



SYDNEY JAPANESE
INTERNATIONAL
SCHOOL
シドニー日本人学校

Student Welfare/ Child Protection Policy

STUDENT WELFARE

Sydney Japanese International School Policy for a Safe and Supportive Environment

Sydney Japanese International School aims to provide a safe and supportive environment for its students to learn in.

The following policies have been adopted to provide this environment.

Support

The School wishes to promote a learning environment where teachers and pupils should be mutually supportive. Students and teachers should respect each other and not engage in conduct which undermines this mutual trust and support, and also respects the philosophy and ethics of the School. The School encourages consultation between all members of the School community in matters which affect them.

Security

The School will implement measures designed to promote the safety and wellbeing of students, particularly having regard to its professional judgement as to what is required and will include in its consideration such matters:

- a) appropriate levels of supervision;
- b) security of buildings;
- c) procedures in case of fire;
- d) use of grounds and facilities;
- e) travel on School-related activities;
- f) other appropriate matters.

The implementation of these requirements and procedures will be monitored for compliance from time to time.

Supervision

Appropriate measures will be taken by School staff to seek to ensure that all students are adequately cared for and supervised while undertaking both on-site and off-site activities, bearing in mind the type of activities and age of the students involved.

Conduct

The School will put in place a Code of Conduct for staff and students which may be supplemented from time to time by specific rules and directives. The Code of Conduct will include such matters as:

- a) the rights and responsibilities of students and staff within the School community;
- b) behaviour management;
- c) the role of any School leadership system (or equivalent) in the School and the monitoring of that system; and
- d) the management and reporting of serious incidents.

The School will establish and implement appropriate behaviour management practices for students, consistent with the philosophy of the School and with other aspects of this policy.

Complaints and Grievances

The School will have in place processes for dealing with complaints and grievances raised by students, teachers, staff and/or parents. These processes will incorporate, as appropriate, principles of procedural fairness. (see Complaints and Grievances Policy)

Pastoral Care

The School will take reasonable measures to identify students with special needs and provide them with an appropriate level of support to assist such students with their schooling with minimal disruption, taking into account the resources available.

Students requiring health and/or medical services and support or medication will be assisted to access these in an appropriate manner.

Communication

The School will provide both formal and informal mechanisms to facilitate communication between those with an interest in the student's education and well-being. This may include communications between some or all of the following: student; parent or guardian or other significant family member of the student; teacher; principal; representative or an appropriate government, welfare, health or other authority.

Welfare procedures for students undertaking courses/subjects with an external provider for the purposes of their schooling.

All of the above policies and procedures will apply when the School has made arrangements for students of the School to undertake courses, subjects, tutoring or other education either on or off-site.

Teachers, staff and any other persons involved in the provision of education or other services for students of the School who are undertaking courses, subjects, tutoring or other education either on or off-site which have been arranged by the School, for the purposes of their schooling, will be subject to the requirements of relevant child protection legislation.

All of the above policies will be implemented in a manner that is appropriate to the School, its students and the School community and with regard to the relevant legislative requirements that apply to the School and the students within its care.

Conduct for the Care and Protection of Children

Sydney Japanese International School is committed to the highest standards of education in which the security, protection and comfort of students is of a high priority. The following guidelines are to be adopted for the care and protection of students and staff.

Legislative Context

Everyone who is concerned in a professional capacity with the care and protection of children needs to have a clear understanding of the essential elements of the law as it applies to the care and protection of children.

Legislation in NSW relating to the care and protection of children is currently contained in the following Acts of Parliament:

- Children and Young Persons (Care and Protection) Act 1988
- Commission for Children and Young People Act 1998
- Child Protection (Prohibited Employment) Act 1998
- Ombudsman Act 1974 (Part 3A)
- Child Protection Legislation Amendment Act 2003

Duty of Care and Legal Liability

Staff can be deemed legally liable if they have been negligent in relation to their responsibilities under the legislation as it pertains to the care and protection of children.

Generally speaking, a person owes a duty not to injure another as a result of his or her own negligent act or omission. The duty does not usually extend to the taking of steps to prevent injury where one has not caused or contributed to the risk giving rise to the injury.

There exists, however, special duty relationships between some members of our society which give rise to more onerous duties of care. The relationship between teacher and pupil is one on these.

The general law of negligence provides that a person may be negligent if:

- S/he owes a duty of care to the person injured, that is, the standard judged reasonable in all the circumstances, and

- S/he did not carry out that duty to the legal standard required, and
- The person suffered damage as a result of the failure to observe the duty of care.

With regard to care and protection the following principles apply:

- Staff must take reasonable care to ensure that their students are not harmed. They have a duty to protect their students against foreseeable risks of personal injury or harm.
- The standard of care is that of a reasonably prudent parent. The degree of care depends on such factors as the age of the students.
- There must be an efficient system of supervision in operation in the school.

Duty of care applies while the students are under the care of the school. This applies equally to school based activities and out of school activities. The same duty of care applies to employees who volunteer their services to the school.

Employees are required to follow good standards and approved practice. An example of good standards or approved practice would be compliance with the school's Code of Conduct.

Staff Responsibilities

1. Each employee of Sydney Japanese School is expected to act as a role model for children at all times.
2. Policy Manuals exist to cover all operational policies. Employees are expected to be familiar with and **follow** relevant school policies at all times.
3. Employees should show respect at all times to children, fellow staff, parents and visitors. This includes maintaining an appropriate voice level and not using abusive language.
4. When answering the phone staff must speak in a polite manner. All enrolment enquiries need to be referred to the Executive Assistant or Marketing Manager and managed in a way that encourages enrolments in the school.
5. **Confidentiality:**
Positions of trust must not be exploited for an employee's advantage, or that of others, by use of privileged knowledge or information gained through work. In particular student records, meeting minutes and staff files are to be treated with the utmost confidentiality.
6. **Press Statements**
Staff are not permitted to give statements to the press without prior approval from the Principal.
7. **Security**

Security is the responsibility of all staff, who must be alert to dangers such as attacks on property, theft, violence, fire, natural disasters, vandalism and acts that jeopardise the safety of people. It is important that all staff know the emergency evacuation procedures at their workplace.

8. Parent Visitors

When parents visit the classroom they must do so in a way that does not interfere with the work cycle of the children. Classroom observations often form part of the enrolment process. At these times the Deputy Principal and/or Executive Assistant will accompany visitors. Observations should not interfere with the class.

9. Grooming

A professional appearance enhances Sydney Japanese School's reputation and image.

Professional dress and grooming standards must be maintained at all times. Adherence to the wearing of hats out of doors and sensible, safe footwear is part of this professional standard.

10. Smoking and alcohol consumption are prohibited on the school premises at all times.

Supervision of Students

1. Staff must take all reasonable care to ensure that no student is exposed to any unnecessary risk of injury. Staff are to remember that they are in *loco parentis* – the standard of care required is that of a skilled professional.
2. Staff should be familiar with and adhere strictly to the school's evacuation procedures.
3. Ill or injured students should be attended to by the supervising staff member. Should additional assistance be required contact should be made with the office.
4. Students should not be left unsupervised either within or outside of class. Staff are reminded of their duty of care obligations in this regard. Staff should be punctual to class and allocated supervision.
5. In the case of an individual music lesson, it is permitted for an instructor to be in the same room with a student alone, however, the lesson should be conducted in full vision which can be monitored from a window or an opening.
6. Staff should remain with students at after school activities until all students have been collected. In the event that a student is not collected staff should remain with the student until collected.

7. Playground supervision is an integral part of the responsibility of staff. It must take precedence over other activities. It is unacceptable to be late. Staff should actively supervise their designated area, being vigilant and constantly moving around.
8. Staff should be alert to bullying or any other form of discriminatory behaviour, and report incidents to the appropriate staff member.

Relationship with Students

1. Staff interactions with children are warm and friendly.
2. Staff treat all students equally and accommodate their individual needs. They respect diversity of background and treat both sexes without bias.
3. Staff use a positive approach in guidance and discipline. Students are guided towards positive and responsible behaviour.
4. Staff are responsive to student's feelings and needs.
5. Staff initiate and maintain communication with the students and their communication conveys respect.
6. Staff show respect for students developing competence, encourage and support self reliance and foster their self esteem and independence.
7. Staff interact with students to stimulate their curiosity and thinking.
8. Staff create a positive and pleasant atmosphere.
9. Staff ensure that students are not required to perform duties beyond their capabilities.
10. Staff ensure that the dignity and the rights of each student are maintained at all times. Child management techniques do not include physical, verbal or emotional punishment that humiliates, frightens or threatens a student. The student is not isolated from the class group for any reason other than illness or injury or a pre-arranged appointment with parental consent.

11. Staff should 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 should ensure that this is in an open space in view of others. Where this is not possible or practical it should be discussed with the Principal.
12. Staff may as part of their pastoral care role engage in discussion with students. This is entirely appropriate. 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.
13. When staff wish to conduct a private conversation with a student they should consider the time and venue carefully to avoid placing themselves in a vulnerable situation. It is preferable to leave the door open. The staff member should not locate themselves between the student and the door.
14. Staff should never drive a student in their car unless they have specific permission from their Principal to do so. In the event of an emergency staff should exercise discretion but then report the matter to the Principal.
15. Staff should notify the Principal immediately should they suspect a situation involving any form of reportable conduct (formerly referred to as child abuse). It is not staff responsibility to investigate. Similarly staff should report to the Principal any suspected case of neglect.
16. A social relationship between a staff member and a student can easily lead to problems. Visiting students at their residence without the permission of the Principal should be discouraged. Staff member should realise their position and duty as a teacher and always be aware of the risks involving social relationships with students.
17. Staff should not engage in tutoring or coaching students from the school for monetary return.
18. When physical contact with a student is a necessary part of the teaching/learning experience staff must exercise caution to ensure that the contact is appropriate and acceptable. Staff should seek reassurance from the student by asking for a volunteer to demonstrate a particular activity.
19. Attention to the toileting needs of your children should be done with caution. It may be appropriate to have the door open. In respect to students with a disability the management of toileting needs should be included in the student's individual management plan.

20. Staff should not supply or condone the use of alcohol, tobacco or other drugs for themselves or any student in their care.
21. When congratulating a student, a handshake, a pat on the shoulder or a brief hug are acceptable as long as the student is comfortable with this action. Kissing of students is not acceptable.
22. Assessing a student who is injured or ill may necessitate touching. Always advise the student of what you intend doing and seek their concurrence.
23. Staff must always treat students with respect and without favouritism. There is no place for sarcasm, derogatory remarks, inappropriate familiarity or offensive comments.
24. Staff who communicate with students electronically must abide by the terms of the school's Computer/Internet Policy. Transmission of messages or files which are sexually explicitly or offensive are totally inappropriate.
25. Sometimes during the course of your work you may be in receipt of a gift from a student. In such circumstances where the receipt of a gift could be considered outside of usual custom you are to inform the Principal
26. Staff should ensure that they are familiar with and adhere to the school's policy in regard to the storage and administration of medical products to students.
27. Sometimes in ensuring duty of care staff may be required to restrain a student from harming him or herself or others using reasonable force. Any such strategy must be in keeping with the school's behaviour management practices.

Interactions between Staff

1. Staff should communicate with each other in a courteous manner, express themselves clearly and listen to each other, and discuss and resolve conflicts amongst themselves. If issues remain unresolved, they are to be referred to the Principal.
2. Staff show respect for other members of a team. They respect the knowledge and skills that each staff member brings to the centre and respect each other's feelings, views and opinions.

3. Staff are aware of a team approach. They provide a model of effective working relationships for children who are developing their own social skills.
4. A staff member with a complaint should take it to the Principal and not air it generally among other staff members. A complaining staff member can place stress on other staff members and inhibit job satisfaction.

Discipline of Students

1. All staff should be familiar with and adhere to the school's Discipline Policy.
2. Smoking is not permitted on the school premises. Furthermore, smoking is not permitted at any school function or activity whether these functions/activities are on the school premises or not.
3. Alcohol is not to be consumed on the school premises or at school camps or excursions. The only exceptions will be those occasions deemed appropriate by the Principal, but in any case, will not include occasions where students are in attendance.
4. No student should be allowed to leave or be sent from a class other than for personal hygiene matters. In extreme cases students can be sent to the Deputy Principal's or Principal's office.
5. At all times when speaking with students care must be taken to use appropriate language. Please refer to the school Discipline Policy.

Communication Issues

1. Staff are required to respect and adhere to the established lines of communication in the school.
2. Staff should be mindful of confidentiality when in discussion with parents. Staff can never guarantee confidentiality if the matter under discussion requires mandatory reporting.
3. Staff should not speak about another staff member to students or parents.
4. Staff should present a courteous professional manner to students, parents, visitors and other staff members. Confrontation and criticism in public is to be avoided at all times.

5. All matters discussed in staff meetings and staff memos are to be treated confidentially and not discussed with students.
6. The media should not be given access to students or allowed entry to the school without the expressed permission of the Principal.

Excursions

1. In the case of activities involving overnight accommodation of boys and girls, both genders should be represented in the group of supervisors.
2. Excursion information must be communicated to parents.
3. A school mobile phone must be taken on all excursions. The teacher in charge must always have a complete list of student contact numbers with them on the excursion.
4. In the case of an overseas trip, a trip coordinator will accompany the group. The coordinator should explain clearly about the communication means and measures to the parents/guardians.
5. Students on an overnight excursion should be able to contact a supervising staff member at any time. The supervising staff member should hold needs of the students as top priority. If the student does not wish to be at a particular place, he/she must be removed from the location or situation immediately.
6. Overnight excursion consent form and other health related forms must be submitted by the parents/guardians. If the students are staying with a host family, the host family must submit a Prohibited Employment Declaration.

Duty to Disclose

1. Staff are required to report to the Principal any allegations of 'reportable conduct' (formerly referred to as child abuse).
2. Staff who are the subject of an Apprehended Violence Order or a Reportable Conviction are required to inform the Principal immediately they are in receipt of such an Order or Conviction.
- 3.

Child Protection Policy

The focus of this policy is the school's duty of care in the protection of children from 'reportable conduct'. The procedures followed must also be in accordance with all relevant legislation, and will take into account other appropriate practices and guidelines aimed at the protection of children. The school's policy and detailed procedures will be amended from time to time to take into account amendments to legislation and regulations.

This document sets out the school's policy in broad and general terms. Further information and advice can be gained from the Head of Agency (Principal) and further detail can be found in the 'AIS Child Protection Policy Guidelines' as amended from time to time and from the various Acts and Regulations. References shown in brackets in this policy statement are to clauses in the 'AIS Child Protection Guidelines'.

Sydney Japanese International School is committed to the legislative requirements contained in the following Acts that relate to child protection in New South Wales:

- Part 3A Ombudsman Act 1974
- Part 7 Commission for Children and Young People Act 1998
- Child Protection (Prohibited Employment) Act 1998
- Children and Young Person (Care and Protection) Act 1998
- Child Protection (Working with Children) Act 2012 (NSW)

1. As a member of staff of this school, you are required to report (PART 2 2.5 on page 16) to the Principal any situation where:

- a. you are aware that there has been a reportable allegation; or
- b. you have formed a belief on reasonable grounds (Part 1, cl. 2.7 at page 8) that a child is in danger of reportable conduct (part 1, cl. 2.2.2b at page 6) or
- c. is a child in need of care (Part 1, cl. 2.2.3 at page 6)

It is important to realise that failure to report where there is suspicion of 'reportable conduct' to a child under 16 years of age, based on reasonable grounds, is an offence under Section 316 of the NSW Crimes Act.

2. You are not to investigate allegations or suspicions of 'reportable conduct'.
Investigations must only be carried out by investigators specifically appointed for the purpose.
3. You are required to make 'reportable allegations' only to the nominated person and discussion with others should be avoided or limited to persons in your privileged communication path (normal reporting line). Failure to limit your communication in this way will not only be a breach of this policy, but will result in your not being protected under the law from potential civil proceedings for defamation.
4. The Principal will report any matter that has been notified, as required by the relevant legislation. You will be advised of the action taken. If it is decided that there are not 'reasonable grounds to suspect' 'reportable conduct' and consequently the matter is not going to be reported by the Principal, you, as the original notifier, will have an obligation under the legislation to report if you believe that reasonable grounds exist (Part 1, cl. 2.4 & 2.5 at page 7 and 8).
5. If a student discloses 'reportable conduct' to you, you are obliged to report the disclosure as stated above but you must not investigate the matter. Guidelines for assisting a child who has disclosed 'reportable conduct' can be found in Part 2, clause 1.2 at page 13.
6. Investigation of a 'reportable allegation' must only be carried out by appointed investigators (from DOCS or elsewhere) whose duties will include informing parents or caregivers that a notification has been made. You should not make any contact with parents or caregivers regarding the notification unless specifically authorised to do so.
7. You are required to confer with the Principal before responding to a request by DOCS or any other officers to attend an interview with a child (victim). You cannot be required by DoCS to attend such

an interview (part 2, cl.6.2 at page 21) and the pros and cons of attendance need to be carefully assessed before a decision is made.

8. You may be required to report in a detailed manner on any matter regarding 'reportable conduct' about which you have notified or been notified. The confidentiality of such a report will be maintained unless otherwise required by a court order (part 1, cl. 2.8.3 at page 9). Information relating to any matter of 'reportable conduct' is to be entered on the appropriate form (Part 5 of the AIS Guidelines).

9. Recent legislation requires that, to continue to be employed, you must give the school an assurance that you have not been found guilty of a 'reportable conviction' or an offence against the person of a student or a child (Child Protection (Prohibited Employment) Act 1998). (Note: defer the implementation of this requirement until the Act has been proclaimed.)

The School places a very high priority on its efforts:

- To protect children in its care from 'reportable conduct'; or
- To protect staff from mischievous and false allegations.

Your compliance with the requirements of this policy will assist in the school's efforts to achieve these important objectives.

a. Procedures for child protection

'Reportable conduct' may be physical assault, sexual assault, ill treatment, neglect or psychologically harmful behaviour.

All staff should be familiar with the DOCS regulations concerning interaction with children and with the school's discipline policy. In addition, staff will be required to attend regular child protection workshops.

- **Protection of Children**

DOCS must be notified if there are reasonable grounds that a child has been or is in danger of 'reportable conduct' or is in need of care. Staff who considers a child to be in danger may in the first instance report to the Head of Agency, or see the section on mandatory reporting below

- **Allegations against Staff Members**

Employees are required to notify the Head of Agency if they witness misconduct by another employee or if a third party makes them aware of alleged misconduct.

Allegations of 'reportable conduct' made against a member of staff must be reported to the Ombudsman using a Child Protection Notification Form. An allegation should detail a specific incident or pattern of behaviour of a particular person. The Ombudsman can be contacted on 9286 1000 for advice at any time.

b. Mandatory Reporting (separate policy included below)

Sydney Japanese International School and each member of staff is a mandatory reporter of anyone suspected of 'reportable conduct'. If at any time you have reason to suspect any form of 'reportable conduct', you should immediately take steps to ensure that the relevant authorities are notified.

You may contact the DOCS helpline on 13-3627 (13-DOCS). Please note that you have a personal responsibility to report if you disagree with the Head of Agency's assessment of a situation.

c. Instructions to Principal concerning 'reportable allegations' against staff members

The Principal is the "Head of Agency".

The Principal must report to the Ombudsman any allegation that a staff member has committed any form of 'reportable conduct'. An allegation should detail a specific incident or pattern of behaviour of a particular person.

The President of the Board of Directors should be informed immediately of the allegation.

The NSW Ombudsman manual "Investigating Complaints" contains guidelines for the planning and conducting of an investigation. It also contains the Child Protection Notification Form to be used.

In certain cases, it may not be appropriate for the Principal to conduct an investigation personally, for example if doing so could compromise a police investigation. Advice can be sought from the Childcare Advisor at DOCS or from the Ombudsman.

In order to protect the rights of an employee who is the subject of the allegation, the Principal will:

- assess any immediate care and protection issues
- assess allegations impartially
- act fairly to the subject of the allegation
- protect the confidentiality of the subject of the allegation

The Principal will investigate the allegation as discreetly as possible, emphasising confidentiality of the identity both of the subject of the allegation and of the alleged victim.

The person who is the subject of an allegation should:

- be informed as to the substance of the allegation
- be informed as to the substance of any adverse comment in any report of the allegation
- be given the opportunity to put their case either orally or in writing before any final report is made
- be advised of their right to complain to the Ombudsman if they are not satisfied with the handling of the allegation
- be formally advised of the outcome of the investigation
- in the case of an unsubstantiated allegation, receive the support of the employer, which may include a letter to the person making the allegation setting out the employer's opinion that the allegation was unsubstantiated

Mandatory Reporting Policy

The *Children and Young Persons (Care and Protection) Act, 1998* defines the people who are mandated to report *Risk of Harm* to children. s.27(1)(a) and (b) state that a person who holds a management position with direct responsibility for the supervision of staff or provision of services in health care, welfare, education, children's services, residential services and law enforcement is a mandatory reporter of risk of harm to children.

In the case of Sydney Japanese International School the mandatory reporter is the Principal.

Mandatory Reporting responsibilities apply when there is

- Reasonable grounds to suspect risk of harm, and
- Grounds arise during or from a person's work.

There must be some reasonable basis for the concerns and mandatory reporting responsibilities do not apply to situations a person becomes aware of outside their work.

Note: An individual can make a report at any time, regardless of whether they are a mandatory reporter.

Risk of Harm is defined in s23 of the Act. The Act states there must be current concerns for the safety, welfare and well-being of the child. Concerns may also be about the likelihood of future harm occurring.

There must be one or more of:

- s.23(a) basic physical or psychological needs not met

- s.23(b) parents unwilling or unable to arrange necessary medical care
- s.23(c) physical or sexual abuse, or ill-treatment
- s.23(d) living with domestic violence, (consequence is being at risk of serious psychological harm)
- s.23 (e) parents' behaviour resulting in or risk of serious psychological harm.

Reportable Conduct is the term commonly used to describe different types of maltreatment on a child or young person. It includes:

- assault (including sexual assault)
- ill-treatment
- neglect and exposing the child or young person to behaviour that might cause psychological harm (NSW Interagency Guidelines for Child Protection Intervention, 2000 edition)

Under The *Children and Young persons (Care and Protection) Act, 1998*, a **child** is a person under 16 years of age and a **young person** is a person aged 16 or above but under 18 years of age. Under the *Commission for Children and Young People Act*, a **child** is a person under 18 years of age.

REPORTING

Reasonable Grounds to Suspect:

An employee of Sydney Japanese International School who has reasonable grounds to suspect that a child or young person is, or that a class of children or young persons are, at risk of harm must report this to the Principal or the Principal's nominee.

Reasonable grounds to suspect includes:

- disclosure by a child about themselves
- disclosure by another
- a cluster of indicators

What to Report:

Staff must report:

- all types of reportable conduct/neglect; and
- all situations where it is considered there is a risk of harm

How to Report:

Follow the School Policy and report through the Principal or the Principal's nominee

If the Principal decides not to report to DOCS then:

- the Principal must inform the School personnel involved
- the School personnel must report to DOCS if they still consider there are reasonable grounds to suspect that a child or young person is at risk of harm.

School Reporting Procedure

1. The Principal will contact the DOCS helpline providing the required details about the child or young person and family composition, caller's details and caller's concerns and reasons for the call. It can be helpful to have the person who first identified the risk of harm present when the helpline is contacted and actively involved in the reporting process.
2. The Principal will inform the member of staff who identified the risk of harm whether a mandatory report has been made or not.

Staff Knowledge of Mandatory Reporting

All staff who have direct contact with students are informed of their legal responsibilities and obligations, as well as the process that the school has in place related to mandatory reporting. This is done at the initial staff meeting of each school year and/or at the time of their induction as a new staff member.

1. The school requires all staff to read this policy and declare they have read and understand its contents.
2. The policy is given to new staff members at the time of employment
3. A staff member's declaration is kept on file.

Policy and Procedures for ensuring Teachers, Assistants, Casual Teachers, Outside Tutors and Volunteers are suitable and capable.

Sydney Japanese International School seeks to provide a safe and secure environment for the children and adults at the school. The school takes reasonable steps to ensure that each employee, tutor or volunteer is a suitable person to work with children. Those individuals teaching children must also have the capacity to teach the course which they have been asked to teach. It is important to screen all prospective employees, outside tutors and volunteers prior to their engagement in the school. The following procedures need to be followed in this screening process.

I. Teachers and Assistants

The following procedures are to be followed in the process of gathering and assessing relevant information about an application for employment to assist in making an informed decision whether or not to employ an applicant for a position.

The Working with Children Check

The Working with Children Check is a process for helping employers to decide whether employees and applicants are suitable for child related positions in NSW. It has two components:

- i) The *Prohibited Employment Declaration (PED)*, which is the mechanism for ensuring that Prohibited Persons (convicted offenders and Registrable Persons) do not engage in child related employment; and
- ii) The process of checking the backgrounds of preferred applicants for paid children related positions. It includes:
 - ❖ a check of relevant criminal records
 - ❖ a check of relevant Apprehended Violence Orders
 - ❖ a check of relevant employment proceedings
 - ❖ an assessment of risk where a relevant record is found
 - ❖ a report to employer
- iii) The applicant will be asked to declare whether or not they are a Prohibited Person and will need to sign the PED if they are not a Prohibited Person. If they are a Prohibited Person the school will not employ them.
- iv) The applicant will be required to fill in the *Working with Children Check Employment Screening Consent Form (WWWCESCF)*. The details of successful applicants will be sent to the designated screening agency of the NSW Commission for Children and Young People. The position offered will be dependent on a positive report from the NSW Commission for Children and Young People.
- v) If the school needs to employ the applicant before the Working with Children Check has been completed the following safeguards will be put in Place:
 - vi) The Applicant will be employed on a temporary and trial basis
 - vii) The applicant will be supervised constantly by a designated member of staff
 - viii) At no time must the applicant be alone with a child
 - ix) Regular checks and consultations with the supervising staff member will be made by the Principal regarding the applicant's performance and adherence to the above conditions.

The applicant will be provided with an information package including the obligations under child related legislation

Assessing qualifications and capacity to teach

Teachers and assistants working with children must be assessed at the time of employment and on a regular basis thereafter to ensure they have the capacities to teach according to their assignment.

The Principal is designated as the Approving Authority to determine a teacher's qualification meets the requirements set down by the Institute of Teachers Act 2004. Assistants working under the direction of a teacher must have their qualifications checked by the Principal's, who determines their suitability for the assignment.

Procedures:

- a. Teacher's / assistant's application for employment must include a list of their qualifications.
- b. The school will contact referees who have had direct recent experience with the applicant in a paid work or volunteering environment.
- c. At the time of selection for the position, the successful applicant must present original documentation, or certified copies, of their qualifications to the Principal. Copies of qualifications used to determine suitability are maintained by the school. This includes relevant copies of BOSTES accreditation documentation.
- d. A hundred point identity check must also be conducted at the time of employment.
- e. Teachers responsible for delivering any part of the required BOS syllabus must meet the standards set by the Institute of Teachers Act 2004, which may include the teacher being accredited by the Institute.
- f. In the event a teacher does not have the suitable qualifications, a decision is made by the Principal in consultation with ESCOM to accept the teacher provisionally. A program of study that meets the requirements of BOSTES must be undertaken by each teacher in this category and is under the supervision of a qualified teacher.

II. Outside Tutors, Casual Teachers and Volunteers

From time to time the school may access paid tutors, casual teachers or volunteers to deliver courses of study to students. Volunteers must teach under the supervision and guidance of current teachers of Sydney Japanese International School.

The procedure for ensuring their capacity and suitability is similar to the above-described procedures for teachers and assistants, with the following exceptions:

- a. Volunteers working in a classroom under direct supervision of a teacher do not require a Child Protection Prohibitive Employment Screening, however they must sign the Prohibitive Employment Declaration.
- b. Qualifications of volunteers may be checked but is not required.
- c. Outside Tutors and Casual Teachers may have undergone employment screening and assessment if they are part of a recognised agency. In this case, the school is not required to perform these assessments, but must receive assurance from the agency, in each instance, that the person is suitable.
- d. Provisional acceptance of a casual teacher's qualification is done by the Principal, who acts as the Approving Authority.

III. Induction and Ongoing Assessment

An employee is subject to an induction program at the time of employment, as well as regular refresher sessions programmed in to staff meeting agendas.

The Principal must supervise and assess the suitability of all employees on a regular basis.

Sydney Japanese International School Recommended Protocols for Internal Investigative and Disciplinary Proceedings Introduction

It is acknowledged that each case of alleged reportable conduct which requires internal investigation and possible disciplinary action will be quite different. These protocols have been compiled to advise how investigations and disciplinary proceedings may be conducted. They are guidelines only and in applying them one should always bear in mind the primary objectives of the relevant legislation. This document should be provided to teachers who are the subject of an internal investigation into reportable conduct.

Outline of Obligations under the Legislation

Upon receipt of an allegation of reportable conduct against an employee at Sydney Japanese International School, the Principal should determine whether or not it is a reportable allegation about or misconduct that may involve reportable conduct.

All allegations against employees that involve reportable conduct or misconduct that may involve reportable conduct must be reported within 30 days of receipt of the allegation to the Ombudsman. The allegations should also be reported to the Department of Community Services (DOCS) if there is a current concern for the safety, welfare and well being of the child.

The Principal will need:

- to conduct or cause to be conducted, an investigation of the allegation;
- decide as to whether on the balance of probabilities the allegation has been sustained or not sustained;
- decide on the disciplinary action, if any, to be taken against the employee.

At the conclusion of the investigation and the decision regarding disciplinary action, a complete report including the findings, disciplinary action decided upon and any other recommendations must be forwarded to the Ombudsman together with any information which the accused person required to be included.

Completed relevant disciplinary proceedings should be reported to the Commission for Children and Young People unless the allegation was found to be false, vexatious or misconceived.

Risk Assessment

Upon the receipt of an allegation of reportable conduct against an employee, the Principal is responsible for carrying out an initial risk assessment prior to the investigation of the allegation. The purpose of the risk assessment is to identify and minimise the risk

- to a child or children who are alleged to have been victims of the reportable conduct;
- to the employee against whom the allegation has been made;
- to other children with whom the employee may have contact;
- to the proper investigation of the allegation.

This may result, for example, in the employee being temporarily relieved of some duties, being required to avoid certain pupils or, in some special cases, being suspended from duty.

Any decision to take action as a result of a risk assessment is in no way an indication of the guilt of the employee concerned.

The factors which should be considered during the risk assessment include:

- the nature of the allegation;
- vulnerability of children;
- nature of the position occupied by the employee;
- the level of supervision of the employee;

Risk should be continually monitored throughout the investigation.

The Investigation

In conducting an investigation into allegations of reportable conduct, the Principal should be guided by the following principles.

1. Conflict of Interest and Appointment of Investigator

All investigations must be conducted in an impartial, independent and objective manner and be open and transparent. The investigator must not show bias or favour to the alleged victim (s), the person the subject of the allegation, nor in outcomes which might affect the reputations of the particular agency.

In some instances the Principal may call on an external expert to undertake the investigation. This may be the case where the School determines that it does not have the expertise to satisfactorily conduct the investigation or in cases where a conflict of interest or bias may arise.

There mere perception of a conflict of interest by an accused person is not sufficient in itself to require the appointment of an external investigator. However, if there is a clear history of conflict between the proposed investigator and the employee it would be advisable for another investigator to be appointed.

2. Confidentiality

Heads of agency and persons conducting investigations should maintain a high level of confidentiality throughout the investigation phase. Action for defamation could result in situations in which agencies have published allegations of reportable conduct / against an employee. The person making the allegation also has right to protection, and if appropriate, confidentiality. In a limited number of

circumstances it may be inappropriate to advise the accused person of the identity of the person making the allegation.

The employee should not discuss the allegations with students (including the alleged victim) or with parents without the approval of the school.

Steps in the Investigative Process

A proper investigation usually requires that an employee against whom an allegation has been made, be told promptly the substance of the allegation and be given the right to reply to the allegation.

If DOCS or police are investigating the allegation, advice should be received from them about when to inform the employee about details of the allegation. Otherwise, the decision of when to inform the employee will depend on the protection of notifiers and witnesses, the quality of evidence to be obtained and the possibility of prejudicing the conduct of the investigation.

Where possible employees should be given advance notice of an interview with the Principal or an appointed investigator, details of the allegation (sufficient to allow the employee to respond) and be advised that they may have a witness at the interview.

While it is desirable for an employee to be given reasonable notice before being required to respond to an allegation, what constitutes reasonable notice will depend on the circumstances of the situation.

Employees may wish to have someone support them during the interview process. The support person may be a friend of staff or the chapter representative. However, such a person is there for support only and as a witness to the proceedings, and not as an advocate or to take an active role in the proceedings.

A record should be kept of the meeting; this could be made by a tape recording, a full written record or short minutes. The form of record may be dependent on the seriousness of the allegation.

Listed below are fundamental steps in the investigative process. These may need to be varied on occasions to meet particular circumstances. The employer should normally:

- clarify the allegation and determine that it is an allegation of reportable conduct;
- make appropriate notifications to DOCS, police, Ombudsman;

- carry out a risk assessment;
- collect all available relevant information (ensure full documentation);
- make the employee fully aware of the allegations;
- possibly give the employee access to relevant documents on which the employer is relying, unless such documentation needs to be kept confidential;
- interview the person the subject of the allegations (ensure procedural fairness);
- consider all the evidence and make a preliminary finding as to whether the allegation is sustained or not sustained.

Findings

At the conclusion of the investigation, the investigator will make a preliminary finding on the balance of probabilities that:

1. the allegation was false; or
2. the allegation was vexatious, that is, was made without substance and with the intent of being malicious or to cause distress to the person against whom the allegation was made;
3. or the allegation was misconceived, that is, whilst the allegation was made in good faith it was either without substance or a misunderstanding on behalf of the person making the allegation occurred or the incident would not reasonably be considered as reportable conduct (irrespective of the definition), sexual misconduct or an act of violence;
4. or the allegation was not sustained; or
5. the allegation was not one of reportable conduct, but might constitute a breach of professional behaviour or judgment which requires further professional disciplinary action; or the allegation was sustained and the matter required disciplinary action.

A finding of 'not sustained' means that the investigator considers that there is insufficient evidence to determine that the alleged event occurred, on the balance of probabilities.

The employee should be told of the preliminary finding and given an opportunity to respond including, if they wish in writing.

Disciplinary Proceedings

For the purpose of this recommended protocol disciplinary proceedings are defined as the action taken as a consequence of the findings arising out of the investigation. When conducting disciplinary proceedings the employer should have regard to procedural fairness. This will usually involve:

- giving the employee details of the final finding;
- informing the employee of the possible action the employer may take; and
- giving the employee a right to respond including, if they wish in writing.

When the investigation has been completed

The employee is entitled to ask the Ombudsman to review the investigation and findings if the employee believes the investigation was unfair, biased, incomplete or suffered some other deficiency giving rise to an incorrect finding.

The employee must be advised if the School has notified completed disciplinary proceedings to the Commission for Children and Young People.

If the completed disciplinary proceedings are notified to the Commission for Children and Young People, the employee is entitled to inspect the employer file in accordance with Freedom of Information Principles, subject to any exemptions which may apply under that Act.

Notification to the Commission for Children and Young People (CCYP).

The Commission for Children and Young People Act requires all completed investigations into allegations of reportable conduct to be reported to it. It is an offence under the Act to fail to report unless the allegation is found to be either:

- false (the alleged conduct did not occur);
- vexatious (without substance, malicious intent);
- misconceived (not reasonably be considered to be reportable conduct).