




POLICY



Code of Conduct

Purpose

The aim of this *Code* is to outline the standards of behaviour expected of all employees of St Andrew's Cathedral School (the School).

This *Code* does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work. Instead, it sets out general expectations of the standards of behaviour required.

The *Code* places an obligation on all employees to take responsibility for their own conduct and to work with colleagues cooperatively to achieve a consultative and collaborative workplace where people are happy and proud to work.

Overview

Our object is to educate students enrolled at the School from a Christian worldview and in accordance with the doctrine and principles of the Anglican Church of Australia in force in the Diocese of Sydney (this is the **ethos of the School**). In order to fulfil this purpose our staff are required to uphold and support the ethos of the School in their words and actions. Staff are also required to participate in the Christian education program at the School and support the School's Vision, Mission and Core Values

The professional ethics articulated in this Policy are based on the principles of: grace, integrity and justice. These principles underpin three commitments central to the School:

- Commitment to relationships based on respect and dignity
- Commitment to the care and nurture of students
- Commitment to professionalism

Scope

Except where otherwise specified, "staff", "employees" and "you" refer to both teaching and non-teaching staff, whether full-time, part-time or casual, employed by the School.

This Code is to be read in conjunction with other relevant School Policies.

Contact Officer	<i>Head of School</i>
Date Approved	<i>4 June 2021</i>
Approval Authority	<i>School Council</i>
Date of Commencement	<i>4 June 2021</i>
Date for Next Review	<i>30 Nov 2022</i>
Related Policies, Procedures, Guidelines, Forms or Templates	<i>WH&S Policy; Child Protection Policy; Policy for Email and Social Media; Grievance Policy; Privacy Policy; Email & Social Media Guidelines</i>



Forward

At St Andrew's Cathedral School, our aim is that, in our conduct within our roles, staff manifest the highest professional and ethical standards. As a caring Christian School, we wish to demonstrate conduct of the highest principle, and care for our students comprehensively.

We are aware of the high calling of protecting and developing young people. We wish to be excellent in every way in our leadership, instruction and pastoring of children, whether they be very young, in the early teenage years, or emerging adults.

To be responsible for young people is both a privilege and a responsibility. Jesus himself welcomed them. *'Jesus called the children to him and said "Let the children come to me, and do not hinder them" ' (Luke 18:16).*

He also issued a stern warning to those who would lead them astray. *'If anyone causes one of these little ones who believes in me to sin, it would be better for him to have a millstone hung around his neck and be drowned in the depths of the sea.'* (Matthew 18:6)

As a staff we are mindful that our conduct towards children is prescriptively governed by legislation. A large raft of statutes has led to the creation of various agencies which act as watchdogs for children's interests.

It is our necessary aim to comply with this legislation; it is our desire, in dealing with young people, to exceed legislative requirements. This is consistent with Jesus' instruction to his disciples. (Matthew 5:20)

Let me therefore encourage all our staff to demonstrate the highest of principled conduct. This is the best indication of our compassionate care for those whose journey through the School is a trust placed in us.

Dr Julie McGonigle
Head of School



CODE OF CONDUCT

INTENDED USE

This Code of Conduct is to be made available to all staff at the commencement of their employment (e.g. preferably around induction and training) and it is to be available and/or provided to staff during the course of their employment or involvement with the School.

PREFACE

Code of Conduct

The *Code* outlines the standards of behaviour expected of all employees.

This *Code* does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work. Instead, it sets out general expectations of the standards of behaviour required.

The *Code* places an obligation on you to take responsibility for your own conduct and to work with colleagues cooperatively to achieve a consultative and collaborative workplace where people are happy and proud to work.

Who has to comply with the Code of Conduct?

By accepting employment with the School, you must be aware of and comply with this *Code*.

Therefore, you must:

- (a) conduct yourself, both personally and professionally in a manner that upholds the ethos and reputation of the School;
- (b) comply with the School's policies and procedures;
- (c) act ethically and responsibly; and
- (d) be accountable for your actions and decisions.

General

This *Code* is not intended to be contractual in nature and does not impose any contractual obligations on the School. The School reserves the right at its sole discretion to vary or cancel this Code at any time.

Nothing in this Code limits the circumstances in respect of which the School may take disciplinary action in respect of an employee.



1. What is expected of you as an employee?

As an employee, you should be aware of the School's policies and procedures, particularly those that apply to your work. Many of these are available online; others may be made available to you through induction and training and development programs.

If you are uncertain about the scope or content of a policy with which you must comply, you should seek clarification from the Head of School or your supervisor.

You should also be familiar with the legislation under which you are employed as this may specify requirements with which you need to comply.

As an employee, you are expected to:

- (a) perform your duties to the best of your ability and be accountable for your performance;
- (b) follow reasonable instructions¹ given by your supervisor or their delegate;
- (c) comply with lawful directions²;
- (d) carry out your duties in a professional, competent and conscientious manner, while seeking suitable opportunities to improve your knowledge and skills, including through participation in relevant professional development;
- (e) act honestly and in good faith in fulfilling your duties;
- (f) be courteous and responsive in dealing with your colleagues, students, parents and members of the public;
- (g) participate in the Christian education program at the School and be committed to the Christian ethos of the School;
- (h) support and act consistent with the Vision, Mission, and Core Values of the School.
- (i) work collaboratively with your colleagues; and
- (j) ensure that your conduct, whether during or outside working hours, is consistent with the ethos of the School and does not damage the reputation of the School.

¹ An employee must have the necessary knowledge, skill, capability and ability to carry out the instruction. Instructing an employee to do something, which they clearly cannot do, is unfair and unreasonable. The instruction must fall within the ambit of the job. Sometimes it is not always clear whether or not a particular task falls within the parameters of an employee's job description, when not specifically stated in the document.

² A lawful direction is a direction which falls within the scope of the job description, involves no illegality and which is reasonable.



2. What happens if I breach the Code of Conduct?

As an employee, you hold a position of trust and are accountable for your actions.

- 2.1 The consequences of inappropriate behaviour and breaches of this Code will depend on the nature of the breach.
- 2.2 Employees must report possible breaches by other employees to their supervisor or the **Head of School**. If the possible breach is by their supervisor, it must be reported to the **Head of School**. If the possible breach is by the Head of School, then it must be reported to the **Chair of the School Council**.
- 2.3 Factors the School may consider when deciding what action to take may include:
 - (a) the seriousness of the breach;
 - (b) the likelihood of the breach occurring again;
 - (c) whether the employee has committed the breach more than once;
 - (d) the risk the breach poses to employees, students or any others; and
 - (e) whether the breach would be serious enough to warrant formal disciplinary action.
- 2.4 Actions that may be taken by the School in respect of a breach of the Code include management or remedial action, training or disciplinary action ranging from a warning to termination of employment. The School reserves the right to determine in its entirety the response to any breach of this Code.



3. REQUIRED REPORTING

Employees are required to report certain information to the School.

- 3.1 All employees must inform the **Head of School** if they are charged with or convicted of a criminal offence. You must also inform the Head of School if you become the subject of an Apprehended Violence Order.
- 3.2 If, in the course of your employment with the School, you become aware that another employee has or may have been involved in criminal conduct, you must report it to the **Head of School**, who may, like you, be required to inform the police.
- 3.3 As an employee, you must report to the Head of School:
- (a) any concerns that you may have about the safety, welfare and well being of either a child under the age of 18 or a student, where those concerns arise during the course of or from your work;
 - (b) any concerns you may have about the inappropriate actions of any other employee, contractor or volunteer that involves children or young people;
 - (c) any concerns you may have about any other employee, contractor or volunteer engaging in 'reportable conduct' or any allegation of 'reportable conduct' that has been made to you;
 - (d) if you become aware that an employee, contractor or volunteer has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving 'reportable conduct';
 - (e) if you become the subject of allegations of 'reportable conduct' whether or not they relate to your employment in the School; and
 - (f) you cease to hold a current Working With Children Check clearance or if you are or become a *disqualified* as defined in section 18 of the *Child Protection (Working With Children) Act 2012*.

You should refer to the School's **Child Protection Policy** for further information about these obligations.

- 3.4 Please note that teachers and some other employees have mandatory reporting obligations under the *Children and Young Persons (Care and Protection) Act 1998* (NSW) where they have reasonable grounds to suspect a child under the age of 16 years is at risk of significant harm and have current concerns about the safety, welfare and wellbeing of the child. You should refer to the School's **Child Protection Policy** for further information about these obligations.
- 3.5 Where an employee makes a report in good faith and on reasonable grounds to the Head of School under this provision of the Code (a reporter), that employee will not be subject to any disciplinary action for making the report despite any applicable duty of secrecy or confidentiality or any other restriction on disclosure.
- 3.6 Employees must not take any detrimental action against a reporter that is substantially in reprisal for the reporter making the report. Detrimental action means action causing, comprising or involving any of the following:
- (a) injury, damage or loss,
 - (b) intimidation or harassment,
 - (c) discrimination, disadvantage or adverse treatment in relation to employment,



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- (d) dismissal from, or prejudice in, employment,
- (e) disciplinary proceeding.



4. RESPECT FOR PEOPLE

The School expects employees to treat each other with respect and courtesy. Our daily interaction with others reflects on the School's reputation. Therefore, all employees are expected to be approachable, courteous and prompt in dealing with other people, including students, parents, other employees and members of the community.

- 4.1 Employees who work with students have a special responsibility in presenting themselves as appropriate role models for those students. Modelling effective leadership and respect in your interactions with students can have a profoundly positive influence on a student's personal and social development.
- 4.2 Similarly, it is important for you to treat other employees, contractors, volunteers, students and parents with respect. Rude or insulting behaviour, including verbal and non-verbal aggression, abusive, threatening, intimidating or derogatory language and physical abuse or intimidation towards other employees, contractors, volunteers, students and parents is unacceptable. You must not use information and communication technologies, such as email, mobile phones, text or instant messaging, blogs, social media sites and other websites to engage in this type of behaviour.
- 4.3 You must not for any unlawful reason discriminate against, harass, or bully any employee, contractor, volunteer, student or parent. Your obligations in this regard, including the list of unlawful reasons, are set out in the School's ***Discrimination, Harassment and Bullying Policy***. Unlawful harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977* or federal discrimination legislation. Harassing or bullying others may be a breach of your obligations under work health and safety legislation or your duty of care at common law.
- 4.4 You should ensure that you are aware of the School's ***Discrimination, Harassment and Bullying Policy***. If you believe you are being harassed or discriminated against or bullied:
 - (a) where you feel comfortable ask the person to stop, or make it clear that you find the behaviour offensive or unwelcome. It may be useful to speak with your supervisor in the first instance to seek guidance on how to do this; and/or
 - (b) raise the issue as a grievance in accordance with the School's ***Discrimination, Harassment and Bullying Policy*** as soon as possible after the incident(s) have occurred.
- 4.5 The School takes reports of unlawful discrimination and harassment or bullying seriously and will consider action it considers appropriate if such conduct is found to have occurred, including disciplining or dismissing offenders. Many incidents can be addressed effectively if reported early.
- 4.6 You must not make unfounded, exaggerated or false complaints or complaints with malicious, frivolous or vexatious intent. The School may discipline or dismiss you for making such complaints.



5. DUTY OF CARE AND WORK HEALTH AND SAFETY

As a School employee, you have a duty of care to students in your charge to take all reasonable steps to protect students from foreseeable risks of harm where the likelihood of those risks occurring is more than insignificant.

The duty encompasses a wide range of matters, including (but not limited to):

- the provision of adequate supervision
- ensuring grounds, premises and equipment are safe for students' use
- implementing strategies to prevent bullying from occurring in School, and
- providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid a student who is injured or becomes sick at School.

Duty of care

- 5.1 Your duty of care to the students in your charge requires an objective standard of care on your part. This means asking what precautions, in all the circumstances, a reasonable teacher in your position would take. You must take into account:
- (a) risks from known hazards;
 - (b) risks from things you do not know about but ought objectively to realise could occur; for example, bullying;
 - (c) the students' age, maturity and ability;
 - (d) any physical handicaps of the students
 - (e) the nature of the activity
 - (f) previous school practices.
- 5.2 Duty of care to students applies on school premises during school hours and can extend to before and after school, as well as to all activities and functions conducted or arranged by the School wherever they occur. The risks associated with any activity need to be assessed and managed before the activity is undertaken.
- 5.3 You should ensure that you are aware of the School's procedures relating to **Duty of Care, Excursions, Sport and International Tours**.

Work health and safety

- 5.4 You also have a responsibility under work health and safety legislation to take care of your own health and safety at work. It is also your responsibility to ensure that your activities do not place at risk the health and safety of other employees, students or other persons that you may come into contact with at work.
- 5.5 Considerations of safety relate to both physical and psychological wellbeing of individuals.
- 5.6 You should ensure that you are aware of the School's **Work Health & Safety Policy**.

Supervision of students

- 5.7 When exercising supervision of students, you should take all reasonable steps to ensure that they are not exposed to any unnecessary risk of injury. However, this does not mean that students cannot be exposed to any risk. Exposure to carefully managed risk is an integral part of a student's



education. The social utility of particular activities (for example, sport and outdoor education) is a factor to be considered when managing risk. The School does not want its students "wrapped up in cotton wool".

- 5.8 You should be familiar with and comply with the School's evacuation procedures.
- 5.9 You must be punctual to class and allocated supervision. Staff are expected to maintain the discipline of students at the change of period.
- 5.10 Normally, you should remain with students at after school activities until all students have been collected. In the event that a student is not collected on time, you should remain with the student until collected, or seek advice from your supervisor.
- 5.11 Playground supervision is an integral part of the responsibility of staff. It must take precedence over other activities. It is unacceptable to be late. You should actively supervise your designated area, being vigilant and regularly moving around.
- 5.12 You should be alert to bullying or any other form of discriminatory behaviour, and report incidents to the appropriate Head of Division. Additional detail about student bullying is set out in the ***Discrimination, Harassment and Bullying Policy***.
- 5.13 Ill or injured students should, in the first instance, be attended to by the supervising staff member. Should additional assistance be required, you should contact ***Health Centre staff*** or call for an ambulance.
- 5.14 You should ensure that you understand and comply with the School's policy in regard to the storage and administration of prescribed medication to students (see ***Medication Administration Policy***).



6. PROFESSIONAL RELATIONSHIPS BETWEEN EMPLOYEES AND STUDENTS

As an employee, you must always behave in ways that promote the safety, welfare and well-being of our students. You must actively seek to prevent harm to them, and to support those who have been harmed.

While not all employees are required to manage and supervise students, it is important for all employees to understand and observe the School's child protection policies.

Supervision of students

- 6.1 You should avoid situations where you are alone in an enclosed space with a student. Where you are left with the responsibility of a single student, you should, as far as is reasonably practicable, ensure that this is in an open space in view of others. Where this is not possible or practical, it should be discussed with your supervisor and/or the Head of School.
- 6.2 You should not normally drive a student in your car without specific permission from your supervisor and/or the Head of School. In the event of an emergency, you may do so to fulfil your duty of care to the student but then promptly report the matter to your supervisor.
- 6.3 If you need to conduct a private conversation with a student, you should consider the time and venue carefully to avoid placing yourself in a vulnerable situation. It is preferable to leave the door open. You should not locate yourself between the student and the door.
- 6.4 When confiscating personal items, such as mobile phones or hats, you should ask students to hand them to you. You should only take items directly from students in circumstances where concern exists for the safety of the student or others and your own safety is not jeopardised by this action.
- 6.5 If you see a student, not on the School premises, who is in school uniform or travelling to or from a School event, behaving inappropriately, you should take reasonable action to discipline the student or to protect the student and/or others from harm.

Physical contact with students

- 6.6 You must not impose physical punishment on a student in the course of your professional duties.
- 6.7 When physical contact with a student is a necessary or helpful part of the teaching/learning experience, you must exercise caution to ensure that the contact is appropriate and acceptable to the student. For example, before touching a student in the course of demonstrating to the student how to do something, you should ask the student's consent. Alternatively, you could consider asking for a volunteer with whom you could demonstrate the particular activity.
- 6.8 You must take particular care if you are required to attend to the toileting needs of young children. It is preferable to have the door open. If there is an ongoing need for a student to require assistance with toileting, you should discuss this with your supervisor who would normally raise the matter with the student's parents. For students with a disability, the management of toileting needs should be included in the student's individual management plan.
- 6.9 When congratulating a student, a handshake, pat on the shoulder or brief hug are acceptable as long as the student is comfortable with this action. Kissing of students is not acceptable.
- 6.10 If necessary, you may touch a student who is injured or ill to assess the student's condition or to administer first aid. You should advise the student of what you intend doing and, where possible, seek the student's consent.



- 6.11 In fulfilling your duty of care, you may use reasonable force to restrain a student from harming him or herself or others. Any such strategy must be in keeping with the School's behaviour management practices or individual student management plans. You must report and document any such incidents.

Relationships with students

- 6.12 You must not have a romantic or sexual relationship with a student. It is irrelevant whether the relationship is homosexual or heterosexual, consensual or non-consensual or condoned by parents or caregivers. You are reminded of:
- (a) the law prohibiting sexual relations with a person under the age of consent (16 years); and
 - (b) the law prohibiting sexual relations between a teacher and their student under the age of 18 years.
- 6.13 You must not develop an overly familiar relationship with any student that demonstrates, or that could be interpreted as demonstrating, a personal rather than a professional interest in a student. An overly familiar relationship with any student (including any adult student) that you are responsible for teaching, tutoring, advising, assessing, or for whom you provide pastoral or welfare support, raises serious questions of conflict of interest, trust, confidence, dependency, and of equality of treatment. Such relationships may also have a negative impact on the teaching and learning environment for other students and other staff, and may carry a serious reputational risk for the School.
- 6.14 If you consider that a student is being overly familiar, seeking to establish a personal relationship with you or has developed a 'crush' on you, you must report your concerns to your supervisor and/or the Head of School as soon as possible so that a plan can be developed to manage the situation effectively and sensitively.
- 6.15 At all times when speaking with students, you must take care to use appropriate language. You must always treat students with respect and without favouritism. There is no place for sarcasm, derogatory remarks, inappropriate familiarity or offensive comments.
- 6.16 You may, as part of your pastoral care role, engage in discussion with students. This is entirely appropriate. However, you must refrain from making personal comments about a student or asking questions that probe your own or a student's sexuality or relationships. You must not hold conversations with a student of an intimately personal nature where you disclose information about yourself.
- 6.17 You must not:
- (a) invite students to your home;
 - (b) visit students at their home; or
 - (c) attend parties or socialise with students,
- unless you have the permission of the Head of School and of their parents.
- 6.18 You must not tutor or coach students without the written permission of the Head of School.
- 6.19 You must not invite students to join your personal electronic social networking site or accept students' invitations to join their social networking site (see Section 7 - **Appropriate use of electronic communication and social networking sites**).
- 6.20 You must not give gifts to students. You should also carefully consider your position before accepting any gift from a student (see Section 10 - **Declaring gifts, benefits and bribes**)



- 6.21 Wherever practical, you should avoid teaching or being involved in educational decisions involving family members or close friends. Where it is not practical to avoid such situations completely, another member of staff should make any significant decisions relating to the student's assessments and have those endorsed by a supervisor. Staff who are relatives or close family friends of Year 11 and Year 12 students are required by NESA to sign a 'Conflict of Interest' declaration form.
- 6.22 When dealing with your family members, you must:
- a) maintain absolute confidentiality in relation to all School matters and personnel;
 - b) ensure that your children are not in staff offices or staff rooms; and
 - c) ensure that staff computers and networks are not used/accessed by your children either at home or at the School.
- 6.22 You should be aware of, and sensitive to, children with culturally diverse or indigenous backgrounds and cultural practices that may influence the interpretation of your behaviour.



7. APPROPRIATE USE OF ELECTRONIC COMMUNICATION AND SOCIAL NETWORKING SITES

The School provides electronic communication facilities for its students and employees for educational or administrative purposes. It monitors and views data stored or transmitted using the School's facilities. By its nature, electronic communication is a fast and informal way of communicating. However, once a document or image has been sent, there is no way to recall it and it exists forever.

7.1 You must comply with the School's *Email and Social Media Policy*. This includes:

- (a) exercising good judgment when using electronic mail, following the principles of ethical behaviour;
- (b) using appropriate and professional language in electronic mail messages;
- (c) being aware that, if an issue addressed in an email becomes the subject of a legal dispute, that email would be discoverable: that is, the court and all parties to the dispute would be entitled to see it;
- (d) not sending messages that are harassing, discriminatory, defamatory, threatening, abusive or obscene;
- (e) not inviting students into your personal social networking site or accept an invitation to theirs;
- (f) not using personal social networking sites to contact students;
- (g) remembering transmission, storage, promotion or display of offensive, defamatory, or harassing material is strictly forbidden; and
- (h) reporting any situations where you become aware of the inappropriate use of electronic communication and social networking sites.

7.2 You must never use the School's networks to view, upload, download or circulate any of the following materials:

- (a) sexually related or pornographic messages or material;
- (b) violent or hate-related messages or material;
- (c) racist or other offensive messages aimed at a particular group or individual;
- (d) malicious, libellous or slanderous messages or material; or
- (e) subversive or other messages or material related to illegal activities.



8. USE OF ALCOHOL, DRUGS AND TOBACCO

Work Health and Safety is of fundamental importance to the School. Maintaining a safe work environment requires everyone's continuous cooperation.

- 8.1 You are responsible for ensuring your capacity to perform your duties is not impaired by the use of alcohol or drugs and that the use of such substances does not put at risk you or any other person's health and safety.
- 8.2 You must:
- (a) not attend work under the influence of alcohol, illegal drugs or non-prescribed and/or restricted substances;
 - (b) not consume illegal drugs or non-prescribed and/or restricted substances while at work;
 - (c) notify your supervisor if you are aware that your work performance or conduct could be adversely affected as a result of the effect of a prescribed drug;
 - (d) take action to resolve any alcohol or other drug-related problems that you have; and
 - (e) consult with your supervisor or Head of School if you are concerned about working with other employees who may be affected by drugs or alcohol.

Drugs

- 8.3 You must not:
- (a) have illegal drugs in your possession while at work;
 - (b) give students or other employees illegal drugs or restricted substances, or encourage or condone their use; and
 - (c) supply or administer prescription or non-prescription drugs to students unless authorised to do so by the School Health Centre.

Alcohol

- 8.4 You must not take alcohol to School or consume it during School hours or at any School function at any time School students are present, including those events conducted outside School premises unless permitted to do so by the Head of School. A School function is any occasion organised by the School and/or in the School's name, including dances, farewells, excursions, tours, sporting fixtures and fund raising events.
- 8.5 You must not:
- (a) purchase alcohol for, or give alcohol to, any School student (or to any other person under the age of 18 years); and
 - (b) encourage or condone the use of alcohol by students of any age

Tobacco

- 8.6 You must not use e-cigarettes, smoke or permit the use of e-cigarettes or smoking on any School premises, including all buildings, gardens, sports fields, cars and car parks used by the School.
- 8.7 You must not purchase e-cigarettes, tobacco or tobacco products for any School student, or give them e-cigarettes, tobacco or tobacco products.



9. IDENTIFYING AND MANAGING CONFLICTS OF INTEREST

Private interests can, or have the potential to, influence your capacity to perform your duties and in turn compromise your integrity and that of the School.

- 9.1 As a School employee, you must not act in conflict with the School's best interests. Conflict of interests can involve:
- (a) pecuniary interests i.e. financial gain or loss or other material benefits;
 - (b) non-pecuniary interests i.e. favours, personal relationships and associations.
- It may not only be about your own interests. It may include:**
- (a) the interests of members of your immediate family or relatives (where these interests are known);
 - (b) the interests of your own business partners or associates, or those of your workplace; or
 - (c) the interests of your friends.
- 9.2 You must not act against the School's best interests. Therefore, when faced with a situation in which a conflict of interest may be present, you must report this to your supervisor or the Head of School.
- 9.3 You must also report situations where another employee who has an identified conflict is, or may be perceived to be, unduly influencing your decision.
- 9.4 Staff collecting or handling School funds, including money for students, must do so with care and in accordance with School Policy.
- 9.5 School time/resources must not be used for anything other than School business, without prior written permission by the Head of School.



10. DECLARING GIFTS, BENEFITS AND BRIBES

As an employee, you may be offered a gift or benefit as an act of gratitude. There are some circumstances when to refuse a gift would be perceived as rude, insulting or hurtful. You are expected to exercise sound judgment when deciding whether to accept a gift or benefit.

- 10.1 If you are offered a bribe (i.e. anything given in order to persuade you to act improperly), you must refuse it, explain why it is not appropriate, and immediately report the matter to the Head of School.
- 10.2 Accepting gifts and other benefits has the potential to compromise your position by creating a sense of obligation and undermining your impartiality. It may also affect the reputation of the School and its staff. You must not create the impression that any person or organisation is influencing the School or the decisions or actions of any of its employees.
- 10.3 If you are offered a gift or benefit, you should always consider the value and purpose of a gift or benefit before making any decision about accepting it. A gift that is more than nominal value (\$100) must not become personal property. You must either politely refuse it or advise the contributor that you will accept it on behalf of the School.
- 10.4 When such a gift is accepted, you must advise your Head of School who will determine how it is to be treated and make a record of its receipt.
- 10.5 If someone outside the School awards you, in the course of your work, a benefit or prize of significant monetary value (e.g. a computer, a weekend away), the benefit or prize is normally the property of the School. If this happens, you must advise your supervisor or the Head of School who will determine how the benefit or prize is to be treated and recorded.



11. PRIVACY AND CONFIDENTIALITY

- 11.1 You must comply with the School's Communication Guidelines and the School's Privacy Policy.
- 11.2 You must be mindful of privacy and confidentiality when communicating with parents. You must not indicate to parents that you will keep confidential what they say to you.
- 11.3 You must not disclose sensitive or personal information:
- (a) about other employees to students or parents or discuss their work performance;
 - (b) about a student to anyone (other than the parents of the student where the student is insufficiently mature to be able to consent);
 - (c) without the consent of the person whose personal information is involved or, where consent is not given, the law allows such disclosure and the Head of School has authorised it.
- 11.4 All matters discussed in staff meetings and staff memos are confidential and must not be disclosed to or discussed with parents, students, other members of the School community, or the public.
- 11.5 The media must not be given access to students or allowed entry to the School without the permission of the Head of School. You must not make any comments to the media about the School, students or parents without the permission of the Head of School.
- 11.6 You must only use confidential information for the purpose of performing your duties as an employee.
- 11.7 You must immediately notify the Head of School of any suspected or actual unauthorised use, copying or disclosure of sensitive or personal information or Confidential Information.



12. RECORD KEEPING

Record means any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means.

- 12.1 All employees have a responsibility:
- (a) to create and maintain full, accurate and honest records of their activities, decisions and other business transactions, and
 - (b) to store these records in the School's record systems.
- 12.2 You must not destroy or remove records without appropriate authority from the Head of School.
- 12.3 Supervisors must ensure that the employees reporting to them comply with their records management obligations.
- 12.4 Employees responsible for assessing and recording marks for students' work must do so accurately, fairly and in a manner that is consistent with the requirements of the School.



13. COPYRIGHT AND INTELLECTUAL PROPERTY

- 13.1 When creating material, you must ensure the intellectual property rights of others are not infringed and information is recorded about any third party copyright/other rights included in materials.
- 13.2 You must obtain advice relating to sharing or licensing the School's intellectual property from the Head of School before any such sharing or licensing takes place.
- 13.3 The School cannot give away or assign its intellectual property without the approval of the Head of School.
- 13.4 If you develop material that relates to your employment with the School, the copyright in that material belongs to the School. This is the case even if the material was developed in your own time or at home.
- 13.5 You must not use the School's intellectual property (including copyright) for private purposes without obtaining written permission from the Head of School.

14. PERSONAL REFERENCES

- 14.1 If you are approached by former members of staff and students to provide a personal reference, you may agree to do so.
- 14.2 Subject to the next paragraph, you must not give such a reference on the School's letterhead or convey in any way that what you say is the opinion of the School.
- 14.3 If you want the reference to go out on School letterhead or to make reference to the School, you must provide a draft for written approval to the Deputy Head of School in the case of teaching staff or to the Executive Director of School Services in the case of non-teaching staff.

15. DRESS CODE

Dress and personal appearance are important elements of professional presentation.

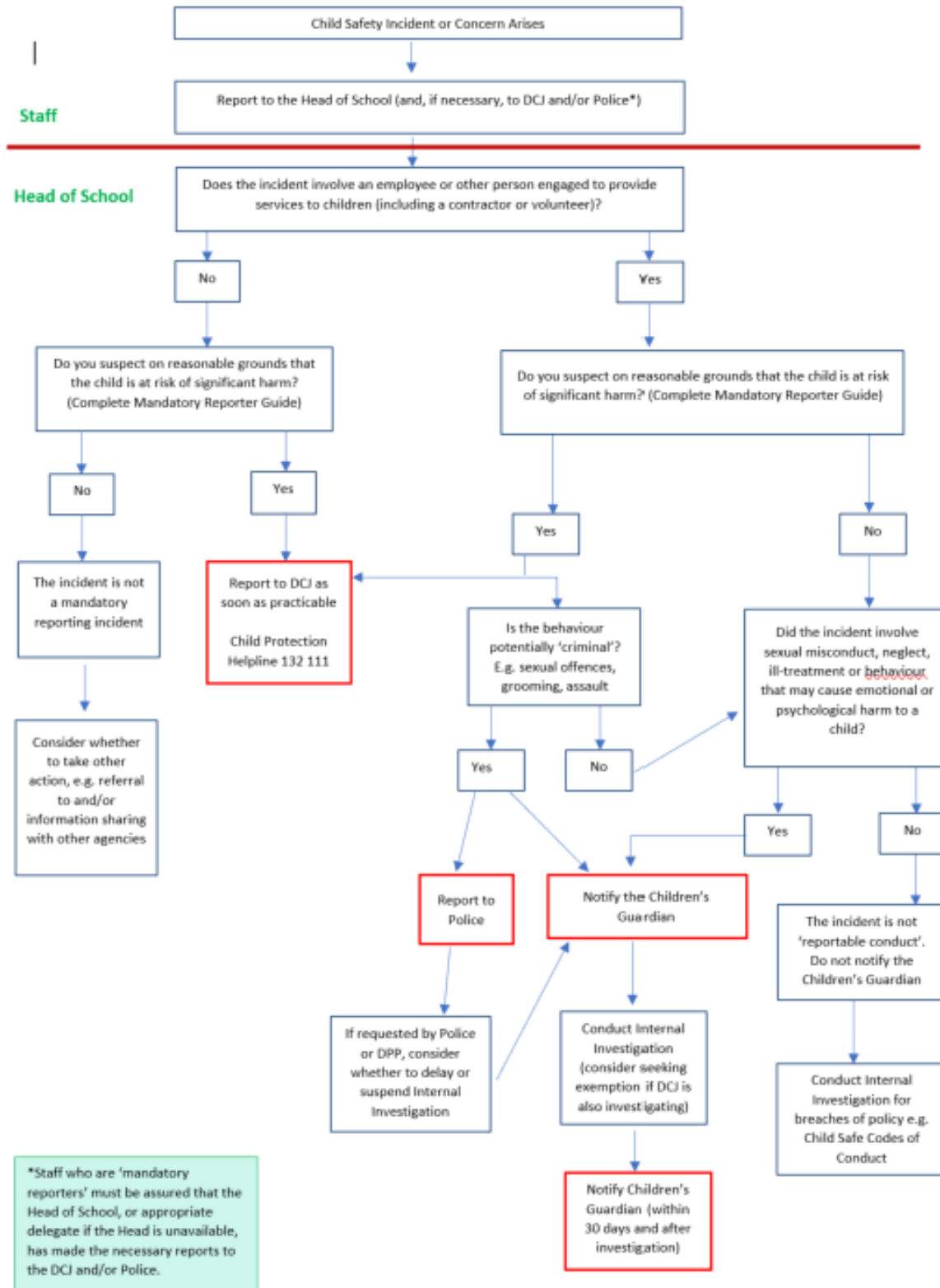
- 15.1 **You must comply with the School's *Dress Code*. This includes:**
 - a) wearing a staff lanyard, badge or staff uniform at all times;
 - b) wearing professional attire, including a tie for men, unless impractical due to practical activities where the School sports uniform should be worn;
 - c) no visible tattoos;
 - d) wearing Hi Vis vests when supervising groups of students in city locations.



Child Protection Policy

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1. Child Protection Flowchart





2. Introduction

2.1 Purpose and scope

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

Staff members who fail to adhere to this policy may be in breach of their terms of employment or terms of engagement, as relevant.

2.2 Key legislation

There are four key pieces of child protection legislation in New South Wales:

- the *Children and Young Persons (Care and Protection) Act 1998* (“Care and Protection Act”);
- the *Child Protection (Working with Children) Act 2012* (“WWC Act”);
- the *Children’s Guardian Act 2019* (“Children’s Guardian Act”); and
- the *Crimes Act 1900* (“Crimes Act”).

2.3 Related policies

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

- Code of Conduct - sets out information about the standards of behaviour expected of all staff members;
- Work Health and Safety Policy - identifies the obligations imposed by work health and safety legislation on the School and staff members;
- Bullying, Harassment and Discrimination policy - summarises obligations in relation to unlawful discrimination, harassment and bullying;
- Complaint Handling Procedures – provides the steps taken by the School in addressing complaints; and
- Whistleblower Policy – sets out a safe reporting mechanism for wrongdoing.

2.4 Compliance and records

The Head of School monitors compliance with this policy and ensures that School records relevant to this policy are securely maintained, which includes:

- register of staff members who have read and acknowledged that they read and understood this policy;
- working with children check clearance (WWCC clearance) verifications;
- mandatory reports to the Department of Communities and Justice (DCJ), previously known as Family and Community Services; and



- reports of reportable conduct allegations, the outcome of reportable conduct investigations, and/or criminal convictions.

3. Child protection

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 (whether under or over 18 years of age) which could reasonably have been foreseen; and
- obligations under child protection legislation.

3.1 Staff member responsibilities

Key legislation requires reporting of particular child protection concerns. However, as part of the School's overall commitment to child protection, all staff are required to report any **child protection** or **child wellbeing** concerns about the safety, welfare or wellbeing of a child or young person to the Head of School.

If the concern involves the Head of School, a report should be made to the Chair of the School Council.

Whilst this policy does not directly relate to students who have turned 18 (ie "adults"), the School recognises its duty of care for all students, no matter what age, and will take steps to protect all students at risk of harm.

3.2 Children protection concerns

There are different forms of child abuse. These include neglect, sexual, physical and emotional abuse.

Neglect is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

Physical abuse is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punish a child (in a non-trivial way) is a crime.

Emotional abuse can result in serious psychological harm, where the behaviour of their parent or caregiver 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.



3.3 Child wellbeing concerns

Child wellbeing concerns are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold regarding risk of significant harm (as defined in this policy).

4. Training

4.1 The School

The School provides all staff members with a copy of this policy and will provide all staff members with the opportunity to participate in child protection training annually.

4.2 Staff members

All new staff members must read this policy and sign the acknowledgement that they have read and understood the policy.

All staff members must participate in annual child protection training and additional training, as directed by the Head of School. The training complements 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 checks; and
- professional boundaries.

5. Child Safe Principles

The National Principles for Child Safe Organisations¹ reflect **ten child safe standards** recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. The National Principles have a broader scope that goes beyond child sexual abuse to cover other forms of potential harm to children and young people. The principles aim to provide a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing.

The National Principles are:

- Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.

¹ <https://childdsafe.humanrights.gov.au/national-principles>



- Families and communities are informed and involved in promoting child safety and wellbeing.
- Equity is upheld and diverse needs respected in policy and practice.
- People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- Processes for complaints and concerns are child focused.
- Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- Implementation of the national child safe principles is regularly reviewed and improved.
- Policies and procedures document how the organisation is safe for children and young people.

In NSW, the Office of the Children's Guardian (OCG) has released the Child Safe Standards² which complement the National Principles. The OCG has released a Guide to the Child Safe Standards³ to assist organisations to implement the Standards.

SACS endorses the Principles and Standards, and endeavours to abide by the Guidelines.

6. Working with children

The WWCC 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 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 - or longer if the COVID-19 Legislation Amendment (Emergency Measures - Miscellaneous) Act 2020 (NSW) applies); or
- 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.

² <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/training-and-resources/child-safe-standards>

³ <https://www.kidsguardian.nsw.gov.au/ArticleDocuments/838/ChildSafeStandardsGuide.pdf.aspx?Embed=Y>



6.1 Responsibilities relating to working with children checks

6.1.1 Staff members (including employees, contractors and volunteers)

As a risk management strategy additional to the minimum legal requirements, the School requires all staff members to:

- hold and maintain a valid WWCC clearance;
- not engage in child-related work at any time they are subject to an interim bar or a bar;
- report to the Head of School if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or they are notified by the OCG that they are subject 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.

It is an offence to engage in child-related work without a WWCC clearance or if subject to a bar.

6.1.2 The School

The School is required to:

- verify online and record the status of each staff member's WWCC clearance;
- only employ or engage staff members who have a valid WWCC clearance; and
- 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 Working with Children Check Directorate (WWCC Directorate). It is an offence for an employer to knowingly engage a child-related worker who does not hold a WWCC clearance or who has a bar.

6.2 Working With Children Check clearance

Further information about the WWCC clearance can be found in **Appendix 1**.

6.3 Ongoing monitoring by OCG

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.



6.4 Process for reporting to OCG

6.4.1 The School

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

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.

6.4.2 Finding of misconduct involving children

The School will report any finding of reportable conduct to the OCG.

When informing an employee of a finding of reportable conduct against them, the School will 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 entitlement 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.

6.4.3 Other information

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.

7. [Mandatory reporting](#)

The Care and Protection Act provides for mandatory reporting to the Department of Communities and Justice (DCJ) of children at risk of significant harm.

For the purposes of mandatory reporting, 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.

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

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

For the purposes of this Policy, the School has identified that all staff members are mandatory reporters.



7.1 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 Head of School 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. The Head of School is then responsible for reporting to the Department of Communities and Justice (DCJ).

In addition, the School 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 the safety, welfare and well-being of the young person.

Under the legislation, reporting is required direct to the DCJ. However, reporting through the Head of School is permitted in Independent Schools to ensure a single person in the School has all the 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.

7.1.1 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.

7.1.2 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 well-being. The significance can result from a single act or omission or an accumulation of these.

7.2 Process for mandatory reporting

7.2.1 Staff members

Staff members must raise concerns about a child or young person who may be at risk of significant harm with the Head of School 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.

However, if there is an immediate danger to the child or young person and the Head of School or next most senior member of staff is not contactable, staff members should contact the Police and/or the Child Protection Helpline (13 21 11) directly and then advise the Head of School 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 the 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 but could incite potential civil proceedings for defamation or other legal consequences.

7.2.2 The School

In general, the Head of School will report these matters to the DCJ and where necessary, the Police. This is supported by the DCJ in accordance with best practice principles.

8. Reportable conduct

Section 29 of the Children's Guardian Act requires the Heads of Entities, including non-government schools in New South Wales, to notify the OCG of all allegations of reportable conduct and convictions involving an 'employee' (as defined in this Policy) and the outcome of the School's investigation of these allegations. For the purposes of this Policy, the definitions of 'employee' and 'staff member' are the same. Under the Children's Guardian Act, allegations of child abuse only fall within the reportable conduct jurisdiction if the involved individual is an employee of the relevant entity at the time when the allegation becomes known by the Head of Entity (at SACS this is the Head of School).

Reportable Conduct:

- involves a child (a person under the age of 18 years) at the time of the alleged incident; and



- involves certain defined conduct as described in the Act (see below).

The OCG:

- must keep under scrutiny the systems for preventing reportable conduct by employees 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 an employee of a non-government school, or the handling of or response to such a matter (eg arising out of complaints by the person who is the subject of an allegation); 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.

8.1 Reportable conduct

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 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.

8.1.1 Definitions

The following definitions relate to *reportable conduct*:

- **Assault:** an assault can occur when a person intentionally or recklessly (ie. 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)
- 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 employees knew or ought to have known was unacceptable;
 - 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.
- **Employee** of an entity includes:
 - an individual employed by, or in, the entity;
 - a volunteer providing services to the entity;
 - a contractor engaged directly by the entity (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 entity; 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.
 - **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 or 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.

- **PSOA:** Person Subject Of the Allegation.
- **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 this definition 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).

- **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.

Grooming refers to patterns of behaviour or conduct aimed at engaging with an alleged victim for sexual activity.

Types of grooming behaviours may include:

- Persuading child/ren that there is a 'special' relationship
- Inappropriate gift giving
- Special favours/breaking rules
- Inappropriate amounts of time spent
- Secret relationship, tactics to keep relationship secret
- Testing boundaries (touching, physical contact, undressing in front of child, talking about sex)
- Extending relationship outside of work
- Personal communication about personal or intimate feelings

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.

- **Reportable allegation:** an allegation that an employee has engaged in conduct that may be reportable conduct.
- **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.



8.2 Process for reporting of reportable conduct allegations or convictions

8.2.1 Staff members

All staff members should report all concerns to the Head of School.

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 Head of School when they become aware that a staff member 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 Head of School, the staff member must report to the Chairman of the School Council.

8.2.2 Parents, carers and community members

Parents, carers and community members are encouraged to report any conduct that is in their view inappropriate, reportable or criminal conduct to the Head of School or their delegate. All such reports will be dealt with in accordance with the School's complaint handling procedures.

8.2.3 The School

The Head of School (being 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; and
- Submit a 7-day notification form to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity (unless the Head of the Entity has a reasonable excuse).

The notification should include the following information:

- (a) that a report has been received in relation to an employee of the School;
 - (b) the type of reportable conduct;
 - (c) the name of the employee;
 - (d) the name and contact details of School and the Head of Entity;
 - (e) for a reportable allegation, whether it has been reported to Police;
 - (f) if a report has been made to the Child Protection Helpline, that a report has been made; and
 - (g) 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:
 - (a) details of the reportable allegation or conviction considered to be a reportable conviction;
 - (b) the date of birth and working with children number, if any, of the employee the subject of the report;
 - (c) the police report reference number (if Police were notified);
 - (d) the report reference number if reported to the Child Protection Helpline; and
 - (e) the names of other relevant entities that employ or engage the employee, whether or not directly, to provide a service to children, including as a volunteer or contractor.



8.3 Process for investigating an allegation of reportable conduct

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

8.3.1 Initial steps

Once an allegation of reportable conduct against an employee is received, the Head of School is required to:

- determine whether it is an allegation of reportable conduct;
- assess whether the DCJ or the Police need to be notified (ie, 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.

8.3.2 Investigation principles

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

- 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.

8.3.3 Investigation steps

In an investigation the Head of School, 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 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; and
- should the final report be unfinished within 30 days, at minimum, an interim report must be provided 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.

8.4 Risk management throughout an investigation of a reportable conduct allegation

Risk management means identifying the potential for an incident or accident to occur and taking steps to reduce the likelihood or severity of its occurrence.

The Head of School 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.

8.4.1 Initial risk assessment

Following an allegation of reportable conduct against an employee, the Head of School 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 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 Head of School 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 an employee being suspended, is not to be considered to be an indication that the alleged conduct by the employee did occur.

8.4.2 Ongoing risk assessment

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

8.4.3 Findings

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

8.4.4 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 employees 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.

8.4.5 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.

8.4.6 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 employees will be kept in a secure location and will only be accessible by the Head of School - or another with the Head of School's express authority.

No staff member may comment to the media about an allegation of reportable conduct unless expressly authorised by the Head of School to do so.

Staff members who become aware of a breach of confidentiality in relation to a reportable conduct allegation must advise the Head of School.

9. 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.

9.1 Failure to protect offence (Crimes Act 1900 - NSW)

An adult working in a school, and therefore all staff members, will commit an offence if they know another adult working there poses a 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.



9.2 Failure to report offence (Crimes Act 1900 - NSW)

Any adult, and therefore all staff members, 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 Head of School and is aware that the Head of School has reported the matter to the Police.

9.3 Special Care Relationships (Crimes Act 1900 - NSW and Crimes Amendment (Special Care Offences) Act 2020 (NSW))

It is a crime in NSW for a staff member 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 under s73 was supplemented by an additional special care offence involving sexual touching now under s73A of the Crimes Act. The new offence under s73A will expand special care offences to also apply to non-penetrative sexual touching. The offence will protect children aged 16-17 years from inappropriate sexual contact with teachers and others who have special care of the child.

The offence applies to anyone who is performing work at the school, including volunteers, as long as they are in a position of authority over the victim.

In the case of a person who has "an established personal relationship with the victim in connection with the provision of religious, sporting, musical or other instruction", the offence will only apply if the offender is in a position of authority over the victim, whereas previously the offence applied even if the person providing religious, sporting, musical or other instruction was not in a position of authority over the victim.

9.4 Reporting to Police Generally

Section 316A of the Crimes Act requires that, in NSW, all adults must report to Police any information they may have that a child abuse offence has been committed.

The information must be brought to the attention of a member of the NSW Police as soon as it is practicable to do so.

In emergencies, or if the child abuse offence is happening now or has just happened and the suspected offender may still be in the area: call 000.

All other matters: call the Police Assistance Line on 131 444. This line operates 24 hours per day, 7 days.

10. References

NSW Department of Communities and Justice

<https://www.dcj.nsw.gov.au>



The Office of the Children's Guardian

<https://www.kidsguardian.nsw.gov.au>

Department of Premier and Cabinet - Keep Them Safe

www.keepthemsafe.nsw.gov.au

11. **Document Control**

Document Name	Child Protection Policy
Confidentiality	SACS - Internal
Document Status	Approved
Version Number	2
Author	Compliance Officer
Owner	Head of School
Version Date	26 November 2020
Date of Next Review	November 2021

12. **Approval**

Approver	Date of Approval
Governance Committee	12 November 2020
School Council	26 November 2020



Appendix 1 - Working with Children Check Clearance

1 Child-related work

A WWCC clearance is authorisation under the WWC Act for a person to engage in child-related work.

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

- early education and child-care including education and care service, child-care centres and other childcare;
- Schools and other educational institutions and private coaching or tuition of children;
- religious services;
- residential services including boarding schools, homestays more than three weeks, residential services and overnight camps;
- transport services for children including school bus services, taxi services for children with disability and supervision of school road crossings; and
- counselling, mentoring or distance education not involving direct contact.

2 Application/Renewal

An application or renewal can be made through Service NSW or its replacement agency. The process for applying for and renewing a WWCC clearance with the OCG 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.

3 Refusal/Cancellation

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.

4 Interim bar

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.

5 Disqualified person

A disqualified person is a person who has been convicted, or against whom proceedings have been commenced for a disqualifying offence outlined in Schedule 2 of WWC Act. A disqualified person cannot be granted a WWCC clearance and is therefore restricted from engaging in child related work.