



CHILD PROTECTION POLICY

JANUARY 2021

1. **PURPOSE**

This policy sets out the obligations of all members of the community of St Patrick's Catholic Primary School Swansea in regard to child protection, in particular:

- i. Reporting concerns
- ii. Code of conduct
- iii. Complaints and grievances
- iv. Anti-bullying, and:
- v. Procedures for managing allegations against staff

2. **POLICY STATEMENT**

St Patrick's Primary School is committed to promoting the protection of children. NSW legislation and Church regulations set out a range of personal, professional and organisational requirements for the promotion of child protection, reporting concerns and conducting investigations. The school has a legal and moral obligation to protect children from abuse or neglect.

3. **SCOPE**

This policy applies to all students, staff members, volunteers and visitors to the site at St Patrick's.

4. **GUIDING PRINCIPLES**

a. **THE OFFICE OF SAFEGUARDING**

The Office of Safeguarding is the organisational expression of the Diocese of Maitland Newcastle's abiding commitment to promote the safety, welfare and wellbeing of children and vulnerable adults. The Office of Safeguarding is an integral part of the Diocese, reporting directly to the Bishop's Office. The Office of Safeguarding is placed outside the Diocese's services, programmes and parishes, overseeing their safeguarding standards in operation. The Office of Safeguarding works with external statutory and Catholic authorities to fulfil its role.

b. **REPORTING CHILD PROTECTION CONCERNS**

It is the responsibility of all staff members to report concerns for children to the principal or to an investigator of the Diocesan Office of Safeguarding (OoSG). Volunteers, contractors, parents and other people who are not mandatory reporters should consult with the principal or with a OoSG investigator, prior to making a report to the Department of Communities and Justice (DCJ) helpline.

Depending on the nature of the concerns held for a child, staff members must report their concerns based on the following timeframes:

- i. If there is an emergency involving a child, class of children or other member of the Diocese:
 - a. Phone 000 immediately and advise the relevant supervisor as a matter of urgency.
 - b. Phone the Child Protection helpline on 132 111.
 - c. Phone the Office of Safeguarding Intake line on 4979 1390.
- ii. If immediate action is not necessary, an online report may be submitted via the OoSG website at <https://officeofsafeguarding.org.au/report-abuse/>.
- iii. If there are reasonable grounds to believe a person or group of people are engaged in child-related work without valid clearances, report the concern to a OoSG investigator within one working day.

c. CODE OF CONDUCT

- i. Concerns for Employees' Conduct: It is the responsibility of all staff members to report concerns related to the conduct of other employees. Employees must not take any detrimental action against any adult or child who reports concerns. This includes any action that could reasonably be perceived as being:
 - Bullying or threatening.
 - The withdrawal of support, friendship or care.
 - Any other actions against the person's best interests that are taken as a response to that person reporting their concerns.
- ii. Duty of Care: Employees have a legal and moral obligation to take reasonable care for their own safety and the safety, welfare and wellbeing of students and others with whom they come into contact as part of their employment. These obligations may include:
 - Providing adequate supervision.
 - Ensuring grounds, premises and equipment are safe.
 - Implementing strategies to prevent bullying from occurring.
 - Following procedures relating to student safety, welfare and wellbeing.
 - Providing medical assistance.
 - Complying with legislative and other prescribed obligations under the *Work Health and Safety Act 2011* and regulations.
 - Complying with relevant child protection legislation and regulations.
- iii. Professional relationships between employees and students: It is expected that employees will be caring, compassionate adults who take an interest in their students and who set appropriate boundaries within those employee-student relationships. Employees must be aware that their interactions with students are based on a trusting relationship arising from the nature of their role in the workplace, and that those relationships are open to scrutiny. Inappropriate interactions with students would include incidents related to physical contact, psychological harm, excessive disciplinary measures, intimate relationships, grooming behaviour and sexually explicit comments.
- iv. Appropriate use of social media: Employees must not invite or accept students into their personal social networking sites unless exception has been granted in writing by the principal. Employees are to use extreme care before inviting or accepting ex-students or parents of current students as friends on social media.

Further details related to code of conduct can be found in the CSO's [Code of Conduct Policy](#).

d. COMPLAINTS AND GRIEVANCES

- i. Complaints and grievances should be raised at the earliest possible time. Class based complaints and grievances should be raised with the student's class teacher. All other complaints and grievances should be directed to the principal and/or their delegate.
- ii. When the class based complaint or grievance is not resolved by the teacher, it should be referred to the principal or delegate.
- iii. When a complaint or grievance is not resolved by the principal after all efforts have been made to do so, or the complaint or grievance is about the principal, the parent/carer should refer the concern to the Catholic Schools Office via the relevant Assistant Director.
- iv. When the complaint or grievance remains unresolved, the parent/carer or the Assistant Director may refer the matter to the Director of Schools for review.
- v. If ultimately the parent/carer is not happy with the way their complaint or grievance has been dealt with by the school of the Catholic Schools Office, they may wish to go to an external agency or legal advocate for advice and assistance.

Further details related to complaints and grievances can be found in:

- The CSO's [Complaints Resolution Policy](#).
- The CSO's [Student Anti-Bullying Policy](#).

e. **ANTI-BULLYING**

- i. **Preventative programs and procedures:** St Patrick's has a range of programs and procedures that have been implemented as a means of promoting positive behaviour and preventing bullying.
- ii. **Reporting and record keeping:** Incident reports of bullying incidents must be entered as a Chronicle Entry on Compass by the staff member who is handling the situation.
- iii. **Investigations:** The investigation of an alleged bullying incident should take place as soon as possible after it is reported.
- iv. **Possible disciplinary measures:** The severity of the disciplinary steps that may be taken will depend on the scale and duration of the bullying, and its effects on the victim.
- v. **Police intervention:** In a situation involving possession of a weapon, extreme assault and cyberbullying that involves sexting, police intervention will be sought.
- vi. **Post investigation support services:** The services of the school counsellor will be made available to any students who are affected by a bullying incident or series of incidents.
- vii. **Communication:** This policy will be communicated to all staff members and families at the beginning of every school year. The policy will also be made available to parents and carers on the school portal.

Further details related to anti-bullying can be found in the CSO's [Student Anti-Bullying Policy](#).

f. **PROCEDURES FOR REPORTING CONCERNS ABOUT THE CONDUCT OF EMPLOYEES**

Child protection laws and Diocesan policy require employees to report particular information about themselves or their colleagues. Further details about such reporting concerns are found in the CSO's [Code of Conduct](#), page 8.

5. **RESPONSIBILITIES**

When a staff member, student, family member, visitor, contractor or member of the broader community reports concerns for children to the principal, the principal has the following responsibilities:

- i. To ensure the immediate safety of the child or children.
- ii. To ensure that the nature of concerns that the reporter has for a child is assessed in an accurate and timely manner.
- iii. To ensure that all appropriate parties are advised within required timeframes, notably NSW Police, DCJ, the OoSG, and senior management within the Diocese.
- iv. Ascertain whether the concerns constitute a risk of significant harm (ROSH) and, if so, make a ROSH Report to DCJ.
- v. If the reporter cannot determine whether the concerns constitute a ROSH report, they must use the Mandatory Reporter Guide (MRG) to determine whether or not there is a risk of significant harm. The MRG is found at <https://reporter.childstory.nsw.gov.au/s/mrg>.
- vi. On completing the MRG, the principal should request a copy of the NSW Online Mandatory Reporter Guide – Decision Report, which is a written record of the MRG's recommendations. The report should be printed and saved to the student's file.
- vii. If the concern constitutes a ROSH report, the principal may choose to make a verbal report to the Child Protection helpline by phoning 132 111.
- viii. The principal must ensure that the ROSH report is made to the Child Protection helpline within the following timeframes:
 - Immediately if it is determined that a child or class of children may be at high or imminent risk of significant harm, or if the Online MRG – Decision Report states “*Immediate report to Community Services*”, or:
 - Within 24 hours if it is determined that a child or class of children may be at risk of significant harm, by phone or in writing (electronic report or fax).

6. **BUDGET**

The school will make provision each year in its annual budget for professional development opportunities for the staff in regard to this area.

7. **NEXT REVIEW DATE**

This policy will be reviewed in 2024 in consultation with relevant staff.

8. DEFINITIONS

- i. **Child** refers to a person under the age of 18 years. Under the Children and Young Persons (Care and Protection) Act 1998, there is a differentiation between children (0 - 15 years) and young people (16 - 17 years). However, the Crimes Act 1900, the Ombudsman Act 1974 and the Child Protection (Working with Children) Act 2012 all define children as any person less than 18 years of age.
- ii. **Child-related work** includes paid employees, contractors or volunteers whose work involves face-to-face contact with children.
- iii. **Clearance** is the abbreviated term for NSW's statutory pre-employment screening programme for people wishing to engage in child-related work.
- iv. **Concerns for Children** is a term used to capture a wide range of possible situations or issues that may adversely affect the safety, welfare or wellbeing of a child or children.
- v. **Mandatory Reporter** is a person who:
 - In the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children; and:
 - A person who holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.
- vi. **Mandatory Reporters' Guide (MRG)** is an online tool used to assist mandatory reporters to determine whether or not a report to the Child Protection Helpline is appropriate under the new risk of significant harm reporting threshold. The MRG is intended to complement rather than replace critical thinking and does not prohibit a mandatory reporter from any course of action that they believe appropriate. The MRG is available online at <https://reporter.childstory.nsw.gov.au/s/mrg>.
- vii. **Reportable Allegation** means an allegation of reportable conduct under Part 3A Ombudsman Act, a reportable conviction against a member of the school community, or an allegation of misconduct that may involve reportable conduct.
- viii. **Reportable Conduct** is defined in Part 3A of the Ombudsman Act 1974 as:
 - Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence), or:
 - Any assault, ill-treatment or neglect of a child, or:
 - Any behaviour that causes psychological harm to a child.
- ix. **Risk of Significant Harm** refers to a situation where current concerns exist for the safety, welfare or wellbeing of a child because of the presence, to a significant extent, of any one or more of the following circumstances:
 - The child'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 to receive necessary medical care.
 - In the case of a child 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 to receive an education in accordance with that Act.
 - The child has been, or is at risk of being, physically or sexually abused or ill-treated.
 - The child is living in a household where there have been incidents of domestic violence and, as a consequence, the child is at risk of serious physical or psychological harm.
 - A parent or other caregiver has behaved in such a way towards the child that the child has suffered or is at risk of suffering serious psychological harm.
 - The child was the subject of a pre-natal report under section 25 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.The functional meaning of 'risk of significant harm' will be achieved through the application of the DCJ's decision making tool, the MRG.

9. LEGISLATIVE / PROFESSIONAL GUIDELINES

- i. Civil legislation
 - Children and Young Persons (Care and Protection) Act 1998 and Regulation 2012.
 - Child Protection (Working with Children) Act 2012 and Regulation 2013.
 - Ombudsman Act 1974 (Part 3A) and Regulation 2011.
 - Crimes Act 1900, various supporting acts and regulations.

- ii. Statutory Guidelines
 - NSW Ombudsman Defining Assault for the Purposes of the Reportable Conduct Scheme (2017).
 - NSW Ombudsman Child Protection: Notifying and Identifying Reportable Conduct (2017).
 - New South Wales Interagency Guidelines for Child Protection Intervention (2010 and online version).
 - Structured Decision Making System New South Wales: Mandatory Reporter Guide (December 2009).

- iii. Canon Law
 - Book II, Part II, Section II: Title I, Chapter II: Article 1: Bishops in General, canons 375-380 and Article 2: Diocesan Bishops, canons 381-402.
 - Book II, Part II, Section II: Title III, Chapter IV: Parishes, Pastors, And Parochial Vicars, canons 515-552.

- iv. Church Guidelines
 - Integrity in Ministry (June 2004).
 - Integrity in the Service of the Church (2011).
 - Towards Healing (January 2010).