

Procedures for Handling Child Safeguarding Matters

1. Introduction

Redlands (“the School”) will investigate reports of alleged reportable conduct and other matters reported pursuant to the Child Safeguarding Policy in accordance with these procedures. Reports of this nature are managed differently to other complaints due to their highly sensitive nature and the need to protect the privacy and confidentiality of those concerned during the investigation.

The School has a legal obligation under the *Children’s Guardian Act 2019* (“the Guardian Act”) to investigate and report to the OCG all allegations of reportable conduct made against, or reportable convictions of, employees and volunteers. The School developed these procedures in accordance with the Reportable Conduct Scheme.

The Office of the Children’s Guardian administers the Reportable Conduct Scheme which includes the following:¹

- a) Identifying reportable allegations
- b) Heads of entities and reportable conduct responsibilities
- c) Risk management following an allegation
- d) Planning and conducting an investigation
- e) Recognising and managing conflicts of interest
- f) Keeping records
- g) Disclosing information to children, parents and carers
- h) Making a finding of reportable conduct.

2. Definitions

Unless a contrary intention appears in these Procedures, a word or an expression in these Procedures has the same meaning as in:

- a) the *Child Safeguarding Policy*
- b) the Guardian Act.

3. Investigating and Managing Allegations

The School initially investigates all allegations to determine if the alleged conduct could be reportable conduct that must be further investigated and reported to the OCG. All investigations uphold the principles of procedural fairness and confidentiality – information is only shared with those who need to know. For information regarding the investigation procedure, see Appendix A.

When an allegation does not meet the threshold for reportable conduct, the School may still investigate the allegation to determine if there has been professional misconduct. This is managed through the School’s People and Culture policies and procedures relating to internal grievances, discipline and termination.

¹ Refer to the Office of the Children’s Guardian website to access information regarding Reportable Conduct Scheme and fact sheets.

Reportable Conduct and Reportable Convictions

When the Principal becomes aware of an allegation of that may be reportable conduct or a conviction considered to be a reportable conviction, the Principal must normally report the allegation or the conviction to the OCG within seven business days after becoming aware of the allegation or conviction. The School must also conduct an initial risk assessment before notifying the OCG to provide information about how risks are being managed.

The School must conduct an investigation, led by the Principal or the Principal's delegate or an external investigator, into the reportable allegation or to determine whether that conviction is a reportable conviction, and must normally provide a final report or an interim report on the status of the investigation to the OCG within 30 days of receiving the report of the reportable allegation or conviction.

Where a student is at risk of harm, the School must take reasonable steps to manage that risk. That may include stopping contact between the employee or volunteer and the student and/or other students.

If the alleged reportable conduct requires a report to a member of the NSW Police Force under sections 316 and 316A of the *Crimes Act 1900* (NSW), the person with the relevant knowledge or information must do this. If Police are conducting inquiries, the School must consult with the Police about any proposed action, including risk management action.

If a mandatory reporter has reasonable grounds to suspect that a child is or children are at risk of significant harm and has informed the Deputy Principal, the Deputy Principal must make a mandatory report to the DCJ and advise the mandatory reporter that this has been done. To have reasonable grounds does not require mandatory reporters to confirm their suspicions or have clear proof before making a report.

4. Risk Management following a reportable allegation or conviction

The School is responsible for ensuring that any risk to a student is assessed and managed while responding to reportable allegations or reportable convictions. This process includes:

- a) making an initial risk assessment on becoming aware of a reportable allegation or reportable conviction based on all relevant information known at that time
- b) revisiting the risk assessment and, where necessary, adjusting it during the investigation as new information becomes known
- c) undertaking a final risk assessment at the end of the investigation.

5. Making a Finding of Reportable Conduct

The investigation process aims to gather and examine information to establish facts and make findings in relation to reportable allegations. Regardless of the findings, the School must advise the OCG of the actions it has taken, or is to take, as a result of the investigation and the reasons for taking that action (or for taking no action). To this end, the School will clearly document the analysis of how the evidence supports the findings and how the evidence has informed the final risk assessment and decision-making around action. When making a finding, the School must have regard to certain mandatory considerations outlined in the Guardian Act and the principles of procedural fairness.

Once the final decision is made, the employee or volunteer must be informed in writing of the findings. The employee or volunteer must also be informed of any consequences for them and of any internal review or appeal available to them.

6. Mandatory reporting

The *Children and Young Persons (Care and Protection) Act 1998* provides for mandatory reporting of children under the age of 16 years who are at risk of significant harm.

Mandatory reporters are persons who:

- a) in the course of their employment, deliver services including health care, welfare, education, children's services and residential services, to children
- b) hold a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services including health care, welfare, education, children's services and residential services, to children, are mandatory reporters.

All teachers are mandatory reporters. Other employees may be mandatory reporters. Any queries about whether an employee is a mandatory reporter should be directed to the Principal or the Deputy Principal.

7. Keeping records

The Principal or their delegate monitors compliance with these procedures and securely maintains School records relevant to these procedures, which includes:

- a) register of employees and volunteers who have read and acknowledged that they read and understood the *Child Safeguarding Policy* and these procedures
- b) working with children check clearance verifications
- c) mandatory reports to the DCJ
- d) reports of reportable allegations and reportable convictions, the outcome of reportable conduct investigations, and a record of criminal convictions of employees and volunteers.

8. Disclosing Information to the School Community

A parent or carer of a student has a legitimate interest in being told of the process that is being followed to investigate an allegation that their child was subjected to reportable conduct.

Under section 57 of the Guardian Act, the Principal must disclose information about the progress of an investigation, the findings of the investigation, and any action taken in response to those findings to the following persons unless the Principal is satisfied that the disclosure is not in the public interest:

- a) a child to whom the information relates
- b) any parent of the child
- c) if the child is in out-of-home care, the authorised carer that provides out-of-home care to the child.

There are times when it may be appropriate to disclose information about the investigation to one of these persons but not another; for example, to disclose information to the child's parent, but not the child.

All the circumstances of the allegation and investigation should be considered when determining if information should be disclosed.

9. Where to Find More Information

The OCG has several informative fact sheets on the topic of reportable conduct and the School's obligations to report. For more information about the School's policies and procedures relating to staff misconduct, reportable conduct or complaints handling generally, contact the Deputy Principal.

10. Related Policies and Documentation

Redlands Child Safeguarding Framework
Child Safeguarding Policy
Complaints Handling Policy

11. Related Legislation

Children and Young Persons (Care and Protection) Act 1998
Children's Guardian Act 2019
Crimes Act 1990

12. Procedure Review and Evaluation

These procedures will be reviewed as part of the School's three-year review cycle or earlier if legislative, regulatory or operational circumstances render it appropriate. This review should evaluate the effectiveness of the procedures and ensure that they continually meet current legislative and regulatory requirements. This review also provides an opportunity for risk management and continuous improvement.

Policy Owner:	Deputy Principal
Policy Authoriser:	Principal
Approval Date:	February 2024
Version:	2.0
Next Review:	February 2027

13. Version History

Revision History:	Description of change
v1.0	Original version
v2.0	Amended to incorporate investigation steps

Appendix A

A.1 Process for investigating an allegation of reportable conduct

The Principal or their delegate is responsible for ensuring that the following steps are taken to investigate an allegation of reportable conduct by a Person Subject of the Allegation (“PSOA”).

A.1.1 Initial steps

Once an allegation of reportable conduct against an employee or volunteer 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 there are reasonable grounds to suspect that a child under the age of 16 is at risk of significant harm or if there is the required knowledge of a criminal offence). If they have been notified, the School would not normally proceed with its reportable conduct investigation without the consent of DCJ or the Police.
- notify the child's parents (unless to do so would be likely to compromise the investigation or any investigation by the DCJ or Police – even then, the Principal may notify the child’s parents or one of them to fulfil the School’s duty of care to the child)
- notify the OCG within seven business days of receiving the allegation
- carry out a risk assessment and take action to reduce/remove a risk of harm to students, where appropriate
- provide an initial letter to the PSOA advising that an allegation of reportable conduct has been made against the PSOA and that the School has a responsibility to investigate under Section 34 of the *Children’s Guardian Act 2019*
- investigate the allegation or appoint someone to investigate the allegation.

A.1.2 Investigation principles

During the investigation of a reportable conduct allegation the investigator is to:

- follow the principles of procedural fairness
- inform the PSOA of the substance of any allegations made against the PSOA, at the appropriate time in the investigation, and provide the PSOA with a reasonable opportunity to respond to the allegations
- make reasonable enquiries before making findings
- avoid conflicts of interest
- conduct the investigation without unjustifiable delay
- handle the matter as confidentially as possible

The School is to provide appropriate support for all parties including the child/children, witnesses and the PSOA.

A.1.3 Investigation steps

In an investigation, the investigator is to:

- interview relevant witnesses and gather relevant documentation
- provide particulars of allegations in writing 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 preliminary findings

Then, the Principal is to:

- inform the PSOA of the preliminary finding in writing and provide the PSOA with a further opportunity to respond or make a further submission prior to the Principal making final findings
- consider any response provided by the PSOA
- make final findings
- decide on the disciplinary action, if any, to be taken against the PSOA
- 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*
- if the final report is not finished within 30 days, the Principal must provide 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*

An interim report must include:

- a reason for not providing the final report within 30 days and an estimated time frame for completion of the report
- specific information, including (if known) the facts and circumstances of the reportable allegation; action taken since the OCG received a notification about the reportable allegation; further action the Principal proposes to take in relation to the reportable allegation (including if the Principal proposes to take no further action); the reasons for the action taken and the action proposed to be taken or the reasons for the decision to take no further action; other information prescribed by the regulations
- copies of documents in the School's possession, including transcripts of interviews and copies of evidence.

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 a support person during interviews. 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.