

Related Policies

Child Protection

Child Protection (NSW): Responding to Allegations of Reportable Conduct and Allegations of Misconduct that May Involve Reportable Conduct Made Against School Employees.

Complaints

Purpose

To provide direction to School Principals, Teachers and other Mandated Reporters working in schools about making a report to NSW Community Services (formerly DoCS) regarding concerns for the safety, welfare or well-being of a Child or Young Person. The focus of this Child Protection Policy is both to prevent harm and to be responsive to the needs of children in the care of CEO schools while meeting our legislative obligations to report.

Policy

A Mandated Reporter must make a report to Community Services if the Mandated Reporter has a current concern that a child is at risk of harm and that concern arises in the Mandated Reporter's course of employment. The Mandated Reporter does not need to and should not investigate or prove his or her concern. Refer to the attached document, Reportable Conduct, NSW Ombudsman Practice Guide for the definitions of conduct which must be reported. For purposes of this policy, a Mandated Reporter is a teacher or staff member working in or with Archdiocesan schools.

A Mandatory Reporter who believes or suspects that there is a concern that a child or young person is at risk, makes reports of potential abuse by telephone to Community Services on 133627. If a Mandated Reporter is unsure whether to make a report they discuss their concerns with a Human Resource Services Officer or refer to the NSW Mandatory Reporter Guide or the Online Mandatory Reporter Guide (www.keepthemsafe.nsw.gov.au). If there are still questions, contact a Human Resource Services Officer or a Community Services intake officer may be contacted on 132111.

Whilst Mandated Reporters are obligated to make a report to Community Services, it is usual practice that the report will be made through the Principal. The Principal ensures that accurate records are kept of all reports and ensures that the Mandated Reporter is informed of the initial action plan provided to the Principal by Community Services. Principals ensure that the Form for Notification of a Mandatory Report to Community Services (NSW) is sent to the Catholic Education Office, Human Resource Services by e-mail. A copy of this form is attached to this policy. The child or young person involved in the report to Community Services need not be disclosed on this form.

The Mandated Reporter does not investigate or attempt to prove his or her concerns. This aspect of the process is left to Community Services who are properly trained in investigative techniques and preservation of evidence. Likewise, the Mandated Reporter does not discuss specifics of the case with anyone at their School except for the Principal or as directed by the Principal.

The Principal ensures that Mandated Reporters and the wider school community are made aware of school policy and protocols for making reports to Community Services. School employees acknowledge

that they have read, understood and are prepared to abide by this Child Protection policy. Employees use the Guidelines for Professional Conduct Declaration attached to this policy to document this. Likewise, the Principal ensures that documentation of any reports made to Community Service is archived according to CEO policy until the child reaches the age of twenty-five years. These records are extremely confidential and are stored and archived in accordance with this level of confidentiality.

Mandated Reporters have a professional responsibility to safeguard the child or young person's right to privacy. Providing information to other agencies or persons about any report made to Community Services or the circumstances leading to the report being made only occurs on the advice of Community Services or a Human Resource Services Officer and/or the Director of the Catholic Education Office. A Mandated Reporter does not discuss the content of the report with other staff members other than the Principal.

The Principal, in consultation with other agencies, ensures that the school's pastoral care structures effectively support students suspected of being abused, neglected or in need of care and protection, their families and staff directly involved with the student including the Mandatory Reporter. If a Mandated Reporter is not satisfied that the Principal has made a report to Community Services the Mandated Reporter may make a report on his or her own behalf to Community Services. The Mandated Reporter then complies with CEO policy and informs the Principal of his or her action and provides the Principal with a copy of the initial action plan provided to the Mandated Reporter by Community Services.

The Principal, in consultation with other agencies, ensures that the school's pastoral care structures effectively support students at risk of harm, their families and staff directly involved with the student.

Definitions¹

Child

is a person under 16 years of age.²

Current Concern

simply means at the time of making the report you were concerned about the safety, welfare or wellbeing of the child or young person. It may also include a situation that a child has told you about that may have happened to them in the past.

Mandated Reporter

is defined in for the purposes of this policy and compliance with NSW law, a mandated reporter includes those who in the course of paid employment deliver education or other children's services to children.³ A counsellor is also a Mandated Reporter as is a person caring for a child at a childcare centre, including a childcare assistant or aide in paid employment. Finally, any person, who, in the course of their employment has contact with or provides services to children, young people and their families, is also a Mandated Reporter

See Generally, S 23 and S27 *Children and Young People (Care and Protection) Act 1998 (NSW)*

2. See Generally, S 3 *Children and Young People (Care and Protection) Act 1998 (NSW)*

². S 3 *Children and Young People (Care and Protection) Act 1998 (NSW)*

³ S 27 *Children and Young People (Care and Protection) Act 1998 (NSW)*

Reportable Conduct

See the NSW Ombudsman Reportable Conduct Practice Update 2011 attached to this policy.

Risk of Significant Harm

A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are present to a significant extent. 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, or in the case of an unborn child, after the child's birth. The significance can result from a single act or omission or an accumulation of these:

(a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met

(b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,

(b1) 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.

(c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,

(d) 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,

(e) 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.⁴ Young Person is a person aged 16 or 17 years of age.⁵

Procedures

1. Each school should adopt this policy on how mandatory reports will be made.
2. Reports by Mandated Persons (via the Principal) are made to Community Services on 132111. Clear records as to the process taken when reporting are maintained including:
 - the time and date of the report
 - how the abuse was discovered at the School
 - the teacher's records as to the incident
 - an on-going risk-management file.

⁴ S 23 *Children and Young People (Care and Protection) Act 1998* (NSW) for the definition of significant harm.

⁵ S3 *Children and Young People (Care and Protection) Act 1998* (NSW),

3. When making the report, have available all relevant information about the child or young person's situation and family structure. This includes:
 - his or her full name
 - age and birth date
 - parents' names
 - parents' address and contact details
 - names of known siblings.
4. If there is a life threatening situation ring 000 immediately. As soon as possible after ringing, contact Human Resource Services.
5. When making a report, a Principal will be asked about:
 - the nature of the abuse or neglect
 - when the abuse or neglect is said to have occurred
 - details about how the School became aware of the information, including any disclosures made
 - names of others who may have witnessed the abuse/neglect
 - details of any disclosure made
 - description of any injuries seen
 - description of the behaviour of the child/ren or young person(s)
 - attitude of the carers of the child or young person to the injury/incident
 - known supports of the child, young person and family.
6. Community Services will involve the Joint Investigation Response Team (JIRT) or the police if a criminal offence appears to have been committed. Contact Human Resource Services if you are told by Community Services that the police will be involved.
7. When making a report, the Principal should usually not inform the parents that a report has been made. If Community Services advise not to inform the parent you **must not** inform them that a report has been made. If the Principal is in any doubt discuss the situation with the Child Protection and Legal Officer at the Catholic Education Office. The identity of a Mandatory Reporter is **never** disclosed to parents.
8. If the report concerns the conduct or negligence of an employee of the Catholic Education Office the Director of Catholic Education through Human Resource Services must be informed as soon as possible of the circumstances leading to the report being made.
9. After any report is made the Director of the Catholic Education Office is informed of the report using the *Form for Notification of Mandatory Report to Community Services* which is sent to Human Resource Services by e-mail. The child or young person's identification details need not be recorded.
10. When Community Services or Joint Investigation Response Team (JIRT) Officer attends a school to interview a student in relation to a child protection matter the Principal must:
 - 10.1 Introduce yourself and provide your contact details for future reference.

- 10.2 Ask the officers to provide their identification and contact details. If you are at all uncomfortable, call Human Resource Services, often times interviews with police officers, other than JIRT, can occur off the School campus.
- 10.3 Arrange for the interview to take place discreetly and ensure that the student's privacy is respected. Do not allow a student to be interviewed without parental consent without speaking to Human Resource Services.
- 10.4 Ensure that the officer is aware of the cultural background of the student, any relevant information about the intellectual / developmental level of the student, and any difficulties the student may have with communication.
- 10.5 Ensure that the officer has been given the opportunity to explain his or her role to the student in the presence of the Principal or the Principal's delegate.
- 10.6 Ensure that a supportive adult, acceptable to the student, is present for the interview (unless the student does not wish a support person to be present). If the officers say that a support person cannot attend, which is sometimes the case, please consult Human Resource Services before the interview proceeds.
- 10.7 Explain the role of the support person to the student and assure the student that the support person will be available after the interview for ongoing support.
- 10.8 Provide post-interview support/follow up for the student as required.
- 10.9 Check that officers have undertaken to advise the student's parents that an interview has taken place.
11. When a Community Services officer or a Joint Investigation Response Team Police Officer attends school to remove a student from school the Principal must:
 - 11.1 Sight the identification details of the officer and request that the process can wait until you have spoken to Human Resource Services.
 - 11.2 Check with the officer's supervisor that authorisation has been granted to remove the student.
 - 11.3 Check that the officer has or will inform the parent / guardian that the action has taken place.
 - 11.4 Inform the Director of the Catholic Education Office that the student has been removed.
 - 11.5 Make a written record of the actions taken.
12. When a Community Services or Joint Investigation Response Team or Police Officer requests to interview a staff member(s), the Principal does not reveal the name of relevant staff members without his or her consent. Staff members may decline to be interviewed.

13. The Director of Catholic Education approves any request by Community Services to access school records. There is a Memorandum of Understanding to support this communication but its application is limited. Contact Human Resource Services to discuss the issue before providing any documents.

References

Children and Young People (Care and Protection) Act 1998 (NSW)
http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/

Online NSW Mandatory Reporter Guide; www.keepthemsafe.nsw.gov.au

Keep Them Safe; www.keepthemsafe.nsw.gov.au

Reportable Conduct, NSW Ombudsman Practice Guide
http://www.ombo.nsw.gov.au/_data/assets/pdf_file/0013/5620/PU_CP_02_11_Reportable_Conduct_v3.pdf

Forms

Form for Notification of Mandatory Report to Community Services (NSW)
The Guidelines for Professional Conduct Declaration Form

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