



**Managing Child Safety Incidents or Concerns at or Involving the School or its Staff, Volunteers or Contractors**

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**Introduction**

For the purposes of this policy, we use the terms "staff" and "staff member" to include all teaching and non-teaching staff, School Board members, volunteers, contractors and external providers.

Complaints involving:

- breaches of the Child Safe Codes of Conduct
- child abuse, grooming or other harm of a current or former student by
  - current or former staff members
  - current or former students and
  - other people on School premises or at School events
- "reportable conduct" as defined in the Child Wellbeing and Safety Act 2005 (Vic)
- other child protection related staff misconduct

are managed in a different way to other complaints received by the School. These kinds of complaints are instead managed using the same procedures that we use for managing incidents of or internal reports about this kind of behaviour.

This is because these kinds of incidents, complaints, allegations or concerns are all of a similar sensitive nature and raise potential privacy and confidentiality issues.

**Child Safety Incidents or Concerns**

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

- a breach of our Child Safe Codes of Conduct or
- child abuse, grooming or other harm
- reportable conduct
- other child protection-related staff misconduct

a "child safety incident or concern".

It does not matter whether the conduct or behaviour is by a staff member, another student, a parent/carer or any other person on School premises or at School events.

Breaches of the Child Safe Codes of Conduct

Sunshine Christian School requires all staff members, parents/carers, visitors and other adults in the school community to comply with our **Child Safe Adult Code of Conduct**.

Staff members must also comply with our **Staff and Student Professional Boundaries** policy.

Students must comply with our **Student Code of Conduct**.

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

Child Abuse, Grooming or Other Harm of a Student

Our child protection policies set out the different definitions and key indicators of child abuse, grooming and other harm of students. The following is covered by these definitions and indicators:

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- sexual abuse and sexual offences
  - grooming, behaviour, grooming offences and encouragement (to engage in sexual activity) offences
  - physical abuse and physical violence
  - emotional or psychological harm
  - neglect.

In addition to family members, other adults associated with a student can subject the student to these behaviours, including staff members, other students and other people associated with the School.

### Reportable Conduct

The School has a legal obligation to investigate and report to the Commission for Children and Young People (CCYP) of all incidents or allegations of “reportable conduct,” or of staff misconduct that may be “reportable conduct”, as defined in the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act).

Section 3 of the CWS Act defines “reportable conduct” as:

- a **sexual offence** or **sexual misconduct** committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- **physical violence** committed against, with or in the presence of, a child
- any **behaviour that causes significant emotional or psychological harm** to a child or
- **significant neglect** of a child.

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

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

### Other Child Protection Related Staff Misconduct

“Misconduct” is defined by the CCYP as conduct that is a departure from the accepted standards of the role and is intentional or seriously negligent.

At the School, child safety-related staff misconduct includes:

- breaches of key child protection policies/procedures
- purposeful neglect of duties/responsibilities
- alcohol and/or other substance abuse
- physically, verbally or emotionally abusive behaviour with or in the presence of students
- other behaviour or conduct that risks the safety or wellbeing of students or others at the School.

Child safety-related staff misconduct is considered a child safety incident.

### **Child Protection Related Complaints**

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

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

### **Making a Child Protection-Related Complaint to the School**

If you would like to make a complaint about:

- a breach of the Child Safe Codes of Conduct
- child abuse, grooming or other harm of a current or former student by
  - current or former staff members
  - current or former students

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- other people on School premises or at School events
  - “reportable conduct” as defined in the CWS Act
  - other child protection-related staff misconduct

you can do so by:

1. Sending an email to [principal@scs.vic.edu.au](mailto:principal@scs.vic.edu.au)
2. Writing a letter to the School addressed to The Principal.
3. Telephoning the School and asking to speak to the Principal.

If the Principal is the subject of your complaint or allegation of misconduct or reportable conduct, please contact the Chair of the governing board.

## **Investigating and Managing child protection-related Incidents and Complaints**

### Immediate Actions

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

- determine whether the conduct in question amounts to child protection-related staff misconduct, as defined in this policy, and/or reportable conduct that must be further investigated and reported to the CCYP
- if required by law or by our child protection policies and procedures – report the matter to Child Protection, the Police and/or other relevant external agencies.

The School will conduct an initial risk assessment in consultation – if an external report has been made – with the Police or Child Protection, to identify and mitigate any ongoing risks to student safety and wellbeing.

The School will also ensure that support is provided to any students, staff members and family members impacted by the incident, concern or complaint.

### The Internal Investigation

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

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

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

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

### *Investigating and Managing Behaviour by a Student Against Another Student*

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

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

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

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

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

#### *Investigating and Managing Reportable Conduct and Breaches of the Child Safe Codes of Conduct that Amount to Reportable Conduct*

When a child safety incident or concern involves, or a child protection-related complaint alleges, conduct that amounts to reportable conduct, the School is required by law to notify the CCYP and to conduct an internal investigation.

When conducting these internal investigations, the School follows the CCYP's **Guidance for Organisations: Investigating a Reportable Conduct Allegation** which sets out the minimum standards that must be followed when planning and conducting reportable conduct investigations under the CWS Act.

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

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

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

#### *Investigating and Managing Child Safety-Related Staff Misconduct and Breaches of the Child Safe Codes of Conduct that do Not Amount to Reportable Conduct*

child protection-related staff misconduct that does **not** amount to reportable conduct, and minor breaches of the Child Safe Codes of Conduct by staff members that do not involve child abuse, grooming or other harm or a risk of child abuse, grooming or other harm, are managed through our Human Resources policies and procedures relating to discipline and termination.

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

#### *Record Keeping About Investigations*

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

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

These are kept in a safe and secure location.

### **Reviews of Investigation Procedures and Outcomes**

#### *Internal Reviews of Complaint Outcomes*

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

- the procedures undertaken
- findings made
- disciplinary actions proposed or taken and/or
- other outcomes (including a decision not to make a finding or to take disciplinary or other action).

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Requests for internal reviews should be made to **the Principal**.

### External Reviews for Overseas Students

If an overseas student is not satisfied with the outcome of School's internal investigation, they may lodge an external appeal through the Overseas Students Ombudsman (OSO) which investigates complaints about problems that overseas students or intending overseas students may have with private education and training in Australia. The services of the OSO are free. The contact details for the OSO are as follows:

Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Call: 1300 362 072 within Australia. Outside Australia call +61 2 6276 0111.

Enquiries: 9:00am to 5:00pm Monday to Friday, Australian Eastern Standard Time (Australian Eastern Daylight Time when daylight savings is in effect)

Postal: Commonwealth Ombudsman, GPO Box 442 Canberra ACT 2601.

Website: <https://www.ombudsman.gov.au/How-we-can-help/overseas-students>

The Sunshine Christian School agrees to be bound to the OSO's recommendations, and will ensure that any recommendations made are implemented within 30 days of receipt of the report.

### Oversight of Reportable Conduct Investigations by the CCYP

The CCYP monitors compliance with the Reportable Conduct Scheme in Victoria and oversees investigations of reportable conduct undertaken by the School. The CCYP can:

- support and guide the School to conduct a robust and fair investigation
- initiate, in limited circumstances, its own investigation of the matter.

Any person who believes that the School has inappropriately handled or inappropriately responded to an allegation of reportable conduct can notify the CCYP. The contact details for the CCYP are as follows:

Email: [contact@ccyp.vic.gov.au](mailto:contact@ccyp.vic.gov.au)

Call: 1300 78 29 78 (Answered 9.00am–5.00pm, local call from landline)

fax: (03) 8601 5877

### **Disclosing Information to the School Community**

The School will consult with any relevant external agencies (such as Child Protection or Police) to determine when, what and by whom information can be shared.

### Sharing Information with Parents/Carers and Students

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

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

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

### Sharing Information with the Wider School Community

The School takes great care to assess the relevance and appropriateness of sharing information about a child safety incident or concern, or a child protection-related complaint, before providing any information

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about it to the wider School community. This is because even the confirmation of an incident or allegation can lead to the identification of a victim.

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

However, if the matter involves reportable conduct, it is an offence to disclose information that would enable the identification of a person who notified the CCYP of the matter or of a child in relation to whom a finding of reportable conduct was made. Therefore, that kind of information cannot be shared with the wider School community.

### **Where to Find More Information**

For more information about our policies and procedures relating to the School's management of child safety incidents or concern occurring at or involving the School or its staff members, child protection-related complaints, or complaints handling generally, please contact the Principal.

*Date Approved: September 2017*  
*Origin: SCS*  
*Date for Review: 2020*