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## Procedures for Managing Child Safety Incidences or Concerns at or involving the School

### Introduction

Complaints about child safety incidents or concerns that are alleged to have occurred on School premises or at School events are managed in a different way to other complaints received. These kinds of complaints are instead managed using the same procedures that we have in place for managing incidences of or internal reports about this kind of behaviour. This is because these types of incidences, complaints, allegations or concerns are all of a similar sensitive nature and raise potential privacy and confidentiality issues.

For the purposes of this procedure (and its related policies), we use the terms “staff” and “staff member” to include all teaching and non-teaching staff, School Board members, volunteers, contractors and external providers.

### Definition of a Child Safety Incident or Concern

We call any behaviour, that may:

- place a student “at risk of significant harm”, as defined in the Children and Young Persons (Care and Protection) Act 1997 (NSW)
- be, or place a student at risk of being the victim of, a “child abuse offence”, as defined in the Crimes Act 1900 (NSW)
- be “reportable conduct” by a staff member, as defined in the Children’s Guardian Act 2019 (NSW) (Children’s Guardian Act)
- be other “staff misconduct”, as defined in our Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct
- a breach of our Child Safe Codes of Conduct

a “child safety incident or concern”.

It does not matter whether the behaviour is by a staff member, another student, a parent/carer or any other person on School premises or at a School event.

### Breaches of the Child Safe Codes of Conduct

Lorien Novalis requires that all staff members, parents/carers, visitors and other adults in the School community comply with our Child Safety Code of Conduct.

Staff members must also comply with our Staff and Student Professional Boundaries policy.

Students must comply with our Student Code of Conduct.

Any breach of these Child Safety Codes of Conduct is considered a child safety incident.

### “Risk of Significant Harm” and “Child Abuse Offences”

Our Child Safety policies set out the different definitions and key indicators of “risk of significant harm” and “child abuse offences”. The following is covered by these definitions and indicators:

- sexual abuse
- grooming and online grooming
- physical abuse
- significant emotional or psychological harm
- significant neglect.

In addition to family members, other adults associated with a student can subject the student to these behaviours, including staff members, other students and other people associated with the School.

## **Staff Misconduct and Reportable Conduct**

### **Staff Misconduct**

“Staff misconduct” is conduct by a staff member that:

- breaches the School’s Code of Conduct or other key policies/procedures
- displays purposeful neglect of duties/responsibilities
- involves alcohol and/or other substance abuse
- is physically, verbally or emotionally abusive
- endangers the safety or wellbeing of students or others at the School.

### **Reportable Conduct**

The Children’s Guardian Act defines “reportable conduct” as including:

- any sexual offence or sexual misconduct, committed against, with or in the presence of a child (including child pornography offences or an offence involving child abuse material)

including grooming behaviours

- any assault, ill-treatment or neglect of a child
- any behaviour that causes significant emotional or psychological harm to a child.

Conduct by staff members that is reasonable in the circumstances or that is accidental is not reportable conduct.

## **Child Safety-Related Complaints**

It is critical that the broader School community tells us about all child safety incidents or concerns that occur at or otherwise involve the School. This enables us to ensure the safety and wellbeing of students and to comply with its legislative reporting obligations.

We call reports made to the School about child safety incidents or concerns at or involving the School or its staff members a “child safety-related complaint.”

## **Making a Child Safety-Related Complaint to the School**

If you wish to make a child safety-related complaint, you can do so by:

1. Sending an email to [konradk@lorien.nsw.edu.au](mailto:konradk@lorien.nsw.edu.au)
2. Writing a letter to the School addressed to The Senior Child Safety Officer
3. Telephoning the School on 02 9658 0700 and asking to speak to The Senior Child Safety Officer.

If The Senior Child Safety Officer (The Principal) is the subject of your complaint or allegation, please contact the Chair of the Board, John Pater, on 02 9659 1009 or email: [john\\_pater@hotmail.com](mailto:john_pater@hotmail.com).

## **Investigating and Managing Child Safety-related Incidents and Complaints**

### **Immediate Actions**

Depending on the nature of the incident, complaint, allegation or concern, after receiving the internal report or the child safety-related complaint, the School will – if required by law or by our child safe policies and procedures – report the matter to the Department of Communities and Justice (DCJ), the Police, the Children’s Guardian and/or other relevant external agencies.

The School will conduct an initial risk assessment in consultation – if an external report has been made – with the Police or DCJ – to identify and mitigate any ongoing risks to student safety and wellbeing.

The School will also ensure that support is provided to any students, staff members and family members impacted by the incident, concern or complaint. In particular, we ensure that they are informed about advocacy and support services that may be available to assist them.

### **The Internal Investigation**

The School will then conduct an internal investigation of the incident or complaint, led by the Principal or an external investigator. However, if DCJ or the Police are investigating the alleged conduct, that investigation takes precedence and the School's investigation will only proceed with their permission.

When conducting the internal investigation, the School follows the National Office of Child Safety's Complaint Handling Guide: Upholding the Rights of Children and Young People. The flowchart in the appendix sets out how these procedures work. All internal investigations uphold the principles of procedural fairness and confidentiality – information is only shared with those who need to know.

### **Investigating and Managing Behaviour by a Student Against Another Student**

Responding to this kind of child safety-related incident or complaint involves considering the School's duty of care both to any student who is a victim and to the student who is the alleged perpetrator, as well as to other students. The Principal will follow our student discipline policies for these investigations.

### **Investigating and Managing Behaviour by Non-Staff Members on School Premises or at School Events**

Where the child safety incident, or the child safety-related complaint involves behaviour by a person who is neither a current or former School student nor a current or former staff member (for example they are a parent /carer or a visitor whose behaviour occurs on School premises or at a School event), the School's investigation is generally limited. It may involve only the risk assessment and a subsequent review of our systems, policies and procedures to ensure the future safety and wellbeing of our students.

### **Investigating and Managing Complaints About Staff Misconduct and Reportable Conduct**

Our Procedures for Handling Allegations of Staff Misconduct and Reportable Conduct, available on our public website, explain how the School investigates and manages these kinds of child safety-related complaints.

### **Record Keeping About Investigations**

Records are kept at each step of the investigation process including:

- records received or created during investigations (such as notes of interviews and documents received)
- records of findings
- records of actions proposed and taken.

These are stored in a secure and confidential location.

### **Reviews of Investigation Procedures and Outcomes**

#### **Internal Reviews**

Staff members, students and parents/carers of students who are involved in the child safety-related complaint and who are not satisfied with an internal investigation or its outcome may request an internal review of:

- the procedures undertaken
- findings made

- disciplinary actions proposed or taken; and/or
- other outcomes (including a decision not to make a finding or to take disciplinary or other action).

Requests for internal reviews should be made to the Principal in the first instance.

### **Disclosing Information to the School Community**

The School will consult with any relevant external agencies (such as DCJ or Police) to determine when, what and by whom information can be shared.

### **Sharing Information With Parents/Carers and Students**

The parent/carer of a student who is an alleged victim of a child safety-related complaint, or any child safety incident or concern occurring at or involving the School has a legitimate interest in being told that their child is an alleged victim and of the nature of the incident, complaint or allegation. The parent/carer and student also has a legitimate interest in being informed of the process, progress and findings of any investigation, and of any action that might be taken after the investigation is completed.

However, special issues may arise that require an adjustment to normal information sharing practices. Legal impediments may impact the timeliness of disclosing information, the type or amount of information that is disclosed and to whom the information is disclosed, particularly in the case of incidents or allegations of staff misconduct and reportable conduct.

### **Sharing Information With the Wider School Community**

The School takes great care to assess the relevance and appropriateness of sharing information about a child safety incident or concern, or a \*child safety-related complaint, before providing any information about it to the wider School community. This is because even the confirmation of an incident or allegation can lead to the identification of a victim. Information that may identify the victim of the incident, concern or complaint will not be shared with the wider School community without the consent of the victim and/or their parent/carer.

### **Where to Find More Information**

For more information about our policies and procedures relating to the School's management of child safety incidents or concerns occurring at or involving the School or its staff members, child-safety related complaints, or complaints handling generally, please contact the Principal.

# Appendix

