



# SAINT DOMINIC SAVIO SCHOOL

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## 2019 CHILD PROTECTION POLICY & PROCEDURES

### General

The safety, protection and well-being of all students is of fundamental importance to St Dominic Savio School.

All employees at St Dominic Savio School have a range of different obligations relating to the safety, protection and welfare of students including:

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

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 policy, where there is a reference to an employee it includes all of these persons.

The purpose of this policy is to summarise the obligations imposed by child protection legislation on the school and on employees and to provide guidelines as to how the school will deal with certain matters. Child protection is a community responsibility.

### Key legislation

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

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

Each is dealt with below.

All employees are informed annually of their legal responsibilities in relation to child protection, mandatory reporting and other relevant school expectations as detailed below:

1. All employees are required to read the St Dominic Savio School Child Protection Policy each school year by the end of Term 1 and sign the acknowledgement page at the end of the policy.

The signed acknowledgment for each employee is maintained by the School Bursar in a Child Protection file, which is kept in the School Bursar's office. The School Bursar is responsible for ensuring that all employees have read the school's Child Protection Policy and have signed the acknowledgement page within the required timeframe.

Any employees who fail to do so are contacted by email by the School Bursar and instructed to sign and submit their acknowledgement as soon as possible.

2. All employees who have direct contact with students are required to complete training in relation to Child Protection and mandatory reporting on an annual basis, which is organised by the School Bursar.

The training includes online training and face to face training provided by the Association of Independent Schools (AIS). The training alternates each year and may be online training, face to face training or a combination of the two. The type of training is determined by the School Bursar in consultation with the School Principal. All employees who complete online training are required to submit their Certificate of Participation to the School Bursar and a copy of this certificate is maintained in the Child Protection file located in the School Bursar's office.

The School Bursar is responsible for following up any outstanding certificates. For face to face training, all employees in attendance are required to sign a 'sign on sheet', which is maintained by the School Bursar in the Child Protection file together with their Certificate of Participation if applicable. Any employees who are absent for face to face training are required to complete additional online training which is organised by the School Bursar.

3. New employees are required to read the school's Child Protection Policy and sign the acknowledgement page as evidence that they have done so. The signed acknowledgment page is maintained by the School Bursar in the Child Protection File. New employees are also required to complete online training in Child Protection provided by the AIS as part of their induction process. Once completed they are required to provide their Certificate of Participation to the School Bursar who retains a copy of the certificate in the Child Protection file.

### **An employee's obligations to report**

While we set out below circumstances in which the legislation requires reporting of particular child protection issues, the school requires employees to report any concern they may have about the safety, welfare or wellbeing of a child or young person to the Principal.

If the allegation involves the Principal, employees are required to report to the Chairman of the school board. This obligation is part of the school's overall commitment to the safety, welfare and well-being of children.

### **Other policies**

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

- a) the Code of Conduct which sets out information about the standards of behaviour expected of all employees, contractors and volunteers of the School;
- b) the Work Health and Safety Statement which summarises the obligations imposed by work health and safety legislation on the school and workers.

The school's Code of Conduct and Work Health and Safety Statement can be found in the St Dominic Savio School Policies and Procedures Manual.

## **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 well-being of a student must be reported to the Principal.

### **1. Who is a mandatory reporter?**

Under the Care and Protection Act mandatory reporters are persons who:

- a) In the course of their employment, deliver services including health care, welfare, education, children's services and residential services, to children; or
- b) Hold a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services including health care, welfare, education, children's services and residential services, to children.

All teachers are mandatory reporters. Other school staff, including volunteers, who have direct contact with students and deliver health, welfare or education services to the students are also mandatory reporters. If a staff member is not sure whether they are a mandatory reporter, they should speak to the Principal.

### **2. When must a report be made to Community Services?**

#### **2.1 What is the threshold?**

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 Community Services as soon as practicable the name or a description of the child and the grounds for suspecting that the child is at risk of significant harm.

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

#### **2.2 Reasonable grounds**

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

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

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

#### **2.3 Significant harm**

A child or young person is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- a) The child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,

- b) The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- c) in the case of a child or young person who is required to attend school in accordance with the Education Act 1990 —the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,
- d) The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- e) The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
- f) A parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
- a) 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**

### **Policy definition of significant harm**

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

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

What is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well-being.

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.

The significance can result from a single act or omission or an accumulation of these.

A Child is a person under the age of 16 years for the purposes of the Care and Protection Act.

### **Child abuse and neglect**

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

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

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

Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punish a child (in a non-trivial way) is a crime.

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

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

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

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

**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.

**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 an employee do if they consider that a mandatory report is required?***

Reporting by the school about these matters to Community Services and, where necessary, the police, is generally undertaken by the Principal. This is in accordance with best practice principles and is the expectation of the school.

If an employee has a concern that a child or young person is at risk of significant harm, they should notify the 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.

However, if there is an immediate danger to the child or young person and the Principal is not contactable, they should speak to the Police and/or the Child Protection Helpline directly and then advise the Principal as soon as possible.

They are not required to, and must not undertake any investigation of the matter themselves.

They are not to inform the parents or caregivers that a report to Community Services has been made.

They are required to deal with the matter confidentially and only disclose it to the persons referred to above or as required to comply with their mandatory reporting obligations. Failure to maintain confidentiality will not only be a breach of this policy, but could expose the employee to potential civil proceedings for defamation.

### ***4. What should an employee do if they have a concern that is below the mandatory reporting threshold?***

While the Care and Protection Act outlines a mandatory reporter's obligation to report to Community Services, as a staff member of St Dominic Savio School, any concern regarding the safety, welfare and wellbeing of a student must be reported to the Principal.

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

## **PART B: The Ombudsman Act**

### **1. Responsibilities**

#### **1.1 General**

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

#### **1.2 The Ombudsman**

The Ombudsman:

- 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); and
- f) May undertake 'own motion' investigations of non-government schools where the Ombudsman considers it appropriate to do so, including where there is evidence of systemic failure or serious conflict of interests.

#### **1.3 Head of Agency**

The Head of Agency is the Principal of St Dominic Savio School.

Under the Ombudsman Act the Head of Agency must:

- a) Set up systems within their organisation to ensure that they are advised of any allegations of reportable conduct against employees;
- b) Notify the Ombudsman as soon as possible and no later than thirty days after being made aware of an allegation;
- c) Notify the Ombudsman whether or not the school plans to take disciplinary or other action in relation to an employee who is the subject of a reportable allegation or conviction, and the reasons for taking or not taking any such action as soon as practicable; and
- d) Provide the Ombudsman with any documentary and other information as the Ombudsman may from time to time request to assist in the monitoring of an investigation.

## **1.4 An employee's obligations to report**

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

They must also report to the Principal if 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 them.

If the allegation involves the Principal, they are required to report to the school board.

## **1.5 Contact for parents or carers**

The Principal is the contact point for parents or carers if they wish to report an allegation of reportable conduct against an employee. Any parent or carer who wishes to report an allegation should abide by the school's Complaints and Grievances Policy which can be found in the School's Policy and Procedures Manual. All allegations made are handled by the School Principal in accordance with this policy. As stated in the School Handbook, a copy of the school's Policies and Procedures manual is available from the School Principal upon request.

## **2. What is reportable conduct?**

### **2.1 Definition of reportable conduct**

Reportable conduct is defined as:

- a) Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material);
- b) Any assault, ill-treatment or neglect of a child; and
- c) Any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to:

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

### **2.2 Other relevant definitions**

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

**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.

**Child** is a person under the age of 18 years for the purposes of the Ombudsman Act.

Ill-treatment captures those circumstances where a person treats a child in an obviously or very clearly improper 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 or inappropriate manner; 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 care responsibility towards a child. The nature of the employee's responsibilities provides the context against which the conduct needs to be assessed.

1. Supervisory neglect:

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

2. 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.

3. 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.

4. Reckless act (or failure to act):

- A reckless act, or failure to act, that:
  - Involves a gross breach of professional standards, and
  - Has the potential to result in the death or significant harm to a child.

**Physical Assault** is any act by which a person intentionally inflicts unjustified use of physical force against another. An assault can also occur if a person causes another person to reasonably 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'.

'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.

**PSOA** is a 'person subject to the allegation'.



**Sexual Misconduct** has two categories which include:

- |    |  |
|----|--|
| 10 | crossing professional boundaries, and                          |
| 11 | sexually explicit comments and other overtly sexual behaviour. |

The alleged conduct must have been committed against, with or in the presence of a child.

**Crossing professional boundaries**

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

- relationship with;
- conduct towards; or
- focus on;

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

The Code of conduct that outlines the nature of the professional boundaries which should exist between employees and children/young people can be particularly useful. For employees who either intentionally breach such codes or have demonstrated an inability to apply them appropriately, it may be necessary to provide more detailed written advice about what constitutes appropriate behaviour. The Code of Conduct can be found in the St Dominic Savio School Policies and Procedures Manual.

**Sexually explicit comments and other overtly sexual behaviour**

This is 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
- d) Sexual exhibitionism
- e) Personal correspondence (including electronic communications such as e-mails and text messages) with a child or young person in relation to the adult's sexual feelings for a child or young person
- f) Exposure of children and young people to sexual behaviour of others including display of pornography
- g) Watching children undress. For example, in change rooms or toilets when supervision is not required or justified.

**Sexual 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:

- a) indecent assault
- b) sexual assault
- c) aggravated sexual assault
- d) sexual intercourse and attempted sexual intercourse
- e) possession/ dissemination/ production of child pornography or child abuse material
- f) using children to produce pornography
- g) grooming or procuring children under the age of 16 years for unlawful sexual activity
- h) deemed non-consensual sexual activity on the basis of special care relationships

### **3. What happens when an allegation of reportable conduct is made?**

#### **3.1 Initial steps**

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

- a) Determine on face value whether it is an allegation of reportable conduct;
- b) Assess whether Community Services or the Police need to be notified (ie, 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 Community Services or the Police);
- d) Notify the Ombudsman within 30 days of receiving the allegation;
- e) Carry out a risk assessment and take action to reduce/remove risk, where appropriate; and
- f) Investigate the allegation or appoint someone to investigate the allegation.

#### **3.2 Investigation principles**

St Dominic Savio School will:

- a) Be mindful of the principles of procedural fairness;
- 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;
- d) Avoid conflicts of interest;
- e) Conduct the investigation without unjustifiable delay;
- f) Handle the matter as confidentially as possible; and
- g) Provide appropriate support for all parties including the child/children, witnesses and the PSOA.

#### **Investigation steps**

In an investigation the Principal or appointed investigator will generally:

- a) Interview relevant witnesses and gather relevant documentation;
- b) Provide a letter of allegation to the PSOA;
- c) Interview the PSOA;
- d) Consider relevant evidence and make a preliminary finding in accordance with the NSW Ombudsman guidelines;
- e) Inform the PSOA of the preliminary finding and provide them with an opportunity to respond;
- f) Consider any response provided by the PSOA;
- g) Make a final finding in accordance with the NSW Ombudsman Guidelines;
- h) Decide on the disciplinary action, if any, to be taken against the PSOA;
- i) Apply the NSW Commission for Children and Young People (CCYP) Guidelines and decide if the matter is reportable to CCYP; and
- j) Send the final report to the Ombudsman and report to the CCYP (where required).

The steps followed in the investigation process will be guided by the "Recommended Protocols for Internal Investigative and Disciplinary Proceedings, 2001" (IEU/AIS) as updated from time to time.

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 Community Services or the NSW Police.

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.

#### **4. Risk management**

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

The Head of Agency 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.

##### **4.1 Initial risk assessment**

One of the first steps following an allegation of reportable conduct against an employee is for the Principal to conduct a risk assessment. The purpose of this initial risk assessment is to identify and minimise the risks to:

- a) The child(ren) who are the subject of the allegation;
- b) Other children with whom the employee may have contact;
- c) The PSOA;
- d) The School, and
- e) The proper investigation of the allegation.

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

- a) The nature and seriousness of the allegations;
- b) The vulnerability of the child(ren) the PSOA has contact with at work;
- c) The nature of the position occupied by the PSOA;
- d) The level of supervision of the PSOA; and
- e) The disciplinary history or safety of the PSOA and possible risks to the investigation.

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.

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.

##### **4.2 Ongoing Risk Management**

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

##### **4.3 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 Principal regarding what action, if any, is required in relation to the PSOA, the child(ren) involved and any other parties.

## **5. What information will be provided to the PSOA?**

The PSOA will be advised:

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

The PSOA does not automatically have the right to:

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

Under the CCYP Act once the 'relevant employment proceedings' have been completed a PSOA can seek access to the records held by the school on their 'relevant employment proceedings'.

## **6. Disciplinary Action**

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

In relation to any disciplinary action the school will:

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

## **7. Confidentiality**

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

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

Records about allegations of reportable conduct against employees will be kept in a secure area and will be accessible by the Principal or with the Principal's express authority.

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

If an employee becomes aware of a breach of confidentiality in relation to a reportable conduct allegation they must advise the Principal.

## **PART C: WWC Act**

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 all employees and volunteers at St. Dominic Savio School. It involves a national criminal history check and review of reported workplace misconduct findings. The result of a Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring by the OCG, and any relevant new records which appear against a cleared applicant's name may lead to the Check being revoked.

It is the responsibility of school employees, including volunteers to ensure that when they are eligible to apply for a Check or when their Check is up for renewal that they do so. They will

be issued with a number which is must be provided to St Dominic Savio School to verify the status of a staff member's or volunteer's Check.

### **Procedures**

It is the responsibility of the school Bursar to:

- a) Verify online and record the status of each employee's or volunteer's Check, including new employees;
- b) Only employ staff members or volunteers who have a valid Check; and
- c) Report findings of misconduct involving children made against staff members or volunteers.

Employees and volunteers at St Dominic Savio School are required to:

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

The school Bursar maintains a computerised spreadsheet of the details of all employee and volunteer checks which includes the WWC number, date of verification and expiry date. Hard copies of the notification of clearance for each employee and volunteer is also maintained in the School Bursar's office and kept for a minimum of seven years.

The school Bursar regularly reviews the spreadsheet for completeness and to identify any employees who may need a new Check. Employees, including volunteers who require a new Check are informed by the School Bursar by email and instructed to apply for a new Check and provide the new Check number to the Bursar. The Check number is then verified online by the school Bursar on the NSW Office of the Children's Guardian website and the spreadsheet is updated accordingly.

### **Disqualified person**

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

It is an offence for St Dominic Savio School to knowingly engage a child-related worker when they do not hold a Check or who has a bar or an interim bar.

It is an offence for an employee or volunteer to be employed at St Dominic Savio School when they do not hold a Check or have a bar or an interim bar.

### **Findings of misconduct involving children**

St Dominic Savio School will report to the OCG when a finding has been made that an employee of the school subject to the finding engaged in:

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

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

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

Section 35 of the WWC Act requires St Dominic Savio School to notify the OCG findings of misconduct involving children made against an employee or volunteer. The school may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act.

**Risk assessment**

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, 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 the Ombudsman.

**ACKNOWLEDGEMENT**

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

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Dated