



*2018 Child Protection Policy and
Procedure- Allegation Against An
Employee*



Incorporating Campuses:

- Alesco Senior College - Newcastle
- Alesco Senior College - Raymond Terrace
- Alesco Senior College - Cessnock
- Alesco Senior College – Tuncurry
- Alesco Senior College – Tomaree

Title	Alesco Child Protection Policy and Procedure – Allegation Against an Employee		
Date of Endorsement	30.10.2018	Review Date	18.02.2020
Review Panel	Principal, Executive Director and Manager – People and Culture		
Scope	<p>This policy relates to all staff of Alesco.</p> <p>Whilst students at Alesco Senior College are classed a ‘young people’ in relation to other Policy and Procedures, due to the legal requirements and standards of this Policy all students will be referred to as child/children</p>		

Note: In all documentation the term ‘Alesco’ or ‘the school’ should be taken to mean Alesco Senior College and any or all of its campuses and operations.

Rationale

Alesco Senior College is a special assistance school committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse. All staff employed by Alesco Senior College is responsible for the care and protection of children and reporting information about child abuse within and/or outside of the organisation.

This extends to the identification and timely response to concerns and disclosures related to neglect, sexual abuse, physical abuse, psychological abuse and emotional abuse of children and young people.

The purpose of this policy is:

1. To facilitate the prevention of child abuse occurring within Alesco Senior College;
2. To work towards an organisational culture of child safety;
3. To ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs;
4. To make staff aware of their mandatory obligation to report suspected risk of significant harm against an employee and the procedures for doing so;
5. To provide guidance to staff/volunteers/contractors as to action that should be taken where they suspect any abuse within the organisation.

Principles

1. Alesco Senior College is committed to promoting and protecting the best interests of children involved in its programs;
2. All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse;
3. Alesco Senior College has zero tolerance for child abuse. Staff are responsible for the care and protection of children within their care and the reporting of information about suspected child abuse, within (and/or outside) of the organisation;
4. Child protection is a shared responsibility between Alesco Senior College and all employees, workers, contractors, associates, and members of the Alesco Senior College community;

5. If a member of staff has knowledge that a colleague (or themselves) has been charged with or convicted of an offence involving a child they are to report this to the Principal;
6. Alesco Senior College is vigilant in ensuring the staff Code of Conduct is accessible to all staff;
7. Allegations and the school's investigation of these allegations, of reportable conduct by an employee (of a child protection nature) are to be reported to the New South Wales Ombudsman by the Principal or Executive Director.

1. DEFINITIONS

Child under the *Children and Young Persons (Care and Protection) Act 1998* is a person under the age of 16 years.

Under the *Ombudsman Act 1974* and the *Commission for Children and Young People Act 1998* a child is a person under the age of 18 years.

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.

Employee is any person who is employed by the agency, whether or not they are employed to work directly with children, as well as individuals engaged by the agency to provide services to children such as contractors, foster carers, volunteers, students on placement and instructors of religion.

Child protection means any responsibility, measure or activity undertaken to safeguard children from harm.

Child abuse means all forms of physical abuse, emotional ill treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

Child sexual assault is any act, which exposes a child to, or involves a child in, sexual activity beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

Physical assault on a child includes any act by which a person intentionally inflicts unjustified use of physical force against a child. An assault can also occur if a person causes a child to reasonably fear that unjustified force will be used against them. Even if a person who inflicts, or causes the fear of, physical harm does not intend to inflict the harm or cause the fear, they may still have committed an assault if they acted recklessly. Assaults can include hitting, pushing, shoving, throwing objects, or making threats to physically harm a child.

Reasonable grounds for belief is a belief that child abuse has occurred when all relevant considerations or facts are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a staff member believes that:

- the child is in need of protection;

- the child has suffered or is likely to suffer ‘significant harm as a result of physical injury’;
- the parents are unable or unwilling to protect the child.

A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation.

A ‘reasonable belief’ might be formed if:

- a child states that they have been physically or sexually abused;
- a child states that they know someone who has been physically or sexually abused, sometimes the child may be talking about themselves;
- someone who knows a child states that the child has been physically or sexually abused;
- professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused;
- signs of abuse lead to a belief that the child has been physically or sexually abused.

Reportable allegation is an allegation of reportable conduct against an employee.

Reportable conduct

- 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, or
- c) any behavior that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

2. RESPONSIBILITIES

The Board of Alesco Senior College (ASC) has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The Board is also responsible for ensuring that appropriate policies and procedures and a Child Protection Code of Conduct are in place.

The Principal of Alesco Senior College is responsible for:

- ensuring all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, and the organisation’s Code of Conduct (particularly as it relates to child safety);
- providing support for staff, contractors and volunteers in undertaking their child protection responsibilities;
- ensuring staff are aware of their mandatory obligation to report suspected risk of harm of a child;
- setting up systems to ensure that they are advised of any allegations of reportable conduct against employees;
- ensuring all staff have completed a WWCC (Working With Children Check), initial child protection training and annual child protection updates;
- not employing a person who is barred from child related work;

- responding to an allegation against an employee by determining whether:
 1. there are reasonable grounds to believe a child or young person is at 'risk of significant harm' under the Children and Young Persons (Care and Protection) Act, and/or
 2. the allegation constitutes a reportable allegation under the Ombudsman Act.
- notifying 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;
- notifying the Executive Director, Board of Directors and Manager People and Culture of all allegations of reportable conduct of an employee
- reporting concerns that meet the threshold of 'risk of significant harm' to the Child Protection Helpline;
- considering if an allegation against an employee might constitute a criminal complaint to report to the Police;
- providing victims and employees information about support services.

All Head Teachers (HT), Student Welfare Officers (SWO) and Senior Student Welfare Officers (SSWO) must ensure that they:

- complete a WWCC (Working With Children Check), initial child protection training and annual child protection updates;
- promote child safety at all times;
- assess the risk of child abuse within their area of control and eradicate or minimise any risk to the extent possible;
- educate all staff, contractors, and volunteers about the relevant laws, organisational policies and procedures, and the organisation's Code of Conduct (particularly as it relates to child safety and employees);
- identify allegations of a child protection nature raised about employees;
- support teachers in their mandatory obligation to report inappropriate behaviour or suspected abusive activities within the organisation;
- report allegations of a child protection nature against an employee to the Principal,
- maintain confidentiality about allegations against an employee and any investigation in which they are involved.

All staff/volunteers/contractors share the responsibility for the prevention and detection of child abuse, and must:

- complete a WWCC (Working With Children Check), initial child protection training and annual child protection updates;
- promote child safety at all times;
- provide an environment that is supportive of all children's emotional and physical safety;
- assess the risk of child abuse within their area of control and eradicate or minimise any risk to the extent possible;
- familiarise themselves with the relevant laws, the Code of Conduct, organisational policies and procedures, and the organisation's Code of Conduct (particularly as it relates to child safety and employees);
- identify allegations of a child protection nature raised about employees;
- report allegations of a child protection nature against an employee to the Principal;

- maintain confidentiality about allegations against an employee and any investigation in which they are involved.

3. EMPLOYMENT OF NEW STAFF

Alesco Senior College requires all workers/volunteers to pass through the organisation's recruitment and screening processes prior to commencing their engagement with Alesco Senior College including a Working With Children Check (WWCC);

Alesco Senior College may require applicants to provide a Police check in accordance with the law and as appropriate, before they commence work and during their time there at regular intervals.

Alesco Senior College undertakes a comprehensive recruitment and screening process for all workers and volunteers that aims to:

- promote and protect the safety of all children under the care of the organisation;
- identify those prospective employees who share Alesco Senior College's values and commitment to protect children;
- prevent a person from working at Alesco Senior College if they pose a risk to children.

4. RISK MANAGEMENT

Alesco Senior College will ensure that child safety is a part of its overall risk management approach.

5. REPORTING

Any staff member, volunteer or contractor who has reasonable grounds to suspect abusive activity or risk of harm by another employee must adhere to their mandatory obligation and report concerns (via the ASC written reporting procedure) to the Principal;

In situations where the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with by the Principal (or they are suspected to be involved in the allegation), the matter should be reported to the next highest level of supervision such as the Executive Director of the organisation;

The Principal must investigate allegations made against an employee. If the allegation is a **reportable conduct** then the NSW Ombudsman must be notified of the allegation (no later than 30 days after being made aware of the allegation) as well as the outcome of the school's investigation, including any disciplinary action to the employee;

If the Principal's investigation finds that there are reasonable grounds of **'risk of significant harm'** under the Children and Young Persons (Care and Protection) Act then a report must be made to the Child Protection Helpline;

The Principal must consider if an allegation against an employee might constitute a criminal complaint to report to the Police and/or Community Services. If so then the Principal should obtain clearance from these agencies before commencing or continuing an investigation;

The Principal will notify the child's parent/guardian at the conclusion of an investigation, as per the requirements of the Child Protection (Working with Children) Act 2012. If a sustained finding was made that an employee has engaged in sexual misconduct and/or serious physical assault of a child then the parent/guardian must be notified;

All staff will maintain confidentiality about reported child protection allegations against employees (apart from their referral report to the Principal);

6. INVESTIGATING

The Principal or appropriately trained authorised delegate will investigate allegations of a child protection nature made against an employee. If the allegation is a **reportable conduct** then the **NSW Ombudsman** must be notified of the allegation (no later than 30 days after being made aware of the allegation) as well as the outcome of the school's investigation, including any disciplinary action to the employee.

In the event that the allegation has been made against the Principal of the school the Executive Director will nominate an appropriate external party to investigate the claim.

The NSW Ombudsman:

- 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;
- must receive and assess notifications from non-government schools concerning reportable conduct or reportable convictions;
- is required to oversee or monitor the conduct of investigations by non-government schools into allegations of reportable or reportable convictions;
- 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;
- 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 (e.g. arising out of complaints by the person who is the subject of an allegation); and
- 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.

If Community Services and/or the Police decide to investigate a report, all employees, contractors or volunteers must co-operate fully with the investigation.

The Principal will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

7. PRIVACY

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety.

Alesco Senior College will have safeguards and practices in place to ensure any personal information is protected. The Principal will secure records and investigation reports that relate to Child protection allegations against an employee.

8. REVIEWING

In addition to the regular cycle of review, following every reportable incident, a review shall be conducted to assess whether the organisation's child protection policies or procedures require modification to better protect the children under the organisation's care.

8. KEY LEGISLATION

- The Children and Young Persons (Care and Protection) Act 1998;
<https://education.nsw.gov.au/policy-library/policies/child-protection-policy-responding-to-and-reporting-students-at-risk-of-harm>
- Ombudsman Act 1974 (NSW);
<https://www.legislation.nsw.gov.au/inforce/e2aba61e-c735-e89a-b8a2-f1b2328c0938/1974-68.pdf>
- Child Protection (Working with Children) Act 2012 (NSW);
<https://www.legislation.nsw.gov.au/#/view/act/2012/51>
- Education Act 1990 (NSW)
<https://www.legislation.nsw.gov.au/#/view/act/1990/8/whole>
- Commission for Children and Young People Act 1998 No 146;
<https://www.legislation.nsw.gov.au/#/view/act/1998/146>

9. RELATED DOCUMENTS and FORMS



WEA Hunter Staff *Code of Conduct* Policy and Procedure



Alesco Senior College Child Protection Operational Policy and Procedure



Child Protection Allegation Report Against an Employee



Staff Registry of Child Protection Trainings & Updates

10. REFERENCE DOCUMENTATION

The Association of Independent Schools (AIS) NSW 2017

<https://www.aisnsw.edu.au/>

Ombudsman NSW

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

Scope: All Alesco Senior College (ASC) Campuses

Responsibilities

The Principal of ASC will be responsible for:

- ensuring all staff at ASC undertakes the reading, discussion and signing of the organisation's *Code of Conduct* as part of their staff induction with Human Resources;
- providing a safe and secure environment for all employees and students to report concerns and any allegations of sexual misconduct within the school;
- ensuring a register is kept of all staff at ASC participating in an initial child protection induction and annual training updates during the year;
- notifying the **NSW Ombudsman** within 30 days of a *reportable conduct* allegation and any convictions against an employee;
- sending a report to the NSW Ombudsman at the conclusion of an investigation in relation to an allegation against an employee. The report must include:
 1. **a completed Part B of the Ombudsman's notification form (available on Ombudsman's Act website);**
 2. **any report prepared by or for them relating to the investigation, as well as copies of all statements and other documents which form the basis of the report;**
 3. **any comments that they may want to make about the report as well as the results of the investigation;**
 4. **advice of the action that has been taken, or will be taken (arising from the investigation), in respect to the reportable allegation or conviction.**
- reporting *reasonable grounds* of 'risk of significant harm' to the Police and/or the **Child Protection (Community Services) Helpline** (13211 or 133627-mandatory reporter);
- referring cases (with consent from the child's guardian), that DO NOT meet the significant harm threshold, to an appropriate support service.
- notifying the child's guardian at the conclusion of an investigation, as per the requirements of the Child Protection (Working with Children) Act 2012. The Principal can notify the guardian at the time of the allegation only if it **does not** compromise the investigation in any way.

All Head Teachers (HT), Student Welfare Officers (SWO) and the Senior Student Welfare Office (SSWO) will:

- support teachers in their initial child protection induction and ongoing annual child protection training;
- promote child safety through weekly formal meetings with ASC staff;
- report, and make staff aware, any concerns regarding the harm or potential risk of harm to a child, by an employee, to the Principal (or Executive Director if the Principal is suspected of involvement in the allegation) of the school;

- educate staff in how to complete an *ASC Child Protection Allegation Report Against An Employee Form*;
- report to the Principal any employee that has been charged with or convicted of an offence involving a child or young person. This includes information relating to oneself;
- report to the Principal any concerns about employees engaging in reportable conduct or any allegation of 'reportable conduct' that has been made to you;
- be vigilant in assessing the risk of child abuse and taking necessary steps to minimise any risk within the school;
- play an active role in educating staff on the awareness of inappropriate behaviours by way of current documentation, discussion and forums;

All staff/volunteers/contractors share the responsibility for the prevention and detection of child abuse and will:

- read, discuss and sign the *ASC Code of Conduct* and participate in a child protection induction on commencement of employment (with Human Resources). Child protection training updates throughout the year are also a mandatory requirement of employment at ASC;
- behave in a professional and responsible manner which aligns with the *ASC Code of Conduct*, providing a safe and happy environment for children in their care;
- follow ASC procedures by completing a mandatory report (*Child Protection Allegation Report Against An Employee*) and taking this to the Principal (or Executive Director if the Principal is suspected of involvement in the allegation) when raising concerns about an employee;
- report to the Principal any concerns about employees engaging in reportable conduct or any allegation of 'reportable conduct' that has been made to you;
- report to the Principal any employee that has been charged with or convicted of an offence involving a child. This includes information relating to oneself.

Human Resources Unit will be responsible for;

- Managing the discipline process in the event that an investigation results in confirmation of reportable conduct by a staff member.

Employment of New Staff

Alesco Senior College undertakes a comprehensive recruitment and screening process for all workers and volunteers through the following pathways:

- undertaking thorough reference checks as per the approved internal procedure;
- all staff are to complete a WWCC commencing employment at Alesco Senior College;
- Alesco Senior College may require applicants to provide a police check in accordance with the law and as appropriate, before they commence working at ASC and during their time at regular intervals;

- ensuring that staff/volunteers review and acknowledge their understanding of this Policy through the induction process conducted by Human Resources. This includes the reading, discussion and signing of the *Code of Conduct* document;
- all ASC staff will participate in a child protection induction and attend annual child protection training updates. Attendance is registered and reviewed and active participation via discussion is encouraged;
- weekly formal welfare meetings lead by the Student Welfare Officer- attendance is mandatory for all ASC staff.

Alesco Senior College Child Protection Policy- Allegation against an Employee Reporting Procedure

