

# CAMPBELLTOWN ANGLICAN SCHOOLS

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**BROUGHTON**  
ANGLICAN COLLEGE

*Life Through Christ*



ST PETER'S  
**Heart**

*Life Through Christ*



**ST PETER'S**  
ANGLICAN GRAMMAR

*Life Through Christ*

## **Child Protection Policy and Procedure**

CPo605

**CASC**

**Broughton Anglican College  
St Peter's Anglican Grammar  
St Peter's Heart  
Central Services**

## **1. Introduction**

Campbelltown Anglican Schools' Council develops and reviews policies necessary for the proper functioning, governing and operation of Campbelltown Anglican Schools to manage risk, provide strategic guidance, monitor strategic progress and operational performance and to satisfy its legal obligations (see *section 47*, NSW Education Act and the NESA Registration & Accreditation manual).

## **2. Policy Statement**

In maintaining CAS as a child-safe organisation, this policy outlines moral, legal and procedural obligations for staff as they protect children and young people from perceived or actual harm through prevention measures, timely response and accurate reporting.

This policy requires staff to recognise when students may be at risk and to know how to respond to what they observe.

This policy includes procedural steps for mandatory reporting.

## **3. Biblical Basis**

In alignment with the CAS Mission and Vision, students are given the opportunity to develop a relationship with God through the gospel of Jesus. CAS staff understand that all students are created in the image of God. Therefore, it is our responsibility to avidly protect children, providing a safe environment for them. We aim to nurture our students, enabling them to flourish as they develop into the men and women God intends them to be.

## **4. Expanded Policy**

CAS is committed to investigating all allegations promptly and fairly, complying with relevant legislation and educating staff in how to fulfill legislated obligations. In fact, as a Christian organisation, CAS aims to achieve a safer, more caring learning environment than what legislation alone can achieve.

Reportable conduct by staff towards students will not be tolerated. It causes serious pain and burden for the victim and the School and heavy consequences for the perpetrator.

CAS continually reviews and develops strategies to create a safe learning environment. Such strategies encompass areas such as:

- our duty of care, ensuring that reasonable steps are taken to prevent or mitigate harm to students,
- obligations under child protection legislation and
- obligations under work health and safety legislation.

This policy outlines staff responsibilities and processes for staff in relation to child protection matters. It applies to employees, contractors, volunteers and peripatetic staff.

#### 4.1 Annual Staff training

- 4.1.1 Central Services will coordinate training across CAS.
- 4.1.2 AIS will be engaged to provide training in an online format.
- 4.1.3 Principals and the Head of Central Services will ensure that all CAS staff and CASC members have completed Child Protection training during onboarding and annually thereafter.
- 4.1.4 An ongoing record of completion will be kept in TASS by Central Services. This record will be accessible to the Principals for follow-up.
- 4.1.5 Training will take place annually in either January or February.
- 4.1.6 Training will address most concepts outlined in this document but will not focus on the document itself. It includes practical information on professional boundaries and mandatory reporting.
- 4.1.7 Principals will ensure that CAS Staff are aware of this document and must follow these processes when acting on a child protection matter.

#### 4.2 Other requirements

- 4.2.1 The WWC Act protects children by requiring a worker to have a WWCC clearance or current application to engage in child-related work. Refer to the OCG website ([nsw.gov.au](http://nsw.gov.au)) for more information.
  - WWC for school staff - the Principal's office
  - WWC for CS and CASC - the Head of Central Services
- 4.2.2 Reports of reportable conduct are submitted to the Department of Communities and Justice (DCJ). Detailed in this document.

### 4.3 Types of child abuse

There are different types of child abuse as outlined in the table below.

Type of abuse	Description	Examples and notes
Neglect	the continued failure by a parent or carer to provide a child with the basic things needed for his or her proper growth and development	Provision of food, clothing, shelter, medical and dental care and adequate supervision
Sexual abuse	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.
Physical abuse	a non-accidental injury or pattern of injuries to a child caused by a parent, carer or any other person.	It includes injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation, bruising, lacerations, welts, burns, fractures or dislocation of joints.  Hitting a child around the head or neck, using a stick, belt or other object to punish a child is a crime.
Emotional abuse	can result in serious psychological harm, where the behaviour of their parent or carer 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 harm, in general, it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child.  This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

### 4.4 Working With Children Check Verifications

- 4.4.1 Applicants for paid positions must provide a paid worker's WWCC to the Principal or, where applicable, the Head of Central Services, for verification.
- 4.4.2 Volunteers must provide a volunteer's WWCC number, name and date of birth to the Principal or, where applicable, the Head of Central Services, for verification.
- 4.4.3 Peripatetic staff (tutors, coaches, therapists) must provide a paid worker's WWCC plus a current Certificate for Self Employed People or equivalent identification to enable the Principal to verify WWCC status.

4.4.4 A spreadsheet of verified WWCC (staff, volunteers and peripatetic staff) is maintained by the offices of the Principals and Central Services. Executive Assistants will:

- record the verification date of employee's WWCC.
- check WWCC due dates for verification in January and July of each year.
- While it is the employee's responsibility to maintain their WWCC, where practical, a courtesy reminder regarding expiry will be forwarded to the employee by the Executive Assistant.

4.4.5 Copies of the verification of the WWCC status of permanent or casual employees will be included in:

- the employee's file and
- the folder in the Principals' Executive Assistant Office.

4.4.6 Staff, volunteers and peripatetics must:

- not engage in *child-related work*\* when under an *interim bar* or a *bar*.
- report to the Principal any changes in their WWCC eligibility or they are subjected to an OGR risk assessment
- immediately notify the OCG of any change in personal circumstances.

\*Child-related work involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work. Examples include education workers, bus drivers, tutors, counsellors.

4.4.7 Student to student sexualised behaviour (Crimes Act 1900 (NSW))

- Problematic and/or harmful sexualised behaviours between students are to be reported in the same way as other mandatory reporting with investigations being the responsibility of the Principal.
- With reference to the Crimes Act 1900 (NSW), the Principal will determine whether the Police need to be contacted.
- Parents and guardians who are concerned about their own child's safety in relation to another student's sexualised behaviour should commence discussions with a teacher or member of the school leadership team.
- Parents and guardians may also use the Complaints and Grievance process.
- For OSHC, in addition to the CAS mandatory reporting process, the regulatory authority will be notified within 24 hours of any complaint alleging that a serious incident involving sexualised behaviour has occurred while the child was attending OSHC - especially where a sexual offence, ref Crimes Act 1900 (NSW), has been committed.

#### 4.5 Reporting to the OCG

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

4.5.2 The School is required to advise the OCG of the findings they have made after completing a reportable conduct investigation.

- A finding of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault must be referred to the OCG's WWCC Directorate.
- Where the details of a report meet the threshold for consideration of an interim WWCC bar, the OCG's WWCC Directorate may place a bar on the worker pending a formal risk assessment.
- The School may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act and the Children's Guardian Act.

#### 4.6 Mandatory Reporters

The Care and Protection Act provides for mandatory reporting of children at risk of significant harm. A child is a person under the age of 16 years and a young person is aged 16 years or above but who is under the age of 18, for the purposes of the Act.

Under the Care and Protection Act mandatory reporting applies to persons who:

- in the course of their employment, delivers services including health care, welfare, education, children's services and residential services, to children or
- 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, therefore, are clearly mandatory reporters. Other staff members would be considered mandatory reporters. Any queries about whether other staff members are mandatory reporters should be directed to the Principal.

#### 4.7 Reports to the Department of Communities and Justice

4.7.1 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 (DCJ) as soon as practicable.

- In the independent school sector, a mandatory reporter will meet their obligation if they report directly to the School's Principal.
- This ensures that all information relevant to the child at risk, including cumulative incidences, are available for the Principal's report.

4.7.2 The report must include the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

4.7.3 In addition, the Principal may choose to make a report to the DCJ 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 their safety, welfare and wellbeing.

#### 4.8 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:

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

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

#### 4.9 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<sup>\*</sup>, of any one or more of the following circumstances:

- basic physical or psychological needs are not being met or are at risk of not being met,
- the parents or other carers have not arranged and are unable or unwilling to arrange necessary medical care,
- the parents or other carers have not arranged and are unable or unwilling to arrange education in accordance with that Act,
- there is or has been physical or sexual abuse or ill-treatment,
- where incidents of domestic violence are present and, consequently, there is risk of serious physical or psychological harm.
- a parent or other carer has behaved in such a way that has caused or increased the risk of serious psychological harm to the child or young person.
- 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.

<sup>\*</sup>A *significant extent* is that which is sufficiently serious to warrant a response by a statutory authority, irrespective of a family's consent. The significance can result from a single act, omission or an accumulation of these. It is not trivial or irrelevant.

#### 4.10 Criteria for Reportable Conduct

The Children's Guardian Act 2019 requires Heads of non-government schools in New South Wales, to notify the OCG of:

- all allegations of reportable conduct and convictions involving an employee including reportable conduct and convictions:
  - investigated within the context of CAS
  - come to CAS attention but not related to their employment at CAS.
  - that are exposed after being employed by CAS.
- the outcome of the Principal’s investigation of these allegations.

Under the Act, allegations of child abuse are referred to as “reportable conduct” when the individual is employed (paid or unpaid) at the time when the allegation becomes known by the Principal.

Reportable conduct involves:

- a child (a person under the age of 18 years) at the time of the alleged incident, and
- conduct as described in the Act, namely:
  - a sexual offence
  - 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.

Reportable conduct does not extend to:

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any 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 or
- conduct of a class or kind exempted from being reportable conduct by the Children’s Guardian Act under section 30.

#### 4.11 Contextual definitions for Reportable Conduct

##### 4.11.1 Sexual offence

An offence of a \*sexual nature under a law, committed against, with or in the presence of a child, such as:

- sexual touching of a child
- a child \*\*grooming offence



- production, dissemination or possession of child abuse material.

\*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.

\*\*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 WWC Act, grooming is recognised as a form of sexual misconduct. The Children’s Guardian Act 2019 and this policy reflect these definitions within the context of the Reportable Conduct.

#### 4.11.2 Sexual misconduct

Conduct with, towards or in the presence of a child that is sexual in nature (but not a sexual offence). The Act provides the following (non-exhaustive) examples:

- descriptions of sexual acts without a legitimate reason to provide the descriptions,
- sexual comments, conversations or communications,
- comments to a child that express a desire to act in a sexual manner towards the child, or another child.

Note: Crossing professional boundaries comes within the scope of the definition of sexual misconduct. That is, conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).

#### 4.11.3 Assault

An assault can occur when a person intentionally or recklessly (i.e. 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 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 or gestures regardless of whether the person actually intends to apply any force.

#### 4.11.4 Head of Agency

- The person who is the chief executive officer, or who exercises the functions of chief executive officer.
- In the first instance, for expediency, this is the Principal. In the CASC model, it can also include the Executive Head.

#### 4.11.5 Ill-treatment

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
- using inappropriate forms of behaviour management.

#### 4.11.6 Neglect

A significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for a child that causes or is likely to cause harm by a person who has care and / or has responsibility towards a child.

Neglect can be an ongoing situation of repeated failure by a carer to meet a child's physical or psychological needs, or a single significant incident where a carer 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 include failing to protect a child from abuse and exposing a child to a harmful environment.

#### 4.11.7 Psychological harm

Behaviour that causes significant emotional harm or trauma to a child that is intentional or reckless (without reasonable excuse) and clearly unreasonable.

For a reportable allegation involving psychological harm, the following elements must be present:

- an obviously or very clearly unreasonable or serious act or series of acts that the employee knew or ought to have known was unacceptable and
- 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
- an alleged causal link between the employee's conduct and the significant emotional or psychological harm to the child.

#### 4.11.8 Reportable allegation

- An allegation that an employee has engaged in conduct that may be reportable conduct.

#### 4.11.9 Reportable conviction

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

#### 4.11.10 Employee of an agency

- an individual employed by, or in, the agency
- a volunteer providing services to children
- a contractor engaged directly by the agency (or by a third party) where the contractor holds, or is required to hold, a WWCC clearance for the purposes of their work with an agency and
- a person engaged by a religious body where that person holds, or is required to hold, a WWCC clearance for the purposes of their work with the religious body.

#### 4.11.11 ESOA

- Employee Subject Of the Allegation.

### 4.12 Process for Mandatory Reporting

#### 4.12.1 Staff

- CAS Staff are required to report all child protection as well as *child wellbeing concerns*\* to the Principal. If the staff member is unsure if the concern meets mandatory requirements, they should report it anyway.

*\*Child wellbeing concerns relate to the safety, welfare or wellbeing of a child or young person when the level of concern does not meet the mandatory reporting threshold, risk of significant harm.*

- If the Principal is not on site, staff should report child protection concerns to:
  - Deputy Principal, St Peter's Anglican Grammar & Heart
  - Deputy Principal Junior School, Broughton Anglican College or
  - Deputy Principal Senior School, Broughton Anglican College, or
  - School Counsellor,
- If the allegation involves the Principal, a report should be made directly to the Executive Head.
- If the allegation involved the Executive Head, a report should be made to the Chair of the CAS Council.
- Where there is an immediate danger to the child or young person and the Principal or the Deputy Principal are not contactable, the staff member should contact the Police and / or the Child Protection Helpline (13 21 11) directly then advise the Principal or a Deputy Principal as soon as possible.
- Staff must not undertake any investigations of reportable matters.
- Staff are not permitted to inform the parents or guardians that a report to the DCJ has been made.

Note: Staff must exercise confidentiality and only disclose information to those noted above. Failure to maintain confidentiality is in breach of this policy and may even attract civil proceedings for defamation.

#### 4.12.2 Parents, Carers and Community Members

- The CAS community are encouraged to report any conduct that is, in their view, inappropriate, reportable or criminal conduct to the Principal or delegate (see *Staff* above).
- All such reports will be dealt with in accordance with *CPo200 Complaints and Grievances Policy and Procedure*.

#### 4.12.3 Principals & Executive Head

- The Principal or when absent, a delegated staff member (see *Staff* above) will report to the DCJ and, where necessary, the Police.
- The Executive Head may report to the DCJ.
- The Principal must:
  - ensure systems are in place for preventing, detecting and responding to reportable matters
  - submit a [7-day notification form](#) to the OCG within 7 business days of receipt of a reportable allegation or reportable conviction (unless the Principal has a reasonable excuse).
- The notification should include the following information:
  - that a report has been received in relation to an employee of The School
  - the type of reportable conduct
  - the name of the employee
  - the name and contact details of the School and the Principal
  - for a reportable allegation, whether it has been reported to Police
  - if a report has been made to the Child Protection Helpline, that a report has been made
  - the nature of the relevant agency's initial risk assessment and risk management action.

#### 4.13 Process for Investigating an Allegation

The Principal is responsible for ensuring that the following steps are taken to investigate an allegation of reportable conduct.

##### 4.13.1 Initial notifications

Once an allegation of reportable conduct against an employee is received, the Principal will:

- determine whether it is an allegation of reportable conduct
- assess whether the DCJ or the Police need to be notified (i.e. if reasonable grounds to suspect that a child is at risk of significant harm or a potential criminal offence has been committed). If they have been notified, seek clearance from these statutory agencies prior to the School proceeding with the reportable conduct investigation.

- notify the child's parents or carers (unless to do so would be likely to compromise the investigation or any investigation by the DCJ or Police)
- notify the OCG within 7 business days of receiving the allegation
  - The notice must also include the following, if known to the Principal:
    - details of the reportable allegation or any conviction considered to be a reportable conviction
    - the date of birth and Working With Children number, if any, of the employee who is the subject of the allegation
    - the police report reference number (if Police were notified)
    - the report reference number if reported to the Child Protection Helpline
    - the names of other relevant entities that employ or engage the employee to provide a service to children, including as a volunteer or contractor (Example – As a youth group leader, a tutor, casual teacher etc)
- carry out a risk assessment and take action to reduce / remove risk, where appropriate
- provide an initial letter to the ESOA advising that an allegation of reportable conduct has been made against them and the School's responsibility to investigate this matter under Section 34 of the Children's Guardian Act 2019
- investigate the allegation or appoint someone to investigate the allegation.

#### 4.13.2 Investigation Principles

During the investigation of a reportable conduct allegation the School will:

- follow the principles of procedural fairness
- inform ESOA of the substance of any allegations made against them, at the appropriate time in the investigation and provide them with a reasonable opportunity to respond to the allegations
- make reasonable enquiries or investigations before making a decision
- avoid conflicts of interest
- conduct the investigation without unjustifiable delay
- handle the matter as confidentially as possible
- provide appropriate support for all parties including the child / children, witnesses and the ESOA.

#### 4.13.3 Investigation Steps

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

- interview relevant witnesses and gather relevant documentation
- provide a letter of allegation to the ESOA

- provide the ESOA with the opportunity to provide a response to the allegations either in writing or at Interview
- consider relevant evidence and make a preliminary finding in accordance with the OCG guidelines
- inform the ESOA of the preliminary finding in writing by the Head of Agency and provide them with a further opportunity to respond or make a further submission prior to the matter moving to final findings
- consider any response provided by the ESOA
- make a final finding in accordance with the OCG guidelines
- decide on the disciplinary action, if any, to be taken against the ESOA
- if it is completed, send the final report to the OCG within 30 days after having received the allegation, as per section 36 of the Children's Guardian Act 2019
- should the final report be unfinished within 30 days, the Head of Agency must provide, at minimum, an interim report to the OCG within 30 days of having received the allegation, as per section 38 of the Children's Guardian Act 2019.

#### 4.14 The interim Report

Submission of an interim report (when a final report has not been submitted in time) must include:

- a reason for not providing the final report within 30 days and an estimated time frame for completion of the report
- specific information, including (if known):
  - the facts and circumstances of the reportable allegation
  - any known information about a reportable conviction
  - action taken since the OCG received a notification about the reportable allegation or reportable conviction
  - further action the Principal proposes to take in relation to the reportable allegation or reportable conviction, including if the Principal proposes to take no further action
  - the reasons for the action taken and the action proposed to be taken or the reasons for the decision to take no further action
  - other information prescribed by the regulations
- be accompanied by copies of documents in the School's possession, including transcripts of interviews and copies of evidence.

The steps outlined above may need to be adapted to circumstances. For example, it may be necessary to take different steps where the matter is also being investigated by the DCJ or Police.

An ESOA 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.

#### 4.15 Managing Risk

Risk management involves identification of potential risks, determination of the likelihood and severity of risks and the application of controls to reduce the impact of the identified risks.

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

#### 4.15.1 Initial Risk Assessment

- Following an allegation, the Principal conducts an initial risk assessment to identify and minimise the risks to:
  - the child(ren) who are the subject of the allegation
  - other children with whom the employee may have contact
  - the ESOA
  - the School
  - the proper investigation of the allegation.
- The factors which will be considered during the risk assessment include:
  - the nature and seriousness of the allegations
  - the vulnerability of the child(ren) the ESOA has contact with at work
  - the nature of the position occupied by the ESOA
  - the level of supervision of the ESOA
  - the disciplinary history or safety of the ESOA and possible risks to the investigation.
- The Principal will take appropriate action to minimise risks. This *may* include the ESOA being:
  - temporarily relieved of some duties,
  - required not to have contact with certain students,
  - asked to take paid leave, or
  - suspended from duty.
- When taking action to address any risks identified, the School will take into consideration both the needs of the child(ren) and the ESOA.
- 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 indicative of the employee's conduct.
- The School may also be required to provide information to the OCG that is relevant to an assessment of whether a person poses a risk to the safety of children or the OCG's monitoring functions.

#### 4.15.2 Ongoing Risk Assessment

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

#### 4.16 Findings

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

#### 4.17 Information for the ESOA

- The ESOA will be advised:
  - that an allegation has been made against them (at the appropriate time in the investigation)
  - of the substance of the allegation, or of any preliminary finding and the final finding.
- The ESOA does not automatically have the right to:
  - know or have confirmed the identity of the person who made the allegation or
  - be shown the content of the OCG notification form or other investigation material that reveals information provided by other employees or witnesses.
- When informing an employee of a finding of reportable conduct against them, the School will also alert them that a report will be made to the WWCC Directorate in relation to the sustained findings.
- A person who has a sustained finding referred to the OCG may request access to the records held by the School in relation to the finding of misconduct involving children, once final findings are made. The entitlements of a person to request access to information in terms of section 46 of the WWC Act is enlivened when a finding of misconduct involving children has been made.

#### 4.18 Disciplinary Action

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

- In relation to any disciplinary action the School will give the ESOA:
  - details of the proposed disciplinary action
  - a reasonable opportunity to respond before a final decision is made.

#### 4.19 Confidentiality

- It is important when dealing with allegations of reportable conduct that the matter be dealt with confidentially.
- The School requires all parties to maintain confidentiality during the investigation and in relation to the handling and storing of documents.
- Records about allegations of reportable conduct against employees will be kept in a filing cabinet or cupboard in the Principal's Executive Assistant's Office and will be accessible by, or with the authority of, the Principal.



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

#### 4.20 Criminal Offences

- Updated offences (Crimes Act 1900) are designed to prevent child abuse and to bring abuse that has already occurred to the attention of the Police.
- Failure to Protect
  - An adult working in a school will commit an offence if they know another adult in the school:
    - poses as 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.
- Failure to Report 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 Principal and is aware that the Principal has reported the matter to the Police.
- Special Care Relationships (Crimes Act 1900 – NSW)
  - It is a crime in NSW for a staff member, volunteer or contractor to have a sexual relationship with a student where there is a special care relationship.
  - The Act provides that a young person is under an adult’s special care if the adult is a member of the teaching staff of the School at which the young person is a student or has an established personal relationship with the young person in connection with the provision of religious, sporting, musical or other instruction.
  - The Special Care (sexual intercourse) offence also protects children aged 16-17 years from inappropriate sexual contact with teachers and others who have special care of the child.

#### 5. Stakeholders

CASC, Staff, students, parents/guardians, volunteers and peripatetic staff.

#### 6. Communication Plan and Visibility

This policy will be available to staff on CAS Central and made publicly available on the CAS websites.

#### 7. Ownership and approval of policy

This policy is owned by CASC and approved by the Executive Head.

## 8. Evaluation and Review

This policy will be reviewed annually.

<b>Approving authority</b>	Executive Head
<b>Date reviewed</b>	16/09/24
<b>Version number</b>	V2.0
<b>Summary of changes</b>	New section added - <i>4.4.7 Student to student sexualised behaviour (Crimes Act 1900 (NSW))</i>
<b>Next review (Date)</b>	16/09/2025
<b>Document Advisor (Name and title)</b>	Peter Lee – Risk, Compliance and Quality Assurance Manager

## 9. Definitions

Definitions have been provided in context within the document.

## 10. Related documents

CAS

- 10.1 CPo101 Code of Conduct – Staff
- 10.2 CPo200 Complaints and Grievances Policy and Procedure
- 10.3 CPo401 WHS Policy (plus CPo4xx WHS suite of policies)
- 10.4 CPo600 Discipline Policy
- 10.5 CPo602 Anti Bullying Policy
- 10.6 CPo604 Child Protection Framework
- 10.7 CPo606 Student Welfare and Pastoral Care Policy
- 10.8 CPo607 Code of Conduct – Students
- 10.9 CPo801 Code of Conduct - Volunteers

Legislation and external references

- 10.10 Children and Young Persons (Care and Protection) Act [1998](#)
- 10.11 Child Protection (Working With Children) Act [2012](#)
- 10.12 Children’s Guardian Act [2019](#)
- 10.13 Crimes Act [1990](#)
- 10.14 NSW Dept. of Communities and Justice <https://www.dcj.nsw.gov.au>
- 10.15 The Office of the Children’s Guardian <https://www.kidsguardian.nsw.gov.au>
- 10.16 Dept. of Premier and Cabinet – Keep Them Safe [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au)

## 11. Appendices

Nil