

Child Protection Policy and Procedures

St. Andrew's Christian School

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	Reviewed	Reviewed	Reviewed	Reviewed	Reviewed
To CompliSpace	23/8/2022	22/5/2023	20/2/2024	05/07/2024	

If you believe or suspect that a child has suffered, is suffering, or is at unacceptable risk of suffering, abuse or other harm contact NSW Police or the Department of Communities and Justice 13 21 11.

Where you need guidance on making a report or have questions regarding child safety, contact the Principal or 0428 434 770.

Whenever there are concerns that a child is in immediate danger, call the Police on 000.

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This Child Protection Policy has been adapted from the AISNSW template for NSW independent schools (last updated 17 March 2023) and contextualised by St. Andrew's Christian School.

It has been developed with a commitment to the provisions of the Presbyterian Church of Australia, *Breaking the Silence: Procedures for dealing with and preventing abuse within the church* (2023 edition).

1. Introduction

Please note – policies in **red** are available on the online platform: PolicyConnect. If they are behind a login, community members may request them by contacting principal@standrewscs.nsw.edu.au.

St. Andrew's Christian School (the School) has a commitment to the safety, protection and well-being of all students, through prevention initiatives and handling matters effectively if and when they arise.

The School seeks to create a caring environment where Christian values inspire and affirm the highest standards of ethical conduct in relation to the care, support, and welfare of the students entrusted to it.

Section B8.1 of the NSW Education Standards Authority (NESA) Registered and Accredited Individual Non-Government Schools (NSW) (RANGS) Manual requires that schools must ensure they meet legislative obligations for child protection. This Policy addresses the requirements listed there.

Child Protection is a community responsibility

Defining Child and Young Person (including students)

- a Child or Children which in this Policy means persons under the age of 16 years,
- a Young Person or Persons which in this Policy means persons between 16 and 18,
- any student of the School over the age of 18 years

Defining staff member / employee

- an individual employed by, or in, the entity
- a volunteer providing services to children
- 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.

Purpose and scope

The Child Protection Policy addresses all persons involved in [Child-related work](#) (including voluntary work). Including

- providing services for children and young people under 18
- where the work normally involves being face to face with children
- where contact with children is more than incidental to the work

This policy aims to:

- summarise the obligations imposed by child protection legislation on the School and on employees, contractors and volunteers at the School;
- clarify the parameters of appropriate and inappropriate conduct for staff and volunteers of the School to create a safe and supportive environment for students in accordance with the School's mission and values and the Christian commitment

- embraced;
- provide guidelines as to how the School will deal with certain matters;
- guide staff, volunteers and students on how to behave with students in the School;
- model a contemporary workplace at the School that is faith-filled, collaborative, consultative, and lawfully compliant in relation to contemporary child protection practice.

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

Legislative Obligations

RANGS Manual B8.1: Schools must ensure they meet legislative obligations for child protection. Schools must know and comply with their obligations under the following NSW laws:

- *Child Protection (Working with Children) Act 2012 (the Working with Children Act)*, which sets out a school's responsibility to obtain working with children check (WWCC) clearances for all people engaged in child-related work and verify WWCC clearances with the Office of the Children's Guardian (OCG)
- *Children and Young Persons (Care and Protection) Act 1998 (the Care and Protection Act)*, which sets out the responsibilities of mandatory reporters and the responsibilities of schools to identify and report child protection concerns to the NSW Department of Communities and Justice where reasonable grounds exist to suspect a child is at risk of significant harm
- *Children's Guardian Act 2019 (the Children's Guardian Act)*, which sets out a school's responsibility to prevent and identify reportable conduct by employees and respond to any instances by investigating and reporting to the OCG.

Child Protection Contact Person

The person who has been nominated to manage child protection issues within the School is the Principal or delegate.

If the concern is with the Principal, the Board Chair is the contact person.

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Appendix 1 - STACS Child Protection Roles and Responsibilities

Related Policies

There are several School policies which relate to child protection that should be **read in conjunction** with this Policy, including but not limited to, the following. These are located on the CompliSpace PolicyConnect platform.

- [Staff Code of Conduct](#) and all policy references within
- [Staff Handbook](#) and all policy references within
- [Student Duty of Care](#) and all policy references within

- [Staff and Student Professional Boundaries Policy](#) and all policy references within
- [Bullying Prevention and Intervention](#) and all policy references within
- [Work Health and Safety](#) and all policy references within

Breaking the Silence

Breaking the Silence is intended to address the issues of preventing and dealing with abuse within the Presbyterian Church of Australia (PCA), and provide all congregations, Presbyteries, organisations (including schools), and committees within the church with a comprehensive tool to meet legislated obligations and the requirements of the PCA's Code of Discipline.

This is done not just in response to legal and societal expectations, but more importantly, to ensure the safety of the Church's ministry activities for all and to attain justice for those who have been harmed.

Breaking the Silence acknowledges that some organisations such as schools, pre-schools, childcare centres and hospitals within the church may wish to establish, or have already established policies and procedures for dealing with and preventing abuse. These organisations may seek to become an approved organisation and thereby be exempt from the provisions of Breaking the Silence.

STACS is an approved organisation. We provide an annual statement to the Conduct Protocol Unit of the PCA confirming our compliance with the provisions of Breaking the Silence.

[Appendix 6 – Breaking the Silence statement](#)

2. Children Protection Concerns

2.1 Forms of Child Abuse

There are different forms of child abuse.

<p>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.</p>	<p>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.</p>
<p>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 punishing a child (in a non-trivial way) is a crime.</p>	<p>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.</p>

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, or risk of [significant harm](#).

2.3 Office of the Children's Guardian (OCG)

The Office of the Children's Guardian (OCG) is an independent statutory body that promotes the interests, safety and rights of children and young people in NSW. The core functions of the OCG include administering Working with Children Checks, Reportable Conduct Scheme and implementation of the Child Safe Standards.

The Child Safe Standards are:

1. Child safety is embedded in organisational leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld, and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the organisation is child safe.

3. Working with Children Check (WWCC)

RANGS Manual B8.1: Schools must have and implement policies and procedures that comply with the Working with Children Act to:

- ensure all people in child-related work have a current WWCC clearance
- verify WWCC clearances for all people in child-related work prior to a person's employment and following renewal of a WWCC clearance
- ensure evidence of verifying WWCC clearances is maintained.

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

The Office of the Children's Guardian 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
- refuse a WWCC clearance (further applications cannot be made for 5 years).

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

3.1 Responsibilities for WWCC

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

3.1.1 The Staff

The School is required to:

Staff members who engage in [child-related work](#) and eligible volunteers (including those volunteers working at overnight camps) 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 if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or are notified by the OCG that they are subjected to a risk assessment; and
- notify the OCG of any change to their personal details within 3 months of the change occurring. Failure to do so may result in a fine.

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.

3.1.2 The School

The School is required to:

- verify online and record the status of each child-related worker's WWCC clearance;
- only employ or engage child-related workers or eligible volunteers 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.

Any queries about whether roles/duties engage in [child-related work](#) should be directed to the Principal.

Further information [WWCC Policy and Procedures](#)

4. Mandatory Reporting

RANGS Manual B8.1: Mandatory reporters include a person:

- who, in the course of their professional work or other paid employment delivers health care, welfare, education, children's services, residential services, and law enforcement, wholly or partly, to children
- who holds a management position where the duties include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, and law enforcement, wholly or partly, to children
- in religious ministry, or a person providing religion-based activities to children
- who is a registered psychologist providing a professional service as a psychologist.

Mandatory reporters include a person:

- Who, in the course of their professional work or other paid employment delivers health care, welfare, education, children's services, residential services, and law enforcement, wholly or partly, to children
- Who holds a management position where the duties include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, and law enforcement, wholly or partly, to children
- In religious ministry, or a person providing religion-based activities to children
- Who is a registered psychologist providing a professional service as a psychologist.

4.1 Significant Harm

RANGS Manual B8.1: Schools must have and implement policies and procedures that comply with the Care and Protection Act, including how to identify and respond to concerns about students at risk of significant harm.

[Appendix 2 - indicators of risk of 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.

A mandatory reporter must, where they have reasonable grounds to suspect that a child is at risk of significant harm, report to the Department of Communities and Justice (DCJ) as soon as practicable. The report must include the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

In addition, 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.

In the independent school sector, a mandatory reporter will meet their obligation if they report to the Principal in the School. This centralised reporting model ensures that a person in the School has all 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.

4.2 Reports to Department of Communities and Justice (DCJ)

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.

4.2.1 The Staff

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

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.

If there is an immediate danger to the child or young person and the Principal or delegate 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 delegate 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 all reports regarding the safety, welfare or wellbeing of a student confidentially and only disclose it to the Principal and any other person the Principal nominate and 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.

4.2.2 The School

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

The Principal uses the [DCJ Mandatory Reporter Guide](#) and [Child Story Reporter](#).

In all cases, The Conduct Protocol Unit (Jericho Road) is advised.

4.3 Voluntary Reporting by Non-Mandatory Reporters

Anyone who suspects, on reasonable grounds, that a child or young person is at risk of significant harm can make a Voluntary Report to DCJ. They do not need to prove that the abuse or other harm, has taken place.

If they make a report in good faith, they cannot be held legally liable regardless of the outcome of the report. For more information, [refer to Confidentiality and Privacy](#).

Even if they are not a Mandatory Reporter to DCJ under child protection legislation, they may still be required to make an external report to other agencies under other legislation. For more information, [refer to Reporting to Police and Reportable Conduct](#).

5. Staff Misconduct and Reportable Conduct

RANGS Manual B8.1: Reportable conduct

Schools must have and implement policies and procedures that comply with the Children's Guardian Act to:

- prevent reportable conduct
- identify reportable conduct
- report allegations of reportable conduct
- investigate reportable allegations
- report the findings of each investigation.

[Appendix 4 Reporting Flowchart](#)

Complaints regarding allegations of staff misconduct and reportable conduct are managed

in a different manner to other complaints received by the School. This is because often these complaints are of a sensitive nature and raise potential privacy and confidentiality issues.

Our comprehensive Policies and Procedures for Reportable Conduct are on PolicyConnect [here](#). They include:

- Reportable Conduct Key Definitions
- Reportable Conduct for Staff: Making a Reportable Conduct Report Internally
- Head of the School's Responsibilities
- Initial Response to Reportable Conduct
- Notifying the Office of the Children's Guardian
- Risk Management and Risk Assessments
- Investigating Reportable Conduct
- Making a Finding About Reportable Conduct
- Post-Investigation Actions
- Information Sharing About Reportable Conduct Investigations
- Record Keeping About Reportable Conduct

Please note – policies in **red** are available on the online platform: PolicyConnect. If they are behind a login, community members may request them by contacting principal@standrewscs.nsw.edu.au.

Prevent

The School requires all employees to comply with all Child Protection; Codes of Conduct and Staff and Student Professional Boundaries policies which are intended to prevent staff misconduct and reportable conduct.

Identify

Staff misconduct is conduct by a staff member that:

- breaches the Child Protection; Codes of Conduct, and Staff and Student Professional Boundaries or other key policies/procedures
- displays purposeful neglect of duties/responsibilities
- involves alcohol and/or other substance abuse
- is physically, verbally or emotionally abusive
- endangers the safety or wellbeing of students or others at the School.

The Children's Guardian Act defines **Reportable Conduct** to the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- a sexual offence
- sexual misconduct
- ill-treatment of a child
- neglect of a child
- an assault against a child
- behaviour that causes significant emotional or psychological harm to a child

- any offence under section 43B or 316A of the Crimes Act 1900, whether or not, with the consent of the child.

Reportable Conduct does not include:

- conduct that is reasonable for the purpose of discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and any relevant codes of conduct or professional standards, or
- the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter has been investigated and the result of the investigation has been recorded under workplace employment procedures.
- touching a child to get their attention, to guide them or comfort them, momentarily restraining a child to prevent the child hurting themselves or others or a teacher raising their voice in order to attract attention or restore order in the classroom.

For the purposes of Reportable Conduct, a child is defined as a person under the age of 18 years.

Report

It is critical that staff or the broader School community reports staff misconduct and reportable conduct to ensure the safety and wellbeing of students. The School has a legal obligation to investigate and report to the Office of the Children's Guardian all allegations of reportable conduct made against staff at the School.

Prevent

The School requires all employees to comply with all **Child Protection; Codes of Conduct and Staff and Student Professional Boundaries policies** which are intended to prevent staff misconduct and reportable conduct.

The Staff are informed of their obligations annually, see below.

Investigate

The School initially investigates all complaints and allegations to determine whether the conduct in question amounts to staff misconduct, as defined in this Policy, or reportable conduct that must be further investigated and reported to the Office of the Children's Guardian.

Report Findings

The Principal or an investigator working for the Principal must inform the affected child and their parents/carers about the reportable conduct investigation unless it is "not in the public interest" to inform them.

6. Informing staff annually

RANGS Manual B8.1 Schools must have and implement policies and procedures to ensure that at least every 12 months:

- staff who have direct contact with students are informed of their legal obligations for child protection and other relevant school expectations
- staff who are mandatory reporters under the Care and Protection Act are informed of their obligations and the school's procedure for making reports for students who are at risk of significant harm
- staff are informed about the school's policies and procedures to prevent, identify and report allegations of employee reportable conduct in compliance with the Children's Guardian Act.

The Principal must:

- promote this Policy within the School, with particular regard to the professional development needs of staff; and
- monitor the strategies to create a safe learning environment.

Staff must:

- be aware of the content of NSW Child Protection legislation; and
- be familiar with the [Child Safe Standards](#)
- report promptly in accordance with this policy whenever they:
 - have reasonable grounds to suspect that a student is at risk of significant harm; or
 - become aware of a reportable allegation (reportable conduct or reportable conviction) against a member of staff (or other employee) whenever or wherever the alleged reportable conduct took place.

Boundaries apply to anyone, without limitation, with a position of authority within the School. Being in such a position demands that we are more careful in maintaining appropriate boundaries that:

- Create an environment where abuse is difficult to hide and where those in our care are protected,
- Protect persons in authority from false, misconceived, malicious or vexatious accusation, and
- Ensure as far as possible that proper procedures for dealing with allegations are adhered to at all times.

6.1 Prior to Employment

Employment screening and verification requirements are completed prior to the signing of the employment contract.

All staff are required to give their contractual assurance they are not a prohibited person. Staff are required to supply a Working with Children Check (WWCC) number along with their name and date of birth. This number is then verified by the school prior to employment.

Before commencement of employment or engagement with the School, or as soon as practicable thereafter, all members of the School Community shall ensure that they read, understand and sign this Child Protection Policy.

6.1 During Employment

All staff who have direct contact with students must be informed annually of their legal responsibilities related to child protection and other relevant school expectations.

All staff members have access to this Policy on the School [website](#), through PolicyConnect and a printed copy upon request. We use CompliLearn modules every January.

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

All staff members must participate in annual child protection training through CompliLearn Modules and additional training, as directed by the Principal, including:

- mandatory reporting;
- reportable conduct;
- working with children checks; and
- staff and student professional boundaries.

6.3 Volunteers and external tutors/contractors

All volunteers and other engaged 'employees' are advised about how child-related legislation applies to them. Volunteers and external tutors are given a copy of the STACS Child Protection Policy, Staff and Student Professional Boundaries Policy and Staff Code of Conduct and made aware of their reporting requirements.

Working with Children Check numbers and online verification are required before participation in an event where screening is considered necessary.

External providers are contacted, and Child Protection policies and procedures of the provider are validated.

Volunteers and other engaged 'employees' are required to sign the Volunteer Code of Conduct form to indicate that they have read and understood the Volunteer Code of Conduct.

6.3 Maintenance

All staff attend day one of the school year before the return of students (Professional Development Week). Following a briefing, staff complete allocated CompliLearn Modules before the return of students the following week.

Standard modules for these sessions are:

- Child Protection Policy
- Work Health and Safety
- Student Duty of Care

CompliLearn logs completion of the modules. The Business Manager monitors compliance, follows up incomplete modules and a report is accessible at any time.

7. Codes of Conduct

The School seeks to create a caring environment where Christian values inspire and affirm the highest standard of ethical conduct in relation to the care, support, and welfare of Students entrusted to it.

We have the following Codes of Conduct in place:

- Parent/Carer (located in the Parent Handbook)
- Staff
- Student
- Volunteers

General Principles of Conduct

The School's values, commitments and expectations in relation to child protection matters, and reflects its commitments to:

- Provide and maintain an open, welcoming and safe environment for everyone participating in the School's education programs, pastoral services and related programs.
- Deliver high quality education, pastoral services and related programs for students and their families that are safe and welcoming for them and set in a Christian context.
- Partner with students, parents, employees and others who make up the School Community, so these standards are maintained.
- Expect [all members of the School Community](#) demonstrate a commitment to the highest standards of ethics, professional behaviour and Christian standards in dealings with children and young people.
- Require all School Community Members to share a common responsibility to maintain the School's reputation for integrity in relation to child protection matters.

As standard, the School expects all members of the School Community will:

- Treat everyone with respect and honesty.
- Be a positive role model to students in all interactions with them.
- Follow School policy and procedures for the safety of students as outlined in this Policy and related materials.
- When conducting any one-to-one activity with a student:
 - ensure that another adult is present or within sight at all times
 - ensure that this adult is actively engaged and aware of the action of the School Community Member at all times, and
 - if the active engagement and awareness of another adult is not possible or practicable, ensure that prior approval for the one-to-one activity has been obtained from the all members of the School Community's immediate supervisor.
- Record and act on a complaint of abuse, ill-treatment or neglect of a student.
- Behave in a caring, compassionate manner following the example of Jesus Christ, as a person who takes an interest in the well-being of students and who sets appropriate boundaries in their interaction with students.
- Respect the duty to take reasonable care for the safety and welfare of Students.
- Complete and maintain current a Working with Children Check with the Office of the Children's Guardian.
- Inform the School if they are charged with or convicted of an offence relevant to working in child-related employment, or if they have had any reportable allegation made against them.
- Report to the School any allegations or convictions of Reportable Conduct involving any member of the School Community.

- Report to the School any information or concerns about inappropriate behaviour by any member of the School Community involving a student.
- Fulfil their legal obligation to report risk of significant harm, or to report possible criminal activity, in accordance with local procedures.
- Maintain the confidentiality of all parties concerned.
- As far as their role and relationship with students requires and is appropriate, be familiar with the School's procedures for providing students with or allowing students to have access to, prescribed or other medication; and will not allow students to have access to medications that are not prescribed or recommended for them.
- As standard, the School expects all members of the School Community will not:
 - Swear, blaspheme or use inappropriate or disparaging language in the presence of, towards or about any student or any School Community Member.
 - Behave in a manner which may cause psychological harm to a student.
 - Correct or discipline a student in excess of what is reasonable or appropriate for the situation.
 - Consume or have in their possession alcohol, drugs, tobacco or any prohibited substances on the grounds of the school or at any place where activities of the School are being conducted; or allow students to consume or have in their possession alcohol, drugs, tobacco or any prohibited substances at any place and in any circumstances where they are engaged in the activities of the School.
 - Neglect any student or allow any students to place themselves at risk when in the care of the School Community Member or fail to exercise reasonable care for the safety and wellbeing of any student in any situation where there is a reasonable expectation that they should do so.
 - Engage in communication with any student by any means or by any device, in any manner that contravenes the School's policies and procedures relating to electronic information, communication technology and social media.
 - Engage in crossing professional boundaries through behaviour that can reasonably be construed as involving an inappropriate and/or overly personal or intimate relationship with, conduct towards, or focus on a student or a group of students.
 - Otherwise abuse, neglect, ill-treat or exploit students or other children.

8. Stakeholder complaints about staff conduct

RANGS Manual B8.1: Schools must have and implement clear guidelines and expectations for stakeholders regarding:

- how to raise complaints or allegations of staff misconduct or employee reportable conduct
- how the school will respond to complaints or allegations of staff misconduct or employee reportable allegations and convictions.

8.1 Related Policies

- [Handling Allegations of Staff Misconduct and Reportable Conduct \(summary\)](#)
- [Whistleblower](#)
- [Complaints and Grievance Policy](#)

9. Responding to and Reporting Child Protection Incidents or Concerns

[Appendix 3 Presbyterian Christian Schools Overview of the Child Protection Framework](#)

9.1 Conduct Protocol Unit (CPU) of the Presbyterian Church

The Board Chair is the Head of Entity in relation to Child Protection. The Chair delegates this responsibility to the Principal.

If for any reason the Principal is unable to act as the Head of Entity, the Board will seek the assistance of the Manager of the Conduct Protocol Unit (CPU) of PCNSW to fulfil this role.

The School has an obligation to report all allegations or reportable conduct to the CPU of the Presbyterian Church of NSW. In Child Protection cases, members of the Board will not initiate communication with any staff or students.

The Board is responsible for ensuring the Principal and a Member of the Board have current accreditation in Child Protection training including reporting to and investigating reportable conduct.

If in the Principal's capacity as Head of Entity delegate he/she has an extended absence or personal conflict of interests – the Board member (commonly the Chairman) may be called upon to deal with issues and formal notifications which may include seeking the assistance of the Manager of the Conduct Protocol Unit of PCNSW to fulfil the role of Head of Entity.

While the requirements for consideration of notifications and enquiry of formal investigations may be supported by consultants, ultimately it is the responsibility of the Head of Relevant Entity to recognise and respond to issues appropriately and to make final determinations after issues have been investigated.

A notification protocol and advisory form exists ([Appendix 4 Notification to Conduct Protocol Unit](#)) to ensure schools inform CPU promptly when complaints or notifications involving child protection issues arise.

Further policy and procedures are found in PolicyConnect, [here](#) in these areas:

Responding to and Reporting Child Safety Incidents or Concerns

- Managing Your Initial Response to a Child Safety Incident or Concern
- Responding to an Emergency
- Preserving Evidence
- Documenting Your Observations and Actions
- Witnessing a Child Safety Incident
- Observing Indicators of Abuse and Other Harm
- Private Disclosure by a Student
- Public Disclosure by a Student
- Third Party Disclosure
- Disclosure by a Former Student
- Support Following Child Safety Incident or Disclosure

Reporting a Child Safety Incident or Concern Internally
 Duty to Protect-Failure to Protect
 Mandatory Reporting to DCJ
 Voluntary Reporting to DCJ
 Reporting to Police
 Recognising and Responding to Sexual Behaviour in Children and Young People
 Responding to Other Concerns about the Wellbeing of a Student
 Support for Students Interviewed at the School
 Making Additional Reports
 Information Sharing and Record Keeping

- Confidentiality and Privacy
- Communicating with Parents-Carers About Internal and External Reports
- Sharing Information Relating to Students' Wellbeing
 - Child Safety Record Keeping

Child Safety Complaints Management

- Child-friendly Child Safe Commitment and Complaints Procedure

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

Please note – policies in **red** are available on the online platform: PolicyConnect. If they are behind a login, community members may request them by contacting principal@standrewscs.nsw.edu.au.

10. 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.

10.1 Failure to protect offence (Crimes Act 1900 – NSW)

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.

10.2 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 Principal and is aware that the Principal has reported the matter to the Police.

10.3 Special Care Relationships (Crimes Act 1900 – NSW)

It is a crime in NSW for a staff member, volunteer or contractor 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.

11. Definitions/Glossary

Child-related work (including voluntary work) is:

- Providing services for children and young people under 18
- Where the work normally involves being face to face with children
- Where contact with children is more than incidental to the 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 child care;
- 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.

Grooming behaviour refers to the manipulative cultivation of relationships by an adult in order to develop or maintain a sexual relationship with a child (or children) or young person (or persons). Typically, the cultivation of relationships will be extended to gain the confidence of the child or young person who is the intended target of the behaviour, his or her family, and others around them including teachers and persons in support relationships such as church workers and volunteers, sports coaches and fellow students.

Grooming involves a pattern of conduct that is consistent with the aim of developing a sexual relationship and for which there is no other reasonable explanation, and typically involves any or all of the following elements:

- a. persuading a child or young person and those around them that a special relationship exists with the offending adult;
- b. testing boundaries including codes of conduct and professional standards applying to the adult, and socially accepted norms of behaviour applying in the circumstances;
- c. inappropriately extending the relationship outside the work environment or framework of authorised contact;
- d. inappropriate personal communication with the child or young person involved.

Parent or **Parents** refers to a student's biological parents, adoptive parents, legal guardians and/or caregivers.

Members of the School Community or **Members** refers to:

- a. all paid employees whether employed on a permanent, temporary or casual basis,
- b. all persons who have been engaged to work within the School or who have face to face contact with students of the School in any place and on any basis, including persons holding a church ministry licence or church-appointed position, consultants, students on tertiary practicum placements, or adult volunteers working with students in any capacity.

Reasonable grounds refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:

- first-hand observations of the child, young person or family;

- what the child, young person, parent or another person has disclosed;
- what can reasonably be inferred based on professional training and / or experience.

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

Significant harm

A child or young person is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met;
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- in the case of a child or young person who is required to attend school in accordance with the Education Act 1990, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act;
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- the child or young person is living in a household where there have been incidents of domestic violence and as a consequence, the child or young person is at risk of serious physical or psychological harm,
- a parent or other caregiver has behaved in such a way towards the child or young person, that the child or young person has suffered or is at risk of suffering serious psychological harm;
- the child was the subject of a pre-natal report under section 25 of the Care and Protection Act and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

What is meant by 'significant' in the phrase 'to a significant extent', is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is significant, is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well-being.

The significance can result from a single act or omission or an accumulation of these.

12. Resources

12.1 Policy links, definitions, procedures

[Child Protection Law and Regulation in NSW – An Overview](#)

[Child Safety Program Definitions](#)

[Additional Child Safety Resources](#)

12.2 Resources and Lesson Plans

[Breaking the Silence](#) – Child Protection resources serving Presbyterian Church of Australia In NSW, ACT, TAS & WA

[What's Normal](#) – curriculum challenging the cultural status quo around pornography and hyper-sexualised culture.

[National Office for Child Safety | National Office for Child Safety - One Talk at a Time: Conversations with children, young people and other adults have the power to prevent child sexual abuse.](#)

[PeaceWise](#) – the special case of abuse

[Digihelp](#) - School-Based Solutions for Pornography and Social Media Risks

[Think You Know](#) - Preventing online child sexual exploitation

[eSafety Commissioner](#) – online safety resource for all member of the school community

13. Appendices

Appendix 1 STACS Child Protection Roles and Responsibilities

1) The Head of Entity

- The [Board Chairperson](#)

2) The Head of Entity Delegate

- The Principal

3) Answering general child protection information enquiries

- The Principal

4) Informing preferred candidates and new employees of child-related employment and child protection requirements

- The Principal or Business Manager

5) Undertaking referee checks on preferred candidates

- The Principal, Panel member delegated

2) Apply to Office of the Children's Guardian for a Working with Children Check number and attend Services NSW to verify their identification.

- Individual employee

3) Verifying employee's Working With Children Check number with the Office of the Children's Guardian

- The Business Manager

4) Contact person at school for the reporting of all reportable allegations

- The Principal, unless he/she has an extended absence or personal conflict of interest. In this situation the Chairman of the Board is to be contacted. He/she will then refer issues and formal notifications to his/her accredited delegate on the School Board. The Conduct Protocol Unit of the Presbyterian Church of Australia (NSW) will also be contacted as a matter of course.

5) Recording and reporting the allegation to DCJ Helpline / Police

- The Principal

If the Principal is unavailable, the delegate or the Chair of the Board.

6) Conducting a risk assessment

- The Principal

If the Principal is unavailable, the report is to be made by the delegate.

7) Conducting a school investigation of an allegation

- The Principal, or the School Board's accredited delegate in the absence of the Principal, or a legal professional, as determined by the circumstances.
- The Principal will normally conduct and preside over any investigation according to the Conduct Protocol Unit.
- If the allegation involves the Principal or Business Manager, the Chairman of the Board will replace the Principal in the investigation.

8) Taking relevant employment proceedings (if any) in relation to the employee who has had an allegation of reportable conduct made against them

- The Principal
- If the Principal is unavailable and an immediate response is required:
 - i) The Board Chairman
- If the Chairman is unavailable
 - i) another Board member.
- If no Board member is available, the Principal's delegate.

9) Notifying and sending the report and findings of the outcome of the investigation of reportable allegation or conviction to the Ombudsman

- The Principal or the delegate

10) Determining the action that may be taken if it is found, at the end of the investigation, that an employee has made an allegation that has been found to be false and malicious

- The Principal

11) Review and maintenance of systems for reportable allegations

- The Principal

12) Keeping and storing of records to do with reportable allegations

- The Principal

Appendix 2 Indicators of risk of significant harm

Neglect

Child Physical Indicators include:

- consistent hunger, poor hygiene, inappropriate dress, chronically unclean,
- consistent lack of supervision, especially in dangerous activities, for long periods,
- unattended physical problems, medical or dental needs,
- often tired or listless,
- abandonment,
- underweight,
- developmental delays, and
- flat bald spots on infant's head.

Child behavioural indicators include:

- begging or stealing food,
- extended stays in school,
- attendance at school infrequent,
- substance abuse, and
- states there is no carer or parent.

Carer behavioural indicators include:

- disorganised, chaotic and upsetting home life,
- feels apathetic and that nothing will change,
- isolated from friends, relatives, neighbours,
- cannot be found,
- expects too much of the child
- substance abuse, and
- exposes child to unsafe living conditions.

Emotional Abuse

Child physical indicators include:

- speech disorders,
- lags in physical development or failure to thrive, and
- attempted suicide.

Child behaviour indicators include:

- habit disorders (sucking, rocking, biting etc)
- low self-esteem,
- difficulty forming positive relationships,
- inability to trust,
- toileting problems,
- neurotic traits (sleep disorders, inhibition of play etc),
- behavioural extremes (compliant, passive, shy, aggressive, demanding),
- overly adaptive behaviour (inappropriately infantile),

- apathetic,
- withdrawn, and
- reports emotional maltreatment.

Carer behavioural indicators include:

- treating children in family unequally,
- does not appear to care much about the child's problems,
- blames or belittles the child,
- is cold or rejecting,
- withholds love,
- finds nothing good or attractive in the child, and
- demonstrates inconsistent behaviour toward the child.

Physical Abuse

Child physical indicators include:

- unexplained welts and bruises,
- unexplained burns,
- unexplained fractures,
- unexplained lacerations or abrasions,
- head injuries,
- human bite marks, and
- premature loss of teeth.

Child behavioural indicators include:

- verbally reports abuse,
- wary of adults and adult contact,
- consistent anger, aggression, hyperactivity,
- behavioural extremes,
- role reversal (such as the child pretending to be an abusive parent),
- developmental lags,
- appears frightened of carer,
- apprehensive when other children cry,
- wears clothes over injuries,
- seeks affection from any adult with no discrimination,
- non-expression of needs, and
- non-communicative.

Sexual abuse

Child physical indicators include:

- difficulty walking or sitting,
- torn, stained or bloody underclothing,
- pain or itching in genital area,
- bruises or bleeding around the genital area,
- venereal disease (especially in pre-teens),

- pregnancy,
- other physical signs that a medical practitioner may identify, and
- recurrent urinary tract infections.

Child behavioural indicators include:

- aggressive, overt sexual behaviour,
- drawing pictures of people with genitals,
- cruelty to animals without physiological basis,
- pre-mature knowledge of explicit sexual acts,
- sleep disorders,
- taking frequent baths or showers,
- starting fires,
- poor peer relations,
- wary of physical contact, especially with an adult,
- onset of bedwetting, nightmares or thumb sucking,

reports of sexual abuse, and
self-inflicted injury.


Behavioural indicators where abuse is by a carer include:

- very protective or jealous of child,
- extremely protective of family privacy,
- does not allow child to be involved in extra-curricular activities,
- encourages child to engage in prostitution,
- substance abuse,
- geographically isolated and/or lacking in social and emotional contacts outside the family, and
- low self-esteem.

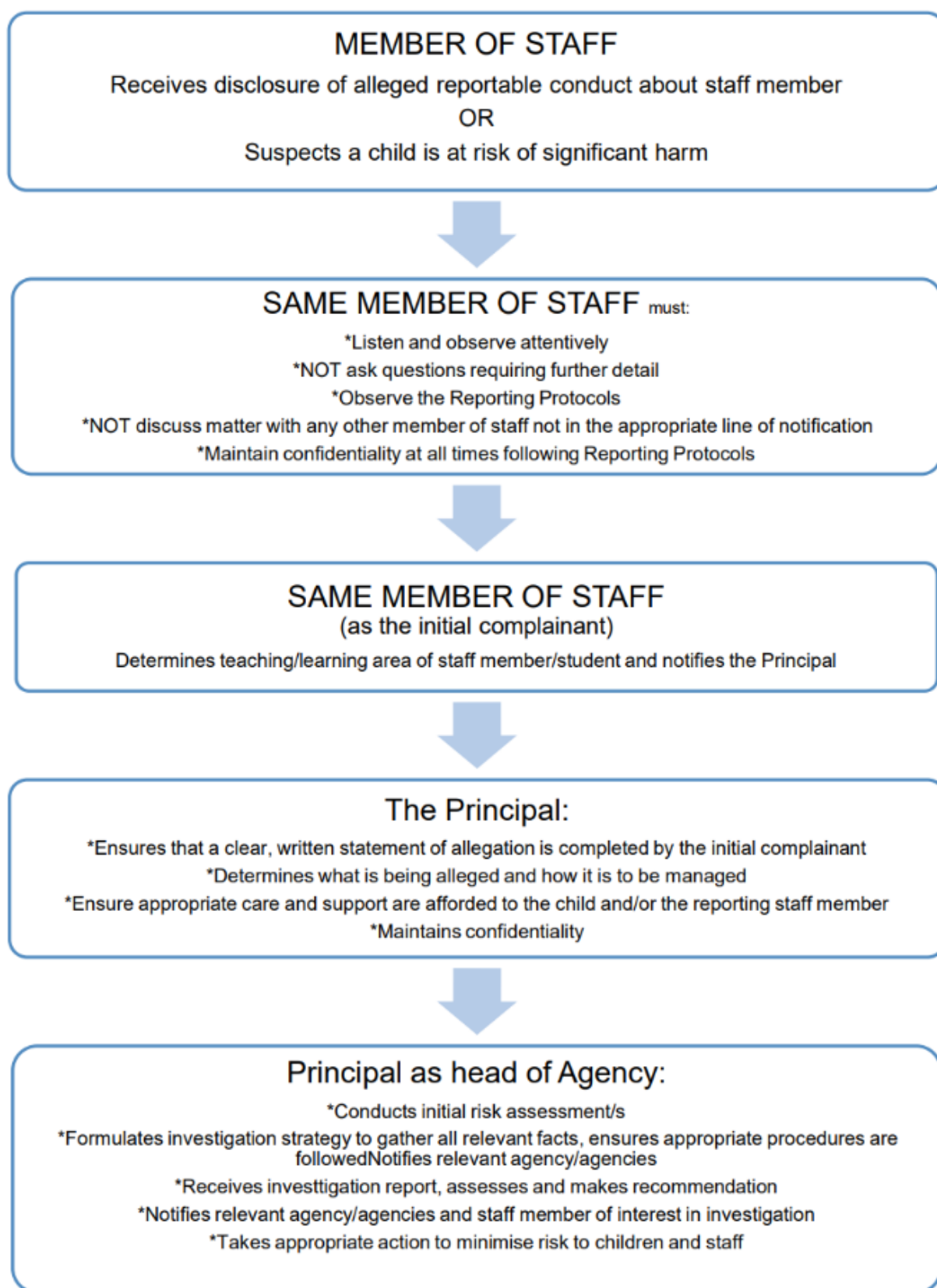
STACS Child Protection Policy 28

Appendix 4 Notification to Conduct Protocol Unit

(Principal's Use – lodge via email this form or equivalent information)

INCIDENT NOTIFICATION TO CONDUCT PROTOCOL UNIT OF THE PRESBYTERIAN CHURCH OF NEW SOUTH WALES		
School	St. Andrew's Christian School	
Date of notification or complaint		
Name of staff member(s) / volunteer(s) involved		
Address of staff member / volunteer		
Date of incident		
Description of incident (provide full details below - who, what, when, where)		
Possible reportable conduct? Yes / No / Uncertain		
Has there been any indication that any party intends to make a claim of any kind arising from the incident?		
Yes/no	If Yes, please provide details below	
Does the school/church agency have any direct insurance cover that may apply to this risk or incident		
Yes / No	If Yes, please provide details below	
Further comments		
Name of person reporting		
Position		
Date		

Appendix 5 Reporting Flowchart



Appendix 6 Breaking the Silence – Approved Organisation Statement of compliance

I, _____ Principal of St. Andrew's Christian School,
confirm that:

1. Policies and procedures that comply with the minimum requirements as set out in Breaking the Silence has been approved and implemented with the School;
2. These policies and procedures are regularly reviewed and updated to ensure currency;
3. An audit process is in place to ensure implementation and compliance;
4. A process is in place to ensure that when an allegation of reportable conduct or an allegation or incident of sexual misconduct (including between students) is brought to the attention of the School, the Conduct Protocol Unit (CPU) of the Presbyterian Church of Australia is immediately advised of the nature of the allegation or incident to ensure that the CPU is advised of the outcome of any investigation and the actions taken and proposed as a result, and to ensure that the CPU is contacted immediately where at any point in the procedure, it becomes likely that the claim will be made or legal action will be commenced;
5. The insurance underwriter is advised of all allegations of reportable conduct or incidents of sexual misconduct (including between students) as appropriate; and
6. A standing agenda item is maintained at all staff and School Board meetings relating to:
 - a. Child abuse,
 - b. Students at risk of significant harm,
 - c. Reportable conduct
 - d. Sexual misconduct, and/or
 - e. Conduct that breaches the School's Child Protection Policy.

[Principal's signature]

[date]

Appendix 7 Acknowledgement and Acceptance of this Child Protection Policy

I, _____
[Staff member's name]

of _____
[Staff member's home address]

have read and I understand this Child Protection Policy.

I understand that this document is to be read in conjunction with the:

- Staff and student Professional Boundaries Policy, and
- Staff Code of Conduct.

I have been given a copy of the following documents for my records:

- Child Protection Policy
- Staff and Student Professional Boundaries Policy
- Staff Code of Conduct.

I am aware that electronic copies of these documents are also accessible through PolicyConnect.

[Staff member's signature] [date]