

CHILD PROTECTION POLICY

1. Statement on the Importance of Child Safety

All children and young people have a right to feel safe at school. Zeal Futures Secondary School (the School) is committed to ensuring the safety and well-being of all students. Zeal Futures Secondary School will facilitate a positive learning environment where young people feel supported and are supported, are free from physical, sexual, and emotional danger and know they are safe at our school. The School knows a vital part of keeping young people safe depends on helping young people participate in their own decision making, and for this reason, we will always look for ways to include young people in decisions affecting them at school. One structure aimed at embedding student voice and agency is a proposed student advisory committee (SAC). The SAC will meet ten days prior to the scheduled school Board meeting, and will include elected students, the Principal, one senior staff member and one member of the governing body. Minutes from the SAC will feature as a standing agenda item for all Zeal Futures Secondary School Board papers, with child safety a standing item on the committee's agenda.

Our Principal, staff, and all members of the Zeal Futures Secondary School community have a responsibility to understand the important role they play in ensuring the safety of all students is absolutely the paramount consideration in all School decision making.

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2. Purpose and Scope

The purpose of this Policy is to ensure staff understand their role in the care and protection of Zeal Futures Secondary School students. This Policy document must be made available to staff, including employees and contractors, during their employment or engagement with the School to ensure a clear understanding of their duties and obligations under the key items of child protection legislation in NSW. Staff members who fail to adhere to this policy may be in breach of their terms of employment, and serious consequences may apply including termination of employment and referral to law enforcement agencies if appropriate.

In the course of their work, Zeal Futures Secondary School staff have a duty to take reasonable care to protect children and young people against **risks of significant harm** which should have been foreseen. In summary, staff are expected to:

- plan for a safe environment in all relevant activities conducted, considering gender, age, maturity, and cultural factors
- assess the levels of risk of harm of specific activities and develop and implement strategies to minimise risk
- support children and young people in ways that are responsive to their needs and are appropriate to staff roles
- be aware of indicators of abuse and neglect in children and young people
- report concerns about risk of harm to appropriate/designated person usually the Principal

- restrict the sharing of information to circumstances when it is absolutely necessary for professional reasons, bearing in mind the young person's right to privacy to participate in relevant training and development
- follow guidelines in the provision and exchange of relevant information to progress investigations, assessments and case management as permitted by law and where the staff role is appropriate.

It is the responsibility of all school staff to ensure the School's students are safe and cared for. If in any doubt it is not necessary to have hard evidence to raise a child safety concern, it is a requirement a concern be raised even if there is a mild suspicion of abuse or neglect. All those working in the education sector are Mandatory Reporters and as such all bear an obligation to report suspected abuse and neglect immediately to a senior staff member, usually the Principal or a member of the Executive team

At no stage is any staff member to investigate any disclosure or concern held by a staff member without firstly seeking advice from the Principal.

3. Legal Framework

There are four key pieces of child protection legislation in New South Wales:

- 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 1900 ("Crimes Act").

4. Record Keeping

The Principal will ensure compliance with the Child Protection policy and will securely maintain all records relevant to this policy, which will include:

- a register of staff members who have acknowledged they have read and understood this policy;
- Working with Children Check clearance (WWCC clearance) verifications;
- details of any mandatory reporting to the Department of Communities and Justice (DCJ),
- reports of reportable conduct allegations, the outcome of reportable conduct investigations, and/or criminal convictions.

5. Obligations to Report

While we set out below circumstances in which the **legislation** requires reporting of particular child protection issues, the School requires you to report **any concern** you may have about the safety, welfare or wellbeing of a child or young person to **the Principal** or in his/her absence another senior member of staff. If the allegation involves the **Principal**, you are required to report the matter to the **Chief Executive Officer (CEO)**.

6. Mandatory Reporting - Care and Protection Act 1998

6.1. 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.

Under the Care and Protection Act persons who in the course of their employment, deliver services including health care, welfare, education, children's services and residential services, to children or hold a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of all of the services listed above, are mandatory reporters.

All teachers are mandatory reporters. Other Zeal Futures Secondary School employees may also be mandatory reporters. If you are not sure whether you are a mandatory reporter, you should speak to the Principal.

6.2. When Must a Report be Made and What is the Threshold?

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

In addition, while not mandatory, Zeal Futures Secondary School considers a report should also be made to the Principal 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.

6.3. Reasonable Grounds

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

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

'Reasonable grounds' does not mean you are required to confirm your suspicions or have clear proof before making a report.

6.4. Significant Harm

A child or young person is 'at risk of significant harm' if current concerns exist for the safety, welfare or wellbeing 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 school 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.

6.5. Child Abuse and Neglect

There are several different forms of child abuse, these include neglect, sexual, physical and emotional abuse.

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 development, such as food, clothing, shelter, medical and dental care and adequate supervision.

Sexual abuse is when someone involves a child or young person in sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime. 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. A young person means a person who is aged 16 or above but is under the age of 18.

Physical abuse is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation. Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punishing a child (in a non-trivial way) is a crime.

Emotional abuse can have devastating consequences and can cause serious psychological harm where the behaviour of a parent or caregiver damages the confidence and self-esteem of the child or young person. It can result in serious emotional deprivation or trauma. Although it is possible for "one-off" incidents to cause serious harm, in general it is the frequency, persistence and duration of the offending behaviour that is instrumental in defining the consequences for the child or young person. This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

6.6. Actions to Take When Submitting a Mandatory Report

Reporting by the School about these matters to DCJ and, where necessary, the police, is generally undertaken by **the Principal**, however if you have a concern a child or young person is at risk of significant harm you should contact **the Principal** as soon as possible to discuss whether the case reaches the threshold of 'risk of significant harm' and the steps required to report the matter. If there is an immediate danger to the child or young person and **the Principal** or next most senior member of staff is not contactable you should speak to the Police and/or follow the steps below:

1. **Assess the Situation**
 - Determine whether the child or young person is at **risk of significant harm (ROSH)**.
 - Consider indicators of abuse or neglect as outlined in **NSW Mandatory Reporter Guidelines**.
2. **Use the Mandatory Reporter Guide (MRG)** (*Optional but Recommended*)
 - Access the [MRG tool](#) on the **DCJ website** to help assess whether a report is necessary.
 - The tool provides a recommended course of action based on the information provided.
3. **Gather Relevant Information**
 - The child's **name, age, and address** (if known).
 - Details of the **concerns**, including observations or disclosures.
 - Any known details about the **parents or caregivers**.
 - Whether the child has **any immediate safety risks**.
 - Any other relevant background information.
4. **Make the Report to the Child Protection Helpline**
 - Call the **NSW Child Protection Helpline on 132 111** (available 24/7).
 - Provide clear, factual details about the concerns.
 - If there is an **immediate danger**, call **000 (police emergency)** instead.
5. **Document the Report**
 - Record the **date, time, and details** of the report for future reference.
 - Keep information **confidential** as required under child protection laws.
6. **Follow Up if Necessary**
 - If new concerns arise, make another report.
 - If the child is in your care, continue to **monitor and support** them appropriately.
 - Work with relevant agencies if further action is required.

You are not required to, and must not, undertake any investigation of the matter yourself.

You are not to inform the parents or caregivers that a report to DCJ has been made.

Failure to maintain confidentiality will not only be a breach of this policy but could expose you to potential civil proceedings for defamation.

6.7. What should you do if you have a concern that is below the mandatory reporting threshold?

While the Care and Protection Act outlines a mandatory reporters' obligations to report to DCJ, as an employee of Zeal, **any concern** regarding the safety, welfare and wellbeing of a student must be reported to **the Principal**.

You are required to deal with all reports regarding the safety, welfare or wellbeing of a student with confidentiality and only disclose it to **the Principal** and any other person **the Principal** nominates. Failure to do so will be a breach of this policy.

7. The Child Protection Working with Children (WWC) Act

7.1. Introduction

The WWC Act protects children by requiring a worker to have a Working with Children Check (WWCC) clearance or current application to engage in child related work. Failure to do so may result in a fine or even imprisonment. The Office of the Children's Guardian (OCG) is responsible for employment screening for child related employment. A WWCC is a prerequisite for anyone in child-related work. It involves a national criminal history check and review of reported workplace misconduct findings. The result of a Check is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring by the OCG, and any relevant new records which appear against a cleared applicant's name may lead to the Check being revoked.

It is the responsibility of the child-related worker to ensure that when they are eligible to apply for a WWCC or when their Check is up for renewal, that they do so.

7.2. Staff Responsibilities

Staff members who engage in child-related work and eligible volunteers (including those volunteers working at overnight camps) are required to:

- hold and maintain a valid WWCC clearance;
- not engage in child-related work at any time 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.

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 and,
- provide a WWCC if required by the Principal.

7.3. School Responsibilities

The School is required to:

- verify online and record the status of each child-related worker's WWCC clearance (this will be done by the Principal or delegate prior to work commencing) and recorded in Zeal Futures HR ELMO system;
- 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).

NOTE: 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.

7.4. Child Related Workers

All Zeal Futures Secondary School staff and volunteers are considered to be child related workers. Child-related work in general involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work. Child-related work includes, but is not limited to work in the following sectors:

- early education and child-care including education and care service, child-care centres and other childcare;
- schools and other educational institutions and private coaching or tuition of children;
- religious services;
- residential services including boarding schools, homestays more than three weeks, residential services and overnight camps;
- transport services for children including school bus services, taxi services for children with disability and supervision of school road crossings; and
- counselling, mentoring or distance education not involving direct contact.

Any queries about whether roles/duties engage in child-related work should be directed to the Principal.

7.5. Ongoing Monitoring

The OCG will continue to monitor criminal records and professional conduct findings of all WWCC clearance holders through a risk assessment process. A risk assessment is an evaluation of an individual's suitability for child-related work. The OCG will conduct a risk assessment on a person's suitability to work with children when a new record is received which triggers a risk assessment. This may include an offence under Schedule 1, pattern of behaviour or offences involving violence or sexual misconduct representing a risk to children and findings of misconduct involving children.

7.6. Reporting to OCG

Independent Schools such as ZFSS are defined as a reporting body by the WWC Act. 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.

The School will report any findings of reportable conduct to the OCG. When informing an employee of a finding of reportable conduct against them, the School should alert them to the consequent report to the WWCC Directorate in relation to sustained findings of sexual misconduct, a sexual offence or a serious physical assault. The WWC Act enables a person who has a sustained finding referred to the OCG, to request access to the records held by the School in relation to the finding of misconduct involving children once final findings are made. The entitlements of a person to request access to information in terms of section 46 of the WWC Act is enabled when a finding of misconduct involving children has been made.

The OCG may require any other information the School may have to be provided to the OCG which is relevant to an assessment of whether a person poses a risk to the safety of children or the OCG's monitoring functions.

7.7. Definitions

Application/Renewal: an application or renewal can be made through Service NSW. The process for applying for and renewing a WWCC clearance with the OCG involves a national police check and a review of findings of misconduct. If the OCG grants or renews a WWCC clearance, the holder will be issued with a number which is to be provided to the School to verify the status of a staff member's WWCC clearance.

Refusal/Cancellation: The OCG can refuse to grant a WWCC clearance or cancel a WWCC clearance. The person is then restricted from engaging in child-related work and not able to apply for another clearance for five years. Employers are notified by the OCG and instructed to remove such persons from child-related work.

Interim bar: The OCG may issue an interim bar, for up to 12 months, to high-risk individuals to prevent them from engaging in child-related work while a risk assessment is conducted. If an interim bar remains in place for six months or longer, it may be appealed to the Administrative Decisions Tribunal. Not everyone who is subject to a risk assessment will receive an interim bar; only those representing a serious and immediate risk to children.

Disqualified person: A disqualified person is a person who has been convicted, or against whom proceedings have been commenced, for a disqualifying offence outlined in Schedule 2 of WWC Act. A disqualified person cannot be granted a WWCC clearance and is therefore restricted from engaging in child related work.

Working With Children Check Clearance: A Working with Children Check (WWCC) means authorisation under the WWC Act to engage in child-related work. An employee will be issued with a number which is to be provided to Zeal to verify the status of an employee's WWCC.

8. **Children's Guardian Act 2019 ("Children's Guardian Act") – Reportable Conduct**

8.1. Introduction

Part 2, Division 2 (7) of the Children's Guardian Act 2019 states its primary purpose as:

The safety, welfare and wellbeing of children, including protecting children from child abuse, is the paramount consideration in decision-making under this Act and the regulations and in the operation of this Act and the regulations generally.

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 Office of the Children's Guardian (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).

8.2. What is Reportable Conduct?

Under the Children's Guardian Act 2019, reportable conduct is defined as:

- a sexual offence;
- sexual misconduct;
- an assault against a child;
- ill-treatment of a child;
- neglect of a child;
- an offence under section 43B (failure to protect) or section 316A (failure to report) of the Crimes Act 1900; and
- behaviour that causes significant emotional or psychological harm to a child.

The Principal has a requirement to notify the OCG of all allegations of reportable conduct by any worker or volunteer at Zeal Futures Secondary School, and must report the outcome of any investigation of allegations, as stated within this Policy

8.3. What Actions and Behaviours are Not Considered Reportable?

The following actions and behaviours are not considered reportable under the definitions of the Act:

- Conduct 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 and the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate procedures; or
- conduct of a class or kind exempted from being reportable conduct by the Children's Guardian Act under section 30.

8.4. Important Definitions

Sexual offence: an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child, such as:

- sexual touching of a child;
- a child grooming offence;
- production, dissemination or possession of child abuse material.

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 WWC Act, grooming is recognised as a form of sexual misconduct. The Children's Guardian Act 2019 and this Child Protection Policy reflect these definitions within the context of the Reportable Conduct Scheme (Division 2). An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorized as a reportable allegation of sexual offence.

Sexual misconduct: conduct with, towards or in the presence of a child that is sexual in nature (but not a sexual offence). The Act provides the following (non-exhaustive) examples:

- descriptions of sexual acts without a legitimate reason to provide the descriptions;
- sexual comments, conversations or communications;
- comments to a child that express a desire to act in a sexual manner towards the child, or another child.

Note – crossing professional boundaries comes within the scope of the scheme to the extent that the alleged conduct meets the definition of sexual misconduct. That is, the conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).

Assault: an assault can occur when a person intentionally or recklessly (i.e. knows the assault is possible but ignores the risk):

- applies physical force against a child without lawful justification or excuse such as hitting, striking, kicking, punching or dragging a child (actual physical force); or
- causes a child to apprehend the immediate and unlawful use of physical force against them such as threatening to physically harm a child through words and/or gestures regardless of whether the person actually intends to apply any force (apprehension of physical force)

Ill-treatment: is defined as conduct towards a child that is:

- unreasonable and seriously inappropriate, improper, inhumane or cruel. Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.

Neglect: defined as a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for a child that causes or is likely to cause harm by a person who has care and/or has responsibility towards a child. Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child's physical or psychological needs, or a single significant incident where a caregiver fails to fulfill a duty or obligation, resulting in actual harm to a child where there is the potential for significant harm to a child. Examples of neglect include failing to protect a child from abuse and exposing a child to a harmful environment.

Emotional or Psychological Harm: Behaviour causing significant emotional or psychological harm to a child is intentional or reckless conduct (without reasonable excuse), obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child. For a reportable allegation involving psychological harm, the following elements must be present:

- an obviously or very clearly unreasonable or serious act or series of acts the employees knew or ought to have known was unacceptable, and
- evidence of psychological harm to the child that is more than transient, including displaying patterns of "out of character behaviour", regression in behaviour, distress, anxiety, physical symptoms or self-harm; and
- An alleged causal link between the employee's conduct and the significant emotional or psychological harm to the child.

Reportable allegation: is an allegation an employee has engaged in conduct that may be reportable conduct.

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.

Employee of an entity includes: an individual employed by, or in, the entity or a volunteer providing services to children, a contractor engaged directly by the entity (or by a third party) where the contractor holds, or is required to hold, a WWCC clearance for the purposes of their work with an entity and a person engaged by a religious body where that person holds, or is required to hold, a WWCC clearance for the purposes of their work with the religious body.

Person Subject of Allegation: The abbreviation commonly used in child protection vernacular: "PSOA".

8.5. Reportable Conduct Allegations or Convictions

Staff Members: Any concerns about any other employee engaging in conduct 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 Head of Campus or Principal. Where it is uncertain if the conduct is reportable conduct but is considered inappropriate behaviour, this must also be reported. Staff members must also report to the Head of Campus when they become aware 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 Head of Campus, the staff member must report to the Principal. If the allegation involves the Principal, the staff member must report to the Chair of the School Board.

Parents, Carers and Community Members: Parents, carers and community members are encouraged to report any conduct in their view inappropriate, reportable or criminal conduct to the Head of Campus or the Principal. All such reports will be dealt with in accordance with the schools Complaint Handling procedures.

Principal's Responsibilities: The Principal, as the Head of Agency under the Children's Guardian Act 2019, must:

- Ensure specified systems are in place for preventing, detecting and responding to reportable allegations or convictions

- Submit a 7-day notification form to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity (unless the Head of the Entity has a reasonable excuse).

The notification should include the following information:

- a) that a report has been received in relation to an employee of the School
- b) the type of reportable conduct
- c) the name of the employee
- d) the name and contact details of School and the Principal
- e) for a reportable allegation, whether it has been reported to Police
- f) if a report has been made to the Child Protection Helpline, that a report has been made
- g) the nature of the relevant entity's initial risk assessment and risk management action

The notice must also include the following, if known to the Head of Entity:

- a) details of the reportable allegation or conviction considered to be a reportable conviction
- b) the date of birth and working with children number, if any, of the employee the subject of the report
- c) the police report reference number (if Police were notified)
- d) the report reference number if reported to the Child Protection Helpline
- e) the names of other relevant entities that employ or engage the employee, whether or not directly, to provide a service to children, including as a volunteer or contractor

Maximum penalty for failure to notify within 7 business days — 10 penalty units.

8.6. Process for Investigating an Allegation of Reportable Conduct:

The Principal is responsible for ensuring the following steps are taken to investigate an allegation of reportable conduct.

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

- Determine whether it is an allegation of reportable conduct
- Assess whether the DCJ or the Police need to be notified (i.e., if reasonable grounds to suspect that a child is at risk of significant harm or a potential criminal offence). If they have been notified, seek clearance from these statutory agencies prior to the school proceeding with the reportable conduct investigation
- Notify the child's parents/carers (unless to do so would be likely to compromise the investigation or any investigation by the DCJ or Police)
- Notify the OCG within 7 business days of receiving the allegation
- Carry out a risk assessment and take action to reduce/remove risk, where appropriate
- Provide an initial letter to the PSOA advising an allegation of reportable conduct has been made against them and the School's responsibility to investigate this matter under Section 34 of the Children's Guardian Act 2019
- Investigate the allegation or appoint someone to investigate the allegation

Investigation Principles: During the investigation of a reportable conduct allegation the School will:

- Follow the principles of procedural fairness
- Inform the person subject of the allegation (PSOA) of the substance of any allegations made against them, at the appropriate time in the investigation, and provide them with a reasonable opportunity to respond to the allegations
- Make reasonable enquiries or investigations before making a decision
- Avoid conflicts of interest
- Conduct the investigation without unjustifiable delay
- Handle the matter as confidentially as possible
- Provide appropriate support for all parties including the child/children, witnesses and the PSOA

Investigation Steps: The Principal must ensure an investigation is carried out in a timely and fair manner. This may involve appointing an internal investigator or engaging an external investigator with appropriate expertise depending on the complexity and nature of the allegations. Zeal Futures Secondary School will ensure systems and personnel are in place to ensure the investigation process is impartial and respects the rights of all parties involved.

In an investigation the Principal or appointed investigator will generally:

- Interview relevant witnesses and gather relevant documentation
- Provide a letter of allegation to the PSOA
- Provide the PSOA with the opportunity to provide a response to the allegations either in writing or at Interview
- Consider relevant evidence and make a preliminary finding in accordance with the OCG guidelines
- Inform the PSOA of the preliminary finding in writing by the Head of Entity and provide them with a further opportunity to respond or make a further submission prior to the matter moving to final findings
- Consider any response provided by the PSOA
- Make a final finding in accordance with the OCG guidelines
- Decide on the disciplinary action, if any, to be taken against the PSOA
- If it is completed, send the final report to the OCG within 30 days after having received the allegation, as per section 36 of the Children's Guardian Act 2019

Should the final report be unfinished within 30 days, the Principal must provide, at minimum, an interim report to the OCG within 30 days of having received the allegation, as per section 38 of the Children's Guardian Act 2019.

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 the DCJ or 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.

8.7. Risk Management:

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. 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:

- the child or children who are the subject of the allegation;
- other children with whom the employee may have contact;
- the PSOA;
- the School; and
- the proper investigation of the allegation.

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

- the nature and seriousness of the allegations;
- the vulnerability of the child or children the PSOA has contact with at work;
- the nature of the position occupied by the PSOA;
- the level of supervision of the PSOA; and
- 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 or children and the PSOA.

Procedural Fairness - Important: A decision to act on the basis of a risk assessment is not indicative of the ultimate findings on 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.

8.8. Ongoing Risk Management

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

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 or children involved and any other parties. The PSOA will be advised an allegation has been made against them (at the appropriate time in the investigation) and will also be advised of the substance of the allegation, or of any preliminary and final findings. The PSOA does not automatically have the right to:

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

The Child Protection (Working with Children) Act 2012 does enable a person who has a finding referred to the OCG under the Act to request access to the records held by the School in relation to the finding of misconduct involving children.

8.9. Disciplinary Action

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

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

8.10. Confidentiality

It is important when dealing with allegations of reportable conduct that the matter be dealt with as confidentially as possible. The School requires 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 against employees will be kept in a secure area and will be accessible by the Principal or with the Principal's express authority. No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the Principal to do so. If a Zeal Futures Secondary School staff member becomes aware of a breach of confidentiality in relation to a reportable conduct allegation you must advise the Principal immediately.

9. **Criminal Offences – The Crimes Act 1900 (NSW)**

The Crimes Act 1900 NSW establishes the primary criminal laws in New South Wales defining offences, penalties, and legal procedures to maintain public order and safety. It covers a wide range of crimes, including offences against persons, property, and public justice, ensuring accountability and justice within the legal system.

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 which has already occurred to the attention of the Police.

9.1. Special Care Relationships

It is a crime in NSW for a staff member, volunteer or contractor to have a sexual relationship with a student where there is a special care relationship. The Act provides that a young person is under an adult's special care if the adult is a member of the teaching staff of the School at which the young person is a student; or has an established personal relationship with the young person in connection with the provision of religious, sporting, musical, or other instruction.

The Special Care (sexual intercourse) offence under s73 was supplemented by an additional special care offence involving sexual touching now under s73A of the Crimes Act. The new offence under s73A will expand special care offences to also apply to non-penetrative sexual touching. The offence will protect children aged 16-17 years from inappropriate sexual contact with teachers and others who have special care of the child.

9.2. Failure to Protect Offence

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 ignore a known and serious risk rather than using their power to protect children.

9.3. Failure to Report Offence

All staff members will commit an offence if they know, believe or reasonably ought to know a child abuse offence has been committed and fail to report that information to Police, without a reasonable excuse. A reasonable excuse would include where the adult has reported the matter to the Principal and is aware that the Principal has reported the matter to the Police.

10. Related Documents or Websites

- 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
- 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 1900 ("Crimes Act").
- NSW Registered and Accredited Individual Non-government Schools Manual NSW Education Standards Authority September 2023

Approved by Zeal Futures Learning Board of Directors on: 19th February 2026

All applicable legislative requirements have been thoroughly reviewed and integrated into the development of this policy. These legal provisions are systematically reassessed and incorporated during each policy review to ensure ongoing compliance.

Document History

Version	Prepared By	Approved By	Date	Description
1.0	D. Laarkamp	Board of Directors	19.02.2026	Initial creation

11. Acknowledgement

I _____ (print name) have read, understood, and agree to comply with the terms of the

Zeal Futures Secondary School Child Protection Policy.

Signed: _____

Date: _____