

# Child Protection Policy

---

## **Rationale**

---

In line with the School's Vision Statement, Arden Anglican School is committed to ensuring the safety and welfare of all its students and staff.

The purpose of this Child Protection Policy is to strengthen this resolve and ensure that procedures are established to allow the School to fulfil its moral and legal obligations to protect children and young people from abuse and / or neglect.

Children and young people are our nation's most precious resource and every attempt must be made to ensure that they are given the greatest possible opportunity to achieve their potential and become productive, well balanced adults.

Schools, along with families, play the most pivotal role in ensuring this is achieved and it is intended that this Child Protection Policy contributes strongly towards this goal.

---

Jesus said, "Let the children come to me and do not stop them,  
for the kingdom of God belongs to such as these."

**Luke 18:16**

---

---

## o Introduction

---

Under Child Protection Legislation, it is the role of Arden Anglican School to protect children and young people from risk of harm and to promote and safeguard the safety, welfare and well being of children and young people. The Principal, his nominees, teachers and other staff who have direct involvement with the supervision of children, are required to notify reportable allegations of suspected risk of harm from abuse and / or neglect to the Department of Community Services.

It is also the role of Arden Anglican School to provide appropriate preventative programs that aim to protect children and young people from abuse and neglect, assist them to seek help effectively and to develop skills for positive, non-coercive relationships.

### **Responsibilities**

#### As a School

- protecting children and young people in their care from risk of harm
- informing students that they have a right to be protected from abuse and / or neglect and the avenues of support available to them
- educating children and young people in pre-school and school about child abuse and neglect.

#### As employers

- ensuring that staff are aware of their legal obligations to report suspected risk of harm and procedures for reporting
- ensuring that the staff are aware of the indicators of reportable conduct and neglect
- providing training and development for staff in the recognition and reporting of suspected risk of harm and professional standards for teacher/student relationships
- implementing relevant curricula
- conducting the Working With Children Check
- reporting to the Ombudsman any child abuse allegations and convictions made against an employee, and ensuring that the allegations and convictions are investigated and appropriate action taken in relation to the finding.

#### As interagency partners

- working with other agencies within agreed, co-ordinated procedures, to plan and provide services for the care and protection of children and young people, and to strengthen and support the family
- liaising with the Department of Community Services about requests for services
- exchanging relevant information to progress investigations, assessments and case management as permitted by law



---

## o **Background Information**

---

In response to the findings of the Wood Royal Commission (1997), the Government reviewed its legislation relating to the protection and welfare of children. This has heightened the emphasis on the mandatory reporting of child abuse and / or neglect and the obligations of adults working with children. The legislation involved includes;

- Children and Young Persons (Care and Protection) Act 1998
- Ombudsman Amendment (Child Protection and Community Service) Act 1998
- Child Protection (Prohibited Employment) Act 1998
- Commission for Children and Young People Act 1998

The three central components to this legislation are;

- To strengthen provisions requiring those people in charge of children to report instances of actual or suspected child abuse and / or neglect
- To ensure Heads of Agencies report allegations of abuse made against employees
- To ensure appropriate people are given employment opportunities involving children

The Arden Anglican School Child Protection Policy sets out the procedures to be followed within the School to enable teachers to fulfil their moral and legal obligations.

## School Procedures

### Reporting of current or anticipated risk of harm

#### 1. Mandatory Reporting of Child Abuse and / or Neglect to DoCS

##### a. Mandatory Reporting

The Children and Young Persons (Care and Protection) Act 1998 (the Act) is being progressively proclaimed and the relevant regulations are also being progressively commenced. From 18 December 2000, the provision of the Act, with respect to the notification of child abuse and / or neglect to DoCS, will replace those of The Children (Care and Protection) Act 1987.

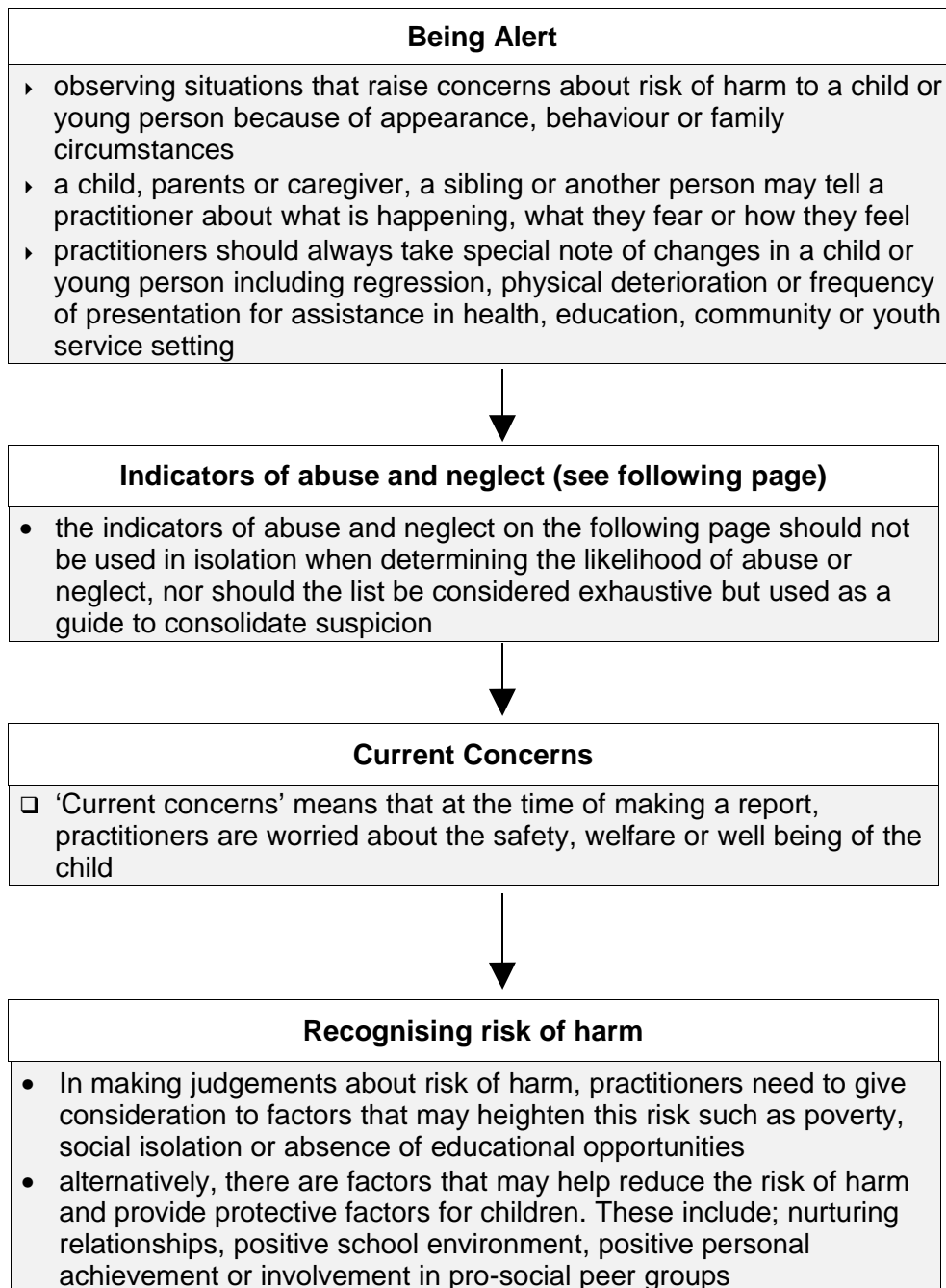
In the Act the concept of 'notification' to DoCS has been replaced by that of 'reporting' current or anticipated *risk of harm*. This has resulted in a widening of the circumstances that require reporting to include all forms of child abuse and / or neglect and a focus on the risk or possibility of harm occurring to the child as well as any harm that has actually occurred.

A child or young person is at risk of harm if current concerns exist for the safety, welfare and well being of the child or young person because of the presence of one or more of the following circumstances:

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

## b. Indicators of abuse and / or neglect

It is helpful for everyone whose work brings them into contact with children, young people and families to be aware of the indicators of abuse and neglect. **Recognising these indicators is about forming a reasonable concern or well founded suspicion that there is a risk of harm from abuse and / or neglect, which is current or likely to occur.** Having recognised the indicators of risk of harm from abuse and neglect, action should be taken to protect the child or young person and assist the family by making a report.





## 2. Mandatory Notifiers

According to the Children and Young Persons (Care and Protection) Act 1998, reporting for children under the age of 16 is mandatory for certain groups of employees and managers including:

- A person who, in the course of his or her professional work or other paid employment, delivers....education, wholly or partly to children.
- 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....education, wholly or partly to children.

Staff and managers are only mandated to report if the concerns arise in the course of their work. It is a personal choice to report concerns that arise in a person's private life.

**Under the Act mandated reporters are only required by law  
to report risk of harm to children  
under 16 years of age**



### 3. Reporting Procedure

( Refer to Flow Chart under '*Notification Steps*', for diagrammatic representation of steps to be taken)

The following are the 'basic steps' involved in a reporting of suspected child abuse and / or neglect;

1 a.  
The staff member suspects current or anticipated risk of harm

OR

b. The staff member receives a disclosure (eg concern expressed by child) in which a child

claims to have been abused or a child / adult reports abuse of another child.

It is mandatory that the staff member only discusses the report to a level that establishes whether abuse may possibly have occurred, without investigating in detail. **Members of staff are not to investigate allegations or suspicions of abuse and it is an offence to do so.**

2. At this stage the staff member must immediately inform the Principal, or in his absence, one of his nominees;

- Deputy Principal - Secondary
- Deputy Principal - Primary
- Infants' Coordinator,

of their concern/s.

The staff member is only required to report any allegations or evidence of abuse to the Principal or nominee. Discussion with others should be avoided, or limited to those in the privileged communication path. Failure to comply with this standard will be deemed a breach of policy and will result in the staff member not being protected under the law from possible civil proceedings from defamation.

3. a. Where the Principal, or nominee, feels that reasonable grounds exist to suspect that abuse has occurred, he notifies DoCS both orally and in writing using the appropriate form in this policy - *Notification of Child Abuse and / or Neglect*.

**It is the responsibility of the Principal to keep the staff member informed at all stages of the investigative process.**

b. If the Principal, or nominee, believe that risk of harm does not exist and, as a result a report is not going to be made by the Principal or his nominee, the staff member as the original notifier has an obligation under law to notify DoCS if he / she believes there is still current or anticipated risk of harm.

4. Staff members are to confer with the Principal before responding to a request from DoCS or any other agency to attend an interview with a child who is suspected as being at risk of harm. The appropriateness of attendance needs to be determined before a decision is made



### **Support for the Child at the time of Notification**

Students generally disclose with a great deal of hesitation and often with a feeling of fear or guilt. For this reason it is important to remain calm and supportive, and avoid showing either verbally or non verbally, any feelings that may make the student regret having disclosed.

A major aspect of any worthwhile Child Protection Policy is that it supports children and young people when it is believed that a child is, or may be, at risk of harm.

It is essential in supporting a child that the following principles apply;

- ✓ the child must be made aware that their disclosure CAN NOT remain confidential
- ✓ the staff member must reassure the child that they have acted appropriately by disclosing
- ✓ the staff member must maintain a warm, supportive relationship whilst at the same time modelling an appropriate adult / child relationship
- ✓ the staff member should try to maintain 'normality' for the student by providing a consistent, predictable routine



#### **4. Safeguards for reporters**

Any person who makes a report is afforded the following protection by law if they make a report in good faith:

- The report shall not be held to be a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct
- No liability for defamation can be incurred because of the making of a report
- The report or its contents is not admissible in any proceedings as evidence against the person who made the report
- A person can not be compelled by a court to provide the report or give evidence as to its contents

These protections may be overridden on rare occasions where information about the report is crucial to court proceedings.

If as a result of making a report to DoCS, a person is threatened or fears personal violence, this should be referred to the police, who may apply for and pursue on their behalf, an apprehended violence order.

**No agency may disclose to a parent, alleged perpetrator, employer or other person the identity of a person who makes a report, to the agency or to DoCS.**

## o **School Procedures**

### ii. **investigations of child abuse allegations against employees**

#### 1. **Legislative Requirements**

The Ombudsman Amendment (Child Protection and Community Services) Act 1998 commenced on 7<sup>th</sup> May, 1999 extending the jurisdiction of the Ombudsman to include child protection. This amendment gave the Ombudsman responsibility for overseeing investigations of child abuse against employees of designated agencies.

**Heads of these agencies (Principal) must report to the Ombudsman, within 30 days of becoming aware, any allegations or convictions of child abuse made against employees, whether or not there is any supporting evidence that the abuse has taken place. The Principal is required to conduct investigations into child abuse allegations or convictions and to take appropriate action as a result. The Principal may delegate responsibility for reporting and conducting investigations to other officers, but he must ensure that the report is made and/or the investigation is conducted.**

As a result of the amendment, there are two types of 'investigation' in the context of child protection:

- Those conducted by DoCS and/or the police arising from a report that a child or young person is at risk of harm; and
- Those conducted by an employer arising from an allegation that the employee has abused a child.

**For an allegation to be notified to the Ombudsman, the following components are necessary:**

- The person who is the subject of the allegation must be a current employee of Arden or have been an employee at the time of the alleged conduct and must be identifiable.
- The allegation must contain a description of behaviour that may constitute child abuse.
- The alleged victim must have been aged under 18 years at the time of the alleged offence or behaviour.

#### 2. **Notification**

When the Principal is made aware of an allegation against an employee, he will complete the relevant information on pages 31 to 43 of the NSW Ombudsman manual;

CHILD PROTECTION: Your New Responsibilities

If an allegation is made against the Principal the ensuing investigation will be undertaken by the Chairman of Council or a person delegated by him.

### **3. The Investigation**

The Principal is responsible for assessing the risk an employee poses to a child once an allegation of child abuse is made and for making a final decision regarding the employee. Where an investigation is being undertaken by other agencies every effort will be taken to avoid duplication or contamination of evidence.

At Arden the investigation process will involve five stages:

1. An allegation is received and a decision is made about the nature and level of response and action required, including whether the matter should be referred to DoCS
2. An investigation is carried out, and finds that either the evidence warrants taking necessary disciplinary action or not
3. Procedural fairness will be afforded to the person who is the subject of the allegation
  - Inform the person who is the subject of allegations of the substance of any allegations made against them and grounds for proposed adverse comments
  - Take necessary steps to protect the notifier at all times
  - Provide the person with a reasonable opportunity to put their case, either in writing, at a hearing or otherwise
  - Advise the person that they are entitled to a support person and that the Principal is to be made aware of who that person is prior to the hearing
  - Hear all parties to a matter and consider submissions
  - Make reasonable inquiries or investigations before making a decision
  - Ensure that no person decides a case in relation to which they have a conflict of interest
  - Act fairly and without bias, and
  - Conduct the investigation without undue delay.
4. A final decision is made about what action will be taken as a result of the investigation and what other action may be required as a result of issues raised during the investigation, and
5. Disciplinary or other management action is taken where necessary and appropriate.

The Principal will ensure that reasons for all decisions are documented, whether this is to leave the person subject to investigation in their current role, transfer them to another position, stand them down pending the outcome of the investigation, or some other action.

### **4. After the Investigation**

At the conclusion of the investigation of a child abuse allegation or conviction, the Principal could come to several possible conclusions:

- Dismissal of the allegation
- Referral to an external agency for further investigation, prosecution or other appropriate action
- Disciplinary or other management action by the School which may involve penalty or dismissal, with completed relevant disciplinary proceeding being reported to the Commissioner for Children and Young People
- Development or review of relevant policies and procedures



**ARDEN ANGLICAN SCHOOL**

**Mandatory Reporting of Risk of Harm**

*This form is to be completed and given to the Principal, or nominee, immediately upon becoming aware of current or anticipated risk of harm to a student.*

Student's full name: \_\_\_\_\_

Class: \_\_\_\_\_

Full name of Staff member making report:  
\_\_\_\_\_

**INITIAL REPORTING PROCESS**

State below Current or Anticipated Risk of Harm Concerns

Date: \_\_\_\_\_ Case number:  
\_\_\_\_\_

Name of DoCS Officer:  
\_\_\_\_\_

**POST NOTIFICATION INTERVIEW IF NECESSARY**

Date: \_\_\_\_\_ Time:  
\_\_\_\_\_

Name of DoCS Officers:  
\_\_\_\_\_

Name of others present: \_\_\_\_\_

Interview location:  
\_\_\_\_\_

Notes:



# Notification Steps

