

ST BEDE'S CATHOLIC COLLEGE CHILD PROTECTION POLICY



APPLICABLE TO	Staff, students and parents
DOCUMENT OWNER	Principal
APPROVAL DATE	18 December 2017
APPROVED BY	Management Team
SCHOOL ACTIONS	School Policy – Staff are to ensure practices are consistent with this policy.
LAST REVIEW DATE/S	18 December 2017
NEXT REVIEW DATE	18 December 2018
RELATED DOCUMENTS	CSO Reporting Concerns for Children 2017

PURPOSE

St Bede's Catholic College promotes an absolute commitment to the safety, welfare and well-being of all children, particularly those attending the Catholic schools of the Diocese of Maitland-Newcastle.

"Protecting children is one of our most sacred trusts." (Bishop Bill Wright, 2012)

This policy sets out the obligations for all members of the Catholic Diocese of Maitland-Newcastle ('the Diocese') to report 'concerns for children', acts of criminality or any person or group of people engaged in child-related work in the Diocese without having current Clearances from the Office of the Children's Guardian.

St Bede's comply with a range of state legislation designed to protect children, including:

- The Children and Young Persons (Care and Protection) Act 1998
- The Ombudsman Act 1974 (Part 3A)
- The Child Protection (Working with Children) Act 2012
- The Crimes Act 1900

RATIONALE

St Bede's Catholic College has made an unambiguous commitment to promoting the protection of children. NSW legislation and Church regulations set out a range of personal, professional and organizational requirements for the promotion of child protection, reporting concerns and conducting investigations. The College has a legal and moral obligation to protect children from abuse or neglect.

One of the cornerstones of protecting children, is for adults to report their concerns. There is a complex interrelationship in NSW between concerns for the safety, welfare and wellbeing of a child and matters that may require reporting to (and investigation by) external statutory authorities or Diocesan authorities.

Zimmerman Services was established by Bishop Malone and expanded by Bishop Wright, to act as a specialist resource for the Diocese. Zimmerman Services' Prevention and Response Team (PaRT), will support members of the Diocese to meet their reporting obligations and ensure that there is an appropriate record kept of any concerns raised. PaRT works with statutory authorities including the NSW Ombudsman, the NSW Police Force, the Department of Family and Community Services and the Office of the Children's Guardian.

You can find out more about Zimmerman Services and its roles and functions on line at: <http://www.mn.catholic.org.au/agencies-services/child-protection>

PREVENTING CHILD ABUSE AT ST BEDE'S

Screening

Before anybody is engaged in 'child-related work' (as a paid employee, self-employed contractor or volunteer) they must provide the Diocese with a valid Working with Children Check Clearance ('Clearance') number. Catholic Schools Office or Zimmerman Services verifies the person's status through an online service provided by the Children's Guardian before they are allowed to commence work.

The Office of the Children's Guardian determines whether a potential or current employee poses a risk to children. Anybody who is considered to pose a '*real and appreciable risk*' to children will be the subject of an interim or final bar from the Office of the Children's Guardian. People who are the subject of an interim or final bar are not allowed to work in, or attend a Catholic school or work in other child-related roles across the Diocese of Maitland-Newcastle.

Employment & Volunteer Screening

All employees – including volunteers, coaches, tutors, casual and part-time staff - are subject to employment screening as prescribed by the Catholic Schools Office. Employment or volunteering at the College does not commence until this screening is successfully completed and no adverse findings are evident.

All employee, volunteer and other personnel screening will take place according to the procedures and standards for the *Working With Children Check* in accordance with Section 36 (1)(f) of the '[Commission for Children and Young People Act](#)' 1998.

Protocols under the *Child Protection (Working with Children) Act 2012*, place the responsibility on an employee to obtain his or her own Working with Children clearance by the issue of a Working with Children Check number. This is done through an automated application process via an online application.

Under the *Child Protection (Working with Children) Act 2012*, it is the responsibility of the College to work with the Catholic Schools Office as a prospective employer to obtain the Working with Children Check number from the applicant and check the validity of the Working with Children Check number online, before work at the College commences.

Training

St Bede's requires that all employed staff complete compulsory child protection training. The Principal and Assistant Principal will provide regular child protection updates and reminders as part of the College's in-service training and professional development.

i. Face to face

All staff must complete the one-day Child Protection Training course offered by Zimmerman Services in the first 12 months of employment and then every six years (in line with the school COSI cycle). Check MNWorks for details of training sessions.

ii. Online

The SALT training packages incorporate child protection and discrimination, harassment and bullying. The child protection component is managed by Zimmerman Services.

- All employees of the CSO undertake this training on an annual basis.

- The training is designed to give staff the necessary information to meet the diocese obligations in a practical and engaging manner.
- Training modules take 15-20 minutes each to complete and consists of scenarios, lessons and quizzes.

Other Policies

The College adopts policies in areas such as anti-bullying, anti-harassment, excursions, code of conduct, computer use agreement, work health & safety, no smoking and no alcohol policies, to reduce the risks of harm and to enhance the wellbeing of children. Employees and other personnel are required to be familiar with and comply with these policies.

WHO MUST COMPLY WITH THIS POLICY?

This Child Protection Policy applies to all personnel (including employees, casual staff, student teachers, volunteers, religious, clergy and contractors) so that they can meet legal, professional and ethical standards of behaviour and act in accordance with the mission, vision and values of St Bede's Catholic College.

While contractors, consultants and volunteers are not subject to disciplinary action, conduct that would be assessed as being a breach of this Child Protection Policy, may result in their contract or involvement with the College being terminated. Breaches of this policy by any personnel associated with the College may be referred to the Police or other relevant authorities.

Staff members responsible for engaging or managing external consultants, contractors or volunteers, have the responsibility to make them aware of College expectations regarding their conduct during the period of their engagement.

REPORTABLE CONDUCT

Reportable Conduct – Definition

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

- a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material)
- b) any assault, ill-treatment or neglect of a child
- c) any behaviour that causes psychological harm to a child, with or without 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
- 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
- c) conduct of a class or kind exempt from being reportable conduct by the Ombudsman under section 25CA.

Examples that would *not* constitute reportable conduct include (without limitation) touching a child or young person:

- in order to attract a child's attention
- to guide a child or to comfort a distressed child;
- a school teacher raising his or her voice in order to attract attention or to restore order in the classroom
- in the case of conduct being established to be accidental.

Types of Reportable Conduct

Sexual Offences

The term 'sexual offence' encompasses all criminal offences involving a sexual element that is 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) sexual activity with a young person above 16 years of age deemed non-consensual sexual activity on the basis of special care relationships.

Sexual Misconduct

The term 'sexual misconduct' includes conduct that does not necessarily equate to a criminal offence. For sexual misconduct to constitute reportable conduct, the alleged conduct must have been committed against, with or in the presence of a child.

There are two broad categories of sexual misconduct - crossing professional boundaries, and sexually explicit comments/other overtly sexual behaviour.

- a) crossing professional boundaries is understood as sexual misconduct 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. The nature of the professional relationship that should exist between employees of the College, children and young people is addressed in the *College Code of Conduct*.

- b) sexually explicit comments and other overtly sexual behaviour towards a child, young person or group of young persons. Some forms of this behaviour also involve crossing professional boundaries. This conduct may include:
- i. inappropriate conversations of a sexual nature
 - ii. comments that express a desire to act in a sexual manner
 - iii. unwarranted and inappropriate touching
 - iv. sexual exhibitionism
 - v. personal correspondence (including electronic communications) with a child or young person in relation to the adult's sexual feelings for a child or young person
 - vi. exposure of children and young people to sexual behaviour of others, including displays of pornography
 - vii. watching children undress. For example, in change rooms or toilets when supervision is not required or justified.

Physical Assault

An 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 perceive that unjustified force is going to be used against them.

Even if a person 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.

Ill-treatment & Neglect

Ill-treatment captures those circumstances where a person treats a child or young person in an improper manner. In such instances, the focus is on the alleged conduct rather than the actual effect of the conduct on the child or young person. Ill-treatment can include disciplining or correcting a child in an obviously unreasonable or inappropriate manners; making excessive and

obviously unreasonable demands on a child, malevolent acts towards children and inappropriate and hostile use of force against a child.

Neglect includes either an action or inaction by a person who has a duty of care towards a child. The nature of the employee's responsibilities provides the context against which the conduct needs to be assessed.

Supervisory neglect is 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:

- a) involves a gross breach of professional standards; and
- b) has the potential to result in the death of, or significant harm to, a child.

Carer neglect is 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 is an unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child.

Reckless acts or failure to act: a reckless act, or failure to act, that:

- a) involves a gross breach of professional standards; and
- b) has the potential to result in the death of, or significant harm to, a child.

Psychological Harm

Behaviour that causes psychological harm is conduct that is obviously or very clearly unreasonable and results in significant emotional harm or trauma to a child.

REPORTING

The College is committed to meeting all obligations under the NSW Ombudsman's Act. It will report all occasions or suspected occasions of a crime against a child or young person to Zimmerman Services and if advised to the NSW Police Service. Further, the College will report all allegations against employees that may involve a breach of professional standards to Zimmerman Services and to the Catholic Schools Office in a timely manner.

Staff at St Bede's are mandatory reporters. This means they are lawfully required to report to the Community Services Helpline if they have *reasonable grounds* to suspect a child is at risk of significant harm from abuse or neglect and those grounds are identified in the course of, or from the person's work. Also the *Reporting Concerns for Children* package of policies and procedures obliges all school personnel to report any child protection concerns to their supervisor or Principal to be assessed as possible risk of significant harm reports to the Helpline.

Zimmerman Services or the Principal will contact NSW Police if they believe a criminal act has occurred.

Parents of children attending St Bede's are encouraged to discuss any child protection concerns they have with the Principal, Assistant Principal, Student Coordinator or the Parent Liaison Officer. If they believe their concerns are not being addressed appropriately, they have the right to contact Zimmerman Services directly (Ph. 4979 1390 during office hours).

Parents also have the right to report concerns to the Community Services Helpline or NSW Police at any time if they believe it appropriate.

PROCEDURE FOR CONTACTING 000 EMERGENCY SERVICES

000 is a free national emergency hotline service to contact the Police, Ambulance or Fire Services in case of urgent time critical, life threatening situations or other emergencies.

A member of the College community may form the view that a child, class of children or other persons face immediate danger, if:

- there is a fire
- there is a hazardous material spillage
- one or more people are trapped and require rescue
- there are other emergency situations, such as a medical emergency
- there are criminal or other incidents –
 - that are actually occurring at the time of the call
 - where offenders are still on the scene
 - that involve violence (e.g. domestic violence, assault and rob, brawl),
 - where a crime has just occurred (e.g. disturbing offenders breaking into a house), or
- there are credible fears for their safety.

If the threat warrants an emergency call dial 000. Ensure that the following information is ready for the Emergency Operator:

- the nature of the emergency e.g. fire, hazardous material spillage, medical emergency etc.
- location of the incident
- the name of the nearest cross street or distinguishing landmark. The nearest cross street is the nearest intersecting street. This does not mean the nearest main road, or any street nearby
- if there are any people trapped or injured.

PROCEDURE FOR REPORTING CRIMINAL CONDUCT

The College will report to NSW Police or other relevant authorities, criminal conduct that:

- involves a child or class of children,
- involves a Catholic Care worker committing an offense against a person with disability who receives a service from Catholic Care, or
- constitutes a serious indictable offence.

A serious indictable offence is an indictable offence that is punishable by imprisonment for a term of five years or more. Section 316, Crimes Act 1900 makes it a criminal offence to conceal a serious indictable offence.

Reporting to the Police will occur irrespective of the wishes of the complainant or alleged victim. The Diocese will provide all available information in relation to the alleged crime, including the perpetrators and victims' demographic information.

It is understood that there is no possibility of obtaining an indictment where an alleged offender is deceased. Nevertheless, those alleged crimes committed by a deceased person against children will be reported to Police for the purposes of supplying intelligence.

Members of the College community are encouraged to discuss any suspected criminal conduct with the Principal or Assistant Principal who will liaise with an investigator at Zimmerman Services' Prevention and Response Team (PaRT), to seek advice, guidance and support in addressing their concerns. PaRT is contactable by phone during *office hours*, (4979 1390).

Members of the College Community can report criminal conduct to the *NSW Police Assistance Line (131 444)*, unless the alleged crime is life threatening or a time critical emergency situation. In those circumstances ring *000* Emergency

Services and ask for the 'Police'. However, it is preferred that reporting to Police occurs through the College where possible. The NSW Police Force is a large and complex organisation. As part of the College's commitment to protecting children, PaRT has an appropriate ongoing working relationship with NSW Police and may be aware of a particular local investigations or strike forces that may be the most appropriate and effective referral point for alleged crimes.

Reporting directly to Police does not relieve the member's responsibility to report their concern to the College as a matter of urgency.

Once a member of the College Community has reported a concern to the College or directly to the Police, they have fulfilled their obligations under this procedure.

REPORTING CONCERNS TO PART (ZIMMERMAN SERVICES), INCLUDING CRIMINALITY AND WORKING WITHOUT CLEARANCES

It is the College's responsibility to determine whether a concern for a child constitutes a reportable allegation, which will then require a report to the NSW Ombudsman. Zimmerman Services undertakes this function on behalf of the Bishop. For that reason, the College will report all concerns for children to a PaRT investigator in accordance with the following timeframes:

KEY RESPONSIBILITIES

The Principal is responsible for:

1. reporting to Zimmerman Services any reportable allegation of which he/she becomes aware
2. developing, disseminating and monitoring compliance of policies and processes;
3. regularly reviewing policies and procedures
4. providing professional development opportunities and support for staff
5. establishing and maintaining appropriate staff recruitment, selection and screening processes
6. establishing and maintaining appropriate procedures for dealing with allegations of staff misconduct
7. collaborating with relevant agencies with child protection responsibilities
8. providing information about child protection policies to parents and the community.

School Leaders such as the Assistant Principal, Student & Subject Coordinators and the College Counselor:

1. reporting to the Principal allegations of child abuse against employees or other persons, which constitute a breach of this policy, the *College Code of Conduct* or any conduct that must ultimately be reported to the NSW Ombudsman's Office;
2. managing incidents in accordance with this policy and other relevant employer and statutory requirements, and reporting concerns to the Principal, Assistant Principal and where appropriate to Zimmerman Services and the Department of Community Services any child reasonably expected of being at risk.
3. providing appropriate opportunities for employees and others under their supervision to become familiar with relevant child protection policies and procedures, along with their own relevant responsibilities.
4. providing a summary of the child protection policy and procedures to casual employees and authorised volunteers.

All Employees, Casual Staff and Volunteers are responsible for:

1. reporting to the Principal or Assistant Principal any suspicion, on reasonable grounds, that a child or young person for whom the organization is responsible, is at risk of significant harm
2. reporting to the Principal or Assistant Principal allegations of child abuse against employees or other persons, which constitute a breach of this policy, the *College Code of Conduct* or any conduct that must be reported to Zimmerman Services
3. providing support, within the range of normal duties, to children and young people who have experienced mistreatment
4. maintaining appropriate confidentiality in relation to all incidents or allegations of reportable conduct or risk of significant harm of a child or young person
5. providing information that has been lawfully requested to support child protection issues and procedures
6. participating in training initiatives designed to assist the recognition of abuse and neglect of children and young people, and the implementation of relevant policies and procedures
7. ensuring they are familiar with all relevant College Child Protection Policies.

INVESTIGATING

All allegations of child abuse or neglect are taken seriously by the College.

Where the alleged conduct involves a person working for the College or was alleged to have occurred in a diocesan school, the allegations are investigated at a level commensurate with the seriousness of the allegations. When an allegation is made, a thorough risk assessment is conducted and appropriate interim safety measures may be put in place.

The College will provide all cooperation to Police or Community Services if the allegation is investigated by statutory authorities. The College will not commence an investigation till the statutory authority advises us that we are able to do so.

Where the alleged misconduct is deemed minor, the Principal of the school, oversighted by Zimmerman Services, may undertake a local investigation. Where the alleged conduct is more serious, a specialist investigator from Zimmerman Services will conduct the investigation. Investigations of 'more serious' matters are oversighted by the NSW Ombudsman.

If a child is a witness or otherwise involved in such an investigation, Zimmerman Services will contact the parent, explain what is happening and request their permission to interview the child. Zimmerman Services prefers to interview the child at home, with the parent present.

Child protection investigations are confidential. Unless your child is involved in the investigation, it is unlikely that you will be aware that an investigation has occurred. If you are aware of an investigation you are asked to uphold strict confidentiality.

SUPPORT & WELLBEING FOLLOW-UP

Any member of the College Community who reports concerns for children in good faith, will be supported by the College and the senior management of the relevant Diocesan agency.

Children and young people who are involved or affected in any way by maltreatment will be supported through the College's wellbeing arrangements.

Employees who have received or acted on allegations or disclosures, or who have been the subjects of allegations, appropriate and timely support and/or which will include the offer of free and confidential counselling through the Employee Assistance Plan.

BACKGROUND SUPPORTING LEGISLATION AND GUIDELINES

Civil:

Legislation:

Children and Young Persons (Care and Protection) Act 1998 and Regulation 2012

Child Protection (Working with Children) Act 2012 and Regulation 2013

Ombudsman Act 1974 (Part 3A) and Regulation 2011

Crimes Act 1900, various supporting acts and regulations

Statutory Guidelines

NSW Ombudsman Defining Assault for the Purposes of the Reportable Conduct Scheme (2017)

NSW Ombudsman Child Protection: Notifying and Identifying Reportable Conduct (2017)

New South Wales Interagency Guidelines for Child Protection Intervention (2010 and online version)

Structured Decision Making System New South Wales: Mandatory Reporter Guide (December 2009)

Church

Canon Law

Book II, Part II, Section II,

Title I, Chapter II:

Article 1: Bishops in General, canons 375-380 and Article 2: Diocesan Bishops, canons 381-402

Title III, Chapter IV: Parishes, Pastors, And Parochial Vicars, canons 515-552

Church Guidelines

Integrity in Ministry (June 2004)

Integrity in the Service of the Church (2011)

Towards Healing (January 2010)