



REDEEMER BAPTIST SCHOOL

a ministry of Redeemer Baptist Church



CHILD PROTECTION MANUAL 22



***A distinctive Christian School that strives for excellence
in all areas to the glory of God***

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PREAMBLE

Redeemer Baptist School (Redeemer) is committed to education with a Christian worldview, which foundationally includes providing a safe environment for all students. The importance of providing a safe environment for children is emphasised by Jesus' words:

Whoever receives one little child like this in My name receives Me. But whoever causes one of these little ones who believe in Me to sin, it would be better for him if a millstone were hung around his neck, and he were drowned in the depth of the sea. Woe to the world because of offenses! For offenses must come, but woe to that man by whom the offense comes! (Matthew 18:5-7)

Redeemer is opposed to offenses involving child abuse practices. Redeemer's record in providing a safe environment for children and young people is exemplary. All staff at Redeemer are provided training so that they understand the moral obligations and legal requirements pertaining to their role in child protection.

Redeemer has an important role to support children and young people on behalf of parents/carers and to identify where problems arise that may put the safety, welfare or wellbeing of our students at risk.

CHILD SAFE STANDARDS

In accordance with the *Children's Guardian Act 2019*, Redeemer Baptist School has adopted NSW Child Safe Standards listed below as the primary framework that guides child safe practice at Redeemer. These Child Safe Standards are embedded within the policies included in the current versions of the Redeemer Baptist School

- Child Protection Manual (distributed to all staff, contractors and volunteers; provided to parents, children and other stakeholders on request)
- Board Manual (distributed to the School Board including Directors, Principal, Headmaster and Bursar)
- Handbook (published on the Redeemer Baptist School website), and
- Staff Handbook (distributed to all staff, contractors and volunteers; provided to parents, children and other stakeholders on request).

The Child Safe Standards are:

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

REDEEMER BAPTIST SCHOOL CHILD SAFE POLICY

1. Introduction

- a. Redeemer is committed to fulfilling its duty of care to all its students by:
 - i. providing them with a learning environment that is safe, supportive and caring;
 - ii. listening to students, parents and carers who express views about safety of children at Redeemer and considering these views when implementing child safe policies;
 - iii. seeking to recognise promptly when any student is at **risk of significant harm**; and
 - iv. taking appropriate action to protect its students when the School or its **staff** become aware that its students are at **risk of significant harm**.
- b. Accordingly, **reportable conduct** or other inappropriate or unprofessional behaviour by **staff** towards students will not be tolerated under any circumstances. Redeemer expects all **staff** to honour the School's commitment in this Policy and to work with the School to achieve a safe learning environment.
- c. Redeemer is committed to complying with its obligations under **NSW child protection legislation** and to educating its **staff** as to those obligations.
- d. Redeemer recognises that there is a danger that its **staff** could be seriously affected by false, vexatious or misconceived allegations against them. Redeemer is therefore also committed to investigating all allegations promptly and fairly.
- e. Redeemer is a **relevant entity** as defined by the *Children's Guardian Act* and a reporting body as defined by the *Child Protection (Working with Children) Act*.
- f. Terms that are defined in the Dictionary at the end of this policy are highlighted in **bold**.

2. Publication and Distribution

- a. This Policy must be published by the School Board in Redeemer's Child Protection Manual.
- b. The Principal, Headmaster or his delegate must give this Policy to all new **staff** who are required by Redeemer to comply with obligations stated in the Policy.
- c. This Policy must be approved by all members of the School Board and given to new members of the School Board.
- d. This Policy must be given to any member of the School community who requests a copy.

3. Creating a Safe Learning Environment

- a. The Principal or Headmaster, on behalf of the School Board, must develop strategies to create a safe learning environment. These will include educating all members of the School community about child protection issues.
- b. All **staff** must become familiar with these strategies.
- c. The Principal and Headmaster, on behalf of the School Board, must monitor these strategies continuously and review them regularly.
- d. All **reportable allegations** must be taken seriously.
- e. The Principal, Headmaster or his delegate must provide professional development annually during Term 1 to make known to **staff** Redeemer's Child Protection Policies, including:
 - i. requirements to prevent, identify, report and investigate allegations of reportable conduct in compliance with the *Children's Guardian Act*;

- ii. informing all **staff** of their mandatory reporter obligations; and
- iii. other expectations in Redeemer's Child Protection Manual.
- f. The Principal must promote this Policy within Redeemer.
- g. **Staff** must:
 - i. be aware of the content of **NSW child protection legislation**; and
 - ii. provide to the NSW Office of the Children's Guardian (OCG) information requested within 3 months of the request (or clearance may be terminated by the OCG); and
 - iii. update contact details – including any name or address changes, within 3 months – with the OCG (penalties apply if not updated); and
 - iv. renew their Working With Children Check Clearance (WWCC) prior to expiry and provide the email confirmation with new expiry date to the Headmaster; and
 - v. report promptly in accordance with this policy whenever they
 - 1. have reasonable grounds to suspect that a student is at **risk of significant harm**; or
 - 2. become aware of a **reportable allegation** against a **member of staff** whenever or wherever the **reportable conduct** took place.

4. Reporting Obligations

- a. Any **member of staff** to whom a **reportable allegation** is made or who becomes aware of a **reportable allegation or conviction** must report this immediately (or at the earliest possible opportunity) to the Principal or Headmaster.
- b. A **member of staff** must not be dismissed or prejudiced on account of assisting the OCG.
- c. Detrimental action must not be taken by any **member of staff** or Director of the School against a person who, acting in good faith: gives a report to the Principal or Headmaster; or gives a complaint or notification to the OCG. Detrimental action includes:
 - i. injury, damage, loss, intimidation or harassment;
 - ii. discrimination, disadvantage or adverse treatment at work;
 - iii. dismissal from, or prejudice at, work;
 - iv. prejudice in the provision of a community service;
 - v. disciplinary proceedings.
- d. Any **member of staff** who has reasonable grounds to suspect that any student is at **risk of significant harm** must report the name, or a description, of the student and the grounds for suspecting that the student is at **risk of significant harm** to the Principal or Headmaster.
- e. Any **member of staff** who has reasonable grounds to suspect that a child who is not a student and who is under the age of 16 is at **risk of significant harm** – and those grounds arise during the course of or from the **member of staff's** work – must report the name, or a description, of the child and the grounds for suspecting that the child is at **risk of significant harm** to the Principal or Headmaster.
- f. Any **member of staff** who has reasonable grounds to suspect that a student who is under the age of 16 or a child who is not a student who is under the age of 16 is at **risk of significant harm** – and those grounds arise during the course of or from the **member of staff's** work – must, in addition to reporting this to the Principal or Headmaster, satisfy himself or herself that the Principal or Headmaster has reported the matter to NSW Department of Communities & Justice (DCJ). Where, for any reason, the **member of staff** is unable to satisfy himself or herself that the Principal or Headmaster has reported the matter to the DCJ, the **member of staff** has a duty to report the name, or a description, of

the student and the grounds for suspecting that the student is at **risk of significant harm** to the DCJ as soon as practicable.

- g. If the **reportable allegation** is against the Principal or if the student is at **risk of significant harm** from the Principal, the report should be made directly to the Police, OCG, and/or the DCJ. The report may also be made to the Headmaster who must then comply with the obligations under this policy that would otherwise fall upon the Principal.
- h. When the Principal or Headmaster receives a report from a **member of staff** under this section of this policy, the Principal or Headmaster must, where required by law, report the matter to the Police, DCJ, and/or the OCG.
- i. If for any reason the **member of staff** is dissatisfied with the response of the Principal or Headmaster to the report, the **member of staff** may make a complaint to the OCG.
- j. The Principal or his delegate the Headmaster must give a written notice (notification) about any **reportable allegation** or **conviction** to the OCG within 7 business days of becoming aware of the allegation or conviction.
- k. This initial notification to the OCG must include information stipulated in the *Children's Guardian Act* and contained in the web-based [7-Day Notification Form](#) on the [OCG website](#).
- l. The Principal or his delegate the Headmaster may, depending on the circumstance, give the **employee** the subject of the report written notice that a report about a **reportable allegation** or **reportable conviction** has been made to the OCG.
- m. Where the report is to the DCJ, the Principal or Headmaster is to use appropriate tools to inform decision making such as the online [Mandatory Reporter Guide](#), professional judgment or specialist advice to determine whether concerns about safety, welfare or wellbeing of a **child** under 16 years of age constitute **risk of significant harm**.
- n. The Principal must set up structures which make it easy for **staff** and other members of the School community to report to the Principal or Headmaster **reportable allegations** or **convictions** and situations in which they suspect that a student is at **risk of significant harm**. The Principal must also educate **staff** and the School community about these structures and actively encourage them to make use of these structures.
- o. The Principal and Headmaster must ensure that no person reporting to the Principal or Headmaster under this section of this policy is disadvantaged as a result of their report.
- p. The Principal or his delegate the Headmaster must, unless there is reasonable excuse, provide to the OCG information required by written notice – within a reasonable time – about Redeemer's systems to detect and prevent reportable conduct including Redeemer's code of conduct, policies and processes.
- q. The Principal or Headmaster must notify the NSW Education Standards Authority (NESA) as soon as possible but no more than 5 days after becoming aware that an accredited teacher ceases to hold a WWCC.
- r. The Principal or Headmaster must notify NESA when child protection grounds exist for recommending that teacher accreditation be suspended or revoked, namely, if the teacher:
 - i. is or has become a **disqualified person**.
 - ii. is found guilty of an offence punishable by imprisonment for 12 months or more.
 Notification to NESA must be accompanied by certified copies of any relevant original documents issued by a relevant authority, such as the OCG, Police, a Court, an employer or relevant TAA, or a teacher education provider.

5. Risk Management

- a. Pending completion of any investigation (whether by Redeemer or an external authority), the Principal or Headmaster may limit the contact that a **member of staff** (the subject of an allegation or conviction) is to have with students or other **staff**, direct the **member of staff** to undertake duties other than normal duties or at different locations, or suspend the **member of staff** (but on normal pay). Before taking such action, the Principal or Headmaster must consider what risk, if any, the **member of staff** might pose to students. The Principal or Headmaster must take into account all relevant circumstances, including:
 - i. the nature of the allegation;
 - ii. the vulnerability of students (for example, because of their age);
 - iii. the nature of the position occupied by the **member of staff**;
 - iv. the extent to which the **member of staff** is supervised;
 - v. the disciplinary record of the **member of staff**;
 - vi. the safety of the **member of staff**; and
 - vii. the extent to which the investigation could be compromised by the **member of staff** continuing his or her normal duties.
- b. Any action taken by the Principal or Headmaster under this section of the policy is not an indication that the Principal or Headmaster has made, or is likely to make, any particular findings in relation to the allegation against the **member of staff**.
- c. Teachers organising excursions including, in particular, overnight excursions (such as school camps) must complete a risk assessment that addresses child safety policies and procedures. Risk assessments must be approved by the Principal, Headmaster or his delegate prior to student attendance at the excursion.
- d. Any alteration or addition to Redeemer's physical or online environments must consider risk with regard to the safety of children.
- e. Any reportable allegation, conduct or conviction involving a member of staff must be followed by the Principal, Headmaster or his delegate engaging in a risk assessment focussed on implementing any necessary changes with regard to child safety, including: policies and procedures; physical or online environment.

6. Investigating allegations of reportable conduct and making a determination about reportable convictions

- a. The OCG may, by written notice (until otherwise notified), exempt the Principal from investigating a **reportable allegation** or making a **reportable conviction** determination.
- b. In the circumstance of the abovementioned exemption from the OCG, Redeemer is also exempted from providing an entity report or an interim report.
- c. The OCG may, by written notice given to the Principal or his delegate the Headmaster, require the Principal or Headmaster to defer an investigation or determination. By further written notice, the OCG may require the Principal or Headmaster to
 - i. commence, continue or finalise a deferred investigation or determination, or
 - ii. end the investigation or determination and take no further action.
- d. The Principal or his delegate the Headmaster may suspend an investigation or determination in consultation with the Police or Director of Public Prosecutions if advised that an investigation or determination is likely to prejudice a police investigation or court proceeding. In this circumstance, the Principal or Headmaster:

- i. must take steps to manage risks while the investigation or determination is suspended.
 - ii. must advise the OCG about the suspension and about managing risks.
 - iii. are exempt from providing an entity report or interim report until 30 days after the suspension has ended.
- e. The Principal or his delegate the Headmaster must ensure that any investigation or determination does not prejudice police investigations or court proceedings.
- f. The following applies to any investigation or determination carried out by Redeemer.
- g. As soon as practicable after receiving a report, the Principal or Headmaster must
 - i. investigate or arrange for an investigator to investigate any **reportable allegation**, or
 - ii. determine whether a conviction considered to be reportable is a **reportable conviction**.
- h. An **employee** or **member of staff** who is the subject of a **reportable allegation** or **reportable conviction** may give the Principal or Headmaster a written submission for the purpose of determining any disciplinary or other action.
- i. An investigation or determination must be completed by the Principal, Headmaster or investigator within a reasonable time.
- j. The OCG may monitor the progress of an investigation or determination or carry out an investigation or determination.
- k. The Principal, Headmaster or investigator must carry out investigations in a way that affords procedural fairness to the reporter, the alleged victim and the **employee** or **member of staff** involved. Before completing an investigation of a **reportable allegation**, the Principal or Headmaster must inform the **member of staff** or **employee** of the substance of the allegation and provide reasonable opportunity to the reporter, the alleged victim and the **member of staff** to put their cases forward (if required, with the assistance of a support person of their choice). The Principal or Headmaster negotiates the timing and form of the investigation to ensure it is not compromised. The Principal or Headmaster must:
 - i. act fairly and without bias;
 - ii. ensure the investigation or determination is not tainted by a conflict of interest;
 - iii. ensure the outcome is supported by evidence;
 - iv. maintain confidentiality for the sake of all parties involved in the investigation.
- l. At the conclusion of an investigation, the Principal or his delegate the Headmaster
 - i. must make a finding of **reportable conduct** if satisfied that the case has been proved against the **employee** on the balance of probabilities.
 - ii. may take into account the nature of the reportable allegation, any defence, and the gravity of the matters alleged.
 - iii. must consider whether the reportable allegation relates to conduct that is in breach of professional standards, codes of conduct, or accepted community standards.
 - iv. if the breach is minor, or resulting from a misunderstanding, require from the **member of staff** an apology and a commitment not to repeat the behaviour;
 - v. if the breach is more serious, require from the **member of staff**:
 - 1. an undertaking to attend counselling;
 - 2. a written apology;
 - 3. a commitment not to offend again; and
 - vi. if required, suspend or terminate the **child-related worker** as a **member of staff**.

- m. Unless satisfied that disclosure is not in the public interest, the Principal or his delegate the Headmaster must disclose relevant information – about the progress, findings or actions taken with regard to an investigation – for the purpose of promoting safety, welfare or wellbeing of a child or children, to
 - i. a child to whom the information relates
 - ii. a parent or authorised carer of the child
 - iii. the OCG
 - iv. the head of an entity employing a contractor, the employee contractor being the subject of the **reportable allegation** or **reportable conviction**.
- n. The Principal or Headmaster must not otherwise disclose relevant information about an investigation into **reportable conduct** or a **reportable conviction** except as permitted by law.
- o. The **member of staff** who is the subject of the reportable allegation or reportable conviction will be informed in writing of the result of the investigation and action taken.
- p. If the victim or the **member of staff** are unhappy with the conduct or result of investigation, they may take their complaint to the Principal in accordance with Redeemer’s Complaints and Appeals Policy in the School Handbook and – if dissatisfied with the response to their complaint – to the OCG, DCJ, Police or any relevant authority.
- q. The Principal or Headmaster must provide to the OCG a web-based [Entity Report Form](#) within 30 days of receiving a **reportable allegation** or **reportable conviction** report or otherwise provide to the OCG a [30-Day Interim Report Form](#) with reasons for not providing the entity report within 30 days and an estimated timeframe for completion of the entity report.
- r. The entity report to the OCG must include information stipulated in the *Children’s Guardian Act* and contained in the [Entity Report Form](#) on the [OCG website](#) including copies of relevant documents such as transcripts of interviews and copies of evidence. The entity report must include:
 - i. action that has or will be taken, including remedial or disciplinary action in relation to the **member of staff** or other **employee**;
 - ii. any referral of information;
 - iii. changes to systems or policies or other action;
 - iv. no action:
- s. An interim report to the OCG must include information stipulated in the *Children’s Guardian Act* and contained in the [30-Day Interim Report Form](#) on the [OCG website](#) .
- t. After the Principal or Headmaster has provided the entity report to the OCG, the OCG may require the Principal or Headmaster to provide additional information for the OCG to determine whether a **reportable allegation** was properly investigated or whether a **reportable conviction** was properly determined.
- u. The OCG may recommend that the School takes particular action with regard to its investigation or determination or action to rectify, mitigate or change the **reportable conduct** or the consequences of the **reportable conduct**.
- v. The Principal or his delegate the Headmaster must inform the OCG of any action taken or proposed as a result of the recommendations provided.
- w. The Principal or Headmaster may give the entity report to the **employee** subject of the report.

7. Pastoral Care

- a. Where a student is at **risk of significant harm**, or where there is a person to whom **reportable conduct** has allegedly been directed, the Principal or Headmaster must as soon as possible advise the student's parents or caregivers unless the Principal or Headmaster is satisfied that:
 - i. the DCJ intends to notify the student's parents or caregivers promptly; and
 - ii. Redeemer will not be in breach of its duty of care to the student or to other students by not advising the student's parents or caregivers.
- b. Redeemer must:
 - i. provide counselling and other support as required to:
 1. any student who is at **risk of significant harm** or the person to whom **reportable conduct** has allegedly been directed; and
 2. any **member of staff** against whom a **reportable allegation** has been made; and
 3. where relevant, their families; and
 - ii. refer these people to external agencies able to provide relevant care and support.

8. Engaging child-related workers

- a. All **staff**, unless otherwise stated, are members of the Ministry Order of Redeemer Baptist Church (a religious order). **Staff** of the School are thus not **employees** of Redeemer Baptist School Ltd but members of the religious order. They may receive stipends from Redeemer Baptist Church to support them in ministry. Redeemer Baptist School Ltd is a ministry of Redeemer Baptist Church.
- b. Redeemer must not engage a worker (whether as an employee, volunteer including a member of the Ministry Order of Redeemer Baptist Church, self-employed contractor, sub-contractor, a person undertaking practical training as part of an educational or vocational course other than as a school student undertaking work experience, or any member of a religious organisation) in **child-related work** – including education, religious services, parents volunteering on overnight camps, homestay providers, transport services for children, child care, school cleaners, or any other service for children prescribed by **NSW child protection legislation** – without the Headmaster or his delegate first verifying a WWCC from the OCG online (penalties apply if not verified).
- c. Online verification by the Headmaster or his delegate must occur within 5 working days after a WWCC of any **member of staff** ceases to have effect.
- d. All members of the School Board will need a WWCC verified online by the Headmaster or his delegate.
- e. The Principal, Headmaster or his delegate must supply information requested by the OCG to progress Working With Children (WWC) risk assessments (penalties apply for non-compliance).
- f. Redeemer must not commence or continue to engage any **unauthorised person in child-related work**.
- g. Redeemer must not commence or continue to engage a person who is subject to an **interim bar in child-related work**.
- h. Redeemer must not continue to engage a **disqualified person in child-related work**.

- i. A **member of staff** who becomes an **unauthorised person** or **disqualified person** or subject to an **interim bar** must immediately inform the Principal or Headmaster and resign from employment with or engagement at Redeemer.

9. Record Keeping

- a. Redeemer is committed to keeping accurate records of all matters required by this policy.
- b. Redeemer will collect and hold personal information relating to the WWCC in accordance with Australian Privacy Principles (*Privacy Act 1988*, Schedule 1).
- c. WWCC numbers and clearance dates for **members of staff** are retained for 7 years.
- d. Redeemer will keep securely and indefinitely records relating to reports to the OCG.
- e. Records of allegations, investigations and findings concerning the subject of any notification to the OCG must be kept by the Principal for not less than 30 years, unless the records are given to the OCG.
- f. Redeemer will not disclose any information obtained by it in connection with WWCC, except as allowed by law.
- g. Redeemer will take all reasonable measures to prevent unauthorised access to information held on paper or electronic systems.
- h. A **member of staff** who is the subject of disciplinary action can:
 - i. apply under the Australian Privacy Principles and the Commonwealth *Privacy Act* – in accordance with Redeemer’s Privacy Policy published in the School Handbook – for access to any documents held by Redeemer containing information about the disciplinary action; and
 - ii. apply under the Australian Privacy Principles and the Commonwealth *Privacy Act* – in accordance with Redeemer’s Privacy Policy published in the School Handbook – for the amendment of any School records which contain information about the action on the grounds that such records are incorrect or misleading.

10. Review of Policy

- a. The Principal is to ensure that this policy is regularly monitored and revised in the light of legislative or best practice changes.
- b. In any event, the School Board is to review this policy every three years.

11. Dictionary

- a. **Assault** means intentional or reckless application of physical force without lawful justification or excuse, or any act which intentionally or recklessly causes another to apprehend immediate and unlawful violence. Examples of assault include:
 - i. hitting, striking, kicking, punching or dragging a child;
 - ii. threatening to physically harm a child.
- b. **Child** means an individual under the age of eighteen years.
- c. **Child-related work** is where direct contact by the worker with children is a usual (not just incidental) part of the work. Direct contact means physical or face-to-face contact. Child-related work includes:
 - i. work in schools;
 - ii. religious services for children;
 - iii. providing transport services for children;

- iv. overnight camps for children; and
- v. long-term home-stays (three weeks or more) for children.
- d. **Disqualified persons** are persons convicted of, or against whom proceedings have commenced in regard to, an offence specified in **Schedule 2** of the *Child Protection (Working with Children) Act*.
- e. **Employee** in the reportable conduct scheme means any individual engaged directly by Redeemer or by a third party to provide services to children at Redeemer, including:
 - i. **Members of staff** and other volunteers;
 - ii. Contractors and sub-contractors.
- f. **Exempt workers involved in child-related work** include: administrative, clerical, maintenance or ancillary work not ordinarily involving contact with children (other than a school cleaner); very short term work up to 5 days in a year with minimal direct contact or supervised contact with children as a visiting speaker, performer, assessor or other similar visitor for a one off occasion; children under the age of 18; parents or close relatives who are volunteers at School in an activity in which the child usually participates; interstate visitors at a one off event for up to 30 days in a year if the person holds an interstate working with children check; NSW police or Australian Federal Police; private practice health practitioners who do not normally treat children without other adults present; a work-placement supervisor of a **child**.
- g. **Finding of reportable conduct** means a finding, by a **relevant entity** or the OCG, as a result of an investigation, that a reportable allegation is sustained.
- h. **Head of relevant entity** at Redeemer is the Principal. This role may be delegated by the Principal to the Headmaster for the purpose of responding to an allegation of **reportable conduct** (fulfilling Redeemer's responsibilities under the *Children's Guardian Act*).
- i. **Ill-treatment** is conduct towards a **child** that is unreasonable and seriously inappropriate, improper, inhumane or cruel, for example:
 - i. making excessive or degrading demands of a **child**;
 - ii. a pattern of hostile or degrading comments or behaviour towards a **child**;
 - iii. using inappropriate forms of behaviour management towards a **child**.
- j. An applicant for or holder of a working with children clearance may be subject to an **interim bar** on engaging in **child-related work** if the OCG determines that there is a risk to the safety of children if the applicant or holder engages in **child-related work** pending application or assessment.
- k. **Neglect** is a significant failure – of a **member of staff** or other **employee** if a **child** is in the **employee's** care – to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging that causes, or is likely to cause, harm to a **child**. Examples are:
 - i. failing to protect a **child** from abuse;
 - ii. exposing a **child** to a harmful environment such as illicit drug use or manufacturing.
- l. **NSW child protection legislation** (which can be accessed on the NSW government legislation website <http://www.legislation.nsw.gov.au>) means:
 - i. [*Children and Young Persons \(Care and Protection\) Act 1998*](#) which sets out the responsibilities of Community Services with regard to child protection;
 - ii. [*Child Protection \(Working with Children\) Act 2012*](#) relating to working with children check clearances for all persons at Redeemer engaged in child-related work; and

- iii. [Children's Guardian Act 2019](#) which sets out the responsibilities of relevant entities to prevent, identify and respond to **reportable conduct** by **staff** and other **employees**.
 - m. Significant emotional or **psychological harm** may be evidenced by:
 - i. out of character behaviour patterns;
 - ii. regressive behaviour;
 - iii. anxiety, self-harm.
 - n. A **reportable allegation** is an allegation that a **member of staff** or other **employee** may have engaged in **reportable conduct**, whether or not the conduct is alleged to have occurred in the course of their contribution at Redeemer.
 - o. **Relevant entity** includes a non-government school and a religious body.
 - p. **Reportable conduct**, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded, means:
 - i. a **sexual offence** or **sexual misconduct**, or
 - ii. any **assault, ill-treatment** or **neglect** of a **child**, or
 - iii. any behaviour that causes significant emotional or **psychological harm** to a **child**, or
 - iv. failure to reduce or remove a risk of a **child** becoming a victim of **child** abuse, or
 - v. concealing a **child** abuse offence.
- Reportable conduct** does not extend to:
- vi. conduct that is reasonable for the purposes of discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards, or
 - vii. the use of physical force that, in all the circumstances, is trivial or negligible but only if the circumstances have been investigated and the result of the investigation recorded in accordance with appropriate procedures.
 - viii. conduct of a class or kind exempted from being **reportable conduct** by the OCG.
- Examples of conduct that would not constitute **reportable conduct** include (without limitation): touching a **child** in order to attract a **child's** attention, to guide a **child** or to comfort a distressed **child**; a school teacher raising his or her voice in order to attract attention or to restore order in the classroom.
- q. The **reportable conduct scheme** established by the [Children's Guardian Act](#) investigates **reportable allegations** and makes determinations in relation to **reportable convictions**.
 - r. A **reportable conviction** includes a finding of guilt against a **member of staff** or other **employee** – with or without the court proceeding to a conviction – in NSW or elsewhere, of an offence involving **reportable conduct**.
 - s. A **child** is at **risk of significant harm** if current concerns exist for the safety, welfare or well-being of the **child** because of the presence, to a significant extent, of one or more of the following:
 - i. the **child's** basic physical or psychological needs are not being met or are at risk of not being met,
 - ii. the parents or other caregivers have not arranged and are unable or unwilling to arrange for the **child** to receive necessary medical care,
 - iii. in the case of a **child** who is required to attend school in accordance with the [Education Act 1990](#) – the parents or other caregivers have not arranged and are unable or unwilling to arrange for the **child** to receive an education in accordance with that Act,
 - iv. the **child** has been, or is at risk of being, physically or sexually abused or ill-treated,

- v. the **child** is living in a household where there have been incidents of domestic violence and, as a consequence, the **child** is at risk of serious physical or **psychological harm**,
- vi. a parent or other caregiver has behaved in such a way towards the **child** that the **child** has suffered or is at risk of suffering serious **psychological harm**,
- vii. the **child** was the subject of a pre-natal report under the [Children and Young Persons \(Care and Protection\) Act 1998](#) and the birth mother of the **child** did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Any such circumstances may relate to a single act or omission or to a series of acts or omissions. Physical or sexual abuse may include an **assault** and can exist despite the fact that consent has been given. NSW Interagency Guidelines for Child Protection Intervention provide a list of indicators that may raise concern about **risk of significant harm**.

- t. Disqualifying offences specified in **Schedule 2** of the [Child Protection \(Working with Children\) Act](#) include convictions or proceedings for:
 - i. murder of a **child**;
 - ii. manslaughter of a **child** (other than as a result of a motor vehicle accident);
 - iii. an offence involving intentional wounding or causing grievous bodily harm to a **child** by an adult who is more than 3 years older than the victim;
 - iv. Offences as listed in **Schedule 2** under the [Crimes Act 1900](#), the [Summary Offences Act 1988](#), the [Criminal Code Act 1995](#) (C'th), or the [Customs Act 1901](#) (C'th);
 - v. the common law offence of rape or attempted rape;
 - vi. an offence under a law other than a law of New South Wales that, if committed in New South Wales, would be an offence listed in this clause;
 - vii. an offence an element of which is intention to commit an offence of a kind listed above;
 - viii. an offence of attempting, or of conspiracy or incitement, to commit an offence of a kind listed above.
- u. **Sexual misconduct** means conduct with, towards or in the presence of a child that is sexual in nature but is not a sexual offence, for example:
 - i. descriptions of sexual acts without a legitimate reason to provide the descriptions;
 - ii. sexual comments, conversations or communications;
 - iii. comments to a child that express a desire to act in a sexual manner towards the child or another child.
- v. **Sexual offence** means an offence of a sexual nature under an Australian law committed against, with or in the presence of a child, for example:
 - i. sexual touching of a child;
 - ii. a child grooming offence;
 - iii. production, dissemination or possession of child abuse material.
- w. **Staff or member of staff** includes any individual employed by or engaged at Redeemer to provide services to its students (whether as an employee, volunteer including a member of the Ministry Order of Redeemer Baptist Church, self-employed contractor, a person undertaking practical training as part of an educational or vocational course other than as a school student undertaking work experience, any member of a religious organisation, gap year students, or private tutors).
- x. **Unauthorised person** means a person whose WWC clearance is cancelled or any other person who is required to hold a clearance but is not the holder of a clearance other than a

person who is exempt by **NSW child protection legislation** from the requirement to hold a clearance.

CODE OF CONDUCT FOR THE CARE AND PROTECTION OF CHILDREN

This Code provides a common understanding of the standards of behaviour expected of all staff at Redeemer Baptist School (Redeemer). It is a broad framework to help staff decide on an appropriate course of action when faced with an issue relating to the care and protection of children.

Members of the Ministry Order of Redeemer Baptist Church who are staff at Redeemer Baptist School are required to be aware of and comply with this Code. Contractors, consultants and other volunteers must also comply with this Code. Any serious breach of the Code may result in remedial action, disciplinary proceedings, dismissal, or termination of a contract.

This Code is reviewed regularly by the Principal, Headmaster or his delegate at least every five years taking into account changes in legislation, child safe standards and relevant intervening history.

The Legislative Context

Redeemer staff are required to understand relevant aspects of legislation which apply to their role in the care and protection of children. Roles and requirements are outlined in the Child Safe Policy. The policy focusses on responsibilities in relation to procedures to follow when:

- A. an allegation or conviction of reportable conduct is made against a member of staff [[Children's Guardian Act 2019](#)];
- B. implementing the working with children check clearance (WWCC) guidelines with respect to engagement of child-related workers [[Child Protection \(Working with Children\) Act 2012](#)];
- C. responding to a child when staff have reasonable grounds to believe that the child is at risk of harm, or at risk of significant harm [[Children and Young Persons \(Care and Protection\) Act 1998](#)].

Duty of Care

A duty of care is the legal obligation to provide reasonable care while performing acts or making any omissions that could foreseeably harm others. The duty encompasses a wide range of matters including (but not limited to): the provision of adequate supervision; ensuring grounds, premises and equipment are safe for students to use; implementing strategies to prevent bullying from occurring in School; and providing medical assistance (if competent to do so), or seeking assistance from a medically trained person to aid a student who is injured or becomes sick at School.

All Redeemer staff have a duty of care for the safety and welfare of Redeemer students in their charge. The following general principles apply:

- Staff must take reasonable action to protect students from risks of harm that can be reasonably predicted. Preventative measures should be taken with regard to known hazards and foreseeable risk situations.
- The standard of care that is required, such as the degree of supervision, needs to be commensurate with the students' maturity and ability.
- Duty of care applies while the students are under the care of Redeemer.
- Risks associated with any activity (such as laboratory experiments, excursions and camps) need to be assessed and managed before the activity is undertaken.
- Staff also have a duty to ensure their own safety and the safety of their colleagues.
- Considerations of safety relate to both physical and psychological wellbeing of individuals.

Supervision of Students

Redeemer's supervision policy is in the Staff Handbook. All staff should familiarise themselves with this policy in order to enact procedures which promote the safety and wellbeing of students on the School site between the hours of 7:45am and 3:30pm or during involvement with official School activities or After School Care.

Neglect of Students

Negligence is a breach, by an act or omission, of a duty of care (duty to avoid causing foreseeable harm) where the breach causes injury. Neglect is a significant failure to provide basic physical and emotional necessities – 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, such as failing to protect a child from abuse. Students require adequate adult supervision. Neglect is reportable conduct.

- Staff are to ensure that students' basic physical and emotional needs are being met by them.
- Staff are to ensure that they are fulfilling duties and obligations towards their students that are legally required of them.
- Staff are to ensure that they do not make omissions that could foreseeably harm their students.

Psychological harm of Students

Psychologically harmful behaviour is behaviour (such as scapegoating, humiliation or verbal abuse) that results in significant emotional harm or trauma to a child. Psychological harm is reportable conduct.

Relationships with Students

Staff must not commence or develop a relationship with a student that is, or can be misinterpreted as being, romantic or sexual. It is irrelevant whether the relationship is consensual or non-consensual or condoned by parents/carers. Reportable conduct will be reported by Redeemer to relevant statutory authorities including the OCG, DCJ, and NSW Police. Reportable conduct includes:

- sexual offence, that is, an offence of a sexual nature under any Australian law committed against, with or in the presence of a child, such as:
 - sexual touching.
 - grooming.
 - production, dissemination or possession of child abuse material.
- sexual misconduct, that is, conduct towards or in the presence of a child that is sexual in nature but not an offence, such as:
 - descriptions of sexual acts without a legitimate reason.
 - sexual comments, conversations or communications.
 - comments to a child that express a desire to act in a sexual manner towards the child or another child.

All staff are reminded that persons who have been convicted of a sex offence against a child are disqualified by law from being employed (including as volunteers) in child-related work.

Staff are to have regard to the following procedures when relating with students:

- Staff must avoid situations where they are alone in an enclosed space with a student. Where staff are left with the responsibility of a single student they must ensure that this is in an open space in view of others. Any variation on this procedure must be approved by the Principal or Headmaster or his delegate.
- Staff must report to the Principal, Headmaster or his delegate any circumstance which suggests that a child has a 'crush' on a member of staff. The Principal, Headmaster or his delegate has the responsibility to effectively and sensitively manage this situation.
- Staff may, as part of their pastoral care role, engage in discussion with students. However, staff must be cautious of making personal comments about a student or asking questions that probe their own or a student's sexuality or relationships. Any breach of School rules in regard to student relationships must be referred to the Principal, Headmaster or his delegate.
- When a member of staff conducts a private conversation with a student, the door should be left open. The staff member is not to locate himself between the student and the door.
- Staff must not drive a student in a car unless permission has been granted by the Principal, Headmaster or his delegate. In the event of an emergency, staff should exercise discretion and then report the matter immediately to the Principal, Headmaster or his delegate.
- Staff must notify the Principal, Headmaster or his delegate immediately if they suspect a situation or know of any allegation involving a member of staff engaging in any form of reportable conduct. Staff must not investigate the situation or allegation. The Principal or his delegate will fulfil any statutory requirement with regard to investigation and reporting.
- Staff must report to the Principal, Headmaster or his delegate any child whom they believe to be at risk of harm. The Principal or Headmaster or his delegate will fulfil any statutory requirement with regard to reporting a student at risk of significant harm.
- With the exception of pre-existing family relationships which have been made known to the Principal, staff must not visit students at their home, invite a student or students back to their home, or attend parties or socialise with students unless they have permission from the Principal or Headmaster or his delegate.
- Staff must not to engage in private tutoring or coaching students from Redeemer for personal monetary return.
- Staff must always treat students with respect and without favouritism.

Staff are to be reminded of their responsibilities as ministers of the gospel of Jesus Christ, as stated in Ephesians 5:3-7.

But fornication and all uncleanness or covetousness, let it not even be named among you, as is fitting for saints; neither filthiness, nor foolish talking, nor coarse jesting, which are not fitting, but rather giving of thanks. For this you know, that no fornicator, unclean person, nor covetous man, who is an idolator, has any inheritance in the kingdom of God. Let no one deceive you with empty words, for because of these things the wrath of God comes upon the sons of disobedience.

Students are taken seriously

Staff must listen to a student who is expressing a fear, anxiety, concern or view about their own safety or the safety of fellow students. Staff may refer the child to the Principal, Headmaster or his delegate if the child would like further help or counselling. Staff must report to the Principal or Headmaster any student concern that may indicate that:

Code of Conduct for the Care & Protection of Children

- the student is at risk of significant harm either at School or out of School.
- there may be reportable conduct or a reportable conviction involving a member of staff.
- there has been a breach by a member of staff of Redeemer's Child Safe Policy, or Code of Conduct in the Child Protection Manual.

The Principal must inform all students that they are welcome to express any complaint, fear, anxiety, concern or view about their own safety or the safety of fellow students to the Principal or Headmaster on any School day during School hours. Depending on the content and circumstances expressed by the student, the Principal or Headmaster may:

- provide counsel and help with regard to the needs of the student.
- involve the student's family towards seeking professional help for the student.
- investigate any possible breach of Redeemer's Code of Conduct or Child Safe Policy.
- inform Police, Department of Communities & Justice, and/or Office of the Children's Guardian.
- establish a risk management strategy to prevent, identify or mitigate risks for the student.
- review Redeemer's Child Safe Policy, Code of Conduct, and/or any other Redeemer policy or procedure with regard to child safety.

The Principal, Headmaster and staff must respect any expressed desire of the student for confidentiality with regard to sharing of information provided by the student except as permitted by law or for the purpose of ensuring the safety of the student or any other child or person.

Students with additional vulnerabilities

Redeemer's student population normally includes Aboriginal and/or Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds. The Principal, Headmaster and Curriculum Coordinators ensure that:

- individual education plans and/or intervention strategies support wellbeing of these students.
- these students have welcome access to teachers, Principal and Headmaster if they want to express a fear, anxiety, concern or view about their own safety or the safety of fellow students.

Use of Electronic Communication and Social Networking

Electronic communication facilities may be provided by Redeemer for use by staff or students. The School may monitor and view any data that is stored or transmitted using Redeemer's facilities. Staff are reminded that: once a document or image has been sent there may be no way to recall it, so it may exist forever; an email or other electronic communication may be discoverable in legal dispute.

- Staff who communicate with students electronically must abide by the terms of Redeemer's Computer/Internet Policy.
- Transmitting sexually explicit or offensive messages or files may constitute reportable conduct.
- Staff must not send messages that are harassing, defamatory, threatening, abusive or obscene.
- Staff must not transmit, store, promote or display offensive, immoral, defamatory or harassing material.
- Staff must report any inappropriate use of electronic communication and social networking.
- Staff must never use the internet to view, upload, download or circulate messages or material that is: sexually related or pornographic; violent or hate-related; racist or offensive; malicious, libellous or slanderous; subversive or related to illegal activities.

Physical contact with Students

When physical contact with a student is a necessary part of the teaching/learning experience, staff must exercise caution to ensure that the contact does not involve reportable conduct.

- Attention to toileting needs of young children is to be done with due regard to parental and community expectations and the requirement not to engage in any activity which involves reportable conduct. It may be appropriate to have the door open or to have another staff member in attendance. Students with a disability must have an individual management plan – created by a Curriculum Coordinator and approved by the Principal, Headmaster or his delegate – which includes management of toileting needs.
- When congratulating a student, a handshake or pat on the shoulder or brief hug are acceptable as long as the student is comfortable with this action. Kissing of students is not acceptable.
- Assessing a student who is injured or ill may necessitate touching. Always advise the student of what is intended to be done and seek their concurrence.

Restraint

Staff may use appropriate restraint to prevent student injury and must obtain, where possible, the assistance of another staff member immediately. Any matter involving restraint must be reported to the Principal, Headmaster or his delegate. Behaviour strategies for individual students must be referred to the Principal or Headmaster for approval. Where required the Principal, Headmaster or his delegate will meet with parents/carers to establish procedures.

Discipline of Students

All staff are to be familiar with and adhere to Redeemer's Discipline Policy as stated in the School Handbook. Staff are reminded that:

- they must not impose physical punishment on a student whilst the student is in the care of Redeemer.
- teachers are not to allow students to leave their class during class time for other than personal hygiene matters.
- teachers are not to place students outside of their class as a disciplinary measure.
- students can be sent to the Principal's or Headmaster's office with permission from the Principal or Headmaster or his delegate.

Alcohol, drugs and cigarettes

Consumption of alcohol, taking illegal drugs and smoking are not permitted: on the School premises; or by staff or students at any School function or activity whether on or off the School premises, including excursions and School Camps.

- Staff must not supply or condone use of alcohol, cigarettes or other drugs for themselves or any student in their care. Redeemer's Discipline Policy in the School Handbook states that 'any infringement in matters involving smoking, drugs, alcohol and sexual immorality either at School or outside of School will lead to immediate suspension or expulsion.'
- Illegal drugs at School will be reported to police by the Principal, Headmaster or his delegate.
- Staff must advise the Principal, Headmaster or his delegate if they are aware that performance or conduct could be adversely affected by a prescribed drug.

- Prescription or non-prescription drugs are not to be supplied by staff (other than a qualified health professional) to students without permission from the Principal, Headmaster or his delegate.

Medication

The following procedures apply to providing prescription or non-prescription medication.

- No medication will be given to students without the approval of either the Principal, Headmaster or Redeemer's Senior First Aid Officer.
- No student is permitted to take medication unless approval has been given to Redeemer by the parent/carer.
- Redeemer's Senior First Aid Officer will maintain a register of all medication given to students by school staff.
- In the case of an emergency, Redeemer will attempt to contact a parent/carer to seek prior approval for any treatment or medication and as soon as practicable after treatment has been given.
- Notwithstanding the above, in an emergency the School may administer medication and/or seek professional treatment for a child without prior parental consent.
- The School may provide non-prescription medication for relief of pain as per the instructions provided with the medication.

Gifts

Staff may be offered a gift or benefit as an act of gratitude from a student or parent. But accepting gifts and other benefits has the potential to compromise the staff member by creating a sense of obligation and undermining impartiality.

- Staff must not ever ask for gifts or other benefits.
- Soliciting, receiving or offering any undue reward to influence the action of the staff member amounts to bribery, which is a crime.
- A gift that is more than nominal value (\$70) must not become personal property; staff should either politely refuse it or advise the contributor that it will be accepted on behalf of the School.
- In circumstances where the receipt of a gift could be considered outside of usual custom, staff are to inform the Principal, Headmaster or his delegate.

Appropriate Language

At all times when speaking with students, staff must use appropriate language. There is no place for sarcasm, derogatory remarks, inappropriate familiarity, swearing, or offensive comments.

Duty to Disclose

Staff must report to the Principal any allegation of 'reportable conduct'. Staff who are the subject of an Apprehended Violence Order or a Reportable Conviction must inform the Principal immediately they are in receipt of such an Order or Conviction.

ANTI-BULLYING POLICY OF REDEEMER BAPTIST SCHOOL

1. Preamble

The word of God provides perspective and authority for a Christian worldview in education with respect to anti-bullying policy, with wisdom such as 'he who oppresses the poor reproaches his Maker' (Proverbs 14:31) and 'he who mocks the poor reproaches his Maker' (Proverbs 17:5). Jesus said that the command to love your neighbour as yourself is like the first and greatest commandment, which is to love God with all your heart, with all your soul, and with all your mind (Matthew 22:37-39).

2. Introduction

Redeemer Baptist School (Redeemer) is committed to providing all students and **staff** with a learning and working environment which is safe, supportive and caring and which is free from **bullying** of any kind. Accordingly, **bullying** will not be tolerated. Redeemer expects everyone who is part of the School community to maintain Redeemer's excellent record with regard to prevention of **bullying** and to honour Redeemer's commitment in this Policy by working with the School in achieving a safe learning and working environment. This Policy applies to behaviour even if it occurs off School premises and outside of School hours where, in the Principal or Headmaster's reasonable opinion, there is a connection between one or more of those involved and the School.

3. Definitions

- a. **Bullying** means repeated intimidation, over time, of a physical, verbal or psychological nature of a less powerful person by a more powerful person or group of persons. Examples include:
 - i. hiding, damaging, destroying or stealing work or belongings;
 - ii. name calling, putting a person down, teasing, pulling faces, using abusive language;
 - iii. hitting, pushing, pinching or threatening physically;
 - iv. deliberately excluding a person from the group.

Conflict or fights between individuals on an equal footing or single incidents are not normally **bullying**.
- b. **Cyberbullying** is a form of **bullying** carried out with the aid of electronic technologies such as the internet including social media and mobile phones. **Cyberbullying** does not necessarily involve a more powerful person (as normally understood) **bullying** a less powerful person as the technology used may reverse the usual pattern. Electronic technologies allow the bully (or a group of bullies) to intimidate other students, for example, by:
 - i. teasing and making fun of them online;
 - ii. spreading rumours about them online;
 - iii. insulting and ridiculing them in chat rooms;
 - iv. putting photos of them on the web accompanied by nasty comments;
 - v. tricking them into sharing private information and then sharing it online;
 - vi. sending unwanted messages.

Cyberbullying includes 'cyber-stalking' which is where the bully harasses or stalks another person by email or some other electronic messaging system, usually very frequently and intrusively, and often involving threats.

- c. **Staff** or member of **staff** includes any individual engaged by Redeemer to provide services to its students (including as a volunteer).

4. Creating a Safe Learning and Working Environment

- a. Redeemer develops strategies to create a safe learning and working environment and to reduce as much as possible the incidence of **bullying** within the School.
- b. The Behaviour Management Policy in the Code of Conduct (located in the School Handbook) aims to encourage good behaviour and respect for others and to deal with all forms of **bullying**.
- c. Doctrine, Chapel, School Camps and devotional activities contribute to students' standards of behaviour being consistent with the ethos of Redeemer and promoting the care of the other person, thereby reducing the incidence of **bullying** within Redeemer.
- d. All students and **staff** must become familiar with Redeemer's Code of Conduct and must be fully involved in the life of Redeemer including Doctrine, Chapel, School Camps and devotional activities.
- e. All allegations of **bullying** must be taken seriously.
- f. The strategies developed by Redeemer to create a safe learning and working environment must be reviewed regularly.
- g. Redeemer must provide professional development to meet the needs of the **staff** in implementing this Policy.
- h. The Principal or Headmaster must:
 - i. promote this Policy within Redeemer, with particular regard to the professional development needs of **staff**; and
 - ii. monitor the strategies to counter **bullying**.
- i. **Staff** must:
 - i. ensure that curriculum content and teaching practices are consistent with and support this Policy;
 - ii. help students to develop competencies to challenge **bullying** behaviours in themselves and others;
 - iii. model and promote appropriate behaviour;
 - iv. be aware of the legislative requirements relating to **bullying**; and
 - v. ensure that claims of **bullying** are speedily and constructively addressed according to Redeemer's Code of Conduct (in the School Handbook), this Policy and the strategies developed under this Policy.
- j. Students must:
 - i. respect the rights of others to be free from **bullying**;
 - ii. behave as responsible digital citizens;
 - iii. behave as responsible bystanders; and
 - iv. be aware of and use appropriate procedures for reporting incidents of **bullying**.

5. Reporting Obligations

- a. Any member of **staff** to whom an allegation of **bullying** is made or who observes or is subjected to any form of **bullying** at or with a connection to School must report this to the Principal, Headmaster or his delegate.
- b. Any other adult member of the School community to whom an allegation of **bullying** is made or who observes or is subjected to any form of **bullying** involving students or **staff** is strongly encouraged to report this to the Principal, Headmaster or a member of **staff**.
- c. Any student who observes any form of **bullying** involving people in the School community or who is subjected to any form of **bullying** wherever it occurs is strongly encouraged to report this to the Principal, Headmaster or a member of **staff**.
- d. If the allegation of **bullying** is against the Principal or Headmaster, the report should be to the Chairman of the School Board who must then comply with the obligations under this policy that would otherwise fall upon the Principal or Headmaster.
- e. Where required by law, the Principal, Headmaster or member of **staff** must report the **bullying** to the Police, the Department of Communities & Justice (DCJ), and/or the Office of the Children's Guardian (OCG).
- f. The Principal or Headmaster must make it easy for people to report **bullying** and actively encourage the School community to make contact as soon as possible to report any allegation of **bullying**.
- g. The Principal or Headmaster must ensure that no-one reporting **bullying** is disadvantaged.

6. Investigation

- a. This section of the Policy applies unless an investigation is being carried out by the Police, the DCJ, the OCG or some other state or federal authority.
- b. The Principal or Headmaster must investigate all reports of **bullying** in a way which affords procedural fairness to the person who is the subject of the allegation ('the subject'). This means that, before completing an investigation of an allegation of **bullying**, the Principal or Headmaster must inform the subject of the substance of the allegation against them. The alleged bully and the alleged victim must be given reasonable opportunity to put their case forward (if required, with the choice of assistance from their support person). Normally, the Principal or Headmaster decides the timing and form of the investigation to ensure that it is not compromised. The Principal or Headmaster must:
 - i. act fairly and without bias;
 - ii. conduct an investigation without undue delay;
 - iii. ensure the case is not investigated or determined by persons with a conflict of interest;
 - iv. ensure the outcome is supported by evidence;
 - v. maintain confidentiality for the sake of all parties involved in the investigation.
- c. Pending completion of the investigation, the Principal or Headmaster may:
 - i. where the subject is a student, suspend the student;
 - ii. where the subject is a member of **staff**, limit the contact the member of **staff** is to have with students or other **staff**, direct the member of **staff** to undertake duties other than normal duties or at different locations, or suspend the member of **staff**.
- d. At the conclusion of the investigation, the Principal or Headmaster may:
 - i. if the breach is minor, resulting from a misunderstanding of words or behaviours, require from the subject:

1. an apology; and/or
2. a commitment not to repeat the offence; and
- ii. if it is more serious, require from the subject:
 1. an undertaking to attend counselling and/or training; and/or
 2. a written apology; and/or
 3. a commitment not to offend again; and
- iii. in the most serious case:
 1. where the subject is a member of **staff**, suspend or terminate their contribution to teaching or other ministry within Redeemer; or
 2. where the subject is a student, suspend or expel the student.
- e. The Principal or Headmaster must advise the victim and the subject in writing of the result of the investigation and the action taken.
- f. If the victim of the **bullying** is unhappy with the conduct or result of investigation, they may take their complaint to the Police or any other relevant authority.

7. Pastoral Care

- a. Where a student is the victim of the alleged **bullying**, the Principal or Headmaster must as soon as possible advise the student's parents or caregivers of the nature of the allegations and of the proposed investigation.
- b. The Principal or Headmaster must:
 - i. make counselling and other support available as required to students and **staff** who have been subjected to any form of **bullying** and, where relevant, their families; and
 - ii. refer these people to external agencies able to provide care and support for victims of the particular type of **bullying** involved.
- c. The Principal or Headmaster must also make counselling and other support available as required to students and **staff** who have been subjected to allegations of **bullying** and, where relevant, their families.

8. Publication and Distribution

- a. This Policy must be published in Redeemer's Child Protection Manual and reference to it must be made in the School Handbook which is distributed to students and their families.
- b. The Child Protection Manual in which this Policy is published must be given to all **staff** who must, as part of their ministry on behalf of Redeemer Baptist Church, agree to its terms.
- c. This Child Protection Manual in which this Policy is published must be given to all members of the School Board.

9. Review of Policy

- a. The Principal or Headmaster is to ensure that this policy is regularly monitored and revised in the light of legislative or best practice changes.
- b. In any event, the School Board is to review this policy every three years.

Obtaining a Working with Children Check Clearance

The current version of information with regard to and forms required for Working With Children Check Clearance (NSW) can be sourced on the NSW [OCG website](#) .

Notification Forms to the Children's Guardian

The current version of information with regard to notification forms required with respect to employment-related child protection (reportable allegations and reportable conduct) can be sourced on the [Office of the Children's Guardian website](#) , including:

- [7-Day Notification Form](#)
- [30-Day Interim Report Form](#)
- [Entity Report Form](#)

Certificates for J A Cannon Child Protection Investigation Skills



Certificate of Participation

Jonathan Cannon

participated in the program

**NSW Enhancing your Child Protection
Investigation Skills**

on

10th September 2018

This course addressed the following Standard Descriptors
from the Australian Professional Standards for Teachers:

7.1.3 7.2.3 7.3.3

A handwritten signature in black ink, appearing to read 'G Newcombe'.

Dr Geoff Newcombe
Chief Executive

A handwritten signature in black ink, appearing to read 'D Buchanan'.

Darryl Buchanan
Director: Professional Learning



The Association of Independent Schools of NSW
Professional Learning

Certificate of Accreditation

This is to identify that

Jonathan Cannon

Has met the requirements of the

Child Protection Investigation Course

developed by

**The Association of Independent Schools of New South Wales Limited
in association with the Ombudsman**

As a result of attending this course the participant is classified as an Accredited Investigator

for the purpose of undertaking investigations as referred to in the

Class or Kind Determinations under Section 25CA of the Ombudsman Act 1074 (13 March 2012)

and under Section 33(1) of the Commission for Children and Young People Act 1008 (May 2004).

The participant's name is included on a register maintained by The Association of Independent Schools of New South Wales Limited

and provided to the New South Wales Ombudsman and the New South Wales Commission for Children and Young People.

This classification is valid until 11/09/2021.

This course addressed the following Standards Descriptors for the Australian Professional Standards for Teachers:

7.1.3, 7.2.3, 7.3.3

Accreditation No: CK1051

A handwritten signature in black ink, appearing to read 'Geoff Newcombe'.

Dr Geoff Newcombe
Executive Director

Notification of a Class or Kind Determination



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Notification of a Completed Class or Kind Investigation under Ombudsman's Class or Kind Determination dated 13 March 2012

On completion of the investigation by an investigator accredited by the Association of Independent Schools of New South Wales the Head of Agency must complete the table below and return it to – up to and including matters finalised in September 2021:

Maria Costa
Manager: Child Protection

The Association of Independent Schools
of NSW Ltd Level 12, 99 York Street
SYDNEY NSW 2000

Email: mcosta@aisnsw.edu.au

The Head of the Relevant Entity and the Accredited Investigator must both sign in the spaces provided before the information is returned. Receipt of the information will be acknowledged and an AIS database identification number provided for school records.

Name of School	
Name of Accredited Investigator	
Accredited Investigator's Registration Number	CK
Date of Investigation Concluded	
Was this a Class or Kind Determination matter?	
School File Reference (For this investigation)	

Head of Entity

Accredited Investigator

Class or Kind Determination by the NSW Ombudsman

Class or Kind Determination by the NSW Ombudsman under section 25CA of the Ombudsman Act 1974 concerning the Association of Independent Schools of NSW Limited and its member schools

1. Introduction

- 1.1 Part 3A of the Ombudsman Act 1974 sets out the Ombudsman's oversight and monitoring functions in relation to the handling of 'reportable allegations'.
- 1.2 The Act requires the following types of conduct to be reported to the Ombudsman:
- (a) any sexual offence, or sexual misconduct, committed against, with or in the presence of a child [including a child pornography offence or an offence involving child abuse material (within the meaning of Division 15A of Part 3 of the *Crimes Act 1900*)], or
 - (b) any assault, ill-treatment or neglect of a child, or
 - (c) any behaviour that causes psychological harm to a child.

The conduct described above is referred to in the Act as 'reportable conduct'. Under the Act, all allegations indicating that reportable conduct has, or may have, occurred must be reported to our office. It is important to bear in mind that reportable conduct allegations come within the jurisdiction of this scheme, regardless of whether the conduct arises within, or outside of, the course of employment.

- 1.3 The Ombudsman and the Association of Independent Schools of NSW Limited (AISNSW) have agreed to certain arrangements in relation to the reporting and handling of reportable allegations.
- 1.4 This determination concerns only those non-government schools that are members of AISNSW and have agreed to comply with the terms of the agreement referred to in paragraph 1.3, (insofar as that agreement relates to their responsibilities).
- 1.5 In addition, this determination only relates to certain allegations about physical assault.

2. What is physical assault?

- 2.1 An assault is any act by which a person intentionally inflicts unjustified use of physical force against another. An assault can also occur if a person causes another person to reasonably apprehend that unjustified force is going to be used against them. Even if a person who inflicts physical harm or causes another person to reasonably apprehend physical harm does not actually intend to inflict the harm or cause fear, they may still have committed an assault if they acted 'recklessly'. 'Recklessness' in this context relates to circumstances when the person ought to have known that their actions would cause a person physical harm or cause them to fear injury.
- 2.2 Assaults can include hitting, pushing, shoving, throwing objects or making threats to physically harm a child.

3. When does the use of physical force not amount to 'reportable conduct' (physical assault)?

- 3.1 It is important to understand that not all allegations about the use of physical force need to be reported to the Ombudsman. The Act specifically outlines certain conduct which does **not** need to be reported:
- (a) conduct that is **reasonable** for the purposes of the **discipline, management or care of children**¹, having regard to the age, maturity, health or other characteristics of the children and to any relevant codes of conduct or professional standards
 - (b) the use of physical force that, in all the circumstances, is **trivial or negligible**, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures.
- 3.2 Any alleged conduct which involves the reasonable use of physical force in an act of self defence does not constitute reportable conduct.
- 3.3 In addition, any alleged conduct that involves the reasonable use of physical force for the purpose of exercising appropriate control over a child does not constitute reportable conduct, for example, using reasonable force to:
- disarm a child seeking to harm themselves or another; or

¹ References in this determination to a child includes both children and young people.

- separate children in the act of fighting; or
- move a child away from a place where the person may be harmed; or
- restrain a child from causing intentional damage to property.

3.4 Therefore, as a first step in relation to any allegation about the use of physical force, it is important for agencies to consider whether what is being alleged is that reportable conduct **has either occurred or may have occurred.**²

In addition, all conduct described in paragraphs 3.1, 3.2 and 3.3 above should not be regarded as reportable conduct.

4. When an allegation regarding the use of physical force, reportable conduct is exempted to the Ombudsman using this Determination

4.1 In connection with individuals engaged³ by particular agencies, Section 25CA of the Act allows the Ombudsman to exempt certain types of conduct from being reportable conduct.

For individuals engaged by AISNSW participating member schools, the Ombudsman has determined to exempt from being reportable conduct the types of conduct referred to below:

Provided that the conduct does not involve the use of physical force being applied to any part of the head or neck, or to any other part of the body likely to cause more than short term (or transitory) harm:

- **first time reports of hitting a child;**
- **inappropriate but minor and transitory restraint of a child; and**
- **an incident of inappropriate pushing and pulling a child.**

4.2 In relation to the kinds of allegations of reportable conduct against employees referred to in 4.1 above, the Head of Agency accessing this determination will:

² In some cases it will be necessary for agencies to conduct initial inquiries in order to determine whether the alleged conduct does, or may, involve an allegation of reportable conduct.

³ Those who are engaged by agencies are referred to in the *Ombudsman Act* as "employees". An "employee" of an agency includes: (a) any employee of the agency, whether or not employed in connection with any work or activities of the agency that relates to children; and (b) any individual engaged by the agency to provide services to children (including in the capacity of a volunteer).

- (a) have entered into an agreement with AISNSW to comply with agreed conditions in terms that are agreed between the Ombudsman and AISNSW;
- (b) engage an investigator currently accredited by AISNSW;
- (c) contact AISNSW to notify them of the investigation and seek support and advice at key milestones throughout the investigation;
- (d) take appropriate risk management and any other action as a result of that investigation including notification to CCYP where appropriate and document the reasons for taking or not taking any action as a result of the investigation;
- (e) authorise the finalisation of the matter by completing and signing a final report;
- (f) keep adequate records of those matters covered by this exemption and store these records in a place accessible to the Ombudsman for auditing purposes under section 25B of the Act; and
- (g) forward, on completion of the investigation, a "Completed Class or Kind Investigation Notification" to AISNSW containing:
 - Name of the school
 - Name of the accredited investigator
 - Date of investigation
 - Acknowledgement that the matter complied with the Class and Kind Determination
 - School File Reference

5. Audit

- 5.1 The Ombudsman will from time to time audit the manner in which AISNSW member schools deal with allegations of reportable conduct against employees pursuant to s.25B (1)(b) of the Act.
- 5.2 The Ombudsman will advise the Head of Agency in writing of the intention to undertake an audit and the outcome of the audit.
- 5.3 The Ombudsman retains the right to withdraw the exemption from notification of certain kinds of allegations of reportable conduct, without prior notice, at any stage.
- 5.4 AISNSW will maintain a database of "Completed Class or Kind Investigation Notifications" (referred to in 4.2 above) forwarded by AISNSW member schools in relation to allegations of reportable conduct.



Bruce Barbour

Ombudsman

13 March 2012

Date

Acknowledged by



Dr Geoff Newcombe

Executive Director, for and on behalf of

Association of Independent Schools of NSW Limited

29 March 2012

Date