

CHILD SAFE POLICY

1. MISSION AND VISION

- Mission:** Excellence in education within a Christ-centred environment in which all flourish.
Vision: An inclusive, innovative system of Catholic schools in which lives are transformed through witness to Christ.

2. PURPOSE

The purpose of this policy is to clarify the agreed practices at Catholic Education Diocese of Bathurst in relation to keeping children safe. Consistent with its mission and values, and in compliance with legislative obligations and with the New South Wales Education Standards Authority registration requirements.

Catholic Education Diocese of Bathurst strives to ensure children in its care flourish through the implementation of a variety of strategies aimed to prevent harm, mitigate risk and address any concerns in a timely manner. Children and young people have a fundamental right to grow, develop and learn in a safe and supportive environment. The role of all employees, contractors and volunteers is to protect and promote the safety, welfare and wellbeing of children and young people.

3. EXPECTATIONS

It is expected that all students, staff, contractors, volunteers, visitors and any person authorised by the school to participate in child connected work, will adhere to the scope and procedures outlined in this document as these are the practices of Catholic Education Diocese of Bathurst.

Students must be provided with the opportunity to raise concerns, provide feedback and be involved in decision making. All staff must apply the following principles to inform their dealings with students in relation to child safety and protection:

- 1) if a child is able to form views on a matter concerning the child's safety, welfare and wellbeing
 - a) the child must be given an opportunity to express their views freely, and
 - b) the views are to be given due weight in accordance with the developmental capacity of the child and the circumstances, and
- 2) in all actions taken and decisions made in relation to a child who is significantly affected, account must be taken of culture, disability, language, religion, gender identity and sexuality of
 - a) the child, and
 - b) if relevant, the person with parental responsibility for the child.
- 3) in deciding what action is necessary to protect a child from harm, the course to be followed must be the least intrusive intervention in the life of the child and the child's family that is also consistent with the paramount consideration of safety, welfare and wellbeing.

Failure to comply with child protection responsibilities and obligations required by legislation or of this document may result in disciplinary action. This can include immediate termination of

employment, termination of contractor agreement, notification to police or other external agencies.

An employee who becomes aware of a possible breach by another employee, of the legislation or Catholic Education Diocese of Bathurst policies, guidelines and/or procedures must report this to their Principal or Leader: Human Resources. Failure to do so may result in disciplinary action and/or notification to other external agencies including police.

4. DEFINITIONS

All relevant definitions are located in Appendix 1.

5. GUIDELINES

Recruitment / Employment (including Volunteers)

Catholic Education Diocese of Bathurst works to foster a culture of safety for all members of its community. Recruitment is an important aspect of ensuring the safety of our school communities. Catholic Education Diocese of Bathurst implements a rigorous and consistent recruitment, screening and selection process which are detailed in *Guidelines for the Recruitment of Staff*.

All applicants are required to:

- hold a valid Working With Children Check
- complete a Catholic Education Diocese of Bathurst Employment Application Form which includes specific Child Safe questions
- provide professional reference

As part of the selection process:

- the convenor of the selection panel must complete referee checks
- Working With Children Check must be verified by the Catholic Education Diocese of Bathurst Human Resources department.

All successful applicants must complete online Child Protection Training at the commencement of their employment.

Casual teaching staff complete online Child Protection Training prior to receiving approval to teach.

Working With Children Check

The Office of the Children's Guardian requires Catholic Education Diocese of Bathurst to verify all employee's Working With Children Check. This policy should be read in conjunction with the *Child Related Employment (WWCC) Policy*.

The **employee** must:

- provide their Working With Children Check to Catholic Education Diocese of Bathurst prior to commencement of engagement for verification with the Office of the Children's Guardian.

Catholic Education Diocese of Bathurst Human Resources must:

- verify all employee Working With Children Check with the Office of the Children's Guardian
- maintain a register of all Working With Children Check. As this register includes personal details the register must be stored in a secure location and treated confidentially.

When schools engage **volunteers, trainees, practicum students** (18 years and over) they are required to:

- hold a valid Volunteer Working With Children Check, complete the *Verification of a Working With Children Check Number* form. The school will then forward the form to Catholic Education Diocese of Bathurst Human Resources and have the number verified. Catholic Education Diocese of Bathurst staff will confirm the verification of the Working With Children Check number to the school who will then include the verification on the Working With Children Check register held by the school **or**
- if eligible, for an exemption, then the individual must complete a Statutory Declaration which is to be stored at the school. In some instances an individual is not required, by law, to

hold a Working With Children Check. These exemptions include a close relative however exemptions do not apply if the individual is involved in overnight excursions, close personal care or official mentoring programs. Further details regarding exemptions are available from the [Office of the Children's Guardian website](#).

At times schools engage **contractors, self employed persons or companies** to work with students (e.g. tutors, sport instructors, therapists). These individuals are required to provide their details for verification by Catholic Education Diocese of Bathurst and the information must be maintained on the Working With Children Check Register. Some exemptions do apply. Further details regarding exemptions are available from the [Office of the Children's Guardian website](#).

Some contractors in the course of their normal work do not have direct contact with students. These contractors may also be eligible for **exemption**, in which case they are required to complete the Statutory *Declaration for Exempt Workers* form available on Catholic Education Diocese of Bathurst Unity.

Identifying, Responding and Reporting Risk of Significant Harm to the Department of Communities and Justice.

All institutions, services and facilities are responsible for the care and protection of children and young persons providing an environment for them that is free of violence and exploitation, and access to services that foster their health, developmental needs, spirituality, self-respect and dignity.

The Children and Young Persons (Care and Protection) Act 1998 identifies individuals working in education as mandatory reporters resulting in them having a legal obligation to report children and young persons at risk of significant harm. *Catholic Education Diocese of Bathurst Risk of Significant Harm Policy* provides further advice on how to complete reporting obligations.

It also should be noted that since August 2018 (under s316A of the *NSW Crimes Act*) all adults are required to report to Police if they know, believe or reasonably ought to know that a child (under 18 years) has been abused. However, if the offence has already been reported to the Department of Communities and Justice (DCJ) Child Protection Helpline there is a reasonable excuse not to report to Police.

Principals have a key role and responsibility in dealing with child protection matters and should be kept advised of concerns, particularly matters that may require reporting to the Department of Communities and Justice or Police, also where concerns relate to activities within the school. Centralised reporting to the NSW Child Protection Helpline by the Principal (or their delegate) is supported by a Memorandum of Understanding (MOU) which allows for staff to report Risk of Significant Harm concerns to the Principal who then must assess the information, make the Department of Communities and Justice Helpline report and provide feedback to the staff member.

When staff become aware of a safety, welfare or wellbeing concern, the schools must take reasonable steps consistent with their function and expertise, to co-ordinate decision-making and delivery of services for these children.

Catholic Education Diocese of Bathurst has appointed Education Officers: Wellbeing and Safeguarding to support school based staff in relation to any child safety concerns. They are able to provide assistance to schools in a range of child protection issues, including interagency cooperation, special provisions for the exchange of information, managing confidentiality, privacy, record keeping and the security of documentation.

Complaints Management and Reporting

Catholic Education Diocese of Bathurst is committed to providing high quality supportive and safe learning environments for students, staff and the broader community. All staff are subject to *Guidelines for Professional Conduct in the Protection of Children and Young People* that governs their professional behaviour.

Staff members have a legal obligation to take reasonable care for their own safety and the safety of children and others whom they come into contact with as part of their engagement with Catholic Education Diocese of Bathurst. These obligations include:

- providing adequate supervision
- following all policies, guidelines and procedures relating to the safety, welfare and well-being of students
- demonstrating personal behaviours that promote the safety, welfare and well-being of students
- maintaining respectful relationships and professional boundaries
- providing medical assistance (in accordance with their skill, knowledge and expertise) and facilitating professional medical care for students who become injured or unwell
- assessing, managing and addressing risk where a student's safety, welfare or wellbeing may be impacted.

Staff members must not correct or discipline a student in excess of what is reasonable or appropriate for the situation, the student's age, maturity, ability and circumstance. Corporal punishment is prohibited.

At times parents and caregivers may feel concerned about something that has taken place at the school. It is important that these concerns are raised and responded to in a timely and respectful manner.

School based complaints should be initially addressed with the teacher concerned. If the matter is not resolved or there is a conflict of interest then it should be addressed with the school leadership.

If there is a complaint about a Principal or in circumstances of conflicts of interest or issues remain unresolved at the school level, then complaints may be made directly to the Catholic Education Diocese of Bathurst.

When complaints relate to the Executive Director of Schools then the complaint should be made to the Chair of the Diocesan Catholic Education Council.

Complaints in relation to the conduct of the Bishop of Bathurst should be the subject of consultation between the Vicar of Education and the Executive Director of Schools. In the interest of transparency, advice should be sought at an early stage by either of these persons from the Professional Standards Office NSW/ACT or the otherwise appropriate agency.

Further information in relation to complaints can be obtained in the *Management of Complaint Guidelines* and the Catholic Education Diocese of Bathurst information brochure *Child Protection: Schools, families and community working together*.

Allegations Against Employees (Reportable Conduct)

2020 marked the transfer of the Reportable Conduct Scheme for the NSW Ombudsman's Office to the Office of the Children's Guardian. This transfer of oversight was facilitated with the enactment of the *Children's Guardian Act 2019*. The main objective of this Act is the safety, welfare and wellbeing of children.

The Reportable Conduct Scheme provides the Office of the Children's Guardian with administrative and oversight powers to ensure organisations respond to complaints, complete reporting obligations to external agencies, conduct investigations into the conduct of employees, and take appropriate action.

This policy should be read in conjunction with *Catholic Education Diocese of Bathurst Safeguarding - Allegations Against Employee Policy*.

Executive Director of Schools

The Head of Agency is the Bishop of Bathurst. For matters in relation to Catholic Education in this

diocese the Bishop has delegated the Head of Agency responsibilities to the Executive Director of Schools.

Head: Human Resources, Risk and Workplace, Health and Safety (Leader Human Resources)

Complaints relating to safeguarding and reportable conduct are referred to the Head Human Resources who assesses the complaint and allocates the investigation to an Education Officer: Wellbeing and Safeguarding.

Education Officer: Wellbeing and Safeguarding

Completes the investigation into a matter. This process includes:

- registering the complaint into the Catholic Education Diocese of Bathurst confidential database
- identifying whether the alleged conduct allegation requires a report to external authorities which include NSW police, Department of Communities and Justice, NSW Office of the Children's Guardian or other agencies
- undertaking a risk assessment in conjunction with the Principal and implements appropriate action
- responding to, make inquiries and/or investigating the reportable conduct matter
- ensure the head: Human Resources is informed of the matter throughout the investigation process
- maintaining appropriate records of investigation and findings, ensuring storage of such records are kept securely and separate from personnel files.

Principals

The Principal must report allegations/complaints regarding a child to the Head: Human Resources. This process includes:

- report staff misconduct complaints/allegations to Head: Human Resources
- seek advice from Head: Human Resources and/or Education Officer: Wellbeing and Safeguarding on the required process to complete which may include reporting to police or Department of Communities and Justice and assisting with the risk assessment
- maintain strict confidentiality around all matters.

Employees

- must report any concerns they have about any other employee or themselves engaging in reportable conduct or alleged reportable conduct, whether that is within or external to the work duties
- if the employee is unsure whether the conduct is reportable conduct or inappropriate behaviour then they must still report the concerns to the principal
- an employee must report to the principal if they become aware that an employee, volunteer or contractor has been convicted of an offense relating to reportable conduct. If the information relates to themselves then they must self-report
- if the allegation relates to the Principal then the report must be made directly to the Head: Human Resources
- must maintain strict confidentiality around all matters
- maintain appropriate records.

Education and Training

Students

Schools take a whole-school approach to Safeguarding and Wellbeing Education in accordance with the syllabus, utilising appropriate curriculum and in the context of school Pastoral Care, Personal Development and Christian Values. The schools provide appropriate educative programs that aim to:

- protect children and young people from abuse (within the school and external to school)
- assist them to seek help in an effective way
- develop skills for respectful, positive and non-coercive relationships

This education focuses on upskilling students in both the real and digital world.

Staff

Catholic Education Diocese of Bathurst is committed to providing current Safeguarding training and development, both as a professional support to those employed to work with children and to build a shared child safe culture. The Safeguarding Training Course is offered a number of times each year for staff working with children.

Catholic Education Diocese of Bathurst requires all employees to:

- attend Catholic Education Diocese of Bathurst Safeguarding Training annually. This training covers Risk Of Significant Harm, Mandatory Reporting, Allegations Against Employee and legal updates. In these annual refreshers, CEBD ensures that all staff who have direct contact with students are informed annually of their legal responsibilities related to safeguarding, mandatory reporting and other relevant school expectations. These records are maintained at Catholic Education Diocese of Bathurst
- complete online Self-Administered Legal Training (SALT) modules. The Self-Administered Legal Training addresses: safeguarding introduction; understanding mandatory reporting - risk of significant harm; Working With Children Check; complaints involving employees and the NSW Children's Guardian Act; and other important safeguarding issues. New employees are required to complete SALT training within 45 days of commencement of employment. Casual Teachers are required to complete SALT training prior to receiving approval to teach. Once initial training is completed staff will receive an electronic notification biannually to complete SALT training. This training is monitored and maintained by Catholic Education Diocese of Bathurst Human Resources
- all staff to complete a review of the *Guidelines for Professional Conduct: in the Protection of Children and Young People* annually. This is conducted by the Principal and records are maintained at the school
- be proactive in maintaining knowledge of safeguarding information and training which is distributed through the Catholic Education Diocese of Bathurst Weekly and available on Catholic Education Diocese of Bathurst Unity.

Parents

- Catholic Education Diocese of Bathurst provides information to parents using a variety of electronic and hardcopy methods as well as personal contact.

6. LEGISLATIVE FRAMEWORK

Employees are required to be familiar and comply with child protection legislation as varied from time to time, including but not limited to:

Children and Young Persons (Care and Protection) Act 1998 (NSW);
Children and Young Persons (Care and Protection) Regulation 1998 (NSW)
Children's Guardian Act 2019 (NSW)
Crimes Act 1900 (NSW)
Child Protection (Working with Children) Act 2012 (NSW)
Child Protection (Working with Children) Regulation 2012 (NSW)

7. RELATED POLICIES, GUIDELINES AND RELATED INFORMATION

Guidelines for Professional Conduct in the Protection of Children and Young People
Employee Code of Conduct Catholic Diocese of Bathurst
Child Related Employment (WWCC) Policy Catholic Education Diocese of Bathurst
Allegations Against Employees Policy Catholic Education Diocese of Bathurst
Risk of Significant Harm Policy Catholic Education Diocese of Bathurst
Management of Complaints Policy Catholic Education Diocese of Bathurst
Child Protection: Schools, families and community working together (Brochure) Catholic

8. POLICY ADMINISTRATION

This policy has been ratified by the Executive Director of Schools and implemented and will be reviewed periodically, or in the event of any information or incident that indicates the need for a review, or following relevant legislative or organisational change.

It is the responsibility of anyone accessing this document to ensure that the current version is downloaded from Catholic Education Diocese of Bathurst Unity website.

Date of Implementation	June 2020
Date of Last Review	2022
Date for Next Review	June 2023
Responsible for Review	Leader: HR, WHS, Risk

APPENDIX 1 DEFINITIONS

APPENDIX 1: DEFINITIONS

Assault

- applies physical force against a child without lawful justification or excuse - such as hitting, striking, kicking, punching or dragging a child (actual physical force); or
- causes a child to apprehend the immediate and unlawful use of physical force against them – such as threatening to physically harm a child through words and/or gestures and regardless of whether the person actually intends to apply any force (apprehension of physical force).

An assault is considered serious where:

- it results in the child being injured, beyond a type of injury like a minor scratch, bruise or graze; or
- it had the potential to result in a serious injury; or
- the injury suffered may be minor, but the assault is associated with aggravating circumstances (in this regard, aggravating circumstances might include associated inhumane or demeaning behaviour by the employee, for example kicking a child, pulling a child by grabbing the child around the neck).

All assaults regardless of the level of seriousness must be reported.

Catholic Education Diocese of Bathurst means Catholic Education Diocese of Bathurst.

Child or children means any person under the age of 18 years. With respect to matters notifiable to the Department of Communities and Justice (formerly known as Family and Community Services - FACS), a child is defined as a person under 16 years of age.

Civil Standard of Proof – Balance of Probabilities means the decision-maker deems that a version of events is 51% more likely to have occurred than the alternative version, then it meets the standard of proof on the balance of probabilities. The standard of proof must be responsive to the gravity of the facts in issue and the consequences of the ultimate decision.

Complaint or Allegation means, for the purposes of this document, a complaint or allegation is any issue raised regarding the conduct of an employee of Catholic Education Diocese of Bathurst in relation to children or young people, where such conduct is considered to be of a nature which may constitute reportable conduct in accordance with *Children's Guardian Act 2019*.

The Department of Communities and Justice (DCJ) was formerly known as Family and Community Services (FACS).

Employee means any person who is engaged by Catholic Education Diocese of Bathurst, whether or not they are employed in connection with work or activities that relate to children in paid or volunteer capacity, as well as any person engaged by Catholic Education Diocese of Bathurst to provide services to children and young people. Employees include, but are not limited to religious and clergy, volunteers, contractors, sub-contractors, consultants and students on tertiary practicum placements. Any reference to employees in this policy or procedures encompasses all categories outlined.

Employer refers to Catholic Education Diocese of Bathurst as an agency of the Roman Catholic Church Diocese of Bathurst.

Head of Agency means the Bishop of Bathurst, who is deemed to be the Head of Agency, as per the *Children's Guardian Act 2019 (NSW)* sec 65. In accordance with this Act these duties can be delegated and in the case of Catholic Education Diocese of Bathurst, these functions are delegated to the Executive Director of Schools.

Ill-treatment of a child, means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.

Examples of ill-treatment include making excessive or degrading demands of a child, a pattern of hostile or degrading comments or behaviour towards a child, using inappropriate forms of behaviour management with a child.

Mandatory Reporters are required by law to report suspected child abuse and/or neglect to government authorities. Mandatory reporters are people who deliver services, wholly or partly, to children as part of their paid or professional work.

Neglect means a significant failure that causes or is likely to cause harm to a child – by a person with parental responsibility for the child, or an authorised carer or an employee, if the child is in the employee’s care – the responsibility is to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child. Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child’s physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child or where there is the potential for significant harm to a child. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.

Educational neglect is a subset of the neglect reporting category. It refers to cases 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.

Psychological harm means behaviour that causes significant emotional or psychological harm. Examples of indicators of significant emotional or psychological harm include displaying behaviour patterns that are out of character, regressive behaviour, anxiety or self-harm.

Risk of Significant Harm means a child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent. This means the concern is sufficiently serious to warrant a response by a statutory authority (such as NSW Police Force or Department of Communities and Justice) 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 wellbeing, or in the case of an unborn child, after the child’s birth. The significance can result from a single act or omission or an accumulation of these.

Reportable Allegation means an allegation that the employee has engaged in conduct that may be reportable conduct (please see the Reportable Conduct definition), whether or not the conduct is alleged to have occurred in the course of the employee’s employment with Catholic Education Diocese of Bathurst.

Reportable Conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- A. a sexual offence
- B. sexual misconduct
- C. ill-treatment of a child
- D. neglect of a child
- E. an assault against a child
- F. an offence under section 43B (failure to protect a child from abuse) or 316A (failure to report abuse of a child as required of mandatory reporters) of the *Crimes Act 1900*
- G. behaviour that causes significant emotional or psychological harm to a child.

Safeguarding is the action that is taken to promote the welfare of children and protect them from harm.

Safeguarding means:

- protecting children from abuse and maltreatment
- preventing harm to children's health or development
- ensuring children grow up with the provision of safe and effective care
- taking action to enable all children and young people to have the best outcomes.

Sexual misconduct means conduct with, towards or in the presence of a child that:

- is sexual in nature, but
- is not a sexual offence.

Examples of sexual misconduct include descriptions of sexual acts without a legitimate reason to provide the descriptions, sexual comments, conversations or communications and/or comments to a child that expresses a desire to act in a sexual manner towards the child or another child.

Sexual offence means an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child.

Examples of sexual offences include sexual touching of a child, a child grooming offence and/or production, dissemination or possession of child abuse material.

Young Person means a person aged 16 or 17 years.