



Child Well-Being and Child Protection Policy

27 March 2023

POLICY

Liberty College (Liberty) will provide a safe, welcoming and secure environment so that students can learn and grow spiritually, academically, socially, physically and emotionally. The school will ensure that legislative obligations in relation to child protection are met.

Who must comply with this document:

Teaching and Non-Teaching Staff
Students
Parents
Volunteers
Visitors to the school

Related Documents:

Mandatory Reporter Guide (MRG)
A Guide to the Child Safe Standards
Mandatory Training Attendance Record
Mandatory Training Confirmation Record
Liberty Church Inc. Code of Conduct

Legislation Applicable to Liberty

- a. Children's Guardian Act 2019
- b. Child Protection (Working with Children) Act 2012
- c. Children and Young Persons (Care and Protection) Act 1998

Other Relevant Legislation

- a. Adoption Act 2000
- b. Ombudsman Act 1974 No 68
- c. Child Protection (Working with Children) Amendment (Statutory Review) Act 2018 No 14
- d. Crimes Act 1914
- e. Child Protection (Working with Children) Regulation 2013
- f. Children and Young Persons (Care and Protection) Regulation 2022
- g. Adoption Regulation 2015

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1 Aim

Liberty aims to create a safe setting where students can learn, are respected and empowered to achieve their life goals in a supportive Christian environment. Liberty takes a proactive approach to student wellbeing and values the opportunity to build foundational life lessons and encourage students to reach their full potential.

Liberty has a duty of care to ensure that all students are provided with the highest level of safety and protection. Liberty is dedicated to early intervention and prevention of child abuse and neglect in any form and will provide support to students, families, carers and staff directly with mentoring, consultation with the Principal and the Chaplain.

2 Principles

Liberty is committed to providing a caring, safe and accepting environment for students. All children have the right to grow up free from abuse and neglect and as such, Liberty is committed to action where concerns are found.

Liberty aims to act in the most supportive manner possible towards its families, but will always put the safety, welfare and well-being of children and young people first.

The school is committed to the implementation of the 10 Child Safe Standards.

All staff are to be aware of the indicators of abuse and neglect of children and young people as outlined in the MRG and the Child Wellbeing and Child Protection – NSW Interagency Guidelines.

Student's parents, volunteers and staff are encouraged to raise any child wellbeing concerns.

All staff are to be made aware of their obligations to advise the Principal of concerns about the safety, welfare and wellbeing of children and young people that arise during the course of their work.

All staff are to be aware of the Code of Conduct and Reportable Conduct in relation to their employment.

3 Legislation

Liberty abides by relevant legislation as declared on page 1.

4 Child Safe Standards

The Child Safe Standards were recommended by the Royal Commission and compliance and enforcement measures relating to the Child Safe Standards under the Children’s Guardian Act commenced from 1 February 2023.

The Guide to the Child Safe Standards, published by the Office of Children’s Guardian defines a child safe organisation as organisations that create cultures, adopt strategies and act to prevent harm to children, including sexual abuse.

The Australian and New Zealand Children’s Commissioners and Guardians define a child safe organisation as one that systematically:

- creates conditions to reduce the likelihood of children being harmed
- creates conditions that increase the likelihood of identifying and reporting harm
- responds appropriately to disclosures, allegations and suspicions of harm.

4.1 The 10 Child Safe Standards are:

1. Child safety is embedded in organisational leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child-abuse are child-focussed
7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur
9. Implementation of the Child Safe Standards is continuously reviewed and improved
10. Policies and procedures document how the organisation is child safe.

5 Definition of Risk of Significant Harm

The mandatory reporting threshold is set at “risk of significant harm” as of 24 January 2010.

“Significant” is something that is deemed to be sufficiently serious to warrant a response by a statutory authority, irrespective of a family's consent. That means, what is significant should not be considered minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's or young person's safety, welfare, or wellbeing. In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child. (Keep Them Safe.....)

6 Mandatory Reporters

A mandatory reporter in NSW is an individual required under Section 27 of the *Children and Young Persons (Care and Protection) Act 1998* to report to the Child Protection Helpline when he/she has reasonable grounds to suspect that a child or young person, or a class of children/young people, is at risk of significant harm from abuse or neglect, and those grounds arise during the course of or from the person's work.

Liberty recognises that those who work in Education, including teachers, counsellors and principals, along with volunteers engaged in child-related work, are mandatory reporters and will report matters where a child is at risk of significant harm.

Reporting shall be to the Child Protection Helpline after completing the mandatory reporter guide (MRG).

7 Identifying and Responding to Child Abuse and Neglect

All staff are expected to be aware of the general indicators for child abuse and neglect, as well as the process for responding to disclosures. This is part of the annual training that staff are required to attend.

All staff are required to report cases of suspected risk of significant harm (ROSH) to the Principal who may consult with other staff as required. A Keep Them Safe Mandatory Reporters Guide (MRG) will be completed and Liberty will follow the process outlined there to report to the relevant authorities.

The MRG categorises abuse under eight categories which are as follows:

7.1 Physical abuse

- You suspect a non-accidental injury or physical harm to a child / young person that may have been caused by a parent / carer or other adult household member.
- You know of treatment of a child / young person by a parent / carer or other adult household member that may have caused or is likely to cause an injury or physical harm.
- Child / young person was injured, or nearly injured, during a domestic violence incident involving adults.

7.2 Neglect

- You suspect that a parent / carer is not adequately meeting child / young person needs.
- A child / young person appears neglected.
- A child / young person is a danger to self or others and parents / carers are not supervising or providing care.

7.3 Sexual Abuse

- You learn about sexual abuse or have concerns about sexual contact involving a child / young person.
- A child / young person has medical findings that give rise to suspicions of sexual abuse.
- A child / young person's behaviour, including sexualised behaviour, makes you worry that he/she may be a victim of sexual abuse.
- You are concerned that a child / young person is at risk of sexual abuse.
- You are concerned/worried that a child or young person may be sexually harming another child or young person

7.4 Psychological Harm

- A child / young person appears to be experiencing psychological / emotional distress that is a result of parent / carer behaviour such as domestic violence, carer's mental health, carer's substance abuse.
- A child / young person is a danger to self or others as a consequence of parent / carer behaviour.
- You are aware of parent / carer behaviours, including domestic violence that are likely to result in significant psychological harm.
- You are aware of an underage marriage or similar union that has occurred or is being planned

7.5 Danger to Self and/or Others

- A child / young person is demonstrating suicidal or self-harming behaviours.
- A child / young person is a danger to self or others and the reporter does not know whether the parent / carer behaviours contributed now or in the past. For example, parent / carer allows the child / young person to consume/use or has provided the child / young person with alcohol or drugs.

7.6 Relinquishing Care

- Parent / carer states they will not or cannot continue to provide care for child under the age of 16; or a young person over 16 and he / she is unable to make an informed decision (temporarily or permanently).
- Child / young person is in voluntary care for longer than legislation allows.

7.7 Carer Concern

- You have information that the child / young person is significantly affected by carer concerns such as substance abuse, mental health or domestic violence.

7.8 Unborn Child

- You are concerned for the welfare of an unborn child at birth.

8 Documentation

All staff and volunteers must document observations, consultations and actions involving potential child abuse or neglect. Staff and volunteers must record all information and observations relating to child abuse and neglect. A copy of the record will be stored in a secure file.

The MRG will be consulted, with the Decision Report printed, signed and stored in a secure file, along with any additional evidence. An eReport will be generated by the Principal and submitted online via ChildStory.

All records must provide factual information, observable indicators and refrain from opinion or conclusions. Recorders must include child's name, date of birth, date, approximate time of any observations or disclosures with exact wording of statements made using indented quotation marks ("example"). Documentation will include use of first person singular examples, "I observed ..." and refrain from professional judgements or opinions.

When a notification is made to the Department of Communities and Justice the receipt number is kept in the Principal's files as proof the report has been made. Written records will be made of all communication with Police and DCJ.

It is the responsibility of the Principal to ensure that this documentation remains confidential.

9 Reporter's Identity

Liberty is aware that Section 29 of the Act, as outlined in the Child Well-Being and Child Protection – NSW interagency Guidelines, prohibits the disclosure of the identity of a reporter, or of any information which might reveal the identity of a reporter, unless:

- a) the reporter has given consent to the disclosure
- b) a court or other body before which proceedings relating to the report are being conducted has granted leave for the disclosure
- c) NSW Police require the identity of the reporter to be disclosed in connection with the investigation of a serious offence alleged to have been committed against a child or young person (see section *Disclosing reporter's identity under Section 248 and Chapter 16A*).

A report made on behalf of a person in a chain of reporting, is afforded protection. Note: If a principal makes a mandatory report on behalf of a teacher and it is clearly specified in the report that the report, is made on behalf of the teacher, the teacher is also protected. The protection applies regardless of whether DCJ assesses the report as meeting, or not meeting, the risk of significant harm threshold. Where a person provides information to a prescribed body under Chapter 16A or Section 248, they are not considered to be a reporter, and their identity is not protected by Section 29.

When a disclosure of child abuse is made, confidentiality must not be promised and whenever possible the student and/or parents should be involved in the actions that may be taken.

It is recognised that it is good practice to discuss a report with the family, where this does not put a child at further risk. Where a close and supportive relationship exists with the family, concerns may be able to be raised in the form of assisting a family to seek support, and take, with statutory help, the necessary steps to ensure a child's safety. This may be appropriate in cases of neglect, or where there is a clear disclosure of abuse by someone outside the family and the family is believing of the child.

Where a child or young person is disclosing or is suspected of being physically or sexually abused, either within the family, or from an unknown source, this should not be discussed with the family prior to a report, as it may result in pressure being placed on a child not to tell, or further abuse or risk to the child or young person.

If staff are unsure whether to raise their concerns with a family prior to making a mandatory report, they should discuss this with the Principal or the Head of Agency.

10 Aboriginal and Torres Strait Islander Principles

Liberty recognises that the Act makes special provisions relating to Aboriginal and Torres Strait Islander children and families (sections 11-14). The Aboriginal and Torres Strait Islander principles focus on self-determination and on participation in decision making. This includes the opportunity to participate in significant decisions that are to be made about an individual child who is Aboriginal in the context of child protection, including the decision to remove a child or young person from the care of their parent or caregiver.

These principles will be upheld by Liberty with the advice of relevant authorities.

11 The Family Law Act 1975 (Commonwealth Act)

If there is a Family Court Order or an Apprehended Domestic Violence Order operating at the time of a student commencement, or taken out while they are enrolled, this is to be placed in the student's school file.

Relevant key staff, as determined by the Principal, will be advised of the details of the Order. Liberty College does not act as a mediator in legal matters of child access merely abiding by The Family Law Act 1975.

It is a parent responsibility to inform the school of any Family Court Order or Apprehended Domestic Violence Orders to ensure records are kept up to date.

12 Exchange of Information

A shared approach to child protection means greater information sharing between agencies involved in the safety, welfare and well-being of children or young people. Therefore, under information exchange amendments, government agencies and non-government organisations can now share information relevant to the safety, welfare and well-being of a particular child or young person.

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* clearly prioritises the safety, welfare, and well-being of a child or young person over an individual's right to privacy. Chapter 16A allows government agencies and non-government organisations who are prescribed bodies to exchange information that relates to a child's or young person's safety, welfare or well-being, whether or not the child or young person is known to Community Services, and whether or not the child or young person consents to the information exchange. Chapter 16A also requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people. Liberty College is a prescribed body and as such will respond to requests under Section 16A where appropriate. Community Services can also make requests under Section 248 of the Act, and again, Liberty College will comply where appropriate and as required.

All Section 16A or Section 248 requests for information should be directed to the Principal who will consult as required and determine the validity of a request and co-ordinate the Liberty College response. Similarly, should Liberty College wish to use the provisions of Section 16A to seek information from another agency, this should be authorised by the Principal and necessary documentation maintained.

13 Working with Children Check (WWCC)

All persons engaged in child-related work at Liberty, as defined by the *Child Protection (Working with Children) Amendment (Statutory Review) Act 2018 No 14* must have a working with children check clearance from the Office of the Children's Guardian. This includes persons engaged in paid and un-paid duties, including volunteers and those engaged through External Providers.

WWCC Clearance evidence is maintained on the Liberty's server. Maintaining this register of data is the responsibility of the Head of Agency, President of Liberty Church Inc.

Liberty Church Inc. will comply with any notification that a person employed by the agency has had a bar placed on their WWCC.

14 Preventative, Proactive Training Practices and Procedures

Liberty acknowledges that given the high rates of child protection issues across the population, it is inevitable that some students will have experienced child abuse and/or neglect and that education of staff can play a significant role in early intervention or prevention.

Prevention practices are vital and Liberty is committed to providing annual mandatory training for staff. All staff within the organisation are informed annually of their legal responsibilities related to child protection, mandatory reporting, code of conduct and other relevant school expectations. This training is presented to teaching and ancillary staff and volunteers.

This training is also presented to new staff, prior to commencing their duties.

14.1 Training Package

A training package is used and presented by the Principal. The training includes information across the following areas:

- a) Liberty's obligations
- b) duty of care
- c) legislative framework
- d) key agencies
- e) employment screening
- f) mandatory reporting
- g) significant harm
- h) abuse and neglect
- i) responding to a disclosure of harm
- j) reportable conduct
- k) allegations and investigations
- l) code of conduct

14.2 Documentation

At the time of annual mandatory training, staff are required to register their attendance on an Attendance record. They are provided with a Mandatory Training sign off sheet. This outlines the items listed in 14.1. Attendees are required to attend the training and read any material provided prior to signing the document. This is co-signed by the presenter once attendance is verified. The document is scanned and stored on the Y-Drive. The original is returned to the training attendee. A log of staff that have participated in annual child protection training will be kept along with the documentary evidence. Throughout the year relevant information will be forwarded to staff electronically, as available, to ensure they are up to date.

15 Staff Conduct

Students learn through example and role modelling which assist in teaching children about protective behaviours. Staff, carers, students and volunteers are role models.

School staff are encouraged to witness within the community with the nine visible attributes of Christian life, according to Galatians 5:22-23 “love, joy, peace, forbearance, kindness, goodness, faithfulness, gentleness and self-control”.

Staff are employed by Liberty Church Inc. and will be provided with a Code of Conduct upon employment, outlining how they are to conduct themselves, and which actions are NOT to be displayed as an employee of Liberty Church Inc. Volunteers within the school are also provided with the Code of Conduct.

The Code of Conduct is presented annually to all staff and upon the initial engagement of volunteers. This document is provided at the time of training and must be returned signed within 7 days. The signed Code of Conduct is scanned and saved securely on the Liberty Church Inc. server.

16 Age of Consent Laws

Liberty recognises that when a person engages in sexual behaviour with someone below the age of consent, they are committing a criminal offence.

Under the Crimes Act 1900 (Section 66c) the NSW age of consent for sexual interactions is 16 years. It is an offence for a person in a supervisory role to sexually engage with a person under their special care who is aged 16 or 17 years. This is the case for a teacher or spiritual leader among others with a “special care” relationship.

17 Reportable Conduct

Under the Ombudsman Act 1974 No 68, Liberty College, as a Non-Government agency must notify the Ombudsman of reportable allegations or convictions against employees.

17.1 Reportable conduct refers to the following:

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

17.2 Head of Agency

The President of Liberty Church Inc. holds the office of Head of Agency. Day-to-day correspondence or enquiries may be undertaken by the Principal of Liberty College. The President has the responsibility to fulfil the requirements as outlined in the Child Protection: Responsibilities of Heads of Agencies Fact Sheet.

17.3 Responsibilities of the President

The President (or their delegate) is expected to:

- a) ensure specified systems are in place for preventing, detecting and responding to reportable allegations or convictions
- b) make a notification to the Office of the Children's Guardian within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity
- c) as soon as practicable after receiving the reportable allegation/conviction, arrange for it to be investigated/determined
- d) complete the investigation within a reasonable time, having regard to the principles of procedural fairness and the mandatory considerations outlined in Division 6 of the Act
- e) provide information about the allegation, the progress of the investigation and the finding and action taken to the alleged victim and their parent / carer unless the head of the relevant entity considers that it is not in the public interest to do so
- f) by 30 calendar days after the head of the entity becomes aware of the reportable allegation, provide either a finalised entity report or an update (an interim report, reasons the investigation has not been completed and an estimated timeframe for completion)
- g) make a finding of reportable conduct if satisfied, on the balance of probabilities, that the case against the employee the subject of the reportable allegation has been proved
- h) provide information to the Children's Guardian that the Guardian requires under relevant provisions of the Act, which may include information about a reportable allegation, the relevant entity's response to a reportable allegation, and systems for preventing and responding to reportable allegations
- i) ensure an appropriate level of confidentiality of information relating to reportable allegations and only disclose information about the allegations in circumstances permitted by the Act or other legislation; At the end of the investigation of a reportable allegation, the head of agency must send a report to the Office of the Children's Guardian that enables the Office of the Children's Guardian to determine whether the investigation

18 SRS Plus

Liberty College, as a member school of Christian Schools Australia has subscribed to CSA's SRS Plus program and is therefore able to consult with their designated consultants to provide advice and support for matters relating to Child Protection.

19 Staff Dismissal

There may be times when the school's reputation is damaged by a teacher's actions around Child Protection. This may or may not result in a conviction under the law.

The Board of Liberty Church Inc. will investigate the matter upon request by the President or the Principal of Liberty College, and if so determined, take any appropriate measures including dismissal of the staff member.

Any staff member convicted of an offence in court may be dismissed by the Board. The authority will consider any finding as directed by the Office of the Children's Guardian.

In all cases the Board will:

- a) ensure that a fair process of investigation be followed
- b) provide or arrange chaplaincy support for the staff member
- c) provide written notification to the staff member
- d) follow an appropriate appeal process
- e) maintain confidentiality to protect the integrity of the process and people.

20 Counselling

Liberty recognises its role to provide support and care for stakeholders.

The School Chaplain is utilised in the first instance to provide counsel within the NSCP Code of Conduct criteria.

Liberty does not currently employ counsellors. The School will provide parents with contact information for appropriately qualified counsellors when required.

21 Media

In the event that the media becomes aware of a matter pertaining to Child Protection, all enquiries must be directed to the President, or in their absence, the Principal. Other staff, whether paid or unpaid, including volunteers are not authorised to answer or make any comment to the media without prior permission by the school.