



## CHILD PROTECTION POLICY

### PURPOSE

This policy document is provided to staff including employees, contractors and volunteers during their employment or engagement with Blue Mountains Steiner School to ensure a clear understanding of their duties and obligations under the key items of child protection legislation in NSW.

This policy outlines the key concepts and definitions under the relevant legislation including mandatory reporters, reportable conduct, and risk management. It also sets out expected standards of behaviour in relation to employees and contractors and their relationship with students.

### SCOPE

The safety, protection and wellbeing of all students are of fundamental importance to Blue Mountains Steiner School. The School has a range of obligations relating to the safety, protection and welfare of students, including:

- A duty of care to ensure that reasonable steps are taken to prevent harm to students;
- Obligations under child protection legislation; and
- Obligations under work health and safety legislation.

The purpose of this Policy is to summarise the obligations imposed by child protection legislation on the School and on employees, contractors and volunteers, and to provide guidelines as to how Blue Mountains Steiner School will deal with certain matters.

### RELATED LEGISLATION

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

- The Children and Young Persons (Care and Protection) Act 1998 (NSW) (the Care and Protection Act);
- The Ombudsman Act 1974 (NSW) (the Ombudsman Act); and
- The Child Protection (Working With Children) Act 2012 (NSW) (the WWC Act).

## OBLIGATIONS TO REPORT

Blue Mountains Steiner School requires all staff to report any concern about the safety, welfare or wellbeing of a child or young person to the Principal or her delegate.

Blue Mountains Steiner School requires all staff to report reportable conduct of a member of staff to the Principal or her delegate.

If the allegation involves the Principal, the report should be made to the Chairperson of the School Council.

This obligation is part of the School's overall commitment to the safety, welfare and wellbeing of children.

## OTHER POLICIES

There are a number of other School policies that relate to child protection that all staff need to be aware of and understand including (but not limited to):

- Code of Conduct, including the social media policy, which sets out information about the standards of behaviour expected of all employees, contractors and volunteers; and
- The Work Health and Safety Statement which summarises the obligations imposed by work health and safety legislation on the School and workers; and
- The Discrimination, Harassment and Bullying Policies which summarises employee obligations in relation to unlawful discrimination, harassment and bullying; and
- The School's Policy on Student Bullying; and
- The Enhancing Online Safety for Children's Act 2015.

## DATE OF POLICY: 1ST JANUARY 2019

### REVIEW DATE

The School will review this Policy and associated documents within twelve months and reissue a further version if necessary. Any suggested improvements should be forwarded to the Operations Manager.

Complaints that form the basis of less serious allegations i.e. non-reportable conduct will be dealt with in accordance with the relevant School policy.

# ROLES & RESPONSIBILITIES

## 1. SCHOOL

Should Blue Mountains Steiner School need to respond to allegations then the procedures followed will be in accordance with all relevant legislation, and will take into account other appropriate practices and guidelines aimed at the protection of children.

The Child Protection Policy and associated procedures will be amended from time to time to take into account amendments to legislation and regulations.

## 2. PRINCIPAL

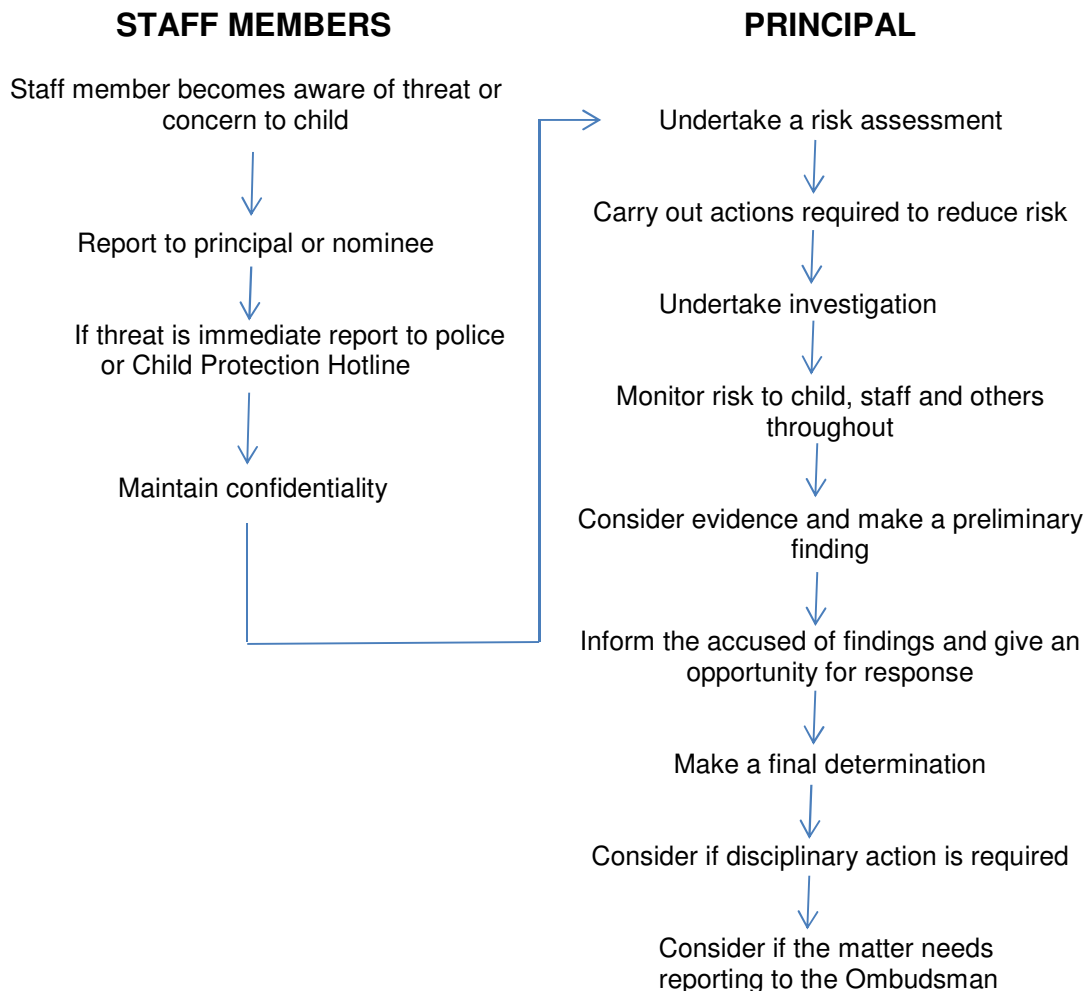
The Principal, or her nominee, is responsible for notifying the NSW Ombudsman of all allegations of reportable conduct. The Principal or her nominee is responsible for determining whether concerns about the safety, welfare or wellbeing of children or young people constitute risk of significant harm and, if they do, will report these to Community Services.

## 3. STAFF

As a member of staff your responsibility is to report to the Principal or to the Principals' nominee any concerns you have about the safety, welfare and wellbeing of children and young people that arise during the course of your work.

All staff must be aware of their mandatory obligation to report suspected risk of significant harm, and reportable conduct and of the procedures for doing so.

## PROCEDURE:



# LEGISLATION

As mentioned above for the purpose of this Policy and the various legislative requirements, the Principal or her delegate is the School's Head of Agency. An outline of the various pieces of legislation follows.

## THE CARE & PROTECTION ACT

The Care and Protection Act provides for mandatory reporting of children at risk of significant harm.

**Note:** Any concern regarding the safety, welfare or wellbeing of a student must be reported to the Principal.

## WHO IS A MANDATORY REPORTER?

Under the Care and Protection Act:

All teachers are mandatory reporters. Other School employees may also be mandatory reporters. If you are not sure whether you are a mandatory reporter you should speak to the Principal.

## WHEN MUST A REPORT BE MADE TO COMMUNITY SERVICES?

## WHAT IS THE THRESHOLD?

The School must, where they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm, complete the online Mandatory Reported Guide and report to the Principal. If necessary, contact will be made with Community Services as soon as practicable.

## REASONABLE GROUNDS

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

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

'Reasonable grounds' does not mean that the staff is required to confirm their suspicions or have clear proof before making a report.

## SIGNIFICANT HARM

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 any 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;
- g) The child was the subject of a pre-natal report under section 25 of the Care and Protection Act and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

## DEFINITIONS

### POLICY DEFINITION OF SIGNIFICANT HARM

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.

What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority 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.

The significance can result from a single act or omission or an accumulation of these. Child is a person under the age of 16 years for the purposes of the Care and Protection Act.

## CHLD ABUSE

There are different forms of child abuse. These include neglect, physical, sexual, and emotional abuse.

**Neglect** is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.

**Physical abuse** is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints.

Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punish a child (in a non-trivial way) is a crime.

Serious **psychological harm** can occur where the behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma

Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child.

This can include a range of behaviours such as excessive criticism, withholding affection, and exposure to domestic violence, intimidation or threatening behaviour.

**Sexual abuse** is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

Young person means a person who is aged 16 years or above but who is under the age of 18 years for the purposes of the Care and Protection Act.

## WHAT SHOULD YOU DO IF YOU CONSIDER THAT A MANDATORY REPORT IS REQUIRED?

Reporting by the School about these matters to Community Services and, where necessary, the police, is generally undertaken by the Principal or her nominee. This is in accordance with best practice principles and is the expectation of Blue Mountains Steiner School.

If you have a concern that a child or young person is at risk of significant harm you should contact the Principal or her nominee as soon as possible to discuss whether the case reaches the threshold of 'risk of significant harm' and the steps required to report the matter.

However, if there is an immediate danger to the child or young person and the Principal or next most senior member of staff is not contactable you should speak to the Police and/or the Child Protection Helpline directly and then advise the Principal or next most senior member of staff at the School as soon as possible.

- You are not required to, and must not, undertake any investigation of the matter yourself.
- You are not to inform the parents or caregivers that a report to Community Services has been made.
- You are required to deal with the matter confidentially and only disclose it to the persons referred to above or as required to comply with your mandatory reporting obligations. Failure to maintain confidentiality will not only be a breach of this policy, but could expose you to potential civil proceedings for defamation.

## **WHAT SHOULD YOU DO IF YOU HAVE A CONCERN THAT IS BELOW THE MANDATORY REPORTING THRESHOLD?**

While the Care and Protection Act outlines a mandatory reporter's obligation to report to Community Services, as an employee of Blue Mountains Steiner School, any concern regarding the safety, welfare and wellbeing of a student must be reported to the Principal.

You are required to deal with all reports regarding the safety, welfare or wellbeing of a student with confidentially and only disclose it to the Principal and any other person the Principal nominates. Failure to do so will be a breach of this policy.

## **THE OMBUDSMAN ACT**

### **RESPONSIBILITIES**

#### **GENERAL**

Part 3A of the Ombudsman Act requires heads of certain agencies, including non-government schools in NSW, to notify the New South Wales Ombudsman of all allegations of reportable conduct by an 'employee' and the outcome of the School's investigation of these allegations.

An 'employee' includes employees, contractors, volunteers, work experience participants, clergy, ministers of religion and instructors of religion who provide pastoral or liturgical services. In this part where there is a reference to an employee it includes all of these persons.

## **THE OMBUDSMAN**

- a) Must keep under scrutiny the systems for preventing reportable conduct by employees of Blue Mountains Steiner School and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions;
- b) Must receive and assess notifications from Blue Mountains Steiner School concerning reportable conduct or reportable convictions;
- c) Is required to oversee or monitor the conduct of investigations by Blue Mountains Steiner School into allegations of reportable or reportable convictions;
- d) Must determine whether an investigation that has been monitored has been conducted properly, and whether appropriate action has been taken as a result of the investigation;
- e) May directly investigate an allegation of reportable conduct or reportable conviction against an employee of Blue Mountains Steiner School, or the handling of or

response to such a matter (e.g. arising out of complaints by the person who is the subject of an allegation); and;

- f) May undertake their own investigations of Blue Mountains Steiner School where the Ombudsman considers it appropriate to do so, including where there is evidence of systemic failure or serious conflict of interests.

## **THE HEAD OF SCHOOL**

The Head of School is the Principal of Blue Mountains Steiner School. Under the Ombudsman Act the Head of School must:

- a) Set up systems to ensure that they are advised of any allegations of reportable conduct against employees;
- b) Notify the Ombudsman as soon as possible and no later than thirty days after being made aware of an allegation;
- c) Notify the Ombudsman whether or not Blue Mountains Steiner School plans to take disciplinary or other action in relation to an employee who is the subject of a reportable allegation or conviction, and the reasons for taking or not taking any such action as soon as practicable; and
- d) Provide the Ombudsman with any documentary and other information as the Ombudsman may from time to time request to assist in the Ombudsman's monitoring of an investigation. This will typically include the NSW O Part B notification form and risk assessments.

## **YOUR OBLIGATION TO REPORT**

You must report any concerns you may have about any other employee engaging in reportable conduct or any allegation of 'reportable conduct' that has been made to you, to the Principal, including information about yourself. If you are not sure whether the conduct is reportable conduct but consider that it is inappropriate behaviour, you must still report it.

You must also report to the Principal if you become aware that an employee has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct.

This includes information relating to you.

If the allegation involves the Principal, you are required to report to the Chairperson of the School Council.

## **CONTACT FOR PARENTS**

The Headmaster or his nominee is the contact point for parents if they wish to report an allegation of reportable conduct against an employee.

## **WHAT IS REPORTABLE CONDUCT?**

Reportable conduct is defined as:

- a) Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material);
- b) Any assault, ill-treatment or neglect of a child; and



- c) Any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to:

- a) Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards; or
- b) The use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- c) Conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.

## OTHER RELEVANT DEFINITIONS

Set out below are definitions of the various terms referred to above in relation to reportable conduct. NB - a child is a person under the age of 18 years for the purposes of the Ombudsman Act.

Behaviour that causes **psychological harm** to a child is behaviour that is obviously or very clearly unreasonable and results in significant harm or trauma to a child. There needs to be a proven causal link between the inappropriate behaviour and the harm, and the harm must be more than transient.

A child is a person under the age of 18 years for the purposes of the Ombudsman Act.

**Ill-treatment** captures those circumstances where a person treats a child in an unreasonable and seriously inappropriate, improper, inhumane or cruel manner. The focus is on the alleged conduct rather than the actual effect of the conduct on the child.

Ill-treatment can include disciplining or correcting a child in an obviously unreasonable and seriously inappropriate manner; making excessive and/or degrading demands on a child; hostile use of force towards a child; and/or pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour towards a child.

**Neglect** includes either an action or inaction by a person who has care responsibility towards a child. The nature of the employee's responsibilities provides the context against which the conduct needs to be assessed. There are four aspects to neglect:

### Supervisory neglect:

- An intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child, or
- An intentional or reckless failure to adequately supervise a child or a significantly careless act or failure to act, that:
  - Involves a gross breach of professional standards, and
  - Has the potential to result in the death or significant harm to a child.

### Carer neglect:

- Grossly inadequate care that involves depriving a child of the basic necessities of life: such as the provision of food and drink, clothing, critical medical care or

treatment, or shelter;

**Failure to protect from abuse:**

- An obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child;

**Reckless act (or failure to act):**

A reckless act, or failure to act, that;

- Involves a gross breach of professional standards; and
- Has the potential to result in the death of, or significant harm to, a child.

**Physical Assault** is any act by which a person intentionally inflicts unjustified use of physical force against another. An assault can also occur if a person causes another person to reasonably believe that unjustified force is going to be used against them. Even if a person who inflicts physical harm or causes another person to reasonably apprehend physical harm, but does not actually intend to inflict the harm or cause fear, they may still have committed an assault if they acted "recklessly".

*'Recklessness' in this context relates to circumstances when the person ought to have known that their actions would cause a person physical harm or cause them to fear injury.*

Assaults can include hitting, pushing, shoving, throwing objects or making threats to physically harm a child.

Reportable conviction means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.

**Sexual Misconduct and Sexual Offences**

Sexual misconduct has three categories, which include:

- Crossing professional boundaries;
- Sexually explicit comments and other overtly sexual behaviour
- Grooming behaviour.

**Sexual Misconduct - Crossing professional boundaries**

Includes behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate:

- Relationship with;
- Conduct towards; or
- Focus on;

a child or young person, or a group of children or young persons.

## **Sexual Misconduct - sexually explicit comments and other overtly sexual behaviour**

Behaviours involving sexually explicit comments and other overtly sexual behaviour, which can constitute sexual misconduct. Some forms of this behaviour also involve crossing professional boundaries. This conduct may include:

- a) Inappropriate conversations of a sexual nature.
- b) Comments that express a desire to act in a sexual manner.
- c) Unwarranted and inappropriate touching.
- d) Sexual exhibitionism.
- e) Personal correspondence (including electronic communications such as emails and text messages) with a child or young person in relation to the adult's sexual feelings for a child or young person.
- f) Exposure of children and young people to sexual behaviour of others including display of pornography.
- g) Watching children undress. For example, in change rooms or toilets when supervision is not required or justified.

## **Sexual Misconduct - Grooming Behaviour**

Grooming or procuring a child under the age of 16 years for unlawful sexual activity is a sexual offence. However, Schedule 1(2) of the Child Protection (Working with Children) Act also recognises grooming as a form of sexual misconduct.

The types of grooming behaviour may include (but are not limited to) the following:

Persuading a child or group of children that they have a "special" relationship, for example by:

- Undressing in front of a child.
- Encouraging inappropriate physical contact.
- Talking about sex.
- "Accidental" intimate touching.
- Inappropriately extending a relationship outside of work (except where it may be appropriate – for example where there was a pre-existing friendship with the child's family or as part of a normal social interactions in the community).
- Inappropriate personal communication (including emails, telephone calls, text messaging, social media and web forums) that explores sexual feelings or intimate personal feelings with a child.
- An adult requesting that a child keep any aspect of their relationship secret or using tactics to keep any aspect of the relationship secret, would generally increase likelihood that grooming is occurring.

## **Sexual Offences**

Encompass all criminal offences involving a sexual element that are 'committed against, with, or in the presence of a child'. These offences include (but are not limited to) the following:

- a) Indecent assault.
- b) Sexual assault.
- c) Aggravated sexual assault.
- d) Sexual intercourse and attempted sexual intercourse.
- e) Possession/dissemination/production of child pornography or child abuse material.
- f) Using children to produce pornography.
- g) Grooming or procuring children under the age of 16 years for unlawful sexual activity.
- h) Deemed non-consensual sexual activity on the basis of special care relationships.

## **WHAT HAPPENS WHEN AN ALLEGATION OF REPORTABLE CONDUCT IS MADE?**

### **Initial Steps**

Once an allegation of reportable conduct against an employee is received, the Headmaster is required to:

- a) Determine on face value whether it is an allegation of reportable conduct;
- d) Assess whether Community Services or the Police need to be notified (i.e., if reasonable grounds to suspect that a child is at risk of significant harm or criminal offence);
- e) Notify the child's parents (unless to do so would be likely to compromise the investigation or any investigation by Community Services or the Police);
- f) Notify the Ombudsman within 30 days of receiving the allegation;
- g) Carry out a risk assessment and take action to reduce/remove risk, where appropriate; and,
- h) Investigate the allegation or appoint someone to investigate the allegation.

### **Investigation Principles**

Blue Mountains Steiner School will:

- a) Be mindful of the principles of procedural fairness;
- b) Inform the employee of the substance, with as much detail as possible, of the allegation(s) made against them;
- c) Provide the employee with a reasonable opportunity to put their case forward, either in writing, at a hearing or otherwise;
- d) Make reasonable inquiries or investigations before making a decision;

- e) Consider all relevant available evidence, including exculpatory evidence;
- f) Inform the **person subject of the allegation** (PSOA) of the substance of any allegations made against them and provide them with a reasonable opportunity to respond to the allegation(s);
- g) Make reasonable enquiries or investigations before making a decision;
- h) Avoid conflicts of interest;
- i) Conduct the investigation without unjustifiable delay;
- j) Handle the matter as confidentially as possible; and
- k) Provide appropriate support for all parties including the child/children, witnesses and the PSOA.

### Investigation Steps

In an investigation the Principal or appointed investigator will generally:

- Interview relevant witnesses and gathers relevant documentation;
- Provide a letter of allegation to the PSOA;
- Interview the PSOA;
- Consider relevant evidence and make a preliminary finding in accordance with the NSW Ombudsman guidelines;
- Inform the PSOA of the preliminary finding and provide them with an opportunity to respond;
- Consider any response provided by the PSOA;
- Make a final finding in accordance with the NSW Ombudsman Guidelines;
- Decide on the disciplinary action, if any, to be taken against the PSOA;
- Apply the NSW Office of the Children's Guardian (OCG) Guidelines and decide if the matter is reportable to the OCG; and
- Send the final report to the Ombudsman and report to the OCG (where required).

A PSOA may have an appropriate support person with them during the interview process. Such a person is there for support only and as a witness to the proceedings and not as an advocate or to take an active role.

The School will provide support for the child/children, through:

- Relevant teacher or other relevant pastoral personnel, where appropriate.
- Acknowledgement of the stress, as it relates to academic performance and co-curricular commitments.

## **RISK MANAGEMENT – AN IMPORTANT CONSIDERATION**

Risk management means identifying the potential for an incident or accident to occur and taking steps to reduce the likelihood or severity of its occurrence.

The Principal will take appropriate action to minimise risks. This may include the PSOA being temporarily relieved of some duties, being required not to have contact with certain students, or being suspended from duty. When taking action to address any risks identified, Blue Mountains Steiner School will take into consideration the needs of the child(ren) and the PSOA.

*Note: A decision to take action on the basis of a risk assessment is not indicative of the findings of the matter. Until the investigation is completed and a finding is made, any action, such as an employee being suspended, is not to be considered to be an indication that the alleged conduct by the employee did occur.*

### **Ongoing Risk Management**

The Principal will continually monitor risk during the investigation including in the light of any new relevant information that emerges.

### **Risk Management at the Conclusion of the Investigation**

At the completion of the investigation, a finding will be made in relation to the allegation and a decision made by the Principal regarding what action, if any, is required in relation to the PSOA, the child (ren) involved and any other parties.

## **WHAT INFORMATION WILL BE PROVIDED TO THE PSOA?**

The PSOA will be advised:

- That an allegation has been made against them (at the appropriate time in the investigation); and
- Of the substance of the allegation, or of any preliminary finding/s and the final finding/s.

The PSOA does not automatically have the right to:

- Know or have confirmed the identity of the person who made the allegation; or
- Be shown the content of the Ombudsman notification form or other investigation material that reveals all information provided by other employees or witnesses.

The WWC Act enables a person who has a finding referred to the OCG under the Act to request access to the records held by Blue Mountains Steiner School in relation to the finding of misconduct involving children.

## **DISCIPLINARY ACTION**

As a result of the allegations, investigation or final findings, BMSS may take disciplinary action against the PSOA (including termination of employment).

In relation to any disciplinary action the School will:

- Give the PSOA details of the proposed disciplinary action; and
- Give the PSOA a reasonable opportunity to respond before a final decision is made.

## **CONFIDENTIALITY AND INFORMATION MANAGEMENT**

It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible.

The Principal may disclose to a child allegedly the subject of reportable conduct, or to a parent of the child, information about the progress of the investigation into the allegation, the investigation findings and any action taken in response to those findings.

The School requires that all parties maintain confidentiality during the investigation including in relation to the handling and storing of documents and records.

Records about allegations of reportable conduct against employees will be kept by the Head of Staff Services and will be accessible by the Principal or with the Principal's express authority.

No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the Principal to do so.

If you become aware of a breach of confidentiality in relation to a reportable conduct allegation you must advise the Principal.

## **WWC ACT**

### **General**

The Office of the Children's Guardian (OCG) is responsible for employment screening for child related employment. A Working with Children Check (Check) is a prerequisite for anyone in child-related work. It involves a national criminal history check and review of reported workplace misconduct findings. The result of a Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring by the OCG, and any relevant new records, which appear against a cleared applicant's name, may lead to the Check being revoked.

It is the responsibility of the child-related worker to ensure that when they are eligible to apply for a Check or when their Check is up for renewal that they do so.

The School Council must verify that the Principal holds a working with children check clearance.

### **Responsibilities**

The object of the WWC Act is to protect children:

- By not permitting certain persons to engage in child-related work; and
- By requiring persons engaged in child-related work to have working with children check clearances.

At Blue Mountains Steiner School we keep an updated WWCC register that ensures to:

- Verifies online and records the status of each employee's check, as well as employees DOB, WWCC number, employment start date, verification date, verification outcome, expiry date, paid or volunteer .
- Only employ or engage employees who have a valid Check; and
- Report findings of misconduct involving children made against volunteers

At BMSS we will report findings of misconduct involving children made against volunteers.

Blue Mountains Steiner School employees and eligible volunteers are required to:

- Hold and maintain a valid Check (*the School acknowledges some exemptions do apply to volunteers*);
- Not engage in child-related work at any time that they are subjected to an interim bar or a bar; and
- Report to the Principal if they are no longer eligible for a Check, the status of their Check changes or are notified by the OCG that they are subjected to a risk assessment.

All volunteers are required to:

- Read the School's Child Protection Policy and Volunteer Code of Conduct. Some volunteers will be involved in school camps and are required to a current WWC
- To be aware and follow the expectations of conduct expressed in the School Staff Code of Conduct and Volunteer Code of Conduct.

At BMSS all staff completes a mandatory reporting and child protection training certificate every year. These are recorded and kept on our staff files with a register of this kept in the school office.

At Blue Mountains Steiner School we will ensure that our contracted cleaning staff organize their own wwcc certification and ensure that wwcc procedures are in place.

## DEFINITIONS

### Final Bar

This bar is applied based on a decision made by the OCG, following a risk assessment. This person is barred against working with children.

### Interim Bar

An interim bar is issued to high-risk individuals to prevent them from continuing to work with children while a risk assessment is conducted. An interim bar may be applied for up to 12 months. If an interim bar remains in place for six months or longer, it may be appealed against through the Administrative Decisions Tribunal.

Not everyone who is subject to a risk assessment will receive an interim bar; only those representing a serious and immediate risk to children.

Interim bars are issued only for risks considered likely to result in a final bar.

### Child-related worker

A person at Blue Mountains Steiner School who has physical contact or face-to-face contact with children, including volunteer work, may commence work once they have completed the Check application process.



If you are unclear if your role is child-related, you should speak with the Principal.

### **Disqualified person**

A disqualified person is a person who has been convicted, or against whom proceedings have been commenced for a disqualifying offence outlined in Schedule 2 of WWC Act.II.

A disqualified person is a person who has a bar preventing them from working with children in child-related work.

It is an offence for an employer to knowingly engage a child-related worker when they do not hold a Check or who has a bar or an interimbar.

It is an offence for an employee to engage in child-related work when they do not hold a Check or who has a bar or an interim bar.

### **Findings of misconduct involvingchildren**

Blue Mountains Steiner School will report to the OCG when a finding has been made that the person (an employee of the School) subject to the finding engaged in:

- Sexual misconduct committed against, with or in the presence of a child, including grooming of a child; or
- Any serious physical assault of a child.

The School will advise the person that the OCG has been notified of a finding of misconduct involving children.

The WWC Act enables a person who has a finding referred to the OCG under the Act to request access to the records held by Blue Mountains Steiner School in relation to the finding of misconduct involving children.

### **Reporting body**

Independent Schools that are members of the AISNSW are defined as a reporting body by the WWC Act.

Section 35 of the WWC Act requires Blue Mountains Steiner School to notify the OCG on findings of misconduct involving children made against an employee. Blue Mountains Steiner School may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act.

### **Risk Assessment**

Risk assessment is an evaluation of an individual's suitability for child-related work.

The OCG will conduct a risk assessment on a person's suitability to work with children when a new record is received that triggers a risk assessment. This may include an offence under Schedule 1, pattern of behaviour or offences involving violence of sexual misconduct representing a risk to children, findings of misconduct involving children or notification made to OCG by the Ombudsman.

### **Working With Children Check Clearance**

A Working with Children Check (Check) means authorisation under the WWC Act to engage in child-related work. An employee will be issued with a number that is to be provided to Blue Mountains Steiner School to verify the status of an employee's Check.

It is mandatory for all staff to have a WWCC. To qualify for a WWC screening, you

must be over 18 years old. Consequently, Blue Mountains Steiner School will not employ anyone under 18 years of age.

**All overnight camps and excursions – parents and volunteers must have a valid working with children check.**

## REFERENCES

NSW Family and Community Services [www.community.nsw.gov.au](http://www.community.nsw.gov.au)

NSW Ombudsman [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

The Children's Guardian (formerly the NSW Commission for Children and Young People)  
[www.kids.nsw.gov.au](http://www.kids.nsw.gov.au)

Department of Premier and Cabinet – Keep Them Safe [www.keepthemsafe.nsw.gov.au](http://www.keepthemsafe.nsw.gov.au)

## SUPPLEMENTARY INFORMATION

1. School-based Preventative Strategies
2. Staff Professional Development – 2019

## SCHOOL-BASED PREVENTATIVE STRATEGIES

Blue Mountains Steiner School is strongly opposed to all child abuse and will provide comprehensive support for child protection and abuse prevention in order to minimise its occurrence.

### (I) PROFESSIONAL DEVELOPMENT FOR STAFF

Our School's obligations under duty of care and under various pieces of legislation require that all relevant staff (including senior management, teaching and non-teaching staff, part-time, temporary and casual staff) be appropriately trained, including:-

- Reinforce the School Child Protection Policy and the Staff Code of Conduct;
- Raise their awareness of child protection issues (recognising child abuse and neglect);
- Advise staff of their statutory obligations under the School policy and provide guidelines for appropriate and inappropriate behaviour;
- Ensure all staff have participated in mandatory training ;
- Ensure all staff are aware of their mandatory obligation to report suspected risk of significant harm and of the procedures for doing so.

The above training will occur on specific professional development days throughout the year and using online learning modules.

Blue Mountains Steiner School will maintain a workplace register of staff participation in annual updates and of inductions of new staff. This applies to all staff including non-teaching staff, part-time, temporary and casual staff. Employees will sign an attendance register.

Follow up professional development sessions will be provided for staff who are absent on a scheduled training day – these staff members will also be required to sign a record of attendance.

Our Office Administrator will hold the record of attendance for all professional learning training and workshops.

As part of their induction to the School, newly recruited staff will be assessed as to their knowledge and training requirements in this area, and appropriate training will be undertaken. All staff will receive a copy of this document and be required to formally acknowledge that they have read, understood and are willing to comply with the Policy.

## **(II) STAFF AND SCHOOL COMPLIANCE**

- All employees will be screened before commencing work at Blue Mountains Steiner School.
- All visitors to the School are required to sign in at reception.
- Detection and Disclosure – all staff are encouraged to report “small’ or “trivial” incidents.

Staff Code of Conduct - the Staff Handbook contains:-

- A clearly articulated code of conduct;
- Clearly articulated professional boundaries (these define effective and appropriate interactions between employees and students);
- All staff are aware of the consequences of breaching the code of conduct;and
- A culture of openness and transparency is encouraged at Blue Mountains Steiner School.

## **(III) CHILD PROTECTION WITHIN THE CURRICULUM**

Key elements of child protection will be covered within the PDHPE syllabus. Core content will include reading and learning activities related to: recognising abuse; power in relationships; protection strategies; non-violent ways of relating; peaceful resolution of conflict; right for children to say no.

## **(IV) PARTNERSHIP WITH PARENTS AND THE WIDER COMMUNITY**

The School recognises the importance of supporting our parents (and the Community) in maintaining positive relationships with their children. From time to time, the School will provide parent information evenings that may assist children and their families to develop open lines of communication, including:

- Parenting skills
- Child/adolescent development
- Appropriate use of internet and social media

The School will also raise community and family awareness about general child protection issues, through information placed in School newsletters and through the distribution of relevant brochures. The School will detail the Child Protection strategies (such as training staff in best practices to ensure a safe environment) adopted through a letter to parents and / or newsletter.

## (V) EMPLOYMENT PROCEDURES

In addition to complying with legislation with regard to the “prohibited employment” screening, the School will seek to recruit staff that would be strongly supportive of the Christian ethos and have a focus on the pastoral needs of students.

### CONTACTS

**Document Owner:** Principal  
**Administrator:** Operations Manager  
**Phone:** 02 4758 6044

### DOCUMENT INFORMATION AND CONTROL

This policy document will be reviewed every one (1) year from the date of issue.

#### Review History

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