

Child Protection - Abuse Identification and Initial Notification

Child Abuse (Maltreatment)

All children and young people have the right to be protected from abuse, maltreatment and harm.

Child abuse or maltreatment occurs when a child (a person under the age of 16), or young person (aged 16-17 years) has been subjected to:

- physical abuse
- sexual abuse
- serious emotional or psychological harm
- ill-treatment
- exposed to domestic or family violence
- neglect

which has resulted or is likely to result in harm to the child or young person's wellbeing.

Child abuse may involve ongoing, repeated or persistent abuse, or it may arise from a single incident.

It is possible for a child or young person to be maltreated by a parent or carer, another adult person or another child or young person who may or may not be older.

Grooming

Grooming is the means by which a person creates or exploits opportunities to safely engage in sexual contact with a particular child or young person, or with a number of children or young people.

Grooming behaviour typically involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviour. It involves the use of a variety of manipulative and controlling techniques, with a vulnerable subject, in a range of interpersonal and social settings, in order to establish trust or normalise sexually harmful behaviour, with the overall aim of facilitating exploitation and/or prohibiting exposure. Perpetrators can groom a child, as well as other people in the child's life, for example parents/carers and other staff members at the School.

Grooming is a form of child abuse in NSW under the Crimes Act 1900 (NSW) and grooming behaviours are criminal offences and are identified as a form of sexual misconduct that is subject to reportable conduct and Mandatory Reporting obligations.

Kambala treats the commission of grooming behaviours on its premises, online, using School equipment, during its extra-curricular activities or in other related settings (e.g. the home of a teacher) as conduct which threatens the safety of students, and action must be taken as part of our Child Protection Program. A failure to reduce or remove the risk of a child becoming a victim of grooming may also constitute a criminal offence.

See our **Detecting, Reporting and Addressing Grooming Behaviours** and **Reportable Conduct of Staff, Volunteers and Others** policies.

Kambala's Policy

Kambala is committed to providing a safe environment for all our students.

It is our policy that:

- all staff are trained with respect to identification of child abuse and grooming and relevant procedures
- all suspected cases of child abuse or grooming are reported to FACS and/or the Police
- we maintain up-to-date procedures to assist staff in identifying and reporting child abuse or grooming
- we work collaboratively with relevant external agencies that may be involved in child protection
- we act immediately to ensure the safety of at risk or abused students
- we provide ongoing support and assistance to students who have been abused.

**Indicators of Child Abuse
(Maltreatment)**

Children and young people in need of care and protection may show indicators of harm and maltreatment in their school environment. The following indicators may assist staff who are concerned about children or young people in their care:

Physical Abuse

Physical abuse is a non-accidental injury or pattern of injuries to a child or young person caused by a parent, carer 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
- 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 punish a child or young person (in a non-trivial way) is a crime.

Indicators of physical abuse include:

- bruising to the face, head or neck, other bruising and marks which may show the shape of the object that caused it e.g. 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 the 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 e.g. having a 'special operation'.

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

Child sexual abuse is a crime.

Indicators of sexual abuse include:

- bruising or bleeding in the genital area
- sexually transmitted diseases
- bruising to breasts, buttocks, lower abdomen or thighs
- child or child's friend telling you about it, directly or indirectly
- describing sexual acts
- sexual knowledge or behaviour inappropriate for the child or young person'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 or young person being in contact with a known or suspected paedophile
- anorexia or over-eating
- adolescent pregnancy
- unexplained accumulation of money and gifts
- persistent running away from home
- risk taking behaviours including self-harm, suicide attempts.

Serious Emotional or Psychological Harm

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

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

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

Indicators of psychological abuse or harm include:

- 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

- obsessively eager to please or obey adults
- takes extreme risks, is markedly disruptive, bullying or aggressive
- highly self-critical, depressed or anxious
- suicide threats or attempts
- persistent running away from home.

Neglect

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

Key indicators of neglect are:

- 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 consistently unwashed
- poor complexion and hair texture
- child or young person not adequately supervised for their age
- scavenging or stealing food with a 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.

Domestic or Family Violence

Domestic or family violence is behaviour towards a family member that may include:

- physical violence or threats of violence
- verbal abuse, including threats
- emotional or psychological abuse
- sexual abuse
- financial and social abuse.

As family violence can result in one or more forms of child abuse (being neglect, physical or sexual abuse or emotional or psychological harm) physical and behavioural indicators of these types of abuse may also be indicative of a family violence situation. A child or young person's exposure to family violence also constitutes child abuse under the Family Law Act 1975 (Cth).

Managing a Student's Disclosure of Abuse

A student may disclose information about abuse or neglect privately to a staff member. Alternatively, a child or young person may make a public disclosure such as making a disclosure in class or to a group of other students.

Private Disclosure

If a student discloses a situation of abuse directly to a staff member their role is to reassure the student and support the student in their decision to disclose. The teacher must assure students that they have the right to feel safe and must listen actively to what the student is saying.

Disclosure of abuse can cause strong feelings in the person to whom the disclosure is being made. It is important for the staff member to be aware of, and control, their feelings.

Sometimes students may try and elicit a promise that a staff member not tell anyone about the disclosure. Do not make this promise.

The teacher is responsible for reporting the matter to the Head of Agency (refer to **Child Protection - Mandatory Reporting of Abuse**) and is not responsible for investigating the matter.

Public Disclosure

It is possible that a student may start to disclose in class or with a group of other students. In this circumstance, a teacher should use a strategy of 'protective interrupting' and:

- acknowledge that you have heard the student and stop further disclosure whilst maintaining support and encouraging the student to discuss the matter in a more private situation
- quietly arrange to see the student as soon as possible away from other students
- do not allow other students to ask questions and discourage them from making judgements.

Initial Reporting of Abuse

The identification of child abuse can be difficult especially where it is based upon the observation of multiple risk indicators that may often occur over a period of time.

Where a staff member forms a belief on reasonable grounds that neglect or abuse may be occurring, the Mandatory Reporter Guide (MRG) will be used to determine whether or not those concerns reach the suspected Risk of Significant Harm (ROSH) threshold. If they do reach that threshold, the concerns are then reported either to FACS on the Child Protection Helpline (132 111) or the Head of Agency (HOA).

At Kambala, the HOA is the Principal, however, should the allegation involve the Principal, the report is to be made to the President of Council.

Initial Action Following Disclosure

Safety of students is paramount. Once disclosure has been made, the Principal, or appropriate person, may consult with the Head of Counselling, as the particular circumstances demand, and will determine a strategy to ensure the student's immediate safety. This process must be documented (refer to the 'Records' section below).

Mandatory Reporting of Abuse and Neglect

In NSW it is a requirement of the Children and Young Persons (Care and Protection) Act 1998 (NSW) that the reporting of abuse (including physical, sexual or psychological/emotional abuse and/or neglect/ill-treatment/exposure to family violence) of a child is mandatory. It is not mandatory to report the abuse of a young person (16-17 years), however, it is the School's policy to report concerns about the safety and wellbeing of all its students, including young persons.

Abuse and neglect must be reported where a teacher forms a belief, on reasonable grounds, that a child or young person is at risk of significant harm from abuse or neglect.

To make a report call the Child Protection Helpline on 132 111 or 1800 212 936 (24 hours a day, 7 days a week).

For details of the process of Mandatory Reporting of child abuse and neglect refer to our **Child Protection – Mandatory Reporting of Abuse** policy.

Voluntary Reporting

Any person who believes, on reasonable grounds, that a child or young person is in need of protection may voluntarily report to FACS. You do not have to prove that abuse has taken place.

If you need to report an offence that requires immediate Police attention, call the Police on 000.

If you suspect on reasonable grounds that a child or young person is suffering abuse or neglect or you wish to discuss your concerns about a child or young person, call the Child Protection Helpline on 132 111 or the NSW Office of the Children's Guardian on 1800 212 936 (24 hours a day, 7 days a week).

Allegations against a Staff Member/Volunteer/Others

Where a matter that is subject to Mandatory Reporting also involves an allegation against a staff member or any person engaged by the School to provide services to children, including volunteers, it must also be reported to the NSW Ombudsman.

Allegations against a staff member or volunteer that are not subject to Mandatory Reporting because the child or young person is not at 'significant risk of harm' but still involves sexual misconduct (including child pornography) or 'behaviour that causes psychological harm to a child' must also be reported to the NSW Ombudsman.

For details refer to our **Child Protection – Reportable Conduct of Staff, Volunteers and Others** policy.

Crimes Act 1900 (NSW) Offences

The following two offences impose duties on persons at the School to act in relation to a risk of child abuse occurring or in the event that they have information that a child abuse offence has been committed. A person's failure to:

- make a report using the Child Protection Helpline or to FACS, or
- notify the NSW Ombudsman of reportable conduct,

may result in the commission of offences under these provisions.

Section 43B: Failure to reduce or remove risk of child becoming victim of child abuse

A person commits an offence if:

- the person is an adult (person who is of or above the age of 18 years) who carries out work for an organisation, whether as an employee, contractor, volunteer or otherwise (a **position holder**), and
- the organisation is the employer of an adult worker, who engages in **child-related work**, and
- there is a serious risk that the adult worker will commit a child abuse offence against a child (a person under the age of 18 years) who is, or may come, under the care, supervision or authority of the organisation, and
- the position holder knows that the risk exists, and
- the position holder, by reason of their position, has the power or responsibility to reduce or remove that risk, and
- the position holder negligently fails to reduce or remove that risk.

"Serious risk" and "knows" are undefined in the legislation.

Child-related work has the meaning given in the Child Protection (Working with Children) Act 2012 (NSW) and includes education or religious services work that involves direct contact (physical contact or face-to-face contact) by the worker with the child or children, where that contact is a usual part of and more than incidental to the work.

Worker has the meaning given in the Child Protection (Working with Children) Act 2012 (NSW) and includes an employee, a contractor or subcontractor, a volunteer, a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience), and a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of a religion or other member of a religious organisation.

Refer to **Child Protection - Working with Children Checks** for more information about the Child Protection (Working with Children) Act 2012 (NSW).

The list of **child abuse offences** that are captured by this provision is extensive and includes rape, sexual abuse, sexual touching, production of child abuse material and grooming offences as well as attempts to commit those offences.

Section 316A: Concealing child abuse offence

It is an offence under the Crimes Act 1900 (NSW) to conceal a child abuse offence. Under section 316A an adult (person who is of or above the age of 18 years):

- who knows, believes or reasonably ought to know that a **child abuse offence** has been committed against another person, and
- who knows, believes or reasonably ought to know that they have information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for that offence, and
- who fails without reasonable excuse to bring that information to the attention of a member of the Police as soon as it is practicable to do so,

is guilty of an offence.

A person will have a "reasonable excuse" for failing to tell the Police if:

- they believe, on reasonable grounds, that the Police already know the information, or
- they have made a mandatory report under Mandatory Reporting laws or believe on reasonable grounds that another person has done so, or
- they have reported the information to the NSW Ombudsman under reportable conduct laws or believe on reasonable grounds that another person has done so, or
- they have reasonable grounds to fear for the safety of the person or any other person (other than the offender) if the information were to be reported to the Police, or
- the information was obtained by the person (by the person receiving it or otherwise becoming aware of it) when they were under the age of 18 years, or
- the alleged victim was an adult at the time that the information was obtained by the person and the person believes on reasonable grounds that the alleged victim does not wish the information to be reported to Police.

The list of **child abuse offences** that are captured by this provision is extensive and includes rape, sexual abuse, sexual touching, production of child abuse material and grooming offences as well as attempts to commit those offences.

The reporting of an offence under section 316A by a person in good faith does not constitute unprofessional conduct or a breach of professional ethics and does not make the person subject to any civil liability (including liability for defamation).

Duty to Prevent Abuse

Section 6F of the Civil Liability Act 2002 (NSW) imposes a duty of care on the School to take reasonable precautions to prevent an individual associated with the School from perpetrating physical or sexual abuse of a child in connection with the School's responsibility for the child. If the School is involved in a negligence proceeding under the Civil Liability Act, the School is presumed to have breached its duty of care unless it establishes that it took reasonable precautions to prevent the abuse.

Whether or not the School took reasonable precautions will be assessed by a court in accordance with considerations set out in the Civil Liability Act and case law.

In determining whether the School took reasonable precautions to prevent child abuse, a court may take into account any of the following:

- the nature of the School
- the resources reasonably available to the School
- the relationship between the School and the child
- whether the School has delegated in whole or in part the exercise of care, supervision or authority over a child to another organisation
- the role in the School of the individual who perpetrated the child abuse
- the level of control the School had over the individual who perpetrated the child abuse
- whether the School complied with any applicable standards in respect of child safety
- any other matters the court considers relevant.

Ongoing Management Plan

Together with FACS and/or the Police the School will develop and implement a management plan designed to provide ongoing support to the student who has been the subject of abuse or neglect.

Record Keeping

Where a staff member suspects child abuse but does not have enough information, written and dated records of their observations and concerns should be kept until reasonable belief is formed.

All verbal and written communications regarding child protection matters (including notes of observations, meetings and telephone calls) must be properly documented. The documented records should include dates and times and enough detail to record key conversations, especially those relating to the

student's disclosure.

The records of child protection matters including allegations, investigations and findings must be stored securely.

This documentation is maintained by the Head of Counselling or the HR Manager depending on the nature of the allegation.

Confidentiality

Staff who have access to information regarding suspected or disclosed child abuse must keep such information confidential and secure and must not disclose this information unless required to do so as part of the ongoing investigation or by law.

Staff must not provide undertakings that are inconsistent with their reporting obligations under this policy. In particular, staff must not promise a student that they will not tell anyone about the student's disclosure.

Students and any other parties who become involved in the investigation (this may include other students) should be informed of the reporting process and be requested to maintain confidentiality.

Inappropriate disclosure will be subject to disciplinary action.

Staff Responsibilities

Staff must ensure:

- reports of child abuse are made as soon as practicable to Principal
- they comply with their obligation for Mandatory Reporting of abuse or neglect
- they comply with their reportable conduct obligations
- they comply with their criminal law duties regarding the reduction or removal of child abuse risk and reporting child abuse offences
- confidentiality is maintained throughout the process
- immediate support is given to students making disclosures
- records of all verbal and written communication are maintained and stored securely
- no attempts to investigate the incident are made
- participation in training.

Signage

Posters of Mandatory Reporting processes and FACS contact details are displayed strategically in staff rooms at the School.

Implementation

This policy is implemented through a combination of:

- development of risk identification and reporting procedures
- the provision of counselling services
- staff training
- signage
- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary.

Discipline for Breach of Policy

Where a staff member breaches this policy, Kambala will take disciplinary action, including in the case of serious breaches, summary dismissal.

Child Protection - Mandatory Reporting of Abuse

Source of Obligation

Under the Children and Young Persons (Care and Protection) Act 1998 (NSW), all teachers, child care workers, refuge workers, community housing providers, health professionals such as doctors, nurses and midwives, and Police officers are required by law to report abuse and neglect to the Department of Family and Community Services (FACS), where they **suspect, on reasonable grounds**, that a child (a person under the age of 16) is **at risk of significant harm**.

The Memorandum of Understanding (MOU) between FACS, the Catholic Education Commission NSW (CECNSW) and the Association of Independent Schools of NSW (AISNSW) prescribes additional Mandatory Reporting procedures.

The MOU introduces centralised reporting procedures for non-government schools coordinated and represented by the CECNSW or AISNSW and those procedures are referenced in this policy.

Kambala's Policy

Kambala has developed a detailed **Child Protection Policy** which outlines abuse and neglect risk indicators, key requirements when managing student disclosure, initial notification procedures, the development of a management plan, the provision of ongoing support, record keeping and confidentiality.

This policy is designed to set out in plain English, teachers' obligations in relation to Mandatory Reporting of child abuse and neglect in NSW.

What Does 'Reasonable Grounds that a Child is at Risk of Significant Harm' Mean?

Suspecting on **'reasonable grounds'** that a child is **'at risk of significant harm'** is the standard that reporters must use in deciding whether or not to report child abuse to FACS.

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

'Significant' means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

'Significant' is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well being. Significance can result from a single act or omission or an accumulation of these.

The concept of **'reasonable grounds'** requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source.

What Must Be Reported?

All suspicions on reasonable grounds, that a child or young person is at risk of significant harm from the following types of abuse and neglect, must be reported:

- physical abuse
- neglect – including supervision, physical shelter/environment, food, hygiene/clothing, medical care, mental health care, education
- ill-treatment
- sexual abuse
- psychological harm

- exposure to domestic or family violence
- carer concern – including substance abuse, mental health and domestic violence.

Refer to the **Child Protection - Abuse Identification and Initial Notification** policy for more information on the indicators of harm and maltreatment and initial notification of abuse.

Refer to the **New South Wales Mandatory Reporter Guide** (MRG) for guidance on making a decision on whether to report abuse and neglect. This guide includes 'decision trees'.

Grooming behaviours are conduct which may place a child at risk of significant harm, which must be reported under the Children and Young Persons (Care and Protection) Act 1998 (NSW).

Refer to our **Detecting, Reporting and Addressing Grooming Behaviours** policy.

Additional grounds for making a mandatory report, which are not included in the Children and Young Persons (Care and Protection) Act 1998 (NSW), are listed in the MRG, being 'Danger to Self or Others', 'Relinquishing Care' and 'Unborn Child'. Refer to the website for more information on these grounds for making a mandatory report.

When Mandatory Reports Must Be Made

Reports of child abuse and neglect must be made as soon as practicable once a suspicion has been formed. The earlier a report is received the earlier steps can be taken to protect a child, where this is necessary.

Mandatory Reporter Guide (MRG) and Child Protection Hotline

The MRG assists in providing mandatory reporters with the most appropriate reporting decision. It is not designed to determine whether the matter constitutes a risk of significant harm (ROSH). The MRG website advises that a decision by the Child Protection Helpline that a report does not meet the ROSH threshold does not necessarily mean the report should not have been made. Ultimately, a report based on a suspicion that a child or young person or class of children or young people is at ROSH is in their best interests.

How is a Report Made?

Due to the seriousness of child abuse and neglect, reports should be made using the most direct means possible.

In accordance with the terms of the MOU, where a mandatory reporter forms a reasonable belief that a child is at risk of significant harm, they must either report directly to FACS, or to the Head of Agency (HOA). At Kambala the HOA is the Principal, however should the allegation involve the Principal, the report is to be made to the President of Council.

Either the Principal or the President of Council must forward the report of risk of significant harm to FACS as soon as practicable.

Nothing in the MOU precludes any person at the School, including mandatory reporters, from making a report directly to FACS.

Concerns that require immediate attention should be reported by the Principal, by calling the FACS Child Protection Helpline on **132 111**.

When preparing to make a report, the specific circumstances that supported the responses to the **decision trees** (if used) and any unique circumstances supporting a decision to report should be readily available to assist FACS, as well as the following information:

- full name, date of birth (or approximate age), address and phone number of the child or young person, or children or young people, you are concerned about
- full name (including any known aliases), approximate age, address and phone number of the parents or carers
- a description of the child or young person and their current whereabouts
- why you suspect the child or young person is at risk of significant harm (what you have seen, heard or been told)
- whether a language or sign interpreter may be required, whether support is required for a person with a disability or an Aboriginal agency is involved
- your name and contact details.

Sometimes all of this information will not be known to the reporter. As a minimum, FACS needs to be able to identify and locate the child.

Additionally, information about the child or young person's reaction to the report should also be provided to enable FACS to take into account any view or

wish expressed by the child or young person, including their opposition to the report being made.

MOU: Feedback

Under the terms of the MOU, the Principal or President of Council is obligated to provide feedback to the mandatory reporter that a report to FACS has been made. Mandatory reporters are encouraged to follow up with the Principal or President of Council if a reasonable time has passed and they haven't received such feedback.

Staff/Volunteer/Others Misconduct

Where a matter that is subject to Mandatory Reporting also involves an allegation against a staff member or any person engaged by the School to provide services to children, including volunteers, it must also be reported to the NSW Ombudsman.

For details refer to our **Child Protection – Reportable Conduct of Staff, Volunteers and Others** policy.

Confidentiality of the Reporter's Identity

Reports made to FACS are confidential and the reporter's identity is generally protected by law.

It is important to note however that NSW Police may be granted access to the identity of the reporter if this is needed in connection with the investigation of a serious offence against a child or young person. The request must come from a senior NSW Police officer and the reporter must be informed that their identity is to be released, unless informing them of the disclosure will prejudice the investigation.

What Happens After a Report is Made?

The Child Protection Helpline will assess the information that is provided, along with information that may be known to FACS, to determine whether the child or young person is actually at risk of significant harm. FACS may then do one of the following:

- screen out the report because it does not meet the threshold for risk of significant harm
- refer the report to Brighter Futures (an early intervention program designed to build the resilience of families and children that are at risk)
- assess the report but not open it for ongoing services
- offer ongoing services/further assessment to the child or young person, other individual family members, or to the family together
- arrange protective placement of the child or young person.

Reporters will be informed in writing of the action that will be taken by FACS, including whether the report made met the threshold of significant harm and/or whether no further action was recommended.

Even after a report to the Child Protection Helpline has been made, reporters must continue to respond to the needs of the child or young person within the terms of their work role. This may include providing a report to the NSW Police and/or arranging for medical care.

Implementation

This policy is implemented through a combination of:

- staff training
- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary.

Record Keeping

The documentation relating to the making of a mandatory report is maintained by the HR Manager or the Head of Counselling depending on the nature of the allegation.

Discipline for Breach of Policy

Where a staff member breaches this policy, Kambala may take disciplinary action, including in the case of serious breaches, summary dismissal.

Child Protection - Detecting, Reporting and Addressing Grooming Behaviours

Grooming Behaviour

All children and young people have the right to be protected from abuse, maltreatment and harm.

Grooming behaviours can precede sexual abuse in many, but not all, cases.

The School expects a staff member, or any person engaged by the School to provide services to children, including volunteers, to observe the highest standards of ethical behaviour and integrity in their conduct.

Kambala's **Code of Conduct** sets out our key values and how they should be applied within our workplace and in our dealings with those outside of our School.

Source of Obligation

The School has a duty of care which entails protecting all students from foreseeable risks while at school or engaging in School-related activities.

In addition, the procurement or grooming of a child for the purpose of engaging in sexual conduct is a criminal offence in all jurisdictions in Australia, and at a Federal level where the conduct in question may not be prohibited under the state or territory law.

In NSW:

- section 66EB Crimes Act 1900 (NSW) 'Procuring or grooming a child under 16 for unlawful sexual activity', and
- section 66EC Crimes Act 1900 (NSW) 'Grooming a person for unlawful sexual activity with a child under the person's authority',

apply.

Under the Criminal Code Act 1995 (Cth) 'Using a carriage service to procure persons under 16 years of age', and 'Using a carriage service to "groom" persons under 16 years of age' are prohibited.

Kambala's Policy

Kambala is committed to providing a safe environment for all our students.

It is our policy that:

- all staff are trained with respect to the identification of grooming behaviours and relevant procedures
- all suspected cases of grooming are reported to the Principal, or Head of Counselling as soon as practicable
- we maintain effective procedures to assist staff in identifying and reporting grooming behaviours
- we work collaboratively with relevant external agencies that are involved in child protection
- the school remains well-informed of relevant government inquiries that can provide further guidance on identifying and reporting grooming behaviours
- we act immediately to ensure the safety of students believed or suspected to be at risk of abuse
- we provide ongoing support and assistance to the students identified as having been exposed to grooming behaviours or abuse

- we provide students with age-appropriate training of what constitutes inappropriate behaviour
- we create an environment at the school conducive to staff members making reports about the behaviour of other staff members.

What is Grooming?

Grooming is the means by which a person creates or exploits opportunities to safely engage in sexual contact with a particular child or children.

Grooming behaviour typically involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviours. It involves the use of a variety of manipulative and controlling techniques, with a vulnerable subject, in a range of interpersonal and social settings, in order to establish trust or normalise sexually harmful behaviour, with the overall aim of facilitating exploitation and/or prohibiting exposure. Perpetrators can groom a child, as well as other people in the child's life, for example parents/carers and other staff members at the School.

Grooming is not a single act of unprofessional or inappropriate conduct, but rather a pattern of behaviour where the trust of a child is gained and a 'special relationship' is developed between the adult and the child.

Grooming involves making the child feel important and special, often by giving the child extra attention, privileges and gifts. In many cases, the child's family is engaged by the adult to gain access to the child outside of school hours and the child is encouraged to see the adult as a friend.

This policy provides a general overview of what grooming behaviour typically involves.

What are Indicators of Grooming Behaviour?

The nature of grooming behaviour is that it usually occurs when a student and adult are alone. As with other forms of abuse, students may have promised the abuser that they will not tell anyone, or they may be afraid to speak out.

Indicators of grooming behaviours include an adult:

- attempting to keep a special relationship with a student a secret
- manoeuvring to get or insisting on uninterrupted time alone with a student
- showing favouritism towards a student
- offering to help a student to improve their performance at school
- buying a student gifts
- insisting on physical affection such as hugging, wrestling or tickling even when the student clearly does not want it
- being overly interested in the sexual development of a student
- taking a lot of photos of a student
- engaging in inappropriate or excessive physical contact with a student
- sharing alcohol or drugs with a student
- making inappropriate comments about a student's appearance or excessive flattery
- using inappropriate pet names
- making jokes or innuendo of a sexual nature
- making obscene gestures or using obscene language
- sending correspondence of a personal nature via any medium
- inviting, allowing, or encouraging students to attend a staff member's home
- entering change rooms or toilets occupied by students when supervision is not required or appropriate
- photographing, audio recording, or filming students via any medium without authorisation or having parental consent to do so.

Grooming Behaviour is Repeated Behaviour

Certain behaviours or acts will not in isolation constitute grooming behaviour. However where there is a repeating pattern of indicative behaviour, or several incidents of indicative behaviour, it may constitute grooming behaviour.

For example, the grooming behaviours listed above, in isolation will usually not constitute grooming behaviour but when repeated or escalated over a period of time, may be reportable as grooming behaviour.

Where the above acts or behaviours do not constitute grooming behaviour, they may be a violation of the School's **Code of Conduct** or constitute professional misconduct and if so should be reported to the Principal, or Head of Counselling.

What is Not Grooming Behaviour?

Not all physical contact between a student and a staff member or any person engaged by the School to provide services to children, including a volunteer, will be inappropriate and/or an indicator of possible grooming behaviour.

The following physical contact with students is not grooming behaviour:

- administration of first aid
- supporting students who have hurt themselves
- non-intrusive gestures to comfort a student who is experiencing grief, loss or distress, such as a hand on the upper arm or upper back
- non-intrusive touching i.e. shaking a student's hand or a pat on the back to congratulate a student.

What is the Connection Between Grooming Behaviour and Abuse?

It is an offence in New South Wales under the Crimes Act 1900 to:

- Procure or groom a child under 16 for unlawful sexual activity.
- Groom a person for unlawful sexual activity with a child under the person's authority. This offence relates to an adult (18 years or over) who provides a benefit (financial or other material) to another person (other than a child under the age of 16) with the intention of making it easier to procure a child who is under the authority of that person for unlawful sexual activity with the adult person or any other person.

"Under the authority" means under the care, or under the supervision or authority, of the other person. This includes the relationship between a student and a Principal, teacher/volunteer/contractor.

In NSW, these forms of grooming conduct are individual offences which may precede a separate sexual offence.

These offences only apply to children (a person under the age of 16). The grooming of a young person, while not a crime, must still be reported to the Principal.

Reporting Grooming Behaviours

If you have a reasonable suspicion or belief that grooming behaviour is occurring, or have witnessed repeated indicators of grooming behaviour, a report should be made to the Principal or Head of Counselling.

If the matter involves the Principal, staff should report suspicions or beliefs to the President of Council.

In NSW grooming behaviour is a crime. It is also conduct which may place a child at risk of significant harm, which must be reported under the Children and Young Persons (Care and Protection) Act 1998 (NSW) (refer to **Child Protection - Mandatory Reporting of Abuse**).

Kambala treats the commission of grooming behaviour on its premises, online, using school equipment, during its extra-curricular activities or in other related settings (e.g. the home of a teacher) as conduct which threatens the safety of students and action must be taken under our child protection policies.

All staff should be aware that grooming behaviour committed by a staff member will constitute a breach of the School's **Code of Conduct**, and may amount to professional misconduct. Any concern a staff member has about whether a situation may compromise or breach the Staff and Student Professional Boundaries policy should be reported to the Principal or Head of Counselling (or the President of Council, if the matter involves the Principal).

Grooming Behaviours Involving Staff Must Be Reported to the NSW Ombudsman

The School must report substantiated incidents of 'sexual misconduct' involving staff to the NSW Ombudsman. Sexual misconduct includes grooming behaviour. This form of reporting obligation is distinct from, and broader than, the Mandatory Reporting obligations under The Children and Young Persons (Care and Protection) Act 1998 (NSW). Reports to the Ombudsman must be made if an allegation is made against a staff member or any person engaged by the School.

For information as to how to make a report to the NSW Ombudsman refer to **Reportable Conduct of Staff, Volunteers and Others**.

If the allegations are substantiated the School will notify the NSW Office of the Children's Guardian that a staff member at the school has been accused of behaviour that may affect their clearance to work with children.

Managing a Student's Disclosure of Grooming

Where a student discloses information about grooming behaviour, or behaviour that is indicative of grooming, to a staff member, the staff member should follow the same management of disclosure guidelines as in the school's **Child Protection – Abuse Identification and Initial Notification** policy.

Where the student discloses grooming behaviour by directing the staff member to electronic communications such as email, internet chat rooms, SMS messages or real time audio/video between the student and the adult who is the subject of the allegation, the staff member should report the matter to the Principal or Head of Counselling (or the President of Council, if the matter involves the Principal). In these circumstances, appropriate steps should be taken to preserve the electronic evidence of the grooming behaviour that has been disclosed.

What Will Happen if I Make a Report Against a Fellow Staff Member?

Reports that are made honestly and without recklessness to the School will not constitute a breach of confidence, professional ethics or a rule of professional conduct.

The School is committed to encouraging and facilitating reports of suspicions or beliefs of child abuse, neglect or grooming behaviours and providing an environment that is conducive to staff members making reports about the behaviour of other staff members.

Staff should feel safe to report all concerns including those that involve a fellow staff member.

The identity of the reporter can be protected if necessary however it may be disclosed in the event of a future criminal or civil investigation.

The reporting staff member will not be civilly or criminally liable for providing information when the report is made honestly and without recklessness.

Where allegations or suspicions of grooming behaviour are reported, the School will first act to ensure the safety of the student who is the alleged victim of the grooming behaviour.

The School will then notify the staff member who is the subject of the report and provide an opportunity for them to respond to the allegations, in accordance with the principles of natural justice. If the allegation involves the Principal the report should be made to the President of Council.

The School will conduct an internal investigation. If the allegations are of a serious nature and require further investigation, the School may refer the matter to the Police and relevant child protection agencies.

Any relevant evidence should be preserved.

The School may suspend the staff member while the allegation is being investigated.

Record Keeping

Where a staff member suspects grooming behaviour but does not have enough information to make a report, they should keep written and dated records of their observations and concerns until they are prepared to make a report. It should be noted that allegations of grooming are taken very seriously by the School and dishonest reports will result in disciplinary action.

All verbal and written communications regarding child protection matters (including notes of observations, meetings and telephone calls) must be properly documented.

The documented records should include dates, times and enough detail to record key conversations, especially those relating to a student's disclosure.

The records of child protection matters must be stored securely.

For the purposes of any current or future internal or external investigations into grooming allegations, the School maintains records of any and all evidence or notes relating to the allegations made. This may include:

- notes taken during a meeting with a staff member who is the subject of a grooming allegation
- reports made by a staff member about the behaviour of a colleague
- notes taken during a disclosure by a student of grooming behaviour
- copies of any reports made to police or regulatory bodies about the matter

- digital copies of correspondence between the student and the staff member who is the subject of the allegation, if the allegation includes claims of inappropriate online activity.

Recording Staff/Student Interaction Disclosures

It is Kambala's policy that all staff are encouraged to declare any interactions with students outside school hours. This issue is discussed in greater detail at Code of Conduct training. These interactions may include instances where the staff member is:

- related to the student,
- friends with the student's parents or family, or
- has parental consent to interact with the student for academic purposes outside of school hours and has notified the School.

Kambala maintains records of all declarations made by staff members related to their interactions with students, or relationships with students, that exist outside of school hours or School premises.

These records are kept for a period of seven years.

Confidentiality

Staff who have access to information regarding suspected or disclosed child abuse, including grooming behaviour, must keep such information confidential and secure and must not disclose this information unless required to do so as part of an ongoing investigation, by law, or when it is necessary to disclose the reasons for removing a child or young person from a class or activity where the grooming behaviour occurred. This should only be done where absolutely necessary.

Staff must not provide undertakings that are inconsistent with their reporting obligations under this policy. For example, as with other forms of abuse, students who disclose that they have been subject to grooming behaviours may attempt to elicit a promise that a staff member not tell anyone about the disclosure. Staff members must not make this promise.

Students and any other parties who become involved in the investigation (this may include other students) should be informed of the reporting process and be requested to maintain confidentiality.

Inappropriate disclosure of confidential information will be subject to disciplinary action.

Staff Responsibilities

Staff must ensure that:

- reports of grooming behaviour or repeated incidents of indicators of grooming behaviour are made as soon as practicable
- confidentiality is maintained throughout the process
- immediate support is given to students making disclosures
- records of all verbal and written communication are maintained and stored securely
- all staff participate in training.

Signage

Posters of Mandatory Reporting processes that may apply, and the NSW Office of the Children's Guardian and the NSW Ombudsman contact details are displayed strategically in staff rooms at the School.

Implementation

This policy is implemented through a combination of:

- risk identification and reporting procedures
- the provision of counselling services
- staff training
- signage
- effective communication and incident notification procedures
- effective record keeping procedures

Discipline for Breach of Policy

- initiation of corrective actions where necessary.

Where a staff member breaches this policy, Kambala will take disciplinary action, including in the case of serious breaches, summary dismissal.

Child Protection - Reportable Conduct of Staff, Volunteers and Others

Reportable Conduct – Source of Obligation

The Ombudsman Act 1974 (NSW) (the Ombudsman Act) requires Kambala to investigate and report to the NSW Ombudsman all allegations of Reportable Conduct that are made against "employees" at the School or any conviction of an offence involving Reportable Conduct as defined by the Ombudsman Act.

Reportable Conduct and Mandatory Reporting

In some cases, conduct that is Reportable Conduct which must be reported to the NSW Ombudsman must **also** be reported to the Department of Family and Community Services (FACS) and/or the Police in accordance with Mandatory Reporting procedures under the Children and Young Persons (Care and Protection) Act 1998 (NSW). A failure to make a report in accordance with this policy may amount to an offence under the Crimes Act 1900 (NSW).

However, it is important to understand that the Reportable Conduct obligation covered in this policy is separate and distinct from the Mandatory Reporting obligation (refer to **Child Protection - Mandatory Reporting of Abuse**).

The Reportable Conduct threshold is much lower than the Mandatory Reporting threshold, so any matter involving a staff member that requires Mandatory Reporting must also be reported to the NSW Ombudsman under this policy.

Who is an Employee?

The Ombudsman Act defines an employee as any employee of the School, whether or not the employment is in connection with any work or activities related to children and any individual engaged by the School to provide services to children, including in the capacity of a volunteer.

Staff members are clearly employees under the Ombudsman Act. The following people are also employees at the School:

- School Council directors
- the Principal
- volunteers
- third party contractors
- external education providers.

What is Reportable Conduct?

Section 25A of the Ombudsman Act defines what type of conduct is, or is not, Reportable Conduct.

Reportable Conduct means:

- any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence, sexual touching 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 (whether or not, in any case, with the consent of the child).

A child is defined as a person under the age of 18 years.

What Conduct is Not Reportable Conduct?

Reportable Conduct does not extend to:

- conduct that is reasonable for the purpose of discipline, management or care of children, having regard to the age, maturity, health or other

characteristics of the children and any relevant codes of conduct or professional standards, or

- 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.

Some examples of conduct that would not constitute Reportable Conduct include touching a child to get their attention, to guide them or comfort them, a school teacher raising their voice to attract attention or restore order in a classroom, and conduct that is established to be accidental.

Key Definitions

The NSW Ombudsman has provided guidance on the meaning of key terms used in the definition of Reportable Conduct. Those terms are:

- sexual offence
- sexual misconduct
- assault
- ill-treatment
- neglect
- behaviour that causes psychological harm.

The definitions are provided by the NSW Ombudsman for the purposes of the Reportable Conduct scheme and they should not affect similar definitions provided in our **Child Protection – Abuse Identification and Initial Notification** and **Child Protection – Mandatory Reporting of Abuse** policies.

Sexual Offence

A sexual offence is any criminal offence involving a sexual element that is committed against, with or in the presence of a child. Such offences include, but are not limited to:

- indecent assault
- sexual assault
- aggravated sexual assault
- sexual intercourse and attempted sexual intercourse
- possession/dissemination/production of child pornography or child abuse material
- using children to produce pornography
- grooming or procuring children under the age of 16 years for unlawful sexual activity
- deemed non-consensual sexual activity on the basis of special care relationships (special care relationships as defined by the Crimes Act 1900 (NSW) including student/teacher relationships).

Sexual Misconduct

For sexual misconduct to constitute Reportable Conduct, the alleged conduct must have been committed against, with or in the presence of a child. The NSW Ombudsman identifies common forms of sexual misconduct as including, but not limited to:

- crossing professional boundaries
- sexually explicit comments and other overtly sexual behaviour
- grooming behaviour.

Crossing Professional Boundaries:

For more information about professional boundaries and expected appropriate behaviours of employees at the School, refer to our **Staff and Student Professional Boundaries** policy which applies to a broad range of people as required by the definition of employee in the Ombudsman Act.

Sexually Explicit Comments and Overtly Sexual Behaviour:

This may include, for example:

- sexualised behaviour including sexual exhibitionism
- inappropriate conversations of a sexual nature
- unwarranted and inappropriate physical contact with a child
- sexualised, romantic or otherwise personal correspondence and communications including via emails, social media, web forums and 'sexting'
- exposure of children to sexual behaviour including the display of pornography
- watching children undress in circumstances where supervision is not required and clearly inappropriate.

Grooming Behaviour:

For more information about the indicators of grooming behaviours refer to **Child Protection – Detecting, Reporting and Addressing Grooming Behaviours**.

Assault

The following types of conduct may, depending on the circumstances, amount to assault which constitutes Reportable Conduct:

- actual physical force – the intentional or reckless application of physical force against another person without their consent. For example: hitting, pushing or shoving
- apprehension of physical force – intentional or reckless conduct that causes another person to apprehend imminent physical force without their consent. For example, using words or gestures that lead the child to apprehend physical force.

The context in which actual physical force and apprehension of physical force occurs is crucial for determining whether in fact these types of conduct amount to assault. Injury is not an essential element of assault, and, alternatively, the existence of an injury does not necessarily mean that there was an assault.

For more information about the elements of assault, refer to "**Defining assault for the purposes of the reportable conduct scheme**", from the NSW Ombudsman.

Ill-Treatment

Ill-treatment is a term used to describe the circumstances where a person treats a child in an unreasonable and seriously inappropriate, improper, inhuman or cruel manner.

Examples of ill-treatment include:

- disciplining or correcting a child in an unreasonable and seriously inappropriate or improper manner
- making excessive and/or degrading demands of a child
- hostile use of force towards a child
- a pattern or hostile or unreasonable and seriously inappropriate, degrading comments or behaviour towards a child.

Neglect

Neglect includes either action or inaction by a person who has care responsibilities towards a child. In the School context, when considering whether a child has been neglected for the purposes of Reportable Conduct reporting, you must consider the person's responsibilities for the child and assess their action, or inaction, against their responsibilities.

The NSW Ombudsman identifies four categories of neglect:

- Supervisory Neglect
- Carer Neglect
- Failure to Protect a Child from Abuse

- Reckless Acts (or a Failure to Act).

Supervisory Neglect:

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

Carer Neglect: grossly inadequate care that involves depriving a child of the basic necessities of life, for example food and drink, clothing, shelter and medical care/treatment.

Failure to Protect a Child from Abuse: an obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child.

Reckless Acts (or a Failure to Act): a reckless act, or failure to act, that:

- involves a gross breach of professional standards, and
- has the potential to result in the death of, or significant harm to, a child.

Behaviour that Causes Psychological Harm

Behaviour that causes psychological harm is conduct that is obviously or very clearly unreasonable and results in significant emotional harm or trauma to the child. Psychological harm can include the exacerbation or aggravation of an existing psychological condition, such as anxiety or depression.

For Reportable Conduct involving psychological harm, the following elements must be present:

- an obviously or very clearly unreasonable or serious act or series of acts that the employee knew or ought to have known was unacceptable
- evidence of psychological harm to the child that is more than transient, including displaying patterns of 'out of character behaviour', regression in behaviour, distress, anxiety, physical symptoms or self-harm
- an alleged causal link between the employee's conduct and the psychological harm to the child.

When and How Are Reportable Conduct Matters Reported to the Ombudsman?

The NSW Ombudsman must be notified of all reportable allegations and reportable convictions against School employees.

- *Reportable allegation* means an allegation of Reportable Conduct against a person or an allegation of misconduct that may involve Reportable Conduct.
- *Reportable conviction* means a conviction (including a finding of guilt without the court proceeding to a conviction) in NSW or elsewhere, of an offence involving Reportable Conduct.

Any allegation of staff misconduct must be immediately reported to the Head of Agency (HOA). At Kambala the HOA is the Principal, however, should the allegation involve the Principal, the report is to be made to the President of Council.

Prior to making a report, Kambala may call the NSW Ombudsman on the **Employment-Related Child Protection line** on **02 9286 1021** for guidance on how to manage the reporting process.

There are 2 stages of reporting. The Ombudsman must be notified:

- as soon as practicable after becoming aware of the reportable allegation or conviction by lodging **Notification Form Part A**
- of the findings of the investigation, as soon as possible once the internal investigation has been finalised, by lodging **Notification Form Part B**.

To maintain confidentiality, the forms must only be sent by registered mail, hand delivery, or courier to:

Attention – Employment Related Child Protection Division
NSW Ombudsman

Level 24
580 George Street
Sydney NSW 2000

Disclosure to Ombudsman of Information About Reportable Conduct

The Principal, President of Council or other employee of the School may also disclose to the Ombudsman, or an officer of the Ombudsman, any information that gives the Principal, President of Council or other employee reason to believe that reportable conduct by an employee of the School has occurred.

Internal Investigations of Reportable Allegations or Convictions

Once a reportable allegation or conviction (which does not require reporting to FACS under the **Mandatory Reporting Obligations**) has been brought to the Principal's attention and the NSW Ombudsman has been notified, an internal investigation, led by the Principal (or President of Council, where appropriate) will be conducted in such a manner as the particular circumstances demand. The Principal (or President of Council, where appropriate) will conduct a risk assessment. Refer to **Risk Management: Risk Assessments** below.

It is important to note that an internal investigation must not be conducted in relation to an allegation that is the subject of Mandatory Reporting until clearance to do so is given by FACS or the Police, as this may compromise their investigations.

When conducting an internal investigation, principles of procedural fairness must be followed.

Internal investigations have the potential to create conflicts of interest. Conflicts may arise between an investigator's official duties and their private interests, which could influence the performance of the official duties. Investigators should be objective and impartial, and be seen as such. The School manages actual or reasonably perceived conflicts of interest through our **Conflicts of Interest Policy**.

The NSW Ombudsman may intervene in an internal investigation or ask for further information during the course of the investigation.

Internal Investigation Processes Outline

To ensure that a person who is the subject of the reportable allegation knows what to expect during the School's investigation processes, the following key steps must be taken.

Information Gathering:

The first step in an investigation is to gather all relevant information. This can be obtained from a range of sources:

- direct evidence or information can be obtained by speaking with those involved in the alleged incident (e.g. the child, witnesses or the employee)
- physical evidence can be obtained by collecting documents (e.g. rosters, emails), securing and inspecting objects (e.g. mobile phones, computers) and inspecting locations to check the relevant positions of parties and witnesses to the alleged incident (e.g. playgrounds, classrooms). This process may include taking photographs and making drawings or diagrams of the location
- expert evidence can be obtained from people who have specialised knowledge in a specific field that the general public do not have, for example a medical practitioner may be relevant if they had examined a child or young person

Where the Police or FACS have been involved, requests for information from, and the provision of information to these agencies will be made in accordance with Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 (NSW).

Employee Response:

The point at which an employee is told about the allegation and given an opportunity to respond can be critical to the success of an investigation and can affect the degree and duration of stress experienced by the employee.

If the Police and/or FACS wish to interview the employee, the School must consult with the relevant agency about what should be disclosed to the employee.

When all relevant information has been obtained, the allegation will be formally put to the employee and the employee will be given an opportunity to respond, either at an interview or in writing. At an interview, the employee may wish to have a support person there, who may observe only and must not interrupt. The interview will be recorded verbatim where possible and all records will be verified as a true record of the interview by being signed and dated by all involved.

It may be necessary to re-interview the employee if new information or allegations come to light during the investigation.

Key Considerations:

To ensure that an investigation is properly conducted:

- everyone involved in the investigation should be reminded of the importance of confidentiality
- the parents/carers of any child involved should be advised and asked for permission to interview their child, if appropriate
- all interviews should be recorded verbatim where possible, and records should be verified, signed and dated by all involved
- any other allegations that emerge during the investigation process should be documented, together with details of any action taken by the School
- all relevant parties should be advised of the outcome of the investigation.

Risk Management: Risk Assessments

The Principal (or President of Council, where appropriate) is responsible for assessing the risk that the employee poses to students at three separate stages:

- after a reportable allegation is made
- during the investigation
- at the end of the investigation.

Stage One: After a reportable allegation is made

Immediately following an allegation, the Principal (or President of Council, where appropriate) will conduct a risk assessment which considers:

- the nature and seriousness of the allegation(s)
- the vulnerability of the children who the employee would be in contact with while at the School – considering their age, communication skills etc
- the nature of the position occupied by the employee including the level of contact and interaction they have with children
- the level of supervision available for the employee
- the availability of support for the employee on a day-to-day basis if their duties are unchanged
- the employee's disciplinary history
- other possible risks to the investigation.

These factors will assist the Principal (or President of Council, where appropriate) to make a decision about whether to move the employee into indirect contact work, or suspend them from work during the investigation. The decision the Principal (or President of Council, where appropriate) makes after the first risk assessment should not influence the final findings of the investigation.

Stage Two: During the investigation

New risks may emerge during the investigation into an allegation and it is important that such risks are managed. As part of managing the investigation, Principal (or President of Council, where appropriate) should ensure that appropriate support is provided for:

- the child(ren) who were the subject of the allegation
- the employee who was the subject of the allegation
- other relevant parties, including parents/carers.

Stage Three: At the end of the investigation

Refer to the **Making a Finding of Reportable Conduct** section of this policy.

Making a Finding of Reportable Conduct

Once the investigator has concluded their investigation, the Principal or President of Council, as the decision-maker, should assess the evidence regarding the allegations of Reportable Conduct against the employee, as well as any conclusions or recommendations made by others involved in the investigation, and make a finding in relation to each allegation.

The investigator's finding will inform the School's child protection risk assessment and any future action taken to mitigate ongoing risks.

When deciding whether the reportable allegation amounts to a finding of Reportable Conduct at the conclusion of their investigation, the Principal (or President of Council, where appropriate) must consider:

- the reliability of all evidence collected
- the relevancy of all evidence collected to the alleged conduct
- whether accounts of the alleged conduct are consistent over time and consistent with other evidence
- whether the evidence collected is plausible
- any other evidence that corroborates or contradicts the allegation.

Caution should be exercised when reaching a sustained finding of Reportable Conduct where the matter involves a criminal allegation, such as an allegation of sexual assault. The investigator must take care to base their decision on clear and cogent evidence, rather than guesswork, suspicion or rumour. The more serious the alleged wrongdoing, the more care the investigator should exercise in making their decision as to whether they are satisfied the alleged conduct has occurred.

For more information about evidentiary thresholds and examples of thresholds in each of the Reportable Conduct categories, refer to the NSW Ombudsman fact sheet **Child Protection: Notifying and identifying reportable conduct**.

Possible Findings to Be Made by the Investigator

There are five possible findings that the investigator can make following an investigation of a reportable allegation. These are:

- Sustained: finding that the alleged conduct did indeed occur
- Not Sustained: Insufficient Evidence: finding that there is some, but insufficient, evidence available to reasonably establish that the alleged conduct did occur
- Not Sustained: Lack of Evidence of Weight: finding that the evidence available is of such poor probative value, or lacking weight, that on the balance of probabilities the conduct did not occur
- False: finding that the alleged conduct did not occur
- Not Reportable Conduct: finding that the alleged conduct was not reportable – for example, conduct that was reasonable in the circumstances or accidental. This may also include 'misconceived' matters where allegations were made in good faith, however it was based on a misunderstanding of what occurred, and therefore the conduct is not reportable.

Disclosing Information about Reportable Conduct to Affected Children, Parents and Carers

Information can often be provided to the parent/carer of the child affected by reportable conduct allegations without the need to consider legal impediments. Section 25GA of the Ombudsman Act affords legal protection to the HOA, the Principal, and any person acting at the direction of, and with specific knowledge of, the Principal.

The following information can be disclosed to the child who was allegedly the subject of the reportable conduct and/or any parent, legal guardian or authorised carer of the child:

- information about the progress of an investigation
- the findings of an investigation
- any action taken in response to those findings.

Section 25GA removes legal impediments to disclosure but does not provide a list of information that may or may not be disclosed to the above parties. It is ultimately a matter of discretion whether a disclosure of information is appropriate in the circumstances.

For more information about matters to consider when disclosing information, refer to the NSW Ombudsman fact sheet **Providing advice about reportable conduct investigations to children, parents and carers**.

Impact on Working with Children Check

Where the investigation has led to findings against the employee, depending upon the seriousness of the allegations, the Principal will also need to notify the Office of the Children's Guardian in relation to Working with Children Checks.

Refer to **Child Protection – Working with Children Checks**.

Crimes Act 1900 (NSW) Offences

There are various offences under the Crimes Act 1900 (NSW) (Crimes Act) which relate to the unique relationship between a student and persons who may be considered staff members and "employees" under this policy.

Those offences include:

- Section 66EB: Grooming a person for unlawful sexual activity with a child under the person's authority.
- Section 73A: Sexual touching – young person between 16 and 18 under special care.

The terms "under the person's authority" and "under special care" are defined differently under the Crimes Act:

- under the person's authority: means under the care, or under the supervision or authority, of the other person
- under special care includes:
 - a member of the teaching staff (a teacher, the Principal or deputy Principal or any other person employed at the School who has students at the School under their care or authority) of the School at which the victim is a student, or
 - a person with an established personal relationship with the student in connection with the provision of religious, sporting, musical or other instruction to the student.

Where the investigation has led to findings against the employee, which may constitute offences under the Crimes Act, the Principal (or President of Council, where appropriate) will need to notify the Police as a priority over the Kambala's own internal investigation.

Staff Responsibilities

Staff must ensure:

- reports of employee misconduct are made as soon as possible to the Principal
- the Principal is notified of any convictions which relate to Reportable Conduct
- cooperation in any internal investigation
- confidentiality is maintained throughout the process
- records of all verbal and written communications are maintained and stored securely.

Record Keeping

When a reportable allegation is made, it is important that the following information is documented:

- the allegation
- the School's initial response to the person making the allegation, the alleged victim(s) and the employee who is the subject of the allegation
- any communication with the Police or other authorities
- a plan detailing how the investigation is to be carried out including any notifications to Police or other authorities
- the Stage One risk assessments conducted by the Principal (or President of Council, where appropriate) and outlined above
- all interviews including details of questions and responses. Details should also include the location of the interview, who was present and start and finish times
- any decision made, either during or at the conclusion of the investigation, including the rationale, the position and name of the person making the decision and the date the decision was made

- any personal contact, discussions or emails with anyone about the matter (including dates, details of discussions, questions, advice, outcomes, the name and position of the person making the contact, and, where appropriate, the reason for the contact)
- a summary report that details the allegation, the investigation process, the findings in relation to each allegation (including the rationale for the finding), the final risk assessment (refer to the NSW Ombudsman fact sheet **Making a finding of Reportable Conduct**) (which includes any final decision about the employee and the factors that have been considered) and any subsequent action that is to be or has been taken.

Where possible, records should be verbatim and verified, signed and dated by all involved. Records should be kept separate, but linked by reference, to the employee's personnel file.

All records created in accordance with this policy, including all allegations, outcomes of internal investigations and decisions to make or not make a reportable conduct report are maintained by the HR Manager or the Head of Counselling depending on the nature of the allegation.

Implementation

This policy is implemented through a combination of:

- staff training
- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary.

Discipline for Breach of Policy

Where a staff member breaches this policy, Kambala may take disciplinary action, including in the case of serious breaches, summary dismissal (where appropriate).

Child Protection - Working with Children Checks

Working with Children Checks - Source of Obligation

The Child Protection (Working with Children) Act 2012 (NSW) (the Act) and the Child Protection (Working with Children) Regulation 2013 (NSW) (the Regulation) aim to protect children from harm by providing a high standard of compulsory national criminal record checking for people wishing to do paid, unpaid or volunteer child-related work in NSW. These background checks are referred to as Working with Children Checks (WWC Checks).

It is an offence to engage in child-related work without a valid WWC Check.

It is an offence for the School to commence employing or continue to employ a worker in child-related work if the School knows or has reasonable cause to believe that:

- the worker is not the holder of a WWC Check Clearance that authorises that work and that there is no current application by the worker to the Children's Guardian for a clearance of a class applicable to that work, or
- the worker is subject to an interim bar,

unless the School has obtained and verified the worker's relevant details and made a record of those relevant details.

Kambala, our staff, volunteers and others have a number of responsibilities and obligations under the Act and the Regulation which are outlined in this policy.

Who Needs a WWC Check?

Subject to the exemptions referred to below, any **worker** who engages in **child-related work** must undergo a WWC Check.

Under the Act, a child is defined as a person who is under 18 years of age.

Definition of Worker

A worker means any person who is engaged in work, as an employee, a self-employed person, a contractor or subcontractor, a volunteer, a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience), or as a minister, priest, rabbi, mufti or other like religious leader, or spiritual officer of a religion, or other member of a religious organisation.

What is Child-Related Work?

A worker is engaged in child-related work for the purposes of the Act if:

- the worker is engaged in work for, or in connection with, work declared by the Regulation to be child-related work that involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work, or
- the worker is engaged in work in a child-related role.

Under the Act and Regulation, work for, or in connection with, any of the following is declared to be child-related work:

- mentoring and counselling services for children
- direct provision of child health services
- clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for children
- education and care services, child care centres, nanny services and other child care

- sporting, cultural or other entertainment venues used primarily by children and entertainment services for children
- justice services such as detention centres
- any religious organisation where children form part of the congregation
- private coaching or tuition to children
- boarding houses or other residential services for children and overnight camps for children
- transport services especially for children, including School bus services and taxi services for children with a disability and supervision of School road crossings
- the role of a cleaner providing cleaning services at the School
- providing ongoing, counselling, mentoring or distance education using any form of communication that does not primarily involve direct contact (physical or face-to-face contact).

Under the Act and Regulation, the following roles are considered to be child-related roles:

- an approved provider or manager, or a certified supervisor, of an education and care service
- an authorised carer
- an assessment officer of a relevant agency under the Children and Young Persons (Care and Protection) Act 1998 (NSW)
- the principal officer of a designated agency or an accredited adoption service provider.

What is Not Considered to be Child-Related Work

Under the Regulation, the following types of work are not considered to be child-related work:

- if the work does not ordinarily involve contact with children for extended periods without other adults being present, the work is not child-related work if it is:
 - work as a referee, umpire, linesperson, other sporting official or grounds person for a club, association, movement, society or other body of a cultural, recreational, sporting or community service nature that involves providing programs or services primarily for children, or
 - work in providing respite care or other support services primarily for children with a disability
- work as a student in the course of a student clinical placement in a hospital or other health service, and
- providing food or equipment at or for a sporting, cultural or other entertainment venue or providing a venue.

What is 'Direct Contact'?

Under the Act, 'direct contact' with children means:

- physical contact, or
- face-to-face contact.

The Regulation may provide for circumstances in which direct contact by a worker with a child or children is taken to be a usual part of and more than incidental to a worker's work.

Key Exemptions

People engaged in the following types of work are not required to have a WWC Check:

- administrative, clerical or maintenance work, or other ancillary work, that does not ordinarily involve contact with children for extended periods, other than School cleaners
- work with minimal direct contact or unsupervised contact with children, done for no more than five days in a calendar year

- volunteering by a parent or close relative in the following areas, except where the work involves providing mentoring services as part of a formal mentoring program, providing personal care services to children with disabilities, or attending an overnight camp for children:
 - of a child in activities for the child's school, early education service or other educational institution
 - with a team, program or other activity in which their child usually participates or is a team member
- a visiting speaker, adjudicator, performer, assessor or other similar visitor at a school or other place where child-related work is carried out if the work of the person at that place is for a one off occasion and is carried out in the presence of one or more other adults
- work by an interstate visitor:
 - in a one-off event such as a jamboree, sporting or religious event or tour, if the event is the only child-related work carried out by the worker in NSW in that calendar year and the period of work does not exceed 30 days
 - who holds an interstate working with children check, or is exempt from the requirement to have such a check in his or her home jurisdiction, whose child related work in NSW is for no more than 30 days in any calendar year
- people under the age of 18.

How to Apply for a WWC Check?

A worker who engages in child related work is responsible for applying for his or her own WWC Check. An employer cannot apply on behalf of a worker.

To apply for a WWC Check, or to renew your clearance, visit the **NSW Office of the Children's Guardian website** and follow the prompts to either apply, renew or update your details.

Kambala does not reimburse this fee for staff.

What is Checked?

The WWC Check obtains applicants' national criminal histories including:

- convictions (including convictions that have been spent, quashed or set aside or for which a pardon has been granted)
- charges (whether or not heard, proven, dismissed, withdrawn or discharged)
- convictions or findings dealt with by way of recognizance after 15 years under the Crimes Act 1900 (NSW)
- juvenile records
- findings of misconduct (e.g. sexual misconduct or serious physical assault of a child) by a government agency
- notifications on matters indicating serious risk to children made by the Ombudsman.

Outcome of the WWC Check

There are two key results for a WWC Check – a clearance to work with children or a bar against working with children.

Where the outcome is a **clearance**, the applicant will be provided with a WWC Check number. The WWC Check is valid for five years and may be used for any child-related work (paid or voluntary) in NSW. Cleared applicants will be subjected to ongoing monitoring for relevant new records which could lead to a bar and the clearance being revoked before the five year expiry date.

Where a **bar** is being considered, the NSW Office of the Children's Guardian will call and write to the applicant to inform them of the proposed decision. Applicants will be invited to submit information to support their application and the Office of the Children's Guardian will take this information into account when making their final decision.

Bar Against Working with Children

If the outcome is a bar, applicants must not engage in any child-related work. The barred applicant will receive a letter from the Office of the Children's Guardian notifying them of the decision and an explanation of the appeals process, should they wish to appeal through the NSW Administrative Decisions Tribunal.

The online verification process may produce the following other results:

- Application in progress
- Interim barred
- Not found.

Refer to the guidance available on the **NSW Office of the Children's Guardian website** for more information about the meaning of these results.

Worker Obligations

Upon receiving clearance, it is compulsory that the worker provides their WWC Check number to Kambala, along with their full name and date of birth for online verification.

Workers are responsible for renewing their own WWC Checks and notifying the Office of the Children's Guardian of changes to their personal details as necessary. They will receive a reminder to renew their WWC Check three months before it expires.

Kambala's Obligations

The School must:

- register online as a child-related employer by going to the **NSW Office Of the Children's Guardian website** and completing the form
- before engaging a new worker, obtain and verify the worker's relevant details. The only way to verify these details is by using the **online verification system**
- not accept paper evidence of a clearance or an application from the worker because they may have been barred
- update the record of the worker's relevant details within five working days after the worker's WWC Check clearance expires
- ensure current paid workers and all volunteers apply for the new Check
- remove any barred or unauthorised persons from child-related work
- maintain all records of verifications and other WWC documentation in accordance with this policy
- notify the Office of the Children's Guardian if a staff member or volunteer is subject to an adverse finding in relation to an allegation of misconduct that is the subject of a Mandatory Reporting and/or a Reportable Conduct notification. This notification will trigger a risk assessment by the Children's Guardian and a review of the individual's WWC Check.

Record Keeping

Kambala is required to obtain, verify and record the relevant details of all workers engaged in child-related work. Relevant details will only be correctly verified if they accord with the information relating to the worker recorded in the NSW Office of the Children's Guardian's working with children register, accessed via the **online verification system**, as at the date the record is made by the School.

Prior to the commencement of any appointment, staff must provide their WWC Check Number to the School and have a WWC Check Clearance.

Using the NSW Government Office of Children's Guardian Working with Children Check employer log in, Human Resources is responsible for the initial verification of all staff WWC Checks.

Once verified, status reports are printed, scanned and emailed to the **HR Manager**.

The original copies are forwarded to the **HR Manager** who stores them in individual staff members' files. In addition, the following information for each staff member is recorded electronically in a consolidated register:

- full name
- date of birth
- verification date
- WWC number

- result status
- time until expiry
- expiry date of the WWC Check
- result of the verification (full text).

The **HR Manager** is responsible for monitoring the WWC Check status of all staff members and keeping details up-to-date. Each month the **HR Manager** checks the status of all staff members' WWC Checks and provides notifications to staff prior to their expiry date. The consolidated register and the process for maintaining and monitoring it are evidence of the School's maintenance of WWC Checks.

The records must be updated no later than five working days after the expiry date of a staff member's WWC Check.

These records are:

- located **Business Office**
- retained by the School for the duration of the staff member's employment and for a period of seven years after the staff member ceases to work for the School.

Privacy and Confidentiality

The Office of the Children's Guardian maintains a register for Working with Children Checks.

Worker Information Disclosure

The following information about a worker in the register may be made available by the NSW Office of the Children's Guardian to an employer or proposed employer, upon request in the approved format, containing the particulars required by the NSW Office of the Children's Guardian:

- particulars of applications for WWC Check clearances
- WWC Check application number of any worker
- current clearance status of a child-related worker
- number, class (volunteer or non-volunteer) and expiry date of a WWC Check clearance held by a child-related worker and whether the clearance holder is subject to an interim bar or has had a clearance cancelled.

Employer Information Disclosure

Similarly, the following information about an employer in the register may be made publicly available by the NSW Office of the Children's Guardian:

- trading name or registered business name of the employer
- child-related work for which the employer engages a child-related worker
- postcode or name of the place in which the employer's business is located
- whether any requests for information regarding a Check status were made to the NSW Office of the Children's Guardian by the employer within a specified period.

Implementation

This policy is implemented through a combination of:

- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary.

Discipline for Breach of Policy

Where a staff member breaches this policy, Kambala may take disciplinary action, including in the case of serious breaches, summary dismissal.

Child Protection - Information Sharing

Source of Obligation

The School can share information relating to the safety, welfare or wellbeing of children and young persons (Information) with:

- other entities who are “prescribed bodies” under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 (NSW) (Care and Protection Act)
- the Department of Family and Community Services (FACS) under section 248 of the Care and Protection Act.

Chapter 16A prioritises the provision of Information to ensure the protection and wellbeing of children over the protection of an individual’s privacy and confidentiality. The operation of Chapter 16A allows a broad array of information to be shared, including information about the support or educational needs of students or information about the risk of sexual abuse posed by teachers and other staff.

The School may share Information under Chapter 16A without the consent of the child, young person or their family. However it is our policy, at enrolment, to inform parents/carers that information about children and young people may be, or is, provided to other organisations.

Who is Authorised to Share Information?

At the School, the Principal is authorised to exchange information on behalf of the School. Any request for Information received by a member of staff must be directed to the Principal for consideration. Information can be shared verbally or in writing.

Who Are Prescribed Bodies?

The School is a “prescribed body” and it can share Information with various other prescribed bodies including:

- NSW Police
- a Public Service agency or public authority
- a government or non-government school
- a TAFE establishment
- a public health organisation
- a private health facility
- the Family Court of Australia
- the Federal Circuit Court of Australia
- the Commonwealth Department of Human Services
- the Commonwealth Department of Immigration and Border Protection
- nurses
- medical practitioners
- midwives

- psychologists
- occupational therapists
- speech pathologists eligible for membership of Speech Pathology Australia
- any organisation whose duties include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly to children.

Provision of Information by the School

Under section 245C, the School may provide Information to another prescribed body if it reasonably believes that the provision of the Information would assist the recipient of the Information to:

- make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or wellbeing of the child or young person, or class of children or young persons, or
- manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient's capacity as an employer or designated agency.

The School may provide Information under section 245C regardless of whether the School has been requested to provide the Information.

Provision of Information Upon Request

A prescribed body may request another prescribed body to provide it with any Information held by the other body.

Under section 245D(3), if the School receives a request from a prescribed body to provide it with Information, the School is required to comply with the request if it reasonably believes, after being provided with **sufficient information** by the requesting prescribed body to enable the School to form that belief, that the Information may assist the requesting prescribed body to:

- make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or wellbeing of the child or young person, or class of children or young persons, or
- manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient's capacity as an employer or designated agency.

"Sufficient information" is not a defined term. For guidance as to what information would be regarded as sufficient for the purposes of responding to an information request received under section 245D, refer to **How to Request Information Under the Children and Young Persons (Care and Protection) Act**.

Exceptions to sharing Information exist under section 245D(4). Under that section, the School **does not** have to provide any requested Information if it reasonably believes that to do so would:

- prejudice the investigation of a contravention (or possible contravention) of a law in any particular case, or
- prejudice any care proceedings, or
- contravene any legal professional or client legal privilege, or
- enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained, or
- endanger a person's life or physical safety, or
- prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention (or possible contravention) of a law, or
- not be in the public interest.

Responding to an Information Request

When an Information sharing request is received, the following steps must be followed:

- if the request is received by a person other than the Principal, the request must be forwarded to the Principal

- the Principal must determine if **sufficient information** has been given by the prescribed body:
 - if **sufficient information** has not been given the Principal may decline the request
 - if **sufficient information** has been given the Principal will make an assessment to:
 - comply with the request and provide the Information to the prescribed body in accordance with section 245D(3), or
 - decline to comply with the request to provide the Information to the prescribed body if grounds for an exemption under section 245D(4) apply.

If the School refuses to provide Information in response to a request made under section 245D, it must provide the requesting prescribed body with reasons in writing for refusing the request.

How to Request Information Under the Children and Young Persons (Care and Protection) Act

If the School wishes to request Information from a prescribed body under section 245D, it should first try to contact the prescribed body by phone before making the request to discuss the School's Information needs and ensure the request is well targeted. The School should then follow up in writing by providing the following information:

- the **identity** of the person who is the subject of the Information request and, if it is not a child or young person, identify the subject's relationship to the child or young person and provide any particular identifying information so that the prescribed bodies can be sure that they are talking about the same person
- an **explanation of how** the request for Information relates to the safety, welfare or wellbeing of the child or young person (or class of children or young people)
- an **explanation of how** the information will assist the School to make a decision, assessment or plan, or to initiate or conduct an investigation, or to provide any service, or to manage any risk to the child or young person
- a sufficient level of **detail** to assist the other prescribed body to understand the purpose of the request and to locate the relevant information in an efficient manner
- the **background** to the request, including whether or not the School has informed a child, young person or parent that the information has been sought and, if not, why not (e.g. where there are safety concerns)
- an indication of the **time period** for which the information is sought (eg for the last six months, three years) and the type of information sought
- a **realistic time frame** for the prescribed entity to provide the information, noting that communicating/negotiating a due date is best practice as it promotes collaboration and can ensure urgent matters are prioritised (unless the information is for court proceedings where a more limited time frame may be required).

Restriction on Use of Information

If any Information is provided to the School under Chapter 16A, the School must not, except as otherwise required or permitted by any law, use or disclose the Information for any purpose that is not associated with the safety, welfare or well-being of the child or young person (or class of children or young persons) to whom the information relates.

Protection from Liability

If any person, acting in good faith, provides Information in accordance with Chapter 16A, that person is not liable to any civil or criminal action, or any disciplinary action, for providing such Information. The person cannot be held to have breached any code of professional etiquette or ethics or to have departed from any accepted standards of professional conduct.

Sharing Information with the Department of Family and Community Services (FACS)

Under section 248 of the Care and Protection Act, the Secretary of FACS may furnish the School with Information and/or direct the School to furnish it with Information. If requested to provide FACS with Information, the School must "comply promptly" with the requirements of the direction. The protection from liability provisions apply to the furnishing of Information to FACS under section 248.

Information Sharing and the Reportable Conduct Scheme

The information sharing provisions in Chapter 16A complement the operation of the reportable conduct scheme established under the Ombudsman Act 1974 (NSW). Refer to our **Reportable Conduct of Staff, Volunteers and Others** policy for information about the disclosure of information by the Ombudsman and the School under the reportable conduct scheme.

Implementation

This policy is implemented through a combination of:

- staff training

- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary.

Discipline for Breach of Policy

Where a staff member breaches this policy, Kambala may take disciplinary action, including in the case of serious breaches, summary dismissal.