



POLICY & PROCEDURES:

CHILD PROTECTION

2.1.1 General

This document is a summary of the full text of all the relevant policies and procedures in this area that are available for inspection from the Principal.

The safety, protection and well-being of all students is of fundamental importance to the school.

All staff at the school are expected to follow certain standards of behaviour in their relationships with students.

All staff have a range of different obligations relating to the safety, protection and welfare of students including:

- a) a duty of care to ensure that reasonable steps are taken to prevent harm to students;
- b) obligations under child protection legislation; and
- c) obligations under work, health and safety legislation.

2.1.2 Key Legislation

There are three key relevant pieces of child protection legislation in New South Wales:

- a) the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (the **Care and Protection Act**);
- b) the *Commission for Children and Young People Act 1998* (NSW) (the **CCYP Act**); and
- c) the *Ombudsman Act 1974* (NSW) (the **Ombudsman Act**).

While the **legislation** requires reporting of particular child protection issues, JVS requires employees to report **any concern** they may have about the safety, welfare or wellbeing of a child or young person to the **Principal**.

If the allegation involves the **Principal**, employees are required to report to the **Chairman of the Board of Directors**.

2.1.3 Mandatory Reporting

Every staff member at JVS is a 'Mandatory Reporter'.

A 'mandatory reporter' must, where they have reasonable grounds to suspect that a child is **at risk of significant harm**, report to Community Services as soon as practicable, the name, or a description, of the child and the grounds for suspecting that the child is at 'risk of significant harm'.

At The Joseph Varga School, this responsibility is viewed to include students both under and over **16 years of age**.

Given the special nature of the students at JVS, the Principal reserves the right to determine whether reportable matters relating to the suspected harm of a young person (or being placed at significant 'risk') meets the threshold for mandatory reporting.

2.1.4 Reasonable Grounds

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

- a) first hand observations of the child, young person or family;
- b) what the child, young person, parent or another person has disclosed;
- c) what can reasonably be inferred based on professional training and/or experience.

'Reasonable grounds' does not mean that you are required to confirm your suspicions or have clear proof before making a report.

2.1.5 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 anyone or more of the following circumstances:

- a) the child's basic physical or psychological needs are not being met or are at risk of not being met;
- b) the child or young person has not received necessary medical care;
- c) 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 the Education Act;
- d) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- e) 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;
- f) 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;

- g) 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 reduce the risk factors that gave rise to the report.

2.1.6 Documentation/Evidence

When a disclosure from a child, direct observation, or other concern is first established by a staff member, confidential, accurate, clear and objective documentation/evidence is essential to ensuring a satisfactory outcome is achieved to keep the student safe. In most cases, the principal will be responsible for maintaining these records, and will include direct quotations and directly observed evidence (as opposed to hearsay), should be documented.

2.1.7 Reports That Are Below The Mandatory Reporting Threshold

Any concern regarding the safety, welfare and wellbeing of a student at The Joseph Varga School ***must be reported to the Principal***, whether it meets the mandatory reporting threshold, or not.

Teachers are required to make these reports confidentially, only disclosing information to the Principal, and/or any other person the Principal nominates. Failure to do so is a serious legal breach of this policy.

2.1.8 Reportable Staff Conduct

Reportable conduct is defined as:

- a) any sexual offence or sexual misconduct committed against, with or in the presence of a child;
- b) any assault, ill-treatment or neglect of a child; and
- c) any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to:

- a) 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; or
- b) the use of physical force that, in all the circumstances, is trivial or negligible, but is subject to investigation; or
- c) other conduct that is exempted from notification.

2.1.9 Staff Professional Development

Staff are regularly involved in child protection related discussions at staff meetings, at which time the school's ***Code of Conduct*** is also examined. Professional development, of related matters, also occurs through in-service and relevant conferences and/or workshops.

The Joseph Varga School ensures too that the principal attends a 'Child Protection Investigation' course run by AIS NSW, will regular follow up sessions,

so the principal, and/or a delegate is accredited as an investigator in the context of the school.

2.1.10 Reportable Conduct Procedures

Any allegation of reportable conduct must be made to the Principal. Should the allegation involve the Principal, then the allegation must be made to the Chairman of the JVS Board of Directors.

The Principal, or Chairman of the Board of Directors, known as the Head of Agency, is then required to follow specific investigative procedures that may require consultation with external agencies.

2.1.11 Employment Screening

Another safeguard that the school puts in place requires employees to satisfactorily complete the new 'Working with Children Check', whereby they attain a 5 year clearance.

It is an offence for a 'prohibited' person (i.e. a person considered to be a 'risk' when working safely with children) to apply for or attempt to obtain, undertake or remain in child related employment in any capacity, whether paid, volunteering or self employed.

Applicants for child related employment must declare they are not a prohibited person.

It is an offence for an employer to engage anyone in child related employment without requiring them to disclose whether they are a prohibited person.

2.1.12 Further Information

For further information from the government about child protection, please view such websites as: www.community.nsw.gov.au; www.ombo.nsw.gov.au; www.kids.nsw.gov.au; www.keepthemsafe.nsw.gov.au