



## **John Colet School**

### **CHILD PROTECTION HANDBOOK**

John Colet School is committed to nurturing the well-being of students, to respecting their dignity, ensuring their safety and to protecting them from any form of harm, neglect, exploitation or abuse. Children have a fundamental right to be safe and to grow and develop in environments that are free from violence, exploitation and harm. The safety and protection of children requires a commitment from all levels of the community. At the same time, the community has clear expectations that children will be protected from all forms of harm including sexual, physical and psychological harm as well as ill-treatment and neglect. The School is supportive of these expectations and strives to promote the safety and protection of students.

This manual has been created to ensure a clear understanding of the schools expectations and obligations of all staff, contractors and volunteers, and the procedures required under the key items of child protection in NSW.

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## **PART A**

### **CHILD PROTECTION FRAMEWORK - BACKGROUND**

#### ***Related Legislation***

*Children and Young Persons (Care and Protection) Act 1998 (NSW)*

*Ombudsman's Act 1974 (NSW)*

*Child Protection (Working with Children) Act 2012 (NSW)*

#### ***Related Documentation***

NSW Interagency Guidelines for Child Wellbeing and Child Protection

Employee Code of Conduct

#### ***Statement of Principles***

1. John Colet School (the School) is proactive in creating safe and supportive environments for students. A safe environment is one where the risk of significant harm is minimised and students and employees feel safe and secure. Harm relates not only to dangers in the physical environment but also refers to violence, physical threats, verbal abuse, threatening gestures, neglect, emotional or psychological harm, sexual harassment and abuse, grooming behaviour and racial vilification.
2. A supportive environment facilitates and enhances the social, academic, physical and emotional development of students, employees and all those involved with the work of the School.
3. The School is committed to fostering the wellbeing of students and to protecting them from any form of exploitation, abuse or neglect.
4. The School is committed to maintaining practices that create a culture of safety within which students and employees are supported and protected.
5. The Child Protection Framework sets out the School's responsibilities to ensure the above.

#### ***Scope***

This document applies to all employees of the School.

All references to 'this document' is a reference to every part of the Child Protection Handbook.

All references to 'employees' in this document includes but is not limited to, all paid and unpaid employees/ staff, contractors, volunteer, work experiences participants and student placements who are engaged by the School in working with children.

## ***Parts of the Child Protection Handbook***

The Child Protections Handbook is comprised of the following Parts:

- A. CHILD PROTECTION FRAMEWORK - BACKGROUND
- B. INFORMING STAFF OF RESPONSIBILITIES AND EXPECTATIONS
- C. QUICK REFERENCE PROCEDURE TABLES
- D. IDENTIFYING AND RESPONDING TO CONCERNS OF CHILDREN AND YOUNG PERSONS BEING AT RISK OF HARM
- E. REPORTABLE CONDUCT
- F. WORKING WITH CHILDREN CHECKS
- G. CHILD PROTECTION RECORDS AND INFORMATION EXCHANGE

## **PART B**

### **INFORMING STAFF OF RESPONSIBILITIES AND EXPECTATIONS**

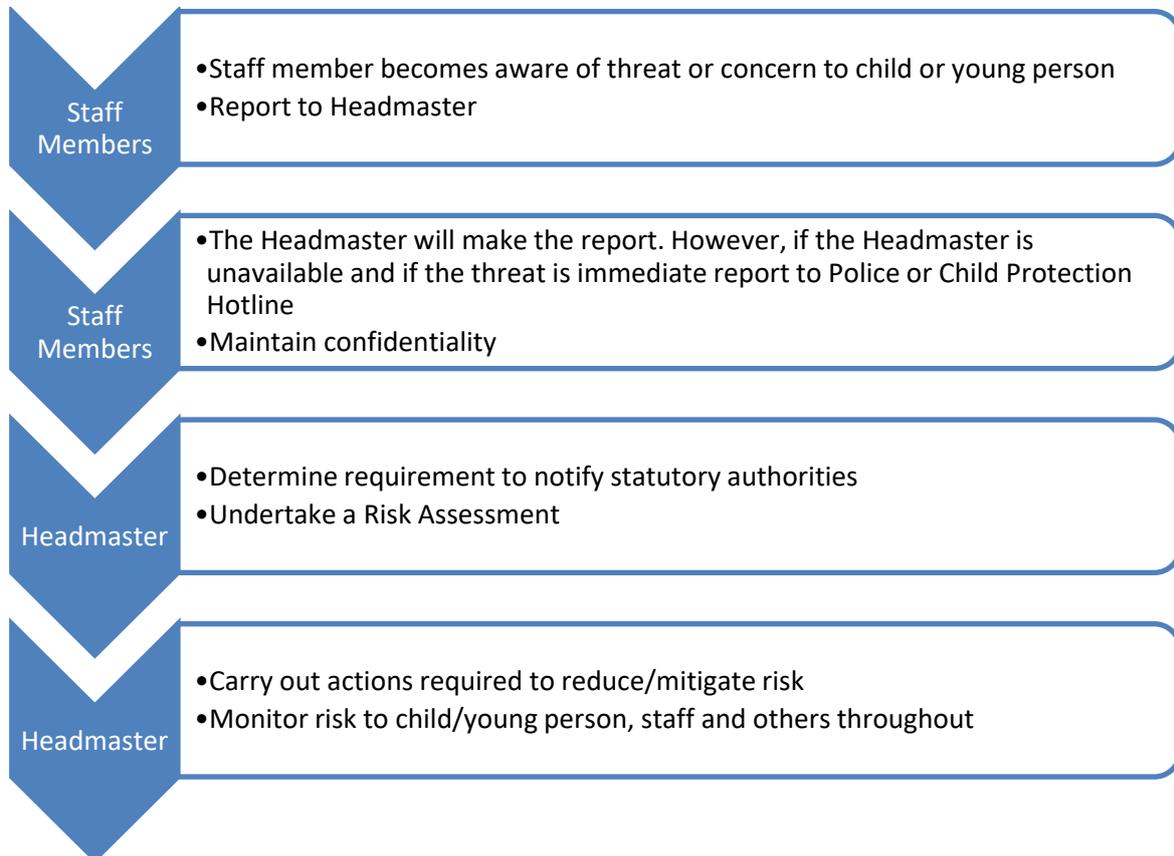
The Headmaster will ensure that all staff and regular contractors have read and signed that they have read this document. This will be addressed before the first day of student term time and during induction for all staff beginning during the year.

- All employees are expected to follow the Employee Code of Conduct which sets out the expectations for employees in terms of their interactions with children and young people.
- All new employees and volunteers will receive a copy of the Employee Code of Conduct, this document and associated procedures.
- All children and their families joining the School will receive information outlining their rights and the process to follow should safety or professional conduct concerns arise.
- The School will hold regular information sessions for employees and students regarding the expectations for their behaviour in creating and maintaining a safe workplace.
- The School will conduct child protection training on an annual basis. This will be conducted by the Headmaster. Any staff absent or joining part way through the year will undergo the same training by the HR Manager.
- Records of all child protection/professional standards training and induction programs delivered to employees are kept by the School ensuring the date that the training program was delivered is clearly recorded, and is supported by a list of attendees with attendees' signatures indicating attendance as well as copies of training packages. The HR Manager is responsible for maintaining these records.

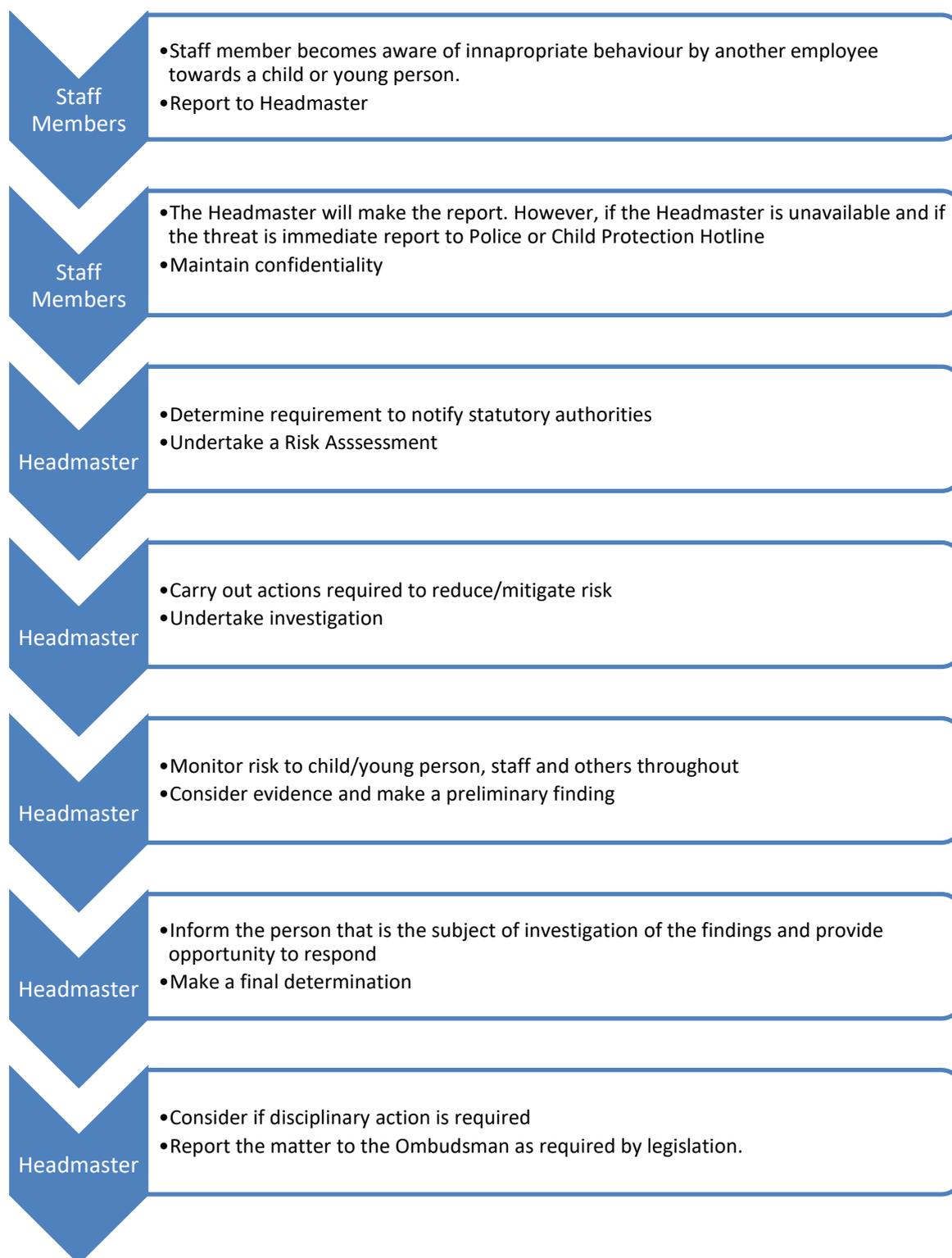
## PART C

### QUICK REFERENCE GUIDE

#### *C.1 CHILD PROTECTION PROCEDURE - RISK OF SIGNIFICANT HARM*



## C.2 CHILD PROTECTION PROCEDURE- REPORTABLE CONDUCT



## PART D

### IDENTIFYING AND RESPONDING TO CONCERNS OF CHILDREN AND YOUNG PERSONS BEING AT RISK OF HARM

#### ***Related Legislation***

*Children and Young Persons (Care and Protection) Act 1998 (NSW)*

#### ***Related Documentation***

NSW Children's Guardian, Child Safe Organisations <http://www.kidsguardian.nsw.gov.au/working-with-children/become-a-childsafe-organisation>.

Employee Code of Conduct

#### ***Scope***

This information applies to all employees as defined in the Child Protection Framework.

#### ***Introduction***

The Children and Young Persons (Care and Protection) Act 1998 (CCPA) provides for mandatory reporting of a child at *risk of significant harm to the Department of Family and Community Services (FACS)*. This is explained below.

In accordance with the CCPA people working in education are “mandatory reporters” and thus have a legal obligation to report to FACS any reasonable suspicions that a child is at risk of significant harm. Notwithstanding laws regarding mandatory reporting, the School is committed to responding appropriately and supportively to any concerns about children at risk.

The School is committed to the principles of a Child Safe organisation, including that students will be listened to and their concerns responded to by employees. The School is guided in its decisions on child safety, welfare, well-being and protection strategies by the objects and principles within NSW legislation and consistency with the *United Nations Convention on the Rights of the Child*.

This document will assist employees to understand their broader responsibilities and those of the School in the area of responding to abuse and neglect issues.

#### ***To whom does the Act apply?***

For the purposes of the CCPA:

- A *Child* is a person under the age of 16 years
- A *Young Person* is a person who is aged 16 years and above but who is under the age of 18 years.

### ***What is Risk of Significant Harm?***

A child or young person is '*at risk of significant harm*' if current concerns exist for the safety, welfare or well-being 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.

In addition to the legislative prescribed circumstances that require employees, contractors and volunteers report their concerns of a child or young person being at risk of significant harm, this Framework also requires employees to consider the following matters:

- a) A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are present to a significant extent.
- b) 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.

- c) 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 well-being.
- d) In the case of an unborn child, what is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child's birth.
- e) The significance can result from a single act or omission or an accumulation of these.

### ***What do we understand abuse and neglect to mean?***

Abuse and Neglect are not defined in the CCPA. The following information is helpful in understanding what is considered to abuse and neglect:

- a) There are different forms of child abuse. These include neglect, sexual, physical and emotional abuse.
- b) 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.
- c) 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 punishing a child (in a non-trivial way) is a crime.
- d) 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.
- e) 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.
- f) Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the behaviour that is instrumental in defining the consequences for the child.

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

### ***When must a report be made to FACS?***

#### What is the threshold?

A mandatory reporter must, where a person has *reasonable grounds* to suspect that a child (under 16 years of age) is at risk of significant harm, report to FACS as soon as practicable, the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

In addition, while not mandatory, the School considers that a report should also be made to FACS where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare and well-being of the young person.

#### What Does Reasonable Grounds Mean?

'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
- c) what can reasonably be inferred based on professional training and / or experience.

'Reasonable grounds' does not mean that you are required to confirm your suspicions or have clear proof before making a report.

#### Who is a mandatory reporter?

Under the CCPA persons who:

- a) in the course of their professional work or other paid employment, deliver services including health care; welfare, education, children's services and residential services, to children; or
- b) hold a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services including health care, welfare, education, children's services and residential services, to children, are mandatory reporters.

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 Headmaster.

#### Who Is Responsible For Making A Report To FACS?

In the independent school sector, a mandatory reporter will meet their obligation if they report to the Headmaster in the School. This centralised reporting model ensures that a

person in the school has all of the information that may be relevant to the circumstances of the child at risk of significant harm and addresses the risk of the school not being aware of individual incidences that amount to cumulative harm.

A detailed description of the steps to be taken by employees, contractors and volunteers who have concerns about a child being at risk of significant harm is set out below.

#### What should you do if you consider that a mandatory report is required?

As outlined above, reporting by the School about these matters to FACS and, where necessary, the police, is undertaken by the Headmaster. This is supported by FACS in accordance with best practice principles and is the expectation of the School.

If you have a concern that a child or young person is at risk of significant harm you should contact the Headmaster 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 Headmaster 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 Headmaster or next most senior member of staff at the School as soon as possible.

If the allegation involves the Headmaster, the report should be made to the Chairman of the School Board of Governors. The contact details for the Chairman can be obtained from the School Office or from the School Website.

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 FACS 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.

#### Protection of Persons who make Reports

In the event an employee reports in good faith that they suspect a child is at risk of harm, their identity is protected from disclosure. In addition, provided the report is made in good faith, the employee will not be liable in any civil, criminal or administrative proceeding.

#### What Steps Will The Headmaster Take in Making a Mandatory Report?

Notwithstanding the fact that certain concerns will not require a report to FACS, it is the School's expectation that all concerns which constitute risk of significant harm be

documented centrally in confidential family files and will receive an appropriate response from the Headmaster in accordance with this policy.

In the first instance the Headmaster will refer to the Online Mandatory Reporting Guide (MRG) found at the *Keep Them Safe* website to determine if a report is required to be made.

The Headmaster will make all necessary reports to FACS.

The person making the report is required to record the information provided to FACS, including the reference number of the report, in a confidential file relating to the student. A printout of the outcome of the NSW Mandatory Reporting Guide should also be kept on file.

#### Response from FACS

On receipt of a report that a child is suspected of being at risk from abuse or neglect, FACS may make such investigations and assessment as they consider necessary to determine whether the child or young person is at risk of significant harm, and what action should occur. FACS may decide to take no further action if, on the basis of the information provided, they consider there is insufficient reason to believe that the child is at risk of significant harm or the information does not reach the reporting threshold.

If no response has been received from FACS within 5 days, the Headmaster will contact FACS again to obtain information in regard to the status of the report.

#### Concerns that fall below the threshold for mandatory reporting

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

If the decision is made by the Headmaster that the concern does not require a mandatory report the Headmaster must consider what steps and actions should be taken to provide the child and/or their family/ with additional assistance in relation to the identified concerns, either by School programs or through referral and collaboration with external agencies. The Headmaster can be contacted to give advice and assistance on these matters. The School regards child protection as a whole of community responsibility and is committed to finding support for children and families in need of our assistance.

To facilitate the provision of services to children and their families, the School may seek to exchange information or be requested to exchange information related to the safety, welfare or well-being of children and young people. Employees should consult the *Child Protection Records and Information Exchange* Information in this document on how and when to do this.

Any child protection concerns must be recorded on the student's confidential file (which is separate from their regular file), including the decisions made about how to respond to the concern, making sure that any relevant actions, timeframes and persons responsible are noted and monitored for implementation.

### Supporting children

Whether or not a report is made to the FACS in respect of a student, the School has a significant role to play in providing ongoing support and assistance to students who are at risk (and their families) particularly where there is an ongoing relationship between the School and the student.

School employees have the capacity to build trust and are well placed to observe changes in circumstances which may impact on a child's safety, welfare or wellbeing.

The Headmaster will determine what steps and actions could be taken to provide the student and/or their family or with additional assistance in relation to any identified concerns, either within School programs or through referral and collaboration with other agencies or services.

It is important to identify and document strategies for support. Having a written plan with clearly stated outcomes that can be reviewed/tracked, time frames and allocation of responsibility ensures accountability in addressing child protection and wellbeing concerns. The Headmaster will identify an appropriate person who will exercise case management responsibilities and the Registrar will ensure a copy is located in the confidential family file.

## **PART E**

### **REPORTABLE CONDUCT**

#### ***Related Legislation***

*NSW Ombudsman's Act 1974*

#### ***Related Documentation***

Employee Code of Conduct

#### ***Introduction***

In accordance with relevant NSW legislation, the School is required to ensure the safety of children receiving its services by following legislative requirements for screening of employees, contractors, and volunteers who provide services to children and addressing all allegations of inappropriate behaviour towards children involving School employees, contractors, and volunteers.

#### ***Scope***

This procedure applies to all employees as defined in the Child Protection Framework.

#### **1. Dealing with allegations of reportable conduct**

- 1.1 All employees must report to the Headmaster immediately reportable conduct. If an employee is advised of an allegation involving alleged inappropriate behaviour by another employee towards any child or young person, they should advise the Headmaster as soon as practicable. If the Headmaster is not available an appointment must be made with reception and an email requesting a meeting sent by the staff member to the Headmaster directly. This must be done confidentially.
- 1.2 If the allegation involves the Headmaster, the report should be made to the Chairman of the School Board of Governors. The contact details for the Chairman can be obtained from the School Office or from the School Website.
- 1.3 In this Framework the term 'allegation' includes any information, complaint or concern involving alleged inappropriate behaviour by an employee towards any child or young person. The allegation may therefore relate to conduct towards a child that is not a student of the School and may also have occurred in the workplace or outside of it.
- 1.4 Allegations must be investigated by the School regardless of their level of seriousness. The extent of the investigation will be determined by the level of seriousness and risk involved in the matter at hand. The School will make reasonable enquiries to determine appropriate action. The School also has specific reporting requirements and obligations in the circumstances outlined in table 2 below.

**Table 2: Legal reporting requirements**

| Area   | Requirement   |
|--|---|
| Conduct involving abuse or neglect causing possible risk of significant harm | If the alleged conduct is of such a nature that requires a mandatory report to be made to FACS, such report should be made in accordance with Part D of this document: <i>Identifying and Responding to Concerns of Children and Young Persons Being at Risk of Harm</i> .  |
| Conduct involving possible criminal behaviour                                | If the alleged conduct is of such a nature that it requires a report to be made to the police, such report should be made as soon as possible to the local police by the Headmaster.  |
| Conduct involving 'reportable conduct'                                       | <p>If an employee is the subject of a reportable allegation or reportable conviction, the 'Head of Agency' must ensure that the Ombudsman is notified within 30 days. At John Colet School the Head of Agency is the Headmaster. A reportable allegation is an allegation involving 'reportable conduct' and a reportable conviction is a conviction (including a finding of guilt without the court proceeding to a conviction), of an offence involving <u>reportable conduct</u>.</p> <p>Reportable conduct means:</p> <ul style="list-style-type: none"> <li>a) Any sexual offence, or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence);</li> <li>b) Any assault, ill-treatment or neglect of a child;</li> <li>c) Any behaviour that causes psychological harm to a child</li> </ul> <p>Reportable conduct does not extend to:</p> <ul style="list-style-type: none"> <li>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</li> <li>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,</li> <li>c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.</li> </ul> |

1.5 Where reports must be made to FACS, the police or other agencies, the Headmaster will ensure, prior to commencing its own investigation, that such action will not interfere with any investigation or follow up being undertaken by such agencies.

1.6 The School investigation will include:

- Action taken to ensure the immediate safety of children, taking into account risks to all affected parties, in particular children. This may involve an employee being directed to take leave, or changes to their duties.

- Action taken to ensure the confidentiality of the employee in the course of taking action, until the outcome of the investigation is determined
- Contact with child protection authorities and/or to the police where required in which case children will not be interviewed by the School as part of the investigation until the child protection authority and/or police have completed their own responsibilities.
- Gathering of necessary information, which may include interviewing witnesses and obtaining relevant documentation.
- Where appropriate, advice to parents.
- Support to children, witnesses and others affected.
- Support to the employee and an opportunity for them to respond to the allegations.
- Consideration of relevant information before making a finding, which is advised to the employee and where appropriate, to the child and/or their family.
- Review of policies, procedures and practices, and changes to address any systemic factors identified during the investigation.

1.7 At the end of the investigation a report will be made with recommended findings and advice regarding action to be taken. Findings from an investigation may be:

- sustained (i.e. a finding on the balance of probabilities that the conduct occurred), or
- not sustained – insufficient evidence (i.e. on the balance of probabilities there is some evidence of weight however there is insufficient evidence available to reasonably establish that the alleged conduct did occur), or
- not sustained – lack of evidence of weight (i.e. where the evidence is of such poor probative value or lacking in weight, such as to warrant a finding that, on the balance of probabilities, the conduct did not occur)
- false (i.e. where inquiries into the matter show that the conduct did not occur. Some of these matters may be vexatious, for example where inquiries into the matter show the allegation was made without substance and to cause distress to the person against whom the allegation was made).
- not reportable conduct (i.e. where inquiries into the matter show the conduct was not reportable).

1.8 Outcomes of an investigation may be:

- no further action
- disciplinary action against employees, suspension, caution or termination, bearing in mind that termination of employment or formal warnings need to be supported by a thorough investigation of the allegation against the employee. This information can be used if the employee challenges this decision through industrial/legal pathways.
- action to reduce or eliminate future risk of inappropriate behaviour, such as training, amendments to policies and procedures

1.9 Reporting obligations at the end of the investigation may be:

- A final report will be submitted to the Office of the NSW Ombudsman. The NSW Ombudsman will then assess whether the process was procedurally fair and the findings and outcome were appropriate.
- The School will consider whether it has a legal obligation to notify the employee details to the Office of the Children’s Guardian where there has been a finding of sexual misconduct or serious physical assault. Such findings will trigger a risk assessment in relation to the employee’s suitability to work with children as part of the Working With Children Check process.
- The School will notify NESA if there is a finding against an employee.

1.10 All documents relating to allegations will be kept confidentially and centrally at the School by the Headmaster separate to employee personnel records. A flag will be located in the employee file to indicate the presence of such an investigation.

1.11 The employee subject of allegation and the parents/carers of children affected by the employee’s behaviour have the right to complain to the Headmaster if they are unhappy with the conduct of the investigation. A complaint regarding the investigation may also be made to the NSW Ombudsman. Nothing prevents an employee or anyone else aggrieved by the process from seeking redress through legal channels.

## PART F

## WORKING WITH CHILDREN CHECKS

### Pre-employment screening

- 1.1 All paid workers (employees and regular contractors) and volunteers (where required) must undertake a Working With Children Check.
- 1.2 Applicants for paid and voluntary work with the School will be advised in advance that working at the School will require a Working With Children Check clearance by Human Resources.
- 1.3 In circumstances where a position must be filled urgently, employment may be offered to the applicant conditional upon obtaining a clearance. In such circumstances additional supervision should be provided or unsupervised access to children should be restricted until completion of the screening process. An offer can be made as long as the application has been made and verified. The School will continue to check on the clearance application until the clearance has been finalised.
- 1.4 If the Working With Children Check results in a 'bar' indicating that the applicant is not suitable for child-related work, the Headmaster must be informed immediately and the employment process ceased.
- 1.5 If the applicant has a clearance number indicating they are suitable for child-related work, and this number has been verified online the recruitment process may proceed. Table 1 below sets out the relevant information.
- 1.6 The HR Manager will maintain records of Working With Children Check records.

**Table 1: Pre-employment screening requirements**

| Screening Program               | Validity | Who  | Responsible authority                  |
|---------------------------------|----------|--|--|
| NSW Working With Children Check | 5 years  | Employees and volunteers aged 18 years and over. | NSW Office for the Children's Guardian |

### 2. Recruitment and Selection

- 2.1 The School recognises that rigorous recruitment interviews and reference checking processes prior to employment are important in determining an applicant's suitability for child-related work. The School requires all interviews and reference checking processes to include questions designed to assess an applicant's suitability. The Recruitment and Screening procedures contains sample questions for interviewing and conducting referee checks and must be consulted in any recruitment process.

## **PART G**

# **CHILD PROTECTION RECORDS AND INFORMATION EXCHANGE**

### ***Related Documentation***

Privacy Policy

### ***Related Legislation***

*Children and Young Persons (Care and Protection) Act 1998 (NSW)*

*Ombudsman's Act 1974 (NSW)*

### ***Introduction***

The safety and protection of children means that certain records need to be kept which may become relevant at a later date.

In certain circumstances government authorities and other agencies may require information regarding children who are at risk.

In addition we may need to seek information from and share information with other agencies to prevent an issue from occurring or getting worse, to identify whether a child has been harmed, or identify if a child is at risk of significant harm.

Sharing information in this way enables a collaborative approach between agencies in the safety and protection of children.

In accordance with relevant state legislation, the School is required to protect the privacy and confidentiality of its students at the same time as promoting their safety, welfare and wellbeing through sharing information which may be relevant for that purpose.

This policy and procedure will assist the School employees to understand what records need to be kept relating to the safety and protection of children, how those records should be kept to respect privacy and confidentiality and the circumstances in which information may be lawfully exchanged with other agencies for child protection purposes.

### ***Scope***

This document applies to all the School's employees who, under this policy, include all paid staff, contractors and volunteers who are engaged by the School in working with children.

#### **1. What child protection information is recorded**

1.1 The School has identified the following information is maintained in relation to child protection legislation:

- a. Any concern regarding the safety or wellbeing of a child whether or not the concern has been reported to FACS.
- b. Any concern regarding the inappropriate behaviour by an employee, contractor, volunteer or visitor to the School towards any child.
- c. Recruitment and employment screening records relating to the checking of a person's suitability to work with children.
- d. Training records relating to the induction and training of employees, contractors and volunteers in relation to child protection and professional standards (code of conduct).

## **2. Record keeping guidelines**

- 2.1 The quality and accuracy of information gathered and recorded is critical in any matter related to child protection.
- 2.2 In addition, in certain circumstances, records may be subject to scrutiny by external authorities or other organisations in accordance with provisions relating to the sharing of information (see section 3: Sharing and Receiving Information).
- 2.3 It is therefore important that records relating to the safety and protection of children are accurate, objective, of a high quality and contain relevant information.

## **3. Sharing and receiving information**

- 3.1 As a general rule, any information about students, particularly information relating to their safety, welfare and wellbeing, may be shared with other individuals, agencies or child protection authorities.
- 3.2 At times it is possible to legally share information without a child or family's consent without breaching laws relating to privacy.
  - 3.2.1 Certain agencies or prescribed bodies are allowed to share information without the child, young person or family's consent under Chapter 16A of the Children and Young People's (Care and protection) Act 1998 s245A. Non-government agencies are prescribed bodies if they provide health care, welfare, education, children's services, residential services or law enforcement, wholly or partly to children. The School is a prescribed body.
  - 3.2.2 FACS and other State and certain Commonwealth government departments are prescribed bodies.
  - 3.2.3 The information that is exchanged must relate to the safety, welfare and wellbeing of a child or young person, and be of assistance in providing a

service, undertaking an investigation, assessing or planning, or addressing employer concerns.

3.2.4 The exchange may be verbal or in writing.

3.2.5 If an employee receives a request for information or wishes to provide or request information they should direct the request to the Headmaster or his or her direct delegate.

For further guidelines see [Child Wellbeing and Child Protection – NSW Interagency Guidelines](#)

*Policy Review Date: 10/02/2020*