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Merewether Public School

**Child Protection Policy**

**18 May 2023**

**Procedures specific to Merewether Public School:**

**Mandatory annual Child Protection Training**

* Annual Child Protection Training is completed during Staff Development Days either at the end of the calendar year (end December) or at the beginning of the following calendar year (end January).
* SAO has an Excel spreadsheet that monitors all mandatory training completed by all temporary and permanent staff on site (including APLAS and SPE). All staff are required to email the SAO their certificate with completion data. SAO sends weekly reminder emails to complete mandatory training from 1 month before it expires. SAO emails the Principal 1 week before certificate expiry if it is not completed.
* Before any casual teaching/non-teaching staff are engaged in work at Merewether PS the Assistant Principal who books them ensures their Child Protection certificate is up to date. If their certificate is not uploaded to their profile, the SAO emails them for their certificate. If they are unable to provide the certificate, they are not engaged at the school/allowed onsite. Certificates are kept in a folder on the school t-drive.
* All casual teaching/non-teaching staff are screened by the SAO through eCPC before being engaged, if their WWCC clearance is not available, they are not engaged at the school/allowed onsite. If they are flagged through eCPC they are not allowed onsite.
* All child related/non-child related contractors, visitors and volunteers are prompted to completing the ‘Declaration for Child Related Workers’ before being allowed onsite. If this is not completed, they are not engaged at the school/allowed onsite. Forms are kept in a folder in the office.
* All parent volunteers are screened through eCPC to ensure clearance before being allowed onsite in a volunteer capacity.
* All child related/non-child related contractors, visitors and volunteers (including parent volunteers) are prompted to show government-issued photo ID at the office, checked by the SAO, before being allowed within the school grounds. Information is completed in the appropriate section of the Declaration for Child Related Workers form.
* All child related/non-child related contractors, visitors and volunteers (including parent volunteers) sign in and out at the office either through the QR code or with the SAO if the QR system is down.
* Principal regularly monitors SCOUT for staff compliance, ensuring all staff are up to date with certifications.
* If a child related contractor (eg., Speech Pathologist, Occupational Therapist) is attending the school and they do not appear on eCPC theu are screened through the department as a volunteer/contractor before they can work on site. If they have been previously screened by another school, we collect a screenshot of the eCPC screen and file in the appropriate folder within the school office. Government ID is still checked upon first visit to the school.

**Working with Children Check**

**Exempt Volunteers**

Exempt volunteers are volunteers who do not require a Working With Children Check (WWCC) clearance. Exempt volunteers include parents or close relatives who volunteer at their child’s school (unless they are specified volunteers) and volunteers under the age of 18.

Although exempt volunteers are not required to hold a valid WWCC clearance, they must still provide a declaration and show photo identification to the school.

1. Complete the WWCC Declaration for Child Related Workers
2. Provide the school with the completed declaration and one form of photo ID, such as a drivers license or proof od age card. The ID must contain your full name, date of birth, current address and photo. The school will check the details from the ID provided, but is not required to scan or store the ID.

**Specified Volunteers**

Specified volunteers are volunteers who do require a WWCC clearance in order to be engaged in child-related work. Specified volunteers include:

* Volunteers providing mentoring services as part of a formal mentoring program provided by a government or non-government agency.
* Volunteers attending overnight school excursions (including parents and close relatives.
* Volunteers over the age of 18 who are not parents or close relatives of a child attending the school at which they are volunteering.

When engaged directly by a school, it is the person’s own responsibility to apply for a WWCC clearance with the Office of the Children’s Guardian (OCG), provide their relevant details to the school and wait to have them verified before they can start volunteering at a school.

**Working With Children Check**

The Working with Children Check - WWCC - is a screening mechanism to prevent certain persons from engaging in child-related work.

**1. Policy Statement**

1.1 In accordance with the Child Protection (Working with Children) Act 2012, the safety, welfare and wellbeing of children and, in particular protecting them from child abuse, is the paramount consideration in the operation of this policy and the Working with Children Check Procedures.

1.2 The Working with Children Check is an important part of the NSW Department of Education's screening process to prevent people who pose a risk to the safety, welfare and wellbeing of children from being employed or engaged in child-related work.

1.3 This policy outlines processes for conducting the:

1.3.1 Working with Children Check (WWCC) for child-related work

1.3.2 Not to be Employed (NTBE) check

1.3.3 National Criminal Records Check requirements for all paid employees of the department and contractors in the Assisted School Travel Program to determine a person’s suitability for employment or engagement.

1.4 Employment or engagement may also be subject to other checks as prescribed in relevant legislation, industrial instruments, or policy. This includes but is not limited to the conduct and service check, health assessment requirements, and verification of professional and/or academic qualifications.

**2. Audience and applicability**

2.1This policy applies to people who are employed or engaged (or who are seeking to be employed or engaged) in child-related work in the NSW Department of Education, in any one of the following capacities:

* as a paid employee
* as a self-employed person or as a contractor or subcontractor
* as a volunteer
* as a person undertaking practical training as part of an educational or vocational course (other than as a student undertaking work experience)
* as a minister, priest, rabbi, mufti or other religious leader or spiritual officer of a religion or other member of a religious organisation.

2.2 People who are employed or engaged (or who are seeking to be employed or engaged) in non-child-related work in the NSW Department of Education in any capacity may be subject to their own screening requirements.

**3. Context**

3.1 From 15 June 2013, people who are seeking to be employed or engaged in child-related work in the department are subject to relevant requirements under the [[Child Protection (Working with Children) Act 2012](https://legislation.nsw.gov.au/view/html/inforce/current/act-2012-051)](https://legislation.nsw.gov.au/view/html/inforce/current/act-2012-051) and the [[Child Protection (Working with Children) Regulation 2013](https://legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2013-0156)](https://legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2013-0156). This Working with Children Check policy and the [[Working with children check procedure](https://education.nsw.gov.au/policy-library/policies/pd-2005-0264/pd-2005-0264-01)](https://education.nsw.gov.au/content/dam/main-education/policy-library/associated-documents/pd-2005-0264-01.pdf) together outline the requirements employees must meet to commence and continue working in their roles within the department.

3.2 In addition to the WWCC requirements, workers engaged in child-related work as a paid employee of the department or as a contractor in the Assisted School Travel Program must meet the department’s National Criminal Records Check requirements to determine their suitability for employment or engagement. From 15 June 2013, subject to conditions, a person may meet National Criminal Records Check requirements through a declaration process. For further details, refer to the [[Working with children check procedure](https://education.nsw.gov.au/content/dam/main-education/policy-library/associated-documents/pd-2005-0264-01.pdf).](https://education.nsw.gov.au/policy-library/policies/pd-2005-0264/pd-2005-0264-01)

3.3 The department must also conduct a Not to be Employed (NTBE) check for all workers against the department’s confidential NTBE database to ensure all workers maintain exemplary levels of behaviours that reflect community expectations.

**4. Responsibilities and delegations**

4.1 The department:

4.1.1 has a responsibility as an employer to take reasonable steps to ensure that all persons to be employed or engaged in child-related work are suitable for child-related work

4.1.2 must verify the WWCC credentials of all workers, and monitor the expiry of their WWCC. Knowingly employing someone without a WWCC clearance, or with a pending WWCC application, is an offence that can incur a fine of up to $11,000 per non-compliant worker.

4.1.3 must ensure that staff whose WWCC is suspended or expired are barred from continuing in their current child-related role with the department.

4.2 Executive leaders, directors, principals and managers:

4.2.1 are responsible for ensuring that screening processes within their area/s of responsibility are consistent with the Working with Children Check policy and procedures. This includes ensuring that all persons required to either obtain a WWCC clearance or provide a WWCC declaration have met the relevant requirement, prior to commencing employment or engagement. Failure to comply may result in disciplinary action and referral to Performance and Ethical Standards (PES)

4.2.2 who undertake screening are responsible for records management, including securely storing relevant WWCC and National Criminal Records Check documents for 7 years after the employment or engagement has been completed. Records may need to be kept for longer if required, for example, if the recruitment or engagement action has been the subject of legal action. Records must be disposed in a secure manner. Refer to the [[Records Management intranet page](https://education.nsw.gov.au/inside-the-department/edconnect/corporate-operations/compliance-records-and-audit/records-management)](https://education.nsw.gov.au/inside-the-department/edconnect/corporate-operations/compliance-records-and-audit/records-management) for further information

4.2.3 are responsible for maintaining records of the status of each position within their area/s of responsibility (whether a position is child-related) and for reviewing these periodically to ensure consistency with policy and procedural requirements.

4.3 Employees:

4.3.1 must maintain the correct level of WWCC clearance for the work they are undertaking. Failure to comply can incur a $11,000 fine and/or 2 years imprisonment. Engaging in work while subject to an ‘interim bar’ can attract the same penalty

4.3.2 must ensure they action a renewal of their WWCC in a timely manner to continue in their role.

**5. Monitoring and review**

5.1 The Executive Director, Human Resources Operations, or nominee, monitors the implementation of this policy, regularly reviews its contents to ensure relevance and accuracy, and updates it as needed.

**Responding to and reporting students at risk of harm**

**1. Policy Statement**

1.1 The NSW Department of Education has an important role to support children and young people and to identify where problems arise that may put their safety, welfare or wellbeing at risk.

1.2 All staff have a responsibility to report risk of harm concerns about children and young people, within their roles, and to provide support to children and young people.

1.3 Child protection reforms introduce an obligation for government and non-government agencies to coordinate decision-making and delivery of services.

**2. Audience and applicability**

2.1 All departmental employees, including those in state and network offices, and schools.

**3. Context**

3.1 The NSW Government recognises that care and protection for children and young people is a shared responsibility. It begins with parents, but when government support becomes necessary, it is not the sole responsibility of community services but a collective responsibility.

3.2 Keep Them Safe: A shared approach to child wellbeing provides the framework for parents, communities, government and non-government agencies to work together to support children and families.

3.3 Legislation

3.3.1 Children and Young Persons (Care and Protection) Act 1998

3.3.2 Crimes Act 1900

3.3.3 Privacy and Personal Information Protection Act 1998.

3.3.4 Other relevant legislation

* Advocate for Children and Young People Act 2014
* Education Act 1990
* Health Records and Information Privacy Act 2002
* Ombudsman Act 1974.

**4. Responsibilities and delegations**

4.1 Principals and workplace managers:

4.1.1 Training

* ensure all staff have participated in an initial child protection induction and an update during the past year
* ensure all staff are aware of the indicators of abuse and neglect of children and young people
* ensure all staff are aware of their obligation to advise the principal or workplace manager of concerns about the safety, welfare and wellbeing of children and young people that arise during the course of their work
* ensure all staff are aware of their mandatory obligation to report suspected risk of significant harm and of the procedures for doing so.

4.1.2 Reporting and monitoring

* use appropriate tools to inform decision-making, such as the online [Mandatory Reporter Guide](https://reporter.childstory.nsw.gov.au/s/mrg), professional judgment or specialist advice, where there are concerns about risk of harm
* maintain a workplace register of staff participation in annual updates and of inductions of new staff, or they must sight individual records of staff inductions. This applies to all staff including non-teaching staff, part-time, temporary and casual staff
* determine whether concerns about the safety, welfare or wellbeing of children or young people constitute risk of significant harm and, if they do, report these to the Department of Communities and Justice
* keep records of reports to Department of Communities and Justice as confirmation that mandatory reporting requirements have been met. Record the report engagement number
* retain records and related papers in secure storage and keep these confidential. These records are to be provided to any successor
* if serious safety issues remain after a report has been made to, and accepted by, the Department of Communities and Justice, refer the matter to the departmental regional officer responsible for student services so the case can be taken up at a senior level within the Department of Communities and Justice
* seek advice from the Child Wellbeing Unit where there is uncertainty about whether concerns amount to risk of significant harm
* record and keep engagement numbers provided by the Child Wellbeing Unit
* contact the Child Wellbeing Unit about the safety, welfare and wellbeing of children and young people where
* there are concerns about risk of harm, that do not meet the threshold of significant harm but are not trivial
* the Mandatory Reporter Guide indicates this should be done
* a case has been reported to the Department of Communities and Justice and did not meet the risk of significant harm threshold
* there is an observable pattern of cumulative harm that does not meet the threshold of significant harm.

4.1.3 Supporting children and young people

* establish effective systems in their workplace for
	+ child protection concerns to be identified in the course of the work of staff, reported and action taken, where appropriate, so vulnerable children and young people are supported
	+ reasonable steps to be taken to coordinate decision-making and coordinate services to children and young people and their families with other local service providers, if required
	+ collaborative work with other agencies for the care and protection of children and young people in ways that strengthen and support the family and in a manner that respects the functions and expertise of each service provider
* exchange relevant information to progress assessments, investigations and case management as permitted by law
* use best endeavours in responding to a request for a service from the Department of Communities and Justice provided that the request is consistent with departmental responsibilities and policies.

4.2 Employees

4.2.1Training

* participate in a child protection induction and in annual updates. This includes all staff – principals, workplace managers, teaching and non-teaching staff, part-time, temporary and casual staff and those who join during the year.

4.2.2 Reporting

* adhere to mandatory procedures for conveying risk of harm concerns to the principal or workplace manager
* adhere to mandatory procedures for reporting risk of significant harm to the Department of Communities and Justice
* ensure, where they have reported any risk of significant harm concerns to the principal or workplace manager, that the principal or workplace manager has reported those concerns to the Department of Communities and Justice
* report directly to the Department of Communities and Justice if they believe the principal or workplace manager has not reported risk of significant harm concerns to the Department of Communities and Justice, and they still have concerns about risk of significant harm
* ensure that any relevant information that they become aware of, subsequent to a report being made to the Department of Communities and Justice or following contact with the Child Wellbeing Unit, is provided to the Department of Communities and Justice or the Child Wellbeing Unit respectively. If the additional information forms concerns about risk of significant harm a report must be made to the Department of Communities and Justice.

4.2.3 Supporting children and young people

* cooperate with reasonable steps to coordinate service delivery and decision-making with other relevant service providers
* avoid undertaking any investigation of the circumstances giving rise to a report where risk of significant harm has been reported, without the express prior approval of the relevant Department of Communities and Justice case officer
* inform students, including apprentices or trainees, of their right to be protected from abuse and of avenues of support if they have concerns about abuse.

**5. Monitoring and review**

5.1 The Director, Behaviour and Student Participation, monitors the implementation of this policy, regularly reviews its contents to ensure relevance and accuracy, and updates it as needed.

**Allegations against employees**

**1. Policy Statement**

1.1 The department is committed to protecting the safety, welfare and wellbeing of students, complying with legislative responsibilities and ensuring it is responsive to allegations raised about its employees.

1.2 An allegation of a child protection nature is an allegation of misconduct by an employee, which involves conduct with, towards, about or in the presence of a child or a young person.

1.3 The department is required to have robust child protection systems that uphold high standards of child safe practices. Read this policy in conjunction with the department’s [Code of Conduct](https://education.nsw.gov.au/policy-library/policies/pd-2004-0020) and other relevant policies, which together reflect the department’s legislative responsibilities to protect student safety, welfare and wellbeing.

1.4 [The Responding to Allegations Against Employees in the Area of Child Protection](https://education.nsw.gov.au/content/dam/main-education/policy-library/associated-documents/pd-2005-0263-02.pdf)implementation document sets out the procedures to be followed if allegations are made against employees of the Department of Education in the area of child protection.

1.5 As an employer, the department must:

1.5.1 respond to allegations of a child protection nature made against employees

1.5.2 take appropriate risk management action

1.5.3 ensure employees are treated fairly and the rights of individuals are respected during an investigation and disciplinary process

1.5.4 report to external agencies including the Department of Communities and Justice, NSW Police and the Independent Commission Against Corruption when appropriate

1.5.5 report to the Office of the Children's Guardian (Reportable Conduct Unit) reportable allegations and convictions against an employee

1.5.6 report to the Office of the Children's Guardian (Working With Children Unit) the names of employees found to have seriously physically assaulted a child or engaged in sexual misconduct towards a child.

1.6 Principals and workplace managers must report allegations of a child protection nature immediately to Professional and Ethical Standards (PES). Refer to the [[PES Reporting Guide](https://education.nsw.gov.au/epac/reporting-guide)](https://education.nsw.gov.au/epac/reporting-guide) for further information.

1.7 PES is required to assess and address allegations in line with the Responding to Allegations Against Employees in the Area of Child Protection implementation document and the [[Guidelines for the Management of Conduct and Performance](https://education.nsw.gov.au/policy-library/policies/pd-2006-0335)](https://education.nsw.gov.au/policy-library/policies/pd-2006-0335).

**2. Audience and applicability**

2.1 All employees including paid employees, contractors, volunteer workers and student teachers on practicums.

**3. Context**

3.1 The safety, welfare and wellbeing of children and young people in educational settings are paramount.

3.2 When responding to allegations against employees, the department must provide procedural fairness.

3.3 This policy reflects the department's legislative requirements in addressing allegations against employees under the [[Children's Guardian Act 2019](https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2019-025)](https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2019-025).

3.4 This policy forms part of the department's response and commitment to the [[Child Safe Standards](https://www.ocg.nsw.gov.au/child-safe-organisations/training-and-resources/child-safe-standards)](https://ocg.nsw.gov.au/resources)  recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse.

3.5 This policy supports the department's high standards of conduct set out in the [[Code of Conduct](https://www.education.nsw.gov.au/policy-library/policies/pd-2004-0020)](https://education.nsw.gov.au/policy-library/policies/pd-2004-0020) by providing procedures for addressing alleged employee breaches of the Code relating to children and young people.

**4. Responsibilities and delegations**

4.1 Principals and workplace managers:

4.1.1 respond to allegations against employees in accordance with the policy and procedures

4.1.2 report child protection allegations against employees to Professional and Ethical Standards (PES) within one business day

4.1.3 take direct management action when PES refers matters back

4.1.4 ensure risk management strategies are implemented during investigations

4.1.5 ensure the policy and procedures are accessible to all employees

4.1.6 ensure staff have child protection training and receive annual child protection updates.

4.2 Executive Director, Professional and Ethical Standards (PES)/PES directorate:

4.2.1 ensure effective systems are in place to manage allegations against employees

4.2.2 ensure reportable allegations and relevant workplace findings are reported to the NSW Office of the Children's Guardian

4.2.3 undertake investigations of employees and decide what risk management action to take

4.2.4 take appropriate action, including disciplinary and remedial action against employees.

4.3 All employees:

4.3.1 are aware of and comply with the policy and procedures

4.3.2 identify allegations of a child protection nature raised about employees

4.3.3 report allegations to the principal, workplace manager

4.4.4 maintain confidentiality about the allegations and any investigation in which they are involved.

**5. Monitoring and review**

5.1The Executive Director, Professional and Ethical Standards monitors the implementation of this policy, regularly reviews its contents to ensure relevance and accuracy, and updates it as needed.