

Child Protection - Child Abuse and Harm Definitions, Identification and Initial Responses

Kambala's Policy

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

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

Definitions of Child Abuse and Harm

There are different legal definitions in NSW that are relevant to child abuse and harm. All of the below are considered child abuse and harm for the purposes of our Child Protection Policies.

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

The perpetrator may be a parent/carer, other family member, staff member, Volunteer, Contractor, another adult or another child or young person.

Children and Young Persons (Care and Protection) Act 1998

There is no definition of 'child abuse' in the Children and Young Persons (Care and Protection) Act. Rather, children and young people may be "at risk of significant harm". A child (aged under 16) or a young person (aged 16 or 17) may be "at risk of significant harm" if current concern exists for their safety, welfare or wellbeing because:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met (see the **Neglect** and **Serious emotional or psychological harm** sections of this policy)
- the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care (see the **Neglect** and **Serious emotional or psychological harm** sections of this policy)
- the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with the Education Act 1990 (NSW) (see the **Neglect** and **Serious emotional or psychological harm** sections of this policy)

- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated (see the **Physical abuse or harm** and **Sexual abuse** sections of this policy and **Child Protection – Detecting, Reporting and Addressing Grooming Behaviours**)
- the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm (See the **Family Violence as Harm to a Child or Young Person** and **Serious emotional or psychological harm** sections of this policy)
- a parent or other carer has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm (see the **Serious emotional or psychological harm** section of this policy).

Crimes Act 1900

The definition of “child abuse offences” in the Crimes Act 1900 (NSW) may assist in understanding what is considered ‘child abuse and harm’ in NSW. The phrase is also central to understanding obligations under our **Child Protection – Duty to Protect Students from Child Abuse or Harm** and **Child Protection – Mandatory Reporting of Child Abuse Offences to Police policies**.

Under sections 343B and 16A of the Crimes Act, a "child abuse offence" includes sexual offences (and attempts to commit these offences) such as:

- rape
- sexual abuse
- sexual touching
- production of child abuse material
- voyeurism
- grooming.

It also includes assaults and physical harm (and attempts to commit these offences), such as:

- wounding or causing grievous bodily harm
- assault causing actual bodily harm
- assault at a school (whether or not causing actual bodily harm)
- administering or causing the ingestion of an intoxicating substance
- female genital mutilation.

Some of these offences are only child abuse offences if the child is aged under 16.

There are also particular offences in the Crimes Act 1900 that are relevant to the School context and that are considered child abuse and harm for the purposes of our Child Protection Policies.

- **Grooming of a person with respect to a child “under the authority of the person”**

Section 66EC of the Crimes Act 1900 makes it a crime to groom an adult by providing any financial or material benefit to the adult for the purposes of making it easier to procure a child, who is under the adult’s authority, for unlawful sexual activity. See **Child Protection - Detecting, Reporting and Addressing Grooming Behaviours**.

- **Sexual intercourse with or sexual touching of a young person between 16 and 18 "under special care"**

Sections 73 and 73A of the Crimes Act 1900 make it a crime for adults who are in positions of special care for young people aged 16 and 17 to engage in certain conduct that would otherwise not be an offence due to the age of the young person. This conduct includes:

- Sexual intercourse with the young person
- Sexual touching involving the young person.

In the School context, adults with "special care" of young people include the Principal and Deputy Principal, all teaching staff, all non-teaching staff who have students under their care or authority (such as counsellors, nurses, religious leaders or officials, sports coaches, music tutors, learning assistance staff and youth workers) as well as all Direct Contact Volunteers and Direct Contact Contractors.

Family Violence as Harm to a Child or Young Person

Family (or 'domestic') violence is incorporated into the definition of 'child abuse and harm' because it is one of the reasons by which a child or young person might be at risk of significant harm under the Children and Young Persons (Care and Protection) Act 1998 (NSW).

The Crimes (Domestic and Personal Violence) Act 2007 (NSW) sets out the various criminal offences and procedural matters relating to domestic violence in NSW and as such is useful when considering a definition of "domestic" violence.

That Act defines a "domestic violence offence" as a "personal violence offence" committed by a person against another person with whom they have or had a domestic relationship. A personal violence offence includes multiple physical, sexual and intimidation offences under the Crimes Act 1900 (NSW) as well as behaviour intended to coerce or control the victim or to cause that person to be intimidated or fearful.

Grooming as Harm to a Child or Young Person

Grooming of a child or young person, or of an adult with authority for a child or young person, is incorporated into the definition of 'child abuse and harm' for the purposes of our Child Protection Policies because it is:

- conduct which may place a child or young person at risk of significant harm, which must be reported under the Children and Young Persons (Care and Protection) Act 1998 (NSW) (see **Child Protection – Mandatory Reporting of Child Abuse or Harm to DCJ**)
- in certain circumstances, an offence under sections 66EB and 66EC of the Crimes Act 1900 (NSW) that must be reported to the NSW Police (see **Child Protection – Mandatory Reporting of Child Abuse Offences to Police**) and from which persons at the School, who have the authority to do so, must protect students (see **Child Protection – Duty to Protect Students from Child Abuse or Harm**)
- a sexual offence or sexual misconduct which must be reported to the NSW Children's Guardian under the Children's Guardian Act 2019 (NSW) (see **Child Protection – Reportable Conduct of Staff, Volunteers and Others**).

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.

For more information, see our **Child Protection - Detecting, Reporting and Addressing Grooming Behaviours** policy.

Indicators of Child Abuse or Harm

Children and young people may show physical or behavioural indicators of abuse or harm whilst in their school environment. The following indicators may assist staff who are concerned about children or young people in their care.

Physical Abuse or Harm

Physical abuse or harm is a non-accidental physical injury or pattern of physical 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:

- hitting;
- shaking;
- throwing;
- burning;
- biting;
- poisoning;
- giving children alcohol, illegal drugs or inappropriate medication;
- female genital mutilation.

Injuries can include bruising, lacerations or welts, burns, fractures or dislocation of joints. Physical abuse does not always leave visible marks or injuries. It is not how bad the mark or injury is, but rather the act itself that can cause injury or trauma to the child or young person.

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.

Possible physical indicators of physical abuse or harm include:

- unexplained bruises
- bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms or inner thighs
- any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example, fingerprints, handprints, buckles, iron or teeth
- drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury
- burns that show the shape of the object used to make them, such as an iron, grill, cigarette, or burns from boiling water, oil or flames
- dislocations, sprains, twisting injuries
- fractures of the skull, jaw, nose or limbs, especially in younger children and especially when not consistent with the explanation offered
- cuts and grazes to the mouth, lips, gums, eye area, ears or external genitalia



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- human bite marks
- bald patches where hair has been pulled out
- multiple injuries, old and new.

Possible behavioural indicators of physical abuse or harm include:

- inconsistent or unlikely explanation for an injury
- inability to remember the cause of an injury
- fear of specific people
- wearing clothes unsuitable for weather conditions (such as long sleeved tops) to hide injuries
- wariness or fear of a parent/carer and reluctance to go home
- no reaction or little emotion displayed when hurt
- little or no fear when threatened
- habitual absences from the School without explanations (the parent/carer may be keeping the child or young person away until signs of injury have disappeared)
- overly compliant, shy, withdrawn, passive and uncommunicative
- fearfulness when other children cry or shout
- unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others
- excessively friendly with strangers
- regressive behaviour, such as bed wetting or soiling
- poor sleeping patterns, fear of dark, nightmares
- sadness and frequent crying
- drug or alcohol misuse
- poor memory and concentration
- suicide threats or attempts
- academic problems.

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.

Sexual abuse includes sexual activity or behaviour that is imposed, or is likely to be imposed, on a child or young person by another person. Sexual abuse or exploitation can be physical or verbal and can include the following:

Contact Behaviours:

- kissing, touching or holding a child or young person in a sexual manner
- penetration of the vagina or anus by digital, penile, or any other object
- oral sexual contact
- coercing the child or young person to perform a sexual act on him/herself or anyone else.

Non-Contact Behaviours:

- talking in a sexually explicit manner to a child or young person
- making obscene remarks to a child or young person via any form of communication
- flashing/exposing to a child or young person
- having a child or young person pose or perform in a sexual manner
- voyeurism and invasion of privacy
- looking at child's or young person's genitals for sexual gratification
- exposure of the child or young person to sexually explicit material or acts (including pornographic material)
- communication of graphic sexual matters (including by social media or any other electronic means).

Sexual abuse also includes prostitution or exposure to circumstances where there is a risk that the child or young person may be sexually exploited.

Possible physical indicators of sexual abuse include:

- injury to the genital or rectal areas, such as bruising or bleeding
- vaginal or anal bleeding or discharge
- discomfort in urinating or defecating
- the presence of foreign bodies in vagina and/or rectum
- inflammation or infection of the genital area
- sexually transmitted diseases
- pregnancy, especially in very young adolescents
- bruising and other injury to breasts, buttocks or thighs
- anxiety related illnesses such as anorexia or bulimia
- frequent urinary tract infections.

Possible behavioural indicators of sexual abuse:

- the student discloses sexual abuse
- the student exhibits sexually harmful behaviour towards others
- persistent and age-inappropriate sexual behaviour, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event
- drawings or descriptions in stories that are sexually explicit and not age appropriate
- a fear of home, a specific place, a particular adult, or excessive fear of men or of women
- poor or deteriorating relationships with adults and peers
- poor self-care/personal hygiene
- regularly arriving early at the School and leaving late
- complaining of headaches, stomach pains or nausea without physiological basis
- frequent rocking, sucking or biting
- sleeping difficulties
- reluctance to participate in physical or recreational activities
- regressive behaviour, such as bed wetting or speech loss
- the sudden accumulation of money or gifts
- unplanned absences or running away from home
- delinquent or aggressive behaviour

- depression
- self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, or attempted suicide
- the sudden decline in academic performance, poor memory and concentration
- wearing of provocative clothing
- promiscuity.

Grooming

Grooming is defined as:

- the use of a variety of manipulative and controlling techniques
- with a vulnerable subject
- in a range of inter-personal and social settings
- in order to establish trust or normalise sexually harmful behaviour
- with the overall aim of facilitating exploitation and/or prohibiting disclosure of the sexually harmful behaviour.

For information on behaviours that might be considered Grooming and on the physical and behavioural indicators of Grooming, see **Child Protection – Detecting, Reporting and Addressing Grooming Behaviours**.

Serious Emotional or Psychological Harm

The infliction of emotional or psychological harm is one of the most common forms of child abuse and other harm. It can occur where the behaviour of an adult associated with the child or young person 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 adult’s behaviour that is instrumental in defining the consequences for the child or young person.

A range of behaviours can cause serious emotional or psychological harm to a child or young person. These may include:

- making excessive or degrading demands of a child or young person
- a pattern of hostile or degrading comments towards the child or young person
- excessive criticism
- withholding affection
- exposure to domestic violence
- intimidation or threatening behaviour.

Where the adult who undertakes this behaviour is a parent or carer of the child or young person, it is a ground for suspecting that the child or young person is at risk of significant harm, and – in the case of a child – must be reported to DCJ (see **Child Protection – Mandatory Reporting of Child Abuse or Harm to DCJ**).

Other adults associated with a child or young person can also subject the child or young person to behaviours that may cause serious emotional or psychological harm. At the School, this can include teachers, sporting coaches, musical tutors and Direct Contact Volunteers or Direct Contact Contractors. This behaviour constitutes ill-treatment or behaviour causing psychological harm to a child or young person, which must be

reported to the NSW Children's Guardian under the Children's Guardian Act 2019 (NSW) (see **Child Protection – Reportable Conduct of Staff, Volunteers and Others**).

Possible physical indicators of serious emotional or psychological harm:

- speech disorders
- delays in emotional, mental or even physical development
- physical signs of self-harming.

Possible behavioural 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
- anti-social, destructive behaviour
- low tolerance or frustration
- unexplained mood swings
- behaviours that are not age-appropriate, for example, overly adult (parenting of other children), or overly infantile (thumb sucking, rocking, wetting or soiling)
- fear of failure, overly high standards and excessive neatness
- violent drawings or writing
- isolation from other students.

Neglect

Neglect is the continued failure to provide a child or young person with the basic things needed for their growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision. It includes a failure to meet a child or young person's physical and/or psychological needs.

Where the adult who fails to provide these basic necessities is a parent or carer of the child or young person, it is a ground for suspecting that the child or young person is at risk of significant harm, and in the case of a child – must be reported to DCJ (see **Child Protection – Mandatory Reporting of Child Abuse or Harm to DCJ**).

Other adults associated with a child or young person can also neglect the child or young person.

Under section 228 of the Children and Young Persons (Care and Protection) Act 1998 (NSW), it is a criminal offence for any person, whether or not the parent of the child or young person, to – without reasonable excuse – neglect to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child or young person in his or her care. In the context of the School, this might include a teacher, School nurse or Direct Contact Volunteer or Direct Contact Contractor failing to, for example, provide adequate medical attention to an injured student.

Neglect by School staff, Direct Contact Volunteers and Direct Contact Contractors may also constitute Reportable Conduct. Neglect as Reportable Conduct is defined as a significant failure, by an employee who has a child in their care, to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child.

Neglect in this context by School staff, Direct Contact Volunteers and Direct Contact Contractors must be reported to the NSW Children's Guardian under the Children's Guardian Act 2019 (NSW) (see **Child Protection - Reportable Conduct of Staff, Volunteers and Others**).

Possible physical indicators of neglect are:

- consistently dirty and unwashed
- consistently inappropriately dressed for weather conditions
- consistently without adequate supervision and at risk of injury or harm
- consistently hungry, tired and listless, falling asleep in class, or malnourished
- unattended health problems and lack of routine medical care
- inadequate shelter and unsafe or unsanitary conditions
- abandonment by parents/carers
- poor hygiene.

Possible behavioural indicators of neglect are:

- scavenging, begging or stealing food
- gorging when food is available
- inability to eat when extremely hungry
- alienated from peers, withdrawn, listless, pale, and thin
- aggressive behaviour
- delinquent acts, for example, vandalism, drug or alcohol abuse
- little positive interaction with parent/carer
- appearing miserable or irritable
- poor socialising habits
- poor evidence of bonding, or little stranger anxiety
- indiscriminate with affection
- poor, irregular or non-attendance at school
- staying at school for long hours
- self-destructive
- dropping out of school
- taking on an adult role of caring for a parent/carer
- misusing alcohol or drugs
- academic issues.

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



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- emotional or psychological abuse
- sexual abuse
- financial and social abuse.

A child or young person's exposure to family violence constitutes a risk of significant harm under the Children and Young Persons (Care and Protection) Act 1988 (NSW).

Examples of situations that may constitute a child or young person being exposed to family violence include the child or young person:

- overhearing threats of death or personal injury by a member of the child or young person's family towards another member of the child or young person's family; or
- seeing or hearing an assault of a member of the child or young person's family by another member of the child or young person's family.

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.

Possible behavioural indicators for older children and young people may include:

- moving away or running away from the family home
- entering a relationship early to escape the family home
- experiencing violence in their own dating relationship
- involvement in criminal activity
- alcohol and substance abuse.

Additional Vulnerabilities

All children and young people are vulnerable to abuse and other harm, because of their dependence on adults, because they are physically weaker than adults and because they lack social and legal power.

Some children and young people are more vulnerable to abuse and other harm.

Aboriginal and Torres Strait Islander children and young people, children and young people with disability and children and young people from culturally and linguistically diverse backgrounds face particular challenges, not because they are inherently more vulnerable but because they more often encounter circumstances that:

- place them in institutions with higher risk
- make it less likely they will be able to disclose abuse or other harm and/or
- make it more likely they will receive an inadequate response to abuse or other harm

than other children and young people.

A variety of related factors may influence the vulnerability of a child or young person to abuse and other harm, including:

- the gender of the child or young person
- the age and developmental stage of the child or young person



- whether the child or young person has experienced maltreatment previously
- whether the child or young person has disability, and the nature of that disability
- the family characteristics and circumstances of the child or young person
- the nature of the child or young person's involvement with the institution
- other factors, including the child or young person's physical characteristics, social isolation, high achievement, lack of understanding of sexual behaviour (including sexual abuse) and personal safety, and sexual orientation.

Being vulnerable does not mean that a child or young person will be abused, although it does increase that risk. It is also important to remember that all children and young people can be vulnerable to all types of abuse and other harm.

Witnessing an Incident of Child Abuse or Harm

If you witness an incident where you believe a student has been subject to abuse or harm you must take immediate action to protect the safety of the student/s involved.

Where there is an immediate risk to the health and/or safety of a student:

- separate alleged victims and others involved
- administer first aid if needed
- call 000 for urgent medical assistance and/or Police assistance to address immediate health and safety concerns.

If the incident occurred at the School or a School event, you must preserve evidence of the incident:

- **Environment:** do not clean up the area and preserve the sites where the alleged incident occurred.
- **Clothing:** take steps to ensure that the person who has allegedly committed the abuse and the child or young person who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag.
- **Other physical items:** ensure that items such as weapons, bedding and condoms are untouched.
- **Potential witnesses:** reasonable precautions must be taken to prevent discussion of the incident between those involved in or witnesses of the alleged incident.

If you witness an incident of child abuse or harm, you should make written notes of your observations and actions, recording both dates and times. See the **Record Keeping** section of this policy below.

Managing a Student's Disclosure of Abuse or Harm

A student may disclose information about abuse or harm 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.

If you receive a disclosure of child abuse or other harm, you should make written notes of what you were told, recording both dates and times. See the **Record Keeping** section of this policy below.

Private Disclosure

If a student discloses a situation of abuse or harm directly to a staff member their role is to reassure the student and support the student in their decision to disclose. The staff member must assure the student 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 staff member, if a Mandatory Reporter, is responsible for reporting the matter externally (refer to **Child Protection – Mandatory Reporting of Child Abuse or Harm to DCJ**) 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.

Observing Indicators of Abuse or Harm

The process of identifying child abuse or harm purely through observation of the indicators described above can be complex and may occur over time. The complexity is magnified by the fact that many of the indicators described may also occur as a result of other factors, not related to child abuse or other harm.

If you observe indicators that raise a concern that a student may be experiencing abuse or harm, you should make written notes of your observations recording both dates and times. See the **Record Keeping** section of this policy below.

If you are not sure whether your concerns can or should be reported externally, you can discuss your concerns with **the Principal**, or call the **Child Protection Helpline** on 132 111 or 1800 212 936 (24 hours a day, 7 days a week) for advice.

Initial Action Following Abuse or Harm Incident, Disclosure, or Concern

Safety of students is paramount. The School's policies for reporting the abuse or harm externally should be followed after the immediate health and safety of the student/s involved is ensured.

If the alleged perpetrator of the abuse or harm is an adult engaged at the School in child-related work (whether paid or unpaid), you must also take any actions that are within your power to take by reason of your position and that may be required to protect the student, or other students, from child abuse and other harm. See our **Child Protection - Duty to Protect Students from Child Abuse or Harm** policy.

After witnessing an incident, receiving a disclosure or otherwise becoming concerned about abuse or harm of a student, staff members must also report the matter internally to **the Principal**.

The Principal, or appropriate person, may consult with the School counsellor, as the particular circumstances



demand, and will determine a strategy to ensure the student's immediate safety. This process must be documented (see the **Record Keeping** section of this policy below).

Mandatory Reporting of Child Abuse and Harm to DCJ

In NSW, some professionals are legally required to make a report to DCJ if they:

- have reasonable grounds to suspect that a child (aged under 16) is, or a particular group of children are, at risk of significant harm; and
- those grounds arise during the course of the person's work.

In NSW, the following people are Mandatory Reporters:

- anyone who in the course of their professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement wholly or partly to children
- anyone who holds a management position in an organisation and 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
- anyone in religious ministry or who provides religion-based activities to children
- all registered psychologists, when providing professional services as a psychologist.

Where a Mandatory Reporter has concerns that a child or young person has been or is at risk of being abused or harmed, the [Mandatory Reporter Guide](#) (MRG) must be used to determine whether or not those concerns reach the Risk of Significant Harm (ROSH) threshold. If they do reach that threshold, the concerns must then be reported either to DCJ on the Child Protection Helpline (132 111) or the School's Head of Agency (HoA) under the Memorandum of Understanding.

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 by [email](#).

For procedures about Mandatory Reporting to DCJ refer to our **Child Protection – Mandatory Reporting of Child Abuse or Harm to DCJ** policy.

Voluntary Reporting to DCJ

Any person who believes, on reasonable grounds, that a child or young person is at risk of significant harm may voluntarily report to DCJ. This includes staff, Volunteers and Contractors at the School who are not Mandatory Reporters, Mandatory Reporters whose concerns arise outside the course of their work, parents/carers and students.

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 harm, call the Child Protection Helpline on 132 111 (24 hours a day, 7 days a week).

If you are not sure whether your concerns can or should be reported to DCJ, or if you wish to discuss your concerns about a child or young person, you can discuss your concerns with **the Principal**, or call the **Child Protection Helpline** on 132 111 or 1800 212 936 (24 hours a day, 7 days a week) for advice.

Allegations against a Staff Member/Volunteer/Others

The Reportable Conduct Scheme seeks to improve how organisations respond to allegations of child abuse or harm and child-related misconduct made against employees, volunteers and contractors.

NSW law requires the Head of Entity at Kambala to report to the NSW Children's Guardian any allegation that a School staff member, Volunteer or Contractor has committed child abuse or child-related misconduct (Reportable Conduct).

Reportable Conduct includes:

- any sexual offence or sexual misconduct, committed against, with or in the presence of a child (aged under 18) (including child pornography offences or an offence involving child abuse material) including grooming behaviours;
- any assault, ill-treatment or neglect of a child (aged under 18); or
- any behaviour that causes psychological harm to a child (aged under 18).

If you have any concern that a staff member, volunteer or contractor has engaged in Reportable Conduct, you must immediately report your concerns to the Principal (or the President of Council by [email](#), should the allegation involve the Principal). You can also report directly to the NSW Children's Guardian.

The Principal will then report this to the NSW Children's Guardian.

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

Mandatory Reporting of Child Abuse Offences to Police

Section 316A of the Crimes Act requires that, in NSW, all adults must report to Police any information they may have that a child abuse offence has been committed, except in certain circumstances.

The information must be brought to the attention of a member of the NSW Police as soon as it is practicable to do so.

In emergencies, or if the child abuse offence is happening now or has just happened and the suspected offender may still be in the area: call 000

All other matters: call the Police Assistance Line on 131 444. This line operates 24 hours per day, 7 days per week.

For procedures about mandatory reporting to Police refer to our **Child Protection – Mandatory Reporting of Child Abuse Offences to Police** policy.

Ongoing Management Plan

Together with DCJ and/or the Police, if an external report has been made, 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 harm.

Record Keeping

Where a staff member suspects child abuse or harm 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** and secured **in their respective offices**.

Confidentiality

Staff who have access to information regarding suspected or disclosed child abuse or harm 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 that:

- internal reports of child abuse or harm are made as soon as practicable to **the Principal**
- they comply with their obligation for Mandatory Reporting of child abuse or harm to DCJ
- they comply with their Reportable Conduct obligations
- they comply with their obligation for reporting child abuse offences to Police
- they take any reasonable steps that are within their power to take to protect students from child abuse offences that maybe committed by another adult working (whether paid or unpaid) at the School
- 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
- they participate in child protection training.

Signage

Posters of child abuse or harm indicators, Mandatory Reporting processes and DCJ contact details are displayed strategically in staff rooms at the School.



KAMBALA

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.

Version details

Version 1. Approved by Executive on 18 May 2020

Owner: Risk and Compliance Officer