

CHILD PROTECTION POLICY	
DOCUMENT GUIDE	DOCUMENT INFORMATION
Policy Title	Child Protection Policy
Document I.D.	3.8
Applicable to	<p>All persons making application for enrolment to the College</p> <p>College Students</p> <p>Families or significant others</p> <p>College Staff</p>
Document Owner	MJC Executive Team
Document Creator	Principal
Related Documents	<p>Education Act</p> <p>Children’s Guardian Act 2019 (NSW)</p> <p>Child Protection (Working with Children) Act 2012 (NSW)</p> <p>Child Protection (Working with Children) Regulation 2013 (NSW)</p> <p>Children’s Guardian Act 2019 (NSW)</p> <p>Crimes Act 1900 (NSW)</p> <p>Civil Liability Act 2002 (NSW)</p> <p>Office of the Children's Guardian Act 1974 (NSW)</p> <p>Recommended Protocols for Internal Investigative and Disciplinary Proceedings, 2001 (IEU/AIS)</p> <p>NSW Office of the Children's Guardian Guidelines (regarding investigations of allegations)</p> <p>College Induction of Workplace Participants Policy</p> <p>Anti-Discrimination Policy</p> <p>Grievance Procedure</p> <p>Whistleblower Policy</p>
DOCUMENT CONTROL	

Policy Title	Child Protection Policy
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Context

Margaret Jurd College (the College) is a Ministry of the Uniting Church in Australia. A registered non-government secondary special school established to support disadvantaged young people who have complex needs due to the following:

- Mental health/behavioural disorder at a level that is recognised as a disability in accordance with the Department of Education and Training criteria.
- Complex trauma history
- Autism

Margaret Jurd College is dedicated to providing students with a supportive alternative to mainstream schooling. We embrace young people who want to complete secondary schooling that live with mental health conditions that can be seen as challenging behaviours.

Purpose of the Policy

This policy sets out staff responsibilities for child protection, according to relevant legislation imposed on the College, and processes that staff must follow in relation to child protection matters. This policy applies to all staff members, which includes employees, contractors, and volunteers.

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

Policy

Margaret Jurd College is committed to providing a safe and supportive environment that responds to all suggestion and reports of student harm or abuse. The College will focus on early identification and prevention of all forms of student harm and abuse.

The College will ensure that it develops and implements clear procedures to ensure that all suspected cases are reported. Staff will be trained in the implementation of those procedures.

In the case of suspected harm or abuse of a child the College will act immediately and provide ongoing support.

The College uses the *NSW Keeping them Safe* initiative to guide their practice in this area.

Relevant Legislation

There are three key pieces of child protection legislation that are used by the College:

- Children’s Guardian Act 2019 (NSW)

- The Office of the Children's Guardian Act 1974 (NSW) (the Office of the Children's Guardian Act); and
- The Child Protection (Working With Children) Act 2012 (NSW) (the WWC Act).

Other legislation also applies, including the (NSW) Education Act, Crimes Act and Civil Liability Act. Collectively, these areas of legislation form a child protection framework in NSW.

Two key NSW government agencies have responsibility under these Acts. They are the Department of Communities and Justice (referred to hereafter as DCJ's), the Office of the Children's Guardian (referred to hereafter as OCG).

Definitions

In this Policy:

Student or **Students** refers to:

- a **Child** or **Children** which in this Policy means persons under the age of 16 years,
- a **Young Person** or **Persons** which in this Policy means persons between the ages of 16 and 18, and
- any other student of the College over the age of 18 years.

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

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

Ill-treatment captures those circumstances where a person treats a child or young person in an unreasonable and seriously inappropriate, improper, inhumane, or cruel manner.

- Behaviour that causes psychological harm** is conduct that is obviously or very clearly unreasonable and results in significant emotional harm or trauma to a child.
- Neglect** includes either an action or inaction by a person who has care responsibility towards a child. The nature of the employee's responsibilities provides the context against which the conduct needs to be assessed.
- Supervisory neglect:**

- An intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child, or
- An intentional or reckless failure to adequately supervise a child or a significantly careless act or failure to act, that:
 - involves a gross breach of professional standards, and
 - has the potential to result in the death of, or significant harm to, a child.

Carer neglect:

Grossly inadequate care that involves depriving a child of the basic necessities of life: such as the provision of food and drink, clothing, critical medical care or treatment, or shelter.

Failure to protect from abuse:

An obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child.

Reckless act (or failure to act):

A reckless act, or failure to act, that:

- involves a gross breach of professional standards, and
- has the potential to result in the death of, or significant harm to, a child.

'**Recklessness**' in this context relates to circumstances when the person ought to have known that their actions would cause a person physical harm or cause them to fear injury. Assaults can include hitting, pushing, shoving, throwing objects or making threats to physically harm a child.

PSOA 'person subject to the allegation'.

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

Grooming involves a pattern of conduct that is consistent with the aim of developing a sexual relationship and for which there is no other reasonable explanation, and typically involves any or all of the following elements:

- i. Persuading a child or young person and those around them that a special relationship exists with the offending adult.
- ii. Testing boundaries including codes of conduct and professional standards applying to the adult, and socially accepted norms of behaviour applying in the circumstances.
- iii. Inappropriately extending the relationship outside the work environment or framework of authorised contact.

- iv. Inappropriate personal communication with the child or young person involved.

Parent or Parents refers to a student's biological parents, adoptive parents, legal guardians and/or caregivers.

Reportable Conduct refers to conduct as described in Section 25A of the *Office of the Children's Guardian Act 1974*(NSW).

College Community Member or Members refers to:

- i. All paid employees whether employed on a permanent, temporary, or casual basis, and
- ii. All persons who have been engaged to work within the College or who have face to face contact with students of the College in any place and on any basis, including persons holding a church ministry license or church appointed position, consultants, students on tertiary practicum placements, or adult volunteers working with students in any capacity.

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 are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

Child wellbeing concerns are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold, risk of significant harm.

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

Sexual Misconduct has two categories which include:

- crossing professional boundaries, and
- sexually explicit comments and other overtly sexual behaviour.

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

Crossing professional boundaries - sexual misconduct includes behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate:

- relationship with;
- conduct towards; or
- focus on;

a child or young person, or a group of children or young persons.

Codes of conduct that outline the nature of the professional boundaries which should exist between employees and children/young people can be particularly useful. For employees who either intentionally breach such codes or have demonstrated an inability to apply them

appropriately, it may be necessary to provide more detailed written advice about what constitutes appropriate behaviour.

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

- a) Inappropriate conversations of a sexual nature.
- b) Comments that express a desire to act in a sexual manner.
- c) Unwarranted and inappropriate touching.
- d) Sexual exhibitionism.
- e) Personal correspondence (including electronic communications such as emails and text messages) with a child or young person in relation to the adult's sexual feelings for a child or young person.
- f) Exposure of children and young people to sexual behaviour of others including display of pornography.
- g) Watching children undress. For example, in change rooms or toilets when supervision is not required or justified.

Sexual Offences encompasses all criminal offences involving a sexual element that are 'committed against, with or in the presence of a child'.

These offences include (but are not limited to) the following:

- a) Indecent assault.
- b) Sexual assault.
- c) Aggravated sexual assault.
- d) Sexual intercourse and attempted sexual intercourse.
- e) Possession/dissemination/production of child pornography or child abuse material.
- f) Using children to produce pornography.
- g) Grooming or procuring children under the age of 16 years for unlawful sexual activity.
- h) Deemed non-consensual sexual activity on the basis of special care relationships.

Relevant College Policies

Please note that there are a number of other College policies that relate to child protection which you need to be aware of and understand including (but not limited to):

- a) the **Code of Conduct** which sets out information about the standards of behaviour expected of all employees, contractors and volunteers of the College;
- b) the **Work Health and Safety Statement** which summarises the obligations imposed by work health and safety legislation on the College and workers; and



- c) the **Anti-Discrimination Policy** which summarises your obligations in relation to unlawful discrimination, harassment and bullying; and
- d) the **Margaret Jurd College Anti Bullying Policy** which defines bullying and summarises the College’s response to bullying between students.

Introduction

General

The safety, protection and wellbeing of all students is of fundamental importance to the College.

All individual staff and the College as a whole have a range of different obligations relating to 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; and
- (c) obligations under work health and safety legislation.

Who	What	When
All staff	Reasonable steps are taken to prevent harm to students.	At all times
All staff	Fulfil all obligations under child protection legislation.	At all times
All staff	Fulfil all obligations under work health and safety legislation.	At all times

Statement regarding the College’s Response to Reportable Conduct

While the circumstances in which the legislation requires reporting of particular child protection issues are set out below, the College requires all staff to report any concern they may have about the safety, welfare or wellbeing of a child or young person to the Principal or their delegate (generally the Campus Coordinator).

Without limiting the above, consistent with legislative obligations, the College requires all staff to report activities that constitute reportable conduct of a member of staff (and other persons as detailed in the section dealing with reportable conduct below) promptly to the Principal or his delegate. This may be done face to face, by telephone, or by email. The process of reporting is dealt with more fully in the different sections below.

If the allegation involves the Principal, the report must be made to the Chairman of the Board of Directors in accordance with both the Whistleblower Policy and the Grievance Policy.

This obligation is part of the College’s overall commitment to the safety, welfare and wellbeing of children.

Who	What	When
All staff	Report any concern they may have about the safety, welfare or wellbeing of a child or young person to the Principal or their delegate (generally the Campus Coordinator).	In the event of a child protection concern becoming known to the staff member.
All staff	Report activities that constitute reportable conduct of a member of staff (and other persons as detailed in the section dealing with reportable conduct below) promptly to the Principal or their delegate.	In the event of a child protection concern becoming known to the staff member.
All staff	The report must be made to the Chairman of the Board of Directors in accordance with both the Whistleblower Policy and the Grievance Policy.	If the allegation involves the Principal.

Reportable Conduct under the Office of the Children's Guardian Act 1974 Section 25A

Section 25A of the Office of the Children's Guardian Act defines 'reportable conduct' as:

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

Reportable conduct does not extend to the following:

- a) Conduct that is reasonable for the purposes of the discipline, management, or care of students, having regard to the age, maturity, health or other characteristics of the student and to any relevant codes of conduct or professional standards.
- b) The use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures.
- c) Conduct of a class or kind exempted from being reportable conduct by the Office of the Children's Guardian under section 25CA.

Reportable conduct applies only if the physical force is going to be investigated and the result of the investigation recorded under workplace employment procedures; or conduct of a class or kind exempted from being reportable conduct by the Office of the Children's Guardian under Section 25CA.

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

Responsibilities

General

Part 3A of the Office of the Children's Guardian Act requires the heads of certain agencies, including non-government Colleges in New South Wales, to notify the New South Wales Office of the Children's Guardian of all allegations of reportable conduct by an 'employee' and the outcome of the College's investigation of these allegations.

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

Who	What	When
Heads of Entity	Notify the New South Wales Office of the Children's Guardian of all allegations of reportable conduct by an 'employee' and the outcome of the College's investigation of these allegations.	When such situations arise.

Staff Members Obligation to Report

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

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

If the allegation involves the Principal, the staff member is required to report to the Chairman of the College Board of Directors.

Who	What	When
All staff	Report any concerns they may have about any other employee engaging in reportable conduct or any allegation of 'reportable conduct' that has been made to them, to the Principal, including information about themselves.	When they become aware of an incident of reportable conduct.
All staff	Report to the Principal.	If they become aware that an employee

		has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct.
All staff	If the allegation involves the Principal, the staff member is required to report to the Chairman of the College Board of Directors.	If the staff member is aware of an incident of reportable conduct concerning the Principal.

Contact for parents

The Principal is the contact point for parents, carers or other members of the community if they wish to report an allegation of reportable conduct against an employee. Staff are to refer the abovementioned people to the Principal should they contact the College. If the complaint is to be made against the Principal then the staff member should refer the individual to the College's Grievance Policy.

Who	What	When
All staff	Refer members of the public to the Principal.	When an issue of reportable conduct concerning a staff member is being made.
All staff	Refer members of the public to the College Grievance Policy.	When an issue of reportable conduct concerning the Principal is being made.

The Office of the Children's Guardian

The Office of the Children's Guardian:

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

Who	What	When
The Office of the Children's Guardian	Must keep under scrutiny the systems for preventing reportable conduct by employees of non-government Colleges and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions.	At all times.
The Office of the Children's Guardian	Must receive and assess notifications from non-government Colleges concerning reportable conduct or reportable convictions.	When the College is alerted to an incident pertaining to reportable conduct.
The Office of the Children's Guardian	Is required to oversee or monitor the conduct of investigations by non-government Colleges into allegations of reportable conduct or reportable convictions.	After an investigation is deemed appropriate by the Office of the Children's Guardian.
The Office of the Children's Guardian	Must determine whether an investigation that has been monitored has been conducted properly, and whether appropriate action has been taken as a result of the investigation.	At the conclusion of an investigation.
The Office of the Children's Guardian	May directly investigate an allegation of reportable conduct or reportable conviction against an employee of a non-government College, or the handling of or response to such a matter.	If deemed appropriate by the Office of the Children's Guardian.
The Office of the Children's Guardian	May undertake 'own motion' investigations of non-government Colleges, including where there is evidence of systemic failure or serious conflict of interests.	Where the Office of the Children's Guardian considers it appropriate to do so.

Head of Entity

The Head of Entity is the Principal of the College.

Under the Office of the Children's Guardian Act the Head of Entity must:

- a) Set up systems within their organisation to ensure that they are advised of any allegations of reportable conduct against employees.
- b) Notify the Office of the Children's Guardian as soon as possible and no later than seven (7) days after being made aware of an allegation.
- c) Notify the Office of the Children's Guardian whether or not the College plans to take disciplinary or other action in relation to an employee who is the subject of a reportable allegation or conviction, and the reasons for taking or not taking any such action as soon as practicable.
- d) Provide the Office of the Children's Guardian with any documentary and other information as the Office of the Children's Guardian may from time to time request to assist in the Office of the Children's Guardian's monitoring of an investigation.

- e) Liaise with the Office of the Children's Guardian regarding the need for an investigation, whether internal or external.
- f) Inform the Office of the Children's Guardian as to the outcome of the investigation and the actions taken by the College.

Who	What	When
Head of Entity (Principal)	Set up systems within their organisation to ensure that they are advised of any allegations of reportable conduct against employees.	At all times.
Head of Entity (Principal)	Notify the Office of the Children's Guardian regarding the allegation.	As soon as possible and no later than seven (7) days after being made aware of an allegation.
Head of Entity (Principal)	Notify the Office of the Children's Guardian whether or not the College plans to take disciplinary or other action in relation to an employee who is the subject of a reportable allegation or conviction, and the reasons for taking or not taking any such action as soon as practicable.	Once the Office of the Children's Guardian has been notified.
Head of Entity (Principal)	Provide the Office of the Children's Guardian with any documentary and other information as the Office of the Children's Guardian may from time to time request to assist in the Office of the Children's Guardian's monitoring of an investigation.	As requested by the Office of the Children's Guardian.
Head of Entity (Principal)	Liaise with the Office of the Children's Guardian regarding the need for an investigation, whether internal or external.	As requested by the Office of the Children's Guardian.
Head of Entity (Principal)	Inform the Office of the Children's Guardian as to the outcome of the investigation and the actions taken by the College.	At the conclusion of the investigation.

Investigation principles

The College will:

- a) Be mindful of the principles of procedural fairness.
- b) Inform the person subject of the allegation (PSOA) of the substance of any allegations made against them and provide them with a reasonable opportunity to respond to the allegations.
- c) Make reasonable enquiries or investigations before making a decision.
- d) Avoid conflicts of interest.
- e) Conduct the investigation without unjustifiable delay.
- f) Handle the matter as confidentially as possible.

- g) Provide appropriate support for all parties including the child/children, witnesses and the PSOA.

Who	What	When
The College/Investigator	Be mindful of the principles of procedural fairness.	At all times throughout the investigation.
The College/ Investigator	Inform the person subject of the allegation (PSOA) of the substance of any allegations made against them and provide them with a reasonable opportunity to respond to the allegations.	Before the investigation has begun.
The College/ Investigator	Make reasonable enquiries or investigations.	Before making a decision.
The College/ Investigator	Avoid conflicts of interest.	At all times throughout the investigation.
The College/ Investigator	Conduct the investigation without unjustifiable delay.	At all times throughout the investigation.
The College/ Investigator	Handle the matter as confidentially as possible.	At all times throughout the investigation.
The College/ Investigator	Provide appropriate support for all parties including the child/children, witnesses and the PSOA.	At all times throughout the investigation.

Investigation steps

In an investigation the Head of Entity or appointed investigator will generally:

- a) Interview relevant witnesses and gather relevant documentation.
- b) Provide a letter of allegation to the PSOA.
- c) Interview the PSOA.
- d) Consider relevant evidence and make a preliminary finding in accordance with the NSW Office of the Children's Guardian guidelines.
- e) Inform the PSOA of the preliminary finding and provide them with an opportunity to respond.
- f) Consider any response provided by the PSOA.
- g) Make a final finding in accordance with the NSW Office of the Children's Guardian Guidelines.
- h) Decide on the disciplinary action, if any, to be taken against the PSOA.
- i) Apply the NSW Office of the Children's Guardian (OCG) Guidelines and decide if the matter is reportable to the OCG.
- j) Send the final report to the Office of the Children's Guardian and report to the OCG (where required).

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

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

A PSOA may have an appropriate support person with them during the interview process. Such a person is there for support only and as a witness to the proceedings and not as an advocate or to take an active role.

Who	What	When
Head of Entity (Principal) or appointed investigator	Interview relevant witnesses and gather relevant documentation.	After becoming aware of an allegation.
Head of Entity (Principal) or appointed investigator	Provide a letter of allegation to the PSOA.	After initial interviews have taken place.
Head of Entity (Principal) or appointed investigator	Interview the PSOA.	After the letter of allegation has been sent.
Head of Entity (Principal) or appointed investigator	Consider relevant evidence and make a preliminary finding in accordance with the NSW Office of the Children's Guardian guidelines.	After the PSOA has been interviewed.
Head of Entity (Principal) or appointed investigator	Inform the PSOA of the preliminary finding and provide them with an opportunity to respond.	After the preliminary finding has been decided on.
Head of Entity (Principal) or appointed investigator	Consider any response provided by the PSOA.	After a response from the PSOA has been received.
Head of Entity (Principal) or appointed investigator	Make a final finding in accordance with the NSW Office of the Children's Guardian Guidelines.	After considering any response from the PSOA.
Head of Entity (Principal) or appointed investigator	Decide on the disciplinary action, if any, to be taken against the PSOA.	After making a final finding regarding the allegation.
Head of Entity (Principal) or appointed investigator	Apply the NSW Office of the Children's Guardian (OCG) Guidelines and decide if the matter is reportable to the OCG.	At the appropriate time after a final decision has been made and if deemed necessary.
Head of Entity (Principal) or appointed investigator	Send the final report to the Office of the Children's Guardian and report to the OCG (where required).	At the conclusion of an investigation.

Risk management

Risk management means identifying the potential for an incident or accident to occur and taking steps to reduce the likelihood or severity of its occurrence. The Head of Entity is responsible for risk management throughout the investigation and will assess risk at the beginning of the investigation, during and at the end of the investigation.

Initial risk assessment

One of the first steps following an allegation of reportable conduct against an employee is for the Head of Entity to conduct a risk assessment. The purpose of this initial risk assessment is to identify and minimise the risks to:

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

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

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

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

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

Ongoing Risk Management

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

Risk Management at the Conclusion of the Investigation

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

Who	What	When
Head of Entity (Principal)	Risk assess the investigation.	Before the investigation and at various stages throughout the investigation.

Head of Entity (Principal)	Risk assess the College.	Before the investigation and at various stages throughout the investigation.
Head of Entity (Principal)	Risk assess the PSOA.	Before the investigation and at various stages throughout the investigation.
Head of Entity (Principal)	Risk assess the alleged victim.	Before the investigation and at various stages throughout the investigation.

What information will be provided to the PSOA?

The PSOA will be advised:

- a) that an allegation has been made against them (at the appropriate time in the investigation); and
- b) of the substance of the allegation, or of any preliminary finding and the final finding.

The PSOA does not automatically have the right to:

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

The WWC Act enables a person who has a finding referred to the OCG under the Act to request access to the records held by the College in relation to the finding of misconduct involving children.

Disciplinary Action

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

In relation to any disciplinary action the College will:

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

Confidentiality

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

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

Records about allegations of reportable conduct against employees will be kept in a secure area and will be accessible by the Head of Entity or with the Head of Entity's express authority.



No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the Principal to do so.

If you become aware of a breach of confidentiality in relation to a reportable conduct allegation you must advise the Principal.

WWC Act

General

The Office of the Children's Guardian (OCG) is responsible for employment screening for child related employment. A Working With Children Check (Check) is a prerequisite for anyone in child-related work. Margaret Jurd College also requires a national criminal history check and a review of reported workplace misconduct findings.

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

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

If you are an existing employee, employed at this College in paid child-related work prior to the commencement of the new Working With Children system, or you are a volunteer, your requirement to obtain a Check will be phased in over a five year period, according to the phase in schedule developed by the OCG.

Responsibilities

The object of the WWC Act is to protect children:

- a) By not permitting certain persons to engage in child-related work.
- b) By requiring persons engaged in child-related work to have working with children check clearances.

Colleges are required to:

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

Child-related workers and eligible volunteers are required to:

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

Relevant Terms regarding WWCC

Bars

Final bar

This bar is applied based on a decision made by the OCG, following a risk assessment. This person is barred against working with children.

Interim bar

An interim bar is issued to high-risk individuals to prevent them from continuing to work with children while a risk assessment is conducted. An interim bar may be applied for up to twelve (12) months. If an interim bar remains in place for six (6) months or longer, it may be appealed against through the Administrative Decisions Tribunal.

Not everyone who is subject to a risk assessment will receive an interim bar; only those representing a serious and immediate risk to children. Interim bars are issued only for risks considered likely to result in a final bar.

Child-related work

Child-related work includes, but is not limited to work in the following sectors:

- a) Early education and childcare including education and care service, childcare centres and other childcare.
- b) Education Colleges and other educational institutions and private coaching or tuition of children.
- c) Religious services.
- d) Residential services including boarding Colleges, homestays more than three (3) weeks, residential services, and overnight camps.
- e) Transport services for children including College bus services, taxi services for children with disability and supervision of College road crossings.

Child-related worker

A person who has physical contact or face to face contact with children in work outlined above, including Colleges. This may include volunteer work.

A child-related worker may commence work once they have completed the Check application

process. An application is completed when the online application form is complete, and the worker’s identity has been proven at a Service NSW registry or Board of Directors Agency and the fee has been paid (if in paid work).

If you are unclear if your role is child-related you should speak with the Principal.

Disqualified person

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

A disqualified person is a person who has a bar preventing them from working with children in child-related work.

It is an offence for an employer to knowingly engage a child-related worker when they do not hold a WWCC or who has a bar or an interim bar.

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

Findings of misconduct involving children

The College will report to the OCG when a finding has been made that the person (an employee of the College) subject to the finding engaged in:

- a) sexual misconduct committed against, with or in the presence of a child, including grooming of a child; or
- b) any serious physical assault of a child.

The College will advise the person that the OCG has been notified of a finding of misconduct involving children.

The WWC Act enables a person who has a finding referred to the OCG under the Act to request access to the records held by the College in relation to the finding of misconduct involving children.

Who	What	When
The College	Verify online and record the status of each child-related worker’s WWCC in accordance with the College Induction Policy.	
The College	Only employ or engage child-related workers or eligible volunteers who have a valid WWCC.	
The College	Report findings of misconduct involving children made against child-related workers or volunteers.	

Child-related workers and eligible volunteers	Hold and maintain a valid WWCC.	
Child-related workers and eligible volunteers	Not engage in child-related work at any time that they are subjected to an interim bar or a bar.	
Child-related workers and eligible volunteers	Report to the Principal if they are no longer eligible for a WWCC, the status of their WWCC changes or are notified by the OCG that they are subjected to a risk assessment.	
The College	Report to the OCG.	When a finding has been made that the person (an employee of the College) subject to the finding engaged in sexual misconduct committed against, with or in the presence of a child, including grooming of a child.
The College	Report to the OCG.	When a finding has been made that the person (an employee of the College) subject to the finding engaged in any serious physical assault of a child.
The College	Advise the person that the OCG has been notified of a finding of misconduct involving children.	Once such advice to the OCG has been provided.

Reporting body

Independent Colleges which are members of the AISNSW are defined as a reporting body by the WWC Act.

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

Risk assessment

A risk assessment is an evaluation of an individual's suitability for child-related work.

The OCG will conduct a risk assessment on a person's suitability to work with children when a new record is received which triggers a risk assessment. This may include an offence under Schedule 1, pattern of behaviour or offences involving violence of sexual misconduct representing a risk to children, findings of misconduct involving children or notification made to OCG by the Office of the Children's Guardian.

Working With Children Check Clearance

A Working with Children Check (WWCC) means authorisation under the WWC Act to engage in child-related work. An employee will be issued with a number which is to be provided to the College to verify the status of an employee's Check.

Mandatory Reporters

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

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

Who is a mandatory reporter?

Under the Care and Protection Act persons who:

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

All teachers are mandatory reporters. Other College employees may also be mandatory reporters. If you are not sure whether you are a mandatory reporter you should speak to the Principal.

When must a report be made Community Services?

What is the threshold?

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

In addition, the College considers that a report should also be made to the Department of Communities and Justice where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare and wellbeing of the young person.

Reasonable grounds

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

- a) First-hand observations of the child, young person, or family.

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

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

Significant harm

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

- a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- b) 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,
- c) in the case of a child or young person who is required to attend College 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,
- d) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- e) 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,
- f) 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,
- g) the child was the subject of a pre-natal report under section 25 of the Care and Protection Act 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.

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

A Child is a person under the age of 16 years for the purposes of the Care and Protection Act.

What should you do if you consider that a mandatory report is required?

Reporting by the College about these matters to Department of Communities and Justice and, where necessary, the police, is generally undertaken by the staff member who has made the determination that the incident or discovery requires reporting. This report is made after consulting the Mandatory Reporters Guide (MRG) and making a decision. If unsure regarding the outcome of the MRG a consultation process must be undertaken between the mandatory reporter and the Wellbeing Coordinator and/or Principal. Once this process has been undertaken the mandatory reporter must notify **the Principal or their delegate regarding the reference number**

provided by the Department of Communities and Justice. This is in accordance with best practice principles and is the expectation of the College.

If you have a concern that a child or young person is at risk of significant harm you should contact **the Principal** as soon as possible to discuss whether the case reaches the threshold of 'risk of significant harm' and the steps required to report the matter.

However, if there is an immediate danger to the child or young person and the Principal or next most senior member of staff is not contactable you should speak to the police and/or the Child Protection Helpline directly and then advise the Principal or next most senior member of staff at the College as soon as possible.

Staff must not undertake any investigation of the matter themselves.

Staff are not to inform the parents or caregivers that a report to the Department of Communities and Justice has been made and must ensure the report is made confidentially.

What should you do if you have a concern that is below the mandatory reporting threshold?

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

Staff are required to deal with all reports regarding the safety, welfare, or wellbeing of a student with confidentially and only disclose it to the Principal and any other person the Principal nominates. Failure to do so will be a breach of this policy.

Who	What	When
A Mandatory Reporter	Consult the MRG regarding a report to be made to the Department of Communities and Justice.	As soon as practicable when they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm.
A Mandatory Reporter	Consult the MRG regarding a report to be made to the Department of Communities and Justice.	Where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare and wellbeing of the young person.
A Mandatory Reporter	Consult with the Principal of the College.	As soon as practicable when they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm.
A Mandatory Reporter	Consult with the Principal of the College.	Where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and

		there are current concerns about the safety, welfare and wellbeing of the young person.
A Mandatory Reporter	Inform the Principal of the College about a report.	As soon as practicable when they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm.
A Mandatory Reporter	Inform the Principal of the College about a report.	Where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare, and wellbeing of the young person.