

Lane Cove West Public School P&C Association

Child Safe Policy and Procedures

Document History

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Table of Contents

| | |
|--|----|
| Introduction..... | 3 |
| Purpose..... | 3 |
| Scope..... | 3 |
| Child Safe Policy..... | 4 |
| Child Safe Procedures..... | 4 |
| Risk management | 4 |
| Complaints management and reporting..... | 4 |
| Recruitment..... | 5 |
| Working With Children Check..... | 5 |
| Guiding References..... | 6 |
| Appendix 1 – Definitions..... | 7 |
| Appendix 2 – Complaints Procedure..... | 11 |
| Appendix 3 – Reporting Form..... | 14 |
| Appendix 4 – General Code of Conduct..... | 17 |
| Appendix 5 – Risk Management Process | 20 |
| Appendix 6 – Working with Children Check | 21 |

Child Safe Policy

1. Introduction

- 1.1. Lane Cove West Public School P&C Association (the P&C) aims to support the pupils of our school by promoting cooperation between parents, citizens, students and teaching staff, and by providing resources to the school to improve the education and recreational experience of students.
- 1.2. The P & C provides child related services including:
 - 1.2.1. Uniform shop
 - 1.2.2. Band program
 - 1.2.3. Chess club
 - 1.2.4. Fundraising events
- 1.3. This Child Safe Policy and Procedure was written in consultation with Child Safeguard.

2. Purpose

This policy is designed to:

- 2.1. Demonstrate the strong commitment of the P&C to child safety, and to establish and maintain a child safe culture.
- 2.2. Ensure that the P&C meets its responsibilities for the safety, welfare and well-being of children.
- 2.3. Provide guidance to all staff and volunteers in appropriate conduct with children.
- 2.4. Provide clear procedures to staff, students, and parents/guardians related to:
 - 2.4.1. Child safe Risk Management
 - 2.4.2. Child safe Complaints Management and Reporting
 - 2.4.3. Child Safe Recruitment.

3. Scope

This policy applies to all stakeholders engaging in P & C activities, including but not limited to:

- 3.1. P & C Executive office bearers
- 3.2. P & C Sub-committee personnel
- 3.3. Students
- 3.4. Volunteers
- 3.5. Parents and guardians
- 3.6. Visitors
- 3.7. Employees, tutors

- 3.8. Contractors and sub-contracted staff
- 3.9. Lane Cove West Public School staff.

4. Child Safe Policy

- 4.1. **Child Safe culture** – The P&C is committed to promoting a culture of safety, welfare and well-being for children.
- 4.2. **Children’s participation** – The P&C supports the active participation of children in the programs, activities and services provided. Children have a right to:
 - 4.2.1. Be actively listened to,
 - 4.2.2. Be supported to express their views,
 - 4.2.3. Have their views taken into account and recorded,
 - 4.2.4. Be involved in decision making processes.
- 4.3. **Child Safe awareness** – The P&C is committed to:
 - 4.3.1. Providing all staff and committee members with a copy of the Child Safe Policy and Procedures.
- 4.4. **Child Safe Officer**
 - 4.4.1. The P & C will appoint Child Safe Officers. The role of the Child Safe Officer includes the following:
 - 4.4.1.1. Receive allegations, disclosures or suspicions of child abuse,
 - 4.4.1.2. Perform and/or oversee the internal complaints handling process,
 - 4.4.1.3. Direct children, families, and complainants to support services as appropriate,
 - 4.4.1.4. Maintain a complaints register.

5. Child Safe Procedures

- 5.1. **Risk Management** – The P&C follows a Risk Management Process that implements strategies to minimise and control risks to children and young people.
 - 5.1.1. The P&C’s risk management process identifies, analyses and evaluates risks, and develops interventions.
 - 5.1.2. The P&C uses the risk management template provided by the NSW P&C Federation.
 - 5.1.3. In general, the P&C aims to avoid situations where a volunteer, contractor or employee is alone with a child or children, out of sight of other adults. Where such avoidance is impractical (e.g. band tutoring), guidelines will be set to reduce the risk to children (e.g. open blinds, open doors).

- 5.2. **Complaints Management and Reporting** – All stakeholders should:
- 5.2.1. Report any concerns about the safety or welfare of a child or young person in accordance with the Complaints Procedure.
 - 5.2.2. Be confident that Complaints will be dealt with honestly and fairly.

Appendices 2 & 3.

- 5.3. **Recruitment** – The P&C undertakes the following child safe procedures for the following people:

- 5.3.1. **Employees** – All employees must have a working with children check clearance, and the P&C must carry out a reference check.
- 5.3.2. **Contractors** – All contractors expected to interact with children must have a working with children check clearance.
- 5.3.3. **Volunteers** – Parent volunteers may be required to complete a Working With Children Check declaration, if interacting directly with children, consistent with the requirements of the NSW Department of Education Working With Children Check Policy. A list of parents with completed declarations is maintained by the school.
- 5.3.4. **Working With Children Checks** - Employees and contractors must apply for a Working with Children Check clearance prior to working with the P&C. **Exemptions include:**
 - 5.3.4.1. Children (under 18)
 - 5.3.4.2. Close relatives volunteering with the own child's class.
 - 5.3.4.3. Very short term work (less than 5 days a year of supervised work)
 - 5.3.4.4. Workers with an interstate WWCC, (no more than 30 days a year). **Refer to Appendix 4.**

6. Guiding References

In developing the **Child Safe Policy and Procedures**, consideration has been given to the following:

Legislation/Convention

UN Convention on the Rights of the Child

The Child Protection (Working with Children) Act 2012

The Child Protection (Working with Children) Regulation 2013

Children and Young Persons (Care & Protection) Act 1998

Commission for Children and Young People Act 1998

Children and Young Persons (Care and Protection)(Child Employment)

Regulation 2015

Education Act 1990

Guiding Documents/References

NSW Department of Education, Schools policies and procedures.

P & C Federation sample policies.

National Framework for Creating Safe Environments for Children: Organisations, Employees and Volunteers, 2005.

Australian Children's Commissioners and Guardians Submission, in response to Royal Commission into Institutional Responses to Child Sexual Abuse, Issues Paper 3 – Child Safe Institutions, 2013.

Understanding and supporting children and young people's participation – Advocate for Children and Young People, 2015.

Irenyi, M, Bromfield, L. & Higgins, G (2006), Child Maltreatment in organisations: Risk factors and strategies for prevention (NCPC Issues No. 25), Melbourne: National Child Protection Clearinghouse, Australian Institute of Family Studies.

Irenyi, M (2007), Responding to children and young people's disclosures of abuse, Australian Family Relationships Clearinghouse, Australian Institute of Family Studies.

The Office of Children's Guardian resources.

The NSW Ombudsman's resources.

Appendix 1- Definitions

Allegation - Allegation means a statement or assertion that has yet to be substantiated or proven.

Bullying - Bullying is when people repeatedly and intentionally use words or actions against someone or a group of people to cause distress and risk to their wellbeing. These actions are usually done by people who have more influence or power over someone else, or who want to make someone else feel less powerful or helpless. Bullying is not the same as conflict between people (like having a fight) or disliking someone, even though people might bully each other because of conflict or dislike. The sort of repeated behaviour that can be considered bullying includes:

- Keeping someone out of a group (online or offline)
- Acting in an unpleasant way near or towards someone
- Giving nasty looks, making rude gestures, calling names, being rude and impolite, and constantly negative teasing.
- Spreading rumours or lies, or misrepresenting someone (i.e. using their Facebook account to post messages as if it were them)
- Mucking about that goes too far
- Harassing someone based on their race, sex, religion, gender or a disability
- Intentionally and repeatedly hurting someone physically
- Intentionally stalking someone
- Taking advantage of any power over someone else like a Prefect or a Student Representative¹.

Child - A child is defined as a person under the age of 16 years, *Children and Young Persons (Care and Protection) Act 1998*.

Child Abuse - Child abuse is commonly divided into five main subtypes:

1. physical abuse;
2. emotional maltreatment
3. neglect;
4. sexual abuse; and
5. exposure to family violence.²

Child abuse refers to any non-accidental behaviour by parents, caregivers, other adults or older adolescents that is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm to a child or young person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e., neglect) and commission.

¹ What is bullying?: Violence, Harassment and Bullying Fact sheet, Australian Human Rights Commission, <https://www.humanrights.gov.au/what-bullying-violence-harassment-and-bullying-fact-sheet>, accessed on 20 July 2016.

² What is child abuse and neglect? Child Family Resource Sheet 2015.

Child Protection - The measures taken to safeguard children from intentional and unintentional harm.

Code of Conduct - A set of rules outlining expectations and standards of appropriate types of behaviour for various stakeholders within an organisation (including staff, volunteers, parents, visitors and children).

Complaints Management - The systems and procedures in place to handle complaints.

Disclosure - A report or indication from another person that child abuse or grooming has occurred. A disclosure about abuse or neglect may be:

- Direct (a child tells another person, in words or in writing)
- Indirect (a child hints in words, writing or pictures)
- Third-party (a child or adult tells or hints of abuse or neglect to another child).

FACS - NSW Department of Family and Community Services,
<http://www.facs.nsw.gov.au/>

Grooming - Actions deliberately undertaken with the aim of engaging and influencing a child, staff and/or volunteers of the institution, or in some circumstances members of the child's family, for the purpose of sexual activity with a child.³

Grooming actions are designed to establish an emotional connection to lower the child's inhibitions. Inhibitions are lowered via the development of a relationship with the child, and increased opportunity to see the child. In this respect grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated.⁴

Grooming behaviours may include:

- persistent physical contact beginning non-sexually and escalating over time (tickling, wrestling)
- seeking to spend an unusual amount of time with a child, particularly outside any organised activity
- giving unusual gifts, trips or special favours
- sharing inappropriate personal information
- sharing indecent material or providing an intoxicating substance (an offence under the *Crimes Act 1990 (NSW)*).⁵

³ Royal Commission into Institutional Responses to Child Sexual Abuse, *Consultation Paper: Best practice principles in responding to complaints of child sexual abuse in institutional contexts*, Sydney, 2016, p 3.

⁴ As above.

⁵ Irenyi, M, Bromfield, L. & Higgins, G, *Child Maltreatment in organisations: Risk factors and strategies for prevention* (NCPC Issues No. 25), Melbourne: National Child Protection Clearinghouse, Australian Institute of Family Studies, (2006).

Mandatory Reporter – A mandatory reporter is:

1. A person who, in the course of his or her professional work or other paid employment, delivers health care, welfare, education, children's services, residential services or law enforcement, wholly or partly to children, and
2. A person who holds a management position in an organisation, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.⁶

Risk Management - The procedures and prevention strategies for minimising exposure to risks.

Risk of 'Significant harm' - If concerns exist for the safety, welfare or wellbeing of a child or young person, the child or young person will be deemed as being "at risk of significant harm", under s 23 of the *Children and Young Persons (Care and Protection) Act 1998*.

These indicators include:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- 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; 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,
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- 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,
- 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,
- the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Suspicion - a feeling or thought that a child is at risk of abuse or neglect.

Unacceptable behaviour - behaviour that is most likely to fall outside the definition for abuse and may not break any laws, but indicates a lack of understanding about

⁶ Sections 23 and 27 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW).

child safety and a poor understanding of acceptable behaviour. This behaviour is disrespectful to children and is age inappropriate. If left unchecked it has the potential to escalate to the legal definition of abuse or neglect.

Examples:

- swearing
- suggestive comments or jokes
- intrusive questions about a child's private life
- imposing or promoting personal beliefs, behaviours or practices that are incompatible with the P&C's policies
- use of a camera on premises without express permission
- ignoring bullying
- continual disregard for a child's physical space and boundaries
- behaviour that breaks the P&C's codes of conduct
- humiliating comments and behaviours.

Working With Children Check - A legal requirement in NSW for individuals engaging in child related work to undergo a national criminal history check and a review of findings of workplace misconduct to ensure such persons are fit and proper to work with children.

Young person - Under the *Children and Young Persons (Care and Protection) Act* 1998 a young person is a person aged 16 years or above but who is under the age of 18 years.

Appendix 2 - Complaints Procedure

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| <p>External Agency Reporting</p> | <p>Department of Family and Community Services (FACS)</p> <p>Anyone who suspects, on reasonable grounds, that a child or young person is at risk of being neglected or physically, sexually or emotionally abused, should report it to FACS. <u>Mandatory Reporters</u> must report it to FACS.</p> <p>Reasonable grounds is the standard to use in deciding whether or not to report to FACS. It does not mean that reporters are required to confirm their suspicions or provide solid proof before making a report.</p> <p>Reports can be made by phoning the Child Protection Helpline on 132 111 (TTY 1800 212 936) for the cost of a local call, 24 hours a day, 7 days a week. Privacy protections apply to all reporters.</p> <p>NSW Police</p> <p>Anyone who knows or believes that a serious indictable offence has been committed, and whose information might be of assistance to police in apprehending, prosecuting or convicting the offender, must make a report to NSW Police or other appropriate authority.</p> |
| <p>P&C Child Safe Officer(s)</p> | <ol style="list-style-type: none"> 1. Child Safe Officer – Tim Butcher 2. Child Safe Officer – TBA <p>The Child Safe Officer(s) will:</p> <ul style="list-style-type: none"> • perform and/or oversee the internal complaint handling procedure • manage communication with outside parties • direct the child, his/her family and the complainant to support services as appropriate • maintain a complaint register |
| <p>Internal P&C Reporting</p> | <p>Anyone who receives a complaint must report it to a Child Safe Officer. This includes:</p> <ul style="list-style-type: none"> • Allegations, disclosures or suspicion of abuse or harm to a child • Unacceptable behaviour around children • Suspicion of grooming. |
| <p>Making a complaint</p> | <p>A child or young person, and any <u>stakeholder</u> can make a complaint or raise a concern by:</p> <ul style="list-style-type: none"> • Face to face meeting • By email or phone to a Child Safe Officer • Reporting Form to a Child Safe Officer– Appendix 3 |

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| <p>Privacy & Confidentiality</p> | <p>Strict confidentiality will be maintained for all records and information relating to child protection matters. All child protection records will be maintained in secure and separate files, and access will be strictly controlled.</p> <p>Records will be maintained and disposed of in accordance with the <i>Privacy and Personal Information Protection Act 1998</i> and the <i>Privacy and Personal Information Protection Regulation 2005</i>.</p> |
| <p>Initial Risk Assessment</p> | <p>A Child Safe Officer will immediately conduct an initial risk assessment of the seriousness of the complaint and the safety of the complainant and any child concerned.</p> <p>Based on the details of the complaint, the initial assessment will:</p> <ol style="list-style-type: none"> 1. Be recorded in writing 2. Determine whether reporting to FACS is required 3. Determine whether reporting to police is required 4. Determine responsibility for an internal investigation (pending Police investigations and instructions) 5. Assess and monitor any ongoing risk to the child and their family, the complainant and any children participating in P&C services 6. Determine who should/should not be informed of the complaint (pending Police investigations and instructions). |
| <p>Investigation</p> | <p>According to the severity of the complaint, an internal investigation will be conducted by:</p> <ul style="list-style-type: none"> • The Child Safe Officer, • An investigator appointed by the P&C Executive, or • The employer of the person complained about <p><u>An appointed investigator must:</u></p> <ul style="list-style-type: none"> • Demonstrate impartiality and objectivity, • Be free from any conflict of interest, and • Possess the necessary training, skills and expertise for Child Protection complaints handling. <p><u>An appointed investigator may be:</u></p> <ul style="list-style-type: none"> • A P&C member • A school employee • An independent contractor |
| <p>Procedural Fairness</p> | <p>All participants in an investigation must be afforded procedural fairness. The alleged offender must be made aware of the allegations made against him/her in detail, and must be given an opportunity to respond.</p> |

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| Appeal process | Where a person disagrees with an outcome of a complaint they may lodge an appeal to the P&C Federation or refer the matter to FACS. |
| Review and analysis procedures | <ul style="list-style-type: none"> • Conduct review or root cause analysis • Recommend necessary changes to the complaints handling procedure • Report recommendations to the next P&C General Meeting, or convene a special meeting if required. |
| Alternative Pathways of Complaint | <p>If a complainant, child or young person, or their family are unsatisfied with the handling of the complaint, they can refer the matter to:</p> <ul style="list-style-type: none"> • P&C President • Lane Cove West Public School Principal • NSW Department of Education • P&C Federation • NSW Ombudsman |

Appendix 3 – Reporting Form

| | |
|--|--|
| Child Abuse | Please use this form to report: ● an allegation ● a disclosure ● a suspicion |
| Behaviour | Please use this form to report a complaint about unacceptable behaviour . |
| Please fill in any details relevant to your report. Reports may be made anonymously. | |
| Provide completed form to a Child Safe Officer | |

| | | |
|---|---|--|
| Date of Report: | | / / |
| Your name | | Phone |
| Email | | |
| Your role in the P&C | <input type="checkbox"/> Executive office bearer <input type="checkbox"/> Sub-committee personnel <input type="checkbox"/> Student <input type="checkbox"/> Volunteer <input type="checkbox"/> Parent or guardian <input type="checkbox"/> Visitor | <input type="checkbox"/> Employee <input type="checkbox"/> Contractor or sub-contracted staff <input type="checkbox"/> Lane Cove West Public School <input type="checkbox"/> Teacher <input type="checkbox"/> Other _____ _____ |
| Record details Include: <ul style="list-style-type: none"> • Date • Location • Details of the incident, allegation, disclosure or behaviour Attach additional pages if necessary. | | |

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| <p>Disclosure</p> <p>Record accurately what the child has said or done. You should not interview the child. Interviews will be carried out by FACS. Attach additional pages if necessary.</p> | |
| <p>Provide details of any witnesses</p> | |
| <p>Does your complaint indicate a child is at risk of significant harm?</p> <p>This includes physical, sexual or emotional abuse, and neglect.</p> | <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, you should report this on 132 111 (1800 212 936),</p> <p>Person spoken to at FACS: _____</p> <p>Date of report to FACS: ____/____/____</p> |
| <p>Have other agencies been contacted?</p> <p>eg. NSW Police.</p> | <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Agency: _____</p> <p>Person Spoken to: _____</p> <p>Date of contact ____/____/____</p> |
| <p>P&C to complete</p> | |
| <p>Initial Risk Assessment</p> | |
| <p>Detail the internal discipline process for unacceptable behaviour</p> | |
| <p>Follow up required</p> | |

Reporter

LCWPS P&C Association

Signed: _____

Signed: _____

Print name: _____

Print name: _____

Date: ____/____/____

Date: ____/____/____

Appendix 4 – Working With Children Check

Working with Children Checks (WWCC) contribute to creating a child-safe environment by protecting children and young people from adults who are deemed unsuitable for child related work by the Office of Children's Guardian.

Legislation

*Child Protection (Working With Children) Act 2012 (NSW);
Child Protection (Working With Children) Regulations 2013 (NSW);
Child Protection (Working With Children) Amendment (Miscellaneous) Regulation 2013 (NSW).*

Lane Cove West Public School P&C Association is registered with the Office of Children's Guardian and verifies the WWCC of all employees and volunteers in child-related roles, unless an exemption applies.

Child-related roles at the P&C

P & C staff

Contractors/Private tutors

Nominated Contacts for the Office of Children's Guardian

1. Tim Butcher
2. TBA

Exemptions

- Children (under 18)
- Close relatives volunteering with their own child's class
- Very short term work (less than 5 days a year of supervised work)
- Workers with an interstate WWCC, (no more than 30 days a year).

For a full list of exemptions:

<http://www.kidsguardian.nsw.gov.au/working-with-children/working-with-children-check/exemptions>

Barred Workers

Any current employee who becomes barred under the Working With Children Check will be immediately removed from child related work, regardless of paid or unpaid status, and whether their work is supervised or not. Barred employees will be dismissed from the P&C, or suspended pending any appeal.