

## Child Protection

### Context

The Catholic school community has a duty of care to provide a safe learning environment that affirms the dignity and integrity of each person. The whole school community contributes to the wellbeing of students. It is expected that all employees are aware of these procedures and model positive, professional relationships.

These procedures must be followed when dealing with disclosures of concerns relating to children and young persons and allegations relating to the conduct of employees. The procedures demonstrate Catholic Education Diocese of Parramatta's (CEDP) commitment to protect the safety and wellbeing of students and to support the work of employees working with children and young people in an educational setting.

### Definitions

*'Behaviour causing psychological harm'* conduct that is obviously or very clearly unreasonable and results in significant emotional harm or trauma to a child. There needs to be a proven causal link between the inappropriate behaviour and the harm, and the harm must be more than transient

*'CCYP'* Commissioner for Children and Young People

*'Child'* under the *Children and Young Persons (Care and Protection) Act 1998*, a child is a person under the age of 16 years. Under the *Ombudsman Act 1974 and the Commission for Children and Young People Act 1998* a child is a person under the age of 18 years

*'Child related employment'* employment in work settings where the duties undertaken primarily involve children and the nature of those duties is likely to involve contact with children that is direct and unsupervised

*'Child sexual assault'* any sexual act or sexual threat imposed on a child or carried out in the presence of a child

*'Child sexual offences'* include acts of indecency, sexual intercourse, indecent assault, filming or using a device to facilitate filming for indecent purposes. They may include a sexual offence, sexual misconduct, act of indecency or act of violence that occurs in the presence of a child or young person

*'CRO'* central reporting officer who is the principal or delegate

*'CS'* community services

*'DSP'* director system performance

*'ED'* executive director of schools

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103000

Implementation date  
22 July 2013

Service area  
System Performance

Location  
Public

Head policy  
Student Policy



Catholic Education  
Diocese of Parramatta

*'Employee'* any person who works within CEDP, whether or not they are employed to work directly with children; also individuals engaged by CEDP to provide services to children such as contractors, foster carers, volunteers, students on work placement, clergy and members of religious orders

*'ERO'* employment relations officer

*'Grooming behaviour'* a form of sexual misconduct which may be described as patterns of behaviour aimed at engaging a child or young person as a precursor to inappropriate sexual activity. This activity may also involve the grooming of other family members to establish strong relationships of trust and to build up the credibility of the person

*'Head of agency'* the Bishop of the Diocese is the head of agency who has delegated the responsibility of fulfilling the agency's responsibilities under the *Ombudsman Act 1974* to the executive director of schools

*'Ill-treatment'* the discipline or correction of a child in an obviously inappropriate manner; making excessive and obviously unreasonable demands on a child; malevolent acts towards a child; inappropriate and hostile use of force against a child. The focus is on the alleged conduct rather than the actual effect on the child or young person

*'Mandatory reporter'* a person who delivers the following services to children as part of their paid or professional work:

- health care – doctors, nurses, dentists and other health workers
- welfare – psychologists, social workers and youth workers
- education – teachers and school leaders and all CEDP staff
- children's services – child care workers family day carers and home based carers
- residential services – refuge workers community housing providers
- law enforcement – police

*'Neglect'* is either an action or inaction by a person who has care responsibilities (as a supervisor or a carer) towards a child, and the action or inaction results in the child's physical or psychological needs not being met or at risk of not being met

*'Non-reportable conduct'*

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards
- the use of physical force that in all the circumstances is trivial and negligible
- conduct of a class or kind exempted from being reportable conduct by the Ombudsman but remaining subject to periodic audit by the Ombudsman

*'Notifier'* the person who notifies an allegation against an employee to the principal, or against the principal to the director of system performance

*'Principal'* the school principal or delegate who is responsible for the day-to-day management of the school, or director of an early learning centre or supervisor of out of school hours care service

*'Prohibited person'* a person with convictions for serious sex and/or violence offences against children who is prevented from working in child related employment where that employment involves direct unsupervised contact with children



*'Physical assault'* an act by which a person intentionally inflicts unjustified use of physical force against another. An assault can also occur if a person causes another person to reasonably apprehend that unjustified force is going to be used against them

*'Reportable conduct'*:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence)
- any assault, ill-treatment or neglect of a child
- any behaviour that causes psychological harm to a child, whether or not, it is with the consent of a child

*'ROSH'* risk of significant harm

*'School'* includes preschools, early learning centers, primary, secondary and K to 12 school and out of school hours care centers (COSHC) operated by Catholic Education Diocese of Parramatta

*'Sexual misconduct'* conduct that does not necessarily equate to a criminal offence. For sexual misconduct to constitute reportable conduct, the alleged conduct must have been committed against, with or in the presence of a child. There are two categories of sexual misconduct:

- crossing professional boundaries
- sexually explicit comments and other overtly sexual behaviour.

*'TLSS'* team leader staff services



## A. MANAGING CONCERNS IN RELATION TO CHILDREN AND YOUNG PERSONS

Student Services within CEDP have the overall responsibility for the management of risk of significant harm (ROSH) reports. Any person with direct responsibility to provide child related services must submit a report in relation to a child at risk of significant harm to Community Services (CS). In CEDP schools, the principal is the centralised reporting officer for each school, and as such, employees are required to report ROSH to the principal in accordance with a memorandum of understanding (MOU) between the Director-General for Community Services and the Catholic Education Commission of New South Wales.

### 1. ROSH reports

Principals, teachers, counsellors and social workers in educational settings are mandatory reporters in accordance with the *Children and Young Person (Care and Protection) Act 1988*. In accordance with the MOU the principal is the centralised reporting officer to CS regarding a ROSH report. All employees working in CEDP schools are required to report concerns that a child or young person is at risk of harm to the principal.

Where the principal acts as a conduit for reports from employees, the principal shall inform these employees that a report has been made and provide them with the contact reference number (CRN) to confirm the report has been made and inform them of the feedback. Where the risk of significant harm relates to the actions of the principal, the report should be made through the director system performance (DSP). The DSP will act as a conduit for the report and refer the allegation to the manager, student services.

Where the employee member doubts that the principal or director of system performance (DSP) has reported the risk of significant harm to CS, the employee should report directly to CS.

### Process for reporting ROSH

When the principal becomes aware of a concern relating to the safety, welfare or wellbeing of a child or young person, the principal shall: in consultation with the school counsellor, a leading counsellor or Student Services, complete the [Mandatory Reporter Guide \(MRG\)](#) (Appendix 1) and follow the recommendation provided by the MRG.

If the MRG recommends an immediate report to CS:

- telephone the CS Helpline on 132 111 (TTY 1800 212 936), and then
- complete and email a [ROSH report](#) (Appendix 2) to CEO (Catholic Education Office) at [rosh@parra.catholic.edu.au](mailto:rosh@parra.catholic.edu.au)
- contact the DSP or student services if further assistance is needed.

### Below the ROSH threshold

If the MRG recommends consultation with a professional, or document and continue relationship, the principal shall refer the concern to the school counsellor or leading counsellor. These concerns shall be case managed involving all relevant parties.

A 'Below the ROSH Threshold Intake Only form' should be completed and emailed with the MRG recommendation report to [rosh@parra.catholic.edu.au](mailto:rosh@parra.catholic.edu.au)

### 2. Habitual unexplained absence of students

If the principal has concerns about an explanation provided for an absence, then the absence may be treated as unexplained. Occasionally, medical certificates may be insufficient to explain habitual absence. Follow the [habitual absence process](#) in these cases.

The principal shall ensure that the steps for managing habitual unexplained student absences are followed. However, if the principal considers that the child or young person may be at risk of significant harm due to the unexplained absence,



then the MRG should be used and the recommendation followed.

### 3. Inappropriate student conduct

If an employee (teaching or non-teaching) becomes aware of:

- serious bullying, cyberbullying or violent behaviours (of a serious or of a criminal nature)
- sexting
- making, distribution or sale of pornography or child pornography
- making, distribution, sale or consumption of alcohol, drugs
- possession of weapons
- any other criminal activity.

The employee is required to report such matters to the principal as soon as possible. If items are seized the employee must ensure that the items are not destroyed and are handed to the principal for secure storage.

#### **Criminal conduct**

In the event that student conduct may be criminal in nature, the principal shall contact the local police station immediately, hand over any seized items and follow any police advice on the matter.

#### **Non-criminal conduct**

In the event that the conduct is not considered to be criminal in nature then the following steps must be taken

- inform director system performance (DSP)
- inform parents or guardians
- consult with wellbeing or system counsellor.

If it is deemed necessary, the principal is required to investigate using the CEDP questions: [Non-reportable Investigations: Interviewing a child who may be an alleged victim](#) (Appendix 3) and consider the appropriate consequences.

If the student transfers to another school inform the new principal of any matters that would ensure the continuity of care and protection of the child and others.



## B. PREVENTATIVE MEASURES TO PROTECT CHILDREN IN CEDP SCHOOLS

### 1. Pre-employment screening

The principal shall ensure that:

- at any interview of potential employees including clergy, religious and volunteers, questions relating to the safety and wellbeing of children shall be asked
- all new employees and relevant volunteers complete the Working with Children Check online application process through Community Services prior to commencing work with CEDP
- the working with children check number shall be checked online as part of the recruitment process and a copy of the confirmation letter from Community Services shall be held on the employee's file at the school and CEDP
- the potential employee is not a prohibited person
- the team leader staff services (TLSS) is informed immediately if school is notified that a potential employee is a prohibited person or receives a notice from Community Services barring the employee from working with children.

Contractors who are engaged in capital or maintenance work on a CEDP school site shall complete a [declaration](#) stating that they do not have any convictions (including spent convictions) for serious sex and/or violent offences against children.

### 2. Training

To promote a safe learning environment in CEDP schools, principals shall ensure that induction and annual training is provided to all employees working with children regarding:

- indicators of neglect, ill-treatment, sexual abuse, physical abuse and psychological harm
- professional conduct and safe practices when working with children
- mandatory reporting procedures for risk of significant harm concerns
- procedures for allegations of reportable conduct and non-reportable conduct.



## C. RESPONDING TO CHILD PROTECTION ALLEGATIONS AGAINST EMPLOYEES

The Bishop of Parramatta is the Head of Agency for the Catholic Education Diocese of Parramatta in accordance with the Ombudsman's Act 1974. The Bishop has delegated the responsibility for responding to allegations against employees and notifying the Ombudsman of any reportable allegations involving CEDP employees to the executive director of schools (ED). The Ombudsman oversees and monitors investigations of child protection allegations against employees of designated agencies. CEDP is a designated agency.

When an employee has an allegation made against them they will be provided with these CEDP Child Protection - Procedures.

All parties involved in an investigation shall be offered appropriate support and confidential counseling with the CEDP Employee Assistance Program.

### 1. Assessment of an allegation

Principal records verbatim in writing the information provided by the child, young person/s, employee, parent or an anonymous person reporting the allegation against the employee. When a child or young person provides information they should be reassured about disclosing.

For the purposes of assessing an allegation the principal must:

- complete the [Allegations Against Employees: Initial Child Protection Information Details and Exemption Notification](#) (Appendix 5) and email the form immediately, or at most within 24 hours of receiving the allegation to: [staffservices@parra.catholic.edu.au](mailto:staffservices@parra.catholic.edu.au)
- if the alleged conduct relates to a CEDP office employee or director, the principal or other person shall refer the matter to the ED
- if the alleged conduct relates to the ED, the principal or person receiving the information shall document and refer the matter to the Bishop of the Diocese.

An assessment of the alleged conduct shall be made by the principal in consultation with the ERO and/or TLSS as to whether the alleged conduct is reportable conduct or non-reportable conduct. A risk assessment must also be conducted in conjunction with the ERO.

The assessment of the alleged conduct also considers whether the matter should be referred to the local police station prior to the commencement of any investigation into the alleged conduct.

If ERO and principal decide that there are reasonable grounds to suspect a child is at risk of significant harm, the allegation must be reported to CS as required by the *Children and Young Persons (Care and Protection) Act 1998*.

The [Mandatory Reporter Guide](#) (Appendix 1) should be used in the first instance to determine whether a report should be made to CS or advice obtained from the CS Helpline on 133 627.



## 2. Responding to allegations of non-reportable conduct

### 2.1 The following process applies:

- the principal prepares an investigation plan for non-reportable allegations in consultation with the ERO and in accordance with the [process for investigating allegations](#).
- the principal informs the notifier of the allegation (parent/guardian if child is the notifier) that an investigation will be carried out in accordance with the [process for investigating allegations](#).
- when all information has been gathered the principal forwards all documentation to the ERO who reviews all relevant information. The TLSS is responsible for determining the finding. The principal and the DSP are advised of the finding in writing. The principal conveys the finding in writing to the employee.
- at the conclusion of an investigation the principal advises the notifier and/or parent/carer that the matter has been addressed and refers them to CEDP for further information if required. **The notifier and/or parent/child is not informed of the finding of the investigation or any disciplinary actions in relation to the employee.**
- a confidential child protection file is created and stored securely at CEDP. The investigation files relating to allegations of conduct that are not reportable to the Ombudsman may be viewed by the Ombudsman's Office as part of its regular audit of child protection investigations.

### 2.2 Dispute resolution

In the event of a dispute about the process, the finding, or disciplinary action, employees may request for the investigation process to be reviewed. An application for review is made to the relevant director system performance in accordance with the relevant enterprise agreement dispute resolution clause.

## 3. Responding to allegations of reportable conduct

- an allegation of reportable conduct shall be reported to the Ombudsman.
- all investigations pertaining to allegations of reportable conduct involving an employee shall be managed by the CEDP. External investigators may be appointed to investigate such allegations.
- after consideration by the TLSS and in consultation with the ED, the employee (who is the subject of an investigation) may be suspended from duties on full pay or no pay until the investigation is completed. The ED is the only position holder with the authority to suspend. A suspension normally occurs when the alleged conduct, if sustained against the employee, would result in a summary dismissal. [Managing the investigation process](#) shall be followed by the investigating officers.
- where reportable conduct was found to have occurred the matter must be reported as a Category 1 to the Commissioner for Children and Young People (CCYP).
- where reportable conduct has occurred, but the finding is inconclusive (not sustained due to insufficient evidence) the matter must be reported as a Category 2 to CCYP.





#### 4. Possible actions in relation to an employee

- no action after investigation
- performance monitoring
- written caution/warning
- restrict/change duties
- allowed to resign
- dismissed
- CCYP Notification
- review of procedures



## D. GENERAL INFORMATION

### 1. Sharing information between agencies

In accordance with *Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998* relevant agencies are able to share and exchange information with regard to students and employees.

### 2. Appendices

Appendix 1: [MRG – Mandatory Reporter Guide](#)

Appendix 2: [ROSH Report Form](#)

Appendix 3: [Non-reportable Investigations: Interviewing a Child Who May be an Alleged Victim / or Witness](#)

Appendix 4: [Declaration](#)

Appendix 5: [Allegations against employees: Initial Child Protection Information Details and Exemption Notification \(Form 1\)](#)

### 3. Flowcharts

Flowchart 1: [Managing Concerns in Relation to Children and Young Persons](#)

Flowchart 2: [Assessment of an Allegation](#)

### 4. Relevant documents

#### STUDENT POLICY

- Responsible Use of ICT and Social Media for Students – Guidelines
- Responsible Use of ICT and Social Media for Staff – Guidelines
- Responsible Use of ICT and Social Media for Students - Guidelines

### 5. Relevant legislation

- ❖ National Safe Schools Framework
- ❖ Child Protection Legislation Amendment (Children’s Guardian) Act, NSW 2013
- ❖ Child Protection (Working With Children) Act, NSW 2012
- ❖ Commission for Children and Young People Act, NSW 1998
- ❖ Children and Young Persons (Care and Protection), NSW Act 1998
- ❖ The Ombudsman Act, NSW 1974
- ❖ The Child Protection (Prohibited Employment) Act, NSW 1998
- ❖ Child Protection (Offenders Registration) Act, 2000
- ❖ The Protected Disclosures Act, NSW 1994
- ❖ Privacy and Personal Information Protection Act, Cth 1988
- ❖ Education and Care Services National Law Act, NSW 2010

### 6. Review

These procedures shall be reviewed as required and in 2015.



## Appendix 1: MRG – Mandatory Reporter Guide

Click here for the [Mandatory Reporter Guide](#). The guide is also accessible from the website:  
<http://www.keepthemsafe.nsw.gov.au>

## Appendix 2: ROSH Report Form

Click here for the [Risk of Significant Harm Report Form](#). The pdf is also accessible by clicking on:  
[www.parra.catholic.edu.au/\\_resources/risk-of-significant-harm-report-form.pdf](http://www.parra.catholic.edu.au/_resources/risk-of-significant-harm-report-form.pdf)

## Appendix 3: Non-reportable investigations: interviewing a child who may be an alleged victim / or witness

When **interviewing the alleged victim, and/or witnesses involved in an allegation** some best practice points include:

- obtain parent/carer permission to interview any child – the alleged victim and any witnesses
- if recording also obtain parent/carer permission to make an electronic record of the interview
- reassure the child and the witnesses that they are not in trouble and you just want to talk to them
- record date of interview, persons present, start and finish time – see following page for a sample record of interview

At the commencement of the interview, it is important to put the child at ease. Commence by explaining your role and advising that the purpose of the interview is to find out more about their disclosure.

It may help to set the scene of the incident – you may have to provide some very general details of the incident to get the interview going.

Don't assume anything and ask for clarification at all times. Sometimes this might lead to other information that may be relevant to the overall context of the incident.

Adapt the language to the age and maturity and developmental needs of the young person. Give consideration to language and cultural issues which may require an interpreter to be present.

It is important to establish the context of the incident – what was happening with the rest of the class or others that were there.

**Suggested questions may include:**

- Can you tell me what was happening just before...?
- Can you tell me about what happened after...?
- Can you tell me more about that?
- What were you doing at the time?
- Who else was there and may have seen it?
- What did the teacher (or person involved in that allegation) say?
- Where did this happen?
- In what room or area did it happen?
- What time of day was it? (you may have to use times like before lunch or after recess depending on the age of the child)
- What day was it?
- Who have you spoken to about this?
- Did you tell your mum or dad or anyone at home?
- Have you spoken to your friends about this at all?
- Can you describe it for me (the conduct alleged in the child's own words)
- Did it hurt? (how much did it hurt out of ten?)
- Were there any marks? If so - Did you show anyone? Can you tell me what it looked like?

## Sample record of interview

Date: \_\_\_\_\_

Present: \_\_\_\_\_ Interview commenced: \_\_\_\_\_

\_\_\_\_\_

**Interviewer:** *refer to suggested interview questions for the interview process*

Interview concluded: \_\_\_\_\_

Signed by the interviewer: \_\_\_\_\_

Signed by parent/carer or young person: \_\_\_\_\_

## Appendix 4: Declaration



### Child Protection Compliance Form for External Service Providers (organisations, contractors)

1. I am aware of my requirements under the child protection legislation\* and have complied with all requirements.  Yes  
To the best of my knowledge, all employees who will be engaged in child-related tasks have complied.  No  
\*Child Protection (Prohibited Employment) Act 1998 / The Commission for Children and Young People Act
2. To my knowledge, there is nothing in the background of any of my employees that would be a cause of concern in terms of working with children.  Yes  
 No
3. I am not a Prohibited Person. I have obtained a Prohibited Employment Declaration from my current staff members, who would or could possibly have direct, unsupervised contact with children.  Yes  
 No
4. For those employees (and non-exempted volunteers) engaged after June 2013, I have taken all the necessary steps to ensure that those employees have completed their Working with Children Check who may have direct, unsupervised contact with children, during the course of their work for my organisation. These employees are not barred for child-related employment.  Yes  
 No  
 N/A
5. I understand and agree that any allegations of reportable conduct made against any of the organisation's employees or contractors will co-operate with any investigation that is required in accordance with the Ombudsman's Act (NSW) 1974.

ORGANISATION NAME: \_\_\_\_\_

ABN: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

*I understand that adherence to these arrangements is a condition of the contract/agreement between my organisation and the Catholic Education Diocese of Parramatta (CEDP).*

Name of authorised organisation representative (*print*) \_\_\_\_\_

Signature: \_\_\_\_\_

Witness (*print*): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

CATHOLIC EDUCATION DIOCESE OF PARRAMATTA (CEDP)

CEDP principal/Team Leader issuing the form (*print*) \_\_\_\_\_

Signature: \_\_\_\_\_

Witness (*print*) \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

NOTE: Send a copy of the completed form to the Contractor.

Appendix 5: Allegations against employees: Initial Child Protection Information Details and Exemption Notification (Form 1) (Ombudsman Act 1974)

**STRICTLY PRIVATE & CONFIDENTIAL**

This form must be faxed to Team Leader, Staff Services using confidential fax 9840 5681 within 24 hours of receiving an allegation

Principal Name: \_\_\_\_\_ School Name: \_\_\_\_\_

**SECTION A - to be completed by the principal**

**SUBJECT OF ALLEGATION**

Full Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Position/Role: \_\_\_\_\_ Gender: \_\_\_\_\_

**CHILD/YOUNG PERSON/S**

Full Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Student Registration Number: \_\_\_\_\_ Year Level \_\_\_\_\_ Gender: \_\_\_\_\_

Parent/Guardian/Carer name: \_\_\_\_\_ Contact: \_\_\_\_\_

**ALLEGATION MADE BY:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**LOCATION & DATE OF ALLEGATION:** \_\_\_\_\_

**ALLEGATION:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CONTACT DETAILS for RECEIVER OF ALLEGATION**

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**ACTION TAKEN** (please tick all relevant boxes):

- Notified Catholic Education Office
- Notified Community Services
- Notified Parents/Guardian/Carer
- Other Action - please specify

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**SECTION B – to be completed by principal/Catholic Education, Diocese of Parramatta**

**1. Reasons for initial risk assessment**

Consider: nature and seriousness of allegation(s); vulnerability of child/children; nature of employee's position and level of supervision; employee's disciplinary history; employee's safety or particular vulnerability; potential risks to proper conduct of the investigation.

Initial risk assessment re appropriateness of employee remaining in workplace pending enquiries. Provide reasons for risk assessment:

If the employee is to remain in the workplace pending enquiries, are additional supports required? If so, indicate how these will be provided?

Action to be taken to ensure the wellbeing of the child/children during the investigation of the allegation:



## 2. Draft Investigation Plan

Investigation objectives (what needs to be clarified / established?)

Seek documentation regarding the making of the allegation (from whom?)

Who should be interviewed? (Identify witnesses; seek appropriate consents; consider carefully interviews with children and ensure proper support if interviewed)

Possible timeframe for the conduct of interviews / gathering of information

### SECTION C - to be completed by Catholic Education Diocese of Parramatta

#### EXEMPTION CLAIMED

- Exemption a: reasonable for the purpose of the discipline, management or care of children
- Exemption b: the use of physical force, in all circumstances, is trivial or negligible
- Exemption c: the conduct is of a class or kind
- NO EXEMPTION - notifiable to Ombudsman

Reason for decision:

**INITIAL ASSESSMENT**

- No identifiable risk to children
- Not Notifiable to Ombudsman
- Notifiable to CCYP

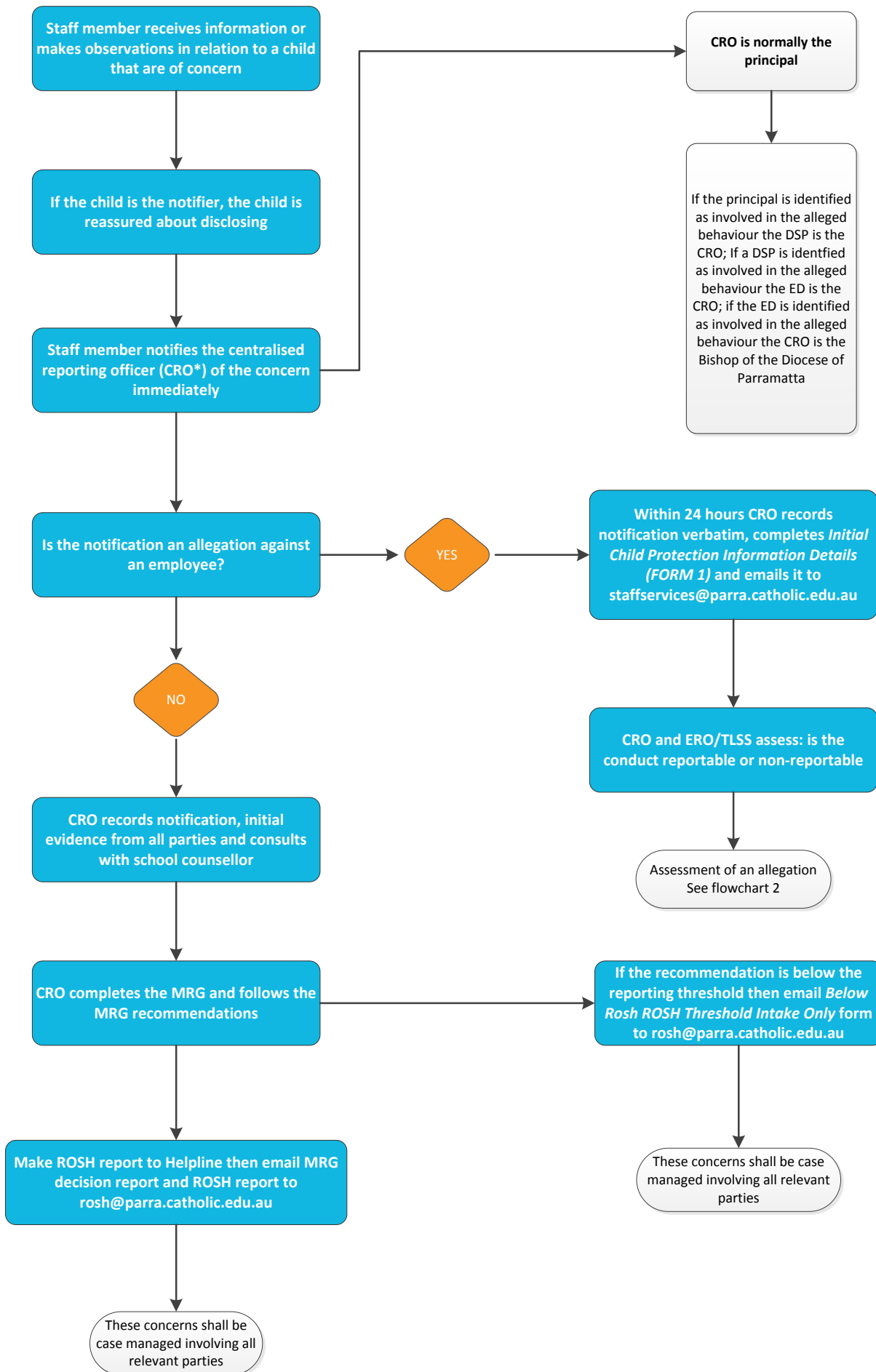
**Contact at Catholic Education Diocese of Parramatta**

Contact Person: \_\_\_\_\_

Contact Number: \_\_\_\_\_ Email: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

# Flowchart 1: Managing Concerns in Relation to Children and Young Persons



## Flowchart 2: Assessment of an Allegation

