Child Safe Program (New Policy Format)

Procedures for Managing Child Safety Incidents or Concerns Involving the School or its Staff Members (Summary)

Introduction

We use the terms “staff” and “staff member” to include all teaching and non-teaching staff, School Council members, Volunteers, Contractors and external providers.

Incidents of or complaints about:

- breaches of the Child Safe Codes of Conduct
- harm to a child or young person (including a current or former student), or to a student aged 18 or over, by:
    - current or former staff members
    - current or former students; or
    - other people on School premises or at School events
- conduct by a staff member that places any child or young person at risk, regardless of whether or not the child or young person is a student
- inappropriate behaviour or sexual misconduct towards a student by any person associated with the School

are managed in a different way to other incidents at or complaints about the School.

This is because these kinds of incidents, complaints, allegations or concerns are all of a similar sensitive nature and raise potential privacy and confidentiality issues. In addition, the School has particular legal obligations when managing them.

Child Safety Incidents or Concerns

We call **any** behaviour, that may:

- be a breach of our Child Safe Codes of Conduct
- cause harm to a child or young person, or to a student aged 18 or over
- “reportable conduct” (explained below)

a “child safety incident or concern”.

It does not matter who the perpetrator may be: they could be a family member or other adult associated with a student (such as a staff member), another student and or any other person associated with the School.

Breaches of the Child Safe Codes of Conduct

Organisation Name requires all staff members, parents/carers, Visitors and other adults in the School community to comply with our Child Safe Code of Conduct.

Staff members must also comply with our Staff and Student Professional Boundaries Policy and Procedures.

Students must comply with our Student Code of Conduct.

Any breach of these Child Safe Codes of Conduct is considered a child safety incident.

Harm to a Child, Young Person or Student Aged 18 or Over

South Australian laws include a number of definitions and concepts that cover harm to children, young people and students aged 18 or over. “Harm” includes:

- sexual abuse
- grooming and online grooming
- physical abuse or harm
- psychological or emotional abuse or harm

- neglect
- exposure to domestic abuse.

Reportable Conduct

Where a child safety incident or concern involves or is alleged to involve:

- harm to a child or young person (including a current or former student), or to a student aged 18 or over, by a current or former staff member
- conduct by a staff member that places any child or young person at risk, regardless of whether or not the child or young person is a student
- inappropriate behaviour or sexual misconduct towards a student by any person associated with the School

we call this “reportable conduct.”

Not all physical contact, verbal communication and other behaviour of staff members is reportable conduct. Reasonable or accidental conduct is **not** reportable conduct.

Some examples of conduct that is **not** reportable conduct include a staff member touching a child on the arm to get their attention, guide them or comfort them, a teacher raising their voice to attract attention or restore order in a classroom, or conduct that is established to be accidental.

Child Safe-Related Complaints

It is critical that the broader School community tells us about all child safety incidents or concerns that occur at or otherwise involve the School or its staff members. This enables the School to ensure the safety and wellbeing of students and to comply with its legislative reporting obligations.

We call any reports made to the School about child safety incidents or concerns at or otherwise involve the School or its staff members a “child safe-related complaint.”

Making a Child Safe-Related Complaint to the School

If you would like to make a complaint about:

- a breach of the Child Safe Codes of Conduct
- harm to any child or young person (including a current or former student) or of a student aged 18 or over, by

    - current or former staff members
    - current or former students; or
    - other people on School premises or at a School event
- “reportable conduct”

you can do so by contacting:

- the Principal, who is the School’s Senior Child Safety Contact Officer, by phoning 0413 019 223 or emailing skriewaldt@lls.sa.edu.au; or
- if the concern relates to the Principal, the Chair of the Board by llscouncil@lls.sa.edu.au.

Investigating and Managing Child Safe-Related Incidents and Complaints

Immediate Actions

Depending on the nature of the incident, complaint, allegation or concern, after receiving the internal report or the child safe-related complaint, the School will:

- if required by law or by our child safe policies and procedures – report the matter to Children, Youth and Families (Department for Child Protection’s), the Police and/or other relevant external agencies
- conduct an initial risk assessment in consultation – if an external report has been made – with the Police or Department for Child Protection’s, to identify and mitigate any ongoing risks to student safety and wellbeing
- ensure that support is provided to any students, staff members and family members impacted by the incident, concern or complaint. In particular, we ensure that they are informed about advocacy and support services that may be available to assist them.

The Internal Investigation

The School will then conduct an internal investigation of the incident or complaint, led by the Principal or an external investigator.

However, if Department for Child Protection’s or the Police are investigating the alleged conduct, that investigation takes precedence and the School’s investigation will **only** proceed with their permission.

When conducting the internal investigation, the School follows the National Office of Child Safety's **Complaint Handling Guide: Upholding the Rights of Children and Young People**. The attached flowchart sets out how these procedures work.

All internal investigations uphold the principles of procedural fairness and confidentiality – information is only shared with those who need to know.

Investigating and Managing Behaviour by a Student Against Another Student

Responding to this kind of child safe-related incident or complaint involves considering the School's duty of care both to any student who is a victim and to the student who is the alleged perpetrator, as well as to other students.

The Principal will follow our student discipline policies for these investigations.

Investigating and Managing Behaviour by Non-Staff Members on School Premises or at School Events

Where a child safety incident, or a child safe-related complaint, involves behaviour by a person who is neither a current or former School student nor a current or former staff member (for example, if they are a parent /carer or a Visitor whose behaviour occurs on School premises or at a School event), the School's investigation is generally limited.

It may involve only the risk assessment and a subsequent review of our systems, policies and procedures to ensure future safety and wellbeing of our students.

Investigating and Managing Reportable Conduct

When a child safety incident or concern involves, or a child safe-related complaint alleges, conduct that amounts to reportable conduct, the School may need to report the matter to additional external agencies, such as the Teachers Registration Board of South Australia.

The steps that will be followed for reportable conduct investigations include:

- Planning the investigation (including planning the involvement of the child)
- Information gathering
- Employee response
- Ensuring support during the investigation
- Making findings and determining outcomes/actions

- Taking action.

In addition, further risk assessments are conducted during the internal investigation and at the end of that investigation.

Investigating and Managing Breaches of the Child Safe Codes of Conduct That Do Not Amount to Reportable Conduct

Minor breaches of the Child Safe Codes of Conduct by staff members that do not amount to reportable conduct are managed through our Human Resources policies and procedures relating to discipline and termination.

if a child safe-related complaint has been made about the conduct, and it is determined through the School's investigation that a minor breach of the Child Safe Codes of Conduct has occurred, the School will notify the complainant of the finding and of the corrective actions that will be taken.

Record Keeping About Investigations

Records are kept at each step of the investigation process including:

- records received or created during investigations (such as notes of interviews and documents received)
- records of findings
- records of actions proposed and taken.

These are kept in a safe and secure location.

Reviews of Investigation Procedures and Outcomes

Internal Reviews of Complaint Outcomes

If a child safe-related complaint has been made, the complainant and other people who are involved in the matter (such as a staff member, student who is the alleged victim and their parent/carer) and who are not satisfied with the management or outcome of the complaint may request an internal review of:

- the procedures undertaken
- findings made
- disciplinary actions proposed or taken and/or

- other outcomes (including a decision not to make a finding or to take disciplinary or other action).

Requests for internal reviews should be made to the Principal.

Disclosing Information to the School Community

The School will consult with, and follow the advice of, any relevant external agencies (such as Department for Child Protection's or the Police) to determine when, what and with whom information can be shared.

Sharing Information With Parents/Carers and Students

The parent/carer of a student who is an alleged victim of a child safety incident or concern occurring at or involving the School has a legitimate interest in being told that their child is an alleged victim and of the nature of the incident, complaint or allegation.

The parent/carer and student also have a legitimate interest in being informed of the process, progress and findings of any investigation, and of any action that might be taken after the investigation is completed.

However, special issues may arise that require an adjustment to normal information sharing practices. Legal impediments may impact the timeliness of disclosing information, the type or amount of information that is disclosed and to whom the information is disclosed, particularly in the case of reportable conduct allegations.

Sharing Information With the Wider School Community

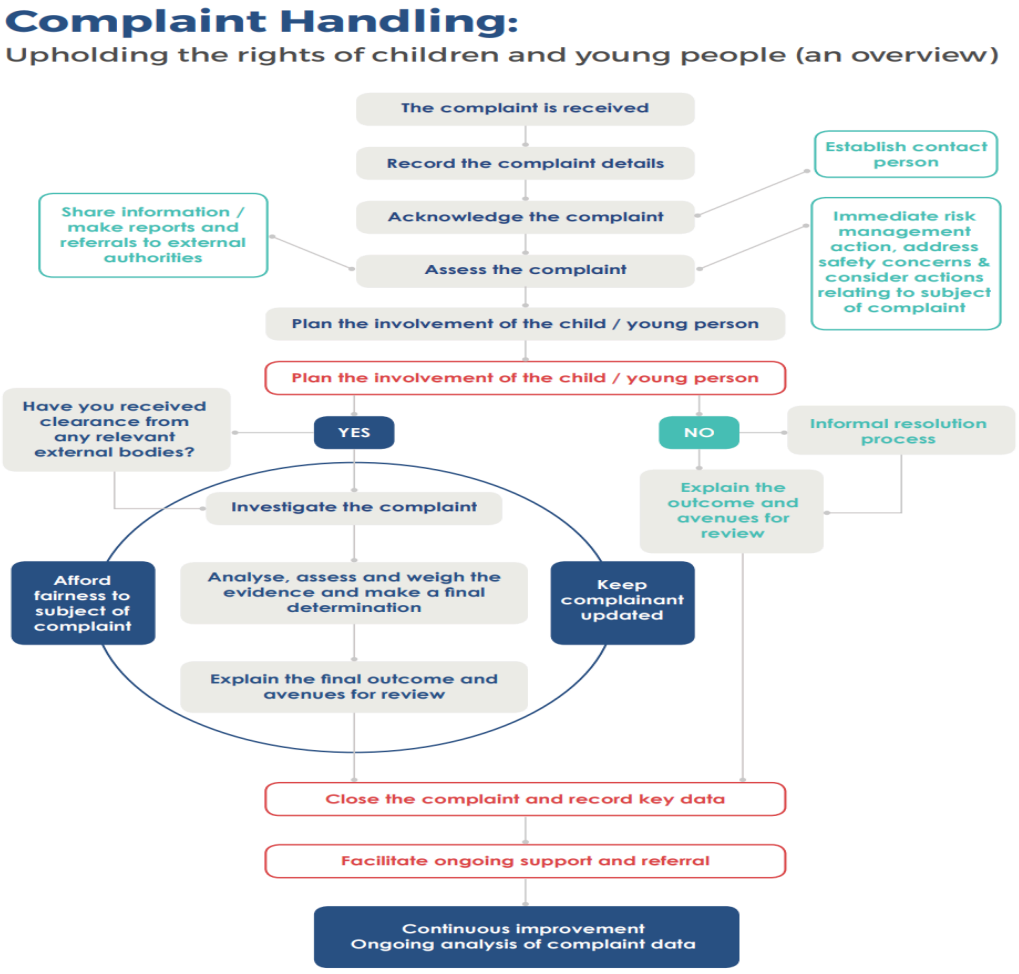
The School takes great care to assess the relevance and appropriateness of sharing information about a child safety incident or concern, or a child safe-related complaint, before providing any information about it to the wider School community. This is because even the confirmation of an incident or allegation can lead to the identification of a victim.

Generally, information that may identify the victim of the incident, concern or complaint will not be shared with the wider School community without the consent of the victim and/or their parent/carer.

Where to Find More Information

For more information about our policies and procedures relating to the School's management of child safety incidents or concerns that occur at or involve the School or its staff members, child safe-related complaints, or complaints handling generally, please contact the Senior Child Safety Contact Officer.

Appendix



National Office for Child Safety, 2019, Complaint Handling Guide: Upholding the rights of children and young people [ONLINE], Available at: https://childsafety.pmc.gov.au/sites/default/files/2020-09/nocs-complaint-handling-guide.pdf