

Reporting of Allegations of Reportable Conduct Policy and Procedures – New South Wales

Section	Welfare
Number	8h
Version	5
Page	1 of 16
Approved	ASC Board
Date	April 2021
Review	April 2022

Executive Summary:

The purpose of this Policy is to assist Principals, teachers and other school staff deal appropriately with the reporting of child abuse and neglect (the reporting of child sexual abuse is explained in the Mandatory Reporting of Children at risk of Significant Harm Policy and Procedures – New South Wales).

Key Actions:

- Ensure all staff are suitably trained.
- Ensure concerns that involve the safety of children and young people are reported to the Principal.
- Do not engage in general staffroom discussion about a disclosure.
- Observe appropriate confidentiality in relation to a disclosure and ensure that this information is secure.

NB: The list above is not exhaustive, and the policy should be read in full to understand all obligations.

1. Purpose

The Anglican Schools Commission (ASC) has developed this policy and procedures document in line with the requirements of the Children's Guardian Act 2019 (NSW) (**Guardian Act**). Its aim is to assist Principals, teachers and other school staff in New South Wales (NSW) to understand their reportable conduct scheme requirements and to promote the wellbeing and safety of children. All children have a right to be protected from harm and all school staff have a duty of care to students during school hours and at other times when staff/student relationships exist.

2. Relevant Policies, Procedures and Legislation

This policy must be read in conjunction with the following ASC policies and procedures:

- Child Protection Policy – NSW
- Mandatory Reporting of Children at Significant Harm Policy and Procedures – New South Wales.

3. Definitions

3.1 What is reportable conduct?

Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- a. a sexual offence; or
- b. sexual misconduct; or
- c. ill-treatment of a child; or
- d. neglect of a child; or
- e. an assault against a child; or
- f. behaviour that causes significant emotional or psychological harm to a child, or
- g. any offence under section 43B or 316A of the Crimes Act 1900.

Reportable conduct does not extend to:

- a. conduct that is 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
- b. the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- c. conduct of a class or kind exempted from being reportable conduct by the Children's Guardian under section 30.

3.2 Who is a 'child'?

A child is defined as a person who is under the age of 18 years for the purpose of the Guardian Act.

3.3 Is a student aged 18 and over a 'child'?

Students aged 18 and over may attend school but are legally considered adults and as such are not covered by the Guardian Act. They can be considered potentially vulnerable, however, and in need of specialist services and schools do owe a duty of care towards them. Schools should contact the Police when aware of any assault or crime against a young adult.

3.4 Who is an employee?

An employee includes:

- a. an individual employed by the ASC

- b. a volunteer providing services to children
- c. a contractor engaged directly by the ASC/school (or by a third party) where the contractor holds, or is required to hold, a Working with Children Check for the purposes of their work with the ASC/school;
- d. a person engaged by a religious body where that person holds, or is required to hold, a Working with Children Check for the purposes of their work with the religious body.

3.5 Other relevant definitions

Assault

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

- a. 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
- b. 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 and regardless of whether the person actually intends to apply any force (apprehension of physical force).

Allegations of 'serious physical assault', if proven, must be reported to the Children's Guardian for the purpose of the Working with Children Check. Therefore, it is important to obtain the information necessary to determine whether the alleged assault, if proven, will constitute a serious physical assault.

A **physical assault** is not serious where:

- a. it only involves minor force; and
- b. it did not, and was not ever likely to, result in serious injury.

A physical assault is serious where:

- a. it results in the child being injured, beyond a type of injury like a minor scratch, bruise or graze; or
- b. it had the potential to result in a serious injury; or
- c. the injury suffered may be minor, but the assault is associated with aggravating circumstances (in this regard, aggravating circumstances might include associated inhumane or demeaning behaviour by the employee, for example kicking a child, pulling a child by grabbing the child around the neck).

Emotional/ Psychological Abuse

Emotional/Psychological abuse is the sustained, repetitive, inappropriate ill-treatment of a child through behaviours including threatening, isolating, neglecting, discrediting, belittling, misleading, disregarding, ignoring and inappropriate encouragement. Children are likely to feel worthless, flawed, unloved, unwanted, endangered or only of value in meeting another's needs. There needs to be a proven causal link between the inappropriate behaviour and the harm, and the harm must be more than transient.

Emotional abuse includes being exposed to an act of family and domestic violence.

For a reportable allegation involving psychological harm, the following elements must be present:

- a. an obviously or very clearly unreasonable or serious act or series of acts that the employee knew or ought to have known was unacceptable, and

- b. 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
- c. an alleged causal link between the employee's conduct and the significant emotional or psychological harm to the child.

Ill-treatment

Ill-treatment means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel. The focus is on the alleged conduct rather than the actual effect of the conduct on the child.

Examples of ill-treatment:

- a. making excessive or degrading demands of a child
- b. a pattern of hostile or degrading comments or behaviour towards a child
- c. using inappropriate forms of behaviour management towards a child

Neglect

Neglect means of significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to a child, by:

- a. a person with parental responsibility for the child, or
- b. an authorised carer of the child, or
- c. an employee, if the child is in the employee's care.

Examples of neglect:

- a. failing to protect a child from abuse
- b. exposing a child to a harmful environment, for example, an environment where there is illicit drug use or illicit drug manufacturing

Sexual Misconduct

Sexual misconduct means any conduct with, towards or in the presence of a child that is sexual in nature but is not a sexual offence.

Examples of sexual misconduct:

- a. descriptions of sexual acts without a legitimate reason to provide the descriptions
- b. sexual comments, conversations or communications
- c. 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, conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence).

Sexual Offence

A sexual offence is an offence of a sexual nature under a law of NSW, another state/territory, or the Commonwealth committed against, with or in the presence of a child, such as:

- a. sexual touching of a child;
- b. a child grooming offence;
- c. production, dissemination or possession of child abuse material.
- d. An alleged sexual offence 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.

4. Reporting Procedures for all School Staff

- 4.1** School staff have a duty of care to take the necessary action to ensure the child is protected from further harm but it is **not** their role to conduct a detailed investigation or to confront the suspected perpetrator or to intervene with the child's family. School staff do not have to prove that a child or young person has been harmed. This is the responsibility of specialist child protection workers and possibly the police.
- 4.2** School staff who have concerns that abuse or neglect are occurring must inform the Principal. They are to keep brief, written, dated notes of their suspicions or observations and give them to the Principal, who will store these confidential notes in a secure place. Anecdotal records and other written information must be regarded as confidential and used in a professional manner. They may be subject to a court order that the records be made available to the court and to other persons for the purpose of legal proceedings.
- 4.3** If a student starts to disclose in class or any other public area, the staff member should use the strategy of protective interrupting (see the *Child Protection Policy - NSW* for further information).
- 4.4** If a student discloses to a staff member in private and tries to elicit a promise that the teacher will not tell anyone, it is important for the staff member to explain that they have concerns about the student's safety and will have to take action to ensure the student is protected from further abuse. This will include informing the Principal. (For detailed information about dealing with a disclosure, see the *Child Protection Policy - NSW*.)
- 4.5** Once direct disclosure has been made, the Principal **must** be informed.
- 4.6** Staff members must not engage in general staffroom discussion about a disclosure.
- 4.7** School staff who have access to information regarding suspected or disclosed child abuse or neglect have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.
- 4.8** Should allegations of abuse be made against the Principal, the staff member should not inform the Principal but must go directly to the Chair of the School Council.

5. Roles and Responsibilities of other parties in relation to child abuse and neglect

Note: the full list of Roles and Responsibilities in all aspects of Child Protection are covered in the *Child Protection Policy - NSW* and must be read in conjunction with this policy.

5.1 The Anglican Schools Commission

5.1.1 If a formal notification has been made to the Department of Communities and Justice (DCJ), the Principal should inform the Chief Executive Officer (CEO) of the ASC as the official representative of the School Authority, and as part of the school's serious incident procedures.

5.1.2 The ASC Office will:

- If necessary, assist the Principal or their delegate when a case of child abuse or neglect is disclosed, or where there is belief, on reasonable grounds that abuse or neglect has occurred, to follow the procedures on notification of abuse or neglect to the appropriate child protection authority or service.
- Assist the Principal in ensuring that members of staff and students of the school making the referral are offered appropriate support to adjust to any consequences of the referral.

5.2 Children’s Guardian Act - General

Part 4 of the Children’s Guardian Act requires the heads of non-government schools in New South Wales, to notify the Office of the Children’s Guardian (Children’s Guardian) of all allegations of reportable conduct by an 'employee' and the outcome of the School's investigation of these allegations.

An 'employee' includes employees, contractors, volunteers, work experience participants, clergy, and ministers of religion and instructors of religion who provide pastoral or liturgical services. In this part where there is a reference to an employee it includes all of these persons.

5.3 The Office of the Children’s Guardian

5.3.1 The Children’s Guardian:

- a. must keep under scrutiny the systems for preventing reportable conduct by employees of non-government schools and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions;
- b. must receive and assess notifications from non-government schools concerning reportable conduct or reportable convictions;
- c. is required to oversee or monitor the conduct of investigations by non-government schools into allegations of reportable or reportable convictions;
- d. must determine whether an investigation that has been monitored has been conducted properly, and whether appropriate action has been taken as a result of the investigation;
- e. may directly investigate an allegation of reportable conduct or reportable conviction against an employee of a non-government school, or the handling of or response to such a matter (e.g. arising out of complaints by the person who is the subject of an allegation); and
- f. may undertake 'own motion' investigations of non-government schools where the Children’s Guardian considers it appropriate to do so, including where there is evidence of systemic failure or serious conflict of interests.

5.4 The Principal

- 5.4.1 The Principal is responsible for all aspects of school management including the management of suspected or disclosed incidents of child abuse and neglect and ensuring systems are in place for preventing, detecting and responding to reportable allegations or convictions.
- 5.4.2 The Principal must ensure that the school’s pastoral care and/or curriculum structures address the issue of child abuse and neglect and protective behaviours.
- 5.4.3 The Principal must ensure that all staff members receive appropriate training in the detection and reporting of child abuse and neglect.
- 5.4.4 The Principal’s role is not to investigate any disclosure or strong concern about the well-being of a student, but they must report the matter to DCJ, to the CEO of the ASC, and to the NSW Education Standards Authority (NESA) if a serious incident.
- 5.4.5 Advice must be sought from the DCJ or the Police in regard to providing any information to others, including the parents/guardians, about the report or the child concerned.

- 5.4.6 Should any disclosure or strong concern of abuse relate to the behaviour of a staff member, the Principal must report the matter to the Professional Standards Unit (PSU) of the Diocese of Melbourne and to the CEO of the ASC. See also Section 6.
- 5.4.7 The Principal must retain records of all communication with the DCJ, the Police, the PSU and the CEO of the ASC and the subsequent actions, of which they are privy. All records must be stored in a secure place to ensure confidentiality and kept separate from any other file on the student. There should be an indication on the student's general file that other confidential records are being kept separately without revealing the nature of those records.
- 5.4.8 The Principal, with the assistance of the appropriate Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse, or Counsellor), must undertake ongoing support for the staff member, the student and anyone else affected by this process or its outcomes.

5.5 Department of Communities and Justice

- 5.5.1 The main focus of the Department of Communities and Justice (DCJ) is on supporting vulnerable families and the safety and wellbeing of children and young people and protecting them from harm, abuse and neglect.
- 5.5.2 In the case of a mandatory reporter, the mandatory reporter must provide a report to the Child Protection Helpline of the DCJ.
- 5.5.3 The DCJ has the responsibility of deciding how to proceed with reports and will supply feedback to the reporter.
- 5.5.4 The Child Protection caseworker accessed through the Child Protection Helpline can assist if either the Principal or the teacher is concerned about a child and unsure of what action to take.
- 5.5.5 The DCJ has the authority to interview the child at school before contact is made with the parent/guardian. The Principal will be notified by the DCJ before the interview and the child may be given the option of having support at the interview from a staff member of their choosing. The ability to have a support person will be at the discretion of the DCJ.
- 5.5.6 The DCJ may remove a child from school if they have the permission of the parent/guardian. They may also apprehend a child without warrant and take them into care if they believe that the child is in need of care and protection.

5.6 The New South Wales Police

- 5.6.1 The NSW Police may play a role in responding to allegations of child abuse and neglect when informed by DCJ.
- 5.6.2 The NSW Sex Crime Squad will intervene in instances where it is believed that a criminal offence has occurred which may lead to criminal charges being laid.

5.7 The Professional Standards Unit of the Diocese of Melbourne (on behalf of the Diocese of Wangaratta)

- 5.7.1 The Professional Standards Unit (PSU) investigates reports of sexual misconduct and child abuse made against an employee of the Anglican Church and its incorporated bodies and unincorporated organisations.
- 5.7.2 School Principals must refer to the PSU any disclosures or strong concerns relating

to the behaviour of staff members. The identity of the reporter must be protected at all times, in line with the relevant legislation. The ASC CEO is to be advised of such reports.

5.7.3 The PSU will investigate the matter and make a recommendation to the school.

6. Procedures for the Principal for when an allegation of reportable conduct is made.

6.1 Initial steps

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

- a. determine on face value whether it is an allegation of reportable conduct;
- b. assess whether 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 criminal offence – see Mandatory Reporting of Children at Risk of Significant Harm Policy and Procedures – New South Wales for further information);
- c. notify the ASC CEO and Chair of School Council.
- d. notify the child's parents/guardians (unless to do so would be likely to compromise the investigation or any investigation by DCJ or the Police);
- e. notify the Children's Guardian within 7 business days of becoming aware of a reportable allegation or conviction against an employee;
- f. carry out a risk assessment and take action to reduce/remove risk, where appropriate;
- g. as soon as practicable after receiving the reportable allegation/conviction, investigate the allegation or appoint someone to investigate the allegation.

6.2 Investigation principles

The School will:

- a. be mindful of the principles of procedural fairness;
- b. inform the person subject of the allegation (PSOA) of the substance of any allegations made against them and provide them with a reasonable opportunity to respond to the allegations;
- c. make reasonable enquiries or investigations before making a decision;
- b. avoid conflicts of interest;
- c. conduct the investigation without unjustifiable delay;
- d. handle the matter as confidentially as possible; and
- e. provide appropriate support for all parties including the child/children, witnesses and the PSOA.

6.3 Investigation steps

In an investigation the Principal or appointed investigator will generally:

- a. complete the investigation within a reasonable time, having regard to the principles of procedural fairness and the mandatory considerations;
- b. interview relevant witnesses and gather relevant documentation;
- c. provide a letter of allegation to the PSOA;
- d. interview the PSOA;
- e. provide an update on the investigation to the parents/guardians unless the ASC CEO/Principal considers that it is not in the public interest to do so;
- f. by 30 calendar days after becoming aware of the reportable allegation, provide either a finalised report or an interim report to the Children's Guardian (an interim report, reasons the investigation has not been completed and an estimated timeframe for completion);

- g. inform the PSOA of the preliminary finding and provide them with an opportunity to respond;
- h. consider any response provided by the PSOA;
- i. make a final finding in accordance with the Children’s Guardian Guidelines;
- j. decide on the disciplinary action, if any, to be taken against the PSOA;
- k. send the final report to the Children’s Guardian; and
- l. ensure an appropriate level of confidentiality of information relating to the investigation.

At the end of the investigation of a reportable allegation, the Principal must send a report to the Children’s Guardian that enables the Children’s Guardian to determine whether the investigation was carried out in a satisfactory manner and whether appropriate action was or can be taken. A copy of the report must be provided to the ASC CEO and Chair of School Council.

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 DCJ or the NSW 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.

7. Procedures for the Principal to fulfil Risk Management obligations

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.

7.1 Initial risk assessment

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:

- a. the child(ren) who are the subject of the allegation;
- b. other children with whom the employee may have contact;
- c. the PSOA;
- d. the School,
- e. other parties to the alleged incident; and
- f. the proper investigation of the allegation.

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

- a. the nature and seriousness of the allegations;
- b. the vulnerability of the child(ren) the PSOA has contact with at work;
- c. the nature of the position occupied by the PSOA;
- d. the level of supervision of the PSOA; and
- e. 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(ren) and the PSOA.

Please Note: A decision to take action on the basis of a risk assessment is not indicative of the findings of 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.

7.2 Ongoing Risk Management

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

The Principal will ensure that as part of their ongoing risk assessment and risk management plan, appropriate support is being provided for:

- the child(ren) who are the alleged victims of the alleged conduct;
- the PSOA; and
- other relevant parties (this may include parents or carers of the child, other children or other employees affected by the allegation, for example, a witness to the alleged conduct).

7.3 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(ren) involved and any other parties.

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

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

The Professional Standards Unit will also be involved in this process and will recommend the course of action to the Principal.

7.4 Notifying the Office of the Children’s Guardian

7.4.1 The Principal must notify the Children’s Guardian within 7 business days of becoming aware of the allegation, using the 7-day notification form that is available at www.kidsguardian.nsw.gov.au/reportableconduct. The 7-day notification needs to include the following information:

- Type of reportable conduct
- Name of employee
- Name and contact details of the School and Principal (or approved delegate)
- If the reportable allegation has been reported to Police and Child Protection Helpline (DCJ)
- Nature of initial risk assessment
- Risk management action

The Principal should provide additional information and copies of relevant material (if available) at the time of notification.

7.4.2 If the DCJ and/or police are already investigating a reportable allegation against an employee, the Principal is still required to notify the Children’s Guardian of the allegation. However, the Principal should consult those bodies before taking any other action (except action to address any immediate risks).

7.4.3 At the 30-calendar day mark (i.e. within 30 days after the Principal receiving the report of the reportable allegation) the Principal must either provide a finalised report or an interim report with the details set out below. If the report is not available at the 30-day mark, the Principal must provide an estimated timeframe for completion of the report.

7.4.4 The interim report is to include:

- in relation to a reportable allegation—if known, the facts and circumstances of the reportable allegation OR in relation to a conviction considered to be a reportable conviction—any known information about the conviction,
- action taken since the Children’s Guardian received a notification about the reportable allegation or the conviction considered to be a reportable conviction,
- further action the Principal proposes to take in relation to the reportable allegation or conviction considered to be a reportable conviction, including if the School 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.

Providing a detailed and updated investigation plan with actions and timeframes, along with supporting documentation, should meet the interim reporting requirement.

7.4.5 Once the Principal is satisfied that the investigation has been concluded, they must, as soon as practicable, provide the Children’s Guardian with an *Entity Report* that includes:

- in relation to a reportable allegation;
- information about the facts and circumstances of the reportable allegation, the findings the Principal has made about the reportable allegation and an analysis of the evidence and the rationale for the findings;
- in relation to a conviction considered to be a reportable conviction— information about the conviction considered to be a reportable conviction, and the determination the Principal has made about the conviction (including whether the Principal has determined the conviction is a reportable conviction);
- a copy of any written submission made by the PSOA;
- information about what action has been, or will be, taken in relation to the reportable allegation or conviction considered to be a reportable conviction, including the following;
 - remedial or disciplinary action in relation to the PSOA;
 - whether information about the matter has been referred to a different entity;
 - changes to systems or policies;
 - if no further action is to be taken—that no further action is to be taken.
- the reasons for the action taken, including taking no further action; and
- any copies of documents in the School’s possession that are relevant to the report, including transcripts of interviews and copies of evidence.

The Principal must provide a copy of the Report to the CEO and School Chair

8. Information provided to the PSOA by the Principal

The PSOA will be advised:

- a. that an allegation has been made against them (at the appropriate time in the investigation); and

b. of the substance of the allegation, or of any preliminary finding and the final finding.

The PSOA does not automatically have the right to:

- a. know or have confirmed the identity of the person who made the allegation; or
- b. be shown the content of the 7-day notification form or other investigation material that reveals all information provided by other employees or witnesses.

The WWC Act enables a person who has a finding referred to the Children’s Guardian under the Act to request access to the records held by the School in relation to the finding of misconduct involving children.

The Roles and Responsibilities of the ASC, the Principal (in addition to their role as the Head of Agency), the NSW Police Force and the Professional Standards Unit are covered in the Child Protection Policy – NSW.

Questions and Concerns

Must I keep written records?

As a staff member you should keep brief written records of your observations including dates, the nature of the indicators and injuries, if any. Principals are also expected to keep written records of the notification. Student Services personnel should also keep records of their involvement in such cases (e.g. the school nurse should keep records of physical indicators, and the Chaplain and other Student Services personnel keep records of behavioural and family indicators). All these records must be treated as highly confidential and stored securely and separately from other student records.

Can the written records I keep be used in evidence?

Yes. If the investigating officers want to use the school's written records they must apply in writing to the Principal. All types of official records kept in these cases may be the subject of court orders that the records be made available to the court and to other persons for the purposes of legal proceedings. If the Principal or a teacher receives a subpoena, the CEO of the ASC must be notified, and legal advice sought through the ASC Office.

Is there a time limit on suspected offences? Am I expected to report an offence that happened, for example, five years ago?

There is generally no time limit on laying charges for offences relating to child abuse and neglect. That is a matter for the appropriate prosecuting authority. All suspected cases of child abuse and neglect should be reported, irrespective of when they may have occurred. The decision about whether to proceed with prosecution will be made by the appropriate external agency.

How soon after finding out about a case of child abuse or neglect, am I expected to make a notification?

Notification is to be given promptly to the Principal, who must report the situation to the DCJ. It is recommended that you make the notification to the Principal on the same day as you find out.

Can I be called to give evidence?

Yes, a staff member can be called to give evidence. The most likely time when a staff member (notifier) would be required to appear in court is when they have received a disclosure from a child, and this was the first time the child had disclosed the abuse.

What will happen if I have to go to court? What legal support will the ASC provide?

If you are called to give evidence in a child protection case, you will not lose pay. Ensure that your Principal is informed if you are required to attend court. The ASC office can arrange for legal support and advice on making statements. Ensure that you prepare yourself for the courtroom experience and arrange to communicate directly with your legal representative prior to the hearing.

Am I expected to report abuse if the perpetrator is a colleague or someone I know?

Yes. The identity of the perpetrator is irrelevant to the responsibility of teachers to report. The procedures outlined in this document apply, whoever the perpetrator is.

Does the offender have to be told who is notified?

It is the policy of the DCJ and the NSW Police not to reveal the identity of persons notifying child abuse and neglect. However, where a person who has notified an alleged offence is required to give evidence, their identity may be revealed in those proceedings. In extremely limited circumstances

a court may also order that information which could identify the person who notified an alleged offence be disclosed. Any breaches of this policy should be reported to the Principal who in turn will advise the CEO of the ASC.

It is important to note that the safety and welfare of the child is all important and that this is the primary concern of the school, the ASC, the Children’s Guardian and the DCJ. No action will be taken which may jeopardise the safety of the child.

Dealing with a disclosure

A student who discloses abuse or neglect will often do so with great hesitation and with feelings of fear and guilt. Frequently they only hint or tell part of the story to see how the teacher reacts before fully disclosing.

A disclosure can often arouse strong feelings in the person to whom the disclosure is being made. Such reactions may include shock, anger and helplessness. It is important to be aware and in control of these feelings and that they be dealt with following the disclosure. Pastoral Care Staff (such as the School Chaplain, Pastoral Dean, Psychologist, Nurse or Counsellor), may be of assistance in this regard.

It is not easy for students to disclose abuse or neglect as they may previously have been coerced, bribed or threatened into secrecy. They may need repeated reassurance that you believe them and that it was right to tell.

Public disclosure

It is possible that a student may start to disclose in class or with a group of other students. If disclosure does begin in a public area it is important for the teacher to use the strategy of **protective interrupting**, namely:

- Acknowledge that you have heard the student and stop them disclosing any further;
- Be supportive and gently indicate that they may want to talk to you about it in a more private situation; and
- Quietly arrange to see the student as soon as possible, such as after the lesson, away from the other students.

Private disclosure

The teacher's role is to listen actively to what the student may say but not push for details, or conduct an investigation:

- Remain calm and try not to express panic, shock or disbelief;
- Acknowledge that it can be difficult to talk about such things;
- Reassure the student that it is right to tell and emphasise your belief in them;
- Emphasise that the student is not to blame;
- Assure the student that they have the right to feel safe;
- Accept what is said by the student (only **minimum information** is required for action);
- Do not ask questions as this could contaminate any future evidence;
- Do not to express a judgement about the alleged perpetrator;
- Use appropriate vocabulary when speaking with the student;
- Do not promise not to tell;
- Tell the student that the matter will be reported to the appropriate authority;
- Allow the student the option of having your support during the initial agency interview; and
- Reassure the student that support will continue at school.

Version Control

Version	Date	Summary of Changes
1	May-17	New Policy
2	May-18	Annual policy review and to align the NSW policies with the WA and Victoria Policies.
3	Apr-19	Annual review
4	May-20	Annual review
5	Apr-21	Annual review Amend Department of Family and Community Services and Justice to Department of Communities and Justice. New Policy format.