

**FILE COPY****NSW Ombudsman**Level 24 580 George Street  
Sydney NSW 2000

Phone 02 9286 1000

Fax 02 9283 2911

Tollfree 1800 451 524

TTY 02 9264 8050

Web [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

## Final Audit Assessment:

**Agency Name:**

Knox Grammar School

**Agency Contact**

Mr Peter Weekes

Principal

Phone: (02) REDACTED

**Agency Type:**

Non Government Independent Boarding School

**Date of site visit:**

16 &amp; 17 September 2003

**Ombudsman Officer:**

Kylie Symons

Elizabeth Le Brocq

### **General Comments:**

- Staff showed a professional respect for the skills and experience of the executive management team. Staff saw themselves as a cohesive group and stated that they felt supported by each other and by management.
- Staff focus was on continued encouragement and support for the students.
- Staff had a good understanding of child protection issues and their responsibilities to report concerns to respective supervisors and to the Principal.
- Students indicated they felt respected, supported and were treated fairly by staff.
- The school emphasised the professional development and learning needs of teaching staff and we were informed it is in the process of linking the professional development of staff with the staff evaluation process.
- The school also emphasised the professional development and practical education skills for boarding staff. The program for boarding staff was well coordinated and structured with consideration of students' welfare and pastoral care.
- The school had developed and demonstrated a culture that was not tolerant of bullying behaviour. The school had a clear and concise 'anti-bullying' policy that was proactively reinforced to students and staff. The students appeared to have an understanding of the importance of notifying and preventing bullying behaviour.

### **Recommendations**

#### That Knox Grammar School

1. Reviews and updates the school and boarding school child protection policy (refer to pages 4 and 8 for suggested information to be included in the school's child protection policy). Includes the updated child protection policy in the school's handbooks.
2. Requests that the Association of Independent Schools (AIS) provides the school with an updated version of its protocol for undertaking disciplinary investigations, if available and/or with information to replace outdated legislation.
3. Provides information and training to all staff about the school's code of conduct and relevance to child protection legislation.
4. Develops a central register for complaints, including child abuse allegations against employees (refer page 8)
5. Includes information about the complaints procedure (including allegations of child abuse against employees) in the 'Student and Parent Handbook', 'Boarding Staff Handbook' and 'Staff Handbook'.

## 1. PREVENTING & RESPONDING TO ALLEGATIONS OF CHILD ABUSE

**Issues to be considered** – Roles and responsibilities of staff, clear reporting procedures, prohibited practices, knowledge of offender behaviour, clear investigation guidelines and procedural fairness.

### COMMENTS:

#### Reporting abuse:

- All staff interviewed demonstrated a good understanding of what behaviours constituted child abuse and that child abuse allegations against a staff member would be reported to respective supervisors which were identified as the Director of Boarding, the Director of Students or the Director of Staff. Each of the Directors indicated that the information would be provided to the Principal who had the responsibility to notify the Ombudsman.
- One staff member indicated that if a person did not want to make a complaint about child abuse that the staff member would go to the school counsellor. We are concerned that staff may not understand their requirements to report all child abuse allegations against employees to the Principal regardless of the complainant's wishes about reporting the information.
- Staff members indicated they were confused about the different roles and reporting requirements of child abuse to the Department of Community Service (DoCS) and to the Ombudsman.
- One clinic staff member indicated that if a parent made a complaint of child abuse against them, the clinic member would contact and discuss the allegation with the parent. It appeared that clinic staff had good relationships, professional communication lines with parents and could discuss issues openly with them however, they may require education about the requirements of reporting child abuse allegations against themselves and/or staff members to supervisors and to the Principal.

#### Child Protection Policy

- The school provided a two page document titled 'The Knox School policy on child protection' and a document titled 'Boarding School policy statement no.1 – Child Protection'. Both documents had information which concerned reporting obligations to DoCS. The documents did not contain sufficient information about: identifying and reporting child abuse allegations against employees to the Principal and the Ombudsman; the role of the Commission for Child and Young People (CCYP); investigation processes and who was responsible within the school for conducting the investigation including responsibility for record keeping, documentation and procedural fairness. (We noted that the school included documentation from the Association of Independent Schools (AIS) NSW and the NSW/ACT Independent Education Union's recommended protocols for investigations).
- The Boarding School Child Protection Policy had information about the types of child abuse that were notifiable. The policy included information about what constituted 'reasonable grounds to suspect' a child is at risk of harm for the purposes of making a report to DoCS. However it did not include information about reporting all 'allegations' of child abuse against employees to the Ombudsman which is a different reporting requirement to DoCS.
- The school provided an extract from the AIS protocol (pages 13-21) as amended on 20 March 1999 which referred to sections of the *Children (Care and Protection) Act 1987*. The document noted that the *Children and Young Persons (Care and Protection) Act 1998*, the *Commission for Children and Young People Act 1998* and the *Child Protection (Prohibited Employment) Act 1998* were yet to be proclaimed. The document also noted 'This page will be replaced when details of the Acts are provided'. The Acts identified have been proclaimed and the information should be updated.

Continued next page 4....

- The school provided a flow chart which outlined the action that would occur if a 'child at risk' report was being made to DoCS.
- The school's staff handbook (blue) included information about 'Identifying and notifying child abuse'. The document contained information about the types of child abuse including sexual abuse, emotional abuse and domestic violence. The document also contained information about mandatory reporting to DoCS and the process of reporting to DoCS. This document did not include information about the process and legislative requirements of reporting child abuse allegations against employees.

***Suggested areas for improvement:***

That the school:

1. Reminds school staff as soon as possible of the requirements to notify the Principal of all child abuse allegations against school employees regardless of the complainant's wishes.
2. Expands the school's and boarding school's child protection policy to clarify:
  - a. the definition of 'child abuse' and 'allegation' under the *Ombudsman Act 1974*;
  - b. the schools reporting process when a child abuse allegation is made against an employee;
  - c. the definition of 'employee' under the *Ombudsman Act 1974* included anyone engaged by the school to provide services to children, including: contractors, sub-contractors, volunteers, work experience participants, student placements eg. tertiary students and clergy, ministers of religion and/or visiting religious instructors;
  - d. the steps involved in investigating child abuse allegations against employees, including information about the process for interviewing the subject of the allegations (procedural fairness), alleged victims and other witnesses such as students and staff;
  - e. identification of who within the school will undertake the investigation, including the risk assessment, planning and record keeping; and
  - f. the process whereby parents would be informed of the alleged child abuse.

(NB: A copy of the Scot's College child protection policy was provided to the school as an example of our expectations of information that the school should provide in its child protection policy. We can assist by assessing and providing feedback on any draft child protection policy that it develops.)
3. Requests AIS to provide an updated version of its protocol for undertaking disciplinary investigations, if available and/or information to replace the outdated legislation.
4. Provides education and training to staff members about the school's code of professional conduct.
5. Provides information to clinic staff about the process of reporting child abuse allegations against school employees to the Principal.

## 2. EFFECTIVE MANAGEMENT PRACTICES

**Issues to be considered** – Recruitment, employee screening, induction, staff development and training, legislative changes, supervision, discipline framework, strategic planning and review, input by service users and staff, teamwork, decision making, policy implementation and review:

### COMMENTS:

#### Recruitment

- The school conducted referee checks of new staff and asked questions during the interview process about prior employment and the reasons for changes in employment.
- The school provided information to job applicants about the *Child Protection (Prohibited Employment) Act 1998* and a Working with Children Check was completed prior to the school sending a 'letter of appointment' to a potential employee.
- The school required people who provided a service to the school and/or the students in the school to sign a declaration that they are not a 'prohibited person'. The school identified paid employees, self-employed music teachers who work at the school, referees/coaches provided by other organisations and contractors. I noted a document which stated that '*We should make as part of our negotiations that their [outside contractors] employees sign a declaration as part of the tendering process/contract*' - document by Martin Gooding dated 23.6.2000.

#### Induction:

- The school had a one day induction process for all new staff. The induction process included information on school policies which included the child protection policy.
- Casual staff were provided by an agency and the extent of school induction process for casual staff depended on the duration of the casual appointment at the school.

#### Training /professional development (school teaching staff)

- A staff member indicated that staff were trained initially in the child protection legislation however recommended that regular follow up was required to 'keep it in our minds'.
- The school had a staff day at the start of each term for the purpose of education and to discuss school issues.
- One staff member indicated that the school was trying to encourage teachers who have completed courses to share information in a professional learning forum, as one day a term was not sufficient to provide education and learning.

#### Training/professional development (Boarding staff)

- The Director of Boarding had developed a program for the professional development for Boarding House Masters to ensure they received both practical and professional knowledge. As part of that program all boarding supervisors and staff were required to complete a certificate course in residential care, which included information on duty of care. Staff members progress in the course was monitored by the Director of Boarding.
- The Director of Boarding had informal and formal process for dealing with staff performance.
- The school indicated that due to the 'transitory' nature of resident staff, there was no entrenched culture within the boarding houses of outdated practices.

#### *Suggested areas for improvement:*

That the school:

1. Ensures personnel records reflect that all staff, including all boarding staff had attended child protection training.
2. Has put a process in place to ensure outside contractors do sign a prohibited employment declaration as part of the tendering process (as recommended by Martin Gooding on 23.6.2000).

### 3. ISSUES FOR STAKEHOLDERS

**Issues to be considered** – Involvement of children and families, cultural sensitivity, complaints and grievances, appeals mechanism, rights of service users, case management/programming, managing challenging behaviours, protective behaviours, community education, volunteers, management boards.

#### COMMENTS

##### Complaint procedures

- The school informed us that it has a complaint process for parents. If the complaint was about a student disciplinary issue, the matter was referred to the Director of Students and if the complaint was about a staff member, the Director of Staff would respond. If the complaint could not be resolved it could be referred to the Deputy Headmaster. The Principal was the avenue for 'appeal' if a complaint could not be resolved at other levels.
- The school advised that complaints from parents would go into the child's file. The Principal acknowledged that it would be difficult to measure and track complaints however he stated he would see or hear about most complaints from his senior staff.
- Students interviewed nominated at least two staff members they felt they could go to and who would respond to and handle most of their concerns.
- The school had a grievance procedure for internal staff and employer complaints.

##### Information to parents:

- The school provided a weekly newsletter to parents about school events and information.
- The school had a 'Board of Parents' Association which met at the end of every term where issues and parents' concerns could be discussed.
- The school provided parents of boarding students a 'Student and Parent Handbook' which contained information about: contact telephone numbers for each boarding house master, Director of Boarding and the clinic, daily/weekly routines of students and the school's leave policy.
- Boarding masters encouraged parents to telephone them to discuss issues about their children.
- The school indicated it had overseas and distance boarding students and the school provided a 'Boarder Support Scheme'. The school assisted parents of these students to find a local 'host family', the 'host family' would provide the overseas/distance students with support including weekend visits to the 'host family' home, attendance at school events or birthdays of the student. The school was unsure as to whether it required the 'host parents' to sign a prohibited employment declaration prior to being placed on the list. We consider that a child abuse allegation against a member of a host family would be a matter that the school was required to notify to the Ombudsman. The school assists students to find a host family and in this role the school is supporting and assisting this process. We consider that the host family members are 'employees' for the purposes of Part 3A of the *Ombudsman Act 1974*.

##### *Suggested areas for improvement:*

That the school:

1. Develops and provides guidelines to parents about the procedure for reporting any complaints (including allegations of child abuse against employees) that they may have about the school. All complaints should be documented and the records retained.
2. Includes information about parent and student complaint procedures in the 'Boarding – student and parent handbook'.
3. Advises parents and students about the Ombudsman reporting requirements of child abuse allegations against employees.
4. If not already doing so, requests parents sign a prohibited employment declaration before their names are placed on the 'host family' list for the Boarder Support Scheme and advise them of the schools obligations to report child abuse allegations against employees which includes host family members to the Ombudsman.

## 4. RISK ASSESSMENT OF ENVIRONMENT

**Issues to be considered** – OH&S issues, accident reporting, emergency procedures, infection control and medication, vehicles, living environments, Use of restraint, policies and procedures, individual case management programs, training for staff re use of restraint and managing challenging behaviour, recording use of restraint, advising parents, strategies for managing challenging behaviour

### COMMENTS:

#### Policies and procedures

- The school had a well structured critical incident plan and excursion policy, leave policy and OH&S policy.

#### Managing difficult behaviour

- The school indicated that physical restraint of students was rarely, if ever an issue at the school. The school provided information about the 'Do's and don'ts of restraint in its staff handbook (blue).
- The school reinforced the need for staff to develop skills to manage difficult behaviour and diffuse situations.
- The staff reported they could get support and advice about difficult students from Department Heads and/or the school counsellor.
- The Director of Boarding reported that if a child was identified as having behaviour issues or diagnosed with a disability, he would provide education to the boarding staff about the nature of the condition so that they could be aware of what to expect and to provide alternatives on how to manage that behaviour.

#### Identifying children at risk

- The school indicated it had weekly meetings to discuss 'boys at risk' in relation to their emotional/psychological wellbeing. The meetings involved the Year Master, School Counsellor and Director of Students.
- The School Counsellor was nominated by staff as being a valuable resource and support to them. Staff reported that the School Counsellor would bring issues which involved children at risk to the attention of Department Heads.

#### Environment/Boarding

- We visited one boarding residence of junior students. The sleeping area was divided by barriers for privacy and two students slept within the confines of the barriers. The barriers were of a height to permit visibility across the room.
- Boarding students reported they felt safe within the boarding residences and two boarding staff were always on duty to supervise.
- The boarding students indicated they were not permitted in the boarding master's residence and if they had any issues they could be discussed in the common rooms.
- Boarding rules for staff and students were contained in the Boarding Staff Handbook (yellow) which also included the School Welfare and Discipline Policy.
- Boarding staff were required to maintain their resuscitation and first aid skills annually.

#### *Suggested areas for improvement:*

That the school:

1. Includes information in its Boarding Staff Handbook (yellow) and Boarding Parent and Student Handbook about the school's child protection policy including reporting child abuse allegations against employees to the Principal and the Ombudsman.
2. Provides information and training to boarding staff about physical restraint of students.

## 5. DOCUMENTATION

**Issues to be considered** – Record keeping systems, confidentiality, and privacy.

### COMMENTS:

- The school keeps information about child abuse notifications to the Ombudsman in a locked area within the Principal's office. We did not view that documentation or location of those files.
- Complaints were stored on student's or staff files.
- The school's policies and procedures appeared to be in various school handbooks and were provided to us in a folder. The school indicated that it is in the process/or has developed a Knox School intranet site and it intended to put school policies on that for access by staff.
- The school had two open notifications of child abuse allegations against employees. One of those matters is related to an incident which occurred on 21 December 2001 (our reference C/2002/252). I have provided separate feedback to the school about my concerns relating to the school's documentation of information during its investigation process.

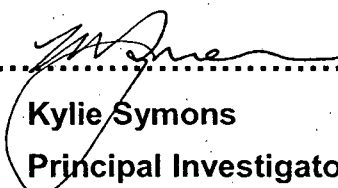
### Suggested areas for improvement:

That the school:

1. Considers including in its child protection policy information about record keeping practices. This could include information about:
  - i. the purpose of the documentation;
  - ii. what information will be kept and why it is kept;
  - iii. where the information will be kept; and
  - iv. who needs to see the documentation and how it will be used.

(We have included our fact sheet on 'Keeping Records' to assist you.)
2. Maintains a central complaint register of all complaints it receives about its employees, including any complaints about ancillary staff, volunteers, students, contractors, private tutors providing tuition on school premises. A centralised register of complaints assists in demonstrating that the school has a transparent and accountable process for dealing with issues as well as assisting management to identify particular complaint trends. The register should include the following details:
  - i. the identity of the complainant;
  - ii. the identity of the person against whom the complaint has been made;
  - iii. details of the complaint or concern;
  - iv. details of the action taken in response to the complaint; and
  - v. the outcome.

Signed: .....

  
Kylie Symons  
Principal Investigator

Date: 14/1/2007.....