

# Australian Islamic College of Sydney

## Child Protection Policy



Australian Islamic College of Sydney policies have a commitment to Australian Islamic ethos and values, and should be read in conjunction with other policies and procedures and with relevant legislation.

### POLICY REVIEW

The policy will be reviewed not less frequently than once every two years.

### POLICY DATES

<b>Implemented</b>	JANUARY 2015	<b>Reviewed</b>	REVIEWED- 6 <sup>TH</sup> FEBRUARY 2023
<b>Next Review Due</b>	FEBRUARY 2024		
<b>POLICY OWNER</b>		<b>POLICY APPROVER</b>	
Mohammed Riaaz Ali PRINCIPAL		School Board	

The Australian Islamic College of Sydney (AICS) is responsible for the care and welfare of all its students. The College makes every effort to protect young people from sexual, physical and emotional abuse, neglect and from improper conduct of sexual nature. The College also tries to provide a safe and supportive learning environment, to promote the wellbeing of students and to protect them from harm.

The College is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse. **Everyone working at the College is responsible for the care and protection of children and reporting information about child abuse.**

If any person believes a child is in immediate risk of abuse, telephone 000 and ask to speak to the Police.

This policy sets out staff and stakeholder responsibilities for child protection and processes that must be followed in relation to child protection matters. This policy applies to all staff members, which includes employees, contractors and volunteers and parents/carers.

Staff members who fail to adhere to this policy may be in breach of their terms of employment.

This document provides direction to the Principal, teachers and other reporters about making a report to Office of the Children's Guardian, Police and Department of Communities and Justice when they have formed a reasonable suspicion that a child or young person has suffered or is suffering sexual abuse or non-accidental physical injury, harmed or is in need of care and protection.

## KEY LEGISLATION

- the Children and Young Persons (Care and Protection) Act 1998 ("Care and Protection Act")
- the Child Protection (Working with Children) Act 2012 ("WWC Act")
- the Children's Guardian Act 2019 ("Children's Guardian Act")
- the Crimes Act 1990 ("Crimes Act")

## RELATED POLICIES

There are a number of other College policies that relate to child protection that staff members must be aware of and understand including (but not limited to):

- **Code of Conduct** - sets out information about the standards of behaviour expected of all staff members;
- **Work Health and Safety Statement** - identifies the obligations imposed by work health and safety legislation on the College and staff members;
- **Discrimination, Harassment and Bullying Statement** (Located within the Code of Conduct policy) - summarises obligations in relation to unlawful discrimination, harassment and bullying;
- **Complaint Procedures Policy**– provides the steps taken by the College in addressing complaints; and

- **Anti-Bullying Policy**-provides information regarding bullying and steps taken to address complaints;

## COMPLIANCE AND RECORDS

The **Principal** monitors compliance with this policy and securely maintains College records relevant to this policy, which includes:

- register of staff members who have read and acknowledged that they read and understood this policy;
- working with children check clearance verifications;
- mandatory reports to Department of Community & Justice; and
- reports of reportable conduct allegations, the outcome of reportable conduct investigations, and/or criminal convictions.
- Provide child protection training to all staff at least annually.
- Inform all staff about their legal responsibilities related to mandatory reporting and reportable conduct.

## CHILDREN'S PROTECTION

### Child Protection Concerns

The safety, protection and welfare of students is the responsibility of all staff members and encompasses:

- a duty of care to ensure that reasonable steps are taken to prevent harm to students which could reasonably have been foreseen
- obligations under child protection legislation

**Child Abuse and Neglect** may fall into the following categories:

- Non-accidental physical injury (physical abuse) – includes injuries caused by excessive discipline, beating or shaking, bruising, lacerations or welts, burns, fractures or dislocation, female genital mutilation, poisoning, attempted suffocation or strangulation or physical mutilation.
- Sexual abuse – is any sexual act or sexual threat imposed on a child or young person. Usually this occurs when an adult or someone who is bigger or older involves the child or young person in a sexual activity by using his or her power over the child or young person or by taking advantage of their trust.
- Emotional abuse – refers to chronic or repeated behaviours directed at a child or young person, which are seriously detrimental to or impair the child or young person's psychological, social, emotional, cognitive or intellectual development or behaviour. This includes significant harm to the child or young person's wellbeing or development because of his or her continual exposure to domestic violence. This can include withholding affection, intimidation or threatening behavior.
- Neglect – is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and psychological, intellectual or physical development such as food, clothing, shelter, medical and dental care and adequate supervision.

## **Child Wellbeing Concerns**

Child wellbeing concerns are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold, risk of significant harm in section 5.1.2.

### **TRAINING**

#### **The school**

The school provides all staff members with a copy of this policy and will provide all staff members with the opportunity to participate in child protection training at least annually.

#### **Staff members**

All existing and new staff members including support and operational staff will participate in child protection training provided by accredited external organisations such as OCG, DoE, AIS or the school Principal on the first day back to school in Term 1. Additional training will also be provided in periodical staff meetings and if and when legislations change. Staff who are absent on training days will need to register on the office of the children's guardian website and take the online training within 2 weeks after the original training date. All staff will be provided with a copy of this policy on the training day and a copy will be placed on the school website and all staff must read this policy and sign the acknowledgement (record kept with Principal) that they have read and understood the policy within 1 week of receiving the policy.

All staff members must participate in annual child protection training and additional training, as directed by the Principal. The training complements this policy and provides information to staff about their legal responsibilities related to child protection and school expectations, including:

- mandatory reporting
- reportable conduct
- working with children checks, and
- professional boundaries.

### **WORKING WITH CHILDREN'S CHECK**

The WWC Act protects children by requiring a worker to have a WWCC clearance or current application to engage in child related work. Failure to do so may result in a fine or imprisonment.

The Office of the Children's Guardian (OCG) is responsible for determining applications for a WWCC clearance. It involves a national criminal history check and review of reported workplace misconduct findings. The result is either to:

- grant a WWCC clearance (generally valid for 5 years); or
- refuse a WWCC clearance (further applications cannot be made for 5 years)

In addition, the OGC may impose an interim bar on engaging in child related work for both applicants and WWCC clearance holders.

WWCC clearance holders are subject to ongoing monitoring by the OCG.

Responsibilities for working with children checks

### **Staff members**

Staff members at AICS are required to:

- hold and maintain a valid WWCC clearance;
- not engage in child-related work at any time that they are subjected to an interim bar or a bar;
- report to the Principal if they are no longer eligible for a WWCC clearance, the status of their WWCC clearance changes or are notified by the OCG that they are subjected to a risk assessment; and
- notify the OCG of any change to their personal details within 3 months of the change occurring. Failure to do so may result in a fine.
- renew their WWCC 3 months before the expiry date of their WWCC.

It is an offence for an employee to engage in child-related work when they do not hold a WWCC clearance or if they are subject to a bar.

All volunteers are required to:

- be aware and follow the expectations of conduct expressed in the school staff Code of Conduct.
- Have a proper WWCC clearance verified by the school before engaging in any volunteering role.

### **The School**

The School will:

- verify online and record the status of each staff's WWCC clearance;
- only employ or engage child-related workers or eligible volunteers who have a valid WWCC clearance; and
- advise the OCG of the findings they have made after completing a reportable conduct investigation, including whether they have made a finding of reportable conduct. A finding of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault must be referred to the OCG's Working with Children Check Directorate (WWCC Directorate). It is an offence for an employer to knowingly engage a child-related worker who does not hold a WWCC clearance or who has a bar.

- Inform NESA via RANGS portal and also send an email to director teacher quality and integrity as soon as possible but no later than 5 days after becoming aware that the WWCC clearance of the staff has ceased. The staff's employment will be terminated effective from the notification date.
- Not employ any staff including casuals before verifying their WWCC at the school.
- Keep a register of all staff's WWCC including the verification date and expiry date.
- Send 3 email reminders to staff whose WWCC is about to expire within 6 months.
- Stand down or may terminate the employment of a staff whose WWCC is not in place before the expiry date.

### **Staff Member Responsibilities**

Key legislation requires reporting of particular child protection concerns. However, as part of the College's overall commitment to child protection all staff are required to report any child protection or child wellbeing concerns about the safety, welfare or wellbeing of a child or young person to the Principal.

If the allegation involves the Principal, a report should be made to the Chairman of the College Board.

**Mandated Reporter** includes the Principal, Heads of School, teachers and school counselor.

**Reasonable Suspicion.** A mandated reporter has a reasonable suspicion to report a matter when:

- A child or young person discloses that he or she has suffered or is suffering non-accidental physical injury or sexual abuse
- Someone else advises you that a child or young person has been sexually abused or non-accidentally injured, or;
- Your own observations of the child or young person's physical condition or behaviours lead you to reasonably suspect that the child or young person has suffered or is suffering non-accidental physical injury or sexual abuse.

The mandated reporter is not required to prove that abuse has occurred.

### **MANDATORY REPORTING**

The Care and Protection Act provides for mandatory reporting of children at risk of significant harm. A child is a person under the age of 16 years and a young person is aged 16 years or above but who is under the age of 18, for the purposes of the Care and Protection Act.

A mandated reporter must make a report to the relevant authorities (following the procedure below) if he/she has formed a reasonable suspicion that a child or young person has suffered or is suffering sexual abuse, neglect, emotional abuse or non-accidental physical injury. A person who believes or suspects that a child or young person is in danger or need of care and protection may report the circumstances on which the belief or suspicion is based.

The mandated reporter does not need to investigate or prove his or her concern.

## PROCEDURE FOR MANDATORY REPORTING

### The College

Independent Colleges are defined as a reporting body by the WWC Act.

The College is obliged to notify the OCG sustained findings of serious physical assault or sexual misconduct findings involving children made against child-related workers or volunteers to the OCG.

### Finding of misconduct involving children

The College will report to the OCG when a sustained finding has been made against an employee that they engaged in:

- sexual misconduct committed against, with or in the presence of a child, including grooming of a child; or
- any serious physical assault of a child.<sup>i</sup>

It is an offence for an employer to knowingly engage a child-related worker when they do not hold a WWCC clearance or who has a bar.

### Working with children check clearance

A WWCC clearance is authorisation under the WWC Act for a person to engage in child-related work.

## Staff Members

1. The Principal, Heads of School and teachers are mandatory reporters at the Australian Islamic College of Sydney. The reports should be directed to the Office of the Children's guardian (OCG), police and Department of Communities and Justice (DCJ) via the Principal or his delegate.
2. On becoming aware of any form of child abuse a teacher or staff must inform the Heads of the relevant school. The teacher or staff must not contact the parents of the child or discuss the matter with anyone else.
3. The Heads of School will bring the concern to attention of the Principal.
4. If the Principal feels he has reasonable grounds to suspect that a child or a class of children, has suffered or is at risk of harm from abuse or neglect he will report the matter to the Department of Communities and Justice (DCJ), police and Office of the children's guardian (OCG) or direct one of the Heads of School to do so.
5. If there is a life-threatening situation the mandatory reporter or another person should ring 000 immediately.
6. When making a report the person reporting should discuss with the OCG or DCJ about informing parents that a report has been made. If the OCG or DCJ advises the reporter not to inform parents the reporter **must not** inform them that a report has been made.
7. The person reporting should have available all relevant information that is available about the child or young person's situation and family structure. This includes his or her full name, date of birth, parents' names, names of known siblings, address and contact details.

8. The person reporting will be asked about:

- the nature of the abuse or neglect;
- when the abuse or neglect have occurred;
- details about how and when you became aware of the information;
- names of others who may have witnessed the abuse/neglect;
- details of any disclosure made to you or others;
- description of any injuries seen;
- description of the behaviour of the child/ren or young person(s);
- attitude of the carers of the child or young person to the injury / incident;
- known supports to the child, young person and family.

9. After any report is made, the Chairman of the Management Board will be informed of the report. The child or young person's identification details may not be disclosed.

10. When a DCJ or OCG Officer or a Police Officer attends school to interview a student in relation to a child protection matter the Principal or his delegate will:

10.1 ensure that parents of the child have given their consent for the child to be interviewed where applicable;

10.2 sight and record the identification details of the officer;

10.3 arrange for the interview to take place discreetly and to ensure that the student's privacy is respected;

10.4 ensure that the officer is aware of the cultural background of the student and any other relevant information about the intellectual / developmental level of the student and any difficulties he or she may have with communication;

10.5 ensure that the officer has been given the opportunity to explain his or her role to the student in the presence of the Principal or the Principal's delegate;

10.6 ensure that the student has agreed to be involved in the interview;

10.7 ensure that a supportive adult, acceptable to the student, is present for the interview (unless the student does not wish a support person to be present);

10.8 explain the role of the support person to the student and assure the student that the support person will be available after the interview for ongoing support;

10.9 provide post-interview support/follow up for the student as required;

10.10 check that officers have undertaken to advise the student's parents that an interview has taken place.

11. When a DCJ or OCG Officer or Police Officer attends school to remove a student from school the Principal will:



- 11.1 sight and record the identification details of the officer;
  - 11.2 check with the officer's supervisor that authorization has been granted to remove the student;
  - 11.3 check that the officer has or will inform the parent / guardian that the action has taken place;
  - 11.4 inform the Chairman of the Management Board that the student has been removed;
  - 11.5 make a written record of the actions taken.
12. When a DCJ, OCG officer or Police request to interview a staff member(s) the Principal will not reveal the name of relevant staff member(s) without their consent. Staff member(s) may decline to be interviewed or seek legal advice.
13. The Principal will approve any request by Police, OCG or DCJ to access school records.

### HOW CAN PARENTS, CARERS AND COMMUNITY MEMBERS REPORT

Parents, carer and community members are encouraged to report any conduct of a staff member that is in their view inappropriate, reportable or criminal conduct to the Principal. Parents can make the complaints or allegations of staff misconduct or reportable conduct to the Principal either by phone, in person or in writing. All such reports will be dealt with in accordance with the School's Child Protection Policy (this policy) and school's complaint handling procedures.

A mandatory reporter must, where they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm, report to the Department of Community and Justice (DCJ) as soon as practicable. The report must include the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

In addition, the College may choose to make a report to DCJ where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare and well-being of the young person.

In the Independent school sector a mandatory reporter will meet their obligation if they report to the Principal in the College. This centralised reporting model ensures that a person in the College has all of the information that may be relevant to the circumstances of the child at risk of significant harm and addresses the risk of the College not being aware of individual incidences that amount to cumulative harm.

#### 5.1.1 Reasonable grounds

'Reasonable grounds' refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:

- first hand observations of the child, young person or family
- what the child, young person, parent or another person has disclosed
- what can reasonably be inferred based on professional training and / or experience.

'Reasonable grounds' does not mean a person is required to confirm their suspicions or have clear proof before making a report.

### 5.1.2 Significant harm

A child or young person is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met,
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
- in the case of a child or young person who is required to attend College in accordance with the Education Act 1990 —the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
- the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
- a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
- the child was the subject of a pre-natal report under section 25 of the Care and Protection Act and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well-being. The significance can result from a single act or omission or an accumulation of these.

## DEFINITIONS

The following definitions relate to **REPORTABLE CONDUCT**:

**Psychological harm** is caused by behaviour that is obviously or very clearly unreasonable and results in significant harm or trauma to a child. There needs to be a proven causal link between the inappropriate behaviour and the harm, and the harm must be more than transient.

**Child** is a person under the age of 18 years.

**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.

Ill-treatment can include 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; and/or pattern of hostile or unreasonable and seriously inappropriate, degrading comments or behaviour towards a child.

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

***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.

***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.

***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.

***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.

**Physical assault** 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.

**PSOA** 'person subject of the allegation'.

**Reportable conviction** means a conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.

**Sexual misconduct** has three categories: crossing professional boundaries, sexually explicit comments and other overtly sexual behaviour, and grooming. The alleged conduct must have been committed against, with or in the presence of a child.

***Crossing professional boundaries***

Sexual misconduct includes behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate:

- relationship with;
- conduct towards; or
- focus on;

a child or young person, or a group of children or young persons.

The College's Code of Conduct outlines the nature of the professional boundaries which should exist between employees and children/young people. Employees who either intentionally breach such codes or have demonstrated an inability to apply them appropriately may face disciplinary action and become reportable conduct.

### ***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:

- inappropriate conversations of a sexual nature
- comments that express a desire to act in a sexual manner
- unwarranted and inappropriate touching
- sexual exhibitionism
- 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
- exposure of children and young people to sexual behaviour of others including display of pornography
- watching children undress. For example, in change rooms or toilets when supervision is not required or justified.

***Sexual offences*** encompass 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:

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

***Grooming*** refers to patterns of behaviour or conduct aimed at engaging with an alleged victim for sexual activity. Types of grooming behaviours may include:

- persuading child/children that there is a 'special' relationship'
- inappropriate gift giving
- special favours / breaking rules
- spending inappropriate amounts of time with a child
- secret relationship, tactics to keep relationship secret
- testing boundaries (touching, physical contact, undressing in front of child, talking about sex)
- extending relationship outside of work
- personal communication about personal or intimate feelings

Definitions of 'grooming', within child protection legislation, are complex. Under the *Crimes Act*, grooming or procuring a child under the age of 16 years for unlawful sexual activity is classed as a sexual offence. The *Crimes Act* (s73) also extends the age of consent to 18 years when a child is in a 'special care' relationship. Under Schedule 1(2) of the *Child Protection (Working With Children) Act*, grooming is recognised as a form of sexual misconduct.

## REPORTABLE CONDUCT

Section 29 of the Children's Guardian Act 2019 requires the Heads of Entities, including non-government schools in New South Wales, to notify the OCG of all allegations of reportable conduct and convictions involving an 'employee' and the outcome of the School's investigation of these allegations. Under the Children's Guardian Act 2019 allegations of child abuse only fall within the reportable conduct jurisdiction if the involved individual is an employee of the relevant entity at the time when the allegation becomes known by the Head of Entity.

Reportable Conduct:

- involves a child (a person under the age of 18 years) at the time of the alleged incident; and
- involves certain defined conduct as described in the Act (see below).

### Process for reporting to OCG

#### The school

Independent Schools and therefore AICS is defined as a reporting body by the WWC Act. Any reportable conduct of staff must be reported to the Principal in writing who will then report to the OCG. Staff must maintain confidentiality of matter and only provide information to investigating authority or if required by law. AICS will ensure that requirements to prevent, identify, report and investigate allegations of reportable conduct in compliance with the Children's Guardian Act 2019 are made known to staff during child protection training days but at least annually.

The School is required to advise the OCG of the findings they have made after completing a reportable conduct investigation, including whether they have made a finding of reportable conduct. A finding of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault must be referred to the OCG's WWCC Directorate. Information must also be referred internally to the OCG's WWCC Directorate if it meets the threshold for consideration of an interim WWCC bar, as per Section 17 of the WWC Act, pending a formal risk assessment.

The School may also be obliged to report, amend or provide additional information to the OCG as outlined in the WWC Act and the Children's Guardian Act.

#### Staff members

Any concerns about any other employee engaging in conduct that is considered inappropriate, or reportable conduct, or any allegation of inappropriate or reportable conduct made to the employee or about the employee themselves must be reported to the Principal. Where it is uncertain if the conduct

is reportable conduct but is considered inappropriate behaviour this must also be reported to the Principal.

Staff members must also report to the Principal when they become aware that an employee has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct. This includes information relating to the employee themselves. If the allegation involves the Principal, the staff member must report to the Chairman of the School Board.

### **Parents, carers and community members**

Parents, carer and community members are encouraged to report any conduct of a staff member that is in their view inappropriate, reportable or criminal conduct to the Principal. Parents can make the complaints or allegations of staff misconduct or reportable conduct to the Principal either by phone, in person or in writing. All such reports will be dealt with in accordance with the School's Child Protection Policy (this policy), Staff Code of Conduct policy and school's complaint/grievance procedures.

### **Confidentiality**

It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible.

The School requires that all parties maintain confidentiality during the investigation including in relation to the handling and storing of documents and records.

Records about allegations of reportable conduct, preliminary and final findings against employees will be kept securely in the Principal's office and will be accessible by the Principal.

No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the Principal to do so.

Staff members who become aware of a breach of confidentiality in relation to a reportable conduct allegation must advise the Principal.

## **CRIMINAL OFFENCES**

In 2018 the Crimes Act was amended to adopt recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The new offences are designed to prevent child abuse and to bring abuse that has already occurred to the attention of the Police.

### **Failure to protect offence**

An adult working in a school, therefore all staff members, will commit an offence if they know another adult working there poses as serious risk of committing a child abuse offence and they have the power to reduce or remove the risk, and they negligently fail to do so either by acts and/or omissions.

This offence is targeted at those in positions of authority and responsibility working with children who turn a blind eye to a known and serious risk rather than using their power to protect children.

## **Failure to report offence**

Any adult, and therefore all staff members, will commit an offence if they know, believe or reasonably ought to know that a child abuse offence has been committed and fail to report that information to Police, without a reasonable excuse.

## **REFERENCES**

NSW Department of Communities and Justice

<https://www.dcj.nsw.gov.au>

The Office of the Children's Guardian

<https://www.kidsguardian.nsw.gov.au>

Department of Premier and Cabinet – Keep Them Safe

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

## ACKNOWLEDGEMENT

I \_\_\_\_\_ have read, understood and agree to comply with the terms of this Child Protection Policy.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_