members were sought and consent was obtained
- the written approval of the Information Sharing Manager/s to share the information including confirmation that the [Steps to Information Sharing](#) were followed.

When making a request, the College should record the:

- date of the request
- name of the entity/individual that the request was made to
- Information that was sought
- the reason why the information was sought and whether it relates to a legitimate purpose.

## The Information Sharing Register

The College captures key data relating to individual information sharing requests to track in our Information Sharing Register. Maintenance of the Register is the responsibility of the Information Sharing Manager/s.

The Register is reviewed in Executive Leadership Team meetings and key information is provided as necessary to Anglican Schools Corporation Board and College Council.

For more information, refer to [Child Safe Record Keeping](#).

## **Child Safe Record Keeping**

Standard 1 of the NSW Child Safe Standards and Principle 1 of the National Principles for Child Safe Organisations, as well as multiple NSW child protection laws and regulations, require the College to keep (and for Staff and Volunteers to understand their obligations regarding) a variety of records related to child protection and safety.

Records relevant to child protection and safety include not just records of child safety incidents or concerns and the College's response, but also a number of other different types of records, such as:

- human resources records about recruitment, screening, supervision and training of Staff, Volunteers and Contractors
- records that can establish the whereabouts of children, Staff, Volunteers and Contractors on particular dates and times
- records of reviews/audits of the College's child protection and safety policies and practices.

Effective child safe record keeping at the College is one of the College's key strategies in the management of its child safe organisation and child protection obligations, including the fulfillment of our duty of care.

It is through such record keeping that the College can ensure that, if there is ever a need for evidence of the College's child safe culture, of the precautions and preventative measures taken in response to the risk of child abuse or other harm, or of the College response to particular child safety incidents or concerns, the College has well-documented and easily-accessible records.

This Policy sets out Shellharbour Anglican College's expectations, systems and procedures for creating and managing records relevant to the Child Safe Program.

## **Records of Child Safety Incidents or Concerns**

The Principal is responsible for keeping all records relating to child safety incidents or concerns, including records of incidents, allegations, complaints, investigations and findings made under this Program, up-to-date and secure.

Records are stored as part of a student's Edumate profile and also retained by the Principal. Records about child safety incidents or concerns must be stored securely and maintained indefinitely.

Where the child safety incident or concern relates to an allegation against a staff member, Volunteer or Contractor (including about breaches of the Child Safe Codes of Conduct), the College may also maintain records as part of Reportable Conduct records and our Human Resources Management records.

## **Documenting a Child Safety Incident or Concern and the College's Response**

Documenting observations and communications about all child safety incidents or concerns, including those that do not meet the relevant threshold for external reporting, ensures that:

- all information about individual students can be taken into account should future child safety incidents or concerns arise
- any patterns that might arise from child safety incidents or concerns can inform reviews of our Child Safe Program.

Therefore, the College requires that Staff, Volunteers and Contractors must document all observations of and verbal and written communications about child safety incidents or concerns (including notes of observations, student disclosures, meetings and telephone calls), regardless of whether the child safety incident or concern meets the relevant thresholds for external reporting. The records should include dates and times and enough detail to record key observations or conversations, especially those relating to the student's disclosure.

In addition, where a staff member, Volunteer, or Contractor:

- knows or suspects on reasonable grounds that a student is at risk of significant harm, such that a Voluntary Report or a Mandatory Report to DCJ has been or will be made; or
- knows or believes that a child abuse offence has been committed against a student, such that a Report to Police has been or will be made,

they must record written and dated notes of their observations and concerns to assist in reporting the concerns to the Department of Communities and Justice (DCJ) or Police.



For information about when and how to make these external reports, refer to [Responding to and Reporting to Child Safety Incidents and Concerns](#).

## How to Document the Child Safety Incident or Concern

Where possible, the following information about a child safety incident or concerns should be documented:

- whether the student needed first aid and, if so, who administered it and whether follow up medical care was/is required
- the student's information, including: name, age, gender, address and parent/guardian information
- whether the student has any disabilities, or mental or physical health issues
- the student's history including any known previous history of suspected abuse, neglect or other harm
- the student's family background, including cultural/linguistic background
- the grounds for the suspicion that a student is at risk of significant harm, including behavioural and physical indicators
- any details of the person alleged to have committed the abuse or other harm (if known)
- who the matter was reported to (internally and externally)
- any action that has resulted from the internal/external report
- whether the student's parents/carers have been contacted.

Not all of the above information will be able to, or will need to be, included for every child safety incident or concern. Some of the information will already be held in the student's record and need not be repeated. Other information may not be relevant to the situation.

It is important to note that it is not your role to quiz the child, young person or other person or person making the disclosure or allegation to complete your report. You should only record what information is observed or offered during the disclosure or allegation and then be sure to report the matter to a Child Safe Officer or the Principal and any relevant external agencies in line with your legal obligations.

Any other notes and records obtained or made by Staff, Volunteers and Contractors regarding child safety incidents or concerns should also be given to the Principal or a Child Safe Officer. For example, these may include:

- handwritten notes taken during a disclosure by a student

- copies of any written reports made to the Police or external bodies about the matter
- if the allegation includes claims of inappropriate online activity, any digital copies of correspondence between the student and the person or staff member who is the subject of the allegation.

The College maintains these records indefinitely. Records relating to a child safety incident or concern are only disposed of subject to law or policy.

## **Mandatory Reports Made by the Principal or Their Supervisor Under the MOU**

The College Principal, Mrs Megan Hastie is responsible for keeping all records relating to the Mandatory Reporting MOU, including records of Mandatory Reports made by the Principal or their supervisor up-to-date and secure.

For more information, refer to [Mandatory Reporting to DCJ](#).

## **Reportable Conduct Records**

When a reportable allegation is made, the College must document certain information throughout the Reportable Conduct process:

- the allegation
- the College's initial response to the person making the allegation
- the alleged victim(s) and the employee who is the subject of the allegation
- any communication with the Police or other authorities
- a plan detailing how the investigation is to be carried out including any notifications to Police or other authorities
- the Stage One risks assessment conducted by the Principal and outlined above
- all interviews including details of questions and responses. Details should also include the location of the interview, who was present and start and finish times.
- any decision made, both during and at the conclusion of the investigation, including the person making the decision's rationale, the position and name of the person making the decision and the date that the decision was made
- any personal contact, discussions or emails with anyone about the matter (including dates, details of discussions, questions, advice, outcomes, the name of the person making the contact, details of their position and where appropriate, the reason for the contact)
- a summary report that details the allegation, the investigation process, the findings in relation to each allegation (including the rationale for the finding), the final risk assessment (refer to

Investigating Reportable Conduct) (which includes any final decision about the employee and the factors that have been considered) and any subsequent action that is to be or has been taken.

All records created in accordance with the Reportable Conduct policy, including all allegations, outcomes of internal investigations and decisions to make or not make a reportable conduct report are maintained by the Principal or their delegate and located Office of the Principal.

The College keeps these records in a file that is separate to the employee's personnel file and maintains them indefinitely.

## **Working with Children Check (WWCC) Documentation**

The College maintains records (electronic or hard copy format) of certain WWCC information for all child-related workers, including Staff, Direct Contact and Regular Volunteers and Direct Contact and Regular Contractors who are individuals.

Where Shellharbour Anglican College engages, as a Contractor, a company or other contracted service provider with multiple employees, the College may require, in its contract with the Contractor, the Contractor to keep all required WWCC records for each person engaged by the Contractor to provide the contracted service to the College.

There are two methods of keeping WWCC records at Shellharbour Anglican College, one for paid Staff (including Contractors who are individuals) and one for Volunteers.

### **1. Staff and Contractors**

Prior to the commencement of any appointment, Staff, including relevant Contractors, must provide their WWCC Number to the College and have a WWCC Clearance.

Using the College's Office of the Children's Guardian WWCC employer log in, the WHS Officer and/or WHS Officer are responsible for the initial verification of all Staff and Contractor WWCC clearances.

Once verified, status reports are printed and scanned, or otherwise electronically stored, and emailed to the WHS Officer.

The original hard or electronic copies are forwarded to the Director of Compliance and Administration or their delegate who stores them in individual staff members' personnel files or with the Contractor's engagement file.

In addition, the following information for each staff member and relevant Contractors is recorded electronically in a Paid Staff WWCC register, which is updated regularly:

- first name
- family name
- date of Birth
- verification date
- WWCC Number or Application Receipt Number
- result status
- time until expiry
- expiry date of the WWCC clearance
- result of the verification (full text).

The WHS Officer and/or WHS Officer are responsible for monitoring the WWCC status of all staff members.

Each month the WHS Officer or Insert Position Title checks the status of all staff members' WWCC clearances and provides notifications to Staff whose WWCC clearances will expire during the month prior to their expiry date.

The WWCC records must be updated with a new verification no later than five working days after the expiry date for each staff member's WWCC clearance.

The Paid Staff WWCC register and the process for maintaining and monitoring it are evidence of the College's maintenance of WWCC records. Records must be readily available if required for audit and monitoring purposes.

As a Child Safe record, the College retains the Staff WWCC register indefinitely.

## **2. Volunteers**

Prior to the commencement of any volunteer work for the College, relevant Volunteers must provide their WWCC Number to the College and hold a valid WWCC clearance.

Using the College's Office of the Children's Guardian WWCC employer log in, the WHS Officer and/or WHS Officer are responsible for the initial verification of relevant Volunteers' WWCC clearances.

Each month, the WHS Officer and/or WHS Officer review the Edumate to determine whether any relevant Volunteers' WWCC clearance are due to expire within the following month.

Results of the verification process are recorded in the Edumate.

As a Child Safe record, the College retains the Edumate indefinitely.

### 3. Statutory Declarations and Undertakings

The WHS Officer is responsible for ensuring that those workers who are required by the College to provide a Statutory Declaration and Undertaking instead of a WWCC clearance comply with these requirements.

The Statutory Declaration and Undertaking form can be found College Intranet.

These records are considered to be part of the College's WWCC records, and it is the WHS Officer's responsibility to document the provision of these documents.

### Record Keeping about Information Sharing

The College must record the following information when sharing, or responding to a request to share, information about the safety, welfare and wellbeing of a student (Information):

- who requested the Information and the date of the request (if any)
- who shared the Information
- why the Information was shared (e.g. whether it was shared pursuant to a statutory or other legal obligation)
- who the Information was shared with
- whether informed consent was sought from, and if so whether it was provided by, the student and/or their parent/carer
- the approval of the Information Sharing Manager/s to share the Information
- the date that the Information was shared.

Whenever a request for Information is made to the College or the College otherwise shared Information, the person managing the Information sharing request or disclosure must record the above information in our Information Sharing Register.

All records created in accordance with [Sharing Information Relating to Students' Wellbeing](#) are maintained by the Principal or their delegate and located with the Office of the Principal.

These records are maintained indefinitely. Records relating to information sharing about child safety incidents or concerns are only disposed of in accordance with our [General Records Management](#)

## Policy.

For more information, refer to [Information Sharing Record Keeping](#).

## **Other Child Safe Human Resources Management Records**

It is the responsibility of the Principal or their delegate to record and maintain (electronically or hard copy format) all records relating to child safe human resources management, including records in relation to:

- recruitment
- screening and suitability assessment
- supervision, performance monitoring and development
- personnel files.

Through the College's staff learning system CompliLearn, the College also creates and maintains electronic records of all child safe training completed by Staff and relevant Volunteers and Contractors.

The College maintains these records for at least 45 years.

For more information, refer to [Child Safe Human Resources Management](#).

## **Recording Other Child Safe Actions**

Section 6F of the Civil Liability Act 2002 (NSW) imposes a duty of care on the College, as a child-related organisation, to take reasonable precautions to:

- prevent an individual associated with the College
- from perpetrating physical or sexual abuse of a child
- in connection with the College's responsibility for the child.

If the victim of physical or sexual abuse alleged to have occurred at the College or to have involved College Staff, Volunteers or Contractors brings a negligence claim against the College, a court will presume that the College breached its duty of care unless the College can prove that it took reasonable precautions to prevent the abuse.

Whether or not the College took reasonable precautions will be assessed by a court in accordance with considerations set out in the Civil Liability Act and case law.

It is critical that the College maintains accurate and comprehensive records not only of child safety incidents and concerns involving College Staff, Volunteers and Contractors, but also of:

- actions taken in response (including systemic reviews and resulting improvements)
- at least annual reviews of and improvements to our child safe policies, procedures, work systems and strategies

as these could be required as evidence in relation to possible future negligence claims against the College for damages in respect of child physical or sexual abuse.

The following records may assist in demonstrating reasonable precautions taken by the College to prevent the physical or sexual abuse of its students:

- records that document actions taken by the College in response to specific child safety incidents and concerns (refer to **Documenting the Child Safety Incident or Concern and the College's Response and Reportable Conduct Records**, above)
- records that document the child safe training provided to and completed by Staff and relevant Volunteers and Contractors (refer to [Child Safe Training](#))
- records that document the implementation of the College's [Child Safe Risk Management strategies](#)
- records that document reviews and improvements of our child safe policies, procedures, work practices and systems (refer to [Regular Reviews and Continuous Improvement](#)).

The College maintains these records for at least 45 years.

### **Procedure for Recording and Storing WWCC Records**


The Director of Compliance and Administration has a spreadsheet stored on the College internal Drive containing casuals and current staff. Each staff member has their WWCC attached to their record on our Edumate LMS. Cleared WWCC will show up as green. Expired WWCC will show up as red.

**BAILEY, Liam John**  
(Current Full Time Staff)

SAVE NEW PRINT DELETE COMMUN

Profile General Staff Relations Groups History Access

Staff Info



Staff Number	49697	Department	Science, PDHPE, co-curricular	Start Date	28/07/2021
End Date		Gender	Male	WWC Status	Record is CURRENT and CLEARED
Current Location					

This spreadsheet is kept up to date and reviewed monthly by the Director of Compliance and Administration.

Following the Office of Childrens Guardian and The Anglican Schools Corporation Payroll Department making contact regarding upcoming expiration of WWCC, the Director of Compliance and Administration will also inform any staff whose WWCC clearance is due to expire as an additional check.

Created 3 May 2023

## Child Safe Complaints Management

For the purpose of this Policy, we refer to College Staff, Volunteers or Contractors as “Staff” or “staff members”.

## Key Definitions

### Complaint

A “complaint” is an expression of dissatisfaction with an action taken, decision made, or service provided, or with the failure to provide a service, take action or make a decision at the College.

A complaint can be made by anyone including a student, former student, parent/carer, other family member, staff member or member of the wider community.

### Child Safe-Related Complaint

For the purposes of this Policy, a “child safe-related complaint” includes any disclosure, allegation, suspicion, concern or internal report of:

- a breach of the College’s Child Safe Codes of Conduct



- a child safety incident or concern alleged to have occurred, be occurring or be at risk of occurring at school or a College event
- Reportable Conduct
- other staff misconduct (such as a procedural breach of the Child Safe Program)
- any complaint about the College's response to or management of a child safety incident or concern, including complaints alleging non-compliance with our procedures for [Responding to and Reporting Child Safety Incidents or Concerns](#).

## Background

Under Standard 6 of the NSW Child Safe Standards and Principle 6 of the National Principles for Child Safe Organisations, the College must have and implement child-focused processes for managing complaints and concerns.

A child-focused complaints handling process is important for helping students and others at the College make complaints, whether about child protection and safety or otherwise. This Policy supports the creation of a culture for students and their families to have their complaints heard, considered and responded to, and a culture of transparency in our complaints management processes.

It sets out how the College, as a child safe organisation:

- has and implements a child-focused complaints handling system
- manages child safe-related complaints.

This Child Safe Complaints Management Policy is communicated to and understood by students, Staff, Volunteers, Contractors and parents/carers, and ensures that child safe-related complaints are handled in a timely, fair and transparent manner.

This Policy is summarised in our public-facing [Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct](#) and our public-facing [Procedures for Managing Child Safety Incidents or Concerns At or Involving the College](#).

In our public-facing [Complaints Handling Policy and Procedure](#), we include details about how to make a Child Safe complaint.

A child-friendly version of this Policy is also provided to students.

## Child-Focused and Culturally Safe Complaints Handling

The College's system for handling complaints that involve students (whether as complainant, victim, witness or person being complained about) is child-focused, and follows the National Office for Child Safety's [Complaint Handling Guide: Upholding the rights of children and young people](#).

The College's system for handling complaints that involve students (whether as complainant, victim, witness or person being complained about) is culturally safe. We consult with relevant communities about how to enable, support and respond to complaints in a culturally sensitive way.

## **Responsibilities for Child Safe Complaints Management**

The Principal is responsible for ensuring the efficient and effective organisation, management and administration of the College's complaints handling processes.

All Staff are responsible for

- responding appropriately to a student who raises or is affected by a child safe-related complaint
- understanding their internal and external reporting requirements relevant to child safe-related complaints and for complying with this Policy.

Child Safe Officers and the Principal are responsible for:

- providing assistance and advice to Staff about their obligations under this Policy
- ensuring that the College takes all child safe-related complaints seriously, and escalates, reports and responds to these appropriately
- ensuring that the College responds appropriately to a student who raises or is affected by a child safe-related complaint
- promptly and thoroughly managing the College's response to child safe-related complaints as set out below
- monitoring the College's compliance with this Policy.

Where a particular child safe-related complaint involves the Principal and they therefore cannot perform the above roles, the College Council Chair undertakes these responsibilities.

## **Making a Child Safe-Related Complaint**

The College has developed complaints handling processes, to enable:

- simple and appropriate avenues for students, Staff, parents/carers and the wider community to make a complaint, including child safe-related complaints
- confidentiality and accessibility for all members of the College community.

These are:

1. **Anyone** can make a child safe-related complaint:

- to the Principal
- a Child Safe Officer
- a trusted staff member

in person, in writing or over the phone.

Non-child safe-related complaints should be made to the College Principal.

2. **Parents/carers, family members and other community members** who have child safe concerns or who wish to make a child safe-related complaint about the College, its students or staff members are asked to follow the procedures set out in our [Child Safe Policy](#) and to contact:

- the Principal, who is the College's Senior Child Safe Officer, Mrs Megan Hastie, by phoning 02 42976029 or emailing [principal@shellharbourac.nsw.edu.au](mailto:principal@shellharbourac.nsw.edu.au); or
- if the concern relates to the Principal, the College Council Chair by  
College Council Chair  
Marked "Confidential"  
PO Box 4147  
Shellharbour PO 2529

3. **Students** have multiple pathways to make complaints, including child safe-related complaints, at the College. These include:

- disclosing child safety incidents or concerns, including abuse or other harm of themselves or of any other child, young person or student aged 18 or over, to any staff member or a Child Safe Officer. This might be done:
  - verbally
  - in writing
  - through electronic means (such as email)
  - indirectly (such as in written assignments, in artworks or in any other way)

- disclosing child safety incidents or concerns, including abuse or other harm of themselves or of any other child, young person or student aged 18 or over, anonymously, using the College's suggestion box, online form ShellharbourCares, which is located in the Senior and Junior School Library
- by contacting Office for the Advocate for Children and Young People.

## Responding to a Child Safe-Related Complaint

### Support for Complainants

Whenever a staff member receives a complaint containing information about child safety incidents or concerns, the staff member must offer the complainant and any student involved in the complaint (if they are not the complainant) age and culturally appropriate support and assistance under our [Support Following Child Safety Incident or Disclosure](#) policy. The College will also support students, families and relevant Staff involved in a child safe-related complaint as set out in that policy.

Where the complaint relates to a sexual offence or sexual misconduct that occurred before 1 July 2018, complainants must be informed about the National Redress Scheme for people who have experienced institutional child sexual abuse. The process for applications involving the College can be found on the [National Redress Scheme](#) website.

### Internal and External Reporting

All Staff must follow the College's procedures for Responding to and Reporting Child Safety Incidents or Concerns if any information contained in a complaint that is made to them raises a concern that a student may have been subject to, or may be at risk of, abuse or other harm at the College or a College event, or from a staff member. This includes in particular:

- [Reporting a Child Safety Incident or Concern Internally](#)
- [Duty to Protect/Failure to Protect](#)
- [Mandatory Reporting to DCJ](#)
- [Voluntary Reporting to DCJ](#)
- [Reporting to Police](#)
- [Reportable Conduct](#)

Our internal reporting and Reportable Conduct policies require all Staff to report any child safe-related complaint that is made to them to a Child Safe Officer or the Principal in addition to making

any required external reports. If a complaint is about the Principal, the complaint must be referred to the Chair of the School Council.

## How the College Manages Child Safe-Related Complaints

The College manages child safe-related complaints as follows:

### **Child safe-related complaints that involve, or raise the possibility of a risk of, child abuse or other harm to a child are managed under the Child Safe Program**

The following child safe-related complaints must be managed pursuant to any relevant policies and procedures in this Child Safe Program:

1. complaints involving, or raising the possibility of a risk of, child abuse or other harm occurring at the College or a College event, or by a staff member, Volunteer or Contractor
2. complaints alleging a breach of the Child Safe Codes of Conduct that involves, or raises the possibility of a risk of, child abuse or other harm by a staff member, Volunteer or Contractor.

These kinds of child safe-related complaints must be immediately referred to the Principal (or if the complaint involves the Principal, the Chair of the School Council) to be managed pursuant to relevant policies and procedures in the Child Safe Program.

The Principal may, where appropriate, delegate management of these kinds of child safe-related complaints to a Child Safe Officer.

Relevant policies and procedures for managing these kinds of child safe-related complaints include, but are not limited to, Reportable Conduct, Mandatory Reporting to DCJ, Reporting to Police and Duty to Protect/Failure to Protect.

### **Other child safe-related complaints that are managed under the Child Safe Program**

The following child safe-related complaints must also be managed pursuant to any relevant policies and procedures in this Child Safe Program:

1. complaints about the College's investigation of and/or response to a specific incident of or concern about child abuse and other harm to a child
2. complaints that the College, when responding to a specific incident of, or concern about, child abuse and other harm to a child, has not correctly followed the College's own policies (for example,

- a complaint that we did not follow our Reportable Conduct policies)
3. complaints that the College has not correctly followed legislative or regulatory requirements regarding child safe in relation to a specific incident of, or concern about, child abuse or other harm to a child (for example, a complaint that we shared information about a child safety incident or concern with an external agency when not permitted by law to do so).

These kinds of child safe-related complaints must be immediately referred to the Principal (or if the complaint involves the Principal, the Chair of the School Council) to be managed pursuant to relevant policies and procedures in the Child Safe Program.

The Principal may, where appropriate, delegate management of these kinds of child safe-related complaints to a Child Safe Officer.

Relevant policies and procedures for managing these kinds of child safe-related complaints include, but are not limited to, [Disciplinary Actions \(Child Safe\)](#) and [Regular Reviews and Continuous Improvement](#).

## **Child safe-related complaints that may be managed under other College policies and procedures**

The following child safe-related complaints may be managed pursuant to other relevant College policies:

1. complaints alleging a breach of the Child Safe Codes of Conduct that **do not** involve, and **do not** raise the possibility of a risk of, child abuse or other harm to a child by a staff member, Volunteer or Contractor (for example, a complaint that a staff member has expressed personal views on sexuality in the presence of students)
2. complaints alleging procedural breaches of the Child Safe Program by Staff that **do not** involve, and **do not** raise the possibility of a risk of, child abuse or other harm to a child (for example, a complaint that a staff member has not renewed their WWC clearance)
3. general complaints about our Child Safe policies and procedures themselves (for example, a complaint that our policies and procedures do not accurately reflect the law or that they do not take into account the needs of a particular student or community cohort).

Although these kinds of child safe-related complaints may be managed pursuant to other relevant College policies, the Complaints Handling Officer or other person managing the complaint should – where appropriate - consult with a Child Safe Officer as part of the investigation.

With respect to 3. above, given the high risk to the College of not having a compliant Child Safe Program, it is likely that the outcome of these kinds of complaints will need to be reported to Anglican Schools Corporation Board and College Council.

Relevant policies and procedures for managing these kinds of child safe-related complaints include, but are not limited to, our [Complaints Handling Policy and Procedure](#) and/or our [Human Resources](#) policies and procedures.

## **Guidance and Resources for Managing Child Safe-Related Complaints**

The [Complaints Handling Policy and Procedure](#) provides guidance on complaints handling principles and a step-by-step guide to managing a complaint.

The National Office for Child Safety publishes a guide for complaints that involve children and young people: [Complaint Handling Guide: Upholding the rights of children and young people](#).

Our [Reportable Conduct](#) policies set out procedures that will be followed for complaints about inappropriate conduct by Staff.

## **Reviews of Child Safe-Related Complaint Outcomes**

### **Internal Reviews**

Complainants or other persons who are involved in the child safe-related complaint (for example, a staff member whose behaviour is the subject of the complaint, a student who is the victim of the alleged behaviour or the parent/carer of a student involved in the complaint) and who are not satisfied with the management of a child safe-related complaint or its outcome may request an internal review of:

- the procedures undertaken
- findings made
- disciplinary actions proposed or taken
- other outcomes (including a decision not to make a finding or to take disciplinary or other action).

Requests for internal reviews should be made to the Chair of Council.

## **Record Keeping about Child Safe-Related Complaints**

Because of the confidentiality and privacy issues that arise with respect to child safe-related complaints, records of complaints that contain information about child safety incidents or concerns are not held within our general complaint handling record keeping system.

These complaints are instead recorded as a child safety incident or concern, under our [Child Safe Record Keeping](#) policy.

Child safe-related complaints are also recorded in a separate Child Safe Complaints/Incident Register.

## **General Reviews of Child Safe Complaints Management**

The College regularly reviews child safe-related complaints to ensure that any child safe-related feedback, comments and complaints from the College community members and relevant stakeholders are captured, analysed and acted on where appropriate.

In particular, the College and Anglican Schools Corporation Board and College Council regularly analyse child safe-related complaints to identify causes and systemic failures to inform continuous improvement.

The College also regularly reviews our Child Safe Complaints Management Policy itself as part of our reviews of the Child Safe Program.

For more information, refer to [Regular Reviews and Continuous Improvement](#).

## **Creating and Maintaining a Child Safe Environment**

Several of the Standards in the NSW Child Safe Standards and the Principles in the National Principles for Child Safe Organisations contain specific requirements that relate to the College's child safe culture.

Standard/Principle 1 requires Anglican Schools Corporation Board and College Council and Shellharbour Anglican College to embed a culture of child safety in our leadership, governance and culture. Standard/Principle 8 requires Anglican Schools Corporation Board and College Council and Shellharbour Anglican College to develop and implement risk management strategies regarding child safety in all College environments. Standards/Principles 5 and 7 set out specific requirements in relation to ensuring that the College's human resources management systems promote child safety.



In addition, section 47(1) of the Education Act 1990 (NSW) sets out 14 registration requirements for non-government schools in New South Wales. One of these requirements, under section 47(1)(g) of the Education Act, is that “a safe and supportive environment is provided for students”.

The development and implementation of our Child Safe Program as a whole is one of the main strategies employed by Anglican Schools Corporation Board and College Council and by Shellharbour Anglican College to create and maintain a supportive, child safe environment and culture at the College and to minimise risks to the safety and welfare of students.

This section of the Child Safe Program sets out several other key strategies, policies and procedures that are specifically aimed at creating, maintaining and embedding a culture of child safety and protection at the College, ensuring that the College is a supportive, child safe environment and identifying and minimising risks regarding child safety and protection.

## The Policies and Procedures in this Section

- [Our Child Safe Culture](#)
- [Child Safe Risk Management](#)
- [Child Safe Responsibilities](#)
- [Child Safe Human Resources Management](#)
  - [Child Safe Recruitment, Screening and Suitability Assessment](#)
  - [Working with Children Checks](#)
  - [Child Safe Training, Supervision, Performance Monitoring and Professional Development](#)
  - [Disciplinary Actions \(Child Safe\)](#)
- [Working with Children Checks](#)
- [Participation and Empowerment of Students, Families and Communities](#)
  - [Developing and Maintaining a Child-Friendly Culture](#)
  - [Child Safe Pastoral Care](#)
  - [Educating Students About Child Safety](#)
  - [Aboriginal and Torres Strait Islander Students \(Child Safe\)](#)
  - [Students with Disability \(Child Safe\)](#)
  - [Students from Culturally and Linguistically Diverse Backgrounds \(Child Safe\)](#)
  - [LGBTQIA+ Inclusion Policy](#)

## Source of Obligation

- NSW Child Safe Standards, Standards 1, 5, 7 and 8

- National Principles for Child Safe Organisations, Principles 1, 5, 7 and 8
- Education Act 1990 (NSW), section 47(1)(g)

## Our Child Safe Culture

## Source of Obligation

Standard 1 of the NSW Child Safe Standards and Principle 2 of the National Principles for Child Safe Organisations require Shellharbour Anglican College to embed child safety and wellbeing in the College's leadership, governance and culture.

## Our Child Safe Strategies

At Shellharbour Anglican College we believe that the safety of students is dependent on the existence of a child safe culture within our College community.

The following work systems, practices, policies and procedures are Shellharbour Anglican College's strategies for creating and embedding a child safe culture at the College:

- implementing, at the College level, Insert Group Name's child safe strategies
- a holistic approach to child safety through this Child Safe Program
- appointing one or more Child Safe Officers and at least one Senior Child Safe Officer
- establishing key child safe standards in our Child Safe Policy
- establishing clear expectations for appropriate behaviour with students through our Child Safe Code of Conduct and Staff and Student Professional Boundaries Policy and Procedures, and clear expectations for appropriate behaviour by students in the Student Child Safe Code of Conduct
- educating our Executive Leadership Team, Staff and relevant Volunteers and Direct Contact Contractors through our Child Safe Training
- clear procedures for Reporting a Child Safety Incident or Concern Internally, including alleged or suspected incidents of child abuse or other harm
- clear procedures for reporting child safety concerns externally, including Mandatory Reporting to DCJ, Voluntary Reporting to DCJ, Reportable Conduct, and Reporting to Police
- recognition that Aboriginal and Torres Strait Islander students, students with disability, students from culturally and linguistically diverse backgrounds and other vulnerable students (such as students who are unable to live at home or LGBTQIA+ students) are particularly vulnerable and have the right to special care and support

- clearly defining the Child Safe Responsibilities of personnel involved in protecting students
- establishing comprehensive Child Safe Record Keeping procedures to ensure that the College can evidence reasonable precautions taken to prevent abuse and other harm at the College in accordance with our Child Safe Risk Management strategies
- implementing Child Safe Human Resources Management to promote the creation and maintenance of a child safe environment
- Regular Reviews and Continuous Improvement of our Child Safe Program and our Child Safe practices.

## Child Safe Risk Management

Standards 1 and 8 of the NSW Child Safe Standards and Principles 1 and 8 of the National Principles for Child Safe Organisations require the College to develop and implement risk management strategies regarding child safety in the College's environments and set out particular requirements that must be met when doing so.

Section 47(1) of the Education Act 1990 (NSW) sets out 14 requirements for registration for non-government schools in NSW. One of these requirements, under section 47(1)(g) of the Education Act, is that "a safe and supportive environment is provided for students".

The NSW Education Standards Authority's (NESA) provides guidance on how to meet these obligations in section B8.1 of the Registered and Accredited Individual Non-government Schools Manual (NSW) Manual (Registration Manual).

One aspect of these requirements is that the College has and implements policies and procedures that provide for student welfare. Section B8.2 of the Registration Manual makes clear that a safe environment is one where the risk of harm is minimised, which includes not only risks relating to dangers in the built environment but also risks relating to actions by people and conduct that could amount to child abuse and other harm.

Shellharbour Anglican College has a broad range of risks associated with its activities and operations, including child safe risks. Effectively managing child safe risks is a vital element in ensuring that our College is keeping children and young people safe.

While child safe risks within the operations of a school can never be completely eliminated, Shellharbour Anglican College actively implements risk management practices to ensure that child safe risks are reduced.

## Key Definitions

### Risk

The term “risk” means, in simple terms, the possibility of something bad happening.

### Risk Management

“Risk management” is the general process of identifying and assessing risks, followed by the application of resources to minimise, monitor, and control the probability and/or the impact of these unfortunate events.

## Responsibilities for Child Safe Risk Management

Identifying and managing child safe risks is everyone’s responsibility. All adults in the College community have a shared responsibility for contributing to the safety and protection of students through identifying and managing these risks.

In addition to relevant roles and responsibilities as set out in Child Safe Responsibilities, the following people have particular responsibilities under this section of the Child Safe Program.

### Anglican Schools Corporation Board and College Council

Anglican Schools Corporation Board and College Council is responsible for:

- understanding the child safe risks relevant to the College, based on the College’s operational profile
- developing, and ensuring the effective implementation of, the College’s child safe risk management strategies (noting that Anglican Schools Corporation Board and College Council has assigned responsibility for implementing the strategies to the Principal)
- reviewing and approving any changes to the College’s child safe risk management strategies
- promoting a child safe risk management culture within the College
- establishing clear lines of responsibility and delegation with regard to child safe risk management
- ensuring that the College communicates its child safe commitment and to Child Safe legal and regulatory compliance, and ensuring that operations are consistent with the child safe commitment
- ensuring that the College identifies and takes steps to mitigate child safe risks, including by:

- ensuring that the College has a child safe risk register in which child safe risks and risk controls are recorded
- receiving regular reports regarding child safe risk management at the College and the College's child safe risk register
- monitoring and evaluating the effectiveness the College's child safe risk controls
- reviewing risk ratings for child safe risks, risk movement, new and emerging child safe risks and the proposed controls for these risks
- receiving regular reports regarding child safety and protection legal and regulatory compliance at the College
- ensuring that appropriate guidance and training is provided to Staff and relevant Volunteers and Contractors, at least annually, about child safe issues, including legal reporting obligations (noting that Anglican Schools Corporation Board and College Council has assigned responsibility for ensuring that Staff receive this guidance and training to the Principal).

## The Principal

The Principal is responsible for the effective day-to-day management of risk and for:

- effectively implementing the College's child safe risk management strategies, and effectively deploying all available resources for that purpose
- communicating openly and honestly with, and providing advice to, Anglican Schools Corporation Board and College Council in relation to:
  - child safe risk management at the College
  - any instances of non-compliance with Child Safe legal and regulatory requirements
  - any breakdown in child safe risk controls, systems or processes
  - identifying child safe risks (including new and emerging risks) relevant to the College and the steps taken (or that should be taken) to mitigate these risks
  - the resources required for the College to meet its legal and regulatory compliance requirements, effectively manage child safe risks and be a child safe organisation
- promoting a child safe risk management culture within the College
- ensuring that the College's Child Safe risk register is maintained, regularly reviewed, reported to Anglican Schools Corporation Board and College Council and updated as set out in the Child Safe Risk Management Procedures below
- monitoring and evaluating the effectiveness of the College's child safe risk controls
- ensuring that the College's current programs and activities and any new programs and activities are assessed to ensure that any child safe risks associated with them are effectively managed and communicated to Staff

- ensuring that appropriate guidance and training is provided to all Staff, and relevant Volunteers and Contractors, at least annually, about child safe issues, including legal reporting obligations.

## **The Executive Leadership Team**

The Executive Leadership Team is responsible for:

- reviewing, in consultation with the Principal, the College's child safe risk management strategies, the child safe risk register and the Child Safe Program in accordance with the policies and procedures set out below
- identifying and reporting to the Principal any instances of non-compliance with Child Safe legal and regulatory requirements and any breakdowns in child safe risk controls
- ensuring that appropriate resources are made available in their area of operations to allow the College's child safe risk management strategies to be effectively implemented within the College
- supporting the Principal in the practical application of the College's child safe risk management strategies, policies, procedures and work systems
- promoting a child safe risk management culture within the College.

## **Development of Child Safe Risk Management Strategies**

The College has developed and implemented the child safe risk management strategies outlined below based on:

- the nature of all College environments (physical, online, on-campus or off-campus)
- the operational profile of the College
- the activities students undertake at the College (including the provision of services by contractors or outside the College's physical environment)
- the characteristics and needs of all our students including age, gender mix, Aboriginal and Torres Strait Islander students, students from linguistically and culturally diverse backgrounds, students with disability, and other vulnerable students (such as students who are unable to live at home or LGBTQIA+ students) .

In particular, the College has taken the following factors into account:

- The College manages a wide range of age groups from 4 to 18 year olds
- The location of the school on a particularly steep site requires strategies to manage appropriate supervision and ensuring that students are in safe locations at all times

- Approximately 2.8% of students identify as Aboriginal or Torres Strait Islander, while 5.4% of students report speaking a language other than English at home, with Strategies in place to assist with inclusion and appropriate cultural connection
- There are strategies to address learning needs and other vulnerabilities for students with special needs or disabilities.
- College has strategies to provide appropriate supervision and care to students participating in programs such as College Camps, Duke of Edinburgh program and offsite activities.

The College's risk management strategies aim to identify and mitigate risks in the College's physical and online environments without compromising students' rights to privacy, access to information, social connections and learning opportunities.

## Shellharbour Anglican College's Child Safe Risk Management Strategies

The College's strategies to identify and mitigate our child safe risks are:

- - the Anglican Schools Corporation Risk Management Framework (RMF) which requires a structured approach to identifying, assessing and managing risks, including the development of Risk Registers that are regularly reviewed by management.
  - ASC Board approved risk rating criteria to enable consistent consideration of risk in terms of
    - Consequence should a risk event occur
    - Likelihood of a risk event and consequence occurring
    - The effectiveness of current controls in place to manage a risk.

The RMF and supporting risk rating criteria is available in the ASC Board Approved Policies module within PolicyConnect.

- **Risk Assessments:** The College conducts a risk assessment of its environments and activities, taking into account the characteristics and the needs of students and applicable control measures (such as systems, policies and procedures), at least annually to ensure that all child safe risks are identified and that there aren't gaps in our child safe strategies and systems that a person motivated to harm or abuse students could exploit.
- **Child Safe Risk Register:** The College identifies and records all reasonably foreseeable risks of child abuse and other harm in all College environments, as well as all other child safe risks, in a Child Safe Risk Register, and assesses these risks with regard to the likelihood of the risk event occurring and the potential consequences if it was to occur. This Risk Register can be found CompliSpace Assurance.

- **Child Safe Risk Register Annual Reviews:** The Child Safe Risk Register is reviewed annually by Anglican Schools Corporation Board and College Council and at least annually by the Principal. This review includes:
  - reviewing the effectiveness of child safe risk control measures and evaluating the overall risk rating for all child safe risks
  - analysing child safety incidents that may indicate a breakdown in risks controls
  - analysing any instances of non-compliance with child safe legal and regulatory requirements and the systems and procedures that should be put in place to avoid any further non-compliance
  - considering the need to implement risk treatments to further control risks.
- **Child Safe Program:** The College has developed and implemented this Child Safe Program, which includes a comprehensive suite of child safe policies and procedures. These policies and procedures include, in particular:
  - child safe standards, set out in our [Child Safe Policy](#)
  - policies, procedures and guidance, set out in [Responding to and Reporting Child Safety Incidents or Concerns](#), on identifying risks of child abuse and other harm in the College's environments, legal obligations, responsibilities for managing these risks, and how to report and how to respond to child safety incidents and concerns
  - a [Working with Children Checks](#) policy
  - a [Reportable Conduct](#) policy and procedures
  - a set of policies and procedures for [Child Safe Human Resources Management](#).
- **Cyber Safety:** The College has policies and procedures for both Staff and students about the use of information and communication technologies, cyber safety and online conduct that are consistent with the [Child Safe Code of Conduct](#).
- **Child Safe Training and Information:** The College provides [Child Safe Training](#) at induction, and annual refresher child safe training, for all Staff and relevant Volunteers and Contractors.
- **Child Safe Officers:** The College has appointed a number of [Child Safe Officers](#) who are "Child Safe Champions" at the College.
- **Approvals for Specific Contexts and Activities:** The College has an approvals process and/or ongoing risk management process for certain College contexts and activities (set out in the Child Safe Risk Management Procedures below), which require that a specific risk assessment be undertaken and provided either to the Principal or a relevant management committee for their consideration.
- **Reporting about Child Safe Risk Management:** Anglican Schools Corporation Board and College Council and the Executive Leadership Team receive regular reports regarding child safe risk management and any instances of non-compliance with our policies and with legal and



regulatory requirements, as well as any other information or incidents that may suggest a breakdown in child safe systems, procedures and risk controls.

- **Continuous Improvement:** The College and Anglican Schools Corporation Board and College Council are committed to a continuous improvement process which involves regular review of the Child Safe Program and child safe risks to identify areas for improvement.

## Child Safe Risk Appetite

The College has no appetite for any increase to any risk rating for child safe risks.

As a result, the College regards any non-compliance with legal and regulatory requirements related to child safety and wellbeing as unacceptable and requiring immediate rectification.

The College has no appetite for implementing any new programs or initiatives that:

- may increase the College's child safe risks
- may result in a breakdown of the College's existing child safe risk controls and their effectiveness.

## Child Safe Risk Management Procedures

### Identifying and Internal Reporting of Child Safety Risks

The Executive Leadership Team and Anglican Schools Corporation Board and College Council consider, as part of their annual reviews of the Child Safe Risk Register, all currently identified child safe risks, whether these reflect all of the College's current child safe risks and whether there are any additional child safe risks that should be added to the Child Safe Risk Register.

In addition, child safe risks at the College may be identified during reviews of the Child Safe Program as a whole, which:

- consider whether a consistent child safe issue is being regularly raised in complaints and/or other feedback from the College community
- require systemic reviews and/or a root cause analyses of child safety incidents or concerns that occur at or involve the College.

For more information, refer to [Regular Reviews and Continuous Improvement](#).

All staff members must be aware of the College's child safe risk management practices and must report to the Principal or a Child Safe Officer:

- any incidents, issues or concerns that may indicate a breakdown in our child safe risk controls
- any new or perceived child safe risks.

Contact details for our Child Safe Officers are available [here](#).

## Risk Assessment, Risk Evaluation and Risk Treatment

Assessment of risk includes consideration of the effectiveness of risk controls (our current policies, procedures, systems and work practices), the likelihood of the risk happening and the consequence if the risk was to occur. Risks are then evaluated and matched to a risk matrix to determine the risk rating. The risk rating defines the level of governance oversight required and whether any additional measures ("risk treatments") are required to reduce or remove the risk.

The methodology for identifying, assessing and managing risk, including related risk rating criteria, is available in the ASC Board approved Risk Management Framework, available in the ASC Board Approved Policies section of PolicyConnect.

## Risk Assessments for Specific College Contexts and Activities

The Executive Leadership Team, and any staff members who have or who have been delegated the required level of responsibility, must ensure that child safe risks are considered and reviewed when there are changes to the College's operational profile or when new activities, buildings and facilities are planned and operating.

The following College contexts and activities require, as part of their approvals or ongoing risk management processes, that specific child safe risk assessments be undertaken and provided either to the Principal or a relevant management committee for their consideration:

- **Physical Environment:** Ongoing, periodic reviews must be undertaken of all physical College environments to eliminate physical isolation risks, such as solid classroom doors or rooms with no windows, and of any procedural controls where elimination is not possible, including random checks of obstructed or out-of-the-way locations.
- **Online Environment:** Regular monitoring, and ongoing periodic reviews must be undertaken of the online College environment and electronic communications, to identify and eliminate online child safe risks such as access controls, inappropriate sharing of information/data security,

online grooming, and breaches of the [Child Safe Codes of Conduct](#) and [Social Media – Personal Usage Policy](#).

- **Excursions and Camps:** The College has developed and implements specific policies and procedures relating to excursions and camps ensuring that child safe risks specific to excursions and overnight stays are identified and controls are put in place. For more information, refer to our [Excursions policies](#).
- **Sport:** The College has developed and implements specific policies and procedures to manage child safe risks specific to the variety of sporting activities at the College. These risks include the use of Casual Staff and Volunteers, maintaining professional boundaries, appropriate demonstration techniques and supervision both on College grounds and in off-site locations. For more information, refer to our The risk methodology and supporting criteria for assessing risks is documented in the ASC Risk Management Framework, available in the ASC Board Approved Policies module within PolicyConnect..

## CompliSpace Assurance

The College has implemented CompliSpace Assurance to identify, analyse, evaluate, manage, reassess and review child protection, safety and wellbeing risks in all College environments, including during off-campus and high-risk events and activities.

CompliSpace Assurance is an online risk and compliance workflow management tool that integrates with our Child Safe Program to provide a system of risk management, compliance and continuous improvement based on international standards.

Through this system, key risks and compliance obligations are captured and converted into plain-English questions that are assigned via email to responsible individuals for action. Each individual is provided with a calendar view of their compliance performance via an online browser.

Unactioned tasks are escalated and reported to allow the College to monitor and record its compliance performance in real-time.

The College also uses this risk management system as a method of evaluating and reviewing the ongoing effectiveness of the implementation of its risk measures and controls.

## The College's Child Safe Risk Register

Our commitment to keeping children and young people safe cannot be achieved without effectively managing child safe risks. As a result, the College has developed a Child Safe Risk Register. This is

to ensure that Anglican Schools Corporation Board and College Council and the Executive Leadership Team have clear visibility and oversight of child safety risks in the College, and enable the College to effectively manage our legal and regulatory child safe obligations.

The Executive Leadership Team and Anglican Schools Corporation Board and College Council review, at least annually, the child safe risks that are included in the Child Safe Risk Register and the effectiveness of risk controls for each child safe risk. Where new child safe risks are identified, these are discussed and added to the Child Safe Risk Register and risk controls for the new risks are identified and implemented.

Our Child Safe Risk Register can be found CompliSpace Assurance<sup>\*\*</sup>.<sup>\*\*</sup>

## **Communicating our Child Safe Risk Management Strategies**

The College makes our Child Safe Risk Management policy available to all Staff via the College's PolicyConnect site. Training about the Child Safe Risk Management policy is included in induction and annual refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to [Child Safe Training](#).

The Child Safe Risk Management policy is also communicated to Staff, Volunteers, Contractors, parents/carers, students and the wider College community in summary in the [Child Safe Policy](#), which is available on our public website.

It is also available in hard copy by request.

## **Child Safe Responsibilities**

Everyone in society shares responsibility for promoting the safety and protection of children and young people from abuse and other harm. In the College context, all members of the College community have their role to play – teachers, Staff, administrators, parents/carers and other family members, Volunteers, Contractors and students.

That said, the Executive Leadership Team is committed to leading from the front and engaging in a preventative, proactive and participatory approach to child safety.

The College encourages students to take an active role in developing and maintaining a child safe environment at the College and provides them with opportunities to contribute and give feedback in the development of the College's policies and practices. Students also have and are made aware of

the different avenues available to them to disclose abuse, harm or concerns for their safety or the safety of others.

This section of the Child Safe Program sets out the child safe roles and responsibilities that specific members of the College community have in general and with respect to the Child Safe Program as a whole, as follows:

- [Anglican Schools Corporation Board](#)
- **Principal**
- **College Executive**
- **Child Safe Officers**
- [Staff](#)
- [Volunteers](#)
- [Contractors](#)
- [External Education Providers](#)

## **Source of Obligation**

Standard 1 of the NSW Child Safe Standards and Principle 1 of the National Principles for Child Safe Organisations requires that child safety is a shared responsibility at all levels of the College and that the College's governance arrangements include child safety roles and responsibilities.

The NSW Education Standards Authority (NESA) has published a Registration Manual which provides information about the requirements for registered and accredited non-government schools under the Education Act 1990 (NSW), including requirements relating to the roles and responsibilities of the College's governing body, the College's proprietor and the Principal.

### **Anglican Schools Corporation Board and College Council Responsibilities**

The Anglican Schools Corporation (ASC) Board is responsible for approving the Child Safe Policy and establishing appropriate oversight to assure itself of the effectiveness of the Child Safe Policy and related programs at each ASC school and the effective implementation of the Child Safe Standards.

The College Council is a Committee of the ASC Board, and has been delegating responsibility for ensuring that the College has appropriate resources to effectively implement the NSW Child Safe Standards and our Child Safe Program, and to support the Principal in the practical application of the college's child safety strategies, policies, procedures and work systems. The Council receives regular reporting on Child Safe matters.

## The Principal's Responsibilities

The Anglican Schools Corporation (ASC) Board has delegated operational day-to-day management of the **School** and implementation of the Child Safe Program to the **Principal**.

The **Principal** is ultimately responsible, and will be accountable for, taking all reasonable measures to ensure that:

- the **School** effectively implements the **Child Safe** Program, and effectively deploys all available resources for that purpose
- appropriate **Child Safe Officers** are appointed and trained
- a strong and sustainable child safe culture is maintained within the **School**
- any child safety incidents or concerns are dealt with professionally and in a timely manner
- the **School Council** receives regular reports with respect to **child safety** matters at the **School**
- all Staff and relevant Volunteers and Contractors are aware of the **School's Child Safe** Program and trained in implementing the Program's processes and procedures
- the **School** is complying with its legal and regulatory obligations with respect to child protection and safety.

The **Principal** may, when appropriate, call on the **School Council** and the ASC Chief Risk Officer or the Association of Independent Schools of NSW (AIS) for advice and support in the management and implementation of the **School's Child Safe** Program.

The **Principal** is the "head" of the **School's** functions under our Reportable Conduct policies and procedures, unless the allegations involve the **Principal** in which case the **Chair of the School Council** undertakes these responsibilities in consultation with the ASC Chief Executive Officer and Corporation Chairman.

## The Executive Leadership Team's Responsibilities

The Executive Team are responsible for supporting the Principal in all aspects of Child Safety, including reinforcing a child safe culture and proactively considering and managing child safe risks.

## Child Safe Officers' Responsibilities

One or more staff members are nominated as the College's Child Safe Officers. They are:

<b>Principal</b>	Mrs Megan Hastie
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<b>Deputy Principal - Strategy &amp; Innovation</b>	Mr Liam Bailey
<b>Head of Senior School</b>	Mr Liam Bailey
<b>Head of Junior School</b>	Mr Brian Host

Child Safe Officers are selected based on a number of considerations, namely:

- their personal attitudes, experiences and beliefs, for example, a person who is non-judgmental, calm, resilient and demonstrates a high degree of integrity and respect for confidentiality
- their role within the College, for example, a person who has seniority and experience working with complex student and family issues at the College and someone who is readily accessible and available to all members of the College community
- their personal profile within the College, for example, a person who is approachable, whom students and Staff trust and who is willing and able to respond to issues personally and sensitively.

Child Safe Officers also receive special training that allows them to deal with child safety incidents or concerns both sensitively and effectively.

## **Key responsibilities of Child Safe Officers:**

- having a good working knowledge of the College's Child Safe Policy and Child Safe Program
- acting as "Child Safe Champions" and ensuring that a strong and sustainable child safe culture is embedded within the College
- promoting child safety issues within the College community and responding to general queries with respect to the College's Child Safe Program
- being a point of contact for Staff, or other members of the College community, raising child safety concerns within the College
- without replacing any legal reporting obligations that any person may have, being a point of contact for Staff, or other members of the College community, raising child safety concerns within the College
- communicating the College's child safe policies and procedures to all stakeholders including students, parents/carers, Staff, Volunteers and Contractors

- on behalf of Anglican Schools Corporation Board and College Council and the Executive Leadership Team, ensuring that the College's Child Safe Program is being effectively implemented
- on behalf of Anglican Schools Corporation Board and College Council and the Executive Leadership Team, reviewing and managing particular aspects of the College's Child Safe Program, and specifically the College's procedures for Responding to and Reporting Child Safety Incidents or Concerns
- ensuring that the Executive Leadership Team, all Staff and relevant Volunteers and Contractors undertake induction and ongoing child safe training so that they are able to identify signs of abuse and other harm, understand how to respond and know when to make a referral either internally or to an external agency, and understand our procedures for Responding to and Reporting Child Safety Incidents or Concerns
- ensuring that there are clear procedures to allow people to report Reportable Conduct within the College
- providing all Staff, Direct Contact and Regular Volunteers and Direct Contact and Regular Contractors with a copy of the College's Child Safe Policy, the Child Safe Codes of Conduct and key contact numbers for reporting child safety concerns
- where authority is delegated from the Principal, promptly managing the College's response to a child safety incident or concern, and ensuring that the incident, allegation, disclosure or suspicion is taken seriously
- responding appropriately to and providing support and assistance for students and/or their families following child safety incidents, concerns, complaints and disclosures
- offering assistance and support when other members of the College community receive or make a disclosure of abuse or other harm
- developing processes for minor corrective issues that don't need to be reported to an outside authority.

If a Child Safe Officer cannot perform their role, for example due to conflicts of interest or absence, either another Child Safe Officer, the Principal or the College Council Chair must perform these duties.

### **The Senior Child Safe Officer's Responsibilities**

Shellharbour Anglican College has appointed at least one Senior Child Safe Officer. They are Mrs Megan Hastie .



They have an important role in the implementation and operation of our Child Safe Program and are identified in our publicly available Child Safe Policy as the individual/s who the wider community can contact when they have child safety concerns relating to the College.

Key responsibilities of the Senior Child Safe Officer include:

- being a first point of contact for all child safety incidents or concerns or queries for the wider community
- ensuring that other Child Safe Officers understand and comply with their key responsibilities
- ensuring that all Child Safe Officers undergo appropriate annual training in the College's Child Safe Program, their legal responsibilities, and how to appropriately respond to child safety concerns and incidents
- coordinating the College's response to child safety incidents in consultation with the Executive Leadership Team and Anglican Schools Corporation Board and College Council
- ensuring that the College's child safe policies and procedures are effectively implemented and communicated to all relevant stakeholders.

## **Staff Responsibilities**

All Staff, including full-time, part-time, casual, relief, teaching and non-teaching Staff, are required, as a condition of their employment at the College, to comply with our Child Safe Program, including the Child Safe Codes of Conduct, and their legal obligations with respect to the reporting of child safety incidents or concerns and regarding Working with Children Checks.

It is each individual's responsibility to be aware of key indicators of child abuse and other harm, to be observant, and to raise any and all child safety incidents or concerns with a Child Safe Officer and with external agencies where required.

To meet these obligations, all Staff must:

- participate in child safe induction and ongoing training provided by the College
- always follow the College's child safe policies and procedures in the Child Safe Program
- act in accordance with the Child Safe Codes of Conduct
- identify and raise child safety incidents and concerns in accordance with our Procedures for Responding to and Reporting Child Safety Incidents or Concerns
- ensure students views are taken seriously and their voices are heard when making decisions that affect them
- implement inclusive practices that respond to the diverse needs of students.

## Volunteers' Responsibilities

A Volunteer is a person who works without payment or financial reward for the College. Volunteers may be family members of students, or from the wider College or local community. Volunteers make a considerable contribution to the College community by giving their time and sharing their skills and expertise with others. In most instances, College governing body members are also considered to be volunteers.

## Categories of Volunteer

Shellharbour Anglican College has identified three categories of Volunteers, based on the level and frequency of their interaction with students. Volunteers' responsibilities and obligations under the Child Safe Program may depend on their category. The categories of Volunteer are:

- Direct Contact Volunteers
- Regular Volunteers
- Casual Volunteers

Refer to [Child Safe Program Definitions](#) for an explanation of these categories.

Where the term "Volunteer" is used, the relevant responsibility or obligation applies to "Direct Contact Volunteers", "Regular Volunteers" and "Casual Volunteers". Other responsibilities and obligations specify the category of Volunteer to whom that responsibility or obligation applies.

## Responsibilities and Obligations of Volunteers

**All Volunteers** at the College are responsible for contributing to the safety and protection of students in the College environment.

It is the College's policy that, irrespective of the degree of contact with students, or the frequency or length of engagement, **all Volunteers** must:

- adhere to the College's Child Safe Policy, [Child Safe Code of Conduct](#) and Staff and Student Professional Boundaries Policy and Procedures
- hold a current WWCC clearance if required to do so by law or by College policy (refer to [Working with Children Checks](#) for an explanation of which Volunteers are required by law or College policy to hold a WWCC clearance) or, if it is not practicable to obtain a WWCC clearance, to provide a Statutory Declaration that they have no offences that would bar them from working with children under the Child Protection (Working with Children) Act 2012 (NSW)

and an Undertaking to advise the College if they become barred from working with children or are convicted of a relevant offence (refer to [Working with Children Checks](#))

- report child safety concerns to external agencies where required by law.

It is the College's policy that, in addition to the above, **Direct Contact** and **RegularVolunteers** are required to:

- complete the College's online child safe learning course prior to commencing volunteer work at the College
- sign a written statement or electronic acknowledgement indicating that they have read and understand the College's Child Safe Policy and [Child Safe Code of Conduct](#)
- be aware and observant of key indicators of abuse or other harm
- raise any child safety concerns they may have with a Child Safe Officer or the Principal.

Volunteers can direct questions about child safety at the College to a Child Safe Officer.

## Contractor Responsibilities

On occasion it may be necessary for the College to engage outside, independent contractors to perform specific tasks. These Contractors are not employees of Shellharbour Anglican College. Contractors may include, for example, maintenance and building personnel, consultants, tutors, sports coaches and College cleaners.

## Categories of Contractors

Shellharbour Anglican College has identified three categories of Contractors, based on the level and frequency of their interaction with students. Contractors' responsibilities and obligations under the Child Safe Program may depend on their category. These categories are:

- Direct Contact Contractors
- Regular Contractors
- Casual Contractors

Refer to [Child Safe Program Definitions](#) for an explanation of each of these categories.

Where the term "Contractor" is used in our Child Safe Program, the relevant responsibility or obligation applies to "Direct Contact Contractors", "Regular Contractors" and "Casual Contractors". Other responsibilities or obligations specify the category of Contractor to whom that responsibility or obligation applies.

## Responsibilities and Obligations of Contractors

**All Contractors** engaged by the College are responsible for contributing to the safety and protection of students in the College environment.

It is the College's policy that, irrespective of the degree of contact with students, or the frequency or length of engagement, **all Contractors** must:

- adhere to the College's Child Safe Policy and Child Safe Codes of Conduct
- hold a current WWCC clearance if required to do so by law or by College policy (refer to [Working with Children Checks](#) for an explanation of which Contractors are required by law or College policy to hold a WWCC clearance), and if it is not practicable to obtain a WWCC clearance, to provide a Statutory Declaration that they have no offences that would bar them from working with children under the Child Protection (Working with Children) Act 2012 (NSW) and an Undertaking to advise the College if they become barred from working with children or are convicted of a relevant offence
- report child safety concerns to external agencies where required by law.

It is the College's policy that, in addition to the above, **Direct Contact Contractors** must:

- complete child safe training prior to commencing work at the College
- be aware and observant of key indicators of abuse or other harm
- raise any child safety concerns they may have with a Child Safe Officer or the Principal.

Shellharbour Anglican College may include these requirements in the written agreement between it and the Contractor.

Where a Contractor is engaged at short notice, making it impractical to undertake normal screening and/or briefing sessions/procedures, the College will take reasonable steps to ensure the safety of students at the College while the work is being completed.

Contractors can direct questions about child safety at the College to a Child Safe Officer.

### External Education Provider Responsibilities

An External Education Provider is any organisation that the College has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. The delivery of such a course may take place on College premises or elsewhere.

All External Education Providers engaged by the College are responsible for contributing to the safety and protection of students in all College environments (this includes camps and excursions).

The College requires all External Education Providers engaged by the College to be familiar with our [Child Safe Policy](#) and to adhere to our [Child Safe Codes of Conduct](#).

Shellharbour Anglican College may include this requirement in the written agreement between it and the External Education Provider.

## **Child Safe Human Resources Management**

Standard 5 of the NSW Child Safe Standards and Principle 5 of the National Principles for Child Safe Organisations require the College's human resources practices to have a child safety focus. Standard/Principle 7 requires that Staff and relevant Volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

Shellharbour Anglican College has developed and implemented child safe human resources accordingly.

The College is also committed to ensuring that newly recruited and existing Staff and relevant Volunteers and Contractors understand the importance of child protection and child safety, are aware of all relevant policies and procedures, and are able to minimise the risk of child abuse and other harm.

## **The Policies and Procedures in this Section**

This section of the Child Safe Program sets out the expectations, systems, work practices, policies and procedures that the College employs to ensure that its human resources management practices are child safe, to protect students from abuse and other harm and to create a child safe culture.

These include:

- [Child Safe Recruitment, Screening and Suitability Assessment](#)
- [Working with Children Checks](#)
- [Child Safe Training, Supervision, Performance Monitoring and Professional Development](#)
- [Disciplinary Actions \(Child Safe\)](#)

## **Source of Obligation**

- NSW Child Safe Standards, Standards 5 and 7
- National Principles for Child Safe Organisations, Principles 5 and 7

Other legislative obligations relevant to specific policies and procedures in this section of the Child Safe Program are set out in the various policies.

### **Child Safe Recruitment, Screening and Suitability Assessment**

A child safe organisation must have policies and procedures for the recruitment and selection of Staff, and relevant Volunteers and Contractors, that promote child safety.

## **Shellharbour Anglican College's Practices**

At Shellharbour Anglican College we are committed to ensuring that our recruitment practices create a safe and supportive environment for all students. To this end, in addition to our general Recruitment and Selection Procedures, we have established child safe policies and procedures that are designed to:

- select appropriate College Council Chair members , Staff (including members of the Executive Leadership Team), Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors
- discourage inappropriate people from working within the College.

For more information about recruitment in general, refer to our general [Human Resources](#) policies and procedures.

## **Shellharbour Anglican College's Recruitment, Screening and Suitability Assessment Policies**

### **Acknowledgement of Child Safe Policy and Child Safe Codes of Conduct**

It is a condition of employment that all new Staff at the College must sign a written statement or complete an electronic acknowledgement that they have read and understand our Child Safe Policy and the Child Safe Codes of Conduct prior to commencing at the College. These acknowledgements are then required annually for ongoing Staff.

All Direct Contact and Regular Volunteers/Contractors must sign a written statement or complete an electronic acknowledgement that they have read and understand our Child Safe Policy and the [Child](#)

Safe Code of Conduct before being engaged by the College. These acknowledgements are then required annually for ongoing Direct Contact and Regular Volunteers/Contractors.

Whenever possible and practicable, the College gives a copy of, or information about, our Child Safe Policy and the Child Safe Code of Conduct to Casual Volunteers/Contractors when they are first engaged by the College.

## **Assessing the Suitability of Potential Staff and Contractors**

Assessing the suitability to work with children and young people requires more than just criminal background checking. The Working with Children Check (WWCC) is a useful tool to keep children and young people safe, however, it is only one part of creating a child safe environment. For more information about WWCCs, refer to Working with Children Checks.

In addition to the WWCC, Shellharbour Anglican College uses a range of screening procedures to assess the suitability of all applications for Staff, and Direct Contact/Regular Contractor roles, including:

- personal identity verification and background checking
- verification of professional or other qualifications relevant to the job
- an examination of their history of child-connected work
- verbal reference checking that addresses the person's suitability for the job and working with children and young people
- specific selection criteria concerning attitudes to and application of child safe measures to which applicants must respond
- values-based interviewing.

## **Application to Direct Contact/Regular Volunteers**

People that the College proposes to engage in Direct Contact or Regular Volunteer roles may be required to undergo the following screening (or modified versions of it, depending on their role) prior to commencing any work at the College:

- personal identity verification and background checking
- verification of professional and other qualifications if relevant to their role
- an examination of their history of child-related work
- reference checking that addresses the person's suitability for the job and working with children and young people.

These screening processes do not apply to parents/carers of students who are volunteering at the College, unless they are volunteering:

- as part of a formal mentoring program
- in an activity that involves the intimate personal care of children or young people with a disability
- at an overnight camp.

For parents/carers who are volunteering in these activities, the College will undertake one or more of the above screening processes (or modified versions of them, depending on the parent/carer volunteer's role) and also requires that these parent/carer volunteers have a valid WWCC clearance as required by law.

For information about the application of WWCCs to Direct Contact and Regular Volunteers (including parent volunteers), refer to [Working with Children Checks](#).

## **Application to Casual Volunteers/Contractors**

It may not generally be practicable for any of the above screening and suitability assessment procedures to be applied to the engagement of Casual Volunteers or Casual Contractors, even if they are likely to have contact with students while at the College. This is particularly the case for those who are engaged at short notice, such as emergency maintenance workers or Volunteers, other than parent volunteers, who fill in when another Volunteer does not attend their rostered activity.

In line with the College's risk-based approach to child safety and protection, where it is not practicable to undertake relevant screening and suitability assessment of a Casual Volunteer/Contractor, the College will undertake additional measures to ensure the safety of students at the College. These measures include but are not limited to:

avoiding areas where students are present and being supervised at all times by a member of staff

## **Recruitment Record Keeping**

The College holds recruitment records for all Staff, and engagement records for Direct Contact and Regular Volunteers/Contractors, including:

- applications and tenders and any supporting documentation
- copies of identification verification documents
- notes of interviews, child-related work history and reference check conversations



pursuant to our [Child Safe Record Keeping](#) and the College's broader record keeping policies.

## **Shellharbour Anglican College's Recruitment, Screening and Suitability Assessment Procedures**

### **Employment Advertising**

All Shellharbour Anglican College job advertisements and employment packages clearly state our commitment to child safety.

Employment packages sent to potential applicants include a position description (below), the Child Safe Policy and the [Child Safe Code of Conduct](#).

### **Position Descriptions**

The College has developed clear job descriptions and duty statements (together called "position descriptions") for each Staff position.

We assess all roles for the expected level of contact with children and we implement appropriate Child Safe recruitment procedures for each position.

Each position description clearly states:

- the College's commitment to child safety and wellbeing
- the expected level of contact with children and young people
- the duties and tasks of the role, including any specific child safe requirements, duties and responsibilities for those in the position
- the essential or relevant child safe qualifications, experience and attributes that applicants must have, including any requirement to have a WWCC
- the level of responsibility and supervision of and by the position
- the College's clear expectation that Staff, Direct Contact Volunteers and Direct Contact Contractors must have and maintain a commitment to child safety.

We also develop duty statements for Direct Contact Volunteer and Direct Contact Contractor positions at the College, or for generalised categories of these roles.

Duty statements for Volunteer and Contractor roles include a description of the role, the expectation to have and maintain a commitment to providing a safe and supportive environment for students,

and the requirement to comply with the College's Child Safe Policy and the Child Safe Codes of Conduct.

The College informs all applicants for Staff, Volunteer and Contractor roles about the requirements of their role as set out in the relevant position description prior to them commencing work at the College.

## Identity Checks

It is crucial to confirm the identity of an applicant for employment. The College confirms this identity, for every applicant for employment as a staff member, or for engagement as a Direct Contact/Regular Contractor, using 100 points of identification.

## Selection Criteria and Values-Based Interviewing

Selection criteria and values-based interviewing are used to assess the suitability of applicants for all Staff and Direct Contact/Regular Contractor roles.

The College assesses an applicant based on the following areas, and includes these in our selection criteria and interview questions:

- motivation to work with children and young people (personal and/professional)
- understanding of children's and young people's physical and emotional needs
- understanding of professional boundaries
- attitudes to children's rights and how they can be upheld
- attitudes to, understanding of and ability to apply Child Safe measures
- values (honesty, integrity, reliability, fairness and non-discrimination) and attitudes towards working with children and young people.

Written responses to selection criteria and values-based interviews are absolutely critical when a staff member or Direct Contact Contractor will be working closely with students, particularly students that are more vulnerable or have special needs.

The College provides in-depth guidance to its human resources Staff so that they can identify factors in these interviews that could indicate that an applicant is not suitable for roles requiring child safe settings.

## Verification of Child-Connected Work History and Verbal Reference Checks

## Professional Qualifications and Work History Checks

The College checks the professional qualifications, child-connected work histories and details provided by applicants in respect of previous employment for accuracy in relation to applicants for all Staff and Direct Contact/Regular Contractor roles.

This may occur as part of or separate to checking an applicant's references.

## Reference Checks

Reference checks are crucial for engaging Staff and relevant Contractors at the College – a failure to properly check applicants' references can compromise the safety of students and the College.

Wherever possible, the College checks references for all applicants for Staff and Direct Contact/Regular Contractor roles as follows:

- we hold direct verbal conversations with at least two professional referees
- at least one referee provided by an applicant is their current or most recent direct supervisor
- we verify the identity of the referee who we communicate with
- at least one staff member who is on the interview panel is appropriately trained in undertaking reference checks and that this person conducts these reference checks
- we appropriately document reference check conversations.

Key questions asked of referees include:

- Have you observed the person interacting with children and/or young people?
- Can you describe the types of relationships and interactions that the person has had with children and/or young people?
- Would you employ the person again?
- Do you have any concerns about the applicant working directly with children and/or young people?
- Are you comfortable knowing that the applicant might sometimes be working alone with children and/or young people?
- Did you have any disciplinary matters relating to the person or concerns about their adherence with the organisation's Code of Conduct?

## Child Safe Recruitment and Other Legislation

Our recruitment practices are subject to state and federal anti-discrimination legislation and the requirements of the Privacy Act 1988 (Cth) when obtaining, using, disclosing, and storing information from applicants and referees.

## **Child Safe Training, Supervision, Performance Monitoring and Professional Development**

A child safe organisation must provide induction and ongoing training about child safety and child protection for its Staff and relevant Volunteers and Contractors. It also must provide supervision in relation to, and monitor, their child safety-related performance.

## **Shellharbour Anglican College's Practices**

This Policy sets out, in its subsections, the policies, procedures, work practices and guidelines that the College employs to ensure that Staff and relevant Volunteers and Contractors receive:

- an induction into our Child Safe policies, procedures and practices
- ongoing education and training about child safety
- child safety-related supervision, performance monitoring and performance appraisal
- child safety-related professional development.

The subsections of this policy are:

- [Subsection 1: Child Safe Training](#)
- [Subsection 2: Child Safe Supervision and Performance Monitoring](#)
- [Subsection 3: Child Safe Professional Development for Staff](#)

Together these are aimed at ensuring the safety of students and their protection from abuse and other harm and creating a child safe culture.

For more information about training, supervision, performance reviews, and professional development in general, refer to our general [Human Resources](#) policies and procedures.

### **Subsection 1: Child Safe Training**

Shellharbour Anglican College recognises that without the education and training of our Staff, Volunteers and Contractors, our policies and procedures will not operate to effectively keep our students safe and protect them from abuse and harm.

This subsection of the **Child Safe Training, Supervision, Performance Monitoring and Professional Development** policy describes the Child Safe training requirements for all Staff, Volunteers and

Contractors.

## Who is Required to Complete What Child Safe Training?

### Induction Training

The following people must complete the College's online child safe learning course, as part of the induction process when they first commence their role at the College:

- all Staff
- Direct Contact Volunteers
- Regular Volunteers
- Direct Contact Contractors
- Regular Contractors.

The following people will receive, when they first commence their role at the College, either modified induction training or information on our Child Safe Policy, the [Child Safe Code of Conduct](#) and how to report child safety incidents or concerns to the College:

- Casual Volunteers/Contractors.

### Ongoing and Refresher Training

The following people must complete the College's online refresher child safe learning course, at least annually:

- all Staff
- Direct Contact Volunteers
- Regular Volunteers
- Direct Contact Contractors
- Regular Contractors.

### Mandatory Reporter Training

All Staff and Direct Contact Volunteers and Direct Contact Contractors who are [Mandatory Reporters](#) must complete the College's Child Safe learning course when they first commence their role at the College as part of the induction process, and must undertake our refresher learning course annually, to ensure outgoing understanding of their obligations.

## Additional Training

The College's Child Safe Officers, and other selected Staff, undertake additional Child Safe training as considered appropriate to their roles.

This additional training may include external courses, conferences and workshops on relevant child safety-related topics as well as internal training provided by Anglican Schools Corporation and/or Shellharbour Anglican College.

## Training Content

Our induction and refresher child safe learning course includes information on:

- our Child Safe Program
- our Child Safe Policy and Child Safe Codes of Conduct
- the legal and regulatory framework for child protection and safety, including:
  - Working with Children Checks
  - Mandatory Reporting to the Department of Communities and Justice (DCJ)
  - Voluntary Reporting to DCJ
  - Reportable Conduct
  - Duty to Protect/Failure to Protect
  - Reporting to Police
  - information sharing and record keeping
  - privacy and employment law obligations
  - whistleblower protections
- guidance on different types of child abuse and other harm, recognising key indicators, and understanding circumstances that increase the vulnerability of some children and young people to abuse or other harm
- our complaints handling policies and procedures
- how to respond to a child safety incident or concern
- procedures for responding to a child safety incident, concern or complaint
- how to report child safety incidents or concerns internally to the College and externally to the appropriate external authorities
- child safe information sharing and record keeping obligations
- children and young people's rights to participation, information and safety, empowering children and young people, and encouraging children and young people's participation

- building culturally safe environments, including information about Aboriginal and Torres Strait Islander cultures, culturally and linguistically diverse cultures, disability and people with other particular experiences or needs, and respecting children and young people irrespective of their individual characteristics, cultural backgrounds and abilities.

## Child Safe Training Record Keeping

Through the College's CompliLearn, the College creates and maintains electronic records of all completed child safe training.

### Subsection 2: Child Safe Supervision and Performance Monitoring

This subsection of the **Child Safe Training, Supervision, Performance Monitoring and Professional Development** policy describes the supervision and performance review process that is provided to, or otherwise required of, various Staff, Volunteers and Contractors with respect to child safety and protection.

For more information about supervision and performance reviews in general, refer to our general [Human Resources](#) policies and procedures.

## Key Definitions

### Supervision

"Supervision" is an intervention that is provided by a senior staff member of College to other staff members, including Direct Contact Volunteers and Direct Contact Contractors.

The supervisor/supervisee relationship is evaluative, extends over time, and has the simultaneous purposes of enhancing the professional functioning of the staff member(s), monitoring the quality of education provided to students and the wider College community, and serving as a gatekeeper of those who are to enter the particular profession.

### Performance Review

"Performance reviews" are a process aimed at assisting staff members to sustain their performance at a planned level, promoting a climate of continuous learning and development, and enhancing individual competencies. A performance review may or may not be undertaken by a staff member's direct supervisor.

Performance reviews include, but are not limited to:

- observing and analysing integration of the staff member's skills, knowledge and practices during teaching and other interactions with students (including random and organised observations through in person, line of sight and within hearing range supervision)
- review of materials and audio-visual aids used
- regular performance appraisal discussions between the supervisor and supervisee
- seeking feedback from students, parents/carers and colleagues
- a performance appraisal discussion.

## **Performance Appraisal Discussion**

Child safe performance appraisal discussions involve:

- consideration of performance against the College Child Safe Program, including the Child Safe Codes of Conduct
- reviewing the skill sets of staff members relating to child protection, safety and wellbeing
- identifying additional training needs relevant to the staff member's role
- setting goals in relation to issues which impact the safety and wellbeing of children and young people. For example, identifying ways to support staff members to perform the duties and skills contained within their job description.

## **Child Safe Supervision and Performance Reviews for Staff and Contractors**

### **Regular Supervision and Performance Reviews for Staff and Contractors**

The College provides all staff members and Direct Contact Contractors with regular supervision - and, for Staff, performance reviews – by their supervisor, a Child Safe Officer and/or a member of the Executive Leadership Team, that involves consideration of child safety issues, to ensure that their behaviour towards students is appropriate and to monitor their compliance with the College's Child Safe Program.

All Staff have a performance review at least annually.

The College assigns a supervising member of Staff to each Direct Contact Contractor. The Contractor's supervising staff member will have at least one discussion with the Contractor during the period of the contract (and additional discussions, depending on the frequency of the



Contractor's engagement at the College to discuss and monitor their performance in relation to child safety and protection.

## **Probationary Periods for Staff**

Probationary periods apply to all new staff members where these are permitted by law or under an enterprise agreement. During probation, new staff members receive:

- more frequent supervision to ensure that their behaviour towards students is appropriate and to monitor their compliance with the College's Child Safe Program
- more frequent performance appraisal discussions with their supervisor in relation to their child safe-related performance.

## **Child Safe Supervision and Performance Monitoring for Volunteers**

The College assigns a supervising member of Staff to each Direct Contact and Regular Volunteer.

The Volunteer's supervising staff member will have at least one discussion with the Volunteer during the period of their engagement (and additional discussions, depending on the frequency of the Volunteer's engagement at the College) to discuss and monitor their performance in relation to child safety and protection.

### **Subsection 3: Child Safe Professional Development for Staff**

Shellharbour Anglican College recognises that ongoing child safe professional development is essential for our staff members to keep our students safe and protect them from abuse and harm.

When new Staff are first engaged by the College, the level of child safe training and experience that they are required to possess is considered in the context of their appointed role. The College then works with each staff member to ensure that they can access ongoing child safe training and development opportunities that will continue to equip them to do their job well.

The College undertakes professional development reviews at least annually for all Staff, as part of the performance review process. These reviews include consideration of professional development needs in light of the College's Child Safe Codes of Conduct and the requirements of the Child Safe Program.

For more information, refer to our general [Human Resources](#) policies and procedures.

## Disciplinary Actions (Child Safe)

Where a staff member, or a Direct Contact or Regular Volunteer/Contractor breaches any obligation, duty or responsibility within our Child Safe Program, the College may take disciplinary action that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- appointment to an alternate role
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

Where any other member of the College community, including Casual Volunteers/Contractors or other Visitors, breaches any obligation, duty or responsibility within our Program, the College will take appropriate action.

All members of the College community must be aware that if they engage in certain conduct in breach of this Program, their conduct may also be subject to [Mandatory Reporting to DCJ](#), [Voluntary Reporting to DCJ](#), the reporting of [Reportable Conduct](#) and/or [Reporting to Police](#), which will be reported to the relevant external agency.

## Working With Children Check Procedure

### 1. Introduction

This procedure supports the Anglican Schools Corporation (ASC or Corporation) Working with Children Check (WWCC) policy requirements as set out in **Section 6** of the **Child Safe Policy** in place across ASC, including each of ASC's schools and the Group Office.

The *Child Protection (Working with Children) Act 2012* (NSW) (the WWC Act) requires any 'worker' who engages in 'child-related work' to have a WWCC clearance from the Office of the Children's Guardian (OCG). However, ASC's policy requirements in respect of WWCC matters exceed the legislated requirements. The arrangements are part of ASC's child safe framework.

ASC requires all employees and governors of ASC to hold a current WWCC clearance, as all employees and governors have the potential to have either direct contact with children and/or access to confidential information related to children. In addition, in the case of governors, given

such persons are making decisions in the interests of children and young people, it is appropriate that such persons hold a current WWCC clearance.

ASC also requires contractors and volunteers who attend school sites to hold a current WWCC clearance even if they do not engage in ‘child-related work’.

Refer to Section 9 for definitions of terms used in this procedure.

## 2. Summary of ASC WWCC requirements

Table 1 sets out ASC’s WWCC requirements for each type of ‘worker’ engaged in various activities for or on behalf of ASC - whether this be at a school site, or at Group Office, or at any location where activities of ASC (its schools and the Group Office) take place.

*Table 1 – ASC WWCC Requirements*

Worker (note 1)	WWCC required in all circumstances	WWCC required if:			
		Attend school site	Attend school construction site	Attend school activities regardless of location (i.e off-site)	Attend Group Office
Employee	<b>Yes</b>				
Governor	<b>Yes</b>				

Direct Contact Volunteers and Direct Contact Contractors	<b>Yes</b>				
Other Volunteers (other than governors)	No	<b>Yes</b> (note 2)	No	<b>Yes</b> (note 2)	No
Other Contractors	No	<b>Yes</b> (note 3)	No	<b>Yes</b> (note 4)	No

*Note 1 - Persons under 18 years of age cannot obtain a WWCC. A WWCC clearance is required from the date the person turns 18. Refer Section 6.*

*Note 2 - Parents of current students who volunteer at a one-off school event may not require a WWCC in some circumstances – refer Section 5.4.*

*Note 3 - May attend school on-site without WWCC if under supervision at all times by an employee, but only on an emergency or ad-hoc basis. Refer Section 5.2.*

*Note 4 – May be exceptions where a third party organisation is engaged to supply offsite services (eg catering for a school formal) and workers employed by the third party organisation are not undertaking child related work (refer section 5.1)*

All workers, including employees, governors, volunteers, and contractors, are required to:

- hold and maintain a valid (current) WWCC clearance from the OCG as per requirements set out in Table 1;
- not engage in child-related work at any time that they are subjected to an ‘interim bar’ or a ‘bar’, as determined by the OCG;
- report to the Principal (or their manager in respect of Group Office) if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or they are notified by the

- OCG that they are subject to a risk assessment; and
- notify the OCG of any change to their personal details within 3 months of the change occurring. Failure to do so may result in a fine.

It is an offence under the Child Protection (Working with Children) Act 2012 (NSW) for a worker to engage in child-related work when they do not hold a WWCC clearance (or have a current application in progress for a WWCC as verified on the OCG website) or if they are subject to a bar. The maximum penalty for a worker who commits such an offence is a financial penalty of \$11,000 or imprisonment for 2 years, or both.

### **3. ASC employee WWCC requirements**

All employees of ASC must have a current WWCC clearance throughout their employment and advise their Principal (or the CEO in respect of Group Office) if they are no longer eligible for a WWCC clearance; or if the status of their WWCC clearance changes; or if they are notified by the OCG that they are subject to a risk assessment.

#### **3.1 New ASC employees**

A prospective new ASC employee must obtain a WWCC clearance for 'paid work' prior to commencing employment. The WWCC number, full name and date of birth of the prospective employee must be provided to Group Office Payroll (typically, via a new employee's 'Application for Employment' form). Payroll will verify the WWCC clearance via the Office of the Children's Guardian (OCG) register before adding a new employee to the payroll system.

A prospective new employee (including any prospective new casual employee) cannot commence their employment (on-site or off-site) until the WWCC clearance has been received and verified by the Principal or their delegate (for school based employees) or Group Office Payroll (for Group Office employees). If the WWCC clearance is delayed, the commencement date of the new employee must also be delayed until the WWCC clearance can be verified.

New employees are required to sign ASC's General Terms of Employment document, which sets out further detail regarding child protection matters.

#### **3.2 WWCC renewal for continuing ASC employees**

Each employee is responsible for ensuring that their WWCC remains current. The WWCC expiry date is the date on which the clearance ceases to have effect, meaning that the WWCC must be renewed

*before* the expiry date. The holder of a WWCC can apply for a new clearance 3 months before the expiry of the clearance.

Applications for renewal require:

- completion of the online renewal application form on the OCG website
- attendance at a Service NSW office with original personal identification documentation or online verification of your identity (by uploading your identification documents and using online face verification)
- payment of a fee (at Service NSW or online).

Each employee must ensure that they apply for the renewal of their WWCC with sufficient time for the renewal to be processed by the OCG prior to the expiry date. Renewal applications can be made 3 months prior to expiry.

Group Office Payroll monitor the expiry date of WWCC clearances for all ASC employees as part of the fortnightly payroll process.

Group Office Payroll provide regular notifications to Principals (or their delegate) regarding employees with a WWCC expiry date that falls within 90 days. Principals should ensure that employees are made aware of the upcoming expiry of their WWCC and their obligation to renew the WWCC prior to the expiry date. (Whilst the OCG also emails renewal reminders to WWCC holders, this requires individuals to provide OCG with current contact details.)

### **3.3 WWCC expiry**

It is illegal for an employer to engage a worker in child-related work if the worker does not either hold a WWCC clearance or have a 'current application in progress' for a WWCC.

For teaching staff, holding a WWCC clearance is a requirement for NESAs teacher accreditation. NESAs may withdraw a teacher's accreditation if their WWCC expires, even if the teacher has a current application in progress.

Table 2 summarises actions required if an ASC employee's WWCC expires. (Please note that this is regardless of whether the employee is located at a school or at Group Office).

*Table 2 – WWCC Expiry*

WWCC Status	Teaching Staff	Non-Teaching Staff
Expired, and no 'current application in progress' ( <i>note 1)</i> )	Cannot attend work onsite or any school activity offsite – refer 3.3.1	Cannot attend work onsite or any school activity offsite – refer 3.3.1
Expired, and 'current application in progress' ( <i>note 1)</i> )	Cannot attend work onsite – refer 3.3.2	Can continue to attend work – refer 3.3.3

Note 1 - The status 'current application in progress' must be verified by Group Office Payroll on the OCG website

### 3.3.1 Employees with an expired WWCC and no 'current application in progress'

An employee who allows their WWCC to expire without applying for its renewal prior to the expiry date may, depending on the circumstances, be in breach of their employment contract. The Principal (in respect of school-based employees) or the CEO (in respect of Group Office employees), in consultation with the Senior Manager Human Resources, will determine whether a breach of contract has occurred, and if so, what disciplinary action may be taken.

The Principal (or the CEO, in respect of Group Office employees) will:

- advise the employee that they cannot attend the workplace onsite or any school activity offsite while they do not have a WWCC clearance;
- seek information as to why the WWCC renewal process apparently was not completed prior to expiry of the WWCC, for example, an application for renewal may have been submitted too close to the expiry date;
- determine whether the employee can perform duties offsite, noting that such duties cannot relate to child-related work or any work where there is direct contact with students, and that, in some circumstances, there may not be suitable duties that can be performed offsite;
- offer the employee the opportunity to take annual leave, long service leave or unpaid leave (as may be available) while they undertake the WWCC renewal process if the Principal or CEO determines that there are no suitable duties that can be performed offsite.

Where it is determined that the employee is in breach of their employment contract, disciplinary action may include a formal warning or, in some cases, summary dismissal. Advice will be sought from the Senior Manager Human Resources if disciplinary action is being considered.

Summary dismissal would most likely occur if an employee with an expired WWCC:

- refuses to apply for their WWCC renewal, or
- refuses to perform other duties or take leave during the period they are not permitted to work onsite or offsite.

For teaching staff only, section 42B of the *Teacher Accreditation Act 2004* (TA Act) obliges ASC (as the employer) to notify NESAs if it has, or is aware of, any information that is or may be relevant to any of the grounds for which a teacher's accreditation may be suspended or revoked by NESAs under that Act. Accordingly, Principals should notify NESAs if a teacher is not the holder of a WWCC clearance.

### **3.3.2 Employees with an expired WWCC and 'current application in progress' – teaching staff**

For teaching staff, the holding of a current WWCC clearance is a requirement for NESAs teacher accreditation. NESAs can withdraw a teacher's accreditation if their WWCC expires, even if the teacher has a current application in progress.

As a result, even when teaching staff have a current application in progress they cannot continue to work onsite at the school, or offsite where there is direct contact with students (such as a school camp) until they have a current WWCC clearance. If NESAs withdraws a teacher's accreditation, the teacher cannot work onsite at the school, nor conduct teaching duties offsite, until the teacher has both their WWCC clearance *and* their NESAs teacher accreditation reinstated.

Section 42B of the TA Act obliges ASC (as the employer) to notify NESAs if ASC has, or is aware of, any information that is or may be relevant to any of the grounds for which a teacher's accreditation may be suspended or revoked by NESAs under the TA Act.

The Principal (or delegate) should undertake the following steps if a teacher's WWCC expires while they have a current application in progress:

- advise the teacher that they cannot attend the workplace onsite or perform teaching duties offsite (eg online) or have direct contact with students (onsite or offsite) while they do not have a WWCC clearance;



- seek information as to why the WWCC renewal process apparently was not completed prior to expiry of the WWCC, for example, an application for renewal may have been submitted too close to the expiry date;
- determine whether the teacher can perform duties offsite, noting that if NESA have withdrawn teacher accreditation, such duties cannot be teaching duties and cannot involve direct contact with students;

Offer the teacher the opportunity to take long service leave or unpaid leave while they undertake the WWCC renewal process, particularly if they are unable to perform work offsite.

Disciplinary action may be considered if a teacher did not commence the renewal of their WWCC in a suitable timeframe prior to the WWCC expiry date. Advice should be sought from the Senior Manager Human Resources if disciplinary action is being considered.

### **3.3.3 Employees with an expired WWCC and 'current application in progress' – non-teaching staff**

Non-teaching staff with a current application in progress may continue to work in their normal duties (provided this does not involve 'direct contact' work with students) if their WWCC expires, but only if Group Office Payroll confirm that there is a current application in progress.

The employee's manager should still:

- Seek information as to why the WWCC renewal process was not completed prior to expiry of the WWCC, for example, was an application for renewal submitted too close to the expiry date; and
- Determine whether disciplinary action is required in consultation with the Senior Manager Human Resources.

## **4. Governor WWCC requirements**

Governors appointed to ASC Board, or any ASC Board Committee (including School Councils), must have a current WWCC clearance throughout their term of office.

Governors must advise the Corporate Secretary (Executive Manager Governance and Legal) if they are no longer eligible for a WWCC clearance; or if the status of their WWCC clearance changes; or if they are notified by the OCG that they are subject to a risk assessment.

A prospective governor must obtain a WWCC clearance prior to their application for office being considered by the Board. The WWCC clearance can be for either paid or volunteer work.

The WWCC number, full name and date of birth of the prospective governor must be provided to the Corporate Secretary. The Corporate Secretary will verify the WWCC clearance via the OCG register.

Each governor is responsible for ensuring that their WWCC remains current and for applying for a renewal prior to the expiry of their WWCC.

If a governor's WWCC expires and there is no current application in progress (as confirmed by the Corporate Secretary), the governor's appointment will be suspended and they will no longer participate in the governance of ASC or any of its schools until a WWCC can be verified.

## **5. Volunteers and contractors**

### **5.1 Volunteers and contractors attending 'school sites' or 'school activities'**

Direct Contact Volunteers and Direct Contact Contractors (refer Definitions) must have a current WWCC clearance throughout their engagement.

Other volunteers and contractors who attend school sites must also have a current WWCC clearance throughout their engagement, even if they do not meet the definition of Direct Contact, except in some emergency or ad-hoc situations (refer Section 5.2).

Where other volunteers or contractors are providing services that do not involve Direct Contact / child related work at an off-site school activity, a risk assessment should be conducted to determine whether a WWCC is required. For example, a School engaging a Catering Company for a School formal attended by staff, parents and students would most likely not need to ensure all staff employed by the Catering Company have a WWCC clearance. Refer to section 7.2 for related information on verification of WWCC clearances for persons engaged by third party organisations.

Volunteers and contractors must advise the Principal if they are no longer eligible for a WWCC clearance; the status of their WWCC clearance changes; or if they are notified by the OCG that they are subject to a risk assessment.

Volunteers and contractors must not provide any services or attend the school premises in their capacity as volunteer or contractor if their expiring WWCC is not renewed prior to the expiry date (and therefore they do not hold a current WWCC clearance).

Note that contractors should have a WWCC clearance for paid work, however a WWCC for volunteer work can be accepted on a short term basis while the contractor obtains a WWCC for paid work.

Volunteers may hold a WWCC clearance for either paid or volunteer work.

## 5.2 Emergency or Ad Hoc Use of Contractors Without a WWCC

On occasion, circumstances may arise where a contractor's services are required in an emergency and the available contractor does not have a WWCC clearance. There may also be occasions where a contractor is used on an ad-hoc/one off basis.

In this situation, the contractor's services may be utilised, however the contractor:

- must not fall within the definition of a Direct Contact Contractor; and
- must be supervised by an employee at all times while they are on the school site if students are present; and
- must complete a Child Protection Contractor or Volunteer Undertaking form; and
- for emergency contractors, must not be engaged for more than 5 consecutive working days (unless there are no students or other children or young persons present on the school site\* for the duration of the work, in which case the engagement can be for a longer period), and
- for one-off or ad hoc contractors, must not be engaged for more than one day in any given year, and
- must be necessary for operational purposes of the school.

*\* For clarity, this would include any children or young persons anywhere on the school site, for example, vacation care or external hire of the school facilities.*

## 5.3 Volunteers and contractors on school construction sites

Volunteers or contractors who *only* attend a 'school construction site' (refer definitions) are not required to hold a WWCC clearance, as school construction sites are self-contained and not able to be accessed by students.

However, contractors entering a school construction site must complete a 'Child Protection Contractor or Volunteer Undertaking' form addressing child protection matters.

Should persons on a school construction site require access to a school site, they must either hold a current WWCC or be supervised as set out in section 5.2.

## 5.4 Parent volunteers at one-off school events

Where a school holds a 'one-off' (eg annual) event such as a school fair or sports carnival, parents of current students often 'volunteer' to perform services such as serving at a stall or timekeeping.

In these circumstances, a WWCC may not be required, provided:

- The 'volunteer' is a parent of a current student at the school, and that student is attending the one-off event
- The event has a significant staff presence and the volunteers do not have unsupervised access to students
- A risk assessment is performed prior to the event to confirm that there are appropriate controls to manage child protection risks at the event.

To avoid doubt, this exception does not apply to parents who attend school excursions or who regularly provide services at the school (eg reading support or being involved in regular sport activities).

## 6. Workers under 18 years of age

Workers under 18 years of age are not eligible to apply for a WWCC from the OCG. Where persons under 18 years of age are engaged or appointed in any capacity (employee, volunteer or contractor), a 'Child Protection Declaration form for Workers Under 18 years of Age' (Under 18s Declaration) form must be completed.

For persons under 18 years of age who are employees, a copy of the Under 18s Declaration Form must be submitted to Group Office Payroll and retained on the person's employee file. Group Office Payroll will record the date the person turns 18 years of age in the payroll system to trigger a reminder that a WWCC clearance must be obtained from that date.

For contractors or volunteers who attend school sites or school activities and who are under the age of 18 years of age, the Under 18s Declaration form must be retained on record by the Principal or their delegate.

## 7. Verification of WWCC status and record-keeping

ASC is registered as a child-related employer with the OCG. This allows a delegate of ASC to verify an individual's WWCC clearance on the OCG WWCC Register. Delegates of ASC must use ASC's login

details on the OCG website to undertake verification. Login details can be obtained from the Group Office Payroll Manager.

When a WWCC verification is completed using the online OCG verification system, a copy of the OCG email with verification results is automatically copied to an ASC email account which is accessible by Group Office Payroll and retained as evidence of WWCC verification.

## **7.1 Verifying WWCC status for workers engaged directly by ASC**

The WWCC Act requires employers to verify the status of each worker's WWCC via the OCG WWCC Register *prior* to:

- the worker commencing work; and
- the expiry date of a WWCC clearance.

When verifying WWCC status, the WWCC Act requires ASC to maintain a record of the following details of the worker as part of the verification process:

- the worker's full name and date of birth;
- the working with children number of the worker's clearance or the application number of the worker's current application; and
- the expiry date for each clearance of the worker, being the date on which the clearance ceases to have effect.

Records must:

- demonstrate the WWCC verification was completed before commencement of employment or engagement,
- be updated within five days of the expiry of the WWCC clearance for any worker, and
- be maintained throughout the time the worker carries out child-related work and for a further seven years after they cease to carry out child-related work for the employer.

Table 3 sets out responsibilities for conducting WWCC verification and maintaining relevant records across ASC.

### *Table 3 – WWCC Verification Responsibilities*

Worker	Responsibility for Verification & Record Keeping	School/Group Office Requirements
Employee	<p><b>School employees –</b> Principal/Principal’s Delegate</p> <p><b>Group Office employees -</b> Group Office Payroll</p> <p><i>Note that payroll also verify WWCC status before adding a new employee to the payroll</i></p>	<ul style="list-style-type: none"> <li>Principal (in the case of school employees) or Group Office Manager (for Group Office employees) to ensure Application for Employment provided with relevant information to Group Office Payroll</li> <li>Prospective new employee cannot commence employment (or any formal duties) until verification of WWCC clearance is undertaken by Group Office Payroll or the Principal/ Principal’s delegate.</li> </ul>
Governor	Executive Manager Governance and Legal	<ul style="list-style-type: none"> <li>Governor cannot commence or attend a school site until verification of WWCC is undertaken.</li> <li>The WWCC verification details are recorded in the Responsible Persons Register.</li> </ul>
Contractor*	Principal or their delegate	<ul style="list-style-type: none"> <li>Contractor cannot be onsite or engage in school related activities</li> </ul>

		where students will be present until WWCC clearance verification complete, with exception of emergencies or ad hoc contractors (refer section 5).
Volunteer (other than governor)	Principal or their delegate	<ul style="list-style-type: none"> <li>• Volunteer cannot attend the school site or engage in school related activities where students will be present until WWCC clearance verification complete</li> </ul>

\* ASC requires verification of WWCC clearance for contractors attending school sites and for contractors engaged directly as an individual or sole trader by a school (whether onsite or offsite). Where ASC enters a contract with a third party to provide services involving direct contact with students offsite (such as at a school camp site or other venue), section 7.2 applies.

## 7.2 Verifying WWCC status for workers engaged by third-parties

Where an ASC school engages a third-party supplier to deliver services to students that meet the definition of child related work, and these services are not provided on the school grounds (for example a school camp) the school must:

1. Obtain assurances that the third-party supplier is a child safe organisation, as demonstrated through their own child safe policy, codes of conduct and Working with Children Check policies and procedures, and
2. Require the third-party supplier to attest that all workers who attend the school event:
  - a. have a current WWCC clearance that has been verified by the third-party supplier on the OCG WWCC register, and
  - b. are not, to their knowledge, subject to any current investigation for Reportable Conduct nor subject to any pending or current court proceedings relating to offences in Australia or overseas set out in Schedule 2 of the Child Protection (Working with Children) Act, and have not been notified by the Office of the Children’s Guardian that they are subject to a ‘risk assessment’, and

Require the third-party supplier to notify the school if they receive advice from the OCG that any worker who attended the school event had their WWCC clearance CANCELLED or BARRED or INTERIM BARRED from working with children within five years of the event, in order for the school to undertake a risk assessment and determine appropriate action.

Schools must also ensure child protection risks are considered as part of the risk assessment for the school event.

A Declaration for Providers of Child Related Services is available to support these requirements.

Where an ASC school engages a third party supplier to provide services offsite that do not meet the definition of child related work (for example, venue hire and catering for a school formal), WWCC clearance is not required for the supplier's workers that are not engaged in child related services, provided that there are sufficient staff (and, where relevant, family members of students) to mitigate child protection risks (refer section 5.1).

## **8. Notification obligations to OCG**

Section 35 of the WWC Act requires ASC to report findings of misconduct against their workers to the Children's Guardian where a worker has engaged in the following conduct:

- (a) sexual offence or misconduct committed against, with or in the presence of a child, including grooming of a child;
- (b) any serious physical assault of a child.

ASC is required to keep records of allegations, investigations and findings concerning the subject of any such notification for not less than 30 years, unless these records are provided to the Children's Guardian pursuant to a written request.

The above obligation to report is in addition to any reporting requirements under other applicable child protection legislation, for example, the Children's Guardian Act 2019.

Principals are responsible for such notifications for school-based workers, and the CEO is responsible for notifications for Group Office-based workers.

## **9. Definitions**

The following definitions apply throughout this procedure.



*Table 4 – Definitions*

Term	Definition
Child	<p><b>Child</b> is defined in the Children and Young Persons (Care and Protection) Act 1998 (NSW) as a person who is under the age of 16 years. For the mandatory reporting regime, therefore, a Child is under 16 years, and a young person is aged 16 or 17.</p> <p>For the purpose of the Children’s Guardian Act reportable conduct scheme, a Child is a person aged under 18 years.</p>
Child-related work	<p>Under the WWC Act and related Regulation child-related work is work for, or in connection with, any of the following if it involves direct contact (physical or face to face) with a child or children which is a usual part of (and more than incidental to) the work:</p> <ul style="list-style-type: none"> <li>• mentoring and counselling services for children</li> <li>• direct provision of child health services</li> <li>• disability services for children with a disability</li> <li>• clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for children</li> <li>• education and care services, child care centres, nanny services and other child care</li> </ul>

- schools or other educational institutions
- sporting, cultural or other entertainment venues used primarily by children and entertainment services for children
- justice services, such as detention centres
- any religious organisation where children form part of the congregation
- private coaching or tuition to children
- boarding houses or other residential services for children and overnight camps for children
- transport services especially for children, including school bus services and taxi services for children with a disability and supervision of school road crossings.

The WWC Regulations also prescribe that child-related work includes:

- a cleaner providing cleaning services at a school
- a worker providing ongoing, counselling, mentoring or distance education using any form of communication that does not primarily involve direct contact
- the role of the "head of a child safe organisation" under the Children's Guardian Act 2019 (NSW), which for ASC, is the ASC Chief Executive Officer (CEO), with responsibilities delegated to school Principals.

Note: An employer can also require a worker to have a WWCC clearance if they have access to confidential records or information about children, and as such, Anglican Schools

	<p>Corporation requires all its workers to have a WWCC clearance.</p>
Contractor	<p>Any person who is not an employee of ASC but who performs services for ASC (including for any ASC School or Group Office) under a contractual arrangement, either directly with the person, or with an organisation that employs or subcontracts the person.</p>
Direct contact	<p>Section 6 of the Child Protection (Working with Children) Act 2012 (NSW) defines “direct contact” as physical contact or face-to-face contact.</p> <p>Direct contact contractors or volunteers may have direct contact with students in circumstances where:</p> <ul style="list-style-type: none"><li>• they may be left alone, one-on-one, with a student (for example, 1:1 tutoring or learning support), or</li><li>• a reasonable person would consider that the contact may enable the individual to form a relationship of trust with a student (for example, coaching a sports team, helping with a drama production, or regularly working in a canteen or library), or</li><li>• a reasonable person would consider that the contact could create a potential risk to the safety of a student (for example, responsibility for a group of students during an excursion without a member of Staff present).</li></ul>

Examples of direct contact contractors may include:

- maintenance workers who regularly work at times when students are present
- tutors
- specialist music or drama teachers
- casual teachers
- sporting team coaches
- outdoor education specialists
- physical education service providers.

Examples of direct contact volunteers include individuals who:

- attend a school camp or excursion
- assist a student during a learning activity
- assist a student to complete tests or exams (e.g. as a scribe or reader)
- coach, manage, or assist with the coaching or managing, of sports at a school
- assist with theatre or music productions
- tutor, or assist with the tutoring of, a student in extracurricular activities such as music, choir or debating
- assist or volunteer in a school canteen or uniform shop.

Direct contact contractor or direct contact volunteer

Means a contractor or volunteer who, in the usual course of providing services, could potentially have “direct contact” with students.

Employee

Any person who is on the payroll of ASC. This includes permanent (full-time and part-time),

	fixed term, and casual employees.
Governor	A person elected or appointed to the office of ASC Member by the Synod of the Anglican Church Diocese of Sydney or by the Archbishop of Sydney or by the ASC Board, or; a person appointed by the ASC Board to the office of Chair or member of any committee of the Board, including school councils. This includes co-opted members of any Board committee.
School activities	Any activity organised by a school, regardless of location, where there are students present.
School site	Any area of the school grounds that is physically accessible by students (regardless of whether students are allowed to access the area), excluding a school construction site.
School construction site	A self-contained (including bathroom facilities), fenced-off area on school grounds that students cannot access physically.
Student	Any person enrolled at an ASC school regardless of age.
Teacher	A person employed under the 'teachers MEA' (whether permanent, fixed term, or casual).
Teaching duties	In relation to a school, to undertake duties that include:

	<ul style="list-style-type: none"> <li>• delivering courses of study that are designed to implement the school curriculum under the <i>Education Act 1990</i>, and</li> <li>• assessing the participation, performance and progress of students in those courses</li> </ul> <p>whether or not the person who is undertaking any such duties undertakes other duties in the school (such as those of a school executive or school counsellor).</p>
Volunteer	Any person, other than a governor, who undertakes unpaid work for ASC (including for any Corporation school or Group Office).
Worker	An Employee, Governor, Contractor or Volunteer.
Young person	Defined in the Children and Young Persons (Care and Protection) Act 1998 (NSW) as a person who is aged 16 years or above, but who is under the age of 18 years.

## 10. Policy/procedure exemptions and breaches

### 10.1 Exemptions

Exemptions to requirements set out in this procedure will only be considered if the exemption would not result in a breach of the law and compensating risk controls are in place.

Requests for exemptions for compliance with any aspect of this procedure are to be submitted to the Chief Risk Officer. Exemption requests will be reviewed, risk assessed and a recommendation made to the ASC Chief Executive Officer, who will make a determination on the exemption request.

The number and nature of approved Exemptions will be reported to the Governance and Risk Committee.

## 10.2 Breaches

In the absence of an approved exemption, breaches of the requirements contained in this Policy may, depending on the circumstance, result in disciplinary action.

## 11. Relevant Legislation

- Child Protection (Working with Children) Act 2012 (NSW)
- Teacher Accreditation Act 2004

## 12. Related documents and website references

- Child Safe Policy
- [OCG Working with Children Check](#) website
- Working with Children Declaration for Persons (under the age of 18 years) Exempt from Obtaining a Working with Children Check (Under 18s Declaration) Form
- Child Protection Contractor or Volunteer Undertaking Form
- Declaration for Providers of Child Related Services

## 13. Procedure administration and review

This procedure shall be reviewed annually or in the event of any information arising that would demonstrate the need for a review or resulting from any legislative or organisational change that would warrant a review.

Version	Approved By	Approval Date	Effective Date	Next Review Date
4.0	ASC Board	1 October 2024	2 October 2024	September 2025
Resolution Number		24/151		

Responsible Officer	Chief Risk Officer
First Published	24 August 2021 <sup>^</sup>
Ref	POL-69

<sup>^</sup> The former Working with Children Check Policy (2019), which was first published in 2016, was incorporated into the Child Safe Policy approved by the Board in June 2021. This procedure supports the Child Safe policy with regards to Working with Children Checks.

### **Under 18s Working with Children Declaration**

### **Working with Children Declaration – for employees exempt from obtaining a Working with Children Check (being under 18 years of age)**

Shellharbour Anglican College, an Anglican Schools Corporation school, being an organisation that works with children and young people, is committed to ensuring and enhancing the safety and wellbeing of children and regards child protection as a whole community responsibility.

The College seeks to actively promote the safety, protection and welfare of students including:

- a) a duty of care to ensure that reasonable steps are taken to prevent harm to students
- b) obligations under child protection legislation
- c) obligations under work health and safety legislation.

*Please complete your details and the declaration below, prior to working at Shellharbour Anglican College.\_.\_*

Full name (on ID document).....

Residential address.....

Phone contact..... Date of birth.....

Email.....



I declare in good faith that I am not, nor have I ever been, a 'disqualified' person as defined in the *Child Protection (Working With Children) Act 2012*, or any other similar legislation outside of NSW. I declare I am a person of good character, fit to work with children and I am not aware of any information that would prevent me from seeking, undertaking or remaining in child-related employment.

I have not previously been removed, or asked to leave, an organisation or role (paid or unpaid) because of concerns about my conduct involving children or young people.

I will disclose to the Shellharbour Anglican College Principal any information that would impact on my above declarations.

I provide an undertaking to advise the Shellharbour Anglican College Principal immediately that I will withdraw from my involvement with children if I become a 'disqualified person' as defined in the *Child Protection (Working With Children) Act 2012* or an unsuitable person to work with children.

My proposed involvement at Shellharbour Anglican College is.....

Signature.....

Date.....

**Verification by School's Authorised Person**

*For verification of identity, please provide your driver license, passport, or NSW Photo card*

Type of identification details sighted.....

Signature.....

Position.....

Print Name.....

Date.....

**Child Protection Contractor or Volunteer Undertaking**

**Child Protection Contractor or Volunteer Undertaking**

The Anglican Schools Corporation (**Corporation**) works with children and young people and is committed to ensuring and enhancing the safety and wellbeing of children. The Corporation regards child safety and child protection as a whole community responsibility.

As part of this commitment, the Corporation requires that all contractor employees, agents or subcontractors or volunteers engaged in works carried out on its premises sign this undertaking OR hold a Working with Children Check Clearance prior to commencing their services or works on Corporation premises.

## 1. Undertaking

### 1.1 You undertake to the Corporation that you:

**(a) Hold a verified Working with Children Check (WWCC) clearance and set out the WWCC number**

**WWCC Number:**\_\_\_\_\_

*If you have a WWCC, please provide your Date of Birth – this is required so that we can validate your WWCC with the OCG, and will not be used for any other purpose*

*Date of Birth:* \_\_\_\_\_

**And/or**

**(b)declare that all of the following are true and will remain true for the entirety of the time during which you will be on Corporation premises:**

- (i) You are not a Disqualified Person;
- (ii) None of the Assessment Requirement Triggers apply to you;
- (iii) You have not had any previous employment or engagement terminated on the grounds that you engaged in any Reportable Conduct and/or a sex offence;
- (iv) You have not retired or resigned from any previous employment or engagement following allegations that you engaged in any Reportable Conduct and/or a sex offence or any misconduct that may involve Reportable Conduct and/or a sex offence;
- (v) You have never been charged with engaging in any Reportable Conduct and/or sex offence;

- (vi) You are not currently the subject of allegations that you engaged in Reportable Conduct and/or a sex offence or any misconduct that may involve Reportable Conduct and/or a sex offence;
- (vii) You have never been the subject of allegations of any Reportable Conduct and/or a sex offence or any misconduct that may involve Reportable Conduct and/or a sex offence;
- (viii) You will not engage in any Reportable Conduct and/or a sex offence; and
- (ix) You have not been the subject of proceedings commenced for any of the offences specified in Item 1(3) of Schedule 1 of the WWC Act.

**1.2 If you cannot give the undertaking set out above, you must not sign this Undertaking and you are not cleared to enter any Corporation school premises.**

## **2. Definitions**

In this Undertaking:

- (a) “WWC Act” means the Child Protection (Working with Children) Act 2012 (NSW).
- (b) “Working with Children Check Clearance” means a clearance from the Children’s Guardian in accordance with the WWC Act.
- (c) “Disqualified Person” means a person disqualified under the WWC Act from holding a Working with Children Check Clearance, because the person has been convicted of, or against whom proceedings have commenced for, a disqualifying offence. A list of disqualifying offences is at Item 1 of Schedule 2 of the WWC Act.
- (d) “Assessment Requirement Trigger” means an offence or finding of misconduct involving children, as defined in Schedule 1 of the WWC Act.
- (e) “Reportable Conduct” means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded—
  - (i) a sexual offence
  - (ii) sexual misconduct
  - (iii) ill-treatment of a child
  - (iv) neglect of a child

(v) an assault against a child

(vi) an offence under section 43B (failure to protect offence) or 316A (failure to report offence) of the Crimes Act 1900

(vii) behaviour that causes significant emotional or psychological harm to a child.

Signed:		Date:	
Print Name:		Organisation:	
Email:			

Information on this form is collected for the purposes of managing our child protection obligations and to allow us to send you relevant induction training or other communications related to our child safe or work health and safety obligations. The information will not be used for any other purpose and will be stored securely. Please refer to our Privacy Policy available on the Anglican Schools Corporation website.

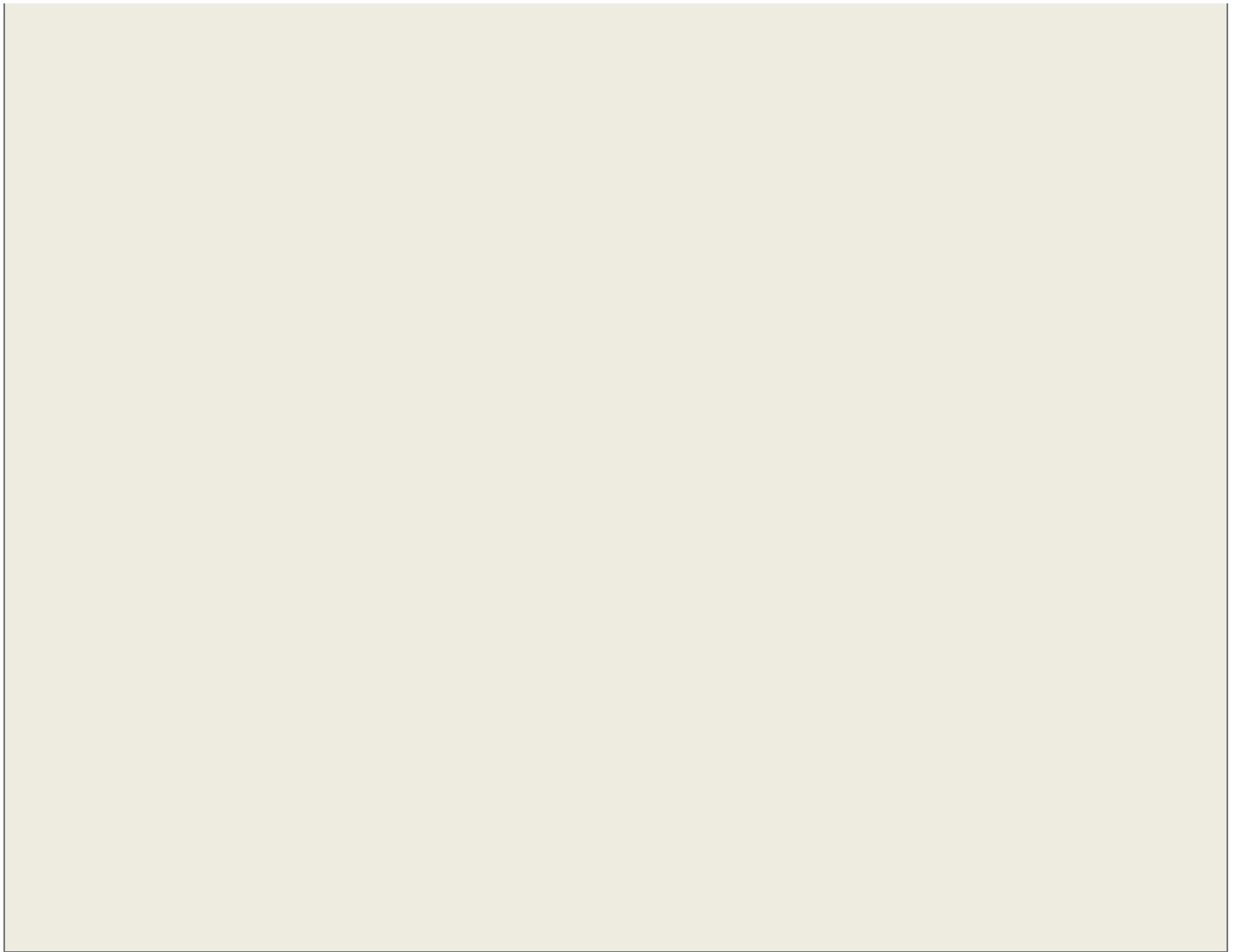
### For Office Use Only

The Contractor or Volunteer Undertaking – Working with Children Declaration can only be used to engage contractors or volunteers in certain circumstances as outlined in the Child Safe Policy and Working with Children Check Procedure (WWCC Procedure).

By signing below, you confirm that:

- The contractor/volunteer **does not** meet the definition of a **Direct Contact** Contractor or Volunteer as set out in the WWCC Procedure, and
- The contractor/volunteer will be supervised at all times when students or other children and young people are on the school premises.

Please select the nature of the engagement from the options below:



## Declaration for suppliers with workers undertaking child-related work

### 1. Supplier Details

Organisation Name	
ABN	
Address	

Phone Number	
Authorised Person Name	
Authorised Person Position	
Contact Phone Number	

## 2. Engagement Details

School	
Outline of services to be provided	
Date services to be provided*	

\* Can nominate a period of time of not more than 12 months (eg 1 January to 31 December 20XX), or a specific date

## 3. Child Safe Declaration

I declare, as an authorised person of the Supplier, that:

1. The Supplier is a Child Safe Organisation committed to child safety and has appropriate and adequate systems, policies and processes in place to implement the Child Safe Standards, as required under the Children's Guardian Act 2019 (NSW).
2. The Supplier will comply with all legislative requirements relating to the protection of children and young people from abuse and neglect, including the requirements for a valid and current NSW Working with Children Check clearance for all workers (paid and unpaid) engaged in child related work.

3. The Supplier has (or, before the commencement of the engagement, will have) verified the NSW **Working with Children Check** (WWCC) clearance number for all workers (paid and unpaid) who will be performing services for the School under the engagement set out in Section 2.
4. All workers engaged in provision of services to the School are not subject to any current investigation for Reportable Conduct nor subject to any pending or current court proceedings relating to offences in Australia or overseas set out in Schedule 2 of the Child Protection (Working with Children) Act 2012, and have not been notified by the OCG that they are subject to a 'risk assessment'.
5. The Supplier will notify the School as soon as practicable if they receive advice from the Office of the Children's Guardian that any of their workers who have provided services to the school have had their Working with Children Check (WWCC) clearance CANCELLED, BARRED or INTERIM BARRED from working with children.

I am aware that providing false or misleading information in this document may lead to the School:

- withdrawing any offer of engagement that it has made to my Supplier

or

- terminating the engagement

and

- consider any false or misleading information provided, when considering any future applications made by my Supplier for engagement.

Signed:	
Name:	
Position:	
Date:	

## Participation and Empowerment of Students, Families and Communities

Several of the Standards/Principles in both the NSW Child Safe Standards and the National Principles for Child Safe Organisations contain specific requirements that relate to the participation and empowerment of students, and to the involvement of their families and communities in their safety.

Standard/Principle 2 is that children are safe, informed and participate, and require the College to ensure that children are informed about their rights, participate in decisions affecting them and are taken seriously. Standards/Principles 3 and 4 are about partnering with families, carers and communities and promoting equity and respecting diversity. They require the College to inform and involve families, carers and relevant communities in promoting child safety, and to uphold equity and respect diverse needs both in policy and in practice.

## Principles of Student Participation

Shellharbour Anglican College places a high priority on promoting the empowerment of our students and their participation in decisions that affect them.

Establishing an environment of trust and inclusion at the College enables students to speak up if they have concerns.

Three key principles underpin the participation of students:

- **Empowerment:** which involves students having greater control or say over their lives through participation.
- **Purposeful Engagement:** which involves students taking on valued roles, addressing issues that are relevant to them, and influencing real outcomes.
- **Inclusiveness:** which involves ensuring that all students are able to participate.

## Shellharbour Anglican College's Approach to Participation and Empowerment of Students

As part of creating and maintaining a child safe environment at the College for all students, the College:

- engages and involves students in decisions that affect them
- provides child-friendly pathways for students to express their views and raise concerns
- takes students' views and opinions seriously



- educates students about their rights and includes students in policy consultation and development.

## The Policies and Procedures in this Section

- [Developing and Maintaining a Child-Friendly Culture](#)
- [Child Safe Pastoral Care](#)
- [Education Students About Child Safety](#)
- [Aboriginal and Torres Strait Islander Students \(Child Safe\)](#)
- [Students with Disability \(Child Safe\)](#)
- [Students from Culturally and Linguistically Diverse Backgrounds \(Child Safe\)](#)
- [LGBTQIA+ Inclusion Policy](#)

## Source of Obligation

- NSW Child Safe Standards, Standards 2, 3 and 4
- National Principles for Child Safe Organisations, Principles 2, 3 and 4

## Developing and Maintaining a Child-Friendly Culture

Shellharbour Anglican College is a child safe and child-centred organisation. Our physical and cultural environment promotes children and young people's feelings of inclusion, participation and empowerment.

The College provides multiple age-appropriate and child-friendly platforms to regularly seek student's views about, and to enable students to participate in decisions, that affect them. These include:

Insert Child Safe Participation Methods

Decisions that affect students include decisions about organisational planning, delivery of services, management of facilities and classroom learning and assessment environments.

The College actively seeks to understand what makes students feel safe in our organisation. To do this, the College:

- encourages students to provide feedback about child safety concerns and issues at the College
- has and implements strategies to obtain feedback from students, including:
  - formal mechanisms such as student representative council, surveys

- informal mechanisms such as suggestion boxes located in the Senior and Junior School libraries, or through pastoral care groups, and/or classroom teacher.

Shellharbour Anglican College takes all student contributions seriously and documents and actively looks for ways to implement improvements to its Child Safe Program that reflect these contributions.

The College is honest with students about the extent of their involvement in decision-making and give feedback on how their views have been taken into account and actioned.

## **Child Safe Pastoral Care**

### **Key Definition**

#### **Pastoral Care**

Pastoral care is the support given to students for their development as a person. It relates to the total care of students and involves tending to both the academic and non-academic needs of students including spiritual, emotional and social wellbeing.

For additional information, refer to our [Pastoral Care Policy](#).

### **Shellharbour Anglican College's Practices**

Shellharbour Anglican College is committed to providing a safe, supportive and social environment, where students feel nurtured as they learn.

To this end, we have developed, and continue to develop, a comprehensive range of pastoral care policies and procedures that are designed to promote the social and emotional wellbeing of our students. These include:

- The College recognises the importance of friendships and peer support in helping children and young people feel safe and be less isolated. We actively support students to develop and sustain friendships through documented formal programs. At College these programs include:
  - Tutor House system (each student belongs to a House group for their time at the College. Each House group includes a Tutor group)
  - Buddies (Year 6 and Kindergarten, new students and current students for orientation) allow children new to the College to settle in and get to know classmates.
  - Pastoral Care program (all College staff are responsible for Pastoral Care, and for administering pastoral care in all classes and extra-curricular activities. Additionally, we have

created a Pastoral Care Team that is responsible for ensuring the proper ongoing administration of pastoral care services at the College)

- In circumstances where the welfare and care needs of a student cannot be met by the staff of the College, outside agencies such as psychologists, counsellors, medical practitioners and other support professionals are recommended to the family. The College seeks to liaise with all outside agencies in a professional and prompt manner.
- We are committed to ensuring that information and procedures to enable and to respond to child safety concerns raised by students are age-appropriate, simple, and accessible for all students including students from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander students, students with disability and other vulnerable students (such as students who are unable to live at home or LGBTQIA+ students) . For more information, refer to [Child Safe Complaints Management](#).
- We openly display contact details for independent child advocacy and child helpline services throughout the College.
- The College delivers age-appropriate education to all students about:
  - healthy and respectful relationships (including sexuality, sexual relationships and consent)
  - resilience and coping with adversity
  - child safety awareness and their right to be safe
  - their right to make decisions about their body and their privacy
  - how they can raise concerns about safety, abuse or other harm
  - the fact that any concerns that they do raise will be taken seriously and responded to appropriately
  - our Child Safe Policy and Child Safe Codes of Conduct including our Student Code of Conduct and other standards of behaviour for students.
- We make information about these topics, as well as other child safety and wellbeing topics, available to all students through various age-appropriate pastoral care initiatives as well as communications such as newsletters and the College's intranet. We also incorporate child safety and wellbeing topics into the College's curriculum.

For more information, refer to [Educating Students About Child Safety](#).

## **Educating Students About Child Safety**

Students may not disclose child safety incidents or concerns because they:

- feel uncomfortable doing so

- do not recognise behaviours as inappropriate, abusive or grooming behaviour
- do not know how to raise their concerns or make a complaint.

We have simple and accessible information and processes in place to assist all students to develop appropriate knowledge and skills to identify and communicate when they do not feel safe.

A central part of the College's strategy for creating and maintaining a child safe environment is to provide age-appropriate information and education about child safety to all students, including:

- healthy and respectful relationships (including sexuality, sexual relationships and consent)
- resilience and coping with adversity
- child safety awareness and prevention, and their right to be safe
- their right to make decisions about their body, their privacy
- cyber safety
- how they can raise child safety incidents and concerns
- the College's response to child safety incidents and concerns, making clear that it will take any concerns that students raise seriously and will respond appropriately
- the Child Safe Policy and [Child Safe Code of Conduct](#)
- standards of behaviour for students attending the College.

## Standards of Behaviour for Students Attending the College

The College has developed a [Student Child Safe Code of Conduct](#) that includes child safe standards of behaviour for all students attending the College. We promote the Code within the College and we encourage students to provide feedback on the Code.

For more information, refer to [Bullying Prevention and Intervention](#), [Social Media – Student Usage](#) and [Harassment Policy \(Student Against Student\)](#).

Students who do not uphold the standards of behaviour outlined in the Student Child Safe Code of Conduct and in our anti-bullying, harassment and social media policies are subject to disciplinary procedures but are also supported by the College to mitigate behaviours that are not in line with the Code and address any underlying factors.

Students are encouraged to tell a trusted adult, whether it's a parent/carer or other family member, a trusted teacher or a Child Safe Officer, when they feel unsafe or are impacted by the behaviour of other students.

## Healthy and Respectful Relationships and Resilience

The College includes, as part of its curriculum, the teaching of healthy and respectful relationships, including sexuality, sexual relationships and consent, to assist students to grow and develop into healthy, mature adults, capable of realising their full potential.

Healthy and respectful relationships education at the College is:

- imparted in the context of Anglican moral teachings
- enshrined in core pedagogical practices that are age-appropriate, respectful, sensitive of culture and family background, and differentiated to support the learning and developmental needs of the child or young person
- endorsed by Anglican Schools Corporation Board and College Council.

Shellharbour Anglican College recognises that building resilience (the ability to cope and thrive in the face of negative events, challenges or adversity) has a positive impact on students' social and academic outcomes, and is particularly critical for students who may be impacted by abuse. The College includes, as part of its curriculum, the teaching of skills and information relating to resilience.

## Child Abuse Awareness and Prevention

The College provides age-appropriate information education for students on child safety awareness and child abuse and harm prevention, to build their capacity to:

- identify when they feel safe and unsafe and when they are at risk, including when online
- identify safe and unsafe touching (using the anatomical names for their body parts)
- promote their personal safety (avoiding harm where possible)
- seek help, using their identified safety networks
- overcome barriers to disclosure, for example guilt or disbelief.

The College considers best practice when providing access to or selecting providers of child abuse and harm prevention education.

The College openly displays contact details for independent child advocacy and child helpline services throughout the College.

## Aboriginal and Torres Strait Islander Students (Child Safe)

Shellharbour Anglican College recognises the importance of every Aboriginal and Torres Strait Islander student feeling that their sense of self and their identity is valued by the people and environments that surround them. Cultural identity and **cultural safety** are fundamental to a student's overall wellbeing and sense of safety.

The risk of abuse and other harm is heightened for Aboriginal and Torres Strait Islander students when they do not feel culturally safe. Aboriginal and Torres Strait Islander students may be less likely to disclose abuse or other harm due to a lack of cultural safety and fear of authorities intruding into their family and community, based on historical experiences of systemic racism and abuse.

Creating a culturally safe organisation for Aboriginal and Torres Strait Islander students requires a willingness to learn, understand and respond to the diversity of Aboriginal and Torres Strait Islander culture and to empower participation in decision-making at the College.

## Key Definition

### Cultural Safety/Culturally Safe

“Cultural safety”, or a “culturally safe environment”, is a concept that goes beyond cultural awareness (knowledge and understanding of cultural differences and history) and cultural competence (culturally sensitive behaviour). It is about creating an environment where Aboriginal and Torres Strait Islander people are not only treated in a culturally respectful manner but are also empowered to actively participate and supported to carry out culturally significant tasks.

### Shellharbour Anglican College's Practice

Shellharbour Anglican College values and respects the cultural diversity of our students and is committed to ensuring that the backgrounds of all students are sensitively recognised, catered for, celebrated and valued so that cultural differences do not compromise students' safety and wellbeing.

Shellharbour Anglican College identifies, confronts and does not tolerate racism, and any instances of racism within the College environment are addressed with appropriate consequences.

It is our policy that:

- we identify children from Aboriginal and Torres Strait Islander backgrounds when they are enrolled in the College

- we employ appropriate strategies to ensure the safety of these children as required
- we encourage participation and empowerment of these children, their families and their communities in the development of these strategies
- we consider these children when developing and implementing policies and procedures related to child safety at the College
- we educate our Staff about cultural safety and the strategies and procedures that we have employed
- we recognise that approaches to parenting vary considerably across culturally diverse groups, however, the safety of the student should always be the main consideration.

Some of the strategies and initiatives that Shellharbour Anglican College may implement to ensure that the College is a culturally safe environment for Aboriginal and Torres Strait Islander students include:

- talking with local Aboriginal and Torres Strait Islander people and organisations with Reconciliation Action Plans or Aboriginal and Torres Strait Islander-inclusive policies for guidance on how the College can continue to be culturally safe
- contacting and engaging with local Traditional Owner groups and/or Registered Aboriginal Party
- recognising the continuing negative impacts of past government policies and practices on Aboriginal and Torres Strait Islander people
- seeking and considering cultural expert advice when developing and reviewing strategies for addressing child safety, child safety information and processes for students and families to raise child safety concern
- actively engaging with Aboriginal and Torres Strait Islander students and their families about how they would like to be involved by:
  - providing an environment where they feel safe and valued
  - creating opportunities for families to voice concerns and to help define solution
  - holding informal meetings or surveys to proactively seek and incorporate feedback on existing systems and policies
  - asking about the best way to provide information to students and their families to foster conversations around child safety
- seeking to engage a mix of Staff, Volunteers and Contractors that is reflective of the diversity in the College community by:
  - engaging Staff, Volunteers and Contractors at every level that are representative of the College community
  - embedding targets for diversity into the College's governance structures and strategies

- acknowledging the National Government Apology to Australia's Indigenous People for the forced removal of Aboriginal children (Sorry Day)
- coordinating the College's participation in National Aborigines and Islanders Day Observance Committee (NAIDOC) Week, which celebrates Aboriginal and Torres Strait Islander cultures
- creating a physical environment that is respectful of Aboriginal and Torres Strait Islander cultures, including:
  - a physical acknowledgement of the Traditional Owners of the land the school is built on
  - the display of the Aboriginal flag
  - developing information that is culturally appropriate and includes images portraying cultural diversity
  - creating multilingual resources, as needed.

### **Students with Disability (Child Safe)**

Shellharbour Anglican College recognises the importance of promoting understanding and acceptance of diversity, including disability, to create and maintain a child safe environment.

The College has an obligation to students with disability to ensure that they are afforded the same level of educational and pastoral care as any other student at the College and considers how each policy and procedure that the College establishes and implements may affect students with a disability.

The College recognises that students with disability will not only require additional assistance to participate and engage in College activities in a safe and supportive manner, but also that there are specific child safety risks that arise in relation to students with disability.

Children and young people with a disability are at a higher risk of abuse or other harm, such as harassment, bullying, humiliation and physical and sexual abuse, and are also often less likely to disclose abuse or other concerns about their safety. This is because of:

- low levels of expectation held about their capacity to identify and report concerns
- reliance on caregivers for personal requirements
- limited provision of developmentally appropriate sexual and relationship information
- difficulties with speech, communication or literacy
- social isolation.

## **Shellharbour Anglican College's Practices**



The College is committed to ensuring that we fulfil our legal obligations including those related to discrimination and disability standards (refer to our [Disability Discrimination Policy](#)).

The College does not stereotype or make assumptions about students' abilities, but rather recognises that each student is different and experiences their disability and the world differently.

Some of the strategies and initiatives that Shellharbour Anglican College may implement to ensure and promote the safety of students with disability include:

- ensuring that our Child Safe Codes of Conduct clearly outline boundaries for Staff, Volunteers' and Contractors' interactions with students with a disability, including personal care assistance
- seeking and taking into account disability expert advice when developing and reviewing strategies for addressing child protection, child safety information and processes for students and families to raise child safety concerns
- empowering students with a disability by assisting them to build their self-confidence
- making sure the College environment does not pose access difficulties
- teaching all students about their bodies and their safety
- enabling and facilitating independence with dressing, toileting and personal care where possible
- actively engaging with students and their families about how they would like to be involved by:
  - providing an environment where they feel safe and valued
  - creating opportunities for families to voice concerns and to help define solutions
  - holding informal meetings or surveys to proactively seek and incorporate feedback on existing systems and policies
  - communicating directly with students with a disability about how safe they feel
- being inclusive and collaborative with families of students with a disability
- considering the additional risks created for students with communication difficulties by:
  - developing procedures at the College that ensure vigilance in identifying indicators of abuse or harm
  - ensuring that the College has the capacity to listen to and understand students, not matter how they communicate their thoughts, views or concerns
  - making efforts to facilitate communication in ways that minimise the barriers arising from a student's disability.

## **Students from Culturally and Linguistically Diverse Backgrounds (Child Safe)**

Our College community includes people of many backgrounds, countries, ethnicities and languages. These families have experienced varied journeys, and some have experienced trauma, violence and harm.

## **Key Definition**

### **Students from Culturally and Linguistically Diverse Backgrounds**

Students from culturally and linguistically diverse backgrounds are those who identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis.

### **Shellharbour Anglican College's Practices**

Shellharbour Anglican College values and respects the cultural and linguistic diversity of our students and is committed to ensuring that the backgrounds of all students are sensitively recognised, catered for, celebrated and valued so that cultural differences do not compromise students' safety and wellbeing.

Shellharbour Anglican College identifies, confronts and does not tolerate racism, and any instances of racism within the College environment are addressed with appropriate consequences.

It is our policy that:

- we identify children from culturally and linguistically diverse backgrounds when they are enrolled in the College
- we employ appropriate strategies to ensure the safety of these children as required
- we encourage participation and empowerment of these children and their families in the development of these strategies
- we consider these children when developing and implementing policies and procedures related to child safety at the College
- we educate our Staff about these cultural differences and the strategies and procedures we have employed
- we recognise that approaches to parenting vary considerably across culturally diverse groups, however, the safety of the student should always be the main consideration.

Some of the strategies and initiatives that Shellharbour Anglican College may implement to ensure and promote the safety of students from culturally and linguistically diverse backgrounds are:

- ensuring the College clearly demonstrates a zero-tolerance approach to discrimination by:
  - incorporating anti-discrimination statements within human resources policies
  - demonstrating commitment to cultural diversity through the College's public communications
- being respectful, inclusive and welcoming of families from a range of backgrounds by:
  - giving newly arrived families an opportunity to present their story
  - incorporating cultural safety into the College's Child Safe Codes of Conduct
- increasing the College's awareness and understanding of diverse perspectives through community dialogue, and participation in cultural learning by:
  - exploring opportunities to participate in community integration programs
- seeking and taking into account cultural expert advice when developing and reviewing strategies for addressing child safety, child safety information and processes for students and families to raise child safety concerns
- supporting culturally and/or linguistically diverse families through education and capacity building within the College by providing training and professional development for Staff, Direct Contact Volunteers and Direct Contact Contractors
- recognising times of importance for different cultures by:
  - including important cultural events in newsletters
  - promoting diversity by celebrating significant events
  - strengthening ties with culturally and/or linguistically diverse groups in the local community
- seeking to engage a mix of Staff, Volunteers and Contractors that is reflective of the diversity in the college community by:
  - engaging Staff, Volunteers and Contractors at every level that are representative of the College community
  - embedding targets for diversity into the College's governance structures and strategies
- actively engaging with students and their families about how they would like to be involved by:
  - providing an environment where they feel safe and valued
  - creating opportunities for families to voice concerns and to help define solutions
  - holding informal meetings or surveys to proactively seek and incorporate feedback on existing systems and policies
- asking about the best way to provide information to students and their families to foster conversations around child safety by:

- developing information that is culturally appropriate and includes images portraying cultural diversity
- creating multilingual resources, as needed.

## **LGBTQIA+ Inclusion Policy**

This page is for schools that have selected to include a LGBTQIA+ Inclusion Policy. You may wish to turn off visibility for this page.

## **Child Safe Program Compliance, Review and Improvement**

To ensure that the College is continuously complying with child safe-related registration requirements as well as with the NSW Child Safe Standards and National Principles for Child Safe Organisations, we have developed a series of policies and procedures relating to compliance, review and improvement of our Child Safe Program.

These include:

- [Compliance with Safe and Supportive Environment Requirements](#)
- [Compliance with Child Safe Standards](#)
- [Regular Reviews and Continuous Improvement](#)

## **Compliance with Safe and Supportive Environment Requirements**

Section 47(1) of the Education Act 1990 (NSW) sets out 14 requirements for registration for non-government schools in NSW. One of these requirements, under section 47(1)(g) of the Education Act, is that “a safe and supportive environment is provided for students”.

The NSW Education Standards Authority (NESA) has published the Registration Manual which provides information about the requirements for registered and accredited non-government schools under the Education Act 1990 (NSW).

The requirement for a safe and supportive environment for students at the College is divided into two distinct categories:

- compliance with child protection legislative requirements
- policies and procedures for student welfare and safety

NESA has set out the College’s responsibilities in relation to the legislative requirements for child protection in the Registration Manual.

The table below sets out each requirement with and a summary of how we comply with that requirement.

The College’s Child Safe Program addresses the requirements related to compliance with child protection legislation, while the College’s Student Duty of Care policies and procedures focus on compliance with student safety and welfare requirements.

Shellharbour Anglican College has implemented our Child Safe Program in accordance with NESA registration requirements for compliance with child protection legislative requirements.

Requirement	Short Description	How Shellharbour Anglican College Complies with the Requirement
1	Staff who have direct contact with students are informed annually of their legal responsibilities related to child protection, and other relevant College expectations.	<p>Shellharbour Anglican College has developed a comprehensive Child Safe Program that ensures the College’s compliance with the NSW Child Safe Standards, the National Principles for Child Safe Organisations and NSW child protection laws.</p> <p>All Staff, Anglican Schools Corporation Board and College Council members (“responsible persons”) and relevant Volunteers and Contractors are required under our Child Safe Program to complete at least annual training on a number of child safeguarding and child protection topics listed in <a href="#">Child Safe Training</a>.</p> <p>This training includes education on legal responsibilities and the College’s expectations for all adults in the College community interacting with students.</p> <p>The College maintains electronic records of the training provided to all Staff, Anglican Schools Corporation Board and College Council members and relevant Volunteers and Contractors.</p>

<p>2</p>	<p>Requirements to notify and investigate allegations of reportable conduct are made known to Staff annually.</p>	<p>Shellharbour Anglican College has developed and implemented a set of <u>Reportable Conduct</u> policies and procedures. These policies and procedures include procedures for Staff to report Reportable Conduct internally as well as procedures for the College to investigate and report allegations and findings of staff misconduct to the Office of the Children’s Guardian in accordance with the College’s legislative requirements under the Children’s Guardian Act 2019 (NSW).</p> <p>Our Child Safe Training Program includes education on Reportable Conduct.</p>
<p>3</p>	<p>All persons engaged in child-related work at the College have a working with children check clearance.</p>	<p>It is Shellharbour Anglican College's policy that no staff member, or relevant Volunteer or Contractor is engaged by the College prior to the College verifying that they hold a valid Working with Children Check clearance or have applied for a WWCC.</p> <p>The College’s <u>Working with Children Checks</u> Policy outlines the respective responsibilities of workers engaged by the College in child-related work and of the College.</p>
<p>4</p>	<p>The College maintains evidence of working with children check clearances for all persons in child-related work at the College.</p>	<p>Shellharbour Anglican College has developed and implemented a comprehensive <u>Child Safe Record Keeping</u> policy that details the College’s procedures for recording and maintaining key child safe-related documentation, including in relation to WWCC clearances.</p> <p>It is the College’s policy that a WWCC Register is created and maintained by the WHS Officer to ensure that the College can, at all times, evidence that every worker involved in child-related work at the College has a valid WWCC clearance – subject to statutory exemptions.</p>

<p>5</p>	<p>The College responds to reportable matters in accordance with legislative requirements.</p>	<p>Shellharbour Anglican College has developed and effectively implemented procedures for <u>Responding to and Reporting Child Safety Incidents or Concerns</u> to ensure that the College and all Staff and relevant Volunteers and Contractors comply with legislative reporting requirements.</p> <p>The College annually trains all Staff and relevant Volunteers and Contractors on the College’s procedures for responding to and reporting child safety incidents or concerns at the College.</p>
<p>6</p>	<p>All staff who are mandatory reporters are informed annually of their obligations and the process that the College has in place in relation to mandatory reporting.</p>	<p>Shellharbour Anglican College has developed and implemented a <u>Mandatory Reporting to DCJ</u> policy that explains the legal obligation of mandatory reporters to the Department of Communities and Justice (DCJ) report reasonable suspicions of risk of significant harm to a child or group of children at the College.</p> <p>Shellharbour Anglican College has also developed and implemented a <u>Reporting to Police</u> policy that explains the legal obligation of all adults in the College community who know or believe that a child abuse offence has been committed to report to Police information they may have that might be of material assistance in apprehending, prosecuting or convicting the offender.</p> <p>The College’s mandatory reporters are trained at least annually on their reporting obligations under the Children and Young Persons (Care and Protection) Act 1998 (NSW) and all Staff are trained at least annually on their reporting obligations under the Crimes Act 1900 (NSW).</p> <p>The College’s <u>Child Safe Officers</u> are trained annually on both Mandatory Reporting to DCJ and Reporting to Police obligations to ensure that they can assist and guide</p>

		<p>mandatory reporters in their reporting obligations, should they have questions about the process of reporting.</p>
<p>7</p>	<p>The College sets clear guidelines and expectations for stakeholders regarding complaints or allegations of staff misconduct or Reportable Conduct.</p>	<p>Shellharbour Anglican College has developed <a href="#">Child Safe Codes of Conduct</a> that set out guidelines for expected standards of behaviour at the College and that are available on the College’s public website.</p> <p>Shellharbour Anglican College has developed both a <a href="#">Child Safe Complaints Management</a> policy and a set of Reportable Conduct policies and procedures that together set out how complaints or allegations of staff misconduct or reportable conduct are managed at the College. These are summarised in our Child Safe Policy, public facing <a href="#">Procedures for Managing Child Safety Incidents or Concerns At or Involving the College</a>, and public-facing <a href="#">Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct</a> which are available on the College’s public website. In our public-facing <a href="#">Complaints Handling Policy and Procedure</a>, we explain how to make a Child Safe-related complaint to the College.</p> <p>The College’s <a href="#">Child Safe Officers</a> and Senior Child Safe Officer also effectively communicate and implement the College’s policies and procedures to all stakeholders including students, parents/carers, Staff, Volunteers and Contractors.</p>
<p>8</p>	<p>The College publishes the school’s complaint handling procedures regarding allegations of staff misconduct or Reportable Conduct.</p>	<p>Shellharbour Anglican College's Complaints Handling Policy and our public-facing <a href="#">Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct</a> are available on the College’s public website.</p>



## Compliance with Child Safe Standards

Shellharbour Anglican College has established and implemented our Child Safe Program in accordance with the NSW Child Safe Standards and the National Principles for Child Safe Organisations as well as the NSW Safe and Supportive Environment Requirements.

The table below sets out each Standard with a summary of how we comply.

## The NSW Child Safe Standards

The NSW Child Safe Standards are based on, and align directly with, the National Principles for Child Safe Organisations (National Principles). They provide tangible guidance for child-related organisations in NSW to create cultures, adopt strategies and act to put the interests of children first, to keep them safe from harm.

The NSW Child Safe Standards are comprised of 10 Standards, designed to:

- help drive cultural change in organisations
- be principle-based and outcome-focused
- be flexible enough that they can be adapted by organisations of varying sizes and characteristics
- avoid placing undue burden on organisations
- help organisations address multiple risks
- balance caution and caring
- be a benchmark against which organisations can assess their child safe capability and set performance targets
- be of equal importance and interrelated.

Compliance with the NSW Child Safe Standards is mandatory for all child-related organisations in NSW that are subject to the Reportable Conduct Scheme, including Shellharbour Anglican College, as well as with other child-related organisations.

## The National Principles for Child Safe Organisations

The National Principles were developed by the Australian Human Rights Commission in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The National Principles are comprised of 10 Principles that were informed by, but go further than, the 10 Child Safe Standards recommended by the Royal Commission.

NSW Child Safe Standards	National Principles for Child Safe Organisations	How Shellharbour Anglican College Complies with the Standard and Principle
<p><b>Standard 1:</b>  <b>Child safety is embedded in organisational leadership, governance and culture</b></p>	<p><b>Principle 1: Committed Leadership, Governance and Culture</b></p> <p>Child safety and wellbeing is embedded in organisational leadership, governance and culture</p>	<p>College leadership and governance promote an inclusive welcoming environment for children and young people and provide the foundation for transparent, accessible and risk-based approaches to ensure child safety and wellbeing.</p> <p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <ul style="list-style-type: none"> <li>• the <u>Child Safe Policy</u> (including our Statement of Commitment to Child Safety and Wellbeing), <u>Child Safe Responsibilities</u> and <u>Child Safe Codes of Conduct</u></li> <li>• the appointment of one or more senior staff members as the College’s Child Safe Officers</li> <li>• the suite of <u>Information Sharing and Record Keeping</u> policies and procedures</li> <li>• <u>Child Safe Human Resources Management</u></li> <li>• <u>procedures for Responding to and Reporting Child Safety Incidents or Concerns</u></li> <li>• <u>Child Safe Risk Management</u></li> <li>• <u>Regular Reviews and Continuous Improvement</u></li> <li>• the use of <u>Assurance</u></li> <li>• <u>Child Safe Training</u></li> <li>• a standing child safe agenda item for all relevant meetings, including regular Executive Leadership Team, Anglican Schools Corporation Board and College Council and staff meetings.</li> </ul>

<p><b>Standard 2: Children participate in decisions affecting them and are taken seriously</b></p>	<p><b>Principle 2: Children and Young People are Safe, Informed and Participate in the Organisation</b></p> <p>Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously</p>	<p>The following policies and procedures (and their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <ul style="list-style-type: none"><li>• <u>Child Safe Codes of Conduct</u></li><li>• <u>Participation and Empowerment of Students</u> including<ul style="list-style-type: none"><li>• A Child-Friendly Culture</li><li>• Child Safe Pastoral Care (including Educating Students About Child Safety)</li><li>• strategies for Aboriginal and Torres Strait Islander Students, Students with a Disability and Students from Culturally and Linguistically Diverse Backgrounds</li></ul></li><li>• Student Duty of Care including:<ul style="list-style-type: none"><li>• <u>Bullying Prevention and Intervention</u></li><li>• <u>Harassment (Student against Student)</u></li><li>• <u>Cyber Safety</u></li><li>• <u>Social Media – Student Usage</u></li></ul></li><li>• <u>Child Safe Training</u></li><li>• <u>Regular Review and Continuous Improvement</u></li><li>• We have, and provide to students, child-friendly versions of the Child Safe Policy.</li></ul>
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<p><b>Standard 3: Families and communities are informed and involved</b></p>	<p><b>Principle 3: Families and Communities Involved in Safety Settings</b></p> <p>Families and communities are informed, and involved in promoting child safety and wellbeing</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <ul style="list-style-type: none"> <li>• <a href="#">Child Safe Policy</a> (in particular, Parents/Carers, Families and Community Involvement at the College)</li> <li>• <a href="#">Child Safe Complaints Management</a></li> <li>• <a href="#">Complaints Handling Policy and Procedure</a></li> <li>• <a href="#">Communicating with Parents/Carers About Internal and External Reports</a></li> <li>• <a href="#">Sharing Information Relating to a Student's safety, Welfare or Wellbeing</a></li> <li>• <a href="#">Regular Review and Continuous Improvement</a></li> </ul>
<p><b>Standard 4: Equity is upheld and diverse needs taken into account</b></p>	<p><b>Principle 4: Equity Upheld and Diversity Respected</b></p> <p>Equity is upheld and diverse needs respected in policy and practice.</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <ul style="list-style-type: none"> <li>• <a href="#">Child Safe Policy</a> (in particular, Valuing Diversity in the College Community)</li> <li>• Strategies for <a href="#">Aboriginal and Torres Strait Islander Students</a>, <a href="#">Students with Disability</a>, <a href="#">Students from Culturally and Linguistically Diverse Backgrounds</a> and <a href="#">LGBTQIA+ Students</a></li> <li>• <a href="#">Child Safe Training</a></li> <li>• <a href="#">Regular Review and Continuous Improvement</a></li> <li>• <a href="#">School Diversity Policy</a></li> </ul>

<p><b>Standard 5: People working with children are suitable and supported</b></p>	<p><b>Principle 5: Robust Recruitment and Screening</b></p> <p>People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <ul style="list-style-type: none"> <li>• <u>Child Safe Human Resources Management</u>, including: <ul style="list-style-type: none"> <li>• Child Safe Recruitment Practices</li> <li>• Screening and Suitability Assessment Procedures</li> <li>• Working with Children Checks</li> <li>• Child Safe Training</li> <li>• Child Safe Supervision and Performance Monitoring</li> <li>• Child Safe Professional Development</li> </ul> </li> </ul>
<p><b>Standard 6: Processes to respond to complaints of child abuse are child focused</b></p>	<p><b>Principle 6: Effective Complaints Management</b></p> <p>Processes to respond to complaints and concerns are child focused</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <ul style="list-style-type: none"> <li>• <u>Responding to and Reporting Child Safety Incidents or Concerns</u></li> <li>• <u>Child Safe Complaints Management</u></li> <li>• <u>Child Safe Record Keeping</u></li> <li>• <u>Child Safe Training</u></li> <li>• <u>Regular Review and Continuous Improvement</u></li> </ul> <p>These are summarised in our public-facing <u>Procedures for Managing Child Safety Incidents or Concerns At or Involving the College</u>. In our public-facing <u>Complaints Handling Policy and Procedure</u>, we include details about how to make a child safe-related complaint.</p>

		<ul style="list-style-type: none"> <li>• We have and provide to students, a child-friendly version of our <a href="#">Child Safe Complaints Management Policy</a>.</li> </ul>
<p><b>Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training</b></p>	<p><b>Principle 7: Ongoing Education and Training</b></p> <p>Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <ul style="list-style-type: none"> <li>• <a href="#">Child Safe Human Resources Management</a>, in particular, Child Safe Training</li> <li>• <a href="#">Child Safe Codes of Conduct</a></li> <li>• <a href="#">Definitions and Key Indicators of Abuse and Other Harm</a></li> <li>• <a href="#">Child Safe Responsibilities</a></li> <li>• <a href="#">Responding to and Reporting Child Safety Incidents or Concerns</a></li> </ul>
<p><b>Standard 8: Physical and online environments minimise the opportunity for abuse to occur</b></p>	<p><b>Principle 8: Safe Physical and Online Environments</b></p> <p>Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <ul style="list-style-type: none"> <li>• <a href="#">Child Safe Risk Management</a></li> <li>• <a href="#">Child Safe Codes of Conduct</a></li> <li>• <a href="#">Regular Review and Continuous Improvement</a></li> </ul>

<p><b>Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved</b></p>	<p><b>Principle 9: Regular Improvement</b></p> <p>Implementation of the national child safe principles is regularly reviewed and improved</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <ul style="list-style-type: none"> <li>• <a href="#">Regular Review and Continuous Improvement</a></li> <li>• <a href="#">Child Safe Risk Management</a></li> <li>• <a href="#">Child Safe Record Keeping</a></li> <li>• use of <a href="#">Assurance</a></li> </ul>
<p><b>Standard 10: Policies and procedures document how the organisation is child safe</b></p>	<p><b>Principle 10: Child Safety and Wellbeing Policies and Procedures</b></p> <p>Policies and procedures document how the organisation is safe for children and young people</p>	<p>The following policies and procedures (and, where relevant, their communication to relevant Staff, students, parents/carers and the community) implement this Standard:</p> <ul style="list-style-type: none"> <li>• the Child Safe Program</li> <li>• use of <a href="#">Assurance</a></li> </ul>

## Child Safe Quality Assurance Program 2024

### Child Safe Quality Assurance Program 2024

#### 1. Introduction

Anglican Schools Corporation (ASC) Schools operate within the Corporations Governance, Risk Management and Compliance frameworks. These frameworks are designed to provide assurance to the School and the Corporation that activities carried out in each school are in accordance with relevant laws and regulations, such as the Child Safe Standards.

In accordance with Child Safe Standard 9 and the ASC Child Safe Policy Clause 13, ASC is committed to best practice in child safety and to encouraging a culture of continuous improvement and shared responsibility. As part of our continuous improvement processes, ASC school complete an annual child safe self-assessment, with results reported to the relevant School Council and the ASC Board. Quality assurance processes are undertaken to independently confirm self-assessment ratings.

The purpose of the ASC Child Safe Quality Assurance program is to support schools to continuously improve their Child Safe programs and to provide assurance to School Councils and the ASC Board that Schools' Child Safe Programs are compliant, relevant and effective.

## **2. The ASC Child Safe Quality Assurance program**

The Chief Risk Officer is responsible for coordinating quality assurance of the child safe self-assessments conducted by ASC schools. Quality assurance activities support a consistent approach to self-assessment ratings across various stakeholders and increase confidence in the self-assessment results. The quality assurance process will also enable sharing of better practice across schools.

The quality assurance activities may include:

- Review of documentation supporting self-assessment ratings against a sample of criterion
- Discussions with school staff on child safe practices.

The quality assurance process may result in school self-assessment results being adjusted if self-assessed ratings against criterion are found to be over or understated based on the information available. The Principal/Headmaster will be consulted and provided the opportunity to contribute to any decision to change self-assessment ratings.

Results of quality assurance activities (including any re-rating of self-assessment results) will be reported to the:

- Principal/Headmaster and School Council for the school
- ASC Board at a summary level.

## **3. Child Safe Quality Assurance Methodology**

The Child Safe Quality Assurance methodology provides guidance to Group Office/Contracted staff and School staff on the Child Safe Quality Assurance program. The QA methodology ensures that Quality Assurance activities are conducted to a consistent standard and conform with planned arrangements.

The Child Safe Quality Assurance methodology includes:

- Scope
- Approach and process
- Frequency



- Schedule
- Self-assessment rating classifications
- Findings and
- Reporting

### **3.1 Scope**

Each ASC School/College should participate in the Child Safe Quality Assurance program once each school year. The Child Safe Quality Assurance program will be limited to gaining assurance on schools Child Safe self-assessment ratings, compliance with the ASC Child Safe Policy and overarching Child Safe program including training, risk management and reporting.

### **3.2 Approach / Process**

#### *Sample selection approach*

All schools complete their Annual Child Safe Self-assessments and submit to Group Office for collation. The Group Office Policy Risk and Compliance team shall assess schools' responses to each of the Child Safe self-assessment ratings. When selecting a sample of self-assessment ratings for quality assurance review, Group office staff will take into consideration:

- Potential risks associated with each criteria
- Aggregated ASC ratings for each individual criteria
- Whole of school ratings across each criteria
- Common gap areas where sharing of individual school documentation / approaches could benefit all ASC schools

The ASC Child Safe Self-Assessment tool includes a total of 73 self-assessment criteria which relate to the Ten OCG Child Safe Standards. Each ASC school/college is required to provide a rating against each of these 73 criteria. The ASC Child Safe Quality Assurance program is designed to provide assurance of school ratings across a sample of the 73 criteria. The ASC uses a risk-based approach to select the sample of criteria subject to assurance activity. Each year, between 4-6 criteria will be assessed as mandatory, where every ASC school will be required to undergo assurance activity. Further between 4-6 criteria will be selected separately for each school using the abovementioned sample selection approach.

	Total of 73 Child Safe self-assessment criteria	Application
Mandatory criteria	Between 4-6 per annum	Common criteria for each ASC school
Risk based criteria	Between 4-6 per annum	May be different criteria for each ASC school, based on the context of the school (risk based)
Total Criteria subject to QA	Between 8-12 (11%-16%)	

### Process

The Quality Assurance process will include:

- Selection of a sample of school Child Safe self-assessment ratings
- Email to each school setting out the Quality Assurance process, the self-assessment criteria subject to quality assurance, a request for supporting documentation in relation to each selected criteria, and the offer of an opportunity for a face to face or zoom / teams meeting
- Provide the opportunity to conduct a separate meeting for each school either face to face, zoom or teams meeting to deal with any questions
- Obtain and review supporting documentation provided by each school
- Determine (through reference to Office of Children’s Guardian “A Guide to Child Safe Standards” and other ASC documentation) whether supporting documentation and/or discussion outcomes provide an adequate level of assurance to validate the school’s self-assessment rating
- Make any required changes to school self-assessment ratings
- Draft a separate report of findings and recommendations
- Hold a closing meeting with each School Principal and/or relevant staff to:

1. Thank all staff involved in the process
2. Outline areas of better practice

3. Provide an overview of findings and areas for improvement
4. Discuss any re-ratings made/required
5. Agree finalisation and reporting process
  - Consider whether any further adjustments are required to be made to self-assessment ratings
  - Finalise separate report for each school to be tabled at School Council
  - Develop summary level report to be tabled at Governance and Risk Committee and Board

### **3.3 Frequency**

The ASC Child Safe Quality Assurance program is to be undertaken on an annual basis, following submission of schools annual Child Safe self-assessments.

### **3.4 Self-Assessment rating classifications**

School Child Safe self-assessments are rated based on three criteria:

#### In Place

should be selected when the School has finalised development and implementation of the relevant evidence guidance or requirement

#### Partially implemented

should be selected when the School has commenced but not yet finalised development and/or implementation of the relevant evidence guidance or requirement

#### To be developed

should be selected when the School has not yet commenced development or implementation of the relevant evidence guidance or requirement

### **3.5 Findings and Reporting**

At the completion of Quality Assurance activity, a draft report will be prepared for discussion with the school Principal and relevant staff. The draft report will include:

- Introduction
- Review Purpose and Objective
- Review Scope
- Processes Undertaken
- Better practice findings (areas of better practice which may be shared with other ASC schools)

- Table of Findings and improvement opportunities
- Conclusion
- Appendix: Meetings held and documents reviewed

The draft report will be discussed at the Closing meeting, where Principals and/or relevant staff will be provided with an opportunity to raise questions or request changes.

Following the closing meeting, the draft report will be updated, any re-ratings of self-assessments will be undertaken, and a Final report with an amended self-assessment will be provided to Schools.

The Final report should be shared with School Council.

A consolidated report summarising Quality Assurance review program findings will be made available to the Governance and Risk Committee and Board.

### 3.6 Indicative program plan

Mid-March – Group Office issue Child Safe Self-Assessments to schools

Early June – School Assessments due for submission

Late June – Quality Assurance process commences

End July – Quality Assurance draft reports issued

End August – Quality Assurance reporting completed

September – Board reporting

## 4. Document Review and Administration

This procedure shall be reviewed annually or in the event of any information arising that would demonstrate the need for a review or resulting from any legislative or organisational change that would warrant a review.

Version	Approved By	Approval Date	Effective Date	Next Review Date
1.0	Chief Risk Officer	3 June 2024	3 June 2024	June 2025

Resolution Number	n/a
Responsible Officer	Chief Risk Officer
First Published	3 June 2024

## Definitions and Additional Resources

This section of the Program includes:

- [Child Safe Program Definitions](#)
- [Definitions and Key Indicators of Abuse and Other Harm](#)
- [Child Protection Law and Regulation in NSW – An Overview](#)
- [Additional Child Safe Resources](#)

### Child Safe Program Definitions

## Child Safe

Where the term “child safe” is used in our Child Safe Program it refers to the safety and wellbeing of children and young people, which includes but goes further than the protection of them from abuse and other harm.

## Child and Young Person

For the purposes of our Child Safe Program, a child is defined as a person aged under 16, and young person is defined as a person aged 16 or 17.

Note, however that different age ranges may apply to the definitions of “child” and “young person” for different legal reporting and responding obligations. For more detailed information, refer to [Definitions and Key Indicators of Abuse and Other Harm](#).

## Student

The term “student” refers to any student enrolled at the College, including those aged 18 and above.

Note that, as set out in [Responding to and Reporting Child Safety Incidents and Concerns](#), our policies and procedures about the internal and external reporting of child safety incidents and concerns must be followed for child safety incidents and concerns about students aged 18 years and above, provided that – for external reporting – the relevant student consents to the report or, if they do not consent, the external report is made to lessen or prevent a serious or imminent threat to an individual’s life, health, safety or welfare.

For more information, refer to [Reporting to Police](#).

## **Child Abuse and Other Harm**

“Child abuse and other harm” is not a defined term in NSW legislation. However, various sources of legislation provide definitions of concepts and conduct which, together, provide guidance as to what constitutes child abuse and other harm in NSW.

For the purposes of the Child Safe Program, the phrase “child abuse and other harm” refers to incidents of, or concerns about a risk of, physical, sexual, psychological and emotional harm, neglect, grooming and exposure to domestic violence, regardless of by whom or how this harm occurs.

For more detailed information, refer to [Definitions and Key Indicators of Abuse and Other Harm](#).

## **Child Safety Incident or Concern**

The different definitions of child abuse or other harm in various legislation, and the key indicators of child abuse and other harm, are set out in [Definitions and Key Indicators of Abuse and Other Harm](#). Together, they are all considered “child safety incidents or concerns” for the purposes of the Child Safe Program.

Breaches of the Child Safe Codes of Conduct are also considered “child safety incidents or concerns”.

For a full definition of exactly what is included as a “child safety incident or concern” refer to the Key Definitions section of procedures for [Responding to and Reporting Child Safety Incidents and Concerns](#).

## **Child Safety Incidents or Concerns “Involving” the Principal**

Throughout the Child Safe Program, the Principal is given specific responsibilities for receiving and managing internal reports, complaints, disclosures or allegations of child safety incidents or concerns that involve the College or its Staff, Volunteers or Contractors.

However, where the child safety incident or concern involves or is alleged to involve the Principal or where a child safe-related complaint is made about the Principal, the College Council Chair is responsible for receiving and managing these reports, complaints, disclosures or allegations. Where a reportable allegation is made against the Principal, the Chair of the School Council undertakes the Principal's responsibilities for managing the matter.

For more information, refer to:

- [Reporting a Child Safety Incident or Concern Internally](#)
- [Child Safe Complaints Management](#)
- [Reportable Conduct](#).

For the purposes of these policies and procedures, a child safety incident, concern, complaint or allegation "involves" the Principal if:

- the Principal is the perpetrator of the child safety incident or concern, or is otherwise the subject of the complaint or allegation about a child a safety incident or concern
- the Principal has, or is alleged to have, mishandled a child safety incident, concern, complaint or allegation
- the Principal is otherwise involved in the chain of events surrounding the child safety incident or concern (for example, they are a witness to the child safety incident)
- the Principal has an actual, potential or perceived conflict of interest in receiving or managing the internal report, complaint or allegation (for example, they are related to the alleged victim or the alleged perpetrator).

## Members of the College Community

Throughout the Child Safe Program, certain groups of people in the College community are identified for the purposes of assigning roles, responsibilities and obligations. To ensure clarity, the following terms are used consistently through the Program and have the following meanings:

### **Anglican Schools Corporation Board and College Council**

Anglican Schools Corporation Board and College Council is the College's governing body.

Anglican Schools Corporation Board and College Council includes all Anglican Schools Corporation Board and College Council members irrespective of their level of interaction with students or College policy.

## **The Chief Executive Officer**

With the exception of where the Chief Executive Officer has specific roles and responsibilities and is therefore expressly identified, the Chief Executive Officer is considered an employee of Anglican Schools Corporation for the purposes of the Child Safe Program.

## **The Principal**

With the exception of where the Principal has specific roles and responsibilities and is therefore expressly identified, the Principal is included as a staff member for the purposes of the Child Safe Program.

## **College Council Chair**

The College Council Chair includes all College Council Chair members irrespective of their level of interaction with students or College policy.

## **Staff and Staff Members**

The terms “Staff” and “staff members” includes all persons employed by the College whether on a permanent, temporary or casual basis. These terms include all teaching and non-teaching Staff and, unless otherwise stated, the Principal.

Where differentiation between teachers and non-teaching Staff is required, it will be expressly stated within the relevant policy or procedure itself.

Where terms “Staff” and “staff members” are extended to include other members of the College community, such as Volunteers or Contractors, this will be expressly stated within the relevant policy or procedure itself.

## **Volunteers**

A volunteer is a person who works without payment or financial reward for the College. Volunteers may be family members of students, or from the wider College or local community. Volunteers make



a considerable contribution to the College community by giving their time and sharing their skills and expertise with others.

Shellharbour Anglican College has identified three different categories of Volunteers, based on the level and frequency of their interaction with students. Volunteers' responsibilities and obligations under the Child Safe Program may depend on their category. The categories of Volunteer are:

- Direct Contact Volunteers
- Regular Volunteers
- Casual Volunteers

Where the term "Volunteer" is used, it captures "Direct Contact Volunteers", "Regular Volunteers" and "Casual Volunteers".

## **Direct Contact Volunteer**

Direct Contact Volunteers are individuals who provide volunteer services to the College where, in the usual course of providing the services, they could potentially have "direct contact" with students.

Section 6 of the Child Protection (Working with Children) Act 2012 (NSW) defines "direct contact" as physical contact or face- to- face contact.

Direct Contact Volunteers may have direct contact with students in circumstances where:

- they may be left alone, one-on-one, with a student (for example, 1:1 tutoring or learning support); or
- a reasonable person would consider that the contact may enable the individual to form a relationship of trust with a student (for example, coaching a sports team, helping with a drama production, or regularly working in a canteen or library); or
- a reasonable person would consider that the contact could create a potential risk to the safety of a student (for example, responsibility for a group of students during an excursion without a member of Staff present).

Examples of Direct Contact Volunteers include individuals who:

- attend a College camp or excursion
- assist a student during a learning activity
- assist a student to complete tests or exams (e.g. as a scribe or reader)
- coach, manage, or assist with the coaching or managing, of sports at the College

- assist with theatre or music productions
- tutor, or assist with the tutoring of, a student in extracurricular activities such as music, choir or debating
- assist in a College canteen
- volunteer in the College canteen or uniform shop.

Due to the nature of Direct Contact Volunteers' contact with students, they will have more comprehensive child safe responsibilities and obligations within our Child Safe Program.

## **Regular Volunteer**

Regular Volunteers are individuals who provide volunteer services to the College, more than five times in any one year, but are not a Direct Contact Volunteer. They may have some incidental contact with students when providing their services.

Examples of Regular Volunteers include individuals who volunteer more than five times per year:

- on a College advisory committee or advisory council and do not have direct contact with students while doing so; or
- in the College's administrative office (other than in a role that has direct contact with students).

Due to the regular nature of Direct Contact Volunteers' attendance at the College or College events, even though their contact with students may be incidental, they will have some child safe responsibilities and obligations within our Child Safe Program.

## **Casual Volunteer**

Casual Volunteers are individuals who provide volunteer services to the College, five times or less in any one year, during which they may have incidental contact with students, but only in circumstances where:

- they are not likely to be left alone, one-on-one, with a student
- a reasonable person would not consider that the contact may enable the individual to form a relationship of trust with a student (for example, their services are directed towards the general public rather than to students)
- a reasonable person would not consider that the contact may create a risk to the safety of a student.

Examples of Casual Volunteers include individuals who, in the circumstance described above, volunteer five times or less in any one year:

- at a working bee to cover books or landscape a College garden
- on a stall at a College fair
- on a College BBQ at a sporting event
- in the College administrative office.

Due to the limited nature of Casual Volunteers' contact with students, they do not have the same comprehensive role, responsibilities and obligations as College staff members or Direct or Regular Contact Volunteers.

## **Contractors**

On occasion it may be necessary for the College to engage outside, independent contractors to perform specific tasks. These Contractors are not employees of Shellharbour Anglican College. Contractors may include, for example, maintenance and building personnel, consultants, tutors, sports coaches and cleaners.

Shellharbour Anglican College has identified three different categories of Contractors, based on the level and frequency of their interaction with students. Contractors' responsibilities and obligations under the Child Safe Program may depend on their category. These categories are:

- Direct Contact Contractors
- Regular Contractors
- Casual Contractors

Where the term "Contractor" is used, it captures "Direct Contact Contractors", "Regular Contractors" and "Casual Contractors".

### **Direct Contact Contractor**

Direct Contact Contractors are individuals who provide contractor services to the College where, in the usual course of providing the services, they could potentially have "direct contact" with students.

Section 6 of the Child Protection (Working with Children) Act 2012 (NSW) defines "direct contact" as physical contact or face-to-face contact.

Direct Contact Contractors may have direct contact with a student in circumstances where:

- they may be left alone, one-on-one, with a student (for example, 1:1 tutor or learning support);  
or
- a reasonable person would consider that the contact may enable the individual to form a relationship of trust with a student (for example, casual teacher, coach of a sports team, music tutor, canteen worker, regular maintenance worker); or
- a reasonable person would consider that the contact could create a potential risk to the safety of a student (for example, casual teacher, music tutor).

Examples of Direct Contact Contractors may include:

- maintenance workers who regularly work at times when students are present
- tutors
- specialist music or drama teachers
- casual teachers
- sporting team coaches
- outdoor education specialists
- physical education service providers.

This also includes music tutors and other extra-curricular tutors and instructors who are engaged by students and their families directly, rather than the College, but have an agreement with the College to use the College's facilities.

Due to the nature of Direct Contact Contractors' contact with students, they will have more comprehensive child safe responsibilities and obligations within our Child Safe Program.

## **Regular Contractor**

Regular Contractors are individuals who provide contractor services to the College more than five times in any one year and are not Direct Contact Contractors. They may have some incidental contact with students when providing their services.

Examples of Regular Contractors may include:

- consultants
- umpires, referees or linesmen at sporting events
- maintenance workers who regularly work at times when students are not expected to be present
- regular caterers for Staff events.

Due to the regular nature of Regular Contractors' attendance at the College or College events, even though their contact with students may be limited, they will have some child safe responsibilities and obligations within our Child Safe Program.

## **Casual Contractor**

Casual Contractors are individuals who provide contractor services to the College, five times or less in any one year during which they may have incidental contact with students, but only in circumstances where:

- they are not left alone, one-on-one, with a student
- a reasonable person would not consider that the contact may enable the individual to form a relationship or trust with a student
- a reasonable person would not consider that the contact may create a risk to the safety of a student.

Examples of Casual Contractors may include individuals who, five times or less in any one year:

- provide one-off emergency maintenance work
- give a speech, performance or presentation at the College
- provide assistance with one-off activities at a College sports day (e.g. lifeguards).

Due to the limited nature of Casual Contractors' contact with students, they do not have the same comprehensive role, responsibilities and obligations as College staff members or Direct or Regular Contact Contractors.

## **External Education Providers**

An External Education Provider is any organisation that the College has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College. This may include:

- another registered school
- a government school including:
  - the Open High School
  - Distance Education Centres
- TAFE Colleges
- Registered Training Organisations (RTOs)

- other external providers with appropriate scope of registration, qualifications and expertise.

The delivery of such a course may take place on College premises or elsewhere.

For the purposes of our Child Safe Program, External Education Providers are considered Direct Contact Contractors.

## Visitors

The term “Visitor” refers to any adult who attends a College event or is in a College environment on a one-off or casual basis. Examples of Visitors include, but are not limited to:

- Casual Volunteers
- Casual Contractors
- parents, carers and other adult family members of students, when they are attending College events or in a College environment
- people invited by the College or a staff member to attend a College event or to be in a College environment
- people who attend a College environment for commercial purposes, such as for deliveries or sales purposes.

## Relevant Communities

The phrase “relevant communities” refers to communities that are relevant to the College, such as Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, other communities that make up our Staff and student cohort, and the local community in which our College operates.

## The College Environment

The “College environment” means any physical or virtual place made available by the College for use by a student during or outside school hours, including:

- a campus of the College
- online College environments (including email and intranet systems)
- other locations provided by the College for a student's use (including, without limitation, locations used for College camps, sporting events, excursions, competitions and other events).

## Definitions and Key Indicators of Abuse and Other Harm

This section of the Program includes:

- [Definitions of Child and Young Person](#)
- [Definitions of Abuse and Other Harm](#)
- [Offences Under the Children and Young Persons \(Care and Protection\) Act 1997 \(NSW\)](#)
- [Offences Under the Crimes Act 1900 \(NSW\)](#)
- [Physical Abuse or Harm](#)
- [Sexual Abuse](#)
- [Grooming](#)
- [Serious Emotional or Psychological Harm](#)
- [Neglect](#)
- [Domestic Violence](#)
- [Additional Vulnerabilities](#)

### Definitions of Child and Young Person

For the purposes of the NSW statutory child protection system (including [Mandatory Reporting to DCJ](#) and [Non-Mandatory Reporting to DCJ](#)), the Children and Young Persons (Care and Protection) Act 1998 (NSW) (Care and Protection Act) defines a child as a person who is under the age of 16 years and a young person as a person aged 16 or 17.

For most of the [child abuse offences](#) in the Crimes Act 1900 (NSW) (Crimes Act) (particularly those relating to sexual offences), the Crimes Act also defines a child as a person under the age of 16.

However, for other child abuse offences, and in particular for the purposes of the [Failure to Protect and Reporting to Police](#) (Failure to Report) offences, the Crimes Act defines a child as a person under the age of 18.

For the purposes of [Reportable Conduct](#) and [Working with Children Check](#) obligations, a child is also defined as a person under the age of 18.

### Definitions of Abuse and Other Harm

There is no definition of the phrase “child abuse and other harm” in NSW child protection legislation. Rather, children and young people may be “at risk of significant harm”.

## At Risk of Significant Harm

Section 23 of the Children and Young Persons (Care and Protection) Act 1998 (NSW) (Care and Protection Act) defines a child or a young person to be “at risk of significant harm” if current concerns exist for their safety, welfare or wellbeing because:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care
- the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with the Education Act 1990 (NSW);
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated
- the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm
- a parent or other carer has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

Mandatory reporting of risk of significant harm only applies to children (aged under 16). For more information, refer to [Mandatory Reporting to DCJ](#).

## **Domestic Violence as Harm to a Child or Young Person**

Domestic (or ‘family’) violence is incorporated into the definition of ‘child abuse and other harm’ because living in a household in which there is domestic violence (i.e. being exposed to domestic violence) is one of the reasons by which a child or young person might be at risk of significant harm under the Care and Protection Act.

The Crimes (Domestic and Personal Violence) Act 2007 (NSW) (Domestic Violence Act) sets out the various criminal offences and procedural matters relating to domestic violence in NSW and as such is useful when considering what is “domestic violence”.

The Domestic Violence Act defines a “domestic violence offence” as a “personal violence offence” committed by a person against another person with whom they have or had a domestic relationship. A personal violence offence includes multiple physical, sexual and intimidation offences under the Crimes Act as well as offences intended to coerce or control the victim or to cause that person to be intimidated or fearful.



Examples of domestic violence offences include, but are not limited to:

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

For more information, refer to [Domestic Violence](#).

## Grooming as Harm to a Child or Young Person

Grooming of a child or young person is incorporated into the definition of 'child abuse and other harm' because it is:

- conduct which may place a child or young person at risk of significant harm, which must be reported under the Care and Protection Act (refer to [Mandatory Reporting to DCJ](#))
- in certain circumstances, an offence under sections 66EB and 66EC of the Crimes Act that must be reported to the NSW Police (refer to [Reporting to Police](#)) and from which persons at the College, who have the authority to do so, must protect students (refer to [Duty to Protect/Failure to Protect](#))
- a sexual offence or sexual misconduct which must be reported to the Office of the Children's Guardian under the Children's Guardian Act 2019 (NSW) (refer to [Reportable Conduct](#))
- a breach of the [Child Safe Codes of Conduct](#).

For more information, refer to [Grooming](#).

## Reportable Conduct as Harm to a Child or Young Person

All of the different definitions of Reportable Conduct are incorporated into the definition of 'child abuse and other harm' because:

- all Reportable Conduct must be reported to the Office of the Children's Guardian under the Children's Guardian Act 2019 (NSW)
- in certain circumstances, Reportable Conduct may amount to a child abuse offence that must be reported to the NSW Police (refer to [Reporting to Police](#)) and from which persons at the College, who have the authority to do so, must protect students (refer to [Duty to Protect/Failure to Protect](#))

- Reportable Conduct will always amount to a breach of the [Child Safe Codes of Conduct](#).

For more information, refer to [Reportable Conduct](#).

### **Offences Under the Children and Young Persons (Care and Protection) Act 1997 (NSW)**

Under section 228 of the Children and Young Persons (Care and Protection) Act 1998 (NSW), it is a criminal offence for any person, whether or not the parent of the child or young person, to – without reasonable excuse – neglect to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child or young person in their care.

In the context of the College, this might include a teacher, nurse or Direct Contact Volunteer or Direct Contact Contractor failing to, for example, provide adequate medical attention to an injured student.

For more information, refer to [Neglect](#).

### **Offences Under the Crimes Act 1900 (NSW)**

## **Child Abuse Offences**

The definition of “child abuse offences” in the Crimes Act 1900 (NSW) may assist in understanding what is considered ‘child abuse and other harm’ in NSW. The phrase is also central to understanding obligations under [Failure to Protect](#) and [Reporting to Police](#).

Under sections 316A and 43B of the Crimes Act, a ‘child abuse offence’ includes sexual offences (and attempts to commit these offences) such as:

- sexual acts
- sexual intercourse
- sexual touching
- production of child abuse material
- voyeurism
- grooming.

It also includes assaults and physical harm (and attempts to commit these offences), such as:

- wounding or causing grievous bodily harm
- assault causing actual bodily harm
- assault at a school (whether or not causing actual bodily harm)
- administering or causing the ingestion of an intoxicating substance

- female genital mutilation.

For many of these offences (particularly those relating to sexual offences), these are only a child abuse offence if the child is under the age of 16.

However, for the Failure to Protect and Reporting to Police (Failure to Report) offences, these are a child abuse offence if the child is under the age of 18.

## **Particular Offences Relevant to the College's Context**

There are various offences in the Crimes Act which relate to the unique relationship between a student and persons who may be considered staff members for the purposes of the Child Safe Program.

These offences include:

- Section 66EC: Grooming a person for unlawful sexual activity with a child who is “under the authority of the person”.
- Sections 73 and Section 73A: Sexual intercourse with and sexual touching of a young person between 16 and 18 “under special care”.

## **Grooming of a person who has a child “under their authority”**

Section 66EC of the Crimes Act makes it a crime to groom an adult by providing any financial or material benefit to the adult for the purposes of making it easier to procure a child (aged under 16), who is under the adult's authority, for unlawful sexual activity.

A child “under the authority of a person” if the child is under the person's care, supervision or authority. In the context of the College, people who have a child under their authority include, but are not limited to:

- parents/carers
- Executive Leadership Team members
- the Principal
- non-teaching Staff who have students under their care or authority (such as counsellors, nurses, religious leaders or officials, sports coaches, music tutors, learning assistance Staff and youth workers)
- Direct Contact Volunteers
- Direct Contact Contractors.

This is a criminal offence for which an adult associated with the College could be either the victim or the perpetrator.

For more information, refer to [Grooming](#).

## **Sexual intercourse with or sexual touching of a young person between 16 and 18 “under special care”**

The age of consent for sexual activity in NSW is 16. However, for persons who have a young person aged 16 or 17 under their “special care”, sexual activities that would normally not be a criminal offence, due to the young person being of or over the age of consent, can become a criminal offence.

Sections 73 and 73A of the Crimes Act make it a crime for adults to engage in the following conduct with a young person who is under their “special care”:

- Sexual intercourse with the young person. Sexual intercourse means sexual connection by the penetration, to any extent, of the genitalia or anus of the victim by any part of the body of another person or an object manipulated by the other person.
- Sexual touching involving the young person. Sexual touching means touching with any part of the body or with anything else (including through anything worn by the victim or the offender) in circumstances where a reasonable person would consider the touching to be sexual. The offence includes sexually touching the young person, inciting the young person to sexually touch the alleged offender, inciting a third person to sexually touch the young person and inciting the young person to sexually touch a third person

Sections 73 and 73A set out who is considered to have a young person aged 16 or 17 under their “special care”. Relevant to the College, the list includes:

- the young person’s parent, grandparent, guardian or authorised carer, or the spouse or de facto partner of a parent, grandparent, guardian or authorised carer
- a teacher at, or the principal or, deputy principal of, a school that the young person attends
- any other (paid or volunteer) staff member at a school that the young person attends who has students, including the relevant young person, under their authority
- a person who has an established personal relationship with the young person in connection with the provision of religious, sporting, musical or other instruction, in which relationship the young person is under the authority of the worker
- a health professional who has the young person as a patient

Therefore, it is likely that the following people at the College would be considered to have a young person under their special care, such that sexual activities with the young person would be an offence:

- the Principal and Deputy Principal or Heads of School
- teaching Staff
- non-teaching Staff who have students under their care or authority (such as counsellors, nurses, religious leaders or officials, sports coaches, music tutors, learning assistance Staff and youth workers)
- Direct Contact Volunteers
- Direct Contact Contractors.

### **Physical Abuse or Harm**

Physical abuse or harm is a non-accidental physical injury or pattern of physical 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:

- hitting
- shaking
- throwing
- burning
- biting
- poisoning
- giving children alcohol, illegal drugs or inappropriate medication
- female genital mutilation.

Injuries can include bruising, lacerations or welts, burns, fractures or dislocation of joints. Physical abuse does not always leave visible marks or injuries. It is not how bad the mark or injury is, but rather the act itself that can cause injury or trauma to the child or young person.

### **Possible Physical Indicators of Physical Abuse or Harm**

- unexplained bruises
- bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms or inner thighs
- any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example, fingerprints, handprints, buckles, iron or teeth

- drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest a head injury
- burns that show the shape of the object used to make them, such as an iron, grill, cigarette, or burns from boiling water, oil or flames
- dislocations, sprains, twisting injuries
- fractures of the skull, jaw, nose or limbs, especially in younger children and especially when not consistent with the explanation offered
- cuts and grazes to the mouth, lips, gums, eye area, ears or external genitalia
- human bite marks
- bald patches where hair has been pulled out
- multiple injuries, old and new

## **Possible Behavioural Indicators of Physical Abuse or Harm**

- inconsistent or unlikely explanation for an injury
- inability to remember the cause of an injury
- fear of specific people
- wearing clothes unsuitable for weather conditions (such as long sleeved tops) to hide injuries
- wariness or fear of a parent/carer and reluctance to go home
- no reaction or little emotion displayed when hurt
- little or no fear when threatened
- habitual absences from the College without explanations (the parent/carer may be keeping the child or young person away until signs of injury have disappeared)
- overly compliant, shy, withdrawn, passive and uncommunicative
- fearfulness when other children cry or shout
- unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others
- excessively friendly with strangers
- regressive behaviour, such as bed wetting or soiling
- poor sleeping patterns, fear of dark, nightmares
- sadness and frequent crying
- drug or alcohol misuse
- poor memory and concentration
- suicide threats or attempts
- academic problems

## **Sexual Abuse**

Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children and young people are bribed or threatened physically or psychologically to make them participate in the activity.

Sexual abuse includes sexual activity or behaviour that is imposed, or is likely to be imposed, on a child or young person by another person. The other person can be anyone, including a parent/carer, staff member, Volunteer, Contractor, another adult associated with the child or young person or even another child or young person. For more information about harmful sexual behaviours by other children and young people that might rise to the level of sexual abuse, refer to [Recognising and Responding to Sexual Behaviour in Children and Young People](#).

## Contact Behaviours

- kissing, touching or holding a child or young person in a sexual manner
- penetration of the vagina or anus by digital, penile, or any other object
- oral sexual contact
- coercing the child or young person to perform a sexual act on him/herself or anyone else.

## Non-Contact Behaviours

- talking in a sexually explicit manner to a child or young person
- making obscene remarks to a child or young person via any form of communication
- flashing/exposing to a child or young person
- having a child or young person pose or perform in a sexual manner
- voyeurism and invasion of privacy
- looking at child's or young person's genitals for sexual gratification
- exposure of the child or young person to sexually explicit material or acts (including pornographic material)
- communication of graphic sexual matters (including by social media or any other electronic means).

Sexual abuse also includes prostitution or exposure to circumstances where there is a risk that the child or young person may be sexually exploited.

## Possible Physical Indicators of Sexual Abuse

- injury to the genital or rectal areas, such as bruising or bleeding

- vaginal or anal bleeding or discharge
- discomfort in urinating or defecating
- the presence of foreign bodies in vagina and/or rectum
- inflammation or infection of the genital area
- sexually transmitted diseases
- pregnancy, especially in very young adolescents
- bruising and other injury to breasts, buttocks or thighs
- anxiety related illnesses such as anorexia or bulimia
- frequent urinary tract infections

## **Possible Behavioural Indicators of Sexual Abuse**

- the student discloses sexual abuse
- the student exhibits sexually harmful behaviour towards others (refer to [Responding to Sexual Behaviour in Children and Young People](#))
- persistent and age-inappropriate sexual behaviour, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event (refer to [Responding to Sexual Behaviour in Children and Young People](#))
- drawings or descriptions in stories that are sexually explicit and not age appropriate
- a fear of home, a specific place, a particular adult, or excessive fear of men or of women
- poor or deteriorating relationships with adults and peers
- poor self-care/personal hygiene
- regularly arriving early at the College and leaving late
- complaining of headaches, stomach pains or nausea without physiological basis
- frequent rocking, sucking or biting
- sleeping difficulties
- reluctance to participate in physical or recreational activities
- regressive behaviour, such as bed wetting or speech loss
- the sudden accumulation of money or gifts
- unplanned absences or running away from home
- delinquent or aggressive behaviour
- depression
- self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, or attempted suicide
- the sudden decline in academic performance, poor memory and concentration
- wearing of provocative clothing, or layers of clothes to hide injuries



- promiscuity

## Grooming

Grooming refers to behaviours that manipulate and control a child or young person, their family and other support networks, or institutions, with the intent of gaining access to the child or young person for the purposes of engaging in sexually harmful behaviour, obtaining the child or young person's compliance, maintaining the child or young person's silence, and avoiding discovery of the sexual abuse. Grooming behaviour can therefore refer to grooming of an adult with authority for a child or young person, to make it easier to procure the child or young person for sexual abuse or to ensure that, if the child or young person does disclose, that the adult does not believe the child or young person.

Grooming is defined as:

- the use of a variety of manipulative and controlling techniques
- with a vulnerable subject
- in a range of inter-personal and social settings
- in order to establish trust or normalise sexually harmful behaviour
- with the overall aim of facilitating exploitation and/or prohibiting disclosure of the harmful behaviour.

Grooming behaviour towards children and young people often involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviour. Grooming usually involves a perpetrator establishing a trusting relationship with a child or young person and those associated with the child or young person's care and wellbeing, to create an environment in which sexual abuse can occur

Grooming behaviours by any person, regardless of who that person may be, towards a child aged under 16 or towards an adult who has the child under their authority place the child at risk of significant harm (because this behaviour means that the child has been, or is at risk of being, sexually abused) and must be reported to the Department of Communities and Justice (DCJ) (for more information, refer to [Mandatory Reporting to DCJ](#)).

Grooming behaviours by Staff, Volunteers and Contractors towards a child aged under 16, towards an adult who has the child under their authority, or towards a young person aged 16 or 17 are also Reportable Conduct (because this behaviour amounts to a sexual offences or sexual misconduct)

and must be reported to the Office of the Children’s Guardian (for more information, refer to [Reportable Conduct](#)).

## The Criminal Offences of Grooming and Online Grooming

When committed by an adult, some grooming behaviours are an offence under sections 66EB and 66EC of the Crimes Act 1900 (NSW) (Crimes Act) and an offence under sections 474.26 and 474.27 of the Criminal Code Act 1995 (Cth) (Criminal Code).

In addition to most Staff, Volunteers and Contractors, students aged 18 and over at the College are adults for the purposes of these criminal offences, and therefore the College should ensure that those students are made aware of what behaviours amounts to grooming offences under NSW and Commonwealth law.

For the purposes of the NSW offences, grooming is defined as an adult:

- engaging in any conduct that exposes a child to indecent material
- providing a child with an intoxicating substance or a financial or material benefit
- providing any financial or other material benefit to another adult with authority for the child,

with the intention of procuring the child or a child under the authority of the adult for unlawful sexual activity.

This behaviour is only an offence if the child is under the age of 16.

Under section 66EB of the Crimes Act, an adult can engage in “conduct that exposes a child to indecent material” by:

- communicating in person or by telephone, the internet or other means
- providing any computer image, video or publication.

It is not necessary that the communication or image, video or publication itself be explicitly sexual.

If an adult has groomed a child online, it is a separate offence in NSW for the adult to then:

- intentionally meet the child, or travel with the intention of meeting the child, whom the adult has groomed for sexual purposes
- do so with the intention of procuring the child for unlawful sexual activity with that adult person or any other person.

The NSW grooming offences are “child abuse offences” under the Crimes Act for the purposes of the criminal offences of [Duty to Protect/Failure to Protect](#) and [Failure to Report](#).

Under the Criminal Code, “Using a carriage service to procure persons under 16 years of age”, and “Using a carriage service to groom persons under 16 years of age” are additional criminal offences.

- Carriage services include services for carrying communications, such as telephone services, internet access services and ‘voice over internet’ services.
- For both of these offences, it is a crime for an adult (the sender) to use a carriage services to transmit communications to a person aged (or who the sender believes to be aged) under 16 (the recipient) with the intention of procuring the recipient to engage in sexual activity with or in the presence of either the sender or another person (the participant).

While grooming behaviours by an adult towards a young person aged 16-17 are not a crime under either NSW or Commonwealth law and are not subject to [Mandatory Reporting to DCJ](#) or [Mandatory Reporting to Police \(Failure to Report\)](#), these grooming behaviours must still be reported internally. For more information, refer to [Reporting a Child Safety Incident or Concern Internally](#) and [Offences under the Crimes Act 1900 \(NSW\)](#).

## Identifying Grooming

Grooming can be very difficult to identify. Grooming behaviours include a range of techniques, many of which are not explicitly sexual or directly abusive in themselves. Most techniques do not appear unusual or remarkable in isolation, but instead involve many discrete acts that, on their own, are not necessarily criminal or abusive.

## Possible Grooming Behaviour by Adults associated with the College

- persuading a student or group of students that they have a special relationship
- asking a student to keep the relationship to themselves
- inappropriately allowing a student to overstep the rules
- testing boundaries, for example by undressing in front of a student
- manoeuvring to get or insisting on uninterrupted time alone with a student
- buying a student gifts
- insisting on physical affection such as hugging, wrestling or tickling even when the student clearly does not want it
- being overly interested in the sexual development of a student

- taking or having a lot of photos of an unrelated child or young person
- engaging in inappropriate or excessive physical contact with a student
- sharing alcohol or drugs with a student
- making inappropriate comments about a student's appearance or excessive flattery
- using inappropriate pet names for a student
- making jokes or innuendo of a sexual nature with a student
- making obscene gestures or using obscene language with a student
- sending correspondence of a personal nature to a student via any medium
- inviting, allowing, or encouraging students to attend the staff member's home without parental/carer permission
- entering change rooms or toilets occupied by students when supervision is not required or appropriate
- communicating with a student's parent/step parent/carer, teacher, religious official or spiritual leader with the intention of facilitating the student's involvement in sexual conduct
- inappropriately extending a relationship with a student outside of work
- photographing, audio recording, or filming students via any medium without authorisation or having parental consent to do so

## **Indicators That a Child or Young Person May Be Subject to Grooming**

- developing an unusually close relationship with an adult
- displaying significant mood changes, including hyperactive, sensitive, hostile, aggressive, impatient, resentful, anxious, withdrawn or depressed behaviour
- using 'street' or different language that they learned from a new or older 'friend'
- having new jewellery, clothing, expensive items or large amounts of money that were gifts from a new or older 'friend'
- using a new mobile phone excessively to make calls, videos or send text messages to a new or older 'friend'
- being excessively secretive about their use of social media or online communications
- frequently staying out late or overnight with a new or older 'friend'
- being dishonest about where they have been or who they were with
- drug and alcohol use
- being picked up in a car by a new or older 'friend' from home or school or 'down the street'

## **Indicators That a Child or Young Person May Be Subject to Online Grooming**

- discovery of pornography on their computer or device
- receiving or making calls to unrecognised numbers
- increasing or excessive amount of time spent online
- increased secrecy in what they are doing online and efforts to try and hide what they are doing online
- evidence of people on their 'friends' list that are unknown and they have never met them offline

## What is Not Grooming?

Certain behaviours or acts will not, in isolation, constitute grooming behaviour. However, where there is a repeating pattern of indicative behaviour, or several incidents of indicative behaviour, it may constitute grooming behaviour.

Similarly, not all physical contact between a student and a College staff member, Volunteer or Contractor, will be inappropriate and/or an indicator of possible grooming behaviour.

The following physical contact with students is not grooming behaviour:

- administration of first aid
- supporting students who have hurt themselves
- non-intrusive gestures to comfort a student who is experiencing grief, loss or distress, such as a hand on the upper arm or upper back
- non-intrusive touching i.e. shaking a student's hand or a pat on the back to congratulate a student.

## Serious Emotional or Psychological Harm

The infliction of emotional or psychological harm is one of the most common forms of child abuse and other harm. It can occur where the behaviour of an adult associated with the child or young person damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.

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

A range of behaviours can cause serious emotional or psychological harm to a child or young person. These may include:

- making excessive or degrading demands of a child or young person
- a pattern of hostile or degrading comments towards the child or young person
- excessive criticism
- withholding affection
- exposure to domestic violence
- intimidation or threatening behaviour.

The behaviours may convey to a child or young person that they are worthless, unloved, inadequate or rejected, or cause a child or young person to frequently feel frightened or in danger.

Where the adult who undertakes this behaviour is a parent or carer of the child or young person, it is a ground for suspecting that the child or young person is at risk of significant harm, and – in the case of a child – must be reported to the Department of Communities and Justice (DCJ) (for more information, refer to [Mandatory Reporting to DCJ](#)).

Other adults associated with a child or young person can also subject the child or young person to behaviours that may cause serious emotional or psychological harm. At the College, this can include teachers, sporting coaches, musical tutors and Direct Contact Volunteers or Direct Contact Contractors. This behaviour is Reportable Conduct (because it is ill-treatment, or may cause significant emotional or psychological harm to a child or young person), and must be reported to the Office of the Children’s Guardian (for more information, refer to [Reportable Conduct](#)).

## **Possible Physical Indicators of Serious Emotional or Psychological Harm**

- speech disorders
- delays in emotional, mental or even physical development
- physical signs of self-harming

## **Possible Behavioural Indicators of Serious Emotional or Psychological Harm**

- 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

- obsessively eager to please or obey adults
- takes extreme risks, is markedly disruptive, bullying or aggressive
- highly self-critical, depressed or anxious
- suicide threats or attempts, or self-harming
- persistent running away from home
- anti-social, destructive behaviour
- low tolerance or frustration
- unexplained mood swings
- behaviours that are not age-appropriate, for example, overly adult (parenting of other children), or overly infantile (thumb sucking, rocking, wetting or soiling)
- fear of failure, overly high standards and excessive neatness
- violent drawings or writing
- isolation from other students

## Neglect

Neglect is the continued failure to provide a child or young person with the basic things needed for their growth and development, such as food, clothing, shelter, medical and dental care, education and adequate supervision. It includes a failure to meet a child or young person's physical and/or psychological needs.

Where the person who fails to provide these basic necessities is a parent or carer of the child or young person, it is a ground for suspecting that the child or young person is at risk of significant harm, and – in the case of a child – must be reported to the Department of Communities and Justice (DCJ) (for more information, refer to [Mandatory Reporting to DCJ](#)).

Other adults associated with a child or young person can also neglect the child or young person.

Under section 228 of the Children and Young Persons (Care and Protection) Act 1998 (NSW), it is a criminal offence for any person, including a staff member, Direct Contact Volunteer or Direct Contact Contractors, to – without reasonable excuse – neglect to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child or young person in their care.

Neglect by Staff, Direct Contact Volunteers and Direct Contact Contractors may also be Reportable Conduct. Neglect as Reportable Conduct is defined as “a significant failure” by an employee (if the child is in the employee's care) to provide “adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to the child”.

Neglect in this context by College Staff, Direct Contact Volunteers and Direct Contact Contractors must be reported to the Office of the Children's Guardian (for more information, refer to [Reportable Conduct](#)).

## Possible Physical Indicators of Neglect

- consistently dirty and unwashed
- consistently inappropriately dressed for weather conditions
- consistently without adequate supervision and at risk of injury or harm
- consistently hungry, tired and listless, falling asleep in class, or malnourished
- unattended health problems and lack of routine medical care
- inadequate shelter and unsafe or unsanitary conditions
- abandonment by parents/carers
- poor hygiene

## Possible Behavioural Indicators of Neglect

- scavenging, begging or stealing food
- gorging when food is available
- inability to eat when extremely hungry
- alienated from peers, withdrawn, listless, pale, and thin
- aggressive behaviour
- delinquent acts, for example, vandalism, drug or alcohol abuse
- little positive interaction with parent/carer
- appearing miserable or irritable
- poor socialising habits
- poor evidence of bonding, or little stranger anxiety
- indiscriminate with affection
- poor, irregular or non-attendance at school
- staying at school for long hours
- self-destructive
- dropping out of school
- taking on an adult role of caring for a parent/carer
- misusing alcohol or drugs
- academic issues

## Domestic Violence



In NSW "**domestic violence**" is a crime and is defined term in the Crimes (Domestic and Personal Violence) Act 2007 (NSW).

Domestic violence (sometimes called 'family violence' is defined as a personal violence offence committed by a person towards against another person with whom they have or had a domestic relationship. Personal violence offences may include:

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

When a child or young person is living in a household when there is domestic violence (i.e. is exposed to domestic violence) and, as a consequence, the child or young person is at risk of serious physical or psychological harm, this is a ground for considering that the child or young person is at risk of significant harm under the Children and Young Persons (Care and Protection) Act 1988 (NSW) and must, in the case of child, be reported to the Department of Communities and Justice (DCJ) (for more information, refer to [Mandatory Reporting to DCJ](#)).

Examples of situations in which a child or young person is exposed to domestic violence include the child or young person:

- overhearing threats of death or personal injury by a member of the child or young person's family towards another member of the child or young person's family
- seeing, hearing or being exposed to the effect of an assault of a member of the child or young person's family by another member of the child or young person's family.

As domestic violence can result in one or more forms of child abuse and other harm (for example, neglect, physical or sexual abuse, or emotional or psychological harm) physical and behavioural indicators of these other types of abuse and harm may also be indicative of a domestic violence situation.

## **Possible Behavioural Indicators for Older Children and Young People**

- moving away or running away from the family home
- entering a relationship early to escape the family home
- experiencing violence in their own dating relationship
- involvement in criminal activity

- alcohol and substance abuse.

## **Additional Vulnerabilities**

All children and young people are vulnerable to abuse and other harm. They are vulnerable because of their dependence on adults, because they are physically weaker than adults and because they lack social and legal power.

Some children and young people are more vulnerable to abuse and other harm.

Aboriginal and Torres Strait Islander children and young people, children and young people with disability and children and young people from culturally and linguistically diverse backgrounds face particular challenges, not because they are inherently more vulnerable but because they more often encounter circumstances that:

- place them in institutions with higher risk
- make it less likely they will be able to disclose abuse or other harm
- make it more likely they will receive an inadequate response to abuse or other harm

than other children and young people.

A variety of related factors may influence the vulnerability of a child or young person to abuse and other harm, including:

- the gender of the child or young person
- the age and developmental stage of the child or young person
- whether the child or young person has experienced maltreatment previously
- whether the child or young person has disability, and the nature of that disability
- the family characteristics and circumstances of the child or young person
- the nature of the child or young person's involvement with the institution
- other factors, including the child or young person's physical characteristics, social isolation, high achievement, lack of understanding of sexual behaviour (including sexual abuse) and personal safety, and sexual orientation.

Being vulnerable does not mean that a child or young person will be abused, although it does increase that risk. It is also important to remember that all children and young people can be vulnerable to all types of abuse and other harm.

## **Gender**

Gender influences the type of maltreatment children and young people are likely to experience. Girls may be more likely to be a victim of child sexual abuse than boys, and boys may be more likely to be physically abused than girls.

Gender also influences children and young people's vulnerability to intra-familial or extra-familial abuse. Boys may be more likely than girls to be sexually victimised by extra-familial abusers and to have multiple male abusers, while girls may be at greater risk than boys from intra-familial child sexual abuse.

While there are gender patterns in the types of abuse children and young people experience, this does not mean that boys are not vulnerable to sexual abuse or that girls do not experience physical abuse.

## **Age and Developmental Stage**

A child or young person's age and developmental stage and differing degrees of dependency on others for survival and wellbeing are factors that can influence their risk of abuse and other harm.

During primary school years, children come into contact with a wide range of adults because they are involved with less home-based activities such as school, sport, leisure interests and social activities and their related organisations, and are therefore more vulnerable to abuse perpetrated by a non-family member than younger children.

Around the transition to secondary school, peer relationships may become more influential and children and young people may exercise greater autonomy and independence. Children and young people become more entrusted with responsibility for some aspects of their own safety, free of direct parental supervision. Puberty can lead to emotional and physical changes, which may lead to an increased interest in romantic relationships. As children develop into teenagers, they may explore their sexuality and sexual identity. This may put them at increased risk of sexual abuse.

## **Previous Maltreatment**

Children and young people who have experienced maltreatment in the past (for example, children and young people already in the child protection system) have an increased vulnerability to further abuse. In addition, most children and young people who have been maltreated experience multiple types of abuse and neglect. Children and young people previously maltreated by a family member are vulnerable to further maltreatment by an extra-familial perpetrator, including in institutions.

There are a number of possible reasons why children and young people who have already experienced maltreatment have a higher risk of being maltreated again, including:

- the impact on the child or young person's psychological development from the previous maltreatment
- ongoing inadequate supervision and attention, leaving the child or young person vulnerable to predatory perpetrators of child sexual abuse

## **Disability**

Children and young people with disability are particularly vulnerable to abuse and other harm across all settings. Some studies suggest that children and young people with disability have a heightened risk of sexual abuse by professionals compared to other children and young people.

The risk of abuse varies with the level and type of impairment. Children and young people with intellectual disability, communication disorders or behavioural disorders are at particularly higher risk of all forms of abuse and harm.

## **Family Characteristics and Circumstances**

Certain factors related to a child or young person's family characteristics and circumstances can increase the likelihood they will be subjected to abuse or other harm in all settings. These include:

- family conflict, violence or breakdown
- a poor relationship with a primary carer
- a lack of parental supervision or availability
- family devotion or loyalty to an institution

## **The Nature of the Child or Young Person's Involvement with Various Institutions**

Children and young people who spend more time in institutional settings may be at greater risk of abuse than other children and young people. While children and young people's involvement in institutions tends to increase as they get older, there are specific groups of children and young people who are involved in institutions at higher rates throughout their childhood and who therefore may be more at risk of abuse or other harm at those institutions. For example:

- many children and young people with disability spend large amounts of time involved with institutions.
- Aboriginal and Torres Strait Islander children and young people are over-represented in out-of-home care and youth detention
- other groups of children and young people who can spend significant periods of time in institutional contexts include children and young people with illness, children and young people who are high achievers (for example, in sport, music or dance), and children and young people in immigration detention facilities.

## Other Factors

### Physical Characteristics

In a study of children and young people's views of safety done by the Royal Commission into Institutional Responses to Child Sexual Abuse, some children and young people described how they felt vulnerable when they were physically powerless compared to adults or peers. Others said they felt that they were vulnerable to bullying and intimidation by others, especially older children, because of their relative physical weakness or other physical characteristics.

### Social Isolation

Several studies have identified social isolation as a risk factor for child sexual abuse across all settings. Social isolation may mean that a child or young person is vulnerable because they are less likely to disclose the abuse, or that others may be less likely to believe them if they do disclose.

### High Achievement

High-achieving children and young people can have increased levels of involvement with institutions. This may make them be more visible and accessible to potential perpetrators.

High-achieving children and young people may be more vulnerable because they may not disclose abuse or other harm, so as to avoid the consequences of being excluded or removed from the institution that is supporting their achievements or losing out on opportunities. This may especially be the case for children and young people who are elite athletes or performers who do not want to jeopardise their career. This may also apply to any situation where a child or young person excels and is dependent on a particular coach or tutor.

Parents of high-achieving children and young people can also be highly invested in an institution, and as a consequence may not be alert to the signs of abuse or other harm, or may feel that they cannot raise concerns because their child may lose out on opportunities or a promising career.

## **Lack of Understanding about Sexual Behaviour, Including Sexual Abuse, and Personal Safety**

An inadequate understanding about sexual abuse may be more prevalent among some groups of children and young people because of a lack of education on sexual behaviour and personal safety. Research also suggests that some perpetrators of child sexual abuse may target children and young people who have a lack of knowledge about sex and sexuality.

## **Sexual Orientation**

Research indicates that lesbian, gay and bisexual people are significantly more likely to be bullied, discriminated against, physically and sexually assaulted, verbally and emotionally abused, and threatened than those who are not.

Due to prevalent negative views of homosexuality in Australia over many decades, children and young people, and their families, may consider a child or young person's emerging sexual orientation to be a shameful secret to be kept from families and friends. Some same-sex attracted or gender-questioning children and young people have found the family home to be unsupportive. Perpetrators of child sexual abuse in particular may exploit this disconnection from family, particularly among those who conceal their sexuality due to fear or shame.

## **Gender Identity**

There is some evidence from international research that gender identity is an important indicator of children and young people at increased risk of physical, sexual and psychological abuse. One study found that gender-questioning young people were at greater risk of homelessness and physical abuse.

## **Child Protection Law and Regulation in NSW – An Overview**

The legal and regulatory framework for child protection in NSW is made up of a complex web of laws, regulations and guidance notes.

The commentary below provides an overview of the framework.

## NSW Child Safe Standards

The NSW Child Safe Standards are based on, and align directly with, the National Principles for Child Safe Organisations, which were developed by the Australian Human Rights Commission in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. They provide tangible guidance for child-related organisations to create cultures, adopt strategies and act to put the interests of children first, to keep them safe from harm.

Compliance with the NSW Child Safe Standards is mandatory for all child-related organisations in NSW that are subject to the Reportable Conduct Scheme, including Shellharbour Anglican College, as well as other child-related organisations.

For more information, refer to [Compliance with Child Safe Standards](#).

## Safe and Supportive Environment Requirements

Section 47(1) of the Education Act 1990 (NSW) sets out 14 requirements for registration for non-government schools in NSW. One of these requirements, under section 47(1)(g) of the Education Act, is that “a safe and supportive environment is provided for students”.

One aspect of this requirement is that the College meets its legislative child protection requirements identified by the Education Act (the other aspect relates to student welfare and safety, which is addressed in our Student Duty of Care policies and procedures).

NESA provides guidance on how to meet these obligations in section B8.1 of the Registered and Accredited Individual Non-government Schools (NSW) Manual.

The College’s compliance with these requirements is outlined in the [Safe and Supportive Environments](#) section of this Program.

## Our Child Safe Program

In order to comply with the NSW Child Safe Standards and the Safe and Supportive Environment Requirements, as well as each of the six separate Acts and one Regulation made under one of them noted below, Shellharbour Anglican College has established this Child Safe Program which sets out our work systems, practices, policies and procedures designed to not only ensure compliance, but also to develop a child safe culture.

## Prescriptive Legal and Regulatory Requirements

There are a number of separate Acts and Regulations that work together to make up the legal and regulatory framework for child protection in NSW. They are in summary:

### Education Act 1990 (NSW)

From a child safety perspective, a key function of the Education Act is to prescribe the registration requirement for non-government schools to have a safe and supportive environment.

### Children and Young Persons (Care and Protection) Act 1998 (NSW)

The Children and Young Persons (Care and Protection) Act 1988 (NSW) (Care and Protection Act) has a number of functions, including to:

- provide for the care and protection of, and the provision of services to children and young persons
- provide for the sharing of information relating to the safety, welfare or wellbeing of children and young persons
- establish key responsibilities governing child protection intervention.

For the purpose of our Child Safe Program, the Children and Young Persons (Care and Protection) Act is important for three reasons:

- it provides the statutory definition of when a child or young person is “at risk of significant harm”
- it makes all forms of child abuse an offence under the Care and Protection Act
- it establishes obligations with respect to [Mandatory Reporting to DCJ](#).

### Child Protection (Working with Children) Act 2012 (NSW) and Child Protection (Working with Children) Regulation 2013 (NSW)

The Child Protection (Working with Children) Act 2012 (NSW) (WWC Act) and the Child Protection (Working with Children) Regulation 2013 (NSW) aim to protect children and young people from harm by providing a high standard of compulsory national criminal record checking for people wishing to do paid, unpaid, or volunteer child-related work in NSW.



People who are assessed as posing an unjustifiable risk to the safety of children and young people will fail the Working with Children Check and the WWC Act prohibits these people from working with children and young people.

The WWC Act imposes penalties for schools and individuals that do not comply with the WWC Act.

For more information, refer to [Working with Children Checks](#).

## **Children's Guardian Act 2019 (NSW)**

From a child safety perspective, the key functions of the Children's Guardian Act are to:

- set out, and require compliance by certain organisations with, the NSW Child Safe Standards
- require the College to investigate allegations or convictions relating to [Reportable Conduct](#) by Staff, Volunteers and Contractors at the College and to report these to the Office of the Children's Guardian.

For more information, refer to [Compliance with Child Safe Standards](#) and [Reportable Conduct](#).

## **Crimes Act 1900 (NSW)**

The Crimes Act in NSW sets out a number of child safety-related offences, including those related to indecent acts and sexual abuse of children and young people. Of particular relevance to the NSW child protection legal and regulatory framework are:

- child abuse offences ([Offences Under the Crimes Act 1900 \(NSW\)](#)), including:
  - grooming offences
  - sexual intercourse with or touching of young person between 16 and 18 under special care offence
- the failure to reduce or remove risk of child becoming victim of child abuse offence (refer to [Duty to Protect/Failure to Protect](#))
- concealing child abuse offence (known as Failure to Report, refer to [Reporting to Police](#)).

## **Civil Liability Act 2002 (NSW)**

The Civil Liability Act 2002 (NSW) (Civil Liability Act) is the principal legislation governing claims for damages for economic and non-economic loss arising from personal injury and death in NSW, as a result of negligence or fault. It is through the Civil Liability Act that child abuse victims may claim compensation for loss arising from child abuse and other harm.

Section 6F of the Civil Liability Act imposes a duty of care on certain organisations (including schools) to take reasonable precautions to prevent an individual associated with the organisation from perpetrating physical or sexual abuse of a child (aged under 18) in connection with the organisation's responsibility for the child. If the College is involved in a proceeding under the Civil Liability Act, the Court will presume that the College has breached its duty of care unless the College establishes that it took reasonable precautions to prevent the abuse.

Whether or not the College took reasonable precautions to prevent the abuse will be assessed by the Court in accordance with considerations set out in the Civil Liability Act and case law. Examples of reasonable precautions could include:

- the effective implementation of the College's risk management strategies in Child Safe Risk Management and our Reporting a Child Safety Incident or Concern Internally policy
- complying with Working with Children Checks and other Child Safe Human Resources Management policies
- ensuring Staff and relevant Volunteers and Contractors complete child safe induction and ongoing training.

Under sections 6G and 6H of the Civil Liability Act, organisations (including schools) can be held vicariously liable for sexual or physical abuse of a child perpetrated by employees and other individuals who are "akin to employees". This vicarious liability applies if:

(a) the "apparent performance" by the employee of a role in which the College has placed the employee supplies the occasion for the perpetration of the child sexual or physical abuse by the employee

(b) the employee takes advantage of that occasion to perpetrate the abuse on the child.

An individual is "akin to an employee" of an organisation if the individual "carries out activities as an integral part of the activities carried on by the organisation and does so for the benefit of the organisation". However, an individual is not "akin to an employee" if the activities are carried out for a recognisably independent business of the individual or of another person or organisation.

## **Additional Child Safe Resources**

### **Public-Facing Documents**

[Complaints Handling Policy and Procedure](#)

[Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct](#)

[Procedures for Managing Child Safety Incidents or Concerns At or Involving the College](#)

[ASC Child Safe Incident Reporting Form, available here](#)

## **Child Safe Standards and Implementation**

[NSW Office of the Children’s Guardian, Child Safe Self-Assessment](#)

[Australian Human Rights Commission, National Principles for Child Safe Organisations](#)

[Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report Volume 6 – Making Institutions Child Safe](#)

[NSW Office of the Children’s Guardian, A Guide to the NSW Child Safe Standards](#)

[NSW Office of the Children’s Guardian, Empowerment and Participation – A Guide for Organisations Working with Children and Young People](#)

[NSW Office of the Children’s Guardian, Reporting Obligations and Processes](#)

[NSW Office of the Children’s Guardian, Risk Management and the Child Safe Standards Part 1: Responding to risk](#)

[NSW Office of the Children’s Guardian, Risk Management and the Child Safe Standards Part 2: Identifying risk](#)

[NSW Office of the Children’s Guardian, Understanding and Developing a Child Safe Policy](#)

[National Office for Child Safety, Keeping Our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations](#)

## **Child Safe Complaints Handling**

[National Office of Child Safety, Complaint Handling Guide: Upholding the Rights of Children and Young People](#)

[National Office of Child Safety, Reference Guide to Complaint Handling: Upholding the Rights of Children and Young People](#)

[Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report Volume 7 – Improving Institutional Responding and Reporting](#)

## **Human Resources Management**

[NSW Department of Education, Proof of Identity – 100 point check](#)

## **Mandatory Reporting**

[Mandatory Reporter Guide](#)

## **Reportable Conduct**

[NSW Office of the Children’s Guardian, Reportable Conduct Fact Sheets](#)

## **Recognising and Responding to Sexual Behaviour in Children and Young People**

[True Traffic Lights®](#)

## **Working with Children Checks**

[NSW Office of the Children’s Guardian, Working with Children Check](#)

[Royal Commission into Institutional Responses to Child Sexual Abuse, Working with Children Checks Report](#)