

KINMA CHILD PROTECTION POLICY

1 POLICY STATEMENT

Children are inherently vulnerable and the adults around them have a responsibility to protect them. The most important step in protecting children is to reduce their vulnerability. Children are less vulnerable when they are active participants; their voices are clearly heard; they understand what is acceptable conduct; and they are confident that their concerns will be taken seriously.

The other critical step is to recognise and manage risks.

2 GIVING CHILDREN RESPONSIBILITY AND POWER

Active participation by children is fundamental to Kinma's philosophy, as stated in our parent information kit: "Kinma children are encouraged to work in a style and at a level suitable to their developmental stage. They are involved in determining their needs together with their parents and teacher." Kinma teachers guide the learning of Kinma kids. They do not use didactic teaching, only shared learning.

We seek the active participation of Kinma kids in all areas of their school life:

- *Learning themes*: class discussions at the start of each term set themes for that term's study. The teacher weaves Board of Studies requirements into the theme.
- *Class meetings*: Primary classes hold class meetings each term. Kids set the agenda, chair the meeting and determine its outcomes. Teachers must abide by the chair's decisions. Class meetings determine conduct standards in the classroom.
- *Special events*: Kinma kids run their own stalls at the Kinma markets. They also stage the annual poetry festival and year six farewell.
- *Disputes*: Kinma staff do not intervene in disputes between students unless either party requires assistance or a mutually agreeable solution cannot be reached. Staff will listen to all parties to the dispute. The issue is generally resolved when all parties agree and accept the resolution. Accepting a resolution is easier when individuals feel empowered by being part of the decision-making process.

3 RECOGNISING AND MANAGING RISKS

3.1 Risks relating to Staff

▪ NSW Working With Children Check

All staff, whether paid or volunteer, who are to have direct unsupervised contact with children, must complete a Prohibited Employment Declaration which the Manager retains in secure

records. Prohibited Persons are banned from child-related employment, and may not work with children at Kinma. Prohibited Persons are those who have been convicted of a serious sex offence, or murder or kidnapping of a child.

All paid staff must undergo a background check before they are employed. The prospective staff members must complete the Working With Children Check consent form, which the Manager forwards to the Commission for Children and Young People for processing. Forms and processes for the Working With Children Check are downloaded from the website www.kids.nsw.gov.au/check.

An appointment cannot be confirmed until we receive the Check results. It is Kinma policy not to employ any paid staff if they receive a risk rating above the category of "low".

- **Selection processes**

Kinma's staff selection includes interviews and referee checks for all paid and volunteer staff (apart from parent volunteers). Candidates are asked about their past experience with children and their understanding of children's development and learning needs.

- **Performance Management**

All staff receive feedback and support through structured interviews in term two and informal discussion in term four. More detail is available in the Performance Development Policy.

- **Training and development**

Teaching staff are entitled to six training and development days per year. These sessions are to extend and develop skills and capacities. During 2005 two staff undertook child protection training as part of their development. More detail is available in the Performance Development Policy.

- **Code of Conduct**

The Kinma Code of Conduct for staff sets out expectations of conduct and behaviour for all staff. All Kinma staff must sign the school's code of conduct when they start work at Kinma. The Code of Conduct is provided to Kinma parents in the information kit and published on the website so they are aware of the school's expectations of staff. There is a separate Code of Conduct for Kinma parents that is also included in the information kit. Parents review their code of conduct at full school development days. Children develop informal codes of conduct through their class meetings.

- **Staff Conduct**

Inappropriate conduct towards kids is unacceptable, and will have serious consequences at Kinma.

Where any member of the Kinma community makes an allegation of inappropriate conduct towards a child, it needs to be reported immediately to the Manager, and reported to the next Council meeting. The Manager notifies the Council Chair immediately of significant allegations. If the Manager is the subject of the allegation it should be reported direct to the chair of Kinma Council.

The Manager is responsible for the initial assessment of allegations (except where they involve the Manager). The initial assessment is to determine if the allegation of inappropriate behaviour meets the Ombudsman's definition of a reportable allegation.

The Ombudsman says an allegation is reportable if it is about the following conduct, or there has been a conviction for this conduct:

- a) any sexual offence, or sexual misconduct committed against, with, or in the presence of a child, including child pornography offences, or
- b) any assault, ill treatment or neglect of a child; or
- c) any behaviour that causes psychological harm to a child, whether or not the child consented.

If the allegation is reportable the Manager must report it to the Ombudsman within 30 days. Notification forms are available on the Ombudsman's website at www.ombo.nsw.gov.au/publication/forms. If the allegation is not reportable, the Manager needs to investigate the allegation to determine whether it amounts to professional misconduct. Professional misconduct will be dealt with through Kinma's Performance Development policy, and may result in formal training, counselling or disciplinary action.

There are a several steps that the Manager must follow for reportable allegations:

- Risk Assessment: establish whether there are any risks to the alleged victim, other students, members of the Kinma community or the alleged perpetrator. Considerations will include the nature of the allegation, the vulnerability of the child/children, the type of contact the staff member has with the child/children, the staff member's history and attitude. Take steps to protect those at risk – actions may include the temporary separation of the staff member subject of allegations from the child/children involved. While such a step may need to be taken rapidly, the AIS should always be consulted in these situations. It is important to protect the staff member from assumptions of wrong-doing before the investigation has been completed. The privacy of all parties to the allegation needs to be protected.

Any risks of harm to children need to be reported to the Department of Community Services (see below).

- Records: establish clear records including details of the allegation, who made it, who it relates to, when the conduct was alleged to occur, what elements make it reportable etc.
- Investigation: a reportable allegation needs to be investigated using the principles of natural justice. Investigation is a specialised skill and the advice of the AIS is needed before an investigation is commenced. If it is agreed to conduct the investigation locally, the Ombudsman's Guidelines, "Child Protection in the Workplace" will be used to guide the process. The Guidelines are published on the web at www.ombo.nsw.gov.au/publication. Criminal offences need to be reported to the police for investigation. It is important that Kinma staff do not attempt to investigate criminal offences as they may unintentionally spoil evidence.
- Findings: there are several findings available at the end of the investigation. There may be enough evidence to determine that the conduct did occur. There may not be enough evidence to form this conclusion, but there is some evidence that the conduct occurred.

There may be enough evidence to determine that the conduct did not occur. The finding of the investigation must be notified to the Ombudsman.

If it is found that the conduct occurred or there is some evidence it occurred, it must also be notified to the Commission for Children and Young People. A finding that an act of violence in the presence of children occurred (or there is some evidence it occurred) is also notifiable to the Commission. Notification forms are available on the Commission's website at www.kids.nsw.gov.au/check.

The Ombudsman provides the following formal outcomes for investigations to use in determining whether it is reportable conduct:

1. Allegation is **sustained**;
2. Allegation is **not sustained (ie insufficient evidence is available to establish that the alleged behaviour did or did not occur)**;
3. Allegation is **false (ie where inquiries into the matter find that reportable conduct or an act of violence did not occur)**;
4. Allegation is **vexatious (ie where inquiries into the matter find that the allegation was made without substance and with the intent of being malicious or to cause distress to the person against whom the allegation was made)**;
5. Allegation is **misconceived (ie where inquiries into the matter find that, even though the allegation was made in good faith, it was based on a misunderstanding of what actually occurred and the incident was not reportable conduct or an act of violence)**; or
6. Allegation is **not reportable conduct**.

The findings of an investigation into a reportable allegation need to be notified to the Ombudsman in these terms. Findings in the first two categories need to be reported to the Commission for Children and Young People.

Conduct is not reportable to the Commission or the Ombudsman if it is:

- reasonable for the purposes of discipline, management or care of children, having regard to the age, maturity or other characteristics of the children and to 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 is to be investigated and the result of the investigation recorded under workplace employment procedures.

The Ombudsman's Guidelines and the Commission's Working With Children Check Guidelines both include detailed information about the elements of reportable conduct, with examples to help understand the definitions and flowcharts to demonstrate key processes.

The protection of the child is always the primary concern, and all actions necessary to protect the child must be taken immediately. Where there is an immediate risk of harm to the child a report must be made to the Department of Community Services on 132 111. More detail about risk of harm reporting is found in the next section.

▪ **Reporting Risks of Harm**

The Children and Young Persons (Care and Protection) Act 1998 makes it mandatory for the Manager to report to DoCS any children at the school that she considers on reasonable grounds to be at risk of harm.

The Act says that a child is at 'risk of harm' if current concerns exist for the safety, welfare or well-being of the child or young person because:

- the child's basic physical or psychological needs are not being met or are at risk of not being met;
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- 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 or other caregiver 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.

Where staff at the school think that a child is at risk of harm they should bring their concerns in the first instance to the Manager for consideration. The Manager will make the report if she agrees that there are reasonable grounds to consider the child is at risk of harm. If the Manager does not agree, the staff member can make a direct report to DoCS. Risk of Harm reports are phoned in to the DoCS Helpline on **132 111**. DoCS will ask for the name/ description of the child and the grounds for suspecting that the child is at risk of harm.

Records of the notification should be made by the person notifying the risk, and held in a secure file by the Manager. The record of the report should include the "Feedback to Reporter" letter that DoCS will send out.

There is a penalty of up to \$22,000 for failing to comply with reporting obligations. The Children (Care and Protection) Act gives protection from prosecution for people making reports in good faith. The DoCS website has further information about kids at risk of harm at www.community.nsw.gov.au .

3.2 Risks Relating to the Environment

It is essential that we provide a safe environment for Kinma kids. We do this by:

- Allergy management – Kinma is a nut free school;
- Behaviour Policy – ban on weapons, drugs etc;
- Cleanliness – in rooms, toilets and kitchens;
- After-School collection supervision – a teacher remains until all children are collected;
- Communication – weekly newsletter and phone tree operates to keep the school community informed;
- Excursion supervision – we use a high ratio of one adults to children on excursions;

- Medical support –a first aid kit is available and emergency contact numbers are clearly displayed by the office phone;
- Playground and classroom supervision – children have access to teacher support at all times;
- Poisons – cleaning and gardening supplies are locked away from children;
- Regular fire drills and alarm tests are held;
- Sunscreen and hats – are worn when outdoors; and
- Visitor supervision – all visitors to Kinma are greeted and taken to the Manager