CHILD PROTECTION POLICY

August 2016

St John’s Vision:

In the tradition of Mercy,
Inspiring minds
Growing in Christ.
PURPOSE

Schools in NSW are required to meet the statutory obligations of legislation relating to Child Protection. Schools in the Maitland/Newcastle Diocese are required to uphold the policies and guidelines set out by the Catholic Schools Office.

This policy details the obligations of all staff at St John’s Lambton in line with the legislation, diocesan policies and established guidelines in the area of Child Protection.

DEFINITIONS

The terms relating to this policy are clearly defined in the diocesan Child Protection Reporting Concerns for Children Policy 2015, page 2.

POLICY STATEMENT

St John’s Lambton is committed to meeting the statutory obligations for Child Protection providing safe environments for students and implementing Child Protection legislation and system policies.

GUIDING PRINCIPLES

As a school, St John’s accepts and educates students with love and respect in a community that provides a strong sense of wellbeing, belonging and security. Students are given every opportunity to be affirmed in their dignity and worth, confirmed in their personhood, and assisted to grow to their full potential.

At St John’s:

- We believe that all children have a right to a safe environment which is free from any form of abuse or harm.
- Relationships between adults and children are governed by trust and Gospel values.
- We endeavor to exercise high levels of responsibility and care in protecting young people from harm.
- Whilst there is a legal obligation to protect children, a commitment to keeping children safe is central to our Catholic beliefs and practices.

This policy is guided by Government Legislation, CSO Policies and Procedures and CSO Staff Documents.

This legislation includes:

- The Ombudsman Act, 1974 and The Ombudsman Amendment (Child Protection and Community Services) Act, 1998
- The Children and Young Persons (Care and Protection) Act, 1998
- The Commission for Children and Young People Act, 1998
- The Child Protection (Working with Children) Act, 2012

Catholic Schools Office documents include:

- Reporting Child Protection Concerns - Policy & Procedures - Updated December 2015
Catholic Schools Staff Documents include:

- Checklist for Conducting Exempt Investigations 2012
- Child Protection - Info Sheets to CSO Parents 2014
- FaCS Risk of Harm Report
- Guide sheet for conducting Exempt Investigation 2013
- Information Sheet – Stages of Investigation – Zimmerman Services
- Information Sheet – What to Expect if you are a Respondent – Zimmerman Services
- Reporting Concerns for Children and Persons with Disabilities Policy
- Working with Children Check Poster
- Zimmerman Services – Form – Report Concerns Child – Person Disabilities
- ZS Investigations Policy 1-3 2013

**RESPONSIBILITIES**

The responsibilities of staff in relation to the administering of this policy are:

The Principal of St John’s must:

- Have a working knowledge and understanding of all the statutory obligations and employer requirements relevant to child protection including the Mandatory Report Guide (MRG);
- Manage child protection allegations and issues in accordance with the Catholic Schools Office, Child Protection Guidelines and Procedures for Schools;
- Receive and document allegations (using the exact words of the informer) and clarifying with only the informer, where, when, who, what and how;
- Advise the Child Protection Unit (CPU - Zimmerman House) within 24 hours of receipt of information, of a child protection allegation/complaint against an employee. This involves informing the Child Protection Unit of all allegations of a child protection nature. Although the amendments to the legislation on 23 April 2004 have exempted the Child Protection Unit at the CSO from notifying the Ombudsman Office of certain allegations, the process of the Child Protection Unit investigating all allegations (allegations not reportable to the Ombudsman’s Office or reportable conduct allegations) has not altered;
- Assure those involved that Child Protection matters will be dealt with appropriately;
- Advise the employee who has an allegation made against them (timing in consultation with the Child Protection Unit) of the nature of the allegation, the investigation process, the employee’s rights, confidentially requirement and support that is available;
- Work with the Child Protection Unit in response to the allegation including supporting those involved and addressing any community issues;
- Ensure support for all involved with the matter;
- Be open in consulting and seeking advice from appropriate professionals in the area of child protection;
- Ensure that school employees understand and can access information in relation to child protection policies, procedures and responsibilities.
- Ensure that staff undertake appropriate Child Protection training.

St John's school employees must:

- Understand the statutory obligations of legislation relating to Child Protection.
- Access information in relation to Child Protection policies, procedures and responsibilities;
- Advise the school principal as soon as possible of child protection allegations/complaints against an employee. This involves informing the principal of all allegations of a child.
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- If an allegation/complaint of a Child Protection nature is made against the Principal of the school, employees are to directly report this to the Child Protection Unit at the Catholic Schools Office.
- Provide information required by the Principal in order to assist inquiries.
- Respond to lawful requests in respect of the provision of Child Protection information.
- Keep confidential, except as otherwise required, every aspect of an incident or allegation of a Child Protection nature. If unsure about confidentiality issues, speak only with the school principal or member of the leadership team.

All Members of Staff

- Participate in Child Protection training and in-servicing.
- Report as soon as practicable, concerns regarding Child Protection, to the principal or member of the leadership team. If this is not possible, or the matter has not been dealt with appropriately, report the matter directly using the NSW Mandatory Reporter Guide.
- Understand and implement St John’s Lambton Child Protection Procedures. This document provides the specific procedures to be followed by staff in implementing the Child protection policy at the school.

**BUDGET**

If required, a budgetary allocation is available to support the implementation of this policy eg. for the provision of staff training and inservicing.

**LEGISLATIVE GUIDELINES**

**Reporting Risk of Significant Harm**

**Children and Young Persons (Care and Protection) Act 1998**

- This legislation establishes a shared responsibility for the protection of children. Staff are required by law to report certain information to Family and Community Services (FaCS).
- Reports to the Child Protection Helpline (Ph. 133 111, 24 hrs/7 days) must be made where there are reasonable grounds to suspect that a child or young person is at risk of significant harm and if concerns are current.
- Risk of significant harm may occur from a single act or omission, or to a series of acts or omissions. This includes harm due to neglect, physical, sexual and psychological abuse, exposure to domestic and/or family violence and homelessness.
- The FaCS On-line Mandatory Reporters Guide assists in determining the need to report. (NSW Government: Mandatory Reporters Guide)
- Zimmerman Services, the diocese’s specialist Child Protection service can provide advice and support. (Ph. 4979 1390 Mon-Fri, 8:30am to 5:00pm).
Children and Young Persons (Care and Protection) Act 1998 Chapter 16A: Information Exchange

Provisions of Chapter 16A of the NSW Children and Young Persons Act 1998 allow a school in NSW to provide another school in NSW with information it reasonably believes would be helpful for the safety, welfare or wellbeing of child or young person. This information can include information about:

- A child's history or circumstances including educational records, student welfare records or counselling records;
- A parent or carer (as it relates to the child or could impact on the school);
- A person/s who have a significant relationship with a child or young person;
- Support provided by the school.

Additional information may include certain private health professionals for the purpose of Child Protection including: Nurses, Registered Medical Professionals, Registered Midwives and Registered Psychologists, Occupational Therapists and Speech Pathologists.

See “Exchanging Information and Coordination of Services with Private Health Professionals”. NSW Department of Health Information Sheet

The legislation that applies specifically to people who work in child-related employment, including volunteers and self-employed people, includes:

- Commission for Children and Young People Act 1998
- The Child Protection (Working with Children) Act 2012
- NSW Ombudsman Act 1974


Under this legislation people who work in a paid or volunteer capacity in the Diocese of Maitland-Newcastle are required by law to have a Working with Children Check Clearance (WWCC).

- This ‘Clearance’ can be obtained from applying online at check@kidsguardian.nsw.gov.au.
- A person starting a new paid job in child-related work at St John’s must apply for a Working with Children Check Clearance (WWCC) before they start work. Catholic Schools Office employment procedures will ensure that this occurs.
- A person currently employed in paid child-related work at St John’s, must apply for a WWCC before the 1st January 2018.
- After applying on-line, staff must attend a NSW Government Service Centre with 100 points of identification. A WWCC for paid employment costs $80.00 and is valid for up to 5 years.
- A self-employed person intending to work at St John’s in child-related work needs to apply for a WWCC when their current Certificate for Self Employed People expires. If it has already expired, such a person must apply for a WWCC before they start any new child related work.
- A volunteer commencing work at St John’s must apply for a WWCC before they can commence voluntary work.
- A person already engaged in voluntary work at St John’s, needs to apply for a WWCC during the primary education sector phased-in in 2016.
- After applying on-line, the volunteer is required to attend the Roads and Maritime Services with 100 points of identification. There is no cost for the WWCC for volunteers and the Clearance is valid for up to 5 years.
Volunteers must bring the WWCC and 100 points of identification to St John’s School where they complete a Working with Children Check Clearance Number Verification & Declaration Form (for volunteers & contractors). The identification documents must be sighted and checked by an employee of St John’s and the form signed.

Once completed the first page of the form is submitted to Zimmerman Services (scanned as attachment to an email, faxed or posted).

Reporting Allegations of Reportable Conduct

NSW Ombudsman Act 1974

Part 3A of the Ombudsman Act 1974 defines diocesan schools and the CSO as a ‘designated non-government agency’ and as such we must have systems for preventing, reporting (to the Ombudsman) and investigating allegations of reportable conduct; which includes sexual offenses, misconduct, assault, ill-treatment, neglect and behaviour that causes psychological harm to children.

- All employees who work within the CSO and diocesan schools fall within the scope of Part 3A and may be investigated for alleged ‘reportable conduct’. Part 3A applies to paid and unpaid employees (volunteers) in schools.
- As an employee of the CSO or a Diocesan school any alleged reportable conduct will be investigated; it doesn’t matter if the alleged conduct happened outside of work hours or in private or happened before employment in a catholic school.
- Zimmerman Services is the Diocese’s specialist Child Protection service who works with the Ombudsman to ensure the diocese meets its obligations under Part 3A. All employees have an obligation to assist and cooperate with any investigation conducted by Zimmerman Services. If an allegation of reportable conduct hasn’t been reported by the school leadership, Zimmerman Services can be called directly, (Ph. 4979 1390 Mon-Fri, 8:30am to 5:00pm).
- Once the allegation is received by Zimmerman Services it is reported to the Ombudsman’s Office. Zimmerman Services then conducts an investigation into the allegation. The investigation gathers facts relevant to the allegation and arrives at a finding at its conclusion. The process of investigation provides the employee with an opportunity to respond to the allegation and have the response heard. All evidence is considered before a decision is made in regard to the finding.

Diocese of Maitland-Newcastle Reporting Policy

All employees of the diocese we must report any concerns for children to the principal, assistant principal or directly to Zimmerman Services (Ph. 4979 1390 Mon-Fri, 8:30am to 5:00pm). The diocesan reporting policy and procedures are available online at MN Works and on the Diocesan website: Diocese of Maitland-Newcastle Reporting Child Protection Concerns.

Evaluation

This policy will be reviewed and updated every five years unless an earlier review becomes necessary because of changes in legislation or CSO/Diocesan requirements.