FMS Child Protection Policy

Policy Number	3.6.1
Policy Name	Child Protection Policy
Compliance Standard NESA	Section 47 of the Education Act 1990 No 8 (NSW)
Compliance Standard ACECQA	Education and Care Services National Regulations including 168(2) (h) (i)
Date Created	December 2022
Date Endorsed	May 2025; updated 20.8.25; May 2026
Revision Date	May 2027
Endorsed By	Board under delegation to CEO/Principal
Related Policies	Anti-bullying Privacy Complaints Resolution Policy and Procedures Code of Conduct Work Health and Safety Statement Behaviour Management
Related Procedures	
Audience	FMS whole school community

RATIONALE

1. Introduction

1.1 Purpose and scope

This policy sets out staff responsibilities for child protection and the 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.

1.2 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 (NSW) ("Children's Guardian Act"); and
- the Crimes Act 1990 ("Crimes Act").

1.3 Related policies

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

- Code of Conduct - which sets out information about the standards of behaviour expected of all staff members.
- Work Health and Safety Statement - which identifies the obligations imposed by work health and safety legislation on the School and staff members.
- Discrimination, Harassment and Bullying Statement – which summarises obligations in relation to unlawful discrimination, harassment and bullying.
- Complaints Resolution Policy and Procedures – which provides the steps taken by the School in addressing complaints.
- Privacy Policy.
- Behaviour Management Policy

The related policies can be accessed via sharepoint.

1.4 Compliance and records

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

- A register of staff members who have read and acknowledged that they read and understood this policy
- Working with children check verification records,
- Records of correspondence with external organisations (including documentations of reports made) including to:
    - Department of Communities and Justice, and
    - NSW Police, or other police bodies,
    - Office of the Children's Guardian, or
    - Any other external body including under information exchange provisions.

2. 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 which could reasonably have been foreseen, and
- obligations under various child protection legislation.

The School is informed by and aims to respond to the National Child Safe Standards in all its work. The Child Safe Standards are implemented throughout this Policy.

2.1 Children protection concerns

There are different forms of child abuse, which are regarding to form child protection concerns. The following definitions are informed by the definitions utilised by the Australian Institute of Family Studies[1]:

- Physical abuse is the intentional use of physical force that results, or is highly likely, to result in harm for the child's health, survival, development or dignity. Examples include: hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating.

- Emotional abuse refers to a caregiver's inappropriate verbal or symbolic acts towards a child and/or a pattern of failure over time to provide a child with adequate non-physical nurturing and emotional availability. Emotional abuse is seen to take five main behavioural forms: rejecting, isolating, terrorising, ignoring and corrupting.

- Neglect includes both isolated incidents, as well as a patten of failure over time, to provide for the development and wellbeing of the child, whether the person is in a position to provide such, in at least one of the following areas: health, education, emotional development, nutrition, shelter and safe living conditions.

- Sexual abuse is the involvement of a child in sexual activity they do not fully comprehend, are unable to give informed consent to, that they are not developmentally prepare, or else that violates the laws or social taboos of society. Children can be sexually abused by bother adults and other children (who as result of their age or development, are in a position of responsibility, trust or power).

- Exposure to family violence

2.2 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, being risk of significant harm in section 5.1.2.

2.3 Staff member responsibilities

[1] https://aifs.gov.au/resources/policy-and-practice-papers/what-child-abuse-and-neglect

Under legislation staff are required to report a number of 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 Principal.

Staff members are not required to determine or establish whether a concern is legitimate, but rather to refer any concerns to the Principal as they arise.

If the allegation involves the Principal, a report should be made to the Chairman of the School Board.

3. Training

3.1 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. Such child protection training must be in line with legislative requirements for staff members, including under s162A of the Children (Education and Care Services) National Law.

3.2 Staff members

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

All new staff members must declare whether they have ever been the subject of a suspension notice, supervision notice, prohibition notice or enforceable undertaking by an employer.

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

- mandatory reporting
- reportable conduct
- working with children check, and
- maintaining professional boundaries.

All staff are required to reaffirm their understanding of child safety obligations and compliance with WWCC requirements at annual reviews or as part of their performance management. Such undertaking supports ongoing vigilance and improvement in child-safe practices. Further information regarding staff performance expectations are contained within the FMS Staff Code of Conduct.

4. Working with children

The WWC Act protects children by requiring a worker to have a working with children's check clearance or current application to engage in child related work. Failure to do so may result in a fine or imprisonment.

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

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

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

WWCC clearance holders are subject to ongoing monitoring by the OCG.

4.1 Responsibilities for working with children checks

4.1.1 Staff members

All staff members who engage in child-related work are required to:

- hold and maintain a valid WWCC clearance
- not engage in child-related work at any time that they are subjected to an interim bar or a bar
- report to the Principal within 72 hours if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or are notified by the OCG that they are subjected to a risk assessment, and
- notify the Office of the Children's Guardian of any change to their personal details within 3 months of the change occurring.

It is an offence for an employee to engage in child-related work when they do not hold a WWCC clearance or if they are subject to a bar.

It is the responsibility of a staff member to provide evidence that they are exempt from requiring a WWCC. Should a staff member be exempt from holding a WWCC, this must be recorded by the School, along with any required evidence/decision to support the exemption.

4.1.2 The School

The School is required to:

- verify online and record the status of the WWCC for all staff members engaged in child-related work;
- only employ or engage staff members in child related work who have a valid WWCC, which has been verified prior to their employment or engagement; and
- act in compliance with reportable conduct requirements.

It is an offence for an employer to knowingly engage someone in child related work, when they do not hold a current WWCC clearance.

4.2 Working with children check clearance

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

4.2.1 Child-related work

A staff member is engaged in child-related work where they are engaged in work that 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, or they are engaged in a role outlined is section 6(3) of the WWC Act.

Child related work includes the work outlined in section 6 of the WWC Act, as updated from time to time. This includes, but is not limited those engaged in the following work:

- Child development
- Child protection
- Children's health services,
- Clubs or other bodies providing services for children,
- Disability services,
- Early education and child care,
- Education,
- Entertainment for children,
- Justice services,
- Religious services, or
- Transport services for children.

Any queries about whether roles or duties are child-related work should be directed to the Principal.

4.2.2 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.

4.2.3 Refusal/Cancellation

The OCG can refuse to grant a working with children check 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.

4.2.4 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.

4.2.5 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 working with children check clearance and is therefore restricted from engaging in child related work.

4.3 Ongoing monitoring

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

4.3.1 Risk assessments

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 new information is received which triggers a risk assessment. This may include an offence under Schedule

1, pattern of behaviour or offences involving violence of sexual misconduct representing a risk to children, findings of misconduct involving children or a notification made to the OCG.

4.4 Child Safety employment procedure

At the recruitment stage, the School will pay regard to the person's evidence of an understanding of and commitment to child safety, including demonstrated knowledge of relevant child protection legislation, child safety responsibilities and alignment with our service's child-safe values and code of conduct. This will include recurring assessments.

4.4.1 Pre – employment screening

During the recruitment stage the School will engage in the following processes:

(i) scrutinising employment history, particularly in circumstances where applicants have:
   a. numerous employers
   b. gaps in employment history
   c. do not name direct line managers as referee's,

(ii) verifying employee's names against the National Quality Assurance IT System (NQAITS) Register of prohibited persons and suspended educators.

(iii) verifying a National Criminal History Check for prospective staff, and

(iv) confirmation of qualifications and accreditation.

Interviews with applicants will be used to:

(i) assess suitability to work with children,

(ii) assess the understanding of child safe requirements and their responses to child safety scenarios,

(iii) ask probing questions about an applicant's understanding of child safe requirements and their responses to child safety scenarios,

(iv) ask behaviour based questions that explore an applicant's integrity, attitudes toward children and knowledge of and commitment to child safety.

The School will undertake reasonable enquiries into applicants via thorough referee checks as outlined in the School's Recruitment Policy .

The School will require applicants to complete a declaration about their suitability and any current restrictions imposed by Regulatory Authorities including enforceable undertakings, suspension orders, supervision orders or training orders.

4.4.2 MONITORING EMPLOYEE COMPLIANCE

All School staff will on a quarterly basis be required to sign a statement regarding their ongoing compliance with FMS's policies and the National child safe standards as updated from time to time.

All School staff are advised that the School will be undertaking:

- randomised checks against the National Quality Assurance IT System (NQAITS) Register of prohibited persons and suspended educators;
- randomised verifications of WWCC clearances;
- annual review of employees understanding of child safety obligations.

The School is required to keep records of all pre-employment checks, including

- WWCC verification,
- National Criminal History Check,
- Qualification checks,
- Prohibited person checks,
- Declarations, and accreditation confirmations

storing all records securely and managing them in line with our organisations record-keeping and privacy requirements.

5. Mandatory reporting

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

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

- In the course of their employment, deliver services including health care; welfare, education, children's services and residential services, to children;
- Hold a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services including health care, welfare, education, children's services and residential services, to children, are mandatory reporters,
- Are in religious ministry, or providing religion-based activities to children, and
- Are registered psychologists providing a professional service as a psychologist.

All teachers are mandatory reporters. Other staff members may also be mandatory reporters. Any queries about whether other staff members are mandatory reporters should be directed to the Principal.

Irrespective of whether a staff member is a mandatory reporter, they are required to report any concerns to their manager and/or the Principal.

From 1 September 2025, we are required to notify regulatory authorities within 24 hours of any allegation, complaint or incident involving physical or sexual abuse. This is a significant reduction from the previous 7 day reporting timeframe.

5.1 Reports to Family and Community Services

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

Staff members must use the Mandatory Reporter Guide located on the DCJ website to confirm whether a concern needs to be reported. A record should be kept which indicates the DCJ recommended action from the Mandatory Reporter Guide.

In addition, the School may choose to make a report to DCJ where there are reasonable grounds to suspect a young person is at risk of significant harm and there are current concerns about the safety, welfare and well-being of the young person.

A mandatory reporter will meet their obligations if they report to the Principal. This centralised reporting model ensures that a person in the School has all of 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. The Principal would be required to make any report as required.

5.1.1 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.

5.1.2 Significant harm

Section 23 of the Care and Protection Act outlines when a mandatory report is required. The section states that 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.

5.2 Process for mandatory reporting

5.2.1 Staff members

Staff members must raise concerns about a child or young person who may be at risk of significant harm with the Principal 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. There is nothing which prohibits a staff member from also making their own report to DCJ.

However, if there is an immediate danger to the child or young person and the Principal 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 Principal or next most senior member of staff at the School as soon as possible.

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

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

5.2.2 The School

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

5.3 Process for reporting concerns about students

5.3.1 Staff members

The Care and Protection Act outlines a mandatory reporter's obligation to report to DCJ concerns about risk of significant harm. However, to ensure centralised reporting all staff members are required to report any concern regarding the safety, welfare and wellbeing of a student to the Principal. Staff members who are unsure as to whether a matter meets the threshold of 'risk of significant harm' should report their concern to the Principal regardless.

Staff members are required to deal with all reports regarding the safety, welfare or wellbeing of a student with confidentially and only disclose it to the Principal and any other person the Principal nominates.

As outlined within the Staff Code of Conduct staff member owe a duty to promptly disclose child safety, protection and welfare concerns arising in relation to other staff members past and/or present conduct. The School relies heavily on the integrity and honesty of its employees and community to bring forth issues and raise awareness of concerns that can or may compromise the safety and/or wellbeing of any child in its care.

The Principal is responsible for undertaking the Mandatory Reporter Guide, and recording the outcome of this. The Principal is responsible for making mandatory reports where necessary in line with the Care and Protection Act.

6. Reportable conduct

Under Schedule 1 of the Children's Guardian Act, the School is considered an entity with reportable conduct obligations. The Head of the Relevant Entity for the School is the Principal.

The Principal must notify the Office of the Children's Guardian about reportable allegations and convictions against employees, including that which arises in the course of their work, or their alleged conduct outside of work.

The Principal (or their delegate) is required to:

- ensure specified systems are in place for preventing, detecting and responding to reportable allegations or convictions;
- make a notification to the Office of the Children's Guardian within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity;
- as soon as practicable after receiving the reportable allegation/conviction, arrange for it to be investigated/determined;
- complete the investigation within a reasonable time, having regard to the principles of procedural fairness and the mandatory considerations outlined in Division 6 of the Children's Guardian Act;
- provide information about the allegation, the progress of the investigation and the finding and action taken to the alleged victim and their parent/carer unless the head of the relevant entity considers that it is not in the public interest to do so;
- by 30 calendar days after the head of the entity becomes aware of the reportable allegation, provide either a finalised entity report or an update (an interim report, reasons the investigation has not been completed and an estimated timeframe for completion);
- make a finding of reportable conduct if satisfied, on the balance of probabilities, that the case against the employee the subject of the reportable allegation has been proved;
- provide information to the Children's Guardian that the Guardian requires under relevant provisions of the Act, which may include information about a reportable allegation, the relevant entity's response to a reportable allegation, and systems for preventing and responding to reportable allegations;
- ensure an appropriate level of confidentiality of information relating to reportable allegations and only disclose information about the allegations in circumstances permitted by the Act or other legislation;

At the end of the investigation of a reportable allegation, the head of agency must send a report to the Office of the Children's Guardian that enables the Office of the Children's Guardian to determine whether the investigation was carried out in a satisfactory manner and whether appropriate action was or can be taken.

- Reportable conduct

Reportable conduct is as defined in the Children's Guardian Act, and includes:

- A sexual offence,
- Sexual misconduct
- Ill-treatment of a child
- Neglect of a child
- An assault against a child
- An offence under s43B (failure to protect) or s316A (failure to report) of the Crimes Act 1900, and
- Behaviour that causes significant emotional or psychological harm to a child.

Further guidance about the definitions of the above reportable conduct is found in Division 2 of the Children's Guardian Act, and in the OCG Fact Sheet 1 – Identifying Reportable Allegations.

6.1 Process for reporting of reportable conduct allegations or convictions

6.1.1 Staff members

Any concerns about any other employee engaging in conduct that is considered inappropriate, or reportable conduct, or any allegation of inappropriate, or reportable conduct made to the employee or about the employee themselves must be reported to the Principal. Where it is uncertain if the conduct is reportable conduct but is considered inappropriate behaviour this must also be reported.

Staff members must also report to the Principal when they become aware that an employee 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 employee themselves.

If the allegation involves the Principal, the staff member must report to the Chairman of the School Board.

6.1.2 Parents, carers and community members

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

6.1.3 The School

- The Principal as Head of the Relevant Entity is responsible for notification and management of all reportable conduct matters. These responsibilities are outlined above at section 6.

6.2 Process for investigating an allegation of reportable conduct

Principal ensures the following steps are taken to investigate an allegation of reportable conduct.

6.2.1 Initial steps

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

- determine on face value whether it is an allegation of reportable conduct;
- assess whether 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). The Principal may consult with the DCJ or the Police to determine if it is necessary to report the matter.
- If external agencies have been notified, or the School is aware that they have a process underway, the Principal must seek clearance from these agencies prior to the School proceeding with the Reportable Conduct investigation;
- Give consideration to its obligations under s57 of the Children's Guardian to notify the child or their family of the notification;
- notify the OCG within 7 days of becoming aware of the reportable allegation or conviction;
- carry out a risk assessment in line with Division 6 of the Children's Guardian Act, and implement risk management actions including removal where necessary;
- provide information about the allegation, the progress of the investigation and the finding and action taken to the alleged victim and their parent/carer unless the head of the relevant entity considers that it is not in the public interest to do so;
- by 30 calendar days after the head of the entity becomes aware of the reportable allegation, provide either a finalised entity report or an update (an interim report, reasons the investigation has not been completed and an estimated timeframe for completion);
- provide an initial letter to the person subject of allegations ('PSOA') advising that an allegation of reportable conduct has been made against them and the School's responsibility to investigate this matter under the Children's Guardian Act; and
- investigate the allegation or appoint someone to investigate the allegation.

6.2.2 Investigation principles

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

- follow the principles of procedural fairness;
- inform the PSOA of the particulars 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.

6.2.3 Investigation steps

In an investigation the Principal or appointed investigator will generally:

- interview relevant witnesses and gather relevant documentation;
- provide a letter of allegation to the 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;
- where adverse findings are proposed, inform the PSOA of the preliminary finding and reasons for the findings 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;
- inform the PSOA of the School's legal reporting obligations in accordance with the Children's Guardian Act and the Child Protection (Working with Children) Act 2012, and make such reports as required.
- Complete an entity report at the end of the matter and provide to the OCG.

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 FACS 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.

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

6.3.1 Initial risk assessment

Following an allegation of reportable conduct against an employee the Principal conducts an initial risk assessment to identify and minimise the risks to:

- the child(ren) who are the subject of the allegation;
- other children with whom the employee may have contact;
- the PSOA;
- the School, and
- the proper investigation of the allegation.

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

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

The Principal will take appropriate action to minimise risks. This may include the PSOA being temporarily relieved of some duties, being required not to have contact with certain students, being asked to take paid leave, or being suspended from duty. When taking action to address any risks identified, the School will take into consideration both the needs of the child(ren) and the PSOA. Priority will be given to ensuring risks to children are adequately minimised or eliminated.

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.

Ongoing risk assessment

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

6.3.2 Findings

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

6.3.3 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.

6.3.4 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 area and will be accessible by the Principal or with their express authority.

No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the Principal to do so.

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

7. Criminal offences

All employees must act in accordance with the law at all times.

There are two key criminal offences, which also fall under reportable conduct, which are important for all staff to understand and comply with.

7.1 Failure to protect offence

A failure to protect offence is outlined under s43B of the Crimes Act 1900.

An adult working in a school, therefore all staff members, will commit an offence if they know another adult working there poses as serious risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.

This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to a known and serious risk rather than using their power to protect children.

7.2 Failure to report offence

A failure to report offence is outlined under s316A of the Crimes Act 1900.

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 Principal and is aware that the Principal has reported the matter to the police.

Acknowledgement

I _____ have read, understood and agree to comply with the terms of this Child Protection Policy.

_____ _____
Signed Dated

ATTACHMENTS
The following documents are attached to this policy:

1. School Incident Report.