



DOCUMENT TITLE: **Child Safe Policy**

DATE APPROVED: **December 8 2025**

REVIEW DATE: **January 2027**

RESPONSIBLE: **Principal**

1. Introduction.....	3
1.1 Purpose	3
1.2 Key legislation	3
Child Safe Scheme and the Child Safe Standards	4
The Child Safe Standards are—	4
1.3 Child Safe Reporting Policy: Your obligation to report	5
1.4 Other policies	5
PART A: The Care and Protection Act	6
2.1 What is the threshold?	6
2.2 Reasonable grounds	7
2.3 Significant harm	7
2.4 Other relevant definitions	8
3. What should you do if you consider that a mandatory report is required?	9
4. What should you do if you have a concern that is below the mandatory reporting threshold?	10
5. Reporting child-to-child conduct	10
PART B: The Children's Guardian Act 2019	11
1. Responsibilities	11
1.1 General.....	11
1.2 The Office of Children's Guardian.....	11
1.3 Your obligations to report	12
1.4 Contact for parents.....	12
2.1 Definition of reportable conduct	12
2.2 Other relevant definitions	13

Sexually explicit comments and other overtly sexual behaviour	15
Grooming Behaviour.....	15
3.1 Staff members.....	17
3.2 Parents, carers and community members	17
3.3 The School	17
4.1 Initial steps	18
4.2 Investigation principles	18
4.3 Investigation steps	19
5. Risk management	20
5.1 Initial risk assessment.....	20
5.2 Ongoing Risk Management	21
5.3 Risk Management at the Conclusion of the Investigation	21
6. What information will be provided to the PSOA?	21
7. Disciplinary Action	21
8. Confidentiality	22
PART C: The Crimes Act 1900.....	22
1. Criminal offences	22
1.1 Failure to protect offence	22
1.2 Failure to report offence	22
PART D: WWC Act	22
1. General.....	22
2. Responsibilities.....	23
3. Relevant Definitions.....	24
3.1 Bars	24
3.2 Child-related work.....	24
3.3 Child-related worker	24
3.4 Disqualified person	25
3.5 Findings of misconduct involving children	25
3.6 Reporting body.....	25
3.7 Risk assessment	25
3.8 Working With Children Check Clearance.....	25
PART E: Guidelines For Assisting A Child Or Young Person Who Has Disclosed Abuse	26
1. General.....	26

2. How to respond to a child disclosing abuse	26
PART F: Training	26
1. Training	26
1.1 The School.....	26
1.2 Staff members	26
1.3 Governance and Board members	27
Acknowledgement.....	27
References.....	28

1. Introduction

1.1 Purpose

- (a) The safety, protection and well-being of all students is of fundamental importance to St Paul’s International College (the **School**). The School is committed to creating an environment where children are safe.
- (b) Both you and the School have a range of different obligations relating to the safety, protection and welfare of students including:
- (i) a duty of care to ensure that reasonable steps are taken to prevent harm to students;
 - (ii) obligations under child protection legislation;
 - (iii) obligations under work health and safety legislation.
- (c) The purpose of this Policy is to summarise the obligations imposed by child protection legislation on the School and on employees, contractors and volunteers at the School and to provide guidelines as to how the School will deal with certain matters.
- (d) Child protection is a community responsibility. The School regards the preventative aspects of child protection as fundamentally important including community education, parent education and support.

1.2 Key legislation

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

- the *Children and Young Persons (Care and Protection) Act 1998* (“**Care and Protection Act**”);
- the *Child Protection (Working with Children) Act 2012* (“**WWC Act**”);
- the *Children’s Guardian Act 2019* (“Children’s Guardian Act”)
- Part 3A Child safe scheme (“Children’s Guardian Act”)

- the *Crimes Act 1900* (“*Crimes Act*”).

Child Safe Scheme and the Child Safe Standards

The Child Safe Scheme gives the Office of the Children’s Guardian (OCG) additional powers to monitor and investigate how organisations implement the Child Safe Standards to support the safety and wellbeing of children and young people. Under the Scheme, certain child-related organisations including in the Education, Early Childhood, Health and Youth Justice sectors, must implement the Child Safe Standards.

The Office of the Children’s Guardian is an independent statutory body that promotes the interests, safety and rights of children and young people in NSW. The core functions of the Office of the Children’s Guardian include administering Working with Children Checks, Reportable Conduct Scheme and implementation of the Child Safe Standards.

The Child Safe Standards are—

1. Child safety is embedded in organisational leadership, governance and culture.
2. Children participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved.
4. Equity is upheld, and diverse needs are taken into account.
5. People working with children are suitable and supported.
6. Processes to respond to complaints of child abuse are child focused.
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
8. Physical and online environments minimise the opportunity for abuse to occur.
9. Implementation of the Child Safe Standards is continuously reviewed and improved.
10. Policies and procedures document how the organisation is child safe.

Of course, there may be circumstances where conduct is alleged which is also criminal conduct – and dealt with by the *Crimes Act 1900* (NSW). While this policy does not deal with that in detail, any such conduct should be reported immediately to the College Director.

There is also an important underlying obligation upon the School, its staff and contractors to ensure our obligations under the WHS (NSW) legislation to have a safe workplace are observed.

1.3 Child Safe Reporting Policy: Your obligation to report

(a) While we set out below circumstances in which the legislation requires reporting of particular child protection issues, the School requires you to report any concern you may have about the safety, welfare or wellbeing of a child or young person to the College Director or Principal, as soon as practicable.

(b) If the allegation involves the College Director or Principal, you are required to report to the Chairman of the School Board whose contact details can be obtained from the Business Manager.

(c) This obligation is part of the College's overall commitment to the safety, welfare and wellbeing of children.

(d) Under the following legislation the College Director, as a Responsible Entity, has certain responsibilities to discharge. Various sources of advice are available to assist them to meet those responsibilities including CCER Catholic Commission of Employment Relations and the OCG Office of Children's Guardian and the College Director or the Principal will consult with one of these prior to any decision to not report a child allegedly at risk of significant harm or a reportable allegation.

(e) If you are a member of the School Community and observe any behaviours or activities that cause you concern in respect to the welfare of children in the care of the School, please forward any details to the following email address safeguardingchildren@spic.nsw.edu.au.

(f) You must not discuss with any colleague or other person any matter that is the subject of report under this Policy. The confidentiality of matters dealt with under this Policy is very important to safeguard the welfare of a child involved as well as any staff member. You may leave yourself exposed to an action in defamation law if you fail to heed the need for confidentiality.

1.4 Other policies

Please note that there are a number of other School policies that relate to child protection which you need to be aware of and understand, including (but not limited to):

(a) the **School's Staff Professional Code of Conduct incorporating the Child Safe Code of Conduct** which sets out information about the standards of behaviour expected of all employees of the School and measures to keep children safe;

(b) the **Work Health and Safety Policy** which includes the obligations imposed by work health and safety legislation on the School and workers;

(c) the **Anti-bullying Policy** which deals with bullying;

(d) the **Use of Electronic Facilities Policy for Staff (see Professional Code of Conduct)** which includes guidelines for the use of electronic communication with students, staff, parents and others;

(e) the **Excursion Policy** which includes requirements relating to duty of care for students on excursions;

(f) the **Visitors Policy and Procedure** which includes the requirements in relation to visitors attending the School.

(h) **Complaints and Grievances Resolution Procedure (Parents and Students) Policy.**

General

This Policy document is intended to be provided and made available to staff during their employment or engagement with the School, to ensure a clear understanding of their duties and obligations under the key requirements of child protection legislation in NSW and child safe standards. This Policy outlines the key concepts and definitions under the relevant legislation including mandatory reporters, reportable allegation, and risk management. Any suggested improvements to the Policy should be forwarded to the Principal (scotta01@spic.nsw.edu.au).

PART A: The Care and 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 College Director or the , Principal.

1. Who is a mandatory reporter?

(a) Under the Care and Protection Act persons who:

(i) in the course of their employment, deliver services including health care welfare, education, children's services and residential services, to children;

(ii) 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.

(b) All teachers and boarding supervisors 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.

2. When must a report be made to Department of Communities and Justice (DCJ)?

2.1 What is the threshold?

(a) A mandatory reporter must, where they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm, report to Department of Communities and Justice (DCJ) 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.

(b) In addition, while not mandatory, the School may require that a report should also be made to DCJ 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 wellbeing of the young person.

2.2 Reasonable grounds

(a) '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:

(i) first hand observations of the child, young person or family;

(ii) what the child, young person, parent or another person has disclosed;

(iii) what can reasonably be inferred based on professional training and / or experience.

(b) 'Reasonable grounds' does not mean that you are required to confirm your suspicions or have clear proof before making a report. If you have any doubt about whether you have 'reasonable grounds' you should immediately speak with the College Director or Principal.. **Err on the side of caution.**

2.3 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.

2.4 Other relevant definitions

(a) Policy definition of **significant harm**

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

(v) the significance can result from a single act or omission, or an accumulation of these.

(b) **Child** is a person under the age of 16 years for the purposes of the Care and Protection Act.

(c) **Child abuse**

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

(ii) **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.

(iii) **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.

(iv) **Injuries** include bruising, lacerations or welts, burns, fractures or dislocation of joints.

(v) 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.

(vi) **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.

(vii) 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.

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

(ix) **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.

(d) **Child wellbeing concerns** are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold, risk of significant harm.

(e) **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.

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

(a) Reporting by the School about these matters to DCJ and, where necessary, the Police, is generally undertaken by the College Director or Principal. This is in accordance with best practice principles and is the expectation of the School.

(b) If you have a concern that a child or young person is at risk of significant harm, **you should only contact the** College Director or Principal 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.

(c) However, if there is an immediate danger to the child or young person and the College Director or Principal is uncontactable you should speak to the Police - Southern Highlands Police Station in Moss Vale 02 4869 7899 and/or the Child Protection Helpline (13 21 11) directly and then advise the College Director or Principal as soon as possible.

(d) If the College Director or the Principal reports the matter to the DCJ you are not required to make a further report. If the College Director or the Principal does not confirm to you that the matter has been reported to the DCJ or advises that they do not believe the circumstances warrant it being reported, then if you still consider that a child is at risk of significant harm, you should escalate the matter to the Chair of the School Board or call the Community Services Child Protection Helpline on 132 111.

(e) You are not required to, and **must not**, undertake any investigation of the matter yourself.

(f) You are not to inform the parents or caregivers that a report to DCJ has been made.

(g) 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.**

4. What should you do if you have a concern that is below the mandatory reporting threshold?

- (a) While the Care and Protection Act outlines a mandatory reporter's obligation to report to DCJ, as an employee of this School, any concern regarding the safety, welfare and wellbeing of a student (including Child wellbeing concerns) must be reported to the College Director or the Principal.
- (b) You are required to deal with all reports regarding the safety, welfare or wellbeing of a student confidentially and only disclose it to the College Director or Principal and any other person the College Director nominates. Failure to do so will be a breach of this Policy.
- (c) You must refrain from discussing matters that may give rise to a mandatory report with colleagues unless requested to do so by the College Director or Principal.
- (d) Contractors engaged by the School to provide services to students will be advised in their terms of engagement of the need for them to also observe this Policy that will be provided to the contractor by the College Director or Principal.

5. Reporting child-to-child conduct

- (a) There are a range of circumstances in which child-to-child conduct may be reportable, either to DCJ or to the Police.
- (b) In the case of mandatory reporting to DCJ, this would include circumstances of problematic sexual behaviour by a child or young person toward another child or young person (that is, conduct outside the bounds of normal sexual behaviour), including child-to-child sexual abuse.
- (c) Child-to-child sexual abuse can occur when a child or young person involves another child in sexual activity. It can be physical, verbal or emotional and can include but is not limited to a child:
 - (i) kissing or holding another child in a sexual manner;
 - (ii) exposing a sexual body part to a child;
 - (iii) having sexual relations with a child;
 - (iv) talking in a sexually explicit way;
 - (v) making obscene phone calls or remarks to a child;
 - (vi) sending obscene messages to a child via technology including social media; and/or
 - (vii) fondling a child in a sexual manner.
- (d) If you have any concern that problematic sexual behaviour by a child or young person toward another child or young person (including child-to-child sexual abuse) is occurring, you must immediately advise the College Director or Principal. If you are not sure whether the sexual

behaviour is problematic, you should err on the side of caution and report to the College Director or Principal.

(e) The issue of bullying by a student is dealt with in the School's Anti Bullying Policy. However, depending on the seriousness and nature of the alleged conduct – eg physical assault or threats of violence - the matter may also be reportable to the Police. In such instances, you must immediately advise the College Director or Principal. Err on the side of caution in reporting such matters to the College Director or Principal.

(f) You must treat these matters confidentially as described above.

PART B: The Children's Guardian Act 2019

1. Responsibilities

1.1 General

(a) Under Part 4 of the Children's Guardian Act, the College Director as Head of a responsible entity or the Principal, is required to give written notice to the New South Wales Office of Children's Guardian of all allegations of reportable conduct by an 'employee' and the outcome of the School's investigation of these allegations.

(b) 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 B where there is a reference to an 'employee' it includes all of these persons.

1.2 The Office of Children's Guardian

The Office of Children's Guardian:

(a) must keep under scrutiny the systems for preventing reportable conduct by employees of non-government schools 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 non-government schools concerning reportable conduct or reportable convictions;

(c) is required to oversee or monitor the conduct of investigations by non-government schools into allegations of reportable conduct 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 a non-government school, or the handling of or response to such a matter (eg arising out of complaints by the person who is the subject of an allegation);

(f) may investigate the way in which a responsible entity has dealt with, or is dealing with, a report complaint or notification, if the OCG considers it appropriate to do so.

1.3 Your obligations to report

- (a) You must immediately 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 College Director or 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.
- (b) The reportable conduct scheme is allegations-based. If an allegation is, on the face of it, a reportable allegation, it must be notified to the College Director or Principal irrespective of other factors or information that may suggest that the allegation has no weight. The allegation does not have to be made by a person affected. It may be that a 'rumour' of reportable conduct is sufficient. Always err on the side of caution and raise those matters with the College Director or Principal.
- (c) You must also report to the College Director or 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.
- (d) This includes information relating to yourself.
- (e) If the allegation involves the Principal, you are required to report to the College Director. If the allegation involves the College Director, you are required to report to the Chairperson of the School Board. You can obtain contact details of the School Board from the Business Manager.
- (f) You should be aware that failure to report allegations of reportable conduct or a suspicion of reportable conduct may be an offence under section 316 of the *Crimes Act 1900*.

1.4 Contact for parents

The Principal or junior/senior school coordinator is the contact point for parents if they wish to report an allegation of reportable conduct against an employee. If a parent wishes to report an allegation of reportable conduct against the Principal they should contact the College Director.

2. What is reportable conduct?

2.1 Definition of reportable conduct

(a) Reportable conduct is defined as:

- (i) 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);
- (ii) any assault, ill-treatment or neglect of a child;
- (iii) any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the child;
- (iv) an offence under section 43B (failure to protect) or section 316A (failure to report) of the Crimes Act 1900.

(b) Reportable conduct does not extend to:

- (i) 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;
- (ii) 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.

2.2 Other relevant definitions

Set out below are definitions of the various terms referred to above in relation to reportable conduct.

(a) 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.

(b) **Child** is a person under the age of 18 years for the purposes of the Children's Guardian Act.

(c) **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.

(d) **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.

(i) Supervisory neglect:

(A) An intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child,

(B) An intentional or reckless failure to adequately supervise a child or a significantly careless act or failure to act, that:

(I) involves a gross breach of professional standards, and

(II) has the potential to result in the death or significant harm to a child.

(ii) 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.

(iii) 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.

(iv) Reckless act (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.

(e) **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 apprehend 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 does not actually intend to inflict the harm or cause fear, they may still have committed an assault if they acted 'recklessly'.

(f) '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.

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

(h) **PSOA** means 'person subject of the allegation'.

(i) **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.

(j) **Sexual Misconduct** – conduct with, towards or in the presence of a child that is sexual in nature (but not a sexual offence). The Act provides the following (non-exhaustive) examples:

- descriptions of sexual acts without a legitimate reason to provide the descriptions;
- sexual comments, conversations or communications;
- comments to a child that express a desire to act in a sexual manner towards the child, or another child.

Note – crossing professional boundaries comes within the scope of the scheme to the extent that the alleged conduct meets the definition of sexual misconduct. That is, the conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).

Sexually explicit comments and other overtly sexual behaviour

Behaviour 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 involving a child
- (D) sexualised behaviour with or towards a child (including 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 intimate, romantic or 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 in circumstances where supervision is not required and it is clearly inappropriate.

Grooming Behaviour

Grooming or procuring a child under the age of 16 years for unlawful sexual activity is a sexual offence. Schedule 1(2) of the WWC Act also recognises grooming as a form of sexual misconduct.

Behaviour should only be seen as 'grooming' where there is evidence of a pattern of conduct that is consistent with grooming the alleged victim for sexual activity, and that there is no other reasonable explanation for it.

The types of behaviours that may lead to such a conclusion include (but are not limited to) the following:

- (H) Persuading a child or group of children that they have a 'special' relationship, for example by:
- (I) spending inappropriate special time with a child
- (II) inappropriately giving gifts
- (III) inappropriately showing special favours to them but not other children
- (IV) inappropriately allowing the child to overstep rules
- (V) asking the child to keep this relationship to themselves.

(I) Testing boundaries, for example by:

(I) undressing in front of a child

(II) encouraging inappropriate physical contact (even where it is not overtly sexual) talking about sex

(III) 'accidental' intimate touching.

(J) 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 normal social interactions in the community).

(K) 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 the likelihood that grooming is occurring.

(L) **Sexual Offences** encompasses 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:

(i) indecent assault;

(ii) sexual assault;

(iii) aggravated sexual assault;

(iv) sexual intercourse and attempted sexual intercourse;

(v) possession/ dissemination/ production of child abuse material;

(vi) using children to produce pornography;

(vii) grooming or procuring children under the age of 16 years for unlawful sexual activity;

Definitions of 'grooming', within child protection legislation, are complex. Under the Crimes Act, grooming or procuring a child under the age of 16 years of unlawful sexual activity is classed as a sexual offence. The Crimes Act (s73) also extends the age of consent to 18 years when a child is in a 'special care' relationship. Under Schedule 1(2) of the WWC Act, grooming is recognised as a form of sexual misconduct. The Children's Guardian Act 2019 and this Child Protection Policy reflect these definitions within the context of the Reportable Conduct Scheme (Division 2).

(viii) deemed non-consensual sexual activity on the basis of special care relationships.

An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of sexual offence.

3. Process for reporting of reportable conduct allegations or convictions

3.1 Staff members

Any concerns about any other employee engaging in conduct that is considered inappropriate, or reportable conduct, or any allegation of inappropriate or reportable conduct made to the employee or about the employee themselves must be reported to the College Director or Principal. Where it is uncertain if the conduct is reportable conduct but is considered inappropriate behaviour this must also be reported.

Staff members must also report to the College Director or Principal when they 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 the employee themselves. If the allegation involved the Principal, the staff member must report to the College Director. If the allegation involved the College Director, the staff member should report to the Chairperson of the School Board. Director. You can obtain contact details of the School Board from the Business Manager.

3.2 Parents, carers and community members

Parents, carers and community members are encouraged to report any conduct that is in their view inappropriate, reportable or criminal conduct to the College Director or Principal. All such reports will be dealt with in accordance with this Policy or the School's complaint handling procedures.

3.3 The School

The College Director or the Principal, as the Head of Entity under the Children's Guardian Act 2019 must:

- ensure specified systems are in place for preventing, detecting and responding to reportable allegations or convictions;
- submit a 7 day notification form to the Office of Children's Guardian within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity (unless the College Director or the Principal has a reasonable excuse)

The notification should include the following information:

- (a) that a report has been received in relation to an employee of the School,
- (b) the type of reportable conduct,
- (c) the name of the employee,
- (d) the name and contact details of School and the College Director or the Principal,
- (e) for a reportable allegation, whether it has been reported to Police,

- (f) if a report has been made to the Child Protection Helpline, that a report has been made,
- (g) the nature of the relevant entity's initial risk assessment and risk management action.

The notice must also include the following, if known to the College Director or the Principal:

- (a) details of the reportable allegations or conviction considered to be a reportable conviction,
 - (b) the date of birth and working with children number, if any, of the employee the subject of the report,
 - (c) the Police report reference number (if Police were notified),
 - (d) the report reference number if reported to the Child Protection Helpline,
 - (e) the names of the other relevant entities that employ or engage the employee, whether or not directly, to provide a service to children, including as a volunteer or contractor.
- Maximum penalty for failure to notify within 7 business days – 10 penalty units.

4. What happens when an allegation of reportable conduct is made?

4.1 Initial steps

Once an allegation of reportable conduct against an employee is received, the College Director or the Principal is required to:

- (a) determine on face value whether it is an allegation of reportable conduct;
- (b) assess whether the DCJ 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);
- (c) notify the child's parents (unless to do so would be likely to compromise the investigation or any investigation by DCJ or the Police);
- (d) notify the Office of Children's Guardian within seven days of receiving the allegation;
- (e) carry out a risk assessment and take action to reduce/remove risk, where appropriate;
- (f) investigate the allegation or appoint a suitably trained person to investigate the allegation (unless to do so would be likely to compromise any investigation by DCJ or the Police).

4.2 Investigation principles

The School will:

- (a) be mindful of the principles of procedural fairness. In this regard, it is advised that CCER is contacted and if deemed necessary, an external investigator is contracted by the School to conduct the investigation ;
- (b) 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 allegations;

- (c) make reasonable enquiries or investigations before making a decision and take advice as appropriate from external sources;
- (d) avoid conflicts of interest;
- (e) conduct the investigation without unjustifiable delay;
- (f) handle the matter as confidentially as possible;
- (g) provide appropriate support for all parties including the child/children including counselling, witnesses and the PSOA including EAP assistance.

4.3 Investigation steps

- (a) In an investigation the Principal or appointed investigator will generally:
 - (i) interview relevant witnesses and gather relevant documentation;
 - (ii) provide a letter of allegation to the PSOA;
 - (iii) provide the PSOA with the opportunity to provide a response to the allegations either in writing or at Interview;
 - (iv) consider relevant evidence and make a preliminary finding in accordance with the Office of Children's Guardian guidelines;
 - (v) inform the PSOA of the preliminary finding in writing by the Principal and provide them with a further opportunity to respond or make a further submission prior to the matter moving to final findings;
 - (vi) consider any response provided by the PSOA;
 - (vii) make a final finding in accordance with the Office of Children's Guardian Guidelines; (viii) decide on the disciplinary action, if any, to be taken against the PSOA;
 - (ix) if it is completed, send the final report to the Office of Children's Guardian within 30 days after having received the allegation, as per section 36 of the Children's Guardian Act 2019;
 - (x) should the final report be unfinished within 30 days, the College Director or the Principal must provide, at minimum, an interim report to the Office of Children's Guardian within 30 days of having received the allegation, as per section 38 of the Children's Guardian Act 2019.

Submission of an interim report must include:

- (a) a reason for not providing the final report within 30 days and an estimate time frame for completion of the report; specific information, including (if known), the facts and circumstances of the reportable allegation; any known information about a reportable conviction; action taken since the Office of Children's Guardian received a notification about the reportable allegation or reportable conviction; further action the College Director or the Principal proposes to take in relation to the reportable allegation or reportable conviction; including if the College Director or the Principal proposes to take no further action; the reasons for the action taken and the action

proposed to be taken or the reasons for the decision to take no further action; other information prescribed by the regulations; and be accompanied by copies of documents in the School's possession, including transcripts of interviews and copies of evidence.

(b) The steps outlined above may need to be varied on occasion to meet particular circumstances. For example it may be necessary to take different steps where the matter is also being investigated by the DCJ or Police.

(c) 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.

5. Risk management

(a) 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.

(b) The College Director or the Principal is responsible for risk management throughout the investigation and will assess risk at the beginning of the investigation, during and at the end of the investigation.

5.1 Initial risk assessment

(a) One of the first steps following an allegation of reportable conduct against an employee is for College Director or the Principal to conduct a risk assessment. It is advised that CCER is consulted and/or the OCG and its template for risk assessment used. The purpose of this initial risk assessment is to identify and minimise the risks to:

- (i) the child(ren) who are the subject of the allegation;
- (ii) other children with whom the employee may have contact;
- (iii) the PSOA;
- (iv) the School,
- (v) the proper investigation of the allegation.

(b) The factors which will be considered during the risk assessment include:

- (i) the nature and seriousness of the allegations;
- (ii) the vulnerability of the child(ren) the PSOA has contact with at work;
- (iii) the nature of the position occupied by the PSOA;
- (iv) the level of supervision of the PSOA;
- (v) the disciplinary history or safety of the PSOA and possible risks to the investigation.

(c) The College Director or 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, the School will take into consideration both the needs of the child(ren) and the PSOA.

(d) Please 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. EAP assistance should also be offered to the PSOA.

5.2 Ongoing Risk Management

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

5.3 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 College Director or the Principal regarding what action, if any, is required in relation to the PSOA, the child(ren) involved and any other parties. It is advised that CCER is contacted and the matter discussed with them as part of the finalisation.

6. What information will be provided to the PSOA?

(a) The PSOA will be advised:

- (i) that an allegation has been made against them (at the appropriate time in the investigation);
- (ii) of the substance of the allegation or of any preliminary finding and any final finding.

(b) The PSOA does not automatically have the right to:

- (i) know or have confirmed the identity of the person who made the allegation;
- (ii) be shown the content of the Office of Children's Guardian notification form or other investigation material that reveals all information provided by other employees or witnesses.

(c) Section 46 of the WWC Act enables a person who has a sustained finding referred to the Office of Children's Guardian under that Act to request access to the records held by the School in relation to a finding in accordance with the terms of that section. (see Part D section 3.5).

7. Disciplinary Action

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

(b) In relation to any disciplinary action the School will:

- (i) give the PSOA details of the proposed disciplinary action;
- (ii) give the PSOA a reasonable opportunity to respond before a final decision is made.

8. Confidentiality

- (a) It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible.
- (b) The School requires that all parties maintain confidentiality during the investigation including in relation to the handling and storing of documents and records.
- (c) Records about allegations of reportable conduct against employees will be kept in a secure area and will be accessible by the College Director or the Principal with express authority.
- (d) No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the College Director or the Principal to do so.
- (e) If you become aware of a breach of confidentiality in relation to a reportable conduct allegation you must advise the College Director or the Principal.

PART C: The Crimes Act 1900

1. Criminal offences

In 2018 the Crimes Act was amended to adopt recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse*. The new offences are designed to prevent child abuse and to bring abuse that has already occurred to the attention of the Police.

1.1 Failure to protect offence

An adult working in a school will commit an offence if they know another adult working there poses a serious risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.

This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to known and serious risk, rather than using their power to protect children.

1.2 Failure to report offence

Any adult will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to Police, without a reasonable excuse. A reasonable excuse would include where the adult has reported the matter to the College Director or the Principal and is aware that the College Director or the Principal has reported the matter to the Police.

PART D: WWC Act

1. General

- (a) 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.

(b) It is the responsibility of the Principal to ensure that when a staff member (including contractor, volunteer, casual coach etc) eligible to apply for a Check or when their Check is up for renewal, that they do so.

(c) The School's position is that all staff and eligible volunteers and eligible contractors who work at the School are child-related workers and must have a Check.

(d) All staff and eligible volunteers and eligible contractors must have their Check verified by the School. That verification step registers the School's interest as an employer of that staff member with the OCG. It will result in the School being advised by the OCG of matters reported to the OCG warranting a risk assessment by the OCG or the School in respect to that staff member.

(e) The Principal arranges for the verification of staff as part of their appointment process. This is done by the Business Manager, the verification kept on file and the WWCC register maintained.

2. Responsibilities

(a) The object of the WWC Act is to protect children:

(i) by not permitting certain persons to engage in child-related work;

(ii) by requiring persons engaged in child-related work to have working with children check clearances.

(b) The **School** is required to:

(i) verify online and record the status of each child-related worker's Check. In addition the verification document should be kept on file;

(ii) only employ or engage child-related workers, eligible volunteers and contractors who have a valid Check;

(iii) report findings of misconduct involving children made against child-related workers, volunteers and contractors.

(c) **Child-related workers and eligible volunteers and contractors** are required to:

(i) hold and maintain a valid Check;

(ii) not engage in child-related work at any time that they are subjected to an interim bar or a bar;

(iii) report to the College Director or 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.

(d) All **volunteers** are required to:

- (i) have a Check where required by the College Director or the Principal in view of the nature of their voluntary activity that is likely to involve contact with children;
- (ii) to be aware and follow the expectations of conduct expressed in any Professional Code of Conduct that will be shared with them by the College Director or the Principal.

3. Relevant Definitions

3.1 Bars

(a) 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.

(b) Interim bar

(i) 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 New South Wales Civil and Administrative Decisions Tribunal.

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

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

3.2 Child-related work

Child-related work includes, but is not limited to work in the following sectors:

- (a) early education and child care including education and care service, child care centres and other child care;
- (b) education schools and other educational institutions and private coaching or tuition of children;
- (c) religious services;
- (d) residential services including boarding schools, homestays more than three weeks, residential services and overnight camps;
- (e) transport services for children including school bus services, taxi services for children with disability and supervision of school road crossings.

3.3 Child-related worker

(a) A person who has physical contact or face to face contact with children in work outlined above in 3.2, including schools. This may include volunteer work.

A child-related worker at the School may only commence work once they have completed the Check and it has been verified by the School.

3.4 Disqualified person

- (a) 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.
- (b) A disqualified person is a person who has a bar preventing them from working with children in child-related work.
- (c) 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 interim bar.
- (d) It is an offence for an employee to engage in child-related work when they do not hold a Check or has a bar or an interim bar.

3.5 Findings of misconduct involving children

- (a) The 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:
 - (i) sexual misconduct committed against, with or in the presence of a child
 - (ii) grooming of a child or another sexual offence; or
 - (iii) any serious physical assault of a child.
- (b) The School will advise the person that the OCG has been notified of a finding.
- (c) 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 the School in relation to the finding.

3.6 Reporting body

- (a) The School is a reporting body for the purposes of the WWC Act.
- (b) Section 35 of the WWC Act requires the School to notify the OCG of findings of misconduct involving children made against a child-related worker. The School may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act.

3.7 Risk assessment

- (a) Risk assessment is an evaluation of an individual's suitability for child-related work.
- (b) The OCG will conduct a risk assessment on a person's suitability to work with children when a new record is received which triggers a risk assessment. This may include an offence under Schedule 1 of the Act, pattern of behaviour or offences involving violence or sexual misconduct representing a risk to children, findings of misconduct involving children or notification made to OCG by another authority.

3.8 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 by Services NSW which is to be provided to the School (Business Manager) during their engagement process along with the employee's date of birth to **VERIFY** the status of an employee's Check.

PART E: Guidelines For Assisting A Child Or Young Person Who Has Disclosed Abuse

1. General

When a student discloses abuse a staff member must be prepared to listen and respond appropriately. Children generally disclose with great hesitation and often with a mix of intense emotions, including fear, embarrassment and guilt. Sometimes they may only hint at or tell a small part of their experience to see how the staff member reacts, before fully disclosing. It is essential that the staff member remains calm and supportive of the student and escalates the report promptly.

2. How to respond to a child disclosing abuse

If a student discloses that they have been subject to abuse a staff member should:

- (a) listen in a calm way;
- (b) thank the student for making the disclosure to you;
- (c) acknowledge that the disclosure was a difficult step for the student to take;
- (d) inform the student of the next steps you will take to assist them. This will include telling them that you have a responsibility to inform the College Director or Principal.

PART F: Training

1. Training

1.1 The School

The Principal will ensure all staff members are provided with a copy of this Policy and will arrange and require all staff members to participate in child protection training annually. That training may be face to face or via an online module at a time to be notified to staff. Satisfactory participation will be recorded on staff files as evidenced by attendance records.

1.2 Staff members

All new staff members must read this Policy and sign the acknowledgement that they have read and understood the Policy.

All staff members must participate in annual child protection training and any additional training, as directed by the College Director or the Principal. The training complements this Policy and provides information to staff about their legal responsibilities related to child protection and School expectations, including:

- mandatory reporting
- reportable conduct

- working with children checks
- professional boundaries
- staff code of conduct.

1.3 Governance and Board members

As part of Child Safe Standard 1, all Board members are required to complete Child Protection training annually as part of their mandatory School Governance training hours. This training is recorded in the register for Governance Training.

Acknowledgement

I _____ have read, understood and agree to comply with the terms of this Child Protection Policy.

Signed

Dated

Person Responsible for Policy: Principal, Alexander Sumpter (sumptera001@spic.nsw.edu.au)

Date of Policy: 1st November 2025

Proposed Review Date: January 2027

References

NSW Department of Communities and Justice

<https://www.dcj.nsw.gov.au>

The Office of the Children's Guardian

<https://www.kidsguardian.nsw.gov.au>

Department of Premier and Cabinet – Keep Them Safe

www.keepthemsafe.nsw.gov.au

ⁱ Further information at Part 2 Division 1 Section 6 Child Protection (Working With Children) Act 2012 found at <http://www.legislation.nsw.gov.au/maintop/view/inforce/act+51+2012+cd+0+N>

ⁱⁱ Further details of obligations of employers can be found in the *Information for Employers* guidelines and/or *Information for reporting bodies* factsheet developed by the OCG found at www.kids.nsw.gov.au

Version Table	
Version	Date
1.0	January 2021
1.1	December 2024
1.2	November 2025
1.3	January 2027

