



# MARCELLIN COLLEGE RANDWICK

## Child Protection Policy

Marcellin College has the following responsibilities under each of the Acts relating to Child Protection.

<u>The Ombudsman Act 1974 (NSW)</u>	The College (through the Child Protection Team At SCS) must notify the Ombudsman of any allegation of reportable conduct against an employee. The College must investigate the allegation and report the findings of such investigation to the Ombudsman.
<u>Child Protection (Working with Children) Act 2012 (NSW)</u>	The act required persons (paid or unpaid) who are deemed to be in a child related work – the checking of persons
<u>Children and Young Persons (Care and Protection) Act 1998 (NSW)</u>	The College must report any case where it is believed a child or young person is at risk of harm to DoCS.

Marcellin College complies with the Sydney Catholic Schools' Code of Professional Conduct, Incorporating the Catholic Systemic Schools Code of Conduct for Professional Conduct in the Protection of Children and Young People. A copy of the SCS *Behaviours to Encourage and Avoid* is given to all staff at the beginning of each year. The following SCS policies are included as part of the Marcellin Child Protection policy:

- Child Protection Procedures: Responding to Complaints and Allegations
- Child Protection Policy: Reporting Concerns to Family and Community Services and Police
- Code of Professional Conduct, Incorporating the Catholic Systemic Schools Code of Conduct for Professional Conduct in the Protection of Children and Young People
- Staff Use of Social Media in Sydney Catholic Schools



# MARCELLIN COLLEGE RANDWICK

---

## Child Safe Schools Employment Policy

Marcellin College engages a variety of individuals and businesses for various purposes. Those people and businesses must have an understanding of child safe schools expectations. That is, they must know what is expected of them and the College's responsibilities. When we seek to engage people to work with us, we communicate our expectations and standards around delivering child safe schools in a number of ways, including:

- Selection procedures that include child safe messaging and test (eg. application interview questions, verbal references, etc) for consistent values
- Pre-engagement checks such as the Working with Children Check or a National Police Check
- Introductory and ongoing training and support to build and maintain awareness of child safe practices.

Having a **current Working with Children Check (WWCC)** is a legal requirement for performing most roles at SCS. However, the WWCC is only one tool to keep children safe. It informs us of individuals who have already been identified as unsuitable to work with children. It is not an exhaustive tool as it will not identify all individuals who have engaged in all unsuitable conduct (eg. in schools outside NSW), nor those who are at increased risk of unsafe practices in the future.

In addition to requiring the WWCC, Marcellin College follows a number of important processes and tools developed by SCS to deliver on our commitment to a child safe College. These processes should be consistently followed for all people involved within the College regardless of whether or not they are in "child-related work" or have a WWCC.

### **What is an undertaking?**

A legally binding document that outlines a range of guidelines and requirements that is to be signed by prospective employees, volunteers (including parent volunteer) and contractors.

### **New Employees**

All College staff must also have a current Working with Children Check.

It is important that all new staff, including those not in child-related work, are inducted in child safe school requirements. All staff must have an awareness of their own behaviour, being alert to any indicators of harm or concern in students, their reporting obligations and knowing who to approach with any concerns.

### **Procedures for New Employees**

1. Prior to new employee starting a WWCC verification must be completed by the Director of Director of Development & Communications
2. When employee starts work the Director of Development & Communications will ensure they complete the College's WHS induction comprising elements appropriate to the role or site
3. In early induction for new employees (during first term of commencement) the Director of Director of Development & Communications will ensure they complete the SALT Modules:
  - Workplace Behaviour

- Work, Health and Safety
- Child Protection.

The SALT Module: Child Protection covers concepts also explained in the following essential resources

- SCS Code of Professional Conduct;
- SCS Child Protection: Responding to Complaints and Allegations Policy;
- SCS Resolution of Complaints Policy;
- SCS Staff Use of Social Media in Sydney Catholic Schools; SCS Resolution of Complaints Policy;
- SCS Anti Bullying Policy.

Under the *Child Protection (Working with Children) Act 2012* (NSW), an employer cannot commence employing or continue to employ, a worker in child-related work, if the worker does not have a valid WWCC clearance (unless an exemption applies) or a current application before the Office of Children’s Guardian for a clearance of a class applicable to that work.

## **Procedures for Casual Teachers**

4. Prior to new employee starting a WWCC verification must be completed by the Administration Coordinator
5. When employee starts work the Administration Coordinator will ensure they complete the College’s WHS induction comprising elements appropriate to the role or site
6. In early induction for new employees (during first term of commencement) the Administration Coordinator will ensure they complete the SALT Modules:
  - Workplace Behaviour
  - Work, Health and Safety
  - Child Protection.

Under the *Child Protection (Working with Children) Act 2012* (NSW), an employer cannot commence employing or continue to employ, a worker in child-related work, if the worker does not have a valid WWCC clearance (unless an exemption applies) or a current application before the Office of Children’s Guardian for a clearance of a class applicable to that work.

## **Contractors**

It is important that all contractors, including those not working with children, are inducted in child safe school requirements. The prequalifications and induction of a contractor will vary depending on whether the contractor is engaging in child-related work as defined in the *Child Protection (Working With Children) Act 2012* (NSW)

Some contractors working in the College, such as school cleaners, are considered at law to be in child-related work under the *Child Protection (Working With Children) Act 2012* (NSW), and therefore required to hold a valid WWCC.

- Individuals
  - Example: individual tutor, dance instructor, speech pathologist, sports coach, music tutor, individual school cleaner, presenter to students etc.

- Companies  
Example: companies that provide extra-curricular activities, online tutoring, school counsellors, anti-bullying services, school cleaning companies, Got Game.

Other contractors involved in the College are not considered at law to be in "child-related work". These individuals do not require a WWCC but still need to be inducted and are expected to follow College's child safe schools practices.

- **Individual and Company**  
Example: tradespeople, locksmiths, air-conditioning repairer, electrician, school auditor, presenter to staff/parents etc.
- **Major Works Service providers**  
Example: building companies involved in major works at a school.

### **Procedures for Individual Contractors**

1. The College will ensure compliance with the SCS WHS '9 steps to Contractor Management' document
2. The College will provide the contractor with:
  - *Contractor (Individual) Working with Children* letter
  - *Working With Children Check* Form
  - Safe Schools Expectations Undertaking: Contractors working with children
  - Contractor Child Safe Communities Resource Kit
  - Induction Presentation
3. The College will forward the signed Contractors/Volunteers *Working With Children Check* Form to SCS for verification of the Working With Children Check (WWCC) number. Work cannot commence until verification has been confirmed.
4. The College will securely store the signed the above Safe Schools Expectations Undertaking document.

### **Procedures for Individual Contractors**

1. The College will ensure compliance with SCS WHS '9 steps to Contractor Management' document.
2. The College will provide contracted company with:
  - *Contractor (Company) Working with Children* letter
  - *Safe Schools Expectations Undertaking: Contractors working with children*
  - *Contractor Child Safe Communities Resource Kit*
  - *Induction Presentation*
3. The College will securely store the signed *letter of compliance* completed by the contractor.
4. The College will confirm that contracted company has securely stored its workers' signed copies of the above *Safe Schools Expectations Undertaking* document. This document is subject to audit by SCS.

## **Procedures for Contractors Not Working with Children**

Example: tradespeople, locksmiths, air-conditioning repairer, electrician, school auditor, guest speaker etc.

1. The College will ensure compliance with the SCS WHS '9 steps to Contractor Management' document.
2. The College will provide the contractor with the Safe Schools Expectations Undertaking: Contractors/Tradespeople/ Subcontractors document
3. The *Safe Schools Expectations Undertaking* document is to be signed and returned to the Headmaster and stored securely by the College;
4. The College is to ensure appropriate supervision of the contractor while on site.

NB This will need to be determined on a case by case basis. At a minimum this would require that a designated member of staff is aware when the contractor is on site, where they will be located on the College premises, what work they are performing and how long they expect to be on site. It would be expected that a member of staff greet the contractor on arrival, ensure they have signed in and been provided with a copy of the Undertaking form, inform them where specifically on the College site they are permitted to be to carry out their work and that it is not acceptable to be in any other area, inform them as to where the adult bathrooms are, who to contact if they have any concerns and how to get in contact with that person. The staff member must ensure that the contractor has left the school site by the time indicated. It is recommended that a member of staff conduct spot checks to ensure that the contractor is adhering to these requirements.

## **Parents**

### **Procedures for Parents**

*Note: Most parents and close relatives of students at school are exempt from the WWCC.*

- 1) The College will provide the date and time of the induction training session that must be attended by all prospective parent volunteers (including those whom may wish to volunteer at school events, including carnivals, excursions, etc).
- 2) The College will provide the parent volunteer with:
  - *Volunteers Child Safe Communities Resource Kit;*
  - *Safe Schools Expectations Undertaking: Volunteers.* All prospective parent volunteers are to sign '*Safe Schools Expectations Undertaking: Volunteers*' document and return to the College office. The document is to be secured confidentially at the College.
  - If the volunteer requires a Working With Children Check (WWCC), they must complete this form and provide to the College for verification.
- 3) The College will provide the parent volunteer with the SCS's *2017 Child Safe Schools (Child Protection) Information for Parents.*

Parent volunteers must be inducted annually. The Safe School Expectations Undertaking is to be renewed annually, or as and when there are any changes in the volunteer's circumstances, whichever occurs earliest.

# Volunteers

## Procedures for Volunteers

- 1) The College will give the volunteer the *Invitation to volunteer notice*.
- 2) The College will provide the date and time of the induction training session that must be attended by all prospective volunteers.
- 3) The College will provide the volunteer with *Volunteers Child Safe Communities Resource Kit*, and the *Contractor/Volunteer "Working with Children" Form*; All prospective volunteers are to sign '*Safe Schools Expectations Undertaking: Volunteers*' document and return to the College office. The document is to be secured confidentially at the College.
- 4) If the volunteer requires a Working With Children Check (WWCC), they must complete this form and provide to the College for verification.
- 5) All prospective volunteers are required to sign the '*Safe Schools Expectations Undertaking: Volunteers*' document and return it to the College office. The document is to be secured confidentially at the College.
- 6) The headmaster will determine approval or non-approval. Approval outcome to be entered on initial '*Safe Schools Expectations Undertaking: Volunteers*' document. The document is to remain secured confidentially at the College.
- 7) The College will communicate the outcome to the prospective volunteer.

The College will review volunteers annually. The Safe School Expectations Undertaking is to be renewed annually, or as and when there are any changes in the volunteer's circumstances, whichever occurs earliest.

If the volunteer ceases to volunteer, the signed '*Safe Schools Expectations Undertaking: Volunteers*' document is to remain secured confidentially at the College.

## University Practicum Students

A university practicum students are classified as volunteers as they are not paid employees. The Volunteer engagement process must be followed, including, completing the WWCC Form.

# Code of Professional Conduct

The purpose of this Code of Conduct document is to promote a common understanding and consistency in expected standards of behaviour for employees. It may be applied to all people engaged to work in or provide services for Sydney Catholic Schools (SCS).

The Code of Conduct is not intended to be exhaustive but it does outline standards of conduct and behaviour that are expected of all staff within SCS.

## Statement of Catholic Values and Ethos

The mission of the Catholic Church unequivocally commits SCS workplaces and every school community to foster the dignity, self-esteem and integrity of their employees and of every person to whom it provides a service.

Employees uphold this mission by modelling positive relationships and acting in a manner that creates a safe and productive educational and pastoral environment. Those working in education are engaged in child-related employment, and are therefore subject to the obligations and duties imposed through applicable legislation, policies, procedures and standards.

Sydney Catholic systemic schools and SCS workplaces seek to create a caring, life-giving and faith-filled environment where Gospel teachings inspire and affirm the highest standard of ethical conduct. Employees have a privileged role of service that requires prudent judgment and positive workplace relationships. Catholic school communities actively support the development of a culture that does not condone improper conduct, violation of relationships through practices such as intimidation, bullying, harassment, breach of professional boundaries or abuse of power.

This document is grounded in the following principles for staff employed by SCS:

- acting with integrity and professionally in all relationships and situations;
- maintaining relationships that develop within the context of Gospel values;
- honouring the equality of women, men and children;
- promoting Catholic education, whether in the classroom, the office or the community, through the delivery of professional services;
- being consistently honest, trustworthy and accountable.

## Consequences of a Breach of the Code of Conduct

An employee holds a position of trust and is accountable for his/her actions. Consequences of inappropriate behaviour and breaches of the Code are described in relevant SCS policies, procedures and standards are available on the SCS intranet.

If an employee's actions are found to be inappropriate, unethical or appear to breach the standards of the Code of Conduct, his/her Coordinator has a responsibility to address any possible breach as soon as he/she becomes aware of it.

An alleged breach of the Code of Conduct may require a report to be made by either the Headmaster or employee internally. The alleged breach may also need to be referred to external authorities under relevant legislation.

If any employee becomes aware of a breach of the Code of Conduct by a colleague, he/she should report this to the Headmaster/manager. If an employee is unsure about reporting, he/she may contact the union organiser or SCS Human Resources.

If an employee is concerned about an alleged breach of the Code of Conduct by his/her Headmaster/Deputy Head/manager, this should be reported to the next level of management or as directed by the school authority or to the Director: Human Resources.

All reasonable steps will be taken to maintain the confidentiality of the person making the report.

No adverse action will be taken by SCS against a complainant who makes a report in good faith.

Persons making a report will be protected against reprisal, dismissal or discriminatory treatment as a result of making a report; making a false complaint may be regarded as serious misconduct and may result in disciplinary action.

Every alleged breach of the Code of Conduct will be investigated as appropriate and proportionate to the alleged conduct. In investigating an alleged breach of the Code of Conduct, objective and impartial processes will be followed. Generally, where the report concerns the actions of another person, that person would be informed of the complaint in writing, where appropriate. This is subject to considerations such as maintaining the anonymity of the person making the report, or advice from external parties such as Police or Community Services.

The appropriate action to be taken in each case will be determined by the facts and circumstances. The seriousness of the allegations will usually determine the level of investigation.

Appropriate action is determined by considering

- the nature and seriousness of the breach;
- prior breaches;
- when the prior breaches occurred;
- mitigating circumstances;
- assessment of risk; and
- whether the breach would be serious enough to warrant formal disciplinary action.

Outcomes may include one or more of the following:

- counselling;
- performance management;
- professional learning/development;
- increased supervision or monitoring;
- coaching or mentoring;
- specialist assessment;
- informal or formal disciplinary action;
- demotion;
- redeployment; and/or
- termination.

## **Reporting Concerns about Child Protection Matters**

Working in education is child-related employment and is therefore subject to the relevant child protection legislation. Under this legislation, there are specific requirements for employees in reporting matters of concern, including the obligation to



- inform the employer if you are charged or convicted of an offence relevant to working in child-related employment, or have had any reportable allegation made against you;
- report to the employer any allegations or convictions of reportable conduct involving an employee, as required by the Head of Agency pursuant to Part 3A of the Ombudsman Act 1974 (NSW);
- report any information or concerns to the principal/manager/supervisor about inappropriate behaviour by another employee which involves a student or any other child or young person under the age of 18 years;
- fulfil their legal obligations to report to the principal/manager/supervisor about the risk of significant harm to a child, or to report possible criminal activity in accordance with the relevant legislation and SCS policy and practices;
- maintain the confidentiality of all parties concerned. In any matters where there is doubt as to the requirements of confidentiality, the employee should seek the advice of their principal/manager/supervisor or SCS Human Resources. The employee may also choose to seek appropriate advice from the union regarding the requirements of confidentiality.

## **Professional Relationships between Employees and Students**

Employees are expected to behave in ways that promote the health, safety and wellbeing of the students. All staff must understand and observe child protection legislation, policies, procedures and standards, including the maintenance of appropriate boundaries with children and young people. Employees must be aware of the policies around allegations of reportable conduct against employees.

Employees must be aware that their interactions with students are based on a trusting relationship arising from the nature of their role in the workplace, and that those relationships are open to scrutiny. This includes interactions with children and young people which occur outside of the workplace. Employees must not develop or allow to develop a relationship with any student which could be interpreted as being personal rather than professional.

Under no circumstances will a sexual relationship between an employee and a student be tolerated. Such relationships may be subject to the Crimes Act 1900 (NSW). This could include relationships developed with students during the course of their schooling and pursued after the students have left the school.

Where there are existing personal relationships such as family relationships or close friendships that involve an employee and a student, the employee needs to be transparent, prudent and mindful of any perceived conflict of interest. The employee must ensure that he/she does not breach the Code or any other relevant policy.

Employees are required to inform the Headmaster/Deputy Head/manager in situations where such personal relationships with students exist. Employees must be mindful of any perceived conflict of interest if they are involved in educational decisions involving family members or close friends.

While not all employees are required to manage and supervise students, it is essential for all employees to understand and observe child protection policies.

Unacceptable behaviour includes but is not limited to

- communication without an appropriate professional reason authorised by the principal. Expectations for all staff are set out in the relevant SCS policies available on through the SCS Intranet;
- inviting students to join an employee's social networking site/page/group;
- accepting an invitation to join a student's social networking site/page/group;
- attending parties with or socialising with students;
- inviting students to the employee's home;
- attending the home of a student without an appropriate professional reason and the consent of the parent or guardian and principal;
- transporting a student in a vehicle except in the case of a prior existing personal relationship (i.e. the student and teacher are family members) where permission has been granted by the parents and the principal. However, an employee may transport a student in their own vehicle in an emergency situation, and if parent/guardian permission cannot be obtained, a second adult should accompany the staff member. In these circumstances, the principal must be informed as soon as possible before or after the student has been in the teacher's car;
- using sexual innuendo or inappropriate language or material with students;
- engaging students in conversations of an intimate personal nature including disclosing private information; and
- giving students gifts which may encourage them to think they have a special relationship with the employee.

An employee is obliged to be aware of the relevant legislation which prohibits

- sexual relations with a person under the age of legal consent;
- sexual relations between a teacher and a student;
- possession, production, displaying or transmission of child pornography.

Employees need to recognise the special position of trust and influence that a teacher or other school employee has with a student. This position of trust may continue after a student has left the school. It may also continue after the student has turned 18 years of age. Extreme care must be taken in any relationship between a teacher (or other school employee) and a former student, even one over 18 years of age.

Before entering into a personal, intimate or sexual relationship with a former student, a teacher or other school employee should consider many factors including

- the special relationship of trust and influence which is created between a teacher (or other school employee) and student, arising from the nature of the employee's role;
- the age and maturity of the former student;
- the time that has passed since the student had left the school;
- the expectation that teachers will not act contrary to Catholic values and ethos;
- the perceptions of the community of such a relationship;
- the potential impact on the reputation of the school, Catholic education and the teaching profession, because of the relationship.

A personal or sexual relationship with a former student entered into by a teacher or other SCS employee may be found to be sexual misconduct if it is established that the employee used his or her position to develop and maintain a personal or intimate relationship with the student before the student left the school.

## BEHAVIOURS TO ENCOURAGE - EMPLOYEES

This document reflects a summary of the key expectations contained within Sydney Catholic Schools document Code of Professional Conduct.

**Well-planned and appropriate classroom activities:** Activities that are consistent with educational best practice and cater for the learning needs of the students in the class. Invariably some students misbehave in class when they are unable to complete the tasks that are set, or the tasks are not challenging and interesting.

**Positive classroom climate:** Establishing a positive classroom climate, where students and teachers have good rapport and open lines of communication will prevent seemingly minor issues erupting into complaints that must be investigated. Students feel safe in relationships that have an appropriate balance of power.

**Actively work within the Pastoral Care Policies of the school:** Different students will be more sensitive to different management styles and this is why it is so important for teachers to know their students and have a pastoral understanding of their individual circumstances.

**Non-confrontational strategies for dealing with misbehaviour:** Effective conflict management skills can always be developed and this development is ongoing throughout a teacher's career.

**Use of a calm, consistent voice tone and non-threatening language:** The way in which students are addressed is equally as important as the words that are used. Students must be aware of the consequences of their actions, but this should be done in a manner that is not emotionally threatening, demeaning or leaves the student with the impression that there is no way to redeem the situation.

**Professional development:** An ongoing commitment to professional development is critical. This can be in the areas of curriculum, management strategies and/or invigoration of professional and personal mission.

**Collegial networks:** These networks are invaluable, especially those outside of the employing school and even system. It is important to seize opportunities to connect with colleagues whenever possible.

**Personal Care:** It is important to seek assistance for personal matters that may carry into the workplace, giving the employer an opportunity to support staff members wherever possible.

**Empathy with all of the students in our care:** All students are deserving of equal understanding and consideration.

**Giving student's opportunity to evaluate the teacher:** It is not always easy and not always possible, but from time to time it is valuable to hear what the children think of the work done by their teachers.

**Exercise common sense:** Age and circumstances are very relevant. The safety of a child, or other children, may well require a responsible person to touch or restrain. In exercising judgement it is wise to err on the side of caution. Some principles might include ensuring that:

- i) every effort is made not to be alone with a student
- ii) where possible teachers remain visible to other people when dealing with students
- iii) students are not dealt with behind closed doors.

**Values and attitudes:** It is important for all teachers to clarify their position on questions such as:

- ❖ What is my attitude to corporal punishment?
- ❖ How do children regard their 'personal space'?
- ❖ What are my beliefs and attitudes about power relationships? What are my beliefs and attitudes about coercive relationships?
- ❖ What do I think of "children's rights"?
- ❖ What is the "right to feel safe"? Is it really a right?
- ❖ How assertive do I want children to be?

**Self-evaluation:** A willingness to reflect on personal teaching style and being prepared to make changes if it is not entirely in line with current expectations are important aspects of the teaching profession.

## BEHAVIOURS TO AVOID

**Personal comments:** Comments about student's physique, performance, family and other aspects can damage the relationship between teacher and student and/or they may be misinterpreted, even when well intended.

**Intimidating, hostile or threatening statements:** Remarks of this nature towards students are not acceptable in any circumstance. Sarcasm is also a style of communication that can be easily misinterpreted by students.

**Physical contact with students:** Physical contact with students is not acceptable except where it is necessary: a) as a reasonable restraint to protect the student, other students or adults from harm; or b) as an open and observable gesture of nurturing where consent is given by the student. Most schools have some form of 'hands off' policy for students and this needs to be exemplified by the adults in the school community.

**Rules and consequences for actions that are disproportionate to the misbehaviour:** Consequences need to be appropriate to actions. If a student has to go straight on to an out of school detention for talking too much in class, what strategies remain for the teacher when that student talks in class the next time?

**Name calling:** Use of derogatory or 'pet' names when addressing students, teasing or withdrawal of praise are all practices that can damage the relationship between teachers and students.

**Excessively authoritarian style of classroom management:** This model places the power entirely in the hands of the adult and can easily make a student feel unsafe.

**Interactions that are likely to break trust:** Those working in child-related occupations must always be aware that their interactions with students are based on a special trusting relationship and this relationship is open to great scrutiny.

Any **blurring of boundaries** between a teacher and a student – i.e. you must not enter into a personal relationship with a student even if they are over the age of 18 years – always maintain a professional relationship with a student.

**Private communication:** Teachers should refrain from communicating with students by way of private emails and private mobile phones. Professional communication should occur through school internet and phone services and when the need occurs (e.g. excursions/school camps) using school mobile phones. In the rare instance that a teacher may need to SMS a student, the message should be copied into another staff member, preferably the Principal.

There is no denying that some children can misbehave, test our patience, or deliberately act out in class, but it is important to be dealing with these matters in ways that are compassionate and actually address the core issue, rather than in ways that are simply punitive in nature. There is never a valid reason for physically reprimanding a child or intimidating him/her with excessively aggressive language.

Undoubtedly, we would all expect no less in the classroom management of a child in our own family or indeed in the treatment of ourselves as members of a school community.

## **CHILD PROTECTION POLICY: REPORTING CONCERNS TO FAMILY AND COMMUNITY SERVICES AND POLICE**

Pope Francis – “We need to see each child as a gift to be welcomed, cherished and protected.”

Sydney Catholic Schools (SCS) is committed to the safety, welfare and wellbeing of each student. Our dual obligation to the education and faith formation of each child is of the utmost importance. To facilitate this educational and spiritual development it is important that every student is safe while at school, and protected from any concern arising outside of school which may impact their capacity to engage fully in their studies and faith formation. SCS employees have significant obligations as mandatory reporters, for the safety of children and young people. This policy outlines the process of reporting, which a staff member should follow if a concern should be raised about the safety, welfare or wellbeing of a child or young person.

### **Guiding Principles**

- SCS is committed to the safety and wellbeing of all students.
- SCS Employees are expected to report any concern regarding the safety of a young person.
- To support the safety of students, it is critical that all staff and students are aware of protocols in relation to reporting concerns related to student safety.
- Where a concern arises in relation to the safety of a student, appropriate supports will be provided to the student.
- Parents, carers and families agree to work collaboratively and constructively with SCS in supporting the safety and wellbeing of students.
- Parents and carers enrolling their children with SCS accept on enrolment, that SCS has reporting obligations for the safety and wellbeing of students, and agree to respect and support SCS in meeting these obligations.

### **Process in relation to Mandatory Reporting to Family and Community Services (FACS)**

A report must be made to FACS when a mandatory reporter has current concerns about the safety, welfare and wellbeing of a child for any of the following reasons:

- the basic physical or psychological needs of the child or young person are not being met (neglect)
- the parents or caregivers have not arranged necessary medical care for the child or young person (unwilling or unable to do so)
- the parents or caregivers have not arranged for the child or young person to receive an education in accordance with the **Education Act 1990 (NSW)** (unwilling or unable to do so)
- risk of physical or sexual abuse, or ill-treatment (physical or sexual abuse)
- parent or caregiver’s behaviour towards the child causes or risks serious psychological harm (emotional abuse)
- incidents of domestic violence and, as a consequence, a child or young person is at risk of serious physical or psychological harm (domestic or family violence)
- the child was the subject in a prenatal report and the birth mother did not engage successfully with support services.

Mandatory reporters are required by law to report to FACS if they suspect that a child is at Risk of Significant Harm (RoSH). SCS requires mandatory reporters to also make reports in relation to concerns around young people (aged 16-17 years) as an aspect of their duty of care obligations to all students.

If a staff member identifies a concern in relation to the safety, welfare and/or wellbeing of a child or young person, they are required to immediately report the concern to the Headmaster or the most senior person on site, for instance, the Deputy Head.

The Headmaster, in determining whether a concern necessitates mandatory reporting to FACS, may seek the support of one or more of the following:

- the **FACS Mandatory Reporter Guide**
- the Sydney Catholic Schools' Child Protection & Professional Services Team on 9568 8473 or 9569 6111
- the Regional Student Wellbeing Team
- the school's Regional Consultant.

All concerns which require mandatory reporting will be reported to FACS by the Headmaster (or the most senior person on site), using the **online form** or by phone to 132 111.

The Headmaster must email a copy of the RoSH Report to the SCS Child Protection & Professional Services Team as soon as practicable at [child.protection@syd.catholic.edu.au](mailto:child.protection@syd.catholic.edu.au).

### **Process in relation to Mandatory Reporting to NSW Police**

If a staff member identifies a concern in relation to the safety, welfare and/or wellbeing of a child or young person, they are required to immediately report the concern to the Headmaster or the most senior person on site, for instance, the Deputy Head.

The Headmaster may determine that it is necessary to report the concern to the NSW Police in addition to FACS.

The NSW Police should be contacted prior to FACS where there is an imminent threat, danger or risk of immediate harm to any person, including to the child or young person, or to a school staff member.

The circumstances in which a report to NSW Police should be made, include but are not limited to:

- where a concern may constitute or involve a criminal offence; and/or
- where there is an imminent threat, danger or risk of immediate harm to any person including to the child or young person or to a school staff member.

In circumstances where a report to NSW Police is to be made:

- in the case of an imminent threat, danger or risk of immediate harm, the Headmaster would make the report to emergency services 000 where police attendance is required, as a matter of urgency
- where there is no imminent threat to any person, the Headmaster would contact and report the matter through the school's allocated police liaison officer.
- where the police liaison officer is not available, the Headmaster would contact the Police Local Area Command to make the report.

In determining whether a report should be made to NSW Police, the Headmaster may wish to:

- contact the Sydney Catholic Schools' Child Protection & Professional Services Team on 9568 8473 or 9569 6111
- contact the school's Regional Consultant.

The Headmaster should email the police report number and details of the report to the SCS Child Protection & Professional Services Team as soon as practicable at [child.protection@syd.catholic.edu.au](mailto:child.protection@syd.catholic.edu.au).

### **Confidentiality of concerns**

Any concern raised in relation to the safety, welfare or wellbeing of a child and/or young person is confidential. No staff member is to disclose any concern to any person outside of the Headmaster or in their absence, to the most senior person available on site.

Reports made by mandatory reports to FACS or by the Headmaster to NSW Police are confidential and should not be disclosed to any person outside of SCS Central and Regional Wellbeing, Child Protection and other relevant personnel.

SCS staff are not permitted to disclose the making of, the nature, or contents of a report to FACS or NSW Police, to any person outside of SCS Central and Regional Wellbeing, Child Protection and other relevant office personnel, without the permission of FACS and/or the NSW Police respectively.

To avoid any doubt, any reports to FACS or NSW Police are not to be disclosed in any circumstance to any student or parent. This includes the parents of the child about whom the concern has been raised. Any concerns around what, if any, information can be given to families involved must be discussed with FACS and/or the NSW Police prior to disclosure.

Ordinarily a staff member who raises a concern and a Headmaster who reports the concern will maintain confidentiality and will not disclose the concern to any other staff member at the local level. The Headmaster may determine that a concern needs to be disclosed to a particular school staff member in order to support the needs of the student at school (i.e. informing the class teacher or school counsellor). This disclosure will occur in consultation with the Student Wellbeing Team and/or the Child Protection & Professional Services Team.

### **Support for students**

If a staff member identifies a concern in relation to the safety, welfare and/or wellbeing of a student, the student will be provided with access to appropriate supports which may include, but are not limited to, one or more of the following:

- school level counselling where a local school counsellor is employed
- regional Student Wellbeing Team support
- referral to appropriate external support agencies for the student and/or family
- risk assessment and/or
- return to school plan, counselling support plan, or individual adjustment plan.

### **Responsibilities of Headmaster**

- Ensure that all reasonable steps are taken to protect student safety, welfare and wellbeing.
- Notify NSW Police appropriately, of any concern raised in relation to a criminal offence or of any immediate threat.



- Notify FACS appropriately, of any concern raised in relation to the safety, welfare and wellbeing of a child or young person.
- Ensure the school and staff comply with all mandatory reporting obligations.
- Maintain appropriate records of any RoSH or police reports made.
- Submit relevant records of ROSH and police reports to the SCS Child Protection & Professional Services Team.
- Identify appropriate supports for students about whom concerns have been raised with regard to their safety, welfare and wellbeing.

### **Responsibilities of Parents**

- Parents must communicate fully with the school around any matters which pose a risk to the safety, welfare and wellbeing of a student.
- Parents must not seek information from the school around any report to FACS or Police, but will instead communicate directly with those agencies.
- Parents will engage positively with school, regional and central SCS staff to support a student, following any concern being raised around their safety, welfare and wellbeing, including in the development of individual student plans, medical and other assessments, counselling support and other recommendations.
- Parents have a responsibility to work collaboratively and constructively with SCS in supporting the safety, welfare and wellbeing of all students.
- Parents and carers enrolling their children with SCS accept on enrolment that SCS has reporting obligations for the safety and wellbeing of students and agree to respect and support SCS in meeting these obligations.

### **Responsibilities of Employees**

- Employees must report any concerns in relation to the safety, welfare and/or wellbeing of a child or young person to the Headmaster or the most senior person on site.
- Employees must keep all matters in relation to the safety, welfare and/or wellbeing of a child or young person confidential, with the exception of disclosing to the Headmaster (or their delegate such as the Regional Consultant). Unreasonable disclosure of information to parents, students or other colleagues may have performance implications.
- Employees must abide by this policy in relation to the immediate notification to the Headmaster or appropriate delegate.

### **Bases of Discretion**

- The Headmaster will determine whether a mandatory report needs to be made to FACS in relation to a concern consistent with this policy and the Mandatory Reporter Guide.
- The Headmaster will determine whether a report to the NSW Police needs to be made in relation to a concern consistent with this policy.

## Child Protection Policy: Responding to Complaints and Allegations

December 16, 2016/February 7, 2017

Catholic systemic schools in the Archdiocese of Sydney are guided by a fundamental mission to provide a safe and supportive environment for each and every student entrusted to our care. These procedures reflect the legislative responsibilities of Sydney Catholic Schools (SCS) and demonstrate our commitment to protect the safety and wellbeing of students, while supporting our employees and volunteers working with children and young people in our educational context.

This document sets out the policy and procedures to be followed in response to child protection complaints or allegations being made against employees (including volunteers) of Catholic systemic schools in the Archdiocese of Sydney. It provides consistent direction to the management of all child protection complaints and allegations made about employees and volunteers, having regard to the particular facts of each individual case.

This policy and procedures apply to:

- all employees of SCS, whether or not they are employed in connection with work or activities that relate to children in a paid or volunteer capacity
- any person engaged by SCS to provide services to children and young people
- all Religious and clergy, whether employed, on stipend, or in a volunteer capacity, who are engaged in the workplace or engaged in activities that relate to children.

### Guiding Principles

The following principles guide the way in which the investigative process is conducted:

- All investigations of a complaint against an employee must be handled carefully and sensitively.
- Care and support should be considered for all parties to a complaint, including children and young people, the staff member, the subject of the complaint, family members, and potentially any witnesses called upon to participate in an investigation process.
- Employees who are subject of a complaint have the right to know what has been alleged in sufficient detail for them to respond, and the right to respond to any complaint or adverse comments made against them
- Independence, objectivity and impartiality during the investigation process must be ensured.
- Any conflicts of interests, be they actual, potential or perceived, must be identified and managed appropriately to reduce any adverse impacts on an investigation, or on the parties subject to the investigation of a complaint.
- All parties to a complaint have a right to confidentiality.
- Internal workplace investigations must incorporate ongoing risk assessment.
- Contact with and reports to the NSW Police or other external authority/ies does not remove the requirement for an internal investigation at the appropriate time.
- SCS follows the guidelines for complaint and investigation practices outlined in the [NSW Ombudsman Guidelines](#) as best practice. However, the process is constantly reviewed and may be refined at times, due to risk assessment or practical implications impacting upon the process.

Catholic systemic schools in the Archdiocese of Sydney, SCS offices and all SCS staff have a responsibility to:

- Maintain the care and protection of children and young people as paramount.
- Support the right of students, parents and employees to bring forward complaints or allegations and to be heard without fear of reprisal.
- Ensure that all employees are aware of their obligations to report inappropriate conduct involving a child.
- Ensure all employees are aware of the required standards of behaviour, the complaint policy and the procedures.
- Provide support to employees in maintaining professional standards related to relationships with students.
- Investigate all allegations of a child protection nature, specifically related to the actions of an employee or volunteer, and ensure that all appropriate action is taken in relation to findings.
- Advise employees, under investigation for an allegation of a child protection, of the nature of the support available to them.
- Ensure that a fair and transparent process for managing all complaints or allegations is in place, operating with procedural fairness in situations where a decision made could have a detrimental impact on the rights and interests of an individual.
- Make a report to the NSW Police (or appropriate alternative if allegation arises in another State, Territory or jurisdiction), if an allegation is of a criminal nature.
- Make a report to the Department of Family and Community Services (132 111) regarding allegations where a child or young person is at Risk of Significant Harm (ROSH).
- Make a report to the Ombudsman regarding certain allegations or convictions of a child protection nature made against employees.
- Make a report to the NSW Office of Children's Guardian regarding the names of employees for whom it has completed relevant employment proceedings.

#### **Responsibilities of SCS:**

- respond to, make inquiries and/or investigate all allegations and complaints relating to conduct of employees in respect of children and young people
- submit a monthly report to the Head of Agency, as nominated by the Ombudsman Act 1974 (NSW), of all matters falling within the jurisdiction of the NSW Ombudsman.

#### **Responsibilities of the Director of Human Resources:**

- authorise any interim arrangements on an employee's work status following a risk assessment
- authorise action taken by employment services in instances of an adverse finding.

#### **Responsibilities of the Child Protection Team under the direction of the Team Leader:**

- ensure a complaint/allegation is referred to the appropriate member of the Child Protection Team for response, inquiry and/or investigation
- ensure the complaint/allegation is registered in the Child Protection Database and intake protocols, followed in line with attached procedures
- identify whether the alleged conduct requires a report to external authorities, which may include NSW police, Community Services, NSW Ombudsman, or other agencies such as the Provincial Leader of a Religious Order if the complaint relates to a Religious
- assessment and Investigation of a complaint or allegation in line with the attached procedures
- undertake a risk assessment at the commencement of a matter, to inform SCS of actual or perceived risks which are present or likely to arise in a particular matter, and assist with the strategies or interim measures necessary to mitigate risk and protect the integrity of the investigation
- maintain appropriate records of investigations and findings, ensuring storage of such records is kept securely and separately from personnel files.

## Child Protection: Responding to Complaints and Allegations Frequently Asked Questions

### **1. To whom does the policy apply?**

This policy applies to all employees of Catholic systemic schools in the Archdiocese of Sydney, in both paid and volunteer capacities. Any person engaged by SCS to provide services to children and young people and all Religious and clergy who are engaged in the workplace or engaged in activities that relate to children. This also includes contractors and some volunteers.

### **2. Who can make a complaint under this policy?**

Complaints can be made by any person, that is a child or young person themselves, parent or carer, staff member, any other employee of SCS or members of the public.

### **3. How am I notified of an allegation against me?**

Employees against whom an allegation is made will usually be advised both in person and in writing of the allegations. Employees who are subject of a complaint against them have the right to know what has been alleged in sufficient detail for them to respond.

### **4. What if a complaint is made anonymously?**

Whilst anonymous complaint may be difficult to investigate effectively, they will be taken seriously, reported if necessary and reasonable inquiries undertaken where practical. The steps and principles in the policy will apply equally to anonymous complaints. Even in circumstances where the complainant is known, their confidentiality will be maintained and details of the complainant not included in the notification of the allegation.

### **5. What are my rights in response to an allegation?**

Employees, or others, who are the subject of a complaint will be afforded procedural fairness. This includes being provided adequate details about the alleged conduct in order to prepare a response, the right to respond to any adverse comments made against them and the process being undertaken in a timely manner. They will be given sufficient time to prepare a response to an allegation and obtain advice and support. All employees interviewed are encouraged to bring a support person if needed.

### **6. Can I engage professional assistance in responding to an allegation?**

Yes. Any person who is the subject of a complaint has a right to obtain advice from their union, or legal advice, at any stage and is encouraged to do so if required.

### **7. How is an investigation involving me recorded at SCS?**

Information obtained in investigations is documented by way of a statement or by way of interview. Interviews are either written up as a summary or recorded with consent and transcribed. In most instances the interviewee is asked to verify the record of their interview. During the investigation all reasonable inquiries are undertaken and an investigation report is prepared which documents the assessment and deliberations leading to the relevant findings. A copy of all information obtained during the process, is secured confidentially at Leichhardt separate to an employee's personnel file. Investigation files of this nature are not kept at a School.

**8. How will I know the outcome of an allegation against me?**

Findings and outcomes are communicated to the person who is the subject of the allegation. These are provided in writing in most instances.

**9. Does an investigation appear on my personnel record?**

The investigation file is secured confidentially within the Head Office of SCS at Leichhardt and kept securely and separately from personnel files.

**10. What support is available to me as the subject of a complaint?**

Any person who is the subject of a complaint has available to them professional confidential counseling, at no cost to themselves, through the Employee Assistance Program and is encouraged to access this.

**11. How will an investigation impact on my current employment?**

If a finding is adverse for an employee, and has employment implications, the matter is referred to Employment Services to provide the employee an opportunity to be informed of the proposed employment outcome. The employee is given an opportunity to respond further to the employment outcomes.

**12. In what circumstances is the CEO compelled to external agencies about the matter?**

A report will be made to the NSW Police if an allegation is of a criminal nature. A report will be made to Community Services if there is information indicating that a child or young person is at risk of significant harm. A report will be made to the NSW Ombudsman regarding certain allegations or convictions of a child protection nature made against employees. A report will be made to the NSW Office of the Children's Guardian regarding the names of employees for whom there is a sustained finding of sexual offence, sexual misconduct or serious physical assault. In matters where the police or community services are involved, the School or SCS cannot progress its own internal investigations until the NSW Police and/or Community Services have assessed the matter and advised the SCS whether or not it can proceed. During this time the SCS will continue to undertake a risk assessment in relation to the allegation and communicate closely with police and/or community services.

**13. What if I think the complaint against me is vexatious?**

All allegations must be investigated and a finding made. If the person, subject of the allegation, suspects the allegation is vexatious or malicious they should tell the person undertaking the inquiries. They can do this when they are first informed of the allegation or when providing a response. They should inform the investigator why they think it is vexatious and provide any information in support of this claim. The investigator has an obligation to consider all information that supports or contradicts the allegation. Therefore, they will make reasonable inquiries to determine if the matter is vexatious or not. If found to be vexatious, a finding of such will be made and an appropriate outcome determined.

---

## **STAFF USE OF SOCIAL MEDIA IN SCS POLICY**

*March 20, 2016 July 21, 2016*

The educational landscape has changed significantly in regards to the use of, and potential benefits of, social media in education. Educators are interested in the ability to leverage social tools to facilitate engagement with the syllabus, encourage the learning process and to increase teacher and student communication. Although there are concerns about the anonymity of some social media tools, the permanency of material submitted and the potential for online bullying; social media is in fact an evangelising tool for the Catholic Church. It is a way of connecting with young people in a space that they use frequently.

The purpose of this policy is to clarify the parameters for the acceptable use of social media by all staff employed in Catholic systemic schools and offices in the Archdiocese of Sydney. This policy addresses the use of social media in all contexts, including its use as part of student learning activities, in teacher and student engagement and in sharing content within professional learning networks and communities. It also applies to the personal use of social media platforms by staff, and how this use might impact on themselves, and on others, in the delivery of their professional duties and responsibilities.

At the centre of this policy is the acknowledgement that the wellbeing and safety of students and staff are always the system's highest priority. All use of social media by staff at Sydney Catholic Schools (SCS) should reflect this.

### **Guiding Principles**

- SCS supports its employees' use of social media and content sharing sites. This approach is consistent with the use of the CloudShare platform that has been rolled out in Sydney Catholic schools.
- Online behaviour should at all times demonstrate a respect for the dignity of each person.
- Staff must, at all times, behave in an ethical manner when using social media.
- Engagement in social media should be for the purposes of collaboration, communication and engagement within an educational/learning context.
- Staff should always remain aware of their professional responsibilities, even when using their personal social media accounts.
- Staff personal social media use must be congruent with the professional standards expected of an employee of SCS (see Code of Professional Conduct).
- Staff posting or responding to a team social media account are doing so as a representative of SCS.

### **Policy**

- State and Federal legislation and the child protection protocols and policies of SCS must always be observed.
- Staff are expected to instruct students to act in accordance with Student Acceptable Use of Technology Agreement before they engage in social media.
- The Principal is to approve any local use of social media.

- The relevant age limits for students using social media platforms must be strictly observed.
- Each school must ensure that students have the necessary parental permissions before they can engage in the use of social media.
- Creation of an SCS social media team or specific project account can only be done with the approval of the relevant Director and the Head of Communications.
- When staff are using social media in a professional context, an account must be created specifically for this purpose. Personal social media accounts should be for personal use only.
- Staff must respect students' rights to privacy, consistent with the relevant laws and regulations and student and parent choice.

### **Responsibility of Headmaster:**

The Headmaster may wish to develop local guidelines with respect to learning activities using social media within the school.

### **Responsibility of all staff:**

- Discuss with the Headmaster any intended use of social media within the school, clearly outlining the purpose and the educational goals.
- When staff choose to use social media in a professional context, a specific account used exclusively for that purpose should be created.
- Clearly communicate to students their responsibilities for appropriate interaction with others on social media as outlined in the Student Acceptable Use of Technology Agreement.
- Highlight to students the importance of responsible digital citizenship (which includes advice and strategies for them remaining safe when online).
- Ensure that staff profiles adhere to the guidelines provided in the SCS communications policy.
- Ensure the use of social media within the school adheres to the guidelines for the use of SCS/school logos found in the SCS Style Guide due for release in 2016.

**Updated November 2017**