



# KESSE TORAH COLLEGE

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## Child Protection Policy

### PART A: INTRODUCTION

#### General

1. The safety, protection and well-being of all students at KTC are of fundamental importance to KTC. Both you as an employee and KTC itself have a range of different obligations relating to the safety, protection and welfare of students, including:
  - (a) a duty of care to ensure that reasonable steps are taken to prevent harm to students;
  - (b) obligations under work health and safety legislation; and
  - (c) obligations under child protection legislation.
2. The purpose of this policy is to summarise the obligations imposed by child protection legislation on KTC and its staff, contractors and volunteers (all employees), and to provide guidelines as to how KTC will deal with certain matters. This policy does not form part of any contract, including any employment contract. To the extent that this policy summarises a legal obligation, it is intended to explain that obligation, and not to create any new obligations.
3. There are three key pieces of child protection legislation in New South Wales:
  - (a) the Children and Young Persons (Care and Protection) Act 1998 (NSW) (the **Care and Protection Act**);
  - (b) the Ombudsman Act 1974 (NSW) (the **Ombudsman Act**).
4. KTC aims to increase the KTC community's awareness regarding child protection issues and to meet its obligations under the legislation by:
  - (a) developing this policy;
  - (b) providing all employees with a copy of this policy and directing Staff Members to comply with this policy;
  - (c) disciplining any employees who does not comply with this policy. This could include suspension or termination of employment or engagement;
  - (d) developing procedures and support materials;
  - (e) providing information and training to members of the KTC community relevant to their respective roles and responsibilities; and
  - (f) supporting and monitoring relevant curriculum implementation in KTC, in particular PDHPE, Jewish Studies and our Pastoral Care programs.

5. KTC also has other policies which are relevant to our obligations to keep our children safe. These include:
  - (a) the **Code of Conduct**, which sets out information about the standards of behaviour expected of all employees;
  - (b) the **Work Health and Safety Statement**, which summarises the obligations imposed by work health and safety legislation on KTC and its employees;
  - (c) the Discrimination, Harassment and Bullying Statement, which summarises your obligations in relation to unlawful discrimination, harassment and bullying;
  - (d) our Anti-Bullying Policies, which include separate documents for Infants and Primary students, High School students and employees; and
  - (e) our Guidelines for Resolving Complaints, which include separate documents for employees and parents.
  - (f) various other policies as outlined in this Handbook relating to IT & Telecommunications, staff selection and recruitment, supervision of students, orientation and induction policies, staff discipline and dismissal policies.
6. As a Staff Member, you are expected to read and understand those documents, and to comply with the obligations imposed on you by those documents.
7. While we set out below circumstances in which the legislation requires reporting of particular child protection issues, KTC also requires you to report any concern you may have about the safety, welfare or wellbeing of a child or young person to the Principal. If the allegation involves the Principal, you are required to report to the President of KTC Board.

## **PART B: THE CARE AND PROTECTION ACT**

8. The Care and Protection Act provides for mandatory reporting of children at risk of significant harm. Any concern regarding the safety, welfare or well being of a student must be reported to the Principal.

### **Who is a mandatory reporter?**

9. Under the Care and Protection Act, persons who:
  - (a) in the course of their employment, deliver services including health care; welfare, education, children's services and residential services, to children; or
  - (b) hold a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services including health care, welfare, education, children's services and residential services, to children, are mandatory reporters.
10. All teachers are mandatory reporters. Other Staff Members may also be mandatory reporters. If you are not sure whether you are a mandatory reporter you should speak to the Principal.

## When must a report be made to Community Services?

### 11. What is the threshold?

- (a) A mandatory reporter must, where they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm, report to Community Services as soon as practicable, the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.
- (b) In addition, while not mandatory, KTC considers that a report should also be made to Community Services where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare and well-being of the young person.

### 12. Reasonable grounds

- (a) 'Reasonable grounds' refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:
  - 1. first hand observations of the child, young person or family;
  - 2. what the child, young person, parent or another person has disclosed; or
  - 3. what can reasonably be inferred based on professional training and / or experience.
- (b) 'Reasonable grounds' does not mean that you are required to confirm your suspicions or have clear proof before making a report.

### 13. Significant harm

- (a) A child or young person is 'at risk of significant harm' if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:
  - 1. the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met;
  - 2. the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
  - 3. in the case of a child or young person who is required to attend school in accordance with the Education Act 1990 (NSW) - the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act;
  - 4. the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
  - 5. the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm;
  - 6. a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm; or

7. the child was the subject of a pre-natal report under section 25 of the Care and Protection Act and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

- (b) A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are present to a significant extent. What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well-being. The significance can result from a single act or omission or an accumulation of relevant events.

#### 14. Other relevant definitions

- (a) **Child** is a person under the age of 16 years for the purposes of the Care and Protection Act.

- (b) **Child abuse and neglect**

1. There are different forms of child abuse. These include neglect, sexual, physical and emotional/psychological abuse:

- (A) **Neglect** is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and development, such as food, clothing, shelter, medical and dental care and adequate supervision.
- (B) **Physical abuse** is a non-accidental injury or pattern of injuries to a child caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.
- (C) **Serious psychological harm** can occur where the behaviour of their parent or caregiver damages the confidence and self esteem of the child or young person, resulting in serious emotional deprivation or trauma. This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour. Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child.
- (D) **Sexual abuse** is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children are bribed or threatened physically and psychologically to make them participate in the activity. Child sexual abuse is a crime.

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

- (d) **Injuries** include bruising, lacerations or welts, burns, fractures or dislocation of joints. Hitting a child around the head or neck and/or using a stick, belt or other object to discipline or punish a child (in a non-trivial way) is a crime.
- (e) **Young person** means a person who is aged 16 years or above but who is under the age of 18 years for the purposes of the Care and Protection Act.

#### **What should you do if you consider that a mandatory report is required?**

- 15. Reporting by KTC about these matters to Community Services and, where necessary, the police, is generally undertaken by the Principal. This is in accordance with best practice and the Memorandum of Understanding between Community Services and the three Education Sectors.
- 16. If you have a concern that a child or young person is at risk of significant harm you should contact the Principal as soon as possible to discuss whether the case reaches the threshold of 'risk of significant harm', and the steps required to report the matter.
- 17. However, if there is an immediate danger to a child or young person and the Principal or next most senior member of staff is not contactable, you should speak to the Police and/or the Child Protection Helpline directly and then advise the Principal or next most senior member of staff at KTC as soon as possible.
- 18. You must not:
  - (a) undertake any investigation of the matter yourself; or
  - (b) inform the parents or caregivers that a report to Community Services has been made.
- 19. You are required to deal with the matter confidentially and only disclose it to the persons referred to above or as required to comply with your mandatory reporting obligations. Failure to maintain confidentiality will not only be a breach of this policy, but could expose you to potential civil proceedings for defamation.

#### **What should you do if you have a concern that is below the mandatory reporting threshold?**

- 20. While the Care and Protection Act outlines a mandatory reporter's obligation to report to Community Services, as a KTC Staff Member you must report any concern regarding the safety, welfare and wellbeing of a student to the Principal.
- 21. You are required to deal with all reports regarding the safety, welfare or wellbeing of a student confidentially and only disclose them to the Principal and any other person that the Principal nominates. Failure to do so will be a breach of this policy.

### **PART C: THE OMBUDSMAN ACT**

#### **General responsibilities**

- 22. Part 3A of the Ombudsman Act requires the heads of certain agencies, including non government schools in NSW, to notify the NSW Ombudsman of all allegations of reportable conduct' by an 'employee' and the outcome of KTC's investigation of these allegations. Because of the nature of their contact with children, Schools are considered to be 'designated' agencies under the Act. That is, certain conduct in relation to children outside of workplace activities is potentially notifiable to the Ombudsman as allegations of 'reportable conduct'.

23. An 'employee' includes all KTC staff, whether or not employed in connection with child related work or activities, and those 'engaged' by KTC to provide services to children. The latter would encompass contractors, volunteers, work experience participants, and ministers of religion and instructors of religion who provide pastoral or liturgical services (including rabbis).
24. The Ombudsman:
- (a) Is to keep under scrutiny the systems for preventing reportable conduct by Staff Members of non government schools and the handling of, or response to, reportable allegations (including allegations which are exempt from notification) or convictions;
  - (b) may require the head of KTC (the Principal) to provide information about those systems and their operation;
  - (c) may receive and assess notifications from non government schools concerning reportable conduct or reportable convictions;
  - (d) may oversee or monitor the conduct of investigations by non government schools into allegations of reportable or reportable convictions;
  - (e) will determine whether an investigation that has been monitored has been conducted properly, and whether appropriate action has been taken as a result of the investigation;
  - (f) may directly investigate an allegation of reportable conduct or reportable conviction against a Staff Member of a non government school, or the handling of or response to such a matter (eg arising out of complaints by the person who is the subject of an allegation); and
  - (g) may undertake 'own motion' investigations of non government schools where the Ombudsman considers it appropriate to do so, including where there is evidence of systemic failure or serious conflict of interests.
25. The Head of Agency at KTC is the Principal. Under the Ombudsman Act, the Head of Agency must:
- (a) set up systems within their organisation to ensure that they are advised of any allegations of reportable conduct against employees of KTC;
  - (b) notify the Ombudsman as soon as possible and no later than 30 days after being made aware of an allegation;
  - (c) notify the Ombudsman whether or not KTC plans to take disciplinary or other action in relation to an employee who is the subject of a reportable allegation or conviction, and the reasons for taking or not taking any such action as soon as practicable; and
  - (d) provide the Ombudsman with any documentation and other information as the Ombudsman may from time to time request to assist in the Ombudsman's monitoring of an investigation.
26. **Your obligations to report**
- (a) You must report any concerns that you may have about any employee engaging in reportable conduct or any allegation of 'reportable conduct' that has been made to you, to the Principal,

including information about yourself. If you are not sure whether the conduct is reportable conduct but consider that it is inappropriate behaviour you must still report it.

- (b) You must also report to the Principal if you become aware that an employee has been charged with or convicted of an offence (including a finding of guilt without the court proceeding to a conviction) involving reportable conduct. This includes information relating to you.
- (c) If the allegation involves the Principal, you are required to report to the President of the KTC Board.

## 27. **Contact for parents**

The Principal is the contact point for parents if they wish to report an allegation of reportable conduct against an employee.

## **What is reportable conduct?**

28. Section 25a of the Ombudsman Act, reportable conduct is defined as:

- (a) 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);
- (b) any assault, ill-treatment or neglect of a child; or
- (c) any behaviour that causes psychological harm to a child whether or not, in any case, with the consent of the child.

29. Reportable conduct does not extend to:

- (a) conduct that is reasonable for the purposes of the discipline, management or 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;
- (b) the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- (c) conduct of a class or kind that is exempted from being reportable conduct by the Ombudsman under Section 25CA. KTC participates in a Class or Kind Determination concerning the Association of Independent Schools of NSW and its participating member schools.

## 30. **Other relevant definitions**

Set out below are definitions of the various terms referred to above in relation to reportable conduct:

- (a) **Carer neglect:** grossly inadequate care that involves depriving a child of the basic necessities of life: such as the provision of food and drink, clothing, critical medical care or treatment, or shelter.

- (b) **Child** is a person under the age of 18 years for the purposes of the Ombudsman Act.
- (c) **Failure to protect from abuse:** an obvious or very clear unreasonable failure to respond to information strongly indicating actual or potential serious abuse of a child.
- (d) **Ill-treatment** captures those circumstances where a person treats a child in an obviously or very clearly improper manner. The focus is on the alleged conduct rather than the actual effect of the conduct on the child. Ill-treatment can include disciplining or correcting a child in an obviously unreasonable or inappropriate manner; making excessive and obviously unreasonable demands on a child; malevolent acts towards children; and inappropriate and hostile use of force against a child.
- (e) **Neglect** includes either an action or inaction by a person who has care responsibility towards a child. The nature of a Staff Member's responsibilities provides the context against which the conduct needs to be assessed.
- (f) **Physical Assault** is any act by which a person intentionally inflicts unjustified use of physical force against another. An assault can also occur if a person causes another person to reasonably apprehend that unjustified force is going to be used against them. Even if a person who inflicts physical harm or causes another person to reasonably apprehend physical harm does not actually intend to inflict the harm or cause fear, they may still have committed an assault if they acted 'recklessly'.
  - 1. 'Recklessness' in this context relates to circumstances when the person ought to have known that their actions would cause a person physical harm or cause them to fear injury.
  - 2. Assaults can include hitting, pushing, shoving, throwing objects or making threats to physically harm a child.
- (g) Behaviour that causes **psychological harm** to a child is conduct that is obviously or very clearly unreasonable and results in significant harm or trauma to a child. There needs to be a proven causal link between the inappropriate behaviour and the harm, and the harm must be more than transient.
- (h) **Reckless act** is an act (or failure to act), that:
  - 1. involves a gross breach of professional standards; and
  - 2. has the potential to result in the death of, or significant harm to, a child.
- (i) **Sexual Misconduct**

Sexual Misconduct has three categories. The alleged conduct must have been committed against, with or in the presence of a child. This can include:

  - 1. Crossing professional boundaries
    - (A) Sexual misconduct includes behaviour that can reasonably be construed as involving an inappropriate and overly personal or intimate:
      - (I) relationship with;
      - (II) conduct towards; or

(III) focus on a child or young person, or a group of children or young persons.

(B) KTC's Code of Conduct provides guidelines regarding the professional boundaries which should exist between Staff Members and children/ young people.

2. Sexually explicit comments and other overtly sexual behaviour Conduct involving sexually explicit comments and other overtly sexual behaviour which can constitute sexual misconduct. Some forms of this behaviour also involve crossing professional boundaries. This conduct may include:

- (A) inappropriate conversations of a sexual nature;
- (B) comments that express a desire to act in a sexual manner;
- (C) unwarranted and inappropriate touching;
- (D) sexual exhibitionism;
- (E) personal correspondence (including electronic communications such as e-mails and text messages) with a child or young person in relation to the adult's sexual feelings for a child or young person;
- (F) exposure of children and young people to sexual behaviour of others including display of pornography; or
- (G) watching children undress – for example, in change rooms or toilets when supervision is not required or justified.

### 3. Grooming Behaviour

Grooming or procuring a child under the age of 16 years for unlawful sexual activity is a sexual offence. However, Schedule 1(2) of the Child Protection (Working With Children) Act also recognises grooming as a form of sexual misconduct. As grooming is a sexual offence if the alleged victim is under 16 years old, caution should be exercised before reaching a grooming finding (particularly in cases where the behaviour is directed towards a child under 16 years). As an alternative to grooming, in many cases it will be more appropriate to consider whether there has been a 'crossing of professional boundaries' (see above) and/or other more overt sexual behaviour.

Furthermore, behaviour should only be seen as 'grooming' where there is evidence of a pattern of conduct that is consistent with grooming the alleged victim for sexual activity, and that there is no other reasonable explanation for it. The types of behaviours that may lead to such a conclusion include (but are not limited to) the following:

- Persuading a child or group of children that they have a 'special' relationship, for example by:
  - o spending inappropriate special time with a child
  - o inappropriately giving gifts

- o inappropriately showing special favours to them but not other children
- o inappropriately allowing the child to overstep rules
- o asking the child to keep this relationship to themselves.
- Testing boundaries, for example by:
  - o undressing in front of a child
  - o encouraging inappropriate physical contact (even where it is not overtly sexual)
  - o talking about sex
  - o 'accidental' intimate touching.
- Inappropriately extending a relationship outside of work (except where it may be appropriate - for example where there was a pre-existing friendship with the child's family or as part of normal social interactions in the community).
- Inappropriate personal communication (including emails, telephone calls, text messaging, social media and web forums) that explores sexual feelings or intimate personal feelings with a child.

An adult requesting that a child keep any aspect of their relationship secret or using tactics to keep any aspect of the relationship secret, would generally increase the likelihood that grooming is occurring.

(j) **Sexual Offences** encompasses all criminal offences involving a sexual element that are 'committed against, with or in the presence of a child'. These offences include (but are not limited to) the following:

1. indecent assault;
2. sexual assault;
3. aggravated sexual assault;
4. sexual intercourse and attempted sexual intercourse;
5. possession/ dissemination/ production of child pornography or child abuse material;
6. using children to produce pornography;
7. grooming or procuring children under the age of 16 years for unlawful sexual activity; or
8. deemed non-consensual sexual activity on the basis of special care relationships.

(k) **Supervisory neglect:**

1. an intentional or reckless failure to adequately supervise a child that results in the death of, or significant harm to, a child; or
2. an intentional or reckless failure to adequately supervise a child or a significantly careless act or failure to act, that:
  - (A) involves a gross breach of professional standards; and
  - (B) has the potential to result in the death or significant harm to a child.

## **What happens when an allegation of reportable conduct is made?**

### **31. Investigation principles**

- (a) In an investigation, KTC aims to:
  1. be mindful of the principles of procedural fairness;
  2. implement strategies to protect the person who made the allegation;
  3. inform the accused employee subject of an allegation of the substance of any allegations made against him/her with as much detail as possible as quickly as possible;
  4. provide the employee with a reasonable opportunity to respond to the allegation(s);
  5. make reasonable enquiries or investigations before making a decision;
  6. avoid, minimise or declare any conflicts of interest;
  7. act fairly and without bias;
  8. conduct the investigation without unjustifiable delay;
  9. handle the matter as confidentially as possible; and
  10. provide appropriate support for all parties including the child/children, witnesses and the employee.
- (b) In some instances, KTC may call on an external expert to undertake the investigation. For example, this may occur if the Principal determines that he/she does not have the expertise to satisfactorily conduct the investigation or in cases where a conflict of interest or bias may arise. The mere perception of a conflict of interest is not sufficient in itself to require the appointment of an external investigator. KTC has the absolute discretion regarding whether to appoint an external investigator.

### **32. Investigation steps**

- (a) In an investigation, whether by the Principal or an appointed investigator, he/she (or both in combination) is/are likely to:
  1. interview the alleged victim/s and any relevant witnesses and gather relevant documentation;
  2. provide verbal advice and a letter to the employee subject of the allegation (the employee) explaining the allegation(s);

3. interview the employee to seek their response to the allegation;
4. consider all available, relevant evidence and make a preliminary finding in accordance with the NSW Ombudsman guidelines;
5. inform the employee of the preliminary finding and any action being considered, and provide him/her with an opportunity to respond; and
6. consider any response or submission provided by the employee.

(b) The Principal will generally be the person who:

1. makes a final finding in accordance with the NSW Ombudsman Guidelines;
2. decides on the disciplinary action, if any, to be taken against the employee;
3. and sends the final report to the Ombudsman and report to the Office of the Children's Guardian of any child-related worker against whom the reporting body has made a finding (a 'sustained' finding) that the worker has engaged in conduct specified in clause 2 of the Child Protection (Working with Children) Regulation 2013.

(c) The steps outlined above may need to be varied to suit particular circumstances. For example, without limiting the possibilities, it may be necessary to take different steps where the matter is also being investigated by Community Services or the NSW Police. These agencies have discretion whether to pursue their own investigations, prior to KTC completing its own investigation against an employee.

33. **What information and support will be provided to the employee subject of an allegation?**

(a) Generally, during an investigation, an employee:

1. will be advised:

- (A) that an allegation(s) has been made against them; and
- (B) of the substance of the allegation(s), or of any preliminary finding and the final finding;

2. will have the right to a verbal and/or written reply to the allegation(s);

3. may nominate a representative to attend meetings or receive correspondence, however the representative cannot attend interviews on behalf of the employee;

4. may have a support person at any interview and this person may be a union representative. 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; and

5. has the right to complain to the Ombudsman if he/she is unhappy with the conduct of KTC's investigation, following any reasonable attempts to resolve these concerns with KTC.

(b) The accused employee does not automatically have the right to:

1. know or have confirmed the identity of the person who made the allegation; or

2. be shown the content of the Ombudsman notification form or other investigation material that reveals all information provided by other Staff Members or witnesses.

## **Risk management**

34. Risk management means identifying the potential for an incident or accident to occur and taking steps to reduce the likelihood or severity of its occurrence. The Principal is responsible for risk management throughout the investigation and will assess risk at the beginning of the investigation, during and at the end of the investigation.

### **35. Risk assessment**

- (a) One of the first steps following an allegation of reportable conduct against a Staff Member is for the Principal to conduct a risk assessment. The purpose of this initial risk assessment is to identify and minimise the risks to:
  1. the child(ren) who are the subject of the allegation;
  2. other children with whom the accused Staff Member may have contact;
  3. the employee subject of an allegation;
  4. confidentiality and the proper management of information;
  5. KTC; and
  6. the proper investigation of the allegation.
- (b) The factors which will generally be considered during the risk assessment include:
  1. the nature and seriousness of the allegations;
  2. the vulnerability of the child(ren) the employee has contact with at work;
  3. the nature of the position occupied by the employee;
  4. the level of supervision of the employee; required and the practical application of this; and
  5. the disciplinary history or safety of the employee and possible risks to the investigation.
- (c) The Principal will aim to take appropriate action to minimise risks. This may include the employee being temporarily reallocated other duties, relieved of some duties, being required not to have contact with certain students, or being suspended from duty. When taking action to address any risks identified, KTC will take into consideration both the needs of the child(ren) and employee.
- (d) A decision to take action on the basis of a risk assessment is not indicative of the findings of the matter. Until the investigation is completed and a finding is made, any action, such as the employee being suspended, is not to be considered to be an indication that the alleged conduct by the employee did occur.

### **36. Risk management at the conclusion of the investigation**

- (a) At the completion of the investigation, a finding will be made in relation to the allegation and a decision made by the Principal regarding what action, if any, is required to minimise any future risks in relation to the employee, the children involved and any other parties.
- (b) As a result of the allegations, investigation or final findings, and a consideration of other factors, KTC may take disciplinary action against the employee (including termination of employment or engagement).
- (c) In relation to any disciplinary action, KTC aims to provide the employee with:
  1. details of the proposed and final disciplinary action; and
  2. a reasonable opportunity to respond before a final decision is made, and to participate in any outcome.

### **Confidentiality**

37. It is important that allegations of reportable conduct are dealt with as confidentially as possible. KTC requires that all parties maintain appropriate confidentiality during any investigation including in relation to the handling and storing of documents and records.
38. Records about allegations of reportable conduct against employees will be kept by KTC and will be accessible by the Principal and others to whom the Principal gives authority.
39. No employee may comment to the media about an allegation of reportable conduct unless expressly authorised by the Principal to do so.
40. If you become aware of a breach of confidentiality in relation to a reportable conduct allegation, you must advise the Principal.

### **PART D:**

#### **Working With Children Checks**

41. All new Staff Members (including volunteers, students on placement and casual teachers) must complete a Working With Children Check, as follows:
  - Fill in the application form online [www.newcheck.kids.nsw.gov.au](http://www.newcheck.kids.nsw.gov.au).
  - Go to a NSW Motor Registry and provide your application number and proof of identity
  - You will receive a Clearance Letter via email from the NSW Working With Children Check. This letter must be forwarded to the Principal's PA.
42. Existing teachers will be required to complete the new Working With Children Check as per the phase-in period, which will be in 2016/2017.
43. The Principals PA will verify the individual teacher's Working With Children Check online via <https://wwccheck.ccyp.nsw.gov.au/Employers/Login>.

## Supervision of Students

44. 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 while students are in their care.
45. Staff must be familiar with and adhere strictly to KTC's evacuation and other safety procedures as set out in this Handbook.
46. Supervising staff should attend to ill or injured students immediately. Staff should contact the office immediately if additional help is needed.
47. Students should not be left unsupervised either within or outside classrooms. Staff must be punctual to class and allocated supervision duties.
48. Staff must remain with students at after school activities until all students have been collected. In the event that a student is not collected, a staff member should remain with the student until s/he is collected or return to KTC Reception Area or Principal's Office with the student.
49. Playground supervision is an integral part of the responsibility of staff. It must take precedence over other activities. It is unacceptable for staff to be late for supervision duties. Staff must actively supervise their designated area, being vigilant and constantly walking around the area.
50. Staff should be alert to bullying or any other form of unacceptable behaviour, and report incidences to the relevant Coordinator (Primary) or Welfare Coordinators (High School).

## Relationships with Students

1. Staff members should avoid situations where they are alone in an enclosed space with a student. If a staff member is left with the responsibility of a single student s/he should ensure that this is in an open space in view of others. If this is not possible or practical the situation should be discussed with your immediate supervisor prior to the supervision taking place.
2. Staff may as part of their pastoral care role engage in discussion with students. This is entirely appropriate. However staff must be cautious about making personal comments about a student or asking questions that probe their own or a student's sexuality or relationships.
3. 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.
4. Staff should never drive a student in their car unless they have specific written permission from their supervisor and the student's parents to do so. In the event of an emergency staff should exercise discretion but then report the matter to the appropriate supervisor.
5. Staff should notify the Principal immediately should they suspect a situation involving any form of neglect, abuse or other reportable conduct.
6. Social relations between staff and students outside KTC can be problematic. Staff should not visit students at their home unless they have the express permission of the Principal. Staff must be alert to the risk involved in social relations with students and be conscious that their position places extra obligations on them.

7. Staff members are generally not permitted to engage in tutoring or coaching KTC students for monetary or other material gain. Teachers at KTC are expected to provide additional assistance to students who need it, including out of class, without additional pay. Private tutoring of students can create allegations of favouritism and otherwise compromise the educational services of KTC, and can also raise questions about child protection issues. However, there may be exceptional circumstances in which the Principal will permit a teacher to provide private tutoring to a student who is not in any of the teacher's current classes. If a staff member thinks that such exceptional circumstances exist, the staff member must obtain the Principal's permission in writing before making any agreement with the student's family or commencing the tutoring. A teacher who does tutor privately on this basis must be extremely vigilant to avoid the problems outlined above, and must inform the Principal immediately if any issues such as a conflict of interest arise.
8. 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.
9. When congratulating a student, a handshake, pat on the shoulder or brief hug are acceptable as long as the student is comfortable with this action.
10. Assessing a student who is injured or ill may necessitate touching. Always advise the student of what you intend doing and seek their consent.
11. Staff must always treat students with respect and without favouritism. There is no place for sarcasm, derogatory remarks, inappropriate familiarity or offensive comments.
12. Staff who communicate with students electronically must abide by the terms of KTC's IT Code of Use.
13. Sometimes during the course of your work you may be in receipt of a gift from a student. If the receipt of a gift could be considered outside of usual custom you must inform your immediate supervisor.
14. Staff should ensure that they are familiar with and adhere to KTC's policy in regard to the storage and administration of medical products to students:
  - If students are required to take medication during school hours, parents must notify the Welfare Coordinator in writing of the dosage and times the medication is to be administered and provide the medication to the Welfare Coordinator. Parents must also notify KTC if a student is affected by a long-term illness or disability.
15. Sometimes staff may need to restrain a student from harming him or herself or others using reasonable force. If this occurs, staff conduct must be in keeping with KTC's behaviour management practices.

## **Alcohol and other drugs**

16. Being under the influence of alcohol or other drugs can potentially impact on the ability of employees to carry out their duties and could place children at risk. Employees must not:
  - consume or possess illicit drugs while on KTC premises or while at work (including at KTC functions or while representing KTC in any capacity);

- bring alcohol or other drugs onto, or distribute them on, KTC premises;
- consume alcohol on KTC premises except as authorised by the Principal; or
- be impaired by alcohol or other drugs while on KTC premises or while at work. This includes illicit, prescription and non-prescription drugs.

Being impaired means being adversely affected by alcohol or other drug use so that you are not fit to perform work duties or interact safely with others.

- If alcohol is provided at KTC premises or while you are at work (or for example, at an approved KTC function) you may consume the alcohol provided. However, if you do so, you are responsible for ensuring that you:
  - limit your consumption so that you do not become impaired, ill or incapacitated; and
  - behave in an appropriate and professional manner at all times.
- If you are taking any drugs (including prescription medication or non-prescriptive over the counter drugs) that might impair you at work, you must:
  - advise your supervisor about this;
  - tell your supervisor if the drugs carry a warning relevant to possible impact on job performance or if you have any doubt about your ability to perform your normal duties; and
  - comply with any instructions or restrictions that apply to those drugs, including dosage, frequency and combination with other substances (such as alcohol).
- Smoking is not permitted on KTC premises or at any KTC function or activity (whether these functions/activities are on KTC premises or not).

## Disciplining Students

17. All staff should be familiar with and adhere to KTC's Discipline Policy.
  - No student should be allowed to leave or be sent from a class other than for personal hygiene matters or matters deemed appropriate by the classroom teacher and on all occasions have a note from the teacher with them. In extreme cases students can be sent to the Head of Curriculum or Principal's office.
  - At all times when speaking with students, care must be taken to use appropriate language.

## Communication Issues

18. Staff must respect and adhere to the established lines of communication in KTC.
  - Staff should be mindful of confidentiality when in discussion with parents. Staff can never guarantee confidentiality if the matter under discussion requires mandatory reporting.

- Staff should not speak about another staff member to students or parents. Staff should not speak about another student to students or parents. The exception is when there are interactions between students which affect the child in question. In that case, the staff member should use discretion and limit comments specifically to the issue in question.
- 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.
- All matters discussed in staff meetings and staff memos are to be treated confidentially and not discussed with students.
- The media should not be given access to students or allowed entry to KTC without the express permission of the Principal. No staff member may speak to the media on school related issues without permission from the Principal.

## Compulsory activities for staff

There are a number of compulsory activities/events that all staff, both full time and part-time, are expected to attend. These are:

1. Staff Meetings

Area of School	Day	Time	Agenda Items to
ECC	Mondays	3.30pm – 4.00pm	Vanessa McCarthy
Primary	Wednesdays	3.30pm – 4.30pm	Gail Gottlieb
Secondary	Wednesdays	4.00pm – 5.00pm	Liz Logan

2. Parent Teacher Meetings

3. Speech Night

4. Information Evenings for relevant teachers.

Please note that the above are viewed as a minimum for staff involvement. It is important to ensure that all KTC events have a significant staff presence.

## Duties (including timetable)

KTC and its staff owe the students a duty of care. This is a legal responsibility and cannot be renounced. Teachers have a duty to protect the welfare of all students in their care at all times.

Please adhere strictly to the guidelines below.

### Playground areas/ rooms and corridors

- On arrival at school, students remain in the MPH until the line-up bell rings at 8.20am.
- The teacher on duty is to ensure that the students do not enter the classrooms or corridors.

- Primary Only - Teachers assigned to line-up and davening duty must be in the line-up area by 8.20am to assemble the class into one line and escort them to the classroom for davening to begin promptly at 8.30am.
- Three bells ring in the morning: 8.20am – the line-up bell.

8.30am – Davening to begin

9.00am – Period 1 commences

### **Morning duty (8.00-8.20am)**

- Duty Teacher must be present in the MPH by 8.00am.

### **Recess & Lunch Duties:**

- Recess is at 10.40-11.00am (3-6B), 11.00-11.20am (K-2, 3-6G, GHS) and 11.40-12.00pm (BHS).
- Lunch is at 1.20–1.40pm (3-6B), 1.40-2.00pm (K-2, 3-6G), 1.20-2.00pm (GHS) and 2.00-2.40pm (BHS).
- Teachers must report for playground duty as soon as the recess and lunch bells ring.