



KOROWAL SCHOOL

Innovating education with care | K - 12

Korowal School Limited

**Child Abuse and Neglect,
Identify and Respond Policy**

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1. Document Control

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2. Policy Statement

Children have a fundamental right to be safe, to grow and to develop in environments that are free from violence, exploitation and harm. The ongoing safety and protection of children requires a commitment from all levels of the community. At the same time, the community has clear expectations that children will be protected from all forms of harm including sexual, physical and psychological harm as well as ill-treatment and neglect. We are supportive of these expectations and strive to promote the safety and protection of children, and to incorporate safety and protection into all of our practices.

This Policy reflects the School's acknowledgement that the safety and well-being of the child is paramount.

3. Purpose

The purpose of this Policy is to:

- Assist employees to understand their broader responsibilities and those of the School in the area of identifying and responding to child abuse and neglect issues.
- Remind employees that they are “mandatory reporters” and thus have a legal obligation to report to the Department of Communities and Justice any reasonable suspicions that a child is at risk of significant harm. Alongside laws regarding mandatory reporting, the School is committed to responding in an appropriate and supportive manner to any and all concerns about children at risk.
- Demonstrate the School's commitment to the principles of a Child Safe organisation, including that students will be listened to and their concerns responded to by employees. The School is guided in its decisions on child safety, welfare, well-being and protection strategies by the objects and principles within NSW legislation relating to child protection, the United Nations *Convention on the Rights of the Child* and the Child Safe Standards arising from the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse.

4. Scope

This policy applies to all employees as defined in the Child Protection Framework.

5. Related Policies

This policy is part of the *Child Protection Framework* and should be read in conjunction with that document. This policy is also related to the School's other policies including but not limited to:

- *Child Protection Records and Information Exchange Policy*
- *Employee Code of Conduct*
- *Promoting Child Safety in the Workplace Policy*
- *Protected Disclosures Policy and Procedures*

6. Legislation And Related Documents

This Policy has been drafted to comply with the following documents and legislation:

- *Children and Young Persons (Care and Protection) Act 1998* (NSW)
- *Children’s Guardian Act 2019* (NSW)
- *Child Protection (Working with Children) Act 2012* (NSW)
- Child Safe Standards Final Report: Royal Commission into Institutional Responses to Child Sexual Abuse

7. Definitions

For a full list of definitions please see the School’s *Definitions Register*:

https://www.korowal.nsw.edu.au/imagesDB/wysiwyg/0.Definitions_2022.pdf

Term	Definitions
Employees	This includes all employees, contractors, volunteers, work experience participants and student placements who are engaged by the School in working with children.
Child	Any person who is under 16 years of age.
Young Person	Any person who is 16 or 17 years of age.
Risk of Significant Harm	As defined by section 23 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW).
Mandatory Reporter	Is a person who is defined under section 27(1) of the <i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW).
Mandatory Reporter Guide (MRG)	The MRG is a tool designed by the Department of Communities and Justice to assist mandatory reporters in NSW to determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child or young person; and identify alternative supports for vulnerable children, young people and their families.

7.1. Identifying Abuse and Neglect Issues

The circumstances in which a child or young person is at risk of significant harm, are defined in section 23 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW).

All employees are to ensure they are familiar with this definition.

Where an employee or the School identifies a circumstance which potentially indicates the risk of significant harm then a response is required in accordance with the *Children and Young Persons (Care and Protection) Act 1998* (NSW), this Policy and any associated procedures.

8. Principles

The School adheres to the following principles:

- **Safe and Supportive Environments**
This Policy supports the School's commitment to create and maintain safe and supportive environments for students. A safe environment is one where the risk of significant harm is minimised and students and employees feel safe and secure. Harm relates not only to dangers in the physical environment but also refers to violence, physical threats, verbal abuse, threatening gestures, neglect, emotional or psychological harm, sexual harassment and abuse, grooming behaviour and racial vilification.
- **Enhanced development**
A supportive environment facilitates and enhances the social, academic, physical and emotional development of students, employees and all those involved with the work of the School.
- **Protection of Students**
The School is committed to fostering the safety, welfare and well-being of students and to protecting them from any form of exploitation, abuse or neglect.
- **Culture of Safety**
The School is committed to maintaining practices that create a culture of safety within which students and employees are supported and protected.
- **Participation and Empowerment of Students**
The School is committed listening and responding to children and developing avenues for their effective participation in the work of the School, and in matters which involve them personally.

9. Responsibilities

10.1. Reasonable Grounds for Consultation

Employees must consult with the Principal when they have reasonable grounds to suspect that a child is at risk of harm. In circumstances where an employee is unsure whether there are reasonable grounds to suspect that a child is at risk of harm, it is expected that the concern would be discussed with the Principal.

An employee may have reasonable grounds to suspect a child is at risk of harm from abuse or neglect when:

- a. A child tells the employee that he/she has been abused.

- b. Someone else informs the employee (for example, a relative, friend, acquaintance or sibling of the child) that a child is being abused.
- c. A child tells the employee that he/she knows someone who has been assaulted (often a child may be referring to himself/herself in this scenario).
- d. The employee's observations of a particular child's behavior may lead them to suspect the child is being abused.
- e. The employee becomes aware that a child is in the care of an alleged offender.

As part of this consultation process, the Principal must utilise the Mandatory Reporter Guide (MRG) to determine whether a report is required.

Where the MRG indicates that reporting is not required, but the mandatory reporter disagrees with this decision, this does not prevent mandatory reporters from reporting anyhow. Further, the Principal can continue to provide support or respond to the needs of the child or young person in the course of their work.

10.2. Mandatory Reporting of Abuse and Neglect to child protection authorities

Mandatory reporting relates to the legal requirement to report certain types of concerns involving the abuse and/or neglect of children to the Department of Communities and Justice, through the Child Protection Helpline. The concerns must arise during the course of or from a person's work.

A mandatory reporter must report to the Child Protection Helpline when they have reasonable grounds to suspect that a child is at risk of significant harm. Following consultation under section 9.1 above, the Principal will be responsible for making, or delegating, all reports to the Child Protection Helpline.

Notwithstanding the fact that certain concerns will not require a report to the Child Protection Helpline, it is the School's expectation that all concerns may constitute neglect or abuse, will be documented and will receive an appropriate response from the School in accordance with this policy.

The person making the report is required to record the information provided to the Child Protection Helpline, including the reference number of the report, in a confidential file relating to the student. A copy of the outcome of the NSW Mandatory Reporting Guide should also be kept on file.

If the incident relates to a child who is not currently enrolled in the School, but whom the employee became aware of during the course of or from their work, or is a former pupil of the School, all relevant documentation should be forwarded to the Principal who will maintain a central file.

All records are to be kept in accordance with the School's Child Protection Records and Information Exchange Policy.

Where the abuse or neglect concern also involves reportable conduct by a School employee please refer to the Promoting Child Safety in the Workplace Policy.

The Principal should also give consideration as to whether their concerns should be reported to the Police. This consideration may involve initial conversations with the Police to determine whether the matter needs reporting.

10.3. Protection of Persons who make Reports

The protections for a person who makes a report in good faith are contained in section 29AAA of the Children and Young Persons (Care and Protection) Act 1998 (NSW).

10.4. Response from Department of Communities and Justice

On receipt of a report that a child is suspected of being at risk from abuse or neglect, the Child Protection Helpline may make such investigations and assessment as they consider necessary to determine whether the child or young person is at risk of significant harm, and what action should occur. The Child Protection Helpline may decide to take no further action if, on the basis of the information provided, they consider there is insufficient reason to believe that the child is at risk of significant harm or the information does not reach the reporting threshold.

If no response has been received from the Child Protection Helpline within five days, the Principal should contact the Child Protection Helpline to obtain information regarding the status of the report.

10.5. Concerns that fall below the threshold for mandatory reporting

As per section 9.1 above, in deciding whether a child is at risk of harm from abuse or neglect, the employee should first consult with the Principal.

Following the consultation, if the parties determine that the concern does not require a mandatory report, the School must consider what steps and actions should be taken to provide the child and/or their family/ with additional assistance in relation to the identified concerns, either by school programs or through referral and collaboration with external agencies.

Any strategies or steps identified to provide support must be approved by the Principal prior to their implementation.

The School regards child protection as a whole of community responsibility and is committed to finding support for children and families in need of assistance.

To facilitate the provision of services to children and their families, the School may seek to exchange information or be requested to exchange information related to the safety, welfare or well-being of children and young people. Such processes must be in accordance with the Child Protection Records and Information Exchange Policy.

In circumstances where a mandatory report is not made, any and all child protection concerns must be recorded on the student's confidential file, including the decisions made about how to respond to the concern, making sure that any relevant actions, timeframes and persons responsible are noted and monitored for implementation. All records are to be kept in accordance with the School's Child Protection Records and Information Exchange Policy.

10.6. Supporting Children

Whether or not a report is made to the Child Protection Helpline in respect of a student, the School has a significant role to play in providing ongoing support and assistance to students who are at risk (and their families) particularly where there is an ongoing relationship between the School and the student.

Employees of the School have the capacity to build trust and are well placed to observe changes in circumstances which may impact on a child's safety, welfare or well-being.

Employees of the School should consider what steps and actions could be taken to provide the student and/or their family or with additional assistance in relation to any identified concerns, either within school programs or through referral and collaboration with other agencies or services. All strategies and actions must only be taken following consultation with the Principal.

Where students and their families face complex difficulties and/or there are a number of agencies involved, it can be helpful to have an interagency or care team meeting. Bringing representatives of the agencies together can promote sharing of information and avoid duplication. It is preferable to involve students and their families in interagency meetings as they tend to respond better where there is trust and transparency. It also avoids difficulties with privacy when information sharing is done with consent.

It is important to identify and document strategies for support. Having a written plan with clearly stated outcomes that can be reviewed/tracked, time frames and allocation of responsibility ensures accountability in addressing child protection and well-being concerns. It is also important to identify an appropriate person who will exercise case management responsibilities.

10. Further Information

Should you require further information about this Policy, please contact the Principal.