

# Child Protection Policy



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## Foreword:

Children need to know and believe that they always have the right to be safe and feel safe . 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

Staff members who fail to adhere to this policy may be in breach of their terms of employment.

## 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.

### 1.1. 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.

### 1.2. 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 Office of the Children's Guardian Act 1974**
4. **The Office of the Children's Guardian 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.**

### 1.3. 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.

#### 1.4. 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):

- 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 Duty of Care Statement and Policy-(Safe and Supportive Environment) See Duty of Care Policy-Safe and supportive Environment
- Work Health and Safety Statement-identifies the obligations imposed by work health and safety legislation on the school and staff members.
- Bullying Discrimination and Harassment Policy
- Complaint Handling Procedures

#### 1.5. Compliance and records

[*The Principal or their delegate*] monitors compliance with this policy and securely maintains school records relevant to this policy, which includes:

- register of staff members who have read and acknowledged that they read and understood this policy.
- working with children check clearance (WWCC clearance) verifications.
- mandatory reports to the Department of Communities and Justice (DCJ), previously known as Family and Community Services; and reports of reportable conduct allegations, the outcome of reportable conduct investigations, and/or criminal convictions

#### 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 COMMUNITIES AND JUSTICE (DCJ)

*The Department of Communities and Justice (DCJ) 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 COMMUNITIES AND JUSTICE (DCJ) 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](http://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.*

### **OFFICE OF THE CHILDREN'S GUARDIAN-(OCG)**

*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.*

Office of the Children's Guardian

Locked Bag 5100

Strawberry Hills NSW 2012

02 8219 3600

### **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 Principal/authorised supervisor, in this case.

### **DEFINITIONS**

#### **Responsibilities of the HEAD OF AGENCY**

Heads of agency are expected to:

- ensure systems are in place for recording and responding to allegations or convictions of a child protection nature against employees. This includes reportable allegations and convictions and allegations that are exempt from notification to the Office of the Children's Guardian.
- provide information, as the Office of the Children's Guardian requires, about the type and operation of systems for providing a safe environment for children in the agency's care, and systems for handling and responding to reportable allegations and convictions made against employees (including allegations which are exempt from notification).
- make arrangements within the agency to require all employees to inform the head of agency (or delegate) of any allegation or conviction of a child protection nature against an employee, of which they become

aware. These arrangements should include the requirement that employees notify the head of agency or delegate of any such allegation or conviction as soon as practicable.<sup>1</sup>

- The Head of Agency must prevent identify and report to the Office of Children’s guardian any reportable allegations or convictions made against an employee of the agency, what action it intends to take and for what reason.
- provide to the Office of the Children’s Guardian on request, documentary and other information (including records of interviews) with respect to an investigation being undertaken.
- forward to the Office of the Children’s Guardian the results of an investigation, including copies of reports, evidence gathered and considered, the findings reached, and action being taken or proposed to be taken as a result of an investigation.

If the agency is a reporting body under the *Child Protection (Working with Children) Act 2012* and the Child Protection (Working with Children) Regulation 2013, and the employee is not exempted under the Act, the head of agency should notify the Office of the Children’s Guardian if they have made a sustained finding of sexual misconduct committed against, with or in the presence of a child, or serious physical assault of a child, under s 35 of the Act.

#### **What does the head of agency need to report?**

- When an employment-related child protection allegation is made against an employee, the head of agency (or delegate) should consider whether there is reason to believe that it constitutes an allegation of reportable conduct (a reportable allegation or a reportable conviction).

The definition of reportable conduct is:

- any sexual offence, or sexual misconduct committed against, with, or in the child 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
- persistent running away from home
- withdrawal, fantasy or infantile behaviour.

#### 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
- 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 Communities and Justice (DCJ) 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.

**STAFF MEMBER RESPONSIBILITIES**

Key legislation requires reporting of particular child protection concerns. However, as part of the school's overall commitment to child protection all staff are required to report any child protection or child wellbeing concerns about the safety, welfare or wellbeing of a child or young person to the Principal.

If the allegation involves the Principal, a report should be made to the Chairman of the School Board.

**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 Staff Register Folder. 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*.

From 1 March 2020, when the head of a 'relevant entity' becomes aware of a reportable allegation or a reportable conviction, the head of the entity (Principal) must notify the Office of the Children's Guardian within seven business days and conduct an investigation into the allegations. If the final entity report is not ready to submit within 30 calendar days, the head must provide an interim report with information about the progress of the investigation and an expected timeframe for completion.

Under the new Act, the Office of the Children's Guardian will monitor the entity's response to the allegation. The Children's Guardian may also monitor the progress of an entity's investigation if the Children's Guardian considers it is in the public interest to do so.

The staff member will be advised if action is taken.

#### **Notes:**

- Staff members do not investigate allegations or suspicions.*
- 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.*
- No staff members should make any contact with parents or caregivers regarding a notification.*
- The notifying staff member is immune from civil or criminal prosecution.*
- 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.*
- The Principal may be required by the caseworker to facilitate interview(s) of the child on the premises.*
- The confidentiality of any report made and subsequent action should be maintained, unless otherwise required by a court order. If the Department of Communities and Justice (DCJ) 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 Communities and Justice (DCJ), 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 Communities and Justice (DCJ) 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 Communities and Justice (DCJ). 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 Communities and Justice (DCJ) 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](http://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](http://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](http://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 Communities and Justice (DCJ) [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 Communities and Justice (DCJ) 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 Communities and Justice (DCJ) 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.

### STAFFING

#### 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 WWCC volunteer number to the school for verification. This must 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 their DOB so that the school can verify these details.*

- All WWCC 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 their 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](http://www.kidsguardian.nsw.gov.au/check) and follow the directions. Staff can even find their 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", on commencement and 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.

All new staff members must read this policy and sign the acknowledgement that they have read and understood the policy.

All staff members must participate in annual child protection training and additional training, as directed by the Principal. The training complements this policy and provides information to staff about their legal responsibilities related to child protection and school expectations, including:

- mandatory reporting
- reportable conduct
- working with children checks, and
- professional boundaries

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.
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 bi-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 2 and 3*.

- 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](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 weekend.

#### **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 always be positioned 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.
11. Each class has a specified device (IPAD) which is owned by the school to take, store and upload photos of the children onto various school approved platforms such as OWNr, Educa and the school newsletter. Photos must not be taken on teachers' personal telephones or other devices.

## 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 Office of the Children's Guardian

As a result of the Office of the Children's Guardian Amendment (Child Protection and Community Services) Act 1998, the NSW Office of the Children's Guardian is now responsible for overseeing and monitoring the handling of allegations and convictions of reportable conduct against employees of childcare centers and schools.

The NSW Office of the Children's Guardian 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 Communities and Justice (DCJ), 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 Office of the Children's Guardian of any reportable allegation.

The Office of the Children's Guardian can conduct a direct investigation into any reportable allegation or conviction against an employee, regardless of whether it has been notified by a service.

### REPORTABLE CONDUCT - STAFF

Section 29 of the Children's Guardian Act 2019 requires the Heads of the Entities in this case either the Principal and/or Chairman of the Board to notify the OCG of all allegations of reportable conduct and convictions involving an 'employee' and the outcome of the School's investigation of these allegations. Under the Children's Guardian Act 2019 allegations of child abuse only fall within the reportable conduct jurisdiction if the involved individual is an employee of the relevant entity at the time when the allegation becomes known by the Head of Entity.

Reportable Conduct:

- involves a child (a person under the age of 18 years) at the time of the alleged incident; and
- involves certain defined conduct as described in the Act (see below).

The OCG:

- must keep under scrutiny the systems for preventing reportable conduct by employees of non-government schools and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions;
- must receive and assess notifications from non-government schools concerning reportable conduct or reportable convictions;
- is required to oversee or monitor the conduct of investigations by non-government schools into allegations of reportable conduct or reportable convictions;
- must determine whether an investigation that has been monitored has been conducted properly, and whether appropriate action has been taken as a result of the investigation;
- may directly investigate an allegation of reportable conduct or reportable conviction against an employee of a non-government school, or the handling of or response to such a matter (eg arising out of complaints by the person who is the subject of an allegation); and
- may investigate the way in which a relevant entity has dealt with, or is dealing with, a report, complaint or notification, if the OCG considers it appropriate to do so.

Reportable conduct

Under the Children's Guardian Act 2019 *reportable conduct* is defined as:

- a sexual offence
- sexual misconduct
- an assault against a child
- ill-treatment of a child
- neglect of a child
- an offence under section 43B (failure to protect) or section 316A (failure to report) of the Crimes Act 1900; and
- behaviour that causes significant emotional or psychological harm to a child.

Reportable conduct does not extend to:

- conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards; or
- the use of physical force that, in all the circumstances, is trivial or negligible and the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate procedures; or
- conduct of a class or kind exempted from being reportable conduct by the Children's Guardian Act under section 30.

## DEFINITIONS

The following definitions relate to *reportable conduct*:

- **Sexual offence:** an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child, such as:
  - sexual touching of a child;
  - a child grooming offence;
  - production, dissemination or possession of child abuse material.

Definitions of 'grooming', within child protection legislation, are complex. Under the Crimes Act, grooming or procuring a child under the age of 16 years for unlawful sexual activity is classed as a sexual offence. The Crimes Act (s73) also extends the age of consent to 18 years when a child is in a 'special care' relationship. Under Schedule 1(2) of the WWC Act, grooming is recognised as a form of sexual misconduct. The Children's Guardian Act 2019 and this Child Protection Policy reflect these definitions within the context of the Reportable Conduct Scheme (Division 2).

An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of sexual offence.

- **Sexual misconduct:** conduct with, towards or in the presence of a child that is sexual in nature (but not a sexual offence). The Act provides the following (non-exhaustive) examples:
  - descriptions of sexual acts without a legitimate reason to provide the descriptions;
  - sexual comments, conversations or communications;
  - comments to a child that express a desire to act in a sexual manner towards the child, or another child.
 Note – crossing professional boundaries comes within the scope of the scheme to the extent that the alleged conduct meets the definition of sexual misconduct. That is, the conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).
  
- **Assault:** an assault can occur when a person intentionally or recklessly (ie. knows the assault is possible but ignores the risk):
  - applies physical force against a child without lawful justification or excuse – such as hitting, striking, kicking, punching or dragging a child (actual physical force); or
  - causes a child to apprehend the immediate and unlawful use of physical force against them – such as threatening to physically harm a child through words and/or gestures regardless of whether the person actually intends to apply any force (apprehension of physical force)
  
- **Ill-treatment:** is defined as conduct towards a child that is:
  - unreasonable; and
  - seriously inappropriate, improper, inhumane or cruel.
 Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.
  
- **Neglect:** defined as a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for a child that causes or is likely to cause harm - by a person who has care and/or has responsibility towards a child.
 

Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child's physical or psychological needs, or a single significant incident where a caregiver fails to fulfill a duty or obligation, resulting in actual harm to a child where there is the potential for significant harm to a child. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.
  
- Behaviour that causes significant **emotional or psychological harm** to a child is conduct that is intentional or reckless (without reasonable excuse), obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child.
 

For a reportable allegation involving psychological harm, the following elements must be present:

  - An obviously or very clearly unreasonable or serious act or series of acts that the employees knew or ought to have known was unacceptable, and
  - Evidence of psychological harm to the child that is more than transient, including displaying patterns of 'out of character behaviour', regression in behaviour, distress, anxiety, physical symptoms or self-harm, and
  - An alleged causal link between the employee's conduct and the significant emotional or psychological harm to the child.
  
- **Reportable allegation** is an allegation that an employee has engaged in conduct that may be reportable conduct.
  
- **Reportable conviction** means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.
  
- **Employee** of an entity includes:
  - an individual employed by, or in, the entity
  - a volunteer providing services to children
  - a contractor engaged directly by the entity (or by a third party) where the contractor holds, or is required to hold, a WWCC clearance for the purposes of their work with an entity; and
  - a person engaged by a religious body where that person holds, or is required to hold, a WWCC clearance for the purposes of their work with the religious body.

- **PSOA** (Person Subject Of the Allegation).

Process for reporting of reportable conduct allegations or convictions

### Staff members

Any concerns about any other employee engaging in conduct that is considered inappropriate, or reportable conduct, or any allegation of inappropriate or reportable conduct made to the employee or about the employee themselves must be reported to **the Principal**. Where it is uncertain if the conduct is reportable conduct but is considered inappropriate behaviour this must also be reported.

Staff members must also report to **[the Principal]** when they become aware that an employee has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct. This includes information relating to the employee themselves.

If the allegation involves the Principal, the staff member must report to **[the Chairman of the School Board]**.

### Parents, carers and community members

Parents, carer and community members are encouraged to report any conduct that is in their view inappropriate, reportable or criminal conduct to [The Principal] or their delegate. All such reports will be dealt with in accordance with the School's complaint handling procedures.

### The school

The Principal, as the Head of Entity under the Children's Guardian Act 2019, must:

- Ensure specified systems are in place for preventing, detecting and responding to reportable allegations or convictions
- Submit a 7-day notification form to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity (unless the Head of the Entity has a reasonable excuse),

The notification should include the following information:

- (a) that a report has been received in relation to an employee of the School, and
- (b) the type of reportable conduct, and
- (c) the name of the employee, and
- (d) the name and contact details of School and the Head of Entity, and
- (e) for a reportable allegation, whether it has been reported to Police, and
- (f) if a report has been made to the Child Protection Helpline, that a report has been made, and
- (g) the nature of the relevant entity's initial risk assessment and risk management action,

- The notice must also include the following, if known to the Head of Entity:
  - (a) details of the reportable allegation or conviction considered to be a reportable conviction,
  - (b) the date of birth and working with children number, if any, of the employee the subject of the report,
  - (c) the police report reference number (if Police were notified),
  - (d) the report reference number if reported to the Child Protection Helpline,
  - (e) the names of other relevant entities that employ or engage the employee, whether or not directly, to provide a service to children, including as a volunteer or contractor.
- Maximum penalty for failure to notify within 7 business days —10 penalty units.

### Process for investigating an allegation of reportable conduct

The Principal is responsible for ensuring that the following steps are taken to investigate an allegation of reportable conduct.

#### Initial steps

Once an allegation of reportable conduct against an employee is received, the Principal is required to:

- determine whether it is an allegation of reportable conduct;
- assess whether the DCJ or the Police need to be notified (ie, if reasonable grounds to suspect that a child is at risk of significant harm or a potential criminal offence). If they have been notified, seek clearance from these statutory agencies prior to the school proceeding with the reportable conduct investigation;

- notify the child's parents (unless to do so would be likely to compromise the investigation or any investigation by the DCJ or Police);
- notify the OCG within 7 business days of receiving the allegation;
- carry out a risk assessment and take action to reduce/remove risk, where appropriate; and
- provide an initial letter to the PSOA advising that an allegation of reportable conduct has been made against them and the School's responsibility to investigate this matter under Section 34 of the Children's Guardian Act 2019; and
- investigate the allegation or appoint someone to investigate the allegation.

### Investigation principles

During the investigation of a reportable conduct allegation the School will:

- follow the principles of procedural fairness;
- inform PSOA of the substance of any allegations made against them, at the appropriate time in the investigation, and provide them with a reasonable opportunity to respond to the allegations.
- make reasonable enquiries or investigations before making a decision;
- avoid conflicts of interest;
- conduct the investigation without unjustifiable delay;
- handle the matter as confidentially as possible; and
- provide appropriate support for all parties including the child/children, witnesses and the PSOA.

### Investigation steps

In an investigation the Principal or appointed investigator will generally:

- interview relevant witnesses and gather relevant documentation;
- provide a letter of allegation to the PSOA;
- provide the PSOA with the opportunity to provide a response to the allegations either in writing or at Interview;
- consider relevant evidence and make a preliminary finding in accordance with the OCG guidelines;
- inform the PSOA of the preliminary finding in writing by the Head of Entity and provide them with a further opportunity to respond or make a further submission prior to the matter moving to final findings;
- consider any response provided by the PSOA;
- make a final finding in accordance with the OCG guidelines;
- decide on the disciplinary action, if any, to be taken against the PSOA;
- if it is completed, send the final report to the OCG within 30 days after having received the allegation, as per section 36 of the Children's Guardian Act 2019.
- should the final report be unfinished within 30 days, the Head of Entity must provide, at minimum, an interim report to the OCG within 30 days of having received the allegation, as per section 38 of the Children's Guardian Act 2019.

Submission of an interim report must include;

- a reason for not providing the final report within 30 days and an estimated time frame for completion of the report.
- specific information, including (if known); the facts and circumstances of the reportable allegation; any known information about a reportable conviction; action taken since the OCG received a notification about the reportable allegation or reportable conviction; further action the Head of Entity proposes to take in relation to the reportable allegation or reportable conviction; including if the Head of Entity proposes to take no further action; the reasons for the action taken and the action proposed to be taken or the reasons for the decision to take no further action; other information prescribed by the regulations; and
- be accompanied by copies of documents in the School's possession, including transcripts of interviews and copies of evidence.

The steps outlined above may need to be varied on occasion to meet particular circumstances. For example, it may be necessary to take different steps where the matter is also being investigated by the DCJ or Police.

A PSOA may have an appropriate support person with them during the interview process. Such a person is there for support only and as a witness to the proceedings and not as an advocate or to take an active role.

## **Risk management throughout an investigation of a reportable conduct allegation**

Risk management means identifying the potential for an incident or accident to occur and taking steps to reduce the likelihood or severity of its occurrence.

The Principal is responsible for risk management throughout the investigation and will assess risk at the beginning of the investigation, during and at the end of the investigation.

### **Initial risk assessment**

Following an allegation of reportable conduct against an employee, the Principal conducts an initial risk assessment to identify and minimise the risks to:

- the child(ren) who are the subject of the allegation;
- other children with whom the employee may have contact;
- the PSOA;
- the School, and
- the proper investigation of the allegation.

The factors which will be considered during the risk assessment include:

- the nature and seriousness of the allegations;
- the vulnerability of the child(ren) the PSOA has contact with at work;
- the nature of the position occupied by the PSOA;
- the level of supervision of the PSOA; and
- the disciplinary history or safety of the PSOA and possible risks to the investigation.

The Principal will take appropriate action to minimise risks. This may include the PSOA being temporarily relieved of some duties, being required not to have contact with certain students, being asked to take paid leave, or being suspended from duty. When taking action to address any risks identified, the School will take into consideration both the needs of the child(ren) and the PSOA.

A decision to take action on the basis of a risk assessment is not indicative of the findings of the matter. Until the investigation is completed and a finding is made, any action, such as an employee being suspended, is not to be considered to be an indication that the alleged conduct by the employee did occur.

### **Ongoing risk assessment**

The Principal will continually monitor risk during the investigation including in the light of any new relevant information that emerges.

### **Findings**

At the completion of the investigation, a finding will be made in relation to the allegation and a decision made by the Principal regarding what action, if any, is required in relation to the PSOA, the child(ren) involved and any other parties.

### **Information for the PSOA**

The PSOA will be advised:

- that an allegation has been made against them (at the appropriate time in the investigation); and
- of the substance of the allegation, or of any preliminary finding and the final finding.

The PSOA does not automatically have the right to:

- know or have confirmed the identity of the person who made the allegation; or
- be shown the content of the OCG notification form or other investigation material that reveals information provided by other employees or witnesses.

The WWC Act enables a person who has a sustained finding referred to the OCG to request access to the records held by the school in relation to the finding of misconduct involving children, once final findings are made. The entitlements of a person to request access to information in terms of section 46 of the WWC Act is enlivened when a finding of misconduct involving children has been made.

### **Disciplinary action**

As a result of the allegations, investigation or final findings, the School may take disciplinary action against the PSOA (including termination of employment).

In relation to any disciplinary action the school will give the PSOA:

- details of the proposed disciplinary action; and
- a reasonable opportunity to respond before a final decision is made.

### **Confidentiality**

It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible.

The School requires that all parties maintain confidentiality during the investigation including in relation to the handling and storing of documents and records.

Records about allegations of reportable conduct against employees will be kept [in a secure area] and will be accessible by [the Head of Entity or with the Head of Entity's express authority].

No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the Principal to do so.

Staff members who become aware of a breach of confidentiality in relation to a reportable conduct allegation must advise the Principal.

### **Criminal offences**

In 2018 the Crimes Act was amended to adopt recommendations of the *Royal Commission into Institutional Responses to Child Sexual Abuse*. The new offences are designed to prevent child abuse and to bring abuse that has already occurred to the attention of the Police.

#### **Failure to protect offence**

An adult working in a school, therefore all staff members, will commit an offence if they know another adult working there poses as serious risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.

This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to a known and serious risk rather than using their power to protect children.

#### **Failure to report offence**

Any adult, and therefore all staff members, will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to Police, without a reasonable excuse. A reasonable excuse would include where the adult has reported the matter to the Principal and is aware that the Principal has reported the matter to the Police.

### **RESPONSIBILITIES OF THE LICENSEE**

#### **Allegations or Convictions**

Designated agencies, including the Department of Communities and Justice (DCJ) and childcare centres, must notify the NSW Office of the Children's Guardian of all reportable allegations and convictions that arise, whether within or outside the employee's work.

*The Principal must notify the Office of the Children's Guardian 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 Office of the Children's Guardian 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 Office of the Children's Guardian must also be provided with details of the ensuing investigation if requested.

### **OTHER REPORTING REQUIREMENTS**

At the same time the Department of Communities and Justice (DCJ) 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 Communities and Justice (DCJ) should also notify the Principal.

The reporting form provided by the Department of Communities and Justice (DCJ) can be found at [www.community.nsw.gov.au/docswr/\\_assets/main/documents/riskofharm\\_fax\\_report.doc](http://www.community.nsw.gov.au/docswr/_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 Office of the Children’s Guardian. In either case, the Office of the Children’s Guardian 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 regarding the issue. They should not enter 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 always have the right to be safe.*
- \*Children are entitled to basic human rights regardless of special needs, cultural or socio-economic factors.*
- \*Children are people 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 Communities and Justice (DCJ) investigate.*
2. *After the investigation, a decision can be made by Department of Communities and Justice (DCJ) to prosecute.*

3. *The Crown Solicitor's Office is instructed by Department of Communities and Justice (DCJ) 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 Communities and Justice (DCJ), 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 Communities and Justice (DCJ) 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 Communities and Justice (DCJ) 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 always remain with the child.
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 Communities and Justice (DCJ) 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 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 Communities and Justice (DCJ) 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 Communities and Justice (DCJ) 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 Communities and Justice (DCJ) 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 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 Communities and Justice (DCJ)** 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 Communities and Justice (DCJ) 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 Office of the Children’s Guardian 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 Office of the Children’s Guardian 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>Office of the Children’s Guardian Act 1974</i>  <i>Office of the Children’s Guardian 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></p> <p><i>This legislation amends the Commission for children and Young Person’s act 1998 and the Office of the Children’s Guardian 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 &amp; Storage of Records  Nurturing &amp; Touch  Duty of Care  Anti Bullying  Safe and Supportive Environment</p>
Sources		Reference
<p>Policies &amp; Procedures for Early Childhood Directors: Early Childhood Directors Association 1990  School Based &amp; Mobile Child Care Services Regulation (No 2) 1996  Department of Communities and Justice (DCJ) kids in Cars Factsheet  Dept Of Education &amp; 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 (<a href="http://www.keepthemsafe.nsw.gov.au/">http://www.keepthemsafe.nsw.gov.au/</a>)  Childcare Wellbeing &amp; Child Protection – NSW Interagency Guidelines  Department of Education and Community Services document dated 15 June 2013: “Working with Children Check Procedures  Employment screening (<a href="http://check.kids.nsw.gov.au">http://check.kids.nsw.gov.au</a>) (<a href="http://kids.nsw.gov.au">http://kids.nsw.gov.au</a>)  AIS</p>		<p>NSW Department of Communities and Justice  <a href="https://www.dcj.nsw.gov.au">https://www.dcj.nsw.gov.au</a>  The Office of the Children’s Guardian  <a href="https://www.kidsguardian.nsw.gov.au">https://www.kidsguardian.nsw.gov.au</a>  Department of Premier and Cabinet – Keep Them Safe  <a href="http://www.keepthemsafe.nsw.gov.au">www.keepthemsafe.nsw.gov.au</a></p>
Policy Review/Creation date	Modification	
<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>  <i>July 2019-Ipad section</i>  <i>July 2019-Head of Agency</i></p>	
<p><i>Feb 2020</i></p>	<p><i>Ombudsman removed and changed as per changes as of the 1<sup>st</sup> March 2020</i></p>	
<p><i>24/3/2020</i></p>	<p><i>Updates made from AIS Child Protection Policy</i></p>	
<p><i>15/5/2020</i></p>	<p><i>Added</i></p>	

**APPENDIX 1**  
**INDICATORS OF CHILD ABUSE OR RISK OF HARM**

TYPE	PHYSICAL INDICATORS	BEHAVIOUR
<p><b>Physical abuse</b></p>	<p>Unexplained bruises or welts:</p> <ul style="list-style-type: none"> <li>- on face, lips, mouth</li> <li>- on torso, back, buttocks, thighs</li> <li>- in various stages of healing</li> <li>- clustered, forming regular patterns reflecting the shape of an article used to inflict (electrical cord, belt buckle)</li> <li>- on several different surface areas</li> <li>- regularly appear after absence, weekend, vacation</li> </ul> <p>Unexplained burns:</p> <ul style="list-style-type: none"> <li>- cigar, cigarette burns, especially on the soles, palms, back or buttocks</li> <li>- immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia)</li> <li>- patterned like electric burner, urn etc.</li> <li>- rope burns on arms, legs, neck or torso</li> </ul> <p>Unexplained fractures:</p> <ul style="list-style-type: none"> <li>- to skull, nose facial structure</li> <li>- in various stages of healing</li> <li>- multiple or spiral fractures</li> </ul> <p>Unexplained lacerations or abrasions:</p> <ul style="list-style-type: none"> <li>- to mouth, lips, gums, eyes</li> <li>- to external genitalia</li> </ul> <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"> <li>- aggressiveness</li> <li>- withdrawal</li> </ul> <p>Frightened of parents</p> <p>Afraid to go home</p> <p>Reports injury</p>
<p><b>Physical Neglect</b></p>	<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><b>Sexual Abuse</b></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><b>Emotional Maltreatment</b></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"> <li>- compliant, passive</li> <li>- aggressive, demanding</li> </ul> <p>Overly adaptive behaviour:</p> <ul style="list-style-type: none"> <li>- inappropriately adult</li> <li>- inappropriately infant</li> </ul> <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 Office of the Children’s Guardian defines the categories of reportable conduct, identifies the behaviours the NSW Office of the Children’s Guardian 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. Instructions will be emailed to all staff about the log on procedure for this as we do this as a group booking.

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

As well as a Certificate of completion.



# Mandatory Reporting Form & Guidelines

## Purpose

The Guidelines for the Code of Conduct-Staff have been developed for the Farmhouse Montessori School staff and are consistent with our fundamental responsibility to provide a safe and supportive environment where each student is affirmed in his or her dignity and worth as a person.

The Guidelines for the Code of Conduct assist in clarifying the parameters of appropriate and inappropriate conduct for staff working in child related employment. The Guidelines assist in achieving a safe and supportive environment for students, staff and the school’s broader community.

The Guidelines and your compliance are fundamental to your work with the Farmhouse Montessori School. You are instructed to read the Guidelines, participate in staff development activities relating to the Guidelines and to acknowledge with your signature that you have read the Guidelines for Code of Conduct.

Complaints which allege an employee has breached the Guidelines for Professional Conducts per the Code of Conduct Policy will be investigated with relevant Farmhouse Montessori policies e.g. *Child Protection (NSW): Responding to Complaints Against Employees*.

### Declaration:

I have read the contents of the Farmhouse Montessori Child Protection Policy including the Mandatory Reporting Section and understand my obligations under the Children’s Guardian Act 2019. I have also attended the Farmhouse Montessori School inhouse annual child protection meeting refresher.

I have also read and signed a Code of Conduct-Staff form at the beginning of my employment with the school and understood and agree to continue to comply with the terms of this Code of Conduct Policy.

Surname: ..... Given Name: .....

Location: ..... Position: .....

Signature: ..... Date: .....

**THIS FORM IS TO BE GIVEN TO THE SCHOOL PA OR PRINCIPAL & ARCHIVED AT THE SCHOOL ANNUALLY**

<b>Policy Review Date</b>	<b>Jan 2020</b>
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