



KOROWAL SCHOOL
Human-centred education • Kindergarten to HSC

KOROWAL SCHOOL LIMITED

**PROMOTE CHILD SAFETY IN THE
WORKPLACE POLICY**

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1. DOCUMENT CONTROL

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2. POLICY STATEMENT

Children have a fundamental right to be safe and to grow and develop in environments that are free from violence, exploitation and harm. The 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. Korowal is supportive of these expectations and strives to promote the safety and protection of children.

3. PURPOSE

The purpose of this Policy is to:

- Ensure the safety of children at the School in compliance with NSW legislation.
- Ensure compliance by following the legislative requirements for the screening of employees, contractors and volunteers who provide services to children and addressing all allegations of inappropriate behavior towards children involving employees of the School, contractors, and volunteers.

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 unison 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*
- *Identify and Respond to Child Abuse and Neglect Policy*
- *Protected Disclosures Policy*

6. LEGISLATION

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

- Children and Young Persons (Care and Protection) Act 1998 (NSW)
- Ombudsman's Act 1974 (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

Term	Definition
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.
Student	Any person receiving education services at the school whether above or below 18 years of age.
Head of Agency	Head of Agency is defined in accordance with the <i>Ombudsman Act</i> . At the School it is the Principal.
Working With Children Check	A Working With Children Check is a requirement for people who work or volunteer in child-related work. It involves a national criminal history check and a review of findings of workplace misconduct.
Allegation	Any information, complaint or concern involving alleged inappropriate behaviour by an employee towards any child or young person.

8. PRINCIPLES

The School adheres to the following principles:

- **Safe and Supportive Environments**

This Policy supports the commitment by the School to create 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.

- **Rigorous Recruitment**

The School is committed to maintaining rigorous and consistent recruitment, screening, selection, induction and training processes to ensure that those engaged in work with our students are suitable for such work and pose no apparent risk to students.

- **Identifying and Responding to Complaints**

Where concerns arise about alleged inappropriate behaviour by those engaged to work with our students, the School is committed to maintaining robust systems for identifying and responding to such complaints. In dealing with complaints against employees the School will uphold the principles of procedural fairness and any findings and actions will be based on a thorough and fair assessment of evidence.

- **Awareness**

The School is committed to ensuring that all employees, volunteers, students and parents are aware of this policy.

9. PRE-EMPLOYMENT SCREENING

All paid workers (employees and contractors) and volunteers are required to undertake a Working With Children Check.

Applicants for paid and voluntary work with the School will be advised in advance that working at the School will require a Working With Children Check clearance.

If the applicant has a clearance number indicating they are suitable for child-related work, the recruitment process may proceed. An applicant deemed suitable for child-related work will be required to undertake periodic checks to ensure their ongoing suitability for working with children. Table 1 below sets out the relevant information.

Table 1: Pre-employment screening requirements

Screening Program	Validity	Who	Responsible authority
NSW Working With Children Check	5 years	Employees and volunteers aged 18 years and over.	NSW Office for the Children's Guardian

10. RECRUITMENT AND SELECTION

The School recognises that rigorous recruitment interviews and reference checking processes prior to employment are important in determining an applicant's suitability for child-related work. The School requires all interviews and reference checking processes to include questions designed to assess an applicant's suitability for working with children.

11. DEALING WITH COMPLAINTS

Working with children requires a high level of trust and due to its nature such work is subject to certain scrutiny. The School has a robust framework in place for responding to any allegations, information, complaints or concerns about the conduct of an employee involving a student, which may impact on their suitability for working in child-related work.

The allegation may relate to conduct towards a child that is not a student of the School and may also have occurred in the workplace or outside of it.

If an employee is advised of an allegation involving alleged inappropriate behaviour by another employee towards any

child or young person, they should advise the Principal as soon as practicable.

Allegations must be investigated by the School regardless of their level of seriousness. The extent of the investigation will be determined by the level of seriousness and risk involved in the matter at hand. The School will make reasonable enquiries to determine appropriate action. The School also has specific reporting requirements and obligations in the circumstances outlined in Table 2 below.

Table 2: Legal reporting requirements

Area	Requirement
Conduct involving abuse or neglect causing possible risk of significant harm	If the alleged conduct is of such a nature that requires a mandatory report to be made to Family and Community Services (FACS), such report should be made in accordance with the <i>Identify and Respond to Child Abuse and Neglect Policy</i> . The concerns must also be managed in accordance with the principles outlined in that policy.
Conduct involving possible criminal behaviour	If the alleged conduct is of such a nature that it requires a report to be made to the police, such report should be made as soon as possible to the local police.
Conduct involving 'reportable conduct'	<p>If an employee is the subject of a reportable allegation or reportable conviction, the 'Head of Agency' must ensure that the Ombudsman is notified within 30 days. At the School the Head of Agency is the Principal. A reportable allegation is an allegation involving 'reportable conduct' and a reportable conviction is a conviction (including a finding of guilt without the court proceeding to a conviction), of an offence involving reportable conduct.</p> <p>Reportable conduct means:</p> <ul style="list-style-type: none"> a) Any sexual offence, or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence); b) Any assault, ill-treatment or neglect of a child; c) Any behaviour that causes psychological harm to a child <p>Reportable conduct does not extend to:</p> <ul style="list-style-type: none"> a) 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 b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures, c) conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.

Where reports must be made to FACS, the police or other agencies, the School will ensure, prior to commencing its own investigation, that such action will not interfere with any investigation or follow up being undertaken by such agencies.

The investigation will include:

- a. Action taken to ensure the immediate safety of children, taking into account risks to all affected parties, in particular children. This may involve an employee being directed to take leave, or changes to their duties.

- b. Action taken to ensure the confidentiality of the employee in the course of taking action, until the outcome of the investigation is determined
- c. Contact with child protection authorities and/or to the police where required in which case children will not be interviewed by the School as part of the investigation until the child protection authority and/or police have completed their own responsibilities.
- d. Gathering of necessary information, which may include interviewing witnesses and obtaining relevant documentation.
- e. Where appropriate, advice to parents.
- f. Support to children, witnesses and others affected.
- g. Support to the employee and an opportunity for them to respond to the allegations.
- h. Consideration of relevant information before making a finding, which is advised to the employee and where appropriate, to the child and/or their family.
- i. Review of policies, procedures and practices, and changes to address any systemic factors identified during the investigation.

External investigators may be engaged by the School to conduct investigations on their behalf. At the end of the investigation a report will be provided to the Principal, with recommended findings and advice regarding action to be taken. Findings from an investigation may be:

- a. sustained (ie a finding on the balance of probabilities that the conduct occurred), or
- b. not sustained – insufficient evidence (ie on the balance of probabilities there is some evidence of weight however there is insufficient evidence available to reasonably establish that the alleged conduct did occur), or
- c. not sustained – lack of evidence of weight (ie where the evidence is of such poor probative value or lacking in weight, such as to warrant a finding that, on the balance of probabilities, the conduct did not occur)
- d. false (ie where inquiries into the matter show that the conduct did not occur. Some of these matters may be vexatious, for example where inquiries into the matter show the allegation was made without substance and to cause distress to the person against whom the allegation was made).
- e. not reportable conduct (i.e. where inquiries into the matter show the conduct was not reportable).

Outcomes of an investigation may be:

- a. no further action
- b. disciplinary action against employees, suspension, caution or termination, bearing in mind that termination of employment or formal warnings need to be supported by a thorough investigation of the allegation against the employee. This information can be used if the employee challenges this decision through industrial/legal pathways.
- c. action to reduce or eliminate future risk of inappropriate behaviour, such as training, amendments to policies and procedures

Reporting obligations at the end of the investigation may be:

- a. A final report will be submitted to the Office of the NSW Ombudsman. The NSW Ombudsman will then assess whether the process was procedurally fair and the findings and outcome were appropriate.
- b. The School will consider whether it has a legal obligation to notify the employee details to the Office of the Children’s Guardian where there has been a finding of sexual misconduct or serious physical assault. Such findings will trigger a risk assessment in relation to the employee’s suitability to work with children as part of the Working With Children Check process.

All documents relating to allegations will be kept confidentially and centrally at the School by the Principal separate to employee personnel records. A flag will be located in the employee file to indicate the presence of such an investigation.

The employee subject of allegation and the parents/carers of children affected by the employee’s behaviour have the

right to complain to the Principal if they are unhappy with the conduct of the investigation. A complaint regarding the investigation may also be made to the NSW Ombudsman. Nothing prevents an employee or anyone else aggrieved by the process from seeking redress through legal channels.

12. COMMUNICATION AND WRITING

All employees are expected to follow the Employee Code of Conduct which sets out the expectations for employees in terms of their interactions with children and young people.

All new employees and volunteers will receive a copy of the Employee Code of Conduct, this Policy and associated procedures.

All children and their families joining the School will receive an information book outlining their rights and the process to follow should safety or professional conduct concerns arise.

The School will hold regular information sessions for employees and students regarding the expectations for their behaviour in creating and maintaining a safe workplace.