



Royal Commission
into Institutional Responses
to Child Sexual Abuse

Statement

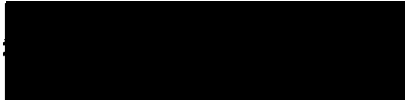
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Occupation Acting Leader, Policy and Information Management

Date 18 October 2013

1. This statement made by me accurately sets out the evidence that I am prepared to give to the Royal Commission into Institutional Responses to Child Sexual Abuse. The statement is true and correct to the best of my knowledge and belief.
2. I am the Acting Leader Policy and Information Management within the Learning and Business Systems Directorate which is part of the Public Schools New South Wales portfolio within the Department of Education and Communities (**the Department**). I have been in that position since August 2013. I have been in the employ of the Department for 30 years and have held a variety of teaching and regional and State Office positions.
3. The purpose of this statement is to identify the policies issued by the Department applying to Out of School Hours (OOSH) care run by third parties on NSW government schools premises.
4. The Learning and Business Systems Directorate currently has responsibility for the Community Use of School Facilities policy. Annexed hereto and marked **CB1** is a copy of the current version of that policy which was issued in 2009.
5. The responsibility of the Directorate, however, is limited to policy development and review. Operational and implementation responsibility for the policy rests with the Department's Asset Management Directorate.
6. Prior to the Learning and Business Systems Directorate assuming responsibility for the policy from 29 January 2013, responsibility for the policy was with Director School and Regional Policy, Office of Schools.
7. The Department first issued a Community Use of School Facilities Policy Statement and Implementation Procedures in 1994. That document provided advice to principals

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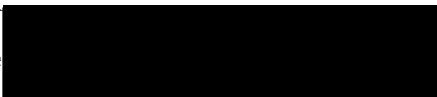
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on issues to be taken into account when allowing community use of school facilities. This included use by Out of School Hours (OOSH) Centres, however there were no specific provisions relating to OOSH Centres. A copy of a standard licence agreement for use by schools was included in the policy at Annexure 1. Annexed hereto and marked **CB2** is a copy of that policy dated 1994.

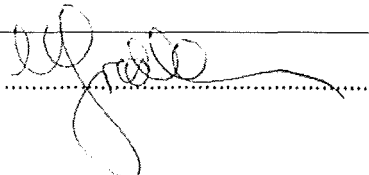
I am not aware of any subsequent policy on OOSH care issued by the Department until 2009. However on 25 November 2004 the Department issued the Guidelines for Not-For-Profit Out of School Hours Centres in NSW Government Schools document ("**the Guidelines**"). The Guidelines purport to supersede the provisions on not-for-profit Out of School Hours Centres contained in the Department's 1994 policy referred to above. It also includes provisions dealing with child protection which required an OOSH Centre to register with the Commission for Children and Young People in accordance with the *Child Protection (Prohibited Employment) Act 1998* and have all staff complete a working with children check. OOSH operators were obliged to provide confirmation in writing that all employees of the service had submitted a prohibited employment declaration to the service provider and had satisfactory working with children check outcomes.

8. Having read the Guidelines, it appears they are directed to both new and established OOSH Centres operating on school sites. The Guidelines indicate a standard licence agreement had been prepared to facilitate the implementation of the guidelines. To date I have not been able to locate a copy of that standard agreement. Annexed hereto and marked **CB3** is a copy of the Guidelines.
9. In 2008 extensive consultation occurred between the Department and a number of stakeholders concerning the development of a new Community Use of School Facilities Policy. Annexed hereto and marked **CB4** is a copy of a submission to the Director General dated March 2009 which provides details of that consultation process.
10. On 31 August 2009 a new Community Use of School Facilities policy came into operation. This new policy superseded the 1994 Policy and the 2004 Guidelines documents. This policy remains the current policy and is annexed above at CB1.
11. The policy indicates that school principals are responsible for ensuring service providers are suitable and that risk and child protection issues are addressed.
12. The policy is accompanied by a number of associated implementation documents. They include procedures for general community use, use of school playing fields and use of school facilities by children's services. There are also template agreements for general use and use by children's services.
13. Annexed hereto and marked **CB5** is a copy of the Community Use of School Facilities for Children's Services Implementation Procedures (**Children's Services Procedures**). The Children's Services Procedures apply to OOSH care.

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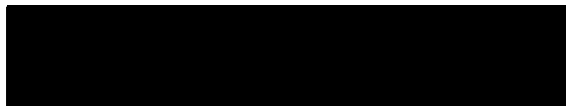


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14. The Children's Services Procedures require principals (clause 8) to ensure the operators of the services complete a Child Protection Declaration which is provided in Attachment 4 of another document which is annexed at CB6 below. This declaration requires the operator to confirm that prohibited employment declarations are completed by all staff and that working with children checks are undertaken. The principal is required to sight the results for all working with children checks undertaken prior to granting approval for the community use to commence.
 15. Annexed hereto and marked **CB6** is a copy of the Community Use of School Facilities Implementation Procedures (General Procedures) which includes the Child Protection Declaration at Attachment 4.
 16. Annexed hereto and marked **CB7** is a copy of the template OOSH licence agreement for use by schools which accompanied the 2009 policy.
 17. On 11 September 2009 a Memorandum alerting principals to the new policy and supporting documentation was issued via the Department's electronic InPrincipal communication. Annexed hereto and marked **CB8** is a copy of that Memorandum.
 18. Some time after September 2009 an amended version of the OOSH licence agreement for Not-for-Profit operators was developed by the Department. I am not aware of all the reasons why this occurred. I am aware however the child protection provisions changed to reflect a change in the relevant legislation. I have been provided with a copy of a document which is an unsigned licence agreement purportedly between Caringbah Public School and the YMCA of Sydney. To the best of my knowledge and belief, I believe this document is a copy of that amended licence agreement. Annexed hereto and marked **CB9** is a copy of that document.
 19. A second amendment has been made to the template licence agreement for OOSH operators. I am not aware of the reasons for these changes or when they occurred. I am aware the provisions relating to child protection have changed to reflect further amendments to the relevant child protection legislation. Annexed hereto and marked **CB10** is a copy of the current licence template to be used for OOSH operators in schools.

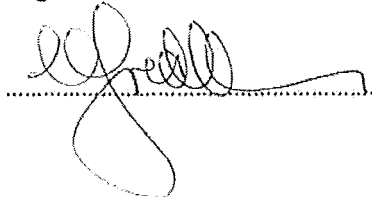
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