

Reporting of ~~Abuse and Neglect~~ Allegations of Reportable Conduct Policy and Procedures

~~– Western Australia~~ New South Wales

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1. Purpose

The Anglican Schools Commission (ASC) has developed this policy and procedures documented in line with the requirements of the Ombudsman Act 1974 (NSW) (Ombudsman Act). Its aim is to assist Principals, teachers and other school staff in New South Wales (NSW) to deal appropriately with the reporting of children at significant harm ~~abuse and neglect~~ (~~the reporting of child sexual abuse is as~~ explained in the Mandatory Reporting of Children at Significant Harm – Sexual Abuse Policy and Procedures – New South Wales Western Australia). All children have a right to be protected from harm and all school staff have a duty of care to students during school hours and at other times when staff/student relationships exist.

This policy is designed to be read in conjunction with the Child Protection Safe Policy – NSW and the Mandatory Reporting of Children at Significant Harm – Sexual Abuse Policy and Procedures – New South Wales Western Australia.

2. Definitions

2.1 What is reportable conduct?

Reportable conduct is defined as:

- any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material);
- any assault, ill-treatment or neglect of a child; and
- any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the 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, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- conduct of a class or kind exempted from being reportable conduct by the Ombudsman under section 25CA.

~~2.1~~ What is non-mandatory reporting?

~~In Western Australia mandatory reporting legislation requires teachers to report suspected child sexual abuse to the Department for Child Protection and Family Support if they form~~

~~a belief that a child has been sexually abused, or is the subject of ongoing sexual abuse (see *Mandatory Reporting of Child Sexual Abuse Policy and Procedures – Western Australia*).~~

~~Physical, emotional, psychological abuse and neglect are not covered by the mandatory reporting legislation so are considered non-mandatory. While there is no penalty if the report doesn't occur, all staff including non-teaching staff, should report physical, emotional, psychological abuse or neglect.~~

2.2 Who is a 'child'?

A child is defined as a person who is under the age of 18 years ~~or, in the absence of positive evidence of age, as a person who is apparently under 18 years of age~~ for the purpose of the Ombudsman Act.

2.3 Is a student aged 18 and over a 'child'?

Students aged 18 and over may attend school but are legally considered adults and as such ~~are not covered by the Ombudsman Act~~ the Department of Child Protection and Family Support does not have a child protection mandate for them. They can be considered potentially vulnerable, however, and in need of specialist services and schools do owe a duty of care towards them. ~~A list of these services may be found on the CPFS website www.dcp.wa.gov.au.~~ Schools should contact the WA Police when aware of any assault or crime against a young adult.

~~What is physical, emotional, psychological abuse and neglect?~~

2.4 Other relevant definitions

Physical Abuse

Physical abuse is any act by which a person intentionally inflicts unjustified use of physical force against another. An assault can also occur if a person causes another person to reasonably apprehend that unjustified force is going to be used against them. Even if a person who inflicts physical harm or causes another person to reasonably apprehend physical harm does not actually intend to inflict the harm or cause fear, they may still have committed an assault if they acted 'recklessly'.

'Recklessness' in this context relates to circumstances when the person ought to have known that their actions would cause a person physical harm or cause them to fear injury.

Assaults can include hitting, pushing, shoving, throwing objects or making threats to physically harm a child.

~~occurs when a child has experienced severe and/or persistent ill-treatment. It can include injuries such as bruises, cuts, burns or fractures caused by a range of acts including beating, shaking, illicit administration of alcohol and other drugs, attempted suffocation, excessive discipline or physical punishment.~~

Emotional/ Psychological Abuse

Emotional/Psychological abuse is the sustained, repetitive, inappropriate ill-treatment of a child through behaviours including threatening, isolating, neglecting, discrediting, belittling, misleading, disregarding, ignoring and inappropriate encouragement. Children are likely to feel worthless, flawed, unloved, unwanted, endangered or only of value in meeting another's needs. There needs to be a proven causal link between the inappropriate behaviour and the harm, and the harm must be more than transient.

Emotional abuse includes being exposed to an act of family and domestic violence.

Ill-treatment

Ill-treatment captures those circumstances where a person treats a child in an unreasonable and seriously inappropriate, improper, inhumane or cruel manner. The focus is on the alleged conduct rather than the actual effect of the conduct on the child.

Neglect

Neglect includes either an action or inaction by a person who has care responsibility towards a child. The nature of the employee's responsibilities provides the context against which the conduct needs to be assessed.

a. Supervisory neglect:

- An intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child, or
- An intentional or reckless failure to adequately supervise a child or a significantly careless act or failure to act, that:
 - Involves a gross breach of professional standards, and
 - Has the potential to result in the death or significant harm to a child.

b. Carer neglect:

- Grossly inadequate care that involves depriving a child of the basic necessities of life: such as the provision of food and drink, clothing, critical medical care or treatment, or shelter.

c. Failure to protect from abuse:

- An obviously or very clearly unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child.

d. Reckless act (or failure to act):

- A reckless act, or failure to act, that:
 - Involves a gross breach of professional standards, and
 - Has the potential to result in the death of, or significant harm to, a child.

~~Neglect exists when a parent or care giver consistently fails to provide a child with an acceptable minimum standard of care to a severe and/or persistent extent. This includes the basic necessities of life, shelter, healthy food, suitable clothing, medical care, emotional security and appropriate supervision.~~

Sexually explicit comments and other overtly sexual behaviour

Behaviour involving **sexually explicit comments** and other overtly sexual behaviour which can constitute sexual misconduct. Some forms of this behaviour also involve crossing professional boundaries. This conduct may include:

- a. inappropriate conversations of a sexual nature
- b. comments that express a desire to act in a sexual manner
- c. unwarranted and inappropriate touching
- d. sexual exhibitionism
- e. personal correspondence (including electronic communications such as e-mails and text messages) with a child or young person in relation to the adult's sexual feelings for a child or young person
- f. exposure of children and young people to sexual behaviour of others including display of pornography
- g. watching children undress. For example, in change rooms or toilets when supervision is not required or justified.

Grooming

Grooming or procuring a child under the age of 16 years for unlawful sexual activity is a sexual offence. Grooming is also a form of sexual misconduct. As grooming is a sexual offence if the alleged victim is under 16 years old, caution should be exercised before reaching a grooming finding (particularly in cases where the behaviour is directed towards a child under 16 years). As an alternative to grooming, in many cases it will be more appropriate to consider whether there has been a 'crossing of professional boundaries' and/or other more overt sexual behaviour.

Further, behaviour should only be seen as 'grooming' where there is evidence of a pattern of conduct that is consistent with grooming the alleged victim for sexual activity, and that there is no other reasonable explanation for it. The types of behaviours that may lead to such a conclusion include (but are not limited to) the following:

- a. Persuading a child or group of children that they have a 'special' relationship, for example by:
 - o Spending inappropriate special time with a child
 - o Inappropriately giving gifts
 - o Inappropriately showing special favours to them but no other children
 - o Inappropriately allowing child to overstep rules
 - o Asking the child to keep this relationship to themselves.
- b. Testing boundaries, for example by:
 - o Undressing in front of a child
 - o Encouraging inappropriate physical contact (even where it is not overtly sexual)
 - o Talking about sex
 - o 'accidental' intimate touching.
- c. Inappropriately extending a relationship outside of work (except where it may be appropriate – for example where there was a pre-existing friendship with the child's family or as part of normal social interaction in the community).
- d. Inappropriate personal communication (including emails, telephone calls, text messaging, social media and web forums) that explores sexual feelings or intimate personal feelings with a child.

An adult requesting that a child keep any aspect of their relationship secret or using tactics to keep any aspect of the relationship secret, would generally increase the likelihood that grooming is occurring.

Sexual Offences

Sexual Offences encompasses all criminal offences involving a sexual element that are 'committed against, with or in the presence of a child'.

These offences include (but are not limited to) the following:

- a. indecent assault
- b. sexual assault
- c. aggravated sexual assault
- d. sexual intercourse and attempted sexual intercourse
- e. possession/ dissemination/ production of child pornography or child abuse material
- f. using children to produce pornography
- g. grooming or procuring children under the age of 16 years for unlawful sexual activity
- h. deemed non-consensual sexual activity on the basis of special care relationships

3. Indicators of Physical, Emotional, Psychological Abuse and Neglect

The following list of indicators is not exhaustive but is a list of possible indicators as provided

by [CPFS Community Services](#).

A single indicator may not always provide conclusive evidence, however, a combination of several indicators should be treated very seriously. The examples of indicators listed may not necessarily be exclusive to a single category.

Indicators should be considered in the context of their consistency with the child's medical history, developmental stage, capabilities and characteristic behaviour or attitudes.

Absence of any indicators does not necessarily mean that a child has not been abused. Professional judgment should also be used when considering whether teachers believe that a child has been abused.

Physical abuse

- Broken bones or unexplained bruises, burns, or welts in various stages of healing
- The child or young person is unable to explain an injury, or explanations given are inconsistent, vague or bizarre
- Direct admissions from the parents that they are concerned that they might harm their child
- Family history of violence
- Marked delay between injury and obtaining medical assistance
- Parent who shows little concern about the welfare of their child or the treatment and care of the injury
- Repeated presentations of the child to health services with injuries, ingestions or minor complaints
- The child or young person is unusually frightened of a parent or carer, or is afraid to go home
- The child or young person reports intentional injury by their parent or caretaker
- Arms and legs are kept covered by inappropriate clothing in warm conditions
- Ingestion of poisonous substances including alcohol or drugs
- Avoidance of physical contact by the child (particularly with a parent or carer)

Emotional or psychological abuse

- The parent or caretaker constantly criticises, threatens, belittles, insults, or rejects the child or young person with no evidence of love, support, or guidance
- The child/young person exhibits extremes in behaviour from overly aggressive to overly passive
- Delayed physical, emotional, or intellectual development
- Compulsive lying and stealing
- High levels of anxiety
- Lack of trust in people
- Feelings of worthlessness about life and themselves
- Eating hungrily or hardly at all
- Uncharacteristic seeking of attention or affection
- Reluctance to go home
- Rocking, sucking thumbs or self-harming behaviour
- Fearfulness when approached by a person known to them.

Ill-treatment

- Disciplining or correcting a child in an obviously unreasonable and seriously inappropriate manner;

- Making excessive and/or degrading demands on a child;
- Hostile use of force towards a child;
- Pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour towards a child.

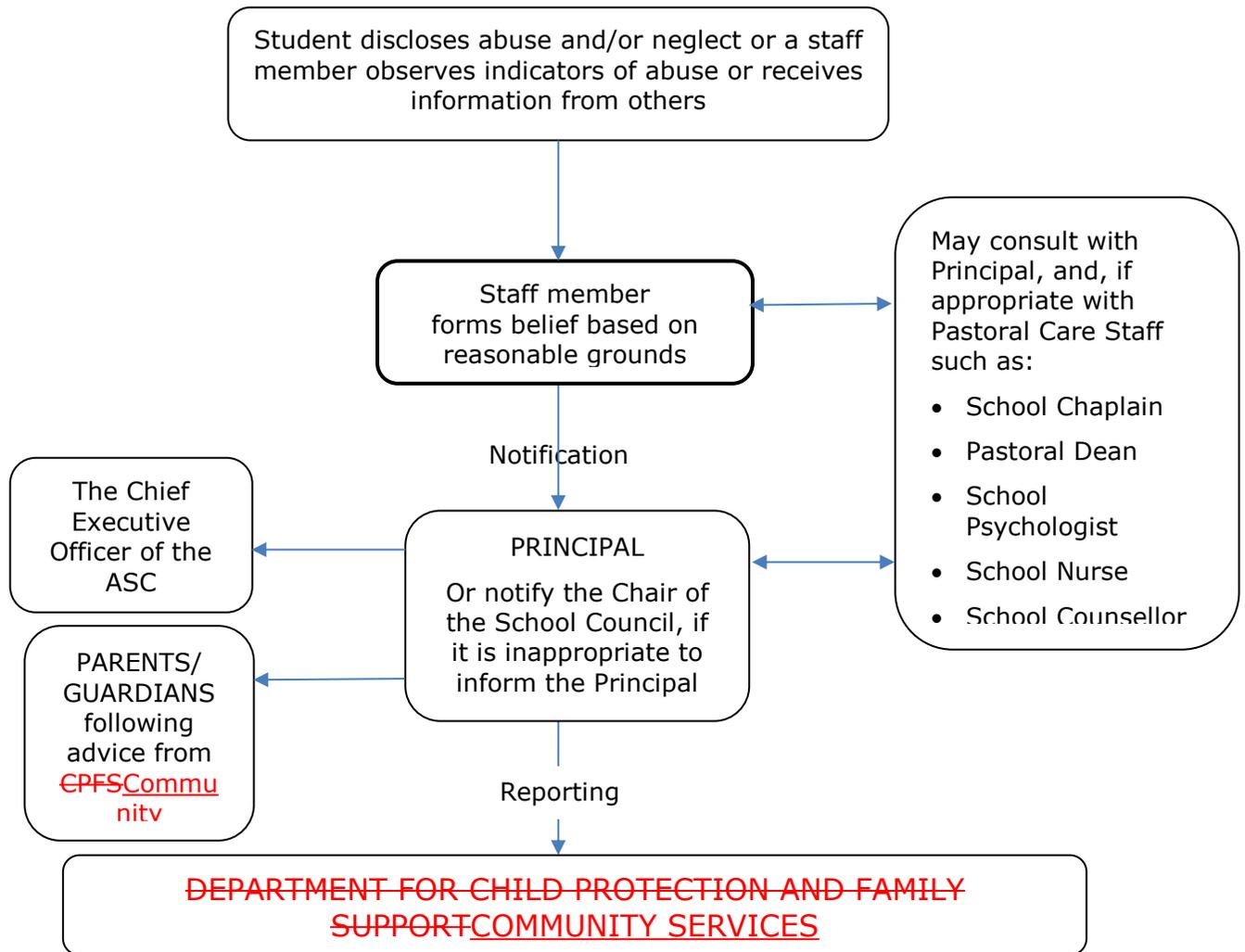
Neglect

- Signs of malnutrition, begging, stealing or hoarding food
- Poor hygiene: matted hair, dirty skin, or severe body odour
- Unattended physical or medical problems
- The child or young person states that no one is home to provide care (inadequate supervision, failure to ensure safety)
- Child or young person appears constantly tired
- Frequent lateness to school or absence from school
- Inappropriate clothing, especially inadequate clothing in winter
- Alcohol and/or drug abuse present in the household
- Frequent illness, low grade infections or sores
- Hunger.

4. Reporting Procedures for all School Staff

- 4.1** School staff have a duty of care to take the necessary action to ensure the child is protected from further harm but it is **not** their role to conduct a detailed investigation or to confront the suspected perpetrator or to intervene with the child's family. School staff do not have to prove that a child or young person has been harmed. This is the responsibility of specialist child protection workers and possibly the police.
- 4.2** School staff who have concerns that abuse or neglect are occurring must inform the Principal. They are to keep brief, written, dated notes of their suspicions or observations and give them to the Principal, who will store these confidential notes in a secure place. Anecdotal records and other written information must be regarded as confidential and used in a professional manner. They may be subject to a court order that the records be made available to the court and to other persons for the purpose of legal proceedings.
- 4.3** If a student starts to disclose in class or any other public area, the staff member should use the strategy of protective interrupting (see the *Child [Safe-Protection Policy - NSW](#)* for further information).
- 4.4** If a student discloses to a staff member in private and tries to elicit a promise that the teacher will not tell anyone, it is important for the staff member to explain that he/she has concerns about the student's safety and will have to take action to ensure the student is protected from further abuse. This will include informing the Principal. (For detailed information about dealing with a disclosure, see the *Child [Safe-Protection Policy - NSW](#)*.)
- 4.5** Once direct disclosure has been made, the Principal **must** be informed.
- 4.6** Staff members must not engage in general staffroom discussion about a disclosure.
- 4.7** School staff who have access to information regarding suspected or disclosed child abuse or neglect have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.
- 4.8** Should allegations of abuse be made against the Principal, the staff member should not inform the Principal but must go directly to the Chair of the School Council.

Notification Steps for reporting physical, emotional, psychological abuse, Ill-treatment and/or neglect of a child



5. Roles and Responsibilities of other parties in relation to child abuse and neglect

Note: the full list of Roles and Responsibilities in all aspects of Child Protection are covered in the Child Safe-Protection Policy - NSW and must be read in conjunction with this policy.

5.1 The Anglican Schools Commission

5.1.1 If a formal notification has been made to the Community Services, the Principal should inform the CEO of the ASC as the official representative of the School Authority, and as part of the school's critical incident procedures.

5.1.2 The Anglican Schools Commission Office will:

- If necessary, assist the Principal or her/his delegate when a case of child abuse or neglect is disclosed, or where there is belief, on reasonable grounds that abuse or neglect has occurred, to follow the procedures on notification of abuse or neglect to the appropriate child protection authority or service.
- Assist the Principal in ensuring that members of staff and students of the school making the referral are offered appropriate support to adjust to any consequences of the referral.

5.2 Ombudsman Act - General

Part 3A of the Ombudsman Act requires the heads of non-government schools in New South Wales, to notify the New South Wales Ombudsman of all allegations of reportable conduct by an 'employee' and the outcome of the School's investigation of these allegations.

An 'employee' includes employees, contractors, volunteers, work experience participants, clergy, and ministers of religion and instructors of religion who provide pastoral or liturgical services. In this part where there is a reference to an employee it includes all of these persons.

5.3 The Ombudsman

The Ombudsman:

- a. 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;
- b. must receive and assess notifications from non-government schools concerning reportable conduct or reportable convictions;
- c. is required to oversee or monitor the conduct of investigations by non-government schools into allegations of reportable or reportable convictions;
- d. 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;
- e. 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 (e.g. arising out of complaints by the person who is the subject of an allegation); and

- f. may undertake 'own motion' investigations of non-government schools where the Ombudsman considers it appropriate to do so, including where there is evidence of systemic failure or serious conflict of interests.

5.4 The Principal

- 5.4.1 The Principal is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse and neglect.
- 5.4.2 The Principal must ensure that the school's pastoral care and/or curriculum structures address the issue of child abuse and neglect and protective behaviours.
- 5.4.3 The Principal must ensure that all staff members receive appropriate training in the detection and reporting of child abuse and neglect.
- 5.4.4 The Principal's role is not to investigate any disclosure or strong concern about the well-being of a student, but he/she must report the matter to [Community Services](#)~~the CPFS~~, to the CEO of the ASC, and to the [Department of Education Services](#)~~Board of Studies Teaching and Educational Standards NSW (BOSTES)~~ if a critical incident.
- 5.4.5 Advice must be sought from the [CPFS-Community Services](#) or the Police in regard to providing any information to others, including the parents/guardians, about the report or the child concerned.
- 5.4.6 Should any disclosure or strong concern of abuse relate to the behaviour of a staff member, the Principal must report the matter to the Professional Standards Unit (PSU) of the Diocese of [SydneyPerth](#) and to the CEO of the ASC.
- 5.4.7 The Principal must retain records of all communication with the [CPFSCommunity Services](#), the Police, the PSU and the CEO of the ASC and the subsequent actions, of which he/she is privy. All records must be stored in a secure place to ensure confidentiality and kept separate from any other file on the student. There should be an indication on the student's general file that other confidential records are being kept separately without revealing the nature of those records.
- 5.4.8 The Principal, with the assistance of the appropriate Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse, or Counsellor), must undertake ongoing support for the staff member, the student and anyone else affected by this process or its outcomes.

5.5 ~~The Department for Child Protection and Family Support~~[Community Services](#)

- [5.5.1 Community Services is a division of the Department of Family and Community Services. Community Services' main focus is on a supporting vulnerable families and keeping children and young people safe from abuse and neglect.](#)
- [5.5.2 In the case of a mandatory reporter, the mandatory reporter must provide a report to the Child Protection Hotline of Community Services.](#)
- [5.5.3 Community Services has the responsibility of deciding how to proceed with reports and will supply feedback to the reporter.](#)
- [5.5.4 The Child Protection Hotline and the Duty Officer at the local Community Services office can be used initially in a consultative role if either the Principal or the teacher is concerned about a child and unsure of what action to take.](#)
- [5.5.5 Community Services has the authority to interview the child at school before](#)

contact is made with the parent/guardian. The Principal will be notified by Community Services before the interview and the child may be given the option of having support at the interview from a staff member of their choosing. The ability to have a support person will be at the discretion of Community Services.

5.5.6 Community Services officers may remove a child from school if they have the permission of the parent/guardian. They may also apprehend a child without warrant and take them into care if they believe that the child is in need of care and protection.

~~5.5.1 The CPFS is the government department with the statutory authority to investigate concerns relating to child abuse and neglect in WA.~~

~~5.5.2 All disclosures or strong concerns of abuse or neglect are to be reported by the Principal to the Duty Officer at the nearest local district or regional office or CPFS.~~

~~5.5.3 The Duty Officer at the local CPFS office can be used initially in a consultative role if either the Principal or the staff member is concerned about a child and unsure of what action to take.~~

~~5.5.4 The CPFS has the authority to interview the child at school before contact is made with the parent/guardian. The Principal will be notified by CPFS before the interview and the child may be given the option of having support at the interview from a staff member of their choosing. The ability to have a support person will be at the discretion of CPFS.~~

~~5.5.5 CPFS officers may remove a child from school if they have the permission of the parent/guardian. They may also apprehend a child without warrant and take them into care if they believe that the child is in need of care and protection.~~

5.6 The ~~Western Australia~~New South Wales Police

5.6.1 The ~~NSW~~WA Police may play a role in responding to allegations of child abuse and neglect when informed by ~~Community Services~~the CPFS.

5.6.2 The ~~NSW~~WA ~~Police Service~~ ~~Child Abuse Investigation Team~~Sex Crime Squad will intervene in instances where it is believed that a criminal offence has occurred which may lead to criminal charges being laid.

5.7 The Professional Standards Unit of the Diocese of ~~Perth~~Sydney

5.7.1 The Professional Standards Unit (PSU) investigates reports of sexual misconduct and child abuse made against an employee of the Anglican Church and its incorporated bodies and unincorporated organisations.

5.7.2 School Principals must refer to the PSU any disclosures or strong concerns relating to the behaviour of staff members. The identity of the reporter must be protected at all times, in line with the ~~Children and Community Services Act 2004~~relevant legislation.

5.7.3 The PSU will investigate the matter and make a recommendation to the school.

6. Procedures for the Principal for when an allegation of reportable conduct is made.

6.1 Initial steps

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

- a. determine on face value whether it is an allegation of reportable conduct;
- b. assess whether Community Services or the Police need to be notified (i.e. if reasonable grounds to suspect that a child is at risk of significant harm or criminal offence – see Mandatory Reporting of Children at Risk of Significant Harm Policy and Procedures – New South Wales for further information);
- c. notify the child's parents (unless to do so would be likely to compromise the investigation or any investigation by Community Services or the Police);
- d. notify the Ombudsman within 30 days of receiving the allegation;
- e. carry out a risk assessment and take action to reduce/remove risk, where appropriate;
- f. investigate the allegation or appoint someone to investigate the allegation; and
- g. notify the CEO of ASC.

6.2 Investigation principles

The School will:

- a. be mindful of the principles of procedural fairness;
- b. inform the person subject of the allegation (PSOA) of the substance of any allegations made against them and provide them with a reasonable opportunity to respond to the allegations;
- c. make reasonable enquiries or investigations before making a decision;
- e. avoid conflicts of interest;
- f. conduct the investigation without unjustifiable delay;
- g. handle the matter as confidentially as possible; and
- h. provide appropriate support for all parties including the child/children, witnesses and the PSOA.

6.3 Investigation steps

In an investigation the Principal or appointed investigator will generally:

- a. interview relevant witnesses and gather relevant documentation;
- b. provide a letter of allegation to the PSOA;
- c. interview the PSOA;
- d. consider relevant evidence and make a preliminary finding in accordance with the NSW Ombudsman guidelines;
- e. inform the PSOA of the preliminary finding and provide them with an opportunity to respond;
- f. consider any response provided by the PSOA;
- g. make a final finding in accordance with the NSW Ombudsman Guidelines;
- h. decide on the disciplinary action, if any, to be taken against the PSOA;
- i. apply the NSW Office of the Children's Guardian (OCG) Guidelines and decide if the matter is reportable to the OCG; and
- j. send the final report to the Ombudsman and report to the OCG (where required).

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 Community Services or the NSW 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.

7. Procedures for the Principal to fulfil Risk Management obligations

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.

7.1 Initial risk assessment

One of the first steps following an allegation of reportable conduct against an employee is for the Principal to conduct a risk assessment. The purpose of this initial risk assessment is to identify and minimise the risks to:

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

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

- a. the nature and seriousness of the allegations;
- b. the vulnerability of the child(ren) the PSOA has contact with at work;
- c. the nature of the position occupied by the PSOA;
- d. the level of supervision of the PSOA; and
- e. 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, 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.

Please Note: 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.

7.2 Ongoing Risk Management

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

7.3 Risk Management at the Conclusion of the Investigation

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.

As a result of the allegations, investigation or final findings, the Principal may take disciplinary action against the PSOA (including termination of employment). In relation to any disciplinary action, the Principal will ensure that:

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

The Professional Standards Unit will also be involved in this process and will recommend the course of action to the Principal.

8. Information provided to the PSOA by the Principal

The PSOA will be advised:

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

The PSOA does not automatically have the right to:

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

The WWC Act enables a person who has a finding referred to the NSW Office of the Children’s Guardian (OCG) under the Act to request access to the records held by the School in relation to the finding of misconduct involving children (see Part C section 3 of the Ombudsman Act).

The Roles and Responsibilities of the ASC, the Principal (in addition to his/her role as the Head of Agency), the NSW Police Force and the Professional Standards Unit are covered in the Child Safe Policy – NSW.

APPENDIX A**Questions and Concerns****Must I keep written records?**

As a staff member you should keep brief written records of your observations including dates, the nature of the indicators and injuries, if any. Principals are also expected to keep written records of the notification. Student Services personnel should also keep records of their involvement in such cases (e.g. the school nurse should keep records of physical indicators, and the Chaplain and other Student Services personnel keep records of behavioural and family indicators). All these records must be treated as highly confidential and stored securely and separately from other student records.

Can the written records I keep be used in evidence?

Yes. If the investigating officers want to use the school's written records they must apply in writing to the Principal. All types of official records kept in these cases may be the subject of court orders that the records be made available to the court and to other persons for the purposes of legal proceedings. If the Principal or a teacher receives a subpoena, the CEO of the ASC must be notified and legal advice sought through the Anglican Schools Commission Office.

Is there a time limit on suspected offences? Am I expected to report an offence that happened, for example, five years ago?

There is generally no time limit on laying charges for offences relating to child abuse and neglect. That is a matter for the appropriate prosecuting authority. All suspected cases of child abuse and neglect should be reported, irrespective of when they may have occurred. The decision about whether to proceed with prosecution will be made by the appropriate external agency.

How soon after finding out about a case of child abuse or neglect am I expected to make a notification?

Notification is to be given promptly to the Principal, who must report the situation to the Department for Child Protection and Family Support. It is recommended that you make the notification to the Principal on the same day as you find out.

Can I be called to give evidence?

Yes, a staff member can be called to give evidence. The most likely time when a staff member (notifier) would be required to appear in court is when they have received a disclosure from a child, and this was the first time the child had disclosed the abuse.

What will happen if I have to go to court? What legal support will the Anglican Schools Commission provide?

If you are called to give evidence in a child protection case, you will not lose pay. Ensure that your Principal is informed if you are required to attend court. The Anglican Schools Commission office can arrange for legal support and advice on making statements. Ensure that you prepare yourself for the courtroom experience and arrange to communicate directly with your legal representative prior to the hearing.

Am I expected to report abuse if the perpetrator is a colleague or someone I know?

Yes. The identity of the perpetrator is irrelevant to the responsibility of teachers to report. The procedures outlined in this document apply, whoever the perpetrator is.

Does the offender have to be told who notified?

It is the policy of the ~~Department for Child Protection and Family Support~~Community Services –and the ~~NSW~~WA Police not to reveal the identity of persons notifying child abuse and neglect. However, where a person who has notified an alleged offence is required to give evidence, their identity may be revealed in those proceedings. In extremely limited circumstances a court may also order that information which could identify the person who notified an alleged offence be disclosed. Any breaches of this policy should be reported to the Principal who in turn will advise the CEO of the Anglican Schools Commission.

It is important to note that the safety and welfare of the child is all important and that this is the primary concern of the school, the Anglican Schools Commission and the ~~Department for Child Protection and Family Support~~Community Services. No action will be taken which may jeopardise the safety of the child.

APPENDIX B

Dealing with a disclosure

A student who discloses abuse or neglect will often do so with great hesitation and with feelings of fear and guilt. Frequently they only hint or tell part of the story to see how the teacher reacts before fully disclosing.

A disclosure can often arouse strong feelings in the person to whom the disclosure is being made. Such reactions may include shock, anger and helplessness. It is important to be aware and in control of these feelings and that they be dealt with following the disclosure. Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse or Counsellor), may be of assistance in this regard.

It is not easy for students to disclose abuse or neglect as they may previously have been coerced, bribed or threatened into secrecy. They may need repeated reassurance that you believe them and that it was right to tell.

Public disclosure

It is possible that a student may start to disclose in class or with a group of other students. If disclosure does begin in a public area it is important for the teacher to use the strategy of **protective interrupting**, namely:

- Acknowledge that you have heard the student and stop him/her disclosing any further;
- Be supportive and gently indicate that she/he may want to talk to you about it in a more private situation; and
- Quietly arrange to see the student as soon as possible, such as after the lesson, away from the other students.

Private disclosure

The teacher's role is to listen actively to what the student may say but not push for details, or conduct an investigation:

- Remain calm and try not to express panic, shock or disbelief;
- Acknowledge that it can be difficult to talk about such things;
- Reassure the student that it is right to tell and emphasise your belief in her/him;
- Emphasise that the student is not to blame;
- Assure the student that they have the right to feel safe;
- Accept what is said by the student (only **minimum information** is required for action);
- Do not ask questions as this could contaminate any future evidence;
- Do not to express a judgement about the alleged perpetrator;
- Use appropriate vocabulary when speaking with the student;
- Do not promise not to tell;
- Tell the student that the matter will be reported to the appropriate authority;
- Allow the student the option of having your support during the initial agency interview; and
- Reassure the student that support will continue at school.