MANAGING CHILD SAFETY INCIDENTS OR CONCERNS PROCEDURE*

*Full title: Procedures for Managing Child Safety Incidents or Concerns at or Involving the College or its Staff, Volunteers or Contractors

INTRODUCTION

For the purposes of this policy, we use the terms “staff” and “staff member” to include all teaching and non-teaching staff, governing body 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 College premises or at College events

are managed in a different way from other complaints received by the College. 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 Safety Code of Conduct
- Reportable Conduct by an employee or
- child abuse, grooming or other harm

a "child safety incident or concern". It does not matter whether the behaviour is by a staff member, another student, a parent/carer or any other person on College premises or at College events or College related activities.

Breaches of the Child Safety Code of Conduct

Regent College requires all staff, parents/carers, visitors and other adults in the College community to comply with our Child Safety 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 Safety Codes of Conduct is considered a child safety incident.

Child abuse, Grooming or Other Harm of a Student

Our child safety 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:

- sexual abuse
- grooming and online grooming
- physical abuse
- 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 College.

Reportable Conduct

"Reportable Conduct" is the following conduct when committed by an "employee":

- a sexual offence committed against, with or in the presence of, a child
- sexual misconduct against, with or in the presence of, a child that is sexual in nature
- a physical assault committed against, with or in the presence of a child
- significant neglect of a child
- any behaviour that causes significant emotional or psychological harm to a child
- an offence prescribed by the regulations.

"Employees" include any of the following people, provided that they are aged 18 or over:

- an officer or employee of the College whether or not they work with children
- Volunteers and Contractors who are engaged directly by the College to provide services to children
- Staff, Volunteers and Contractors who are engaged by a third party to provide services to children on behalf of the College.

It does not matter whether or not a criminal proceeding in relation to the conduct has been commenced or concluded.

The conduct does not have to have occurred at or in the course of the employee's work at or for the College.

The child does not have to be a student at the College.

Conduct by Staff that is Not Child Abuse, Grooming, Reportable Conduct or a Breach of the Child Safe Codes of Conduct

Conduct by staff members that is reasonable in the circumstances or that is accidental is not child abuse, grooming, Reportable Conduct or a breach of the Child Safe Codes of Conduct.

Some examples 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 physical contact by a staff member with a student that is established to be accidental.

CHILD SAFETY-RELATED COMPLAINTS

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

We call reports made to the College about child safety incidents or concerns at or involving the College or its staff members a "child safety - related complaint."

MAKING A CHILD SAFETY-RELATED COMPLAINT TO THE COLLEGE

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
    - other people on College premises or at College events

you can do so by:

1. Sending an email to complaints@regentcollege.wa.edu.au.
2. Providing feedback via the Contact Us Form on the Regent College public website.
3. Lodging a Formal Complaints Form
4. Writing a letter to the College addressed to Derek Nicholls, Principal.
5. Telephoning the College and asking to speak to Derek Nicholls, Principal.

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

INVESTIGATING AND MANAGING CHILD SAFETY-RELATED INCIDENTS AND COMPLAINTS

Regent College takes all child safety related incidents, complaints, allegations or concerns seriously.

All incidents, complaints, allegations or concerns are responded to promptly and thoroughly. Regent College ensures that reporting, record keeping, privacy and employment law obligations are met.

Immediate Actions

Depending on the nature of the incident, complaint, allegation or concern, after receiving the internal report or the child safety related complaint, the College will – if required by law or by our child safe policies and procedures – report the matter to the Department of Communities' Child Protection and Community Services Division (CPFS), the Police and/or other relevant external agencies.

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

The College will also ensure that support is provided to any students, staff members and family members impacted by the incident, concern or complaint. In particular, we ensure that they are informed about advocacy and support services which may be available to assist them.

The Internal Investigation

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

However, if CPFS or the police are investigating the alleged conduct, that investigation takes precedence and the College's investigation will only proceed with their permission.

When conducting the internal investigation, the College follows the National Office of Child Safety's Complaint Handling Guide: Upholding the Rights of Children and Young People. The 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 safety related incident or complaint involves considering the College'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 Behavoiur by Non-Staff Members on the College Premises or at College Events

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

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

Investigating and Managing Complaints about Child Abuse, Grooming, Reportable Conduct or a Breach of the child Safe Codes of Conduct by Staff

Depending on the nature of the incident, complaint, allegation or concern, the College may need to report the matter to additional external agencies, such as WA Ombudsman, the Teacher Registration Board of WA or the Director General of the Department of Education.

Internal investigations about incidents, complaints, allegations or concerns involving staff 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.

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

Staff members, students and parents/carers of students who are involved in the child-safety complaint and who are not satisfied with an internal investigation or its outcome may request an internal review of:

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

Requests for internal reviews should be made to the Board Chair.

Complaints about Non-Compliance with the Registration Standards

The Director General of the Department of Education is responsible for ensuring that the College observes the Registration Standards, including Standard 6, which is about its complaints handling system.

Any student, parent/carer or other College community member is entitled to contact the Director General with concerns about how the school has dealt with a complaint, including child safety related complaints. More information is available on the Department of Education website.

However, while the Director General may consider whether the College has breached the Registration Standards, they do not have power to intervene in a complaint or override the College's decision.

DISCLOSING INFORMATION TO THE COLLEGE COMMUNITY

The College will consult with any relevant external agencies (such as CPFS or police) to determine when, what and with whom information can be shared.

Sharing Information with Parents/Carers and Students

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

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

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

Sharing information with the wider College community

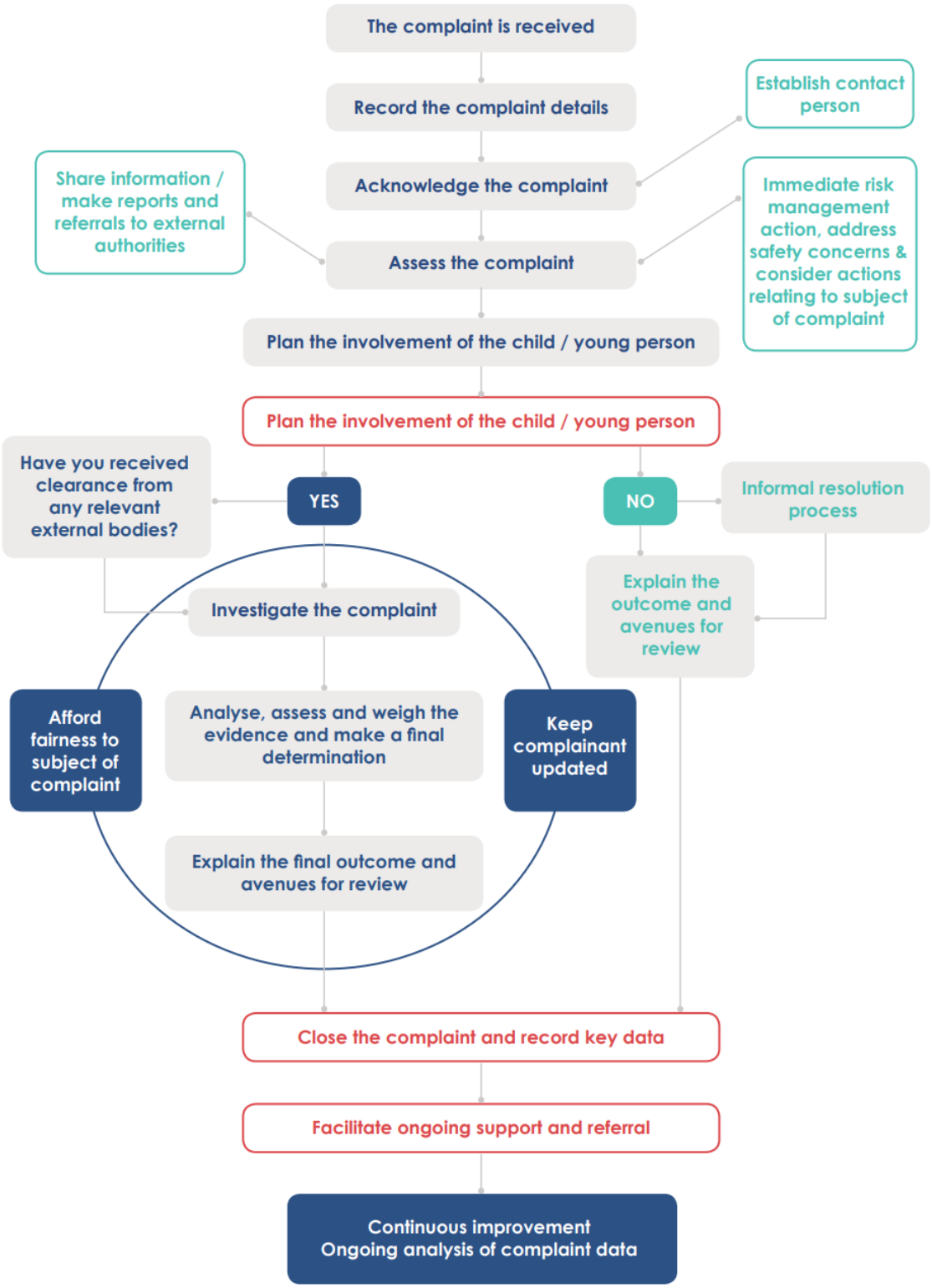
The College takes great care to assess the relevance and appropriateness of sharing information about a child safety incident or concern, or a child safety -related complaint, before providing any information about it to the wider College community. This is because even the confirmation of an incident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

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

Where to Find More Information

For more information about our policies and procedures relating to the College's management of child safety incidents or concern occurring at or involving the College or its staff members, child safety related complaints, or complaints handling generally, please contact Derek Nicholls, Principal, on 08 9470 4569 or by email at derekn@regentcollege.wa.edu.au.

APPENDIX 1

Complaint Handling:

Upholding the rights of children and young people (an overview)