**SAFE AND SUPPORTIVE ENVIRONMENTS – LEGAL**

**Teacher/Staff Handbook (SECONDARY& PRIMARY) 2024**

Every school has a teacher/staff handbook and most of these include an alphabetical guide outlining what staff need to know. Below are sections which assist school compliance in relation to the ‘Safe and Supportive Environments – Legal’ domain which relates to the schools’ responsibilities for safeguarding and requirements under child protection legislation.

Please note that the information is updated to reflect current legislation, policy requirements and best practice. It is a compliance requirement to ensure that the information in your handbook is up to date.

Please contact the CSBB Safeguarding Office on 7256 2211 or email [safeguarding@dbb.catholic.edu.au](mailto:safeguarding@dbb.catholic.edu.au) if you have any questions.

Highlight from here all text below, and insert into your Staff Handbook:

**SAFEGUARDING**

Catholic Schools Broken Bay commits to providing safe communities for students at our school to grow and learn. We recognise the rights of children and promote safe and supportive environments where we all have a responsibility to keep children safe from harm.

Safeguarding at CSBB includes:

1. Utilising best practice, child rights and child safe principles to ensure we strive for continuous improvement in the area of safeguarding by upholding our obligations under the *National Catholic Safeguarding Standards and NSW Child Safe Standards.*
2. Maintaining professionalism in interactions with children and young people at all times by exercising appropriate duty of care and maintaining appropriate professional boundaries.
3. Following an established process to address concerns or complaints of inappropriate behaviour towards children or young people. This upholds our legal obligation under the *Children’s Guardian Act 2019. Report any concerns you have about teachers’ behaviour towards children to your principal.*
4. Ensuring that all people working in our school who are required to undertake a Working With Children Check have a verified clearance, as per requirements under *Child Protection (Working with Children) Act 2012* and have received a Safeguarding induction*.*
5. Promoting the safety, welfare and wellbeing of children by responding appropriately when we suspect a child or young person is at risk of significant harm due to possible abuse or neglect. This is our legal obligationunderthe *NSW Children and Young Person (Care and Protection) Act 1998.*

We are committed to providing safe communities for students at our school to grow and learn as outlined in our [Diocesan Commitment to Safeguarding](https://www.bbcatholic.org.au/ArticleDocuments/12548/COMMITMENT_A3.pdf.aspx). We recognise the rights of children as outlined in the [Diocesan Framework on the Rights of the Child](https://www.bbcatholic.org.au/ArticleDocuments/12548/SAFEGUARDING_FRAMEWORK_BOOKLET_FINAL_070920.pdf.aspx) and promote safe and supportive environments where we all have a responsibility to keep children safe from harm.

All staff are expected to promote child safety and have a clear understanding of their legal child protection responsibilities and act in accordance with those responsibilities.

The [NSW Child Safe Standards (NSWCSS)](https://ocg.nsw.gov.au/child-safe-scheme) and the [National Catholic Safeguarding Standards (NCSS)](https://www.acsltd.org.au/services/professional-and-safeguarding-standards/national-catholic-safeguarding-standards/) provide a principle-based framework that our school commits to using for continuous improvement as part of our Diocesan Commitment to Safeguarding.

**DUTY OF CARE**

All staff have a duty of care towards all children and young people at the school, and all students have the right to feel safe at school. This responsibility involves ensuring that no child or young person is exposed to any foreseeable risk and taking appropriate action to minimise risk. A failure to provide appropriate duty of care may be considered negligence. If serious harm or injury occurs to a child because of a failure to act, this may also result in an allegation of neglect which would need to be investigated under the Children’s Guardian Act 2019. In exercising duty of care, the standard of care the law expects is that of a caring professional. Staff are expected to do what a reasonable person would do in the circumstances.

## PROFESSIONAL BOUNDARIES

Maintaining professional boundaries is about ensuring that you do not take advantage of your position of trust, authority and influence to mistreat or misguide students either intentionally or inadvertently. To protect yourself it is important that you:

* Demonstrate appropriate relationships with students that cannot be misinterpreted as overly personal or intimate
* Remain within the responsibilities of your role
* Minimise physical contact with children and young people. If physical contact is necessary for the management or care of children, ensure it is appropriate at all times
* Treat all students with respect, sensitivity, fairness and consistency.

*See also document known as:* [*CSBB Professional Guidelines for Employees*](https://csbbsafeguarding.weebly.com/uploads/5/4/0/8/54082219/professional_guidelines_for_employees_may_2022_version_5.pdf)

## SUPERVISION / DUTY

Students must be supervised by a qualified teacher at all times.

Supervision is critical to exercising appropriate duty of care. Teachers should note supervisory duties for the day and be responsible for prompt commencement of their allocated duty. Teachers rostered on duty are responsible for all students in their care and need to ensure they roam all supervising areas. Supervision must be active and cover both visible playground areas and any areas less able to be seen.

**PARENT HELPERS / VOLUNTEERS**

Parent participation, involvement and help are welcome and appreciated for various activities both in school and on excursions. We recognise that parents and carers are the primary educators for their children and we strive to uphold NSW Child Safe Standard 3: *families and communities are informed and involved* and National Catholic Safeguarding Standard 3*: partnering with families, carers and communities.*

All volunteers and contractors who represent CSBB fall under our code of conduct,, may be subject to child protection legislation and may require a WWCC. This means all volunteers must:

* Sign on at the front office, and get a visitors badge from the office as per school procedure.
* Complete the [CSBB Contractor and Volunteer Engagement form](https://forms.office.com/Pages/ResponsePage.aspx?id=6TdW9-zmC0maab_Nfg2vr2ItzMaLOPlApzSDKNU8OqBUN0hFUzNXVkhPODAyMEYxRUtSS1EyNTJZWiQlQCN0PWcu)
* Follow our commitment to Safeguarding and not engage in any inappropriate behaviour towards any children. Although volunteers are technically not employed by the school, they are considered to be ‘employees’ under the Children’s Guardian Act 2019 and need to be aware that complaints about inappropriate behaviour towards a child or young person is subject to investigation.
* Report any concerns about child safety to the Principal

It is expected that teachers and volunteers have a prearranged time for help and do not just “drop in”. Volunteers are not to take responsibility for an entire class or to be left in a classroom by themselves with students. They should receive appropriate induction regarding what is expected of them in their management of students. No volunteer is permitted to chastise any student they are working with. Any problems are to be referred to the teacher or the principal.

**SAFEGUARDING INFORMATION FOR SCHOOL STAFF**

Our legal child protection responsibilities derive from four key pieces of legislation:

* *Children and Young Persons (Care and Protection) Act 1998*
* *Children’s Guardian Act 2019*
* *Child Protection (Working With Children) Act 2012*
* *Crimes Act 1900*

In practical terms you must be aware of the responsibility to:

1. Respond appropriately when you suspect a child or young person is at Risk of Significant Harm from possible abuse or neglect by a parent/carer.
2. Maintain professionalism in your interactions with children and young people at all times by exercising appropriate duty of care and maintaining appropriate professional boundaries.
3. Be aware of the requirement for the school to address allegations of inappropriate behaviour by staff towards children and young people. And report any concerns you have about conduct of staff members towards students as this is a legal requirement
4. Be aware of the Working With Children Check requirements applicable to staff and volunteers.
5. Utilise best practice, child rights and child safe principles to ensure continuous improvement in the area of safeguarding therefore maintaining our responsibility under the *National Catholic Safeguarding Standards and NSW Child Safe Standards and contributing to the shared responsibility of safeguarding*
6. Document and report all concerns to your Principal.
7. *Understand that a failure to protect or report a child that you believe, or reasonably know to have been abused, is an offence under the Crimes Act.*

**RESPONDING TO RISK OF SIGNIFCANT HARM**

All school staff are mandatory reporters. If there are reasonable grounds to suspect that a child or young person is at risk of ‘significant harm’ from abuse or neglect, then a report must be made to the Department of Communities and Justice Child Protection Helpline (CP Helpline).

You must inform the school Principal (in Primary settings) or the year coordinator (in Secondary settings) when you are concerned that a child may be at risk. It is the role of the Principal/year coordinator to determine if a report needs to be made to the CP Helpline and who will make the report. The principal may use your notes or ask your assistance with making the report with them, however once you have informed the principal your mandatory reporting obligations have been met.

The person making the report will:

* Gather/collate all available information, and ensure it is documented.
* Complete the online [Mandatory Reporter Guide (](https://reporter.childstory.nsw.gov.au/s/mrg)MRG) and/or consult with the Safeguarding Office to obtain a final decision about what action to take.
* If the MRG final decision is that a report is necessary, or professional judgement suggests a report is required, the report should be made by phoning the CP Helpline on 132111, or by submitting an e-report via the [ChildStory portal](https://reporter.childstory.nsw.gov.au/s/login/?startURL=%2Fs%2Fmrg%3Ft%3D1695100111658).
* Keep you informed about whether or not a report is made to the CP Helpline. If a report is not made and you reasonably believe that a report should be made, you may make an independent report to the CP Helpline. You must inform the school Principal when you have done this, and notify the Safeguarding Office by completing the [Notification to Safeguarding of DCJ report](https://forms.office.com/Pages/ResponsePage.aspx?id=6TdW9-zmC0maab_Nfg2vr0Heovk7qSRDt4Hrdo_gLYxUMUw2RktENlI0UzVMQzJKQzVXOUFIUlM1MCQlQCN0PWcu) form.
* Whether or not a report is made, develop a support plan, with a pastoral focus, to ensure that the school is providing appropriate support to the child or young person and/or their family.
* Notify the Safeguarding office that a DCJ report has been made, using the [Notification to Safeguarding Office](https://forms.office.com/Pages/ResponsePage.aspx?id=6TdW9-zmC0maab_Nfg2vr0Heovk7qSRDt4Hrdo_gLYxUMUw2RktENlI0UzVMQzJKQzVXOUFIUlM1MCQlQCN0PWcu) form. (if making an E-report you can download a copy from Childstory and upload it to the notification form to save duplication)

In protecting children in the school from Risk of Significant Harm it is important that you:

* Remain alert to possible safety, welfare and wellbeing issues through your own observations of a child or young person or from direct or indirect disclosures by a child or young person.
* Become familiar with the possible signs of abuse and neglect outlined in the [Child Wellbeing and Child Protection – NSW Interagency Guidelines.](https://www.facs.nsw.gov.au/providers/children-families/interagency-guidelines)
* Take disclosures by a child seriously and respond sensitively.
* Document your concerns, observations or disclosures clearly and thoroughly ensuring that your records:
* Use non-judgemental language.
* Detail the facts only, not your opinion or your subjective feelings.
* Are legible, signed and dated.
* Are confidential.
* Discuss your concerns with the Principal/year coordinator as soon as possible.
* Participate as needed in supporting the child or young person.

**MAINTAINING PROFESSIONALISM**

All staff are required to act professionally and in accordance with the school’s expectations regarding staff conduct toward children and young people. The document ‘*Professional Guidelines for Employees’* provides guidance in relation to appropriate interactions with students, how to exercise appropriate duty of care and how to maintain professional boundaries.

Duty of care responsibilities are outlined in detail below. In a nutshell, your duty of care cannot be delegated to another person and requires you to:

* Ensure no child or young person is exposed to foreseeable risk of harm
* Take action to minimise risk
* Supervise actively and in accordance with the requirements outlined in this Handbook
* If you see others acting inappropriately with children, report your concerns to the Principal or seek further advice from the Safeguarding Office

**ADDRESSING ALLEGATIONS OF INAPPROPRIATE BEHAVIOUR BY STAFF**

The school is committed to providing a safe and supportive environment for both students and staff. This includes addressing complaints of inappropriate behaviour by staff towards any child or young person (within or outside of a school setting). We take concerns that are raised seriously and believe that an important element of child safety is providing environments where children, young people and adults feel safe to speak up and voice concerns.

Such complaints are handled differently to other types of complaints which arise in the school because of legal obligations under the *Children’s Guardian Act 2019.* The NSW Office of the Children’s Guardian (OCG) requires schools and other organisations working with children and young people to ensure systems are in place for recording and responding to all allegations of a child protection nature against employees. This includes allegations of ‘reportable conduct’ and allegations which are ‘exempt’ from notification to the OCG.

Reportable conduct is behaviour which must be reported to the OCG if it fits into one of these categories:

1. Sexual offence
2. Sexual misconduct
3. Ill treatment of a child
4. Neglect of a child
5. An assault against a child
6. An offence under s43B (failure to protect) or s316A (failure to report) of the Crimes Act 1900;
7. Behaviour that causes significant emotional or psychological harm to a child

Allegations which are exempt are:

1. [conduct](http://www.austlii.edu.au/au/legis/nsw/consol_act/oa1974114/s5.html#conduct) that is reasonable for the purposes of the discipline, management or care of [children](http://www.austlii.edu.au/au/legis/nsw/consol_act/oa1974114/s25a.html#child), having regard to the age, maturity, health or other characteristics of the [children](http://www.austlii.edu.au/au/legis/nsw/consol_act/oa1974114/s25a.html#child) and to any relevant codes of [conduct](http://www.austlii.edu.au/au/legis/nsw/consol_act/oa1974114/s5.html#conduct) or professional standards, or
2. 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](http://www.austlii.edu.au/au/legis/nsw/consol_act/oa1974114/s25a.html#investigation) recorded under workplace employment procedures.

Allegations involving reportable conduct must be notified to the NSW Office of the Children’s Guardian within 7 days and investigated.

The responsibility for assessing whether a complaint or allegation involves ‘reportable conduct’, or conduct which is ‘exempt’, has been delegated to the CSBB Safeguarding Office (SGO). As staff you are required to report any complaints of inappropriate behaviour by a staff member towards any child or young person to the Principal who in turn will consult with the SGO to assess the complaint and determine how it will be managed.

Most complaints arising in schools do not amount to reportable conduct. Where that is the case, after an assessment by the SGO, the complaint will either be:

* Referred back to the Principal for local management.
* Referred to the CSBB HR team.
* Handed back to the Principal for investigation and follow up (for matters involving trivial/negligible physical conduct).

Where the complaint involves reportable conduct or involves serious risk it will usually be investigated by the SGO or an external investigator.

For more information see:

[Fact Sheet – Responding to Reportable Conduct](https://csbbsafeguarding.weebly.com/uploads/5/4/0/8/54082219/fact_sheet_-_responding_to_reportable_conduct_2023.pdf).

[Introduction to the NSW Reportable Conduct Scheme](https://ocg.nsw.gov.au/resources/introduction-nsw-reportable-conduct-scheme)

**WORKING WITH CHILDREN CHECKS**

Working With Children Checks are required by staff, and certain volunteers and contractors in our school.

The purpose of the check is to exclude people from working with children and young people who are not suitable. A person who has been convicted or found guilty of a listed serious offence against children (whether in NSW or elsewhere) is prohibited from child-related employment.

CSBB is responsible for verifying all WWCC’s. It is your responsibility as a staff member to keep your details with the Office of the Children’s Guardian (OCG) up to date and provide CSBB with your new WWCC when due to expire, forwarding your updated details to wwcc@dbb.catholic.edu.au

For teachers, your accreditation with NESA requires a WWCC and it is your responsibility to update NESA.

Parent participation, involvement and help are welcome and appreciated for various activities both in school and on excursions. It is important to note that all parent helpers / volunteers are subject to child protection legislation.

CSBB Safeguarding Office supports our school to fulfil obligations under Child Protection (Working With Children) Act 2012. Further information on the Working With Children Check can be found on the website for the [Office of the Children’s Guardian](https://www.ocg.nsw.gov.au). Further information can be found in the [*SAFEGUARDING & CHILD PROTECTION POLICY FOR CATHOLIC SCHOOLS BROKEN BAY: WORKING WITH CHILDREN CHECK* (January 2021).](https://csbbsafeguarding.weebly.com/uploads/5/4/0/8/54082219/child_protection_policy_wwcc_january_2021.pdf)

If you would like further information regarding any of the above please speak to your Principal first or feel free to contact the Office for Safeguarding Team on: ***Phone:* 7256** **2211** ***or Email:*** [***Safeguarding@dbb.catholic.edu.au***](mailto:Safeguarding@dbb.catholic.edu.au)