

# DIOCESE OF LISMORE



## CHILD PROTECTION POLICY AND PROCEDURES

### CATHOLIC SCHOOLS OFFICE

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<b>Policy Contact Officer:</b>	Neil Graham CSO / Chancellor Bishops Office
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**CHILD PROTECTION PROCEDURES**  
**CATHOLIC SCHOOLS OFFICE**

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# DIOCESE OF LISMORE CHILD PROTECTION POLICY

## 1. INTRODUCTION

*Anyone who welcomes a little child like this in my name welcomes me. But anyone who is an obstacle to bring down one of these little ones who have faith in me would be better drowned in the depths of the sea with a great millstone round his neck.*

(Matthew 18:5 –7)

These words of Christ our Lord reveal a teaching that is both warm towards children but speaks with unusual sternness against anyone who would take advantage of their innocence. The passage provides for His Church the basis for that special place that children must have within our community. The severe words of warning also form a starting point from which the Church may proceed in devising a policy to ensure that the children to whom she ministers in her spiritual, educational and social works are protected from harm of any sort.

In our own day, when sadly the Church in some places has been beset by these very scandals, the late Pope John Paul spoke with a similar severity. “The abuse,” he said, “is by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God.” “In addressing the problem of abuse with clarity and determination, the Church will help society to understand and deal with the crisis in its midst . . . people need to know that there is no place in the priesthood or religious life for those who would harm the young.” — *Address to the Cardinals of the United States, 23 April, 2002.*

In the Church in Australia, determined efforts have been made at every level to identify and to deal with any person accused of doing harm to children. Carefully developed protocols, which are under regular review, are established for this purpose, and operate in every State and diocese.

This policy represents a particular aspect of the effort undertaken by the Diocese of Lismore to deal effectively with any offenders within its various entities. We are determined that this endeavour will continue in a structured and effective way. The Diocese is also committed to assist victims in every way possible and to bring healing to the suffering that has been caused.

On 1st July 2005 when this policy takes effect, the Bishop assumes the responsibility as “Head of Agency” for all matters relating to child protection in the Diocese of Lismore and its related entities which fall under the Ombudsman’s Act. Training in processes to ensure a correct understanding of what constitutes reportable conduct and the manner in which the obligatory responses are to be made are part of that responsibility.

In pursuing these responsibilities the Diocese seeks to ensure that its children and young people are protected from all forms of reportable conduct behaviour. It supports child protection and all measures for the prevention of reportable conduct in the workplace. The Diocese also supports measures to ensure that its children and young people will be taught how to protect themselves, and to seek help if they are concerned about abuse.

## **2. STATEMENT OF PRINCIPLES**

Within the Diocese of Lismore the procedures to be followed in handling reportable conduct are based on the following principles:

- All people are created in the image and likeness of God and are endowed, in their nature, with certain inalienable rights for their own good and that of humanity.
- Jesus Christ, through the Scriptures, Tradition and Teaching Authority of the Church instructs us about the dignity and infinite value of every human being, especially children and young persons.
- All children and young persons have the right to safety and to be protected from any kind of reportable conduct.
- Persons involved in situations where reportable conduct is disclosed or suspected should be treated with sensitivity, dignity and respect.
- In any preventive and/or protective action related to reportable conduct, the total well-being of the child is the primary concern.
- The value of the family unit is respected but not to the detriment of the well-being of the child
- Those responsible for the administration and conduct of any Parish, School, Hospital or Child Care Facility are to be informed promptly of suspected or disclosed incidents of reportable conduct as well as serious matters concerning the welfare of children, who come under their sphere of responsibility. This obligation is shared by all staff, including support staff and authorised volunteers.
- Information regarding suspected or disclosed reportable conduct shall be made available only to those personnel who have a genuine need to be informed. Personnel who have access to such information have the obligation to observe appropriate confidentiality in relation to this information.
- Personnel are expected to avoid any false, exaggerated or unjustified assertions that may infringe the good name of another person.

### **3. DEFINITIONS**

#### **Child**

Includes all children and young people up to the age of 18 years.

#### **Class or Kind Determination**

Pursuant to s.25CA of the Act, the Ombudsman has determined that the Catholic Schools Office (CSO), Diocese of Lismore has achieved a standard of investigation practice whereby only the reportable allegations against employees of the CSO specified below need be notified to the Ombudsman under s.25C(1):

3.1 NO allegation of a physical assault, or a threat of a physical assault, need be reported to the Ombudsman as a reportable allegation, unless it is alleged that:

- a) there was contact with any body part or area of a child that was clearly hostile and forceful, or reckless, and which had the potential to, or resulted in significant harm or injury to the child; or
- b) a child believed that the threat would result in significant harm or injury to them.

If an allegation of physical assault, or a threat of a physical assault specified in (a) and (b) above is reported to the Ombudsman as a reportable allegation, relevant documentation of the CSO's management of any previous exempted matters concerning the employee must be provided to the Ombudsman attached to the notification of the reportable allegation, unless previously provided.

3.2 NO allegation of neglect need be reported to the Ombudsman as a reportable allegation, unless it is alleged that:

- a) the neglect resulted in sexual or significant physical harm to a child or a real appreciable risk of such harm to a child; or
- b) a child suffered psychological harm as a result of the neglect

If an allegation of neglect specified in (a) and (b) above is reported to the Ombudsman as a reportable allegation, relevant documentation of the CSO's management of any previous exempted matters concerning the employee must be provided to the Ombudsman attached to the notification of the reportable allegation, unless previously provided.

3.3 NO allegation of ill-treatment need be reported to the Ombudsman as a reportable allegation, unless it is alleged that:

- a) the ill-treatment resulted in significant physical harm to a child or a real and appreciable risk of such harm to a child; or

- b) a child suffered psychological harm as a result of the ill-treatment.

If an allegation of ill-treatment specified in (a) and (b) above is reported to the Ombudsman as a reportable allegation, relevant documentation of the CSO's management of any previous exempted matters concerning the employee must be provided to the Ombudsman attached to the notification of the reportable allegation, unless previously provided.

3.4 In relation to the classes and kinds of alleged conduct against the CSO's employees exempted (listed above) from being reportable allegations, the CSO is nevertheless required to:

- a) Investigate the allegation, including undertaking a risk assessment and making a finding as a result of that investigation,
- b) Take appropriate action as a result of that investigation,
- c) Keep adequate records of the investigation and the reasons for taking or not taking any action as a result of the investigation,
- d) Keep adequate records of those matters covered by this Determination and store those records in a place accessible to the Ombudsman for auditing purposes under s25B of the Act, and
- e) Provide to the Ombudsman, every six months, the total number and category breakdown of allegations exempted from notification to the Ombudsman under the provisions of this Determination.

### **Confidentiality**

Confidentiality aims to preserve the dignity of the child/ren, the employee and other persons involved an investigation.

Confidentiality also aims to ensure the investigation is not compromised and that relevant investigation documents are securely stored.

### **Conflict of interest**

Investigators should be objective and impartial, and be seen as such. One factor that can affect an investigator's neutrality is a conflict of interests between their role as an investigator and other personal or professional views or responsibilities. Investigators must declare to the Director for Catholic Schools any conflict of interests from the initial notification of an investigation and a decision made as to whether an alternative investigator is to be utilized.

### **Conviction of reportable conduct**

This means any conviction of a person, in New South Wales or elsewhere, of an offence involving reportable conduct, and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction.

## **Diocesan Investigators**

For the purposes of this policy the following will be the normal Diocesan Investigators:-

The Chancellor of the Diocese

The Human Resource Officers' - Diocese of Lismore,  
- Catholic Schools Office Lismore and  
- St Vincent's Hospital, Lismore.

Suitably qualified persons, selected by the Head of Agency, may be appointed to conduct or assist in investigations as required.

## **Employee**

An employee is any person who is employed by the agency, whether or not they are employed to work directly with children, as well as anyone from outside the agency who is engaged to provide services to children such as contractors, foster carers, volunteers, students on placement, instructors of religion.

## **Employees' duty to report**

Employees are required to bring to the attention of their Principal any potential, perceived or actual contraventions of any of the boundaries set out in the Diocese of Lismore's *Guidelines for Professional Conduct* whether by themselves or colleagues. The requirement to report any possible contraventions is essential given the duty of care owed to students within the school environment. In addition, all employees are to notify any allegation of reportable conduct or reportable convictions of which they become aware of in accordance with current legislation and Diocesan policy.

## **Head of agency**

The head of agency is the Bishop of the Diocese of Lismore.

## **Ill-treatment**

Ill-treatment of a child includes excessive and inappropriate punishment, discipline or correction of a child that violates community standards, such as restricting a child's freedom or making excessive demands or unreasonable demands on a child

## **Investigation**

An investigation of a matter includes any preliminary or other inquiry into, or examination of, the matter.

## **Neglect**

Neglect is action or omission, by a person who has carer responsibilities for a child, involving:

- A failure to provide the child with the basic necessities of life, such as sustenance, care or protection; or
- A significant careless action or inaction resulting in physical harm to the child

### **Notifying Person**

The person making the allegation/complaint.

### **Physical assault**

Involves a hostile act by the employee towards a child. The assault occurs regardless of the employee's intention to harm the child and regardless of the child's consent. Assault can include pushing, shoving, hitting, smacking, threatening behaviour (verbal or actions) that causes the child to feel that an assault is likely to occur.

Physical assault of a child under common law principles, must include all three of the following elements:

- a) It is an act committed on or towards a child; and
- b) It involves either the application of force to a child or an act that causes a child to think that immediate force will be used on them; and
- c) It is either hostile or reckless (a reckless act is one where a person would reasonably foresee the consequence of a likelihood of inflicting injury or fear, and ignores the risk)

Actual physical harm does not have to occur in order for assault to have occurred. Physical contact which is of an inevitable or accepted part of everyday life does not amount to an assault.

### **Psychological harm**

Is psychologically harmful behaviour that results in significant harm or trauma to a child. There needs to be a causal link between the inappropriate behaviour and the harm.

Allegations of psychological harm must include the following three elements:

- A description of persistent and targeted behaviour, e.g. scapegoating, humiliation or verbal abuse – although in some cases the alleged behaviour may be a single incident which is extreme and harmful to a child;

- Signs of harm e.g. displaying patterns of “out of character behaviour” such as refusal to attend school, sleep disturbances, anxiety, physical symptoms, self harm;
- An alleged causal link between the behaviour and the harm

### **Relevant employment proceedings**

Disciplinary proceedings (in NSW or elsewhere) against an employee by the employer or by a professional body that supervises the professional conduct of the employee, being proceedings involving:

- Reportable conduct by the employee, or
- An act of violence committed by the employee in the course of employment and in the presence of a child

### **Reportable allegation**

An allegation is behaviour or misconduct by an employee that may involve reportable conduct and includes:

- Identification of a person who is a current employee of the agency.
- An alleged offence or description of offending behaviour that meets the definition of reportable conduct.
- A person who was a child or young person at the time of the alleged offence or behaviour described.

Any allegation of reportable conduct must be reported to the Ombudsman.

### **Reportable conduct**

Reportable conduct means:

- Any sexual offence, or sexual misconduct, committed against, with or in the presence of a child (including a child pornography offence or an offence involving child abuse material ); or
- Any assault, ill-treatment or neglect of a child; or
- Any behaviour that causes psychological harm to a child, whether or not, in any case with the consent of the child

Reportable conduct does not extend to:

- Conduct that is reasonable for the purpose of the discipline, management and care of children, having regard to the age, maturity, health or other

characteristics of the children and to any relevant codes of conduct or professional standards; or

- The use of physical force that in all circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- Conduct of a Class or Kind exempted from being reportable conduct by the NSW Ombudsman under section 25CA of the Ombudsman Act.

### **Responsible persons**

A Parish Priest, a Principal of a Catholic School, the Directors of Nursing and Business at St Vincent's Hospital, Lismore and other Directors of Agencies and Departments initially responsible for the operation of that Agency or Department (e.g. Director of Child Care Centre).

### **Risk of significant harm**

Significant means to a significant extent i.e. sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

Significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on a child or young person's safety, welfare or wellbeing

### **Subject Person**

The person about whom the allegation/complaint has been made.

## **4. LEGISLATIVE REQUIREMENTS**

### **Internal investigation of an allegation of reportable conduct**

This involves a process where the Diocese of Lismore carries out an assessment of a reportable conduct allegation against a subject person to:

- Gather all relevant facts.
- Make a decision as to whether an allegation is sustained or not.
- Provide information to assist any relevant employment proceedings.

This document is written in light of New South Wales legislation pertaining to the following Acts:

<b>ACT</b>	<b>KEY AGENCY ISSUE</b>
Ombudsman Act 1974	All government departments, public authorities and certain non-government agencies in NSW are required to respond to allegations or convictions of reportable conduct against an employee and to notify the Ombudsman.
Child Protection (Working with Children) Act 2012	To protect children by not permitting certain persons to engage in child-related work and requiring persons engaged in child-related work to have working with children clearances
Children and Young Persons (Care and Protection) Act 1998	Employees are required to report to the “Helpline” of Community Services any children and young people whom they suspect to be at “risk of significant harm”.

## **5. PREVENTION**

Child protection is a broad responsibility and involves more than responding once an allegation has been made. It involves minimizing the possibility of reportable conduct occurring in the first place. The Diocese of Lismore is totally opposed to any form of reportable conduct practices and supports child protection and prevention in the workplace.

Strategies that can be utilized by the Diocese of Lismore to prevent reportable conduct practices could include:

- Developing and reviewing strategies to minimize reportable conduct occurring e.g. conducting child protection induction sessions for new and beginning teachers to the Diocese of Lismore and encouraging individual School Principals to ensure Child Protection forms a regular part of staff meetings.
- Requiring Clerics, Religious and employees to sign off their acknowledgement and understanding of the child protection policy.
- Ensuring the policy is dated as well as a date it will be reviewed.
- Having guidelines e.g. Guidelines for Professional Conduct, that define appropriate and inappropriate behaviour (See Attachment A).
- Clearly defining each person’s Vocation or role within the organization.
- Implementing thorough Vocational training/Incardination or employment procedures strategies that identify people who are not suitable to work with children. E.g. reference checking, pre-employment screening and detailed questioning at interviews (See attachments B & C & H & I).
- Providing information to families and the community on the child protection strategies that have been adopted by the Diocese of Lismore e.g. included in Parish and/or school handbooks.
- Training for Clerics, Religious and employees to promote best practices and to ensure a safe environment for children and employees.

- Raising awareness in the general community about child protection by displaying brochures, posters and school newsletters.

## 6. REVIEW

This policy will be reviewed from time to time in line with legislative changes and the requirements of the Diocese of Lismore. This policy was last reviewed on 24<sup>th</sup> January, 2014.

Dated this 24th day of January, 2014

A handwritten signature in black ink that reads "+ Geoffrey Jarrett". The signature is written in a cursive style with a cross at the beginning.

Most Rev G H Jarrett DD  
*Bishop of Lismore*

# CHILD PROTECTION PROCEDURES

## 1) MANAGING COMPLAINTS AND ALLEGATIONS

Within the Diocese of Lismore all complaints and allegations are managed centrally by the Head of Agency, utilizing the Chancery, the Catholic Schools Office and St Vincent's Hospital. The procedures, although similar in many respects, are tailored to meet the particular needs of agencies in this three-fold approach.

Parish and St. Vincent's Hospital Procedures are outlined elsewhere. The Catholic Schools Office will follow the process outlined below.

Complaints and allegations are managed under the following three categories:

- Complaints which are not notifiable to the Ombudsman.
- Allegations of reportable conduct notifiable to the Ombudsman.
- Allegations of reportable conduct notifiable to the Ombudsman and reportable to Community Services.

## CATHOLIC SCHOOLS OFFICE

### 2) Complaints which are not notifiable to the Ombudsman.

WHEN IS A COMPLAINT NOT NOTIFIABLE TO THE OMBUDSMAN?

Pursuant to s.25CA of the Act, the Ombudsman has determined that the Catholic Schools Office (CSO), Diocese of Lismore has achieved a standard of investigation practice whereby only the reportable allegations against employees of the CSO specified below need be notified to the Ombudsman under s.25C(1):

- 2.1 NO allegation of a physical assault, or a threat of a physical assault, need be reported to

The Ombudsman as a reportable allegation, unless it is alleged that:

- a) there was contact with any body part or area of a child that was clearly hostile and forceful, or reckless, and which had the potential to, or resulted in significant harm or injury to the child; or
- b) a child believed that the threat would result in significant harm or injury to them.

If an allegation of physical assault, or a threat of a physical assault specified in (a) and (b) above is reported to the Ombudsman as a reportable allegation, relevant documentation of the CSO's management of any previous exempted matters concerning the employee must be provided to the Ombudsman attached to the notification of the reportable allegation, unless previously provided.

2.2 NO allegation of neglect need be reported to the Ombudsman as a reportable allegation, unless it is alleged that:

- a) the neglect resulted in sexual or significant physical harm to a child or a real appreciable risk of such harm to a child; or
- b) a child suffered psychological harm as a result of the neglect

If an allegation of neglect specified in (a) and (b) above is reported to the Ombudsman as a reportable allegation, relevant documentation of the CSO's management of any previous exempted matters concerning the employee must be provided to the Ombudsman attached to the notification of the reportable allegation, unless previously provided.

2.3 NO allegation of ill-treatment need be reported to the Ombudsman as a reportable allegation, unless it is alleged that:

- a) the ill-treatment resulted in significant physical harm to a child or a real and appreciable risk of such harm to a child; or
- b) a child suffered psychological harm as a result of the ill treatment.

If an allegation of ill-treatment specified in (a) and (b) above is reported to the Ombudsman as a reportable allegation, relevant documentation of the CSO's management of any previous exempted matters concerning the employee must be provided to the Ombudsman attached to the notification of the reportable allegation, unless previously provided.

2.4 In relation to the classes and kinds of alleged conduct against the CSO's employees exempted (listed above) from being reportable allegations, the CSO is nevertheless required to:

- a) Investigate the allegation, including undertaking a risk assessment and making a finding as a result of that investigation,
- b) Take appropriate action as a result of that investigation,
- c) Keep adequate records of the investigation and the reasons for taking or not taking any action as a result of the investigation,
- d) Keep adequate records of those matters covered by this Determination and store those records in a place accessible to the Ombudsman for auditing purposes under s25B of the Act, and
- e) Provide to the Ombudsman, every six months, the total number and category breakdown of allegations exempted from notification to the Ombudsman under the provisions of this Determination.

## **THE PROCESS**

### **1. Record allegation**

The 'Responsible Person' (normally the Principal) records in writing (Attachment D) information from the person/s reporting the complaint against the staff member using the person's exact words and advises there will be an inquiry into the complaint. In recording the complaint the Responsible person notes WHO is involved, WHAT happened, WHEN did it happen, WHERE did it happen, HOW did it happen. This information is forwarded to the Human Resources Officer on confidential fax no.(02) 6622 4767.

### **2. Confer with Catholic Schools Office**

The Responsible Person confers with the Human Resources Officer at the Catholic Schools Office and together they determine the next steps to be taken including confirming that the matter is to be managed as a complaint of non-reportable conduct rather than reportable conduct notifiable to the Ombudsman.

In making this assessment they consider whether there are reasonable grounds to suspect a child is at current risk of harm and hence the complaint needs to be reported to the Department of Community Services as required by the Children and Young Persons (Care and Protection) Act 1998. If they are unsure whether to report to Community Services they seek advice from the Head of Agency, complete the mandatory reporter guide on the Keep Them Safe website or from Community Services by ringing the Community Services Helpline on 133627.

### **3. If report is made to Community Services**

If a report is made to Community services, no investigation is undertaken by the CSO but the matter is notified to the Ombudsman's Office. If Community Services investigates an employee of the Lismore Catholic schools system, the Human Resources Officer (or other designated officer) is the system representative who manages the process (see *Managing allegations of reportable conduct notifiable to the Ombudsman and reportable to Community Services*).

### **4. Initial child protection information details form**

If it is determined the allegation/possible allegation is a complaint that is not notifiable to the Ombudsman's Office, the Human Resources Officer completes the Exemption Notification Form (Attachment J) and forwards to HOA.

### **5. Planning the process**

The Human Resources Officer plans the process to be followed giving consideration to procedural fairness principles. Any issues associated with interaction between the parties are addressed by way of risk assessment conducted by the Responsible Person in conjunction with the Human Resources Officer.

## **6. Contact the child/parent /carer**

The Human Resources Officer contacts the child and parent to:

- a) Advise them of the receipt of the complaint and seek approval to speak with child (in the presence of parent/carer) and time and place of that meeting.
- b) Explain the investigation process to be followed.
- c) Ensure the child is supported including the availability of counselling if required through ACCESS phone 1800 818 728.
- d) Explain the need for confidentiality.
- e) Advise they will be informed when the matter is finalised.
- f) Confirm the above in writing (if parental consent is granted).

## **7. Contact the staff member (The person subject of the complaint or allegation)**

The Human Resources Officer makes contact with staff member to:

- a) inform them a complaint of non-reportable conduct has been received and provide them with a description of the complaint
- b) arrange a time to meet with the person to provide details about the complaint and to provide them with an opportunity to respond. The meeting needs to be as soon as possible. If agreeable to the Human Resources Officer and staff member, it is appropriate not to meet but for the response to be in writing.
- c) advise the person who will be conducting the enquiry into the complaint. In general this will be the Human Resources Officer or other designated officer.
- d) inform the staff member they may choose to have a support person present at the meeting. If the staff member elects to have a union organiser at the meeting, the Human Resources Officer may elect to have another CSO Officer accompany him/her at the meeting.

The staff member receives this advice in writing.

## **8. Managing the investigation process**

The Human Resources Officer gathers relevant information by way of interview and/or written statements. Reports, diagrams and other documents may also be relevant. In planning the inquiry (step 5) consideration is given to issues such as:

- preserving the employees dignity
- obtaining statements from children as promptly as possible
- maintaining confidentiality

The inquiry may include:

### **8.1 Meeting with staff member about the allegation**

At the meeting with the staff member, the Human Resources Officer

- clarifies any issue/s regarding the procedure to be followed;
- informs the person of the allegation that has been made providing as much detail as possible - the complaint has been provided in writing;
- offers the person the opportunity for a break in the meeting to allow him/her time to consider the complaint;
- invites the person to respond and records the response - the person may elect to respond in writing;
- asks for the name(s) of any witness/es to the alleged incident;
- assures that the issue will be dealt with promptly and confidentially and seeks confidentiality from all present at the meeting;
- ensures the person has adequate support including the offer of ACCESS phone 1800 818 728 Employee Assistance Program and, if the staff member wishes, a support person at the school who can assist them through the process;
- informs the person of the process that will be followed including an anticipated time line.

## 8.2 Confirming the staff member's response

At the conclusion of the interview or soon after the interview, the Human Resources Officer provides the employee with a copy of the record of interview and invites the employee to verify or amend the record. The employee is asked to initial any amendments, initial each page and date and sign the record of interview.

If the person acknowledges the complaint is true, there is no need to interview other persons.

## 8.3 Interviewing witnesses and gathering information

The Human Resources Officer proceeds to gather relevant information, including obtaining information from relevant persons identified by both the notifier and the staff member.

The information may be gathered from written statements, interviews and review of relevant documents and records. All records of interviews and statements must be signed and dated.

If children are to be interviewed parents need to be advised and offered the opportunity to be present at the interview.

## 9. Finding

When all information has been gathered the Human Resources Officer will review that information and decide on a finding.

The complaint may be found to be:

- a) Sustained
- b) Not sustained – Insufficient evidence
- c) Not sustained – Lack of evidence of weight
- d) False
- e) Not reportable conduct

#### **10. Review of Risk Assessment**

The Responsible Person and Human Resources Officer review initial risk assessment.

#### **11. Letter to staff member**

The Human Resources Officer advises the staff member in writing of:

- a) the finding from the investigation
- b) the disciplinary action and/or support initiatives (if sustained)
- c) if sustained, an invitation to provide any further information which will be considered
- d) whether or not the matter will be reported to CCYP, if so, either category one or category two notification.
- e) the requirement for all documentation to be held by the Catholic Schools Office for monitoring by the NSW Ombudsman and then to be stored confidentially at the CSO.
- f) the need for confidentiality
- g) the offer of counseling through ACCESS phone 1800 818 728

#### **12. Storage of Investigation File**

The original copy of the file is secured in confidential files in the Human Resources Officer's office.

#### **13. Report to HOA**

The Human Resources Officer advises the Head of Agency of the finding and whether a report will be made to CCYP (Attachment L). HOA are provided with copies of final letters to PSOA and notifier.

#### **14. Advice to notifier and/or parent/child**

The Human Resources Officer advises the notifier and/or parent/child by written notification that the matter has been addressed and provides them with the opportunity to contact the Catholic Schools Office for further information if required.

#### **15. Dispute Resolution**

In the event of disputation about the process, the finding or disciplinary action the staff member may request for the case to be reviewed.

An application for review is made initially to the Director for Catholic Schools at the Catholic Schools Office. Complaints about the process or handling of the investigation by the Agency can be made to the NSW Ombudsman.

### **3) Allegations of reportable conduct notifiable to the Ombudsman**

#### **MATTERS NOTIFIABLE TO THE OMBUDSMAN COVERED BY THESE PROCEDURES**

##### **3.1 Allegations of sexual offences including:**

- a) Indecent assault
- b) Sexual assault
- c) Aggravated sexual assault
- d) Sexual intercourse and attempted sexual intercourse
- e) Possession/dissemination/production of child pornography
- f) Using children to produce pornography
- g) Procuring children under the age of 16 years for unlawful sexual activity
- h) Deemed non-consensual sexual activity on the basis of special care relationships

##### **3.2 Allegations of sexual misconduct including:**

- a) Grooming
- b) Inappropriate conversations of a sexual nature
- c) Comments that express a desire to act in a sexual manner
- d) Unwarranted and inappropriate touching
- e) Sexual exhibitionism
- f) Personal correspondence (including electronic communications e.g. emails and text messages) with a child or young person in relation to the adult's sexual feelings for a child or young person
- g) Exposure of children and young people to sexual behaviour of others including display of pornography
- h) Watching children undress e.g. in change rooms or toilets when supervision is not required or justified

3.3 Allegations of physical assault where the alleged conduct was not reasonable for the purposes of discipline and not in line with the agency's code of conduct.

3.4 Allegations of physical assault where the alleged conduct does not relate to the use of physical force that is trivial or negligible.

3.5 Allegations of physical assault where the alleged conduct is not exempt from notification in accordance with the Class and Kind determination.

- 3.6 Repeated allegations of physical assault
- 3.7 Repeated allegations of neglect where the risk of harm was reasonably low
- 3.8 Any allegation of neglect where the risk of harm was NOT reasonably low
- 3.9 Any allegations of behaviour causing psychological harm where the following are present:
  - a) a description of persistent and targeted behaviour
  - b) possible signs of harm
  - c) an alleged causal link between the behaviour and the harm
- 3.10 Any allegation of ill treatment of a child.

## **THE PROCESS**

### **1. Record allegation**

The 'Responsible Person' records in writing information from the person/s reporting the complaint against the staff member using the person's exact words and advises there will be an inquiry into the complaint. In recording the complaint the principal notes WHO is involved, WHAT happened, WHEN did it happen, WHERE did it happen, HOW did it happen. This information is forwarded to the Human Resources Officer on confidential fax no (02) 6622 4767.

### **2. Confer with Catholic Schools Office**

The Responsible Person confers with the Human Resources Officer at the Catholic Schools Office and together they determine the next steps to be taken including assessing whether the allegation/possible allegation is an allegation of reportable conduct under s.25A of the Ombudsman Act 1974. They also determine whether there are reasonable grounds to suspect a child is at current risk of significant harm and hence the complaint needs to be reported to Community Services as required by the Children and Young Persons (Care and Protection) Act 1998. If they are unsure whether to report to Community Services they seek advice from the Head of Agency, complete the mandatory reporter guide on the Keep Them Safe website or from Community Services by ringing the Community Services Helpline on 133627.

### **3. If report is made to Community Services**

If a report is made to Community Services, no investigation is undertaken by the CSO but the matter is notified to the Ombudsman's Office. If Community Services investigates an employee of the Lismore Catholic schools system, the Human Resources Officer (or other designated officer) is the system representative who manages the process (see Managing allegations of reportable conduct notifiable to the Ombudsman and reportable to Community Services).

### **4. Initial child protection information details form**

If it is determined the allegation/possible allegation is a complaint that is notifiable to the Ombudsman's Office, the Human Resources Officer completes Part A of the Ombudsman Notification Form (Attachment F) and forwards to the Ombudsman and notifies HOA.

## **5. Planning the process**

The Human Resources Officer plans the process to be followed giving consideration to procedural fairness principles. Any issues associated with interaction between the parties is addressed by way of risk assessment conducted by the Responsible Person in conjunction with the Human Resources Officer.

## **6. Contact the child/parent /carer**

The Human Resources Officer contacts the child and parent to:

- 6.1 Advise them of the receipt of the complaint and seek approval to speak with child (in the presence of parent/carer) and time and place of that meeting.
- 6.2 Explain the investigation process to be followed.
- 6.3 Ensure the child is supported including the availability of counselling if required through ACCESS phone 1800 818 728.
- 6.4 Explain the need for confidentiality.
- 6.5 Advise they will be informed when the matter is finalised.
- 6.6 Confirm the above in writing (if parental consent is granted).

## **7. Contact the staff member (The person subject of the complaint or allegation)**

The Human Resources Officer makes contact with staff member to:

- 7.1 inform them an allegation has been received, that it is notifiable to the Ombudsman and advise them of the general nature of the allegation i.e. sexual offence, sexual misconduct, misconduct that may involve reportable conduct, physical assault, behaviour causing psychological harm, ill treatment, neglect.
- 7.2 arrange a time to meet with the person to provide details about the allegation and to provide them with an opportunity to respond. The meeting needs to be as soon as possible.
- 7.3 advise the person who will be conducting the enquiry into the allegation. In general this will be the Human Resources Officer or other designated officer.

- 7.4 Inform the staff member they may choose to have a support person present at the meeting. If the staff member elects to have a union organiser at the meeting, the Human Resources Officer may elect to have another CSO Officer accompany him/her at the meeting.

The staff member receives this advice in writing.

## **8. Managing the investigation process**

The Human Resources Officer gathers relevant information by way of interview and/or written statements. Reports, diagrams and other documents may also be relevant. In planning the inquiry (step 5) consideration is given to issues such as

- preserving the employees dignity
- obtaining statements from children as promptly as possible
- maintaining confidentiality

The inquiry may include:

- 8.1 Meeting with staff member about the allegation (This meeting may also occur after complainants and witnesses have been interviewed)

At the meeting with the staff member, the Human Resources Officer

- a) Clarifies any issue/s regarding the procedure to be followed;
- b) informs the person of the allegation that has been made providing as much detail as possible - the complaint has been provided in writing;
- c) offers the person the opportunity for a break in the meeting to allow him/her time to consider the complaint;
- d) invites the person to respond and records the response - the person may elect to respond in writing;
- e) asks for the name(s) of any witness/es to the alleged incident;
- f) assures that the issue will be dealt with promptly and confidentially and seeks confidentiality from all present at the meeting;
- g) ensures the person has adequate support including the offer of ACCESS phone 1800 818 728 Employee Assistance Program and, if the staff member wishes, a support person at the school who can assist them through the process;
- h) informs the person of the process that will be followed including an anticipated time line.

- 8.2 Confirming the staff member's response

At the conclusion of the interview or soon after the interview, the Human Resources Officer provides the employee with a copy of the record of interview and invites the employee to verify or amend the record. The employee is asked to initial any amendments, initial each page and date and sign the record of interview.

If the person acknowledges the complaint is true, there is no need to interview other persons.

### 8.3 Interviewing witnesses and gathering information

The Human Resources Officer proceeds to gather relevant information, including obtaining information from relevant persons identified by both the notifier and the staff member.

The information may be gathered from written statements, interviews and review of relevant documents and records. All records of interviews and statements must be signed and dated.

If children are to be interviewed parents need to be advised and offered the opportunity to be present at the interview.

## 9. Finding

When all information has been gathered the Human Resources Officer will review that information and decide on a finding.

The complaint may be found to be:

- a) Sustained
- b) Not sustained – Insufficient evidence
- c) Not sustained – Lack of evidence of weight
- d) False
- e) Not reportable conduct

If the allegation is sustained the staff member will be presented with a preliminary finding and provided the opportunity to respond further.

## 10. If allegation is sustained

Staff member is advised of the preliminary finding and Human Resources Officer contacts staff member to:

- a) inform them of the preliminary finding, i.e. the allegation is found to be sustained and the reason for the finding;
- b) advise them of the proposed disciplinary action or support initiatives
- c) provide them with an opportunity to respond to the preliminary finding within one week (if new information is provided the preliminary finding is reconsidered);
- d) advises they may request to view the file
- e) explain the process and expected time line, including that the child protection notification form will be forwarded to the Ombudsman's Office
- f) ensure the staff member has adequate support and follow up any concerns raised by the staff member

This information is confirmed in writing using proforma letter advising of the preliminary finding.

#### **11. Determining the finding following a preliminary finding**

The Human Resources Officer determines the finding, consulting with the Responsible Person and Chancellor as Head of Agency where necessary. The finding is based on the facts collected and on the balance of probabilities.

#### **12. Letter to staff member**

The Human Resources Officer advises the staff member in writing of:

- a) the finding from the investigation
- b) if sustained, the disciplinary action and/or support initiatives
- c) the requirement for all documentation to be forwarded to the Ombudsman's Office and notifying the Head of Agency
- d) the requirement for the Ombudsman's Office, through the Head of Agency, to advise them in writing when the matter is completed
- e) whether or not the matter will be reported to CCYP, if so, either category one or category two notification (Attachment L).
- f) the requirement for the file to be stored confidentially by the Catholic Schools Office
- g) the need for confidentiality
- h) the offer of counselling
- i) the opportunity to view the file – At this time the staff member may request to view the file of the case by writing to the Director for Catholic Schools (and in accordance with Attachment E)

#### **13. Report to the Ombudsman**

The Human Resources Officer assembles all material relevant to the case, including Part B Notification Form (Attachment G) and forwards it to the Ombudsman's Office notifying the Head of Agency.

The original copy of the file is secured in confidential files in the office of the Human Resources Officer.

#### **14. Head of Agency and Ombudsman Review**

The Bishop as Head of Agency monitors the investigation process throughout and advises the Catholic Schools Office of any further action or documentation required. The Ombudsman's Office oversees the conduct of the investigation and in some circumstances may monitor or conduct the actual investigation.

## **15. Advice to Notifier's Parents/Carer**

The Human Resources Officer advises the notifier's parents/carers that the matter has been addressed and refers them to the HOA and the Ombudsman's Office for further information if required.

## **16. Dispute Resolution**

In the event of a dispute about the process, the finding or disciplinary action the staff member may request for the case to be reviewed.

An application for review can be made to the Bishop of Lismore as Head of Agency. Complaints about the process or handling of the investigation by the Agency can be made to the NSW Ombudsman.

## **IMPORTANT CONSIDERATIONS**

### **Safety of the child**

An immediate concern is to ensure the safety of the child/children

- when the allegation is first made
- during the investigation
- at the conclusion of the investigation.

Appropriate assistance such as counselling is to be offered, where necessary, for the child and the family through ACCESS phone 1800 818 728.

Consideration needs to be given as to the appropriateness of interviewing a child directly. Evidence may be able to be obtained without interviewing. Children should be interviewed on as few occasions as possible. On most occasions parents/carers should be present at interviews with children.

If the Human Resources Officer needs to speak with children who may have been witnesses to an alleged incident it may not be necessary to have parents present and at the very least parental permission is to be sought for the interview. For younger children, parents should be asked if they wish to attend. With older children it may be preferable to ask them to write down what they witnessed. For guidelines on interviewing children, please consult NSW Ombudsman Guidelines, Child Protection: Responding to Allegations of Child Abuse Against Employees.

- Parents/carers are to be adequately informed at all appropriate stages of the process and provided with written information as to the outcome of their complaint at the conclusion of the process.
- If, following a complaint, there is a concern that a child may be at risk of significant harm from the staff member against whom the complaint has been made, the staff member may be asked to take paid leave during the investigation process. This leave does not come from the employee's normal entitlements.

## **Support for staff member**

An allegation of reportable conduct is extremely serious. It is a very difficult time for everyone concerned. It is essential to provide effective support for the staff member concerned, including:

- advice about the provisions of the child protection legislation and their rights and responsibilities under the legislation. This information may be provided by a member of staff who acts as the person's support person or the staff member may seek union or legal representation;
- advice about the nature and time line of the investigation process to be followed.

In addition the staff member may seek professional counselling through ACCESS Employee Assistance Program phone 1800 818 728.

There may be occasions when an application needs to be made for paid leave.

## **Support for the person making the allegation.**

It is recognised that the person who makes the allegation may experience discomfort or distress at the requirement to make such an allegation. The level of distress may be increased if the complainant is a member of the school staff in which the incident is alleged to have occurred or a friend.

It is important for the school principal to monitor the wellbeing of the person making the allegation and to provide relevant information regarding the management of their complaint.

The staff member may seek professional counselling through ACCESS Employee Assistance Program phone 1800 818 728 if required.

## **Investigation Process**

An investigation is not a disciplinary process. It is a process to collect information objectively.

Part B of the initial child protection information form assists the person investigating to plan the investigation process. Consider the following:

- What information do I have?
- What further information do I need?
- How will the information be obtained? (e.g. interview, statement, documents)
- Are there any complications or potential problems I need to plan for?

It is important to gain factual information about the allegation i.e. who was involved, what happened, when it happened, where it happened, how it happened.

- The complainant and the respondent to the complaint are to be treated fairly and respectfully throughout the investigation. Only witnesses who need to be interviewed will be interviewed and they will be advised of the need for strict confidentiality. The investigator will remain objective during the process.
- The summary of any interview conducted includes the name and position of the person being interviewed, name and position of any other person present, the name and position of the interviewer and the date of the interview.
- The interviewee should be asked to sign and date to affirm the record is true and accurate. However, the interviewee is free to refuse to do this. Interviewees may prefer to submit a signed and dated written statement. The interviewee may also make written amendments directly to the record of interview before signing. The interviewee must initial all amendments made.

### **Documentation**

- Comprehensive documentation needs to be maintained throughout the process.
- All documentation needs to be legible, dated and where necessary signed.
- If a person does not wish to sign a document, it should be recorded that they were provided with a copy of the document and invited to make amendments.
- On completion of the case all documentation is filed confidentially in the office of the Human Resources Officer and separate from personnel files.

In conclusion:

It is important that the person managing the case, usually the Human Resources Officer checks at the end of the process to see if any further action is required prior to the matter being finalized.

Each case is different and the needs of people are different. For example, it may be appropriate to make contact with the staff member and the person who raised the allegation some weeks after the process is finished to see how they are.

#### **4) Allegations of reportable conduct notifiable to the Ombudsman and reportable to Community Services**

**MATTERS NOTIFIABLE TO THE OMBUDSMAN AND REPORTED TO COMMUNITY SERVICES COVERED BY THESE PROCEDURES**

Under the Children and Young Persons (Care and Protection) Act 1998, any allegation of child abuse must be reported to Community Service if there are reasonable grounds to believe a child or young person is at **risk of significant harm**. This includes sexual allegations, physical assault, ill treatment, neglect and exposing the child or young person to behaviour which might cause psychological harm.

## **THE PROCESS**

### **1. Record allegation**

The 'Responsible Person' records in writing information from the person/s reporting the allegation against the staff member using the person's exact words and advises that the allegation will be investigated. In recording the allegation the principal notes WHO is involved, WHAT happened, WHEN did it happen, WHERE did it happen, HOW did it happen.

### **2. Confer with Catholic Schools Office**

The Responsible Person confers with the Human Resources Officer at the Catholic Schools Office and together they determine the next steps to be taken including assessing whether the allegation/possible allegation is an allegation of reportable conduct under the Ombudsman Act 1974. They also determine whether there are reasonable grounds to suspect a child is at current risk of significant harm and hence the complaint needs to be reported to Community Services as required by the Children and Young Persons (Care and Protection) Act 1998. If they are unsure whether to report to Community Services they seek advice from the Head of Agency, complete the mandatory reporter guide on the Keep Them Safe website (Attachment K) or from Community Services by ringing the Community Services Helpline on 133627.

### **3. Report is made to Community Services**

The Human Resources Officer reports the matter to Community Services by ringing the Community Services Helpline after completing the mandatory reporter guide (Attachment K). Community Services is advised that the Human Resources Officer is the system representative at the CSO who is responsible for managing the process.

### **4. Initial child protection information details form**

The Human Resources Officer completes part A of the Notification to Ombudsman Form (Attachment F) and forwards it, notifying the HOA.

### **5. Planning the process**

The Human Resources Officer liaises with the Responsible Person to plan the process to be followed giving consideration to procedural fairness principles. Any issue associated with interaction between the parties is addressed by way of risk assessment conducted by the Responsible Person in conjunction with the Human Resources Officer.

### **6. Human Resources Officer contacts staff member**

The Human Resources Officer contacts the staff member to communicate contents of Catholic Education Office letter to:

- inform them an allegation has been received, that it has been reported to Community Services, and it is notifiable to the Ombudsman advising them of the general nature of the allegation
- advise of the name of a Community Services or police officer they may wish to contact (if available)
- advise the CEO will not proceed to investigate further unless advised to do so by Community Services
- advise they may be stood down (either paid or unpaid depending on nature of allegation)
- encourage them to seek advice through a union or legal representative
- advise that confidential counselling is available through the EAP ACCESS phone 1800 818 728.
- provide contact details for the Human Resources Officer if further information is required.

Community Services and police investigate.

The investigation process is managed by Community Services and the police. It may result in charges being laid or it may result in the matter being referred back to the Catholic Schools Office. If the matter is referred back to the Catholic Schools Office the process continues as follows. Interagency liaison will occur to ensure there is an appropriate response to meet the needs of all parties in a timely manner.

#### **7. Contact the child/parent /carer**

If more details are required about the allegation and there is no statement available from the Police/Community Services the Human Resources Officer contacts the child and parent to:

- Advise them of the receipt of the complaint and confirm they do not wish to make a report to the police
- Take a statement from the child of what happened, when did it happen, where did it happen, who was involved, what was the context for the incident.
- Explain the investigation process to be followed.
- Ensure the child is supported including the availability of counselling if required through ACCESS phone 1800 818 728.
- Explain the need for confidentiality
- Advise they will be informed when the matter is finalised.

#### **8. Meeting with staff member about the allegation**

(This meeting may also occur after complainants and witnesses have been interviewed)

The Human Resources Officer meets with the staff member and:

- clarifies any issue/s regarding the procedure to be followed;

- informs the person of the allegation that has been made providing as much detail as possible - the allegation is provided in writing;
- offers the person the opportunity for a break in the meeting to allow him/her time to consider the complaint;
- invites the person to respond and records the response - the person may elect to respond in writing;
- asks for the name(s) of any witness/es to the alleged incident;
- assures that the issue will be dealt with promptly and confidentially and seeks confidentiality from all present at the meeting;
- ensures the person has adequate support including the offer of ACCESS phone 1800 818 728 Employee Assistance Program and if the staff member wishes, a support person at the school who can assist them through the process;
- informs the person of the process that will be followed including an anticipated time line.

The staff member may elect to have a support person present at the meeting who may be a union or legal representative. The Human Resources Officer will have present another CSO Officer or an industrial / legal representative.

#### **9. Staff member's response**

At the conclusion of the interview or soon after the interview, the Human Resources Officer provides the employee with a copy of the record of interview and invites the employee to verify or amend the record. The employee is asked to initial any amendments, initial each page and date and sign the record of interview.

If the person acknowledges the complaint is true, the Human Resources Officer proceeds with step 12.

If the person denies the complaint, the Human Resources Officer advises they will be seeking further information relevant to the inquiry.

#### **10. Gathering relevant information**

The Human Resources Officer proceeds to gather relevant information according to the plan in part B of the initial child protection information details form (Attachment D), including obtaining information from relevant persons identified by both the notifier and the staff member.

The information may be gathered from written statements, interviews and review of relevant documents and records. All records of interviews and statements must be signed and dated. If children are to be interviewed parents needs to be advised and offered the opportunity to be present at the interview.

#### **11. Determining a preliminary finding**

When all information has been gathered the Human Resources Officer determines the preliminary finding. The finding is based on the facts collected and on the balance of probabilities.

## **12. Staff member is advised of the preliminary finding**

Human Resources Officer contacts the staff member to:

- inform them of the preliminary finding, i.e. the allegation is found to be sustained or otherwise and the reason for the finding
- advise them of the proposed disciplinary action or support initiatives
- provide them with an opportunity to respond to the preliminary finding within one week (if new information is provided the preliminary finding is reconsidered)
- explain the process and expected time line, including that the child protection notification form will be forwarded to the Ombudsman's Office and the HOA will be notified
- ensure the staff member has adequate support and follow up any concerns raised by the staff member. This information is provided in writing.

## **13. Determining the finding following a preliminary finding**

The Human Resources Officer reviews all documentation related to the case including any additional response made by the staff member.

The Human Resources Officer determines the finding, consulting with the Bishop (or his representative) as Head of Agency as necessary.

The allegation may be found to be:

- Sustained
- Not sustained – Insufficient evidence
- Not sustained – Lack of evidence of weight
- False
- Not reportable conduct

## **14. Letter to staff member**

The Human Resources Officer advises the staff member in writing of:

- the finding from the investigation
- if sustained, the disciplinary action and/or support initiatives
- the requirement for all documentation to be forwarded to the Ombudsman's Office
- the requirement for the file to be stored confidentially at the CSO.
- the requirement for the Ombudsman's Office to advise them in writing when the matter is completed,
- whether or not the matter is being reported to CCYP (Attachment L), if so, either category one or category two notification.
- the need for confidentiality
- the offer of counseling
- the opportunity to review the file – Advise they may request to view the file (Attachment E)

## **15. Report to the Ombudsman**

The Human Resources Officer completes part B of the Ombudsman's notification form (Attachment G) and forwards it (with all relevant documentation) to the Ombudsman's Office notifying the Head of Agency.

The original copy of the file is secured in confidential files in the office of the Human Resources Officer.

## **16. Head of Agency and Ombudsman review**

The Bishop of Lismore as Head of Agency monitors the investigation process throughout and advises the Catholic Schools Office of any further action or documentation required. The Ombudsman's Office monitors the conduct of investigations that involve Community Services and in some cases may conduct the actual investigation.

## **17. Advice to notifier**

The Human Resources Officer advises the parents and the person/s who raised the complaint that the matter has been addressed and refers them to the Head of Agency or the Ombudsman's Office for further information if required.

## **18. Dispute resolution**

In the event of disputation about the process, the finding or disciplinary action the staff member may request for the case to be reviewed.

An application for review can be made to the Bishop of Lismore, as Head of Agency. Complaints about the process or handling of the investigation by the Agency can be made to the NSW Ombudsman.

## **IMPORTANT CONSIDERATIONS**

### **Safety of the child**

An immediate concern is to ensure the safety of the child/children

- when the allegation is first made
- during the investigation
- at the conclusion of the investigation.

Appropriate assistance such as counselling is to be offered, where necessary, for the child and the family through ACCESS phone 1800 818 728.

Consideration needs to be given as to the appropriateness of interviewing a child directly. Evidence may be able to be obtained without interviewing. Children should be interviewed on as few occasions as possible. On most occasions parents/carers should be present at interviews with children.

If the Human Resources Officer needs to speak with children who may have been witnesses to an alleged incident it may not be necessary to have parents present and at the very least parental permission is to be sought for the interview. For younger children, parents should be asked if they wish to attend. With older children it may be preferable to ask them to write down what they witnessed. For guidelines on interviewing children, please consult NSW Ombudsman Guidelines, Child Protection: Responding to Allegations of Child Abuse Against Employees.

- Parents/carers are to be adequately informed at all appropriate stages of the process and provided with written information as to the outcome of their complaint at the conclusion of the process.
- If, following a complaint, there is a concern that a child may be at risk of significant harm from the staff member against whom the complaint has been made, the staff member may be asked to take leave during the investigation process.

### **Support for staff member**

An allegation of reportable conduct is extremely serious. It is a very difficult time for everyone concerned. It is essential to provide effective support for the staff member concerned, including:

- advice about the provisions of the child protection legislation and their rights and responsibilities under the legislation. This information may be provided by a member of staff who acts as the person's support person or the staff member may seek union or legal representation;
- advice about the nature and time line of the investigation process to be followed.
- In addition the staff member may seek professional counselling through ACCESS Employee Assistance Program phone 1800 818 728.
- There may be occasions when an application needs to be made for paid leave

### **Support for the person making the allegation**

It is recognised that the person who makes the allegation may experience discomfort or distress at the requirement to make such an allegation. The level of distress may be increased if the complainant is a member of the school staff in which the incident is alleged to have occurred or a friend.

It is important for the school principal to monitor the wellbeing of the person making the allegation and to provide relevant information regarding the management of their complaint.

The staff member may seek professional counselling through ACCESS Employee Assistance Program phone 1800 818 728 if required.

### **Investigation Process**

An investigation is not a disciplinary process. It is a process to collect information objectively.

Section B of the initial child protection information form (Attachment D) assists the person investigating to plan the investigation process. Consider the following:

- What information do I have?
- What further information do I need?
- How will the information be obtained? (e.g. interview, statement, documents)
- Are there any complications or potential problems I need to plan for?

It is important to gain factual information about the allegation i.e. who was involved, what happened, when it happened, where it happened, how it happened.

- The complainant and the respondent to the complaint are to be treated fairly and respectfully throughout the investigation. Only witnesses who need to be interviewed will be interviewed and they will be advised of the need for strict confidentiality.
- The summary of any interview conducted includes the name and position of the person being interviewed, name and position of any other person present, the name and position of the interviewer and the date of the interview.
- The interviewee should be asked to sign and date to affirm the record is true and accurate. However, the interviewee is free to refuse to do this. Interviewees may prefer to submit a signed and dated written statement. The interviewee may also make written amendments directly to the record of interview before signing. The interviewee must initial all amendments made.

#### Documentation

- Comprehensive documentation needs to be maintained throughout the process.
- All documentation needs to be legible, dated and where necessary signed.
- If a person does not wish to sign a document, it should be recorded that they were provided with a copy of the document and invited to make amendments.
- On completion of the case all documentation is filed confidentially in the office of the Human Resources Officer and separate from personnel files.

In conclusion:

It is important that the person managing the case, usually the Human Resources Officer checks at the end of the process to see if any further action is required prior to the matter being finalised.

Each case is different and the needs of people are different. For example, it may be appropriate to make contact with the staff member and the person who raised the allegation some weeks after the process is finished to see how they are