



Safeguarding Procedures

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1. Introduction and Purpose

This document outlines the procedures that must be followed by staff members when responding to concerns relating to children and young persons and any alleged breach of the CSPD *Code of Conduct When Working With Children and Students*. The document also outlines a number of preventative procedures which are part of CSPD's strategy to build child safe communities.

2. Scope

These procedures apply to all staff members of CSPD.

These procedures are mandatory and a failure to follow the procedures may result in disciplinary action, including termination of employment.

These procedures include a number of actions which are the responsibility of school Principals, or other workplace managers. These positions are collectively referred to as "**Managers**" in this document.

3. Legislative framework

The legislative framework that underpins this policy includes:

- *Child Protection (Working with Children) Act 2012* (NSW)
 - *Child Protection (Working with Children) Regulation 2013* (NSW)
 - *Children and Young Persons (Care and Protection) Act 1998* (NSW)
 - *Children and Young Persons (Care and Protection) Regulation 2012* (NSW)
 - *Children's Guardian Act 2019* (NSW)
 - *Crimes Act 1900* (NSW)
 - *Education Act 1990* (NSW)
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4. Definitions

Child or **children** refers to any person under the age of 18 years.

Young person for the purposes of reporting risk of significant harm, means a person who is aged 16 years or above but who is under the age of 18 years.

CSPD means Catholic Schools Parramatta Diocese.

Managers means school Principals, or other workplace manager

Safeguarding concern, complaint, or allegation means any concern, complaint, or allegation regarding a CSPD staff member (as defined below) and their conduct with or towards a child or CSPD student, including if this occurs outside of work. Safeguarding concerns, complaints, or allegations can be raised by a victim, parent, CSPD staff member, external body, or any other member of the community.

NSWPF New South Wales Police Force

DCJ Department of Communities and Justice

OCG NSW Office of the Children's Guardian

Reportable allegation is defined legally under the Children's Guardian Act 2019. It means that there has been an allegation that an employee, which can also be a volunteer or contractor, has engaged in inappropriate conduct. This is defined as 'reportable conduct' and can have happened either at the place of employment or outside of work.

Reportable conduct refers to the definition under Part 4 of the Children's Guardian Act 2019 (NSW) and means any sexual offence, or sexual misconduct, or any ill-treatment, neglect or assault against a child or any behaviour that causes significant emotional or psychological harm to a child, or any offence under section 43B or 316A of the *Crimes Act 1900* (NSW).

Risk of significant harm exists if current concerns exist for the safety, welfare or wellbeing of a child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- 1)
 - (a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
 - (b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
 - (b1) in the case of a child or young person who is required to attend school in accordance with the [Education Act 1990](#) - the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,
 - (c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
 - (d) 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,

- (e) a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
- (f) the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Note: Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

- 2) Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

Staff member includes paid employees, religious, volunteers, contractors, sub-contractors, consultants and students on work placements.

Student means any student enrolled in a CSPD school, including children and those aged 18 years or over.

Young person for the purposes of reporting risk of significant harm, means a person who is aged 16 years or above but who is under the age of 18 years.

5. Responding to Safeguarding allegations against staff members

All staff members involved in an investigation of an allegation shall be offered appropriate support.

5.1 Reporting Safeguarding Concerns

All staff members who are aware that they have become subject to any concern, complaint or allegation in relation to their conduct with children, including if this occurs outside of work, that may impact on their WWCC clearance, are required to report this immediately to their Manager. This includes concerns, complaints or allegations raised with or by any statutory body, e.g. NSWPF and DCJ.

5.2 Intake and Assessment of a Safeguarding Concern, Complaint or Allegation

Safeguarding concerns, complaints or allegations are reported to CSPD, who further complete an intake and assessment of the matter. More information in regards to this process and who to contact is provided below.

It is important to note that allegations may be made by a child victim or an adult who brings forward a complaint of abuse suffered as a child. This means that historical matters may be reported against staff members.

The Manager should make a report even if the concern, complaint or allegation relates to a student who is aged 18 years or older.

Any concern, complaint or, allegation against a staff member must be immediately referred to the Manager. The Manager must report to CSPD Safeguarding within 24 hours of receiving the information to safeguarding@parra.catholic.edu.au or via the online intake form. If the allegation is about the Manager, contact should be made directly with CSPD Safeguarding on 9840 5674 or safeguarding@parra.catholic.edu.au.

If the allegation is of a criminal nature, the Manager must also immediately make a report to NSWPF. The Manager should contact CSPD Safeguarding if they are unsure of the action required in relation to reporting to NSWPF or reporting risk of significant harm.

If there are reasonable grounds to suspect a child or young person is at risk of significant harm the steps at *Section 4 - Risk of Significant Harm Reports* of these procedures must also be followed by the Manager.

The Manager records verbatim and in writing the information provided by the person making the allegation. The Manager informs the person making the allegation that the CSPD Safeguarding Team will make an assessment of the information provided. The Manager is also required to advise the person making the allegation about confidentiality requirements.

CSPD Safeguarding will assess the information provided by the Manager. This assessment determines whether the allegation:

- does not involve reportable conduct and will be managed in accordance with Section 5.2 below; or
- involves reportable conduct which will be notified to the OCG and managed in accordance with Section 5.3 below; or
- will be managed through a different process, including referral back to the Manager to be managed locally, as it is not within the jurisdiction of the OCG.

The allegation must not be discussed with the staff member who is the subject of the allegation or children or students involved unless otherwise directed by CSPD Safeguarding.

The Manager and CSPD Safeguarding will undertake a risk assessment to determine whether the staff member who is the subject of the allegation will be suspended from duties on full pay or no pay while the allegation is investigated. A suspension is authorised by the Chief Executive Officer.

5.2. Responding to Allegations – Not Reportable Conduct

Investigation of allegations which do not involve reportable conduct are managed by CSPD Safeguarding. If the investigation causes the investigator to consider that the allegation does involve reportable conduct, the investigation will be halted and the procedures at Section 5.3 below will be commenced.

All parties must observe strict confidentiality in relation to the investigation.

The staff member who is the subject of the allegation should:

- be provided with written details of the allegation at an appropriate time
- have the matter dealt with promptly, noting that there may be delays due to circumstances outside the control of CSPD
- have the investigation process explained
- be provided with a copy of these procedures
- be provided with reasonable notice of proposed meetings
- be advised of the right to have a support person at any meetings
- receive a copy of their record of interview
- have the matter dealt with in a confidential manner
- have access to CSPD's Employee Assistance Program.

The Manager provides support to the staff member who is the subject of the allegation. If the staff member is the Manager, the relevant Head of Performance or Executive General Manager provides support. The staff member may seek union or legal representation.

CSPD Safeguarding in conjunction with the School will also plan the involvement of the child. The child will be offered appropriate support throughout the process. The parent/caregiver of the child will be contacted and provide consent prior to any interviews being conducted. If the parent/caregiver is unable to attend an interview with a child, they will be offered the option of an employee of the school attending in their absence.

The investigator gathers relevant information and prepares an investigation report including a recommended finding.

CSPD is responsible for determining the finding and outcomes.

The allegation may be found to be:

- sustained
- not sustained (insufficient evidence)
- not sustained (lack of evidence of weight)
- false.

The staff member who is the subject of the allegation is advised in writing of:

- the finding of the investigation
- any disciplinary action and/or support initiatives
- the requirement for the file to be stored confidentially with CSPD separately from personnel files
- (where provided under an industrial instrument covering the staff member or under any relevant legislation) the right to request to inspect the file in the case of an adverse finding
- where relevant, the opportunity for the finding/s to be reviewed,
- the need for continued confidentiality

- the availability of counselling through the CSPD Employee Assistance Program.

The staff member who is the subject of the allegation may apply to the Chief Executive Officer for a review of the finding/s of the investigation. Reasons outlining why the review is being requested are to be included in the request. The Chief Executive Officer will decide whether to conduct the review, based on the information provided to them.

If the review occurs, the reviewer will provide a report to the Executive Director who will make the decision on the review and advise the staff member of the review outcome and status of the decision.

If not satisfied with the response to their request for a review, the staff member may make contact with the OCG to determine whether they can submit a complaint about the investigation.

Where appropriate, CSPD Safeguarding will advise the person who made the allegation and/or parent and child that the matter has been addressed.

5.3. Responding to Allegations - Reportable Conduct

Investigations into allegations of reportable conduct may be undertaken by CSPD Safeguarding or an external investigator may be engaged. An investigation may involve recent allegations made by a child victim, or historical matters from an adult who brings forward a complaint of abuse suffered as a child, where the staff member whom the allegation/s are made against is employed by CSPD at the time the allegation/s are raised.

All parties must observe strict confidentiality in relation to the investigation.

As a designated agency under the *Children's Guardian Act 2019*, CSPD must notify the OCG of allegations of reportable conduct within 7 business days of becoming aware of them (unless there is a reasonable excuse for not meeting this timeframe).

The staff member who is the subject of the allegation should:

- be provided with written details of the allegation at an appropriate time
- have the matter dealt with promptly, noting that there may be delays due to circumstances outside the control of CSPD
- have the investigation process explained
- be provided with a copy of these procedures and supporting documentation
- be provided with reasonable notice of proposed meetings
- be advised of the right to have a support person at any meetings
- receive a copy of their record of interview
- have the matter dealt with in a confidential manner
- have access to CSPD's Employee Assistance provider.

The Manager provides support to the staff member subject to the allegation. If the staff member subject to the allegation is the Manager, the relevant Head of Performance or Executive General Manager provides support. The staff member may also seek union or legal representation.

CSPD Safeguarding in conjunction with the School will also plan the involvement of the child. The child will be offered appropriate support throughout the process. The parent/caregiver of the child will be contacted and seek consent prior to any interviews being conducted with the child. If the parent/caregiver is unable to attend an interview with a child, they will be offered the option of an employee of the school or other support person attending in their absence.

The investigator gathers relevant information, prepares an investigation report and provides a report to the Chief Executive Officer or their delegate, who is then responsible for determining the finding.

The allegation may be found to be:

- sustained
- not sustained (insufficient evidence)
- not sustained (lack of evidence of weight)
- false
- not reportable conduct.

The staff member who is the subject of the allegation is advised in writing of:

- the finding of the investigation
- any disciplinary action and/or support initiatives
- the requirement for all documentation to be forwarded to the OCG, including for the purpose of the Working With Children Check
- the requirement for the file to be stored confidentially with CSPD
- (where provided under an industrial instrument covering the staff member or under any relevant legislation) the right to request to inspect the file in the case of an adverse finding
- the opportunity for the finding/s to be reviewed
- the need for continued confidentiality
- the availability of counselling through the CSPD Employee Assistance provider.

The staff member who is the subject of the allegation may apply to the Chief Executive Officer for a review of the finding/s of the investigation. Reasons outlining why the review is being requested are to be included in the request. The Chief Executive Officer will decide whether to conduct the review, based on the information provided to them.

If the review occurs, the reviewer will provide a report to the Chief Executive Officer who will make the decision on the review and advise the staff member of the review outcome and status of the decision.

If not satisfied with the response to their request for a review, the staff member may make contact with the OCG to determine whether they can submit a complaint about the investigation.

Where appropriate, CSPD Safeguarding will advise the person who made the allegation and/or parent and child that the matter has been addressed.

5.4 Responding to allegations that are historical in nature

Complaints of a historical nature involve allegations made by an adult of abuse suffered as a child that occurred at a CSPD school, or the person subject to the allegations is no longer an employee or volunteer of CSPD.

CSPD will undertake an assessment of the nature of the complaint. The complaint may be referred to the appropriate agencies and the complainant will be informed of this. For example, the complaint may be referred to the Diocese of Parramatta, Provincial Leader of a Religious Order, Department of Education, other Education Authority, Bishop or another Education Office in another Diocese in Australia.

A person reporting an allegation of a potentially criminal nature is encouraged to make their report directly to NSWPF. CSPD will make a report to the NSWPF if the information is identified as possibly criminal in nature, regardless of the decision of the complainant to report to the NSWPF.

6. Risk of significant harm reports

Managers are the centralised reporting officers for reports of risk of significant harm. Principals may delegate the task of making the ROSH report to the System Wellbeing Counsellor.

Staff members who have direct responsibility to provide child related services are required to report to the Manager immediately where they have concerns that a child or young person is at risk of significant harm.

Where the ROSH report relates to the actions of the Manager, the report should be made to the Executive General Manager - Student Support.

Where the report relates to the actions of a staff member, the steps outlined at Section 4 of these procedures must also be followed by the Manager.

Where the concern is of a criminal nature, the Manager must also immediately make a report to NSWPF.

Please refer to the 'Managing Child Protection Concerns' flow charts for Schools, (click [here](#)).

It is advised that the Manager complete the ChildStory Reporter: Mandatory Reporter Guide (MRG) on each occasion they have risk concerns, regardless of their level of experience or expertise.

For **urgent** suspected risk of significant harm or if the ChildStory Reporter: Mandatory Reporter Guide (click [here](#)) decision report states '**Immediate report to Department of Community and Justice**' (DCJ) contact DCJ Child Protection Helpline: Phone - 132 111

For **non-imminent** suspected risk of significant harm consult the ChildStory Reporter: Mandatory Reporter Guide, if the decision report states '**Report to Department of Community and Justice**' reports can be submitted via the ChildStory Reporter website.

For concerns that do not meet threshold or if ChildStory Reporter: Mandatory Reporter Guide decision report recommends '**consult with professional**' or '**document and continue relationship**' you can consult with the Wellbeing Coordinator, plan on-going monitoring and/or follow up with your Wellbeing Counsellor.

IMPORTANT: After a Risk of Significant Harm Report to the DCJ is completed, you must enter the details of the report on [CSPD RoSH Online](#) system. Access is only available to the School Principal, relevant Wellbeing Counsellors, Leading Counsellors, Wellbeing Coordinator, Head of Student Wellbeing and Counselling, and Executive General Manager - Student Support.

If further assistance is needed, managers can contact the relevant Wellbeing Counsellor, Leading Counsellor, Wellbeing Coordinator, Head of Student Wellbeing and Counselling, or by email to rosh@parra.catholic.edu.au.

The Manager should inform the staff member who made the report that a risk of significant harm (RoSH) report has been made to DCJ and advise them generally of the outcome.

If the staff member becomes aware that the report of significant harm was not made to DCJ, the staff member should contact the Wellbeing Coordinator for further guidance.

7. Recruitment procedures and pre-engagement screening

7.1 Recruitment Procedures

Critical pre-engagement procedures to safeguard children and students must be followed to ensure that suitable staff members work with children and students in CSPD. The following must occur:

- Following the *CSPD Recruitment and Selection Procedures*.

- As part of any recruitment process, Managers and other supervisors must ensure applicants complete the [Child Protection Questions for Applicants for Child Related Employment](#).
- Recent and proper referee checks must be undertaken in accordance with the *Recruitment and Selection Procedures*. Applicants' referees must complete the [Child Protection Referee Questions for Child Related Employment](#).
- If any of the questions in the *Child Protection Questions for Applicants for Child Related Employment* or [Child Protection Referee Questions for Child Related Employment](#) are answered 'yes' an immediate referral should be made to the Safeguarding Senior Manager for appropriate follow up.
- Managers and other supervisors must ensure that Working With Children Checks are in place for all relevant persons prior to them commencing work. Details are set out in Section 7.2 below.
- Volunteers and contractors are to complete the online *Building Child Safe Communities – Undertaking* form which confirms their acceptance of CSPD's expectations of volunteers and contractors. Completion of the form will also determine whether they are required to obtain a Working With Children Check. The form can be found [here](#).

7.2 Working With Children Checks

CSPD's *Working With Children Check Policy* provides CSPD's expectations and obligations in respect of WWCC requirements for staff members.

8. Training in child protection

All new permanent, temporary and casual employees are required to complete online child protection training as part of their induction and mandatory annual safeguarding - Reportable Conduct Training and Risk of Significant Harm Training.

Managers must also ensure staff members undertake annual training on Safeguarding. The topic of this training may vary each year.

Volunteers, religious and contractors are required to complete a child protection online training module on commencement and then every second year. The online training can be accessed via the CSPD *Building Child Safe Communities* website (click [here](#)).

9. Inappropriate student conduct

Inappropriate student conduct is to be managed in accordance with CSPD's policies and procedures which can be found here ([Link to Policy Central](#)).

If the Manager considers the inappropriate conduct indicates that a child or young person may be at risk of significant harm, the *Mandatory Reporting Guide* must be used and its recommendations followed – see Section 4 of these procedures.

10. School facilities

In order to assess the physical environment of schools for risk or harm to children and young people, school principals must ensure compliance in accordance with the CSPD *Safeguarding - Facilities Procedures*.

The CSPD *Safeguarding – Facilities Procedures* provide further information on compliance requirements.

11. Related documents

- CSPD *Code of Conduct When Working With Children and Students*.
 - CSPD *Recruitment and Selection Procedures*
 - CSPD *Working With Children Check Policy*
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12. Further information

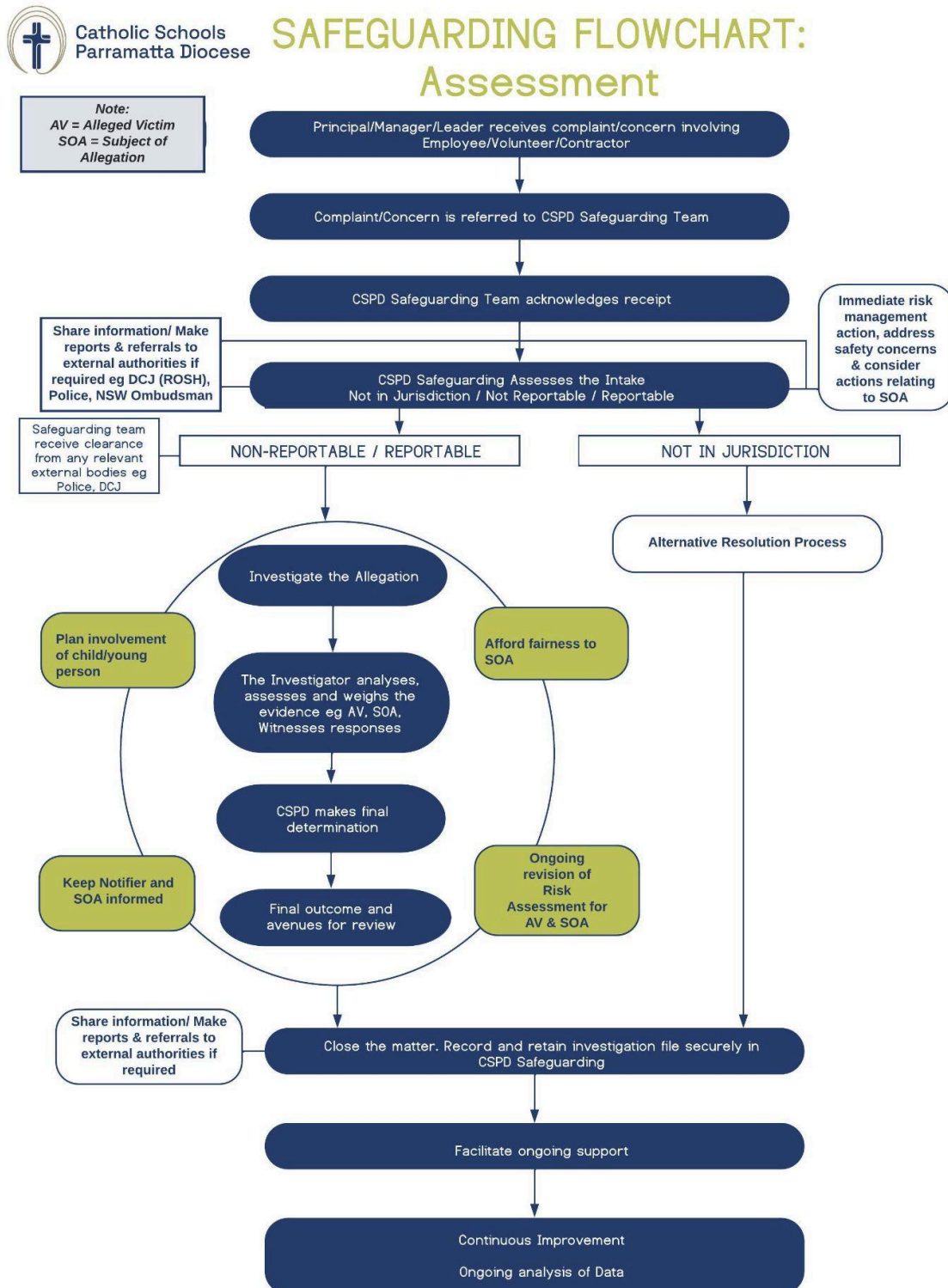
Further information on safeguarding, child protection allegations, child protection pre-employment screening and training can be obtained from CSPD Safeguarding on 9840 5674 or by email at safeguarding@parra.catholic.edu.au.

Further information on Risk of Significant Harm reports or assistance can be obtained from the relevant Wellbeing Counsellor, Leading Counsellor, Wellbeing Coordinator, or Head of Student Wellbeing and Counselling, or by email at rosh@parra.catholic.edu.au.

13. Appendix

Appendix 1 - Safeguarding Flowchart

Appendix 1



This Flow Chart is to be read in conjunction with the Child Safeguarding Procedures. For additional information contact CSPD Safeguarding at safeguarding@parra.catholic.edu.au