



Related Policies

Child Protection – Mandatory Reporting ACT
Child Protection – Mandatory Reporting NSW
Child Protection (ACT) – Responding to Complaints Against Employees
Child Protection (NSW) – Responding to Allegations of Reportable Conduct and Allegations of Misconduct that May Involve Reportable Conduct Made Against Employees
Complaints
Discipline
Induction of Staff
Legal Responsibilities and Authority
Medication Dispensing
Restraint of Students
Sexual Harassment
Supervision
Visitors

Purpose

This policy sets out guidelines for those caring for students either directly or indirectly in the school setting in fulfilling responsibilities for Child Protection.

Policy

The Archdiocese of Canberra Goulburn Catholic Education Office is committed to making every effort to protect students in system schools from any form of harm.

Recruitment screening, educational training programs, rigorous supervision of practice and clearly articulated policy and procedure for expectations and requirements of 'duty of care' are specifically designed to create a culture of care in schools.

CEO and School staffs, parents and students will be taught to identify potentially harmful risks and indicators of suspected harm. They will be informed about their rights, the support options available to them and the procedure for reporting incidents of harm.

Students will be taught protective strategies.

CEO and School staffs will be screened before confirmation of appointment. This employment screening check includes completion of the *Working With Children Check* and the *Prohibited Employment Declaration*.

Volunteers for school based programs are required to complete the *Prohibited Employment Declaration*.

Schools are required to develop school policy and procedures for the prevention, identification and management of incidents causing harm to students.

Definitions

Protection – Preventing injury or harm of any kind.
Student – A child enrolled in and attending a system school.

Procedures

The Catholic Education Office, through its schools, will:

- Identify and implement appropriate curriculum programs to equip students with prevention strategies.
- Ensure that employees are equipped with the knowledge to identify indicators of abuse or neglect.
- Ensure employees are fully aware of their responsibility to report identified potential for harm and/or identified incidents of harm.
- Ensure that employees know the appropriate process for reporting such information.
- Implement measures to maintain procedural fairness in situations where allegations of harm have been made.
- Provide appropriate counselling and support for students and family of students who have been harmed.
- Ensure that, where allegations have been made against an employee, the employee is informed of available advisory and support mechanisms.
- Investigate allegations of harm.
- Fulfil all legislative requirements.

References

- *Responding to Allegations of Child Abuse and other CCYP Notifiable Matters Protocol* www.ccer.cathcomm.org/ccer
- *The Working With Children Check Guidelines* www.kids.nsw.gov.au.
- NSW Ombudsman; *Child Protection in the Workplace Responding to Allegations Against Employees* http://www.ombo.nsw.gov.au/publications/Publist_pdfs/guidelines/Child%20Protection%20in%20the%20workplace1.pdf
- *Children and Young People (Care and Protection) Act 1998* (NSW) http://www.austlii.edu.au/au/legis/nsw/consol_act/caypapa1998442/
- *Children and Young People Act 1999 (ACT)* http://www.austlii.edu.au/au/legis/act/consol_act/caypa1999242/
- *Child Protection (Offender's Registration) Act 2000 (NSW)* http://www.austlii.edu.au/au/legis/nsw/consol_act/cpra2000403/
- *Ombudsman Act 1974* (NSW) Part 3A http://www.austlii.edu.au/au/legis/nsw/consol_act/oa1974114/
- *Commission for Children and Young People Act 1988* http://www.austlii.edu.au/au/legis/nsw/consol_act/cfcaypa1998397/
- *Child Protection (Prohibited Employment) Act 1998* http://www.austlii.edu.au/au/legis/nsw/consol_act/cpea1998401/

Child Protection

Forms

- Working With Children Check www.kids.nsw.gov.au
- Working With Children Check Employment Screening Consent Form
- Prohibited Employment Declaration (NSW)
- Child Related Employment Declaration (ACT)

Approved by:	CEO Heads of Division
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CEO Contact Officer:	Principal Human Resources Officer: Child Protection & Legal Issue



Catholic Education Office: Canberra Goulburn
Employer ID NO: 4991
Prohibited Employment Declaration

Child Protection (Prohibited Employment) Act 1998

The Child Protection (Prohibited Employment) Act 1998 makes it an offence for a person convicted of a serious sex offence (a prohibited person) or a registrable person under the Child Protection (Offenders Registration) Act 2000, to apply for, undertake or remain in, child-related employment. It does not apply if an order, from the Industrial Relations Commission or the Administrative Decisions Tribunal, or the Commission for Children and Young People declares that the Act does not apply to a particular person,

Section 5 of the Child Protection (Prohibited Employment) Act 1998 defines a serious sex offence as an offence involving sexual activity or acts of indecency that was committed in NSW and that was punishable by penal servitude or imprisonment for 12 months or more, even if the sentence was not served, or, an offence involving sexual activity or acts of indecency that was committed elsewhere and that would have been punishable by penal servitude or imprisonment for 12 months or more if it had been committed in NSW.

Child-related employment means any employment, where at least one of the essential duties of the position, involves direct contact with children where that contact is not directly supervised. Section 3 of the Child Protection (Prohibited Employment) Act 1998 specifies that child-related employment is employment:

- involving the provision of child protection services
- in pre-schools, kindergartens and child care centres (including residential child care centres)
- in schools or other educational institutions (not including universities)
- in detention centres (within the meaning of the Children (Detention Centres) Act 1987)
- in refuges used by children
- in wards of public or private hospitals in which children are patients
- in clubs, associations or movements (including of a cultural, recreational or sporting nature) having a significant child membership
- in any religious organisation
- in any entertainment venues where the clientele is primarily children
- as a babysitter or childminder that is arranged by a commercial agency
- involving fostering or other child care
- involving regular provision of taxi services for the transport of children with a disability
- involving the private tuition of children
- involving the direct provision of health services
- involving the provision of counselling or other support services for children
- school buses
- at overnight camps for children.

1.1 Under this Act

- it is an offence for a prohibited person to **apply for, undertake or remain in** child related employment.
- employers must ask existing employees, both **paid and unpaid**, and preferred applicants for employment to declare if they are a prohibited person or not.
- All child-related employees **must** inform their employers if they are a "prohibited person" or remove themselves from child-related employment. A prohibited person is someone who has been convicted of a serious sexual offence or, who has had a finding for a charge of a serious sexual offence proven in court, even if a conviction was not recorded.
- penalties are imposed for non compliance.

I am aware that I am ineligible to apply for, undertake or remain in, child related employment if I have been convicted of a "serious sex offence" as defined in the Child Protection (Prohibited Employment) Act 1998 or if I am a "registrable person" under the Child Protection (Offenders Registration) Act 2000.

I have read and understood the above information in relation to the Child Protection (Prohibited Employment) Act 1998 and understand my responsibilities and obligations under this Act.

I declare that I am not a person prohibited by the Act from seeking, undertaking, or remaining in child related employment.

Name (block letters)	Signature
Phone contact details	Date

Note: Seek legal advice if you are unsure of your status as a prohibited person. This form is to be retained by the employer in a secure location & be readily retrievable for production in the event of an audit.

**WORKING WITH CHILDREN CHECK
EMPLOYMENT SCREENING CONSENT FORM**

This form is to be completed by persons whose names are to be submitted for employment screening as part of the Working With Children Check. **No background checks can be completed on a person without this consent being provided. Employers are required to sight applicant's original identifying documents.**

ALL FIELDS MUST BE COMPLETED IN BLOCK LETTERS

Surname	First Name	Middle Name
Previous Name(s) / Aliases / Maiden Name (If Applicable)		
Surname	First Name	Middle Name
Date of Birth	Place of Birth (City/State/Country)	Sex (M/F)
Address	Suburb/City/Town	State
		Post code
Home Phone No	Work Phone No	Mobile Phone No
Driver's Licence No	Passport No	
Name of Employer:		
Specific position for which you have applied:		
Type of position (please tick):	<input type="checkbox"/> Paid employee	<input type="checkbox"/> Volunteer
	<input type="checkbox"/> Student Placement	<input type="checkbox"/> Religious
Is the position (please tick):	<input type="checkbox"/> Full time	<input type="checkbox"/> Permanent
	<input type="checkbox"/> Part time	<input type="checkbox"/> Casual

I certify that the above information is accurate and understand that if I have provided false or misleading information it may result in a decision not to employ me, or, if already employed, may lead to my dismissal.

I am aware that if considered for employment in a child-related position, several checks will be undertaken to ascertain my suitability, including:

1 a National criminal record check for charges and/or convictions (including spent convictions) for:

- any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge);
 - any assault, ill treatment or neglect of, or psychological harm to a child;
 - any registrable offence;
- carrying a minimum penalty of 12 months or more imprisonment.

I understand that this check includes convictions or charges that:

- may have not been heard or finalised by a court;
- are proven but have not led to a conviction; or
- have been dismissed, withdrawn, quashed or discharged by a court.

2. a check for relevant Apprehended Violence Orders taken out by a police officer or other public official for the protection of a child/ren; and

3. a check for relevant employment proceedings involving reportable conduct or an act of violence committed by the employee in the course of employment and in the presence of children. 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 any assault, ill treatment or neglect of a child, or any behaviour that causes psychological harm to a child.

I understand that a conviction for a serious sex offence (including, but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge) will automatically prohibit my employment in a child-related position. This includes a charge that is proven in court but does not proceed to a conviction. I am aware that if I am a "registrable person" under the *Child Protection (Registrable Offenders) Act, 2000*, I am prohibited from employment in a child-related position.

I consent to these checks being conducted and am aware that if any relevant record is identified, additional information relating to that record may be sought by an Approved Screening Agency from sources such as courts, police, prosecutors and past employers to enable a full and informed assessment.

I acknowledge that:

(i) any information obtained as part of this process may be used by Australian Police Services for law enforcement purposes, including the investigation of any outstanding criminal offences:

Name (block letters)	Signature	Date
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NOTE: Return this form to your employer / potential employer.

The request will be facsimiled to CCER (9267 9303); This form will be retained by the employer.