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# SAFEGUARDING & CHILD PROTECTION POLICY FOR CATHOLIC SCHOOLS BROKEN BAY: ADDRESSING ALLEGATIONS OF INAPPROPRIATE BEHAVIOUR BY EMPLOYEES TOWARDS CHILDREN

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January 2021

## PURPOSE

Catholic Schools Broken Bay are committed to providing a safe and supportive environment for both students and employees. School communities have the right to expect that employees will remain professional in their interactions with children at all times by exercising appropriate duty of care and maintaining professional boundaries.

The purpose of this policy is to establish a framework for Catholic Schools Broken Bay (CSBB) to comply with the requirements of the NSW *Children's Guardian Act 2019* (the Act) to address complaints about alleged inappropriate behaviour by employees towards children in a way that protects children and also respects the rights of employees to a procedurally fair and confidential process.

## POLICY FRAMEWORK

CSBB is committed to the Catholic Schools Broken Bay Care and Wellbeing Framework. 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 community
- seeks to promote healing, reconciliation, justice and liberation.

CSBB is responsible and accountable for promoting a culture in which employees are committed to ensuring the wellbeing, safety and protection of children. In particular employees are required to:

- Act in accordance with their duty of care towards children;
- Maintain professional boundaries with children.

CSBB achieves this by:

- Ensuring that CSBB employees understand the



OfS	Office for Safeguarding (CSBB)
WWCC	Working with Children Check

## POLICY CONTENT

### Addressing complaints about alleged inappropriate behaviour by employees towards children

Part 4 of the Act requires that relevant entities outlined in Schedule 1 of the Act (including non-government schools) as well as Religious Bodies (about their staff who hold, or are required to hold, a Working with Children Check . WWCC . for the purposes of their engagement with the religious body) must notify the NSW Office [ ~@ C@a|^} q Guardian (C@a|^} q G^ aãã) ) of any allegation of reportable conduct or a conviction involving a current employee.

Schedule 1 entities and religious bodies must notify @ C@a|^} q G^ aãã about certain types of a|^|^& }ã &cc@aã^• ã @ &|^|^ [ ~ã ^{ ] || ^^^q . [ \ a , ^|| a certain types of alleged conduct outside of work or ] ã ã ^{ ] || ^^^q & { { ^} & { ^} c at CSBB or prior to the origination of this Act.

These entities are also required to properly investigate and respond to reportable allegations and convictions, and exempt allegations involving misconduct by an employee towards a child.

For the purposes of this legislation, a child is a person under the age of 18 years. CSBB accepts that when a complaint of inappropriate conduct by an employee towards a student who is over 18 years of age is received, that whilst the relevant child protection legislation does not apply, similar transparent and accountable enquiries

- As a volunteer, whether or not the individual requires a WWCC clearance to do so (including parent volunteers)
- As a contractor (either directly engaged or by a third party), if the contractor requires a WWCC clearance for the purposes of the engagement
- A person engaged by a religious body where that person holds, or is required to hold, a WWCC for the purposes of their work with the religious body.

**Head Relevant Entity function (HRE)**

The Bishop of the Diocese of Broken Bay is the Head



allegation by the OfS until it is satisfied that it does not pose a serious risk to an individual or until clearance is provided by another agency such as Police or DCJ.

### **Investigation Pathway and process**

Essentially there are two processes applied to managing child protection complaints:

- (a) Low level complaints (typically exempt conduct) and those involving low risk are managed by the Principal or Leader.
- (b) Complaints involving alleged conduct which is more serious (typically an allegation of reportable conduct/conviction) or suggest a higher level of risk are investigated by the OfS (or outsourced to an external investigator where necessary).

The investigation process will typically involve:

- interviewing the alleged victim and witnesses;
- gathering other relevant evidence;
- writing to the employee detailing the allegations and requesting a response;
- preparing an investigation report;
- making findings on the outcome of the investigation; and
- actioning the outcome and any recommendations associated with it.

### **Confidentiality**

Maintaining confidentiality is considered fundamental to the integrity of the reportable conduct scheme. Only CSBB staff on a needs to know basis will be informed about a reportable allegation. Typically this includes the OfS, Head of Human Resources, Director of Schools, Capability & Enablement Workstream Lead and the Principal.

Any employee subject to a reportable allegation must not discuss the matter with other colleagues (unless they are acting as a support person) or anyone else (including students and families) who they believe may be involved in the investigation. This requirement does not preclude an employee seeking support from industrial or legal representatives. However all parties involved in a reportable conduct investigation will be reminded about the requirement to maintain confidentiality throughout the process and any breach or failure to comply will be dealt with accordingly.

### **Mandatory considerations**

Division 6 of the Act requires the HRE to consider whether the reportable allegation also relates to conduct that is in breach of established standards that apply to the employee, having regard to:

- professional standards
- codes of conduct, including any professional or ethical codes, and
- accepted community standards.

### **Procedural fairness and proposed findings**

The Act requires CSBB to have systems in place to ensure that the handling of and response to reportable allegations has regard to the principles of procedural fairness.

If a finding of reportable conduct is proposed the employee will be informed in writing of the proposed adverse finding and the reasons for it. The employee will be provided with an opportunity to make a further submission which will be given genuine consideration before the HRE finalises the decision.

## **Findings**

At the conclusion of the process a finding is made in relation to the alleged behaviour of the employee. Findings are made on the balance of probabilities as either:

- A finding of reportable conduct (adverse finding)
- A finding other than reportable conduct (non-adverse finding)

- No decision made until the employee has an opportunity to know the details of the



- Authorise the investigation of allegations of reportable conduct specifically related to the actions of employees and ensure appropriate action is taken in relation to the findings and outcome of such investigations.

#### **Principals and CSBB Leaders**

- Ensure that employees are aware of and understand the reporting procedures, professional standards, policies and procedures that inform and direct staff relationships with students and their families within CSBB;
- Ensure compliance with policies, procedures and professional standards;
- Ensure employees receive annual professional development in relation to developing appropriate relationships with students and information about their rights and responsibilities;
- Ensure that the correct procedures specified in this policy and other related procedures are followed in responding to any information, complaint or concern involving alleged inappropriate behaviour by an employee towards any child or young person;
- Ensure any situation involving allegations of reportable conduct is treated with the utmost discretion, sensitivity and regard for the privacy and confidentiality of all persons involved;
- Conduct low level investigations with oversight from the OfS;
- Assist in undertaking risk assessments.

#### **Office for Safeguarding**

- Establish and maintain appropriate procedures for dealing with allegations of reportable conduct and inappropriate behaviour by staff;
- Conduct jurisdiction determinations for all matters reported to the OfS and recommend to the HREling with allegations of

