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# Staff Code of Conduct

All staff of Cranbrook School are expected to observe, model and maintain the highest standards of ethical behaviour and integrity in their conduct. Cranbrook School's Code of Conduct sets out the School's key values and how they should be applied within the School's workplace and in its dealings with those beyond the immediate School community.

This Code of Conduct applies to all Cranbrook School staff, which includes full time, part time, casual or temporary employees, contractors, and volunteers.

This Code of Conduct has been prepared having regard to the Australian Standard 8002-2003 'Organisational Code of Conduct'. It is an important management tool which, alongside the Teaching at Cranbrook Policy, positively shapes the School's culture.

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## Introduction from the Head of School

Cranbrook School will only succeed in fulfilling and living out the School's vision and mission statements where it has the respect of its stakeholders (including students, parents and colleagues) and the communities in which the School operates.

The School's reputation depends on having a culture where every one of us acts with the highest level of integrity and honesty, and within which we are expected to take responsibility for our own actions and their consequences.

The School Council is committed to ensuring that the School operates with the highest level of integrity and it expects all staff to do the same.

Cranbrook School's Code of Conduct sets out the ethical behaviour expected of us. It will assist all staff in solving ethical dilemmas they may face in their working environment.

Commitment to an ethical culture within the School involves us capturing opportunities to increase the awareness of the School's Code of Conduct and making it part of our daily decisions and actions. It is up to all of us to ensure that the School's Code of Conduct becomes part of the operational fabric of the School. Successfully implemented, this Code of Conduct will result in:

- (a) More effective compliance with relevant laws,
- (b) More effective management,
- (c) Building and maintaining a child safe environment, and
- (d) Maintaining the integrity and reputation of Cranbrook School.

This Code of Conduct outlines the School's key values and its expectations of staff within and beyond the workplace. It also highlights appropriate standards of behaviour by adults towards students – to protect students, to reduce opportunities for abuse or harm to occur, and to promote child safety in the school environment.

The overall aim of this Code of Conduct is to require staff to act in a manner which maintains the School's core values and good reputation, and which models positive behaviours for students.

All staff are required to uphold the key values and expectations of this Code of Conduct when acting on behalf of, or representing, Cranbrook School.

*Michele Marquet*

**Michele Marquet**  
**Acting Head of School**

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## Key Values

Cranbrook School's Code of Conduct is underpinned by the overriding philosophy of our vision:

***To be a world class school which encourages and enables all of our students to explore, enjoy and fulfil their potential.***

The School's Code of Conduct provides guidance regarding the responsibilities of the School, its staff and any person acting on the School's behalf.

Responsibility in this context means that each individual takes responsibility for their actions. High ethical standards flow from the concept of being "responsible" for our actions and their consequences. Each individual who is a part of the School is expected to accept this responsibility. This philosophy is a key part of our operational process.

There is no right way to do the wrong thing. Behaving in an ethical manner and in accordance with the School's key values is vital to Cranbrook School's success. Applying the School's Code of Conduct seeks to ensure that a high ethical standard is maintained, which reinforces the good standing of two of the School's key assets: its reputation and its people.

## Working Environment

Cranbrook School is committed to providing a safe and satisfying working environment within which everyone is treated fairly, with respect, and where employment decisions are based on merit. The School has established various workplace standards so that it can meet these commitments.

Cranbrook School's key commitments to its staff are to:

- Provide terms of employment in accordance with the relevant Multi-Enterprise Agreement or industrial award;
- Provide clean, healthy and safe working conditions;
- Abide by the School's policies which aim to ensure equality and diversity for all present and potential staff and not to discriminate on the grounds of disability, colour, ethnic origin, gender, sexual orientation, age, religion, or political or other opinions;
- Abide by the School's policies which aim to ensure that all forms of bullying of staff, including but not limited to, sexual, physical or mental harassment, are not tolerated; and
- Encourage staff to develop skills and progress in their careers.

Cranbrook School expects all staff to:

- Act with care and diligence in fulfilling the requirements of their role;
- Act in a professional and respectful manner, and with honesty;
- Act in accordance with the School's values;
- Treat everyone equally, fairly and with dignity regardless of gender or gender identity, sexual orientation, ethnicity, cultural or religious background, age or disability;
- Not engage in any behaviour which involves harassing, bullying or discriminating against another person;
- Respect cultural, religious and political differences;
- Provide a positive role model for students;
- Promote the safety, welfare and well-being of students, their families and other staff;
- Deliver high quality services to students;
- Take responsibility for and support official decisions;
- Maintain professional standards in personal appearance and good hygiene;

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- Comply with the letter and spirit of the law;
  - Maintain strict observance of School policies, rules and procedures, including the reporting of improper or unethical behaviours (including any breach of this Code of Conduct);
  - Use social media appropriately, and not make any public comment, including on social media, that would breach this Code of Conduct or likely be detrimental to the best interests, image and welfare of the School;
  - Not act in a way that may adversely affect or reflect on the School, or bring you or the School into disrepute or discredit;
  - Declare conflicts of interest, including any connections with a student or any family member of a student, and not let business dealings on behalf of the School, or interactions with or decisions regarding students, be influenced, or appear to be influenced, by personal or family interests;
  - Respect the ownership of all School equipment, supplies, books, records and proprietary information, including manuals and any other material;
  - Not accept outside employment unless approved by the School;
  - Not use information or authority derived from employment with the School for personal gain;
  - Preserve the confidence of School information including personal information of students, parents and other key stakeholders, plans and decisions, personal and other information about staff and any other information that is not public knowledge;
  - Respect the privacy of staff, students and their families and only disclose information to people who have a need to know, and handle all personal information in accordance with the School’s privacy policy; and
  - Report to management any possible violation of any law or regulations, or any breach of policy or professional standards, or any concerns about safety of staff, students or visitors.

### **Duty of Care to Students**

Cranbrook School owes a duty of care to take reasonable steps to protect students from any injury or harm that may be reasonably foreseen. This requires everyone not just to react to situations as they arise but to engage in appropriate risk management to reduce the risk of injury or harm.

Cranbrook School is committed to:

- Establishing and effectively implementing a comprehensive range of student care and child protection policies and procedures;
- Making these policies and procedures readily available to all staff;
- Providing training to staff with respect to student safety and child protection issues;
- Regularly reviewing student care and child protection policies and procedures to ensure that they remain fit for purpose;
- Capturing data with respect to student injuries as well as child protection and safety incidents; and
- Implementing student care and child protection control measures as appropriate.

Cranbrook School expects all staff to:

- Promote the safety, welfare and well-being of students;
- Treat all students with respect, and use positive and affirming language towards students;
- Provide age appropriate supervision for students;
- Comply with the appropriate professional standards and external codes of conduct relevant to their role;
- Abide by the School’s student safety and child protection policies, procedures and guidelines;

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- Be vigilant and proactive as to student safety and child protection issues;
  - Report to management any concerns arising with respect to student safety and child protection issues;
  - Meet their legal obligations to report any allegations externally;
  - Support and contribute to the building and maintenance of a child safe environment which is inclusive, transparent and promotes student’s participation;
  - Promote the safety, participation and empowerment of students with a disability and of linguistically and culturally diverse students;
  - Encourage students to “have a voice” and participate, and listen to them with respect;
  - Help provide an open, safe and supportive environment for all students to interact and socialise;
  - Intervene when students are engaging in inappropriate bullying behaviour towards others or acting in a humiliating or vilifying way;
  - Behave appropriately and professionally, and observe professional boundaries with respect to students at all times, including as outlined in the [Child Protection - Staff and Students Professional Boundaries Policy](#);
  - Not use prejudice, oppressive behaviour or inappropriate language with students, or engage in any form of inappropriate behaviour towards students or expose students to such behaviour;
  - Not express personal views on culture, race or sexuality in the presence of students or discriminate against any student based on culture, race, ethnicity or disability;
  - Not engage in inappropriate relationships with students, including close relationships with students that may be seen as favouritism;
  - Not engage in inappropriate personal communications with a student through any medium, including any online contact or interactions;
  - Not engage in any form of sexual conduct with, directed to or involving a student including making sexually suggestive comments or sharing sexually suggestive material;
  - Not engage in inappropriate or unnecessary physical conduct or behaviours, including doing things of a personal nature that a student can do for themselves, any form of physical violence towards a student including inappropriately rough physical play, or use physical means to discipline or control a student;
  - Not engage in any form of bullying or harassment of a student or any form of behaviour that has the potential to cause a student serious emotional or psychological harm, or any physical conduct that may cause harm or injury to a student; and
  - Not engage in any form of discriminatory conduct with respect to a student.

### **Business Dealings**

All staff are responsible to the School for maintaining the highest standards of ethical business conduct and supporting the commitments below.

Cranbrook School’s key commitments to its students and their parents are to:

- Act honestly and fairly in our relationships with students and their parents;
- Take all reasonable steps to ensure the safety of services the School provides; and
- Not engage in bribery or corruption in relation to students or their parents.

Cranbrook School’s key commitments to its suppliers and contractors are to:

- Act honestly and fairly in our relationships;
- Obtain best value for our stakeholders;

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- Not engage in bribery or corruption; and
  - Endeavour to procure goods and services from those organisations demonstrating good ethical practice.

### **Community and Environment**

Cranbrook School aspires to support the community and the environment. The School strives towards the implementation and maintenance of management systems for sustainable development that drive continual improvement.

Staff are required to support these commitments and aspirations, and to encourage students to do the same.

Cranbrook School's key commitments to the community and the environment include:

- Contributing to making the communities in which the School operates, better places to live and work;
- Being sensitive to local communities' cultural, social and economic needs;
- Endeavouring to support ethical trade in purchasing practices; and
- Protecting the environment in terms of the School's use of resources and minimisation of waste and pollution.

### **Compliance with the Law**

All staff must be familiar with the basic legal and regulatory requirements that apply to their duties and responsibilities.

The School will provide resources to assist staff to become familiar with their legal and regulatory obligations. If staff are uncertain of any of their legal and regulatory obligations, they are expected to raise the matter with their manager for clarification.

### **Reporting Unethical, Illegal or Inappropriate Behaviour**

It is important that all staff, regardless of seniority, role, tenure or experience, take responsibility for ensuring that the standards contained in this Code of Conduct are translated into action.

This means that if a violation comes to the attention of any staff member, or any staff member is concerned about any matter, including regarding actions of another staff member, he or she is required to take some action, since turning a blind eye is a way of contributing to an unethical situation. Therefore, we each have a responsibility to report unethical, illegal or inappropriate behaviour. In some cases, this responsibility is supported by a legal duty to do so.

It is important to remember when considering highlighting any concerns or reporting any witnessed behaviour that the safety of students is paramount and **must** outweigh any concerns of reporting any matter about which there may be some doubt.

Staff must bring the matter to the attention of the appropriate manager or member of the Executive Committee. There may be occasions where it may be inappropriate to make a report to a manager or member of the Executive Committee or there may be concerns about repercussions if such a report is made. In these circumstances the matter should be reported to the Head of School or, if the matter involves the Head of School, to the President of the School Council.

Staff also have the option to raise concerns under the School's [Whistleblower Policy](#).

Students, parents, and other third parties may raise concerns under the [Complaints and Dispute Resolution Guide](#), [Handling Allegations of Staff Misconduct and Reportable Conduct Policy](#), or the [Whistleblower Policy](#). Concerns may also be raised by contacting the Head of School.

### **Implementation, Awareness and Training**

The Cranbrook School Executive Committee is responsible for promoting compliance with this Code of Conduct and monitoring and reporting on its applicability and effectiveness.

This Code of Conduct is available on the Staff Policies and Procedures Portal. It is also available to the School community through the Cranbrook Connect Portal.

All staff are required to read and understand this Code of Conduct as part of their induction process.

Awareness will be maintained through training sessions, annual declarations, reminders, posters and other awareness campaigns.

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*Published: 13 March 2024*



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*Reviewed: May 2024*



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# Child Protection - Child Abuse and Harm Definitions, Identification and Initial Responses Policy

## Cranbrook School's Policy

All children and young people have the right to be protected from abuse and harm.

Cranbrook School is committed to providing a safe environment for all its students.

It is Cranbrook School's policy that:

- all staff are trained in relation to the identification of child abuse and harm (including grooming) and relevant procedures;
- all suspected cases of abuse and harm (including grooming) that meet the relevant thresholds are reported to the Department of Communities and Justice and/or the NSW Police;
- up-to-date policies and procedures to assist staff in identifying and reporting child abuse and harm (including grooming) are maintained;
- Cranbrook School works collaboratively with relevant external agencies that may be involved in child protection;
- Cranbrook School acts immediately to ensure the safety of students who have been, or who are at risk of being, abused or harmed; and
- Cranbrook School provides ongoing support and assistance to students who have been abused or harmed.

## Definitions of Child Abuse and Harm

There are different legal definitions in NSW that are relevant to child abuse and harm. All of the below are considered child abuse and harm for the purposes of Cranbrook School's child protection policies.

The perpetrator may be a parent, carer, other family member, staff member, volunteer, contractor, another adult or another child or young person.

### ***Children and Young Persons (Care and Protection) Act 1998 (NSW)***

There is no definition of 'child abuse' in the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*. Rather, children and young people may be "at risk of significant harm". A child (aged under 16) or a young person (aged 16 or 17) may be "at risk of significant harm" if current concern exists for their safety, welfare or wellbeing because:

- The child or young persons' basic physical or psychological needs are not being met or are at risk of not being met (see the **Neglect** and **Serious Emotional or Psychological Harm** sections of this policy).
- The parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care (see the **Neglect** and **Serious Emotional or Psychological Harm** sections of this policy).
- The parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with the *Education Act 1990 (NSW)* (see the **Neglect** and **Serious Emotional or Psychological Harm** sections of this policy).
- The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated (see the **Physical Abuse or Harm** and **Sexual Abuse** sections of this policy and [Child Protection – Detecting, Reporting and Addressing Grooming Behaviours Policy](#)).

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- The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm (see the **Family Violence as Harm to a Child or Young Person** and **Serious Emotional or Psychological Harm** sections of this policy).
  - A parent or carer has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm (see the **Serious Emotional or Psychological Harm** sections of this policy).

### **Crimes Act 1900 (NSW)**

The definition of “child abuse offences” in the *Crimes Act 1900* (NSW) may assist in understanding what is considered ‘child abuse and harm’ in NSW. The phrase is also central to understanding obligations under the [Child Protection – Duty to Protect Students from Child Abuse or Harm Policy](#) and the [Child Protection – Mandatory Reporting of Child Abuse Offences to Police Policy](#).

Under section 343B and 16A of the *Crimes Act 1900* (NSW), a “child abuse offence” includes sexual offences (and attempts to commit these offences) such as:

- rape;
- sexual abuse;
- sexual touching;
- production of child abuse material;
- voyeurism; or
- grooming.

It also includes assaults and physical harm (and attempts to commit these offences), such as

- wounding or causing grievous bodily harm;
- assault causing actual bodily harm;
- assault at a school (whether or not causing actual bodily harm);
- administering or causing the ingestion of an intoxicating substance; or
- female genital mutilation.

Some of these offences are only child abuse offences if the child is aged under 16 years old.

There are also particular offences in the *Crimes Act 1900* (NSW) that are relevant to a school context and that are considered child abuse and harm for the purposes of the School’s Child Protection Policies.

- **Grooming of a person with respect to a child “under the authority of the person”**  
Section 66EC of the *Crimes Act 1900* makes it a crime to groom a person with respect to a child under the authority of the person by providing any financial or material benefit to that person for the purposes of making it easier to procure a child for unlawful sexual activity. See the [Child Protection - Detecting, Reporting and Addressing Grooming Behaviours Policy](#).
- **Sexual intercourse with or sexual touching of a young person between 16 and 18 "under special care”**  
Sections 73 and 73A of the *Crimes Act 1900* (NSW) make it a crime for adults who are in positions of special care for young people aged 16 and 17 to engage in certain conduct that would otherwise not be an offence due to the age of the young person. This conduct includes:
  - sexual intercourse with the young person; or
  - sexual touching involving the young person.

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In a school context, adults with “special care” of young people include the Head of School and Deputy Head of School, all teaching staff, all non-teaching staff who have students under their care or authority (such as counsellors, nurses, religious leaders or officials, sports coaches, music tutors, learning assistance staff and youth workers), as well as all volunteers and contractors who have direct contact with students.

### **Family Violence as Harm to a Child or Young Person**

Family (or ‘domestic’) violence is incorporated into the definition of ‘child abuse and harm’ because it is one of the reasons by which a child or young person might be at risk of significant harm under the *Children and Young Persons (Care and Protection) Act 1998* (NSW).

The *Crimes (Domestic and Personal Violence) Act 2007* (NSW) sets out the various criminal offences and procedural matters relating to domestic violence in NSW and as such is useful when considering a definition of “domestic” violence.

That Act defines a “domestic violence offence” as a “personal violence offence” committed by a person against another person with whom they have or had a domestic relationship. A personal violence offence includes multiple physical, sexual and intimidation offences under the *Crimes Act 1900* (NSW) as well as behaviour intended to coerce or control the victim or to cause that person to be intimidated or fearful.

### **Grooming as Harm to a Child or Young Person**

Grooming of a child or young person, or of an adult with authority for a child or young person, is incorporated into the definition of ‘child abuse and harm’ for the purposes of the School’s Child Protection policies because it is:

- conduct which may place a child or young person at risk of significant harm, which must be reported under the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (see Child Protection – Mandatory Reporting of Child Abuse or Harm to Department of Communities and Justice Policy);
- in certain circumstances, an offence under sections 66EB and 66EC of the *Crimes Act 1900* (NSW) that must be reported to the NSW Police (see Child Protection – Mandatory Reporting of Child Abuse Offences to Police Policy) and from which persons at the School, who have the authority to do so, must protect students (see Child Protection – Duty to Protect Students from Child Abuse or Harm Policy); and/or
- a sexual offence or sexual misconduct which must be reported to the NSW Children’s Guardian under the *Children’s Guardian Act 2019* (NSW) (see *Child Protection – Reportable Conduct of Staff, Volunteers and Others Policy*).

Cranbrook School treats the commission of grooming behaviours on its premises, online, using School equipment, during its co-curricular or extra-curricular activities or in other related settings (for example, the home of a staff member) as conduct which threatens the safety of students and action must be taken as part of the School’s child protection program.

For more information see the Child Protection – Detecting, Reporting and Addressing Grooming Behaviours Policy.

### **Indicators of Child Abuse or Harm**

Children or young people may show physical or behavioural indicators of abuse or harm whilst in their school environment. The following indicators may assist staff who are concerned about children or young people in their care.

#### ***Physical Abuse or Harm***

Physical abuse or harm is a non-accidental physical injury or pattern of physical injuries to a child or young person caused by a parent, carer or any other person.

It includes, but is not limited to, injuries which are caused by

- hitting;

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- shaking;
  - throwing;
  - burning;
  - biting;
  - poisoning;
  - giving children or young people alcohol, illegal drugs or inappropriate medical; or
  - female genital mutilation.

Injuries can include bruising, lacerations, welts, burns, fractures, or dislocation of joints. Physical abuse does not always leave visible marks or injuries. It is not how bad the mark or injury is, but rather the act itself that can cause injury or trauma to the child or young person.

Hitting a child or young person around the head or neck and/or using a stick, belt or other object to discipline or punish a child or young person (in a non-trivial way) is a crime.

Possible physical indicators of physical abuse or harm include:

- unexplained bruises;
- bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms or inner thighs;
- any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example, fingerprints, handprints, buckles, iron or teeth;
- drowsiness, vomiting, fits, or pooling of blood in the eyes, any of which may suggest a head injury;
- human bite marks;
- fractures of the skull, jaw, nose or limbs, especially in younger children and especially when not consistent with the explanation offered;
- dislocations, sprains, or twisting injuries;
- burns that show the shape of the object used to make them, such as an iron, grill, or cigarette, or burns from boiling water, oil or flames;
- cuts and grazes to the mouth, lips, gums, eye area, ears or external genitalia;
- bald patches where hair has been pulled out; or
- multiple injuries, old and new.

Possible behavioural indicators of physical abuse or harm include:

- inconsistent or unlikely explanation for an injury;
- inability to remember the cause of an injury;
- fear of specific people;
- wearing clothes unsuitable for weather conditions (such as long sleeved tops) to hide injuries;
- wariness or fear of a parent or carer and reluctance to go home;
- no reaction or little emotion displayed when hurt;
- little or no fear when threatened;
- habitual absences from school without explanations (the parent/carers may be keeping the child or young person away until signs of injury have disappeared);
- overly compliant, shy, withdrawn, passive and uncommunicative;



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- fearfulness when other children or young people cry or shout;
  - unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others;
  - excessively friendly with strangers;
  - regressive behaviour such as bed wetting or soiling;
  - poor sleeping patterns, fear of dark or nightmares;
  - sadness and frequent crying;
  - drug or alcohol misuse;
  - poor memory and concentration;
  - suicide threats or attempts; or
  - academic problems.

### ***Sexual Abuse***

Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children and young people are bribed or threatened physically and/or psychologically to make them participate in the activity.

Child sexual abuse is a crime.

Sexual abuse includes sexual activity or behaviour that is imposed, or is likely to be imposed, on a child or young person by another person. Sexual abuse or exploitation can be physical or verbal and can include the following:

#### *Contact Behaviours:*

- kissing, touching or holding a child or young person in a sexual manner;
- penetration of the vagina or anus by digital, penile, or any other object;
- oral sexual contact; or
- coercing the child or young person to perform a sexual act on him/herself or anyone else.

#### *Non-Contact Behaviours:*

- talking in a sexually explicit manner to a child or young person;
- making obscene remarks to a child or young person via any form of communication;
- flashing / exposing to a child or young person;
- having a child or young person pose or perform in a sexual manner;
- voyeurism and invasion of privacy;
- looking at a child or young person's genitals for sexual gratification;
- exposure of a child or young person to sexually explicit material or acts (including pornographic material); or
- communication of graphic sexual matters (including by social media or any other electronic means).

Sexual abuse includes prostitution or exposure to circumstances where there is a risk that the child or young person may be sexually exploited.

Possible physical indicators of sexual abuse include:

- injury to the genital or rectal areas, such as bruising or bleeding;
- vaginal or anal bleeding or discharge;

- discomfort in urinating or defecating;
- the presence of foreign bodies in vagina and/or rectum;
- inflammation or infection of the genital area;
- sexually transmitted diseases;
- pregnancy, especially in very young adolescents;
- bruising and other injury to breasts, buttocks, lower abdomen, or thighs;
- anxiety related illnesses such as anorexia or bulimia; or
- frequent urinary tract infections.

Possible behavioural indicators of sexual abuse include:

- the child or young person discloses sexual abuse;
- the child or young person exhibits sexually harmful behaviour towards others;
- persistent and age-inappropriate sexual behaviour, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event;
- drawings or descriptions in stories that are sexually explicit and not age appropriate;
- a fear of home, a specific place, a particular adult, or excessive fear of men or of women;
- poor or deteriorating relationships with adults and peers;
- poor self-care / personal hygiene;
- regularly arriving early at school and leaving late;
- complaining of headaches, stomach pains or nausea without physiological basis;
- frequent rocking, sucking or biting;
- sleeping difficulties;
- reluctance to participate in physical or recreational activities;
- regressive behaviour, such as bed-wetting or speech loss;
- the sudden accumulation of money and gifts;
- unplanned absences or running away from home;
- delinquent or aggressive behaviour;
- self-injurious behaviour, including drug or alcohol abuse, prostitution, self-mutilation or attempted suicide;
- sudden decline in academic performance, poor memory and concentration;
- wearing of provocative clothing; or
- promiscuity.

### ***Grooming***

Grooming is defined as the use of a variety of manipulative and controlling techniques, with a vulnerable subject, in a range of inter-personal and social settings, in order to establish trust or normalise sexually harmful behaviour with the overall aim of facilitating exploitation and/or prohibiting disclosure of sexually harmful behaviour.

For information on behaviours that might be considered grooming, and on the physical and behavioural indicators of grooming, see the [Child Protection – Detecting, Reporting and Addressing Grooming Behaviours Policy](#).

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### ***Serious Emotional or Psychological Harm***

The infliction of emotional or psychological harm is one of the most common forms of child abuse and other harm. It can occur where the behaviour of an adult associated with the child or young person damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.

Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the adult's behaviour that is instrumental in defining the consequences for the child or young person.

A range of behaviours can cause serious emotional or psychological harm to a child or young person. These may include:

- making excessive or degrading demands of a child or young person;
- a pattern of hostile or degrading comments towards the child or young person;
- excessive criticism;
- withholding affection;
- exposure to domestic violence; or
- intimidation or threatening behaviour.

Where the adult who undertakes this behaviour is a parent or carer of the child or young person, it is a ground for suspecting that the child or young person is at risk of significant harm, and – in the case of a child – must be reported to the Department of Communities and Justice (see the [Child Protection – Mandatory Reporting of Child Abuse or Harm to Department of Communities and Justice Policy](#)).

Other adults associated with a child or young person can also subject the child or young person to behaviours that may cause serious emotional or psychological harm. At the School, this could include teachers, sports coaches, music tutors, and volunteers or contractors who have direct contact with students. This behaviour constitutes ill-treatment or behaviour causing psychological harm to a child or young person, which must be reported to the NSW Children's Guardian under the *Children's Guardian Act 2019* (NSW) (see the [Child Protection – Reportable Conduct of Staff, Volunteers and Others Policy](#)).

Possible physical indicators of serious emotional or psychological harm include:

- speech disorders;
- delays in emotional, mental or even physical development; or
- physical signs of self-harming.

Possible behavioural indicators of psychological abuse or harm include:

- constant feelings of worthlessness about life and themselves;
- inability to value others;
- lack of trust in people;
- lack of people skills necessary for daily functioning;
- extreme attention-seeking behaviour;
- obsessively eager to please or obey adults;
- taking of extreme risks or markedly disruptive, bullying, or aggressive behaviour;
- highly self-critical, depressed, or anxious;
- suicide threats or attempts;
- persistent running away from home;

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- anti-social, destructive behaviour;
  - low tolerance or frustration;
  - unexplained mood swings;
  - behaviours that are not age-appropriate, for example, overly adult (parenting of other children), or overly infantile (thumb sucking, rocking, wetting or soiling);
  - fear of failure, overly high standards and excessive neatness;
  - violent drawings or writing; or
  - isolation from other students.

### ***Neglect***

Neglect is the continued failure carer to provide a child or young person with the basic things needed for their growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision. It includes a failure to meet a child or young person's physical and/or psychological needs.

Where the adult who fails to provide these basic necessities is a parent or carer of the child or young person, it is a ground for suspecting that the child or young person is at risk of significant harm, and – in the case of a child – must be reported to the Department of Communities and Justice (see [Child Protection – Mandatory Reporting of Child Abuse or Harm to the Department of Communities and Justice Policy](#)).

Other adults associated with a child or young person can also neglect the child or young person.

Under section 228 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW), it is a criminal offence for any person, whether or not the parent of the child or young person, to – without reasonable excuse – neglect to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child or young person in his or her care. In the context of Cranbrook School, this might include a teacher, nurse, volunteer or contractor failing to, for example, provide adequate medical attention to an injured student.

Neglect by Cranbrook School staff, volunteers and contractors may also constitute Reportable Conduct. Neglect as Reportable Conduct is defined as a significant failure, by an employee who has a child in their care, to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child.

Neglect in this context by Cranbrook School staff, volunteers and contractors must be reported to the NSW Children's Guardian under the *Children's Guardian Act 2019* (NSW) (see [Child Protection – Reportable Conduct of Staff, Volunteers and Others Policy](#)).

Possible physical indicators of neglect are:

- consistently dirty and unwashed;
- consistently inappropriately dressed for weather conditions;
- consistently without adequate supervision and at risk of injury or harm;
- consistently hungry, tired and listless, falling asleep in class or malnourished;
- unattended health problems and lack of routine medical care;
- inadequate shelter and unsafe or unsanitary conditions;
- abandonment by parents/carers; or
- poor hygiene.

Possible behavioural indicators of neglect include:

- scavenging, begging or stealing food;
- gorging when food is available;

- inability to eat when extremely hungry;
- alienated from peers, withdrawn, listless, pale and thin;
- aggressive behaviour;
- delinquent acts, for example, vandalism, drug or alcohol abuse;
- little positive interaction with parent/carer;
- appearing miserable or irritable;
- poor socialising habits;
- poor evidence of bonding;
- stranger anxiety;
- indiscriminate with affection;
- staying at school for long hours;
- self-destructive;
- dropping out of school;
- taking on an adult role of caring for a parent/carer;
- misusing alcohol or drugs; or
- academic issues.

### ***Domestic or Family Violence***

Domestic or family violence is behaviour towards a family member that may include:

- physical violence or threats of violence;
- verbal abuse, including threats;
- emotional or psychological abuse;
- sexual abuse; or
- financial and social abuse.

A child or young person's exposure to family violence constitutes a risk of significant harm under the *Children and Young Persons (Care and Protection) Act 1988* (NSW).

Examples of situations that may constitute a child or young person being exposed to family violence include the child or young person:

- overhearing threats of death or personal injury by a member of the child or young person's family towards another member of the child or young person's family; or
- seeing or hearing an assault of a member of the child or young person's family by another member of the child or young person's family.

As family violence can result in one or more forms of child abuse (being neglect, physical or sexual abuse, or emotional or psychological harm) physical and behavioural indicators of these types of abuse may also be indicative of a family violence situation.

Possible behavioural indicators for older children and young people may include:

- moving away or running away from the family home;
  - entering a relationship early to escape the family home;
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- experiencing violence in their own dating relationship;
  - involvement in criminal activity; or
  - alcohol and substance abuse.

### **Additional Vulnerabilities**

All children and young people are vulnerable to abuse and other harm, because of their dependence on adults, because they are physically weaker than adults and because they lack social and legal power.

Some children and young people are more vulnerable to abuse and other harm.

Aboriginal and Torres Strait Islander children and young people, children and young people with disabilities and children and young people from culturally and linguistically diverse backgrounds face particular challenges, not because they are inherently more vulnerable but because they more often encounter circumstances that:

- place them in institutions with higher risk;
- make it less likely they will be able to disclose abuse or other harm; and/or
- make it more likely they will receive an inadequate response to abuse or other harm,

than other children and young people.

A variety of related factors may influence the vulnerability of a child or young person to abuse and other harm, including:

- the gender of the child or young person;
- the age and developmental stage of the child or young person;
- whether the child or young person has experienced maltreatment previously;
- whether the child or young person has disability, and the nature of that disability;
- the family characteristics and circumstances of the child or young person;
- the nature of the child or young person's involvement with the institution; or
- other factors, including the child or young person's physical characteristics, social isolation, high achievement, lack of understanding of sexual behaviour (including sexual abuse) and personal safety, and sexual orientation.

**Being vulnerable does not mean that a child or young person will be abused, although it does increase that risk. It is also important to remember that all children and young people can be vulnerable to all types of abuse and other harm.**

### **Witnessing an Incident of Child Abuse or Harm**

If you witness an incident where you believe a student has been subject to abuse or harm you must take immediate action to protect the safety of the student/s involved.

Where there is an immediate risk to the health and/or safety of a student:

- separate alleged victims and others involved;
- administer first aid if needed; and
- call 000 for urgent medical assistance and/or Police assistance to address immediate health and safety concerns.

If the incident occurred at the School, or a School event, you must preserve evidence of the incident. This includes:

- **Environment:** Do not clean up the area and preserve the sites where the alleged incident occurred.

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- **Clothing:** Take steps to ensure that the person who has allegedly committed the abuse and the child or young person who as allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag.
  - **Other physical items:** Ensure that items such as weapons, bedding and condoms are untouched.
  - **Potential witnesses:** Reasonable precautions must be taken to prevent discussion of the incident between those involved in or witnesses of the alleged incident.

If you witness an incident of child abuse or harm, you should make written notes of your observations and actions, recording both dates and times. See the **Record Keeping** section of this policy below.

### **Managing a Student's Disclosure of Child Abuse or Harm**

A student may disclose information about child abuse or harm privately to a staff member. Alternatively, a student may make a public disclosure such as making a disclosure in class or to a group of other students.

#### ***Private Disclosure***

If a student discloses a situation of child abuse or harm directly to a staff member, their role is to reassure the student and support the student in their decision to disclose. The staff member must assure the student that they have the right to feel safe and must listen actively to what the student is saying.

Disclosure of abuse can cause strong feelings in the person to whom the disclosure is being made. It is important for the staff member to be aware of, and control, their feelings.

Sometimes a student may try and elicit a promise that a staff member not tell anyone about the disclosure. ***The staff member must not make this promise.***

The staff member is responsible for reporting the matter and is not responsible for investigating the matter (refer to the [Child Protection - Mandatory Reporting of Child Abuse or Harm to Department of Communities and Justice Policy](#)).

#### ***Public Disclosure***

It is possible that a student may start to make a disclosure in class or with a group of other students. In this circumstance, the staff member should use a strategy of “protective interrupting” and:

- acknowledge that they have heard the student and stop further disclosure whilst maintaining support and encouraging the student to discuss the matter in a more private situation;
- quietly arrange to see the student as soon as possible away from other students; and
- not allow other students to ask questions and discourage them from making judgements.

### **Observing Indicators of Child Abuse or Harm**

The process of identifying child abuse or harm purely through observation of the indicators described above can be complex and may occur over time. The complexity is magnified by the fact that many of the indicators described may also occur as a result of other factors, not related to child abuse or other harm.

If you observe indicators that raise a concern that a student may be experiencing abuse or harm, you should make written notes of your observations recording both dates and times. See the **Record Keeping** section of this policy below.

If you are not sure whether your concerns can or should be reported externally, you can discuss your concerns with the Head of School (or the President of the School Council should the concerns involve the Head of School), or call the Child Protection Helpline on 132 111 or 1800 212 936 (24 hours a day, 7 days a week) for advice.

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## Initial Action Following Child Abuse or Harm Incident, Disclosure or Concern

Safety of students is paramount. The School's policies for reporting the abuse or harm externally should be followed after the immediate health and safety of the student/s involved is ensured. If the alleged perpetrator of the abuse or harm is an adult engaged at the School in child-related work (whether paid or unpaid), staff must also take any actions that are within their power to take by reason of their position and that may be required to protect the student, or other students, from child abuse and other harm. See the [Child Protection - Duty to Protect Students from Child Abuse or Harm Policy](#).

After witnessing an incident, receiving a disclosure or otherwise becoming concerned about abuse or harm of a student, staff members must also report the matter internally to the Head of School

The Head of School, or appropriate person, may consult with a School Counsellor, Head of Senior School, Head of Junior School, Director of Students and/or Deputy Head Student Wellbeing P-6, as the particular circumstances demand, and will determine a strategy to ensure the student's immediate safety. This process must be documented (refer to the **Record Keeping** section below).

## Mandatory Reporting of Child Abuse and Harm

In NSW, some professionals are legally required to make a report to the Department of Communities and Justice if they:

- have reasonable grounds to suspect that a child (aged under 16 years old) is, or a particular group of children are, at risk of significant harm; and
- those grounds arise during the course of the person's work.

These people are known as Mandatory Reporters. In NSW, the following people are Mandatory Reporters:

- anyone who in the course of their professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement wholly or partly to children;
- anyone who holds a management position in an organisation and whose duties include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement wholly or partly to children;
- anyone in religious ministry or who provides religion-based activities to children; and
- all registered psychologists, when providing professional services as a psychologist.

Whilst it is not mandatory to report the abuse of a young person, it is Cranbrook School's policy to report concerns about the safety and well-being of all of its students, including young persons.

Where a Mandatory Reporter has concerns that a child or young person has been or is at risk of being abused or harmed, the Mandatory Reporter Guide (**MRG**) must be used to determine whether or not those concerns reach the suspected Risk of Significant Harm threshold. If they do reach that threshold, the concerns are then reported either to the Department of Communities and Justice on the Child Protection Helpline (132 111) or the Head of School under the Memorandum of Understanding. Should the allegation involve the Head of School the report is to be made to the President of the School Council.

For procedures about Mandatory Reporting to the Department of Communities and Justice refer to the [Child Protection – Mandatory Reporting of Child Abuse or Harm to the Department of Communities and Justice Policy](#).

## Voluntary Reporting to the Department of Communities and Justice

Any person who believes, on reasonable grounds, that a child or young person is at Risk of Significant Harm may voluntarily report to the Department of Communities and Justice. This includes staff, volunteers and contractors at the School who are not Mandatory Reporters, Mandatory Reporters who concerns arise outside the course of their work, parents/carers and students.

You do not have to prove that abuse has taken place.



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If you need to report a matter that requires immediate Police attention, call the NSW Police on 000.

If you suspect, on reasonable grounds, that a child or young person is suffering abuse or harm, call the Child Protection Helpline on 132 111 or 1800 212 936 (24 hours a day, seven days a week).

If you are not sure whether your concerns can or should be reported to the Department of Communities and Justice, or if you wish to discuss your concerns about a child or young person, you can discuss your concerns with the Head of School, or call the Child Protection Helpline on 132 111 or 1800 212 936 (24 hours a day, seven days a week) for advice.

### **Allegations Against A Staff Member, Volunteer or Other Person Engaged By The School**

The Reportable Conduct Scheme seeks to improve how organisations respond to allegations of child abuse or harm and child-related misconduct made against employees, volunteers and contractors.

NSW law requires the Head of School to report to the NSW Children’s Guardian any allegation that a School staff member, volunteer or contractor has committed child abuse or child-related misconduct, known as 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 sexual offence;
- sexual misconduct;
- ill-treatment of a child;
- neglect of a child;
- an assault against a child;
- an offence under section 43B or 316A of the *Crimes Act 1900* (NSW) (failing to prevent child abuse or concealing child abuse); or
- behaviour that causes psychological harm to a child.

For the purposes of Reportable Conduct, a child is defined as a person under the age of 18 years.

If you have any concern that a staff member, volunteer or contractor has engaged in Reportable Conduct, you must immediately report your concerns to the Head of School (or the President of the School Council should the allegation involve the Head of School). You can also report directly to the NSW Children’s Guardian.

For procedures in relation to Reportable Conduct, refer to the [Child Protection – Reportable Conduct of Staff, Volunteers and Others Policy](#).

### **Mandatory Reporting of Child Abuse Offences to NSW Police**

Section 316A of the *Crimes Act 1900* (NSW) requires that, in NSW, all adults must report to the NSW Police any information they may have that a child abuse offence has been committed, except in certain circumstances.

The information must be brought to the attention of a member of the NSW Police as soon as it is practicable to do so.

In emergencies, or if the child abuse offence is happening now or has just happened and the suspected offender may still be in the area, call 000.

For all other matters, call the Police Assistance Line on 131 444. This line operates 24 hours a day, 7 days per week.

For procedures about mandatory reporting to the NSW Police, refer to the [Child Protection – Mandatory Reporting of Child Abuse Offences to Police Policy](#).

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## Ongoing Management Plan

Together with the Department of Communities and Justice and/or the NSW Police if an external report has been made, the School will develop and implement a management plan designed to provide ongoing support to a student who has been the subject of child abuse or harm.

## Record Keeping

Where a staff member suspects child abuse or harm but does not have enough information, written and dated records of their observations and concerns should be kept until reasonable belief is formed.

All verbal and written communications regarding child protection matters (including notes of observations, meetings and telephone calls) must be properly documented. The documented records should include dates and times and enough detail to record key conversations, especially those relating to the student's disclosure.

The records of child protection matters, including allegations, investigations and findings, must be stored securely.

This documentation is maintained by the Head of School and located in a secure file in the Head of School's office. This is linked to any staff and/or student files by reference, but is not included on these files.

## Confidentiality

Staff who have access to information regarding suspected or disclosed child abuse or harm must keep such information confidential and secure and must not disclose this information unless required to do so as part of the ongoing investigation or by law.

Staff must not provide undertakings that are inconsistent with their reporting obligations under this policy. In particular, staff must not promise a student that they will not tell anyone about the student's disclosure.

Students, staff and any other parties who become involved in the investigation should be informed of the reporting process and be requested to maintain confidentiality.

Inappropriate disclosure will be subject to disciplinary action.

## Responsibility of Staff Members

All staff members must ensure that they:

- make internal reports of child abuse or harm as soon as practicable to the Head of School;
- comply with the obligation for Mandatory Reporting of child abuse or harm to the Department of Communities and Justice;
- comply with their Reportable Conduct obligations;
- comply with their obligation for reporting child abuse offences to NSW Police;
- maintain confidentiality throughout the process;
- give immediate support to students making disclosures;
- maintain records of all verbal and written communication and store such records securely;
- make no attempt to investigate an incident; and
- participate in child protection training.

## Signage and Training

Posters of child abuse or harm indicators, Mandatory Reporting processes and the Department of Communities and Justice contact details are displayed strategically in staff rooms within the School.

Annual child protection training is mandatory for all staff.

All staff must also complete an annual declaration confirming they have read and understood the School's child protection policies and the [Staff Code of Conduct](#).

The Legal, Risk and Compliance team is responsible for organising and implementing the signage, training and annual declarations.

### **Implementation**

This policy is implemented through a combination of:

- risk identification and reporting procedures;
- the provision of counselling services;
- staff training;
- signage;
- communication and incident notification procedures;
- record keeping procedures; and
- initiation of corrective actions where necessary.

### **Discipline for Breach of Policy**

Where a staff member breaches this policy, the School may take disciplinary action, including, in the case of serious breach, summary dismissal.

*Reviewed: May 2024*



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# Child Protection - Detecting, Reporting & Addressing Grooming Behaviours Policy

## Grooming Behaviour

All children have the right to be protected from child abuse and harm.

Grooming behaviours can precede or can be an indicator of ongoing sexual abuse in many, but not all, cases.

Cranbrook School expects staff members, and anyone engaged by the School to provide services to children, including volunteers and contractors, to observe the highest standards of ethical behaviour and integrity in their conduct.

Cranbrook School's Staff Code of Conduct sets out the key values of the School and how they should be applied within the workplace and in dealings with those outside of the School.

## Source of Obligation

Cranbrook School has a duty of care which entails protecting all students from foreseeable risks while at school or engaging in school-related activities.

In addition, the procurement or grooming of a child for the purpose of engaging in sexual conduct is a criminal offence in all jurisdictions in Australia, and at a Federal level where the conduct in question may not be prohibited under the state or territory law.

In NSW,

- Section 66EB of the *Crimes Act 1990* (NSW) which prohibits 'Procuring or grooming a child under 16 for unlawful sexual activity', and
- Section 66EC of the *Crimes Act 1990* (NSW) which prohibits 'Grooming a person for unlawful sexual activity with a child under the person's authority',

apply.

'Under the authority of the person' means that the child is under the care, or under the supervision or authority, of an adult person. In the context of the School, this would include parents/carers as well as all management team members, the Head of School, teachers, all non-teaching staff who have students under their care or authority (such as counsellors, nurses, religious leaders or officials, sports coaches, music tutors, learning assistance staff and youth workers), and volunteers and contractors who have direct contact with students.

Therefore, this is a criminal offence in which an adult associated with the School could be either the victim or the perpetrator.

Under the *Criminal Code Act 1995* (Cth) 'Using a carriage service to procure persons under 16 years of age', and 'Using a carriage service to "groom" persons under 16 years of age' are prohibited.

## Cranbrook School's Policy

Cranbrook School is committed to providing a safe environment for all its students.

It is Cranbrook School's policy that:

- all staff are trained with respect to the identification of grooming behaviours and relevant procedures;
- all suspected cases of grooming are reported to the Head of School as soon as practicable;
- effective procedures to assist staff in identifying and reporting grooming behaviours are maintained;
- it works collaboratively with relevant external agencies that are involved in child protection;

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- it remains well-informed of relevant government inquiries that can provide further guidance on identifying and reporting grooming behaviours;
  - it acts immediately to ensure the safety of students believed or suspected to be at risk of abuse;
  - ongoing support and assistance is provided to the students identified as having been exposed to grooming behaviours or abuse;
  - students are provided with age-appropriate training of what constitutes inappropriate behaviour; and
  - an environment conducive to staff members making reports about the behaviour of other staff members is created.

### **What Is Grooming?**

Grooming refers to behaviours that manipulate and control a child or young person, their family and other support networks, or institutions, with the intent of gaining access to the child or young person for the purposes of engaging in sexually harmful behaviour, obtaining the child or young person's compliance, maintaining the child or young person's silence, and avoiding discovery of the sexual abuse.

Grooming is defined as the use of a variety of manipulative and controlling techniques, with a vulnerable subject, in a range of inter-personal and social settings, in order to establish trust or normalise sexually harmful behaviour with the overall aim of facilitating exploitation and/or prohibiting disclosure of the harmful behaviour.

Grooming behaviour often involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviours. Grooming usually involves a perpetrator establishing a trusting relationship with a child or young person and those associated with the child or young person's care and wellbeing, to create an environment in which sexual abuse can occur.

Grooming behaviour can therefore refer to grooming of an adult with authority for a child or young person, to make it easier to procure the child or young person for sexual abuse or to ensure that, if the child or young person does disclose, that the adult does not believe the child or young person.

This policy provides a general overview of what grooming behaviour typically involves.

### **The Criminal Offences of Grooming and Online Grooming**

Grooming is, in certain circumstances, an offence under sections 66EB and 66EC of the *Crimes Act 1900* (NSW) and an offence under sections 474.26 and 474.27 of the *Criminal Code Act 1995* (Cth).

For the purposes of the NSW offences, grooming is defined as:

- with respect to grooming a child, engaging in any conduct that exposes a child to indecent material or provides a child with an intoxicating substance or a financial or material benefit; or
- with respect to grooming an adult, providing any financial or other material benefit, with the intention of procuring the child or a child under the authority of the adult for unlawful sexual activity.

These offences only apply to children under the age of 16.

Under section 66EB of the *Crimes Act 1900* (NSW), the conduct by an adult that constitutes the criminal offence of grooming a child includes communicating in person or by telephone, the internet or other means, or providing any computer image, video or publication. It is not necessary that the communication or image, video or publication itself be explicitly sexual.

It is a separate offence for an adult, who has groomed a child online, to then intentionally meet the child, or travel with the intention of meeting the child, whom the adult has groomed for sexual purposes and do so with the intention of procuring the child for unlawful sexual activity with that adult person or any other person.

Under the *Criminal Code Act 1995* (Cth), 'Using a carriage service to procure persons under 16 years of age', and 'Using a carriage service to groom persons under 16 years of age' are criminal offences.

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Carriage services include services for carrying communications, such as telephone services, internet access services and 'voice over internet' services.

For both of these offences, it is a crime for an adult (the sender) to use a carriage services to transmit communications to a person aged (or who the sender believes to be aged) under 16 (the recipient) with the intention of procuring the recipient to engage in sexual activity with or in the presence of either the sender or another person (the participant).

### **Identifying Grooming Behaviour**

Grooming can be very difficult to identify. Grooming includes a range of techniques, many of which are not explicitly sexual or directly abusive in themselves. Most techniques do not appear unusual or remarkable in isolation, but instead involve many discrete acts that, on their own, are not necessarily criminal or abusive.

Grooming is not a single act of unprofessional or inappropriate conduct, but rather a pattern of behaviour where the trust of a child, or the adult with authority for the child, is gained.

Indicators of grooming behaviour by adults include:

- persuading a student or group of students that they have a special relationship;
- asking a student to keep the relationship to themselves;
- inappropriately allowing a student to overstep the rules;
- testing boundaries, for example by undressing in front of a student;
- manoeuvring to get or insisting on uninterrupted time alone with a student;
- buying a student gifts;
- insisting on physical affection such as hugging, wrestling or tickling including even when the student clearly does not want it;
- being overly interested in the sexual development of a student;
- taking or having a lot of photos of a student;
- engaging in inappropriate or excessive physical contact with a student;
- sharing alcohol or drugs with a student;
- making inappropriate comments about a student's appearance or using excessive flattery;
- using inappropriate pet names for a student;
- making jokes or innuendo of a sexual nature with a student;
- making obscene gestures or using obscene language with a student;
- sending correspondence of a personal nature to a student via any medium;
- inviting, allowing, or encouraging students to attend a staff member's home;
- entering change rooms or toilets occupied by students when supervision is not required or appropriate;
- photographing, audio recording, or filming students via any medium without authorisation or having parental consent to do so;
- communicating with a student's parent / carer, teacher, religion official or spiritual leader with the intention of facilitating the student's involvement in sexual conduct;
- inappropriately extending a relationship with a student outside of work;
- spending a disproportionate amount of instructional time with a student;
- being seen alone with a student outside of the school day;

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- creating secrets with a student;
  - reporting only all negative or all positive aspects of a student’s behaviour;
  - being defensive when questioned about the relationship they have formed with a particular student;
  - allowing a student to miss another class where there is student-teacher conflict in that class;
  - exchanging, receiving or sending inappropriate notes and letters with, from or to a student; or
  - believing they are the only one “reaching” a student.

**Indicators That a Child of Young Person May Be Subject to Online Grooming:**

- discovery of pornography on their computer or device;
- receiving or making calls to unrecognised numbers;
- increasing or excessive amount of time spent online;
- increased secrecy in what they are doing online and efforts to try and hide what they are doing online; or
- evidence of people on their ‘friends’ list that are unknown and they have never met them offline.

**What Is Not Grooming Behaviour?**

Some of the adult behaviours listed above may not constitute grooming behaviour as a one-off incident but, when repeated or escalated over a period of time, may indicate grooming behaviour.

However, one off incidents may be a violation of the School’s Staff Code of Conduct, the Child Protection - Staff and Students Professional Boundaries Policy and/or constitute professional misconduct, and if so should be reported to the Head of School.

For example, a young music tutor or sports coach using obscene language with a student may not necessarily be grooming, but may be a violation of the Staff Code of Conduct.

Similarly, not all physical contact between a student and a staff member or any person engaged by the School to provide services to children, including a volunteer, will be inappropriate and/or an indicator of possible grooming behaviour.

The following physical contact with students is not grooming behaviour:

- administration of first aid;
- supporting students who have hurt themselves;
- non-intrusive gestures to comfort a student who is experiencing grief, loss or distress, such as a hand on the upper arm or upper back; and
- non-intrusive touching, for example, shaking a student’s hand or a pat on the back to congratulate a student.

**Managing a Student’s Disclosure of Grooming**

Where a student discloses information about grooming behaviour, or behaviour that is indicative of grooming, to a staff member, the staff member should follow the same management of disclosure guidelines as in the Child Protection – Child Abuse and Harm Definitions, Identification and Initial Responses Policy.

Where the student discloses grooming behaviour by showing or directing the staff member to electronic communications such as email, internet chat rooms, SMS messages or real time audio/video between the student and the adult who is the subject of the allegation, the staff member should take appropriate steps to preserve any electronic evidence of the grooming behaviour.

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## Internal Reporting of Grooming Behaviours

Cranbrook School treats the commission of grooming behaviour on its premises, during School related activities, online, using School equipment, during its co-curricular or extra-curricular activities or in other related settings (for example, the home of a member of staff) as conduct which threatens the safety of students and action must be taken.

All staff should be aware that grooming behaviour committed by a staff member will constitute a breach of the [Staff Code of Conduct](#) and/or the [Child Protection - Staff and Students Professional Boundaries Policy](#), and may amount to professional misconduct.

If you have a reasonable suspicion or belief that grooming of a student is occurring, or have witnessed repeated indicators of grooming of a student, a report should be made to the Head of School.

Any concern a staff member has about whether a situation may compromise or breach the [Staff Code of Conduct](#) and/or the [Child Protection - Staff and Students Professional Boundaries Policy](#) should be reported to the Head of School.

If a matter involves the Head of School, staff should report suspicions or beliefs to the President of the School Council.

*Cranbrook School also encourages staff to discuss **any** concerns they may have at any time in relation to behaviour that may constitute grooming behaviour, **even if the staff member considers there may be little basis for their concern**. It is important to remember when considering highlighting any such concerns that grooming behaviour is a pre-cursor to sexual abuse. The safety of students is paramount and **must** outweigh any concerns of raising a matter which may ultimately be innocent behaviour.*

## External Reporting of Grooming Behaviours

Grooming of a child or young person is conduct which may place a child or young person at risk of significant harm, and must be reported under the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (see the [Child Protection – Mandatory Reporting of Child Abuse or Harm to the Department of Communities and Justice Policy](#)).

The grooming offences under the *Crimes Act 1900* (NSW) (see the **Grooming as a Criminal Offence** section of this policy) are considered 'child abuse offences' for the purposes of the criminal offences of Failure to Protect and Failure to Report. Failure to report grooming behaviours to the NSW Police and/or to take action to prevent grooming of a student by an adult at the School from escalating into sexual abuse may also be a criminal offence. For more information on how to report to NSW Police or on what actions to take, see the [Child Protection – Duty to Protect Students from Child Abuse or Harm Policy](#) and the [Child Protection – Mandatory Reporting of Child Abuse Offences to Police Policy](#).

The grooming of a young person (aged 16 to 17 years old), while not a crime under either NSW or Commonwealth law, must still be reported to the Head of School.

Where the grooming behaviour is alleged to be perpetrated by a staff member, volunteer or contractor, the School must report this to the NSW Office of the Children's Guardian. Reports to the NSW Office of the Children's Guardian must be made if an allegation involving a sexual offence (including grooming offences) or sexual misconduct (which may involve grooming behaviour) is made against a staff member or any person engaged by the School to provide services to children. For more information about how to make a report of Reportable Conduct, refer to the [Child Protection - Reportable Conduct of Staff, Volunteers and Others Policy](#).

## What Will Happen if I Make a Report Against a Fellow Staff Member?

Cranbrook School is committed to encouraging and facilitating reports of suspicions or beliefs of abuse or grooming behaviours and providing an environment that is conducive to staff members making reports about the behaviour of other staff members.

**Staff should feel safe to report all concerns including those that involve a fellow staff member.**

The identity of the reporter can be protected however it may be necessary for this to be disclosed in the event of a future criminal or civil investigation.



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A reporting staff member will not be civilly or criminally liable for providing information when the report is made honestly and without recklessness. Further, reports that are made honestly and without recklessness to the School will not constitute a breach of confidence, professional ethics or a rule of professional conduct.

Where allegations or suspicions of grooming behaviour are reported, the School will first act to ensure the safety of the student who is the alleged victim of the grooming behaviour.

The School will then notify the staff member who is the subject of the report and provide an opportunity for them to respond to the allegations, in accordance with the principles of procedural fairness and natural justice.

The School will conduct an internal investigation. If the allegations are of a serious nature and require further investigation, the School may refer the matter to the NSW Police, the NSW Office of the Children's Guardian and/or the Department of Communities and Justice.

Any relevant evidence should be preserved.

The School may suspend the staff member about whom an allegation has been made while the allegation is being investigated.

For more information, refer to the [Child Protection – Reportable Conduct of Staff, Volunteers and Others Policy](#).

## **Record Keeping**

Where a staff member suspects grooming behaviour but does not have enough information to make a report, they should keep written and dated records of their observations and concerns until they are prepared to make a report.

All verbal and written communications regarding child protection matters (including notes of observations, meetings and telephone calls) must be properly documented.

The documented records should include dates, times and enough detail to record key conversations, especially those relating to a student's disclosure. These records must be stored securely.

For the purposes of any current or future internal or external investigations into grooming allegations, the School maintains records of any and all evidence or notes relating to the allegations made. This may include:

- notes taken during a meeting with a staff member who is the subject of a grooming allegation;
- reports made by a staff member about the behaviour of a colleague;
- notes taken during a disclosure by a student of grooming behaviour;
- copies of any reports made to the NSW Police or regulatory bodies about the matter; and
- digital copies of correspondence between the student and the staff member who is the subject of the allegation, if the allegation includes claims of inappropriate online activity.

## **Staff/Student Interaction Disclosures**

To enable the School to be aware of appropriate and inappropriate interactions between staff and students, it is Cranbrook's School's policy that all staff must declare any interactions with students outside school hours. These interactions may include instances where the staff member is:

- related to the student;
- friends, or in an intimate relationship with, any parent or family member of the student; or
- has parental consent to interact with the student for coaching or tutoring purposes outside of school hours and has the consent of the School.

Cranbrook School maintains records of all declarations made by staff members related to their interactions with students, or relationships with students and their family members, that exist outside of school hours or school premises.

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These records are kept for a minimum period of seven years subsequent to cessation of employment. This documentation is maintained by the Legal, Risk and Compliance team, located in the Conflicts of Interest Register. These records in relation to a student are made available to the parents/carers of that student upon request.

See the [Close Personal and Immediate Family Relationships in the School Policy](#) and the [Coaching and Tutoring Policy](#) for more information.

## **Confidentiality**

Staff who have access to information regarding suspected or disclosed child abuse or harm, including grooming behaviour, must keep such information confidential and secure and must not disclose this information unless required to do so as part of an ongoing investigation, by law, or when it is necessary to disclose the reasons for removing a child or young person from a class or activity where the grooming behaviour occurred. This should only be done where absolutely necessary.

Staff must not provide undertakings that are inconsistent with their reporting obligations under this policy. For example, as with other forms of abuse, students who disclose that they have been subject to grooming behaviours may attempt to elicit a promise that a staff member not tell anyone about the disclosure. Staff members must not make this promise.

Students and any other parties who become involved in the investigation (this may include other students or other staff members) should be informed of the reporting process and be requested to maintain confidentiality.

Inappropriate disclosure of confidential information will be subject to disciplinary action.

## **Staff Responsibility**

All staff members must:

- report any concerns regarding grooming behaviour or witnessed repeated incidents of indicators of grooming behaviour as soon as practicable;
- maintain confidentiality throughout the process of reporting and any investigation;
- give immediate support to students making disclosures;
- maintain records of all verbal and written communication and store these securely; and
- participate in training.

## **Signage and Training**

Posters of grooming behaviour indicators, Mandatory Reporting processes that may apply, and the NSW Office of the Children’s Guardian contact details are displayed strategically in staff rooms within the School.

Annual child protection training is mandatory for all staff.

All staff must also complete an annual declaration confirming they have read and understood the School’s child protection policies and the [Staff Code of Conduct](#).

The Legal, Risk and Compliance team is responsible for organising and implementing the signage, training and annual declarations.

## **Implementation**

This policy is implemented through a combination of:

- risk identification and reporting procedures;
- the provision of counselling services;
- staff training;

- signage;
- communication and incident notification procedures;
- record keeping procedures; and
- initiation of corrective actions where necessary.

### **Breach of Policy**

Where a staff member breaches this policy Cranbrook School will take disciplinary action, including in the case of serious breach, summary dismissal.

*Reviewed: May 2024*



# Child Protection – Duty to Protect Students from Child Abuse or Harm Policy

Cranbrook School has a common law duty of care to protect all students from reasonably foreseeable risks of harm while at the School or engaging in School activities.

**The School expects all staff, volunteers and contractors to act to protect students from reasonably foreseeable risks of harm. Failure to do this is not only a breach of your duty of care, but may also be, in certain circumstances, a criminal offence.**

The School also has a civil law duty to protect students from physical or sexual abuse perpetrated by an individual associated with the School.

## **Criminal Law Offence of Failure to Reduce or Remove Risk of Child becoming Victim of Child Abuse (Failure to Protect)**

Under section 43B of the *Crimes Act 1900* (NSW), an adult (aged 18 or over) who works (whether as an employee, contractor, volunteer or otherwise) at the School will commit a criminal offence if they:

- know that another adult who is engaged in child-related work at the School poses a serious risk of committing a child abuse offence against a child (aged under 18) who is under the care, supervision or authority of the School, and
- have, by reason of their position, the power or responsibility to reduce or remove that risk, and
- negligently fail to do so.

This criminal offence is commonly known as ‘Failure to Protect’.

The Failure to Protect offence applies to staff, volunteers and contractors where they have the power to act to reduce the risk of abuse to the child or young person.

The offence covers failures to protect a child or young person from child abuse offences by any other staff member, volunteer, contractor or external education provider.

Where any staff member, volunteer, or contractor becomes aware that another adult working (whether paid or unpaid) at School poses a serious risk of committing a child abuse offence against a student or students under their care, they should immediately:

- take any and all reasonable steps to remove or reduce the risk to the student or students, which may include immediately removing the person from contact with the student or students;
- report the matter to the Head of School (or the President of the School Council if the allegation is about the Head of School), as soon as practicable;
- document the actions taken - this documentation is maintained by the Head of School and located in the Head of School’s office; and
- report to external authorities, if appropriate.

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### **Know**

Knowledge is not defined in the *Crimes Act 1900* (NSW). It is likely to be more than holding a tentative belief or mere suspicion.

If a person with the power and responsibility to act, by reason of their position at School, has a suspicion or belief (rather than 'knowledge') that students are at risk of harm from an adult working at the School they should take steps to follow up on that suspicion or belief and should raise the issue with the Head of School.

### **Child-related work**

Child-related work has the meaning given in the *Child Protection (Working with Children) Act 2012* (NSW). Therefore, the workers from whom a student must be protected include:

- School Councillors;
- members of the School management team;
- the Head of School;
- all staff (including teaching and non-teaching staff);
- volunteers who have direct contact with students;
- contractors who have direct contact with students; and
- external education providers.

### **Serious Risk**

A serious risk is not defined in the *Crimes Act 1900* (NSW). It is likely that a serious risk would mean that a reasonable person would consider, on the balance of probabilities, that the risk of a child abuse offence being committed against the student to be probable.

### **Child Abuse Offence**

The list of child abuse offences that are captured by the Failure to Protect offence is extensive and includes rape, sexual abuse, sexual touching, production of child abuse material and grooming offences as well as attempts to commit those offences.

It also includes assaults and physical harm, such as wounding or causing grievous bodily harm, assault causing actual bodily harm, assault at a school (whether or not causing actual bodily harm), administering or causing the ingestion of an intoxicating substance, and female genital mutilation.

For more information on what constitutes a child abuse offence, refer to the [Child Protection – Child Abuse and Harm Definitions, Identification and Initial Responses Policy](#).

### **Civil Law Duty to Prevent Abuse**

Section 6F of the *Civil Liability Act 2002* (NSW) imposes a duty of care on the School to take reasonable precautions to prevent an individual associated with the School from perpetrating physical or sexual abuse of a child in connection with the School's responsibility for the child. If the victim of physical or sexual abuse alleged to have occurred at the School or to have involved School staff, volunteers or contractors, brings a negligence claim against the School, a court will presume that the School breached its duty of care unless the School can prove that it took reasonable precautions to prevent the abuse.

Whether or not the School took reasonable precautions will be assessed by a court in accordance with considerations set out in the *Civil Liability Act 2002* (NSW) and case law.

In determining whether the School took reasonable precautions to prevent child abuse, a court may take into account any of the following:

- the nature of the School;

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- the resources reasonably available to the School;
  - the relationship between the School and the child;
  - whether the School has delegated in whole or in part the exercise of care, supervision or authority over a child to another organisation;
  - the role in the School of the individual who perpetrated the child abuse;
  - the level of control the School had over the individual who perpetrated the child abuse;
  - whether the School complied with any applicable standards in respect of child safety; and
  - any other matters the court considers relevant.

### **Record Keeping**

It is critical that the School maintains accurate and comprehensive records not only of child safety incidents and concerns involving School staff, volunteers and contractors, but also of:

- actions taken in response (including systemic reviews and resulting improvements); and
- reviews of and improvements to child protection policies, procedures, work systems and strategies,

as these could be required as evidence in relation to possible future negligence claims against the School for damages in respect of child physical or sexual abuse.

These records must be kept for at least 50 years.

The documentation relating to the making of a Mandatory Report to the Department of Communities and Justice and/or the NSW Police is maintained by the Head of School and located in secure storage in the Head of School's office. Such documentation is linked by reference to the student's file and the file of any relevant staff member.

### **Signage and Training**

Posters of Mandatory Reporting processes and the Department of Communities and Justice and NSW Police contact details are displayed strategically in staff rooms within the School.

Annual child protection training is mandatory for all staff.

All staff must also complete an annual declaration confirming they have read and understood the School's Child Protection policies and the Staff Code of Conduct.

The Legal, Risk and Compliance team is responsible for organising and implementing the signage, training and annual declarations.

### **Implementation**

This policy is implemented through a combination of:

- staff training;
- communication and incident notification procedures;
- record keeping procedures; and
- initiation of corrective actions where necessary.

### **Discipline for Breach of Policy**

Where a staff member breaches this policy, the School may take disciplinary action, including, in the case of serious breach, summary dismissal.



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# Child Protection – Information Sharing About Student Safety & Wellbeing Policy

## Source of Obligation

Cranbrook School may, or in some cases must, share information relating to the safety, welfare or wellbeing of children and young persons (**Information**) with specific agencies or people.

Despite other laws prohibiting or restricting the disclosure of personal information, prescribed bodies (such as non-government schools), **must** share Information with certain other prescribed bodies:

- under Chapter 16A or section 248 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (**Care and Protection Act**); and/or
- to fulfil Reportable Conduct obligations, Mandatory Reporting to the Department of Communities and Justice obligations and Mandatory Reporting to the NSW Police obligations.

Chapter 16A also allows a broad array of information to be shared voluntarily between certain organisations, including information about the support or educational needs of students or information about the risk of sexual abuse posed by teachers and other staff.

Chapter 16A prioritises the sharing of Information, to ensure the protection and wellbeing of children and young people, over the protection of an individual’s privacy and confidentiality.

## Cranbrook School’s Policy

It is the School’s policy to voluntarily share Information with the Department of Communities and Justice and other prescribed bodies under Chapter 16A whenever:

- the School has formed the required reasonable belief under the relevant section; and
- no exemption to the Information sharing exists,

regardless of whether the Department of Communities and Justice or the other prescribed body has requested the Information.

Cranbrook School may share Information under Chapter 16A without the consent of the child, young person or their family. However, it is the School’s policy that:

- wherever possible, informed consent to the Information sharing is sought from the child or young person and/or their parents/carers; and
- parents/carers are informed in the School’s Privacy Policy and Privacy Information Collection Notice that Information about students may be, or is, provided to other organisations.

## Who is Authorised to Share Information?

At Cranbrook School, the Head of School is authorised to exchange Information on behalf of Cranbrook School. Any request for Information received by a member of staff must be directed to the Head of School for consideration.

Information can be shared verbally or in writing.

## Who Are Prescribed Bodies?

Cranbrook School is a “prescribed body” and it can share Information with various other prescribed bodies including:

- NSW Police

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- a Public Service agency or public authority
  - a government or non-government school
  - a TAFE establishment
  - a public health organisation
  - a private health facility
  - the Family Court of Australia
  - the Federal Circuit Court of Australia
  - the Commonwealth Department of Human Services
  - the Commonwealth Department of Home Affairs
  - nurses
  - medical practitioners
  - midwives
  - psychologists
  - occupational therapists
  - speech pathologists eligible for membership of Speech Pathology Australia
  - any organisation whose duties include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly to children.

While the Department of Communities and Justice is not specifically mentioned in the Care and Protection Act or the *Children and Young Persons (Care and Protection) Regulation 2012* as a prescribed body, the Department of Communities and Justice primarily uses section 245C and 245D to provide Information to and request Information from prescribed bodies.

### **Voluntary Sharing of Information by Cranbrook School**

Under section 245C, Cranbrook School may provide Information to another prescribed body if it reasonably believes that the provision of the Information would assist the recipient of the Information to:

- make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or wellbeing of the child or young person, or class of children or young persons, or
- manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient’s capacity as an employer or designated agency.

The School may provide Information under section 245C regardless of whether the School has been requested to provide the Information.

### **Mandatory Sharing of Information Upon Request**

Under section 245D(3), a prescribed body may request another prescribed body to provide it with Information held by the other body.

If the School receives a request from a prescribed body to provide it with Information, the School **must** comply with the request if it reasonably believes, after being provided with **sufficient information** by the requesting prescribed body to enable the School to form the belief that the Information may assist the requesting prescribed body to:

- make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or wellbeing of the child or young person, or class of children or young persons, or



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- manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient’s capacity as an employer or designated agency.

“Sufficient information” is not a defined term in Chapter 16A. For guidance as to what information would be regarded as sufficient for the purposes of responding to an information request received under section 245D, refer to the section **Making a Request for Information to a Prescribed Body** below.

The School must comply with a direction from the Department of Communities and Justice made under section 248 of the Care and Protection Act to furnish the Department with information relating to the safety, welfare and well-being of a particular child or young person or a class of children or young people.

### **Exemptions to Information Sharing**

Exemptions to Chapter 16A’s mandatory Information sharing provisions (but not to directions under section 248) are set out under section 245D(4). Under that section, the School **does not** have to provide any requested Information if it reasonably believes that to do so would:

- prejudice the investigation of a contravention (or possible contravention) of a law in any particular case;
- prejudice any care proceedings;
- contravene any legal professional or client legal privilege;
- enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained;
- endanger a person’s life or physical safety;
- prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention (or possible contravention) of a law; or
- not be in the public interest.

### **Responding to an Information Request from a Prescribed Body**

When an Information sharing request is received, the following steps must be followed:

- If the request is received by a person other than the Head of School, the request must be forwarded to the Head of School.
- The Head of School must determine if **sufficient information** has been given by the prescribed body to determine whether he reasonably believes that the Information would assist the recipient of the information to:
  - make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or wellbeing of the child or young person, or class of children or young persons; and/or
  - manage any risk to the child or young person (or class of children or young persons).
- If **sufficient information** has not been given, the Head of School may decline the request.
- If **sufficient information** has been given the Head of School must:
  - comply with the request and provide the information to the prescribed body in accordance with section 245D(3), or
  - decline to comply with the request to provide the Information to the prescribed body if grounds for an exemption under section 245D(4) apply.

If the Head of School refuses to provide Information in response to a request made under section 245D, he must provide the requesting prescribed body with reasons in writing for refusing the request.

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## **Making a Request for Information to a Prescribed Body**

If a Cranbrook School staff member wishes to request Information from a prescribed body under section 245D, the request must be made to the Head of School, who will consider whether or not to make the request for Information to the prescribed body.

The Head of School should first try to contact the prescribed body by phone before making the request to discuss the School's Information needs and ensure the request is well targeted. Then a request that the Information be provided must be made in writing containing the following information:

- The identity of the person who is the subject of the Information request and, if it is not a child or young person, identify the subject's relationship to the child or young person and provide any particular identifying information so that the prescribed bodies can be sure that they are talking about the same person.
- An explanation of how the request for Information relates to the safety, welfare or wellbeing of the child or young person (or class of children or young people).
- An explanation of how the Information will assist the School to make a decision, assessment or plan, or to initiate or conduct an investigation, or to provide any service, or to manage any risk to the child or young person.
- A sufficient level of detail to assist the other prescribed body to understand the purpose of the request and to locate the relevant Information in an efficient manner.
- The background to the request, including whether or not the School has informed a child, young person or parent that the Information has been sought and, if not, why not (e.g. where there are safety concerns).
- An indication of the time period for which the Information is sought (e.g. for the last six months, three years) and the type of Information sought.
- A realistic time frame for the prescribed body to provide the Information, noting that communicating/negotiating a due date is best practice as it promotes collaboration and can ensure urgent matters are prioritised (unless the information is for court proceedings where a more limited time frame may be required).

## **Sharing Information with a Prescribed Body without a Request**

If a staff member proposes that Information should be shared with a prescribed body without a request having been made, this request must be made to the Head of School for his consideration and action.

The Head of School must determine whether he reasonably believes that the provision of Information would assist the proposed recipient of the Information to:

- make any decision, assessment or plan or to initiate or conduct any investigation, or to provide any service, relating to the safety, welfare or wellbeing of the child or young person, or class of children or young persons; and/or
- manage any risk to the child or young person (or class of children or young persons) that might arise in the recipient's capacity as an employer or designated agency.

If so, the Head of School will share the Information unless an exemption under section 245D(4) applies.

Information can be shared verbally or in writing.

## **Restrictions on Use of Information**

If any Information is provided to the School under Chapter 16A, the School must not, except as otherwise required or permitted by any law, use or disclose the Information for any purpose that is not associated with the safety, welfare or well-being of the child or young person (or class of children or young persons) to whom the Information relates.

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## **Protection from Liability**

If any person, acting in good faith, provides Information in accordance with Chapter 16A, that person is not liable to any civil or criminal action, or any disciplinary action, for providing such Information. The person cannot be held to have breached any code of professional etiquette or ethics or to have departed from any accepted standards of professional conduct.

## **Record Keeping**

Records must be kept of all requests for Information received by and Information provided to the School, which Information must be documented and stored securely, separate from the student's records.

When a request has been received, the School must record the:

- name of the individual making the request;
- Information that was requested; and
- date on which the request was made.

When sharing Information voluntarily or in response to a request, the School must record:

- the name of the entity/individual who received the Information;
- if the request was made by a prescribed body, whether sufficient information has been given and whether the requisite reasonable belief was formed;
- the date on which the Information was shared;
- a description of the Information that was shared; and
- whether the views of the child or young person and/or their relevant family members were sought and consent obtained.

When making a request, the School must record the

- date of the request;
- name of the individual/entity that the request was made to;
- Information that was sought; and
- the reason why the Information was sought.

Records relating to the Information sharing under this Policy are maintained by the Head of School and located in the Head of School's office.

## **Implementation**

This policy is implemented through a combination of:

- staff training
- communication and incident notification procedures
- record keeping procedures
- initiation of corrective actions where necessary.

## **Discipline for Breach of Policy**

Where a staff member breaches this policy, Cranbrook School may take disciplinary action, including in the case of serious breaches, summary dismissal.



# Child Protection - Mandatory Reporting of Child Abuse or Harm to Department of Communities and Justice Policy

## Source of Obligation

Under the *Children and Young Persons (Care and Protection) Act 1998* (NSW), certain people are required to report child abuse and harm to the Department of Communities and Justice, where they:

- have **reasonable grounds to suspect**, that a child (under the age of 16) is at **risk of significant harm**; and
- those grounds arose during the course of the person's work.

The Memorandum of Understanding between the Department of Communities and Justice, the Catholic Education Commission (**CECNSW**) and the Association of Independent Schools of NSW (**AISNSW**) prescribes certain Mandatory Reporting procedures (the **MOU**).

The MOU introduces centralised reporting procedures for non-government schools co-ordinated and represented by the CECNSW or AISNSW as appropriate, and these procedures are referenced in this policy.

## Cranbrook School's Policy

This policy is designed to set out in plain English the obligations of staff in relation to Mandatory Reporting of child abuse and harm in NSW.

Cranbrook School has also developed a detailed [Child Protection – Child Abuse and Harm Definitions, Identification and Initial Responses Policy](#) which outlines the definitions and indicators of child abuse and harm, key requirements when managing incidents, concerns and disclosures of child abuse and harm, initial notification procedures, the development of a management plan, the provision of ongoing support, record keeping and confidentiality.

## Who is a Mandatory Reporter at the School?

In NSW, the following people are Mandatory Reporters:

- the School Councillors;
- the Head of School;
- the School's management team;
- teachers, including casual or temporary teachers;
- all other paid employees at the School who interact with students;
- the School nurses;
- the School counsellors;
- any person in religious ministry (such as clergy) or other religious leadership roles (including voluntary roles);
- any staff, volunteers or contractors who provide religion-based activities to children;
- volunteers who have direct contact with students;
- contractors who have direct contact with students; and
- external education providers engaged by the School.

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## When to Make a Mandatory Report

A Mandatory Report must be made when you have **reasonable grounds to suspect** that a child (aged under 16) is **at risk of significant harm**, and those grounds arose during the course of your work.

Where a Mandatory Reporter has concerns that a child or young person has been or is at risk of being abused or otherwise harmed, the Mandatory Reporter Guide (**MRG**) must be used to determine whether or not those concerns reach the Risk of Significant Harm (**ROSH**) threshold.

The MRG can be accessed here: <https://reporter.childstory.nsw.gov.au/s/>.

If your concerns do reach the ROSH threshold, a report must be made as soon as practicable after you consider that you have the required reasonable grounds to suspect the risk of significant harm.

## What does "Reasonable Grounds to Suspect" Mean?

The concept of "**reasonable grounds to suspect**" requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source.

There may be reasonable grounds to suspect that a child or young person is at risk of significant harm if:

- a student states they have been physically or sexually abused;
- a student states that they know someone who has been physically or sexually abused;
- someone who knows the student states that the student has been physically or sexually abused;
- a student shows signs of being physically or sexually abused;
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a student's safety, stability or development;
- the staff member observes signs of abuse or other harm, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; and/or
- a student's actions or behaviour indicate that they may be at risk of significant harm and the student's parents are unwilling or unable to protect the student.

Grounds for belief include matters of which a person has become aware and any opinions based on those matters.

Refer to the [Child Protection – Child Abuse and Harm Definitions, Identification and Initial Responses Policy](#) for more information on the indicators of child abuse and harm.

## What is a "Risk of Significant Harm"?

The risk of significant harm must be as a result of one or more of the following circumstances:

- the child or young person's basic physical or psychological needs are not being met or are at risk of not being met;
- the parents/carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- the parents/carers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with the *Education Act 1990* (NSW);
- the child or young person has been or is at risk of being physically or sexually abused or ill-treated;
- the child or young person is living in a household where there have been incidents of domestic violence and as a consequence the child or young person is at risk of serious physical or psychological harm;
- a parent/carer has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious physical or psychological harm;

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- the child was the subject of a pre-natal report (because there were reasonable grounds to suspect that the child could be at risk of significant harm after his or her birth) but the birth mother did not engage successfully with support services to eliminate or minimise that risk;
  - the child or young person is demonstrating suicidal or self harming behaviours, or is a danger to self or others, and the parent/carer behaviour now or in the past may have contributed to this;
  - a parent/carer has stated that they will not or can not continue to provide care for the child or young person; or
  - the child or young person is significantly effected by carer concerns such as domestic violence, substance abuse or mental health.

Grooming behaviours are conduct which may place a child or young person at risk of sexual abuse, and must be reported under the *Children and Young Persons (Care and Protection) Act 1988* (NSW). See the [Child Protection – Detecting, Reporting and Addressing Grooming Behaviours Policy](#) for further information.

The circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person must be present to a “significant extent”.

“**Significant**” means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

“**Significant harm**” 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.

Significant harm can result from a single act or omission or an accumulation of these.

Refer to the New South Wales Mandatory Reporter Guide (MRG) for guidance on making a decision on whether to report child abuse or harm. This guide includes “decision trees” to assist in determining whether a situation is reportable or not. It can be found at <https://reporter.childstory.nsw.gov.au/s/>.

## **How to Make a Report**

In accordance with the terms of the MOU, where a Mandatory Reporter forms a reasonable belief that a child is at risk of significant harm, they must either report directly to the Department of Communities and Justice, or to the Head of School, or to the President of the School Council where the Head of School is the subject of the report. The Head of School or President of the School Council must then make the necessary report to the Department of Communities and Justice.

### **How to Make a Mandatory Report Internally under the MOU**

At Cranbrook School, internal reports should be made to the Head of School. Should the allegation involve the Head of School, the report is to be made to the President of the School Council.

The Head of School, or the President of the School Council, must make the report of risk of significant harm to the Department of Communities and Justice as soon as practicable.

The Head of School or President of the School Council must provide feedback to the Mandatory Reporter that a report to the Department of Communities and Justice has been made. Mandatory Reporters are encouraged to follow up with the Head of School or President of the School Council if a reasonable time has passed and they have not received feedback.

Nothing in the MOU precludes any person at Cranbrook School, including Mandatory Reporters, from making a report directly to the Department of Communities and Justice.

### **How to Make a Mandatory Report to the Department of Communities and Justice**

Concerns that require immediate attention should be reported by the Mandatory Reporter or the Head of School calling the Department of Communities and Justice Child Protection Helpline on **132 111**.

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When preparing to make a report, all circumstances that support the decision to report the matter (including the specific circumstances used for the MRG and its responses) should be readily available to assist the Department of Communities and Justice, as well as the following information:

- Full name, date of birth (or approximate age), address and phone number of the child(ren) or young person(s) the concerns relate to.
- Full name (including any known aliases), approximate age, address and phone number of the parents or carers.
- A description of the child or young person and their current whereabouts.
- The reason(s) for the suspicion that the child or young person is at risk of significant harm (what the reporter has seen, heard or been told).
- Whether a language or sign interpreter may be required.
- Cultural identity, including whether the child or young person identifies as Aboriginal or Torres Strait Islander.
- Whether support is required for a person with a disability or an Aboriginal agency is involved.
- The name and contact details of the reporter.

Sometimes all of this information will not be known to the reporter. At a minimum, the Department of Communities and Justice needs to be able to identify and locate the child.

Additionally, information about the child or young person's reaction to the report should also be provided to enable the Department of Communities and Justice to take into account any view or wish expressed by the child or young person, including their opposition to the report being made.

Concerns that do not require immediate attention can also be reported by Mandatory Reporters using an eReport through the ChildStory Reporter website. Mandatory Reporters need to register to submit eReports. Once registered, Mandatory Reporters:

- can create and submit eReports after using the MRG, if the MRG final decision is "Immediate Report to Child Protection Helpline", "Report to the Child Protection Helpline" or "Refer to Child Wellbeing Unit (CWU)";
- will be notified by email when there is a change of status for a report; and
- can log into the ChildStory Reporter website to see the status of any previous reports that have been submitted.

### **Allegations Against a Staff Member, Volunteer or Other Person Engaged by the School**

Where a matter that is subject to Mandatory Reporting to the Department of Communities and Justice also involves an allegation against a staff member or any other person engaged by the School to provide services to children, including volunteers and contractors, it must also be reported to the NSW Children's Guardian.

For details refer to the [Child Protection – Reportable Conduct of Staff, Volunteers and Others Policy](#).

Staff members must also take any other action that is within their power to take to protect the student, or other students, from potential criminal child abuse offences by the staff member or other person engaged by the School.

For details refer to the [Child Protection – Duty to Protect Students from Child Abuse or Harm Policy](#).

### **Confidentiality of the Reporter's Identity**

Reports made to the Department of Communities and Justice are confidential and the reporter's identity is generally protected by law.

It is important to note, however, that NSW Police may be granted access to the identity of the reporter, if this is needed in connection with the investigation of an offence against a child or young person. The request must come from a senior NSW Police officer and the reporter must be informed that their identity is to be released, unless informing them of the disclosure would prejudice the investigation.

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## What Happens After a Report is Made?

The Child Protection Helpline will assess the information that is provided, along with information that may be known to the Department of Communities and Justice, to determine whether the child/young person is actually at risk of significant harm. The Department of Communities and Justice may then do one of the following:

- screen out the report because it does not meet the threshold for risk of significant harm;
- refer the report to Brighter Futures (an early intervention program designed to build the resilience of families and children that are at risk);
- assess the report but not open it for ongoing services;
- offer ongoing services/further assessment to the child/young person, other individual family members, or to the family together; or
- arrange protective placement of the child/young person.

Reporters will be informed of the action that will be taken by the Department of Communities and Justice in writing, including whether the report made met the threshold of significant harm and/or whether no further action was recommended.

Reporters should note that the MRG is a tool that assists Mandatory Reporters with the most appropriate reporting decision. It is not designed to determine whether the matter constitutes a risk of significant harm (**ROSH**). If a decision is made by the Department of Communities and Justice that a report did not meet the ROSH threshold, even though the Mandatory Reporter used the MRG to guide the making of the report, this does not mean the report should not have been made. Ultimately, every report made that raises a concern that a child or young person or class of children or young people is at ROSH is in their best interests.

Even after a report to the Child Protection Helpline has been made, reporters must continue to respond to the needs of the child or young person within the terms of their work role. This may include providing a report to the NSW Police and/or arranging for medical care.

## Signage and Training

Posters of Mandatory Reporting processes and the Department of Communities and Justice contact details are displayed strategically in staff rooms within the School.

Annual child protection training is mandatory for all staff.

All staff must also complete an annual declaration confirming they have read and understood the School's child protection policies and the [Staff Code of Conduct](#).

The Legal, Risk and Compliance team is responsible for organising and implementing the signage, training and annual declarations.

## Implementation

This policy is implemented through a combination of:

- staff training;
- communication and incident notification procedures;
- record keeping procedures; and
- initiation of corrective actions where necessary.



### **Record Keeping**

The documentation relating to the making of a Mandatory Report to the Department of Communities and Justice is maintained by the Head of School and located in secure storage in the Head of School's office. Such documentation is linked by reference to the student's file.

### **Discipline for Breach of Policy**

Where a staff member breaches this policy the School may take disciplinary action, including, in the case of serious breach, summary dismissal.

*Reviewed: May 2024*



# Child Protection – Mandatory Reporting of Child Abuse Offences to Police Policy

## Source of Obligation

Under section 316A of the *Crimes Act 1900* (NSW), any adult who:

1. knows, believes or reasonably ought to know that a child abuse offence has been committed against another person; and
2. knows, believes or reasonably ought to know that he or she has information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for that offence,

must bring that information to the attention of a member of the NSW Police Force as soon as it is practicable to do so.

Failure to do this is a criminal offence colloquially known as “Failure to Report”.

This is referred to as Mandatory Reporting to Police.

## What is a “Child Abuse Offence”?

The list of child abuse offences that are captured by Mandatory Reporting to Police is extensive and includes sexual offences such as rape, sexual abuse, sexual touching, production of child abuse material, voyeurism and grooming offences or attempts to commit those offences.

It also includes assaults and physical harm, such as wounding or causing grievous bodily harm, assault causing actual bodily harm, assault at a school (whether or not causing actual bodily harm), administering or causing the ingestion of an intoxicating substance, and female genital mutilation.

For more information on what constitutes a child abuse offence, refer to the [Child Protection - Child Abuse and Harm Definitions, Identification and Initial Responses Policy](#).

## What does “Know, Believe or Reasonably Ought to Know” mean?

“Knows, believes or reasonably ought to know” is not defined in the *Crimes Act 1900* (NSW). Under NSW common law, and under Commonwealth criminal law, a person has ‘knowledge of’ a circumstance if ‘he or she is aware that it exists or will exist in the ordinary course of events.’

It would likely be considered that you know, believe or reasonably ought to know that a child abuse offence has been committed if:

- a student tells you that they have been sexually abused or physically assaulted;
- a student tells you that they know someone who has been sexually abused or physically assaulted (sometimes the student may be talking about themselves);
- someone who knows the student tells you that the student has been sexually abused or physically assaulted; or
- signs of sexual abuse or physical assault should or do lead to a belief that the student has been sexually abused or physically assaulted.

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## What Must be Reported to Police?

Any and all information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for a child abuse offence must be reported to Police.

Mandatory Reporting to Police under section 316A by a person in good faith does not constitute unprofessional conduct or a breach of professional ethics and does not make the person subject to any civil liability (including liability for defamation).

## When and How to Report to Police

The information must be brought to the attention of a member of the NSW Police as soon as it is practicable to do so.

In emergencies, or if the child abuse offence is happening now or has just happened and the suspected offender may still be in the area: call 000

In all other cases, call the Police Assistance Line on 131 444. This line operates 24 hours a day, 7 days a week.

## When is a Report to Police Not Required?

A person will not need to report to Police if they have a reasonable excuse for not doing so. Under the *Crimes Act 1900* (NSW), a reasonable excuse includes if:

- they believe, on reasonable grounds, that the Police already know the information;
- they have made a mandatory report to the Department of Communities and Justice under Mandatory Reporting laws or believe on reasonable grounds that another person has done so;
- they have reported the information to the NSW Children’s Guardian under Reportable Conduct laws or believes on reasonable grounds that another person has done so;
- they have reasonable grounds to fear for their own safety or that of any other person (other than the offender) if the information were to be reported to the Police;
- the information was obtained by the person (by the person receiving it or otherwise becoming aware of it) when they were under the age of 18 years; or
- the alleged victim was an adult at the time that the information was obtained by the person and the person believes on reasonable grounds that the alleged victim does not wish the information to be reported to Police.

Unacceptable reasons for not reporting include if you are concerned about the interests (including the reputation, legal liability or financial status) of:

- the person who may have committed a child abuse offence; and/or
- any organisation (such as the School).

## Signage and Training

Posters of Mandatory Reporting processes and the NSW Police contact details are displayed strategically in staff rooms within the School.

Annual child protection training is mandatory for all staff.

All staff must also complete an annual declaration confirming they have read and understood the School’s child protection policies and the Staff Code of Conduct.

The Legal, Risk and Compliance team is responsible for organising and implementing the signage, training and annual declarations.

## **Implementation**

This policy is implemented through a combination of:

- staff training;
- communication and incident notification procedures;
- record keeping procedures; and
- initiation of corrective actions where necessary.

## **Record Keeping**

The documentation relating to the making of a Mandatory Report to the Police is maintained by the Head of School and located in secure storage in the Head of School's office. Such documentation is linked by reference to the student file and the file of any relevant staff member.

## **Discipline for Breach of Policy**

Where a staff member breaches this policy, the School may take disciplinary action, including, in the case of serious breach, summary dismissal.

*Reviewed: May 2024*



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# Child Protection - Reportable Conduct of Staff, Volunteers and Others Policy

## Source of Obligation

The *Children's Guardian Act 2019* (NSW) (the **Children's Guardian Act**) requires Cranbrook School to investigate and report to the NSW Office of the Children's Guardian all allegations of Reportable Conduct that are made against "employees" at Cranbrook School or any conviction of an "employee" for an offence involving Reportable Conduct, as defined by the Children's Guardian Act.

## Cranbrook School's Policy

To enable the School to meet its obligations under the Children's Guardian Act, all staff members are required to report any concerns about, allegations or knowledge of Reportable Conduct, or behaviour that may be Reportable Conduct, to the Head of School (who is the Head of Entity pursuant to the Children's Guardian Act).

Staff members must also:

- Cooperate in any internal investigation;
- Maintain confidentiality; and
- Ensure that records of all verbal and written communications are maintained and stored securely.

## How to Report Internally

At Cranbrook School, the Head of School is the Head of Entity. However, if a reportable allegation or reportable conviction is made against the Head of School, then the President of the School Council will take on that role. Accordingly, reference to the Head of School's responsibilities include the President of the School Council if the allegation involves the Head of School.

An internal report may be made verbally or in written form.

Where a verbal report is made by a staff member, it should be followed up with a written report within 48 hours of the verbal report.

## Who is an Employee?

The Children's Guardian Act defines an employee as:

An individual employed by, or in, Cranbrook School, or

If an individual is engaged directly, or by a third party, as a volunteer to provide services to children – the volunteer, or

If an individual is engaged directly, or by a third party, as a contractor and the contractor holds, or is required to hold, a working with children check clearance for the purpose of the engagement – the contractor.

All staff members at Cranbrook School are employees under the Children's Guardian Act. This includes casual staff members such as sport coaches, debating coaches, exam supervisors, Year 12 College Supervisors and music tutors. The following people are also employees at Cranbrook School for the purposes of Reportable Conduct:

- School Council members
- the Head of School
- volunteers who have direct contact with students
- contractors who have direct contact with students

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- external education providers.

### **What is Reportable Conduct?**

Section 20 of the Children’s Guardian Act defines what type of conduct 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 sexual offence;
- sexual misconduct;
- ill-treatment of a child;
- neglect of a child;
- an assault against a child;
- an offence under section 43B or 316A of the *Crimes Act 1900* (NSW) (failing to prevent child abuse or concealing child abuse); or
- behaviour that causes psychological harm to a child.

For the purposes of Reportable Conduct, a child is defined as a person under the age of 18 years.

The child does not have to be a student at the School.

For more information see the **Key Definitions** section of this policy.

### **What Conduct is not Reportable Conduct?**

Section 41 of the Children’s Guardian Act defines what conduct is not Reportable Conduct.

Reportable Conduct **does not** include:

- conduct that is reasonable for the purpose of discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and any relevant codes of conduct or professional standards; or
- the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter has been investigated and the result of the investigation has been recorded under workplace employment procedures.

Some examples of conduct that would not constitute Reportable Conduct include touching a child to get their attention, guide them or comfort them, momentarily restraining a child to prevent the child hurting themselves or others, or a teacher raising their voice to attract attention or restore order in a classroom.

### **What to do if Unsure Whether Employee Behaviour is Reportable Conduct**

In some cases, an investigation by the School may still be needed to determine whether the alleged conduct is Reportable Conduct or not, for example to determine if the conduct was reasonable or – in the case of the use of physical force – trivial or negligible.

Staff members who are unsure whether employee behaviour constitutes Reportable Conduct, or whether an investigation may be necessary to determine whether it constitutes Reportable Conduct, should discuss this with the Head of School, who can assist in clarifying concerns and reporting obligations under this policy.

### **Reportable Conduct and Other Obligations**

In some cases, conduct that is Reportable Conduct which must be reported internally and/or to the Children’s Guardian under this policy would also be conduct that meets the threshold for reporting to the Department of Communities and Justice in accordance with the [Child Protection – Mandatory Reporting of Child Abuse or Harm to](#)

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the Department of Communities and Justice Policy and/or the NSW Police in accordance with the Child Protection – Mandatory Reporting of Child Abuse or Harm to the Police Policy.

It is important to understand that the Reportable Conduct obligation covered in this policy is separate and distinct from other Mandatory Reporting obligations.

The threshold for reporting allegations of Reportable Conduct is much lower than the threshold for Mandatory Reporting to the Department of Communities and Justice and/or the NSW Police. Therefore, if a child safety incident or concern regarding conduct by an employee requires Mandatory Reporting to the Department of Communities and Justice and/or the NSW Police, it must also be reported internally and to the Children’s Guardian by the School under this policy.

A failure to make a report in accordance with this policy may amount to an offence under the *Crimes Act 1900* (NSW).

## **Key Definitions**

The Children’s Guardian Act provides definitions and examples of some of the key terms used in the definition of Reportable Conduct.

The below are all Reportable Conduct:

- a sexual offence;
- sexual misconduct;
- ill-treatment;
- neglect;
- assault;
- an offence under section 43B or 316A of the *Crimes Act 1900* (NSW) (failing to prevent child abuse or concealing child abuse); or
- behaviour that causes emotional or psychological harm to a child.

The definitions and examples of these terms set out below are from the Children’s Guardian Act and are relevant for the purposes of the Reportable Conduct Scheme only. They may or may not be similar to definitions provided in the Child Protection – Child Abuse and Harm Definitions, Identification and Initial Responses Policy and the Child Protection – Mandatory Reporting of Child Abuse or Harm to the Department of Communities and Justice Policy.

## **Reportable Allegations and Reportable Convictions**

Reportable allegation means an allegation of Reportable Conduct against an employee, regardless of whether or not the conduct is alleged to have occurred during the course of employment.

Reportable conviction means a conviction of an employee for an offence involving Reportable Conduct, regardless of whether the offence occurred in NSW or elsewhere. It includes a finding of guilt without the court proceeding to record a conviction.

## **Sexual Offences**

A sexual offence is an offence of a sexual nature, as set out under NSW law or the law of another State, Territory of the Commonwealth and that is committed against, with or in the presence of a child.

Examples of sexual offences set out in the Children’s Guardian Act include:

- sexual touching of a child;
- a child grooming offence; or
- production, dissemination or possession of child abuse material.

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For more information, refer to the descriptions of criminal offences relevant to child abuse and harm, including grooming, in Child Protection – Child Abuse and Harm Definitions, Identification and Initial Responses Policy and to the description of child grooming offences in Child Protection – Detecting, Reporting and Addressing Grooming Behaviours Policy.

### **Sexual Misconduct**

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

Examples of sexual misconduct set out in the Children’s Guardian Act include:

- describing sexual acts to a child, without a legitimate reason to provide the descriptions;
- sexual comments, conversations or communications with or in the presence of a child; or
- comments to a child that express a desire to act in a sexual manner towards the child or another child.

Sexual misconduct may also include:

- Sexualised behaviour, including exhibitionism;
- Exposing children to pornography; or
- Watching children undress in circumstances where supervision is not required and clearly inappropriate.

For more information refer to the Staff and Students Professional Boundaries Policy and the Child Protection – Detecting, Reporting and Addressing Grooming Behaviour Policy.

### **Assault**

Assaults that amount to Reportable Conduct are defined as:

- the intentional or reckless application of physical force without lawful justification or excuse; or
- any act which intentionally or recklessly causes another to apprehend imminent and unlawful violence.

Examples of assault set out in the Children’s Guardian Act include:

- hitting, striking, kicking, punching or dragging a child; or
- threatening to physically harm a child.

Injury is not an essential element of assault, and, alternatively, the existence of an injury does not necessarily mean that there was an assault.

### **Ill-Treatment**

Ill-treatment of a child means conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.

Examples of ill-treatment set out in the Children’s Guardian Act include:

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

### **Neglect**

Neglect of a child means a 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 person with parental responsibility for the child;



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- an authorised carer of the child; or
  - an employee, if the child is in the employee’s care.

Examples of neglect set out in the Children’s Guardian Act include:

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

#### **Behaviour that Causes Emotional or Psychological Harm:**

Behaviour that causes significant emotional or psychological harm is not defined in the Children’s Guardian Act.

However, the Children’s Guardian Act does provide the following examples of indicators (in a child) of significant emotional or psychological harm:

- displaying behaviour patterns that are out of character;
- regressive behaviour; or
- anxiety or self-harm.

It would appear that **any** behaviour by an employee that has caused significant emotional or psychological harm to a child is Reportable Conduct.

#### **Head of Entity Responsibilities**

The Head of School has distinct responsibilities under the Reportable Conduct Scheme:

- The Head of School must set up systems at the School to prevent Reportable Conduct by an employee and to ensure that they are advised of any reportable allegations or convictions against their employees.
- The Head of School **must** notify the NSW Office of the Children’s Guardian of all reportable allegations and reportable convictions against School employees.
- After the Head of School becomes aware of a reportable allegation or reportable conviction against an employee (which does not also require reporting to the Department of Communities and Justice under the [Child Protection – Mandatory Reporting of Child Abuse or Harm to the Department of Communities and Justice Policy](#) or to the NSW Police under the [Child Protection – Mandatory Reporting of Child Abuse Offences to Police Policy](#)), he **must** ensure that an appropriate investigation of the reportable allegation or reportable conviction is conducted and completed within a reasonable time.
- The Head of School **must** notify the NSW Office of the Children’s Guardian of the findings of the School’s internal investigation into the matter.
- The Head of School **must** inform the affected child and their parent about any Reportable Conduct investigation unless it is “not in the public interest” to inform them.

It is a criminal offence under the Children’s Guardian Act for the Head of School to fail to disclose a reportable allegation or reportable conviction to the NSW Office of the Children’s Guardian without lawful excuse.

A failure to make a report to the NSW Office of the Children’s Guardian in accordance with this policy may also amount to an offence under the *Crimes Act 1900* (NSW).

See *The NSW Reportable Conduct Scheme Fact Sheet 2: Heads of Entities and Reportable Conduct Responsibilities* on the NSW Office of the Children’s Guardian website for more information.

#### **Initial Response to Internal Report of Reportable Conduct**

Once the Head of School becomes aware of or receives information about an allegation or conviction that may involve Reportable Conduct, he must take the following steps:

- 
- Clarify the allegation, including the identity of the person making the allegation and the relevant employee, and the acts and/or omissions which form the basis of the allegation.
  - Conduct a risk assessment to identify and avoid or minimise risks (see the **Risk Management: Risk Assessments** section of this policy).
  - Consider whether a child or young person is ‘at risk of significant harm’, and if so, follow the procedures in the Child Protection – Mandatory Reporting of Child Abuse or Harm to the Department of Communities and Justice Policy.
  - Consider whether the allegation may constitute a criminal offence and if so, follow the procedures in the Child Protection – Mandatory Reporting of Child Abuse Offences to Police Policy before taking any further action.
  - Assess any possible risks posed by the relevant employee to all children and young people in the School’s care and take any necessary interim action to ensure their safety and wellbeing (see the Child Protection – Duty to Protect Students from Child Abuse or Harm Policy).
  - Assess whether or not the allegation/conviction relates to Reportable Conduct and if so, notify the Children’s Guardian as soon as practicable (see the **Notifying the NSW Office of the Children’s Guardian** section of this policy).
  - Consider other requirements for communicating details of the allegation/conviction within or outside the School.
  - Address any support needs of both the student and the employee who is the subject of the allegation/conviction.

### **Notifying the NSW Office of the Children’s Guardian**

Where the Head of School receives a reportable allegation from any person, including a staff member, or becomes aware of a reportable conviction, they must notify the Children’s Guardian at several stages of the matter:

- The Head of School must provide a written notice within seven business days after the Head of School is made aware of the reportable allegation or reportable conviction, unless the Head of School has a reasonable excuse.
- The Head of School must, within 30 days, provide:
  - An interim report about the actions taken since the initial notification, any further actions proposed to be taken and an estimated time frame for providing the final report; or
  - A final report about the outcome of the investigation or determination.

### **Disclosure to NSW Office of the Children’s Guardian of Information About Reportable Conduct**

The Head of School, President of the School Council or other employee of the School may also disclose to the NSW Office of the Children’s Guardian, any information that gives the Head of School, President of the School Council or other employee reason to believe that Reportable Conduct by an employee of the School has occurred.

### ***Risk Management: Risk Assessments***

The Head of School is responsible for assessing the risk that the employee poses to students at three separate stages:

- after a reportable allegation is made or becoming aware of a reportable conviction;
- during the investigation; and
- at the end of the investigation.

#### **Stage One: After becoming aware of a Reportable Allegation or Reportable Conviction**

Immediately after becoming aware of a reportable allegation or reportable conviction, the Head of School will conduct a risk assessment, which considers:

- the nature and seriousness of the allegation(s);

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- the vulnerability of the students who the employee would be in contact with while at the School – considering their age, communication skills etc;
  - the nature of the position occupied by the employee including the level of contact and interaction they have with children;
  - the level of supervision available for the employee;
  - the availability of support for the employee on a day-to-day basis if their duties are unchanged;
  - the employee’s disciplinary history; and
  - other possible risks to the investigation.

These factors will assist the Head of School to make an initial decision about whether or not to move the employee into indirect contact work, or suspend them from work during the investigation. The decision the Head of School makes after the first risk assessment should not influence the final findings of the investigation.

#### **Stage Two: During the Investigation**

New risks may emerge during the investigation into an allegation and it is important that such risks are managed. As part of managing the investigation, the Head of School should ensure that appropriate support is provided for:

- the child(ren) who were the subject of the allegation;
- the employee who was the subject of the allegation; and
- other relevant parties, including parents.

#### **Stage Three: At the End of the Investigation**

Refer to the **Making a Finding of Reportable Conduct** section of this policy.

See *The NSW Reportable Conduct Scheme Fact Sheet 3: Risk Management Following a Reportable Allegation* on the NSW Office of the Children’s Guardian website for more information.

### **Investigating Reportable Conduct**

After the Head of School becomes aware of a reportable allegation or a reportable conviction and the NSW Office of the Children’s Guardian has been notified, he must ensure that an appropriate internal investigation of the reportable allegation or reportable conviction is conducted.

Internal investigations of reportable allegations or reportable convictions can be conducted by the Head of School, or another person on behalf of the Head of School, such as another senior member of staff or an independent investigator appointed by the Head of School, in such a manner as the particular circumstances demand.

The investigation must be conducted in accordance with procedural fairness and natural justice. This includes that the investigation is conducted without bias and the person against whom the allegation is made is given the right to respond.

Internal investigations have the potential to create conflicts of interest. Conflicts may arise between an investigator’s official duties and their private interests, which could influence the performance of the official duties. Investigators should be objective and impartial, and be seen as such. The School manages actual or reasonable perceived conflicts of interest through the [Conflicts of Interest Policy](#), but generally any member of staff appointed to conduct the investigation under the supervision of the Head of School must excuse themselves from the investigation if there is an actual or perceived conflict of interest. See *The NSW Reportable Conduct Scheme Fact Sheet 5: Recognising and Managing Conflicts of Interest* on the NSW Office of the Children’s Guardian website for more information.

The NSW Office of the Children’s Guardian can ask for further information during the course of the investigation and can monitor the internal investigation.

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## Internal Investigations and Investigations by External Agencies

### Criminal Investigations

Where allegations of Reportable Conduct by an employee involve, or an investigation into alleged Reportable Conduct has led to findings against the employee that involve, offences under the *Crimes Act 1900* (NSW), the Head of School must notify the NSW Police as a priority over the School's own internal investigation.

If the NSW Police or the Director of Public Prosecutions advise the Head of School that the School's internal investigation of alleged Reportable Conduct is likely to prejudice their own investigation or a court proceeding, the Head of School may – in consultation with the NSW Police or the Director of Public Prosecutions – suspend the internal investigation until otherwise advised.

If the Head of School decides to suspend the internal investigation, the NSW Office of Children's Guardian must be notified that the investigation is suspended and of steps taken to manage any risks.

If the Head of School decides not to suspend the investigation, the NSW Office of the Children's Guardian must ensure that the internal investigation is conducted in a way that does not prejudice the NSW Police investigation or court proceeding.

### Investigations by Other Agencies

The NSW Office of the Children's Guardian may require that the Head of School defer or cease an internal investigation, so that the NSW Office of the Children's Guardian can itself investigate the matter.

The NSW Office of the Children's Guardian may also exempt the Head of School from commencing or continuing an internal investigation, or from making a determination, if another relevant entity is investigating the matter. This may occur, for example, if the matter has been reported to and is being investigated by the Department of Communities and Justice.

## Outline of Internal Investigation Processes

When conducting an investigation, the following key steps must be taken.

The person who is the subject of the allegation will be advised of these steps, to ensure that they know what to expect during the School's investigation processes.

The affected child or young person and/or their parents must be advised of these steps and of the progress of the investigation, unless to do so would not be in the public interest. If appropriate, the child or young person and/or their parents may be asked for permission to interview the child or young person. See the **Disclosing Information about Reportable Conduct to Affected Children and Parents** section of this policy.

### Information Gathering

The first step in an investigation is to gather all relevant information. This can be obtained from a range of sources:

- Direct evidence or information can be obtained by speaking with those involved in the alleged incident (for example, the child or young person, witnesses or the employee).
- Physical evidence can be obtained by collecting documents (for example, rosters and emails), securing and inspecting objects (for example, mobile phones, computers) and inspecting locations to check the relevant positions of parties and witnesses to the alleged incident (for example, playgrounds, classrooms). This process may include taking photographs and making drawings or diagrams of the location.
- Expert evidence can be obtained from people who have specialised knowledge in a specific field that the general public do not have, for example a medical practitioner may be relevant if they had examined the child or young person.

Where the NSW Police or the Department of Communities and Justice have been involved, requests for information from, and the provision of information to these agencies will be made in accordance with Chapter 16A of the *Children*

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and Young Persons (Care and Protection) Act 1998 (NSW). See the [Child Protection – Information Sharing About Child Safety and Wellbeing Policy](#) for more information.

### **Employee Response**

The point at which an employee is told about the allegation and given an opportunity to respond can be critical to the success of an investigation and can affect the degree and duration of stress experienced by the employee.

If the NSW Police and/or the Department of Communities and Justice wish to interview the employee, the School must consult with the relevant agency about what should be disclosed to the employee during the internal investigation.

When all relevant information has been obtained, the allegation will be formally put to the employee and the employee will be given an opportunity to respond, either at an interview or in writing.

At an interview, the employee may wish to have a support person there, who may observe only and must not interrupt. The interview will be recorded verbatim where possible and all records will be verified as a true record of the interview by being signed and dated by all involved.

It may be necessary to re-interview the employee if new information or allegations come to light during the investigation.

### **Key Considerations**

To ensure that an investigation is properly conducted:

- systems must be implemented to uphold confidentiality and deal with any breaches of confidentiality;
- everyone involved in the investigation should be reminded of the importance of confidentiality;
- the parents of any child or young person involved should be advised and asked for permission to interview the child or young person, if appropriate;
- all interviews should be recorded verbatim where possible, and records should be verified, signed and dated by all involved;
- any other allegations that emerge during the investigation process should be documented together with details of any action taken by the School; and
- all relevant parties should be advised of the outcome of the investigation.

See *The NSW Reportable Conduct Scheme Fact Sheet 4: Planning and Conducting an Investigation* on the NSW Office of the Children’s Guardian website for more information.

### **Matters for Consideration When Making a Finding After Investigation**

Once the investigation has been concluded, the Head of School, as the decision-maker, should assess the evidence regarding the reportable allegations against the employee, as well as any conclusions or recommendations made by others involved in the investigation.

A finding of Reportable Conduct can only be made if the Head of School is satisfied that the case has been proved on the balance of probabilities.

The Head of School must consider whether the reportable allegation relates to conduct that is in breach of established standards applying to the employee, having regard to:

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

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Without limiting the matters that the Head of School may take into account when determining whether the case has been proved on the balance of probabilities, he may take into account:

- The nature of the reportable allegation and any defence, and
- The gravity of the matters alleged.

When deciding as to whether the reportable allegation amounts to a finding of Reportable Conduct at the conclusion of their investigation, the Head of School must also consider:

- the reliability of all evidence collected;
- the relevancy of all evidence collected to the reportable allegation;
- whether accounts of the reportable allegation are consistent over time, with other evidence;
- whether the evidence collected is plausible; and
- whether there is any other evidence to corroborate or contradict the reportable allegation.

Caution should be exercised when reaching a finding of Reportable Conduct where the matter involves a criminal allegation, such as an allegation of sexual assault. The Head of School must take care to base a decision on clear and cogent evidence, rather than guesswork, suspicion or rumour. The more serious the alleged wrongdoing, the more care the Head of School should exercise in making his decision as to whether he is satisfied the alleged conduct has occurred.

See *The NSW Reportable Conduct Scheme Fact Sheet 8: Making a Finding of Reportable Conduct* on the NSW Office of the Children’s Guardian website for more information.

If the Head of School is satisfied that the reportable allegation has been proved on the balance of probabilities, the Head of School must make a finding of Reportable Conduct.

The Head of School’s finding will inform the School’s child protection risk assessment and any future action taken to mitigate ongoing risks.

## **Post Investigation Actions**

Once the investigation has concluded, the Head of School must take the following actions:

- Review the investigation and ensure that all relevant risk issues have been considered, including environmental factors and work practices.
- Send the final report and results of the investigation to the NSW Office of the Children’s Guardian.
- Decide on what measures should be put in place to minimise any further risk of harm to children in the School’s care, including possible disciplinary action in relation to the employee who is the subject of the allegation, amendments to policy and procedures, and any strategies to minimise future risk of Reportable Conduct by the relevant employee or other employees.
- If the allegation was found to be false and vexatious, decide on what action, if any, should be taken against the person/s who made the vexatious allegation. However, it is a criminal offence to take or threaten to take detrimental action against a person who has made a reportable allegation against an employee in good faith, even if the conduct is found – after investigation – to not constitute Reportable Conduct.
- Store all information relating to the investigation in a secure location, in accordance with the **Record Keeping** section of this policy.

Where the investigation has led to a finding of Reportable Conduct against the employee that involve offences under the *Crimes Act 1900* (NSW), the Head of School will need to notify the NSW Police, if they are not already involved. See the [Child Protection – Mandatory Reporting of Child Abuse Offences to Police Policy](#).

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## **Disclosing Information about Reportable Conduct to Affected Children and Parents**

Section 57 of the Children’s Guardian imposes disclosure obligations and prohibitions on the Head of School.

The disclosure obligations apply to information about a Reportable Conduct investigation. This includes information about the progress of an investigation, the findings and any action taken in response to the findings.

### **The Head of School Must Inform the Affected Child and Their Parents About the Reportable Conduct Investigation**

The Head of School or an investigator working for the Head of School must inform the affected child and their parents about the Reportable Conduct investigation unless it is “not in the public interest” to inform them.

The Children’s Guardian Act does not give any guidance as to when it may not be in the public interest to inform the affected child or their parents/caregivers. The NSW Office of the Children’s Guardian will publish guidelines setting out what the Head of School must have regard to when deciding whether or not to disclose information.

### **The Head of School Must Not Disclose Reportable Conduct Information to Anyone Else (Unless an Exception Applies)**

The Head of School must not disclose information about a Reportable Conduct investigation to anyone other than the affected child and their parents/carers.

However, there are exceptions to this rule.

The Head of School or an investigator working for the Head of School is allowed to disclose Reportable Conduct information if:

- the disclosure is made to promote the safety or wellbeing of a child or children; and
- the disclosure is made to one of these people/entities:
  - the NSW Office of the Children’s Guardian;
  - a person who needs to be told for the purpose of investigating the Reportable Conduct;
  - the head of the company that employs the person who is being investigated (if the person is a contractor and not employed by the School);
  - the Secretary or Minister (if the affected child is under the care of the Secretary or Minister);
  - a person who has “daily care and control” of the affected child (if the child is in care); or
  - anyone else who, under the Regulations, is allowed to receive this information (although there are not yet any Regulations setting out who else may be told Reportable Conduct information).

These provisions permit the employee who is the subject of a reportable allegation, as well as any witnesses who are to be interviewed, to be told Reportable Conduct information, for the purposes of the internal investigation.

Under section 36 of the NSW Office of the Children’s Guardian Act, the employee may also be given a copy of the final report that was provided to the NSW Office of the Children’s Guardian.

The NSW Office of the Children’s Guardian will publish guidelines setting out what the Head of School must have regard to when deciding whether or not to disclose information.

### **The NSW Office of the Children’s Guardian Must Not Disclose Reportable Conduct Information (Unless an Exception Applies)**

Although the general rule is that the NSW Office of the Children’s Guardian must not disclose any information obtained in the course of an investigation or a determination (whether the information was obtained by itself or as a result of the School’s investigation and notifications), the NSW Office of the Children’s Guardian has a wider list of exceptions that enable disclosure to a wider category of people.

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In particular, the NSW Office of the Children’s Guardian can disclose information relating to the safety, welfare or wellbeing of a child or a class of children to the NSW Police, the Department of Communities and Justice or any other government agency that they consider appropriate.

In addition, under section 51 of the Children’s Guardian Act, if the NSW Office of the Children’s Guardian has itself conducted an investigation and made a finding of Reportable Conduct, and has recommended dismissal, removal or punishment of the employee, it **must** advise the Head of School of the recommendation and the reasons. It **must** also advise the employee of the recommendation and the reasons, unless it believes that doing so would:

- put a person’s health or safety seriously at risk;
- put a person who made the report, complaint or notification – or another person – at risk of being harassed or intimidated; or
- prejudice any other investigation or inquiry.

See *The NSW Reportable Conduct Scheme Fact Sheet 7: Disclosing Information to Children, Parents and Carers* on the NSW Office of the Children’s Guardian website for more information.

### **Responsibility of Staff Members**

All staff members must:

- report concerns about, allegations or knowledge of Reportable Conduct, or behaviour that may be Reportable Conduct, as soon as possible to the Head of School;
- ensure the Head of School is notified of any reportable convictions;
- co-operate in any internal investigation;
- maintain confidentiality throughout any investigation and other processes; and
- maintain records of all verbal and written communications and store these securely.

All staff members are protected from retribution when they act in good faith to make an internal report of, or to themselves notify the NSW Office of the Children’s Guardian of, a reportable allegation or a reportable conviction. It is a criminal offence for the School to:

- dismiss or otherwise prejudice an employee for assisting the NSW Office of the Children’s Guardian; or
- take or threaten to take detrimental action against a person who has made a reportable allegation against an employee in good faith, even if the conduct is found – after investigation – to not constitute Reportable Conduct.

### **Record Keeping**

When a reportable allegation is made, it is important that the following must be documented:

- the allegation;
- the School’s initial response to the person making the allegation, the alleged victim(s) and the employee who is the subject of the allegation;
- any communication with the NSW Police or other authorities;
- a plan detailing how the investigation is to be carried out including any notifications to the NSW Police or other authorities;
- the risk assessments conducted by the Head of School and outlined above;
- all interviews including details of questions and responses, including noting location of the interview, who was present and start and finish times;
- any decision made, either during or at the conclusion of the investigation, including the rationale, the position and the name of the person making the decision and the date the decision was made;



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- any personal contact, discussions or emails with anyone about the matter (including dates, details of discussions, questions, advice, outcomes, the name and position of the person making the contact, and, where appropriate, the reason for the contact); and
  - a final report that details the allegation, the investigation process, the findings in relation to each allegation (including the rationale for the finding), the final risk assessment (which includes any final decision about the employee and the factors that have been considered) and any subsequent action that is to be or has been taken.

Where possible, records should be verbatim and verified, signed and dated by all involved. Records should be kept separate, but linked by reference, to the employee's staff file. However, if there is any outcome impacting on the employee's work such as if the employee is directed to amended duties, training, counselling or additional supervision, is allowed to resign, or is dismissed by the School, the records in relation to this impact only (that is, not the full records of the investigation) should be also included on the employee's staff file.

All records created in accordance with this policy, including all allegations, outcomes of internal investigations and decisions to make or not make a Reportable Conduct report are maintained by the Head of School and located in secure storage in the Head of School's office. These records are linked by reference to the relevant employee file.

See The NSW Reportable Conduct Scheme Fact Sheet 6: Keeping Records on the NSW Office of the Children's Guardian website for more information.

### **Signage and Training**

Posters of Reportable Conduct processes and the NSW Office of the Children's Guardian contact details are displayed strategically in staff rooms within the School.

Annual child protection training is mandatory for all staff.

All staff must also complete an annual declaration confirming they have read and understood the School's child protection policies and the [Staff Code of Conduct](#).

The Legal, Risk and Compliance team is responsible for organising and implementing the signage, training and annual declarations.

### **Implementation**

This policy is implemented through a combination of:

- staff training;
- communication and incident notification procedures;
- record keeping procedures; and
- initiation of corrective actions where necessary.

### **Discipline for Breach of Policy**

Where a staff member breaches this policy Cranbrook School may take disciplinary action, including in the case of serious breach, summary dismissal.

*Reviewed: May 2024*



# Child Protection - Staff and Students Professional Boundaries Policy

This policy applies to all teaching staff, boarding staff, non-teaching staff, School Council members, volunteers (direct and indirect), third party contractors and external education providers (together known as “staff” for the purpose of this policy).

Cranbrook School staff hold a unique position of influence, authority, trust and power in relation to students at the School. As such, it is their duty, at all times, to maintain professional boundaries with students.

The following policy is designed to raise awareness of situations where professional boundary violations may occur and provide some strategies to minimise the risk of boundary violations.

As well as assisting to build and maintain a child safe environment, the practice of protective behaviours at all times will also reduce the possibility of vexatious claims being brought against staff.

## Cranbrook School's Policy

Cranbrook School is committed to providing a safe physical and emotional environment where all our students are respected and treated with dignity in an appropriate professional and caring manner, where the risk of child abuse is minimised, and a safe and supportive child safe environment is maintained.

It is Cranbrook School's policy that:

- staff exercise their responsibilities in a way that recognises professional boundaries with regard to their relationships with students at all times;
- staff identify, discourage and reject any advances of a sexual nature initiated by a student;
- staff interaction with students is professional at all times, including inside and outside of school hours;
- conflict of interest issues must be reported to the Head of School as soon as practicable;
- equal learning opportunities are given to each student without discrimination; and
- appropriate consequences are applied to staff who breach professional boundaries.

## What are Professional Boundaries?

Professional boundaries are parameters that describe the limits of a relationship in circumstances where one person (a student) entrusts their welfare and safety to another person (a staff member), in circumstances where a power imbalance exists.

The fact that Cranbrook School staff are in a unique position of trust, care, authority and influence with students means that there is always an inherent power imbalance that exists between them. It also means that professional boundaries must be established, maintained and respected at all times.

In most cases this power imbalance is clear, however sometimes it may be more difficult to recognise especially for younger staff members who may only be a few years older than the most senior students.

The following guidelines are not exhaustive, and, given that sometimes “grey areas” may occur, it is expected that all staff (no matter their age or experience) use their own good judgement, think very carefully about the implications and potential consequences of engaging in certain behaviours with students, and **always** err on the side of caution.

When unsure about whether professional boundaries are being, or have been, breached, ask yourself:

- Would I modify my behaviour if a colleague was present or copied on any communications?

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- How would I feel about explaining my actions at a staff meeting?
  - Am I sharing this information for the student's benefit, or my benefit?
  - Am I dealing with this student differently from others in similar circumstances?
  - Is my language or demeanour different from normal when dealing with this particular student?

### **Intimate Relationships**

Staff must not initiate or develop a relationship with any student that is or can be misinterpreted as having a romantic or sexual, rather than a professional, basis. This is regardless of whether the relationship is consensual or non-consensual, or condoned by parents or carers.

Such relationships have a negative impact on the student, as well as the teaching and learning of other students and colleagues and would carry a serious reputational risk for the staff member and, in turn, the School.

The professional relationship of staff and students may be breached by:

- flirtatious behaviour or dating;
- development of an intimate personal relationship;
- sexual relations;
- the use of sexual innuendo, inappropriate language and/or material with students;
- unwarranted and inappropriate touching;
- unwarranted and inappropriate filming or photography;
- deliberate exposure to sexual behaviour of others, for example, pornography;
- having intimate contact without a valid context via written or electronic means, for example, email, letters, telephone, text messages, or on social media sites or in chatrooms;
- going out, whether alone or in company, to social events such as the movies or dinner; and/or
- exchanging gifts of a personal nature that encourages the formation of an intimate relationship.

Staff should also be aware that developing or encouraging romantic or sexual relationships with recent former students (over 18 years of age) may violate professional boundaries, and staff are strongly discouraged from doing so.

This is due to the fact the imbalance of power and authority that exists in the staff/student relationship does not suddenly disappear after the student finishes their schooling. Staff should not assume that they will be protected from disciplinary action by claiming that a relationship began only after the student left the School as there may be a reasonable belief that at least the emotional intimacy of the relationship developed while the staff/student relationship existed.

### **Personal Relationships**

Staff must not initiate or develop a relationship with any student that is or can be perceived or misinterpreted as having a personal rather than professional element. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents or carers.

It is the student's **perception** of staff behaviour and not the intention of the staff member that is important.

An established and expected professional relationship between staff and students may be compromised by staff:

- attending parties or socialising with students outside of organised Cranbrook School events;
- sharing personal details about their private lives with students
- meeting with students outside of school hours without permission from the School; and/or

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- sharing information about the School, school processes, staff or other students that are inappropriate to be shared with students.

Staff must recognise at all times that their role is not to be a “friend” or “parent” to a student.

## **Grooming Behaviour**

Grooming behaviour refers to the manipulative cultivation of relationships by an adult to develop or maintain a relationship with a student as a precursor to sexual abuse and/or an intimate or inappropriate relationship. It is recognised that grooming plays a critical role in the majority of incidents of child sexual assault.

It involves the use of a variety of manipulative and controlling techniques, with a vulnerable subject, in a range of interpersonal and social settings, in order to establish trust or normalise sexually harmful behaviour, with the overall aim of facilitating exploitation and/or prohibiting exposure. Grooming behaviour typically involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviours.

Typically, the cultivation of relationships will be extended to gain the confidence of the student who is the intended target of the behaviour, his or her family, and others around them, including teachers and persons in support relationships such as church workers and volunteers, sports coaches and fellow students.

It is important that staff are aware of grooming behaviours and have an understanding of, and an ability to recognise, when a staff member/student relationship is at risk of being inappropriate, or at risk of being seen as inappropriate.

Such behaviours can often be difficult to report, as they may in isolation have a legitimate explanation or be of no concern. If a staff member witnesses or becomes aware of any such behaviours, this must be reported immediately to the Head of School or to the Head of Senior School, Head of Junior School or Chief Operating Officer (who must report it to the Head of School).

Cranbrook School also encourages staff members to discuss concerns at any time with the Head of School, or the Head of Senior School, Head of Junior School or Chief Operating Officer, even if the staff member considers there may be little basis for such concerns. **It is important to remember when considering highlighting any concerns or reporting any witnessed behaviour that grooming behaviour is a precursor to child sexual abuse. The safety of students is paramount and must outweigh any concerns of reporting behaviour which is ultimately innocent.**

See the [Child Protection – Detecting, Reporting and Addressing Grooming Behaviours Policy](#) for more information.

## **Fair Learning Opportunities**

The main focus of teaching is effective student learning and as such, teachers are required to support their students with their professional expertise so as to offer them the best education in their individual circumstances. The quality of teaching and learning between teachers and students characterises their relationship.

Teachers should demonstrate their commitment to student learning and must:

- maintain a safe and challenging learning environment that promotes mutual respect;
- recognise and develop each student’s abilities, skills and talents by catering to their individual abilities and respecting their individual differences;
- encourage students to develop and reflect on their own values;
- interact with students without bias;
- not engage in preferential treatment or any other form of favouritism;
- not discriminate against any student on the basis of race, gender, sexuality, disability or religious or political conviction; and
- always make decisions in students’ best interests.

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## Electronic Communication Between Staff and Students

All staff at Cranbrook School must adhere to the following with respect to electronic communication between staff and students:

- Use of technology must be for educational purposes or for the organisation of co-curricular activities.
- All electronic communication between staff and students must reflect a professional staff/student relationship, which includes such communication not being overly familiar or casual.
- All electronic communication must be via the Cranbrook School email system where staff have a Cranbrook School email account, and where staff do not have a Cranbrook School email account (such as some sport coaches, music tutors and debating coaches) they may use their personal email accounts but must only communicate to a student's Cranbrook School email account.
- Staff should generally not communicate with students via text message, particularly to an individual student rather than a group of students, however if necessary it must only be in a professional context and it is strongly recommended that staff copy the student's parent in the text message.
- Staff should not give out their personal telephone numbers, other contact details or social media details.
- Staff are not to accept or request students as 'friends' on social media or otherwise use social media to communicate in any way that is not condoned or approved by Cranbrook School (see the [Social Media Policy – Personal Use](#) for more details).
- Staff must not exchange personal pictures with students.
- Teachers are not expected or encouraged to respond to concerns of parents/carers or students on holidays, weekends or in the evening.
- Any student personal contact numbers or other personal contact details made available to the School must only be used for School communications.

## Physical Contact with Students

All staff should be aware that situations may arise that can be perceived in a manner that was not intended. For this reason, all staff at Cranbrook School should adhere to the following guidelines for contact with students both in and outside of Cranbrook School grounds:

- Staff should avoid unnecessary physical contact with students.
- Minimal, non-lingering, non-gratuitous physical contact in the context of the situation is acceptable (for example, a congratulatory pat on the back or handshake, or a non-intrusive gesture of comfort) limited to touching a hand, arm, shoulder or upper back.
- Younger students may require appropriate deflection of physical contact without embarrassing the student, for example minimising unnecessary physical contact by removing a child's hand from a teacher's leg.

Contact for technical instruction (for example for sport, drama or dance) in a class or training situation is acceptable provided:

- It is brief and only with the consent of the student.
- You always explain how and where you will touch the student, and explain why.
- You consider using an alternative strategy such as asking students to demonstrate with each other or give verbal directions rather than touching.

Note a student may withdraw consent for physical contact either verbally or gesturally and staff must remain vigilant whilst engaging in necessary contact situations for any such withdrawal of consent. Once consent has been withdrawn no further contact can be or should be made.

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Physical contact in a one on one situation should be avoided unless absolutely necessary. Where this cannot be avoided (for example, in some situations for private instrumental tuition), the guidelines above for class situations must be followed.

### **Off-Campus Excursions, Camps, Wolgan Valley Campus and Boarding Houses**

During off-campus excursions or camps, at the Wolgan Valley campus and in the Boarding Houses, the same physical contact guidelines apply as well as the following:

- Checking of sleeping arrangements, or supervising of students changing should be done, where possible, with another staff member present and always in a manner that respects students' privacy and personal space.
- Always knock and advise of your presence prior to entering a bathroom, bedroom, tent or dormitory.
- Ensure that while in a bedroom, tent or dormitory a strict staff/student relationship is upheld and that inappropriate behaviour, such as sitting on a student's bed, is not undertaken.

### **Working with Students on an Individual Basis**

The following guidelines are to assist staff maintain professional boundaries with students when providing one on one learning assistance/feedback, assessment or pastoral care:

- Make it purposeful: Consider whether it is really necessary to meet with the student one on one.
- Make it public: The more visible, public and busy the location the better.
- Make it authorised: Parents/carers should be informed about and give consent to individual assistance in advance. If not possible to obtain parent/carer consent, ensure the activity is authorised by an appropriate supervising colleague.
- Make it timely: Provide support during normal work hours where possible and do not conduct overly long sessions.

Where it becomes necessary for a one on one interaction with a student that is not pre-organised and it is not possible to have another staff member present:

- be in plain sight as much as possible (for example, visible through an open door, in a glass walled classroom or office);
- do not pull blinds or curtains;
- keep the door open if at all possible, but if necessary to close the door (for example, for noise reduction purposes) do not lock the door;
- do not position yourself between the student and the exit from the room; and
- never touch a student in a one on one out of sight scenario.

### **Online/Remote Learning**

When interacting with students in the provision of online/remote learning, all of the same requirements regarding staff-student professional boundaries still must be observed.

However, there are some additional matters to consider in delivery remote learning, especially when delivering online/remote learning using live videoconference or teleconference.

- Ensure you are appropriately, and professionally, dressed when videoconferencing.
- Consider the placement of your computer when videoconferencing or teleconferencing with students. For example, consider if it may show bedrooms or bathrooms, may show those who live in the same household accidentally, may show something inappropriate on a television screen etc.

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- Remember it is possible you may be recorded or there may be screenshots taken without your knowledge. Take care with all you do and say at all times.
  - Avoid videoconferencing from your bedroom if possible.
  - If a student says or shows anything inappropriate, report this to your supervisor, even if you have handled the matter, so the School has a record of the matter occurring.
  - Remember your mandatory reporting obligations. This may provide you with insights into the home life of students you otherwise may not see. If you are concerned about a student being at risk, report this to the Head of School.
  - Communicate with students only through School email or other mandated IT systems. Do not use student personal email addresses or your personal email addresses. Do not text. Do not communicate through, or 'friend' or 'follow' students, on social media.
  - Be alert to people on videoconferences/teleconferences that should not be there.
  - Be careful what else you may have open on your computer. It is very easy to inadvertently "share" the wrong document or screen with others.

### **Managing Conflicts of Interest**

Where personal relationships with students such as family relationships and close family friendship networks exist, questions of conflicts of interest may arise. This includes friendship or intimate relationships with a family member of a student, even if the student is unaware of the relationship.

Where a conflict of interest may exist, it is important that a staff member notify the Head of School and arrangements should be implemented to avoid the conflict situation if possible.

For example, the teaching of a student by a staff member with a conflict of interest with respect to that student should be avoided, and any significant decisions relating to a student where a staff member has a conflict of interest with respect to that student (such as the selection of sport teams, or allocation of elective subjects) should be referred to another staff member and endorsed by a supervisor.

All staff should declare any interactions with students outside school hours. These interactions may include instances where the staff member is:

- related to the student;
- friends with the student's parents or family; or
- given parental consent to interact with the student for academic or other tuition or coaching purposes outside of school hours and has also been granted permission to do so by the School.

The Conflicts of Interest Policy and Close Personal and Immediate Family Relationships in the School Policy address how to handle such situations in more detail.

### **Responsibility of Staff Members**

All staff members must:

- follow the guidelines set out in this policy;
- immediately report any concerns about any relationships between staff and students;
- immediately report any conflicts of interest; and
- remove themselves from decision making where a conflict has been identified.

### **Implementation**

This policy is implemented through a combination of:

- staff training and development in professional conduct;
- student and parent/carer education and information;
- management of staff engaging in inappropriate relationships with students;
- management of conflicts of interest, including where there are family relationships or close family friendship networks;
- communication and incident notification procedures;
- record keeping procedures; and
- initiation of corrective actions where necessary.

### **Discipline for Breach of Policy**

Where a staff member breaches this policy, the School may take disciplinary action, including, in the case of serious breach, summary dismissal.

*Reviewed: May 2024*





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# Child Protection – Working with Children Checks Policy

## Source of Obligation

The *Child Protection (Working with Children) Act 2012* (NSW) (“the Act”) and the *Child Protection (Working with Children) Regulation 2013* (NSW) (“the Regulation”) aim to protect children from harm by providing a high standard of compulsory national criminal record checking for people wishing to do paid, unpaid, or volunteer child-related work in NSW. These background checks are referred to as Working with Children Checks (“WWC Checks”).

**It is an offence to engage in child related work without a valid WWC Check.**

**It is an offence for Cranbrook School to commence employing or continue to employ a worker in child-related work if the School knows or has reasonable cause to believe that:**

- **The worker is not the holder of a WWC Check clearance that authorises that work and that there is no current application by the worker to the Children’s Guardian for a clearance of a class applicable to that work; or**
- **The worker is subject to an interim bar.**

**It is also an offence for the School to commence employing or continue to employ a worker in child-related work unless the School has obtained and verified the worker’s relevant details and made a record of those relevant details.**

Cranbrook School, staff, volunteers and others have a number of responsibilities and obligations under the Act and the Regulations which are outlined in this policy.

## Cranbrook School’s Policy

All workers at Cranbrook School, including administrative, clerical and maintenance staff, have direct contact with children that is a usual part of and more than incidental to their work. As such, **all staff** of Cranbrook School engage in child related work and are required to hold a valid WWC Check.

“Itinerant” workers such as sport coaches, music tutors, Year 12 college supervisors, exam supervisors and coaches for co-curricular activities are required to hold a valid WWC Check. This includes if they engaged directly as an employee, directly as a contractor, or through an external provider or contractor.

Any adult person who lives on a Cranbrook School campus, whether or not they are engaged by the School in any capacity (for example, adult family members of a Boarding Housemaster) must hold a valid WWC Check.

All non-parent volunteers at Cranbrook School must hold a valid WWC Check (for example, student teachers).

Parent volunteers who attend overnight camps, tours or excursions, or are part of a formal mentoring program are required by law to hold a valid WWC Check. In order to ensure a child safe environment, Cranbrook School also requires any other parent volunteers (for example, when assisting with reading groups, exam scribes or attending excursions) to hold a valid WWC Check.

The School Council has agreed that all members of School Council should hold a valid WWC Check.

## How to Apply for a WWC Check?

A worker who engages in child related work is responsible for applying for his or her own WWC Check. Cranbrook School cannot apply on behalf of a worker.

To apply for a WWC Check or renew a clearance visit the NSW Office of the Children’s Guardian website and follow the prompts to either apply, renew or update your details.

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If a WWC Check is for paid work, a fee of \$80 is payable.

Cranbrook School does not reimburse this fee for staff. It is possible that this fee may be claimable as a tax deduction by staff, however you should seek advice from their accountant or tax agent.

Volunteers only need a WWC Check for volunteer work, although a WWC Check for paid work is also valid for volunteer work. There is no fee for a WWC Check for volunteer work.

If a worker only holds a WWC Check for volunteer work and will be undertaking paid work, the worker will need to have the WWC Check amended to a WWC Check for paid work prior to commencing paid work. To convert a WWC Check for volunteer work to a WWC Check for paid work, visit the NSW Office of the Children's Guardian website and follow the prompts.

### **What is Checked?**

The WWC Check first involves identity verification in person at a NSW Service Centre.

The NSW Office of the Children's Guardian then obtains applicants' national criminal histories including:

- convictions (including convictions that have been spent, quashed or set aside or for which a pardon has been granted);
- charges (whether or not heard, proven, dismissed, withdrawn or discharged);
- juvenile records;
- findings of misconduct (for example, sexual misconduct or serious physical assault of a child) by a government agency or other reporting body; and
- notifications relating to Reportable Conduct made to the NSW Office of the Children's Guardian.

Reporting bodies that must report findings of misconduct to the NSW Office of the Children's Guardian, to enable it to consider the findings as part of the WWC Check, include:

- registration or other licensing authorities constituted under an Act;
- employer or professional or other bodies that supervise the conduct of an employee and that are prescribed by the regulations;
- religious organisations, such as the Anglican Church and its associated organisations;
- members of the Association of Independent Schools of NSW.

Depending on the outcome of these searches, there may need to be further assessment.

If a Police record or workplace misconduct record is found, then every record will be reviewed. This process can take up to a few months.

### **Notice of Intent to Bar and Risk Assessments**

The NSW Office of the Children's Guardian may issue a Notice of Intent to Bar (if certain offences are found that automatically disqualify someone from a WWC Check) or it may conduct a risk assessment if the WWC Check reveals any offences that are listed in Schedule 1 of the Act.

A risk assessment will also occur if the NSW Office of the Children's Guardian considers there are other circumstances relevant to the safety of children. A Reportable Conduct finding of a sexual offence, sexual misconduct (including grooming) or any serious physical assault of a child will trigger a risk assessment by the NSW Office of the Children's Guardian in relation to a person's WWC Check.

Where a bar is being considered, either as a result of automatically disqualifying offences or as a result of the risk assessment, the NSW Office of the Children's Guardian will call and write to the applicant to inform them of the proposed decision. Applicants will be invited to submit information to support their application and the NSW Office of the Children's Guardian will take this information into account when making their final decision.

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A Notice of Intent to Bar will usually include an Interim Bar, which prevents the person from working with children unless and until he or she has been cleared.

Interim Bars may also be issued when an applicant for a WWC Check is subject to a risk assessment.

Applicants subject to an Interim Bar must not engage in any child-related work while awaiting the results of their risk assessment.

## **Outcome of the WWC Check**

There are two key results for a WWC Check – a clearance to work with children or a bar against working with children. However other results may be displayed when the School conducts the online verification process.

### **Clearance**

Where the outcome is a clearance, the applicant will be provided with a WWC Check number that must be provided to the School. The WWC Check is valid for five years and may be used for any child-related work (paid or voluntary) in NSW. Cleared applicants will be subjected to ongoing monitoring for relevant new records, which could lead to a bar and the clearance being revoked before the five year expiry date.

Working with Children Check clearances can be extended beyond the five year period at the discretion of the NSW Office of the Children’s Guardian due to the *COVID-19 Legislation Amendment (Emergency Measures) Act 2020 (NSW)*.

### **Bar Against Working with Children**

If the outcome is a bar, applicants must not engage in any child-related work. The barred applicant will receive a letter from the NSW Office of the Children’s Guardian notifying them of the decision and an explanation of the appeals process, should they wish to appeal through the NSW Civil and Administrative Tribunal.

### **Other Results that May Occur for an Online Verification of a WWC Check**

The online verification process may produce the following other results:

- **Application in Progress:** The worker has completed the application process and may begin working with children. If he or she becomes barred, the School will receive notification.
- **Interim Barred:** Applicants subject to an Interim Bar must not engage in any child-related work while awaiting the results of their risk assessment. It is an offence to hire this person for child-related work, paid or unpaid.
- **Not Found:** This result will display if the WWC Check number or Application Number that is sought to be verified cannot be found by the online system. It is an offence to hire this person for child-related work, paid or unpaid.

There is guidance available on the NSW Office of the Children’s Guardian website for more information about these results.

## **Worker Obligations**

Prior to commencing work at Cranbrook School, workers who have not previously applied for or held a WWC Check must present their WWC Check Application Number and proof of full name and date of birth, by providing a copy of a drivers licence or passport, to Cranbrook School for online verification that a WWC Check application has been made.

Upon receiving clearance, or when renewing an existing WWC Check, it is compulsory that the worker provides their WWC Check number to Cranbrook School.

Workers are responsible for applying for and renewing their own WWC Check. They will receive a reminder to renew their WWC Check three months before it expires from the NSW Office of the Children’s Guardian. Teachers also receive a reminder to renew from the NSW Education Standards Authority.

Workers are responsible for notifying the NSW Office of the Children’s Guardian of changes to their personal details as necessary.

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It is the responsibility of any staff member responsible for engaging a worker at Cranbrook School to ensure the Corporate Services team is provided with the required details *prior to* the commencement of the new staff member to allow for verification of the WWC Check to be undertaken, and confirming with the Corporate Services team that a WWC Check clearance or Application in Progress result has been returned for that worker. **It is a serious breach of this policy to allow or approve the commencement of a worker without Cranbrook School having verified the worker's WWC Check and confirming that the result has been returned as cleared or as an Application in Progress.**

If a staff member is uncertain as to whether a WWC Check is required for a person they are looking to engage (for example, a one off visiting speaker), they should contact the Corporate Services team to confirm the requirements.

No worker will be onboarded by the Corporate Services team to be able commence work at Cranbrook School until the WWC Check for that worker has been verified and a clearance or Application in Progress result returned.

### **Cranbrook School's Obligations**

Cranbrook School must:

- Register and maintain registration online as a child-related employer with the NSW Office of the Children's Guardian website and completing the form.
- Before engaging a new worker, obtain and verify the worker's relevant details. The only way to verify a status is using the online verification system.
- Not accept paper evidence of a WWC Check application or clearance from a worker, because the worker may have been barred in the interim or falsified the document.
- Verify a worker's WWC Check clearance within five working days after the WWC Check clearance expires at the end of every five year period.
- Not employ a person in either paid or non-paid child-related work if the outcome of their online verification is barred, interim barred or not found.
- Remove, immediately upon being notified, any barred, interim barred or not found persons from child-related work.
- Provide information to the NSW Office of the Children's Guardian in relation to Cranbrook School's ongoing relationship (if any) with a particular individual when requested, and follow any directions given by the NSW Office of the Children's Guardian in relation to that individual.
- Maintain all records of verifications and other WWC documentation in accordance with this policy (see the **Record Keeping** section of this policy).
- Notify the NSW Office of the Children's Guardian if a staff member, volunteer or contractor is subject to an adverse finding in relation to an allegation of misconduct that is the subject of a Mandatory Reporting and/or a Reportable Conduct notification. This notification will trigger a risk assessment by the NSW Office of the Children's Guardian and a review of the individual's WWC Check.

### **Record Keeping**

Cranbrook School is required to obtain, verify and record the relevant details of all workers engaged in child related work. Relevant details will only be correctly verified if they accord with the information relating to the worker recorded in the NSW Office of the Children's Guardian Working with Children Register, accessed via the online verification system, as at the date the record is made by the School.

Prior to the commencement of any appointment, staff and volunteers must provide their WWC Check Number or WWC Check Application Number to the School and have a WWC Check Clearance undertaken.

Using the NSW Office of the Children's Guardian Working with Children Check employer login (ie not an individual login), the Corporate Services Team is responsible for initial verification of all staff WWC Checks.

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Once verified, status reports are saved to the individual staff members' file, or the general WWC Verifications file for volunteers, contractors and other ad hoc workers.

In addition, the following information is recorded electronically in the MAZE database for staff, and on a spreadsheet for contractors and ad hoc child related workers, which together make a consolidated register:

- full name;
- date of birth;
- WWC Check number;
- verification date
- outcome of the WWC Check verification;
- expiry date of the WWC Check; and
- whether the person is a paid worker or a volunteer.

The Corporate Services team is responsible for monitoring the WWC Check status of all workers and volunteers and keeping details up to date. Each month the Corporate Services team checks the status of all WWC Checks, provides notification to the worker prior to their expiry date and follows up to ensure renewed WWC Check information is provided and verified.

The records must be updated no later than five working days after the expiry date of a WWC Check.

The consolidated register and process for maintaining and monitoring it are evidence of the School's maintenance of WWC Checks.

Records are maintained in the MAZE database for staff, and on a spreadsheet for contractors and ad hoc child related workers and are available for audit and monitoring purposes.

Records are retained by the School for the duration of the staff member's engagement with the School and for a period of seven years after they cease to be engaged by the School.

## **Privacy and Confidentiality**

The NSW Office of the Children's Guardian maintains a register for WWC Checks.

### **Worker Information Disclosure**

The following information about a worker in the register may be made available by the NSW Office of the Children's Guardian to an employer or proposed employer, upon request in the approved format, containing the particulars required by the NSW Office of the Children's Guardian:

- Particulars of applications for WWC Check clearances;
- WWC Check application number of any worker;
- Current clearance status of a child-related worker;
- Number, class (volunteer or non-volunteer) and expiry date of a WWC Check held by a child-related worker; and
- Whether the clearance holder is subject to an interim bar or has had a clearance cancelled.

### **Employer Information Disclosure**

Similarly, the following information about an employer in the register may be made publicly available by the NSW Office of the Children's Guardian:

- Trading name or registered business name of the employer;
- Child-related work for which the employer engages a child-related worker;

- Postcode or name of the place in which the employer’s business is located; and
- Whether any requests for information regarding a WWC Check status were made to the NSW Office of the Children’s Guardian by the employer within a specified period.

### **Training**

Annual child protection training is mandatory for all staff.

All staff must also complete an annual declaration confirming they have read and understood the School’s child protection policies and the Staff Code of Conduct.

The Corporate Services Team is responsible for organising and implementing the training and annual declarations.

### **Implementation**

This policy is implemented through a combination of:

- staff training;
- communication and incident notification procedures;
- record keeping procedures;
- initiation of corrective actions where necessary.

### **Discipline for Breach of Policy**

Where a staff member breaches this policy Cranbrook School may take disciplinary action, including in the case of serious breach, summary dismissal.

*Reviewed: May 2024*

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## **Appendix: Who Needs a WWC Check Under the Act and Regulation?**

Subject to the exemptions referred to below, any worker who engages in child related work must obtain a WWC Check.

Under the Act, a child is defined as a person who is under 18 years of age.

### ***Definition of Worker***

A worker means any person who is engaged in work, as:

- an employee;
- a self-employed person;
- a contractor or subcontractor;
- a volunteer
- a person undertaking practical training as part of an educational or vocational course (other than as a school student undertaking work experience); or
- a minister, priest, rabbi, mufti or other like religious leader, or spiritual officer of a religion, or other member of a religious organisation.

### ***What is Child Related Work?***

Under the Act and Regulation, work for, or in connection with, any of the following is child related work if the work involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work:

- mentoring and counselling services for children;
- direct provision of child health services;
- clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature) providing programs or services for children;
- education and care services, child care centres, nanny services and other child care;
- schools or other educational institutions;
- sporting, cultural or other entertainment venues used primarily by children and entertainment services for children;
- justice services such as detention centres;
- any religious organisation where children form part of the congregation;
- private coaching or tuition of children;
- boarding houses or other residential services for children and overnight camps for children;
- transport services especially for children, including school bus services and taxi services for children with a disability and supervision of school road crossings.

Child related work also includes:

- a cleaner providing cleaning services at a school, even though they might not have direct contact with children; and
- a worker providing ongoing counselling, mentoring or distance education using any form of communication that does not primarily involve direct contact (physical or face to face contact).

Under the Act and Regulation, the following roles are considered to be child related roles:

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- an approved provider or manager, or certified supervisor, of an education and care service;
  - an authorised carer;
  - an assessment officer of a relevant agency under the *Children and Young Persons (Care and Protection) Act 1998* (NSW);
  - the principal officer of a designated agency or an accredited adoption provider.

The governing body of a school must also ensure that any person who is appointed to a key position in the school is the holder of a WWC Check applicable to that work. For example, Responsible Persons.

### ***What is Not Considered to be Child Related Work?***

Under the Regulation, the following types of work are not considered to be child related, even though they involve direct contact with children:

- work as a referee, umpire, linesperson, other sporting official or grounds person is not child-related work, provided that the work does not ordinarily involve contact with children for extended periods without other adults being present; and
- providing food or equipment at or for a sporting, cultural or other entertainment venue or providing a venue.

### ***Definition of Direct Contact***

Under the Act, direct contact with children means physical contact or face to face contact.

The Regulation may provide for circumstances in which direct contact by a worker with a child or children is taken to be a usual part of and more than incidental to a worker's work. However, it does not currently do so.

### ***Key Exemptions***

Under the Act, people engaged in the following types of work are not required to have a WWC Check:

- administrative, clerical or maintenance work, or other ancillary work – other than school cleaners - that does not ordinarily involve contact with children for extended periods – however note that Cranbrook School considers its administrative, clerical and maintenance staff do have contact with children for extended periods;
- work with minimal direct contact or unsupervised contact with children, done for no more than five days in a calendar year;
- volunteering by a parent or close relative of a child in activities for the child's school, early education service or other educational institution or with a team, program or other activity in which their child usually participates or is a team member, except where the work is part of a formal mentoring program, involves personal care of children with a disability or attending an overnight camp for children;
- a visiting speaker, adjudicator, performer, assessor or other similar visitor at a school or other place where child-related work is carried out if the work of the person at that place is for a one off occasion and is carried out in the presence of one or more other adults;
- work by an interstate visitor in a one-off event such as a jamboree, sporting or religious event or tour, if the event is the only child-related work carried out by the worker in NSW in that calendar year and the period of work does not exceed 30 days;
- work by an interstate visitor who holds an interstate working with children check, or is exempt from the requirement to have such a check in his or her home jurisdiction, whose child related work in NSW is for no more than 30 days in any calendar year; and
- people under the age of 18.