



CHILD PROTECTION POLICY

Date approved	July 2011	Date amended	February 2017	Date of next review	February 2018
Approved by	St Mary Star of the Sea College Board				
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Responsible body	College Board College Executive College staff				
Supporting documents, procedures and policies	Child Protection Code of Professional Standards St Mary's College Student Welfare (Wellbeing) Policy St Mary's College Pastoral Care Policy St Mary's College Complaints & Grievances Policy St Mary's College Staff Code of Conduct St Mary's College Acceptable Use of Electronic Communications, Systems and Devices Policy Protocols for Investigation - IEU and AIS Ombudsman's Guidelines and Working With Children Check Child Protection Code of Standards for Catholic School Employees, CCER Complispace Documents on Child Protection				
Reference and legislation	Ombudsman Act 1974 Commission for Children and Young People (CCYP) Act 1998 Children and Young Persons (Care and Protection) Act 1998 Child Protection (Prohibited Employment) Act 1998 Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 - Keep Them Safe Legislation - Amendment 2009 The Child Protection (Working with Children) Act 2012 Child Protection Legislation Amendment Bill 2013 NSW Privacy and Personal Information Protection Act 1998 Health Records And Information Privacy Act 2002 Crimes Act 1990				
Audience	Public - accessible to anyone				

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1. PURPOSE OF POLICY

This policy statement outlines the purpose and procedure adopted by St Mary Star of the Sea College in relation to Child Protection and provides a guide on:

- providing a safe and secure environment for all students
- supporting the protection and welfare of students in every instance
- the avenues open to students and parents to lodge a complaint or make an allegation
- ensuring that the behaviour of staff and volunteers is lawful and reflects the highest standards of care for students
- the procedures that will be followed in the event of a complaint of reportable conduct
- the professional responsibilities of all employees.

2. DEFINITIONS

Allegation of a serious nature Any allegation of sexual or physical abuse, serious neglect and/or psychological abuse that may threaten the safety, welfare and wellbeing of children and young people.

Child A person under the age of 18 years.

Natural justice The right of an individual to be heard and the right to receive notice of a hearing and to be given an opportunity to be represented or heard. The right to natural justice prohibits a decision which impacts upon individual rights without giving all parties in the dispute a right to be heard.

Procedural fairness The common law duty to act fairly in the making of administrative decisions which affect a person's rights, interests and legitimate expectations. It is based on two principles: that decisions should be made in an unbiased manner (the bias rule) and those affected by such decisions should be given an opportunity to participate in the decisions that affect them (the hearing rule).

Reportable allegation An allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct.

Reportable conduct Section 25A of the Ombudsman Act defines reportable conduct as:

- (a) any sexual offence or sexual misconduct, committed against, with or in the presence of a child including child pornography or child abuse material offences;
- (b) any assault, ill-treatment or neglect of a child;
- (c) any behaviour that causes psychological harm to a child.

Reportable conviction	A conviction (including a finding of guilt within the court proceeding to a conviction) in New South Wales or elsewhere, of an offence involving reportable conduct.
Significant harm	Any circumstance that 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 well-being.

3. APPLICATION AND SCOPE

- This policy applies to all members of the community of St Mary Star of the Sea College.
- Many forms of abuse are unlawful; however this policy is confined to addressing matters relevant to the care and protection of children and young people as described in New South Wales Child Protection legislation.

4. POLICY STATEMENT

St Mary Star of the Sea College strives to provide safety and security for all students through the establishment of an environment in which the mental, physical and emotional well-being of students is protected.

An important responsibility of the College is to support children and young people and to identify where problems arise that may put their safety, welfare or wellbeing at risk. As such, all staff have a responsibility to report risk of harm concerns about children and young people to the Principal at the earliest possible instance.

In cases where a student may have been the subject of abuse or reportable conduct, the College's response is directed to the care and welfare of the student while providing support and sensitivity to any staff member who may be the subject of such an allegation.

The key principles in the handling of allegations and internal investigations are as follows:

- **respect and support** for the dignity of all persons
- **confidentiality** to preserve the dignity of all involved
- **natural justice** to ensure the rights of the employee are met
- **unbiased and fair** investigation to be conducted by an independent person
- **appropriate action** must be taken regarding all concerned
- **closure** of the matter investigated.

The process in dealing with allegations needs to be transparent and accountable while being subject to the scrutiny of the Ombudsman. The subject of an investigation has a right to complain to the Principal or Ombudsman if they are concerned about the manner by which the investigation is conducted.

5. MAKING COMPLAINTS - STUDENTS AND PARENTS

In cases where students or parents believe that an incident has occurred that falls under the definition of reportable conduct they can:

- Contact the College Principal and make a confidential report outlining the details of the incident.
- Contact a member of the College staff and report the incident. In these cases the incident will be forwarded to the College Principal for investigation.
- In cases where the allegation may involve the College Principal, reports are to be made to the Chair of the St Mary's College Board in an envelope marked confidential.
- In cases where there is an allegation that a criminal act may have been committed, students and parents should contact police and/or the appropriate government department, ie NSW Department of Family and Community Services.

6. INVESTIGATING COMPLAINTS OF REPORTABLE CONDUCT

The following are the guiding principles for responding to reportable conduct allegations against an employee/volunteer in the workplace:

- An information gathering stage during which time enquiries are made of the student/s involved and witnesses and the subject of the allegation by way of interview or the collection of other relevant information. In cases where the allegation is of a serious nature the police will be notified and the College will cease its investigation.
- The determination of a finding as to whether, on the balance of probabilities, the allegation/s of reportable conduct did or did not occur.
- The determination and implementation of any appropriate disciplinary action including the assessment of any risk the employee/volunteer may pose and take action to manage the risk.
- The College Principal may appoint a member or members of the Leadership Team or an independent party to carry out the investigative process including the collection of factual information to assist in reaching a finding and what, if necessary, might be appropriate disciplinary procedures.

The College Principal is to facilitate the ongoing management of issues arising out of the investigation.

7. PROCEDURAL FAIRNESS

The College's response to, and investigation of, a reportable allegation against an employee/volunteer that is notifiable to the Ombudsman's Office or the Commission for Children and Young People (CCYP) will be based on the rules of natural justice. The procedures adopted will be fair to the subject of the allegation/s and reasons will be documented if there is a departure from the general procedures in an individual case.

8. CONFIDENTIALITY

The employee/volunteer, subject (student/s), the person making the allegation, witnesses, the College and any other person involved in the allegation and its investigation are all entitled to appropriate confidentiality and protection of their privacy.

The investigator/s shall conduct the investigation with due care and sensitivity, taking all reasonable steps to maintain privacy and confidentiality to all parties. The investigator or any employee/volunteer will not disclose confidential information obtained during an investigation, except as required for the specific purposes of the proper investigation of the allegations.

At all times the employee/volunteer is entitled to support and has the right to consult with family, legal/union representation, the College Principal or a support person. These persons are to be informed of the requirement to maintain confidentiality both in respect to details of the allegation and the investigation.

9. SECURITY OF RECORDS

Documentation relating to investigations may be required by the Ombudsman's Office and the CCYP, to enable a determination as to whether the employer has responded appropriately to an allegation. The CCYP also requires clear documentation to facilitate the conduct of a CCYP risk estimate involving relevant employment proceedings.

All documentation relating to allegations and subsequent investigations and disciplinary action must be maintained in a secure and confidential environment with access restricted to the person conducting the inquiry and other authorised personnel. All documents of this nature will be stored in an area separate from personnel files.

10. PROTOCOLS FOR VIEWING INVESTIGATION FILES

A staff member may apply to inspect an investigation file into an allegation of which he or she was the subject of the investigation, when it has been completed. A file is completed when the College has decided that it will not undertake any further investigation into the matter and the finding is made.

The application to inspect an investigation file is to be made in writing to the College Principal of St Mary's College and it is to be accompanied by the form titled "Protocols for accessing files relating to child protection investigations pursuant to legislation including Commission for Children and Young People Act, 1998 and Freedom of Information Act, 1989".

The applicant will receive acknowledgement within five working days of receipt of the application. Access will be to the file in its original form except where material must remain confidential and this information may be whited out or removed from the file and where the release is subject to legal exemptions. As the file is opened pursuant to the Ombudsman (Child Protection) Act, 1998 and is under the review of the NSW Ombudsman, copying will not be allowed, although the staff member may take notes. Access to the file will be under the supervision of a designated officer of St Mary's College.

11. DISPUTE RESOLUTION

In the event that a dispute arises in the determination of findings and/or subsequent disciplinary action, the employee/volunteer is entitled to request that particulars of the matter be referred for review to the NSW Ombudsman, the CCYP or the College. All parties will work toward a just and timely resolution to all such matters.

12. ROLES AND RESPONSIBILITIES

The Principal and Executive staff will:

- Ensure all staff have participated in an initial child protection induction and training in child protection each year.
- Ensure all staff are aware of the indicators of abuse and neglect of children and young people and are aware of their obligation to advise the College Principal of concerns about the safety, welfare and wellbeing of children and young people that arise during the course of their work.
- Ensure that all staff are aware of their mandatory obligation to report suspected risk of significant harm and of the procedures for doing so.
- Use appropriate tools to inform decision making, such as the online Mandatory Reporter Guide, professional judgment or specialist advice, where there are concerns about risk of significant harm.

Employees will:

- Participate in a child protection induction and in annual updates. This includes all staff – College Principal, Executive staff, teaching and non-teaching staff, part-time, temporary and casual staff and those who join during the year.
- Adhere to mandatory procedures for conveying risk of harm concerns to the Principal or executive staff in the College Principal's absence.
- Adhere to mandatory procedures for reporting risk of significant harm to Community Services.
- Report directly to Community Services if they believe the College Principal has not reported risk of significant harm concerns to Community Services, and they still have concerns about risk of significant harm.

VERSION CONTROL AND CHANGE HISTORY

Version control	Date effective	Approved by	Amendment
1.0	2006	Board	Initial adoption
2.0	August 2011	Board	Reformatting template and updating legislation
3.0	June 2014	Board	Updating legislation
4.0	February 2015	Board	Additions to Investigating Complaints of Reportable Conduct
5.0	November 2015	Chair, Governance & Nominations Committee	Changed next review date (and expiry date) to bring in line with Committee meetings
6.0	February 2017	Board	Review of policy