



KOROWAL SCHOOL

Innovating education with care | K - 12

Korowal School Limited

Promoting Child Safety in the Workplace Policy

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1. Document Control

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2. Policy Statement

Korowal School Ltd (the 'School') acknowledges that all 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. We are supportive of these expectations and strive to promote the safety and protection of children and incorporate safety and protection into all of our practices.

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

3. Purpose

The purpose of this Policy is to:

- Ensure the safety and protection of children at the School in compliance with relevant legislation.
- Ensure compliance with the legislative requirements for the screening of employees, contractors and volunteers who provide services to children, and through the appropriate management of all allegations of inappropriate behavior towards children by employees.

4. Scope

This Policy applies to all employees of the School 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*
- *Identify and Respond to Child Abuse and Neglect Policy*
- *Employee Code of Conduct*
- *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.
Student	Any person enrolled to receive education services at the school whether above or below 18 years of age.
Head of Relevant Entity	Head of Agency Relevant Entity is defined in accordance with the Ombudsman Children’s Guardian Act 2019 (NSW). At the School it is the Principal.
Working with Children Check	The Working with Children Check is a requirement for anyone in paid or volunteer child-related work in NSW.
Allegation	Any information, complaint or concern involving the alleged inappropriate conduct of any employee towards a child.

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.

- **Rigorous Recruitment**

The School is committed to maintaining rigorous and consistent recruitment processes which includes screening, selection, induction and training processes to ensure that those engaged to work with the School's students are suitable for such work and pose no known or unsuitable risk to students.

- **Identifying and Responding to Complaints**

The School is committed to maintaining robust systems for identifying and responding to allegations regarding the inappropriate conduct of any employee. In dealing with complaints against employees the School will uphold the principles of procedural fairness and any findings and actions will have a sufficient evidentiary basis.

- **Informed Communities**

The School is committed to ensuring that all employees, volunteers, students and parents are aware of this policy, and understand and comply with it. Further, the School is committed to ensuring that students are informed, in an age-appropriate manner, that their safety is paramount, and how they can raise any concerns.

9. Pre-Employment Screening

All employees are required to hold a current Working with Children Check clearance, unless exempt under the Child Protection (Working with Children) Regulation 2013 (NSW). Employees who believe they are exempt are required to provide sufficient information or evidence to satisfy the School that a Working with Children Check is not required.

All employees are required to provide their Working with Child Check number, and sufficient information (being their full name and date of birth) to allow the school to verify the Working with Children Check.

All applicants to be employed at the School will be advised that their engagement will require a Working With Children Check clearance.

Once the School has verified that the applicant has a current Working with Children Check clearance, the recruitment process may proceed.

All employees will be required to maintain a valid Working with Children Check clearance throughout the duration of their employment. As such, they will be required to renew their Working with Children Check as required.

10. Recruitment and Selection

The School recognises that rigorous recruitment processes are essential in determining an applicant's suitability for child related work.

Whilst the Working with Children Check forms a part of this screening, further processes are required.

The School is required to hold an interview process, and conduct and document thorough reference checks, which include questions designed to assess an applicant's suitability for child-related work.

Further requirements may be determined by the Principal, at their discretion, to satisfy the School that the applicant is suitable for child-related work.

11. Dealing with Complaints

Child-related work requires a high level of trust, and due to its nature, such work is subject to certain and increased scrutiny. The School has a robust framework in place to respond to any allegations which may impact on an employee's suitability for child-related work.

An allegation may relate to conduct towards a child who is not a student at the School. Further, it may relate to conduct alleged to have occurred inside the workplace or outside of the workplace.

If an employee is advised or becomes aware of an allegation involving alleged inappropriate conduct by another employee towards any child or young person, they should advise the Principal as soon as practicable. This involves where they have received information which reasonably indicates that inappropriate has occurred.

11.1. Procedures following an allegation

Following the receipt of an allegation, the School must undertake an investigation regardless of the level of seriousness of the allegation. However, 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, will consult with the Board.

The School also has specific reporting requirements and obligations in the circumstances which are generally outlined in Table 1 below. However, each allegation will need to be assessed individually to ensure that all reporting requirements under legislation have been met.

Table 1: Legal reporting requirements

Area	Requirement
Risk of significant harm	Where a report is required to be made to the Department of Communities and Justice, this should be made in accordance with the Identify and Respond to Child Abuse and Neglect Policy.
Possible criminal conduct	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, or otherwise the School should liaise with the Police to confirm whether the conduct is required to be reported.

Area	Requirement
Conduct involving 'reportable conduct'	If an employee is the subject of a reportable allegation or reportable conviction under the <i>Children's Guardian Act 2019</i> (NSW), the 'Head of Relevant Entity' (that is, the Principal) must ensure that the reporting requirements are met with respect to the Office of the Children's Guardian is notified within 7 days of becoming aware of the information. Reportable conduct is defined under Part 4 of the <i>Children's Guardian Act 2019</i> (NSW).

Where a report is made to an external organisation or authority (such as the Department of Communities and Justice, NSW Police or the AFP), the School will obtain clearance to commence its own investigation and ensure that such action will not interfere with any investigation or following action being undertaken by such agencies.

11.2. Investigations

Any investigation undertaken will include:

- a. Action taken to ensure the immediate safety of a child or class of children, taking into account risks to all affected parties, and in particular children. This may involve an employee being directed to take leave, or changes to their duties to minimise potential risks posed.
- b. Action taken to ensure the employee and all other parties maintain confidentiality during the course of the investigation, and following the determination of outcomes
- c. Liaison with the relevant child protection authorities and/or the police, where required. In such a matter, the School will ensure that the relevant children are not interviewed by the School as part of the investigation, until those external bodies have completed their own inquiries, and provided clearance.
- d. Reasonable gathering of necessary information, which may include interviewing witnesses and obtaining relevant documentation.
- e. Where appropriate, providing advice to parents.
- f. The provision of support to children, witnesses and others affected.
- g. The provision of support to the employee subject of the allegations.
- h. The provision of the allegations to the subject of the allegations, and the reasonable opportunity for them to respond to the allegations.
- i. Consideration of all relevant information before making a finding.
- j. Provision of the outcome to the employee, and where appropriate, to the relevant child and/or their family or the complainant.
- k. A review of policies, procedures and practices of the School, and implementation of relevant changes to address any systemic factors identified during the investigation.

Investigation Outcomes

An external investigator may be engaged by the School to conduct investigations on their

behalf. This may be required where the allegations are complex, and should be considered where the person at the school with the appropriate skill and knowledge to undertake the investigation has a conflict of interest or may be required as a witness in the investigation.

Following an external investigation, a report will be provided to the Principal, with recommended findings and advice regarding action to be taken. Findings will be made on the balance of probabilities. The possible findings may be:

- a. Sustained, or
- b. Not sustained – insufficient evidence (that is, 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 (that is, 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), or
- d. False (that is, where inquiries into the matter show that the conduct did not occur. This may be the result of a vexatious allegation, where inquiries show the allegation was made without substance and to cause distress to the subject of the allegation), or
- e. Not reportable conduct (that is, where inquiries into the matter show the conduct was not reportable).

Outcomes of an investigation may include:

- a. No further action required, or
- b. Disciplinary action against employees – such as suspension, caution or termination (such actions will likely have impacts on the employer responsibilities of the School, and legal advice should be sought with regard to the intended disciplinary action).
- c. Actions to reduce or eliminate future risk of inappropriate behaviour, such as training, or amendments to policies and procedures.

11.3. Reporting obligations

The Principal is to ensure that any external reporting requirements at the completion of the investigation are met (for example, to the Office of the Children’s Guardian).

11.4. Record keeping

As per the School’s *Child Protection Records and Information Exchange Policy*, all records relating to investigations and related processes will be maintained under confidential, secure, and restricted access by the Principal.

The employees personnel file will include a flag to indicate further consultation will be required with the Principal in relation to that personnel file.

Complaints pertaining to the investigation

Parties involved in the investigation, including the employee subject of the allegation, the relevant child or their parents/carers, the complainant, or witnesses may make a complaint

to the Principal should then be unhappy with the conduct of the investigation.

12. Communication and Writing

All employees are expected to follow the Employee Code of Conduct which sets out the expectations of conduct for all employees, including in relation to their interactions with children.

All new employees will be provided with the relevant policies including this Policy, and the Child Protection Framework, Identify and Respond to Child Abuse and Neglect Policy, Child Protection Records and Information Exchange Policy, Employee Code of Conduct, and Protected Disclosures Policy and Procedure.

All children joining the School, and their parents or carers, will receive an Information Booklet. This will outline the rights of the child and their family, and the relevant processes for raising a concern, and the management of such concerns.

The School will ensure that regular information is circulated (including by staff meetings, information sessions, etc.) which details the expectations for employee conduct with the aim of creating and maintain a safe workplace, and School.

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

13. Further Information

Should further information be required about this Policy please contact the Principal.