

*With Jesus Christ as our inspiration and guide, we are called to provide high-quality Catholic education in the Diocese of Bathurst'*

## **RISK OF SIGNIFICANT HARM (ROSH) POLICY**

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### **1. MISSION AND VALUES**

In partnership with the family, parish and community, our schools nurture a relationship with God in Christ Jesus, celebrate and share the Catholic faith, and educate to enable all to make a positive contribution to the world.

We are therefore committed to:

- a safe, inclusive and professional learning environment
- just and right relationships that recognise and respect the dignity of each individual
- recognition of the diverse needs of learners
- the use of a variety of methods, technologies, and techniques to enhance learning and teaching.

### **2. PURPOSE**

The purpose of this policy is to clarify the agreed practices at Catholic Education Diocese of Bathurst (CEDB) in relation to the responses that are to be taken by staff when addressing concerns about the safety, welfare and wellbeing of students in our care.

All school communities in the Diocese of Bathurst are committed to providing a safe and supportive environment for both students and staff.

The NSW government recognises that the care and protection of young people is a shared responsibility. This responsibility primarily rests with the parents however at times families come under stress and experience difficulties with their ability to parent. As a result, legislation has identified that the care and protection of children is the responsibility of all agencies, government and non-government to work together to support children, young people and their families.

This policy identifies the need to:

- recognise that reporting Risk of Significant Harm (RoSH) to the Department of Communities and Justice (DCJ) is important as a strategy for promoting the protection of children and young people
- understand the importance of supporting children and young people who are at risk of significant harm
- ensure that all schools understand their legal obligation relating to exchange of information to promote the safety, welfare and wellbeing of children and young people.

### **3. EXPECTATIONS**

It is expected that all staff, community and students at CEDB and in CEDB schools will adhere to the scope and procedures outlined in this document as these are the agreed practices of CEDB. A local Policy is not required.

CEDB acknowledges that staff at schools who provide educational services have a mandatory legal responsibility to identify children who may be at risk of significant harm.

Schools are required by law to take reasonable steps to address concerns relating to a child or young person safety, welfare or wellbeing. This may include assisting in prevention and intervention services by linking families to other services which may reduce the harm to a child or young person.

#### **4. DEFINITIONS**

##### **Child**

A person who is aged between 0 – 15 years.

##### **Young person**

A person who is aged 16 or 17 years.

##### **Risk of Significant Harm (RoSH)**

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

- a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met
- b) 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
- c) 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,
- 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 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.

Note.

Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

##### **Employee**

For the purposes of the Children and Young Persons (Care and Protection) Act 1998, an employee is a person who is paid by CEDB.

##### **Volunteer**

Is not a mandatory reporter, however, this policy requires the volunteer to report to the Principal or their manager any concerns that relate to the welfare, wellbeing and safety of a child or young person. The Principal or manager is the mandatory reporter.

##### **Mandatory reporters**

- a) 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.
- b) 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.

## **Chapter 16 A (Section 245)**

This relates to a section to the Children and Young Persons Care and Protection Act (1998) which allows for information to be exchanged between prescribed bodies. Catholic Education Diocese of Bathurst is a prescribed body.

### **Prescribed body:**

A Prescribed Body is any organisation specified in section 248(6) of the Act or in clause 7 of the *Children and Young Persons (Care and Protection) Regulation 2000*. Generally prescribed bodies are:

- NSW Police Force
- a State government department or a public authority
- a government school or a registered non-government school or a TAFE
- a public health organisation or a private health facility
- an accredited adoption service provider
- a designated agency
- a registered agency
- a children's service
- any other 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.

Additionally, in May 2016 the regulation was extended to include the following private health professionals:

- nurses (enrolled and registered)
- registered medical practitioners
- registered midwives
- registered psychologists
- occupational therapists (other than students)
- speech pathologists (eligible for membership of Speech Pathology Australia).
- an unborn child (if they have been the subject of a report to the Child Protection Helpline or to a Child Wellbeing Unit).

### **Child Story/MRG (Mandatory Reporters Guide)**

The MRG supports reporters to:

- determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child or young person; and
- identify alternative supports for vulnerable children, young people and their families.

### **Current concerns**

Significant harm arising from abuse or neglect is recent or likely in the foreseeable future should circumstances continue unchanged. Current concerns may also arise from a child or young person having contact with someone who is known to be responsible for causing harm to a child in the past. Current concerns also refer to situations where the abuse or neglect of the child or young person occurred sometime in the past but continues to have an impact on the child or young person's safety, welfare or wellbeing.

## **5. GUIDELINES**

In New South Wales anyone employed in education is deemed a mandatory reporter and has an obligation to report any risk of significant harm. Catholic Schools have a centralised reporting system in place where if a teacher has concerns about a student then the teacher must report this to their Principal. Principals then are required to report these concerns to the DCJ Helpline.

Principals (or their delegate) can use the MRG to determine if a report needs to be made. The MRG does not prevent mandatory reporters from taking any course of action they believe is appropriate or from continuing to support or respond to the needs of the child or young person who is the subject of the report

in the course of their work (s.29A of the Care Act). At times as a professional you may still feel the need to make a report based on your professional experience.

The MRG does not constitute making a report. It is a guidance document only. You must either ring the Helpline or e-report for the information to be received by DCJ for triaging and allocation.

## 6. PROCEDURES

When an employee believes that child or young person is at risk of significant harm or is concerned about their safety, welfare or wellbeing the following actions must be taken:

- report the concerns to the Principal (this includes their delegate or acting school executive member immediately)
- Principal completes MRG and sends a copy to CEDB using [safeguarding@bth.catholic.edu.au](mailto:safeguarding@bth.catholic.edu.au) email address
- if further advice and /or support is needed then CEDB Education Officer: Wellbeing and Safeguarding or Leader: HR should be contacted
- If the MRG has indicated a report should be made, it must be completed by either:
  - Phone: 132 111 (24 hours/7 days) (TTY users phone 133 677)
  - E- Reporting: <https://reporter.childstory.nsw.gov.au>
- once the report is complete, the report number (reference number) and details must be forwarded to [safeguarding@bth.catholic.edu.au](mailto:safeguarding@bth.catholic.edu.au)
- all records, notes and documents pertaining to Child Protection matters must be filed securely for an indefinite period.

### Responsibilities

Some staff at CEDB have certain responsibilities in relation to child protection, risk of significant harm matters and the safety, welfare and wellbeing of students.

Executive Director of Schools:

- must ensure that child protection systems in relation to addressing risk of significant harm and wellbeing concerns with the CEDB are compliant with relevant legislation.

Principals and Consultants:

- ensure that staff are aware of and understand the reporting procedures that promote the protection of children and young people in the CEDB
- ensure that any situation involving risk of significant harm is dealt with the utmost discretion, sensitivity and regards for all those involved in the process
- lead schools in fostering a culture which is proactive in responding to situations where a child or young person is at risk of significant harm or there are wellbeing concerns
- ensure that staff members receive training and professional development in relation to indicators of child abuse and neglect and information about the process of mandatory reporting and responding to concerns
- liaise with DCJ, Police and other agencies as required
- ensure that all exchange of information in relation to a child or young person's safety, welfare or wellbeing is legally compliant.

Teachers and Staff:

- respond appropriately to disclosure of risk of significant harm or wellbeing concerns
- attend professional development and seek support to facilitate the recognition and reporting of suspected risk of significant harm
- be aware of the indicators of child abuse and neglect and understand the possible signs of abuse that children and young people may exhibit and identify behaviour that may be attributed to children and young people being at risk of harm.

Education Officer: Wellbeing and Safeguarding:

- provide advice and support to schools as required when dealing with significant risk of harm issues

- assist schools in relation to using the MRG
- liaise with DCJ, Police and other services (such as JCPR) as required
- in cases that also involve a reportable conduct allegation involving an employee that the actions and support are consistent with the Addressing Allegation Against Employees is followed.

## 7. LEGISLATIVE FRAMEWORK

1. *Children and Young Persons (Care and Protection) Act 1998*
2. *Child Protection (Working with Children) Act 2012* (and the related *Child Protection (Working with Children) Regulation 2013*)
3. *Children's Guardian Act 2019* [Part 4]]
4. *NSW Crimes Act 1900*

## 8. RELATED POLICIES AND GUIDELINES

1. *Child Safe Policy* Catholic Education Diocese of Bathurst
2. *Risk Management and Risk Assessment Procedure* Catholic Education Diocese of Bathurst
3. *Complaint / Allegation Policy* Catholic Education Diocese of Bathurst.
4. *Staff Code of Conduct* Catholic Education Diocese of Bathurst.
5. Responding to Child Protection Incidents

## 9. POLICY ADMINISTRATION

This policy has been ratified by the Executive Director of Schools 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 CEDB website.

Date of Implementation	March 2018
Date of Last Review	Jan 2020
Date for Next Review	2021
Review Leader	Leader: HR, WHS, Risk