

CHILD PROTECTION POLICY

Governance | Compliance Section | Authorised by Board of Directors

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1. Purpose and Scope

This policy sets out staff responsibilities for child protection and the processes that all staff must follow in relation to child protection matters. This policy applies to all staff members, which includes employees, contractors and volunteers.

⚠ Important: Staff members who fail to adhere to this policy may be in breach of their terms of employment, contract or terms of engagement.

2. Key Legislation

There are four key pieces of child protection legislation in New South Wales:

- Children and Young Persons (Care and Protection) Act 1998 ("Care and Protection Act")
- Child Protection (Working with Children) Act 2012 ("WWC Act")
- Children's Guardian Act 2019 ("Children's Guardian Act") — including Part 3A Child Safe Scheme
- Crimes Act 1900
- NDIS Act 2013

3. Child Safe Scheme and Child Safe Standards

The Child Safe Scheme gives the Office of the Children's Guardian (OCG) additional powers to monitor and investigate how organisations implement the Child Safe Standards to support the safety and wellbeing of children and young people. Under the Scheme, certain child-related organisations — including those in education, early childhood, health, and youth justice sectors — must implement the Child Safe Standards.

The Office of the Children's Guardian (OCG) is an independent statutory body that promotes the interests, safety and rights of children and young people in NSW. Its core functions include administering Working With Children Checks, the Reportable Conduct Scheme, and implementation of the Child Safe Standards.

The ten Child Safe Standards are:

#	Child Safe Standard
1	Child safety is embedded in organisational leadership, governance and culture.
2	Children participate in decisions affecting them and are taken seriously.
3	Families and communities are informed and involved.
4	Equity is upheld, and diverse needs are taken into account.
5	People working with children are suitable and supported.
6	Processes to respond to complaints of child abuse are child focused.
7	Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.

#	Child Safe Standard
8	Physical and online environments minimise the opportunity for abuse to occur.
9	Implementation of the Child Safe Standards is continuously reviewed and improved.
10	Policies and procedures document how the organisation is child safe.

4. Related Policies

Staff members must be aware of and understand the following related policies:

- Code of Conduct — standards of behaviour expected of all staff members
- Work Health and Safety Statement — obligations under work health and safety legislation
- Discrimination, Harassment and Bullying Statement — obligations in relation to unlawful discrimination, harassment and bullying
- Complaint Handling Procedures — steps taken by the school in addressing complaints
- Anti-Bullying Policy
- Safeguarding and Incident Reporting Policy
- Organisational Development Policy

5. Compliance and Records

The Clinical Director and their delegate monitors compliance with this policy and securely maintains the following school records:

- Register of staff members who have read and acknowledged this policy
- Working with Children Check (WWCC) clearance verifications
- Mandatory reports to the Department of Communities and Justice (DCJ)
- Reports of reportable conduct allegations, investigation outcomes, and/or criminal convictions

6. Child Protection Responsibilities

The safety, protection and welfare of students is the responsibility of all staff members and encompasses:

- A duty of care to ensure that reasonable steps are taken to prevent harm to students which could reasonably have been foreseen
- Obligations under child protection legislation

6.1 Forms of Child Abuse

Neglect	The continued failure by a parent or caregiver to provide a child with basic necessities for proper growth and development, such as food, clothing, shelter, medical and dental care, and adequate supervision.
Sexual Abuse	When someone involves a child or young person in sexual activity by using their power over them or taking advantage of their trust. Child sexual abuse is a crime.
Physical Abuse	A non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person, including injuries from excessive discipline or severe beatings. Hitting a child around the head or neck and/or using an object to discipline a child is a crime.

Emotional Abuse

Behaviour by a parent or caregiver that damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma. Can include excessive criticism, withholding affection, exposure to domestic violence, intimidation, or threatening behaviour.

6.2 Child Wellbeing Concerns

Child wellbeing concerns are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold of 'risk of significant harm' (see Section 8.1.2).

6.3 Staff Member Responsibilities

All staff are required to report any child protection or child wellbeing concern about the safety, welfare or wellbeing of a child or young person to the Clinical Director.

⚠ Important: *If the allegation involves the Clinical Director, a report must be made directly to the Chairman of the School Board.*

7. Training

7.1 The School's Obligations

- Provide all staff members with a copy of this policy
- Provide all staff with the opportunity to participate in child protection training annually
- Display safeguarding posters in all school buildings reminding staff, volunteers, and contractors of their mandatory reporting obligations
- Discuss this policy during the 'policy spotlight' segment of whole school meetings (monthly rotation — at least once per school year)

7.2 Staff Member Obligations

- All new staff members must read this policy and sign the acknowledgement
- All staff must participate in annual child protection training and any additional training directed by the Clinical Director

Training covers:

- Mandatory reporting
- Reportable conduct
- Working with Children Checks
- Professional boundaries

8. Working With Children Checks (WWCC)

The WWC Act protects children by requiring workers to hold a WWCC clearance or current application to engage in child-related work. Failure to comply may result in a fine or imprisonment.

8.1 Staff Member Responsibilities

Staff members who engage in child-related work and eligible volunteers must:

- Hold and maintain a valid WWCC clearance
- Not engage in child-related work at any time they are subject to an interim bar or bar
- Report to the Clinical Director if their WWCC clearance status changes or they are subject to a risk assessment by the OCG
- Notify the OCG of any change to personal details within 3 months of the change

Note: It is an offence for an employee to engage in child-related work without a valid WWCC clearance or while subject to a bar.

8.2 School Responsibilities

- Verify online and record the status of each child-related worker's WWCC clearance
- Only employ or engage child-related workers or eligible volunteers who hold a valid WWCC clearance
- Advise the OCG of findings made after completing a reportable conduct investigation, including whether reportable conduct is found
- Refer sustained findings of sexual misconduct, sexual offences, or serious physical assault to the OCG's WWCC Directorate

8.3 WWCC Clearance — Application, Refusal and Interim Bar

- Applications and renewals are made through Service NSW. The OCG conducts a national police check and misconduct review
- Refusal or cancellation: the person is restricted from child-related work and cannot reapply for 5 years. Employers are notified by the OCG
- Interim bar: the OCG may issue an interim bar for up to 12 months for high-risk individuals. May be appealed to the Administrative Decisions Tribunal if in place 6+ months
- Disqualified person: a person convicted of a disqualifying offence (Schedule 2, WWC Act) cannot be granted a WWCC clearance

8.4 Ongoing Monitoring

The OCG continuously monitors the criminal records and professional conduct findings of all WWCC clearance holders through an ongoing risk assessment process. A risk assessment evaluates an individual's suitability for child-related work when a new record is received, including Schedule 1 offences or patterns of behaviour involving violence or sexual misconduct.

9. Mandatory Reporting

The Care and Protection Act provides for mandatory reporting of children at risk of significant harm. A child is a person under 16 years; a young person is 16–17 years, for the purposes of this Act.

Mandatory reporting applies to persons who:

- In the course of their employment, deliver services including health care, welfare, education, children's services, and residential services to children; or
- Hold a management position with direct responsibility for or supervision of the provision of such services to children

Note: All teachers are mandatory reporters. Any queries about whether other staff members are mandatory reporters should be directed to the Clinical Director.

9.1 Reports to the Department of Communities and Justice (DCJ)

A mandatory reporter must, where they have reasonable grounds to suspect that a child (under 16 years) is at risk of significant harm, report to DCJ as soon as practicable. The report must include the child's name or description and the grounds for suspecting significant harm.

Note: In the independent school sector, a mandatory reporter meets their obligation by reporting to the Principal (Clinical Director). This centralised reporting model ensures the school has all relevant information and reduces the risk of cumulative harm going undetected.

9.2 Reasonable Grounds

'Reasonable grounds' means an objective basis for suspecting a child may be at risk, based on:

- First-hand observations of the child, young person or family
- Disclosures made by the child, young person, parent or another person
- What can reasonably be inferred based on professional training and/or experience

Note: Reasonable grounds does not require confirmed suspicions or clear proof before making a report.

9.3 Significant Harm

A child is 'at risk of significant harm' if current concerns exist for their safety, welfare or wellbeing because of any of the following:

- Basic physical or psychological needs are not being met or are at risk of not being met
- Parents or caregivers have not arranged and are unable or unwilling to arrange necessary medical care
- Parents or caregivers have not arranged and are unable or unwilling to arrange education (as required by the Education Act 1990)
- The child has been, or is at risk of being, physically or sexually abused or ill-treated
- The child lives in a household where domestic violence has occurred, creating risk of serious harm
- A parent or caregiver has behaved in a way that has caused or risks causing the child serious psychological harm
- The child was the subject of a pre-natal report and the birth mother did not engage successfully with support services

9.4 Process for Mandatory Reporting — Staff Members

Staff must:

- Raise concerns about a child who may be at risk with the Clinical Director as soon as possible
- Not undertake any investigation of the matter themselves
- Not inform parents or caregivers that a DCJ report has been made
- Handle the matter confidentially — disclosure only to the Clinical Director or as required by law

Important: If there is immediate danger and the Clinical Director is not contactable, staff must contact Police and/or the Child Protection Helpline (13 21 11) directly, then advise the Clinical Director as soon as possible.

10. Reportable Conduct

Section 29 of the Children's Guardian Act 2019 requires the Head of Entity (Clinical Director) to notify the OCG of all allegations of reportable conduct and convictions involving an employee, and the outcome of any investigation.

10.1 What is Reportable Conduct?

Under the Children's Guardian Act 2019, reportable conduct is defined as:

- A sexual offence
- Sexual misconduct
- An assault against a child
- Ill-treatment of a child
- Neglect of a child
- An offence under s43B (failure to protect) or s316A (failure to report) of the Crimes Act 1900
- Behaviour that causes significant emotional or psychological harm to a child

Reportable conduct does NOT extend to:

- Conduct that is reasonable for the purposes of discipline, management or care of children, having regard to age, maturity, health, and relevant codes of conduct
- Use of physical force that is trivial or negligible in the circumstances and has been investigated and recorded
- Conduct exempted by the Children's Guardian under section 30

Note: Example of reasonable conduct (a): a teacher raising their voice to restore order in a classroom. Example of trivial physical force (b): momentarily restraining a child to prevent injury.

10.2 Key Definitions

Sexual Offence	An offence of a sexual nature under State, Territory or Commonwealth law, committed against, with or in the presence of a child — including sexual touching, grooming, and production/possession of child abuse material.
Sexual Misconduct	Conduct with, towards or in the presence of a child that is sexual in nature but not a sexual offence — including sexual comments, conversations, or expressions of desire to act sexually towards a child.
Assault	Intentionally or recklessly applying physical force against a child without lawful justification, or causing a child to apprehend the immediate unlawful use of physical force.
Ill-Treatment	Conduct towards a child that is unreasonable and seriously inappropriate, improper, inhumane or cruel — including excessive/degrading demands, hostile or degrading behaviour, or inappropriate behaviour management.
Neglect	A significant failure to provide adequate food, supervision, nursing, clothing, medical aid or lodging to a child, causing or likely to cause harm, by a person with care or responsibility for that child.
Psychological Harm	Conduct that is intentional or reckless, obviously unreasonable, and results in significant emotional harm or trauma to a child. Must include a causal link between the conduct and harm.
Reportable Allegation	An allegation that an employee has engaged in conduct that may be reportable conduct.
Reportable Conviction	A conviction (including a finding of guilt without a formal conviction) for an offence involving reportable conduct, in NSW or elsewhere.
Employee (ESOA)	Includes employed individuals, volunteers, and contractors who hold or are required to hold a WWCC clearance. ESOA = Employee Subject of the Allegation.

10.3 Process for Reporting Reportable Conduct — Staff Members

Staff must report to the Clinical Director:

- Any concern about another employee engaging in inappropriate or reportable conduct
- Any allegation of inappropriate or reportable conduct made to them or about themselves
- Knowledge that an employee has been charged with or convicted of an offence involving reportable conduct

⚠ Important: If the allegation involves the Clinical Director, the staff member must report directly to the Chairman of the School Board.

10.4 Process for Reporting Reportable Conduct — The School

The Clinical Director, as Head of Entity, must:

- Ensure systems are in place for preventing, detecting and responding to reportable allegations or convictions
- Submit a 7-day notification form to the OCG within 7 business days of becoming aware of a reportable allegation or conviction

The 7-day notification must include:

- a) That a report has been received in relation to an employee
- b) The type of reportable conduct
- c) The name of the employee
- d) The name and contact details of the school and Head of Entity
- e) Whether the matter has been reported to Police
- f) Whether a report has been made to the Child Protection Helpline
- g) The nature of the school's initial risk assessment and risk management action

⚠ Important: Maximum penalty for failure to notify the OCG within 7 business days: 10 penalty units.

11. Investigation of Reportable Conduct Allegations

The Clinical Director is responsible for ensuring the following steps are taken when investigating an allegation of reportable conduct:

1

Initial Assessment

Determine whether the matter is an allegation of reportable conduct. Assess whether DCJ or Police need to be notified. Seek clearance from statutory agencies before proceeding with the internal investigation if they have been notified.

2

Notify Affected Parties

Notify the child's parents (unless this would compromise the investigation). Notify the OCG within 7 business days. Provide an initial letter to the ESOA advising of the allegation and the school's obligation to investigate under s34 of the Children's Guardian Act 2019.

3

Risk Assessment

Conduct an initial risk assessment considering: the nature and seriousness of the allegations; vulnerability of children in contact with the ESOA; position and supervision level of the ESOA; disciplinary history. Take action to reduce/remove risk — this may include temporary reallocation of duties, restricted student contact, paid leave, or suspension.

4

Investigation

Interview relevant witnesses and gather documentation. Provide a letter of allegation to the ESOA. Provide the ESOA with the opportunity to respond in writing or at interview. Consider all relevant evidence in accordance with OCG guidelines.

5


Preliminary Finding

Make a preliminary finding and inform the ESOA in writing. Provide the ESOA with a further opportunity to respond or make a submission before the matter moves to final findings.

6 Final Finding and Disciplinary Action
Make a final finding in accordance with OCG guidelines. Decide on any disciplinary action (including possible termination). Advise the ESOA of any proposed disciplinary action and provide a reasonable opportunity to respond.

7 Report to OCG
Send the final report to the OCG within 30 days of receiving the allegation (s36, Children's Guardian Act 2019). If the report cannot be completed within 30 days, an interim report must be submitted at the 30-day mark, including reasons for delay, action taken, and proposed next steps.

8 Record Keeping
Maintain all investigation records in secure, soft-copy format accessible only by the Clinical Director or with their express authority. No employee may comment to the media about a reportable conduct allegation without express authorisation from the Clinical Director.

 **Note:** Investigation principles include: procedural fairness; informing the ESOA of the substance of allegations at the appropriate time; no conflicts of interest; no unjustifiable delay; maximum confidentiality; and appropriate support for all parties including the child, witnesses, and the ESOA.

12. Criminal Offences

In 2018 the Crimes Act 1900 was amended following recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The following offences apply to all staff members:

12.1 Failure to Protect (s43B, Crimes Act 1900)


An adult working in a school commits an offence if they know another adult working there poses a serious risk of committing a child abuse offence, they have the power to reduce or remove the risk, and they negligently fail to do so.

12.2 Failure to Report (s316A, Crimes Act 1900)

Any adult commits an offence if they know, believe, or reasonably ought to know that a child abuse offence has been committed and fail to report that information to Police without reasonable excuse. A reasonable excuse includes having reported the matter to the Clinical Director and being aware the Clinical Director has reported it to Police.

12.3 Special Care Relationships (s73 and s73A, Crimes Act 1900)

It is a crime in NSW for a staff member, volunteer or contractor to have a sexual relationship with a student where a special care relationship exists. A special care relationship applies where the adult is a member of the teaching staff at the school where the young person is a student, or has an established personal relationship with the young person in connection with religious, sporting, musical or other instruction.

 **Note:** Special care offences apply to young people aged 16–17 years and cover both sexual intercourse (s73) and sexual touching (s73A).

13. Attachments and References

Attachments

The following documents are attached to this policy:

- School Incident Report Form

- 'Keeping Children Safe is Everyone's Responsibility' poster — identifying key personnel to report to within Woodbury
- Peer-on-Peer Abuse Reporting Obligations

References

- NSW Department of Communities and Justice — www.dcj.nsw.gov.au
- Office of the Children's Guardian — ocg.nsw.gov.au

14. Policy Approval and Version Control

Version	Date	Approved By	Summary of Changes
1.0	July 2025	Board of Directors	

STAFF ACKNOWLEDGEMENT

I _____ have read, understood and agree to comply with the terms of this Child Protection Policy.

Signed: _____ Dated: _____

This document is approved by the Board of Directors of Woodbury Autism Education and Research Limited