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Foreword:

Children need to know and believe that they have the right to be safe and feel safe at all times. They are the most vulnerable members of our society. This policy has been developed to promote and enhance the safety and welfare of children.

The Farmhouse Montessori School regards the interests of children as paramount and acknowledges that it is the adults in our society who have the responsibility for protecting children. This policy highlights the need for understanding the complexity if child abuse or risk of harm is suspected and emphasises that staff must take action.

The school has also an obligation to ensure that children are not subject to abuse or risk of harm in education or child care settings and will work closely with other government and non-government agencies and organisations in the protection of children.

Education and care workers play a significant role in the protection of children from abuse or risk of harm and neglect. It is the responsibility of all staff to treat children with dignity and respect, to act with propriety, and to protect the children in their care. In addition, as mandated notifiers, the staff must act on their legal obligation under the Children and Young Persons (Care and Protection) Act 1998 Ch3 Pt 2 s.27.

Our School is committed to the safety, wellbeing and support of all children and young people. Management, Staff and volunteers will treat all children with the utmost respect and understanding.

Our School believes that:

- Children are capable of the same range of emotions as adults.
- Children’s emotions are real and need to be accepted by adults.
- A reaction given to a child from an adult in a child’s early stages of emotional development can be positive or detrimental depending on the adult’s behaviour.
- Children, who better understand their body’s response to an emotion is more able to predict the outcome from a situation and evade them or ask for help.

National Quality Standards (NQS)

Quality Area 2: Children’s Health and Safety		
2.2	Safety	Each child is respected
2.2.1	Supervision	At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard
2.2.2	Incident and emergency management	Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented
2.2.3	Child Protection	Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect

Education and Care Schools National Regulations

Children (Education and Care Schools) National Law NSW	
84	Awareness of child protection law
273	Course in child protection

PURPOSE

All Educators, Staff and Volunteers are committed to identifying possible risk and significant risk of harm to children and young people at the School. We comprehend our duty of care responsibilities to protect children from all types of abuse, and adhere to our legislative obligations at all time.

We aim to implement effective strategies to assist in ensuring the safety and wellbeing of all children. Our School will perform proficiently and act in the best interest of the child, assisting them to develop to their full potential in a secure and caring environment

SCOPE

This policy applies to children, families, staff, management and visitors of the School.

RATIONALE:

An important factor in providing quality childcare to young children is ensuring their health and safety by protecting them from abuse or risk of harm and neglect both in the home and in our care. This societal problem crosses all ethnic, cultural and income groups. It occurs to both boys and girls by men and women who are within and outside the family. Children within their first three years of life are most vulnerable to physical abuse.

Child abuse or risk of harm and neglect can negatively affect a child's development, self-image, ability to learn and future life, and therefore must be identified and dealt with appropriately. While some factors are outside the control of staff, there are many positive strategies and methods that can be adopted to negate, overcome or reduce them.

Child abuse can occur as a result of stress. This stress can naturally be triggered by the pressure of meeting the many needs of young children. In addition, isolation, financial strain, illness, work, and discrimination or lack of resources can contribute to the stress of adults who care for children. Child abuse can also result from a pattern of discipline that includes physical punishment. The highest correlation of abuse is the abuser's own experience. Many adults who abuse or neglect children have experienced similar treatment and instinctively treat children as they have been treated.

The risk of abuse or risk of harm to children can be lessened by adults maintaining a positive and supportive environment where the adults listen and care.

The School can help by building and maintaining trust in our relationships, creating non-threatening contact availability, showing acceptance of feelings (not necessarily actions), avoiding criticisms and judgements, and endeavouring to raise self-esteem at every opportunity.

The Principal's role involves close liaison with families, especially those experiencing crisis, but all staff should develop trust and support with families.

Aim

This Policy document is definitely provided to all employees and contractors during their employment or engagement with the school annually to ensure a clear understanding of their duties and obligations under the key items of child protection legislation in NSW. This Policy outlines the key concepts and definitions under the relevant legislation including mandatory reporters, reportable conduct, and risk management. It also sets out expected standards of behaviour in relation to employees and contractors and their relationships with students.

1. General

The safety, protection and well-being of all students are of fundamental importance to the School. Both staff and the School have a range of different obligations relating to the safety, protection and welfare of students including:

- a) a duty of care to ensure that reasonable steps are taken to prevent harm to students;
- b) obligations under child protection legislation; and
- c) Obligations under work health and safety legislation.

The purpose of this Policy is to summarise the obligations imposed by child protection legislation on the School and on employees, contractors and volunteers at the School and to provide guidelines as to how the School will deal with certain matters.

Child protection is a community responsibility.

2. Key legislation

This policy is based on:

1. The Children and Young Persons (Care and Protection) Act 1998
2. The Child Protection (Prohibited Employment) Act 1998
3. The Ombudsman Act 1974
4. The Ombudsman Amendment (Child Protection and Community Services) Act 1998,
5. The Commission for Children and Young People Act 1998
6. "The Child Protection Legislation Amendment Act 2003.

3. Your obligations to report

While we set out below circumstances in which the **legislation** requires reporting of particular child protection issues, the School requires you to report **any concern** you may have about the safety, welfare or wellbeing of a child or young person to the Principal

If the allegation involves the Principal you are required to report to the Chairman of the Board.

This obligation is part of the School's overall commitment to the safety, welfare and well-being of children.

4. Other policies

Please note that there are a number of other School policies that relate to child protection which you need to be aware of and understand including (but not limited to):

- a) the **Code of Conduct** which sets out information about the standards of behaviour expected of all employees, contractors and volunteers of the School; See Code of Conduct Staff Policy
- b) **Duty of Care Statement and Policy-(Safe and Supportive Environment)** See Duty of Care Policy-Safe and supportive Environment

OBJECTIVES:

1. *To ensure the development and maintenance of a safe and stimulating work and play environment for the children, both indoors and out, to support the children's physical, emotional, cognitive, social, and cultural development.*
2. *To identify and act responsibly to any situations which place the child at risk of harm.*
3. *The recruitment and support of high calibre staff members, dedicated to the study of the Montessori philosophy, which demands the respect of the child, and the best interests of children, as well as providing ongoing support and training in the needs of, and responsibility to, the child.*
4. *Development of programs for the fostering of children's spirituality, self-respect and dignity, including the celebration of diversity and individuality as well as assisting the child in the development of skills and strategies for personal safety.*
5. *Development of close links with families, offering family guidance and support where possible.*
6. *Development of policies and records in compliance with legislative requirements. To ensure all staff are annually updated on identification of children and risk and their legal responsibility.*

GOVERNMENT-Agencies and information/support:

DEPARTMENT OF FAMILY & COMMUNITY SERVICES (FACS)

The Department of Family & Community Services has wide ranging statutory powers to enable it to carry out its role in protecting children and young people from abuse or risk of harm and neglect on behalf of the community. The Department has the mandate to co-ordinate responses and to ask agencies to provide appropriate care and support to children, young people and their families.

DEPARTMENT OF FAMILY & COMMUNITY SERVICES HELPLINE:

Mandatory reporters: 13 3627 (FACS)
Child Protection Helpline Fax: 9633 7666
Public reporters: 132 111
Kids Helpline: 1800 55 1800
Parents Helpline: 132 055
Open 24 hours a day from anywhere in NSW.
Web: www.community.nsw.gov.au

Child Abuse Prevention Service

13 Norton St, Ashfield 2131 9716 8000

Child Protection Unit

Children's Hospital Westmead. 9845 2434 / 9845 0000
Sydney Children's Hospital 9382 1412 / 9382 1413 / 9382 1111

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

The role of the CCYP is to promote the interests and needs of vulnerable children and young people. The Commission has a key role in monitoring the child-related employment screening activities. It also promotes children's and young people's participation in decisions that affect them.

OMBUDSMAN

The Ombudsman is responsible for overseeing and monitoring investigations by heads of agencies of allegations of abuse or risk of harm against staff of child care centres and schools.

Level 24 580 George St Phone: 02 9286 1000
Sydney 2000 Fax: 02 9283 2911
Web: www.ombo.nsw.gov.au

TERMINOLOGY-THROUGHOUT THIS DOCUMENT:

- *abuse*, refers to all aspects of abuse, i.e. neglect, physical, emotional and sexual;
- *child*, refers to all children, students and young people under 18 years of age;
- *staff*, refers to all education, care and administrative workers at and employed by the school;
- *Principal*, refers to the manager or Principal or temporary authorised supervisor of the school;
- *parent*, refers to parent, guardian or caregiver.

"Child abuse" has been replaced with "reportable conduct"

"Child abuse allegation" has been replaced with "reportable allegation"

"Child abuse conviction" has been replaced with "reportable conviction".

"Head of Agency" in the legislation refers to the authorised supervisor, in this case.

DEFINITIONS

The definition of reportable conduct is:

- any sexual offence, or sexual misconduct committed against, with, or in the presence of a child (including a child pornography offence) or
- any assault, ill treatment or neglect of a child, or
- any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child. It includes one-off incidents.

Note: Reportable conduct does not extend to:

- conduct reasonable for the purpose of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children, or
- the use of physical force that, in all circumstances, is trivial or negligible provided the matter is to be investigated and the result of the investigation is to be recorded under workplace employment procedures.

WHAT IS ABUSE?

There are four types of child abuse which are listed below as well as other that are not as common: You will find all of these listed on the NSW Mandatory Reporter guide website. See Reporting Procedure.

You have to pick the main decision tree that most closely matched the concern you have. If you have more than one concern start with your most serious concern.

1. Neglect
2. Emotional Abuse
3. Sexual Abuse
4. Physical Abuse

Child abuse is any action towards a child or young person that harms or puts at risk their physical, psychological or emotional health or development. Child abuse can be a single incident, or can be a number of different incidents that take place over time.

DEFINITIONS OF ABUSE:

Child Abuse can be defined as “a violation of a child’s body and mind” physically, emotionally or sexually. Often there can be an overlap between these categories (i.e. a child who has been sexually abused probably suffers physical injuries and emotional trauma).

INDICATORS OF ABUSE OR NEGLECT

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Behavioural or physical signs which assist in recognising harm to children are known as indicators. The following is a guide only. One indicator on its own may not imply abuse or neglect. However a single indicator can be as important as the presence of several indicators. Each indicator needs to be deliberated in the perspective of other indicators and the child’s circumstances. A child’s behaviour is likely to be affected if he/she is under stress. There can be many causes of stress and it is important to find out specifically what is causing the stress. Abuse and neglect can be single incidents or ongoing, and may be intentional or unintentional.

GENERAL INDICATORS OF ABUSE AND NEGLECT MAY INCLUDE:

- Marked delay between injury and seeking medical assistance
- History of injury
- The child gives some indication that the injury did not occur as stated
- The child tells you someone has hurt him/her
- The child tells you about someone he/she knows who has been hurt
- Someone (relative, friend, acquaintance, and sibling) tells you that the child may have been abused.

POSSIBLE SIGNS OF NEGLECT

Signs in Children

Physical

- low weight for age and/or failure to thrive and develop;
- untreated physical problems e.g. sores, serious nappy rash and urine scalds;
- poor standards of hygiene i.e. child consistently unwashed;
- poor or pale complexion and poor hair texture.

Behaviour

- extreme anxiety about being abandoned,
- which is not age-appropriate;
- extended stays at school, public places, other homes;
- child not adequately supervised for their age;
- scavenging or stealing food and focus on basic survival;
- extreme longing for adult affection;
- rocking, sucking, head-banging;
- says there is no caregiver.

Signs in Parents or Caregivers

- unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions.
- leaving the child without appropriate supervision.
- abandonment of child.

Emotional Abuse usually leaves no apparent visible signs but can be much more damaging to a child than physical abuse. Depriving a child of love, warmth and attention or continually yelling at or “picking” on a child can lead to a child’s poor self- concept, poor body image and extreme defence mechanisms. Emotionally abused children can often demonstrate aggressive and self-destructive behaviours and can be impulsive and prone to extreme anxiety.

Emotional abuse occurs when an adult harms a child’s development by repetitively treating and speaking to a child in ways that damage the child’s ability to feel and express their feelings. This may include:

POSSIBLE SIGNS OF EMOTIONAL ABUSE

All types of abuse and neglect harm children psychologically, but the term ‘emotional abuse’ applies to behaviour which destroys a child’s confidence.

Signs in Children

Physical

- Speech disorders
- Delay in physical development.

Behaviour

- constant feelings of worthlessness about life and themselves
- inability to value others
- habit disorders (sucking, biting rocking)
- lack of trust in people
- lack of people skills necessary for daily functioning
- extreme attention-seeking behaviour
- other behavioural disorders, e.g. bullying, disruptiveness, aggressiveness
- exposure to domestic violence
- suicide threats or attempts
- persistent running away from home.

Signs in Parents or Caregivers

- constant criticism, belittling, teasing of a child, or ignoring or withholding praise and attention
- excessive or unreasonable demands
- persistent hostility and severe verbal abuse, rejection and scapegoating
- belief that a particular child is bad or ‘evil’
- using inappropriate physical or social isolation as punishment
- domestic violence.

Sexual Abuse is when someone involves a child in a sexual activity by using their authority over them or taking advantage of their trust. This incorporates a wide-ranging spectrum, ranging from inappropriate fondling and exposure (to genitals, prostitution, pornography, masturbation, inappropriate sexual acts, and/or sexually explicit language) to penetration (of anus or vagina). Physical indicators may be bleeding (from genitals or anal areas), bruising (on arms, legs, thighs and/or genital area), repeated urinary tract infections, inflamed/sore genital areas, soiling, bed-wetting, rashes, discharges, nappy changing trauma, withdrawal from activities and/or peers, fear of toileting/removing clothes, sexual talk (that is inappropriate to the child’s age, development and vocabulary level), and/or acting out sexual behaviours or sexual themes/fears in a child’s artwork, stories and play.

Children are often bribed or threatened physically and psychologically to make them partake in the activity. Sexual abuse may include:

POSSIBLE SIGNS OF SEXUAL ABUSE

Signs in Children

Physical

- bruising or bleeding in the genital or anal area
- sexually transmitted diseases
- bruising to breasts, buttocks, lower abdomen or thighs
- anorexia or over-eating
- adolescent pregnancy
- unexplained accumulation of money and gifts
- difficulty in walking or sitting.

Behaviour

- going to bed fully clothed
- unwilling to change clothes when needed
- child or child’s friend telling you about it, directly or indirectly
- describing sexual acts
- sexual knowledge or behaviour inappropriate for the child’s age
- aggressive behaviour or e.g. sudden return to bed-wetting or soiling

- self-destructive behaviour e.g. drug dependency, suicide attempts, self-mutilation
- child being in contact with a known or suspected perpetrator of a sexual assault

Signs in Parents or Caregivers

- exposing a child to prostitution or pornography or using a child for pornographic purposes
- intentional exposure of a child to sexual behaviour of others
- previous conviction or suspicion of child sexual abuse

- persistent running away from home
- withdrawal, fantasy or infantile behaviour.

- coercing a child to engage in sexual behaviour with other children
- verbal threats of sexual abuse
- denial of adolescent's pregnancy by family.

Physical Abuse is any non-accidental injury or pattern of injuries to a child that endangers or impairs the child's physical or emotional health and development. Usually child abuse is not an isolated incident or non-accidental injury, but a pattern of behaviour covering a period of time. Physical abuse includes bruising, burning, shaking, or beating, attempted suffocation, damage to the child's vital organs or and/body (including brain, ears, eyes, mouth, hands, legs, genitals) that may result in mental retardation, deafness, blindness, speech difficulties, fine or gross motor problems or death. Unexplained and/or recurring injuries e.g. broken teeth, fractures, dislocations, cuts, bruises, welts, and headaches require close observation. Educators will be particularly aware of looking for possible physical abuse if parents or caregivers:

POSSIBLE SIGNS OF PHYSICAL ABUSE

Signs in Children

Physical

- bruising to 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
- explanation of injury offered by the child is not consistent with the injury
- adult bite marks and scratches
- abdominal pain caused by ruptured internal organs, without a history of major trauma
- unusual or regular fractures of bones, especially in children under three years' old;
- unusual burns and scalds (including cigarette burns)
- drowsiness, vomiting, fits or retinal haemorrhages, which may suggest head injury
- multiple injuries or bruises
- swallowing of poisonous substances, alcohol or other harmful drugs
- dislocations, sprains, twisting
- general indicators of female genital mutilation, which could include: having a special operation, difficulties in toileting, and reluctance to be involved in sport or other physical activities where the child was previously interested.

Behaviour

- constant fatigue, listlessness or falling asleep in class
- alcohol or drug abuse
- frightened of parents
- afraid to go home
- reports injury.

Signs in Parents and Caregivers

- explanation of injury offered by the parent is not consistent with the injury
- a parent or caregiver says that they fear injuring their child
- family history of violence
- history of their own maltreatment as a child
- frequent visits with their child or children to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or with inner complaints

Cumulative Impact is a series of acts or omissions that, when viewed together, may establish a pattern of risk of significant harm.

Psychological harm is where:-A child/young person appears to be experiencing psychological/emotional distress and is a danger to self or others as a consequence of parent/carer behaviour. An underage marriage or similar union, where one of both partners is under 18 has occurred.

Danger to Self or Others:-A child/young person is demonstrating suicidal or self-harming behaviours. A child/young person is a danger to self or others and the reporter does not know whether the parent/carer behaviours contributed now or in the past.

Relinquishing Care: Parent/carer states they will not or cannot continue to provide care for a child under the age of 16 or a young person over 16 and they are unable to make an informed decision (temporarily or permanently). Child/young person is in voluntary care for longer than legislation allows

Unborn Child: You are concerned for the welfare of an unborn child at birth

Witnessing Domestic Violence/Carer Concern is also a form of abuse. When children witness domestic violence they usually believe that they have caused it.

Domestic violence is a violation of human rights. It involves violent, abusive or intimidating behaviour carried out by another member of the same household or family

Domestic violence causes fear, physical and/or psychological harm. It is most often violent, abusive or intimidating behaviour by a man against a woman. Living with domestic violence has a profound effect upon children and young people and may constitute a form of child abuse. (*The NSW Domestic and Family Violence Action Plan, June 2010*)

Indicators of Domestic Violence

GROUNDS FOR NOTIFICATION:

All staff have a responsibility to report significant risk of harm concerns about children and young people, within their roles, and to provide support to children and young people. Reasonable grounds for notification depend on the facts of the concern, and the nature and seriousness of the allegations being mindful of the child's age and circumstances. The NSW Child Protection Council suggested "reasonable grounds" for notification to be:

- when a child tells a staff member he/she has been abused;
- when someone tells a staff member (perhaps a relative, friend or sibling of the child);
- when a child tells a staff member he/she knows someone has been abused or is at risk of harm (often referring to him/herself anyway);
- when the experience of the staff member indicates an observation of a child's behaviour or physical condition, or knowledge of children generally leads to a suspicion of child abuse or risk of harm.

REPORTABLE CONDUCT:

- Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child, including a child pornography offence, or
- any assault, ill-treatment or neglect of a child, or
- any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

FAMILY MEMBER INVOLVEMENT:

It will not be appropriate to discuss with the family the nature of the concerns if a member of the family household is suspected. The child will remain at the School until an Officer referred by the Department of Family & Community Services arrives. If the suspect is someone other than an immediate family member, the family should be informed to allow one of them to be in attendance when the Officer arrives.

REPORTING PROCEDURE -MANDATORY REPORTING: STAFF-

All staff at Farmhouse Montessori School are mandatory reporters of suspected child abuse, neglect or risk of harm.

All staff once they have completed the Child Protection annual training the school ask them to sign a Mandatory reporting annual declaration form. This form is then filed in both the staff members personal file and then also in the Child Protection & Safe & Supportive environment register. This is kept in the Nth Head office of the PA to the Principal.

The legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. In NSW, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998 (The Care Act).

We currently have two staff members that have attended the NSW Class or Kind Investigators Accreditation Course with the AIS for the school the main contact being the school principal in the first instance.

According to the *Children and Young Persons (Care and Protection) Act 1998* mandated reporters (including people employed in children's Schools and unpaid managers of these Schools) must make reports if they suspect on reasonable grounds a child is at risk of significant harm because:

- the child's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child to receive necessary medical care
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for a school age child to receive an education
- the child has been, or is at risk of being physically or sexually abused or ill-treated
- the child is living in a household where there have been incidents of domestic violence and they are at risk of serious physical or psychological harm
- the parent's or other caregiver's behaviour means the child has suffered or is at risk of suffering serious psychological harm

CHILD STORY REPORTER

Mandatory reporters in NSW should use the Mandatory Reporter Guide (MRG) if they have concerns that a child or young person is at risk of being neglected or physically, sexually or emotionally abused. The MRG assists in providing mandatory reporters with the most appropriate reporting decision. It is not designed to determine whether the matter constitutes risk of significant harm (ROSH). This is done at the Child Protection Helpline through the Screening and Response Priority (SCRPT) tool.

The MRG supports mandatory reporters to:

- determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child (including unborn) or young person
- identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system

It is recommended that mandatory reporters complete the MRG on each occasion they have risk concerns, regardless of their level of experience or expertise. Each circumstance is different and every child and young person is unique.

Helpline caseworkers will make determinations on reports received from mandatory reporters using SCRPT in conjunction with additional information which may not be available to mandatory reporters.

For more information on Child Story Reporter, refer to: <https://reporter.childstory.nsw.gov.au/s/>

PROCEDURE FOR MAKING A REPORT BY STAFF AT FARMHOUSE MONTESSORI

A staff member should inform the Principal of any situation where a child may be at risk.

Full details should be recorded of any children who may be involved, in a specific confidential file and a course of action agreed. This information is to be stored in a locked file only accessed by the Principal, separately from the child's main file.

Discussion with others should be avoided or limited to persons in the privileged communication path.

The Principal will report any matter that has been notified, as required by Section 23 of the *Children and Young Persons (Care and Protection) Act 1998*.

The staff member will be advised if action is taken.

Notes:

- a) *Staff members do not investigate allegations or suspicions.*
- b) *If the Principal decides that "reasonable grounds" do not exist and consequently decides not to report the matter, the concerned staff member has an obligation under the legislation to report, if he/she continues to believe that reasonable grounds exist.*
- c) *No staff members should make any contact with parents or caregivers regarding a notification.*
- d) *The notifying staff member is immune from civil or criminal prosecution.*
- e) *Wherever possible, the identity of the notifier will remain confidential. However, disclosure of the reporter's identity to a law enforcement agency investigating a serious offence against a child or young person is permitted by law in limited circumstances.*
- f) *The Principal may be required by the caseworker to facilitate interview(s) of the child on the premises.*
- g) *The confidentiality of any report made and subsequent action should be maintained, unless otherwise required by a court order. If the Department of Family & Community Services were to assume care of a child, the parent body should only be told that the child has taken leave or left the service. In the event of a suspected case of child abuse or risk of harm:*

It is the role of all the Farmhouse staff to support and assist all children and parents using the School. However, the Officer from the Child Protection Unit will deal with the family. A staff member, as a caring adult, may be thrown spontaneously into the situation of dealing with disclosure from a child who knows and trusts them. The reaction of the staff member is very important and it is necessary for the child to be reassured by a calm adult.

The Child Protection Council recommended the following procedure, and all staff are requested to comply with its suggestions.

Remember, the first hand contact with the child is very important.

The child should not be pushed into explaining the details of the assault. Once you become aware of the details, you become a witness. Your role is to listen and comfort the child not to undertake an investigation. The child may be interviewed by an officer of the Department of Family & Community Services, and/or the police and/or a Sexual Assault or Child Protection Counsellor. The number of times the child has to repeat the details should be kept to a minimum.

When a child discloses, it should be kept in mind that he/she has been coerced into secrecy, and will need reassurance that he/she is believed and has the right to tell. You must never promise to keep the information secret and should state that it is important that someone knows about it in order to help them (the child.)

Having taken the major step of telling someone about the assault, the child may be concerned about what will happen next, especially if the alleged perpetrator is a close friend or relative. The child needs to be reassured that they will be kept safe and that people will help him/her.

The risk to the child is high once the secret of child abuse or risk of harm has been revealed, and there may be people who would pressure the child to change the story.

GROUNDS FOR MAKING A REPORT

A report must be made to the Department of Family & Community Services when there are current concerns about the safety, welfare and wellbeing of a child for any of the following reasons:

- 1) For the purposes of this Part, a child or young person is "at risk of significant harm" if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:
 - (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, (1) For the purposes of this Act, a child is of compulsory school-age if the child is of or above the age of 6 years and below the minimum school leaving age,
 - (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.

COLLECTION OF INFORMATION

All information collected about children and families of Farmhouse Montessori School is subject to the confidentiality and safe storage requirements detailed in the specific policy.

These requirements also apply in the making of a report about a child to the Department of Family & Community Services. Full details should be kept in a confidential file and should be available when

making a telephone report. These are to be stored in a locked file accessed only by the Principal in the Principals office.

HOW TO REPORT OR SEEK HELP FOR MANDATORY REPORTERS

Mandatory reporters, can call the **Department of Family & Community Services Helpline on 133 627** 24 hours a day from anywhere in NSW. This information is to be on hand by the telephone at all times.

Members of the public should call 132 111. This number is always to be available to parents including on the parent notice board.

If in any doubt the Mandatory Reporter Guide (MRG) has been written to assist professionals make a decision about whether their concerns about a particular child or young person are likely to meet the risk of significant harm threshold. It also provides useful advice about any other actions you can take to assist the child, young person or family.

The MRG gives clear advice about the threshold for risk of significant harm.

From 24 January 2010, mandatory reporters are encouraged to use the Mandatory Reporter Guide, to guide their decision making and determine whether or not to report to the Child Protection Helpline under the new risk of significant harm reporting threshold.

The interactive [online Mandatory Reporter Guide](http://www.reporter.childstory.nsw.gov.au) (found on www.reporter.childstory.nsw.gov.au) has been developed to assist front-line mandatory reporters such as police officers, teachers, nurses, social workers, and NGO staff to determine whether a case meets the new risk of significant harm threshold for reporting children and young people at risk in NSW. A [PDF version of the Guide](#) is also available for staff to review on the school computer under policies.

You are encouraged to use the MRG for reporting all child protection concerns - it is located on the website www.reporter.childstory.nsw.gov.au

The reporting form can be found at: www.community.nsw.gov.au/docswr/assets/main/documents/riskofharm_fax_report.doc.

Safeguards for reporters-Section 29: Children and Young Person (Care and Protection) Act 1998.

Protection of persons who make reports or provide certain information

Protection of persons who make reports or provide certain information

- (1) If, in relation to a child or young person or a class of children or young persons, a person makes a report in good faith to the Director-General or to a person who has the power or responsibility to protect the child or young person or the class of children or young persons:
 - (a) The making of the report does not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct, and
 - (b) No liability for defamation is incurred because of the report, and
 - (c) The making of the report does not constitute a ground for civil proceedings for malicious prosecution or for conspiracy, and
 - (d) The report, or evidence of its contents, is not admissible in any proceedings (including any appeal arising from those proceedings), other than the following:
 - (i) Care proceedings in the Children's Court,
 - (ii) Proceedings in relation to a child or young person under the *Family Law Act 1975* of the Commonwealth,
 - (iii) Proceedings in relation to a child or young person before the Supreme Court or the Administrative Decisions Tribunal,
 - (iv) Proceedings before the Victims Compensation Tribunal or the Guardianship Tribunal,
 - (v) Proceedings under the *Coroners Act 2009*, and
 - (e) A person cannot be compelled in any proceedings to produce the report or a copy of or extract from it or to disclose or give evidence of any of its contents, and
 - (f) The identity of the person who made the report, or information from which the identity of that person could be deduced, must not be disclosed by any person or body, except with:
 - (i) The consent of the person who made the report, or
 - (ii) The leave of a court or other body before which proceedings relating to the report are conducted,
 and, unless that consent or leave is granted, a party or witness in any such proceedings must not be asked, and, if asked, cannot be required to answer, any question that cannot be answered without disclosing the identity or leading to the identification of that person.

Young people (i.e. between the ages of 16 and 18) needing information and advice can contact [Kids Help Line](#) on 1800 55 1800.

Parents needing support can call [Parent Line](#) on 132 055.

Department of Family & Community Services [Domestic Violence Line](#) is 1800 65 64 63.

Note: Reports can be made independently by any individual, regardless of the suggested reporting steps. The welfare of the child is the prime consideration.

In addition to making a telephone report, the relevant form should be completed and posted (and a copy filed) - or lodged by fax and filed. Staff members will be required to report in detail on any matter regarding a child who may be at risk and about whom he/she has notified or been notified.

The Department of Family & Community Services caseworker will assign the case a priority number between one and four, depending on the urgency of the case as suggested by the information tendered.

Arrangements should be instigated to enable information about the result of the enquiry to be accessed by the person reporting. It is advisable, for the sake of the child who is considered at risk, to telephone and ask whether the case has been allocated and if so, to whom, and what follow up can be expected. The Children's Services Adviser should not be asked.

Anonymous reports may not be made by staff members. People reporting must give their full details and full specific details of their reasons for concern. Information about cultural and linguistic diversity relating to family members assists referrals to appropriate services and workers.

ASSESSMENT OF THE REPORT

The law in NSW allows the government to become involved with families only in so far as is necessary to protect children or young people from harm and ensure good development.

The Department of Family & Community Services caseworker has the responsibility of:

- assessing the validity or seriousness of the risk,
- informing the child's parent(s) that a report has been made,
- deciding whether and what action should be taken, and
- implementing any action.

PROCEDURES--STAFFING FOR FARMHOUSE

The purpose of this policy is to promote and enhance the safety and welfare of children. Adults are the people in our society who have the responsibility for child protection. Staff will regard the interests of the child as paramount.

All staff will act in a positive way to develop a safe environment for children in their care and will take the action required to fulfil their duty of care.

To fulfil these responsibilities the school will

1. *Provide access to ongoing training and development*
2. *Inform and consult with parents and encourage the participation of families in child protection issues*
3. *Establish supportive procedures for fulfilling mandatory reporting obligations*
4. *Monitor, evaluate and review our Child Protection Policy and programs*
5. *Review policy and procedures at the beginning of every year in a full staff development meeting. Staff will sign a Mandatory reporting annual declaration form on completion of the day.*

EMPLOYMENT OF STAFF AT FARMHOUSE MONTESSORI: WWCC

The Manly Warringah Montessori Society has procedures in place to ensure it is advised of any reportable allegations or convictions against its employees. This is achieved by:

1. Obtaining a Working with Children Check Clearance Number from all perspective and current staff and then having this verified by the PA to the Principal on the Kids Guardian website, this applies to all, whether or not directly working with children, but employed by the school. All volunteers to the school also must provide a WWC volunteer number to the school for verification. This has to be obtained before the staff member can begin working at the school.

Note: When we use a temp agency for relief staff (Pulse-Child Care Crew) is currently the only one that the school uses we still request a copy of their WWCC and there DOB so that the school can verify these details.

- All WWC check numbers with the persons DOB are then provided to the PA to the Principal who then verifies this information on the Kids guardian website. Once this has been verified this information is updated on the WWCC spreadsheet that is kept by the PA.

Note: Employers can now be penalised if they don't verify that their workers or volunteers who work with kids, have had a Check or applied for one. One of the strengths of the NSW system is that it is underpinned by an ongoing, continuous checking system. By registering and verifying online, employers can be contacted by the Office of the Children's Guardian should anyone become barred through the continuous monitoring process. Fines for not verifying can be issued to every organisation where people work or volunteer with children. Remember to keep records too.

- The PA to the principal will email and or speak to all current staff 3 months before there WWCC expires so that they have enough time to organise a renewal. This will be done on the staff member's school email address that they have been provided with on commencement at the school and or in person.
 - This reminder email date and information is then updated on the WWCC Spreadsheet.
 - It is the staff member's responsibility to update their contact details with Kids Guardian not the employers, including any name or address changes, within three months failure to do so, penalties will apply for people who don't update.
 - Updating your details is simple:-Please go to the www.kidsguardian.nsw.gov.au/check and follow the directions. Staff can even find there Check number on this site.
 - These records are kept for the duration of the employment of the staff member and then archived for a further seven years in a secure archive room at the Nth Head campus.
2. Ensuring National Criminal Records Check (NCRC) documentation requirements are met, screening is undertaken and clearance obtained for all Board members by the new Board members.
 - These are done by all Board Members once they take up the position of Director on the School Board. All Induction paperwork is provided by the PA to new board members and a Spreadsheet is kept which details all required paperwork. This is kept in the Board Members File in the school office.
 - The PA keeps a spreadsheet that is regularly updated with all details of Professional development, NCC and WWCC numbers and all other required paperwork.
 3. All current staff members, sign the "Prohibited Employment Declaration Form", this remains on site in secure storage in the staff files in the school office at the campus that the staff member is primarily located at.
 4. Reference checks being compulsory for all prospective staff.
 5. The Principal and staff members being made aware of the legal obligations to make any allegation or conviction against an employee known to the licensee.
 6. Amendments to the Teaching and Education Staff Acts provide for suspension from duty (instead of dismissal) for a person who's 'Working with Children Check' is cancelled because of a pending charge for a serious offence under the Working with Children legislation.
 - The Principal will notify the school Board once the school has been advised by Kids Guardian of this cancellation.

Staff are expected to demonstrate a full commitment to the development and maintenance of a safe and stimulating work and play environment for children, both indoors and out, in order to support the children's physical, emotional, cognitive, social and cultural development.

TRAINING:

Staff inductions and training include the professional development and familiarisation with all relevant procedures and policies of the Farmhouse Montessori School.

1. Staff are required to develop their awareness of children's needs, health, development, interactions and self-esteem.
2. Staff are required to ensure they understand legislative requirements.
3. Staff are required to develop their awareness of their responsibilities towards children and to recognise indicators of abuse or risk of harm and neglect.
 - In-services and workshops are offered to all staff to assist in their development and understanding of relevant legislation and requirements relating to all aspects of child protection annually.
 - On the first day of Term of each year
4. Staff are also required to complete an annual Child Protection Course to ensure continued employment.
 - All staff are also required to complete an Online module annually. This workshop is a pre cursor to the annual in-house training and may vary in content according to legislative changes or the needs of the school. This establishes a sense of understanding and a culture of reporting child protection issues.
 - On an annual basis all staff are required to attend a mandatory AIS child protection workshop which lasts around 4 hours and takes place after school. This workshop reinforces the school's child protection policy and is directly linked to the previous online training module.
 - These workshops may vary in content from year to year depending on changes to legislation or the current needs of the school. Content Details of our most recent workshop are listed in *Appendix 3 and 4*.
 - This will be done normally on the Staff Development Day Term 2 of each year possible. This also entails the signing of a Mandatory Reporting Declaration form which is updated annually and kept in the staff's employment file in the office as well as in the PA office. Once the online module has been completed by all staff the PA will print out the certificate from the AIS

website for the staff and place into staff files at both campus as well as placing a copy in the Child Protection folder at Nth Head in the office

- If staff commence at any other time of the year clear exposure to the child protection policy is included in their induction and will be carried out by the school reportable conduct officer/principal.

5. These workshops are held at the Nth Balgowlah campus with an attendance roll marked and all certificates of completion printed out and placed into the staff files by the PA.

VOLUNTEERS, STUDENT TEACHERS

Please see detailed information on checks and clearances required for volunteers, student teachers and contractors (as well as employees) in the extract from a NSW Department of Education & Communities document dated June 15 2013 entitled "Working with Children Check Procedures - Appendix 1", which can be found online at: https://www.det.nsw.edu.au/policies/student_serv/child_protection/work_child/Working-with-Children-Check-Appendix1-WWCC-Requirements.pdf.

It is the responsibility of the Principal to ensure they are properly supervised.

It is the responsibility of training organisations to have their students screened.

The NSW Commission for Children and Young People advises that all students and volunteers should complete the Prohibited Employment Declaration.

CONTRACTORS-BOTH CAMPUSES

All contracting work is scheduled for out of school hours/school holidays or week end.

NTH BALGOWLAH-

The Authorised Supervisor or Principal will organise any contracting work to be done at this campus this will only happen after hours or during the school holidays.

NTH HEAD- SYDNEY HARBOUR TRUST -

SHT are in charge of all maintenance of this building which is on Crown Land so we have to wait on their maintenance department. After a call from the Farmhouse Montessori School office requesting repairs to be organised, the maintenance call is then logged to the service department who will check with the PA at Nth Head for the best time to attend the matter. This is also always after the children are not on site.

If it is during school time the Service department technician is not left by themselves near any child.

STAFF ON THE PREMISES:

1. Two staff members must remain on the premises whenever a child is still in care until the parent or carer arrives to collect their child.
2. Staff will be positioned at all times to ensure minimum staff ratios are implemented, and, as regards the North Balgowlah campus, to ensure the ability to be in view of other staff.
3. At the North Balgowlah campus, staff are not to be alone with only one child at any time and must ensure they can be seen by other staff e.g. when assisting with toileting.
4. At the Nth Head campus, staff are not to be alone with only one child at any time in the school office or any of the other rooms and must ensure they can be seen by other staff
5. Staff are required to maintain high standards of supervision and observation of the children at all times.
6. Provision will be made for staff awareness of individual long or short-term health and dietary needs, fears or concerns, home or family issues, usual collection arrangements and their variations.
7. Staff are to exercise their duty of care to protect children and keep them safe.
8. Staff are to be aware of the definition of child abuse or risk of harm and neglect as required by the Children and Young Person (Care and Protection) Act 1998.
9. Staff are required to be involved in the review and evaluation of the Child Protection Policy at the School.
10. Staff are required to report suspicion of child abuse or risk of harm or neglect or risk of harm to the child as required by the Children and Young Person (Care and Protection) Act 1998 to the Principal of Farmhouse Montessori School.

ALLEGATIONS AGAINST A STAFF MEMBER

Aims

1. To ensure the safety, welfare and well-being of all children entrusted to the school's care.
2. To ensure that any reportable allegation against a staff member is handled fairly, in accordance with the relevant laws.
3. To protect staff members from vexatious or misguided allegations.

LEGISLATIVE CHANGES

In October 2016, the NSW Government introduced reforms to strengthen the regulatory powers of the Office of the Children's Guardian. New amendments also tightened provisions for appealing against

decisions to bar unsuitable Working With Children Check applicants from working with children. Also, under the Working With Children Check, it is now an offence to make a false or misleading statement, punishable by a maximum penalty of \$550.

These changes are included in the *Child Protection (Working with Children) and Other Child Protection Legislation Amendment Act 2016*, making amendments to the following Acts:

- *Child Protection (Working with Children) Act 2012*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Teaching School Act 1980*
- *Education (School Administrative and Support Staff) Act 1987*

Amendments to the Teaching and Education Staff Acts provide for suspension from duty (instead of dismissal) for a person who's 'Working with Children Check' is cancelled because of a pending charge for a serious offence under the Working with Children legislation.

In children's employment, the amendments give the Office of the Children's Guardian new powers to enter and inspect premises where they reasonably suspect a person is illegally employing a child, as well as the ability to serve on-the-spot penalty notices for breaches of children's employment legislation.

IMPLEMENTATION

Our School strongly opposes any type of abuse against a child and endorses high quality practices in relation to protecting children. To ensure best practice, all educators will attend approved Child Protection training certified by a registered training organisation. Educators will continue to keep up to date, by completing Child Protection Awareness Training annually, ensuring they keep up to date with their current responsibilities as Mandatory Reporters.

NOTE: The reporter is not required to prove that abuse has occurred.

NSW Ombudsman

As a result of the Ombudsman Amendment (Child Protection and Community Services) Act 1998, the NSW Ombudsman is now responsible for overseeing and monitoring the handling of allegations and convictions of reportable conduct against employees of childcare centres.

The NSW Ombudsman will be required to determine whether an investigation that may involve reportable conduct against an employee has been properly conducted, and whether appropriate action was taken as a result of the investigation.

Even though the Department of Community Services, the Police Service or the Joint Investigative Response Teams may be investigating an allegation against an employee there is still a requirement to notify the NSW Ombudsman of any reportable allegation.

The Ombudsman can conduct a direct investigation into any reportable allegation or conviction against an employee, regardless of whether it has been notified by a service.

RESPONSIBILITIES OF THE LICENSEE

Allegations or Convictions

Designated agencies, including the Department of Family & Community Services and childcare centres, must notify the NSW Ombudsman of all reportable allegations and convictions that arise, whether within or outside the employee's work.

The Principal must notify the Ombudsman within thirty days of the allegation. In the event that the Principal is unable to report, the responsibility falls on the president of Manly Warringah Montessori Society or their employee delegate.

When notifying the Ombudsman of a reportable allegation or a conviction the principal/investigating officer must provide:

1. Details of the allegation or conviction, whether within or outside the workplace,
2. Advice as to whether or not it is proposed to take disciplinary or other action in relation to the employee, and the reasons for taking or not taking any such action, and
3. Any written submissions made by the employee about what action should be taken against him or her.
4. The Ombudsman must also be provided with details of the ensuing investigation if requested.

OTHER REPORTING REQUIREMENTS

At the same time the Department of Family & Community Services should be notified immediately by telephone that a reportable allegation involving a child has been made. The Department will investigate the report and notify the Principal of its findings.

All members of staff are mandatory notifiers.

A staff member making a report to the Department of Family & Community Services should also notify the Principal.

The reporting form provided by the Department of Family & Community Services can be found at www.community.nsw.gov.au/docs/wr/_assets/main/documents/riskofharm_fax_report.doc.

The Principal must also inform The Commission for Children and Young People of relevant employment proceedings, under the “Commission for Children and Young People” Act.

RECORD KEEPING AND CONFIDENTIALITY AT THE FARMHOUSE MONTESSORI SCHOOL

A file will be created in which all details of all contacts made or actions taken in regard to the allegation are recorded. This file must be kept in a secure locked filing cabinet in the Principal office and is only accessible to:

- the Principal,
- the authorised officer of the investigating body,
- a person authorised by law to have access to that particular file.

This record will contain:

- the date and time of any contact or action and details of persons involved in a contact or action;
- a concise, comprehensive account of each contact or action; and
- copies of the completed reporting form and any other documentation submitted.

The confidentiality of the information must be respected. The Principal and or other school investigator can not divulge the basis of the allegation to any other persons, irrespective of their position within the school: that is, staff member, management committee member, or union/professional association representative. Any inquiry about the absence of the staff member should be answered by a neutral response indicating that the person has taken leave for personal reasons. The Principal can however mention this to the Chairman of the Board that allegation has been made and that the matter is now being investigated (but give no details of the staff members name)

DETAILS OF THE INCIDENT

Firstly, as soon as possible, the employee should be allowed (in private) to tell the Principal what happened.

Any complainant(s) should also be interviewed in private and allowed to express their concerns fully. Other staff members may be asked what they witnessed.

In all the above situations, the Principal should listen, take careful notes and follow the complaints process, starting with the opening of a confidential file. It is important to avoid “taking sides” or making comments or promises.

Where serious allegations are being made, questioning should be limited to avoid compromising any official investigation. Only open questions may be asked. The investigation of a serious complaint is the role of the professionals.

OUTCOME FOR STAFF MEMBER

The Principal must first decide whether an allegation involves reportable conduct, or whether the allegation concerns behaviour that should be investigated internally, but is exempt from notification to the Ombudsman. In either case, the Ombudsman will be informed and details recorded in total confidence for future reference.

Note: We currently have two staff members that have completed their Child Protection Investigation Course. (The school Principal and the Financial Administrator)

IN THE EVENT OF AN ALLEGATION:

Risk assessments will first be made by the investigating officers based on the allegation and aim to mitigate the risk for the PSOA, the victim, the investigation, any other persons involved and the school. If required, the staff member will be placed on leave immediately an allegation is made until an investigation has been completed and the person is cleared. If the person is not cleared, his/her employment will be terminated immediately.

Alternatively, arrangements may be made where the staff member continues to work under direct supervision or away from the children, depending on the allegation and the ability to staff this situation.

The Principal must inform the staff member of their workplace rights during the stand down, whether their salary will be paid, and whether their employment continues.

THE FUTURE

The staff member may be offered advice and support or further training if it is decided that the matter is to be handled internally. Monitoring of performance and guidance should be facilitated through regular meetings.

An employment process to expedite the dismissal of the staff member, if unsatisfactory behaviour continues, should be in place.

The licensee and Principal must respect the privacy and rights of the staff member and the need for discretion in providing a reference for the staff member should a dismissal or resignation ensue. A statement of service should be issued instead.

Note:

- a. *If the staff member chooses to tell other staff that there has been an allegation made against him/her, the licensee and Principal may not discuss this information with the staff. Any response must be neutral, stating that the matter is confidential while under investigation.*
- b. *The licensee and Principal must maintain contact with investigating bodies, so that they can be informed about appropriate actions to take in regard to the issue. They should not enter into any discussions with any person involved in the allegation regarding any aspects of the matter, while the allegation is being investigated.*

Children

**The safety of the children is the paramount consideration.*

**Children are our most vulnerable members of society.*

**Children need to know and believe that they have the right to be safe at all times.*

**Children are entitled to basic human rights regardless of special needs, cultural or socio-economic factors.*

**Children are people in their own right deserving of respect, care and protection.*

**Children are entitled to the support of a person to act.*

Programs:

School programs are to be implemented that support the child to:

- -develop knowledge, skills and understanding to achieve and maintain personal safety;
- participate in a range of developmentally appropriate experiences, which are responsive to their individual needs and interests;
- gain support and advocacy from adults;
- develop positive, responsible and caring attitudes and behaviours, which recognise the rights of all people to be safe and free from both harassment and abuse.

DISCLOSURE BY A CHILD

All staff members should be aware that as significant adults in the daily life of the children in their care they might be trusted with disclosures related to the private information that could give rise to concerns about the safety or well-being of the child.

Questioning by the staff member might compromise the outcome of an investigation, but the child can be comforted, reassured and offered help. The adult should remain calm and avoid expressing judgement, doubt or shock. It is not necessary or helpful to stop the child talking. The child should be allowed to speak at his/her own pace. The adult should be sensitive to the fact that the child may be concerned about the future or even about the welfare of the perpetrator.

Staff members are obliged to report any disclosure of abuse by a child or an allegation against another person. All that is needed to warrant a report is “reasonable grounds for concern.”

CHILDREN UNATTENDED IN CARS

Leaving children unattended in cars is a criminal offence. Parents should be notified on enrolment that staff are mandatory notifiers and as such are legally obliged to report any known incidence. Please see Children and Young Persons (Care and Protection) Act 1998:

The legislation reads:- Chapter 14 -Offences involving children and young persons

The Children and Young Persons (Care and Protection) Act was proclaimed in December 2000. However, chapters 1 and 14 were proclaimed in April 2000, including Chapter 14 section 231 which covers the section about children left in cars/unattended. Section 231 of the Act reads: A person who leaves any child or young person in the person's care in a motor vehicle without proper supervision for such period or in such circumstances that:

- (a) *The child or young person becomes or is likely to become emotionally distressed, or*
 - (b) *The child's or young person's health becomes or is likely to become permanently or temporarily impaired,*
- is guilty of an offence.*

What's involved in prosecution?

1. *Police and/or Department of Family & Community Services investigate.*
2. *After the investigation, a decision can be made by Department of Family & Community Services to prosecute.*

3. *The Crown Solicitor's Office is instructed by Department of Family & Community Services to file an information and summons in the local court.*
4. *An information and summons is issued and served on the defendant.*
5. *The matter is then dealt with by a local court*

ARRIVAL AND DEPARTURE OF CHILDREN- Aim

Farmhouse Montessori School aims to encourage a smooth and safe arrival and departure transition by all children for their safety and well-being.

In accordance with the Department of Family & Community Services, the NSW Police, the NSW Health Department and the Local Government Children's Services:

1. No child is to be left in the care of only one teacher/staff member after the school's closing time,
2. No child should be handed over to a primary carer who an educator deems to be in an unfit condition to offer good enough care, without reasonable attempts to make alternative arrangements.

Note: *The Farmhouse Montessori School North Balgowlah campus is open between the hours of 8.30am and 4.00pm. The North Head campus is open between the hours of 9.00am and 3.00pm. It is the responsibility of the Principal to ensure that all staff members, permanent or temporary, are aware of all of their responsibilities under this policy.*

PROCEDURES

North Balgowlah campus:

- Parents/carers may not leave a child unattended within the school grounds. The Principal must ensure that each child is given into the care of a Farmhouse Montessori Staff member to be individually welcomed, once the school is open.
- An adult responsible for each child must sign in and sign out daily on the Attendance Sheet provided at the front desk.
- Parents should advise the Teacher in writing in advance of any change to regular collection arrangements. Details of any person other than parent/carer picking up child must be recorded on a "Pick-up Arrangements" slip and handed to either the school Principal or the School Secretary, by the child's parent if possible. Others collecting should be advised to sign the child out on the Time Sheet. The Principal must be satisfied with the safety and security of any child leaving the premises if alternative collection arrangements have to be made but have not been put in writing.
- The school door or side gates must never be propped open.

North Head campus:

- Parents/carers may not leave a child unattended within or within proximity to the school premises and grounds. The Head of Primary must ensure that each child is given into the care of a Farmhouse Montessori Staff member to be individually welcomed, once the school is open.
- Parents should advise the Teacher in writing in advance of any change to regular collection arrangements. Details of any person other than the parent/carer picking up child must be recorded on a "Pick-up Arrangements" slip and handed to either the Head of Primary or the Administrator, by the child's parent if possible. The Head of Primary must be satisfied with the safety and security of any child leaving the premises if alternative collection arrangements have to be made but have not been put in writing.

COLLECTION OF CHILDREN AND SAFETY-PROCEDURE

North Balgowlah campus:

A pre-term form must be filled in by the parents/carers regarding who will be collecting their child each day of the week. Any changes to this must be made through completing a collection form for the day or, in an emergency, via a phone call made by the parent/carer known to the staff.

Both campuses:

Children will not be allowed to leave the school with any person not known to the staff, unless noted and previously arranged and discussed with staff.

Photo identification of any person unfamiliar to the staff member releasing the children is to be checked to ensure that the person's details match the information given to staff by the parent, e.g. a driver's license, passport or RTA ID card.

Children will not be released into the care of older siblings under the age of 16 years.

The Principal is to inform and remind all parents that all members of the staff are deemed mandatory reporters under the Children and Young Persons (Care and Protection) Act 1998. As such they are under

a legal obligation to report any known incidence, however brief, of a young child left unattended in a motor vehicle.

Leaving School Premises-Both Campuses

Adults collecting children at the end of the session are requested to leave the premises promptly, taking full responsibility for the safety and close supervision of children in their care. Children are not permitted to play in the school car park for legal and safety reasons.

Late Collection from both campuses

Parents should be informed at enrolment of the following emergency procedure should a child not be collected by close of school hours at each site:

1. Attempts will be made to contact parents by telephone.
2. If they cannot be reached, attempts will be made to contact the emergency contact person(s) whose names were supplied by parents on the Student Information Form document and the beginning of the year.
3. Children at the Nth Head Primary campus will be booked into Primary OSHCare and the family will be invoiced for this time. (This is only after contact has been made to one of the parents). If no contact can be made to the parents they will still be taken over to Primary OSHCare and the class teacher will have to stay with them until contact can be made with one of the parents or emergency contact.
4. If after 1 hour the class teacher has had no luck they can then call the Department of community services and or the Police to take responsibility of the student. The class teacher must leave a message on the front door of the school.
5. At the Nth Balgowlah campus the child will be booked into ASC until 4pm, the staff will continue to try to contact either the parents or emergency contacts during this period. After -1hour they will have to continue onto the emergency arrangements for children which outlines the procedure-(please see below)
6. The Department of Community Services and/or the Police may be notified and may assume responsibility for a child left without appropriate care or deemed at risk. Police would be responsible for the safe transport of the child.

SAFE COLLECTION - EMERGENCY ARRANGEMENTS FOR CHILDREN PROCEDURE-BOTH CAMPUSES

In an event that a child is left at the Farmhouse Montessori School after closing time, without explanation or previous arrangements having been made, the following steps are to be followed:

1. The Teacher or staff member will first endeavour to contact the child's parents (or primary carers) and the emergency contacts who are authorised to collect the child. They will then proceed to ASC or Primary OSHcare depending on which campus the student is at*
2. If unsuccessful in the above, the local Police Station should be called to seek information about any incidents or accidents that may have delayed parents or the person collecting.
3. The staff should continue trying to contact all emergency contacts or people who may have knowledge of their whereabouts. Two staff members must remain with the child at all times.
4. After a reasonable period (one hour is considered appropriate.) the staff should contact HELPLINE (133 627 - this number is by the school telephone) to seek assistance.
5. If the child is to be taken from the premises, **the Department of Community Services or the Police are to be responsible for the child's safe transportation.** It is recommended that a staff member accompanies the child to ensure emotional well-being in an unfamiliar situation.

Note: *It is not recommended that any staff member actually transports the child, given the legal and safety issues involving car restraints and insurance.*

6. **The staff member must record all details of the situation and action taken on an incident form.** It is important that the person taking responsibility for the child's care signs this form **before** they leave the school premises (Department of Family & Community Services representative, Police, or other).

Note: *This should occur even if the child is collected by a nominated emergency contact person, after the school's closing time.*

7. The staff member should contact the local Police and request that a **"formal telephone message"** be recorded about the incident/outcome.
8. The staff member **must leave a clearly visible message at the school entrance** for the parents or collecting person, advising them to contact the local Police or the Department of Community Services HELPLINE (133 627) for information about the whereabouts of the child.
9. The staff members involved have fully discharged their legal responsibility to the child at this point. The Department of Family & Community Services and/or the Police are now responsible for ongoing attempts to locate the parent or carer and for the well-being of the child.

Note:

- a) *Two staff members are to remain on site with the child until a parent/carer arrives or other arrangements are put in place, as described in this policy.*
- b) *Names and details of people given by parents as potential emergency carers are updated annually.*

CLOSING NORTH BALGOWLAH CAMPUS

When all children appear to have been collected at the end of each day, the Principal must ensure that the “sign-out” sheet is checked and that a staff member check all areas of the premises, indoors and out, to ensure that no child has been overlooked. The principal/authorised Supervisor or delegate must sign each day to verify that they have made the check.

CLOSING NORTH HEAD CAMPUS

When all children appear to have been collected at the end of each day, the Principal must ensure that the “sign-out” sheet is checked and that a staff member check all areas of the premises, indoors and out, to ensure that no child has been overlooked. The principal/authorised Supervisor or delegate must sign each day to verify that they have made the check.

RETENTION OF RECORDS: NORTH BALGOWLAH & NTH HEAD CAMPUS-PROCEDURE

The Principal must ensure that the records of daily arrival and departure (class rolls and sign in sheets) and the records of variations to adults collecting children (the pink pick up forms for Nth Balgowlah campus) are retained in accordance with the Children’s Services Regulation 2004 until the child has reached 25 years’ of age.

- All class rolls and records are archived at the end of each year at the Nth Head campus by the PA.
- These are archived In the Nth Head Campus Archive Room.
- The collection and archiving of all documents from the Nth Head Campus will be done by the PA. This will be done at the end of each year. Class teachers are to bring all forms and documents to the office before the end of the year if they are to be archived.
- The collection of the staff sign in sheets and Student Sign in Sheets from the Nth Balgowlah campus will be done by the Enrolment Officer at the Nth Balgowlah campus at the end of each year and will be given to the PA with any other records that require archiving at the Nth Head Campus. This will be organised and done on the last day of Term 4.
- The PA will be given these documents from the Nth Balgowlah campus for Archiving during the Christmas Break.

CUSTODIAL ORDERS

It is the parent’s responsibility to inform the Principal and to provide copies of any custodial orders affecting the child. These records are to be kept in the students file in the office under lock. Staff are to be advised of any issue that may be cause for security issues at either campus.

Revised orders need to be forwarded to the Teacher promptly so all staff members can be informed and the necessary changes can be made for implementation.

With the assistance of parents, staff members will ensure the most effective and safe implementation of custodial orders. They will make particular note of who is collecting the child and will be notified of any changes to these orders

The child will not be allowed to leave the school with the non-custodial parent or a carer not on the list provided by the custodial parent.

These papers will be locked up in the Principal’s office in a secure draw. All staff will be informed about these arrangements by the Principal.

ACCESS TO CHILDREN

AIM

Farmhouse Montessori School is committed to the safety and well-being of enrolled children.

ALLOWING OF ACCESS

In the absence of any custody order, the Principal must ensure that any parent of an enrolled child

- a) can contact the child at any time the child is in the service, and
- b) can exchange information about the child with primary contact staff at mutually convenient times on an ongoing basis.

The Teacher may elect to have occasional interactive parental observations, to allow the children to show their work and their school to their parents/carers and/or grandparents.

Observations of the children by the parents/carers are held annually. The parent/carer observes from an allocated chair in the room. A parent may ask for an observation outside the allocated times through the year by making an appointment with the Teacher.

All visitors to the premises other than parents and known carers of currently enrolled children must sign in before entering, providing details requested in the visitors’ book provided.

All other observers must make an appointment at the school and are given a visiting time. This is communicated to the staff members by the School Secretary (North Balgowlah campus) or the Administrator (North Head campus).

Note:

- a) *Video monitoring or surveillance equipment is not to be used to enable children and staff to be viewed, other than from on site at the premises of Farmhouse Montessori School. Videoing for publicity or other purposes is only to be done with express permission and in compliance with required guidelines.*
- b) *Usually a maximum of two people are permitted access for observations in the class at any one time.*

DENIAL OF ACCESS

All trades people should come after the school is closed when practicable, unless there is an emergency.

The Principal is to be notified when they are expected.

The Principal and all staff must be notified of any other person's presence at the school during school hours.

A person who has been forbidden by a court order from having contact with a child attending Farmhouse Montessori School:

- a) must not be given any information concerning the child,
- b) must not be allowed to enter the premises while the child is in attendance,
- c) must not be permitted to collect the child from the service, and
- d) must be identifiable to all staff

Note:

- a) *At no time is the attendance of a child at the school to be indicated or acknowledged over the phone or otherwise to someone unknown to the staff member.*
- b) *The school cannot be used for access visits.*

SAFE COLLECTION - WHERE THE CARER SEEMS TO BE IN UNFIT CONDITION

Note: “Unfit condition” could include being significantly affected by alcohol or other drugs, mentally or physically ill, threatening violence or instilling fear of violence.

PROCEDURES

1. The staff member must first consult with the Principal/Class Teacher or another staff member.
2. Together they will make a judgement about the safety of the child and the ability of the adult collecting to provide “good enough” care.
3. Where there is no threat or fear of violence - one staff member will endeavour to engage the impaired carer in conversation. It will be necessary to approach the subject of the carer’s impairment with tact and responsibility. It is recommended to use words like “prefer” and “it is probably best”, and that the discussion is worded in terms of the child’s well-being.
4. The second staff member will endeavour to provide safe care for the child away from the impaired carer whilst trying to phone alternative carers/nominated emergency contacts. Where possible the situation will be resolved by one of these people collecting the child.
5. Where there is a threat or fear of violence:
 - Staff and children will attempt to move to a secured, safe place.
 - Police will be called and advised that there is an emergency situation involving the threat or fear of violence to children and staff members. Urgent attendance at the school should be requested.
 - Where necessary, the Safe Collection/Emergency Arrangements for Children Policy will be followed to place the child in safe care.
6. If, despite efforts, the child is taken from the school by the impaired carer, the staff member must call the local Police Station to report the situation.

The staff member will provide the name and address of the child, the impaired carer and emergency contacts, and will request that appropriate action be taken.

Note: *It is important to request that a “formal telephone message” be recorded by the police officer, to ensure that appropriate documentation is prepared.*

7. Full details of the situation, action taken and outcome must be recorded on an incident form, and the form must be signed by staff members involved.
8. The staff member will then call the **Department of Community Services** at Epping during business hours or the HELPLINE on 133 627.
9. The staff members have then fully discharged their legal responsibility to the child. The Department of Family & Community Services and/or the Police are now responsible for the care and protection of the child.

Staff members must acknowledge that a primary carer has the right to leave the school with the child.

Note: *this policy can be used to discuss staff legal responsibility for the child’s safety, to remove any personal involvement or subjective argument.*

AUDITS OF CHILD PROTECTION SYSTEMS

The Ombudsman is required to keep under scrutiny systems that childcare services have for child protection, including handling and responding to reportable allegations or convictions involving employees. This is done by audit of child protection systems, and by provision of direct advice to assist in improving systems and practices. The Principal is asked to provide information. The service’s documentation may be reviewed. The Ombudsman may visit the school/service and speak with the staff members. A report is then provided and suggestions may be made.

Further information: Interagency Guidelines for Child Protection Intervention

Child Protection: Procedures for Recognising, Notifying and Responding to child Abuse and Neglect

Child Protection (97/017, S.018) Department of School Education

Child Protection (97/018, S.017) Department of School Education

LEGISLATIVE LINKS	LINKS TO OTHER POLICIES
<p> <i>Children and Young Persons (Care and Protection) Act 1998:</i> <i>Child Protection (Prohibited Employment) Act 1998</i> <i>Child Protection (Working with Children) Regulation 2013</i> <i>Child Protection (Working with Children) Act 2012</i> <i>Interagency Guidelines for Child Protection Intervention, CCYP 2000</i> <i>Education Act 1990</i> <i>Ombudsman Act 1974</i> <i>Ombudsman Amendment (Child Protection and Community Services) Act 1998</i> <i>Crimes Act 1900</i> <i>Commission for Children and Young People Act 1998</i> <i>Child Protection Legislation Amendment Act 2003</i> <i>This legislation amends the Commission for children and Young Person’s act 1998 and the Ombudsman Act 1998 by removing the term ‘child abuse’ and introducing the term ‘reportable conduct’ and clarifying which employment proceedings must be notified to the NSW Commission for Children and Young People.</i> </p> <p> <i>Education and Care Services National Regulations 2011 regs 84 and 168</i> <i>Education and Care Services National Law s.166-167</i> <i>National Quality Standard: 2.3.4</i> </p>	<p> Confidentiality & Storage of Records Nurturing & Touch Duty of Care Anti Bullying Safe and Supportive Environment </p>
<p>Sources</p>	
<p> Policies & Procedures for Early Childhood Directors: Early Childhood Directors Association 1990 School Based & Mobile Child Care Services Regulation (No 2) 1996 Hills Montessori School Lindfield Montessori School Department of Family & Community Services kids in Cars Factsheet Dept Of Education & Training Education Act 1990 Safeguards for Reporters Section 29 Children and Young Person (Care and Protection) Act 1998 Risk of Significant Harm Section 23 Children and Young Person (Care and Protection) Act 1998 Department of Education and Communities “Protecting and Supporting Children and Young People Policy” dated March 5 2010 Keep Them Safe NSW Government website (http://www.keepthemsafe.nsw.gov.au/) Childcare Wellbeing & Child Protection - NSW Interagency Guidelines Department of Education and Community Services document dated 15 June 2013: “Working with Children Check Procedures Employment screening (http://check.kids.nsw.gov.au) (http://kids.nsw.gov.au) AIS </p>	
<p>Policy Review/Creation date</p>	
<p> <i>Approved: 2011, Reviewed: March 2014,</i> <i>Reviewed: March 2015,</i> <i>Reviewed July 2017,</i> <i>Re-edited Sept 2017,</i> </p>	<p> <i>Re-edited 12,12,2017.</i> <i>May 2018</i> <i>July 2018-WWCC -edits, Staff Training Edits</i> <i>Sept 2018 New Logo and edits,</i> </p>

APPENDIX 1
INDICATORS OF CHILD ABUSE OR RISK OF HARM

<u>TYPE</u>	<u>PHYSICAL INDICATORS</u>	<u>BEHAVIOUR</u>
Physical abuse	<p>Unexplained bruises or welts:</p> <ul style="list-style-type: none"> - on face, lips, mouth - on torso, back, buttocks, thighs - in various stages of healing - clustered, forming regular patterns reflecting the shape of an article used to inflict (electrical cord, belt buckle) - on several different surface areas - regularly appear after absence, weekend, vacation <p>Unexplained burns:</p> <ul style="list-style-type: none"> - cigar, cigarette burns, especially on the soles, palms, back or buttocks - immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia) - patterned like electric burner, urn etc. - rope burns on arms, legs, neck or torso <p>Unexplained fractures:</p> <ul style="list-style-type: none"> - to skull, nose facial structure - in various stages of healing - multiple or spiral fractures <p>Unexplained lacerations or abrasions:</p> <ul style="list-style-type: none"> - to mouth, lips, gums, eyes - to external genitalia <p>Adult size bite marks</p> <p>Explanation of injury not consistent with the injury</p> <p>Multiple injuries or bruises</p> <p>Swallowing of poisonous substances, alcohol or harmful drugs</p> <p>Indicated having a special operation with sudden resistance to toileting and physical activities</p> <p>General indicators of female mutilation which could include: having a special operation, difficulties in toileting and reluctance to be involved in sport or other physical activities where the child was previously interested</p>	<p>Wary of adult contacts</p> <p>Apprehensive when other children cry</p> <p>Behaviour extremes</p> <ul style="list-style-type: none"> - aggressiveness - withdrawal <p>Frightened of parents</p> <p>Afraid to go home</p> <p>Reports injury</p>
Physical Neglect	<p>Consistent hunger, poor hygiene</p> <p>Low weight</p> <p>Inappropriate dress</p> <p>Consistent lack of supervision, especially in dangerous activities or long periods</p> <p>Unattended Physical or Medical needs</p> <p>Abandonment</p>	<p>Begging, stealing food</p> <p>Extended stays at school (early arrival or late departure)</p> <p>Constant fatigue, listlessness or falling asleep in class</p> <p>Alcohol or drug abuse</p> <p>Delinquency</p> <p>States there is no caretaker</p>

<p>Sexual Abuse</p>	<p>Difficulty in walking or sitting</p> <p>Torn, stained or bloody underclothing</p> <p>Pain or itching in the genital area</p> <p>Bruises or bleeding in external genitalia, vaginal or anal areas</p> <p>Venereal disease, especially in pre-teens</p> <p>Anorexia or over-eating</p> <p>Pregnancy</p>	<p>Unwilling to change clothes when needed</p> <p>Withdrawal, fantasy or infantile behaviour</p> <p>Bizarre, sophisticated or unusual sexual behaviour or knowledge</p> <p>Poor peer relationships</p> <p>Delinquent or run away</p> <p>Reports sexual assault or sexual acts</p> <p>Regressive behaviour such as sudden bed-wetting or soiling</p> <p>Accumulation of money or gifts</p>
<p>Emotional Maltreatment</p>	<p>Speech disorders</p> <p>Lags in physical development</p> <p>Failure to thrive</p>	<p>Habit disorders (sucking, biting, rocking)</p> <p>Conduct disorders (antisocial, destructive)</p> <p>Neurotic traits (sleep disorders, inhibition of play)</p> <p>Psychoneurotic reactions (hysteria, obsession, compulsion)</p> <p>Behaviour extremes:</p> <ul style="list-style-type: none"> - compliant, passive - aggressive, demanding <p>Overly adaptive behaviour:</p> <ul style="list-style-type: none"> - inappropriately adult - inappropriately infant <p>Developmental lags (mental, emotional)</p> <p>Attempted suicide</p>

APPENDIX 2

ANNUAL CHILD PROTECTION TRAINING COURSE FOR STAFF AT THE FARMHOUSE MONTESSORI SCHOOL

CREATING SAFER INDEPENDENT SCHOOLS RUN BY THE AIS

ABOUT THIS PROGRAM

This in-school consultancy is designed to help schools ensure they are doing all that is necessary to protect the students in their care. It provides staff with an overview of the critical elements for creating a child-safe organisation as well as helping schools to reduce the risk of child protection allegations being made against staff.

WHO IS THE PROGRAM FOR?

All staff can benefit from participating but in particular, principals, deputy principals, senior executives, business managers, human resource managers or those in schools with responsibilities in leadership, policy development, pastoral care and/or wellbeing. It is a pre-requisite of this consultancy that all participants have completed the online module NSW Reportable Conduct and Allegations against Employees or for ACT schools Introduction: The ACT Reportable Conduct Scheme.

What does the program include?

The program draws on current research and provides a range of practical strategies and tools to assist schools to create a culture of safety. It covers topics such as:

- child-safe organisations
- the NSW child protection legislative context
- understanding sexual abuse
- creating a culture of safety
- exploring professional boundaries

Please note that this training contains sexual abuse material including video footage of news stories and partial interviews with sexual offenders.

DURATION

This consultancy is offered as a half day program (min 3.5 hours).

APPENDIX 3

ANNUAL ONLINE CHILD PROTECTION TRAINING COURSE FOR STAFF AT THE FARMHOUSE MONTESSORI SCHOOL

NSW REPORTABLE CONDUCT AND ALLEGATIONS AGAINST EMPLOYEES -AIS SITE CURRENT CONTENT

DESCRIPTION

This online training module is designed to explain to all school employees what constitutes reportable conduct in NSW and what legislative responsibilities schools have in relation to allegations against employees.

The module includes a brief overview of the child protection legislative context in NSW, an overview of how the NSW Ombudsman defines the categories of reportable conduct, identifies the behaviours the NSW Ombudsman defines as reportable conduct and provides guidance on who employees should report reportable conduct concerns to in their school.

The overall aim of this module is to give school staff information to help them identify concerning behaviour and their responsibilities in relation to reporting this behaviour. This is important in creating safer schools for students as well as for employees, in terms of reducing the risk of allegations made against them.

Upon successful completion, participants will receive one and a half NESA recognised professional learning hours.

As well as a Certificate of completion.