MISSION

“To be a caring Christian community that supports families by providing a quality Christ-centred education which develops the whole person for life and eternity.”

1. INTRODUCTION & PURPOSE

This is Child Protection Policy for Toongabbie Christian School. This Child Protection Policy has been developed in line with the School’s Child Protection Code of Conduct. (see Appendix 1)

Before commencement of employment or engagement with the School, or as soon as practicable thereafter, all School Community Members shall ensure that they read, understand and sign the School’s Child Protection Code of Conduct.

This Policy is intended to:

- Guide staff, volunteers and students on how to behave with Students in the School.
- Clarify the parameters of appropriate and inappropriate conduct for staff and volunteers of the School in order to create a safe and supportive environment for Students in accordance with the School’s mission and values and the Christian commitment we embrace.
- Model a contemporary workplace at the School that is faith-filled, collaborative, consultative and lawfully compliant in relation to contemporary child protection practice.

This Policy is underpinned by relevant legislation and industrial instruments (see Section 4 legislation below).

In the event of any conflict between this Policy and the legislation, the provisions of legislation take precedence.

2. SCOPE

This Policy applies to all persons engaged to work in, or to provide services to, the School and to all Students of the School.

3. RELATED CODES & POLICIES

The policies and codes which are to be read in conjunction with this Policy are:

a) Child Protection Code of Conduct
b) Ministry of the School Statement
c) Staff Selection & Casual / Alternative Staff Policies
d) Notification of Reportable Conduct Procedure
e) Staff Procedures for Fulfilling Responsibilities Policy
f) Grievance Policy
g) Risk Management proforma
h) Cybersafety Use Agreement & Staff iPad User Agreement
i) Excursion Policy
j) Student Discipline Policy

4. LEGISLATION

Child protection legislation has been enacted by every state and territory of Australia. This legislation sets out legal and regulatory requirements around the interaction with Students, the care of Students, and the reporting of conduct of concern. The principal legislation is set out in the Schedule.

5. DEFINITIONS

In this Policy:

(a) **Student** or **Students** refers to:

i. a **Child** or **Children** which in this Code means persons under the age of 16 years,

ii. a **Young Person** or **Persons** which in this Code means persons between the ages of 16 and 18, and

iii. any Student of the School over the age of 18 years.
(b) **Child Protection Contact Person (CPCP)** means the persons who has been nominated to manage child protection issues within the School as detailed in **Section 16 Child Protection Contact** below.

(c) **Grooming behaviour** refers to the manipulative cultivation of relationships by an adult in order to develop or maintain a sexual relationship with a child (or children) or young person (or persons). Typically the cultivation of relationships will be extended to gain the confidence of the child or young person who is the intended target of the behaviour, his or her family, and others around them including teachers and persons in support relationships such as church workers and volunteers, sports coaches and fellow students.

Grooming involves a pattern of conduct that is consistent with the aim of developing a sexual relationship and for which there is no other reasonable explanation, and typically involves any or all of the following elements:

i. Persuading a child or young person and those around them that a special relationship exists with the offending adult;

ii. Testing boundaries including codes of conduct and professional standards applying to the adult, and socially accepted norms of behaviour applying in the circumstances;

iii. Inappropriately extending the relationship outside the work environment or framework of authorised contact;

iv. Inappropriate personal communication with the child or young person involved.

(a) **Parent or Parents** refers to a Student’s biological parents, adoptive parents, legal guardians and/or caregivers.

(d) **Reportable Conduct** refers to conduct as described in Section 25A of the **Ombudsman Act 1974 (NSW)**. *(See Appendix 2A, 2B, 2C, 2D)*

(e) **School Community Member or Members** refers to:

i. All paid employees whether employed on a permanent, temporary or casual basis, and

ii. All persons who have been engaged to work within the School or who have face to face contact with Students of the School in any place and on any basis, including persons holding a church ministry license or church-appointed position, consultants, students on tertiary practicum placements, or volunteers working with students in any capacity, and

iii. Students enrolled at the School.

6. **MISSION & VALUES IN RELATION TO CHILDREN**

The School seeks to create a caring environment where Christian values inspire and affirm the highest standards of ethical conduct in relation to the care, support, and welfare of the Students entrusted to it.

7. **DUTY OF CARE**

All School Community Members have a duty to take reasonable care for the safety and welfare of Students in their care. That duty is to consider and take all reasonable action to protect Students from known hazards or risk of harm that can be reasonably predicted. The standard of care that is required of a School Community Member must take into consideration various factors, such as a Student’s maturity and ability.

This duty of care owed to Students by all School Community Members applies during all activities and functions conducted or arranged by the School where a Student is in the care of a School Community Member.

The risk associated with any activity needs to be assessed and managed by School Community Members before the activity is undertaken. A single serious failure to exercise appropriate duty of care, or persistent repeated failures, may constitute neglect or negligence according to the law if actual harm is caused, or if there is the potential to cause significant harm to a Student.

All School Community Members also have a duty to not neglect the welfare of Students. Neglect includes either an action or inaction by a person who has care responsibilities towards a Student which may include:

- a) Supervisory neglect (failure to adequately supervise a Student),
- b) Carer neglect (grossly inadequate care of a Student),
- c) Failure to protect from abuse (unreasonable failure to respond to information that may result in harm to a Student), and/or
- d) Reckless acts or failure to act (including a gross breach of professional standards that may result in harm to a Student).

In relation to this duty of care all School Community Members must participate in training opportunities as proposed to them by the School in order to maintain and update their understanding of child protection law and practice and the School’s policies and procedures in relation to the care of students.
8. CHILD-FOCUSED RISK MANAGEMENT
All School Community Members will ensure that they use child-focused risk management practices in all their activities in accordance with the School’s policies and procedures.
In this regard all School Community Members must ensure that they comply with all legislative and policy obligations to maintain and update their child protection screening.

9. REPORTING
Please refer to the flowchart CSA Child Protection Notification Flowchart (NSW) associated with this Policy. (See Appendix 3.)
Child protection laws require all School Community Members other than enrolled students of the school to have completed a Working With Children Check (see Section 18 Useful Resources below) and report certain matters of concern in relation to Students, including:

a) Informing the School if they are charged with or convicted of an offence relevant to working in child-related employment, or if they have had any reportable allegation made against them,
b) Reporting to the School any allegations or convictions of Reportable Conduct involving any School Community Member,
c) Reporting to the School any information or concerns about inappropriate behaviour by any School Community Member that involves a Student,
d) Fulfilling their legal obligation to report risk of significant harm, or to report possible criminal activity, in accordance with local procedures (see Appendix 4), and
e) Maintaining confidentiality of all parties concerned.

In any matter where a School Community Member is in doubt as to the requirements of confidentiality, they should seek the advice of the Child Protection Contact Person without discussing the matter with others. In any case where the serious concern involves actions or alleged neglect by the Child Protection Contact Person a School Community Member must take the matter of concern directly to a person in a higher position.
A School Community Member must not take detrimental action against the complainant or person who reported the information. This includes any action that could reasonably be perceived to be detrimental action in reprisal. To do so may be regarded as serious misconduct and may result in disciplinary action.

10. RECORD KEEPING
A School Community Member:

a) Has a responsibility to create and maintain appropriate records of their professional activities and decisions in the care and protection of Students, including contemporaneous records of any disclosure, observations and discussions including any breach of this Policy,
b) Must remain mindful of the need to retain such records securely and confidentially, and
c) Must seek appropriate advice regarding the retention/destruction of such records.

11. PROFESSIONAL RELATIONS WITH STUDENTS
The School expects all School Community Members to be caring, compassionate adults who take an interest in the well-being of Students, and who set appropriate boundaries for worker-Student relations.
School Community Members must be aware that their interactions with Students are based on a trusting relationship arising from the nature of their role in the School, and that those relationships are open to scrutiny.
At all times School Community Members must treat Students with respect and behave in ways that promote their safety, welfare and well-being.
School Community Members must not:

a) Engage in inappropriate physical contact/force with a Student including physical/corporal punishment of a child in the course of their role at the School;
b) Act in ways which may cause a Student to reasonably fear that unjustified force will be used against them, even if this is not their intention;
c) Behave in a manner which may cause psychological harm to a Student;
d) Correct or discipline a Student in excess of what is reasonable or appropriate for the situation, and/or
e) Engage in crossing professional boundaries through behaviour that can reasonably be construed as involving an inappropriate and/or overly personal or intimate relationship with, conduct towards, or focus on a Student or a group of Students.
A single serious ‘crossing of the boundaries’ by a School Community Member, or persistent less serious breaches of professional conduct in this area, may constitute sexual misconduct, particularly if a School Community Member either knows, or ought to have known, that such behaviour was unacceptable.

School Community Member must not act recklessly in this regard.

12. GROOMING BEHAVIOR
School Community Members must not:

a) Engage in grooming behaviour in relation to a Student, their family of friends,

b) Make sexually explicit comments or engage in other sexually overt behaviour towards, or in the presence of, a Student,

c) Have an intimate or romantic or sexual relationship with any student regardless of their age (it is irrelevant whether the relationship is consensual or non-consensual or condoned by parents), and/or

d) Commit a criminal offence involving a sexual element that is committed against, with or in the presence of a Student or any Child or Children in any other circumstances.

Where there are existing personal relationships between a School Community Member and a Student such as a family relationship or a close friendship, the School Community Member must behave in a transparent and prudent fashion, and be mindful of any perceived conflict of interest or purpose, ensuring that the School Community Member does not breach any law, this Policy, or any other relevant School policy.

In circumstances where such personal relationships may appear to be questionable or inappropriate, or may appear to be in breach of any law, this Policy, or other relevant policy, the School Community Member must notify their supervisor of such relationships so that any potential or perceived conflict may be carefully managed.

13. ICT & SOCIAL MEDIA
In relation to communicating with Students, School Community Members must comply with all relevant policies and procedures of the School applicable to electronic information and communication technology (ICT) and social media.

School Community Members are prohibited from photographing or filming a Student other than for purposes approved by the School. Secretly taking photographs or other images of Students is strictly prohibited.

14. ALCOHOL, DRUGS & TOBACCO
School Community Members must not purchase for, offer, supply, give or administer to a Student, including those over the age of 18, illegal drugs, restricted substances, prescribed or non-prescribed medication (unless dealing with or administering medication in accordance with relevant policy), alcohol, and/or tobacco.

School Community Members must not encourage or condone the use by a Student of illegal drugs, restricted substances, alcohol, and/or tobacco.

School Community Members must not consume illegal drugs, restricted substances, alcohol or tobacco on school premises or at any school-related activity where a Student is present.

15. SCHOOL CHILD PROTECTION CONTACT (SCPC)
The nominated School Child Protection Contact is Mrs Genevieve Brummell (Primary matters) and Mr Richard Warren (Secondary Matters).

16. CONSEQUENCES OF FAILURE TO COMPLY WITH THIS POLICY
All School Community Members are required to be aware of and comply with this Policy. There may be consequences for a breach thereof.

An alleged breach of this Policy may require:

a) An internal report to be made,

b) A referral to external authorities under relevant legislation, and/or

c) An investigation to be conducted.

If a breach of this Policy is established this may result in disciplinary action being taken against any School Community Member.

In relation to a School Community Member who is an employee, such disciplinary action may result in termination of their employment.

In relation to a School Community Member who is a person holding a church ministry license or church-appointed position, or any consultant, student on tertiary practicum placement, or volunteer; conduct that is assessed as being a breach of this Policy may lead to the termination of their engagement with the School.
17. **FURTHER INFORMATION**

Further information about the processes required under this Policy can be sought from the School Child Protection Contact.

18. **USEFUL RESOURCES**

**New South Wales**

|-------------------------------------------------|-------------------------------------------------|--------------------------------------------------|

**Commonwealth of Australia**


**United Nations**

| Convention on the Rights of the Child | Declaration of the Rights of the Child |
1. INTRODUCTION & PURPOSE

This Child Protection Code of Conduct outlines the school’s values, commitments and expectations in relation to child protection matters, and reflects its commitments to:

Provide An open, welcoming and safe environment for everyone participating in the School’s education programs, pastoral services and related programs.

Provide High quality education, pastoral services and related programs for students and their families that are safe and welcoming for them and set in a Christian context.

Seek Input and guidance from students, parents, employees and others who make up the School Community, so these standards are maintained.

Require All School Community Members to demonstrate a commitment to the highest standards of ethics, professional behaviour and Christian standards in dealings with children and young people.

Require All School Community Members to share a common responsibility to maintain the School’s reputation for integrity in relation to child protection matters.

2. SCOPE

This Child Protection Code of Conduct applies to all School Community Members. In this Code of Conduct:

(a) Student or Students refers to:
   (i) A Child or Children which is defined in this Code as being a person under the age of 16 years
   (ii) A Young Person or Persons which is defined in this Code as a person between the ages of 16 and 18 and
   (iii) Any other Student of the School over the age of 18 years.

(b) School Community Members refers to:
   (i) All paid employees whether employed on a permanent, temporary or casual basis, and
   (ii) All persons who have been engaged to work within the School or who have face to face contact with Students of the School in any place and on any basis, including persons holding a church ministry license or church-appointed position, consultants, students on tertiary practicum placements, or volunteers working with students in any capacity, and
   (iii) Students enrolled at the School.

3. MISSION & VALUES IN RELATION TO STUDENTS

“To be a caring Christian Community that supports families by providing a quality Christ-centred education which develops the whole person for life and eternity.”

The School seeks to create a caring environment where Christian values inspire and affirm the highest standard of ethical conduct in relation to the care, support and welfare of students entrusted to it.

4. CODE OF CONDUCT

All School Community Members, and all students, parents and visitors connected with the School, must keep to the Child Protection Code of conduct.

5. EXPECTATIONS OF SCHOOL COMMUNITY MEMBERS

All School Community Members:

Will Treat everyone with respect and honesty.

Will Behave as a positive role model to students in all interactions with them.

Will Follow School policy and procedures for the safety of students as outlined in the School’s Child Protection Policy and related materials.

Will When conducting any one-to-one activity with a Student:

- Ensure that another adult is present or within sight at all times during one-to-one activity;
- Ensure that this adult is actively engaged and aware of the action of the School Community Member at all times during the one-to-one activity; and
If the active engagement and awareness of another adult is not possible or practicable, ensure that prior approval for the one-to-one activity has been obtained from the School Community Member’s immediate supervisor.

**Will** Record and act on a complaint of abuse, ill-treatment or neglect of a Student.

**Will** Behave in a caring, compassionate manner following the example left for us by Jesus Christ, as a person who takes an interest in the well-being of students and who sets appropriate boundaries in their interaction with Students.

**Will** Respect the duty to take reasonable care for the safety and welfare of Students.

**Will** Complete and maintain current a Working With Children Check with the Office of the Children’s Guardian.

**Will** Inform the School if they are charged or convicted of an offence relevant to working in child-related employment, or if they have had any reportable allegation made against them.

**Will** Report to the School any allegations or convictions of Reportable Conduct involving any School Community Member.

**Will** Report to the School any information or concerns about inappropriate behaviour by any School Community Member that involves a Student.

**Will** Fulfil their legal obligation to report risk of significant harm, or to report possible criminal activity, in accordance with local procedures.

**Will** Maintain the confidentiality of all parties concerned.

**Will Not** Develop any “special” or selective relationships with a Student that could be seen as favouritism such as the offering of gifts or special treatment.

**Will Not** In the absence of the prior approval from the School Community Member’s immediate supervisor, or without the active participation of another adult, engage in one-to-one contact with a Student such as:

- Doing things of a personal nature that Students can do for themselves, such as going to the toilet or changing clothes
- Accompanying a Student alone in a vehicle
- Visiting a student’s home in circumstances where the Student is alone
- Tutoring a Student, and/or
- Disciplining or counselling a Student.

**Will Not** Engage in grooming behaviour of a Student or their close family or friends.

**Will Not** Engage in inappropriate physical contact/force with a Student including physical / corporal punishment of a Student.

**Will Not** Act in ways which may cause a Student to reasonably fear that unjustified force will be used against them, even if this is not their intention.

**Will Not** Behave in a manner which may cause psychological harm to the Student.

**Will Not** Correct or discipline a Student in excess of what is reasonable or appropriate for the situation.

**Will Not** Engage in crossing professional boundaries through behaviour that can reasonably be construed as involving an inappropriate and/or overly personal intimate relationship with, conduct towards, or focus on a Student or a group of Students.

**6. FURTHER INFORMATION**

Further reference should be made to the School’s Child Protection Policy.

Further information about this Code can be sought from the School Child Protection Contact.
ACKNOWLEDGEMENT BY SCHOOL COMMUNITY MEMBER

I [insert full name] being employed or engaged by the school in the following role [insert position] hereby acknowledge:

- that I have received the above Child Protection Code of Conduct and the School's Child Protection Policy.
- that I have read the Child Protection Code of Conduct and Child Protection Policy and am obliged to comply with the Code and Policy, including any amendments made by the school from time to time.
- that I am aware that a current copy of the Child Protection Code of Conduct and Child Protection Policy is posted on the School's website.

Signature ____________________________ Date ____________________________

NB: This signed and completed form must be returned within 7 days of commencement of employment or engagement with the school to the Principal’s Secretary. Failure to do so will not affect the applicability of this Child Protection Code of Conduct or any of its provisions to you.
DEFINITION OF ‘REPORTABLE CONDUCT’ (SEE FLOW CHARTS 1 & 2)

Section 25A(1) of the Ombudsman Act defines ‘reportable conduct’ as:

a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence),
b) any assault, ill-treatment or neglect of a child, or
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:

d) 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
e) 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
f) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA (see Appendix 1D).

NOTE: Examples of conduct that would not constitute reportable conduct include (without limitation) touching a child in order to attract a child’s attention, to guide a child or comfort a distressed child; a school teacher raising his or her voice in order to attract attention or to restore order in the classroom; and conduct that is established to be accidental.

Conduct Exempted from Reporting

- Investigation undertaken by accredited investigator (or the Principal)
- Finding made that allegation related to physical assault:
  - Assault did not occur,
  - Inappropriate professional behaviour occurred, or
  - There is some evidence that inappropriate professional behaviour occurred but the allegation is not sustained because of insufficient evidence.

Inappropriate Professional Behaviour

‘Teachers are required to manage students’ behaviour and sometimes they use inappropriate professional behaviour. This may involve inappropriate physical contact with a child or the throwing of a light object at a child. Some force may have been used but it is not excessive given the age or size of the child relative to the teacher, nor has it caused physical harm. Such behaviour management does not meet professional standards but it is not reportable to the Commission. These matters are categorised as “inappropriate professional behaviour”. Class or Kind Agreement (Education) – April 2004.

The Principal may seek advice at this point from Christian Schools Australia to confirm the interpretation of the legislation in each situation.
FLOW CHART 1: DETERMINING IF AN ALLEGATION IS A REPORTABLE ALLEGATION

Allegation made against Staff Member (eg. By parent, child, employee or other interested)

If necessary, ask questions of the person making the allegations to clarify:
• What was alleged to have happened?
• When and where?
• Who was involved?
Record details of the allegation.

Was the alleged conduct:
• reasonable for the purposes of the discipline, management or care of children, and
• in line with the agency’s code of conduct?

No

Yes

Does the allegation relate to:

Assault (i.e. the application or threat of physical force)?

Yes

No

Does the allegation relate to the use of physical force that is trivial or negligible?

Yes

No

Are there any previous allegations against this employee that could demonstrate a pattern of behaviour?

No

Yes

Will you investigate this matter and record your investigation in accordance with workplace employment procedure?

Yes

No

Not notifiable to the Ombudsman

Follow agency’s usual inquiry and resolution processes*

Is the conduct exempted from notification to the Ombudsman in accordance with a Class or Kind determination with your agency?

No

Yes

Reportable Conduct
Notify the Ombudsman within 30
Reportable Conduct
Notify Ombudsman within 30 days. Agency to conduct an investigation.

Yes

No

Agency conducts appropriate investigation and records findings *

* If the agency discovers that the alleged conduct is more serious than initially assessed and is reportable conduct, then the Ombudsman must be notified as soon as possible.
See Flowchart 2 – The process of making a finding.
FLOW CHART 2: THE PROCESS OF MAKING A FINDING

Evidence gathering completed

On balance, does the evidence suggest that the behaviour occurred?

No

Is there any compelling evidence that the behaviour did not occur?

No

FALSE
Not reportable to CCYP

Yes

VEXATIOUS
Not reportable to CCYP

No

There is some evidence but it is not compelling or corroborated

NOT SUSTAINED
(Insufficient Evidence)
Report Finding to CCYP

Yes

There is sufficient evidence to support that the behaviour occurred

Was the conduct:
• A sexual offence?
• Sexual misconduct (including child pornography)
• Assault, ill-treatment or neglect, or
• Behaviour that has caused psychological harm?

No

Victim was not a child

NOT REPORTABLE CONDUCT

Yes

Accident

MISCONCEIVED
Not Reportable to CCYP

Inappropriate behaviour but not reportable conduct

Appropriate behaviour and not reportable conduct

SUSTAINED
Report finding to CCYP

Yes

Behaviour was reportable conduct
1. Background

The Commission for Children and Young People Act 1998 lists conduct that employers must report to the Commission for the Working With Children Check, but anticipates that there will be types of conduct that an employer should not report, and allows such conduct to be defined in “Class or Kind” Agreements.

2. Scope of this Agreement

This Agreement sets the relevant employment proceeding reporting arrangements for schools registered with the NSW Board of Studies (now BOSTES) that are members of Christian Schools Australia (CSA). Member schools must comply with the Working With Children Check provisions of Part 7 of the Commission for Children and Young People Act 1998. This Agreement only covers teachers, principals, and teachers’ aides (who are directly supervised by a teacher) who are employed by a member school in NSW to work directly with children and young people aged under 18 years in a classroom or school setting.

3. What Is to be Reported

- 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).
- Any assault, ill-treatment or neglect of a child.
- Any behaviour that causes psychological harm to a child.

4. What does Not need to be Reported

- Conduct that is reasonable for the purposes of the discipline, management care of the child or children involved, having regard to the age, maturity, health or other characteristics of the child or children and to codes of conduct or professional standards.
- Any conduct that involves the reasonable use of physical force to properly support a child or children, for example:
  - Disarming a young person seeking to harm himself or another;
  - Separating young people who are in the act of fighting; or
  - Moving a young person from a place where he or she may be harmed.
- Reasonable use of physical force in an act of self defence against acts or threats of physical contact by child or young person
- Any conduct that involves minor or trivial use of physical force against a child or children, for example, minor and transitory restraint of a child.
- Conduct found not to have occurred.

5. What is Exempted from Reporting by this Agreement

Specific exemptions for trivial and negligible use of physical force:

- Isolated incidents of smacking; and
- Pushing or pulling a child.

6. Life of Agreement

This agreement is subject to review at any time.

Signed on 29th February 2012 by:

Megan Mitchell     Stephen O’Doherty
Commissioner for Children & Young People  Chief Executive Officer
Christian Schools Australia
CHILD PROTECTION NOTIFICATION FLOWCHART


A School Community member forms a child protection concern as a result of what they have seen, heard or been told. Refer concerns to the Child Protection Contact Person (CPCP).

CPCP asks questions to clarify the situation.

CPCP/Principal Assesses Situation

- Was the action reasonable for the management, care or discipline of the student(s)?
- Was the action in accord with the School’s Code of Conduct?

YES

Manage/respond according to School’s normal procedures.

NO

Child Protection Contact Person/Principal

- Assess immediate needs for care and protection of the student(s) involved and consider any need for intervention by Community Services.
- Assess whether disclosures or allegations suggest possible criminal conduct and consider any need for notification to Police. If so do not conduct any internal enquiries or make any further response without consultation with police.
- Consider and address risk management issues subject to involvement/input from Community Services and/or police.

Consider Reportable Conduct

- Does the matter allege reportable conduct as defined – if yes, go to procedures for notifying Ombudsman and respond as required.
- Consider any “class or kind” exemptions that may apply.
- Consider need for formal investigation and notification of outcomes.
- Consider notification to the Guardian of Children in the event of findings of sexual offences or sexual misconduct involving a child; or serious physical assault of a child.
INDICATORS OF RISK OF SIGNIFICANT HARM

Risk of Significant Harm Definition

A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing are:

- Present to a significant extent
- Sufficiently serious to warrant a response by a statutory authority irrespective of a family’s consent
- Not minor or trivial
- May reasonably be expected to produce a substantial and demonstrable adverse impact on their safety, welfare or wellbeing, (or in the case of an unborn child, after the child’s birth)
- May be a single act or omission or an accumulation of these.

Forms of Child Abuse

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

- **Neglect**
  Child 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, adequate supervision, and enrollment in and attendance at school.

- **Sexual Abuse**
  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 or young people are bribed or threatened physically and psychologically to make them participate in the activity.

  Sexual abuse is a crime.

- **Physical Abuse**
  Physical abuse is a non-accidental injury or pattern of injuries to a child or young person 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 or young person around the head or neck and/or using a stick, belt or other object to discipline or punishing a child or young person (in a non-trivial way) is a crime.

- **Emotional Abuse or Psychological Harm**
  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 disturbance or psychological 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 or young person.

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

Possible Signs of Abuse

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Other things need to be considered, such as the circumstances of the child, young person or family.
When considering if a child or young person has been abused or neglected, or is at risk of this, it is important to keep in mind the life circumstances of the child, young person and their family.

The following risk factors (either singularly or in combination) are associated with increased risk of harm for children and young people:

- social or geographic isolation of the child, young person or family, including lack of access to extended family
- previous abuse or neglect of a brother or sister
- family history of violence including domestic violence
- physical or mental health issues for the parent or caregiver which affects their ability to care for the child or young person in their care
- the parent or caregivers’ abuse of alcohol or other drugs which affects their ability to care for the child or young person in their care.

The signs below are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been or is, occurring.

The child or young person's circumstances and their age or other vulnerabilities, for example disability or chronic illness, also need to be taken into consideration. If you have concerns then you should report them to Community Services.

- **Neglect**

  **Signs in children or young people**

  - low weight for age and/or failure to thrive and develop
  - untreated physical problems e.g. sores, serious nappy rash and urine scalds, significant dental decay
  - poor standards of hygiene i.e. child or young person consistently unwashed
  - poor complexion and hair texture
  - child not adequately supervised for their age
  - scavenging or stealing food and focus on basic survival
  - extended stays at school, public places, other homes
  - longs for or indiscriminately seeks adult affection
  - rocking, sucking, head-banging
  - poor school attendance

  **Signs in parents or caregivers**

  - unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions
  - leaving the child without appropriate supervision
  - abandons the child or young person
  - withholding physical contact or stimulation for prolonged periods
  - unable or unwilling to provide psychological nurturing
  - has limited understanding of the child or young person’s needs
  - has unrealistic expectations of the child or young person

- **Physical abuse**

  **Possible signs in children or young people**

  - bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it eg belt buckle, hand print
  - lacerations and welts
  - drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury
  - adult bite marks and scratches
  - fractures of bones, especially in children under three years old
  - dislocations, sprains, twisting
  - burns and scalds (including cigarette burns)
  - multiple injuries or bruises
  - explanation of injury offered by the child or young person is not consistent with their injury
  - abdominal pain caused by ruptured internal organs, without a history of major trauma
  - swallowing of poisonous substances, alcohol or other harmful drugs
  - general indicators of female genital mutilation eg having a 'special operation'
Possible signs in parents and caregivers

- frequent visits with the child or young person in their care to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or with internal complaints
- explanation of injury offered by the parent is not consistent with the injury
- family history of violence
- history of their own maltreatment as a child
- fears injuring the child or young person in their care
- uses excessive discipline

**Sexual abuse**

Possible signs in children or young people

- bruising or bleeding in the genital area
- sexually transmitted diseases
- bruising to breasts, buttocks, lower abdomen or thighs
- child or young person or their friend telling you about it, directly or indirectly
- describing sexual acts
- sexual knowledge or behaviour inappropriate for the child’s age
- going to bed fully clothed
- regressive behaviour e.g. sudden return to bed-wetting or soiling
- self-destructive behaviour e.g. drug dependency, suicide attempts, self-mutilation
- child being in contact with a known or suspected pedophile
- anorexia or over-eating
- adolescent pregnancy
- unexplained accumulation of money and gifts
- persistent running away from home
- risk taking behaviours - self harm, suicide attempts

Possible signs in parents or caregivers

- exposing a child or young person to prostitution or pornography or using a child for pornographic purposes
- intentional exposure of a child to sexual behaviour of others
- previous conviction or suspicion of child sexual abuse
- coercing a child or young person to engage in sexual behaviour with other children
- verbal threats of sexual abuse
- denial of adolescent’s pregnancy by family

**Emotional abuse**

All types of abuse and neglect harm children psychologically, but the term ‘psychological harm’ or ‘emotional abuse’ applies to behaviour which damages the confidence and self esteem of a child or young person, resulting in serious emotional deprivation or trauma.

Possible signs in children or young people

- constant feelings of worthlessness about life and themselves
- unable to value others
- lack of trust in people
- lack of people skills necessary for daily functioning
- extreme attention-seeking behaviour
- is obsessively eager to please or obey adults
- takes extreme risks, is markedly disruptive, bullying or aggressive
- is highly self critical, depressed or anxious
- suicide threats or attempts
- persistent running away from home.
Possible signs in parents or caregivers
- constant criticism, belittling, teasing of a child or young person, or ignoring or withholding praise and attention
- excessive or unreasonable demands
- persistent hostility and severe verbal abuse, rejection and scapegoating
- belief that a particular child or young person in their care is bad or ‘evil’
- using inappropriate physical or social isolation as punishment
- domestic violence.

Remember, the above are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been or is occurring.

Other Reasons to Notify the Child Protection Helpline
The Child Protection Helpline should be notified if a child/young person is under the parental responsibility of the Minister, and there is no concern that reaches the threshold of risk of significant harm but the child / young person is:
- pregnant
- runaway
- missing
- homeless (in the case of homelessness review the Neglect: Physical Shelter / Environment tree first. If that leads to a report to Community Services, report as neglect. If it does not lead to a report to Community Services, advise the Child Protection Helpline 132 111 that the information is being provided solely because child/young person is in care, not due to neglect.

Procedures for Student Disclosures
If a child discloses any of the indicators of risk of harm to a staff member it is important that he/she is clear about their responsibilities and be calm and supportive of the student. Staff need to:
- Actively listen to the student. Talk gently, reassuringly; point out that there is help and support for them.
- NEVER probe for details or ask leading questions. Students may be asked to simply write the details or draw a diagram.
- Where the harm is taking place outside the school’s control, NEVER assure the student that the harm will stop, as this cannot be guaranteed.
- DO NOT give the student any assurance of confidentiality, in fact, state that there is a responsibility to tell the Principal.
- Disclosures must be reported to the Principal either orally or in writing. Where a report is made to a staff member other than the Principal, (such as the Assistant Principals) that other staff member should immediately report the matter to the Principal.
- If a student begins to make a disclosure in a group situation (eg. in a camp sharing time)
  - Wisely prevent the sharing from continuing. Indicate support by explaining that what the student has said sounds important but it would be better to talk about it later.
  - Acknowledge that the student has been heard
  - Arrange an appropriate time to see the student away from other students.

MANDATORY REPORTING
At TCS, a mandatory reporter refers to a person who delivers education wholly or partly to children and who holds a management position, which includes direct responsibility for children.

If a staff person suspects that a child is at risk of harm or has been the victim of abuse or suspected abuse and those grounds arise during the course of or from their work, the person must report, as soon as practicable to the Principal (or to the Assistant Principals – Primary/Secondary if the Principal is not available)

The Principal is responsible for the administration and conduct of the school and in this role is to report to Department of Community Services (CS).

A Mandatory Reporter Guide (MRG) has been developed to assist mandatory reporters. The MRG is a series of decision trees (Y/N) which ask a number of questions to determine if the risk of significant harm threshold is met. The Mandatory Reporter Guide focuses on whether a concern is significant or not, and not whether abuse or neglect is present according to a specific definition.
Mandatory reporters in a non-government school are encouraged to use the Mandatory Reporter Guide before making a report to the Helpline.

Reporting is mandatory even if it is against the wishes of the organisation, student and parents. If the Principal has evidence of a crime, the matter will be reported directly to the police.

## Threshold of Significant Harm Met

If the outcome of the MRG is **“Immediate Report to Community Services”** OR if there are concerns of a high risk of significant harm and/or imminent risk of significant concerns for the safety of a child or young person, an urgent report must be made by phone to the Helpline on **133 627 (13 DOCS)**.


eReporting must only be used for **non-imminent** suspected risk of significant harm reports. **ALL urgent reports** must still be made by phone to the Helpline on 133 627 (13 DOCS). eReporting is an internet-based system used to make child protection reports to Family and Community Services if there are current concerns about the safety, welfare or wellbeing of a child or young person. eReporting is easily accessible and simple to use and does not require user registration. eReports are delivered securely and automatically to the Child Protection Helpline for assessment. eReporting is only available for mandatory reporters.

The general public should call the Child Protection Helpline on 132 111.

## Threshold Not Met

If the threshold is not met, but there are still concerns, schools need to consider:

- **Referring** – can the needs of the child, young person or the family be met by the school or an outside agency?
- **Continuing Support** – what support can be provided within school resources to assist the child, young person or family?
- **Monitoring** – what specific indicators would prompt reconsideration to report?
- **Documenting** – information provided, information relied upon and decisions.

Where the School is able to assist the child and family it should do so. If the family would benefit from additional services, this should be discussed with the family and assist in referral to services in their local area for support. Suitable services can be identified through [http://www.community.nsw.gov.au/docs_menu/about_us/contact_us/support_and_counselling_numbers.html](http://www.community.nsw.gov.au/docs_menu/about_us/contact_us/support_and_counselling_numbers.html).

Where there are concerns that don’t meet the threshold and the School has spoken with other agencies who are working with the child and family, it may be appropriate for one mandatory reporter to coordinate service delivery. Generally this would be the person working most closely with the child and family, but this may change depending on what the family’s needs are and what they want to do.

It is important to remember that, where the risk of significant harm threshold has not been met, families can choose to engage with services or to refuse the offer of support. This should be documented because if a family doesn’t want to engage in services, this may increase the risk – the Mandatory Reporter Guide includes questions about whether the family has refused assistance in the past. Future concerns may arise which may then meet the reporting threshold.

## Cumulative

Cumulative harm refers to a series of acts or omissions that, when viewed separately may not indicate significant risk, but when viewed together suggest a pattern of significant harm. Mandatory reporters should keep good records of concerns they have about a child as these concerns may continue and the pattern may constitute a report to the Child Protection Helpline. The Mandatory Reporter Guide includes questions which assist in determining cumulative harm. The Child Protection Helpline provides feedback to mandatory reporters so they know what action is to be taken.