



SAFEGUARDING & CHILD PROTECTION POLICY FOR CATHOLIC SCHOOLS BROKEN BAY: MANAGING RISK OF SIGNIFICANT HARM AND WELLBEING CONCERNS

January 2021



PURPOSE

The purpose of this policy is to contribute to a framework for creating safe and supportive school environments throughout Catholic Schools Broken Bay (CSBB). This policy identifies the responses to be taken by CSBB in addressing concerns about possible abuse or neglect of children and young people. The Policy identifies the need to:

- Recognise the role of reporting risk of significant harm to the Department of Communities and Justice (DCJ) as an important strategy for promoting the protection of children and young people.
- Understand the importance of providing support to children and young people at risk in accordance with the Pastoral Care & Student Wellbeing Policy.
- Ensure that the legal and general duty of care in relation to exchanging information regarding the safety, welfare and wellbeing of children is recognised in CSBB

POLICY FRAMEWORK

CSBB affirms principles central to the Church's teaching as expressed in the Pastoral Care & Student Wellbeing Policy. Accordingly this Policy:

- is inspired by the life and person of Jesus Christ and the teachings of the Church
- is concerned to ensure the dignity and integral growth of every person
- acknowledges the responsibility entrusted to all members of each Catholic school's community
- seeks to promote healing, reconciliation, justice and liberation.

CSBB acknowledges that staff of schools who provide educational services have mandatory legal responsibilities in relation to children identified as being at risk of 'significant harm'. Schools are also required by law to take reasonable steps to coordinate decision making and service delivery to children and young people to address concerns relating to their safety, welfare and wellbeing. These legal provisions recognise the special role that schools play in the lives of children, young people and their families. These legal provisions are supported by State Government policies promoting active involvement of families in early intervention and prevention services.

As well as recognising the scope of the legal responsibilities of CSBB, CSBB affirms the commitment of its schools to promoting students' welfare and wellbeing. CSBB can assist in prevention and early intervention through whole school approaches to safe and supportive environments, or by linking families with other services both within Catholic social care agencies and government and other non-government agencies. This policy statement is consistent with the principles and procedures detailed in:

- The Australian Student Wellbeing Framework
- Pastoral Care & Student Wellbeing Policy
- Children and Young Persons (Care and Protection) Act 1998 NSW
- National and State Child Safe Standards and Principles

DEFINITIONS

Acronym	Title
Act	NSW <i>Children & Young Persons (Care & Protection) Act 1998</i>
CSBB	Catholic Schools Broken Bay
DCJ	NSW Department of Communities & Justice
OfS	Office for Safeguarding (CSBB)

POLICY CONTENT

Risk of significant harm

A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent. This means the situation 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 wellbeing. The significance can result from a single act or omission or an accumulation of harmful circumstances. Harmful circumstances may be present where there is a risk of physical abuse, sexual abuse, a failure to meet basic needs or provide necessary medical care, exposure to domestic violence, or serious psychological harm resulting from the behaviour of a parent or caregiver.

A child is a person under 16 years. A young person is a person aged 16-17 years.

Children and Young Persons (Care and Protection) Act 1998 (the Act)

This Act sets out the means by which the DCJ can intervene to protect children and young persons from risk of significant harm. The Act requires persons in certain professions and management positions, including teaching and school leadership positions, to report to the DCJ a 'current concern of significant harm' to a child or in certain circumstances to a young person.

People employed to deliver education services to children, or managers who directly supervise the provision of education services to children are obliged to report risk of significant harm to the DCJ Child Protection Helpline. They are termed mandatory reporters.

CSBB acknowledges its responsibility to establish and maintain appropriate procedures to support mandatory reporters in fulfilling their reporting obligations to the DCJ.

Staff members should be aware that they have an individual responsibility as a mandatory reporter, and should make a report if they believe in good faith that a child is at risk of significant harm, regardless of the opinions of others. Unless there are exceptional circumstances, child protection concerns should be thoroughly discussed between the staff member and the Principal or Principal's delegate.

Mandatory reporting responsibilities relate only to situations where the grounds arise during the course of or from the person's work. Mandatory responsibilities for reporting risk of significant harm do not extend to situations that a staff member may come across outside the school. However staff members continue to have an ethical responsibility to promote the safety, welfare and wellbeing of children regardless of the context. Any concerns about situations arising outside the school should be discussed with the Principal.

Volunteers are not mandatory reporters. If they provide information about risk of significant harm to a mandatory reporter, the mandatory reporter is obliged to make a report. Volunteers may choose to make reports as concerned members of the community.

When concerns are below the reporting threshold or not accepted for action by the DCJ, schools on their own or in collaboration with other non-government agencies play an important role in arranging and providing support for children and young people who are at risk.

Reporting risk of significant harm

CSBB has a centralised reporting system in place. School staff will advise the Principal where they identify concerns about children or young people that they believe may constitute risk of significant harm, where the grounds for concern have arisen in the course of their employment.

The Principal may use the Mandatory Reporter Guide (ChildStory) to check whether the concerns meet the threshold for reporting risk of significant harm, or will consult with the Office for Safeguarding (OfS) for professional advice.

The Principal will report any child where there are reasonable grounds to suspect risk of significant harm to the DCJ through the Child Protection Helpline. When making the report the Principal will provide all available relevant information to the Helpline.

While reports of risk of significant harm are not legally mandated for young people, the Principal will make reports in relation to young people who are identified at risk of significant harm and will make all relevant information available to the Helpline. The Principal will inform the Child Protection Helpline of the views of the young person concerned regarding their circumstances. Where the concern relates to the homelessness of a young person the consent of the young person will be gathered before a report is made.

In circumstances involving students over the age of 18 years who are not subject to mandatory reporting provisions but where there are concerns regarding risk of significant harm, the Principal will offer assistance in relation to reporting crimes or accessing social care services.

The Principal will advise the staff member who identified the concerns whether a report of risk of significant harm has been made. The staff member's mandatory responsibility is met once the Principal has made a report based on their concerns.

Where the Principal determines that a report of risk of significant harm is not required the staff member can still make a report of risk of significant harm directly to the Child Protection Helpline if they continue to believe that there are reasonable grounds to suspect that a child or young person is at risk of significant harm.

The Principal will ensure that all staff members know how to respond if they identify concerns that a child or young person is at risk of significant harm.

The Principal will ensure that a confidential record is always kept regarding the risk of significant harm report and the report is forwarded to the OfS on the applicable form.

As the Principal is not legally obliged to inform a child, young person or their family when a report has been made to the Child Protection Helpline, in determining whether the family will be informed, the Principal should either be guided by the DCJ advice or consider if informing the child, young person or family will jeopardise the safety, welfare or wellbeing of the child or young person, or any other person involved.

There may be circumstances where the school is also obliged to make reports to NSW Police in relation to relevant crimes being committed as per the Crimes Act 1900 and other related legislation. Advice in relation to reporting to NSW Police can be provided by the OfS.

Responding to wellbeing concerns

School staff will recognise and respond to concerns about a student's wellbeing wherever possible, taking into account the school's resources and the circumstances of the student and their family.

School staff will prioritise concerns about a student's wellbeing, where without assistance being provided, the concerns would likely escalate to the child or young person being considered at risk of significant harm. Particular attention should be given to documenting actions taken to address wellbeing concerns in such circumstances.

School staff should consider promoting students' wellbeing not only by actions within the school, but also through connecting students or families to services outside the school, including, but not limited to, those services offered by Catholic social care agencies.

School staff may promote wellbeing by mobilising the informal resources of the school community, while being mindful of confidentiality, and respecting the preferences of parents/carers.

Schools must consider developing a risk assessment and safety plan in responding to wellbeing or risk of significant harm concerns.

Parents can expect that:

- Concerns about risk of significant harm to their child will be addressed promptly and in accordance with NSW legislation
- Staff of CSBB will give priority to the safety, welfare and wellbeing of the student, over any other considerations
- Sensitive information, including information about risk of significant harm, will be shared only with professionals on a need to know basis, and that documentation will be kept in a secure, confidential manner
- If they ask for assistance in responding to their child's needs, school staff will seek to connect them with services that can help them to address their concerns.

Information exchange

Legislation in NSW sets out a regime under which schools may be required or permitted to disclose the personal information of students, their families, employees and volunteers to others. The legislation also sets out circumstances in which a school may request another school (or other prescribed body) to provide them with information relating to the safety, welfare or wellbeing of a student or students including personal information.

Under Chapter 16A of the *Children and Young Persons (Care & Protection) Act 1998* schools and other prescribed bodies are permitted to request information relating to the safety, welfare or wellbeing of a child or children in order to assist the school or other prescribed body to:

- (a) make a decision, assessment or plan; or
- (b) initiate or conduct any investigation; or
- (c) provide any service relating to the safety, welfare or wellbeing of a child or children; or
- (d) manage any risk to a child or class of children.

School staff should, wherever possible, ensure that consent is obtained from the parents/carers when exchanging information relating to the safety, welfare or wellbeing of a child or young person. Discussion with parents/carers regarding exchange of information and subsequent parental consent is not mandatory and should always be considered against the potential for risk of harm to a child if their parent/carer is aware that the school are sharing information regarding the safety welfare or wellbeing of their child with another school or prescribed body. School staff should discuss this process with the Principal and seek guidance from the OfS as needed.

RESPONSIBILITIES

CSBB staff members have responsibility in relation to addressing risk of significant harm to children and young people. These responsibilities are:

Director of Schools

- Ensure that safeguarding and child protection systems and operations in relation to addressing risk of significant harm and wellbeing concerns within CSBB comply with the relevant legislation.

Principals and CSBB Leaders

- Ensure that staff are aware of and understand the reporting procedures, professional standards, policies and procedures that inform and promote the protection of children and young people at risk within CSBB.
- Ensure school compliance with policies and procedures.

- Ensure any situation involving risk of significant harm or a wellbeing concern is treated with the utmost discretion, sensitivity and regard for the privacy and confidentiality of all persons involved.
- Lead schools in fostering a culture which is proactive in responding to situations where a child or young person is at risk.
- Ensure staff members receive annual professional development in relation to the indicators of child abuse and neglect, and information about the process for responding to concerns and mandatory reporting responsibilities.
- Liaise with the DCJ and other agencies as required.
- Ensure that all exchanges of information in relation to children's safety, welfare or wellbeing comply with relevant legislation and guidelines.

Teachers and other staff

- Support children and young people to acquire personal safety skills and identify, avoid, and report abusive and high risk situations.
- Be aware of the indicators of child abuse and neglect, observe possible signs of abuse and neglect and identify changes in the behaviour of children and young people that may be attributed to abusive situations.
- Respond appropriately to disclosures regarding abuse and neglect from children and young people.
- Comply with policies and procedures as required by this and related documents.
- Attend annual professional development and seek support as required to facilitate the recognition and reporting of suspected risk of significant harm.
- Promote the safety, wellbeing and protection of children and young people in the school.
- Be willing to implement strategies and programs aimed at supporting children and young people at risk and establishing and maintaining a child-safe school environment.

Office for Safeguarding

- Provide advice and support to schools in relation to dealing with risk of significant harm and wellbeing concerns for students and families at risk.
- Assist schools in using the online Mandatory Reporter Guide and in determining whether concerns must be reported to the DCJ Child Protection Helpline.
- Liaise with relevant CSBB personnel to address risk of significant harm and wellbeing concerns for students and families at risk.
- Liaise with the DCJ and other agencies as required.
- In cases that also involve alleged reportable conduct of an employee, ensure that actions for support and intervention are consistent with the investigation.
- Ensure that all exchanges of information in relation to children's safety, welfare or wellbeing comply with relevant legislation and guidelines.
- Provide professional development to all school staff in relation to the indicators of child abuse and neglect, and information about the process for responding to concerns and mandatory reporting responsibilities.
- Report to CSBB Leadership annually about numbers and types of reports made by schools in relation to wellbeing concerns and students at risk of significant harm.

RELATED LEGISLATION, POLICIES AND PROCEDURES

Children and Young Persons (Care and Protection Act) 1998

Crimes Act 1900

Children's Guardian Act 2019

Safeguarding & Child Protection Policy for Catholic Schools Broken Bay: Working with Children Check (2020)

Safeguarding & Child Protection Policy for Catholic Schools Broken Bay: Addressing Allegations of Inappropriate Behaviour by Staff Policy (2020)

Professional Guidelines for Employees Policy (2020)

Australian Student Wellbeing Framework (2018)

Pastoral Care & Student Wellbeing Policy (2020)

National Catholic Safeguarding Standards, Catholic Professional Standards Limited (2019)

The National Response Protocol, Australian Catholic Safeguarding Limited (2021)

Child Safe Standards, NSW Office of the Children's Guardian (2019)

National Principles for Child Safe Organisations, Australian Human Rights Commission (2018)

The Diocesan Office for Safeguarding Charter (2018)

Further information is also available at: <http://csochildprotection.weebly.com/> and <https://www.dcj.nsw.gov.au/>

POLICY RESPONSIBILITY

The contact person for implementation of this policy is the Manager for Safeguarding, Office for Safeguarding.

POLICY REVIEW

A policy review is to be considered following any changes to the NSW child protection legislation or associated guidelines and not less frequently than every three years from the date of implementation of the policy.

POLICY DATES

Date of completion of formation and adoption: January 2021

Date of next review: January 2024

Authorised by:

Most Reverend Anthony Randazzo
Bishop of Broken Bay