







Emotional abuse can result in serious psychological harm, where the behaviour of their parent or caregiver damages the confidence and self-



#### 4.1.2 The School

The School is required to:

- Verify online and record the status of each child-related worker's WWCC clearance
- Only employ or engage child-related workers or eligible volunteers who have a valid WWCC clearance and
- Advise the OCG of the findings they have made after completing a reportable conduct investigation, including whether they have made a finding of reportable conduct. A finding of reportable conduct in relation to sexual misconduct, a sexual offence or a serious physical assault must be referred to the OCG's Working with Children Check Directorate (WWCC Directorate). It is an offence for an employer to knowingly engage a child-related worker who does not hold a WWCC clearance or who has a bar.

## 4.2 WORKING WITH CHILDREN CHECK CLEARANCE

A WWCC clearance is an authorization under the WWC Act for a person to engage in child-related work.

#### 4.2.1 Child-related work

Child-related work involves direct contact by the staff member with a child or children and that contact is a usual part of and more than incidental to the work. Child related work includes, but is not limited to work in the following sectors:

- early education and child-care including education and care service, child-care centres and other child care;
- schools and other educational institutions and private coaching or tuition of children;
- religious services;
- residential services including boarding schools, homestays more than three weeks, residential services and overnight camps;
- transport services for children including school bus services, taxi services for children with disability and supervision of school road crossings; and
- counselling, mentoring or distance education not involving direct contact.

Any queries about whether roles/duties involve child-related work should be directed to the Headmaster.

#### 4.2.2 Application/Renewal

An application or renewal can be made through Service NSW or its replacement agency. The process for applying for and renewing a WWCC clearance with the OCG involves a national police check and a review of findings of misconduct. If the OCG grants or renews a WWCC clearance the holder will be issued with a number which is to be provided to the School to verify the status of a staff member's WWCC clearance. If a renewal, CCGS requires the clearance details to be provided at least 2 weeks prior to the current expiry date. If the renewal falls into any school holiday periods, then the individual must make arrangements with the HR Manager in order to communicate and verify the renewal details within Term time.

#### 4.2.3 Refusal/Cancellation

The OCG can refuse to grant a WWCC

#### 4.2.4 Interim bar

The OCG may issue an interim bar, for up to 12 months, to high risk individuals to prevent them from engaging in child-related work while a risk assessment is conducted. If an interim bar remains in place for six months or longer, the individual may appeal to the Administrative Decisions Tribunal.

Not everyone who is subject to a risk assessment will receive an interim bar, only those representing a serious and immediate risk to children.

#### 4.2.5 Disqualified person

A disqualified person is a person who has been convicted, or against whom proceedings have been commenced for a disqualifying offence outlined in Schedule 2 of WWCC Act. A disqualified person cannot be granted a WWCC clearance and is therefore prevented from engaging in child related work.

### 4.3





### 5.1.1 Reasonable grounds

'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:

- first-hand observations of the child, young person or family
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## 6. REPORTABLE CONDUCT

Section 29 of the Children's Guardian Act 2019 requires the Heads of Entities, including non-

Reportable conduct does not extend to:

- 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; or
- the use of physical force that, in all the circumstances, is trivial or negligible and the circumstances in which it was used has been investigated and the result of the investigation has been recorded in



## 6.2 PROCESS FOR REPORTING OF REPORTABLE CONDUCT ALLEGATIONS OR CONVICTIONS

### 6.2.1 Staff members

Any concerns about any other employee engaging in conduct that is considered inappropriate, or reportable conduct, or any allegation of inappropriate or reportable conduct made to the employee or about the employee themselves must be reported to the Headmaster. Where it is uncertain if the conduct is reportable conduct but is considered inappropriate behaviour this must also be reported. If you are concerned about the action taken, you are then required to report it to the Chair of the School Board.

Staff members must also report to the Headmaster when they 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 the employee themselves. If the allegation involves the Headmaster, the staff member must report to the Chair of the School Board.

### 6.2.2 Parents, carers and community members

Parents, carer and community members are encouraged to report any conduct that is in their view inappropriate, reportable or criminal conduct to the Headmaster or their delegate. All such reports will be dealt with in accordance with the School's complaint handling procedures.

### 6.2.3 The School

The Headmaster, as the Head of Entity under the Children's Guardian Act 2019, must:

- Ensure specified systems are in place for preventing, detecting and responding to reportable allegations or convictions
- Submit a 7-day notification form to the OCG within 7 business days of becoming aware of a reportable allegation or conviction against an employee of the entity (unless the Head of the Entity has a reasonable excuse),

The notification should include the following information:

- (a) that a report has been received in relation to an employee of the School, and
  - (b) the type of reportable conduct, and
  - (c) the name of the employee, and
  - (d) the name and contact details of School and the Head of Entity, and
  - (e) for a reportable allegation, whether it has been reported to Police, and
  - (f) if a report has been made to the Child Protection Helpline, that a report has been made, and
  - (g) the nature of the relevant entity's initial risk assessment and risk management action.
- The notice must also include the following, if known to the Head of Entity:
    - (a) details of the reportable allegation or conviction considered to be a reportable conviction,
    - (b) the date of birth and working with children number, if any, of the employee the subject of the report,
    - (c) the police report reference number (if Police were notified),
    - (d) the report reference number if reported to the Child Protection Helpline,
    - (e) the names of other relevant entities that employ or engage the employee, whether or not directly, to provide a service to children, including as a volunteer or contractor.
  - Maximum penalty for failure to notify within 7 business days —10 penalty units.



inform the ESOA of the preliminary finding in writing by the Head of Entity and provide them with a further opportunity to respond or make a further submission prior to the matter moving to final findings  
consider any response provided by the ESOA  
make a final finding in accordance with the OCG guidelines  
decide on the disciplinary action, if any, to be taken against the ESOA  
if it is completed, send the final report to the OCG within 30 days after having received the allegation, as per section 36 of the Children's Guardian Act 2019  
should the final report be unfinished within 30 days, the Head of Entity must provide, at minimum, an interim report to the OCG within 30 days of having received the allegation, as per section 38 of the Children's Guardian Act 2019.

Submission of an interim report must include:

a reason for not providing the final report within 30 days and an estimated time frame for completion of the report  
specific information, including (if known); the facts and circumstances of the reportable allegation; any known information about a reportable conviction; action taken since the OCG received a notification about the reportable allegation or reportable conviction; further action the Head of Entity proposes to take in relation to the reportable allegation or reportable conviction; including if the Head of Entity proposes to take no further action; the reasons for the action taken and the action proposed to be taken or the reasons for the decision to take no further action; other information prescribed by the regulations and  
be accompanied by copies of documents in the School's possession, including transcripts of interviews and copies of evidence.

The steps outlined above may need to be varied on occasion to meet particular circumstances. For example, it may be necessary to take different steps where the matter is also being investigated by the DCJ or Police. A ESOA may have an appropriate support person with them during the interview process. Such a person is there for support only and as a witness to the proceedings and







The Special Care (sexual intercourse) offence under s73 was supplemented by an additional special care offence involving sexual touching now under s73A of the Crimes Act. The new offence under s73A will expand special care offences to also apply to non-penetrative sexual touching. The offence will protect children aged 16-17 years from inappropriate sexual contact with teachers and others who have special care of the child.

