Loreto Normanhurst

CHILD PROTECTION POLICY

RATIONALE

In the spirit of the Gospel and in accordance with the values that Loreto schools place on the pastoral care of students, Loreto Normanhurst is committed to safeguarding the security and total wellbeing of its students. Loreto Normanhurst believes that children have the right to develop physically, mentally, spiritually and socially in a safe environment, free from any form of abuse. Their welfare and interests are to be given paramount consideration.

SCOPE

This Policy applies to all staff members, including all workers engaged under contract, and volunteers.

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

RELATED LEGISLATION

- Children and Young Persons (Care and Protection) *Act 1998 ("Care and Protection Act")*
- Child Protection (Working With Children) Act 2012 *("WWC Act")*
- Children's Guardian Act 2019 (Children's Guardian Act)
- Crimes Act 1900 ("Crimes Act")

RELATED POLICIES, GUIDELINES & PROCEDURES

There are a number of other School policies and documents that relate to child protection that staff members must be aware of and understand, including (but not limited to):

- Staff Code of Conduct
- Staff Guidelines for Child Protection in Boarding
- Complaints Policy
- Student Anti-Bullying Policy and Guidelines & Safe School Practices
- Staff Guidelines for Child Protection in Boarding
- Volunteers Code of Conduct.

PRINCIPLES

This Policy outlines the obligations imposed by Child Protection legislation on the School and on all staff members - employees, contractors and volunteers - at Loreto Normanhurst and provides guidelines as to how the School will deal with certain matters.

COMPLIANCE AND RECORDS

The Principal, or her delegate, monitors compliance with this Policy and securely maintains school records relevant to this Policy, which includes:

- Register of staff members who have read and acknowledged that they read and understood this Policy
- Working With Children Check (WWCC) clearance verifications
- Mandatory reports to the Department of Communities and Justice (DCJ), previously known as Family and Community Services (FACS), and
- Reports of reportable conduct allegations, the outcome of reportable conduct investigations, and/or criminal convictions.

A staff member who becomes aware of a possible breach of this document or legislation by another staff member must report this to their manager or the Deputy Principal. Failure to do so may result in disciplinary action.

RESPONSIBILITIES

The safety, protection and welfare of students is the responsibility of all staff members and encompasses:

- A duty of care to ensure that reasonable steps are taken to prevent harm to students which could reasonably have been foreseen
- Obligations under child protection legislation.

This Policy sets out staff responsibilities for child protection and processes that staff members at Loreto Normanhurst must follow in relation to child protection matters.

Key legislation requires reporting of particular child protection concerns. As part of the School's overall commitment to child protection, however, all staff members are required to report any child protection issues, especially reportable conduct matters, to the Principal and any concerns about the safety, welfare or wellbeing of a child or young person to the Director of Pastoral Care.

If the allegation involves the Principal, a report should be made to the Chair of the School Board.
Any suspected serious child abuse offence that has not arisen in an employment context must be reported by staff members directly to the Police.

TRAINING

The School provides all staff members with a copy of this Policy and will provide all staff with an opportunity to participate in child protection training annually and updates throughout the year as appropriate. This compliance requirement is included within our annual Staff Professional Learning Program.

All staff members must participate in annual child protection training and additional training as directed by the Principal. The training compliments this Policy and provides information to staff about their legal responsibilities related to child protection and school expectations, including:

- Mandatory reporting
- Reportable conduct
- Working with children check, and
- Professional boundaries.

Prior to commencement, all new staff members must read this Policy and, as part of their induction process, sign the acknowledgement that they have read and understood the Policy.

WORKING WITH CHILDREN

The WWC Act protects children by requiring a worker to have a Working with Children Check (WWCC) clearance or current application to engage in child related work. Failure to do so may result in a fine or imprisonment.

The Office of the Children's Guardian (OCG) is responsible for determining applications for a WWCC clearance. It involves a national criminal history check and review of reported workplace misconduct findings. The result is either to:

- Grant a WWCC clearance (generally valid for 5 years)
- Refuse a WWCC clearance (further applications cannot be made for 5 years)

In addition, the OCG may impose an interim bar on engaging in child related work for both applicants and WWCC clearance holders. WWCC clearance holders are subject to ongoing monitoring by the OCG.

Responsibilities for working with children checks (WWCC)
Loreto Normanhurst is required to:
- Verify online and record the status of each child-related worker's check
- Only employ or engage child-related workers or eligible volunteers who have a valid check, and
- Report sustained findings of serious physical assault or sexual misconduct findings involving children made against child-related workers or volunteers to the OCG.

It is an offence for an employer to knowingly engage a child-related worker when they do not hold a WWCC clearance or who has a bar; it is also an offence for the staff member.

All staff members who engage in child-related work, including external providers and volunteers, are required to:
- Have and maintain a valid WWCC clearance
- Not engage in child-related work at any time that they are subjected to an interim bar or a bar
- Report to the Principal if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or are notified by the OCG that they are subjected to a risk assessment, and
- Notify the OCG of any change to their personal details within 3 months of the change occurring. Failure to do so may result in a fine.

Volunteers are also required to:
- Be aware and follow the expectations of conduct expressed in the School's Staff Code of Conduct
- Complete and comply with the Volunteers Confidentiality Agreement.

WWCC Clearances
A WWCC application or renewal can be made through the OCG. The process for applying for and renewing a WWCC clearance involves a national police check and a review of findings of misconduct. If the OCG grants or renews a WWCC clearance the holder will be issued with a number which is to be provided to the School to verify the status of a staff member's WWCC clearance.

The OCG can refuse to grant a WWCC clearance or cancel a WWCC clearance. The person is then restricted from engaging in child-related work and not able to apply for another clearance for five years. Employers are notified by the OCG and instructed to remove such persons from child-related work.

The OCG may issue an interim bar, for up to 12 months, to high risk individuals to prevent them from engaging in child-related work while a risk assessment is conducted. If an interim bar remains in place for six months or longer, it may be appealed to 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.

A disqualified person is a person who has been convicted, or against whom proceedings have been commenced for a disqualifying offence. A disqualified person cannot be granted a WWCC clearance and is therefore restricted from engaging in child related work.

Risk Assessments

The OCG will continue to monitor criminal records and professional conduct findings of all WWCC clearance holders through a risk assessment process.

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 or sexual misconduct representing a risk to children and findings of misconduct involving children.

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

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.

A Finding of misconduct involving children
The School will report any finding of reportable conduct to the OCG. When informing a staff member of a finding of reportable conduct against them, the School should alert them to the consequent report to the WWCC Directorate in relation to sustained findings of sexual misconduct, a sexual offence or a serious physical assault.

The WWC Act enables a person who has a sustained finding referred to the OCG to request access to the records held by 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.

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

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

Under the Care and Protection Act mandatory reporting applies to persons who:
- In the course of their employment, deliver 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.

This means that all teachers, coaches, tutors and other teaching support staff are mandatory reporters. Other staff members working at Loreto Normanhurst may also be mandatory reporters. Queries about who is a mandatory reporter should be directed to the Principal.

Reports to Communities and Justice
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. 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.

In addition, Loreto Normanhurst may choose to make a report to 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 the safety, welfare and well-being of the young person.

At Loreto Normanhurst, the mandatory reporter will meet their obligation if they report to the Principal in the School. This centralised reporting model ensures that a person in the School has all information that may be relevant to the circumstances of the child at risk of significant harm and addresses the risk of the school not being aware of individual incidences that amount to cumulative harm.

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 or another person has disclosed
- What can reasonably be inferred based on professional training and / or experience.

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

Significant harm
A child or young person is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:
- The child's or young person's basic physical or psychological needs are not being met or are at risk of not being met
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care
- In the case of a child or young person who is required to attend school in accordance with the Education Act 1990 —the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act
- The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated
- The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm
- A parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm
- The child was the subject of a pre-natal report under section 25 of the 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.

What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing. The significance can result from a single act or omission or an accumulation of these.

Process for mandatory reporting
Staff members

Staff members must raise concerns about a child or young person who may be at risk of significant harm with the Director of Pastoral Care as soon as possible to discuss whether the matter meets the threshold of 'risk of significant harm' and the steps required to report the matter. The Mandatory Reporter Guide (MRG) should be used to determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child or young person.

However, if there is an immediate danger to the child or young person and the Principal, Deputy Principal or Director of Pastoral Care is not contactable, staff members should contact the Police and/or the Child Protection Helpline (13 21 11) directly and then advise the Principal or next most senior member of staff at the School as soon as possible.

Staff members are not required to, and must not, undertake any investigation of the matter. Staff members are not permitted to inform the parents or caregivers that a report to DCJ has been made.

Staff members are required to deal with the matter confidentially and only disclose it to the persons referred to above or as required to comply with mandatory reporting obligations. Failure to maintain confidentiality will not only be a breach of this Policy and the employment contract, but could incite potential civil proceedings for defamation.

The School
The Principal, or her delegate, will report these matters to DCJ and, where necessary, the police**.**

Process for reporting concerns about students
Staff members
The Care and Protection Act outlines a mandatory reporter's obligation to report to DCJ concerns about risk of significant harm. However, to ensure centralised reporting all staff members are required to report any concern regarding the safety, welfare and wellbeing of a student to the Director of Pastoral Care or Director of Boarding.

Staff members who are unsure as to whether a matter meets the threshold of 'risk of significant harm' should report their concern to the Director of Pastoral Care or Director of Boarding above regardless.

Staff members are required to deal with all reports regarding the safety, welfare or wellbeing of a student with confidentiality and only disclose it to the Directors indicated.

REPORTABLE CONDUCT
The Children's Guardian Act requires the Heads of Entities, including NSW non-government schools, to notify the OCG of all allegations of reportable conduct and convictions involving a staff member and the outcome of the School's investigation of these allegations. Under the Act, allegations of child abuse only fall within the reportable conduct jurisdiction if the involved person is a staff member of the School at the time when the allegation becomes known by the Head of Entity.

Reportable conduct involves:
- A child (a person under the age of 18 years) at the time of the alleged incident, and
- Certain defined conduct as described in the Act (see below).

The OCG:

- Must keep under scrutiny the systems for preventing reportable conduct by staff members of non-government schools and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions
- Must receive and assess notifications from non-government schools concerning reportable conduct or reportable convictions
- Is required to oversee or monitor the conduct of investigations by non-government schools into allegations of reportable conduct or reportable convictions
- 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
- May directly investigate an allegation of reportable conduct or reportable conviction against a staff member of a non-government school, or the handling of or response to such a matter (e.g. arising out of complaints by the person who is the subject of an allegation), and
- May investigate the way in which a relevant entity has dealt with, or is dealing with, a report, complaint or notification, if the OCG considers it appropriate to do so.

Reportable Conduct definitions

Under the Children's Guardian Act *reportable conduct* is defined as:
- 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, 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, but only if the matter is 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 Children's Guardian Act.

Definitions

The following definitions relate to reportable conduct:

Sexual offence: an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child, such as:
- Sexual touching of a child
- A child grooming offence
- Production, dissemination or possession of child abuse material.

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 if the 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 and this Child

Protection Policy reflect these definitions within the context of the Reportable Conduct Scheme (Division 2).

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.

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 scheme to the extent that the alleged conduct meets the definition of sexual misconduct. That is, the conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).

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 (actual physical force) or
- Causes a child to apprehend the immediate and unlawful use of physical force against them – such as threatening to physically harm a child through words and/or gestures regardless of whether the person actually intends to apply any force (apprehension of physical force).

Ill-treatment: is defined as conduct towards a child that is:

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

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

Neglect: defined as 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 caregiver to meet a child's physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child where there is the potential for significant harm to a child. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.

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

For 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 staff member 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 staff member's conduct and the significant emotional or psychological harm to the child.

Reportable allegation is an allegation that a staff member has engaged in conduct that may be reportable conduct.

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.

PSOA - Person Subject Of the Allegation.

Process for reporting of reportable conduct allegations or convictions
Staff members
Any concerns about any other staff member engaging in conduct that is considered inappropriate, or reportable conduct, or any allegation of inappropriate or reportable conduct made to the staff member or about the staff member themselves must be reported to the Principal. Where it is uncertain if the conduct is reportable conduct but is considered inappropriate behaviour, this must also be reported.

Staff members must also report to the Principal when they become aware that another person has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct. This includes information relating to the staff member themselves. If the allegation involves the Principal, the staff member must report to the Chair of the School Board.

Parents, carers and community members
Parents, carers and other Loreto Normanhurst community members are encouraged to report any conduct that is in their view inappropriate, reportable or criminal conduct to The Principal. All such reports will be dealt with in accordance with the School's Complaints Policy.

The School
The Principal, as the Head of Entity under the Children's Guardian Act, must:
- Ensure specified systems are in place for preventing, detecting and responding to reportable allegations or convictions
- Submit a 7-day notification form to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against a staff member of the entity (unless the Head of the Entity has a reasonable excuse). The notification should include the following information:
  - that a report has been received in relation to a staff member of the School, and
  - the type of reportable conduct, and
  - the name of the staff member, and
  - the name and contact details of School and the Head of Entity, and
  - for a reportable allegation, whether it has been reported to Police, and
  - if a report has been made to the Child Protection Helpline, that a report has been made, and
  - the nature of the relevant entity's initial risk assessment and risk management action.

The notice must also include the following, if known to the Head of Entity:
  - details of the reportable allegation or conviction considered to be a reportable conviction
  - the date of birth and WWC number, if any, of the staff member the subject of the report
  - 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 staff member, whether or not directly, to provide a service to children, including as a volunteer or contractor.

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

Initial steps
Once an allegation of reportable conduct against a staff member is received, the Principal is required to:

- 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). 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 (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
- Carry out a risk assessment and take action to reduce/remove risk, where appropriate
- Provide an initial letter to the PSOA 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, and
- Investigate the allegation or appoint someone to investigate the allegation.

Investigation principles

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

- Follow the principles of procedural fairness
- Inform PSOA 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, and
- Provide appropriate support for all parties including the child/children, witnesses and the PSOA.

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 PSOA
- Provide the PSOA 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 PSOA of the preliminary finding in writing by the Head of Entity 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 PSOA
- Make a final finding in accordance with the OCG guidelines
- Decide on the disciplinary action, if any, to be taken against the PSOA
- 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
- Should the final report be unfinished within 30 days, the Head of Entity 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. Submission of an interim report 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 Head of Entity proposes to take in relation to the reportable allegation or reportable conviction, including if the Head of Entity 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, and
- 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 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 DCJ or 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.

Risk Management

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

Initial risk assessment

Following an allegation of reportable conduct against a staff member, 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 staff member may have contact
- The PSOA
- The School, and
- The proper investigation of the allegation.

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

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

The Principal 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, being asked to take paid leave, or being 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 PSOA.

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 a staff member being suspended, is not to be considered to be an indication that the alleged conduct by the staff member did occur.

Ongoing risk assessment

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

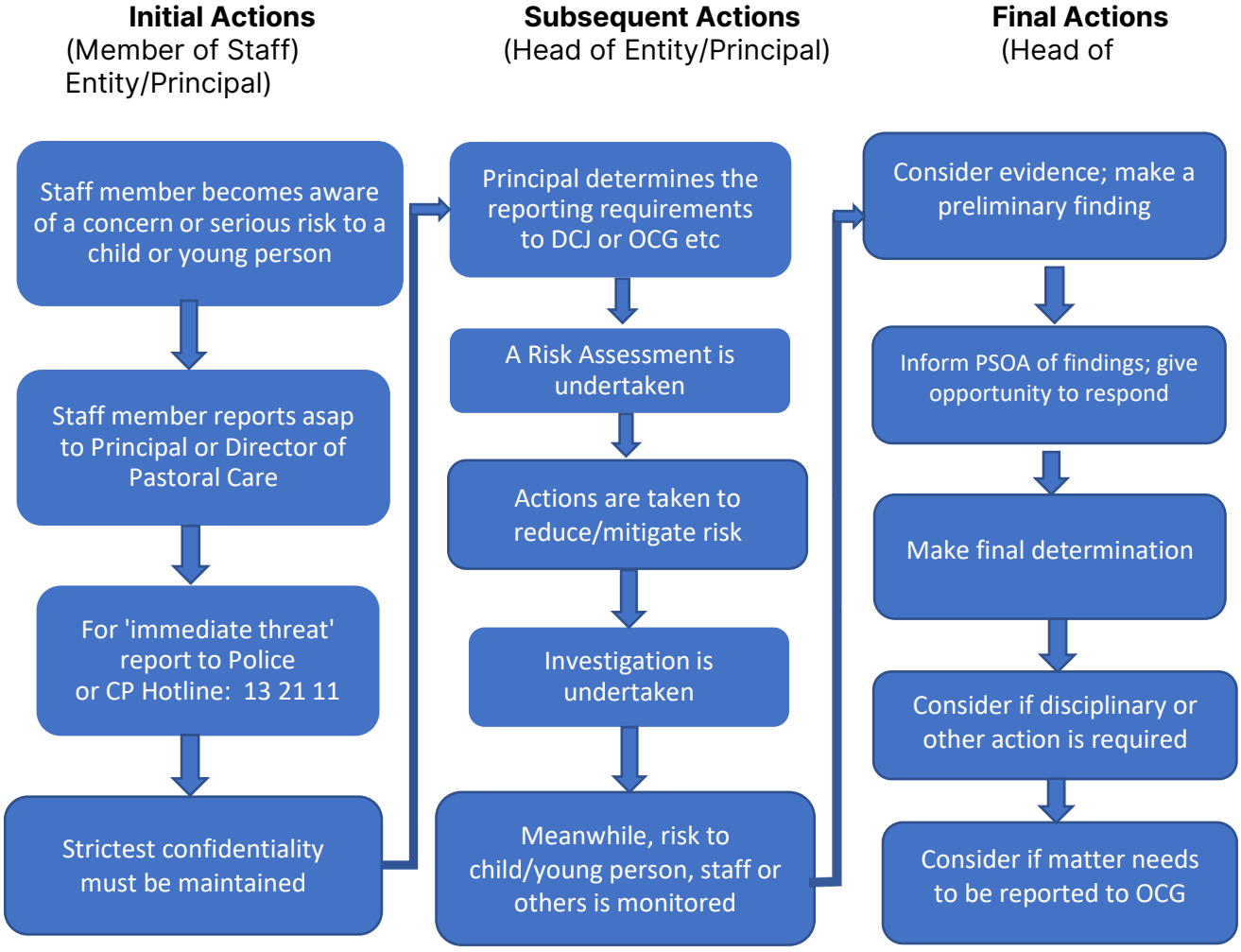
Findings
At the completion of the investigation, a finding will be made in relation to the allegation and a decision made by the Principal regarding what action, if any, is required in relation to the PSOA, the child(ren) involved and any other parties.

Information for the PSOA
The PSOA will be advised:
- That an allegation has been made against them (at the appropriate time in the investigation), and
- Of the substance of the allegation, or of any preliminary finding and the final finding.

The PSOA 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 staff members or witnesses.

The WWC Act enables a person who has a sustained finding referred to the OCG to 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.

FLOWCHART OF CHILD PROTECTION PROCEDURE



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

In relation to any disciplinary action the School will give the PSOA:
- Details of the proposed disciplinary action, and
- 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 School 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 staff members will be kept in a secure area and will only be accessible by the Principal or her delegate with express authority.

No staff member 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.

CRIMINAL OFFENCES

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

Failure to protect

An adult working in a school (which means all staff members at the School), will commit an offence if they know another adult working there 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. This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to a known and serious risk rather than using their power to protect children.

Failure to report offence

Any adult, and therefore all staff members at the School, 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 the Principal has reported the matter to the police.

This Policy can be found on the School's website and on the HR section of the Staff Intranet.

Version	Approved By	Version Date	Comment	Policy Owner	Next Review
1	Leadership Team	February 2004	Original	Director of Pastoral Care	2005
2	Leadership Team	2005,2006,2007	Review, no change	Director of Pastoral Care	2008
3	Leadership Team	2008,2009,2010	Review, no change	Director of Pastoral Care	2011
4	Leadership Team	May 2011	Revised	Director of Pastoral Care	2012
5	Leadership Team	January 2012	Revised	Director of Pastoral Care	2013
6	Leadership Team	January 2013	Revised	Director of Pastoral Care	2014
7	Leadership Team	July 2014	Revised	Director of Pastoral Care	2015
8	Leadership Team	2015,2016,2017,2018	Review, no change	Director of Pastoral Care	2019
9	Leadership Team	May 2019	Revised	Director of Pastoral Care	2020
10	Leadership Team	March 2020	Revised, updated	Director of Pastoral Care	2021
11	Leadership Team	April 2021	Revised, updated	Director of Pastoral Care	2022