

NGARUKI GULGUL LIMITED

'Standing Strong' in Darkinyung Language

also trading as:



3. CHILD SAFE POLICY

CONTENTS

CONTENTS	2
CHILD PROTECTION POLICIES PREAMBLE	4
VISION, MISSION, VALUES, STRATEGIC ASPECTS & STRATEGIC PRIORITIES	5
OBJECTIVES	7
POLICY 3.B8.1: CHILD PROTECTION	8
POLICY	8
CHILD SAFE STANDARDS	9
WORKING WITH CHILDREN CHECK (WWCC) AND THE OFFICE OF THE CHILDREN’S GUARDIAN (OCG)	11
STAFF	12
RELATED POLICIES	14
DEFINITIONS	14
ACKNOWLEDGEMENT	24

Dear Parents, Carers and Community Members,

You are encouraged to report any conduct of a volunteer or staff member that is in your view inappropriate, concerning, reportable or criminal, directly to Andrea Cingi, the Principal on:

Ph: 02 4343 5000

Mb: 0405 451 336

Email: andrea@ngc.nsw.edu.au

If your concerns regard the Principal, please contact the Chairperson, Greg Groppenbacher on:

Ph: 0414 907 164

Email: chair@ngc.nsw.edu.au

All reports will be dealt with in accordance with the school's complaint handling procedures.

NGARUKI GULGUL LIMITED

CHILD SAFE POLICIES PREAMBLE

This policy manual is the 3rd (third) in a suite policy manual; hence policy numbers commence with 3.

Between October 2014 and January 2017, the NSW Minister for Education approved amendments to the *Registered and Accredited Individual Non-government Schools (NSW) Manual*.

In September 2023, NESA published [NSW Registered and Accredited Individual Non-government Schools Manual \(September 2023\)](#).

In February 2026, NESA published [NSW Registered and Accredited Individual Non-government Schools Manual \(February 2026\)](#). This version of this policy manual addresses Part B: Registration Requirements, Sections B8 of the September 2023 and February 2026 versions of the manual.

We have reviewed our existing Child Protection policies and procedures to satisfy regulatory requirements, legal obligations, manage risk, provide strategic guidance and monitor performance.

We are aware that we will need to submit evidence of compliance in each of these domains during our monitoring, registration, and accreditation audits.

VISION, MISSION, VALUES, STRATEGIC ASPECTS & STRATEGIC PRIORITIES

VISION

All young people achieving purposeful futures

MISSION

Provide holistic, personalised education and wellbeing support for young people seeking an alternative

VALUES

Community We embrace individuality and champion diversity

High expectations We do our best to be our best

Integrity We are true to mission, placing young people at the core of everything we do

Empathy We accept and connect with the experience of others

Flexibility and Creativity We explore ideas and adapt our approach with resourcefulness

STRATEGIC ASPECTS

We endeavour to influence each of these aspects to assist young people through

Leadership

The capability and potential of everyone, including young people, to lead

Structures

The physical environment and systems, that can assist young people to build their own structures

People

Those who guide young people to be the best version of themselves

Cultures

The interactions that enable young people to nurture their own cultures and connect with those of others

Communities

The families and other relationships that support young people and initiate their sense of place and purpose

STRATEGIC PRIORITIES

Improve our capacity

- Staff wellbeing
- Sustainability

Make it personal for students

- Personalised programs
- Engagement
- Outcomes
- Student leadership

Expand our impact

- Post-school support and alumni
- Community connected





OBJECTIVES

The school's constitution (6) states:

- a. To establish and manage a school (Ngaruki Gulgul) to provide primary and/or secondary education for vulnerable and isolated young people who are disconnected from the community and face multiple barriers to engagement in learning in traditional schooling.
- b. To provide services beyond a special assistance school which relieve the trauma and suffering of disadvantaged young people, and address their economic, social, emotional, physical, cultural and spiritual challenges.
- c. To implement inclusive practices to address disadvantage for Indigenous and other minority groups.
- d. To build links with young people, families, businesses and the broader community through activities that increase knowledge, skills and opportunities for careers and further education and training.
- e. To establish and provide temporary accommodation and support services for young people experiencing poverty and/or distress.

POLICY 3.B8.1: CHILD PROTECTION

Date:	26.03.2023	Version:	6
Reviewed:	02.11.2025	Next Review:	January 2027
NESA Manual:	B8.1		
Related Documents:	NESA Privacy Management Plan OCG NSW Reportable Conduct Scheme, Fact Sheets 1-14, October 2025		
Relevant Legislation:	<i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> ("Care and Protection Act")	<i>Child Protection (Working with Children) Act 2012 (NSW)</i> ("WWC Act")	
<i>Children's Guardian Act 2019 (NSW)</i> ("Children's Guardian Act")	<i>Crimes Act 1900 (NSW)</i> ("Crimes Act")	<i>Work Health and Safety Act 2011 (NSW)</i>	
Education Act 1990 (NSW) s47(1)(g)	<i>Child Safe Scheme & Child Safe Standards</i> (Part 3A of the Children's Guardian Act)	Online Safety Act 2021 (Cth)	
<i>Civil Liability Act 2002 (NSW)</i>	<i>National Principles for Child Safe Organisations</i>		



Definitions of **highlighted terms** within the text are located after the policy statement.

Policy

1. In addition to its legislated **child protection** responsibilities,
2. young people achieving purposeful futures is at the centre of the school's purpose,
3. which cannot be achieved without all **staff** prioritising the safety of young people,
4. and a duty of care to take reasonable steps to prevent harm, and to protect their safety,
5. through developing and maintaining a culture which:
 - 5.1. has zero tolerance for any **abuse** or inappropriate behavior
 - 5.2. places the interests of children and young people as paramount
 - 5.3. understands and respects the rights of children and young people

5.4. acts on any concerns raised, whether by an adult or a child

5.5. encourages, and never prevents or obstructs, any report of **abuse**.

6. To this end, the school Board and Principal will:

Child Safe Standards

6.1. embed the **Child Safe Standards**:



6.1.1. Our leaders are committed to embedding the safety of young people in our organisation, by:

6.1.1.1. creating a suite of policies that prioritise safety

6.1.1.2. modelling consistent and compliant behaviour

6.1.1.3. setting clear expectations for all staff



6.1.2. Our young people are safer when:

6.1.2.1. we teach them about their right to be heard

6.1.2.2. they are listened to and believed

6.1.3. and so we:

6.1.3.1. regularly seek their views on the school's operations

6.1.3.2. create policies, processes and programs that include their perspective

6.1.3.3. support them to build the skills to express themselves

6.1.3.4. model positive and effective communication

6.1.3.5. respond to their ideas with action



6.1.4. This safety expands into our community when parents, carers and families are:

6.1.4.1. included in their activities

6.1.4.2. consulted on their development

6.1.5. and so we:

6.1.5.1. involve family at every stage of our young people's journey with us

6.1.5.2. prepare consultative Individual Plans

6.1.5.3. engage often through our Community and Family Liaison Officer

6.1.5.4. invite them to regular discussions, consultations, surveys and events



6.1.6. We believe diversity must be championed, not tolerated.

6.1.7. To uphold equity and champion diversity, we:

6.1.7.1. work with our young people and their families to understand them

6.1.7.2. develop Individual Plans to support their individual strengths and needs

6.1.7.3. continually grow our relationship and understanding of each young person

6.1.7.4. monitor and implement what helps as things change

6.1.7.5. nurture a staff as diverse as our students



6.1.8. Our capacity is envisioned in our policies but realised by our people,

6.1.9. so we recruit people who are suitable for our young people by ensuring those who work with us:

6.1.9.1. comply with all requirements

6.1.9.2. share our vision and values

6.1.9.3. are supported to understand and work in adherence with our values and policies



6.1.10. We know safe cultures create environments where staff can identify and report suspected harm of young people,

6.1.11. so we work on maintaining:

6.1.11.1. robust but simple reporting systems

6.1.11.2. regular encouragement to report any concerns

6.1.11.3. opportunities for everyone to discuss and improve their understanding and confidence about who, what, where, when, how and why we report



6.1.12. What is regularly reviewed stays fresh in our minds,

6.1.13. so it is important we engage in continuous learning and regular ongoing education and training,

6.1.14. which we do by engaging all staff in:

6.1.14.1. reviewing and acknowledging our policies and procedures annually

6.1.14.2. attending annual child protection training

6.1.14.3. incorporating safety into other professional development throughout the year

6.1.14.4. including safety in staff meeting agendas



6.1.15. Our environment influences our emotions and behaviour,

6.1.16. and its design can improve our safety and prevent harm,

6.1.17. so we maintain a physical environment that minimises opportunities for abuse to occur, through:

6.1.17.1. well maintained grounds and buildings

6.1.17.2. CCTV monitoring across our site

6.1.17.3. including child safety in all risk assessments

6.1.17.4. staff monitoring and supervision



6.1.18. We know that ongoing effort maintains a safe environment,

6.1.19. so procedures and policies are reviewed:

6.1.19.1. regularly

6.1.19.2. after any change to legislation or regulation

6.1.19.3. as part of a debrief process should any significant incident occur that required their use

6.1.19.4. in response to any concerns raised



6.1.20. Our policies and procedures reflect the Child Safe Standards through all of the actions outlined above.

Working with Children Check (WWCC) and the Office of the Children's Guardian (OCG)

6.2. only employ **staff** in **child-related work** who have a verified **WWCC** clearance

6.3. require all **staff** in **child-related work** to hold and maintain a valid **WWCC** clearance, and:

6.3.1. verify online and record the status of each clearance before a new **staff** member commences their role

- 6.3.2. monitor the status of each clearance throughout every **staff** member's engagement
- 6.3.3. respond immediately to any notification from the **OCG** regarding a change in an employee's clearance
- 6.4. ensure specified systems are in place for preventing, detecting, and responding, to **reportable allegations** or **reportable convictions**
- 6.5. notify the **OCG** and conduct a **reportable conduct** investigation if any current staff member is involved in any:
 - 6.5.1. **reportable allegation**
 - 6.5.1.1. within 7 business days
 - 6.5.1.2. followed by an interim or final report within 30 calendar days
 - 6.5.2. **reportable conviction**
 - 6.5.2.1. within 7 business days
- 6.6. advise the **OCG** of the findings of any **reportable conduct** investigation, including:
 - 6.6.1. whether a finding of **reportable conduct** was made
 - 6.6.2. referring to the **OCG** WWCC Directorate any finding of **reportable conduct**, including but not limited to conduct in relation to:
 - 6.6.2.1. sexual assault
 - 6.6.2.2. a sexual offence
 - 6.6.2.3. conduct that meets the threshold for consideration of an interim **WWCC** bar, as per Section 17 of the WWC Act, pending a formal **risk assessment**
 - 6.6.3. providing all required information to the **OCG** relevant to a **risk assessment** or any other requirement of the WWC Act or the Children's Guardian Act when requested or required
 - 6.6.4. report to other agencies, such as the Police, Department of Communities and Justice (DCJ), NESAs, if required

Staff

- 6.7. provide new **staff**, and all staff at least annually:
 - 6.7.1. a copy of this policy
 - 6.7.2. access to **child protection training**
 - 6.8. identify which staff roles are **mandatory reporters** and ensure this is clearly outlined in role statements
7. All **staff** are required to:
- 7.1. annually read and sign to acknowledge this policy

- 7.2. undertake annual **child protection training**
- 7.3. hold and maintain a valid WWCC clearance, and:
 - 7.3.1. not engage in **child-related work** any time they:
 - 7.3.1.1. are subjected to an interim bar or bar
 - 7.3.1.2. have an application status of 'application in progress'
 - 7.3.2. notify the **OCG** of any change to their personal details within 3 months
 - 7.3.3. report to the Principal if at any time:
 - 7.3.3.1. they are no longer eligible for a **WWCC** clearance
 - 7.3.3.2. their **WWCC** status changes
 - 7.3.3.3. the **OCG** advises they are subject to a **risk assessment**
- 7.4. abide by **mandatory reporting** and other legislative reporting requirements
- 7.5. report to the Principal any **staff** engaging in:
 - 7.5.1. inappropriate behaviour
 - 7.5.2. **reportable conduct**, unless:
 - 7.5.3. the concern or allegation involves the Principal, in which case a report should be made to the Chair of the School Board
- 7.6. report any **child protection concerns** or **child wellbeing concerns** to the Case Manager or the Principal, unless:
 - 7.6.1. the concern or allegation involves the Principal, in which case a report should be made to the Chair of the School Board
- 7.7. abide by the school's **Code of Conduct** regarding professional boundaries with children and young people, and:
 - 7.7.1. acknowledge that disciplinary action may occur if they:
 - 7.7.1.1. intentionally breach the school's **Code of Conduct**, or
 - 7.7.1.2. are unable to apply it appropriately
- 7.8. deal with all child protection or child wellbeing matters confidentially
 - 7.8.1. ie. do not disclose any details of any matter to anyone other than the Case Manager or the Principal unless required by legislation.

Reporting and responding to concerns

8. The school will respond to reported concerns by:
 - 8.1. for **staff** related concerns of inappropriate behaviour or potential **reportable conduct**, following the **Reportable conduct investigations procedure** in consultation with the **Investigations procedure**

8.2. for **child protection concerns** or **child wellbeing concerns**, following the *Mandatory reporting procedure*

9. and if any investigation is necessary, implementing the consequences of the final findings

10. in consultation with, as appropriate, the:

10.1. *NESA Privacy Management Plan*

10.2. *Complaints Policy and Procedure*

10.3. *Dispute resolution and disciplinary procedures (s16 and s17) of the Constitution.*

Related policies

11. The school's:

11.1. *Staff Code of Conduct* defines the standard of behaviour expected of all staff members, including prohibition of hate speech

11.2. *Work Health and Safety Statement* outlines the obligations on the school and staff members by work health and safety law

11.3. *Discrimination, Harassment and Bullying Statement* identifies the school's expectations in relation to unlawful discrimination, harassment and bullying

11.4. *Complaints Policy and Procedure* provides direction for addressing complaints

11.5. *Student Anti-bullying and Harassment Policy* provides direction regarding bullying and harassment of students

11.6. *Privacy Policy* describes the way personal details will be collected, used, and stored.

Definitions

Abuse

12. Abuse of a **child** can include:

12.1. **Neglect** – continued failure by a parent or caregiver to provide the basic things needed for their proper growth and development

12.1.1. examples include food, clothing, shelter, medical care, dental care, and adequate supervision

12.2. **Sexual abuse** – involving them in a sexual activity. Child sexual abuse is a crime

12.2.1. this involves an individual using their power over a child or young person, or taking advantage of their trust

12.2.2. often children are bribed or threatened physically and psychologically to make them participate

12.3. **Physical abuse** - non-accidental injury or pattern of injuries caused by any person

- 12.3.1. including, but not limited to, injuries caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation
- 12.3.2. injuries can include bruising, lacerations or welts, burns, fractures or dislocation of joints
- 12.3.3. striking around the head or neck and/or using a stick, belt or other object to discipline or punish a child (in a non-trivial way) is a crime.
- 12.4. **Emotional abuse** – behaviour that damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma
 - 12.4.1. it is possible for ‘one-off’ incidents to cause serious harm, though in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child
 - 12.4.2. behaviours can include, but are not limited to, excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

Child

13. A child is a person:

- 13.1. under 18 years under the Children’s Guardian Act
- 13.2. under 16 years under the Care and Protection Act

Child protection

14. Child protection encompasses:

- 14.1. a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students
- 14.2. obligations under **child protection legislation**

Child protection concerns

15. Child protection concerns are concerns regarding the **abuse** of a child or young person.

Child protection legislation

16. Key child protection legislation in NSW includes the:

- 16.1. *Children and Young Persons (Care and Protection) Act 1998*
 (“Care and Protection Act”)
- 16.2. *Child Protection (Working with Children) ACT 2012*
 (“WWCC Act”)
- 16.3. *Children’s Guardian Act 2019*
 (“Children’s Guardian Act”)
- 16.4. *Child Safe Scheme (Part 3A)*
 (“Children’s Guardian Act”)

16.5. *Crimes Act 1900*
("Crimes Act")

Child protection training

17. Child protection training complements this policy and provides information to staff about:

17.1. their legal responsibilities under the **Child Safe Standards**

17.2. other relevant school expectations, including:

17.2.1. mandatory reporting processes

17.2.2. preventing, identifying and reporting allegations of reportable conduct

17.2.3. working with children checks (WWCC)

17.2.4. professional boundaries and *Staff Code of Conduct*

Child-related work

18. Child-related work:

18.1. involves direct contact by a worker with a child or children, where that contact is a usual part of and more than incidental to the work

18.2. includes work undertaken in schools

18.3. can be confirmed as such where there is any uncertainty regarding specific roles or duties, by a query directed to the Principal

Child Safe Standards

19. The Child Safe Standards are regulated by the **OCG** and must be implemented by organisations (including schools) who work with children, and are:



Standard 1
Child safety is embedded in organisational leadership, governance and culture



Standard 6
Processes to respond to complaints of child abuse are child focused



Standard 2
Children participate in decisions affecting them and are taken seriously



Standard 7
Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training



Standard 3
Families and communities are informed and involved



Standard 8
Physical and online environments minimise the opportunity for abuse to occur



Standard 4
Equity is upheld and diversity is taken into account



Standard 9
Implementation of the Child Safe Standards is continuously reviewed and improved



Standard 5
People working with children are suitable and supported



Standard 10
Policies and procedures document how the organisation is child safe

Child wellbeing concerns

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

Head of entity

21. The Principal is the school's Head of Entity under the Children's Guardian Act 2019

Mandatory reporting and mandatory reporters

22. Mandatory reporting for children and young people at **risk of significant harm** applies under the Care and Protection Act to **staff** who:

22.1. deliver health care, welfare, education, children's services or residential services to **children** or **young people**

22.2. hold a management position directly responsible for providing or supervising any of the above services

22.2.1. to eliminate doubt, the school defines staff with any of the following in their role title as mandatory reporters:

22.2.1.1. teacher

22.2.1.2. counsellor

22.2.1.3. manager

22.2.2. and will include in each role statement whether a role is a mandatory reporter

22.2.3. and where any doubt remains, queries should be directed to the Principal

23. A mandatory reporter must report if they have **reasonable grounds** to suspect a **child** is at **risk of significant harm**, and:

23.1. a mandatory reporter may report if they have current **reasonable grounds** to suspect a **young person** is at **risk of significant harm**, and

23.2. in independent schools, a mandatory reporter meets their obligation if they report to the Principal or their delegate, and

23.3. the Principal's delegate at NGC is the Case Manager, so that a person has all potentially relevant information and minimises the risk of the school not being aware of individual incidences that amount to cumulative harm.

Employee subject of an allegation (ESOA)

24. A **staff** member who is the subject of a **reportable allegation**

Office of the Children's Guardian (OCG)

25. The OCG is responsible for:

25.1. the reportable conduct scheme

25.2. determining applications for a **WWCC** clearance

25.3. ongoing monitoring of **WWCC** clearance holders

25.4. imposing restrictions or limitations on **WWCC** clearances, including:

25.4.1. interim bars

25.4.2. cancellations

Reasonable grounds

26. Reasonable grounds require an objective basis for suspecting a **child** or **young person** may be at **risk of significant harm**, based on:

26.1. first-hand observations

26.2. disclosures

26.3. reasonable inference based on professional training and/or experience

26.4. but does not require confirmation or proof.

Reportable conduct

27. Reportable conduct is defined in the Children's Guardian Act as:

27.1. a **sexual offence** - an offence of a sexual nature under any State or Commonwealth law, committed against, with, or in the presence of a **child**, which:

27.1.1. can be actual or alleged

27.1.2. does not have to be the subject of criminal investigation or charges for it to be categorised as a **reportable allegation** of a sexual offence

27.1.3. includes:

27.1.3.1. sexual touching

27.1.3.2. production, dissemination or possession of child abuse material

27.1.3.3. a child grooming offence:

27.1.3.3.1. under the Crimes Act:

27.1.3.3.1.1. grooming or procuring a child under the age of 16 years for unlawful sexual activity, or

27.1.3.3.1.2. under 18 years when a child is in a **special care relationship**

27.1.3.3.2. under the WWC Act:

27.1.3.3.2.1. is recognised as a form of sexual misconduct (Schedule 1(2))

27.1.3.3.3. under the Children's Guardian Act:

27.1.3.3.3.1. definitions reflect those above within the context of the Reportable Conduct Scheme (Division 2)

27.2. **sexual misconduct** – conduct with, towards, or in the presence of a **child** that is sexual in nature (but not a sexual offence), such as:

27.2.1. describing sexual acts without a legitimate reason

27.2.2. sexual comments, conversations or communications

27.2.3. expressing to a child a desire to act in a sexual manner towards the **child**, or another child

27.2.4. crossing professional boundaries with, towards, or in the presence of a **child** that is sexual in nature (but not a sexual offence)

27.3. **assault** against a **child** – conduct that includes intentional or reckless:

27.3.1. unlawful application of actual physical force, such as hitting, striking, kicking, punching or dragging a child

27.3.2. threat of unlawful application of physical force through word or action (apprehension of physical force)

27.4. **ill treatment** of a **child** – conduct that is unreasonable and:

27.4.1. inappropriate

27.4.2. improper

27.4.3. inhumane

27.4.4. cruel

27.4.5. can include:

27.4.5.1. excessive or degrading demands

27.4.5.2. a pattern of hostile or degrading comments or behaviour

27.4.5.3. inappropriate forms of behaviour management

27.5. **neglect** – conduct by a **child's** carer that:

27.5.1. causes or is likely to cause actual harm, or the potential for significant harm to a child, via:

27.5.1.1. ongoing repeated failures to meet a child's physical or psychological needs

27.5.1.2. a single significant failure to fulfill a duty or obligation

27.5.1.3. examples such as a significant failure to provide adequate and proper:

27.5.1.3.1. food

27.5.1.3.2. supervision

27.5.1.3.3. nursing

27.5.1.3.4. clothing

27.5.1.3.5. medical aid

27.5.1.3.6. lodging

27.5.1.3.7. protection from abuse

27.5.1.3.8. protection from a harmful environment

27.6. **offences** under the Crimes Act – conduct where there is a:

27.6.1. failure to protect (s43B) – a staff member who:

27.6.1.1. knows an adult working there poses a serious risk of committing a child abuse offence, and

27.6.1.2. has the power to reduce or remove the risk, and

27.6.1.3. negligently fails to do so by acts and/or omissions

27.6.2. failure to report (s316A) – a staff member who:

27.6.2.1. knows, believes or reasonably ought to know, that a child abuse offence has been committed, and

27.6.2.2. fails to report that information to the Police, and

27.6.2.3. is without a reasonable excuse for failing to report it, such as:

27.6.2.3.1. where they have reported the matter to the Principal, and

27.6.2.3.2. are aware that the Principal has reported the matter to the Police

27.6.3. **special care relationship** (s73 & s73A) – a staff member who:

27.6.3.1. has a sexual relationship with a student of the school who is a young person

27.6.3.2. has inappropriate sexual contact with a student who is a young person

27.7. behaviour that causes **significant emotional or psychological harm** to a **child** – conduct that includes:

27.7.1. intentional or reckless act(s) that are:

27.7.1.1. unreasonable or serious, and

27.7.1.2. that a person should reasonably know are unacceptable, and

27.7.1.3. cause psychological harm to the child that is more than transient, such as:

27.7.1.3.1. displaying patterns of 'out of character behaviour'

27.7.1.3.2. regression in behaviour

27.7.1.3.3. distress

27.7.1.3.4. anxiety

27.7.1.3.5. physical symptoms

27.7.1.3.6. self-harm, and

27.7.2. an alleged or actual causal link between the conduct and the significant emotional or psychological harm or trauma to the child.

27.8. **reportable allegation** – an allegation that conduct may be **reportable conduct**

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

28. Reportable conduct is not:

28.1. reasonable conduct considering a child's age, maturity, health or other characteristics when related to:

28.1.1. discipline

28.1.2. management

28.1.3. care

28.1.4. relevant codes of conduct or professional standards

28.1.5. conduct such as, for example, a teacher raising their voice to attract attention or restore order in a classroom

28.2. physical force that, considering all the circumstances:

28.2.1. is trivial or negligible, and

28.2.2. has been investigated and recorded as being within appropriate procedures, or

28.2.3. is exempt under s30 of the Children's Guardian Act

28.2.4. conduct such as, for example:

28.2.4.1. touching a young person to attract their attention

28.2.4.2. momentarily restraining a young person to prevent them hurting themselves or others

28.2.4.3. touching a young person to guide or comfort them

Reporting body

29. The school is defined as a reporting body under the WWCC Act

30. The reporting body under the Care and Protection Act is the Department of Communities and Justice (DCJ) or any ensuing NSW government agency with the same function.

Risk assessment

31. Under the WWCC Act, risk assessment is:

31.1. an evaluation of an individual's suitability for **child-related work**

31.2. conducted by the **OCG**

31.3. triggered when a new record is received such as:

31.3.1. an offence under Schedule 1 of the WWC Act

31.3.2. a pattern of behaviour or offences involving violence or sexual misconduct representing a risk to children

31.3.3. findings of misconduct involving children

32. Generally, risk assessment is a preventative measure undertaken as part of an organisation's risk management, which includes identifying and then minimising potential and actual risks through defined actions and controls

Risk of significant harm

33. A risk of significant harm exists where there are safety, welfare or wellbeing concerns for a child or young person that are:

33.1. current

33.2. significant, i.e.:

33.2.1. neither minor nor trivial

33.2.2. expected to cause a substantial and demonstrably adverse impact

33.2.3. warrant a response by a statutory authority irrespective of a family's consent

33.2.4. a single significant act or omission, or an accumulation of these

33.3. caused by:

33.3.1. basic physical or psychological needs not being met, or are at risk of not being met

33.3.2. necessary medical care not being arranged, and carers are unable or unwilling to do so

33.3.3. education not being arranged, and carers are unable or unwilling to do so

33.3.4. risk of physical or sexual abuse or ill-treatment

- 33.3.5. risk of serious physical or psychological harm in a household where there have been incidents of domestic violence
- 33.3.6. risk of serious psychological harm from carer behaviour
- 33.3.7. their birth mother not engaging with support services to eliminate, or reasonably minimise, risk factors identified in a section 25 (Care and Protection Act) report

Special care relationship

34. **Special care relationship** – under the Crimes Act, a **young person** is under an adult's special care if the adult:

- 34.1. is a member of **staff** of the school at which the **young person** is a student
- 34.2. has an established relationship with the **young person** in connection with the provision of religious, sporting, musical, or other instruction

Staff

35. A staff member for the purposes of these Child Protection policy and procedures is an individual who is either:

- 35.1. employed
- 35.2. volunteering
- 35.3. a contractor engaged directly or via a third party
- 35.4. a responsible person.

Working with Children Check (WWCC)

36. A WWCC is authorisation under the WWC Act for a person to engage in **child-related work**, and involves:

- 36.1. **Application/Renewal** – made to the **OCG** via Services NSW or its replacement agency, which requires:
 - 36.1.1. paying a fee
 - 36.1.2. a national Police check
 - 36.1.3. a review of findings of misconduct
 - 36.1.4. granting of a **WWCC** clearance where the application is successful (generally valid for 5 years)
 - 36.1.5. issue of a **WWCC** number to be provided to the school to verify clearance
- 36.2. **Refusal/Cancellation** – **OCG** refusal or cancellation of **WWCC** clearance means an individual:
 - 36.2.1. is restricted from engaging in **child-related work**
 - 36.2.2. cannot apply for another clearance for five years

36.2.3. will have their employer notified by the **OCG** with direction to remove them from **child-related work**

36.3. **Interim bar** – issued by **OCG** to prevent an individual from child related work:

36.3.1. where an individual is considered high risk

36.3.2. for up to 12 months

36.3.3. while a risk assessment is conducted

36.4. **Disqualified person** – is restricted from child related work, because a disqualifying offence from Schedule 2 of WWCC Act is recorded for this person as:

36.4.1. a conviction, or

36.4.2. proceedings have commenced.

37. It is an offence for:

37.1. **staff** to engage in **child-related work** at any time when they:

37.1.1. do not hold a **WWCC** clearance

37.1.2. are subject to a bar

37.2. an employer to knowingly engage someone in **child-related work** who does not hold a **WWCC** clearance or who has a bar

Young person

38. A young person is a person aged 16 or 17 years under the Care and Protection Act

Acknowledgement

39. I, _____

39.1. have read

39.2. understood

39.3. agree to comply with

40. the terms of this Child Protection policy

Signed

Dated