

CHILD PROTECTION PROCEDURES

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Catholic Education
Diocese of Parramatta

CATHOLIC EDUCATION, DIOCESE OF PARRAMATTA

CHILD PROTECTION PROCEDURES

1. INTRODUCTION AND PURPOSE

This document outlines the procedures to be followed by staff members when responding to concerns relating to children and young persons and any alleged breach of the CEDP *Code of Conduct When Working With Children and Students*. The document also outlines a number of preventative procedures which are part of CEDP's strategy to build child safe communities

2. SCOPE

These procedures apply to all staff members of CEDP.

These procedures are mandatory and a failure to follow the procedures may result in disciplinary action, including termination of employment.

These procedures include a number of actions which are the responsibility of school principals, CELC directors and COSHC operations coordinators. These positions are collectively referred to as "**Managers**" in this document.

3. DEFINITIONS

CELC means Catholic Early Learning Centres.

COSHC means Catholic Out of School Hours Care services.

Child or **children** refers to any person under the age of 18 years

Managers means school principals, CELC directors and COSHC operations coordinators.

Office for Safeguarding and Professional Standards is responsible for ensuring delivery of effective and consistent practices, and the oversight of such services, relating to safeguarding and professional standards to all agencies and ministries within the Diocese of Parramatta.

Reportable conduct refers to the definition under Part 3A of the *Ombudsman Act 1974* (NSW) and means any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including child pornography) or any assault, ill-treatment or neglect of a child or any behaviour that causes psychological harm to a child, or any offence under section 43B or 316A of the *Crimes Act 1900* (NSW) whether or not, in any case, with the consent of the child.

Risk of significant harm exists if current concerns exist for the safety, welfare or wellbeing of a child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- (1)(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,

- (b1) 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,
- (c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- (d) 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,
- (e) 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,
- (f) the child was the subject of a pre-natal report under section 25 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.

Note: Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

(2) Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

Staff member includes paid employees, religious, volunteers, contractors, sub-contractors, consultants and students on work placements.

Student means any student enrolled in a CEDP school, including children and those aged 18 years or over.

Young person for the purposes of reporting risk of significant harm, means a person who is aged 16 years or above but who is under the age of 18 years.

4. RESPONDING TO CHILD PROTECTION ALLEGATIONS AGAINST STAFF MEMBERS

The Bishop of Parramatta is the Head of Agency for the CEDP under the *Ombudsman Act 1974*. The Bishop has delegated certain responsibilities contained within Part 3A of the *Ombudsman Act 1974* to the Executive Director of Schools. The only direct delegation from the Bishop of Parramatta is to the Executive Director of CEDP. All other delegations flow from the Executive Director and Directors.

CEDP and the Office for Safeguarding and Professional Standards work together to implement enhanced systems in support, risk management and safeguarding children and students. The Office for Safeguarding and Professional Standards has specific oversight and investigative responsibilities for responding to allegations as set out in this section.

All staff members involved in an investigation of an allegation shall be offered appropriate support.

4.1 Intake and Assessment of an Allegation

Any allegation against a staff member is referred to the Manager. If the allegation is about the Manager, contact should be made directly with the Child Protection Team on 9840 5674.

If the allegation is of a criminal nature, the Manager must also immediately make a report to NSW Police.

If there are reasonable grounds to suspect a child or young person is at risk of significant harm the steps at *Section 3 - Risk of Significant Harm Reports*, of these procedures must also be followed by the Manager.

The Manager should contact the Child Protection Team if they are unsure of the action required in relation to reporting to NSW Police or reporting risk of significant harm.

The Manager records verbatim and in writing the information provided by the person making the allegation. The Manager informs the person making the allegation that an investigation will be carried out and advises them of the confidentiality requirements.

The Manager must:

- Contact the Child Protection Team with 24 hours of receiving the allegation at childprotection@parra.catholic.edu.au.
- If the allegation involves a CEDP office staff member or director, the Manager documents and refers the matter to the Executive Director of Schools.
- If the allegation involves the Executive Director of Schools, the Manager documents and refers the matter to the Bishop of the Diocese.

The Manager should make a report even if the allegation relates to a student who is aged 18 years or older.

The *Initial Child Protection Information* form is sent to the Office for Safeguarding and Professional Standards for assessment. This assessment determines whether the allegation:

- does not involve reportable conduct and will be managed in accordance with Section 4.2 below; or
- involves reportable conduct which will be notified to the NSW Ombudsman and managed in accordance with Section 4.3 below; or
- will be referred back to the Manager to be managed locally as it is not within the jurisdiction of the NSW Ombudsman.

The allegation must not be discussed with the staff member who is the subject of the allegation or children or students involved unless otherwise directed by the Child Protection Team.

The Manager and Child Protection Team undertake a risk assessment to determine whether the staff member who is the subject of the allegation will be suspended from duties on full pay or no pay while the allegation is investigated. A suspension is authorised by the Executive Director of Schools.

4.2 Responding to Allegations – Not Reportable Conduct

Investigation of allegations which do not involve reportable conduct are managed by the Child Protection Team. If the investigation causes the investigator to consider that the allegation does involve reportable conduct, the investigation will be halted and the procedures at Section 4.3 below will be commenced.

All parties must observe strict confidentiality in relation to the investigation.

The staff member who is the subject of the allegation should:

- be provided with written details of the allegation at an appropriate time
- have the matter dealt with promptly, noting that there may be delays due to circumstances outside the control of CEDP
- have the investigation process explained

- be provided with a copy of these procedures and a copy of the NSW Ombudsman's Fact Sheet – *Notifying and Identifying Reportable Conduct*
- be provided with reasonable notice of proposed meetings
- be advised of the right to have a support person at any meetings
- receive a copy of any record of interview
- have the matter dealt with in a confidential manner
- have access to CEDP's Employee Assistance Program.

The Manager provides support to the staff member who is the subject of the allegation. If the staff member is the Manager, the relevant Director provides support. The staff member may seek union or legal representation.

The investigator gathers relevant information and prepares an investigation report including a recommended finding.

The report is reviewed by the Office for Safeguarding and Professional Standards. The CEDP is responsible for determining the finding and outcomes.

The allegation may be found to be:

- sustained
- not sustained (insufficient evidence)
- not sustained (lack of evidence of weight)
- false.

The staff member who is the subject of the allegation is advised in writing of:

- the finding of the investigation
- any disciplinary action and/or support initiatives
- the requirement for the file to be stored confidentially with CEDP separately from personnel files
- the right to inspect the file in the case of an adverse finding (if such a right is provided under an industrial instrument covering the staff member or under any relevant legislation)
- the opportunity for the finding/s to be reviewed
- the need for continued confidentiality
- the availability of counselling through the CEDP Employee Assistance Program.

The staff member who is the subject of the allegation may apply to the Executive Director of Schools for a review of the finding/s of the investigation. Reasons outlining why the review is being requested are to be included in the request. The Executive Director will decide whether to conduct the review, based on the information provided to them and in consultation with the Office of Safeguarding and Professional Standards.

If the review occurs, the reviewer will provide a report to the Executive Director of Schools who will make the decision on the review and advise the staff member of the review outcome and status of the decision.

If not satisfied with the response to their request for a review, the staff member may make contact with the NSW Ombudsman to determine whether they can submit a complaint to the Ombudsman.

Where appropriate, the Child Protection Team will advise the person who made the allegation and/or parent and child that the matter has been addressed.

4.3 Responding to Allegations - Reportable Conduct

Investigations into allegations of reportable conduct are conducted by the Office for Safeguarding and Professional Standards in consultation with the Child Protection Team. External investigators may be used.

All parties must observe strict confidentiality in relation to the investigation.

CEDP must notify the NSW Ombudsman of allegations of reportable conduct as soon as practicable and within 30 days of becoming aware of them. As a designated agency under the Ombudsman Act, CEDP must notify all allegations of reportable conduct.

The staff member who is the subject of the allegation should:

- be provided with written details of the allegation at an appropriate time
- have the matter dealt with promptly, noting that there may be delays due to circumstances outside the control of CEDP or the Office for Safeguarding and Professional Standards
- have the investigation process explained
- be provided with a copy of these procedures and a copy of the NSW Ombudsman Fact Sheets – *Notifying and Identifying Reportable Conduct* and *Making a Finding of Reportable Conduct*
- be provided with reasonable notice of proposed meetings
- be advised of the right to have a support person at any meetings
- receive a copy of any record of interview
- have the matter dealt with in a confidential manner
- have access to CEDP's Employee Assistance Program.

The Manager provides support to the staff member subject to the allegation. If the staff member subject to the allegation is the Manager, the Director Performance provides support. Alternatively, the staff member may seek union or legal representation.

The investigator gathers relevant information, prepares an investigation report and provides a report to the Executive Director of Schools or their delegate, who is then responsible for determining the finding.

The allegation may be found to be:

- sustained
- not sustained (insufficient evidence)
- not sustained (lack of evidence of weight)
- false
- not reportable conduct.

The staff member who is the subject of the allegation is advised in writing of:

- the finding of the investigation
- any disciplinary action and/or support initiatives
- the requirement for all documentation to be forwarded to the NSW Ombudsman
- the requirement for the file to be stored confidentially with CEDP and the Office for Safeguarding and Professional Standards
- the right to inspect the file in the case of an adverse finding (if such a right is provided under an industrial instrument covering the staff member or under any relevant legislation)
- whether or not the matter is being notified to the Office of the Children's Guardian for the purpose of the Working With Children Check
- the opportunity for the finding/s to be reviewed
- the need for continued confidentiality

- the availability of counselling through the CEDP Employee Assistance Program.

The staff member who is the subject of the allegation may apply to the Executive Director of Schools for a review of the finding/s of the investigation. Reasons outlining why the review is being requested are to be included in the request. The Executive Director will decide whether to conduct the review, based on the information provided to them and in consultation with the Office of Safeguarding and Professional Standards.

If the review occurs, the reviewer will provide a report to the Executive Director of Schools who will make the decision on the review and advise the staff member of the review outcome and status of the decision.

If not satisfied with the response to their request for a review, the staff member may make contact with the NSW Ombudsman to determine whether they can submit a complaint to the Ombudsman.

Where appropriate, the Child Protection Team will advise the person who made the allegation and/or parent and child that the matter has been addressed.

5. RISK OF SIGNIFICANT HARM REPORTS

Managers are the centralised reporting officers for reports of risk of significant harm.

Staff members who have direct responsibility to provide child related services are required to report to the Manager where they have concerns that a child or young person is at risk of significant harm.

Where the report relates to the actions of the Manager, the report should be made to the Director Performance.

Where the report relates to the actions of a staff member, the steps outlined at Section 4 of these procedures must also be followed by the Manager.

Where the concern is of a criminal nature, the Manager must also immediately make a report to NSW Police.

Please refer to the 'Managing Child Protection Concerns' flow charts for Schools, CELC and COSHC (click [here](#)).

It is advised that the Manager complete the ChildStory Reporter: Mandatory Reporter Guide (MRG) on each occasion they have risk concerns, regardless of their level of experience or expertise.

For **urgent** suspected risk of significant harm or if the ChildStory Reporter: Mandatory Reporter Guide (click [here](#)) decision report states '**Immediate report to Community Services**' contact Family and Community Services Child Protection Helpline: Phone - 132 111

For **non-imminent** suspected risk of significant harm consult the ChildStory Reporter: Mandatory Reporter Guide, if the decision report states '**Report to Community Services**' reports can be submitted via the ChildStory Reporter website.

For concerns that do not meet threshold or if ChildStory Reporter: Mandatory Reporter Guide decision report recommends '**consult with professional**' or '**document and continue relationship**' you can consult with the Risk of Significant Harm Coordinator, plan on-going monitoring and/or follow up with your Wellbeing Counsellor.

IMPORTANT: After a Risk of Significant Harm Report to Family and Community Services (FaCS) is completed, you must enter the details of the report on [CEDP RoSH Online](#) system. Access is only

available to School principals, Wellbeing Counsellor, CELC directors and COSHC Manager, Pedagogy and Compliance.

Managers can contact the Risk of Significant Harm Coordinator on 9407 7008 or 0439 886 245 if further assistance is needed.

The Manager should inform the staff member who made the report that a risk of significant harm (RoSH) report has been made to Family and Community Services (FaCS) and advise them generally of the outcome.

If the staff member becomes aware that the report of significant harm was not made to Community Services, the staff member should contact Laura Rowell, ROSH Coordinator for further guidance.

6. RECRUITMENT PROCEDURES AND PRE-ENGAGEMENT SCREENING

6.1 Recruitment Procedures

Critical pre-engagement procedures to safeguard children and students must be followed. This ensures the most suitable selection of staff members to work with children and students in CEDP services. The following must occur:

- Following the recruitment and selection procedures of CEDP as set out on the [Talent and Workforce OSCAR page](#).
- As part of any recruitment process, Managers and other supervisors must ensure applicants complete the *Child Protection Questions for Applicants for Child Related Employment*.
- Recent and proper referee checks must be undertaken. Applicants' referees must complete the *Child Protection Referee Questions for Child Related Employment*.
- These documents can be accessed [here](#). If any of the questions are answered 'yes' an immediate referral should be made to the Head People and Culture for appropriate follow up.
- Managers and other supervisors must ensure that Working With Children Checks are in place for all relevant persons prior to them commencing work. Details are set out in Section 6.2 below.
- Volunteers and contractors are to complete the online *Building Child Safe Communities – Undertaking* form which confirms their acceptance of CEDP's expectations of volunteers and contractors. Completion of the form will also determine whether they are required to obtain a Working With Children Check. The form can be found [here](#).

6.2 Working With Children Checks

- New paid employees, students on work placements and their supervisors who have direct face-to-face contact with children or access to confidential information about vulnerable children must have a Working With Children Check clearance verified prior to commencing work with CEDP.
- Clergy and members of religious orders are required to have a Working With Children Check clearance verified prior to commencing work with CEDP. They are also required to complete the online *Building Child Safe Communities – Undertaking* form for volunteers which confirms their acceptance of CEDP's expectations of volunteers. The form can be found [here](#).
- Transport providers, school crossing supervisors and school cleaners are designated child related and must have a Working With Children Check clearance verified prior to commencing work with CEDP.
- Volunteers and contractors are to complete the online *Building Child Safe Communities – Undertaking* form which determines whether they are required to obtain a Working With Children Check. The form can be found [here](#).

- Staff members occupying any role with CEDP require a Working With Children Check clearance verified prior to commencing work with CEDP.
- Working With Children Checks must be verified centrally by the Child Protection Team. The person's name, date of birth and Working With Children Check number is emailed to childprotection@parra.catholic.edu.au to enable verification. Verification records will be retained centrally by CEDP.
- Further information on Working With Children Checks can be found [here](#).

A Working With Children Check is valid for five years. It is a staff member's obligation to ensure their Working With Children Check is renewed.

7. TRAINING IN CHILD PROTECTION

All new permanent, temporary and casual employees are required to complete online child protection training as part of their induction.

Managers must also ensure staff members undertake annual training on Safeguarding. The topic of this training will vary each year.

Staff newly appointed to leadership roles in CEDP are required to complete seven hours of foundation child protection training delivered by The Office of Safeguarding. Staff in leadership roles must also complete seven hours of child protection training each subsequent year.

Volunteers, religious and contactors are required to complete a child protection online training module on commencement and then every second year. The online training can be accessed via the CEDP *Building Child Safe Communities* website (click [here](#)).

8. INAPPROPRIATE STUDENT CONDUCT

If a staff member becomes aware of:

- serious bullying, cyber bullying or violent behaviours (of a serious or of a criminal nature)
- sexting
- making, distributing or selling pornography or child pornography, including images of other students
- making, distributing, selling or consuming alcohol or drugs
- possession of weapons
- any other criminal activity,

the staff member must report such matters to the Manager as soon as possible. If the staff member seizes items they must provide these to the Manager for secure storage.

If the conduct is criminal in nature, the Manager must contact the local police station immediately, hand over any seized items and follow police advice. The Student Wellbeing Team can be contacted for advice on whether the matter is criminal or not.

If the conduct is not considered criminal in nature, the Manager should manage the issue according to relevant student behaviour/management policies.

If the Manager considers the inappropriate conduct indicates that a child or young person may be at risk of significant harm, the *Mandatory Reporting Guide* must be used and its recommendations

followed – see Section 3 of these procedures.

9. SCHOOL FACILITIES

In order to assess the physical environment of schools for risk or harm to children and young people, school principals must ensure an annual review of school sites and facilities is conducted using the *School Sites and Facilities Risk Management Audit Tool*.

Principals must implement the outcomes and actions resulting from the annual audit.

The CEDP [Child Protection – Facilities Guidelines](#) provide further information on annual reviews and the Audit Tool.

10. FURTHER INFORMATION

Further information on child protection allegations, child protection pre-employment screening and training can be obtained from the Child Protection Team on 9840 5674 or by email at childprotection@parra.catholic.edu.au.

Further information on risk of significant harm reports or assistance can be obtained from Risk of Significant Harm Coordinator on 9407 7008 / 0439 886 245 or by email at lrowell@parra.catholic.edu.au.
